#### CITY COUNCIL AGENDA CITY HALL, 291 N. MAIN STREET PORTERVILLE, CALIFORNIA MAY 6, 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)(3) Conference with Legal Counsel Anticipated Litigation Significant Exposure to Litigation: One Case.

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

#### CITY COUNCIL CLOSED SESSION:

- B. Closed Session Pursuant to:
  - **1-** Government Code Section 54956.8 Conference with Real Property Negotiators/Property: APN 253-192-003. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Johnnie Barber. Under Negotiation: Terms and Price
  - **2 -** Government Code Section 54956.8 Conference with Real Property Negotiators/Property: 8.20 miles/line of railroad between Strathmore, CA milepost 268.60 and Porterville, CA milepost 276.80 in Tulare County. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad. Under Negotiation: Terms and Price
  - **3-** Government Code Section 54956.8 Conference with Real Property Negotiators/Property: APN 253-182-009. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Pacifica First National, Inc. Under Negotiation: Terms and Price.
  - **4-** Government Code Section 54956.8 Conference with Real Property Negotiators/Property: APN 302-110-076. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and R & B Resources, Inc. 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; Management and Confidential Series; Porterville Police Officers

Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.

- **6-** Government Code Section 54956.9(d)(1) Conference with Legal Counsel Existing Litigation: Cynthia Bowles and Antonio Sousa v. City of Porterville, et al., United States Court of Appeals, Ninth District, Case No.: D.C. No. 1:10-cv-00937-LJO-GSA.
- 7- Government Code Section 54956.9(d)(3) Conference with Legal Counsel Anticipated Litigation Significant Exposure to Litigation: One Case concerning correspondence served from the State Department of Industrial Relations served on April 16, 2014 pertaining to wages paid on the Olive Avenue Rehabilitation Project.

#### 6:30 P.M. RECONVENE OPEN SESSION REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Mayor Cameron Hamilton Invocation

#### **PRESENTATIONS**

Employee of the Month – Debbie Salter

#### **PROCLAMATIONS**

MDA & Firefighter Month – May 2014 Freedom Days – June 14 - July 4, 2014

#### **AB 1234 REPORTS**

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

- 1. Consolidated Waste Management Authority (CWMA) April 17, 2014
- 2. Tulare County Association of Governments (TCAG) April 21, 2014
- 3. TCAG's "One Voice Trip" April 28 May 1, 2014
- 4. Tulare County Economic Development Corporation (TCEDC) April 23, 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 May 1, 2014
  - 2. Arts Commission April 23, 2014
  - 3. Youth Commission April 23, 2014
  - 4. Transactions and Use Tax Oversight Committee (TUTOC) May 1, 2014
- II. Staff Informational Reports
  - 1. Street Performance Measure 3<sup>rd</sup> Quarter Report

Re: Informational report regarding progress made on street reconstruction, overlay, micro-overlay and pothole report efforts for the 3<sup>rd</sup> Quarter of Fiscal Year 2013/2014.

#### 2. Code Enforcement Report, Third Quarter of FY 2013-2014

Re: Informational report on Code Enforcement activity for the period of January 1, 2014, through March 31, 2014.

#### 3. Attendance Records for Commissions, Boards and Committees

Re: Informational attendance reports for the 3<sup>rd</sup> Quarter of Fiscal Year 2013/2014.

#### 4. Report on Charitable Car Washes

Re: Informational report regarding charitable car wash permits issued for the period of January 1, 2014, through March 31, 2014.

#### 5. Building Permit Activity – March 2014

Re: Informational report on building activity.

#### 6. Pioneer Water Company – Water Shares Lease

Re: Informational report regarding recent solicitation of bids for the lease of 400 shares of the City's Pioneer Water Company holdings for the 2014 year.

#### **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 October 1, 2013 and April 15, 2014

#### 2. Request to Purchase 30 Police Department Portable Radios

Re: Considering approval of the purchase of 30 Motorola APX60000 UHF portable radios from J's Communications for \$60,981.12.

#### 3. Authorization to Advertise for Bids – Animal Shelter Facility

Re: Considering approval of staff's Plans and Project Manual for the project consisting of the construction of an animal shelter facility to be located on the north side of W. Grand Avenue across from the City's Wastewater Treatment Plant; and authorizing the negotiation of a "not to exceed" \$30,000 contract with Teter & Associates for construction support services.

#### 4. Authorization to Advertise for Bids – 2013/2014 Fiscal Year Micro-Surfacing Project

Re: Considering approval of staff's Plans and Project Manual for the project consisting of the application of a durable thin asphalt overlay on several streets within the City, the removal and replacement of severely distressed asphalt concrete, and new pavement markings.

### 5. Authorization to Negotiate a Contract with Carollo Engineers – Design of Washer/Grinder/Compactor

Re: Considering authorization to negotiate a Consultant Services Agreement with Carollo Engineers in an amount not to exceed \$48,000 for the review and evaluation of five or more washer/compactor assemblies and the preparation of plans and specifications.

### 6. Authorization to Negotiate a Consultant Service Agreement – Analysis of Alternative Energy Production

Re: Considering authorization to negotiate a "Not to Exceed" \$50,000 Consultant Service Agreement with Carollo Engineers to complete Phase I of the Alternative Energy Project, which consists of the preparation of a power analysis matrix.

### 7. Authorization to Distribute Request for Qualifications (RFQ) for On-Call Consulting Services

Re: Considering authorization to terminate the on-call consulting services contract with Quad Knopf, and distribute a RFQ for on-call consulting services to backfill the vacant position on the list of available on on-call consultants.

#### 8. Award of Contract – Public Safety Building

Re: Considering awarding contract in the amount of \$4,602,270 to Webb & Son of Porterville for the project consisting of the furnishing of all labor, materials, equipment, transportation, and services for the construction of the new Public Safety Building.

### 9. Acceptance of Project – Main Street Repair Project (N. Main Street Adjacent to Porter Slough & S. Main Street at State Route 190)

Re: Considering acceptance of project from Serna Construction, and authorizing the filing of the Notice of Completion for the project consisting of the repair of the subsidence on N. Main Street adjacent to the Porter Slough box culvert, repair of street damage along S. Main Street due to a water main break, and complete pavement patching on S. Main Street for future micro-surfacing.

### 10. Acceptance of Project – Mathew Street Shoulder Stabilization Project (Olive Avenue to Tomah Avenue)

Re: Considering acceptance of project from MAC General Construction, and authorizing the filing of the Notice of Completion for the project consisting of the installation of curb and gutter, sidewalk, driveways, asphalt concrete paving, and other appurtenant construction along Mathew Street between Olive and Tomah Avenues, and re-striping along Mathew Street between Olive and Morton Avenues.

# 11. Acceptance of the CNG Refuse Trucks, PM10 Street Sweeper and 3 Axle Dump Truck Re: Considering acceptance of project from EM Tharp, and authorizing the filing of the Notice of Completion for the project consisting of the purchase, assembly and delivery of four refuse trucks and one 3 axle dump truck.

#### 12. This Item Has Been Moved to Scheduled Matters.

### 13. Program Supplement to the Local Agency-State Master Agreement – Jaye Street Bridge Rehabilitation

Re: Considering approval of a resolution authorizing the execution of Program Supplement Agreement Number M026 Rev. 3 for the Jave Street Bridge Rehabilitation Project.

#### 14. Akin Water Company and City of Porterville Water Service Agreement

Re: Considering approval of a resolution and agreement between Akin Water Company and the City for the provision of potable water to properties currently served by Akin Water Company.

#### 15. Renewal of Airport Lease Agreement – Lot 34B

Re: Considering approval of the Lease Agreement between the City and Mr. Bruce Kaiser for Lot 34B at the Porterville Airport.

#### 16. Interim Financial Status Reports

Re: Considering acceptance of the interim financial status reports for the second fiscal quarter ended March 31, 2014, in accordance with Council Minute Order Nos. 13-041602 and 10-011607.

#### 17. Quarterly Portfolio Summary

Re: Considering acceptance of the quarterly Portfolio Summary in compliance with Government Code Sec. 27000 et seq., Sec. 53600 et seq., and the City's Statement of Investment Policy for 3<sup>rd</sup> Quarter of Fiscal Year 2013/2014.

### 18. Approval for Community Civic Event – Tulare County Jr. Livestock Show and Community Fair – Porterville Fair – May 14-18, 2014

Re: Considering approval of an event to take place at the Wednesday, May 14, to Sunday, May 18, 2014, at the Porterville Fairgrounds at 2700 West Tea Pot Dome Avenue.

### 19. Approval for Community Civic Event – Tulare County Mental Health Services – Family Champions Picnic – May 15, 2014

Re: Considering approval of an event to take place at Centennial Park on Thursday, May 15, 2014, from 6:00 p.m. to 8:00 p.m.

#### 20. Request for Proclamation – Community Action Month – May 2014

Re: Considering approval of a request to proclaim May 2014 as Community Action Month.

#### 21. Request for Proclamation – Olympic Day – June 23, 2014

Re: Considering approval of a request to proclaim June 23, 2014, as Olympic Day.

#### 22. 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.

#### 23. 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.

#### 24. Porterville Boys & Girls Club Update

Re: Considering acceptance of staff's report of a recent meeting regarding the current financial situation of the local Boys & Girls Club.

### 25. City Council Member Requested Agenda Item – Request for the City Council to Consider Sponsoring the Establishment of a Community Youth Safe Zone Program

Re: Considering approval of a request to authorize a Scheduled Matter on the next Council Agenda to consider sponsoring the establishment of a Community Youth Safe Zone Program.

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

#### **PUBLIC HEARINGS**

#### 26. Modifications to the Pacific Rim Commercial Mixed Use Project (PRC 2012-002)

Re: Considering adoption of a draft ordinance and draft resolution approving modifications to Zone Change 2012-002 and modifications to the conditions of approval for Tentative Parcel Map 2012-002, as they relate to vehicular and pedestrian access for the proposed development generally located west of the southwest corner of Henderson Avenue and Newcomb Street.

- 27. Minor Conditional Use Permit for Broadcasting Facility Located at 362 N. Porter Road Re: Considering approval of a resolution which would allow for a broadcasting facility within an existing building located at 362 N. Porter Road.
- 28. Consideration of Conditional Use Permit (PRC 2014-005-C) to Allow for the Development of a Drive Through Car Wash Tunnel With Self-Serve Vacuums Located at Porterville West Shopping Center

Re: Considering approval of a resolution which would allow for the development of a drive through car wash tunnel with self-serve vacuums located on Henderson Avenue, just east of Prospect Street, within the Porterville West Shopping Center.

#### **SCHEDULED MATTERS**

29. Interpretation of Transactions and Use Tax (Measure H) Oversight Committee Eligibility and Consideration of Appointments

Re: Consideration of the interpretation of eligibility requirements for committee members and the appointment of five individuals to serve terms to expire May of 2018.

**30.** Authorization to Operate Shuttle Service to Special Events

Re: Consideration of a request to operate a parking lot shuttle and expanded transit service during the 2014 Porterville Fair, and the provision of expanded transit service to the 2014 Freedom Fest.

31. Review of Current Regulations Pertaining to Yard Sales

Re: Consideration of the City's current regulations pertaining to yard sales.

32. Proposed Draft Revisions to City Animal Control Ordinance

Re: Consideration of proposed revisions to Chapter 5, Animal Control, of the Porterville Municipal Code.

33. Formation of an Animal Control Commission

Re: Consideration of a draft ordinance proposing the formation of an Animal Control Commission

#### 34. 2014 City-Wide Speed Survey – Amendment to Traffic Ordinance 1162

Re: Considering adoption of an ordinance amending Chapter 17, Article XV, Section 17-15, Prima Facie Speed Limits Determined on Certain Streets, of the Municipal Code.

#### **ORAL COMMUNICATIONS**

#### **OTHER MATTERS**

#### **CLOSED SESSION**

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

#### **ADJOURNMENT** - to the meeting of May 20, 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.

COUNCIL AGENDA: MAY 06, 2014

SUBJECT: STREET PERFORMANCE MEASURE – 3rd QUARTER REPORT

SOURCE: Public Works Department - Engineering Division

COMMENT: The purpose of this staff report is to provide Council with an update on the

progress made on street reconstruction, overlay, micro-surfacing and pothole repair efforts for the 3<sup>rd</sup> quarter (1/01/2014 through 3/31/2014) in

FY 2013/2014.

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

quantity of work accomplished to date.

RECOMMENDATION: Information Only

ATTACHMENT: 3<sup>rd</sup> Quarter Street Performance Chart

2<sup>nd</sup> Quarter Street Performance Chart

P:\pubworks\General\Council\Street Performance Measure - 3rd Quarter Update - 2014-05-06.doc





<u>1</u>		

SUBJECT: CODE ENFORCEMENT REPORT, THIRD QUARTER OF

FY 2013-2014

SOURCE: FIRE DEPARTMENT

COMMENT: This informational report includes City of Porterville code enforcement

activity for the third quarter of FY 2013-2014, from January 1 through March 31. During this quarter, 323 code compliance issues were recorded and assigned to departments having regulatory responsibility. Of these, 200 have been corrected through voluntary compliance, 121 were issued a notice of violation and 10 administrative citations were

issued.

The Code Enforcement Officer continued to address a proliferation of prohibited signage advertising yard sales on poles, posts, sidewalks and in medians. Several of these signs have been found to obstruct stop signs and school crossing signs. Others have been found in the medians along Olive Avenue. Of the 121 notices of violations issued, 104 were for yard sale sign violations and 2 were for continuous yard sales.

Of the 10 administrative citations issued, 7 were for business license violations including itinerant food vendors, 1 was for a building permit violation and 2 were for possession of illegal fireworks.

Preliminary weed abatement information for the fourth quarter of FY 2013-2014 is trending positive. Abatement has been completed on most City-owned parcels. To date, abatement costs are trending 29% lower than the previous three-year average. The abatement contractor is on schedule to complete all work by July, 2014.

Beginning with the fourth quarter of FY 2013-1014, the quarterly code enforcement report will be generated from data gathered within the myPorterville application. The report format will have a different appearance and will include code enforcement activities undertaken by each department.

RECOMMENDATION: Information Only

ATTACHMENTS: Code Enforcement Statistics for Jan. 1 – Mar. 31, 2014

Approp./ Funded N/A CM Report No. II-2.

#### CODE ENFORCEMENT ACTIVITY FROM JANUARY 1, 2014 TO MARCH 31, 2014

Department	Fire	Comm. Dev.	Public Works	Finance	Parks	Police	Admin. Serv.	Q3 Current	YTD Current	Q3 Previous	YTD Previous
Complaints Received											
Dept. Assigned	153	61	78	1	3	26	11	323	654	108	338
Voluntary Compliance	136	6	45	0	3	9	1	200	369	43	43
Notice of Violation issued	121							121	206	19	41
Administrative Citations issued	10						•••••	10	17	1	5
Weed Abatement											
Weed Abatement Properties Noticed	1181			*******************************				1181	1219	1083	1135
Completed by Owner	0							0	118	0	994
Assigned to Contractor	0							0	5	0	49
Pending	1181							1181	1181	1083	1135
Total Properties Complete	0										
Business License Inspections											
Business Operating Without License	27							27	55	32	89
Voluntary Compliance	27							27	50	26	83
Required Enforcement Action	7							7	88	6	6
Itinerant Vendor Inspections											
Voluntary Compliance	4							4	4	5	6
Required Enforcement Action	3							3	3	0	0
Charitable Car Wash Inspections											
Voluntary Compliance	1							1	1		
Required Enforcement Action											
Building Permit Inspections											
Building Permit Violations	1							1	1	2	30
Voluntary Compliance	0_							0	0	1	
Required Enforcement Action	1							1	1	0	

	Fire	Comm. Dev.	Public Works	Finance	Parks	Police	Admin, Serv.	Current	Current	Previous	Previous
Complaints Received	153	61	78	1	3	26	1	323	654	108	338
Voluntary Compliance	136	6	45	0	3	9	1	200	369	43	43
% Voluntary Compliance	88.89%	9.84%	57.69%	0.00%	100.00%	34.62%	100.00%	61.92%	56.42%		

#### INFORMATIONAL REPORT

SUBJECT:

ATTENDANCE REPORT FOR CITY COMMISSIONS AND

COMMITTEES – 3<sup>RD</sup> QUARTER REPORT – FY 2013/14

SOURCE:

ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT:

At the Council's request, staff is herein providing for informational purposes the attendance records as of the Third Quarter FY 2013/14 for

the following City Commissions and Committees:

Parks & Leisure Services Commission;

➤ Library and Literacy Commission;

> Arts Commission;

> CDBG Advisory and Housing Opportunity Committee; and

> Transactions and Use Tax Oversight Committee (TUTOC)

**RECOMMENDATION:** 

Informational report only.

ATTACHMENTS:

Attendance Reports

Report No. <u>II-3</u>

	Dorko	9 1 4:	(	Samia	aa Ca	i	ai a n a :	ula Da		~E A 44.			
	Parks 2013 July	2013 Aug		2013 Oct	2013 Nov	2013 Dec		2014 Feb		2014 Apr	2014 May	2014 June	
	3	1	5	3	7	5	2	6	6				
Rocco Calantone	Р	Р	Р	Р	Р	Р	Р	E	Р				FT Exp 10/15
Monte Moore	E	Р	Р	Р	Р	Р	Р	Р	Р				FT Exp 10/13
Leticia Lupio	Р	Р	Р	Р	Р	Р	Р	Р	Р				FT Exp 10/13
Rick Vafeades	Р	E	Р	Р	Р	Р	Р	Р	Р				FT Exp 10/13
Richard Rankin	Р	Р	Р	Р	Р	Р	Р	Р	Р				PUSD Rep.
Carroll Land	Р	Р	Р	Р	Р	Р	Е	Т	Т				FT Exp 10/15
Shannon Bennett	Р	Р	E	Α	Р	Р	Р	Р	Р				FT Exp 10/13
Eric Mendoza	Р	Р	E	Р	E	Р	Е	Р	Р				
	7	7	6	7	7	8	6	7	8				

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

#### Parks & Leisure Services Commissioner's Record of Attendance

	2012	2012	2012	2012	2012	2012	2013	2013	2013	2013	2013	2013	
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	
	5	2	6	4	1*	6	3	7	7	4	2	**	
Rocco Calantone	Р	Р	Р	Р		Р	Р	Р	P	Р	Р		FT Exp 10/15
Monte Moore	Р	Р	Р	Р		Р	Р	Р	Р	Р	Р		FT Exp 10/13
Leticia Lupio	Р	Р	Р	Е		Р	Р	Р	Α	Р	Α		FT Exp 10/13
Rick Vafeades	Α	Р	Р	Р		Р	Р	Р	Р	Р	Р		FT Exp 10/13
Richard Rankin	Р	Р	Α	Р		Р	Р	Р	Р	Р	Р		PUSD Rep.
Jim Carson	Р	Α	Т	E		E	Р	100	Res	signed :	2/12	71.	FT Exp 10/15
Carroll Land	Α	Р	Р	Р		Р	Α	Р	Р	Р	Р		FT Exp 10/15
Shannon Bennett	Appt	8/12	Р	E		Р	Р	Р	Р	Р	Р		FT Exp 10/13
Eric Mendoza	11/1/1	Appt 2	13 to fil	l unexp	ired tern	n of J. (	Carson		Α	Р	Р		
	5	6	6	5		7	7	7	7	8	7		

<sup>\*</sup> No meeting due to lack of quorum. \*\* No meeting held.

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

#### LIBRARY & LITERACY COMMISSION - Attendance Record

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

= Summer Hiatus

	2014 Mar 19	2014 June				2015 Jan	
Catherine May	Р						Re-appt. 10/10
Allan Bailey	E						Appt. 9/11
Esther Figueroa	Р						Appt. 4/12
Tamara Bishop	E						Appt. 11/12
Carol Wilkins	E						Appt. 11/12
Edith La Vonne	Р						Appt. 11/12
Jennifer Biagio	Р						Appt. 10/13

As of: March 31, 2014

	2013	2013	2013	2013	2013	2013	2013	2014	2014	2014	7
	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	
			13	10	8	12	10	14	11	11	
Catherine May			Р	Р	Р	Р	Α	T	E	Р	Re-appt. 10/10
Rebecca Ybarra			Τ	Р	Α		Tei	т Ехрі	red		Appt. 10/10
Allan Bailey			Р	Р	Р	Р	T	Р	Р	Р	Appt. 9/11
Esther Figueroa			Р	Р	Р	Р	Р	Р	Р	Р	Appt. 4/12
Tamara Bishop			Р	Р	Р	Р	Р	Р	Р	Р	Appt. 11/12
Carol Wilkins			Е	Р	Р	Р	Р	Р	Р	Р	Appt. 11/12
Edith La Vonne			Р	Р	P.	Р	Т	Ρ	Р	Р	Appt. 11/12
Jennifer Biagio			Ap	pt. 10/	13	Е	Р	Ъ	Р	Р	Appt. 10/13

	2012	2012	2012	2012	2013	2013	2013	2013	2013	2013	
	Oct	Nov	Nov	Dec	Jan	Feb	Mar	Apr	May	May	
	*29	*7	13	11	8	12	12	9	14	18**	
Joe Moreno	Р		<del></del> .		Tei	т Ехрі	red	Anno 1911 Posta de Car	uri Mari		
Ellen Nichols	T	Caracter (A. 1) P. M. Garage (A. 1)		i in the	Ter	т Ехрі	red	P. N. 1	POSTERIO. Posterio de la	Markey Barray markey barray	
Catherine May	Р	Р	Р	Р	Т	Р	Р	T	T	Р	Re-appt. 10/10
Rebecca Ybarra	Р	Р	Р	Α	Р	T	Α	Р	Α	Α	Appt. 10/10
Allan Bailey	Р	Р	T	Р	Р	Р	T	Р	Р	Р	Appt. 9/11
Esther Figueroa	Р	Р	Р	Р	Р	ը	Р	Р	Р	Р	Appt. 4/12
Tamara Bishop		Р	Ь	Р	Р	Р	Р	J	Ъ	Р	Appt. 11/12
Carol Wilkins	M	Р	T	Е	Τ	Ρ	Α	Ρ	Α	Т	Appt. 11/12
Edith La Vonne		E	Р	Р	Р	Ρ	Р	Р	Р	Р	Appt. 11/12

<sup>\*</sup> Special Meeting with Arts Commission

<sup>\*\*</sup> Special Meeting - Board Effectiveness Training.

As of: March 31, 2014

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

<sup>\*</sup>Joint Meeting with Library & Literacy Commission

	2013	2013	2013	2013	2013	2013	2013	
	17-Apr	15-May	19-Jun	17-Jul	25-Sep	23-Oct*	13-Nov	
Deana Worthington	Р	Α	Р	Р	Р		Α	
Rebecca Ybarra	Р	Р	Р	Α	Term Expired			
Monte Reyes	Р	Р	Р	Α	Р		Р	
Alex Schooler	Р	Р	Р	Р	Α		Α	
Joan Givan	Р	Р	Р	Р	Р		Р	
Roger Merryman	Α	Р	P	Р	T	erm Expire	nd .	
Sandra Romero	Р	Α	Р	Р	7	em Expire	ed	
Judith Halloway	×	Appointed	19/2013		Р		Р	
Mel Gosage		Appointed	19/2013		Р		Р	
Brenda Carrasco	٠	Appointed	19/2013		Р		Р	

<sup>\*</sup>Meeting cancelled.

	2013	2014	2014	2014	2014	2014	2014
	18-Dec	22-Jan	26-Feb	26-Mar			
Deana Worthington	Р	Р	Р	Р	V		
Monte Reyes	P	Р	Р	Р			
Alex Schooler	Α			Resigned	1/2014		
Joan Givan	Р	Р	E	P			
Judith Halloway	Α	Р	Р	Α			
Mel Gosage	Р	Α	Р	Р			
Brenda Carrasco	Р	Р	Р	Р			

### CDBG Citizens' Advisory and Housing Opportunity Committee Attendance Report as of March 31, 2014

	Year Originally	Reg. Mtg	Reg. Mtg	Reg. Mtg	Reg. Mtg
Committee Member	Appointed	3/14/2011	3/12/2012	3/11/2013	3/10/2014
Pat Contreras	1988	Р	Р	Р	Р
Linda Olmedo	1997	Р	Р	Р	Р
Grace Munoz-Rios	1992	Р	Р	Р	Α
Doug Heusdens	2012	N/A	Р	Р	P
John Dennis	1998	Р	Р	А	Р
Rebecca Vigil	2008	Р	Р	А	Р
Kelle Jo Lowe	2009	Р	Р	Р	Р

This Committee meets on an annual basis in March.

	2011	2011	2012	2012	2012	2012	2013	]
	21-Jul	18-Aug	4-Jun	18-Jul	22-Aug	12-Dec	13-Mar	
Gary Mekeel	Р	Α	Α	Α	Α	Α	Α	Apptd 04/2010 thru 05/2014
Michael Pavone	Α	Р	Р	Р	Α	Α	Resigned	Apptd 04/2010 thru 05/2014
Adrian Monte Reyes	Р	Р		J	erm ende	d	A CONTRACTOR	Term expired 5/2012.
Khris Saleh	Р	Р	T	Р	Α	Р	Α	Apptd 04/2010 thru 05/2012
Charles Webber	Р	Р	Р	Р	Р	Р	P	Apptd 04/2010 thru 05/2014
John Simonich	Р	Р	Р	Р	Р	Р	P	Apptd. 01/2011 thru 05/2014.
Michael MacDonald	Α	Р	Р	Р	Р	Р	P	Apptd 01/2011 thru 05/2014.
Gail Lemmen	P	Р	Α	Α	Р	Р	P	Apptd 09/2010 thru 05/2012.
John Dennis	Р	Р	Р	Р	Р	Р	Р	Apptd 09/2010 thru 05/2012.
Kent D. Hopper	Α	Α	1 . T	7	erm ende	d		Resigned 2/2012.
Margaret Stinson	Appt.	5/12	Р	Р	Р	Р	Р	Apptd 05/2012.
Janet Meister	N/A	N/A	N/A	N/A	Α	Р	Р	Apptd 08/2012.
Bill Nebeker	400	Appt. 2/1	12 to fill ui	nexpired t	erm of M.	Pavone		Apptd. 02/12.

	2013**	2013**	2013	2013	2013	2013	2013	]
	23-May	30-May	13-Jun	8-Aug	7-Nov	13-Mar		
Gary Mekeel	-	-	Α	Α	Resigne	d effective	8/13/13	
Khris Saleh	-	-	Α	Р	Р	Α		Apptd 04/2010 thru 05/2012
Charles Webber	-	-	Р	Re	signed effe	ective 6/30	/13	
John Simonich	-	-	Α	Р	PP			Apptd. 01/2011 thru 05/2014.
Michael MacDonald	-	-	Р	Р	P P			Apptd 01/2011 thru 05/2014.
Gail Lemmen	-	-	Р	Р	Р	PP		Apptd 09/2010 thru 05/2012.
John Dennis	-	-	Р	Р	Р	Р		Apptd 09/2010 thru 05/2012.
Margaret Stinson	-	-	Р	Α	Р	Р		Apptd 05/2012.
Janet Meister	-	- P P P			Apptd 08/2012.			
Bill Nebeker	-	-	Α	Р	Р	Р		Apptd. 02/12.
Kathleen "Kat" Harris	Appt. 6/30/13		Р	Р	Р			
Russell "Buck" Fletcher		Appt. 8	3/2013		Р	Р		

<sup>\*\*</sup> No meeting held due to lack of quorum.

COUNCIL AGENDA: May 6, 2014

SUBJECT: REPORT ON CHARITABLE CAR WASHES

SOURCE: Finance Department

COMMENT: In accordance with City Council direction, staff is providing an updated

report on charitable car wash permits issued during the year. Article VI, Section 15-130 of the City Code allows up to four car washes at any commercial property per calendar year and up to four car washes by a charitable organization in a calendar year. For the period January 1 to

March 31, 2014, the following car washes occurred within the City.

Event Date	Name of Organization	Location of Car Wash
January 11, 2014	Agape Mission	BR's Food Store – 284 W Olive Ave
February 1, 2014	La Mision De Jesus	La Mision De Jesus – 765 W Henderson Ave
February 15, 2014	Burton Pathways Charter Academy	Burton Pathways Charter Academy – 1414 W Olive
February 22, 2014	Burton Middle School CJSF	Burton Middle School – 1155 N Elderwood St
February 23, 2014	El Granito Foundation	Pacific Tires – 28 W Henderson Ave
March 8, 2014	Porterville High School Band	Tule River Indian Education Dept – 568 W. Olive

RECOMMENDATION:

For information only.

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

COUNCIL AGENDA: MAY 6, 2014

SUBJECT: BUILDING PERMIT ACTIVITY - MARCH 2014

SOURCE: Public Works Department - Engineering Division

COMMENT: The Building Permit Activity Report (BPAR) presented herein to the City

Council covers the month of March 2014.

The two main categories include new residential permits issued and new commercial permits issued. New residential permits issued in March 2014 (2) are down 33% from March 2013 (3). There were no commercial permits issued in March 2014 and March 2013.

This year to date, new single-family residential construction is down 33% from last year and new commercial construction is up 200% from last year.

RECOMMENDATION: None. Informational Only.

ATTACHMENT: March 2014 Building Permit Activity Report

P:\pubworks\General\Council\Building Permit Activity Report - 2014-05-06

Dir 1362 Appropriated/Funded 1/A CM

Report No. <u>II-5</u>

#### CITY OF PORTERVILLE - BUILDING DIVISION REPORT FOR THE PERIODS OF 1/1/2013 - 3/31/2013 AND 1/1/2014 - 3/31/2014

PERMIT	1	NUMBER OF PE	RMITS ISSUED		ACT	UAL VALUATIO	N OF PERMITS ISS	SUED	BUILDING FEES TOTALS FOR PERMITS ISSUED			
	MARCH 2014	MARCH 2013	THIS YEAR TO DATE	LAST YEAR TO DATE	MARCH 2014	MARCH 2013	THIS YEAR TO DATE	LAST YEAR TO DATE	MARCH 2014	MARCH 2013	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	2	3	6	9	376,969	860,683	1,090,836	2,392,207	5,144	6,042	13,271	18,639
NEW COMM	0	0	2	0	0	0	1,620,000	0	0	o	4,615	0
RESID IMPROV	4	11	25	23	57,899	130,400	336,627	203,600	1,196	3,412	9,904	6,932
COMM IMPROJ	7	5	11	12	6,127,500	331,475	6,184,500	511,475	12,749	2,858	15,896	6,235
OTHER	17	23	43	58	90,925	230,745	303,512	493,009	3,216	4,079	8,309	10,513
ELECT	17	20	39	46	291,432	19,110	625,874	77,610	3,302	3,057	7,640	11,555
PLUMB	41	25	101	82	0	2,200	0	2,200	5,722	3,498	13,013	11,787
TOTALS	88	87	227	230	6,944,725	1,574,613	10,161,349	3,680,101	31,330	22,946	72,649	65,662

	NEW DWELLING UNITS TOTALS								
	MARCH 2014	MARCH 2013	THIS YEAR TO DATE	LAST YEAR TO DATE					
SINGLE FAMILY	2	3	6	9					
TOTAL	2	3	6	9					

CHIEF BUILDING ONFICIAL

COUNCIL AGENDA: MAY 6, 2014

SUBJECT: PIONEER WATER COMPANY - WATER SHARES I FASE

SOURCE: Public Works Department - Field Services

COMMENT: At the April 1, 2014, City Council meeting, Council directed staff to solicit bids

for the lease of 400 shares of the City's Pioneer Water Company holdings for the 2014 year. Council further directed the 400 shares be divided into 8 lots of 50 shares each to provide farmers with smaller operations an opportunity to

bid.

Pursuant to Council's direction, staff solicited bids for the lease of the 400 shares and received eleven (11) bids from six (6) different bidders. Three of those bid for multiple 50 share lots and three bidders submitted for single 50 share lots.

Once the bids were tallied it was determined that three of the six bidders had submitted the top three bids and would be awarded 50 share lots each. The remaining bids were all tied. After consulting with the City attorney for direction, the review Committee determined that the other three bidders would receive a 50 share lot at their bid price. This left 2 lots of 50 shares to divide among the 5 remaining tied bids. Staff then contacted the multi-bid bidders and they did not object to dividing the 100 remaining shares into five lots of 20 shares each, rather than risk a drawing to break the tie. Attached is the bid summary.

Lease agreements have been signed and funds received totaling \$150,250. The leases for 2014 have been recorded with Pioneer Water Company.

RECOMMENDATION: INFORMATIONAL

ATTACHMENT: **Bid Summary** 

Dir Appropriated/Funded MB CM

### Bid Summary for the Leasing of Pioneer Water Company Shares Owned by the

### City of Porterville

	Bidder			<b>Bid Price</b>	Shares	Totals
1	Alta Vista Water Company	1	Lot @ 50	\$655	50	\$32,750
		1	Lot @ 20	\$300	20	\$6,000
					70	\$38,750
2	Griffith Farms	1	Lot @ 50	\$500	50	\$25,000
		2	Lot @ 20	\$300	40	\$12,000
					90	\$37,000
3	Sun Pacific (Cloverleaf Ranch Co. Ltd)	1	Lot @ 50	\$350	50	\$17,500
4	Limoneira	1	Lot @ 50	\$300	50	\$15,000
		2	Lot @ 20	\$300	40	\$12,000
					90	\$27,000
5	Bee Sweet Citrus	1	Lot @ 50	\$300	50	\$15,000
6	Hermosa Tierra / Julia Inestroza	1	Lot @ 50	\$300	50	\$15,000
	(Richardson Family Trust)		<del></del>			
*	Shares Leased				400	
*	Total Lease Earnings					\$150,250

Note:

6 Lots @ 50 Shares Each to Total 300 Shares.

Remainder 100 Shares were divided among additional Lot Bids 100 Share / 5 Bids = 20 Shares

#### CITY COUNCIL MINUTES CITY HALL, 291 N. MAIN STREET PORTERVILLE, CALIFORNIA OCTOBER 1, 2013, 5:30 P.M.

Called to Order at 5:32 p.m.

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

Ward, Mayor Hamilton

Absent: Council Member Gurrola

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 McCracken, Agency Member Shelton, Vice Chairperson Ward,

Chairperson Hamilton

Absent: Agency Member 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 54956.8 Conference with Real Property Negotiators/Property: APN: 261-020-010. Agency Negotiator: John Lollis and Baldo Rodriguez. Negotiating Parties: City of Porterville and Lynda Mourton. Under Negotiation: Terms and Price.
  - **3-** Government Code Section 54956.95 Liability Claim: Claimant: Premier Properties. Agency claimed against: City of Porterville.
  - **4-** Government Code Section 54956.95 Liability Claim: Claimant: Myers Funeral Home.

Agency claimed against: City of Porterville.

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

**6-** Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation – Allstate Insurance Company v. City of Porterville, Tulare County Superior Court Case No. PCL158272.

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

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

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

City Attorney Lew reported the following action:

B-3: COUNCIL ACTION: On a MOTION by Council Member McCracken, SECONDED by

Mayor Hamilton, the Council rejected the claim filed by Premier

Properties.

AYES: McCracken, Shelton, Ward, Hamilton

NOES: None ABSTAIN: None ABSENT: Gurrola

Documentation: M.O. 01-100113

Disposition: Claim rejected.

B-4: COUNCIL ACTION: On a MOTION by Council Member McCracken, SECONDED by

Mayor Hamilton, the Council rejected the claim filed by Myers Funeral Home. The motion carried 3/1, with Vice Mayor Ward voting no, and

Council Member Gurrola absent.

AYES: McCracken, Shelton, Hamilton

NOES: Ward ABSTAIN: None ABSENT: Gurrola

Documentation: M.O. 02-100113

Disposition: Claim rejected.

B-5: <u>COUNCIL ACTION</u>: On a MOTION by Council Member McCracken, SECONDED by

Mayor Hamilton, the Council rejected the claim filed by Mr. Larry

Eberhardt.

AYES: McCracken, Shelton, Ward, Hamilton

NOES: None ABSTAIN: None ABSENT: Gurrola Documentation: M.O. 01-100113

Disposition: Claim rejected.

Mayor Hamilton informed everyone of Council Member Gurrola's absence due to the hospitalization of her mother and requested they hold a place in their hearts for her.

Pledge of Allegiance Led by Mayor Hamilton Invocation – a moment of silence was observed.

#### **PROCLAMATIONS**

Domestic Violence Awareness Month – October 2013

#### **PRESENTATIONS**

Employee of the Month – Fernando Rios

#### **AB 1234 REPORTS**

- 1. Consolidated Waste Management Authority (CWMA) September 26, 2013 Council Member McCracken reported on the recent meeting and discussion on Sharps Program, and marijuana as a biofuel.
- 2. Tulare County Economic Development Corporation September 25, 2013 Mayor Hamilton reported on certified sites, their success in the Southern US, and the obstacles in California due to CEQA.
- 3. Joint City/School Committee September 30, 2013
  Vice Mayor Ward reported on discussion about extending WIFI to various areas for the benefit of students. Council Member Shelton added that the issue of traffic at Summit Charter Lombardi was also discussed.
- 4. League of California Cities Annual Conference September 18 20, 2013
  - a. Council Member McCracken reported on his attendance at the League of California Cities Annual Conference in Sacramento, noting sessions on PEPRA and Caltrans in the Central Valley.
  - b. Vice Mayor Ward spoke of his attendance at the League of California Cities Annual Conference in Sacramento, noting sessions on the Arts, "Top Ten Ways Cities Waste Money."
  - c. Mayor Hamilton reported on his attendance in Sacramento at the League's Conference, noting that it was better than the last one he had attended.

#### **REPORTS**

- I. City Commission and Committee Meetings:
  - 1. Parks & Leisure Services Commission: No report was provided.
  - 2. Library & Literacy Commission
    Chairperson Esther Figueroa advised that the Commission's report would be provided at the second meeting in October.
  - 3. Arts Commission: No report was provided.
  - 4. Youth Commission: No report was provided.

- 5. Transactions and Use Tax ("Measure H") Oversight Committee: No report was provided.
- 6. Charter Review Committee: No report was provided.

#### II. Staff Informational Items:

- 1. Building Permit Activity August 2013: No verbal report.
- 2. Collection Events for October: No verbal report.
- 3. SAFER Grant Annual Report: No verbal report.

#### **ORAL COMMUNICATIONS**

- John Coffee, requested that Mayor Hamilton, Vice Mayor Ward and Council Member Shelton resign immediately, indicating they do not represent a majority.
- Connie Wilson, spoke of discrimination against LGBT and against the actions taken by the Council.
- Brock Neeley, read California Government Code Section 11135, regarding antidiscrimination, and stated that the Council had already violated it in July and warned that it should not do that again.
- Tony Valverde, voiced concern with duck excrement at Murry Park noting that it posed a health hazard.
- Donna Campbell, spoke regarding the proposed animal shelter, of meetings with City staff and Mayor Hamilton, and inquired what would be needed to get the project moving.
- Jennifer Biagio, introduced herself and requested that the Council consider her appointment to the Library and Literacy Commission.
- Nikki Edwards, spoke in favor of the proposed item concerning a citizens' advisory committee for the animal shelter, and requested that the Council move the project along.
- Christina Harris, voiced support for the Council's action in rescinding the LGBT Proclamation, and spoke against the proposed "Coming Out Day" Proclamation.
- Barry Caplan, invited everyone to attend the Art Walk, and read a statement from Skylar Cooper, a Springville resident who could not attend, regarding the LGBT proclamation matter.
- Teri Irish, inquired as to why the three-minute timer was not being utilized. Mayor Hamilton advised that he did not enforce that rule.
- Russell "Buck" Fletcher, commented on how it was fine in the world despite the shut-down of the federal government.
- David Harris, spoke against the proposed "Coming Out Day," and requested that the Council deny the request.
- Teresa Carpenter, spoke in favor of the proposed "Coming Out Day" Proclamation; and spoke in favor of a directly-elected Mayor.
- Jeff Zeles, came forward on behalf of Relay for Life and invited everyone to attend and support the event on Saturday, with opening ceremonies at 8:00 a.m. at Summit Charter Collegiate Academy.

#### CONSENT CALENDAR

Item Nos. 1, 4, and 10 through 14 were removed for further discussion

2. AUTHORIZATION TO ADVERTISE FOR BIDS – MATHEW STREET SHOULDER STABILIZATION PROJECT

Recommendation: That City Council:

- 1. Approve Staff's recommended Plans and Project Manual;
- 2. Authorize Staff to advertise for bids on the project; and
- 3. Authorize the appropriation of an additional \$20,888 in CMAQ funds to match the Construction E-76 issued by Caltrans/FHWA.

Documentation: M.O. 04-100113

Disposition: Approved.

3. AUTHORIZATION TO NEGOTIATE A CONTRACT – MATERIALS TESTING SERVICES FOR THE JAYE STREET AND MONTGOMERY AVENUE ROUNDABOUT PROJECT

Recommendation: That City Council:

- 1. Authorize staff to negotiate a contract with Technicon Engineering Services at an anticipated fee not to exceed \$40,000 for materials testing services for the Jaye Street and Montgomery Avenue Roundabout Project;
- 2. Authorize staff to negotiate a contract with the 2<sup>nd</sup> ranked firm, Nolte Vertical 5, if staff is unable to negotiate an acceptable contract with Technicon Engineering Services;
- 3. Authorize the Mayor to sign all contract documents; Authorize progress payments that concur with construction progress up until proper closeout of the work and not to exceed 100% of the contract fee; and Authorize a 10% contingency to cover unforeseen changes to the scope of work required.

Documentation: M.O. 05-100113

Disposition: Approved.

5. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – MATHEW STREET SHOULDER STABILIZATION PROJECT

Recommendation: That the City Council:

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

Documentation: Resolution 58-2013

Disposition: Approved.

6. APPROVAL OF THE 2013 CITY OF PORTERVILLE FEDERAL TRANSIT ADMINISTRATION TITLE VI REPORT UPDATE

Recommendation: That the City Council approve the 2013 Title VI Program Update and

authorize City staff to submit the program to the FTA for approval on behalf

of the City.

M.O. 06-100113 Documentation:

Disposition: Approved.

7. APPROVAL OF THE FIRST AMENDMENT TO THE AGREEMENT FOR TRANSIT SERVICES BETWEEN TULARE COUNTY ASSOCIATION OF GOVERNMENTS AND THE CITY OF PORTERVILLE

Recommendation: That the City Council:

- 1. Approve the attached First Amendment to Agreement for Transit Services:
- 2. Authorize the Mayor to execute the Amended Transit Services Agreement for transit services; and
- 3. Authorize staff to forward the executed Amended Agreement for Transit Services to TCAG

Documentation: None.

Disposition: Item pulled at the request of TCAG.

8. CONSIDERATION OF TEMPORARY CARGO CONTAINER REQUEST

Recommendation: That the City Council approve the request for a temporary structure permit as

outlined above and subject to the site plan and conditions of approval.

Documentation: M.O. 07-100113

Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - VETERANS' HOMECOMING COMMITTEE – VETERAN'S DAY PARADE – NOVEMBER 11, 2013

Recommendation: That the City Council approve the Community Civic Event Application and

> Agreement from the Veterans' Homecoming Committee, subject to the Restrictions and Requirements contained in the Application, Agreement,

Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 08-100113

Disposition: Approved.

COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE 16. CITY COUNCIL TO CONSIDER CREATING A CITIZEN ADVISORY COMMITTEE FOR THE OVERSIGHT OF ALL ANIMAL CONTROL **FACILITIES AND OPERATIONS** 

Recommendation: Mayor Hamilton makes the motion that the City council authorize a

Scheduled Matter on the next Council Agenda to consider creating a Citizen Advisory Committee for the oversight of all Animal Control facilities and

operations.

Documentation: M O 09-100113

Disposition: Approved.

#### REVIEW OF LOCAL EMERGENCY STATUS 15

Recommendation: That the City Council:

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

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.

AYES: McCracken, Ward, Hamilton

NOES: None ABSTAIN. Shelton ABSENT: Gurrola

Documentation: M.O. 10-100113

Disposition: Approved.

MOVED by Vice Mayor Ward, SECONDED by Council Member COUNCIL ACTION:

Shelton that the Council approve Item Nos. 2, 3, 5, 6, 8, 9, 15 and 16;

noting Council Member Shelton's abstention from Item No. 15.

AYES: McCracken, Ward, Hamilton, Shelton

NOES: None ABSTAIN: None ABSENT: Gurrola

The Council recessed for ten minutes at 7:20 p.m.

#### **SCHEDULED MATTERS**

CONSIDERATION OF APPOINTMENTS TO THE LIBRARY AND LITERACY 17 COMMISSION

Recommendation: That the City Council appoint three individuals to fill the three seats with three-year terms to expire in October 2016.

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

<u>COUNCIL ACTION</u>: MOVED by Vice Mayor Ward, SECONDED by Council Member

Shelton that the City Council appoint Jennifer Biagio, Tamara Bishop, and Catherine May to fill the three seats with terms to expire in October

2016.

AYES: McCracken, Shelton, Ward, Hamilton

NOES: None ABSTAIN: None ABSENT: Gurrola

Documentation: M.O. 11-100113

Disposition: Approved.

18. PROPERTY LEASE AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND STATE OF CALIFORNIA, NATIONAL GUARD, AND LICENSE AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND TULARE COUNTY LIVESTOCK AND COMMUNITY FAIR, INC.

Recommendation: That the City Council consider the removal of all additions and/or alterations

to the leased property, and to approve the in-kind contribution and assistance

of City forces.

City Manager Lollis introduced the item. Council Member Shelton recused himself due to a conflict of interest. Mr. Lollis presented the staff report.

Council discussed the estimated amount of staff time required to assist in the demolition and whether the Fair should pay a contractor to perform the project.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor

Hamilton that the City Council authorize the removal of all additions and/or alterations to the leased property, and approve the in-kind

contribution and assistance of City forces.

AYES: McCracken, Ward, Hamilton

NOES: None ABSTAIN: Shelton ABSENT: Gurrola

Documentation: M.O. 12-100113

Disposition: Approved.

#### 19 CONSIDERATION OF PROCESS FOR APPROVING PROCLAMATIONS

Recommendation:

That the City Council consider the proclamation approval process and give direction to staff to codify same in Section IV – Council Requests from the Public, Paragraph F – Proclamation Approval Process.

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

Vice Mayor Ward proposed the following language for the Council to consider regarding the proclamation approval process:

All proclamations must be submitted at least 72 hours before noon on the Thursday before the next Council meeting to be considered for approval by the City Council. All received proclamations are to be scanned and emailed to all Council Members within one business day of being received. Each Council Member will have until noon on the Thursday before the next Council meeting to contact the City Manager's Office to sponsor submitted proclamations. Proclamations received with two sponsors will be placed on the next Council agenda as a Consent Calendar item. Those not receiving any sponsors will be disregarded.

A discussion ensued regarding the number of sponsors to be required prior to Council consideration of proclamations. City Attorney Lew advised that the number of sponsors should not exceed three members of the Council, in adherence to the Brown Act.

The Council discussed the timing of proclamation approvals and presentations, with City Attorney Lew noting that the proposed language would potentially allow for the approval and presentation of proclamations to occur within the same Council meeting.

Council Member McCracken voiced his opposition to voting on proclamations for approval.

#### COUNCIL ACTION:

MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton, that the City Council adopt the following process for the approval of proclamations: All proclamations must be submitted at least 72 hours before noon on the Thursday before the next Council meeting to be considered for approval by the City Council. All received proclamations are to be scanned and emailed to all Council Members within one business day of being received. Each Council Member will have until noon on the Thursday before the next Council meeting to contact the City Manager's Office to sponsor submitted proclamations. Proclamations receiving one sponsor will be placed on the next Council agenda as a Consent Calendar item. Those not receiving a sponsor will

be disregarded. If multiple sponsors are received, the first Council Member to respond will be deemed the proclamation's sponsor.

AYES: Ward, Shelton, Hamilton

NOES: McCracken ABSTAIN: None ABSENT: Gurrola

Documentation: M.O. 13-100113

Disposition: Approved.

#### **CONSENT CALENDAR (ITEMS PULLED FOR DISCUSSION)**

1. REQUEST FOR APPROVAL TO PURCHASE A POWERVAULT TL2000 TAPE LIBRARY

Recommendation: That the City Council approve the purchase of the Dell PowerVault TL2000

Tape Library appliance from Dell at a cost of \$7,178.46.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton requested clarification from Finance Director Maria Bemis with regard to what was being archived and for how long.

<u>COUNCIL ACTION</u>: MOVED by Council Member Shelton, SECONDED by Vice Mayor

Ward that the City Council approve the purchase of the Dell PowerVault

TL2000 Tape Library appliance from Dell at a cost of \$7,178.46.

AYES: McCracken, Shelton, Ward, Hamilton

NOES: None ABSTAIN: None ABSENT: Gurrola

Documentation: M.O. 14-100113

Disposition: Approved.

4. DE-OBLIGATION OF MEASURE 'R' ALTERNATIVE TRANSPORTATION FUNDED PROJECTS

Recommendation: That the City Council:

- 1. Approve the de-obligation of Measure R "Alternative Transportation" Funds for the Westwood Street CMAQ Shoulder Stabilization Project and the Tule River Parkway, Phase IV Project;
- 2. Approve the De-Obligation Resolutions; and
- 3. Direct the City Clerk to transmit the signed Resolutions to the "Authority".

City Manger Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton requested clarification regarding the de-obligation. City Manager Lollis explained that the City had obligated all of its funds in an attempt to make a case for additional funding, but a formula was subsequently established.

#### COUNCIL ACTION:

MOVED by Vice Mayor Ward, SECONDED by Mayor Hamilton that the City Council approve the de-obligation of Measure R "Alternative Transportation" Funds for the Westwood Street CMAQ Shoulder Stabilization Project and the Tule River Parkway, Phase IV Project; approve the De-Obligation Resolutions; and direct the City Clerk to transmit the signed Resolutions to the "Authority".

AYES: McCracken, Shelton, Ward, Hamilton

NOES: None ABSTAIN: None ABSENT: Gurrola

Documentation: Resolutions 59-2013 and 60-2013.

Disposition: Approved.

### 10. ADOPTION OF A RESOLUTION OF RECOGNITION FOR THE DONATION OF A SIREN TO BE INSTALLED AT FIRE STATION #1

Recommendation:

That the City Council consider adopting a Resolution of Recognition authorizing the preparation and installation of a plaque commemorating the efforts and donation of the Exchange Club of Porterville and the American Legion Post #20 of a siren at Fire Station #1, funded from the Council's Special Purposes Fund.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member McCracken requested that the resolution be modified to strike the fourth bullet point naming the President of the Exchange Club and Commander of the American Legion, as requested by both organizations.

Vice Mayor Ward and Council Member Shelton commented on the cost of the proposed plaque.

#### COUNCIL ACTION:

MOVED by Council Member McCracken, SECONDED by Mayor Hamilton that the City Council adopt the draft Resolution of Recognition authorizing the preparation and installation of a plaque commemorating the efforts and donation of the Exchange Club of Porterville and the American Legion Post #20 of a siren at Fire Station #1, funded from the Council's Special Purposes Fund, as amended to strike the fourth bullet point naming the President of the Exchange Club and the Commander of the American Legion.

AYES: McCracken, Shelton, Ward, Hamilton

NOES: None ABSTAIN: None ABSENT: Gurrola Documentation: Resolution 61-2013

Disposition: Approved.

#### 11. APPROVAL OF PROCLAMATION REQUEST – TEEN READ WEEK

Recommendation: That the City Council consider the approval of the proposed Proclamation

declaring October 13-19, 2013, as "Teen Read Week."

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member McCracken indicated that he had pulled Items 11 through 14 so that the Council could consider the proclamation process (Item No. 19) prior to the requests.

Council Member Shelton noted that some of the requests were time sensitive, and staff responded that some of the requests were not to have the proclamation read at a meeting of the Council.

<u>COUNCIL ACTION</u>: MOVED by Council Member Shelton, SECONDED by Vice Mayor

Ward that the City Council approve of the proposed Proclamation

declaring October 13-19, 2013, as "Teen Read Week."

AYES: Shelton, Ward, Hamilton

NOES: None

ABSTAIN: McCracken ABSENT: Gurrola

Documentation: M.O. 15-100113

Disposition: Approved.

12. APPROVAL OF PROCLAMATION REQUEST – PORTERVILLE RELAY FOR

Recommendation: That the City Council consider the approval of the proposed Proclamation

declaring October 5-6, 2013, as "Relay for Life Days."

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton noted that cancer affects everybody.

Council Member McCracken indicated that he did not approve of the process and would therefore be abstaining. At the request of Vice Mayor Ward, City Attorney Lew clarified that the abstention would affirm the motion in absence of a conflict of interest.

<u>COUNCIL ACTION</u>: MOVED by Council Member Shelton, SECONDED by Vice Mayor

Ward that the City Council approve the proposed Proclamation declaring

October 5-6, 2013, as "Relay for Life Days."

AYES: Shelton, Ward, Hamilton

NOES: None

ABSTAIN: McCracken ABSENT: Gurrola

Documentation: M.O. 16-100113

Disposition: Approved.

13. APPROVAL OF PROCLAMATION REQUEST – FRIENDS OF LIBRARIES WEEK

Recommendation: That the City Council consider the approval of the proposed Proclamation

declaring October 21-27, 2013, as "Friends of the Libraries Week."

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton noted that Friends of the Library volunteers work tirelessly and support everybody.

<u>COUNCIL ACTION</u>: MOVED by Council Member Shelton, SECONDED by Mayor Hamilton

that the City Council approve the proposed Proclamation declaring

October 21-27, 2013, as "Friends of the Libraries Week."

AYES: Shelton, Ward, Hamilton

NOES: None

ABSTAIN: McCracken ABSENT: Gurrola

Documentation: M.O. 17-100113

Disposition: Approved.

14. APPROVAL OF PROCLAMATION REQUEST – COMING OUT DAY

Recommendation: That the City Council consider the approval of the proposed Proclamation

declaring October 11, 2013, as "Coming Out Day."

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton commented that "Coming Out Day" was not for everybody, and suggested that the Council modify the language to be all-inclusive.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Mayor Hamilton that

the City Council reject the proposed Proclamation declaring October 11,

2013, as "Coming Out Day."

AYES: Shelton, Ward, Hamilton

NOES: McCracken

ABSTAIN: None ABSENT: Gurrola

Documentation: M.O. 18-100113

Disposition: Request denied.

# **ORAL COMMUNICATIONS**

- Barry Caplan, voiced concern with Council Member Shelton changing his vote on Item 14 from no to yes after it was displayed; and suggested that the action was discriminatory. He also spoke of the LGBT community's many contributions in the area of the arts.
- Anne Marie Wagstaff, spoke against the Council's rejection of the "Coming Out Day" Proclamation, and spoke of bigotry and discrimination in the community.
- Brock Neeley, spoke of bigotry against LGBTs, and of suicide.
- John Coffee, noted that the new microphones were not working properly.
- Connie Wilson, spoke in favor of embracing the LGBT community, and requested that the Council support the LGBT community for the children.
- Teresa Carpenter, voiced concern with the Council's action rejecting the "Coming Out Day" proclamation, and spoke of the impact such an action has.
- Russell "Buck" Fletcher, suggested that the Council's action this evening on the "Coming Out Day" was historical, and that history would not look favorably upon it.
- Carlos Gomez, spoke against the rejection of the "Coming Out Day" proclamation; stated that LGBT members of the community did not feel safe; and suggested that the members of the Council placed more value on the lives of dogs than Porterville's LGBT residents.

# **OTHER MATTERS**

- Council Member Shelton, spoke of the grand opening of the Courthouse scheduled for next week; requested that an item be added to consider the Wall of Fame process and a subcommittee of the Charter Review Committee concerning pensions; and spoke of the upcoming Central California Family Crisis Center event.
- Mayor Hamilton, suggested that the LGBT community was better than what they portrayed themselves to be.
- City Manager Lollis spoke of an upcoming Charter Review Committee meeting on October 9<sup>th</sup>, and Zalud House Pioneer Days & Rib Cook-Off on Saturday, October 5<sup>th</sup>

# **ADJOURNMENT**

The Council adjourned at 9:00 p.m. to the meeting of October 15, 2013.

SEAL	
	Luisa M. Zavala, Deputy City Clerk

Cameron J. Hamilton, Mayor

# CITY COUNCIL MINUTES CITY HALL, 291 N. MAIN STREET PORTERVILLE, CALIFORNIA APRIL 15, 2014, 5:30 P.M.

Called to Order at 5:30 p.m.

Roll Call: Council Member McCracken, Council Member Shelton (arrived during Closed Session),

Council Member Gurrola (arrived at 5:32 p.m.), 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 Member McCracken, Agency Member Shelton (arrived during Closed Session),

Agency Member Gurrola (arrived at 5:32 p.m.), Vice Chair Ward, Chair Hamilton

# **ORAL COMMUNICATIONS**

None

# JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

A. Closed Session Pursuant to:

**1-** Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case.

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

# **CITY COUNCIL CLOSED SESSION:**

- B. Closed Session Pursuant to:
  - **1-** Government Code Section 54956.8 Conference with Real Property Negotiators/Property: APN 253-192-003. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Johnnie Barber. Under Negotiation: Terms and Price.
  - **2**-Government Code Section 54957.6 Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.
  - **3-** Government Code Section 54956.95 Liability Claim: Claimant: Margarete Bachman. Agency claimed against: City of Porterville.
  - **4-** Government Code Section 54956.9(d)(1) Conference with Legal Counsel Existing Litigation: Donald Sipple, et al. v. City of Alameda, California, et al., Los Angeles Superior Court-CCW Case No. BC462270.
  - **5-** Government Code Section 54956.9(d)(3) Conference with Legal Counsel Anticipated Litigation Significant Exposure to Litigation: One Case.

# 6:37 P.M. RECONVENE OPEN SESSION

# REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported the following action:

B-3: Government Code Section 54956.95 – Liability Claim: Claimant: Margarete Bachman. Agency claimed against: City of Porterville.

<u>COUNCIL ACTION</u>: On a MOTION made by Council Member McCracken, SECONDED by

Vice Mayor Ward, the Council unanimously approved rejection of claim

filed by Margaret Bachman.

Documentation: M.O. 01-041514

Disposition: Approved.

Pledge of Allegiance Led by Vice Mayor Ward Invocation – one individual participated.

# **PRESENTATIONS**

myPorterville Application Porterville Development Ordinance Committee Recognition Regional Transportation Plan (TCAG)

# **PROCLAMATIONS**

Public Safety Telecommunications Week - April 13-19, 2014

# 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) – April 2, 2014 Mayor Hamilton reported on the presentation of the Regional Transportation Plan, the selection of LAFCO's public member, and review of preliminary budget.

# **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 April 3, 2014
    Commissioner Moore reported on the following Parks and Leisure Services Department activities: ball field preparation, tree maintenance, tree planting, track meet, Corporate Games, Music on Main Street, Egg Hunt, Youth Center attendance, OHV Park event; and spoke of the commission's recommendations for naming of new park.
  - 2. Library & Literacy Commission April 8, 2014
    Commissioner Biagio reported on presentation by library staff regarding computer programs, preparation for mixer at library, March highlights; and extended an invitation to upcoming library activities for National Library Week and Children's Day.
  - 3. Arts Commission no report.
  - 4. Youth Commission no report.

- II. Staff Informational Reports
  - 1. Update on New Animal Shelter Modified Design and Draft Animal Control Ordinances

# **ORAL COMMUNICATIONS**

- Ellen Nichols, spoke of name selection for new park and advocating for use of trails; and shared her question for County Supervisor candidates regarding roads.
- Esmeralda Espinoza, stated that she had received a warning, then subsequently a ticket regarding the frequency of her yard sales; spoke of yard sales as a means of supplementing her income; and requested that Council consider permitting more than one every six months.
- Pablo Espinoza, expressed concerns regarding operational requirements for taco trucks and his
  opinion that they were being run out of town; and requested that Council increase the number of
  yard sales permitted per year.
- Brock Neeley, reported on his use of the myPorterville app.
- Ron Hulsey, provided an update regarding the hazardous condition of Golden Hills Mobile Estates; extended an invitation to attend May 5<sup>th</sup> meeting at the mobile home park; and requested an update on the marijuana ordinance.
- Teri Irish, thanked the Council for the proclamation recognizing Public Safety Telecommunications Week; lauded the City's dispatch personnel; spoke of the many activities the Parks and Leisure Services Department provides for youth; and expressed concerns regarding Item Nos. 15 and 26.
- Eric Santos, spoke in support of naming the new park in memory of AJ Pardo.
- Pierre Mena, spoke in support of AJ Pardo Park.
- Gustavo Carranza, spoke in favor of naming park in memory of AJ Pardo.
- Lauren (last name inaudible), also voiced support for naming park in memory of AJ Pardo.
- Richard Sanchez, indicated that he was hosting the Frisbee Gold Event (Item No. 15), and that funds raised would go to remaining Boys & Girls Clubs in Porterville.
- Olivia Carrillo, requested the City's assistance to continue Boys & Girls Club on the east side of town; and spoke of the services provided.
- Gerry Quinn, requested that the Council provide closed captioning at meetings for the hearing impaired; spoke of the Boys & Girls Club closing its doors; and requested help for the children.
- Jesus Avalos, spoke of his participation in the Boys & Girls Club, and of the need on the east side of town; requested that Council consider its yard sale policy; and expressed concerns regarding special day kids at Porterville High School working outside.
- Name inaudible, spoke in favor of naming park after AJ Pardo.
- Barry Caplan, stated that it was great to hear from the city's youth; extended an invitation to all for a six mile bike ride; claimed that the language in the proclamation for Bike Month was inaccurate and requested that the Council pull the proclamation to allow him the opportunity to amend.
- Matthew Green, spoke in support of naming the new park in memory of AJ Pardo; and asked Council to consider the situation with the Boys & Girls Club located on the east side of Porterville.

# **CONSENT CALENDAR**

Item Nos. 4-7, 15, 16, 18, 25, and 26 were removed for further discussion. Council Member Shelton noted conflicts for Item Nos. 7, 14, 17, 23 and 24; and Vice Mayor Ward indicated that he had conflicts relative to Item Nos. 16 and 17.

1. CITY COUNCIL MINUTES OF APRIL 1, 2014

Recommendation: That the City Council approve the Minutes of April 1, 2014.

Documentation: M.O. 02-041514

Disposition: Approved.

2. REQUEST FOR APPROVAL TO PURCHASE A SKID STEER LOADER WITH BACKHOE ATTACHMENT

Recommendation: That the City Council approve the purchase of the Caterpillar skid steer

loader from Quinn Company.

Documentation; M.O. 03-041514

Disposition: Approved.

3. THIS ITEM HAS BEEN REMOVED.

8. APPLICATION FOR BYRNE CRIMINAL JUSTICE INNOVATION PROGRAM PLANNING GRANT

Recommendation: That the City Council approve the submission of an application of the Byrne

Criminal Justice Innovation Program Planning Grant, with the City of Porterville serving as the designated administration and fiscal agent.

Documentation: M.O. 04-041514

Disposition: Approved.

9. LICENSE AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND DONALD'S CHILDREN'S AMUSEMENT FOR THE OPERATION OF A TRACKLESS TRAIN

Recommendation: That the City Council approve the License Agreement between the City of

Porterville and Donald's Children's Amusement.

Documentation: M.O. 05-041514

Disposition: Approved.

10. RENEWAL OF AIRPORT LEASE AGREEMENT – LOT 34A

Recommendation: That the City Council approve the Lease Agreement between the City of

Porterville and Mr. Sam Lessley for Lot 34A at the Porterville Municipal

Airport.

Documentation: M.O. 06-041514

Disposition: Approved.

11. RENEWAL OF AIRPORT LEASE AGREEMENT – LOT 34C

Recommendation: That the City Council approve the Lease Agreement between the City of

Porterville and Mr. Gary Mussen for Lot 34C at the Porterville Municipal

Airport.

Documentation: M.O. 07-041514

Disposition: Approved.

12. RENEWAL OF AIRPORT LEASE AGREEMENT – LOT 34D

Recommendation: That the City Council approve the Lease Agreement between the City of

Porterville and Ms. Joyce Moody-Flores for Lot 34D at the Porterville

Municipal Airport.

Documentation: M.O. 08-041514

Disposition: Approved.

13. RENEWAL OF AIRPORT LEASE AGREEMENT – LOT 34E

Recommendation: That the City Council approve the Lease Agreement between the City of

Porterville and Mr. Glenn Ricketson for Lot 34E at the Porterville Municipal

Airport.

Documentation: M.O. 09-041514

Disposition: Approved.

14. APPROVAL FOR COMMUNITY CIVIC EVENT – COMISION HONORIFICA MEXICANA AMERICANA – GRIMALDI CIRCUS – MAY 16-19, 2014

Recommendation: That the City Council approve the attached Community Civic Event

Application and Agreement submitted by the Comision Honorifica Mexicana Americana and Grimaldi Circus, Inc., subject to the stated requirements

contained in the Application, Agreement, Exhibit A and Exhibit B.

AYES: McCracken, Gurrola, Ward, Hamilton

NOES: None ABSTAIN: Shelton ABSENT: None

Documentation; M.O. 10-041514

Disposition: Approved.

17. APPROVAL FOR COMMUNITY CIVIC EVENT – COMISION HONORIFICA MEXICANA AMERICANA, INC. – CINCO DE MAYO PARADE AND FIESTA – MAY 3-4, 2014

Recommendation: That the City Council approve the Community Civic Event Application and

Agreement from the Comision Honorifica Mexicana-Americana, Inc. subject to the restrictions contained in the Application and Agreement, Exhibit A and

Exhibit B.

AYES: McCracken, Gurrola, Hamilton

NOES: None

ABSTAIN: Shelton, Ward

ABSENT: None

Documentation: M.O. 11-041514

Disposition: Approved.

19. REQUEST FOR PROCLAMATION – ARBOR DAY – APRIL 25, 2014

Recommendation: That the City Council consider approval of the request to proclaim April 25,

2014, as Arbor Day.

Documentation: M.O. 12-041514

Disposition: Approved.

20. REQUEST FOR PROCLAMATION – MDA & FIREFIGHTER MONTH – MAY 2014

Recommendation: That the City Council consider approval of the request to proclaim May 2014

as MDA & Firefighter Month in the City of Porterville.

Documentation: M.O. 13-041514

Disposition: Approved.

21. REQUEST FOR PROCLAMATION – PORTERVILLE BIKE MONTH – MAY 2014

Recommendation: That the City Council consider approval of the request to proclaim May 2014

as Porterville Bike Month in the City of Porterville.

Documentation: M.O. 14-041514

Disposition: Approved.

22. REQUEST FOR PROCLAMATION – FREEDOM DAYS – JUNE 14 – JULY 4, 2014

Recommendation: That the City Council consider approval of the request to proclaim June 14,

2014 through July 4, 2014 as Freedom Days in Porterville.

Documentation: M.O. 15-041514

Disposition: Approved.

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

Recommendation: That the City Council receive the status report and review of the designated

# local emergency.

AYES: McCracken, Gurrola, Ward, Hamilton

NOES: None ABSTAIN: Shelton ABSENT: None

Documentation: M.O. 16-041514

Disposition: Approved.

# 24. 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 requirement of Article 14, Section 8630 of the California Emergency Services Act, Determine that a need exists to continue said local emergency designation.

AYES: McCracken, Gurrola, Ward, Hamilton

NOES: None ABSTAIN: Shelton ABSENT: None

Documentation: M.O. 17-041514

Disposition: Approved.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Vice Mayor Ward that the

City Council approve Item Nos. 1, 2, 8 through 14, 17, and 19 through 24, noting the aforementioned abstentions by Vice Mayor Ward and Council Member Shelton. The motion carried unanimously.

Member Shelton. The motion carried unanimously.

At 8:08 p.m. the Council took a ten minute recess.

# **PUBLIC HEARINGS**

# 27. LANDSCAPE LIGHTING MAINTENANCE DISTRICTS CONSOLIDATION

Recommendation: That the City Council:

- 1. Open the public hearing to hear public comment on the proposed consolidation of Landscape and Lighting Maintenance Districts North Creek (D2), Creekview (D6), and Porter Creek (A3);
- 2. Announce the last call for ballot submission, receive written ballots from affected property owners, and close the public hearing;
- 3. Authorize the City Clerk's Office to commence tabulation of the ballots; and

4. Adopt the resolution approving the Engineer's Report, diagram, and assessment method, pending ballot tabulation results of affirmative approval.

City Manager Lollis introduced the item, then indicated that both he and Parks and Leisure Services Director Moore had a conflict of interest. Both exited the chambers and Public Works Director Rodriguez presented the staff report.

The Public Hearing was opened at 8:28 p.m. Seeing no one, the Mayor closed the Public Hearing at 8:29 p.m. The Mayor announced the last call for ballots. He notified those in attendance that the Deputy City Clerk would be tabulating the ballots in the Hamamatsu Conference Room should anyone wish to observe and would return to report the tabulation results.

City Attorney Lew added that in the meantime, Council could continue the meeting and return to the item for action pending the tabulation results.

City Manager Lollis and Parks and Leisure Services Director Moore returned to the Council chambers.

# **SCHEDULED MATTERS**

28. BID RESULTS FOR TRANSIT FIBER OPTIC CONDUIT INSTALLATION PROJECT

Recommendation:

That the City Council direct staff to:

- 1. Reject all bids and authorize the City Engineer to re-advertise the project for new bids per policy; or
- 2.A. Award Option 2 of the Transit Fiber Optic Conduit Installation Project to Bill Nelson General Engineering Construction, Inc. in the amount of \$102,605.50;
  - B. Authorize a 10% contingency to cover unforeseen construction costs;
  - C. Authorize 5% for construction management, quality control and inspection; and
  - D. Direct the Finance Director to re-appropriate \$30,000 of Transit Division Proposition 1B funds to this project.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Rodriguez. Prior to the staff report, Council Member Shelton recused himself due to a conflict of interest and exited the chambers.

A discussion following during which Staff addressed question regarding: a trend of increased bids, the risk to funding, and the efforts of Transit Manager Tree relative to acquisition of grant funding.

## COUNCIL ACTION:

MOVED by Vice Mayor Ward, SECONDED by Council Member McCracken that the City Council award Option 2 of the Transit Fiber Optic Conduit Installation Project to Bill Nelson General Engineering Construction, Inc. in the amount of \$102,605.50; authorize a 10% contingency to cover unforeseen construction costs; authorize 5% for construction management, quality control and inspection; and direct the

Finance Director to re-appropriate \$30,000 of Transit Division Proposition 1B funds to this project.

AYES: McCracken, Gurrola, Ward, Hamilton

NOES: None ABSTAIN: Shelton ABSENT: None

Documentation: M.O. 18-041514

Disposition: Approved.

Council Member Shelton returned to the dais.

# 29. CHASE AVENUE PARK NAME SELECTION

Recommendation: That the City Council select a name for the new park on Chase Avenue

City Manager Lollis introduced the item, and the staff report was presented by Parks and Leisure Services Director Moore.

Council Member McCracken spoke in support of a name representing the park's geographical location, such as "Tule River Park" or "Chase Park"; while Council Member Shelton spoke in favor of the proposed "Fallen Heroes Park."

Vice Mayor Ward spoke of the patriotism in the community and voiced support of a name reflective of the patriotic theme. Both Council Member Gurrola and Mayor Hamilton spoke of the youth in attendance who voiced their support for "A.J. Pardo Park," thanked them for their participation, and spoke in favor of the inclusive "Fall Heroes Park."

Following Council Member Shelton's motion to select "Fallen Heroes Park" as the name, which was seconded by Council Member Gurrola, she requested an amendment to add the placement of a plaque in honor of A.J. Pardo and Brett Land. The Council discussed the various ways individuals could be honored within the park, such as placement of plaques or naming of park features. Council Member Gurrola withdrew her amendment.

<u>COUNCIL ACTION</u>: MOVED by Council Member Shelton, SECONDED by Council Member

Gurrola that the City Council approve the name "Fallen Heroes Park" for the

new park on Chase Avenue. The motion carried unanimously.

Documentation: M.O. 19-041514

Disposition: Approved.

30. APPOINTMENT TO TRANSACTION AND USE TAX (MEASURE H) OVERSIGHT COMMITTEE

Recommendation: That the City Council appoint one individual to the Transaction and Use Tax

(Measure H) Oversight Committee to fill the vacancy with a term to expire in

May 2016.

City Manager Lollis introduced the item and presented the staff report. The Council discussed the two candidates, and spoke favorably of both.

MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton COUNCIL ACTION:

that the City Council appoint Mr. Jim Grayson to the Transactions and Use Tax (Measure H) Oversight Committee to fill the vacancy with a term to

expire in May of 2016. The motion carried unanimously.

Documentation: M.O. 20-041514

Disposition: Approved.

The Deputy City Clerk returned to the meeting to report the ballot results for Item No. 27.

### 27. LANDSCAPE LIGHTING MAINTENANCE DISTRICTS CONSOLIDATION

Deputy City Clerk Luisa Zavala reported that of the 79 valid ballots received, 61 were in favor and 18 were in opposition, and announced that the consolidation passed 77% to 23%.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Ward

> that the City Council adopt the resolution approving the Engineer's Report, diagram, and assessment method. The motion carried

unanimously.

Resolution No. 21-2014 Documentation:

Disposition: Approved.

> ONE YEAR EXCEPTION TO THE LICENSE AND DEVELOPMENT AGREEMENT 31. FOR THE PORTERVILLE JUNIOR LIVESTOCK FAIR

Recommendation: That the City Council consider the Fair Board's request, and if agreeable:

- Authorize the Police Chief to work directly with the Fair for a one-1 year exception to the provisions of the Agreement for the sale and consumption during the Fair; and
- Request staff to bring forth an Addendum to the License and 2. Development Agreement to include sale of alcohol during events and related to the annual fair and potentially modify alcohol sales and consumption areas beyond the Adult Refreshment Area during the fair and other events.

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

Council Member Shelton expressed concern regarding the open consumption of alcohol at a family event, but stated that he appreciated the Fair Board looking for ways to generate additional revenue.

The Council took a ten minute recess at 9:06 p.m.

Vice Mayor Ward expressed his reservations, and spoke in support of containing the consumption of alcohol to limited areas. Council Member McCracken indicated that he too had reservations, but was inclined to grant the request for a one-year pilot program and authorize reexamination of the License Agreement.

Police Chief McMillan addressed questions regarding public safety and alcohol consumption at other fairs; and spoke of the Police Department's presence at the fair each year.

# COUNCIL ACTION:

MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council authorize the Police Chief to work directly with the Fair for a one-year exception to the provisions of the Agreement for the sale and consumption during the Fair, as amended to grant Police Chief the authority to re-implement the beer garden if necessary; and direct staff to bring forth an Addendum to the License and Development Agreement to include sale of alcohol during events and related to the annual fair and potentially modify alcohol sales and consumption areas beyond the Adult Refreshment Area during the fair and other events.

AYES: McCracken, Gurrola, Hamilton

NOES: Ward, Shelton

ABSTAIN: None ABSENT: None

Documentation: M.O. 21-041514

Disposition: Approved.

# **CONSENT CALENDAR (Items Removed for Further Discussion)**

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

Recommendation: That the City Council authorize staff to distribute a Request for

Qualifications for On-Call Consulting Services for right-of-way and

surveying services.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton, who had pulled the item, requested clarification regarding outsourcing.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member

Gurrola that the City Council authorize staff to distribute a Request for Qualifications for On-Call Consulting Services for right-of-way and

surveying services. The motion carried unanimously.

Documentation: M.O. 22-041514

Disposition: Approved.

### 5. AWARD LANDSCAPE MAINTENANCE DISTRICT CONTRACT

Recommendation: That the City Council:

- 1. Authorize the award of contract to Clean Cut Landscape with the same terms as the original contract with Perfect Care for LMD Groups 31 7 #4; and
- 2. Approve the cancellation of the contract with Perfect Care Landscape Maintenance effective March 31, 2014.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton questioned staff regarding the bid amount.

# COUNCIL ACTION:

MOVED by Council Member Shelton, SECONDED by Council Member Gurrola that the City Council authorize the award of contract to Clean Cut Landscape with the same terms as the original contract with Perfect Care for LMD Groups 31 7 #4; and approve the cancellation of the contract with Perfect Care Landscape Maintenance effective March 31, 2014. The motion carried unanimously.

Documentation: M.O. 23-041514

Disposition: Approved.

> 6. ACCEPTANCE OF PROJECT – W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT (PROSPECT STREET TO STATE ROUTE 65)

Recommendation: That the City Council:

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

City Manager Lollis introduced the item and the staff report was waived at the Council's request. Council Member Shelton inquired about a ribbon cutting or press release to notify the public.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member

Gurrola that the City Council accept the project as complete; authorize the filing of the Notice of Completion; and the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been

filed. The motion carried unanimously.

Documentation: M.O. 23-041514

Disposition: Approved.

> 7. PIONEER WATER COMPANY REQUEST FOR EASEMENT

Recommendation: That the City Council:

- 1. Grant the easements requested by PWC for the project to install pipeline, power and pumping facilities into the Muller Field Reservoir; and
- 2. Authorize the Public Works Director to prepare the necessary documents and record the easements.

City Manager introduced the item, and the staff report was waived at the Council's request. Council Member Shelton recused himself due to a conflict of interest relative to property ownership. Council Member Gurrola, who pulled the item, requested clarification from staff regarding the project's effect on the City's recharge.

# **COUNCIL ACTION**:

MOVED by Council Member Gurrola, SECONDED by Council Member McCracken that the City Council grant the easements requested by PWC for the project to install pipeline, power and pumping facilities into the Muller Field Reservoir; and authorize the Public Works Director to prepare the necessary documents and record the easements.

AYES: McCracken, Gurrola, Ward, Hamilton

NOES: None ABSTAIN: Shelton ABSENT: None

Documentation: M.O. 25-041514

Disposition: Approved.

15. APPROVAL FOR COMMUNITY CIVIC EVENT – BOYS AND GIRLS CLUB OF PORTERVILLE AND NICOS CONCESSIONS – NINE HOLE FRISBEE GOLF TOURNAMENT – MAY 31, 2014

Recommendation:

That the City Council approve the Community Civic Event Application and Agreement from Boys and Girls Club of Porterville and Nico's Concessions, subject to the Restrictions and Requirements contained in Application, Agreement, and Exhibit A.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Mr. Sanchez, event organizer, addressed questions from the Council and confirmed that the funds generated from the event would go to the Porterville Boys & Girls Club.

# COUNCIL ACTION:

MOVED by Council Member McCracken, SECONDED by Vice Mayor Ward that the City Council approve the Community Civic Event Application and Agreement from Boys and Girls Club of Porterville and Nico's Concessions, subject to the Restrictions and Requirements contained in Application, Agreement, and Exhibit A. The motion carried unanimously.

Documentation: M.O. 26-041514

Disposition: Approved.

16. APPROVAL FOR COMMUNITY CIVIC EVENT – GREATER PORTERVILLE SENIOR COUNCIL AND ROLLIN' RELICS CAR CLUB – ROLLIN' RELICS CAR SHOW – MAY 3, 2014

Recommendation: That the City Council approve the Community Civic Event Application and

Agreement submitted by the Greater Porterville Senior Council and the Rollin' Relics Car Club, subject to the stated requirements contained in the

Application, Agreement and Exhibit A and Exhibit B.

City Manager Lollis introduced the item and the staff report was waived at the Council's request. Vice Mayor Ward recused himself due to a conflict of interest pertaining to property ownership and exited the chambers

Council Member Shelton, who pulled the item, thanked Finance Director Maria Bemis and her staff for their efforts to address an issue with the 501(c)(3).

<u>COUNCIL ACTION</u>: MOVED by Council Member Shelton, SECONDED by Council Member

McCracken that the City Council approve the Community Civic Event Application and Agreement submitted by the Greater Porterville Senior Council and the Rollin' Relics Car Club, subject to the stated requirements contained in the Application, Agreement and Exhibit A and

Exhibit B.

AYES: McCracken, Shelton, Gurrola, Hamilton

NOES: None ABSTAIN: Ward ABSENT: None

Documentation: M.O. 27-041514

Disposition: Approved.

18. TRAVEL TO WASHINGTON D.C. FOR TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG) "ONE VOICE TRIP"; APRIL 28 – MAY 1, 2014

Recommendation: That the City Council authorize the travel of Mayor Hamilton, Council

Member Gurrola and the City Manager to Washington D.C. as part of TCAG "One Voice Trip", and authorize the expenditure of City monies in support of

the trip.

City Manager Lollis introduced the item and the staff report was waived at the Council's request. Council Member Shelton, who pulled the item, spoke in opposition to Council Member Gurrola's proposed travel.

Mayor Hamilton clarified that Council Member Gurrola was the Council's representative on TCAG and he was the alternate; and added that TCAG was paying for their hotel and airfare. Vice Mayor Ward spoke in support of City representation in Washington D.C. and lobbying for funding for bridge projects.

<u>COUNCIL ACTION</u>: MOVED by Council Member McCracken, SECONDED by Vice Mayor

Ward that the City Council authorize the travel of Mayor Hamilton, Council Member Gurrola and the City Manager to Washington D.C. as part of TCAG "One Voice Trip", and authorize the expenditure of City

monies in support of the trip.

AYES: McCracken, Gurrola, Ward, Hamilton

NOES: Shelton ABSTAIN: None ABSENT: None

Documentation: M.O. 28-041514

Disposition: Approved.

25. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER THE COUNTY OF TULARE ELECTIONS OFFICE SELECTION CRITERIA FOR BALLOT MEASURE ARGUMENTS

Recommendation: Council Member Shelton makes the motion that the City Council authorize a

Scheduled Matter on the next Council Agenda to consider the County of Tulare Elections Office selection criteria for ballot measure arguments.

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

Council Member McCracken, who pulled the item, made a motion to deny the request.

Council Member Shelton indicated that the County Election's Office had not followed Elections Code in the selection of ballot measure arguments, and suggested the Council adopt its own procedures. City Attorney Lew advised that adoption of election procedures would have to be done by Charter amendment.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council

Member Gurrola that the City Council deny the request to schedule on the next Agenda the consideration of Tulare Elections Office selection criteria

for ballot measure arguments.

AYES: McCracken, Gurrola, Ward, Hamilton

NOES: Shelton ABSTAIN: None ABSENT: None

Documentation: M.O. 29-041514

Disposition: Request denied.

26. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER FUNDING ALTERNATIVES TO MAINTAIN THE BOYS & GIRLS CLUB IN PORTERVILLE

Recommendation: Council Member Shelton makes the motion that the City Council authorize a

Scheduled Matter on the next Council Agenda to consider funding

alternatives to maintain the Boys & Girls Club in Porterville.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member McCracken made a motion to postpone until the Boys & Girls Club Board makes a determination regarding the Morton facility.

Council Member Shelton spoke in favor of putting it on the agenda to allow Council the opportunity to act. Mayor Hamilton and Council Member Gurrola spoke in support of postponing the item and looking into the circumstances that led up to the facility's closing.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor

Hamilton that the City Council postpone the item to the next meeting pending information received from the Boys & Girls Club Board. The

motion carried unanimously.

Documentation: M.O. 30-041514

Disposition: Approved.

# **ORAL COMMUNICATIONS**

• Brock Neeley, spoke regarding Item No. 18, specifically the benefit of having local representation in Washington.

# **OTHER MATTERS**

• Council Member Gurrola, spoke of success of this year's CCYS (Youth Summit); and proposed that the Council review the City's ordinance regarding yard sales.

<u>COUNCIL ACTION</u>: On a MOTION made by Council Member Gurrola, and SECONDED by

Vice Mayor Ward the Council unanimously approved Council consideration

of the yard sale ordinance at its next meeting.

Documentation: M.O. 31-041514

Disposition: Approved.

- Council Member Shelton spoke of recent anti-bullying event and the number of community events.
- Vice Mayor Ward, spoke of myPorterville app; suggested that an additional contact group be added to Constant Contact to notify the public of Public Works projects; and wished everyone a Happy Easter.
- Mayor Hamilton reported his attendance at the anti-bullying event and the Youth Summit; lauded the Youth Summit for its speaker and breakout sessions.
- City Manager Lollis, spoke of the upcoming Iris Festival of April 26<sup>th</sup>; and announced that Community Development Director Dunlap was attending his final meeting as a City of Porterville employee. He thanked Mr. Dunlap for his work over the years and wished him well.
- Mayor Hamilton and Council Member Gurrola thanked Mr. Dunlap for his years of service and expertise.

<u>ADJOURNMENT</u>								
The City Council adjourned at 10:32 p.m. to the meeting of April 22, 2014.								
	Luisa M. Zavala, Deputy City Clerk							
SEAL	Luisa W. Zavaia, Deputy City Clerk							
SEAL								
Cameron J. Hamilton, Mayor								

COUNCIL AGENDA: May 6, 2014

SUBJECT:

REQUEST TO PURCHASE 30 POLICE DEPARTMENT PORTABLE

**RADIOS** 

SOURCE:

Police Department

COMMENT

The Porterville Police Department currently owns approximately 80 portable (handheld) radios which are utilized by personnel while working in the field. The current radios, which were manufactured by the Kenwood Corporation, are over 10 years old and are starting to fail. To compound the increased failure rate, the radios are no longer manufactured and nonfunctioning radios have to be cannibalized to provide parts for those that are repairable.

In order to find a suitable replacement for the aging portable radios, staff has conducted much research and field tested several different models, all of which were manufactured by the Motorola Corporation. The testing was limited to Motorola products due to binary restrictions associated with encryption functions.

Staff narrowed the search to one model identified as a Motorola APX6000 UHF portable radio. Staff also determined the radios could be purchased by "piggy backing" on the current County of San Diego contract, which is the lowest price available in the State of California at this time. J's Communications provided a quote for this model under the County of San Diego contract as follows:

Motorola APX6000 UHF Radio \$2,556.53 per unit

However, the Motorola Corporation has a promotion running through May 31, 2014, which offers \$500 per unit savings for certain models of radios, if the radios are ordered before the expiration date of the promotion. It was determined the radios could be ordered before the deadline of May 31, 2014, and the delivery date, which is established by the purchaser, can be set for a date after July 1, 2014. The associated invoice will follow approximately 30 days after delivery of the radios, so the actual expenditure can be made from the proposed FY 14/15 budget.

A modified quotation was received from J's Communications for the purchase of 30 radios taking into account the \$500 per unit savings and a slightly less expensive microphone. The final quotation received was as follows: Motorola APX6000 UHF \$1,873.46 per unit

Total for 30 units

\$56,203,80

<u>Tax \$ 4,777.32</u>

Total \$60.981.12

Appropriated/Funded /

СМ

Item No.

It is anticipated that funding will be available in the proposed FY 14/15 budget for the purchase of 30 radios if we take advantage of the aforementioned promotional price. Eleven of the radios will be utilized to equip officers funded through Measure H and will be funded accordingly. Funding for the remaining 19 radios is currently available in an associated equipment replacement account and a local asset forfeiture account.

RECOMMENDATION: That the City Council authorize the purchase of 30 portable

radios by the Porterville Police Department.

Attachments: 1) J's Communications Quote #QU0000267666 for 1 radio before discount

2) Motorola Promotional Offer

3) J's Communications Quote # QU0000274068 for 30 radios after discount



Quote Number: Effective:

Effective To:

QU0000267666 12 MAR 2014 11 MAY 2014

Bill-To:

PORTERVILLE, CITY OF 350 NORTH D ST

PORTERVILLE, CA 93257

United States

Ultimate Destination:

PORTERVILLE, CITY OF

350 NORTH D ST

PORTERVILLE, CA 93257

United States

Attention: Name:

Richard Standridge

Email: rstandridge@ci.porterville.ca.us

Phone: 559-784-7576

Sales Contact:

Name: Randy Emerzian

Email: randye@j-scommunications.com

Phone: 5594424400

Request For Quote: Contract Number:

APX6000 Hand Held SAN DIEGO (CA) 544679

Freight terms:

FOB Destination

Payment terms:

CREDIT CARD PAY METHOD

ltem	Quantity	Nomenclature	Description	List price	Your price	Extended Price
	1	H98QDD9PW5AN	APX6000 UHF RI MODEL 1.5 PORTABLE	\$1,900.00	\$1,377.50	\$1,377.50
a	1	Q811BP	ENH: LI DIGITAL CONVENTIONAL	\$650.00	\$471.25	\$471.25
b	1	QA01749AB	SW KEY SUPPLEMENTAL DATA	-		
С	1	QA01768AA	ENH: ENHANCED ZONE BANK	\$75.00	\$54.38	\$54.38
d	1	QA01833AH	ADD: EXTREME I-SIDED NOISE REDUCTION	\$25.00	\$18.13	\$18.13
c	1	QA02017AC	ALT: UHFR1 GPS STUBBY ANTENNA (FAF5259A)	\$24.00	\$17.40	\$17.40
f	ı	QA01837AA	ALT: LIION IMPRES IP67 2900MAH (NNTN7038)	\$100.00	\$72.50	\$72.50
g	1	QA01222AB	ADD: BELT CLIP 3.0" (HLN6875)	S12.00	\$8.70	\$8.70
	1	WPLN7080A	IMPRES SUC US/NA/CA/LA	\$125.00	\$90.63	\$90.63
	1 .	PMLN5658A	APX6000 CC 3 FIX BL 2900&2150MAH	\$67.00	\$53.60	\$53.60
	1	PMMN4062A	ASSY,ACCESSORY,MICROPHONE,PLU S RSM *	\$107.00	\$85.60	\$85.60
	1	NNTN7038B	ASSEMBLY,BATTERY,LITHIUM ION,BATT IMP STD IP67 LIION 2900M 3100T BLK	\$140.00	\$112.00	\$112.00

**Estimated Tax Amount** \$194.84

Total Quote in USD \$2,556.53

PO Issued to Motorola Solutions Inc. must:

>Be a valid Purchase Order (PO)/Contract/Notice to Proceed on Company Letterhead. Note: Purchase Requisitions cannot be accepted

>Have a PO Number/Contract Number & Date

>Identify "Motorola Solutions Inc." as the Vendor

>Have Payment Terms or Contract Number >Be issued in the Legal Entity's Name

>Include a Bill-To Address with a Contact Name and Phone Number

>Include a Ship-To Address with a Contact Name and Phone Number

>Include an Ultimate Address (only if different than the Ship-To)

>Be Greater than or Equal to the Value of the Order

>Be in a Non-Editable Format

>Identify Tax Exemption Status (where applicable)



# SAVE UP TO \$850 ON APX RADIOS AND SOFTWARE OPTIONS

Accept no less — APX radios offer your first responders the best two-way audio communications, no matter how critical the situation. Now, take advantage of a special savings offer on APX radios and software.

- Q2 2014 APX PROMO: Save up to \$500 USD/\$550 CAD
  - H635VF compatible with any APX Portable¹ (excludes APX4000Li)
  - W635HC compatible with any APX Mobile<sup>2</sup> (excludes APX4500Li)
- APX ENCRYPTION PROMO: Save up to \$150 USD/\$165 CAD off
  - H635VE requires encryption option (Q629, H797, Q625, or Q15) to be ordered on portable<sup>3</sup>
  - W635HB requires encryption option (G843, W797, G625, or G851) to be ordered on mobile<sup>4</sup>
- APX P25 OTAR/MULTIKEY PROMO: Save up to \$200 USD/\$220 CAD off
  - H635VG requires P25 OTAR/Multikey option (Q498) to be ordered on portable<sup>5</sup>
  - W635HD requires P25 OTAR/Multikey option (G298) to be ordered on mobile<sup>6</sup>
- 1 APX7000XE/7000/6000XE/6000/6000Li/4000/3000
- <sup>2</sup> APX7500/7500 Consolette/6500/6500Li/4500
- 3 APX7000XE/7000/6000XE/6000/6000Li/4000/3000
- 4 APX7500/7500 Consolette/6500/6500Li/4500
- <sup>5</sup> APX7000XE/7000/6000XE/6000/3000
- <sup>6</sup> APX7500/7500 Consolette/6500

# ORDERING INSTRUCTIONS / PROMOTION GUIDELINES:

- Promotion applies to new orders booked to the factory between April 7, 2014 and May 31, 2014
- Order must book with a Yes Early and Yes Partial flag and be shippable by May 31, 2014
- Promotion option(s) must be included at the time of order to be eligible for the promotional discount
- Portable promotion options can be combined, e.g., H635VF+ H635VE+ H635VG = \$850 off per radio when required options are ordered
- Mobile promotion options can be combined, e.g., W635HC + W635HB + W635HD = \$850 off per radio when required options are ordered
- Promotion options can be taken in addition to the contract discounts
- Promotion cannot be combined with any other promotional offer or special pricing
- Promotion does not apply to existing backlog orders and one-liners
- Promotion does not apply to rebanding models or upgrades
- This offer is applicable to State and Local Government and Enterprise customers in the U.S. and Government and Enterprise customers in Canada
- Motorola Solutions, Inc. reserves the right to modify this promotion in whole or in part without prior notice. All decisions made by Motorola Solutions are final.



**Quote Number:** QU0000274068 Effective: 29 APR 2014

Effective To:

Sales Contact:

Phone: 5594424400

Name:

28 JUN 2014

Randy Emerzian

randye@j-scommunications.com

Bill-To: PORTERVILLE, CITY OF 350 NORTH D ST PORTERVILLE, CA 93257 **Ultimate Destination:** PORTERVILLE, CITY OF 350 NORTH D ST PORTERVILLE, CA 93257

United States

Attention:

United States

Name: Richard Standridge

Email: rstandridge@ci.porterville.ca.us

Phone: 559-782-7576

Request For Quote:

APX6000 1.5

Contract Number: **SAN DIEGO (CA) 544679** 

Freight terms: FOB Destination Payment terms: Net 30 Due

Item	Quantity	Nomenclature	Description	List price	Your price	Extended Price
1	30	H98QDD9PW5AN	APX6000 UHF R1 MODEL 1.5 PORTABLE	\$1,900.00	\$1,377.50	\$41,325.00
la	30	QA01749AB	SW KEY SUPPLEMENTAL DATA	-	•	-
1b	30	QA01833AH	ADD: EXTREME 1-SIDED NOISE REDUCTION	\$25.00	\$18.13	\$543.90
1¢	30	QA01837AA	ALT: LIION IMPRES IP67 2900MAH (NNTN7038)	\$100.00	\$72.50	\$2,175.00
ld	30	QA01222AB	ADD: BELT CLIP 3.0" (HLN6875)	\$12.00	\$8,70	\$261.00
le	30	Q811BP	ENH: LI DIGITAL CONVENTIONAL	\$650,00	\$471.25	\$14,137.50
lf	30	QA01768AA	ENH: ENHANCED ZONE BANK	\$75.00	\$54.38	\$1,631,40
Ig	30	QA02017AC	ALT: UHFRI GPS STUBBY ANTENNA (FAF5259A)	\$24,00	\$17.40	\$522.00
Ih	30	H635VF	ADD: 2014 APX PROMO	\$-500,00	\$-500.00	\$-15,000.00
2	30	WPLN7080A	1MPRES SUC US/NA/CA/LA	\$125.00	\$100.00	\$3,000.00
3	30	PMLN5658A	APX6000 CC 3 FIX BL 2900&2150MAH	\$67.00	\$53.60	\$1,608,00
4	30	PMMN4069A	IMPRES RSM, 3.5MM JACK, 1P55	\$110.00	\$88,00	\$2,640.00
5	30	NNTN7038B	ASSEMBLY,BATTERY,LITHIUM ION,BATT IMP STD IP67 LIION 2900M 3100T BLK	\$140.00	\$112.00	\$3,360,00

**Estimated Tax Amount** \$4,777.32

Total Quote in USD \$60,981.12

PO Issued to Motorola Solutions Inc. must:

>Be a valid Purchase Order (PO)/Contract/Notice to Proceed on Company Letterhead. Note: Purchase Requisitions cannot be accepted

<sup>&</sup>gt;Have a PO Number/Contract Number & Date

<sup>&</sup>gt;Identify "Motorola Solutions Inc." as the Vendor

<sup>&</sup>gt;Have Payment Terms or Contract Number

<sup>&</sup>gt;Be issued in the Legal Entity's Name >Include a Bill-To Address with a Contact Name and Phone Number

<sup>&</sup>gt;Include a Ship-To Address with a Contact Name and Phone Number

<sup>&</sup>gt;Include an Ultimate Address (only if different than the Ship-To)

<sup>&</sup>gt;Be Greater than or Equal to the Value of the Order

<sup>&</sup>gt;Be in a Non-Editable Format

COUNCIL AGENDA: MAY 6, 2014

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - ANIMAL SHELTER

**FACILITY** 

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and project manual have been prepared by Teter & Associates of Fresno for the Animal Shelter Facility. The facility will be located on the

north side of W. Grand Avenue across from the City's Wastewater Treatment Plant. The Animal Shelter Facility has a 3,760 SF office/administration component to receive the public and perform the day to day duties of the animal shelter and a 5,380 SF dual wing that houses 40 kennels. The plans and specifications are available in the La Barca

Conference Room for Council's review.

The project is a non-prevailing wage project and the Consultant's Estimate of Probable Cost is \$1.23 million. The Police Department has offered and is willing to install the landscaping per plans and specifications. This effort should reduce the cost of the project. Staff respectfully asks that the City Council authorize the Public Works Director to negotiate a Construction Support Services contract with Teter & Associates to respond to the successful contractor's "request for information." As the project designers, Teter & Associates are uniquely qualified to perform this task. The negotiated contract will have a "not to exceed" \$30,000 clause unless prior City approval is obtained.

Property Taxes Administration Fees (PTAF) and Building Construction funds are the funding source for this project and was approved in the 2013/2014 Annual Budget.

RECOMMENDATION: That City Council:

 Approve Staff's recommended Plans and Project Manual:

2. Authorize staff to advertise for bids on the project; and

3. Authorize the Public Works Director to negotiate a "Not to Exceed" \$30,000 "Construction Support Services" contract with Teter & Associates with a 10% contingency.

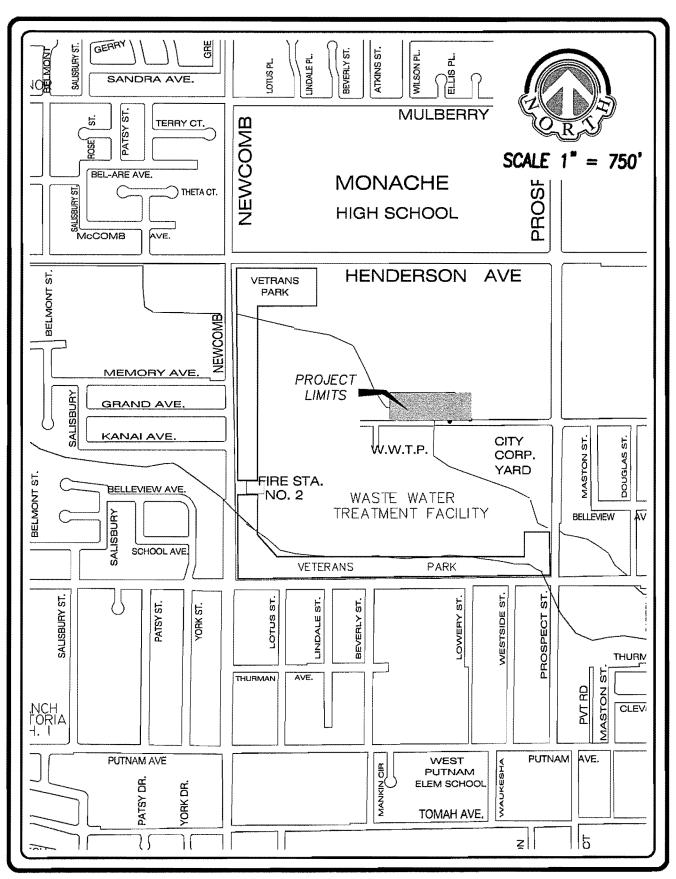
ATTACHMENTS: Locator Map

Engineer's Estimate

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Item No. 3



PROJECT LOCATION MAP

Porterville Animal Shelter	LS	UNIT	Subtotal
TaylorTeter Partnership	1	\$100,000.00	\$100,000.00
Design Effort - Not A Part of Construction			\$100,000.00
Phase 1	SF	\$/SF	Subtotal
Offsite (utilities and cul-de-sac)	19,000	\$5.00	\$95,000.00
Onsite (landscaping, irrigation, fencing, parking)	40,000	\$4,50	\$180,000.00
Building (office)	3,760	\$125.00	\$470,000.00
Building (kennels)	5,380	\$60.00	\$322,800.00
			\$1,067,800.00
Design & Construction Contingency	1971	15%	\$160,170

Total Co				

Baldomero Rodriguez

Public Works Director

3/15/2014

\$1,227,970

Date

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - 2013/2014 FISCAL YEAR

MICRO-SURFACING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the 2013/2014 Fiscal Year Micro-Surfacing Project. The project is part of the City's Measure 'R' street maintenance program, which consists of a durable thin asphalt overlay on several streets within the City. An important project component is the removal and replacement of severely distressed asphalt concrete. New pavement markings will be placed once each street receives the thin asphalt overlay. Streets and project limits are as follows:

- Date Avenue Main Street to Orange Avenue
- Henderson Avenue Main Street to Jave Street
- Indiana Street Olive Avenue to Putnam Avenue
- Jaye Street SR 190 to Springville Avenue
- Main Street SR 190 to Yates Avenue

Staff continues to actively update our Pavement Management System, which will allow for a more systematic approach to maintaining our arterial and collector streets. Each arterial and collector street within the City's jurisdiction is given a "Pavement Condition Index" (PCI) between 0 and 100; 0 being the worst and 100 being the best. The pavement industry has established the following general pavement treatment guide as it relates to the PCI:

Pavement Treatment for Urban Major Roads	PCI Range
Do Nothing	90-100
Preventive Maintenance (e.g. slurry, chip seal, cape seal)	70-89
Thin Overlays (e.g. less than or equal to 2 inches)	50-69
Thick Overlays (e.g. more than 2 inches)	25-49
Reconstruction (e.g. remove and replace)	0-24

This year's street maintenance program has been evaluated by staff and the PCI for each street is a follows:

Street	Limits	PCI
Date Avenue	Main Street to Orange Avenue	70
Henderson Avenue	Main Street to Jaye Street	87
Indiana Street	Olive Avenue to Putnam Avenue	89
Jaye Street	SR 190 to Springville Avenue	86
Main Street	SR 190 to Yates Avenue	83

Dir 367 Appropriated/Funded 189 CM

Item No. 4

The Engineering Division is targeting arterial and collector streets that have a PCI near or above 70 for micro-surfacing projects. Unfortunately, this is difficult to do with so many of our arterial and collectors having numerous severely distressed pavement areas. The complete list of City arterials and collectors with their respective PCI's is attached for Council's reference.

To pursue the cost effectiveness of micro-surfacing, the Engineering Division has identified the severely distressed areas for removal and replacement. Indiana Street and Date Avenue is one example of removing and replacing severely distressed areas prior to the placement of the micro-surfacing. This remedial action pulls the PCI up to or above the target of 70.

The Engineer's Estimate for the noted street projects is \$472,108.25. An additional \$33,047.58 is necessary for construction contingency (7%) and \$18,884.33 is required for construction management, quality control and inspection (4%). The total estimated cost associated with the project is \$524,040.16.

City Staff will provide construction management/inspection services and the City's on-call consulting firm, Consolidated Testing, with assistance from APART Inc., will provide quality control services (asphalt concrete aggregate sieve analysis, chip rock sieve analysis, sand equivalent testing, oil content confirmation, field confirmation of micro-surfacing mix design, etc.).

Measure 'R' is the funding source for this annual project and was approved in the 2013/2014 Annual Budget.

RECOMMENDATION: That City Council:

- Approve Staff's recommended Plans and Project Manual; and
- 2. Authorize staff to advertise for bids on the project.

ATTACHMENTS: Locator Map (Date, Henderson, Indiana, Jaye, Main)

City Arterial and Collector Map

Engineer's Estimate

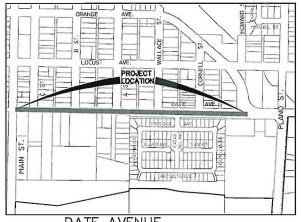
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# 2013-2014 MICRO-SURFACING PROJECT

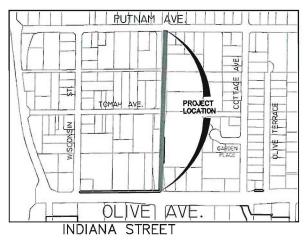


# CITY PROJECT NO. 89-9167

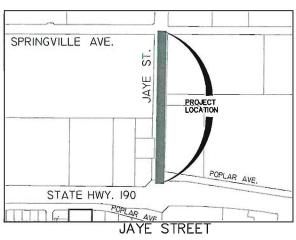
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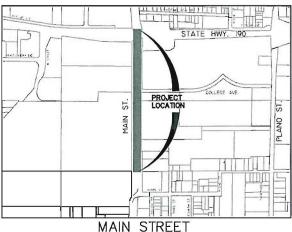


DATE AVENUE



SECUOIA CIR. PROJECT HENDERSON AVE RUMO RANCHO AVE HENDERSON AVENUE





CITY OF PORTERVILLE

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

2013 -2014 MICRO SURFACING PROJECT LOCATOR MAP

DRAWN BY	VS
CHECKED BY	MKR
SCALE	N.T.S.
DATE	5/06/2014

1	SHEET
l	1
	OF
	1

# **PCI Weighted Average - Current Conditions (June 2010)** (PCI = 63)**Arterial & Collector** Distress Type **Specific Segment Improvements** Distress PCI Quantity REID AVENUE MULBERRY AVENUE Distress Seventy HENDERSON AVENUE OLIVE AVENUE OLIVE AVENUE 田田 ROBY AVENUE ORANGE AVENUE DATE AVENUE SUCCESS DRIVE SPRINGVILLE AVENUE WORTH AVENUE WORTH AVENUE GIBBONS AVENUE SCRANTON AVENUE SCRANTON AVENUE Limits PCI Street WEST STREET Main Street to Orange Avenue 70 Date Avenue Main Street to Jaye Street 87 2 Henderson Avenue Olive Avenue to Putnam Avenue 89 3 Indiana Street SR 190 to Springville Avenue

4

TEA POT DOME AVENUE

Jaye Street

Main Street



BRANCH	PCI
NETWORK	62.97
REID	22.07
LIME	29.01
N. GRAND	32.78
HILLCREST	35.24
SCRANTON	44.36
WORTH	44.64
VILLA	48.24
TEAPOT DOM	49.12
PORTER RD	49.98
MORTON	55.99
WHITE CHAP	56.88
MAIN	58.09
NEWCOMB	58.51
POPLAR	59.77
WESTFIELD	62.54
LEGGETT	64.25
SPRINGVILL	65.71
DATE	70.22
WESTWOOD	70.44
ORANGE	72.03
INDIANA	72.49
MATHEW	72.89
PLANO	73.78
GIBBONS	75.32
PROSPECT	75.43
HENDERSON	75.92
JAYE	77.37
OLIVE	84.06
WEST	65

86

83

SR 190 to Yates Avenue

CITY OF PORTERVILLE - ENGINEERING DIVISION

PROJECT: 2013/2014 MICRO-SURFACING PROJECT

DATE: 4/29/2014

# PART A – DATE AVENUE (Main Street to Orange Avenue)

	Military Differential (main offoot to offatigo /troffat)							
ITEM NO.	EM NO. ESTIMATED UNIT O		DESCRIPTION I		UNIT PRICE (in		AMOUNT	
	QUANTITY	MEASURE	<u></u>		figures)		(in figures)	
1	1	L.S.	Mobilization and Demobilization	\$	15,000.00	\$	15,000.00	
2	1	L.S.	Traffic Control	\$	10,000.00	\$	10,000. <u>00</u>	
3	1	L.S.	Crack Filling per the guidelines set forth in the project specifications	\$	7,000.00	\$	7,000.00	
4	12,328	S.F.	Grind & Replace 4" Asphalt Concrete with ½" PG 64-10 Asphalt Concrete including Tack Coat & Final Sweeping Deliver Grindings to City Stockpile.	\$	4.00	\$	49,312.00	
5	10,705	S.Y.	Type II- III Micro-Surfacing, including site preparations per the guidelines set forth in the project specifications	\$	3.25	\$	34,791.25	
6	1	L.S.	Removal and Replacement of Striping & Pavement Markings, inclusive of temporary pavement delineation	\$	7,000.00	\$	7,000.00	
			TOTAL PART "A" (Figure	s)		\$	123,103.25	

# PART B – HENDERSON AVENUE (Main Street to Jaye Street)

· / ii i · · · · · · · · · · · · · · · ·								
ITEM NO.	ESTIMATED	UNIT of	DESCRIPTION	UNIT PRICE (in		AMOUNT		
QUANTITY		MEASURE	DECOM HON		figures)		(in figures)	
7	1	L.S.	Mobilization and Demobilization	\$	15,000.00	\$	15,000.00	
8	1	L.S.	Traffic Control	\$	10,000.00	\$	10,000.00	
9	1	L.S.	Crack Filling per the guidelines set	\$	5,000.00	\$	5,000.00	
9	'		forth in the project specifications	Ψ				
			Type II- III Micro-Surfacing, including					
10	9,731	S.Y.	site preparations per the guidelines set	\$	4.00	\$	38,924.00	
			forth in the project specifications					
			Removal and Replacement of Striping					
11	1	1 L.S.	& Pavement Markings, inclusive of	\$	7,000.00	\$	7,000.00	
			temporary pavement delineation					
	•							
			TOTAL PART "B" BID (Figu	ıres	)	\$	75,924.00	

# PART C – INDIANA STREET (Olive Avenue to Putnam Avenue)

TART O INDIVIDUAL (ON O A TOTAL O TOTAL O TOTAL O							
ITEM NO.	ESTIMATED QUANTITY	UNIT of MEASURE	DESCRIPTION	UNIT PRICE (in figures)		AMOUNT (in figures)	
12	1	L.S.	Mobilization and Demobilization	\$	15,000.00	\$	15,000.00
13	1	L.S.	Traffic Control	\$	10,000.00	\$	10,000.00
14	1	L.S.	Crack Filling per the guidelines set forth in the project specifications	\$	5,000.00	\$	5,000.00
15	2,940	S.F.	Grind Full Pavement Depth (4") and Replace with ½" PG 64-10 Asphalt Concrete including Tack Coat & Final Sweeping – Deliver Grindings to City Stockpile	\$	4.00	\$	11,760.00
16	8,313	S.Y.	Type II- III Micro-Surfacing (top course) including site preparations per the guidelines set forth in the project specifications.	\$	3.25	\$	27,017.25
17	8	EA	Replace Traffic Loop Detector per 2010 Caltrans Standard Plan ES-5B Type E	\$	500.00	\$	4,000.00
18	1	L.S.	Removal and Replacement of Striping & Pavement Markings, inclusive of temporary pavement delineation	\$	7,000.00	\$	7,000.00
			PART "C" BID (Figures)			\$	79,777.25

# PART D – JAYE STREET (SR 190 to Springville Avenue)

ITEM NO.	ESTIMATED QUANTITY	UNIT of MEASURE	DESCRIPTION	U١	IIT PRICE (in figures)	AMOUNT (in figures)
19	1	L.S.	Mobilization and Demobilization	\$	20,000.00	\$ 20,000.00
20	1	L.S.	Traffic Control	\$	15,000.00	\$ 15,000.00
21	1	L.S.	Crack Filling per the guidelines set forth in the project specifications	\$	5,000.00	\$ 5,000.00
22	11,490	S.Y.	Type II- III Micro-Surfacing (top course) including site preparations per the guidelines set forth in the project specifications.	\$	3.25	\$ 37,342.50
23	1	L.S.	Removal and Replacement of Striping & Pavement Markings, inclusive of temporary pavement delineation	\$	15,000.00	\$ 15,000.00
			TOTAL PART "D" BID (Figu	res	)	\$ 92,342.50

PART E – MAIN STREET (SR 190 to Yates Avenue)

ITEM NO.	ESTIMATED QUANTITY	UNIT of MEASURE	DESCRIPTION	UNIT PRICE (in figures)		AMOUNT (in figures)		
32	1	L.S.	Mobilization and Demobilization	\$	15,000.00	\$	15,000.00	
33	1	L.S.	Traffic Control	\$	10,000.00	\$	10,000.00	
34	1	L.S.	Crack Filling per the guidelines set forth in the project specifications	\$	7,000.00	\$	7,000.00	
35	19,065	S.Y.	Type II-III Micro-Surfacing, including site preparations per the guidelines set forth in the project specifications	\$	3.25	\$	61,961.25	
36	1	L.S.	Removal and Replacement of Striping & Pavement Markings, inclusive of temporary pavement delineation	\$	7,000.00	\$	7,000.00	
			TOTAL PART "E" BID (Figu	res	)	\$	100,961.25	

TOTAL CONSTRUCTION COST	\$ 472,108.25
CONSTRUCTION CONTINGENCY (7%)	\$ 33,047.58
CONSTRUCTION MANAGEMENT & QUALITY CONTROL (4%)	\$ 18,884.33
TOTAL ESTIMATED PROBABLE COST OF PROJECT	\$ 524,040.16

SUBJECT: AUTHORIZATION TO NEGOTIATE A CONTRACT WITH CAROLLO

ENGINEERS - DESIGN OF WASHER/GRINDER/COMPACTOR

SOURCE: Public Works Department - Engineering Division

COMMENT: In 2007, Carollo Engineers prepared plans and specifications to incorporate a washer/grinder/compactor (Muffin Monster) at the

Wastewater Treatment Facility head-works.

Two separate bar screen conveyors remove rubbish, such as rags, towels, plastic bottles, dirt clods, wood, clothing, metal objects and other objectionable material from the waste stream. The bar screen conveyors dump the rubbish into two hoppers connected by a corkscrew that dumps the rubbish to the Muffin Monster. The corkscrew conveyor connecting the two bar screens to the single Muffin Monster has been repaired a couple of times and continues to be a problem. When the corkscrew conveyor fails, none of the rubbish reaches the Muffin Monster.

The solution is to dedicate a new Muffin Monster or similar piece of equipment to each of the bar screen conveyors. The design effort performed by Carollo Engineers in 2007 required a substantial amount of effort to field measure the different pieces of stationary equipment and determine how the new pieces of equipment would "marry" with existing equipment. Staff believes that Carollo Engineers are uniquely qualified to prepare plans and specifications due to their superior knowledge of the City's physical plant, their previous work on the original washer/compactor, and their experience related to "next generation" washer/compactors.

Staff respectfully requests that Council authorize the Public Works Director to negotiate a "Not to Exceed" \$48,000 Consultant Service Agreement with Carollo Engineers to review and evaluate a minimum of five (5) different washer/compactors. Upon determining which piece of equipment best serves the needs of the City, Carollo Engineers will prepare construction plans, specifications and will assist staff during the bid and construction period. Funding for design services will come from the Wastewater Treatment Facility Reserve Fund approved in the 2013/2014 Annual Budget.

Dir BBAppropriated/Funded MB CM

Item No.<u>5</u>

# RECOMMENDATION: That the City Council:

- 1. Authorize the Public Works Director to negotiate a Consultant Service Agreement with Carollo Engineers to review and evaluate five or more washer/compactor assemblies and prepare plans & specifications;
- 2. Authorize a "Not to Exceed" amount of \$48,000;
- 3. Authorize 10% contingency to cover unforeseen design issues; and
- 4. Authorize the Mayor to execute the Service Agreement if all terms and conditions have been met.

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SUBJECT: AUTHORIZATION TO NEGOTIATE A CONSULTANT SERVICE AGREEMENT - ANALYSIS OF ALTERNATIVE ENERGY PRODUCTION

SOURCE: Public Works Department - Engineering Division

COMMENT: AECom is completing plans and specifications for the design of a sludge de-watering system and electric air blower engines to replace the 20+ year old methane gas driven air blower engines.

> Once the electric air blowers come online, there will be a significant increase in electrical power cost at the treatment plant. To counter this large increase in power consumption, staff solicited Statement of Qualifications (SOQ's) from qualified engineering firms to perform a comprehensive analysis on different energy producing technologies that will offset the anticipated increase in electrical costs.

The City received SOQ's from Carollo Engineers of Fresno and 4 Creeks Engineering of Porterville. Staff's evaluation of the two firms indicate that Carollo Engineers is the more qualified firm to complete Phase I of the project which is the preparation of a power analysis matrix. The matrix will consider various parameters leading to the best power producing option. Once the appropriate option has been selected, staff will negotiate a fee for Carollo Engineers to proceed with Phase II, which includes the preparation of plans and specifications.

Alternatives considered by the City for analysis include 1) converting an existing methane driven engine into an electric generator, 2) purchase of a new engine-generator, 3) enter into a turn-key "power purchase" agreement, 4) solar power, and 5) combination solar power and bio-gas.

Staff respectfully requests that the City Council authorize the Public Works Director to negotiate a "Not to Exceed" \$50,000 Consultant Service Agreement with Carollo Engineers to complete Phase I of the Alternative Energy Project.

When Phase I work has been completed, staff will present the complete analysis to Council and will request authorization to move forward with Phase II work. Funds for the project will come from the Wastewater Treatment Facility Capital Reserve. This project is included in the FY 2013/2014 and proposed FY 2014/2015 Annual Budget.

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Item No. (O

### RECOMMENDATION: That the City Council:

- Authorize the Public Works Director to negotiate a "Not to Exceed" \$50,000 consultant Service Agreement with Carollo Engineers;
- 2. Authorize the Mayor to execute the Consultant Service Agreement with Carollo Engineers for the services described herein;
- 3. Direct the Public Works Director to present the findings of Phase I work to the City Council and secure Council's authorization to proceed with Phase II work; and
- 4. Authorize progress payments up to 100% of the fee amount.

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### CONSENT CALENDAR

SUBJECT: AUTHORIZATION TO DISTRIBUTE REQUEST FOR QUALIFICATIONS

(RFQ) FOR ON-CALL CONSULTING SERVICES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In January 2013, the City Council approved a request from the Community Development Department to enter contract negotiations with three firms for the purpose of providing on-call consulting services. The three firms identified were Provost & Pritchard Consulting, LSA, and Quad Knopf. A key factor in the selection of these three firms was the expertise of the staff identified for the team, and specifically the firm's project manager.

In the last year, one firm's project team has been affected by staff turn-over, and last month the project manager for the team left the firm. City staff understands and is sympathetic to staff transitions; however, the contract specifically addressed this matter in Section 7, where it stated that "the principals involved and identified in the proposal are integral to the performance of the scope of services and shall not change or be replaced without first obtaining prior written approval from the City of a replacement(s) in the completion of the work effort."

Including the project manager, three of the original five members of the project team are no longer with the firm. The remaining two provide specialty services, in more of a support role. The City has contacted the firm in question, but has not received a response as to who might make up a newly formed project team. For these reasons, staff would like to terminate the contract with Quad Knopf and distribute a Request for Qualifications (RFQ) for on-call consulting services. The two other firms have been responsive as required by the contract, and no change to their eligibility is proposed.

RECOMMENDATION: That City Council:

- 1) Authorize staff to terminate the on-call consulting services contract with Quad Knopf (signed March 13, 2013); and
- 2) Authorize staff to distribute a Request for Qualifications for On-Call Consulting Services to backfill the vacant position on the list of available on-call consultants.

ATTACHMENT: Request for Qualifications

DD Active Appropriated/Funded MACTIVE ACTIVES

Item No. 7

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

The City of Porterville is in the midst of a significant number of public and private improvement projects. A number of these projects require design, planning, and/or environmental evaluation efforts in excess of the current capacity of City staff. Subject projects may be privately initiated, designed in house, or derived from other programs with specified funding sources. Therefore, the City of Porterville is requesting qualifications for consulting services to assist staff in the preparation of the required environmental documents and studies and/or Engineering oriented projects and studies. The consulting services described in the attached RFQ will be performed upon request as projects are initiated by the City.

The City currently has contracts with two other firms, and intends to add one firm at this time, for a total of three firms- including, as needed, sub-consultant teams. If selected, the City will provide a Service Contract for two (2) years following the date of the signed service agreement. The contract may be extended by mutual agreement. Upon contract renewal, the cost for services must be agreed upon by both parties. Due to the volume of work needed, the City of Porterville reserves the right to place services, in addition to the services being performed by the selected firms, with other qualified firms.

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

The selected consultants must identify the principal project manager, and the consultant shall not substitute the project manager without prior approval by the Community Development Director of the City of Porterville

Four (4) copies of the proposals must be submitted, in accordance with the attached request by 5:00 PM, June 6, 2014 to:

City of Porterville, Planning Division Attn: Jenni Byers Acting Community Development Director 291 N. Main Street Porterville, CA 93257

Award of contract should occur in July or August 2014, by the City Council.

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

Sincerely,

Jennifer M. Byers Acting Community Development Director

### CITY OF PORTERVILLE

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

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

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

### SCOPE OF ENVIRONMENTAL CONSULTANT SERVICES:

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

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

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

### 10. Other Requirements:

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

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

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

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

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

### DESIRABLE QUALIFICATIONS OF THE CONSULTANT

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

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

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

### CONTENTS OF STATEMENTS OF QUALIFICATIONS TO BE SUBMITTED TO CITY

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

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

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

Four (4) copies of the proposal should be submitted by not later than 5:00 P.M., June 6, 2014 to:

City of Porterville
Planning Division
Attn: Jenni Byers
Acting Community Development Director
291 North Main Street
Porterville, CA 93257

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

### **SELECTION PROCESS:**

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

### **INQUIRIES REGARDING THIS RFQ:**

Any inquiries regarding this RFQ or the project described herein should be directed to Julie Phillips, Community Development Manager, by calling (559) 782-7460.

### RESPONSE TO REQUEST FOR QUALIFICATIONS FOR ENVIRONMENTAL CONSULTING SERVICES

TO:	City of Porterville		
FROM:	Name/Company		
	Address		
	City, State, Zip Code		
	Telephone No.	Fax No.	
Proposal Amount:		Hourly Rate	Availability/hours per week
	Project Manager/Principal		
	Project Planner		
	Clerical (if applicable)		
	Notice prior to commencing	work on particular p	project hours/days.
(Summary of	qualifications, references and	relevant experience	must be attached.)
Signature		Date	-
Name and Titl	e (Printed)		

SUBJECT: AWARD OF CONTRACT - PUBLIC SAFETY BUILDING

SOURCE: Public Works Department - Engineering Division

COMMENT: On April 24, 2014, staff received four (4) bids for the Public Safety Building Project. The proposed project consists of furnishing all labor, materials, equipment, transportation, and services for the construction of the new Public Safety Building.

The bids are as follows:

<u>Con</u>	tractor	<u>Amount</u>
1.	Webb & Son Porterville, CA	\$4,602,270
2.	R.L. Crawford Construction Co., Inc. Tulare, CA	\$4,656,918
3.	BJ Perch Construction, Inc. Visalia, CA	\$4,859,000
4.	AMG & Associates, Inc. Santa Clarita, CA	\$5,247,000

The design architect's estimate of probable cost for construction is \$5,260,000. The low bid is 12.5% below the design architect's estimate of probable cost. An additional \$345,000 is needed for the construction contingency (7.5%) and an additional \$150,000 (3.25%) is needed for construction management, quality control, and inspection services for a total estimated project cost of \$5,097,270.

Measure H is the appropriated funding source for this project.

RECOMMENDATION: That City Council:

- 1. Award the Public Safety Building Project to Webb & Son in the amount of \$4,602,270;
- 2. Authorize a 7.5% contingency to cover unforeseen construction costs;

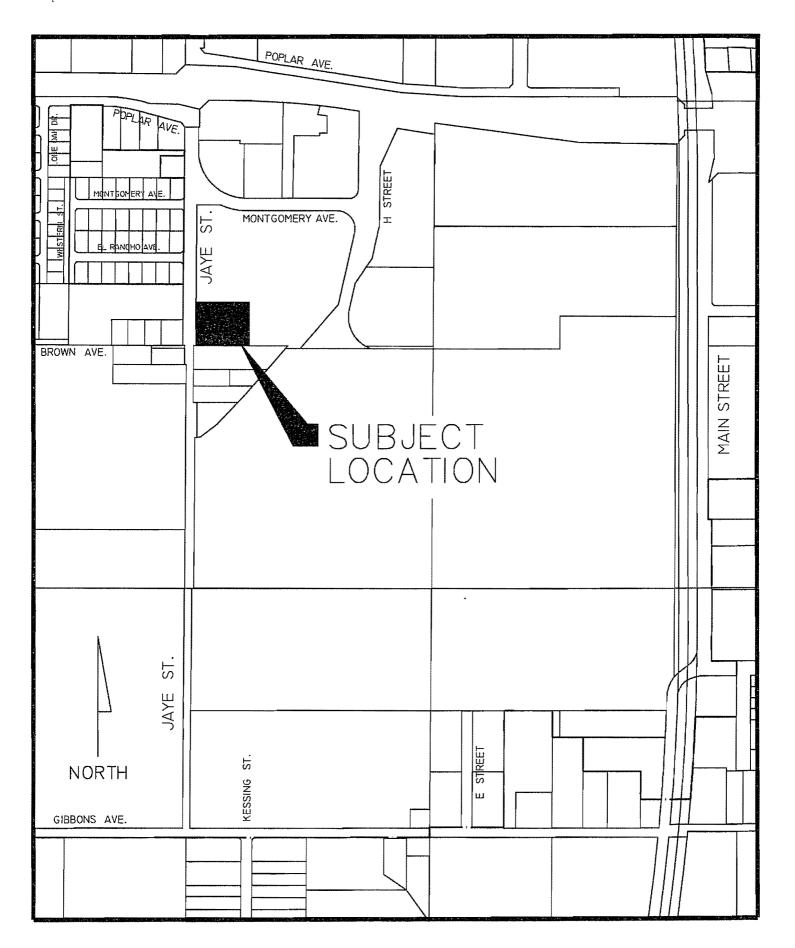
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- 3. Authorize 3.25% for construction management, quality control and inspection; and
- 4. Authorize progress payments up to 95% of the contract amount.

ATTACHMENT: Locator Map

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SUBJECT: ACCEPTANCE OF PROJECT - MAIN STREET REPAIR PROJECT (N.

MAIN STREET ADJACENT TO PORTER SLOUGH & S. MAIN STREET AT

STATE ROUTE 190)

SOURCE: Public Works Department - Engineering Division

COMMENT: Serna Construction has completed the Main Street Repair Project per plans and specifications. The project consisted of the repair of the subsidence on N. Main Street adjacent to the Porter Slough box culvert and the repair of street damage along S. Main Street due to a water main break and complete pavement patching on S. Main Street for future micro-surfacing.

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 October 15, 2013, City Council authorized expenditure of \$121,030.56 for construction, construction management and quality control services for the Main Street Repair Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

- 1) Final construction cost is \$101,406.80.
- 2) Construction management and quality control costs are \$6,669.77.

Total project construction costs equate to \$108,076.57, which is less than the \$121,030.56 overall budget approved by Council at the time of award. Funding for the Main Street Repair Project was approved in the 2013/2014 Annual Budget. Local Transportation Funds (LTF) and Central Valley Independent Network permit fee fines appropriated by City Council at the September 3, 2013 meeting are the funding sources.

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

RECOMMENDATION: That City Council:

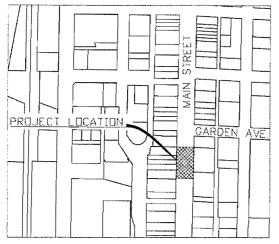
- 1. Accept the project as complete;
- 2. Authorize the filing of the Notice of Completion; and
- 3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map

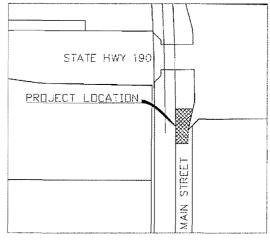
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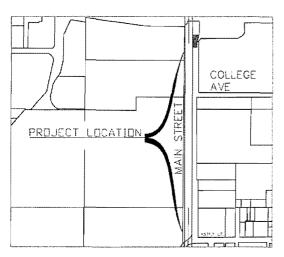
Item No. 4



N. MAIN STREET REPAIR



S. MAIN STREET REPAIR



S. MAIN STREET PATCHING



### CITY OF PORTERVILLE ENGINEERING DIVISION

291 NORTH MAIN STREET PORTERVILLE, CA. 93257 (559) 782-7462 Main Street Repair Project

SUBJECT: ACCEPTANCE OF PROJECT - MATHEW STREET SHOULDER

STABILIZATION PROJECT (OLIVE AVENUE TO TOMAH AVENUE)

Public Works Department - Engineering Division SOURCE:

COMMENT: MAC General Construction has completed the Mathew Street Shoulder

Stabilization Project per plans and specifications. The project consisted of the installation of curb and gutter, sidewalk, driveways, asphalt concrete paving, and other appurtenant construction along Mathew Street between Olive Avenue and Tomah Avenue. The project also included re-striping along

Mathew Street between Olive Avenue and Morton Avenue.

Staff carefully tracks construction costs of all Capital Improvements Projects and reports project construction expenditures when the project is accepted by the City Council. On December 17, 2013, City Council authorized expenditure of \$255,556.54 for construction, construction management and quality control services for the Mathew Shoulder Stabilization Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

- Final construction cost is \$219,060.61. 1)
- 2) Construction management and quality control costs are \$24,225.22.

Total project construction costs equate to \$243,285.83, which is less than the \$255,556.54 overall budget approved by Council at the time of award. Funding for the Mathew Street Shoulder Stabilization Project was approved in the 2013/2014 Annual Budget. Congestion Mitigation Air Quality (CMAQ), Measure R Alternative Transportation Funds and Local Transportation Funds (LTF) are the funding sources.

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

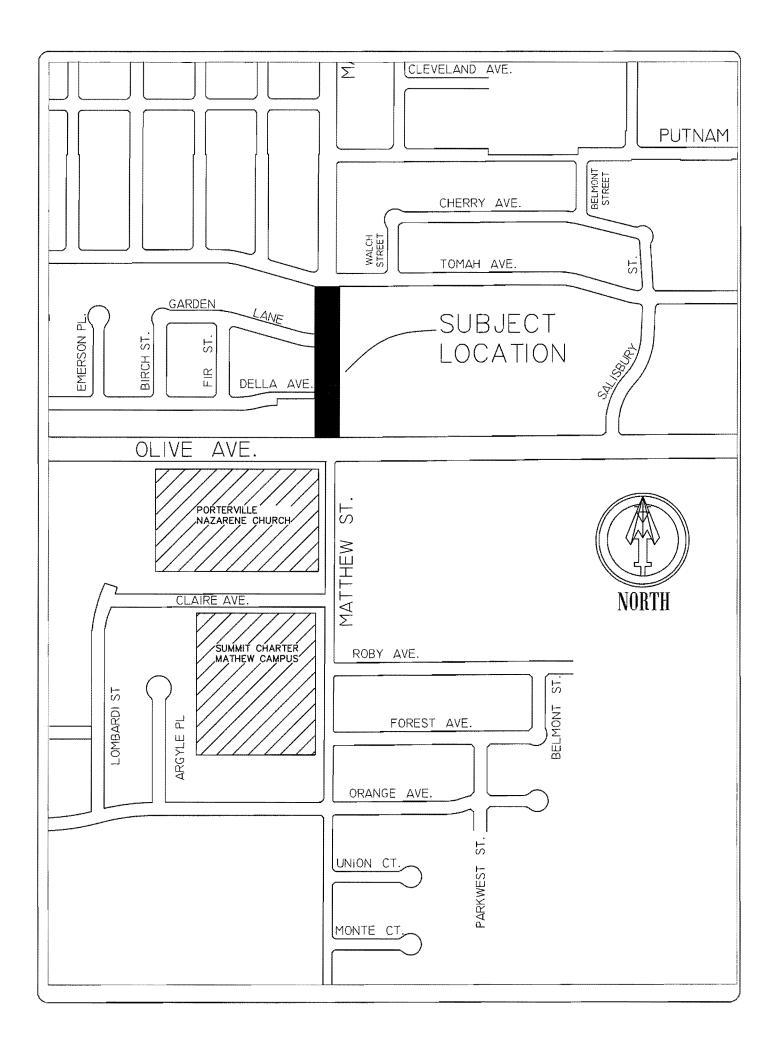
RECOMMENDATION: That City Council:

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

ATTACHMENT: Locator Map

Phpubworks\General\Council\Acceptance of Project - Mathew Street Shoulder Stabilization Project - 2014-05-06.doc

Dir BSZ-Appropriated/Funded M CM



SUBJECT: ACCEPTANCE OF THE CNG REFUSE TRUCKS, PM10 STREET

SWEEPER AND 3 AXLE DUMP TRUCK

SOURCE: Public Works Department - Engineering Division

COMMENT: At the August 6, 2013, Council meeting, Council awarded the CNG Refuse Trucks and the 3 Axle Dump Truck Project to EM Tharp of Porterville in the amount of \$1,097,004.32 and \$180,183.36, respectively. EM Tharp purchased, assembled and delivered the four refuse trucks and one 3 axle dump truck. The project is funded by a Congestion Mitigation and Air Quality Grant (CMAQ). The federal grant share is 88.53% (\$1,130,690.33)

and the local share is 11.47% (\$146,497.35).

At the same Council meeting, Council awarded the CNG PM10 Street Sweeper project to GCS Environmental of Sacramento in the amount of \$282,547.02. The Federal share is 88.53% (\$250,138.87) and the local share is 11.47% (\$32,408.15). GCS Environmental purchased, assembled and delivered the street sweeper to the City.

As a condition of the grant, the City must accept the project as complete before Caltrans will reimburse the costs noted above. A photo of the new equipment is included in staff's report for Council's reference.

RECOMMENDATION: That City Council:

- 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: Photo of CNG Vehicles

P:\pubworks\General\Council\Acceptance of CNG Equipment - 2014-05-06.doc

Dir Bo Appropriated/Funded M CM

Item No. //



COUNCIL AGENDA – MAY 6,	5, 2014
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This Item Has Been Moved to Scheduled Matters.

SUBJECT: PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER

AGREEMENT - JAYE STREET BRIDGE REHABILITATION

SOURCE: Public Works Department - Engineering Division

COMMENT: The Department of Transportation has submitted Program Supplement

> Agreement Number M026 Rev. 3 and requests that the City execute said agreement. The executed agreement shall become a part of the Agency-State

Agreement for Federal-Aid Projects No. 06-5122.

The attached revised Program Supplement is for the Jaye Street Bridge

Rehabilitation Project.

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.

Program Supplement Agreement No. M026 Rev. 3 ATTACHMENTS:

Resolution

Dir Bu Appropriated/Funded Mb CM

Item No. 13

### **Adv Project ID** PROGRAM SUPPLEMENT NO. M026 Rev. 3 Date: March 27, 2014 0600000583 to Location: 06-TUL-0-PTRV Project Number: BHLS-5122(036) ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO 06-5122 E.A. Number: 06-927471 Locode: 5122 This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 05/14/97 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. approved by the Administering Agency on (See copy attached). The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages. PROJECT LOCATION: Jaye Street (Road 244) bridge over the Tule River, Br. No. 46C-0099 TYPE OF WORK: Bridge rehabilitation LENGTH: 0.0(MILES) **Estimated Cost Matching Funds** Federal Funds LOCAL OTHER M240 \$372,265.00 L1C0 \$104,000.00 \$775,000.00 \$150,735.00 \$0.00 Q100 \$148,000.00 STATE OF CALIFORNIA CITY OF PORTERVILLE **Department of Transportation** Вν Chief, Office of Project Implementation Title **Division of Local Assistance** Date Attest .... I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance: Accounting Officer, \$624,265.00 Chapter Statutes Item Year Program BC Category **Fund Source AMOUNT**

### STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION

### PROGRAM SUPPLEMENT AND CERTIFICATION FORM

PSCF (REV. 01/2010)

Page 1 of 1

TO OTATE	CONTROLLER'S	AFFIAF		T		
TO: STATE (		OFFICE		DATE PREPARED:	/27/2014	PROJECT NUMBER: 060000583
	' Street, Rm 404				00000000	
	ento, CA 95816			CT# 065122026		
FROM:						
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SUBJECT:						
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CHAPTER	STATUTES	ITEM	YEAR	PEC / PECT	TASK / SUBTASK	AMOUNT
379	2002	2660-102-0890	2002/2003	20.30.010.300	2240/0600	\$20,000.00
171	2007	2660-102-0890	2007/2008	20.30.010.300	2240/0600	\$104,000.00
1	2009	2660-102-0890	2009/2010	20.30.010.300	2240/0600	\$128,000.00
20	203	2660-102-0890	2013/2014	20.30.010.300	2240/0600	\$372,265.00
					24 107000	40.2,200.00
						<del>                                     </del>

TOTAL

\$624,265.00

#### SPECIAL COVENANTS OR REMARKS

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

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

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

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

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal

### **SPECIAL COVENANTS OR REMARKS**

year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

- Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.
  - Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.
- 6. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- 7. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).
- 8. In the event that right of way acquisition for or construction of this project of the initial federal authorization for preliminary engineering is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the ADMINISTERING AGENCY shall repay the Federal Highway Administration through Caltrans the sum of Federal funds paid under the terms of this agreement.

# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN PROGRAM SUPPLEMENT NO. M026 Rev. 3 TO ADMINISTER THE AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 06-5122

BE IT RESOLVED by the City Council of the City of Porterville that the Mayor is hereby authorized to execute the document known as Program Supplement No. M026 Rev. 3 to the Local Agency-State Master Agreement No. 06-5122, for the Jaye Street Bridge Rehabilitation project.

PASSED, APPROVED AND ADOPTED this 6th day of May, 2014.

	Cameron J. Hamilton, Mayor
ATTEST: John D. Lollis, City Clerk	
By Patrice Hildreth, Chief Deputy City Clerk	<u> </u>

SUBJECT: AKIN WATER COMPANY AND CITY OF PORTERVILLE WATER SERVICE

AGREEMENT

SOURCE: Public Works Department - Engineering Division

COMMENT: At the October 15, 2013, City Council meeting, staff presented a report

outlining the difficulties the Akin Water Company faced in providing potable water to its customers. The Akin wells have tested high in nitrates. The Akin Water Company provides water to 23 individual parcels located south of

Lincoln Avenue between 4th Street and Plano Street.

During negotiations between the City and Akin Water, the City provided a "roadmap" whereby the City would be able to provide potable water. One of the conditions included the annexation of the area in question. Annexation rules as promulgated by the Tulare County Local Agency Formation Commission (LAFCo) stipulate that a successful annexation cannot result in the formation of an island. This would have been the case in this situation due to the surrounding area's reluctance to annex to the City.

In the audience and assisting the Akin Water Company was the California Department of Public Health (CDPH). The CDPH offered to pay for the installation of a pipeline system to the Akin properties, install water meters to all properties, pay for the inspection of all constructed work, pay all City water connection fees, and offered to construct and dedicate a new well to the City.

After much deliberation, the City Council accepted the CDPH offer and agreed to provide water to the Akin properties under an extra territorial water service agreement. The "Water Service Agreement" prepared by staff has been reviewed, edited and approved by the City Attorney. The final draft is acceptable to the California Department of Public Health and is attached for Council's action.

It is important to note that in order for the City to effectuate the Water Service Agreement, the Tulare LAFCo will need to approve it. Staff anticipates bringing forward a request to initiate LAFCo application for a Water Service Agreement within the next few Council meetings, but until all materials are received by the applicant, such an item must wait. The requested authorization of the Water Service Agreement between the City and Akin Water Company would represent to CDPH the City's commitment to moving forward, contingent upon approval by LAFCo.

Dir B Admy Appropriated/Funded MB CM

**RECOMMENDATION:** 

That the City Council:

- 1. Approve and authorize the Mayor to execute the Akin Water Company and City of Porterville Water Service Agreement and Resolution; and
- 2. Direct the City Clerk to notarize and transmit the Water Service Agreement to the California Department of Public Health.

ATTACHMENTS:

Water Service Agreement and Resolution

Locator Map

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## AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND THE AKIN WATER COMPANY FOR POTABLE WATER SERVICE AND SYSTEM MAINTENANCE

RESOLUTION NO 2014
A RESOLUTION OF THE CITY OF PORTERVILLE
THIS AGREEMENT, made and entered into by and between the CITY OF PORTERVILLE, a
California Charter City, hereinafter referred to as City, and the AKIN WATER COMPANY, a private
water company located in Tulare County, hereinafter referred to as Water Company.
WITNESSETH:
WHEREAS, Water Company exists for the purpose of providing water to certain residents of
East Lincoln Street, located southeast of Porterville in unincorporated Tulare County, California; and
WHEREAS, Water Company is unable to provide safe drinking water to its residents; and
WHEREAS, Water Company's service territory is located within the sphere of influence of
City; and
WHEREAS, City has agreed to serve the residents presently served by Water Company with
potable water, per City Council Resolution Number 2014, adopted by the Porterville City
Council on May 6, 2014; and
WHEREAS, City's request for an Extra-Territorial Service Agreement to served Water
Company shall be approved by Tulare County LAFCo prior to providing water to the Water Company;
and
WHEREAS, City has the capacity to serve the Water Company's customers with potable water;
and
WHEREAS, Water Company has received Proposition 84 funds from the California Department

of Public Health for the purposes of planning and designing the replacement distribution system and infrastructure necessary to connect Water Company's water system to City's water system, as well as for planning and design of a replacement water source for City; and

WHEREAS, the funding agreements for the aforementioned Proposition 84 funds require an agreement between City and Water Company that commits the City to providing potable water supply after construction of the new system is complete and identifies the party responsible for operation and maintenance of the new water distribution system within Water Company's service territory after construction. The agreement is conditioned on Water Company's surrender of its water supply permit after the Consolidation is complete and the design and construction of a new water source (well) for the City is completed, prior to connecting Water Company to City's water system.

**NOW THEREFORE BE IT RESOLVED**, that City shall supply with potable water the properties currently served by Water Company, subject to the following terms and conditions:

- 1. Consolidation. City agrees to serve with potable water the properties currently served by Water Company, including all twenty-three (23) subdivision lots and homes located thereon. All drinking water connections shall comply with all applicable local, state and federal requirements, and shall be made under the supervision of City and City's agents. The area to be served includes roads internal to the subdivision, specifically East Lincoln Street and Fourth Street as depicted on the attached map, incorporated as Exhibit A to this Agreement. Water mains will be constructed in Fourth Street and Lincoln Street and in pipeline easements as necessary to provide water service to customers of the Water Company. The reconstructed water distribution system shall be integrated into and made part of the City's water distribution network, and City shall supply water to the residents currently served by Water Company who will become individual customers of the City.
- 2. Ownership of Pipeline. Upon completion of construction of the reconstructed water system,

ownership of the water distribution system within Water Company's service territory shall transfer from Water Company to City. The new system shall be owned, operated and maintained by City as part of its reconstructed municipal water system. In all other ways, Water Company's service territory shall remain independent of City government and remain an unincorporated area of the County and subject to County of Tulare codes, zoning restrictions, and services.

- 3. **User Fees**. When Water Company's customers become City's customers, they shall pay the current rates for water services charged to other City customers, as set by the City Council.
- 4. **Other Fees.** The Water Company agrees to pay capacity and connection charges on behalf of its existing customers' construction fund obtained for the purposes of installing new water mains and making water system upgrades as described below. Future development in need of new water service may be subject to regular City fees at the time of connection. If construction funding does not materialize or does not cover such charges and other funding sources cannot be found, this agreement shall be deemed null and void.
- 5. **Water System Upgrades.** Water Company agrees that prior to the consolidation with the City's system, its water distribution system shall be fully functional, constructed in accordance with City standards and specifications and system improvements accepted by the City Council. Specific conditions to be completed prior to the consolidation are as follows:
  - A. The Water Company shall reconstruct the existing water distribution system to meet City Standards including, but not limited to, the installation of residential water services and meters of a size and type specified by the City, and pay all applicable water related fees. The reconstruction is subject to plan approval and inspection by City.
  - B. The two (2) existing wells owned by Water Company will be abandoned in accordance with local, state and federal requirements after the expiration of a mutually agreed-upon period of time to allow residents to connect to the reconstructed water distribution system.

- C. The Water Company, within applicable funding rules and restrictions and in accordance with the scope of work authorized by the California Department of Public Health, consents to the use of a portion of its planning/design and construction grant(s) for the planning and development of an additional water source by and for the City of Porterville.
- D. By this Agreement, maintenance of the reconstructed water system shall be performed by City commencing with the transfer of ownership as provided for in Item 2 of this Agreement.
- 6. **Project Funding**. It is mutually understood that the planning, design and construction of improvements described herein is contingent upon the receipt of anticipated funding from the State of California. Should project funding fail to materialize, or if it is insufficient to accomplish the necessary improvements, then neither party is obligated to the terms of this Agreement.
- 7. **Inspection.** City will inspect the reconstruction of the drinking water system as construction of the water system progresses on an inspection schedule established by the City. Fees for inspection required by the Consolidation process shall be paid by Water Company.
- 8. **Permits.** Water Company agrees to obtain all permits necessary for construction. City agrees to submit a Water Supply Permit Amendment Application to the California Department of Public Health, reflecting the change in service area.
- 9. **Dissolution.** Upon final execution of the consolidation described herein, the Water Company, Akin Water Company, shall cease operation and dissolve its organizational structure, and shall voluntarily surrender its existing water permit for Public Water System ID number 5401038.
- 10. **Liability.** Upon consolidation of the reconstructed water distribution system and acceptance of the new water source (well), City will assume responsibility for the delivery of safe, potable drinking water to the residents formerly served by Water Company.
- 11. **Indemnification.** Prior to consolidation/connection of the reconstructed water distribution system, Water Company assumes all responsibility for the control, distribution and disposal of water

delivered under this agreement. Water Company shall, to the fullest extent permitted by law, hold harmless, and indemnify City and its officers, officials, employees and volunteers from and against all claims arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the Water Company and its employees, agents and subconsultants, except where and to the extent caused by the negligence or willful misconduct of the City. Upon connection of the reconstructed water distribution system, City assumes all responsibility for the control, distribution and disposal of water delivered under this agreement. City shall, to the fullest extent permitted by law, hold harmless, and indemnify Water Company and its officers, officials, employees and volunteers from and against all claims arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the City and its employees, agents and subconsultants, except where and to the extent caused by the negligence or willful misconduct of the Water Company. The provisions of this section survive completion of the services or the termination of this Agreement.

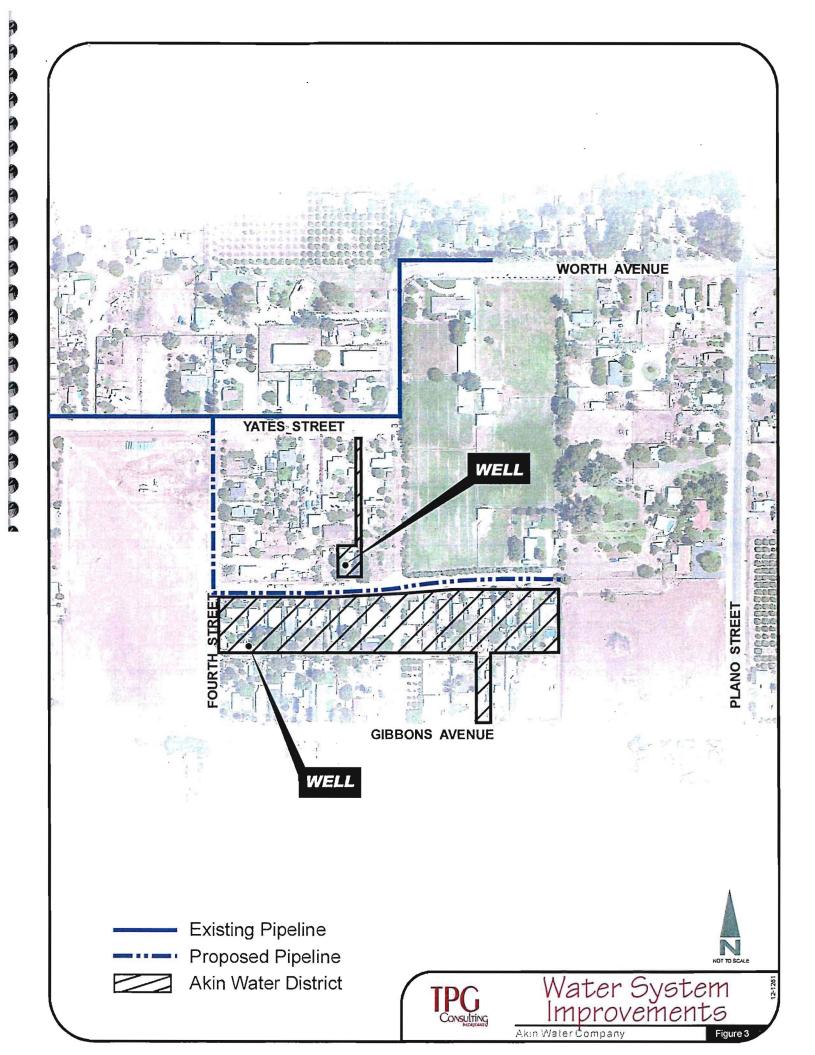
- 12. **Attorney's Fees.** Should any litigation be commenced between the parties concerning this Agreement, or the rights and duties of either party under this Agreement, the party prevailing in such litigation shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for attorneys' fees in such litigation, which shall be determined by the court in such litigation or in a separate action brought for that purpose.
- 13. **Term.** This agreement shall become effective upon its execution, and shall remain in effect until such time as all conditions described herein are met and the consolidation can be consummated or until June 30, 2017, whichever occurs first.
- Notices. Any and all notices or other matters required or permitted by this Agreement or by law to be served on, given to, or delivered to either party by the other party to this Agreement shall be in writing and shall be deemed duly served, given, or delivered when personally delivered to the party to whom it is directed or to a supervisorial employee of that party, or, in lieu of personal service, when

deposited in the United States mail, first-class postage prepaid, addressed to City at 291 N. Main Street, Porterville, CA 93257 (Attn: John Lollis, City Manager), or to Water Company at 642 E. Henderson Avenue, Porterville, CA 93257 (Attn: James N. Akin, Owner). Either party may change its address for purposes of this Paragraph by giving written notice of this change to the other party in the manner prescribed by this Paragraph.

- 15. **Sole and Only Agreement.** This instrument constitutes the sole and only agreement of the parties, City and Water Company, relating to water system consolidation and correctly sets forth the rights, duties, and obligations of each to the other as of its date. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect.
- 16. **Binding on Heirs and Successors.** This Contract shall inure to the benefit of and be binding on the heirs, executors, administrators, successors, and assigns of each party to this Agreement.
- 17. **Subject to Valid Laws.** This Agreement is subject at all times to any and all valid laws, ordinances, and governmental regulations whether federal, state, county, or city, and any modification made to this Agreement by any such law or ordinance or regulation or to the conduct of the parties under this Agreement shall not impose liability on either party for breach of their duties under this Agreement.

PASSED, APPROVED and ADOPTED this 6 <sup>th</sup> day of May, 2014.
EXECUTED on, 2014
City of Porterville:
By: Mayor of Porterville
WATER COMPANY:
By:Owner, Akin Water Company

P:\pubworks\Projects\000 Akin Water Project\Agreement - Akin Agreement By Julia without Markings.docx



SUBJECT: RENEWAL OF AIRPORT LEASE AGREEMENT – LOT 34B

SOURCE: FINANCE DEPARTMENT – AIRPORT DIVISION

COMMENT: Mr. Bruce Kaiser is the current leaseholder of Lot 34B at the Porterville

Municipal Airport. The lease expires on May 31, 2014. We have received a

request from Mr. Kaiser dated February 3, 2014, to renew his lease for a period of

ten (10) years with a five (5) year option to extend the lease. This lot is approximately 2,350 square feet in area and will rent for a rate of \$0.302 per square foot with an annual adjustment according to the change in the Consumer Price Index. The Lease will begin on June 1, 2014 and expire on May 31, 2024.

RECOMMENDATION: That City Council approve the Lease Agreement between the City

of Porterville and Mr. Bruce Kaiser for Lot 34B at the Porterville

Municipal Airport.

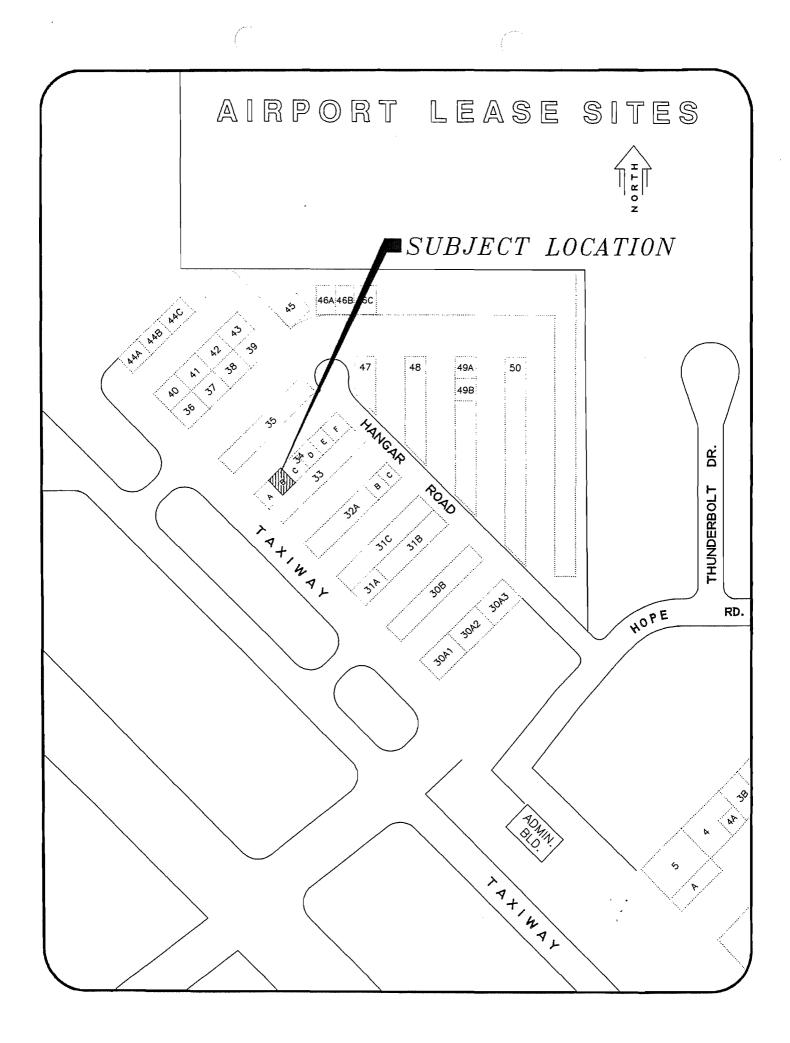
ATTACHMENT: Locator Map

Letter from Mr. Kaiser requesting renewal

Lease Agreement

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

Item No. 15



### February 3 2014

43

City of Porterville
Airport Manager
291 N. Main Street
Porterville, Ca 93257

Subject: Lease Agreement Hanger-Lot 34B at Porterville Airport Expires on May 31 2014.

This letter is a request for renewal assignment of lease for lot 34B at the Porterville Airport for 5 years with a option for an additional 5 years effective May 31 2014.

If required you may contact me at 853-1253.

Bruce Kaiser

10 yrs option

#### LEASE AGREEMENT

#### PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the first day of June, 2014, by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as "City" and Bruce Kaiser, hereinafter referred to as "Lessee."

WHEREAS, City owns and operates an airport in the City of Porterville, State of California, commonly known and described as "Porterville Municipal Airport"; and

WHEREAS, Lessee desires to lease a portion of said airport for the purpose of operating an existing aircraft hangar to be used for the parking and storage of aircraft and other activities incidental thereto; and

WHEREAS, it is the desire of City to utilize said airport for the general public by its development and use in providing aeronautical-related facilities and service.

#### NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

- 1. <u>Premises:</u> City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as Lot 34B at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.
- 2. <u>Term:</u> The term of this Lease shall commence on June 1, 2014, both parties having executed the same, and shall terminate on May 31, 2024, provided Lessee is not in default with respect to any of the conditions or covenants of this lease. Lessee shall have an option to request an extension of the terms hereof for an additional period of five (5) years, by giving written notice thereof to Lessor not less than 120 days prior to expiration of this agreement. Lessor is not obligated to grant any extension but said option shall not be unreasonably withheld.
  - 3. Rental and Business Privilege Consideration: Lessee agrees to pay to City in lawful

money of the United States without deductions or offset, to the Finance Director, City of Porterville, 291 N. Main Street, Porterville, California, 93257, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of \$0.302 per square foot per year. Inasmuch as the lease site (See Exhibit "A" attached) contains approximately 2,350 square feet of land area, said rental rate will be \$709.70 annually, or \$59.14 per month, payable in advance.

Beginning January 1, 2015, and each January 1 thereafter for the term of this Lease, the rate shall be adjusted by a percentage equal to the annual percentage increase or decrease in the Consumer Price Index (CPI). The CPI used shall be a twelve (12) month average of the San Francisco CPI and the Los Angeles CPI as published for October of the prior year. The CPI index will be "All Urban Consumers."

4. <u>Purpose:</u> This Lease is made for the purpose of operating an existing aircraft hangar to be used for the parking and storage of aircraft and other activities incidental thereto. Lessee shall not use the premises or any part thereof or permit them to be used for any purpose or purposes other than stated above. The City reserves the right to conduct on-site inspections for the purpose of compliance with Building Code, Fire Code, and Zoning Ordinance. Lessee shall not do or permit any act or thing to be done upon the premises which constitutes a nuisance or which may disturb the quiet enjoyment of City or any tenant of City on adjacent neighboring property.

Lessee further agrees that, within 72 hours from receiving written notice by the City that a nuisance exists, to abate or otherwise cause said nuisance to be cured.

In the event Lessee has not (a) taken corrective action within 72 hours, or (b) filed an appeal with the City Council, City of Porterville, within 72 hours, then City may enter and abate said nuisance at the expense of Lessee without any liability whatsoever to City for monetary loss or anticipated profits of Lessee or others.

Said appeal to the City Council must be made in writing and be received by the City Clerk, 291 N. Main Street, Porterville, California, 93257, within 72 hours after Lessee received notice of said nuisance.

5. Right of Ingress and Egress: Lessee shall have the right-of-way to property owned and

controlled by City for ingress thereto and egress therefrom for pedestrian, vehicular, and air travel, together with the right to use in common with other Lessee or licensees of City the airplane landing field adjacent to the demised premises. None of these rights are exclusive, but shall be exercised in common with and subject to possible similar rights of other users of said airport. All of the foregoing is subject to such reasonable rules and regulations as the City or its authorized agents may make from time to time. Such rules and regulations, however, shall be reasonable and shall not conflict in any way with similar rules and regulations adopted from time to time by the Federal Aviation Administration or its successor.

- 6. <u>Condition of Premises:</u> Lessee has inspected the demised premises and knows the extent and condition thereof and accepts same in its present condition, subject to and including all defects, latent and/or patent.
- 7. <u>Alteration:</u> Lessee shall make no structural modifications to existing structures or make permanent improvements or additions in or on the demised premises without the written consent of the City Airport Manager first being obtained.
- 8. <u>Maintenance</u>: Lessee agrees to keep the improvements in a good state of repair by periodic maintenance and painting as the same are required and to keep the grounds of Lessee in a good state of maintenance and repair. During the term of this Lease, the City Airport Manager shall have the right to notify Lessee in writing wherein Lessee has failed to maintain said structure and improvements in a good state of repair. Lessee shall make such corrections in the time and manner prescribed by said Airport Manager, or in the event Lessee disagrees, Lessee shall have the right to appeal within fifteen (15) days from date of notice from said Airport Manager to the City Council concerning the request for maintenance made to Lessee by said Airport Manager; it being understood and agreed that the decision of the City Council shall be final.
- 9. <u>Utilities:</u> Lessee agrees to pay during the term of the Lease, or any holding over, any and all utilities utilized by it to said demised premises. The term "utilities" as used herein shall include, but is not limited to, telephone, electrical, water, sewer, gas, janitorial, heating, cooling, and trash and refuse disposal service.
  - 10. Utility Extension or Modification: Lessee shall pay any and all expenses that may be

incurred in obtaining the extension of public utility services to the demised premises from existing utility facilities or any modifications of same.

- 11. <u>Taxes and Assessments:</u> Lessee understands that the Lease of the premises creates a possessory interest subject to taxation by the County of Tulare. Lessee agrees to pay all taxes and /or assessments levied by any governmental agency upon any interest acquired by Lessee under the terms of this Lease.
- 12. <u>Compliance with Law:</u> Lessee shall, at its expense, promptly comply with any and all laws, ordinances, rules, regulations, requirements, and order whatever, present or future, of the national, state, county or city government which may in any way apply to the use, maintenance or occupation of, or operations on the premises.
- 13. <u>Liens and Encumbrances</u>: Lessee shall keep the premises and all structures and improvements situated thereon free from any liens or encumbrances arising out of any work performed, material furnished, or obligations incurred by Lessee, or from any other cause.
- 14. Negation of Partnership: City shall not become or be deemed a partner or joint venturer with Lessee or associate in any relationship with Lessee's operations thereon. City reserves all rights in and with respect to the premises, not inconsistent with Lessee's use of the premises as in this Lease provided, including (without limiting the generality of the foregoing) the right of City to enter upon the premises for the purpose of installing, using, maintaining, renewing, and replacing such underground oil, gas, water, sewer, and other pipelines, and such underground or aboveground telephone, telegraph, and electric power conduits or lines as City may deem desirable in connection with the development or use of any other property in the neighborhood of the premises. City shall compensate Lessee for any and all damage to Lessee's improvement and personal property caused by the exercise of the rights reserved in this paragraph.
- 15. <u>Indemnification:</u> Lessee agrees to indemnify, defend (upon request by the City) and save harmless the City, its agents, officers, and employees, and each of them, from any and all losses, costs, expenses, claims, liabilities, action, or damages, including liability for injuries to person or persons, or damage to property of third persons arising out of or in any way connected with (a) the conducting or operation of Lessee's business on the demised premises during the term of the Lease or

any holding over, or (b) the construction or the removal of any facilities or improvements on the demised premises during the term of this Lease or any holding over.

- 16. Liability Insurance: Lessee, in order to protect the City, its agents, officers, and employees against all claims and liability for death, injury, loss, and damage as a result of Lessee's (a) use and operations on the demised premises or in connection therewith, or (b) construction or removal of any improvements on the demised premises or in connection therewith, shall name the City as additional insured on Lessee's aircraft insurance policy or policies in the amount of not less than ONE MILLION DOLLARS (\$1,000,000). Coverage shall include General Liability combined Bodily Injury and Property Damage, Single Limits and Aggregate, with a reliable insurance carrier authorized to do such public liability and property damage insurance business in the State of California. Said insurance shall not be subject to cancellation or coverage reduction without thirty (30) days prior written notice to City. Within (10) days from the date of this Lease, Lessee shall file with the City Clerk, City of Porterville, a duly certified Certificate of Insurance evidencing that the herein above mentioned public liability and property damage provisions have been complied with, and setting forth that City, its agents, officers, and employees are named as additional insured. In the event that Lessee shall fail to take out and keep in effect such policy or to furnish evidence thereof to City, City may, at City's option, procure the same, pay the premium thereof and collect same with the next payment of rental due from Lessee or immediately terminate this Lease. The limits of insurance coverage set forth herein may be reviewed by City each January and may be adjusted at such reviews in order to protect the interests of the City.
- 17. <u>Nondiscrimination:</u> Lessee for itself, its heirs, personal representatives, successors in interest and assigns as part of the consideration hereof does hereby covenant and agree that (1) no person on the grounds of race, color, sex or national origin shall be excluded from participation, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of or otherwise be subjected to discrimination; (3) that Lessee shall use the premises in compliance with other requirements imposed by or pursuant to Title 49, Code

of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally - Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and/or services on a fair, equal and not unjustly discriminatory basis to all users thereof and it shall charge a fair, reasonable and not unjustly discriminatory price for each unit or service; provided that Lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates, or similar type of price reductions to volume purchasers.

In the event of breach of any of the above nondiscriminatory covenants, City shall have the right to terminate this Lease and to re-enter and repossess the demised premises and the facilities thereon and hold the same as if the Lease had never been made or issued.

Lessee agrees that it shall insert the above nondiscrimination provisions in any sublease or other agreement by which Lessee grants a right or privilege to any person, firm, or corporation to render accommodations and/or services to the public on the premises herein leased.

- 18. <u>Improvement of Land Area</u>: City reserves the right to further develop or improve the landing area of the airport as it sees fit regardless of the desires or views of Lessee and without interference or hindrance.
- 19. <u>Maintenance of Landing Area:</u> City reserves the right to maintain and keep in repair the landing area of the airport and all publicly-owned facilities of the airport, together with the right to direct and control all activities of the Lessee in this regard; providing further, City shall keep and maintain in a safe and operable condition the taxiways, runways (including the lighting thereof) and roadways on the airport during such hours and to such extent as City may determine is reasonably required for the operation of the airport.
- 20. <u>Lease Subordinate to Agreements with the United States Government:</u>

  This Lease shall be subordinate to the provisions and requirements of any existing or future agreement between the City and the United States relative to the development, operation or maintenance of the airport.
- 21. <u>Non-Exclusive Right:</u> It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of Section 308

(a) of the Federal Aviation Act of 1958. (49 U.S.C. 1349).

22. <u>Rights of United States Government</u>: This Lease and all the provisions hereof shall be

subject to whatever right the United States Government now has or in the future may have or acquire,

affecting the control, operation, regulation, or taking over of said airport.

23. <u>Notices:</u> All notices herein provided to be given, or which may be given, by either

party to the other shall be deemed to have been fully given when made in writing and deposited with

the United States Postal Service, Registered or Certified, postage prepaid and addressed as follows:

To the Lessee:

Bruce Kaiser

2150 W. Tomah

Porterville, CA 93258

To the City:

Airport Manager

City of Porterville

291 N. Main Street

Porterville, CA 93257

The address to which the notices shall be or may be mailed, as aforesaid, to either party shall or may

be changed by written notice given by such party to the other, as hereinbefore provided, but nothing

herein contained shall preclude the giving of any such notice by personal service.

24. Authorized Agent of the City: The Airport Manager of the City of Porterville is the

duly authorized agent of the City for purposes of this Lease; and as to any obligations assumed herein

by Lessee, they shall be performed to the satisfaction of said Airport Manager.

25. Assignment and Subletting: This Lease shall be binding upon and shall inure to the

benefit of the heirs, administrators, executors, successors, and assigns of the respective parties

hereto. Lessee shall not, and Lessee herewith agrees that it will not, sublet the premises, or any part

thereof or assign, transfer, mortgage, or otherwise convey the premises or its rights and interest

hereunder without the prior written consent of the City. In the event the Lessee shall sublet, assign,

transfer, mortgage, or otherwise convey the premises or it rights and interest hereunder, or any part

thereof, or attempt to do so in violation to the foregoing provision, then in addition to any and all

other rights and remedies available to it, the City may, at its option by written notice to Lessee, either

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declare such sublease, assignment, transfer, mortgage or other conveyance void or terminate this Lease and all rights and interest of Lessee and all other persons hereunder. Any consent by City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a transfer, mortgage, or conveyance. This clause shall not be construed to limit right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

- 26. <u>Hypothecation:</u> Lessee may, with the consent of the City, give, assign, transfer, mortgage, hypothecate, grant control of, or encumber Lessee's interest under this Lease and the leasehold estate so created to a bona-fide lender on the security of the leasehold estate. Any such bona-fide lender shall have the right at any time during the term of the loan and while this Lease is in full force and effect:
- (a) To do any act or thing required of Lessee in order to prevent a forfeiture of Lessee's rights hereunder, and all such acts or things so done shall be as effective to prevent a forfeiture of Lessee's rights hereunder by Lessee.
- (b) To succeed to the interest of Lessee hereunder and thereafter at such lender's option to convey, assign or sublease the interest or title to said leasehold estate to another person acceptable to City, subject to all the terms, conditions, and covenants of this Lease. Two (2) copies of any and all security devices or instruments shall be filed with City's Airport Manager prior to the effective date thereof, and Lessee shall give Airport Manager prior written notice of any changes or amendments thereto.

Any bona-fide lender shall have the right, if so permitted by the terms and conditions of the concerned instrument of hypothecation between lender and Lessee, to remove any or all of Lessee's improvements under said hypothecation from the demised premises, subject only to the restriction that in the event of such removal, the demised premises herein above described be restored by Lessee to a condition satisfactory to the City's Airport Manager, and that said removal be done in a manner and at a time satisfactory with said Airport Manager.

27. <u>Breach by Lessee:</u> In the event of the breach by Lessee of any term, condition, or agreement herein contained, and the failure to cure such breach within thirty (30) days after written notice has been given to Lessee by City, this Lease and all privileges herein granted shall be terminated

and be of no other force or effect, and Lessee shall immediately surrender possession of the premises hereby granted, and in the event City has to resort to legal action to enforce any provision hereof, or to obtain restitution hereunder, the Lessee shall pay all costs and expenses, including attorney's fees of such action. Providing further, that in the event Lessee breaches this Lease and abandons the demised premises before the end of the term, or if Lessee's right to possession is terminated by City because of a breach of this Lease, City shall have the right to recover from Lessee, as provided in State of California Civil Code Section 1951.2. Damages City may recover shall include the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss for the same period that the Lessee proves could be reasonably avoided. This clause shall not be construed to limit any right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

- 28. <u>Waiver of Breach</u>: The waiver by City of any breach by Lessee of any provision contained herein shall not be deemed to be a waiver of such provision, or a waiver of any breach of any other provision contained herein.
- 29. <u>Bankruptey:</u> In the event the (a) Lessee shall file a voluntary petition in bankruptcy proceeding; (b) any voluntary or involuntary proceeding for the reorganization of Lessee shall be instituted by anyone other than the City under any of the provisions of the bankruptcy laws of the United States; or (c) a receiver or judicial trustee or custodian shall be appointed for Lessee, or any alien or any writ of attachment, garnishment, execution, or distraint shall be levied upon any of Lessee's rights or interest under this Lease; or (d) there shall be any other assignment of any of Lessee's rights or interest under this Lease by operation of law, then in addition to any and all other rights and remedies available to it, City may, at its option by written notice to Lessee, terminate this Lease and all rights and interest of Lessee and all other persons under this Lease. The term "Lessee," as used in this paragraph, includes any individual, partnership, or corporation who is a Lessee hereunder, even though several individuals, partnerships, or corporations are such, and includes each partner of any partnership who is a Lessee hereunder. Any consent by City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a consent to any other different or subsequent sublease, assignment, transfer, mortgage, or conveyance.

- 30. Quiet Possession: Notwithstanding any other provision in this Lease, City covenants that Lessee, on paying the rent and performing the covenants herein contained, shall and may peaceably and quietly have and enjoy the demised premises for the term hereof.
- 31. <u>Surrender of Premises</u>: On the last day of said term, or extension thereof, or sooner termination of the Lease, Lessee will peaceably and quietly leave, surrender, and yield up to the City the demised premises in as good condition and repair as at the commencement of Lessee's occupancy, reasonable use and wear thereof, and damage by earthquake, public calamity, by the elements, by acts of God, or by fire or other circumstances over which Lessee has no control, excepted.
- 32. Removal of Improvement at Termination: Upon the termination of this Lease, or any holding over, for any reason other than Lessee's failure to perform its obligations under the terms and conditions of this Lease, Lessee shall have the right at Lessee's sole cost and expense, to remove all improvements and/or furniture, furnishings, equipment, and fixtures of whatsoever kind or nature placed of the demised premises by Lessee or its contractors so long as they could be removed without damage or disfigurement to the demised premises. Full restoration of the demised premises as it existed prior to the construction of said improvements or the installation of said furniture, furnishings, equipment, and fixtures shall be made by Lessee. If after the termination of this Lease Lessee has not removed said improvements, furniture, furnishings, equipment, and fixtures, the City shall have the option to claim the ownership thereof or to remove same and restore the demised premises as set forth above at the expense of Lessee. Said expense shall also include consideration for the additional time Lessee or its improvements occupy the premises beyond the termination date and disallow the City's total utilization of the premises pursuant to its ownership of the property.

In the event of a termination by City of this Lease because of Lessee's failure to faithfully perform the terms and conditions of this Lease, the City may accept cash or other satisfactory security for the amount of its costs, expense, loss and damage accruing from Lessee's failure to perform and thereupon the Lessee shall have the right to remove the said improvements.

33. <u>Incorporation of Prior Agreements and Amendments:</u> This Lease contains all agreements of the parties with respect to any matter mentioned herein. No prior agreement or understanding pertaining to any such matter shall be effective. This Lease may be modified in writing

only, signed by the parties in interest at the time of modification.

- 34. <u>Severability:</u> The invalidity of any provision of this Lease as determined by a Court of competent jurisdiction shall in no way affect the validity of any other provision hereof.
- 35. <u>Construed Pursuant to California Law:</u> The parties hereto agree that the provisions of this Lease will be construed pursuant to the laws of the State of California.
- 36. <u>Venue</u>: If either Lessee or City initiates an action to enforce the terms hereof or declare rights hereunder, including actions on any bonds and/or surety agreements, the parties agree that the venue thereof shall be the County of Tulare, State of California. Lessee hereby waives any rights he might have to remove any such action pursuant to California Code of Civil Procedure Section 394.
- 37. <u>Covenants and Conditions:</u> Each provision of this Lease performable by Lessee shall be deemed both a covenant and a condition.
- 38. <u>Captions:</u> The use of Paragraph headings in this Lease is solely for convenience, and they shall be wholly disregarded in the construction of this Lease.
- 39. <u>Time of Essence</u>: Time is hereby expressly declared to be the essence of this Lease and of each and every provision thereof, and each such provision is hereby made and declared to be a material, necessary, and essential part of this Lease.

IN WITNESS WHEREOF, the parties hereto have executed this Lease on the day and year first herein above written.

CITY OF PORTERVILLE	LESSEE
By:Cameron J. Hamilton, Mayor	By: Bruce Kaiser
ATTEST:	
By:	-
APPROVED AS TO FORM:	
By:	-
Julia Lew, City Attorney	

SUBJECT: INTERIM FINANCIAL STATUS REPORTS

SOURCE: Finance Department

COMMENT: The City Charter requires financial status reports to be provided to City

Council on a monthly basis. Council Minute Order #10-011607 approved the recommended change in submittal of the Interim Financial Status Reports and established the requirement and parameters for the

presentation of the reports.

In accordance with Council Minute Order #10-011607, the interim financial status reports for the 3rd fiscal quarter ended March 31, 2014, are

submitted.

RECOMMENDATION: That the City Council accept the interim financial status

reports as presented.

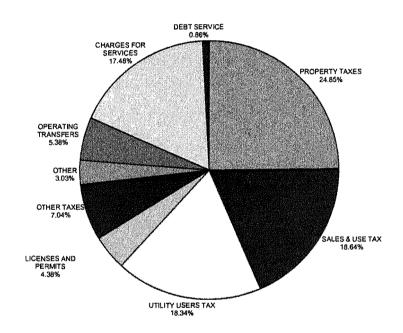
ATTACHMENTS: Interim financial reports

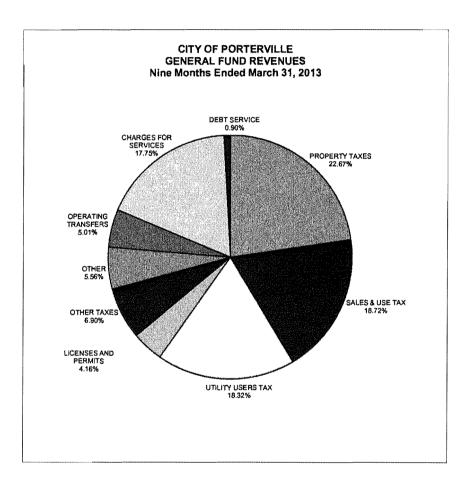
D.D. MB Appropriated/Funded MB C.M.

#### REVENUE STATUS REPORT - GENERAL FUND FOR THE NINE MONTHS ENDED MARCH 31, 2014 AND MARCH 31, 2013

REVENUE SOURCE	2013-20 ESTIMA <sup>-</sup> REVEN	ED	_	2013-2014 YEAR-TO-DATE REVENUE	% OF ESTIMATE		2012-2013 ESTIMATED REVENUE		2012-2013 YEAR-TO-DATE REVENUE	% OF ESTIMATE
PROPERTY TAXES	\$ 6,980,	762	\$	3,813,915.12	54.63%	\$	6,691,568	\$	3,417,839	51.08%
OTHER TAXES:	4 000			0.740.075	00.40%		0.774.045		0.747.005	70.050/
SALES AND USE TAX	4,032,6			2,746,075	68.10%		3,771,619		2,717,395	72.05%
UTILITY USERS TAX	4,000,0			2,813,953	70.35%		3,950,000		2,761,611	69.91%
TRANSIENT OCCUPANCY TAX	315,0			190,084	60.34%		310,000		158,478	51.12%
PROPERTY TRANSFER TAX	50,0			37,522	75.04%		45,000		35,400	78.67%
FRANCHISE TAX	1,471,1			814,497	55.37%		1,471,134		804,571	54.69%
SALES TAX - PUBLIC SAFETY	150,0	000		114,519	76.35%		130,000		105,425	81.10%
LICENSES AND PERMITS:										
BUSINESS LICENSES	411,2			413,188	100.48%		406,200		394,847	97.21%
CONSTRUCTION PERMITS	310,8	300		259,645	83.54%		339,505		233,105	68.66%
REVENUE FROM AGENCIES-TAXES:										
MOTOR VEHICLE IN-LIEU TAX	29,3			23,542	80.13%				28,249	
OTHER TAXES	28,0			14,118	50.42%		30,000		13,819	46.06%
REVENUE FROM AGENCIES-GRANTS	1,976,0	05		153,331	7.76%		68,872		531,445	771.64%
USE OF MONEY AND PROPERTY	227,2	277		208,494	91.74%		225,078		174,546	77.55%
FINES AND FORFEITURES	65,0	00		51,200	78.77%		53,000		44,288	83.56%
CHARGES FOR SERVICES:										
PLANNING AND ENGINEERING	96,1	00		44,004	45.79%		78,523		100,104	127.48%
POLICE	374,0	000		200,009	53.48%		316,000		149,625	47.35%
FIRE	28,0	000		33,205	118.59%		55,000		43,987	79.98%
LIBRARY	40,0	100		31,409	78.52%		40,000		27,288	68.22%
RECREATIONAL	1,751,9	22		1,129,814	64.49%		1,671,741		1,111,762	66.50%
INTERDEPARTMENTAL	1,600,0	00		1,234,605	77.16%		1,600,000		1,236,927	77.31%
OTHER	8,7	48		9,272	105.99%		8,018		7,005	87.37%
OTHER REVENUES	67,1	50	_	52,219	77.76%	_	70,300	_	87,943	125.10%
SUBTOTALS	\$ 24,013,1	28	\$	14,388,620	59.92%	\$	21,331,558	\$	14,185,657	66.50%
OPERATING TRANSFERS	1,138,3	09		825,411	72.51%		629,982		755,770	119.97%
DEBT SERVICE TRANSFERS	170,8	90_		132,646	77.62%	_	572,300	_	135,462	23.67%
TOTALS	\$ 25,322,3	27	\$_	15,346,677	60.61%	\$_	22,533,840	\$_	15,076,890	66.91%

#### CITY OF PORTERVILLE GENERAL FUND REVENUES Nine Months Ended March 31, 2014

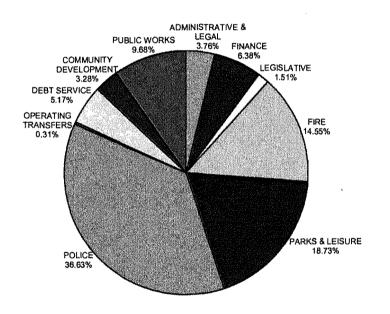




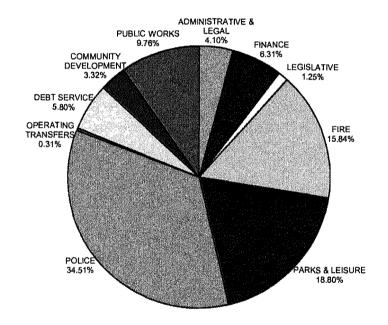
#### EXPENDITURE STATUS REPORT - GENERAL FUND FOR THE NINE MONTHS ENDED MARCH 31, 2014 AND MARCH 31, 2013

		2013-2014 AMENDED APPROP	2013-2014 YEAR-TO-DATE EXPEND	% OF APPROP		2012-2013 AMENDED APPROP	2012-2013 YEAR-TO-DATE EXPEND	% OF APPROP
LEGISLATIVE:	_				_			== ==./
CITY COUNCIL	\$	137,917 \$		66.5%	\$	114,203 \$	63,393	55.5%
COMMUNITY PROMOTION		207,214	158,478	76.5%		205,012	143,831	70.2%
ADMINISTRATIVE & LEGAL:		0.10.0.10	470.000	74 70/		000 777	470.000	70.00/
CITY MANAGER		249,942	179,308	71.7%		238,777	176,238	73.8%
CITY CLERK		168,151	106,062	63.1%		184,315	112,631	61.1%
HUMAN RESOURCES		248,575	211,167	85.0%		274,333	220,210	80.3%
CITY ATTORNEY		180,000	127,055	70.6%		236,592	172,014	72.7%
FINANCE:				<b>=0</b> =0/		740.004	E00.000	74.00/
FINANCE & ACCOUNTING		775,835	562,707	72.5%		746,234	536,902	71.9%
INFORMATION SERVICES		404,265	281,218	69.6%		394,977	262,189	66.4%
ADMINISTRATIVE SERVICES		372,904	214,780	57.6%		371,668	250,276	67.3%
POLICE PROTECTION		8,777,899	6,075,606	69.2%		8,604,113	5,738,541	66.7%
FIRE PROTECTION		3,700,854	2,413,978	65.2%		3,745,606	2,634,092	70.3%
COMMUNITY DEVELOPMENT:							244 222	
PLANNING & ZONING		516,294	354,865	68.7%		516,294	344,622	66.7%
ECONOMIC DEVELOPMENT		294,233	188,387	64.0%		294,233	206,891	70.3%
PUBLIC WORKS:								
ENGINEERING & BUILDING		1,010,225	600,833	59.5%		979,744	629,617	64.3%
STREET MAINTENANCE		406,971	297,191	73.0%		407,039	299,350	73.5%
SIGNALS, SIGNING & STRIPING		356,382	286,337	80.3%		383,617	277,716	72.4%
STREET LIGHTING		479,226	331,727	69.2%		482,171	323,164	67.0%
STORM DRAINS		89,138	59,840	67.1%		88,125	62,423	70.8%
PARKING LOTS		47,144	30,105	63.9%		47,079	30,456	64.7%
PARKS & LEISURE:								
PARK MAINTENANCE & OPERATION		1,658,678	1,082,920	65.3%		1,755,736	1,074,964	61.2%
STREET TREES & PARKWAYS		187,395	107,133	57.2%		194,999	129,074	66.2%
COMMUNITY CENTERS		220,850	75,439	34.2%		232,169	73,716	31.8%
LEISURE SERVICES		199,157	176,779	88.8%		216,183	151,206	69.9%
LEISURE SERVICES - SPECIAL PROG		1,586,600	1,130,369	71.2%		1,510,704	1,166,780	77.2%
SWIMMING POOL		158,971	89,487	56.3%		165,211	85,558	51.8%
LIBRARY OPERATIONS		682,505	444,157	65.1%		679,076	431,666	63.6%
SPECIAL PROJECTS		17,154	394		-	20,272	13,182	65.0%
SUB TOTALS		23,134,479 \$	15,677,994	67.8%		23,088,482 \$	15,610,702	67.6%
OPERATING TRANSFERS		79,000	51,750	65.5%		79,000	51,750	65.5%
DEBT SERVICE		1,202,422	856,929	71.3%	-	1,828,329	964,703	52.8%
	\$ .	24,415,901 \$	16,586,673	67.9%	\$ :	24,995,811 \$	16,627,155	66.5%

#### CITY OF PORTERVILLE GENERAL FUND EXPENDITURES Nine Months Ended March 31, 2014



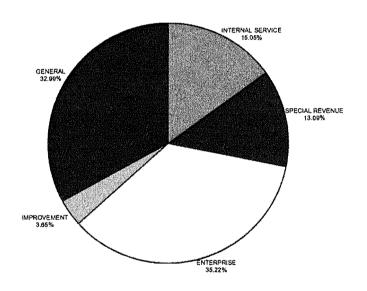
#### CITY OF PORTERVILLE GENERAL FUND EXPENDITURES Nine Months Ended March 31, 2013



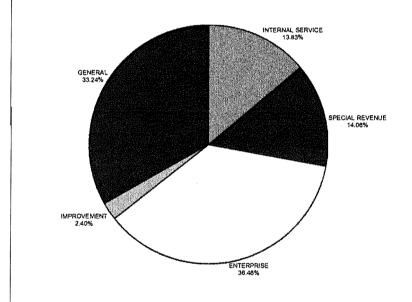
#### REVENUE STATUS REPORT - ALL OTHER FUNDS FOR THE NINE MONTHS ENDED MARCH 31, 2014 AND MARCH 31, 2013

REVENUE SOURCE	<del></del> -	2013-2014 ESTIMATED REVENUE	2013-2014 YEAR-TO-DATE REVENUE	% OF ESTIMATE		2012-2013 ESTIMATED REVENUE	2012-2013 YEAR-TO-DATE REVENUE	% OF ESTIMATE
MEASURE H SALES TAX	\$	2,974,507 \$	2,192,760	73.7%	\$	2,919,298 \$	1,986,465	68.0%
SPECIAL GAS TAX		2,083,576	1,476,229	70.9%		3,184,160	1,414,173	44.4%
LOCAL TRANSPORTATION FUNDS (LTF)		6,250,900	789,671	12.6%		4,195,232	910,155	21.7%
TRAFFIC SAFETY FUND		150,300	126,874	84.4%		150,500	89,048	59.2%
ZALUD ESTATE		6,300	2,972	47.2%		7,000	6,035	86.2%
COMMUNITY DEVELOPMENT BLOCK GRANT		1,039,716	638,802	61.4%		1,845,059	968,419	52.5%
TRANSIT		6,265,851	1,022,308	16.3%		6,691,898	1,321,281	19.7%
SPECIAL SAFETY GRANTS		267,917	267,604	99.9%		378,755	171,137	45.2%
SEWER OPERATING		6,697,754	5,086,310	75.9%		6,622,454	5,126,024	77.4%
REFUSE REMOVAL		5,590,000	4,225,148	75.6%		5,550,000	4,191,630	75.5%
AIRPORT OPERATIONS		1,556,271	977,772	62.8%		1,386,136	851,314	61.4%
GOLF COURSE		225,400	153,528	68.1%		242,500	153,395	63.3%
WATER OPERATING		4,887,000	3,893,645	79.7%		4,845,000	3,911,784	80.7%
RISK MANAGEMENT		4,742,076	4,201,592	88.6%		4,703,666	3,816,912	81.1%
EQUIPMENT MAINTENANCE		2,811,000	2,361,111	84.0%		2,681,250	2,085,495	77.8%
LANDSCAPE MAINTENANCE DISTRICT		44,362	24,076	54.3%		260,000	131,967	50.8%
WATER REPLACEMENT		382,946	294,657	76.9%		406,991	329,006	80.8%
SOLID WASTE RESERVE		1,564,646	827,463	52.9%		1,620,718	211,417	13.0%
SEWER REVOLVING		238,614	165,273	69.3%		245,511	151,999	61.9%
TRANSPORTATION DEVELOPMENT		205,000	89,381	43.6%		108,000	175,264	162.3%
PARK DEVELOPMENT		20,000	19,051	95.3%		20,000	21,921	109.6%
TREATMENT PLANT RESERVE		535,340	304,144	56.8%		622,328	333,379	53.6%
STORM DRAIN DEVELOPMENT		115,000	75,985	66.1%		85,000	125,346	147.5%
BUILDING CONSTRUCTION		6,000	6,630	110.5%		10,000	6,270	62.7%
TOTALS	- \$_	48,660,476 \$	29,222,985	60.1%	- \$_	48,781,456_\$	28,489,835	58.4%

#### CITY OF PORTERVILLE REVENUE BY FUND TYPE Nine Months Ended March 31, 2014



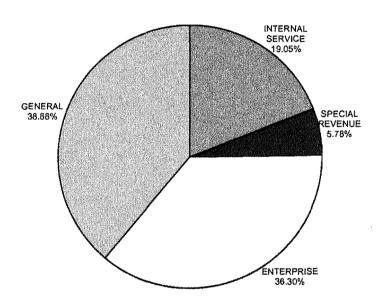
#### CITY OF PORTERVILLE REVENUE BY FUND TYPE Nine Months Ended March 31, 2013



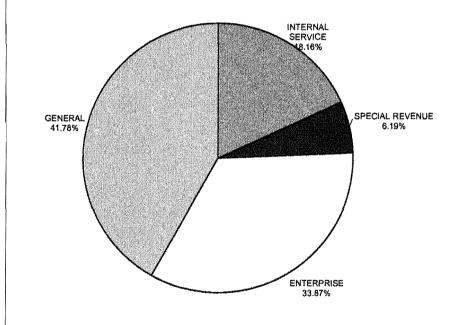
#### EXPENDITURE STATUS REPORT - ALL OTHER FUNDS FOR THE NINE MONTHS ENDED MARCH 31, 2014 AND MARCH 31, 2013

	-	2013-2014 AMENDED APPROP	2013-2014 YEAR-TO-DATE EXPEND	% OF <u>APPROP</u>		2012-2013 AMENDED APPROP	2012-2013 YEAR-TO-DATE EXPEND	% OF ACTUAL
MEASURE H SALES TAX	\$	2,785,632 \$	1,903,637	68.3%	\$	2,772,476 \$	1,885,459	68.0%
ZALUD ESTATE	•	29,235	17,414	59.6%	•	29,435	16.063	54.6%
COMMUNITY DEVELOPMENT BLOCK GRANT		499,138	115,515	23.1%		502,461	102,056	20.3%
TRANSIT		3,644,232	2,685,644	73.7%		4,178,019	1,372,495	32.9%
SPECIAL SAFETY GRANTS		345,844	196,521	56.8%		417,825	228,246	54.6%
SEWER OPERATING		5,993,712	3,968,929	66.2%		5,951,222	3,720,690	62.5%
REFUSE REMOVAL		5,392,910	3,637,117	67.4%		5,335,522	3,654,188	68.5%
AIRPORT		1,318,522	833,737	63.2%		1,316,618	710,049	53.9%
GOLF COURSE		355,513	267,606	75.3%		353,849	238,424	67.4%
WATER OPERATING		4,300,615	3,226,468	75.0%		4,280,371	2,943,239	68.8%
RISK MANAGEMENT		5,985,699	5,460,412	91.2%		5,917,818	4,792,219	81.0%
EQUIPMENT MAINTENANCE		2,791,933	2,220,451	79.5%		2,631,898	1,995,497	75.8%
LANDSCAPE MAINTENANCE DISTRICT	_	170,080	113,219	66.6%	-	223,811	99,159	44.3%
TOTALS	\$ _	33,613,065	24,646,670	73.3%	\$	33,911,325	21,757,783	64.2%

#### CITY OF PORTERVILLE EXPENDITURES BY FUND TYPE Nine Months Ended March 31, 2014



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



# CITY OF PORTERVILLE INTERIM PERFORMANCE REPORT - MEASURE H For the Nine Months Ended March 31, 2014 and March 31, 2013

	_	FY 2013-14	FY 2012-13
REVENUES			
Sales Tax - Measure H	\$	2,164,380	1,954,716
Interest		28,039	31,749
Police Services		340	-
TOTAL REVENUES	_	2,192,760	1,986,465
EXPENDITURES			
Police Department		977,779	999,640
Fire Department		664,316	622,322
Library & Literacy		261,542	263,496
TOTAL EXPENDITURES	_	1,903,637	1,885,459
CAPITAL PROJECTS			
Public Safety Station		18,927	262,474
		3,02.	
REVENUE OVER/(UNDER) EXPENDITURES	\$	270,196	\$ (161,467)

CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
For the Nine Months Ended March 31, 2014 and March 31, 2013

FUND	- <u>-</u>	REVENUES	 EXPENSES	,	3/31/2014 NET PROFIT (LOSS)	3/31/2013 NET PROFIT (LOSS)
Zalud Estate	\$	2,972	\$ (17,414)	\$	(14,441)	\$ (10,029)
Sewer Operating		5,086,310	(3,968,929)		1,117,381	1,405,334
Solid Waste		4,225,148	(3,637,117)		588,031	537,443
Airport		977,772	(833,737)		144,035	141,265
Golf		153,528	(267,606)		(114,078)	(85,030)
Water Operating		3,893,645	(3,226,468)		667,176	968,545

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

COUNCIL AGENDA: May 6, 2014

SUBJECT: QUARTERLY PORTFOLIO SUMMARY

SOURCE: Finance Department

COMMENT: This report reflects the investment portfolio of the City of Porterville as of

March 31, 2014, and is in compliance with California Government Code Section 27000, etc., Section 53600, etc., and the City of Porterville's Statement of Investment Policy. Investments are selected based on the

statutory objectives of safety, liquidity and yield.

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

percentage of liquid holdings.

RECOMMENDATION: That the City Council accept the quarterly Portfolio

Summary.

ATTACHMENT: Quarterly Portfolio Summary

D.D. Appropriated/Funded C.M.

Item No. 17

#### CITY OF PORTERVILLE PORTFOLIO SUMMARY AS OF MARCH 31, 2014

INVESTMENT OR CUSIP		PURCHASE	MARKET	COUPON INTEREST	PURCHASE	MATURITY	DAYS TO
NUMBER	INSTITUTION	PRICE	VALUE	RATE	DATE	DATE	MATURITY
1006	LOCAL AGENCY INVESTMENT FUND \$		7,942,160	0.230%	DAILY	DAILY	1
1007 866	CSJVRMA INVESTMENT FUND TULARE COUNTY INVESTMENT POOL	6,372,552 8,542,293	6,492,053 8,542,293	1.200% 1.260%	DAILY DAILY	DAILY DAILY	30 30
	PROSPECT-HENDERSON PARTNERS, L		2,620,221	2.850%	12/29/2009	10/27/2020	2,402
	TULARE COUNTY JUNIOR LIVESTOCK SHOW						
0400505140	AND COMMUNITY FAIR	1,476,020	1,476,020	3.000%	9/30/2010	7/15/2021	2,663
3136FPEW3 313379XM6	FEDERAL NATL MTG ASSN FEDERAL HOME LOAN BANKS	1,000,000 1,000,000	1,009,380 992,660	1.500% 1.100%	9/16/2010 7/10/2012	12/16/2014 7/10/2017	260 1,197
313382FP3	FEDERAL HOME LOAN BANKS	997,500	997,500	1.000%	3/20/2013	3/20/2018	1,450
3134G46D5	FEDERAL HOME LN MTG CORP	1,000,000	977,640	1.200%	6/12/2013	6/12/2018	1,534
313388G21	FEDERAL HOME LOAN BANKS	1,000,000	981,190	1.200%	6/20/2013	6/20/2018	1,542
31315PG94	FEDERAL AGRIC MTG CORP	1,000,000	994,090	1.740%	11/14/2013	11/14/2018	1,689
3130A0GL8	FEDERAL HOME LOAN BANKS	1,000,000	1,001,870	1.250%	12/27/2013	12/27/2018	1,732
3133EAB72	FEDERAL HOME LANGE CORR	500,000	489,020	1.180%	3/14/2014	5/1/2018	1,492
3134G47G7	FEDERAL NATIONE ORP	2,000,000	1,970,400	1.400%	6/26/2013	6/26/2018	1,548
3136G1PR4 313383N98	FEDERAL NATL MTG ASSN FEDERAL HOME LOAN BANKS	1,000,000 1,000,000	999,750 991,520	1.750% 1.800%	7/16/2013 7/18/2013	7/16/2018 7/18/2018	1,568 1,570
						-	,
36962G5B6 36962G5Q3	GENERAL ELECTRIC CAR CORR	1,000,000	1,000,080 1,001,290	0.870%	1/27/2012	4/7/2014	7
36962G5Q3 36962G5D2	GENERAL ELECTRIC CAP CORP GENERAL ELECTRIC CAP CORP	1,000,000 1,000,000	1,001,290	1.000% 1.109%	1/30/2012 4/27/2012	1/30/2015 5/9/2016	305 770
4812VUL2	JP MORGAN CHASE BANK NA	1,000,000	997,800	1.000%	4/27/2012	4/27/2017	1,123
4042K1U68	HSBC USA INC	1,000,000	974,690	2.200%	7/5/2012	7/5/2017	1,192
89233P6S0	TOYOTA MOTORS CRD CORP	1,000,000	990,850	1.250%	3/13/2013	10/5/2017	1,284
00206RBM3	AT&T INC	1,004,830	989,430	1.400%	1/22/2013	12/1/2017	1,341
94974BFG0	WELLS FARGO CO	1,006,910	990,450	1.500%	1/22/2013	1/16/2018	1,387
36185AM47	CERTIFICATE OF DEPOSIT	97,000	97,000	3.450%	4/3/2009	4/3/2014	3
02587DKB3	CERTIFICATE OF DEPOSIT	240,000	244,318	1.750%	12/22/2011	12/22/2015	631
9819961J0	CERTIFICATE OF DEPOSIT	200,000	201,000	2.000%	9/14/2011	9/14/2016	898
36160WH51	CERTIFICATE OF DEPOSIT	240,000	245,894	2.100%	12/16/2011	12/16/2016	991
33764JRP2 17284A2U1	CERTIFICATE OF DEPOSIT CERTIFICATE OF DEPOSIT	240,000 240,000	239,868 243,329	1.100% 1.500%	1/25/2013 7/18/2012	1/25/2017 7/18/2017	1,031 1,205
795450PA7	CERTIFICATE OF DEPOSIT	240,000	242,786	1,700%	8/22/2012	8/22/2017	1,240
06740KFX0	CERTIFICATE OF DEPOSIT	247,000	250,749	1.900%	1/19/2012	1/19/2017	1,025
856284C77	CERTIFICATE OF DEPOSIT	247,000	252,921	2.050%	1/27/2012	1/27/2017	1,033
05568PZ26	CERTIFICATE OF DEPOSIT	248,000	248,342	1.000%	9/21/2012	9/21/2015	539
20451PBT2	CERTIFICATE OF DEPOSIT	247,000	247,269	1.800%	7/31/2013	7/31/2018	1,583
38143A2U8 1192	CERTIFICATE OF DEPOSIT CERTIFICATE OF DEPOSIT	250,000 99,000	249,415 99,000	1.050% 1.490%	12/27/2012	12/27/2016	1,002 1,267
1195	CERTIFICATE OF DEPOSIT	99,000	99,000	1.350%	9/18/2012 11/5/2012	9/18/2017 11/5/2017	1,315
1198	CERTIFICATE OF DEPOSIT	99,000	99,000	1.250%	1/9/2013	1/9/2018	1,380
1200	CERTIFICATE OF DEPOSIT	99,000	99,000	1.580%	2/26/2013	2/26/2018	1,428
1204	CERTIFICATE OF DEPOSIT	250,000	250,000	1.500%	4/9/2013	4/9/2018	1,470
1208	CERTIFICATE OF DEPOSIT	122,408	122,408	1.100%	5/9/2013	5/9/2018	1,500
1209 122 <del>4</del>	CERTIFICATE OF DEPOSIT	99,000	99,000	1.050%	5/16/2013	5/16/2018	1,507
1228	CERTIFICATE OF DEPOSIT CERTIFICATE OF DEPOSIT	250,000 250,000	250,000 250,000	1.950% 1.850%	10/14/2013 10/30/2013	10/14/2018 10/30/2018	1,658 1,67 <del>4</del>
1239	CERTIFICATE OF DEPOSIT	250,000	250,000	1.000%	10/2/2013	10/2/2017	1,281
1243	CERTIFICATE OF DEPOSIT	250,000	250,000	1.500%	6/19/2012	6/19/2016	811
1244	CERTIFICATE OF DEPOSIT	100,000	100,000	3.400%	1/13/2010	1/13/2015	288
1246	CERTIFICATE OF DEPOSIT	100,000	100,000	3.250%	4/6/2010	4/6/2015	371
1248	CERTIFICATE OF DEPOSIT	100,002	100,002	1.260%	5/8/2012	5/8/2015	403
1249 1250	CERTIFICATE OF DEPOSIT CERTIFICATE OF DEPOSIT	100,000 98,885	100,000 98,885	3.460% 3.460%	6/3/2010 6/9/2010	4/3/2015 4/9/2015	368 374
1253	CERTIFICATE OF DEPOSIT	247,000	247,000	3.400%	8/2/2010	8/2/2015	489
1254	CERTIFICATE OF DEPOSIT	100,000	100,000	2.960%	9/3/2010	9/3/2014	156
1256	CERTIFICATE OF DEPOSIT	250,000	250,000	1.880%	6/9/2011	6/19/2014	80
1258	CERTIFICATE OF DEPOSIT	150,000	150,000	1.650%	1/13/2013	1/13/2016	653
1260	CERTIFICATE OF DEPOSIT	250,000	250,000	1.840%	4/4/2012	4/4/2017	1,100
1261	CERTIFICATE OF DEPOSIT	254,426	254,426	1.500%	7/13/2012	1/13/2016	653
1262 1262	CERTIFICATE OF DEPOSIT CERTIFICATE OF DEPOSIT	250,000 250,000	250,000 250,000	1.440% 1.540%	9/5/2012 12/12/2012	9/5/2017 12/12/2017	1,254 1,352
1202	OLIVIII IOATE OF DEFOSIT	230,000	250,000	1.540/0	12/12/2012	1211212011	1,002

NUMBER   INSTITUTION   PRICE   VALUE   INTEREST   PURCHASE   DATE   DA	INVESTMENT					COUPON			
1263	OR CUSIP			PURCHASE	MARKET	INTEREST	PURCHASE	MATURITY	DAYS TO
1264   CERTIFICATE OF DEPOSIT   150,000   150,000   1.250%   2/14/2013   2/14/2018   1,416     1264   CERTIFICATE OF DEPOSIT   100,000   100,000   1.300%   1/28/2013   1/28/2018   1,399     1265   CERTIFICATE OF DEPOSIT   100,000   100,000   1.300%   1/30/2013   1/30/2018   1,401     1266   CERTIFICATE OF DEPOSIT   250,000   250,000   1.250%   5/8/2013   5/8/2018   1,499     1278   CERTIFICATE OF DEPOSIT   250,000   250,000   1.000%   4/29/2013   4/29/2016   760     1280   CERTIFICATE OF DEPOSIT   250,000   250,000   1.300%   5/21/2013   5/21/2018   1,512     1281   CERTIFICATE OF DEPOSIT   250,000   250,000   1.300%   5/21/2013   5/21/2018   1,5512     1282   CERTIFICATE OF DEPOSIT   250,000   250,000   1.300%   6/21/2013   5/4/2018   1,543     1283   CERTIFICATE OF DEPOSIT   250,000   250,000   1.250%   5/9/2013   5/8/2018   1,499     1284   CERTIFICATE OF DEPOSIT   250,000   250,000   1.250%   5/9/2013   5/8/2018   1,499     1284   CERTIFICATE OF DEPOSIT   250,000   250,000   1.250%   4/23/2013   4/23/2018   1,484     1285   CERTIFICATE OF DEPOSIT   250,000   250,000   1.500%   4/29/2013   4/29/2018   1,490     1286   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   7/19/2013   7/19/2018   1,547     1287   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   7/19/2013   7/19/2018   1,571     1288   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   7/19/2013   7/24/2018   1,576     1289   CERTIFICATE OF DEPOSIT   250,000   250,000   2.050%   9/18/2013   9/18/2013   1,655     1290   CERTIFICATE OF DEPOSIT   250,000   250,000   2.050%   1/11/2013   1/11/2018   1,655     1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2.050%   2/7/2014   2/7/2019   1,774      TOTALS   5/7,416,207   5/7,415,949   WEIGHTED   AVERAGE   AVERA	NUMBER	INSTITUT	ION	PRICE	VALUE	RATE	DATE	DATE	MATURITY
1264   CERTIFICATE OF DEPOSIT   100,000   100,000   1,300%   1/28/2013   1/28/2018   1,399   1265   CERTIFICATE OF DEPOSIT   100,000   100,000   1,300%   1/30/2013   1/30/2018   1,401   1266   CERTIFICATE OF DEPOSIT   250,000   250,000   1,250%   5/8/2013   5/8/2018   1,499   1278   CERTIFICATE OF DEPOSIT   250,000   250,000   1,000%   4/29/2013   4/29/2016   760   1280   CERTIFICATE OF DEPOSIT   250,000   250,000   1,300%   5/21/2013   5/21/2018   1,512   1281   CERTIFICATE OF DEPOSIT   250,000   250,000   1,300%   5/21/2013   5/21/2018   1,505   1282   CERTIFICATE OF DEPOSIT   250,000   250,000   1,300%   6/21/2013   6/21/2018   1,543   1283   CERTIFICATE OF DEPOSIT   250,000   250,000   1,300%   6/21/2013   6/21/2018   1,499   1284   CERTIFICATE OF DEPOSIT   250,000   250,000   1,250%   4/23/2013   4/23/2018   1,484   1285   CERTIFICATE OF DEPOSIT   250,000   250,000   1,250%   4/23/2013   4/23/2018   1,490   1286   CERTIFICATE OF DEPOSIT   250,000   250,000   1,500%   4/29/2013   4/29/2018   1,547   1287   CERTIFICATE OF DEPOSIT   250,000   250,000   1,600%   6/25/2013   6/25/2018   1,547   1288   CERTIFICATE OF DEPOSIT   250,000   250,000   1,500%   4/29/2013   4/29/2018   1,576   1289   CERTIFICATE OF DEPOSIT   250,000   250,000   1,590%   7/24/2013   7/19/2018   1,576   1289   CERTIFICATE OF DEPOSIT   250,000   250,000   1,590%   7/24/2013   7/19/2018   1,576   1289   CERTIFICATE OF DEPOSIT   250,000   250,000   1,590%   7/24/2013   7/19/2018   1,576   1290   CERTIFICATE OF DEPOSIT   250,000   250,000   2,500%   1/2013   7/24/2018   1,655   1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2,500%   1/2013   7/24/2018   1,655   1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2,500%   1/2013   7/24/2018   1,655   1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2,500%   2/250%   2/7/2014   2/7/2019   1,774      TOTALS   57,416,207   57,415,949   WEIGHTED   PORTFOLIO	1263	CERTIFICATE OF DEP	POSIT	250,000	250,000	1.250%	2/1/2013	3/1/2017	1,066
1265   CERTIFICATE OF DEPOSIT   100,000   100,000   1.300%   1/30/2013   1/30/2018   1,401     1266   CERTIFICATE OF DEPOSIT   250,000   250,000   1.250%   5/8/2013   5/8/2018   1,499     1278   CERTIFICATE OF DEPOSIT   250,000   250,000   1.000%   4/29/2013   4/29/2016   760     1280   CERTIFICATE OF DEPOSIT   250,000   250,000   1.300%   5/21/2013   5/21/2018   1,512     1281   CERTIFICATE OF DEPOSIT   250,000   250,000   1.390%   5/21/2013   5/21/2018   1,505     1282   CERTIFICATE OF DEPOSIT   250,000   250,000   1.390%   6/21/2013   6/21/2018   1,543     1283   CERTIFICATE OF DEPOSIT   250,000   250,000   1.250%   5/9/2013   5/8/2018   1,499     1284   CERTIFICATE OF DEPOSIT   250,000   250,000   1.250%   5/9/2013   5/8/2018   1,499     1285   CERTIFICATE OF DEPOSIT   250,000   250,000   1.500%   4/23/2013   4/23/2018   1,484     1285   CERTIFICATE OF DEPOSIT   250,000   250,000   1.500%   4/29/2013   4/29/2018   1,490     1286   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   6/25/2013   6/25/2018   1,547     1287   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   7/19/2013   7/19/2018   1,576     1288   CERTIFICATE OF DEPOSIT   250,000   250,000   1.590%   7/24/2013   7/24/2018   1,576     1289   CERTIFICATE OF DEPOSIT   250,000   250,000   1.980%   9/18/2013   9/18/2018   1,632     1290   CERTIFICATE OF DEPOSIT   250,000   250,000   2.050%   10/11/2013   10/11/2018   1,655     1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2.050%   10/11/2013   10/11/2018   1,655     1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2.050%   10/11/2013   10/11/2018   1,655     1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2.050%   10/11/2013   10/11/2018   1,655     1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2.050%   10/11/2013   10/11/2018   1,655     1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2.050%   10/11/2013   10/11/2018   1,655     1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2.050%   10/11/2013   10/11/2018   1,655     1291   CERTIFICATE OF DEPOSIT   250,000   2	1264	CERTIFICATE OF DEF	OSIT	150,000	150,000	1.250%	2/14/2013	2/14/2018	1,416
1266	1264	CERTIFICATE OF DEP	POSIT	100,000	100,000	1.300%	1/28/2013	1/28/2018	1,399
1278   CERTIFICATE OF DEPOSIT   250,000   250,000   1.000%   4/29/2013   4/29/2016   760     1280   CERTIFICATE OF DEPOSIT   250,000   250,000   1.300%   5/21/2013   5/21/2018   1,512     1281   CERTIFICATE OF DEPOSIT   250,000   250,000   1.390%   5/14/2013   5/21/2018   1,505     1282   CERTIFICATE OF DEPOSIT   250,000   250,000   1.300%   6/21/2013   6/21/2018   1,543     1283   CERTIFICATE OF DEPOSIT   250,000   250,000   1.250%   5/9/2013   5/8/2018   1,499     1284   CERTIFICATE OF DEPOSIT   250,000   250,000   1.250%   4/23/2013   4/23/2018   1,484     1285   CERTIFICATE OF DEPOSIT   250,000   250,000   1.500%   4/29/2013   4/29/2018   1,490     1286   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   6/25/2013   6/25/2018   1,547     1287   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   6/25/2013   6/25/2018   1,571     1288   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   7/19/2013   7/19/2018   1,576     1289   CERTIFICATE OF DEPOSIT   250,000   250,000   1.980%   9/18/2013   9/18/2018   1,632     1290   CERTIFICATE OF DEPOSIT   250,000   250,000   1.980%   9/18/2013   9/18/2018   1,632     1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2.050%   10/11/2013   10/11/2018   1,655     1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2.250%   2/7/2014   2/7/2019   1,774      TOTALS   5/7,416,207   5/7,415,949   WEIGHTED     WEIGHTED   AVERAGE RATE OF EARNINGS   CURRENT   PORTFOLIO   DAYS TO     MATURITY   M	1265	CERTIFICATE OF DEF	POSIT	100,000	100,000	1.300%	1/30/2013	1/30/2018	1,401
1280         CERTIFICATE OF DEPOSIT         250,000         250,000         1.300%         5/21/2013         5/21/2018         1,512           1281         CERTIFICATE OF DEPOSIT         250,000         250,000         1.390%         5/14/2013         5/14/2018         1,505           1282         CERTIFICATE OF DEPOSIT         250,000         250,000         1.300%         6/21/2013         6/21/2018         1,543           1283         CERTIFICATE OF DEPOSIT         250,000         250,000         1.250%         5/9/2013         5/8/2018         1,499           1284         CERTIFICATE OF DEPOSIT         250,000         250,000         1.250%         4/23/2013         4/23/2018         1,499           1285         CERTIFICATE OF DEPOSIT         250,000         250,000         1.500%         4/29/2013         4/29/2018         1,490           1286         CERTIFICATE OF DEPOSIT         250,000         250,000         1.600%         6/25/2013         6/25/2018         1,547           1287         CERTIFICATE OF DEPOSIT         250,000         250,000         1.500%         7/19/2013         7/19/2018         1,571           1288         CERTIFICATE OF DEPOSIT         250,000         250,000         1.590%         7/24/2013         9/18/2	1266	CERTIFICATE OF DEP	POSIT	250,000	250,000	1.250%	5/8/2013	5/8/2018	1,499
1281   CERTIFICATE OF DEPOSIT   250,000   250,000   1.390%   5/14/2013   5/14/2018   1,505     1282   CERTIFICATE OF DEPOSIT   250,000   250,000   1.300%   6/21/2013   6/21/2018   1,543     1283   CERTIFICATE OF DEPOSIT   250,000   250,000   1.250%   5/9/2013   5/8/2018   1,499     1284   CERTIFICATE OF DEPOSIT   250,000   250,000   1.250%   4/23/2013   4/23/2018   1,484     1285   CERTIFICATE OF DEPOSIT   250,000   250,000   1.500%   4/29/2013   4/29/2018   1,490     1286   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   6/25/2013   6/25/2018   1,547     1287   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   6/25/2013   6/25/2018   1,571     1288   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   7/24/2013   7/19/2018   1,576     1289   CERTIFICATE OF DEPOSIT   250,000   250,000   1.980%   9/18/2013   9/18/2018   1,632     1290   CERTIFICATE OF DEPOSIT   250,000   250,000   2.050%   10/11/2013   10/11/2018   1,655     1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2.250%   2/7/2014   2/7/2019   1,774	1278	CERTIFICATE OF DEF	POSIT	250,000	250,000	1.000%	4/29/2013	4/29/2016	760
1282   CERTIFICATE OF DEPOSIT   250,000   250,000   1.300%   6/21/2013   6/21/2018   1,543     1283   CERTIFICATE OF DEPOSIT   250,000   250,000   1.250%   5/9/2013   5/8/2018   1,499     1284   CERTIFICATE OF DEPOSIT   250,000   250,000   1.250%   4/23/2013   4/23/2018   1,484     1285   CERTIFICATE OF DEPOSIT   250,000   250,000   1.500%   4/29/2013   4/29/2018   1,490     1286   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   6/25/2013   6/25/2018   1,547     1287   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   7/19/2013   7/19/2018   1,571     1288   CERTIFICATE OF DEPOSIT   250,000   250,000   1.590%   7/24/2013   7/24/2018   1,576     1289   CERTIFICATE OF DEPOSIT   250,000   250,000   1.980%   9/18/2013   9/18/2018   1,632     1290   CERTIFICATE OF DEPOSIT   250,000   250,000   2.050%   10/11/2013   10/11/2018   1,655     1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2.250%   2/7/2014   2/7/2019   1,774	1280	CERTIFICATE OF DEF	POSIT	250,000	250,000	1.300%	5/21/2013	5/21/2018	1,512
1283   CERTIFICATE OF DEPOSIT   250,000   250,000   1.250%   5/9/2013   5/8/2018   1,499     1284   CERTIFICATE OF DEPOSIT   250,000   250,000   1.250%   4/23/2013   4/23/2018   1,484     1285   CERTIFICATE OF DEPOSIT   250,000   250,000   1.500%   4/29/2013   4/29/2018   1,490     1286   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   6/25/2013   6/25/2018   1,547     1287   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   7/19/2013   7/19/2018   1,571     1288   CERTIFICATE OF DEPOSIT   250,000   250,000   1.590%   7/24/2013   7/24/2018   1,576     1289   CERTIFICATE OF DEPOSIT   250,000   250,000   1.980%   9/18/2013   9/18/2018   1,632     1290   CERTIFICATE OF DEPOSIT   250,000   250,000   2.050%   10/11/2013   10/11/2018   1,655     1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2.250%   2/7/2014   2/7/2019   1,774	1281	CERTIFICATE OF DEF	POSIT	250,000	250,000	1.390%	5/14/2013	5/14/2018	1,505
1284         CERTIFICATE OF DEPOSIT         250,000         250,000         1.250%         4/23/2013         4/23/2018         1,484           1285         CERTIFICATE OF DEPOSIT         250,000         250,000         1.500%         4/29/2013         4/29/2018         1,490           1286         CERTIFICATE OF DEPOSIT         250,000         250,000         1.600%         6/25/2013         6/25/2018         1,547           1287         CERTIFICATE OF DEPOSIT         250,000         250,000         1.600%         7/19/2013         7/19/2018         1,571           1288         CERTIFICATE OF DEPOSIT         250,000         250,000         1.590%         7/24/2013         7/24/2018         1,576           1289         CERTIFICATE OF DEPOSIT         250,000         250,000         1.980%         9/18/2013         9/18/2018         1,632           1290         CERTIFICATE OF DEPOSIT         250,000         250,000         2.050%         10/11/2013         10/11/2018         1,655           1291         CERTIFICATE OF DEPOSIT         250,000         250,000         2.250%         2/7/2014         2/7/2019         1,774           1291         TOTALS         \$ 57,416,207         \$ 57,415,949         % OF LIQUID         AVERAGE <td>1282</td> <td>CERTIFICATE OF DEP</td> <td>POSIT</td> <td>250,000</td> <td>250,000</td> <td>1.300%</td> <td>6/21/2013</td> <td>6/21/2018</td> <td>1,543</td>	1282	CERTIFICATE OF DEP	POSIT	250,000	250,000	1.300%	6/21/2013	6/21/2018	1,543
1285   CERTIFICATE OF DEPOSIT   250,000   250,000   1.500%   4/29/2013   4/29/2018   1,490     1286   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   6/25/2013   6/25/2018   1,547     1287   CERTIFICATE OF DEPOSIT   250,000   250,000   1.600%   7/19/2013   7/19/2018   1,571     1288   CERTIFICATE OF DEPOSIT   250,000   250,000   1.590%   7/24/2013   7/24/2018   1,576     1289   CERTIFICATE OF DEPOSIT   250,000   250,000   1.980%   9/18/2013   9/18/2018   1,632     1290   CERTIFICATE OF DEPOSIT   250,000   250,000   2.050%   10/11/2013   10/11/2018   1,655     1291   CERTIFICATE OF DEPOSIT   250,000   250,000   2.250%   2/7/2014   2/7/2019   1,774      TOTALS   \$ 57,416,207 \$ 57,415,949   WEIGHTED     WEIGHTED AVERAGE RATE OF EARNINGS   WEIGHTED   AVERAGE     ONE YEAR HISTORY   CURRENT   DAYS TO     3/31/2013   6/30/2013   9/30/2013   12/31/2013   12/31/2013   12/31/2013   HOLDINGS   MATURITY	1283	CERTIFICATE OF DEP	POSIT	250,000	250,000	1.250%	5/9/2013	5/8/2018	1,499
1286         CERTIFICATE OF DEPOSIT         250,000         250,000         1.600%         6/25/2013         6/25/2018         1,547           1287         CERTIFICATE OF DEPOSIT         250,000         250,000         1.600%         7/19/2013         7/19/2018         1,571           1288         CERTIFICATE OF DEPOSIT         250,000         250,000         1.590%         7/24/2013         7/24/2018         1,576           1289         CERTIFICATE OF DEPOSIT         250,000         250,000         1.980%         9/18/2013         9/18/2018         1,632           1290         CERTIFICATE OF DEPOSIT         250,000         250,000         2.050%         10/11/2013         10/11/2018         1,655           1291         CERTIFICATE OF DEPOSIT         250,000         250,000         2.250%         2/7/2014         2/7/2019         1,774           1291         TOTALS         \$ 57,416,207         \$ 57,415,949         WEIGHTED         WEIGHTED         WEIGHTED           1292         WEIGHTED AVERAGE RATE OF EARNINGS         % OF LIQUID         AVERAGE           0NE YEAR HISTORY         CURRENT         PORTFOLIO         DAYS TO           3/31/2013         6/30/2013         9/30/2013         12/31/2013         12/31/2013	1284	CERTIFICATE OF DEF	POSIT	250,000	250,000	1.250%	4/23/2013	4/23/2018	1,484
1287         CERTIFICATE OF DEPOSIT         250,000         250,000         1.600%         7/19/2013         7/19/2018         1,571           1288         CERTIFICATE OF DEPOSIT         250,000         250,000         1.590%         7/24/2013         7/24/2018         1,576           1289         CERTIFICATE OF DEPOSIT         250,000         250,000         1.980%         9/18/2013         9/18/2018         1,632           1290         CERTIFICATE OF DEPOSIT         250,000         250,000         2.050%         10/11/2013         10/11/2018         1,655           1291         CERTIFICATE OF DEPOSIT         250,000         250,000         2.250%         2/7/2014         2/7/2019         1,774           1291         TOTALS         \$ 57,416,207         \$ 57,415,949         WEIGHTED         WEIGHTED         WEIGHTED           1282         WEIGHTED AVERAGE RATE OF EARNINGS         % OF LIQUID PORTFOLIO         AVERAGE         AVERAGE           0NE YEAR HISTORY         CURRENT         PORTFOLIO         DAYS TO           3/31/2013         6/30/2013         9/30/2013         12/31/2013         12/31/2013         HOLDINGS         MATURITY	1285	CERTIFICATE OF DEF	POSIT	250,000	250,000	1.500%	4/29/2013	4/29/2018	1,490
1288         CERTIFICATE OF DEPOSIT         250,000         250,000         1.590%         7/24/2013         7/24/2018         1,576           1289         CERTIFICATE OF DEPOSIT         250,000         250,000         1.980%         9/18/2013         9/18/2018         1,632           1290         CERTIFICATE OF DEPOSIT         250,000         250,000         2.050%         10/11/2013         10/11/2018         1,655           1291         CERTIFICATE OF DEPOSIT         250,000         250,000         2.250%         2/7/2014         2/7/2019         1,774           TOTALS         \$ 57,416,207         \$ 57,415,949         WEIGHTED           WEIGHTED AVERAGE RATE OF EARNINGS         % OF LIQUID PORTFOLIO HOLDINGS         AVERAGE PORTFOLIO HOLDINGS         DAYS TO MATURITY	1286	CERTIFICATE OF DEF	POSIT	250,000	250,000	1.600%	6/25/2013	6/25/2018	1,547
1289         CERTIFICATE OF DEPOSIT         250,000         250,000         1.980%         9/18/2013         9/18/2018         1,632           1290         CERTIFICATE OF DEPOSIT         250,000         250,000         2.050%         10/11/2013         10/11/2018         1,655           1291         CERTIFICATE OF DEPOSIT         250,000         250,000         2.250%         2/7/2014         2/7/2019         1,774           TOTALS         \$ 57,416,207         \$ 57,415,949         WEIGHTED           WEIGHTED AVERAGE RATE OF EARNINGS         % OF LIQUID PORTFOLIO HOLDINGS         AVERAGE PORTFOLIO HOLDINGS         DAYS TO MATURITY	1287	CERTIFICATE OF DEF	POSIT	250,000	250,000	1.600%	7/19/2013	7/19/2018	1,571
1290 CERTIFICATE OF DEPOSIT 250,000 250,000 2.050% 10/11/2013 10/11/2018 1,655 1291 CERTIFICATE OF DEPOSIT 250,000 250,000 2.250% 2/7/2014 2/7/2019 1,774  TOTALS \$ 57,416,207 \$ 57,415,949 WEIGHTED AVERAGE RATE OF EARNINGS WEIGHTED AVERAGE RATE OF EARNINGS WEIGHTED AVERAGE PORTFOLIO DAYS TO 3/31/2013 6/30/2013 9/30/2013 12/31/2013 12/31/2013 12/31/2013 10/11/2013 10/11/2018 1,655 250,000 250,000 2.050% 2/7/2014 2/7/2019 1,774  WEIGHTED AVERAGE PORTFOLIO DAYS TO HOLDINGS MATURITY	1288	CERTIFICATE OF DEF	POSIT	250,000	250,000	1.590%	7/24/2013	7/24/2018	1,576
1291 CERTIFICATE OF DEPOSIT 250,000 250,000 2.250% 2/7/2014 2/7/2019 1,774  TOTALS \$ 57,416,207 \$ 57,415,949	1289	CERTIFICATE OF DEF	POSIT	250,000	250,000	1.980%	9/18/2013	9/18/2018	1,632
TOTALS \$ 57,416,207 \$ 57,415,949	1290	CERTIFICATE OF DEF	POSIT	250,000	250,000	2.050%	10/11/2013	10/11/2018	1,655
WEIGHTED AVERAGE RATE OF EARNINGS         % OF LIQUID         AVERAGE           ONE YEAR HISTORY         CURRENT         PORTFOLIO         DAYS TO           3/31/2013         6/30/2013         9/30/2013         12/31/2013         12/31/2013         HOLDINGS         MATURITY	1291	CERTIFICATE OF DEF	POSIT	250,000	250,000	2.250%	2/7/2014	2/7/2019	1,774
WEIGHTED AVERAGE RATE OF EARNINGS         % OF LIQUID         AVERAGE           ONE YEAR HISTORY         CURRENT         PORTFOLIO         DAYS TO           3/31/2013         6/30/2013         9/30/2013         12/31/2013         12/31/2013         HOLDINGS         MATURITY		TOTAL	s	\$ 57,416,207 \$	57,415,949				
ONE YEAR HISTORY         CURRENT         PORTFOLIO         DAYS TO           3/31/2013         6/30/2013         9/30/2013         12/31/2013         12/31/2013         HOLDINGS         MATURITY									WEIGHTED
3/31/2013 6/30/2013 9/30/2013 12/31/2013 12/31/2013 HOLDINGS MATURITY		WI	EIGHTED AVERA	GE RATE OF EAR	RNINGS		% OF LIQUID		AVERAGE
			ONE YEAR HIS	TORY		CURRENT	PORTFOLIO		DAYS TO
1.419% 1.215% 1.400% 1.289% 1.336% <u>39.809%</u> <u>824</u>		3/31/2013	6/30/2013	9/30/2013	12/31/2013	12/31/2013	HOLDINGS		MATURITY
		1.419%	1.215%	1.400%	1.289%	1.336%	39.809%		824

#### Comments:

Portfolio holdings as of March 31, 2014, are in compliance with the current Investment Policy. With 39.809% of the portfolio being held in liquid instruments, the cash needs of the City will be met. The next portfolio report will be calculated for the second calendar quarter ending June 30, 2014, and will be presented during the August 5, 2014 Council meeting.

SUBJECT:

APPROVAL FOR COMMUNITY CIVIC EVENT - TULARE COUNTY JR. LIVESTOCK SHOW AND COMMUNITY FAIR -

PORTERVILLE FAIR - MAY 14 - 18, 2014

SOURCE:

Finance Department

COMMENT:

The Tulare County Jr. Livestock Show and Community Fair is requesting approval to set up this year's carnival on the City of Porterville's ten acre site next to the fair grounds during the annual fair, from Wednesday, May 14, to Sunday, May 18, 2014.

At the April 15, 2014 Council meeting, a request was made by the Tulare County Junior Livestock Show and Community Fair ("Fair") Board, for a one-year exception to the terms of the License and Development Agreement regarding the sale and consumption of alcoholic beverages during the fair. The exception requested is to allow the patrons of the fair to purchase and consume alcoholic beverages outside the established Adult Refreshment Area (beer garden). The City Council approved the request by authorizing the Police Chief to work directly with the Fair. Exhibit B incorporates the conditions and requirements by the Porterville Police Department for the establishment of the beer garden and the sale and consumption of alcoholic beverages inside and outside the confines of the beer garden.

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

RECOMMENDATION:

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

ATTACHMENT:

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

D.D. Appropriated/Funded C.M.

Item No. <u>/ 8</u>

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

(Incomplete applications can delay permit process)

## APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A

COMMUNITY CIVIC	EVENT OR OTHER ACTIV	ITY TO BE HELI	ON PUBL	IC PROPERTY	
DO YOU HAVE?	Event Flyer? 455 E-i	mail address? Ya	٤5	Website? YE	5
Application date:		Event date	3: Mar 14	4-18,2014	
		Event time	3:5/4 8 5/16	5 4Pm-11Pm 5/ Am 5118 12P	16 4Pm - 12 Am
Name of Event:	Porterville Fair	3//	1 14pm - 12	Am 5/18 12P	m-11pm
				/	no gapatan
Sponsoring organiz				(559) 781-65	<u>82</u>
Addres	` <u>22 1                                 </u>	eapot Dome			
Authorized represe		, ,	Phone 7	\$(559)781-659	<u>82</u>
	ss: <u>SAme as above</u>		. D	w/ - 200 000	
Event chairperson:	Mitch Brown -B	board Preside	4t Phone 7	#(559)333-22	<u>94</u>
Location of event	see attached				<del></del>
Location of overn	(Location map mu	ist be attached)			
Type of event:	Community fair	act be diadrica,			<del></del>
.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	<u>community</u>		•		······································
Non-profit organiza	ation status: 501 (	¢/3 F	3上# 0	0359	
(IRS Determination)					<del>Territoria</del>
City services reque	ested (fees associated w	vith these service	s will be bil	led separately):	
Barricades (quar	ntity): Yes (16)	Street sweeping	g Yes	No 🔀	<u>/</u>
Police protection	n Yes <u></u> No	Refuse pickup	· Yes	<u>У</u> Nо	
Other:					
		į			•
	•			Attached	
Assembly permi	t required:	Yes No	) <del>X</del>	Attached	entropolismont of
·					
	TS (list special requirements	or conditions for	event):		
Appr. Deny					
	Bus. Lic. Spvr.			······································	ddfacurallina
	Pub. Works Dir				
	Comm. Dev. Dir.				<del></del>
	Field Svcs. Mgr.				
	Fire Chief				
	Parks Dir.				
	Police Chief	hi di			

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

#### What constitutes a Community Civic Event?

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

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

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

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

representatives pursuant the permit. Claims-made policies are not acceptable.

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

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

Authorized Representative Initials

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

Porterville Fair	Susie Godka	3/21/14
(Name of Organization)	(Signature)	(Date)

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY Name of event: Post on tille Follo

4Pm-11PM

	0					
ponsoring organization:	r	orterville Face				-1111dE 115 140m -1
ocation: <u>2700 w.                                   </u>	1-	eupot Dona Aug Event	da	ate: <i>5  4 - '</i>	5/	5 1485 15 4Pm-1 5 16 4Pm-12An 18 14 Event time: <u>5 17 12Pm</u> -12A 5 16 2Pm-1)PI
at will engage in selling at	or	mplete the business license permit for participate in the above-named event. no valid City of Porterville business licenses the contract of th	N	PERMIT V	VII	individuals, organizations, etc., LL BE ISSUED WITHOUT THIS
ith the exceptions of non	-pro	ofit organizations per *City of Porten be completed at the time of applicatio	/ille	Municipal	C	ode 15-20(E) Community Civic
Vendor name		Address/Telephone		Business License required?		Type of Activity
To be pr	67	vided upon com	ρ	letion	U	of booking
Marie						
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	_					
						-
<u>-</u> .		}				

\*Municipal Code 15-20(E) Community Civic Events (16): Business License Fees: Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar (\$1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid city business license shall be subject to separate licensing pursuant to this subsection E16.

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

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

Name of event: Name of event:	· ·
Sponsoring organization:	
Event date:	Hours:

#### ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

#### Closed

Street Name	From		<u>To</u>	Activity
	, , , , , , , , , , , , , , , , , , ,			
				_
				·
	KI			
				,
<u>Sidewalks</u>	<u>Eróm</u>	,	<u>To</u>	<u>Activity</u>
,				
				,
				·
	. 1			
Parking lots and spaces	Loca	<u>tion</u>		Activity
-		ochunic <del>I Giracci</del>		
		•		

#### REQUIREMENTS FOR COMMUNITY CIVIC EVENT

#### TULARE COUNTY JR. LIVESTOCK SHOW AND COMMUNITY FAIR

#### PORTERVILLE FAIR

MAY 14-18, 2014

Finance Director:

M. Bemis

Public Works Director:

B. Rodriguez

Community Development Manager:

No comments.

J. Phillips

Field Services Manager: B. Styles

Barricades may be obtained for the event

and returned at 555 N. Prospect.

Fire Chief:

G. Irish

Parks and Leisure Services Director:

No comments.

D. Moore

Police Captain:

D. Haynes

See attached Exhibit B.

Administrative Services Director:

P. Hildreth

Please see Exhibit A, page 2.

#### REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor:

Tulare County Jr. Livestock Show and Community Fair

Event: Event Chairman:

Porterville Fair Mitch Brown

Location:

2700 W. Teapot Dome Ave.

Date of Event:

May 14 -18, 2014

RISK MANAGEMENT:

Conditions of Approval

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

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

## CITY OF PORTERVILLE Community Civic Event Application

#### Porterville Fair- May 14-18, 2014

#### Proposed Conditions/Requirements

- ➤ A Beer Garden shall be established as the primary location for the sales and consumption of alcoholic beverages. A minimum of two (2) security guards shall be assigned to control the Beer Garden while it is in operation. No persons under the age of 21 shall be allowed to enter the Beer Garden and no alcoholic beverages shall leave the Beer Garden except by patrons wearing authorized wristbands or on carts authorized for the sales of alcoholic beverages in other designated areas of the fairgrounds.
- > Patrons wishing to purchase and consume alcohol inside or outside the confines of the Beer Garden must have an authorized wristband clearly displayed on one wrist in order to purchase and consume alcoholic beverages.
- Alcoholic beverages may only be purchased, possessed or consumed in certain areas when outside the confines of the Beer Garden. At no time shall alcoholic beverages be possessed or consumed within the area designated as "Kiddy Land" or areas set aside for the entertainment of small children.
- ➤ Porterville Fair officials shall have been granted a temporary license to sell alcohol from the CA Dept. of Alcoholic Beverage Control.
- ➤ Porterville Fair officials will meet with Police Dept. Lt. John Hall (559-782-7410 or 559-782-7400) to coordinate and schedule appropriate number of law enforcement officers to provide security, police the fairgrounds, and ensure safety during the fair event.
- An Outside Amplifier Permit has been approved and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of the neighborhoods or businesses surrounding the area.
- Amplified music shall not continue after 12:00 midnight.
- ➤ Porterville Fair officials shall reserve "no less" than two (2) parking spaces for on-duty police vehicles "at" the front (main) entrance to the fair and the same amount "at" the rear entrance to the fair. This will guarantee the officers working the event will have immediate access to their vehicles to acquire equipment or detain/transport prisoners and shall not detract from the number of similar spaces needed for the staging of emergency equipment and crews inside the fairgrounds.

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

# **OUTSIDE AMPLIFIER PERMIT**

(City Ordinances #18-9 & 18-14)

This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the



operating premises of the amplifying equipment for which this registration is issued. ortraville 1 Name and home address of the applicant: 2700 W. Teapor Dome Ave 2 Address where amplification equipment is to be used: 3 Names and addresses of all persons who will use or operate the amplification equipment: Paul Scrpa (ourner) 1129 Batavia Ct, Tulere, Ca on Coors d 4 Type of event for which amplification equipment will be used: 5 Dates and hours of operation of amplification equipment: May 14-18, 2014 - mo later 6 A general description of the sound amplifying equipment to be used: Microphones, peakers and Section 18-9 it shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort, The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facle evidence of a violation of this section. (Ord. Code § 6311) It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected Section 18-14 any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enciosure in which the show or or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312) Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a penod of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

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

City of Porterville, Chief of Police/Designee

4-91-14 Date

Map data ©2014 Google

2000 ft

ACORD,

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 3/26/14

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

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

the certificate holder in lieu of such endorsement(s).					
PRODUCER	K & K Insurance Group, Inc.	CONTACT LEISURE			
P.O. Box 2338 Fort Wayne, In 46801		PHONE 800-553-8368 FAX (A/C, No. Ext): (A/C, No.	260-459-5624		
	FOIL Mayne, in 40001	E-MAIL ADDRESS: KK.EVENTSATTRACTIONS@KANDKINSURANCE.COM			
		Insurer(s) affording coverage	NAJC #		
		INSURER A: NATIONAL CASUALTY COMPANY	11991		
INSURED	TULARE COUNTY JR. LIVESTOCK (SEE KR-SP-1)	INSURER B: SCOTTSDALE INDEMNITY COMPANY	15580		
	D/B/A PORTERVILLE FAIR P.O.BOX 369 PORTERVILLE, CA 93258	INSURER C:			
		INSURER D:			
		INSURER E:			
		INSURER F:			
COVERAGES CERTIFICATE NUMBER: 1739392 REVISION NUMBER:					
INDICATED.	CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HA NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION TE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORD	OF ANY CONTRACT OR OTHER DOCUMENT WITH RES	PECT TO WHICH THIS		

CIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

ADDLISUBR POLICY NUMBER POLICY EFF POLICY EXP
(MM/DDYYYY) (MM/DDYYYY) EXCLUSIONS AND CONDITIONS OF SUCH POLIC NC=NOT COVERED TYPE OF INSURANCE LIMITS GENERAL LIABILITY EACH OCCURRENCE 1000000 DAMAGE TO RENTED PREMISES (Ea occurrence) COMMERCIAL GENERAL LIABILITY 300000 В 12:01AM | 12:01AM 7/01/13 | 10/01/14 KKI0003742400 CLAIMS-MADE X OCCUR MED EXP (Any one person) 5000 ٧ PERSONAL & ADV INJURY 1000000 Owners & Contractors GENERAL AGGREGATE NONE GEN'L AGGREGATE LIMIT APPLIES PER: PRODUCTS-COMPIOP AGG 5000000 X POLICY PROJECT Part Lgl Liab COMBINED SINGLE LIMIT AUTOMOBILE LIABILITY 1000000 (En Accident) 12:01AM 12:01AM 7/01/13 10/01/14 BODILY INJURY (Per person) KKI0003742400 B SCHEDULED AUTOS ALL OWNED AUTOS BODEY INJURY (Per accident) NON-OWNED AUTOS PROPERTY DAMAGE HIRED AUTOS X (Per accident) UMBRELLA LIAB OCCUR EACH OCCURRENCE 1000000 12:01AM | 12:01AM 7/01/13 | 10/01/14 EXCESS LIAB CLAIMS-MADE XXO0003742300 AGGREGATE X A 1000000 DED RETENTION WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER! EXECUTIVE OFFICER/MEMBER EXCLUDED? WC STATU-TORY LIMITS OTHER E.L. EACH ACCIDENT NIA EXCLUDED? (Mandatry in NH) if yes, describe under DESCRIPTION OF OPERATIONS below E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER	CANCELLATION
CITY OF PORTERVILLE 291 NORTH MAIN STREET	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED BY ACCORDANCE WITH THE POLICY PROVISIONS.
PORTERVILLE, CA 93257	AUTHORIZED HERESTATING RUNNING

CERTIFICATE HOLDER IS ADDED AS AN ADDITIONAL INSURED, BUT ONLY AS RESPECTS THE OPERATIONS OF THE NAMED INSURED.

## THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

# ADDITIONAL INSUREDS-OWNERS OR OTHER INTERESTS FROM WHOM LAND HAS BEEN LEASED

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

## Designation of Premises (Part Leased to You):

THOSE PREMISES ON FILE WITH US UNLESS SPECIFICALLY DECLINED.

## Name of Person or Organization:

THOSE OWNERS OR OTHER INTERESTS FROM WHOM LAND HAS BEEN LEASED ON FILE WITH US UNLESS SPECIFICALLY DECLINED.

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

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

This insurance does not apply to:

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

## THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

# ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

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

#### SCHEDULE

THOSE DESIGNATED PERSONS OR ORGANIZATIONS ON FILE WITH US UNLESS SPECIFICALLY DECLINED.
The second secon
·
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.
Insurance required to complete and controller, a not a rotal above, this controller is because the

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

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

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

# ADDITIONAL INSURED - MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following: COMMERCIAL GENERAL LIABILITY COVERAGE PART

#### SCHEDULE

7.	Designation of Premises (Part Leased to You):
	THOSE PREMISES ON FILE WITH US UNLESS SPECIFICALLY DECLINED.

2 Name of Person or Organization (Additional Insured):

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

3. Additional Premium: INCLUDED

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

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

This insurance does not apply to:

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

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - TULARE COUNTY

MENTAL HEALTH SERVICES - FAMILY CHAMPIONS PICNIC - MAY

15, 2014

SOURCE: Finance Department

COMMENT: The Tulare County Mental Health Services is requesting approval to hold a picnic dinner, supporting Mental Health Awareness Month, at Centennial Park on Thursday, May 15, 2014, from 6:00 p.m. to 8:00 p.m. The event consists of speakers and music. There is no request for street closures.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the application, agreement Exhibit A and Exhibit B.

RECOMMENDATION: That the Council approve the attached Community Civic

Event Application and Agreement submitted by the Tulare County Mental Health Services, subject to the stated requirements contained in the Application, Agreement and

Exhibit A and Exhibit B.

ATTACHMENT: Community Civic Event Application, Agreement, Exhibit A,

Exhibit B, Map, Outside Amplifier Permit and Certificate of

Liability Insurance.

DD\_MB Appropriated/Funded\_MB C.M\_\_\_\_\_

Item No. <u>/ 9</u>

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

(Incomplete applications can delay permit process)

# APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A

COMMUNITY CIVIC	<b>EVENT OR OTHER</b>	<b>ACTIVITY TO BE</b>	E HELD ON PUBLIC	PROPERTY

HAVE?	Event Flyer? <b>५</b> \$	E-mail e	ddress? N	»	Website	200
on date:	4/7/14		Event date: Event time:	May 19	5 2014 1-8PM	Thurson
Event:	Family Cham					1-8Pm
		_				188-12a
ed repre Add	sentative: <u>Lisa</u> ress: 1055 E Hender	Lewis cson Ste	2 Porter	Phone #	93357	
	c/o Tulare	County	^ .	b 1 1 .	4	
01 04011			attached)			<u> </u>
event:	Picnic					
nination) ices req ades (qu	uested (fees associa	Stree	et sweeping se pickup	Yes _ Yes _		No x
_	•					**************************************
COMME Deny	NTS (list special requirer  Bus. Lic. Spvr.  Pub. Works Dir	nents or co	nditions for e	event):		
	Event:  ng orga Add ed repre Add airperso of even event:  it organ hination) ices requades (qual protection facility and protection facility and protection commences and protection facility and prot	Event: Family Cham  Ing organization: Tware Co. Maddress: 1055 E Henderson  Address: 1055 E Henderson  (Location material Plan  (Loc	Event: Family Champlons of the Address: 1055 Ellenders Stea of the Address: 1055 Ellenders Stea of the Address: 1055 Ellenders of Steat Address: 1055 Ellenders of Steat Steat New Steat Steat New Of event Centennial Plaza (Location map must be event: Picnic it organization status: BL# Initiation) ices requested (fees associated with the ades (quantity): Street No X Refurbly permit required: Yes of the Address: No X Refurbly permit required: Yes of the Address: 1055 Ellenders of the Address of the	Event date:  Event:  Family Champlons Picnic  Ing organization: Tutore Co. Mental Health Sewice  Address: 1055 Ellenderson Ste 2 Porterville  Event date:  Event time:  Event time:  Event time:  Address: 1055 Ellenderson Ste 2 Porterville  Event County Sewice  Address: 1055 Ellenderson Ste 2 Porterville  Event County Mental  Indianal Plaza  (Location map must be attached)  Event:  Event date:  Event time:  Event time:  Event date:  Event time:  Event time:  Event date:  Event date:  Event time:  Event date:  Event time:  Event date:  Event date:  Event date:  Event time:  Event date:  Event date:	Event date: Hay if Event time: GPM  Event: Family Champions Picnic  Ing organization: Tware Co. Montal Health Savices Phone #  Address: 1055 Elenders on Ste 2 Porterville (A gased representative: Lisa Lewis Phone #  Address: 1055 Elenders on Ste 2 Porterville (A gairperson: Elizabeth Newsom Phone #  Continual Plaza  (Location map must be attached)  Event: Picnic  It organization status: BL# 01245  Initiation)  Indes (quantity): Breet sweeping Yes Initiation Yes No X Refuse pickup Yes Initiation Yes No X Refuse pickup Yes Initiation Yes No X Refuse Pickup Yes Initiation Yes No Yes Initiation Yes No X Refuse Pickup Yes Initiation Yes No Yes Initiation Yes	Event date: May 15 2014 Event time: 6 PM - 8 PM  Event: Family Champlons Picnic 4-PM  Ingorganization: Twace Co. Montal Health Services Phone #559-7  Address: 1055 E Henderson Sted Porterville (A 93357)  Ed representative: Lisa Lewis Phone #788-8  Address: 1055 E Henderson Sted Porterville (A 93357)  Ediriperson: Elizabeth Newson Phone #  Co Tuave County Montal Health  of event Contennal Plaza  (Location map must be attached)  Event: Picnic  It organization status: BL# 012 4-5  It organi

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

## What constitutes a Community Civic Event?

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

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

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

Authorized Representative Initials

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

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

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

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

(Name of Organization) (Date)

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

Name of event: Family Champions F	ionic
Sponsoring organization: Tulare County	
Location: Centennial Plaza	Event date: <u>5/15/14</u> Event time: <u>4:00 pm</u>
that will engage in selling at or participate in the above- INFORMATION. Vendors with no valid City of Porterv	ense permit form. List all firms, individuals, organizations, etc., named event. NO PERMIT WILL BE ISSUED WITHOUT THIS ille business license are required to pay \$1 per day to the City, City of Porterville Municipal Code 15-20(E) Community Civic

Events (16). This form should be completed at the time of application, but must be submitted NO LESS THAN ONE

WEEK PRIOR TO THE EVENT.

<u>Vendor name</u>	Address/Telephone	Business License required?	Type of Activity
Sound and Vision Foundation	Tulare CA 93274		Music
Foundation	Tulare CA 93274		
Name of the second			
		A Comment of the Comm	
**************************************		Established and the second of	

<sup>\*</sup>Municipal Code 15-20(E) Community Civic Events (16): Business License Fees: Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar (\$1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services: except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid city business license shall be subject to separate licensing pursuant to this subsection E16.

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

CITY OF PORTERVILLE NOWE

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

Name of event: Family	Champions Picnic
Sponsoring organization:	
Event date: 5/15/14	Hours: 4PM - 8PM

# ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

# Closed\_\_\_\_

Street Name	<u>From</u>	<u>To</u>	Activity
		X	
	. (-)		
	<u> </u>		
		1 L	
<u>Sidewalks</u>	From	To	Activity
	4	9	
Parking lots and spaces	Locati	<u>on</u>	<u>Activity</u>
		: :	
		:	!

# REQUIREMENTS FOR COMMUNITY CIVIC EVENT

# TULARE COUNTY MENTAL HEALTH SERVICES

## **FAMILY CHAMPIONS PICNIC**

MAY 15, 2014

Finance Director:

M. Bemis

Public Works Director:

B. Rodriguez

Community Development Manager:

No comments.

J. Phillips

Field Services Manager:

No comments.

B. Styles

Fire Chief:

No comment.

G. Irish

Parks and Leisure Services Director:

and Leisure Dervices Direc

No vehicles allowed on the grass.

D. Moore

Police Captain:

D. Haynes

Please see Proposed Conditions/ Requirements for Event in Exhibit B.

Administrative Services Director:

P. Hildreth

See Exhibit A, Page 2.

#### REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor:

**Tulare County Mental Health Services** 

Event:

Family Picnic

Event Chairman:

Elizabeth Newsom

Location:

Centennial Park

Date of Event:

May 15, 2014

RISK MANAGEMENT:

Conditions of Approval

That the Tulare County Mental Health Services provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville and Successor Agency to the Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permitted operation and sponsorship of the aforementioned Community Civic Event. If the event is located in the City of Porterville's Redevelopment Agency area, the same conditions apply.

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

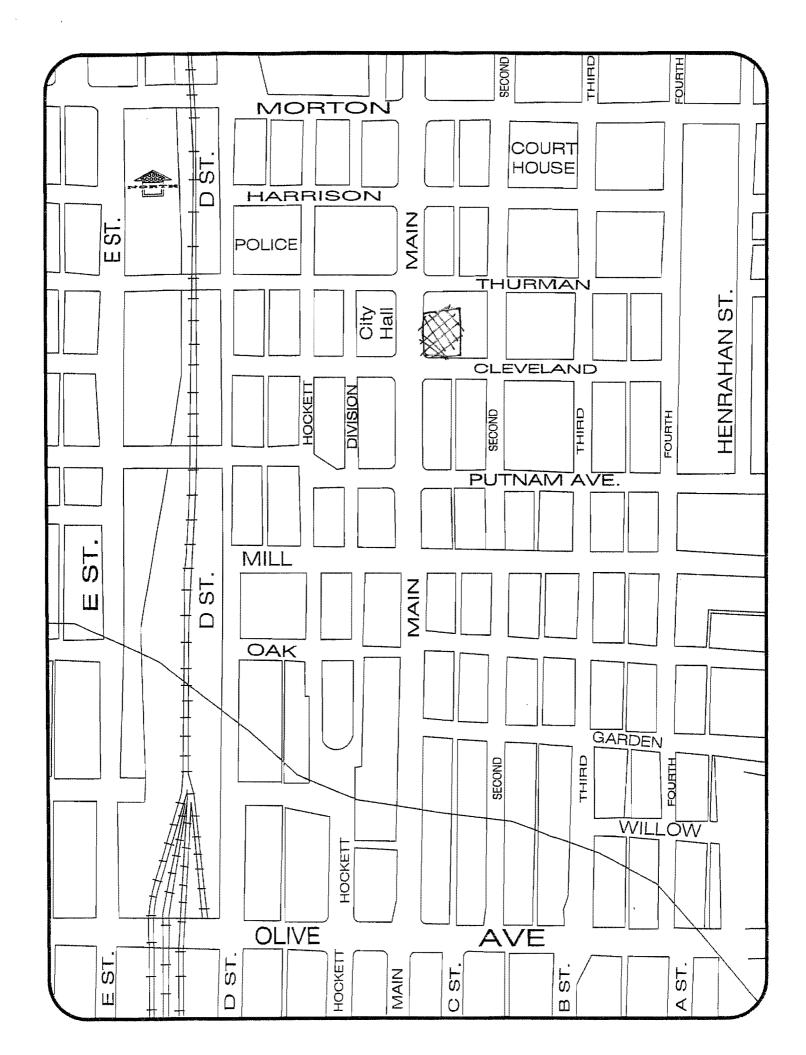
# CITY OF PORTERVILLE/POLICE DEPARTMENT Community Civic Event Application

# Family Champions Picnic May 15, 2014, Centennial Park

# Proposed Conditions/Requirements for Event:

- Participants must not interfere with the normal flow of vehicular/pedestrian.
- An Outside Amplifier Permit has been approved and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.
- At conclusion of event, event organizers shall ensure streets are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling through this area.

Dan Haynes, Captain Porterville Police Department



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



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

Name and home address of the applicant: Lisa Lewis 1055 W Henderson Stea, Parterville,
CA 93257
Address where amplification equipment is to be used: <u>Centennia</u>   Dlaza
Names and addresses of all persons who will use or operate the amplification equipment: Sound and Mision
Foundation 2046 E Bridger Ct Tulare CA 93274
Type of event for which amplification equipment will be used:
Dates and hours of operation of amplification equipment: 4:00 pm - 8:00 pm
A general description of the sound amplifying equipment to be used: Husic
- T Waste
record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or abuse in a mattner so loud as to be calculated to disturb the peace and good order of the neighborhood or aleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and merfere with the peace and comfort.  The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be piainly audible at a distance of one hundred feet (100) from the building, structure, venicle, or place in which, or on which it is situated or located shall be primal facile evidence of a violation of this section (Ord Code § 331.1)  Section 18-14  It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or or exhibition is given, without having first produced a cermit from the chief of police, which cermit shall be granted at the will of the chief of police upon application in writing therefore, but which permit may be so revoked with or without holice, or with or without a formal nearing, at the option of the council, and in the event of the revocation of any such permit may be so revoked with or without holice, or with or without a formal nearing, at the option of the council, and in the event of the revocation of any such permit may be so revoked with or without holice, or with or without a formal nearing, at the option of the council, and in the event of the revocation of any such permit may be so revoked with or without holice, or with or without a formal nearing, at the option of fine to

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN

BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE

of Petee/Designee

OL: Y	TIPIGATE NO.	****			1550E DATE (MINIDUITITI)
	GL1+2-105 CO <b>C</b>	ERTIFICAT	E OF COVE	RAGE	06/18/2013
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PO BOX 6450					and/or requesting a WAIVER OF SUBROGATION, the certificate does not confer rights to the certificate holder
1	ONE (949) 756-0271 / FAX (619) 699-0901 ENSE #0C36861		FORDED A - CS	SAC Excess Ins	surance Authority
TU	nber: ILARE COUNTY TN: ROBYN HENRY	· AF	OVERAGE FFORDED B		
ł	D. BOX 7300 SALIA, CA 93290		OVERAGE FORDED C		
			OVERAGE FORDED D		
-	verages THIS IS TO CERTIFY THAT THE MEMORANDUMS NOTWITHSTANDING ANY REQUIREMENT, TERM ISSUED OR MAY PERTAIN. THE COVERAGE AF CONDITIONS OF SUCH MEMORANDUMS. LIMITS	FOR CONDITION OF ANY C	CONTRACT OR OTHER DOCUM INDUMS DESCRIBED HEREIN	MENT WITH RESPECT	TO WHICH THIS CERTIFICATE MAY BE
CO LTR	TYPE OF COVERAGE	MEMORANDUM NUMBER	COVERAGE EFFECTIVE DATE (MM/DD/YYYY)	COVERAGE EXPIRA DATE (MM/DD/YY	
Α	X General Liability X Auto Liability X Errors & Omissions	EIA 13 EL-50	07/01/2013	07/01/2014	Difference between \$1,000,000 and Member's Self-Insured Retention of \$250,000
					Completed Operations Aggregate Applies to each limit
	ription of Operations/Locations/Vehicl	•			
F C P	ificate Holder OR THE PURPOSE OF EVIDENCE ONLY /O TULARE COUNTY O BOX 7300	,	ACCORDANCE WITH THE MEM	PRATION DATE THEREO ORANDUMS OF COVERV	F, NOTICE WILL BE DELIVERED IN
V	ISALIA, CA 93290		AUTHORIZED REPRESENTATIVE  ME: L. C.		

SUBJECT:

REQUEST FOR PROCLAMATION - COMMUNITY ACTION MONTH-

MAY 2014

SOURCE:

ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT:

At its meeting of October 1, 2013, the Council amended the process by which proclamations are approved. The new process requires that all proclamations must be sponsored by one Council Member, after which the request is then placed on the Council's agenda for consideration and approval by a majority

of the Council.

Community Services Employment Training (CSET) has requested that the Council consider approval of a proclamation to recognize May 2014 as Community Action Month. Mayor Hamilton is sponsoring this proclamation request. If approved, the proclamation will be presented at the City Council

meeting on May 20th.

RECOMMENDATION:

That the City Council consider approval of the request to proclaim

May 2014 as Community Action Month.

ATTACHMENTS:

1. Request for Proclamation

Approp./ CM Funded

Item No. **20** 





# City of Porterville REQUEST FOR PROCLAMATION

Date of Request: 4/17/2014
Name of Event/Individual: Commonity Aton Month
Name of Sponsoring Organization: Community Leviler Employment Transport
Name of Contact Person: Teff For loss
Address: 3/2 NN 34 Ave, Voola
Phone: 732-4194 FAX: 733-397/
E-mail: Jeff. Forber@Cset.org
I would like the proclamation:  presented at a Council Mtg.  mailed  call for pick-up
Date(s) of Event:
Date of Council Meeting to be presented, if applicable:  May 1 + 4 or May 20 + 4  (Council moets 1" and 3" Tuesdays of each month.)
Individual or representative attending Council Meeting to receive proclamation:  May Alice Escarga - Fechne, Executive Director  Please attach a sample of your proclamation, or the pertinent information needed to formulate
your proclamation 3-4 weeks in advance. If assistance is needed, or if you need a sample provided, or to return this form, contact:
Office of City Clerk 291 North Main Street Porterville, CA 93257 (559) 782-7464 / Fax (559) 782-7452
All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council.
City Clerk's Section
Request Received: 4/17/14 Sponsored by: Hamilton Date: 4/24/14
Approved by Council: yes □ no □ Date:
Notification to Contact person done (date): in writing □ by phone □
Items (s)   mailed   faxed   picked up
Comment:

#### DRAFT PROCLAMATION

- WHEREAS: Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law; and
- WHEREAS: Community Action Agencies have a 50-year history of promoting self-sufficiency for the limited income; and
- WHEREAS: Community Action Agencies have made an essential contribution to individuals and families in the community by providing them with innovative and cost-effective programs; and
- WHEREAS: Community Action Agencies are needed as major participants in the reform of the welfare system as we know it. Welfare reform in California has benefited from the state's partnership with community action agencies; and
- WHEREAS: The limited income continue to need opportunities to improve their lives and their living conditions, thus ensuring that all citizens are able to live in dignity; and
- WHEREAS: California and the entire United States must continue to promote economic security by providing support and opportunities for all citizens in need of assistance.
- NOW, THEREFORE, I, Cameron J. Hamilton, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby proclaim May 2014, as—

## "COMMUNITY ACTION MONTH"

in the City of Porterville, in recognition of the hard work and dedication of Porterville's Community Action agencies.

PROCLAIMED this 20th day of May, 2014.

SUBJECT:

REQUEST FOR PROCLAMATION - OLYMPIC DAY - JUNE 23, 2014

SOURCE:

ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT:

At its meeting of October 1, 2013, the Council amended the process by which proclamations are approved. The new process requires that all proclamations must be sponsored by one Council Member, after which the request is then placed on the Council's agenda for consideration and approval by a majority of the Council.

Built 4 Life, Inc. and Walk with Me Family Services have requested that the Council consider approval of a proclamation to recognize June 23, 2014, as Olympic Day. Mayor Hamilton is sponsoring this proclamation request. If approved, the proclamation will be presented at the City Council meeting on June 3, 2014.

RECOMMENDATION:

That the City Council consider approval of the request to proclaim

June 23, 2014, as Olympic Day.

ATTACHMENTS: 1. I

1. Request for Proclamation

Dir Approp./
Funded CM

Item No. 21





# City of Porterville REQUEST FOR PROCLAMATION

Date of Request: April /1, 2019
Name of Event/Individual: Olympic Day  i.e. "Potterville Tourism Week", "yhr. John Doe"
Name of Sponsoring Organization: Built 4 Life Inc. USOC
Name of Sponsoring Organization: Built 4 Life Inc. USOC  Name of Contact Person: Agree Alafa  Name of Contact Person: Agree Alafa
Address: 304 Sequeia Circle  Phone: (559) 802-6566 FAX: (559) 535-4356
E-mail: Christing reiland @ smail. com
I would like the proclamation: □ presented at a Council Mtg. □ mailed □ call for pick-up
Date(s) of Event: June 28, 2014
Date of Council Meeting to be presented, if applicable:  Tune 3 2014  (Council meets 1 <sup>n</sup> and 3 <sup>nd</sup> Tuesdays of each month.)
Individual or representative attending Council Meeting to receive proclamation:
Agron Alata, Christing Reiland
Please attach a sample of your proclamation, or the pertinent information needed to formulate your proclamation 3-4 weeks in advance. If assistance is needed, or if you need a sample provided, or to return this form, contact:
Office of City Clerk
291 North Main Street
Porterville, CA 93257 (559) 782-7464 / Fax (559) 782-7452
All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council.
City Clerk's Section
Request Received: 4-15-14 Sponsored by: Hanilton Date: 417/14
Approved by Council: yes \( \Boxed{1} \) no \( \Boxed{1} \) Date:
Notification to Contact person done (date): in writing \( \Pi \) by phone \( \Pi \)
Items (s)   mailed   faxed   picked up
Comment:

### DRAFT PROCLAMATION

- WHEREAS: For over 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play; and
- WHEREAS: The United States Olympic Committee is dedicated to coordinating an developing amateur athletic activity in the United States to foster productive working relationships among sports-related organizations; and
- WHEREAS: The City of Porterville promotes and supports amateur athletic activities involving Olympic and Paralympic sport; and promotes and encourages physical fitness and public participation in amateur athletic activities; and
- WHEREAS: The City of Porterville assists organizations and persons concerned with sports in the development of athletic programs for able-bodied and disabled athletes regardless of age, race, or gender; and
- WHEREAS: June 23 is the anniversary of the founding of the modern Olympic movement, representing the date on which the Congress of Paris approves the proposal of Pierre de Coubertin to found the modern Olympics.
- NOW, THEREFORE, I, Cameron J. Hamilton, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby proclaim June 23, 2014, as—

### "OLYMPIC DAY"

in the City of Porterville, and urge all citizens to observe this anniversary with appropriate ceremonies and activities.

PROCLAIMED this 3<sup>rd</sup> day of June, 2014.

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 continued its 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 subsequently occurred in an effort to open affected pedestrian walkways.

The property owner has continued his coordination with his insurance company toward the removal of the existing debris, and the company has agreed to reimburse the City for its mitigation costs. The property owner solicited bids from qualified contractors, and with his selection of the lowest bidding contractor, the contractor has indicated that debris removal is scheduled to begin the week of May 5, 2014, and last for approximately two weeks.

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

ATTACHMENT: Resolution No. 85-2013

#### RESOLUTION NO. 85-2013

# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DECLARING THE EXISTENCE OF A LOGAL EMERCIENCY

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 flurat 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 proolamation 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 shucture poses a scrious flirest to the health, safety and welfare of the public and as such requires immediate safety initigation of the structure, which includes demolition of the remaining standing structure, potential removal of asbestos, and fancing of site to secure the property.

PASSED, APPROVED AND ADOPTED this 20th day of December, 2013.

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief 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 April 15, 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.

App/Fund

Item No. <u>33</u>

RECOMMENDATION:

That the Council:

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

ATTACHMENT: None

COUNCIL AGENDA: May 6, 2014

SUBJECT:

PORTERVILLE BOYS & GIRLS CLUB UPDATE

SOURCE:

Administration

COMMENT:

At its meeting on April 15, 2014, Council Member Shelton requested that the City Council schedule the consideration of funding alternatives to maintain the Boys & Girls Club in Porterville. After discussion of the Council Member's request, the City Council acted to postpone further consideration of funding alternatives pending any further information received from the Boys & Girls Club Board of Directors.

On Thursday, April 17, 2014, Mayor Hamilton and the City Manager met with representatives of the Boys & Girls Club of the Sequoias Board of Directors and local community advisory committee members, as well as a representative of the First United Methodist Church. The focus of the meeting was to review the current financial situation of the local Club, and what objectives would need to be met for the Club to continue to operate in Porterville.

Due to changes in Federal grant fund structures, as well as decreased local support funding, the Porterville Club was operating at an approximate \$50,000 annual deficit for almost the past two years, based upon an annual budget of approximately \$125,000. It was discussed that beyond national corporate financial support, the local community would essentially need to annually raise approximately \$50,000 to maintain the Club in Porterville.

Beyond the lack of local community funding, equally concerning to the Board of Directors was the lack of representatives from the Porterville community on the Board. Of the 19 current members on the Board of Directors, none are from the Porterville area. The Board feels that the lack of community representation is a significant factor in the lack of local community financial support.

As action items from this meeting, the Church was completely agreeable to working with the Club in maintaining its current location, and several community individuals were identified as potential candidates for the Board of Directors, who could in turn assist in raising local community awareness and funding needs.



Item No. <u>24</u>

Since our meeting on April 17<sup>th</sup>, City representatives have subsequently been informed that the Executive Director of the Boys & Girls Club of the Sequoias is no longer employed by the Boys & Girls Clubs of America as of April 30, 2014.

RECOMMENDATION: That the City Council accept staff's report, and provide any

further direction as appropriate.

ATTACHMENT: None

COUNCIL AGENDA: May 6, 2014

SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City

Council to Consider Sponsoring the Establishment of a Community Youth

Safe Zone Program

SOURCE: City Manager

COMMENT: Council Member Gurrola has requested that the City Council consider

sponsoring the establishment of a Community Youth Safe Zone Program

RECOMMENDATION: Council Member Gurrola makes the motion that the City

Council authorize a Scheduled Matter on the next Council Agenda to consider sponsoring the establishment of a

Community Youth Safe Zone Program.

ATTACHMENT: Proposed Community Youth Safe Zone Program Sign

C/M\_

Item No. 25

# Safe Zone



**Making Our Community Safe** 

# Safe Zone



**Making Our Community Safe** 

CITY COUNCIL AGENDA: MAY 6, 2014

#### PUBLIC HEARING

SUBJECT:

MODIFICATIONS TO THE PACIFIC RIM COMMMERCIAL MIXED USE

PROJECT (PRC 2012-002)

SOURCE:

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

OWNER/APPLICANT:

Henderson MU-V

Paul Owhadi

29610 Heathercliff Road, Suite 411

Malibu, CA 90265

COMMENT: On March 5, 2013, the City Council approved the Pacific Rim Commercial Mixed Use Project (PRC 2012-002) for a 23.4± acre development that proposed multifamily residential, commercial, office, and storage elements. The subject site is generally located west of the southwest corner of Henderson Avenue and Newcomb Street.

> At this time, the applicant is requesting modifications to the approvals as they relate to vehicular and pedestrian access across an adjacent site. Specifically, the request would modify conditions that required open access for ingress and egress of vehicles and pedestrians between the market rate multi-family residential component of the proposed project and a similar, approved, affordable multi-family housing project immediately east of the project, fronting Newcomb Street. Frontage and access for the applicant's apartments was originally proposed and approved along Henderson Avenue with secondary access from Newcomb Street across the adjacent site.

> The requested changes would close access from the affordable housing project into the market rate housing project, but would allow exiting access from the market rate apartments through the affordable housing project onto Newcomb Street. Additionally, the proposed changes would reduce the walkable nature of the project as it relates to neighboring developments, a feature that staff worked to ensure with the initial approvals through inclusion of pedestrian walkways from Fairhaven Avenue north through the project to the commercial areas, as well as from the affordable housing project through the market rate housing to the commercial areas.

> The changes being presented are limited to access; any other substantive modifications to the project as proposed initially would require further review by the City Council.

### ENVIRONMENTAL DETERMINATION:

An environmental initial study was prepared for the initial project, and a mitigated negative declaration was approved on March 5, 2013. A mitigation monitoring plan was developed and incorporated into the aone change as development obligations

APPROPRIATED/FUNDED M/R CM

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of the project. The proposed modifications to the project do not result in substantive changes to the project as approved, and do not require further environmental review. None of the mitigation measures identified in the original approval would be amended.

#### LEGAL NOTICES:

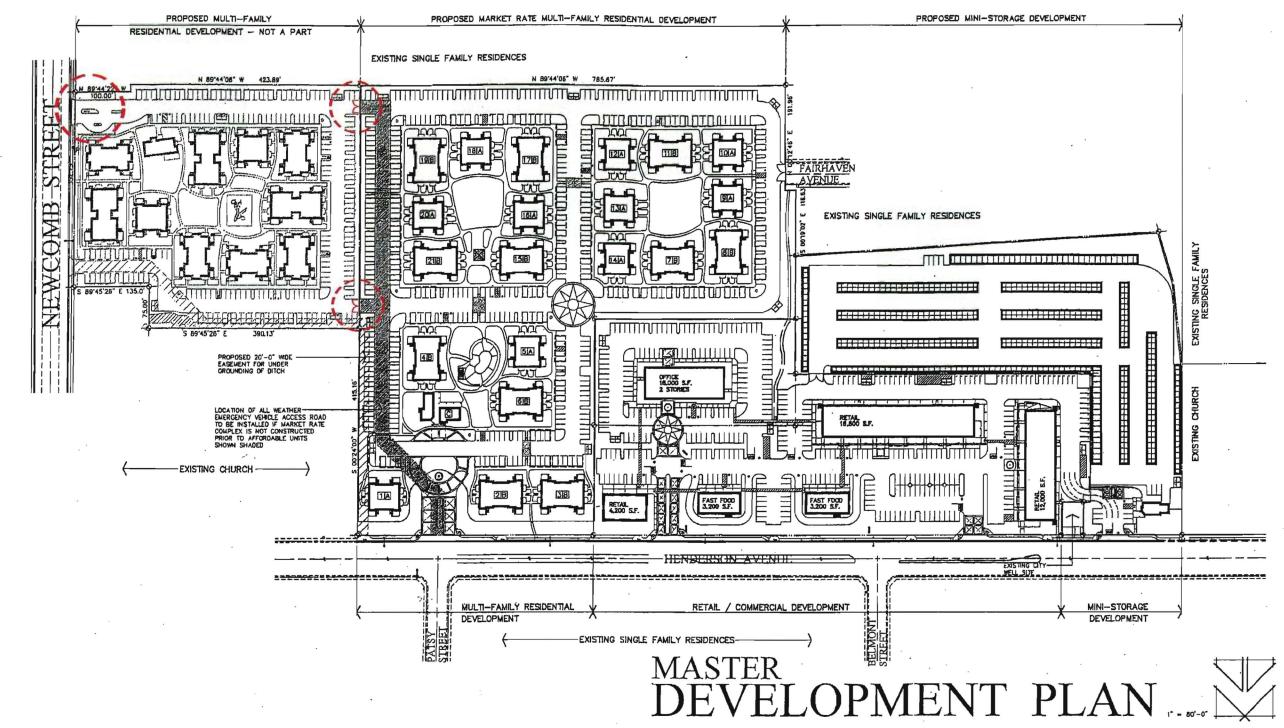
On April 25, 2014, notice of the public hearing was published in the Porterville Recorder, and mailed individually to all property owners within 300 feet of the subject site, providing ten days of notice in advance of the public hearing as required by Government Code Sections 65090 and 65091.

# RECOMMENDATION: That the City Council:

- 1. Approve the draft ordinance amending Zone Change 2012-002;
- 2. Waive further reading of the draft ordinance, approving the modifications to the Zone Change and order it to print; and
- 3. Adopt the draft resolution containing findings and conditions in support of modifications to the approval of Tentative Parcel Map 2012-002.

#### **ATTACHMENTS:**

- 1. Map representing location of proposed changed access
- 2. Draft Ordinance to approve modifications to the Zone Change 2012-002, including Exhibits representing the approved development
- 3. Draft Resolution to adopt modified conditions of approval for the Tentative Parcel Map 2012-002
- 4. Staff Report of March 5, 2013, considering approval of the Pacific Rim Commercial Mixed Use Project
- 5. Adopted Ordinance 1796, approving Zone Change 2012-002
- 6. Approved Resolution 14-2013, approving Tentative Parcel Map 2012-002



ORDIN.	ANCE	NO.	

# AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE MODIFYING ORDINANCE 1796 RELATED TO CONDITIONS OF APPROVAL FOR ZONE CHANGE 2012-002-Z

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 5, 2013, conducted a public hearing to approve findings and consider Zone Change 2012-002-Z, being a change of zone from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use) for the site located on the south side of Henderson Avenue, west of Newcomb Street (APN 245-410-032); and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone Change (2012-002-Z) is consistent with the guiding and implementation policies of the adopted 2030 General Plan; and

WHEREAS: That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran for twenty (20) days from February 8, 2013 to February 28, 2013; and

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

- a. The project supports and complies with the following General Plan guiding policies:
  - LU-G-1: Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the City.
  - LU-G-3 Promote sustainability in the design and development of public and private development projects.
  - LU-G-10: Foster viable, pedestrian-oriented neighborhood centers with vertically- and horizontally- mixed-use development.
- b. Development of the site as proposed, including personal storage, requires approval of a Conditional Use Permit and would be subject to the City's development standards.

- c. An amendment to the General Plan designation is being processed concurrently with this Zone Change request. Approval of the Zone Change is contingent upon the approval of General Plan Amendment 2012-002 G, to ensure consistency between the General Plan and Zoning. The commercial mixed use (CMX) zoning will allow for similar types of land uses but in different proportions than currently exist on the property. In addition, the CMX Zone will allow the personal storage development pursuant to approval of a Conditional Use Permit as well as the drive through lanes as proposed.
- d. The subject Zone Change will not create adverse environmental impacts on the adjacent neighborhood when mitigation measures are implemented and standards of the Development Ordinance and General Plan are applied to the subsequent development project.

WHEREAS: On May 6, 2014, the City Council considered modifications to certain conditions of this Zone Change as it pertains to access across an adjacent site to Newcomb Street. The original approval required recordation of an access easement for ingress/egress, parking, trash and connectivity to both streets, to serve as a guarantee for the functionality of the apartments on Parcel 4 and the adjacent development to the east. To increase security of the applicant's market rate apartments, the applicant requested that the condition be amended so that access is not allowed from the affordable housing project into the market rate housing project. The applicant shall develop the driveways as originally designed; however, use of automatic gates will provide exiting access from the market rate apartments east to Newcomb Street. The gates will limit westbound traffic into the market rate apartments.

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

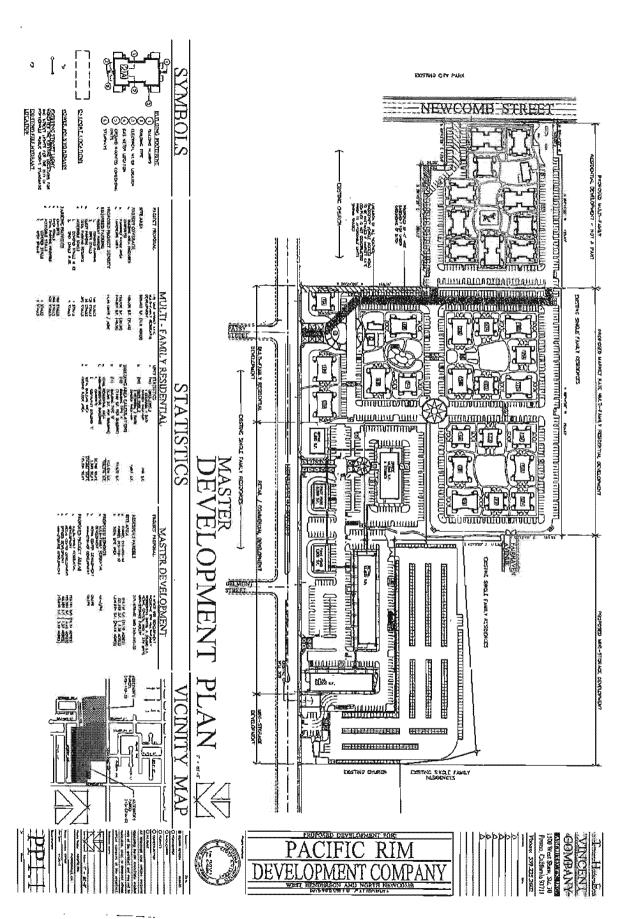
Section 1: Condition 5 of Section 3 of Ordinance 1796, adopted by the City Council on March 5, 2013 is hereby removed and substituted with the following language:

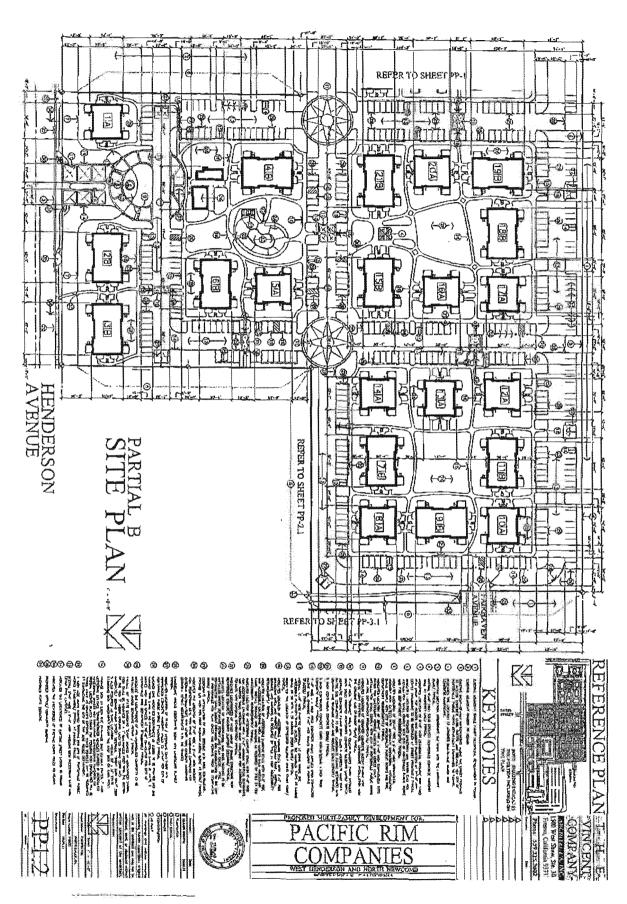
The main access point for the residential component (Parcel 4), along Henderson Avenue shall be fully developed and provide connectivity to the street with the first building permit for any portion of the apartments. The connecting drive aisle and parking within this area, as shown on Exhibit "B", (approximately 80 feet width), shall be developed prior to issuance of a certificate of occupancy. A recorded access easement for refuse pickup to the favor of the City of Porterville shall be completed prior to issuance of a certificate of occupancy; and

Section 2: All other language and conditions of Section 3 set forth in Ordinance 1796 not inconsistent with this modification shall remain in full force and effect.

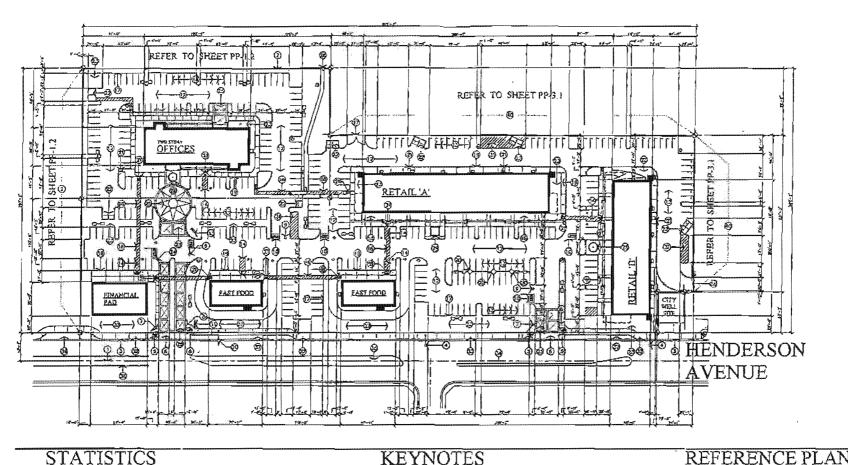
PASSED, APPROVED AND ADOPTED this 6th day of May, 2014.

	By:	
		Cameron J. Hamilton, Mayor
ATTEST:		
John D. Lollis, City Clerk		
By:		
Patrice Hildreth, Chief Deputy City Clerk		





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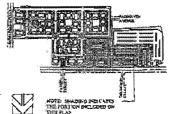
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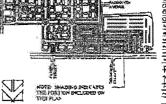
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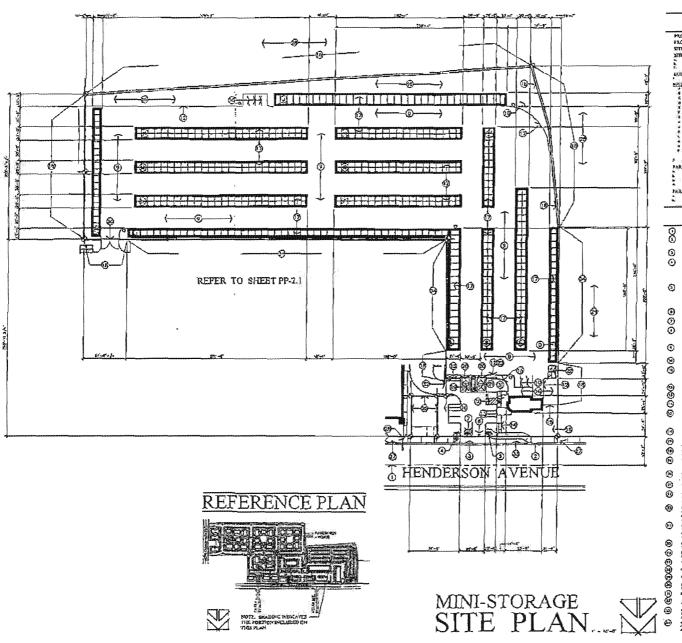
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF TENTATIVE PARCEL MAP 2012-002-PM TO DIVIDE A 23± ACRE SITE INTO FOUR (4) PARCELS GENERALLY LOCATED AT THE SOUTH WEST CORNER OF HENDERSON AVENUE AND NEWCOMB STREET

WHEREAS: The City Council of the City of Porterville at its reguarly scheduled meeting of May 6, 2014, conducted a public hearing to consider modifications to conditions of approval for Tentative Parcel Map PRC-2012-002-PM; and

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

WHEREAS: The Parcel Map Committee of the City of Porterville at its regularly scheduled meeting of February 13, 2013, conducted a public hearing to consider approval of Tentative Parcel Map 2012-002-PM to divide a 23.4± acre vacant site into four (4) parcels as follows:

Parcel  $1 - 5.70 \pm acres$ 

Parcel  $2 - 4.49 \pm acres$ 

Parcel  $3 - 1.57 \pm acres$ 

Parcel  $4 - 11.69 \pm acres$ 

; and

WHEREAS: The Parcel Map Committee discussed concerns and conditions relevant to the proposed project; and

WHEREAS: On February 5, 2013, the Environmental Coordinator made a preliminary determination that in compliance with the California Environmental Quality Act, a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The Parcel Map Committee made recommendations to the City Council to consider the Tentative Parcel Map in light of related entitlement applications; and

WHEREAS: The City Council, at its regularly scheduled meeting of March 5, 2013, provided the opportunity to the public and all interested parties to comment on the proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the proposed tentative parcel map is contingent upon approval of the requested modifications to the approval of Zone Change PRC 2012-002-Z.

ATTACHMENT ITEM NO. 3

- 2. That the proposed parcel map is consistent with applicable general and specific plans.
- 3. The proposed use of the site shall be required to be operated and maintained to comply with State Law, the City of Porterville Development Ordinance, adopted Building Codes and all other applicable laws and ordinances.
- 4. The design and improvements of the parcel map and the proposed project are consistent with the proposed Commercial Mixed Use General Plan designation, as represented in Exhibits A & B.
- 5. That the site is physically suitable for the type and density of the proposed development.

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

- 6. That the design of the parcel map or proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- 7. That the design of the parcel map or type of improvements will not cause serious public health problems.

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

- 8. That the design of the parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed parcel map.
- 9. That the Parcel Map Committee reviewed the proposed parcel map and recommended that the City review the project in its entirety; and

WHEREAS: On May 6, 2014, the City Council considered modifications to certain conditions of this Parcel Map as it pertains to access across an adjacent site to Newcomb Street. The original approval required recordation of an access easement for ingress/egress, parking, trash and connectivity to both streets, to serve as a guarantee for the functionality of the apartments on Parcel 4 and the adjacent development to the east. Further, the Council had conditioned that an easement shall be recorded prior to the issuance of the Parcel 4 building permit that provides for emergency vehicular access to Newcomb Street over and across the adjacent easterly parcel. To

increase security of the applicant's market rate apartments, the applicant requested that the conditions be amended so that access is not allowed from the affordable housing project into the market rate housing project, and that emergency access not be required across the adjacent property. The applicant shall develop the driveways as originally designed; however, use of automatic gates will provide exiting access from the market rate apartments east to Newcomb Street. The gates will limit westbound traffic from Newcomb Street across the affordable apartments into the market rate apartments.

NOW, THEREFORE, BE IT RESOLVED: That the City Council does hereby approve Tentative Parcel Map 2012-002 subject to the following conditions:

- 1. As shown on Exhibit A, a drive aisle between Parcels 1 and 2 shall be fully developed and provide connectivity from the secondary exit of the mini-storage to the mini-storage main entrance when Parcel 1 is developed.
- 2. As development of any parcel occurs, all right of way improvements along that parcel's frontage shall be constructed in accordance with the mitigation measures and recommendations of the Ruettgers & Schuler traffic study (2012), as represented in Exhibit A and identified in the resolution approving the Mitigated Negative Declaration, prepared pursuant to CEQA. In the event Parcel 3 should develop prior to Parcel 2, the frontage improvements shall be completed for Parcel 2 at that time. At such time as Parcel 4 is developed, the off-site improvements extending the eastbound left turn lane on Henderson Avenue shall be constructed. At such time as Parcel 2 is developed, the off-site improvements extending the eastbound left turn lane on Henderson Avenue and the median improvements further west as represented on the site plan shall be constructed. In the event Parcel 1 is developed prior to Parcel 2, the raised median island improvements on Henderson Avenue shall be constructed.
- 3. Due to potential drainage issues, prior to securing a building permit, a grading sewer and water, and drainage master plan for Parcels 1, 2, 3, and 4, shall be submitted for review and approval by the City Engineer. As development of the site occurs, the phased master plan shall be implemented as approved by the City Engineer.
- 4. Prior to issuance of any building permit for the Project, access easements for refuse pickup shall be recorded for each parcel as deemed necessary by the City Engineer and Community Development Director. Copies of the easements shall be provided to the City.
- 5. Gates that have restricted access shall be identified on building permit plans.
- 6. The automated gate between Retail "B" and the mini-storage shall allow traffic to exit from the commercial complex to Henderson Avenue only. No access into shopping center is permitted.
- 7. 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.
- 8. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant intends to utilize the 10-year development fee payment plan for all fees except school fees pursuant to Resolution 37-2012, adopted April 17, 2012.
- 9. The developer/applicant shall reimburse the City for constructed frontage improvements along Henderson Avenue in accordance with approved resolutions.
- 10. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the Henderson Avenue frontage, except where they exist and are in good condition in the opinion of the City Engineer at the time of inspection prior to building permit issuance (Ordinance No. 1306).
- 11. The developer/applicant shall construct sidewalk necessary to obtain a width of 9.5 feet along the full frontage of the proposed project.
- 12. The developer/applicant shall construct drainage facilities as required to serve the property (Ordinance No. 1306). The parking lot shall be designed to convey water to the City drainage system without crossing driveways.
- 13. The Porter Slough Ditch runs through this property, requiring piping and reservation of an easement in favor of the irrigation company. Construction of structures within the easement area shall be prohibited.
- 14. The developer/applicant shall coordinate with the Porterville Irrigation District and City of Porterville regarding potential conflicts with the existing pipeline/open ditch that crosses the property. The Porterville Irrigation District shall specify appropriate pipeline replacement size(s) and materials, should replacement or installation be mandated.
- 15. 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.).
- 16. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the Tulare County Environmental Health Department, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.
- 17. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.

- 18. At the time of approval of the Final Map, the developer/applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Elements and/or that was established by the City Council, along with dedication of right-of-way adequate for all improvements associated with the project Traffic Study prepared by Ruettgers and Schuler, as well as dedication of property required for ADA ramp(s) (Section 21-23). Dedicate required utility easements.
- 19. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Chapter 18 and Appendix J of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) 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. Additional reporting requirements are as indicated below:
  - a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
  - b. Soils Report(s) in accordance with Chapter 18 and Appendix J of the California Building Code.
- 20. Prior to approval of a permit or other grant of approval for development of the property, the developer/applicant shall comply with or provide plans that comply with City Retaining Wall Standards at Lot Lines (adopted by City Council January 3, 1989).
- 21. The dedication of easements or any other potential dedications shall be clearly identified on the Parcel Map. A Dedications Statement shall be placed on the map that reads:

"Pursuant to the authority conferred	d by the City of Porterville, Ordinance No. 1590,
adopted February 20, 2001, the under	ersigned, on behalf of the Public and City Council
of the City of Porterville consents to	to the acceptance and recordation of the
dedication(s) as shown on this map.	
Dated this day of	_, 20
By Michael K. Reed, City Engineer	PLS 7514"

- 22. Prior to recording the Parcel Map, the developer/applicant shall provide improvements by the method indicated below:
  - a. Simultaneous recording of a separate legal instrument or placement of a statement on the Parcel Map, if appropriate, that reads as follows:

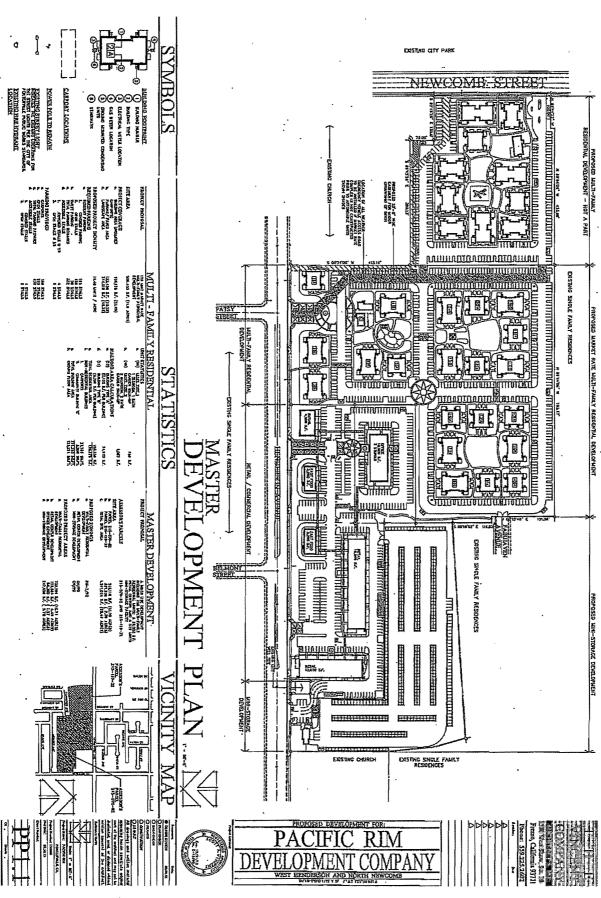
"In accordance with Section 66411.1 of the Government Code, the construction of on-site and off-site improvements, such as, but not limited to, curbs, gutters, sidewalks, paveouts, pavement transitions, traffic signage and markings, median islands and the mitigation measures described in the project Traffic Study prepared by Ruettgers and Schuler Civil Engineers, utilities, grading, parking lot improvements, well abandonment (if any), removal of irrigation lines (if any), etc. has been deferred until such time as a permit or

other grant of approval for development of the parcel is issued. Such construction may be phased when only a portion of the parcels shown herein receive such approval. The phased construction shall consist of all improvements related to the specific parcels plus that required to make the installed improvements function."

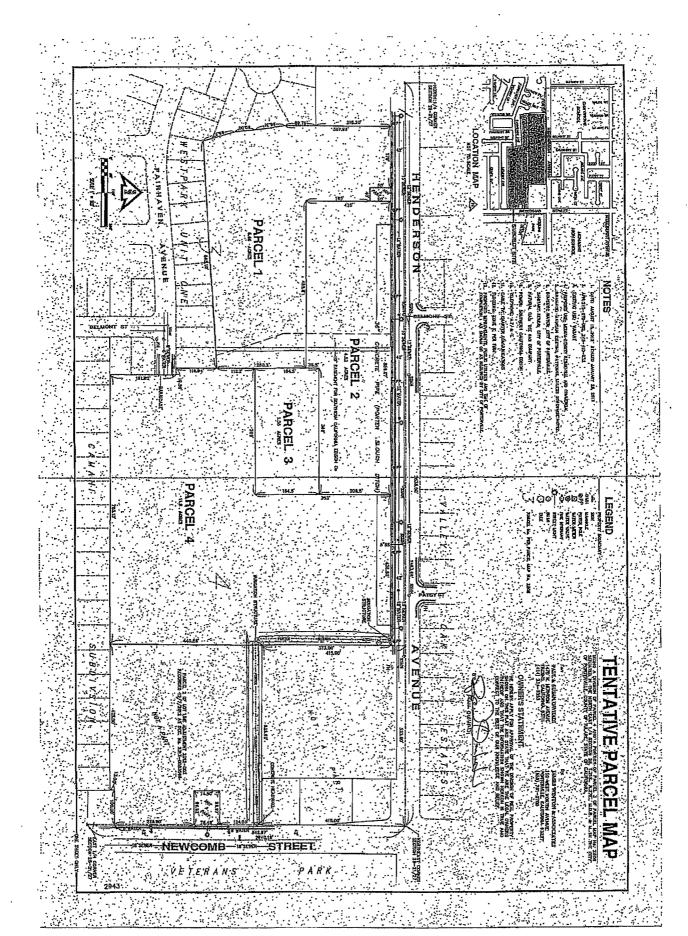
- 23. The developer/applicant shall move existing utility structures, if any, that are in conflict with the project driveways and associated transitional traffic lanes (for example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).
- 24. Concurrent with issuance of building permits and construction of any improvements on a parcel, the developer/applicant shall have constructed, or pay fees for, street lights on Marbelite poles complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.
- 25. Prior to recording the final map, the developer/applicant shall provide easements, permits (from other agencies as required), calculations, etc., if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the development (e.g., water, sewer, drainage, "turn arounds", etc.). If the City Engineer determines that construction of improvements is needed to protect public health and safety or for orderly development of the surrounding area, the developer/applicant shall construct or provide a surety for said improvements.
- 26. Prior to recording the final map, the developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way (if present) if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall cure any leaks in irrigation pipes crossing the subject parcel if, in the opinion of the City Engineer, such leaks may interfere with the development of the subject site. Easements shall be provided for irrigation pipes across parcels created, if such pipes will continue in use.
- 27. The developer/applicant shall dedicate a one-foot (1') limitation of access strip between driveways shown on Exhibit A and those locations where, in the opinion of the City Engineer, it is undesirable to allow access. Dedication shall be illustrated on the Parcel Map or by recordation of a separate legal document.
- 28. The developer/applicant shall construct a City standard barricade or wall at the end of all dead end streets or drive aisles, with the exception of Fairhaven Avenue, where an emergency access gate shall be constructed and keyed with a Knox box padlock.
- 29. 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.

- 30. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.
- 31. Fire hydrant spacing shall be as follows:
  - a. In Commercial development, one hydrant shall be installed at 300-foot intervals.
  - b. In Residential development, one hydrant shall be installed at 500-foot intervals.
- 32. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.
- 33. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code. Fire flow for the project as proposed would be 1,500 GPM.
- 34. Areas identified as "Fire Lanes" must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.
- 35. The project shall comply with all local, State, and federal laws.
- 36. The project shall comply with all mitigation measures identified in the approved CEQA document.

PASSED, APPROVED AND ADOPTED this	day of May, 2014.
By:	Cameron J. Hamilton, Mayor
ATTEST: John D. Lollis, City Clerk	
By:Patrice Hildreth, Chief Deputy City Clerk	



EXHIBIT\_A\_



EXHIBIT\_B\_

CITY COUNCIL AGENDA: MARCH 5, 2013

### PUBLIC HEARING

SUBJECT: PACIFIC RIM COMMMERCIAL MIXED USE PROJECT (PRC 2012-002),

GENERALLY LOCATED WEST OF THE SOUTHWEST CORNER OF

HENDERSON AVENUE AND NEWCOMB STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of General Plan Amendment 2012-002, Zone Change 2012-002, and Tentative Parcel Map 2012-002 to facilitate development of a vacant 23.4± acre site with a commercial mixed use project. The applicant is also requesting consideration of Conditional Use Permit 2012-002 contingent upon approval of the General Plan Amendment and Zone Change. With the requested entitlements, the applicant proposes to develop a commercial mixed use project including 168 multi-family residential (apartment) units, 39,400± square feet of commercial uses, an 18,000± square foot two-story office building, and a 518± unit personal storage facility. The proposed project is generally located west of the southwest corner of Henderson Avenue and Newcomb Street.

The General Plan Amendment and Zone Change applications are required to accommodate a project of this scale and function at the subject site. The 23.4± acre site has multiple General Plan land use designations and zoning classifications including:

Site Area	General Plan Designation	Zoning Classification	Proposed		
7.38±	High Density Residential	RM-3, High Density	Commercial		
acres		Residential	Mixed Use		
14.77±	Medium Density Residential	RM-2, Medium Density	Commercial		
acres		Residential	Mixed Use		
1.23±	Neighborhood Commercial	CN, Neighborhood	Commercial		
acres		Commercial	Mixed Use		

A tentative parcel map is needed to configure four (4) parcels for site development as proposed. If the General Plan and Zone Change are approved, the applicant is requesting approval of a Conditional Use Permit to approve the 518± unit mini-storage facility. Conditions of approval have been added to the project approvals to ensure that the entire project will be developed as one project regardless of what sequence the project phasing follows. The market is envisioned to drive the sequencing of the phases. Specifically, the Zone Change has been conditioned to facilitate this objective.

The applicant has requested a waiver of development fees; however, as the City has not approved such a waiver in the past, staff finds no precedent to support approval of a fee waiver for the proposed project. Staff informed the applicant of

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item no <u>16</u> ACHMENT

ITEM NO. 4

the 10-year development fee payment plan for all fees except school fees pursuant to Resolution 37-2012. Traditionally, the fee payment plan has only been used for commercial or low-income housing developments. As the proposed project includes a mix of commercial, office, and market-rate housing development, staff supports the use of the 10-year development fee payment plan as a logical extension of the program. It has been added as a condition of approval to the Parcel Map. If the Council chooses not to authorize this, it can be removed from the resolution.

When recent street improvements were completed along Henderson Avenue, there was a concrete reimbursement agreement approved for the property requiring payback upon development. The applicant has requested to waive this reimbursement requirement, which staff does not support. However, where those improvements are required to be removed, and new improvements are required to accommodate the development, that portion of the cost is deducted from the payback requirement; staff believes this provides an equitable balance.

ENVIRONMENTAL DETERMINATION: An environmental initial study was prepared for the project. On February 5, 2013, the Environmental Coordinator made the determination that a mitigated negative declaration would be applicable and appropriate for the project under CEQA guidelines. A mitigation monitoring plan has been developed and shall be incorporated into the zone change as development obligations of the project. To date, one letter of comment has been submitted. Dr. John Snavely, Superintendent of Porterville Unified School District submitted a letter expressing concerns over the pedestrian and vehicular congestion at the intersection of Henderson Avenue and Newcomb Street. A copy of the letter is attached to the complete staff report for consideration.

# RECOMMENDATION: That the City Council:

- 1. Adopt the draft resolution approving the Mitigated Negative Declaration;
- 2. Adopt the draft resolution approving General Plan Amendment 2012-002;
- 3. Approve the draft ordinance adopting Zone Change 2012-002 contingent upon approval of General Plan Amendment;
- 4. Waive further reading of the draft ordinance, approving the Zone Change and order it to print;
- 5. Adopt the draft resolution containing findings and conditions in support of approval of the Tentative Parcel Map 2012-002; and
- 6. Adopt the draft resolution containing findings and conditions in support of approval of Conditional Use Permit 2012-002 for the personal storage facility.

ATTACHMENTS:

Complete Staff Report

### PUBLIC HEARING - STAFF REPORT

TITLE:

PACIFIC RIM COMMMERCIAL MIXED USE PROJECT (2012-002), GENERALLY LOCATED WEST OF THE SOUTHWEST CORNER OF

HENDERSON AVENUE AND NEWCOMB STREET

OWNER/APPLICANT:

Henderson MU-V

Paul Owhadi

29610 Heathercliff Road, Suite 411

Malibu, CA 90265

AGENTS:

The Vincent Company

Winton & Associates

Scott Vincent

ou vincent

Jim Winton

1500 West Shaw, Suite 30

150 West Morton Avenue

Fresno, CA 93711

Porterville, CA 93257

PROJECT LOCATION:

Generally west of the southwest corner of Henderson Avenue and

Newcomb Street

SPECIFIC REQUEST: The applicant is requesting approval of General Plan Amendment 2012-002, Zone Change 2012-002, and Tentative Parcel Map 2012-002 to facilitate development of a vacant 23.4± acre site with a commercial mixed use project. The applicant is also requesting consideration of Conditional Use Permit 2012-002 contingent upon approval of the General Plan Amendment and Zone Change. With the requested entitlements, the applicant proposes to develop a commercial mixed use project including 168 multi-family residential (apartment) units, 39,400± square feet of commercial uses, an 18,000± square foot two-story office building, and a 518± unit personal storage facility. The proposed project is generally located west of the southwest corner of Henderson Avenue and Newcomb Street.

The General Plan Amendment and Zone Change applications are required to accommodate a project of this scale and function at the subject site. The 23.4± acre site has multiple General Plan land use designations and zoning classifications including:

Site Area	General Plan Designation	Zoning Classification	Proposed
7.38±	High Density Residential	RM-3, High Density	Commercial
acres		Residential	Mixed Use
14.77±	Medium Density Residential	RM-2, Medium Density	Commercial
acres		Residential	Mixed Use
1.23±	Neighborhood Commercial	CN, Neighborhood	Commercial
acres		Commercial	Mixed Use

The colors and finish of the proposed development will be consistent throughout the site. The development will have a Spanish mission theme as proposed by the developer. Building finishes

propose terra cotta and pale yellow colored stucco with soft clay, beige and red tones accenting rooftops. Matching signage and awnings compliment building architecture. Open spaces and recreation areas within the residential and commercial areas are provided for enjoyment by residents and patrons. Additionally, incorporated into the design of the project are modern architectural features at entrances, roundabout elements and drive-thru restaurants. Site features include a freestanding clock tower and two water fountain features within the commercial center. Increased landscaping will be provided along the project frontages on Henderson Avenue and throughout the parking lot and median areas. The consistency in design, colors, and architectural features of the project will complement the area and provide transition in development from residential to office and commercial development uses buffered by large landscape areas. The Zone Change has been conditioned to require site design and architectural consistency throughout the development.

HISTORY: The proposed project site has been vacant and undeveloped for over 30 years. Prior to the development of surrounding residential uses and clearing of the site, the area was primarily walnut orchards. Over the last several decades the surrounding residential neighborhoods have become established and continued to develop west of the project area towards the City's western limits.

PROJECT DETAILS: As stated in the report, there are four components to the proposed mixed use project. The project includes a multi-family apartment complex, a commercial area (including retail shops, fast-food, and a financial pad), an office building, and a personal storage facility.

The multi-family apartment complex is currently permitted under the medium density residential General Plan Land Use Designation and Zoning Classification. The apartments, as proposed, are also permitted under the proposed Commercial Mixed Use General Plan Land Use Designation and Zoning Classification. Frontage and access for the apartments is proposed along Henderson Avenue with secondary access from Newcomb Street across an adjacent site. The 168 units are proposed at a density of approximately 14.3 units per acre, which is consistent with the current density provisions. The complex includes 23 apartment buildings and one office building. The residential component provides a number of recreational amenities for residents, including community buildings (3,300± sq. ft.), three (3) open space areas with a combined average over 17,000 square feet each. Two of the open spaces include a community pool with arbor. In addition, a covered barbeque area is centrally located near the largest open space area that provides residents the ability to cook and eat outdoors. Each unit provides a 50 square foot personal outdoor patio or balcony space. The proposed landscape plans show an abundance of live plants, shrubs, and trees that will be inviting to residents and visitors and encourage the utilization of outdoor space.

The commercial component of the development proposes 39,400± square feet of retail, fast-food and financial/bank services. The commercial area provides two (2) retail buildings (16,800± sq. ft. and 12,000± sq. ft.), two (2) fast-food pads (3,200± sq. ft. each), and one (1) financial pad (4,200± sq. ft.). The existing Neighborhood Commercial node permits all the types of commercial uses proposed, but would not accommodate the proposed size of commercial development on the site. Drive-thru functions in the fast food restaurants would also not be

permitted with the current zoning, but would be accommodated in the proposed Commercial Mixed Use (CMX) zone.

The third component of the project is a proposed two-story 18,000± square foot office building. The office is centrally located and accessed within the entire project. Proposed colors, design, roof and finish are consistent with the rest of the commercial center and residential uses. Parking and landscaping is provided around the entire building.

The final component of the project is the 518± unit personal storage facility. The facility is proposed on the western portion of the overall project tucked primarily behind the commercial center but having some frontage along Henderson Avenue for access. The area consists of fourteen (14) steel storage buildings (matching in color to the development) and one 1,290± square foot office building (consistent in colors, design, roof and features to the entire project). A matching six (6) foot tall concrete block wall with pilasters and stucco finish surrounding the mini-storage is proposed. A block wall is required for separation from residential zoning and uses to the south and west. The block wall around the entire facility will provide additional security and safety for both the surrounding commercial and residential uses.

The proposed CMX General Plan Land Use Designation and Zoning Classification over the entire site will permit all features of the development as proposed. All of the buildings throughout the project provide consistent design, colors, and features. The abundant landscaping and architectural features through the facility present a sense of place while providing a convenient location for multi-family residential uses to commercial, offices, public parks and personal storage facilities. The proposed commercial mixed use project would provide the convenient shopping and services for the surrounding established neighborhoods.

The entire site is pedestrian oriented for access and connectivity between all uses. Although there is a physical separation of uses - a landscaped and plastered six (6) foot tall block wall, the construction of the entire project site will be consistent which will provide a soft transition from use to use.

STAFF ANALYSIS: A General Plan Amendment and Zone Change is proposed for the entire site which will change the existing residential and commercial designations to the proposed Commercial Mixed Use designation over the entire site. Due to the nature of the requests the requested applications are generally contingent upon one another in the following order: the environmental is required to be approved prior to any applications, the General Plan Amendment is required to be approved prior to the Zone Change, which is required to be approved prior to the Tentative Parcel Map, which is required prior to the approval of the Conditional Use Permit. All are required to be approved prior to the Master Sign Program. The approvals would allow for uses of the development as proposed. Contingent upon the General Plan Amendment and Zone Change, the proposed personal storage facility requires a conditional use permit within a commercial mixed use zone. All other uses are permitted and allowed by right if the project is approved for development as proposed.

The applicant has requested a waiver of development fees; however, as the City has not approved such a waiver in the past, staff finds no precedent to support approval of a fee waiver for the

proposed project. Staff informed the applicant of the 10-year development fee payment plan for all fees except school fees pursuant to Resolution 37-2012. Traditionally, the fee payment plan has only been used for commercial or low-income housing developments. As the proposed project includes a mix of commercial, office, and market-rate housing development, staff supports the use of the 10-year development fee payment plan as a logical extension of the program. It has been added as a condition of approval to the Parcel Map. If the Council chooses not to authorize this, it can be removed from the resolution.

When recent street improvements were completed along Henderson Avenue, there was a concrete reimbursement agreement approved for the property requiring payback upon development. The applicant has requested to waive this reimbursement requirement, which staff does not support. However, where those improvements are required to be removed, and new improvements are required to accommodate the development, that portion of the cost is deducted from the payback requirement; staff believes this provides an equitable balance.

### SURROUNDING LAND USES AND ZONING:

North: City- RS-2 (Low-Density Residential) – Single family residential Subdivision South: City- RS-2 (Low-Density Residential) – Single family residential Subdivision

East: City- PK/PS (Parks and Recreation/Public and Semi-public) - Public Park and City Yard

West: City-RS-2 (Low-Density Residential) - Single family residential Subdivision

### GENERAL PLAN DESIGNATION AND ZONING:

RM-2 (Medium-Density Residential) RM-3 (High-Density Residential) CN (Neighborhood Commercial)

ENVIRONMENTAL DETERMINATION: An environmental initial study was prepared for the project. On February 5, 2013, the Environmental Coordinator made the determination that a mitigated negative declaration would be applicable and appropriate for the project under CEQA guidelines. The Initial Study has been transmitted to interested agencies, groups and individuals for review and comment. The review period ran for twenty (20) days from February 8, 2013, to February 28, 2013. A mitigation monitoring plan has been developed and shall be incorporated into the zone change as development obligations of the project. To date, one letter of comment has been submitted. Dr. John Snavely, Superintendent of Porterville Unified School District submitted a letter expressing concerns over the pedestrian and vehicular congestion at the intersection of Henderson Avenue and Newcomb Street. A copy of the letter is attached for consideration.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: March 8, 2012

DATE ACCEPTED AS COMPLETE: January 28, 2013

### LEGAL NOTICES:

Mitigated Negative Declaration

Date Environmental Document Distributed	Date Notice Published in Porterville Recorder	Date Notice Mailed to Property Owners within 300 feet of Project
February 7, 2013	February 8, 2013	February 7, 2013

# RECOMMENDATIONS: That the City Council:

- 1. Adopt the draft resolution approving the Mitigated Negative Declaration and mitigation monitoring plan;
- 2. Adopt the draft resolution approving General Plan Amendment 2012-002;
- 3. Approve the draft ordinance adopting Zone Change 2012-002 contingent upon approval of General Plan Amendment;
- 4. Waive further reading of the draft ordinance, approving the Zone Change and order it to print;
- 5. Adopt the draft resolution containing findings and conditions in support of approval of Tentative Parcel Map for 2012-002 contingent upon approval of Zone Change 2012-002; and
- 6. Adopt the draft resolution containing findings and conditions in support of approval of Conditional Use Permit 2012-002 for the personal storage facility contingent upon approval of General Plan Amendment 2012-002 and Zone Change 2012-002.

### ATTACHMENTS:

- 1. Comment letter from Porterville Unified School District
- 2. Initial Study and Mitigated Negative Declaration
- 3. Draft Resolution to adopt the Mitigated Negative Declaration
- 4. Draft Resolution to adopt General Plan Amendment
- 5. Draft Ordinance to approve Zone Change (Project Plans are attached to the Ordinance for the Zone Change)
- 6. Draft Resolution to adopt Tentative Parcel Map
- 7. Draft Resolution containing findings in support of approval for Conditional Use Permit for the proposed personal storage facility

### PORTERVILLE UNIFIED SCHOOL DISTRICT

Creating Opportunities: Changing Lives

DISTRICT BOARD OF TRUSTEES

PETE LARA, JR.
President

LILLIAN DURBIN Vice President

DAVID DePAOLI

600 West Grand Avenue

Porterville, CA 93257 (559) 793-2400

JOHN SNAVELY, Ed.D. DISTRICT SUPERINTENDENT (559) 793-2455 (559) 793-1088 FAX

KEN GIBBS, Ed.D. NATE NELSON, Ed.D. VALENE STALEY, Ed.D.

Asst. Superintendent Business Services (559) 783-2450 (559) 781-8386 FAX (559) 791-0401 FAX

Assl. Superintendent Instructional Services (559) 793-2452 (559) 793-1083 FAX DISTRICT BOARD OF TRUSTEES

HAYLEY BUETTNER

PAT GARCIA CONTRERAS

SHARON GILL

RICHARD MORRIS

February 26, 2013

City of Porterville Council Members 291 N. Main St. Porterville, CA 93257

RE: Pacific Rim Commercial Mixed Use Project

Dear Council Members:

My schedule prevents me from attending the City Council meeting scheduled for March 5, 2013, regarding the Pacific Rim Commercial Mixed Use Project located at the southwest quadrant of Henderson Avenue and Newcomb Street. As such, please accept this letter as a request for the City Council to further review the project's impact beyond what staff is currently recommending.

The Porterville Unified School District administration has been engaged in previous conversations and review of the project referenced above with City of Porterville Planning Department staff. In these conversations, we have gone on record expressing concerns with the current amount of vehicular and pedestrian traffic at the intersection of Henderson and Newcomb. It is our expectation that this project will further impact an already congested intersection.

We applaud the staff of the City of Porterville for their effort to acknowledge and respond to our concerns. However, I continue to fear for the safety of the students who are likely to be affected by the increased flow of vehicular and pedestrian traffic from this project.

In particular, it is reasonable to expect that a number of elementary age students will be generated by 168 multiple family dwelling units. It is my understanding that these elementary age children will be attending Oak Grove Elementary located at 1873 West Mulberry Avenue. While the Porterville Unified School District is not responsible for elementary children attending Oak Grove, on behalf of all children, I feel compelled to bring to your attention potential hazards. Having worked in public education for over thirty-years, I believe I have some expertise regarding the walking patterns of students. As I view the project, it is my belief that children and parents are most likely to cross Henderson Avenue at Belmont Street and are not likely to back tract to the intersection of Newcomb and Henderson. While we appreciate staff's recommendation to improve the intersection at Henderson and Newcomb, I do not believe this adequately addresses the safety of elementary age students from this development.

On behalf of the Porterville Unified School District, we are not opposed to the project itself; our concerns are over the safety of students. I suspect this is one of the most impacted, if not, the most impacted intersection in our community. It would seem appropriate to encourage any vehicular and pedestrian traffic generated by this development in other directions. We, therefore, request City Council to consider other alternatives to mitigate the increased traffic caused by this project beyond that of improving the intersection of Henderson Avenue and Newcomb Street.

Sincerely

John Snavely, Ed.D. Superintendent

C: Governing Board of Trustaes Corres. COP - Pacific Rim Comm Project

ATTACHMENT ITEM NO. \

# Pacific Rim Commercial Mixed Use Project

# Initial Study & Mitigated Negative Declaration

City of Porterville

Community Development Department

Planning Division

February 2013



### CITY OF PORTERVILLE

### ENVIRONMENTAL CHECKLIST

1. Project title: Pacific Rim Commercial Mixed Use Project

2. Lead agency: City of Porterville

291 N. Main Street Porterville, CA 93257

3. Contact person: Julie Phillips, AJCP

Community Development Manager

(559) 782-7460

4. Project location: Generally the southwest corner of

Henderson Ave and Newcomb Street

(Figures 1-4)

5. Latitude, Longitude: N 36° 4' 46.1575"

W 119° 3' 21.1562"

6. Project sponsor's name Pacific Rim Companies

and address: 29160 Heathercliff Road, Suite 411

Malibu, CA 90265

7. General plan designation: High Density Residential, Medium Density

Residential, Neighborhood Commercial

(Figure 3)

8. Zoning: High Density Residential (RM-3), Medium

Density Residential (RM-2) and

Neighborhood Commercial (Figure 4)

9. Description of project: The project proposes develop to approximately 23.4 acres of vacant land as a commercial mixed use project consisting of four components (Figure 1). The four project components include a multi-family apartment complex, a commercial area (including retail shops, fast-food, and banking), a two story office building, and a personal storage facility (Figure 2). The proposed project would require a General Plan Amendment and Zone Change from high and medium density residential and neighborhood commercial uses to commercial mixed use. The project site is currently designated and zoned for residential and neighborhood commercial uses. Current General Plan land use designations and zoning are represented in Figures 3 and 4.

All of the buildings throughout the project provide consistent design, colors, and features resulting in a truly integrated mixed use project. The abundant landscaping and architectural features throughout the proposed development create a sense of place while

providing a convenient location for multi-family residential uses, commercial uses, offices, and personal storage facilities. The proposed commercial mixed use project would serve its own residential population as well as provide convenient shopping and services to the surrounding established neighborhoods.

The entire site is pedestrian oriented for access and connectivity between all uses. Although there is a physical separation of uses (a matching six (6) foot block wall at property lines), the construction of the entire project site would be consistent which would provide a soft transition from use to use. Pedestrian access gates would provide connectivity between uses (excluding the personal storage facility) without requiring foot traffic in drive aisles. Vehicular access for the entire project would be from Henderson Avenue along four driveways.

The multi-family apartment complex is a use permitted under the current medium density residential General Plan Land Use and Zoning Designations. The apartments as proposed are also permitted under the proposed Commercial Mixed Use General Plan land use and Zoning Designation as a part of the larger project. The proposed 176 units would result in a density of approximately 15.17 units per acre; current zoning would allow up to 15 units per acre, and the proposed zoning allows up to 30 units per acre. The residential complex includes 21 eight-unit apartment buildings, two community rooms, and one office building. In addition, the residential development includes three open space areas with a areas of roughly 17,000 square feet each. One of the open spaces includes a community pool with arbor. Additionally, a covered barbeque & picnic area is centrally located near the largest open space area that provides residents the ability to cook and eat outdoors. Each unit provides a 50 square foot personal outdoor patio or balcony space. The proposed landscape plan shows an abundance of live plants, shrubs, and trees that would be inviting residents and visitors and encourage the utilization of outdoor space. Proposed parking for the apartment complex exceeds the Development Ordinance parking standards.

The commercial component of the development proposes 39,400± square feet of retail, fast-food and financial/bank services. The commercial area provides two (2) retail buildings (16,800± sq.ft. and 12,000± sq.ft.), two (2) fast-food pads (3,200± sq.ft. each), and one (1) financial pad (4,200± sq.ft.). The existing neighborhood commercial node permits all the types of commercial uses proposed with exception to the size and drivethrus. The proposed Commercial Mixed Use General Plan land use designation and Zoning over the entire site would permit the development as proposed. All commercial buildings propose a consistent color palette, design, and architectural theme with the master plan. All commercial buildings would be single story with Spanish themed architecture, featuring mission tiled roofs. Aesthetic improvements include large landscaped frontages along Henderson Avenue and within the parking areas which would provide live plants, shrubs and trees to buffer, shade and screen paved areas. Additionally, two water fountains and a clock tower would provide architectural enhancements to invite patrons and provide a convenient location for retail, banking and food services with drive-thru.

The third component of the project is a proposed two-story 18,000± square foot office building. The office is centrally located and accessible from the commercial component, with designated pedestrian access to the residential component. Proposed colors, design, roof and finish are consistent with the rest of the commercial center and residential uses. Parking and landscaping surround the building.

The fourth component of the project is a 518± unit personal storage facility. The facility is proposed on the western portion of the project, tucked primarily behind the commercial center but having some frontage along Henderson Avenue for access. The area consists of fourteen (14) steel storage buildings (matching in color to the development) and one 1,290± square foot office building (consistent in colors, design, roof and features to the entire project). A matching six (6) foot concrete block wall with plaster and stucco finish surround the mini-storage facility as proposed. A block wall is required for separation from residential zoning and existing uses to the south and west, and would provide additional security and safety for both the surrounding commercial and residential uses. The personal storage facility is provided access along Henderson Avenue; a designated entrance provides patron parking and secured access, as well as a landscaped buffer. The office building further screens the use, offering a continued transition in building design to the adjacent proposed commercial, office and residential uses.

In addition to on-site improvements as described above, the project proposes incorporating raised median islands in two locations on Henderson Avenue to help guide turning movements into and out of the development, as presented in Figure 2.

10. Surrounding land uses and setting: The proposed project is located in an urban setting on vacant land that has not been utilized since it was cleared of walnut orchards over 25 years ago. The surrounding uses are primarily residential to the north and south. Churches are located on the adjacent parcels to the east and west. A high school and city park are located just east across Newcomb Street with two fully developed commercial shopping centers beyond, approximately one-quarter mile to the east.

### 11. Other public agencies whose approval is required: None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.						
	Aesthetics		Agriculture and Forestry Resources		Air Quality	
	Biological Resources		Cultural Resources		Geology/Soils	
	Greenhouse Gas Emissions		Hazards & Hazardous Materials		Hydrology/Water Quality	
	Land Use/Planning		Mineral Resources		Noise	
	Population/Housing		Public Services		Recreation	
	Transportation/Traffic		Utilities / Service Systems		Mandatory Findings of Significance	
	ERMINATION: (To be con be basis of this initial evaluated		ed by the Lead Agency)			
□ and	I find that the proposed a NEGATIVE DECLARATI			nifica	nt effect on the environment,	
		ect in	this case because revisions i	n the	nt effect on the environment, project have been made by or ARATION will be prepared.	
EW.	I find that the proposed /IRONMENTAL IMPACT F			effec	t on the environment, and an	
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.						
NEC miti	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.					

Bradley D. Danlap. AICP. Community Development Director Printed name

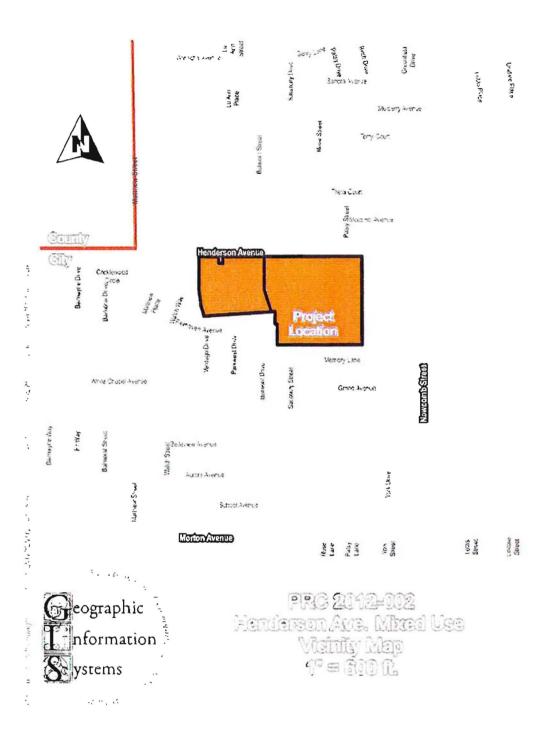


Figure 1
Project Location

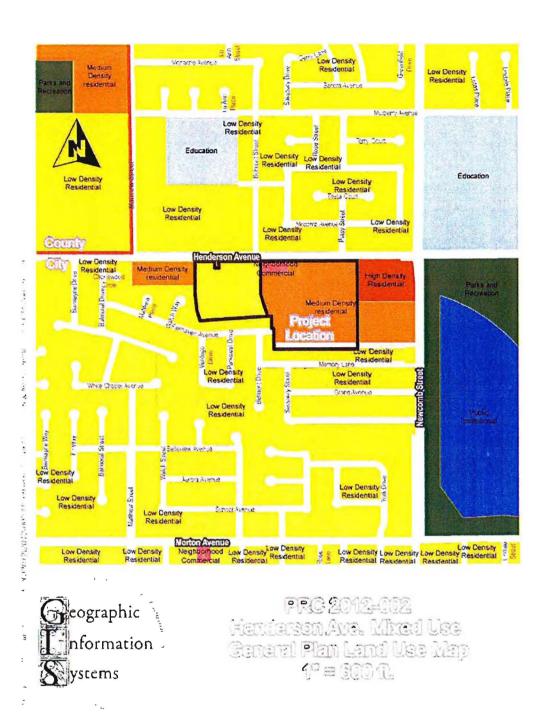
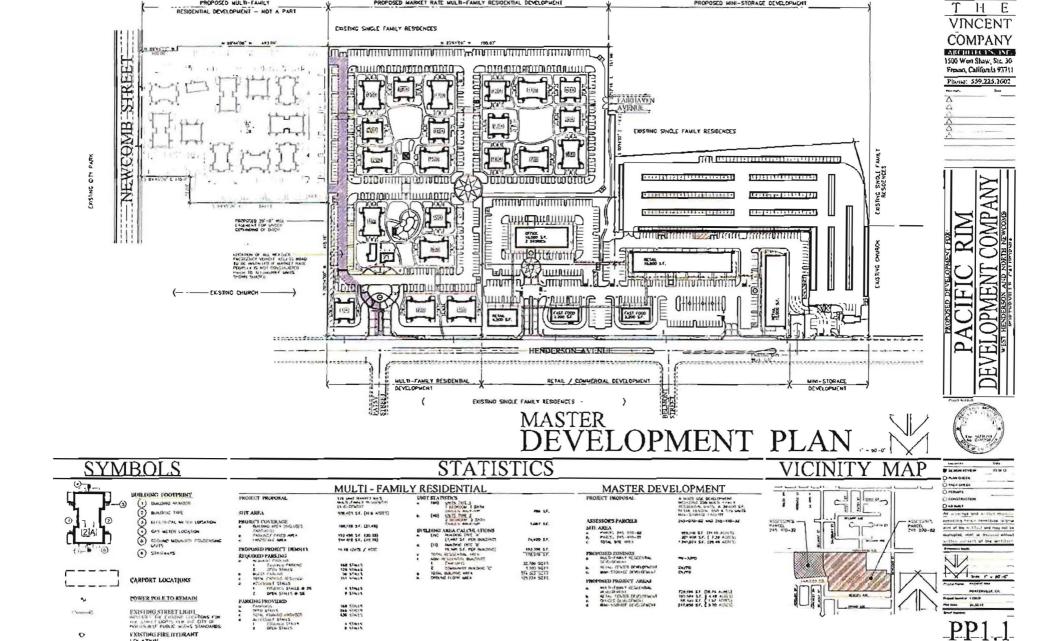


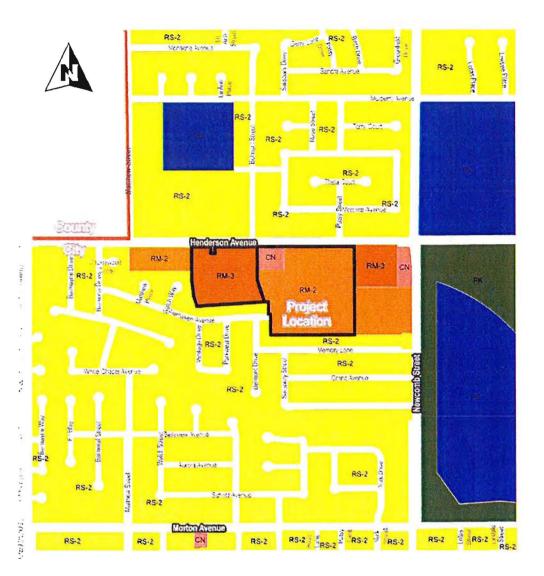
Figure 2
Current General Plan Designation

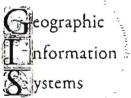


PROPOSED MARKET RATE MULTI-FAMILY RESIDENTIAL DEVELOPMENT

PROPOSED MINI-STORAGE DEVELOPMENT

PROPOSED MULTI-FAMILY





PRC 2012-102 Flandsreen Ave. Mined Use Zening Mas Town fl.

Figure 4
Current Zoning Designations

155	AESTHETICS	Potentially Significant Impact	Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
W	ould the project:				
a)	Have a substantial adverse effect on a scenic vista?				$\boxtimes$
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				$\boxtimes$
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?			$\boxtimes$	
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			$\boxtimes$	

### Responses:

- a, b) No Impact. The project site is not located within or adjacent to a scenic vista. There would be no Impact.
- c) Less Than Significant Impact. The proposed project site is undeveloped but surrounded by urban development including adjacent residential, school, park, and commercial uses within a quarter mile. There would be a less than significant impact.
- d) Less Than Significant Impact. The proposed project would be subject to lighting standards found within the City of Porterville Development Ordinance. The Development Ordinance provides guidance for residential and commercial lighting to ensure that fixtures are shielded so as not to produce obtrusive glare onto the public right-of-way or adjoining properties (§300.07). There would be less than significant impact.

<u>[].</u>	AGRICULTURE AND FOREST RESOURCES	Potentially Significant Impact I	Less than Significant With Mitigation ncorporation	Less than Significan Impact	t No Impact
W	ould the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				$\boxtimes$
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Gonverment Code section 51104(g))?				$\boxtimes$
d)	Result in the loss of forest land or conversion of forest land to non-forest use?				$\boxtimes$
۲)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				$\boxtimes$

#### Responses:

- a) No Impact. The proposed project site is vacant and zoned for residential and neighborhood commercial uses. The land has been undeveloped and underutilized for more than 25 years. There would be no impact to farmland nor conversion of existing farmland to any other use. While most soil types in the region could at some point have been deemed farmland conducive, the project's surrounding areas are primarily developed and at this time are considered urban built up land. Recent observations conclude that sites are disced primarily for the purposes of maintenance and weed abatement.
- b, c, d) No Impact. The proposed project site is undeveloped and not currently zoned for agricultural uses. The site is not under any Williamson Act contract. The current zoning is high and medium density residential, and neighborhood commercial uses which do not accommodate agricultural uses.
- e) No Impact. The proposed project is on the south side of Henderson Avenue. The nearest farmland use is approximately ¼ mile to the west on the north side of Henderson Avenue. That nearest agricultural use is surrounded on all sides by residential development.

	. AIR QUALITY	•	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
W	ould the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?			$\boxtimes$	
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		$\boxtimes$		
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				
d)	Expose sensitive receptors to substantial pollutant concentrations?			$\boxtimes$	
e)	Create objectionable odors affecting a substantial number of people?			$\boxtimes$	

### Response:

a) Less Than Significant Impact. As none of the project components are considered a stationary source emitter, air quality impacts are limited to traffic volumes associated with the proposed development. A traffic analysis was prepared (Ruettgers and Schuler, 2012) to identify potential impacts related to increased traffic volumes and project ingress & egress. The analysis ran a traffic model to determine average daily traffic (ADT) and level of service (LOS) analysis for roadway segments in the proximity of the proposed commercial mixed use project. Based on the results of the ADT analysis, the proposed project would result in less than significant impacts at the study roadway segments. The cumulative impacts associated with air quality of future traffic, with and without the project, results in all roadway intersections and segments operating at or above a LOS "D" thus resulting in a less than significant impact to transportation/circulation within Porterville as a result of the project.

The Project would not conflict with or obstruct the implementation of the air quality management standards. Standards set by the SJVAPCD, CARB, and Federal agencies relating to the Project would continue to apply. There would be less than significant impact.

b) Less Than Significant Impact With Mitigation. The San Joaquin Valley is designated as a Federal and State non-attainment area for O<sub>3</sub> and PM<sub>2.5</sub>. The SJVAPCD is the regional agency that regulates air permitting and maintains an extensive air quality monitoring network to measure criteria pollution concentrations throughout the San Joaquin Valley air basin. Compliance with the SJVAPCD Regulation VIII

guidelines would ensure potential impacts remain less than significant. A CalEEMod Mode) was conducted to estimate source emission levels. With exception to NOx, at 11.55 tpy (SJVAPCD 10 tpy threshold), the proposed development does not exceed the tonnage per year allowed for ROG, PM10, and PM2.5. The proposed project is self mitigating by nature of the City's General Plan and Development Ordinance. The City's policies require that commercial mixed use projects be designed to provide pedestrian/transit orientation, commit to bicycle parking racks, transit infrastructure and pedestrian improvements, enhancements, and access. Although the project proposes an emissions mitigating design concept, these elements and construction management elements shall be listed as mitigation measures within the mitigation monitoring program attached to the initial study checklist. Additionally, traditional residential wood fireplaces will be restricted (install of natural gas fireplaces or inserts shall be acceptable) as an additional mitigation measure.

- c) Less Than Significant Impact. As discussed in Impact III-b, although the Project could result in the generation of criteria pollutants as a result of the proposed construction, compliance with the SJVAPCD Regulation VIII guidelines and the attached mitigation monitoring plan would ensure that potential impacts remain less than significant.
- d) Less Than Significant Impact. Section 3 of the Guide for Assessing and Mitigating Air Quality Impacts defines a sensitive receptor as a location where human populations, especially children, seniors, and sick persons are present and where there is a reasonable expectation of human exposure to pollutants. Sensitive receptors normally refer to people with heightened sensitivity to localized, rather than regional pollutants. Compliance with the SJVAPCD Regulation VIII guidelines and mitigation monitoring plan would mitigate potential impacts to less than significant.
- e) Less than Significant Impact. The Project would not be a source of odors because future construction of residential and commercial mixed uses would be consistent with existing and surrounding uses; therefore, there would be less than significant impact.

IV. BIOLOGICAL RESOURCES Would the project:		Potentially Significant Impact I	Significant With Mitigation Incorporation	Less than Significant Impact I	No mpact
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
b>	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				$\boxtimes$
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				$\boxtimes$
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				

Less than

### Response:

a, b, c, d, e, f) No Impact. The site is currently vacant and undeveloped. The site is disked and cleaned annually for removal of debris and vegetation. Site visits and observations have not identified any trees, burrows, or channel waters for sensitive habitat or species within project area. Review of the City's General Plan Special Status Species & Sensitive Vegetation Figure 6-4 identifies the site as not an area of concern for sensitive habitat, species, or vegetation. The City does not have an adopted tree ordinance or habitat conservation plan.

***************************************	CULTURAL RESOURCES ould the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			$\boxtimes$	
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			$\boxtimes$	
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			$\boxtimes$	
d)	Disturb any human remains, including those interred outside of formal cemeteries?			$\boxtimes$	

- a) Less Than Significant Impact. The project proposes to develop approximately 23.4 acres of currently undeveloped land within the City of Porterville; As a result of prior uses, (walnut tree grove: farming and disking) the surface of the site has been significantly disturbed to a depth of at least eight feet. No known historic, archaeological, paleontological or geological resources exist on site. In the event that any as-yet undetected (i.e., buried) cultural resources are encountered on this property at a future time, work shall cease within a 50-foot area of the find, and a qualified archaeologist shall be contacted to evaluate any such discoveries. There would be less than significant impact.
- b) Less Than Significant Impact. Any impacts to archaeological resources have been discussed in Impact V-a. There would be less than significant impact.
- c) Less Than Significant Impact. No known paleontological resources exist within the Project area, nor are there any known geologic features in the Project areas. However, any impacts to paleontological or geologic resources have been discussed in V-a.
- d) Less Than Significant Impact. No formal cemeteries or other places of human intemment are known to exist within the project areas. However, in the event that any as-yet undetected (i.e., buried) cultural resources are encountered on this property at a future time of development, work shall cease within a 50-foot area of the find, and a qualified archaeologist shall be contacted to evaluate any such discoveries. Impacts would be less than significant.

	GEOLOGY AND SOILS ould the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:  i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				⊠
	<ul><li>ii) Strong seismic ground shaking?</li><li>iii) Seismic-related ground failure, including liquefaction?</li><li>iv) Landslides?</li></ul>				$\boxtimes$
b)	Result in substantial soil erosion or the loss of topsoil?				
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a				$\boxtimes$
	result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				$\boxtimes$
d)	Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code creating substantial risks to life or property?				$\boxtimes$
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				$\boxtimes$

a-i) No Impact. According to the Department of Conservation, California Geological Survey, Special Publication 42, no faults occupy the County of Tulare. The two nearest faults are; first a small fault section related to the "Kern Front" located in Kern County approximately 25 miles to the south and west. The Second is the "Owens Valley" fault located north and east in Inyo County, approximately 50 miles away. The project is not in the vicinity of any Alquist-Priolo Earthquake Fault Zones as defined by the State Geologist, and would not expose people or structures to any seismic related impacts.

- a-ii). No Impact. Impacts related to strong seismic ground shaking have been discussed in VI-a-i. There would be no impacts.
- a-iii). No Impact. As discussed in VI-a-i., there are no fault zones within the project area and therefore there would be no seismic related ground failures or liquefaction.
- a-iv). No Impact. The project area topography consists of flat land, comprised of stable soils and not subject to landslide. There would be no impact
- b). No Impact. The future development of the site with commercial and residential mixed uses could result in minor ground disturbance through leveling, grading etc., there would be no substantial soil erosion or loss of topsoitl. There would be no impact.
- c) No Impact. The project site consists of sandy loam soils that are flat and fairly stable. Development of the site as proposed would result in minor ground disturbance through leveling, grading, etc. and could contribute to minor soil erosion during construction. Normal project procedures, including the enforcement of a site development plan and other development related conditions of approval would ensure the project area is not subjected to landslide, lateral spreading, subsidence, liquefaction or collapse.
- d) No Impact. The Soil Survey of Tulare County, Central Part (Soil Survey) indicates that soils in the project area are not expansive. There would be no risk to life or property.
- e) No Impact. The project does not include the use of septic tanks or other alternative waste water disposal systems. There would be no impact.

<u>VI</u>	I. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
W	ould the project:				
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			$\boxtimes$	

a), b) Less Than Significant Impact. While climate change has been a concern since at least 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization's Intergovernmental Panel on Climate Change (IPCC), the efforts devoted to greenhouse gas (GHG) emissions reduction and climate change research and policy have increased dramatically in recent years. In 2002, with the passage of Assembly Bill 1493 (AB 1493), California launched an innovative and pro-active approach to dealing with GHG emissions and climate change at the state level. AB 1493 requires the Air Resources Board (ARB) to develop and implement regulations to reduce automobile and light truck GHG emissions: these regulations applied to automobiles and light trucks beginning with the 2009 model year.

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order S-3-05. The goal of this Executive Order is to reduce California's GHG emissions to: 1) 2000 levels by 2010, 2) 1990 levels by the year 2020, and 3) 80% below the 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006. AB 32 sets the same overall GHG emissions reduction goals while further mandating that ARB create a plan, which includes market mechanisms, and implement rules to achieve "real, quantifiable, cost-effective reductions of greenhouse gases." Executive Order S-20-06 further directs state agencies to begin implementing AB 32, including the recommendations made by the state's Climate Action Team.

Climate change and GHG reduction is also a concern at the federal level; however, at this time, no legislation or regulations have been enacted specifically addressing GHG emissions reductions and climate change. Compliance with AB1493 and the San Joaquin Valley Air Resource Board development requirements would ensure future potential impacts to less than significant.

W	II.HAZARDS/HAZARDOUS MATERIALS buld the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				—————————————————————————————————————
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				$\boxtimes$
c)	Emit bazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				$\boxtimes$
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				$\boxtimes$
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				$\boxtimes$
Ŋ	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				

- a) No Impact. The proposed project uses would not require transport, use or disposal of hazardous materials. There would be no impact.
- b) No Impact. The Project would not create a significant hazard to the public or the environment as the Project would not discharge hazardous materials into the environment. There would be no impact.

- c) No Impact. The proposed project will have no effect on hazardous emissions, involve hazardous materials, or create a hazard to adjacent schools in any way. There would be no impact.
- d) No Impact. The Project does not involve land that is listed as an active hazardous materials site pursuant to Government Code Section 65962.5 and is not included on the list compiled by the Department of Toxic Substances Control. There would be no impact.
- e) No Impact. The nearest airport, the Porterville Municipal Airport, is approximately 3.2 miles south of the project area. Due to the project description and the distance to the airport, there would be no impact.
- f) No Impact. Any impacts regarding private airstrips have been discussed in Impact VII-e. There would be no impact.
- g) No Impact. The Project does propose changes to any publicly accessed routes, and would not interfere with implementation of an emergency response plan or evacuation. There would be no impact.
- h) No Impact. The proposed project area is currently undeveloped but the entire surrounding is developed with residential, school, park and commercial uses; the project site has been disked annually. The project would not result in risk of loss, injury, or death involving wildland fires.

	V. HYDROLOGY AND WATER QUALITY puld the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a)	Violate any water quality standards or waste discharge requirements?			$\boxtimes$	
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses				
c)	for which permits have been granted)? Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off- site?				
d)					
e)					
f)	Otherwise substantially degrade water quality?			$\boxtimes$	
g)				$\boxtimes$	
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				$\boxtimes$
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the				$\boxtimes$
j)	failure of a levee or dam? Inundation by seiche, tsunami, or mudflow?				$\boxtimes$

- a) Less Than Significant Impact. The project area is not within or adjacent to any large water body although the Porter Slough does run along the northern property lines. Along Henderson Avenue, the Porter Slough has previously been encased within a 36in concrete pipe. The project is within the City's Master Plan for Storm Drainage. Consequently, the storm water generated from future development has been anticipated. The Project would not violate any water quality standards and would not impact waste discharge requirements. The impact would be less than significant.
- b) Less Than Significant Impact. The Project site is located in the Tulare Lake Basin, an area considered to be in a state of overdraft according to the City's Urban Water Management Plan 2007. General Plan Section 8.1 "Water Supply and Conservation," provides current and planned water supplies and includes a schedule for meeting future demand including the increased potential units associated with the project. The General Plan also identifies programs and policies for water conservation and planned supply to service demand through 2030 including an established goal of reducing the per capita water demand by 10% per day by 2030. As the County continues to review and finalize the City's Urban Development Boundaries, the City anticipates updating and completing the Water System Master Plan by 2014-2015. The update plans would include a water balance study and analysis of the distribution facilities needed to accommodate population growth.

Development in the project area has been anticipated and water demands would not challenge the City's supply. City services outline and would serve the entire project area as development occurs. The impact would be less than significant.

- c) Less Than Significant Impact. Drainage patterns would not change substantially as a result of the proposed project. As development occurs, curb and gutter improvements would improve the management of stormwater flows to reduce existing erosion or siltation. No modifications to natural or created channels would occur, as there are none within the project area. As a part of the development, implementation of erosion control measures described by the Tulare County Development Standards and mandated in the Stormwater Pollution Program would minimize any potential impacts to less than significant.
- d) Less Than Significant Impact. Any impacts regarding the alteration of drainage patterns to increase runoff water that would potentially induce flooding have been discussed in the impact analysis for Impact VIV-c.
- e) Less Than Significant Impact. Any impacts regarding the creation or contribution to runoff water that would potentially exceed the capacity of existing stormwater drainage systems have been discussed in the impact analysis for impact VIV-c.
- f) Less Than Significant Impact. Any impacts to water quality have been discussed in the impact analysis for Impact VIV-a.
- g) Less than Significant Impact. According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRM) 06107C1633E dated June 16, 2009, the project areas is are within Zone X, determined to be outside the 2% annual chance floodplain. There would be less than significant impact with regard to flood related events.
- h) No Impact. Any impacts regarding the placement of structures in a 100-year flood hazard area that would impede or redirect flood flows have been discussed in the analysis of Impact VIV-g.

- i) No Impact. The dam potentially affecting the Project, Success Dam, is approximately 10 miles to the east of the Project site. According to Tulare County's Geographic Information Systems data, the Project area is not located within the 24-hour inundation area of the Success dam in the event of its failure.
- j) No Impact. The nearest large body of water is Lake Success, which is located approximately 10 miles to the east of the Project site. Due to the lengthy distance between the lake and the Project site, there would be no potential for seiche or tsunami to occur. There would be no impact.

X.	LAND USE AND PLANNING	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact	
	ould the project:					
a)	Physically divide an established community?				$\boxtimes$	
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?					
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?				$\boxtimes$	

- a) No Impact. The project site is undeveloped. Upon development, the residential and commercial mixed uses would be fully integrated into their surrounding urban area. The proposed project would create opportunity for a mixed use development to bring additional services and retail to the surrounding community.
- b) Less Than Significant Impact. The proposed residential and mixed use project includes a General Plan amendment and Zone Change that would assure that the Commercial Mixed Use project conforms to the adopted City of Porterville General Plan and Development Ordinance.
- c) No Impact. No habitat conservation plan or natural community conservation plan has been adopted for the project areas.

XI. MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	; 🗆		$\boxtimes$
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			$\boxtimes$

- a) No Impact. The Porterville General Plan (2008) includes Figure 6-3 Soil and Mineral Conservation, which indicates the locations of State-designated Mineral Resource Zones or areas possessing minerals which are of state-wide or regional significance. According to the map, none the project area is not located in a Mineral Resource Zone. Therefore, the Project would not result in the loss of an available known mineral resource. There would be no impact.
- b) No Impact. The Project site is not delineated on a local land use plan as a locally important mineral resource recovery site; therefore, the existence of the Project would not result in the loss of availability of any mineral resources. There would be no impact.

	I. NOISE  ould the project result in:	Potentially Significant Impact	Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			$\boxtimes$	
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			$\boxtimes$	
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			$\boxtimes$	
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				$\boxtimes$

Less than

- a), c), d) Less Than Significant Impact. The project site is undeveloped but if approved, standard noise requirements shall be implemented per the Development Ordinance and Chapter 18, Article XI of the Municipal Code. The project would not significantly change the noise level generation in the project areas. Conversely, as these sites develop into residential and commercial uses, they would be subject to the City's Noise Ordinance, providing greater enforcement mechanisms to monitor and reduce noise generation during hours of construction once developed. Impacts would be less than significant.
- b) Less Than Significant Impact. The City of Porterville has set forth vibration guidelines described in the Development Ordinance Section 307.06, which states that "no vibration shall be produced that is discernable without the aid of instruments by a reasonable person at the lot lines of the site. Vibration from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction, equipment, trains, trucks, etc.) are exempt from this standard." Impacts would be less than significant.

- e) No Impact. The Porterville General Plan (2008), indicates in Figure 9-3, Projected Noise Contours 2030, that the Project site is located more than three two miles outside of the airport 55 dB CNEL noise contour. There would be no impact.
- f) No Impact. There are no private airstrips in the project vicinity. There would be no impact.

***************************************	II. POPULATION AND HOUSING buld the project:	Potentially Significant Impact I	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				$\boxtimes$
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				$\boxtimes$

- a) Less Than Significant Impact. The proposed 23.4± acre project area has been identified and planned on the City's General Plan high and medium density residential uses, and for neighborhood commercial. The proposed General Plan Amendment and Zone Change would provide for the entire 23.4± acres to be developed as commercial mixed uses. The General Plan assures consistency with zoning and provides guiding and implementation policies to assure the City is capable of meeting population and housing demands. The subject site is included within the City of Porterville Sewer, Water, and Storm Drain Master Plans. Roads and other infrastructure are found along Henderson Avenue and Newcomb Street frontages, including city sewer, water, and storm drain systems to meet current and future demands. The impacts to population and housing would be less than significant.
- b), c) No Impact. The proposed project site is undeveloped and has not been in use for over 25 years. No existing uses would be displaced by the project.

<u>xr</u>	V. PUBLIC SERVICES	Potentially Significant Impact	Less than Significant Impact	No Impact
a)	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:			
	Fire protection? Police protection? Schools? Parks? Other Public facilities?			

Less than

#### Response:

a) The site has been planned for high and medium density residential and neighborhood commercial uses. The proposed multi-family and commercial mixed use project is being evaluated for impacts to City services.

Less Than Significant Impact: <u>Fire Protection</u> — The proposed project is consistent with planned growth in the city, and would not result in increased in service times for safety response. The impact would be less than significant impact.

Less Than Significant Impact: <u>Police Protection</u> — The proposed project is consistent with planned growth in the city, and would not result in increased in service times for safety response. The impact would be less than significant impact.

Less Than Significant Impact: Schools – The project site is located within the Burton and Porterville Unified School District; Monache High School is located immediately to the east across Newcomb Street and on the north side of Henderson Avenue and within the project area. Additional students would slowly be introduced at the time of development within School Districts. The Project would result in an increase of population that would have a less than significant impact.

Less Than Significant Impact: Parks – As the Project introduces some population growth to the area, the project would not create a need for additional park or recreational services. The project proposes five recreation areas including a recreation building, two open spaces and two swimming pool areas. Residents within the Project areas are already able to take advantage of the City's numerous recreational areas including Veteran's Park across Newcomb Street and the high school north of the park. There would be less than significant impact.

No Impact: Other public facilities – As the Project would slowly introduce population growth, the project would not create additional need for other public facilities. There would be less than significant impact.

ΧV	v. RECREATION	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	Nu Impact
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				$\boxtimes$

a) No Impact. The project has been evaluated for impacts to neighbhood and regional parks or other recreational facilities or the need for these additional facilities.

Currently the City has 15 parks for a total of almost 295 acres of parkland, plus other community facilities. The City's Park Standard for neighborhood and community parks is 5.0 acres per 1,000 residents. The goal for all parkland including specialized facilities, is 10.0 per 1000 residents. The General Plan provides approximately 870 acres of parkland within the Planning Area. Buildout of the proposed General Plan would result in an approximate park ratio of 6.3 acres of neighborhood and community parks and 10.3 acres of total parkland per 1,000 residents based on the General Plans 2030 planned 107,300 population.

b) No Impact. The project proposes five recreation areas including two (2) recreation buildings (1,344 sqft. & 3,300sqft.), two open spaces (14,000± sqft. and 18,000± sqft.) and two swimming pool areas (each 18,000± sqft.).

	I. TRANSPORTATION/TRAFFIC ould the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a)	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				
b)	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				$\boxtimes$
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				$\boxtimes$
e) f)	Result in inadequate emergency access?  Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				$\boxtimes$

A traffic analysis was prepared by Ruettgers and Schuler (2012) in order evaluate the potential traffic impacts as a result of the construction of the proposed mixed use development in the City of Porterville. Intersection and roadway capacity was analyzed for 11 intersections in the vicinity of the project for weekday AM and PM peak hours. Of the 11 intersections, all currently operate at or above a LOS C. In addition to intersection

analysis, the driveway operation and configuration along Henderson Avenue was reviewed with recommendations for number and location of driveways. The intersections evaluated were:

- Westfield Avenue at: Newcomb Street and Prospect Street
- Mulberry Avenue at: Newcomb Street and Prospect Street
- Henderson Avenue at: Westwood Street, Mathew Street, Newcomb Street, Prospect Street, State Route 65 southbound lane ramps, State Route 65 northbound lane ramps, and Porter Road.

#### a) Less Than Significant Impact.

The analysis of existing traffic conditions at 11 intersections within the study area resulted in operation at or above LOS C. In addition to intersection analysis, the driveway operation and configuration along Henderson Avenue was reviewed with recommendations for number and location of driveways.

b) Less Than Significant Impact with Mitigation Incorporation. Future cumulative analysis, with and without the project, results in all roadway intersections and segments operating at or above a Level of Service (LOS) D. However, the queue length for one intersection exceeded the existing capacity. Therefore, mitigation was found necessary for this intersection in the future year 2030.

The eastbound left turn storage lane at the intersection of Henderson Avenue and Newcomb Street would need to be lengthened to 250 feet to meet future queue length requirements. The proposed project's share of the required improvements was calculated to be 52.71%. The installation of the improvements, with a reimbursement plan for the remaining amount, would be addressed as a condition of project approval and would mitigate the potential impact to less than significant.

- c) No Impact. The Project is located approximately three miles northeast of the Porterville Municipal Airport. The Project would not cause an increase in air traffic levels or cause a change in air traffic location. There would be no impact.
- d) No Impact. Roadway design features have been specifically coordinated with public safety agencies and the City's Public Works Department to include design features that would reduce bazards and the proposed changes to land uses would not result in a use incompatible to existing surrounding uses. There would be no impact.
- e) No Impact. Circulation would not be modified as a result of this Project; therefore, there would be no impact to any emergency access.
- f) No Impact. There are no adopted alternative transportation policies, plans, or programs in the Project area. There would be no impact.

			Less than Significant		
		Potentially Significant Impact		Less than Significant Impact	No Impaci
	<u>TI. UTILITIES AND SERVICE</u> STEMS			mpact	
	ould the project:				
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				
g)	Comply with federal, state, and local statutes and regulations related to solid waste?			$\boxtimes$	

a) Less Than Significant Impact. The capacity of the City of Porterville Wastewater Treatment Plant is currently eight million gallons per day. Current usage averages 5.2 million gallons per day. The 2001 Sewer Master Plan addresses the City's sewage collection system capacity and operational needs and recommends a long-term capital improvement program. If the proposed project is approved, development would be permitted

with discretionary approvals allowing for conditions to placed accordingly. The impact would be less than significant.

- b) Less Than Significant Impact. The project will not require expansion or construction of new facilities. The General Plan provides guiding and implementation policies to assure the City is capable of meeting increased demands. The subject site is included within the City of Porterville Sewer, Water, and Storm Drain Master Plans. As development and infill-development occurs throughout the city, the sewer, water, and storm drain systems would be extended as necessary to accommodate new construction. Funding mechanisms are identified in the Master Plans to ensure that the expansion of each system keeps pace with development. The impact would be less than significant.
- c) Less Than Significant Impact. Any impacts regarding the need for storm water drainage facilities have been discussed in Impact XVII-b. The impact would be less than significant.
- d) Less Than Significant Impact. Development of the project area would not challenge the City's supply. General Plan Section 8.1 "Water Supply and Conservation," provides current and planned water supplies and includes a schedule for meeting future demand including the increased potential units associated with the project. The General Plan also identifies programs and policies for water conservation and planned supply to service demand through 2030 including an established goal of reducing the per capita water demand by 10% per day by 2030. As the County continues to review and finalize the City's Urban Development Boundaries, the City anticipates updating and completing the Water System Master Plan by 2014-2015. The updates plan would include a water balance study and analysis of the distribution facilities needed to accommodate population growth. City services outline and would serve the entire project site as development occurs. The impact would be less than significant.
- e) Less Than Significant Impact. Any impacts regarding wastewater treatment have been discussed in Impact XVI-a. The impact would be less than significant.
- f) Less Than Significant Impact. The project area is undeveloped but is in an area that currently receives solid waste services from the City of Porterville. Both the private and public solid waste services make use of the Teapot Dome Landfill operated by the County of Tulare. Adequate capacity exists in that landfill for potential development consistent with the proposed High Density Residential Zoning. The impact would be less than significant.
- g) Less Than Significant Impact. Any impacts regarding solid waste have been discussed in Impact XVII-f. The impact would be less than significant.

#### Significant Potentially With Less than Significant Mitigation Significant No XVII. MANDATORY FINDINGS OF Impact Incorporation Impact Impact **SIGNIFICANCE** a) Does the project have the potential to degrade П П $\boxtimes$ the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? b) Does the project have impacts that are individually limited, but cumulatively $\Box$ $\boxtimes$ П considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects. the effects of other current projects, and the effects of probable future projects)? c) Does the project have environmental effects which will cause substantial adverse effects П 冈 $\Box$ on human beings, either directly or indirectly?

Less than

- a) No Impact. The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the Project would have no negative effect on the local natural environment. Although the project area is undeveloped, the site is disked annually for weed control and abatement. The project area is substantially urban and would not result in loss of native habitat. The potential for impacts to biological and cultural resources from the project would be less than significant as discussed in the previous impact sections. Accordingly, the project would involve no potential for significant impacts through the degradation of the quality of the environment, the reduction in the habitat or population of fish or wildlife, including endangered plants or animals, the elimination of a plant or animal community or example of a major period of California history or prehistory. There would be no impact.
- b) Less Than Significant Impact with Mitigation Incorporation. As discussed within the preceeding impact analyses, the proposed project has potential for traffic and air related impacts. Those impacts have been addressed with mitigation measures, which when implemented will ensure not only the project related but the cumulative impact of the project. Compliance with applicable codes, ordinances, laws and other required regulations would further assure that potential impacts associated with development applications remain at a less than significant level.

c) Less Than Significant Impact. The Project would not result in substantial adverse effects on human beings, either directly or indirectly. Adverse effects on human beings resulting from implementation of the project would be less than significant.

#### References

Department of Conservation, California Geological Survey. Special Publication 42- Fault Rupture Hazard Zones in California. Table 4. May 1999.

California Air Pollution Control Officers Association. CEQA and Climate Change, January 2008.

City of Porterville, 2030 General Plan. March 4, 2008.

City of Porterville, Development Ordinance. June 4, 2010.

City of Porterville, Noise Ordinance, Ordinance

City of Porterville, Sewer System Master Plan, February 2001

City of Porterville, Water System Master Plan, February 2001

Federal Emergency Management Agency. Flood Insurance Rate Map. Map Number 06107C1630E through 06107C16362E. June 16, 2009.

Guide for Assessing and Mitigating Air Quality Impacts. San Joaquin Valley Air Pollution Control District. January 2002.

San Joaquin Valley Air Pollution Control District, Regulation VIII

United States Department of Agriculture, Natural Resources Conservation Service. Soil Survey of Tulare County, Central Part.

## MITIGATION MONITORING AND REPORTING PROGRAM

Impacts	Mitigation Measures	Implementation	Monitoring	Time Span
Air Quality	Mitigation Measure #11 a), b), c), d): Construction contracts shall require the primary construction contractor to implement the following practices during all construction activities:  Construction equipment shall use aqueous diesel fuel and shall be equipped with particulate traps and catalytic converters.  All disturbed areas, including soil piles, areas that have been graded, and unpaved roads shall be watered twice daily and, when feasible, covered or enclosed.  When materials are transported offsite, loads shall be wetted and covered securely and at least two feet of freeboard shall be maintained.  Limit traffic speeds on unpaved roads to 15 mph and install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.  Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.  Turn off equipment not in use for more than ten minutes.  Cuntail construction activities when the County's Air Quality Index exceeds 150.  Traditional residential wood fireplaces will be restricted (install of natural gas fireplaces or inserts shall be acceptable)	Condition of Building Permit, to be the responsibility of the applicant and applicant's contractor. To comply with the District's restriction of PM 10 generating activities, the project proponent will follow all Regulation VIII requirements (Tables 1 and 2). In addition, the proponent will further mitigate impacts by meeting the enhanced and additional control measures for construction emissions of PM 10 (Table 3). These actions will reduce any potential impact to less than significant	City of Porterville Building Department to verify at plan check and the San Joaquin Valley Air Pollution Control District will be notified if necessary during construction.	Beginning with construction permit and terminating with issuance of Notice of Completion

Impacts	Mitigation Measures	Implementation	Monitoring	Time Span
Fransportation/Traffic	Mitigation Measure #XV a): Mitigation measures for the Henderson MU-V Commercial Mix Use Development: The developer/applicant shall dedicate right of way to the City for construction of the driveway transitional lanes, including sidewalks, as shown on the revised site plan and per the mitigation measures described in the Traffic Study prepared by Ruettgers & Schuler Civil Engineers Dedications shall include the ADA compliant curb returns at each driveway.	Condition of Building Permit, to be the responsibility of the applicant and applicant's contractor	City of Porterville Planning and Building Department to verify at plan check.  City of Porterville Building Inspector during construction	Completed at time of fina building inspection.
	Off-site median islands shall comply with the traffic study prepared by Ruettgers and Schuler Civil Engineers.			

RESOLU	<b>JTION</b>	NO.	

# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE PACIFIC RIM COMMERCIAL MIXED USE PROJECT

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 5, 2013, conducted a public hearing to consider entitlements needed to permit the proposed Pacific Rim Commercial Mixed Use Project (2012-002) including a General Plan Amendment, Zone Change, Tentative Parcel Map, and Conditional Use Permit; and

WHEREAS: General Plan Amendment 2012-002-G proposes to change the land use designation on the General Plan Land Use Diagram for the subject site from Medium-Density Residential, High-Density Residential, and Neighborhood Commercial to Commercial Mixed Use; and

WHEREAS: Zone Change 2012-002-Z proposes to change the present zoning classifications of the subject parcels from Medium-Density Residential, High-Density Residential, and Neighborhood Commercial to Commercial Mixed Use; and

WHEREAS: Tentative Parcel Map 2012-002-P proposes to divide a 23.4± acre site into four parcels: Parcel 1- 5.70± acres; Parcel 2- 4.49± acres; Parcel 3- 1.57± acres; and Parcel 4-11.69± acres; and

WHEREAS: Conditional Use Permit 2012-002-C proposes to accommodate personal storage uses in the CMX zone; and

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

- 1. That a Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act.
- 2. That the subject project will not create adverse environmental impacts. The project was evaluated in light of the prepared environmental initial study; one comment was received from an interested party during the review period. In light of the record and information received, it was determined that potential impacts associated with the proposed project would be less than significant.
- 3. That the City Council is the decision making body for the project.
- 4. On February 5, 2013, the environmental coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study has been transmitted to interested agencies and groups for a twenty (20) day review period from February 8, 2013, to February 28, 2013. One comment was received from the Porterville Unified School District related to vehicular and pedestrian traffic.

ATTACHMENT ITEM NO. 3

- 5. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project. An on-site inspection was conducted, and a traffic study prepared to consider the impacts of the project on the environment. No natural resource concerns were identified with the proposed project. However, traffic impacts were identified. Mitigation measures to reduce impacts to less than significant were defined and have been incorporated into the Mitigation Monitoring Program attached hereto as Exhibit A.
- 6. That the environmental assessment and analysis prepared for this project supporting the Mitigated Negative Declaration reflects the independent judgment of the City of Porterville.
- 7. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. The developer/applicant will be required to sign a document committing to comply with the adopted mitigation measures prior to any construction on the site.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Mitigated Negative Declaration prepared for the General Plan Amendment 2012-002-G, Zone Change 2012-002-Z and related development of the Pacific Rim Commercial Mixed Use Project, and that the mitigation measures defined in Exhibit A shall be implemented by the developer/applicant or his/her partners and successors with project implementation.

	•	
	Ву:	Virginia R. Gurrola, Mayor
ATTEST: John D. Lollis, City Clerk		
By:		

# MITIGATION MONITORING AND REPORTING PROGRAM

Impacts	Mitigation Measures	Implementation	Monitoring	Time Span
Air Quality	Mitigation Measure #III a), b), c), d): Construction contracts shall require the primary construction contractor to implement the following practices during all construction activities:  Construction equipment shall use aqueous diesel fuel and shall be equipped with particulate traps and catalytic converters.  All disturbed areas, including soil piles, areas that have been graded, and unpaved roads shall be watered twice daily and, when feasible, covered or enclosed.  When materials are transported offsite, loads shall be wetted and covered securely and at least two feet of freeboard shall be maintained.  Limit traffic speeds on unpaved roads to 15 mph and install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.  Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.  Turn off equipment not in use for more than ten minutes.  Curtail construction activities when the County's Air Quality Index exceeds 150.  Traditional residential wood fireplaces will be restricted (install of natural gas fireplaces or inserts shall be acceptable)	Condition of Building Permit, to be the responsibility of the applicant and applicant's contractor. To comply with the District's restriction of PM 10 generating activities, the project proponent will follow all Regulation VIII requirements (Tables 1 and 2). In addition, the proponent will further mitigate impacts by meeting the enhanced and additional control measures for construction emissions of PM 10 (Table 3). These actions will reduce any potential impact to less than significant	City of Porterville Building Department to verify at plan check and the San Joaquin Valley Air Pollution Control District will be notified if necessary during construction.	Beginning with construction permit and terminating with issuanc of Notice of Completion

Impacts	Mitigation Measures	Implementation	Monitoring	Time Span
Transportation/Traffic	Mitigation Measure #XV a): Mitigation measures for the Henderson MU-V Commercial Mix Use Development; The developer/applicant shall dedicate right of way to the City for construction of the driveway transitional lanes, including sidewalks, as shown on the revised site plan and per the mitigation measures described in the Traffic Study prepared by Ruettgers & Schuler Civil Engineers. Dedications shall include the ADA compliant curb returns at each driveway.	Condition of Building Permit, to be the responsibility of the applicant and applicant's contractor	City of Porterville Planning and Building Department to verify at plan check.  City of Porterville Building Inspector during construction	Completed at time of final building inspection.
	Off-site median islands shall comply with the traffic study prepared by Ruettgers and Schuler Civil Engineers.			

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF GENERAL PLAN AMENDMENT 2012-002-G FOR THE PROPOSED PACIFIC RIM COMMERCIAL MIXED USE PROJECT LOCATED GENERALLY AT THE SOUTHWEST CORNER OF HENDERSON AVENUE AND NEWCOMB STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 5, 2013, conducted a public hearing to consider approval of a General Plan amendment from High Density Residential, Medium Density Residential, and Neighborhood Commercial to Commercial Mixed Use for a 23.4± acre parcel located on the south side of Henderson Avenue, west of Newcomb Street (APN 245-410-032); and

WHEREAS: The project site is currently undeveloped; and

WHEREAS: On February 5, 2013, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: Approval of the General Plan Amendment and Zone Change would allow the project site to be developed with multiple uses in an integrated manner, and provide residential, office, commercial, and storage uses to the existing neighborhood; and

WHEREAS: Approval of the Commercial Mixed Use Project furthers the goals and objectives of the General Plan by developing higher density residential uses in close proximity to services, such as schools, parks and commercial businesses; and

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

- 1. The proposed General Plan Amendment has been requested by the applicant to accommodate opportunities for a commercial mixed use development that was unanticipated at the time of the adoption of the General Plan. The proposed Commercial Mixed Use Designation modifies the existing land use plan by integrating the various components of the development into a unified development. In essence, the existing land use designations would allow for multi-family residential and commercial development but in different proportions. The proposed mix of uses facilitated through the approval of the requested amendment are complementary and mutually supportive.
- 2. Based on review of application materials and submitted plans, the proposed project serves to fulfill the goals of the General Plan as adopted, and the amendment of the land use designation on the subject parcel (APN 245-410-032)

ATTACHMENT ITEM NO. 4

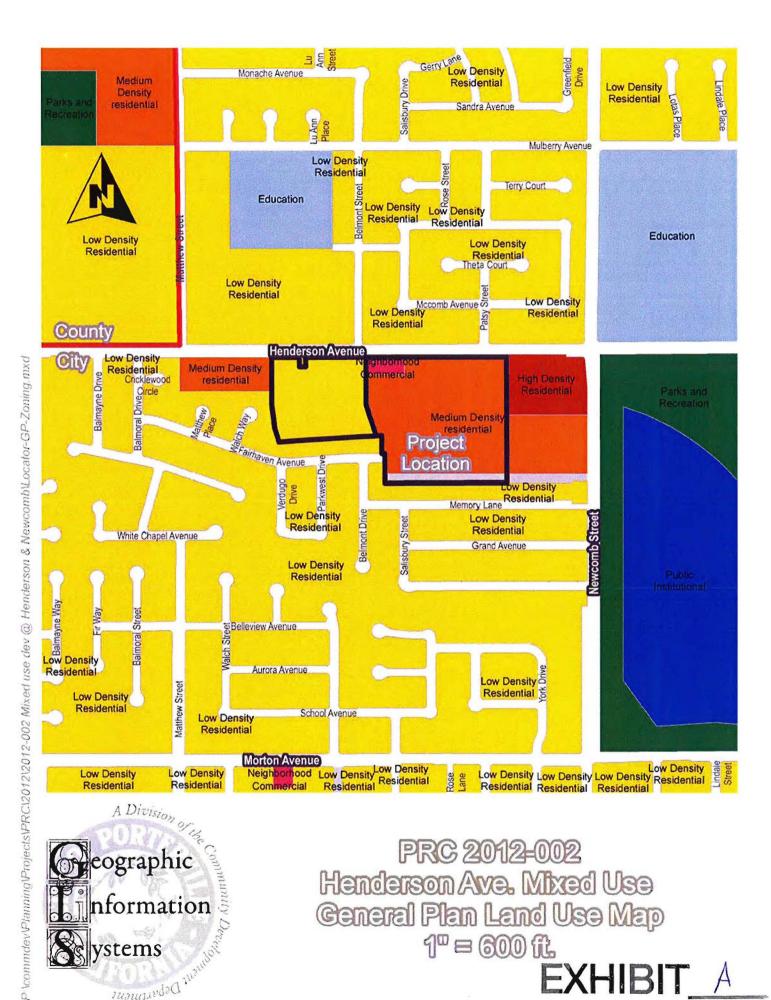
does not infringe on the goals of the General Plan to maintain transitions between types and intensities of land use.

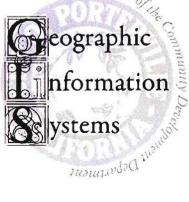
- 3. That a Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran for twenty (20) days, from February 8, 2013, to February 28, 2013.
- 4. The City Council is the decision-making body for the project.

BE IT FURTHER RESOLVED: That the City Council does hereby approve the General Plan Amendment from High Density Residential, Medium Density Residential, and Neighborhood Commercial to Commercial Mixed Use for development as represented and incorporated herein as Exhibit A.

PASSED, APPROVED AND ADOPTED this 5<sup>th</sup> day of March 2013.

	By:
	Virginia R. Gurrola, Mayor
ATTEST:	
John D. Lollis, City Clerk	
By: Patrice Hildreth, Chief Deputy City Clerk	





PRC 2012=002 Henderson Ave. Mixed Use General Plan Land Use Map 1º = 600 ft

EXHIBIT A

<b>ORDINANCE</b>	NO.	

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 2012-002-Z

FROM RM-2 (MEDIUM DENSITY RESIDENTIAL), RM-3 (HIGH DENSITY RESIDENTIAL), AND CN (NEIGHBORHOOD COMMERCIAL) TO CMX (COMMERCIAL MIXED USE) FOR THAT 23.4± ACRE SITE LOCATED GENERALLY AT THE SOUTHWEST CORNER OF HENDERSON AVENUE AND NEWCOMB STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 5, 2013, conducted a public hearing to approve findings and consider Zone Change 2012-002-Z, being a change of zone from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use) for the site located on the south side of Henderson Avenue, west of Newcomb Street (APN 245-410-032); and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone Change (2012-002-Z) is consistent with the guiding and implementation policies of the adopted 2030 General Plan; and

WHEREAS: That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran for twenty (20) days from February 8, 2013 to February 28, 2013; and

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

- a. The project supports and complies with the following General Plan guiding policies:
  - LU-G-1: Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the City.
  - LU-G-3 Promote sustainability in the design and development of public and private development projects.
  - LU-G-10: Foster viable, pedestrian-oriented neighborhood centers with vertically- and horizontally- mixed-use development.
- b. Development of the site as proposed, including personal storage, requires approval of a Conditional Use Permit and would be subject to the City's development standards.

ATTACHMENT ITEM NO. 5

- c. An amendment to the General Plan designation is being processed concurrently with this Zone Change request. Approval of the Zone Change is contingent upon the approval of General Plan Amendment 2012-002 G, to ensure consistency between the General Plan and Zoning. The commercial mixed use (CMX) zoning will allow for similar types of land uses but in different proportions than currently exist on the property. In addition, the CMX Zone will allow the personal storage development pursuant to approval of a Conditional Use Permit as well as the drive through lanes as proposed.
- d. The subject Zone Change will not create adverse environmental impacts on the adjacent neighborhood when mitigation measures are implemented and standards of the Development Ordinance and General Plan are applied to the subsequent development project.

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

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 2012-002-Z, is hereby rezoned from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use), pursuant to Section 3 below, for the parcel described herein as Assessor's Parcel Number 245-410-032 located on the south side of Henderson Avenue, west of Newcomb Street; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show the above described real property is rezoned from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use) for the site described above, more particularly shown on the attached map as Exhibit "A"; and

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

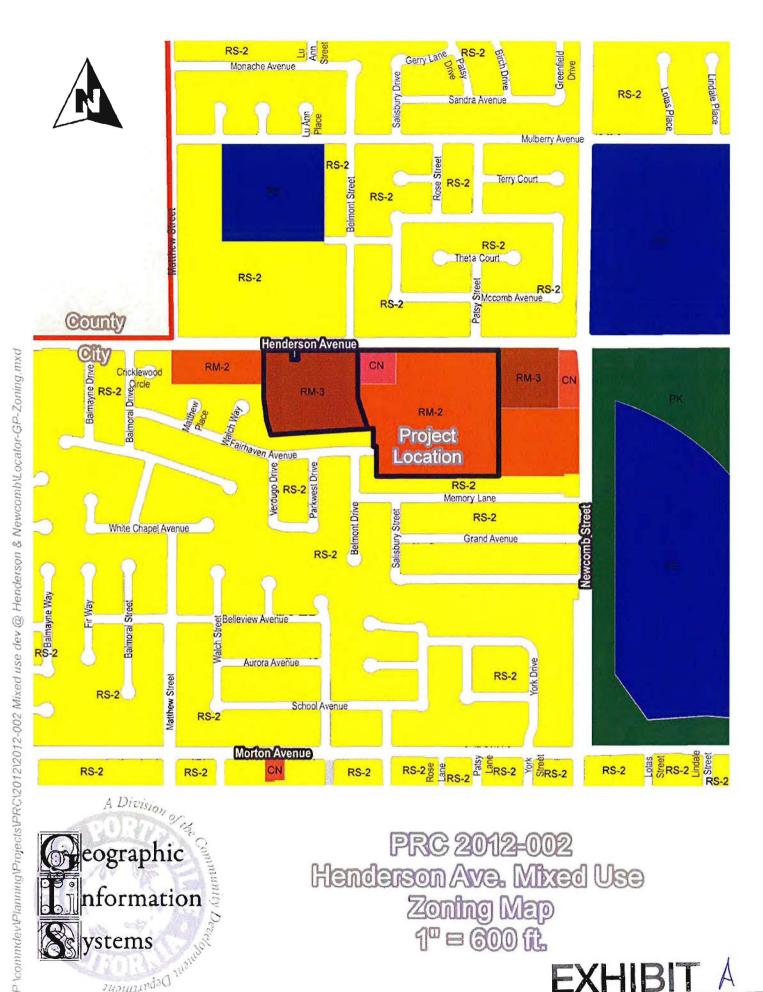
- 1. The project shall comply with all local, State, and federal laws.
- 2. The project shall comply with all mitigation measures identified in the approved CEQA document.
- 3. Building Design Criteria: In order to receive building permit approval for the mixed use project, City staff shall find that all of the following criteria have been met:
  - a. Integrated Theme All buildings within the mixed use development will exhibit an integrated architectural theme that includes consistent materials, colors, and design details as represented on Exhibits "B, C and D"; including a complete master site plan, building elevations, and landscaping.

- b. The architectural details of building entrances shall be integrated with the overall building design in terms of materials, scale, proportion, and design elements.
- c. All buildings shall include a complementary level of design detail on all facades.
- d. Signage shall be in compliance with the Master Sign Program for the entire development, as represented herein on Exhibit "E".
- 4. The entire commercial mixed use project is considered one project as shown on the proposed Master Development Plan and Tentative Parcel Map (Exhibits "B" and "F"). Building permits secured separately for phased buildings and buildings with differing uses are considered part of one overall commercial mixed use project.

As either or both Parcels 2 and/or 3 develop, all parking, building pads, drive aisles, enhanced public open spaces, features and amenities shall be constructed with the initial building permit. The remaining building pad areas may develop by separate permits.

- 5. The main access point for the residential component (Parcel 4), along Henderson Avenue shall be fully developed and provide connectivity to the street with the first building permit for any portion of the apartments. The connecting drive aisle and parking within this area, as shown on Exhibit "B", (approximately 80 foot width), shall be developed prior to issuance of a certificate of occupancy. A recorded access easement for ingress/egress, parking, trash and connectivity to both streets shall serve as a guarantee for the functionality of the apartments on Parcel 4 and the adjacent development to the east. As shown on Exhibit "B", the section of the easement running east to west shall be developed in favor of Parcel 4 and the section of the easement running north to south shall be in favor of the adjacent parcel.
- 6. All improvements shall be in accordance with City standards and should maintain a common theme throughout the entire project. All landscaping shall comply with all City of Porterville landscape and irrigation standards. Plants shall be selected for their ability to prosper in the climate and geography of this region; the Sunset Garden manual is one such approved resource that is frequently used to guide plant selection. Such landscaping shall include an automatic sprinkler system and adequate maintenance to maintain the landscaping as approved free of diseased, dead or damaged materials. Plants shall be maintained in a healthy and vigorous growing condition and planting areas shall be maintained in a clean and orderly manner, free of weeds and debris. Other improvements to the Land Area are to include, at a minimum, a seating area with one or more benches and a trash receptacle which are designed for use in the public space. Owner shall submit details regarding the style, color, and materials for approval of the Community Development Director, which approval shall not be unreasonably withheld.

7.	Development of the project area shall substantially comply with all plan sheets (Exhibits "B, C, and D").
PASSED,	APPROVED AND ADOPTED this day of March, 2013.
	By: Virginia R. Gurrola, Mayor
ATTEST	<b>:</b>
John D. Lo	llis, City Clerk
By:	e Hildreth, Chief Deputy City Clerk
Pairic	a Hildrein, Chief Debuty City Clerk

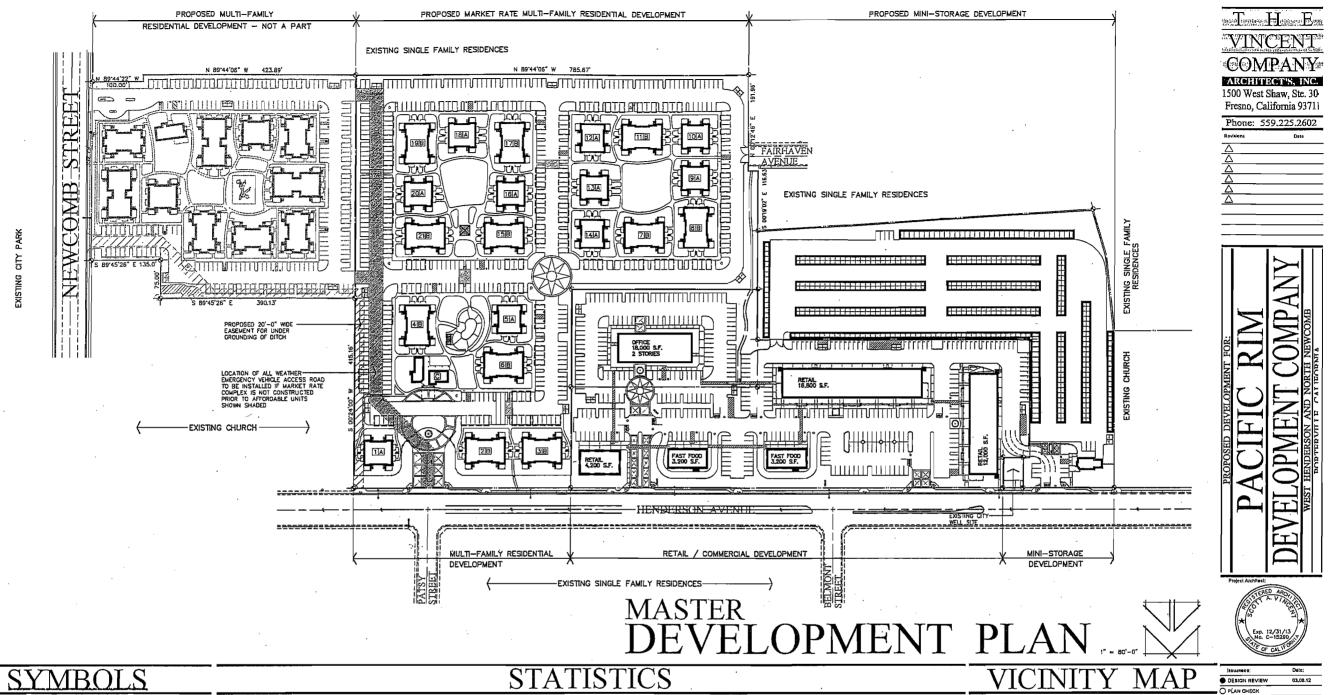


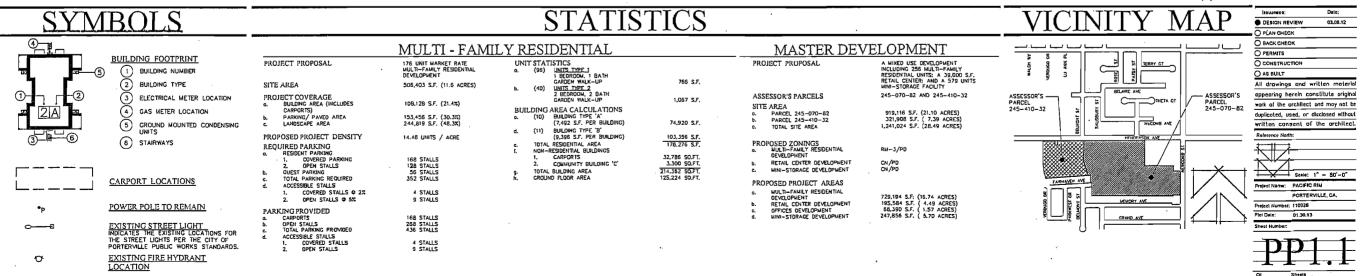


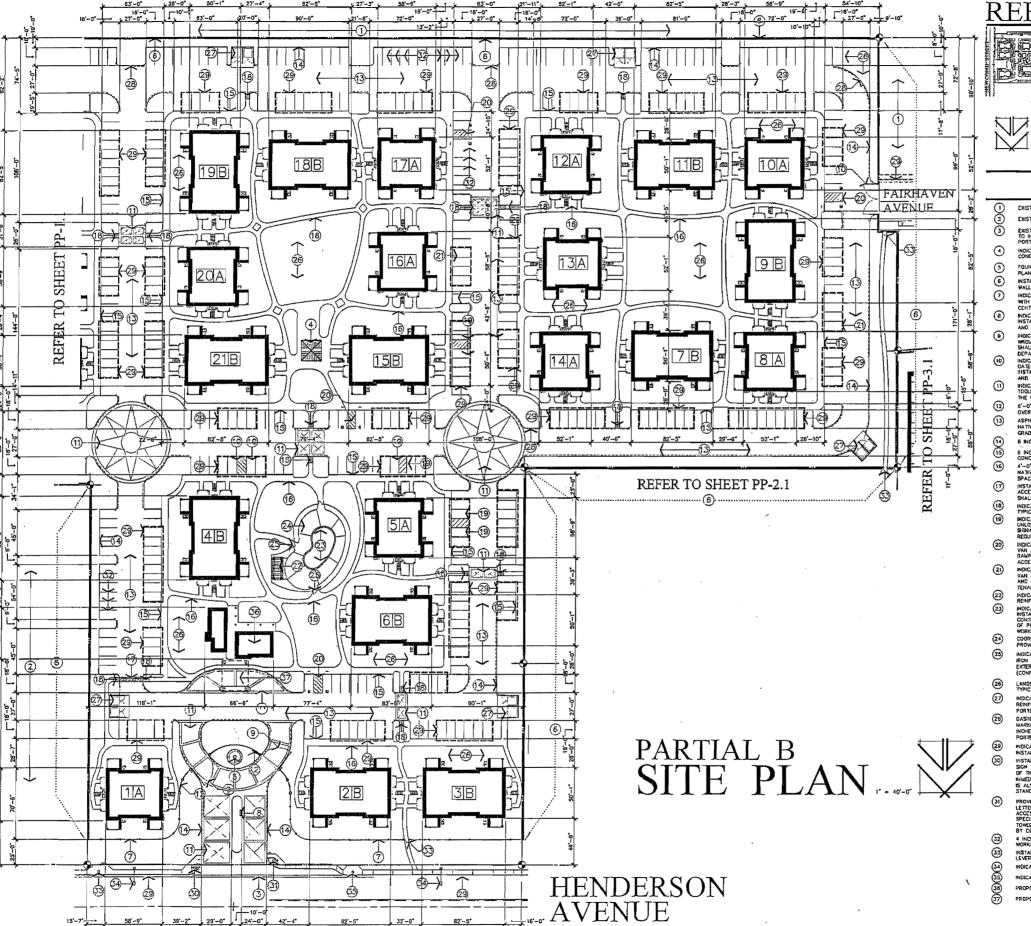
PRC 2012-002 Henderson Ave. Mixed Use Zoning Map 1º = 600 ft.













COMPANY ARCHITECT'S, INC. 1500 West Shaw, Ste. 30 Fresno, California 9371 Phone: 559,225,2602

NOTE: SHADING INDICATES

THE PORTION INCLUDED ON

# KEYNOTES

EXISTING ADJACENT SINGLE FAMILY RESIDENTIAL DEVELOPMENT TO REMAIN EXISTING AGJACENT CHURCH TO REMAIN

EXISTING RIGHT-OF-WAY IMPROVEMENTS ALONG THE STREET FRONTAGE TO INCLUDE CONCRETE CURB, GUTTER, AND SIDEWALK PER CITY OF PORTERVALLE PUBLIC WORKS DEPARTMENT STANDARDS TO REMAIN. INDICATES THE LOCATION OF COVERED DAR-B-OUE ARBOR AND CONCRETE HAROSCAPE.

FOUNTAIN LOCATION, COURDINATE THE WORK WITH THE LANDSCAPE PLAN/ TYPICAL

PLAN/ TYPICAL

INSTALL 5" OF HIGH SOLID GROUTED RENFORCED CONCRETE MASONRY

WALL AT PROPERTY LINE/ TYPICAL

INDICATES LOCATION OF 5"-0" HIGH ORNAMENTAL PROUGHT IRON FENCE

WITH CRIMP TOP PICKETS HAD MASONRY PILASTERS AT 24"-0" ON
CENTER (MAXIMUM) TO BE INSTALLED AT STREET FRONTAGE/ TYPICAL

CENTER (MAXIMUM) TO BE INSTALLED AT STREET FRONTAGE, TYPICAL INDICATES LOCATION OF PROLECT DIRECTORY AND INSTALLATION SHALL COUPLY WITH CITY OF PORTERVILLE PUBLIC WORKS AND FIRE OPERATIBLEN FROUMEMENTS, TYPICAL.

PROCATES LOCATION OF 20'-0" WIDE X 6'-0" HIGH ORNAMENTAL WINDLOWN THOM CATES) WITH AUTOMATIC OPPRATORS. HIGH STALLATION SHALL COMPLY WITH CITY OF PORTERVILLE PUBLIC WORKS AND FIRE DEPARTMENT ROUBEMENTS. TYPICAL.

NIDICATES LOCATION OF 20'-0" WIDE, 9 6'-0" HIGH CORRUGATED STEEL CALES FOR EMERGENCY SPICEL ENGRES AND EARES DAY, HISTALLATION SHALL COMPLY WITH CITY OF PORTERVILLE PUBLIC WORKS AND FIRE DEPARTMENT REQUISEMENTS. TYPICAL.

NIDICATES LOCATION OF 20:-0" WORF, 9 6'-0" HIGH CORPUSATION SHALL COMPLY WITH CITY OF PORTERVILLE PUBLIC WORKS AND FIRE DEPARTMENT REQUISEMENTS, TYPICAL.

NIDICATES LOCATION OF DOLORED CONCRETE ACCOST PANNO WITH THE GRADING AND GRAINAGE PLANY, TYPICAL.

THE CRAONIC AND DRAINAGE PLAN, TYPICLA,

"F-O" HIGH "SCHAOL" WALLS WITH CLUENT PLASTER FINISH INSTALLED
OVER SCLID GROUTED REINFORCED CONCRETE MASDRAY UNITS/ TYPICLA.
ASPHALIN CONCRETE PANNE OVER CLASS II ACORECATE ASES OVER
HATIN'S SOIL COMPACTED TO SOX. COORDINATE PLANNE SECTION(S) WITH
GRADING AND DRAINAGE PLAN AND PROJECT SOILS REPORT/ TYPICLA.

6 INCH CONTINUOUS CONCRETE CURB/ TYPICAL 6 INCH CONTINUOUS CONCRETE OURB WITH INTEGRAL 4 INCH THICK CONCRETE WALK/ TYPICAL.

CONCRETE WALK/ TYPICAL.
4-0' WIDE 4 A NOT THICK CONCRETE WALKS APPLIED OVER COMPACTED
NATIVE SOIL (PROWDE 7-0' WIDE WALKS ADJACENT TO PARKING
SPACES)/ TYPICAL
ACCESSIBLE PATHOE THANKING COORSE THE MAXIMUM SOPPE AT PAWNG
SHALL BE 5X WITH A 2% WAMMUM CROSS SLOPE/ TYPICAL
MOLICATES THE LOCATION OF DEPRESSED WALKWAY MEEL CHAIR RAMP/
TYPICALS THE LOCATION OF DEPRESSED WALKWAY MEEL CHAIR RAMP/
TYPICALS THE LOCATION OF DEPRESSED WALKWAY MEEL CHAIR RAMP/
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INDICATES THE LOCATION OF DEPRESSED WALKWAY WHEEL CHAIR RAMP/
TYPICAL.

MIDICATES LOCATION OF ACCESSIBLE PARKING STALL WITH 5-0" WOD 
UNICADING AREA AND WARPED WALK WHEELCHAIR RAMP, INSTALL 
SIGNAGE AND MARKENING AS REQUIRED BY THE 24 COR ACCESSIBLITY 
REQUIREMENTS/ FYPICAL 
INDICATES LOCATION OF ACCESSIBLE PARKING STALL WITH 8-0" WID 
VAN ACCESSIBLE UNICADING AREA AND WARPED WALK WHEELCHAIR 
ACCESSIBLITY REQUIREMENTS/ TYPICAL SERVICED BY THE AP COR 
ACCESSIBLITY REQUIREMENTS/ TYPICAL SERVICED BY THE APPLY OF A COR 
VAN ACCESSIBLE UNICADING AREA 8-2" WINNIGH VERTICAL CLEARANCE 
AND WARPED WALK WHEELCHAIR RAMP AVAILABLE FOR ASSIGNMENT TO 
TENANTS WITH PHYSICAL DISABILITES/ TYPICAL 
INDICATES LOCATION(S) GROUD ARRORD S-VANDE STRUCTURE WITH 
REINFORCED CONTROLES MASCHINY SUPPORT COLUMNIS/ TYPICAL 
INDICATES LOCATION(S) OWN OND ARRORD S-VANDE STRUCTURE WITH 
REINFORCED CONTROLES MASCHINY SUPPORT COLUMNIS/ TYPICAL 
INDICATES LOCATION OF SWEALING PION AND CONTROLESCING TO BE 
MINICATES LOCATION OF SWEALING PION AND CONTROLESCING TO BE

MINICATES LOCATION OF SWEALING PION AND CONTROLESCING TO BE

NEMPORED CONCRETE MASCHITY SUPPORT COLUMNS, TYPICAL, MODICATES LOCATION OF SHIMMING POOL, AND COOK, DECKING TO BE INSTALLED UNDER SEPARATE PERMIT AND PLAN CHECK, POOL, CONTRACTOR SHALL SUBMIT DRAWNGS AND CALCULATIONS TO THE CITY OF PORTERMILE FOR PLAN CHECK AND PERMITS PRIOR TO COMMENCING WORK, TYPICAL STATEMENT, PRIOR TO COMMENCING

COORDINATE INSTALLATION OF POOL BECKING WITH POOL CONTRACTOR.
PROVIDE 1/4 INCH PER FOOT MAXIMUM CROSS SLOPE AT DECK/ TYPICA NOTICATES THE LOCATION OF 3'-0" MIDE x 5'-0" HIGH WROUGHT BON PEUESTRIAN CAJE WITH PANIC HARDWARE (APPROVED FOR EXTERIOR HISTALLATION) WITH LEVER TYPE EXTERIOR HARDWARE (CONTRAM KEYNIG REQUIREMENTS WITH THE OWNER).

LANDSCAPE AREAS, COORDINATE WORK WITH LANDSCAPE PLANS

TYPICAL.

MICHAES LOCATION OF TRASH / RECYCLING ENCLOSURE WITH REINFORCED CONCRETE HASDNRY WALLS TO +4"-5" PER CITY OF PORTERWILE PUBLIC WORKS STANDARDS, TYPICAL ORDINGS, OF CURBS TO BE PAINTED RED AND MARKED "FIRE LANE — NO PARKING". LETTERS SHALL BE WHITE, 3 MICHES HIGH AND SPACED AT 50"-0" CHECKTER PER CITY OF PORTERMALE FIRE DEPARTMENT STANDARDS/ TYPICAL.

PORTERMILE FIRE DEPARTMENT STANDARDS / PYPECAL MINICATE FIRE LOCATIONS, OF PRE-PARRICAITED CARPORTS TO BE MISTALLED UNDER SEPARATE PERMIT / TYPICAL MISTALLED STATE STANDARD STOP SIGNS, AT LOCATIONS) SHOWN, SION SHALL BE MOUNTED ON A 2" CALVANEZO POST WITH THE BOTTOM OF THE SIGN OF ABOVE ENDURY, LOCATION, DEPHUS CLIFE AND MALEDRATELY BEHAD MAJOR STREET SIDEWALK, "MOLT TURN DINLY" SION S ALSO REQUIRED AT SAME LOCATION, MISTALL 30" & 3" STATE STANDARD SICN IMMEDIATELY BELOW THE STOP SICN ON SAME POST.

PROVIDE SIGN AT EACH SITE ENTRANCE THAT CLEARLY STATES. IT HIGH LETTERING STATING." UNAUTHORIZED WHICLES PARKED IN DESIGNATED ACCESSIBLE SPACES NOT DESIGNATION GENERALISHING PLACADS OR SPECIAL LICENSE PLATES ISSUED FOR PERSONS WITH DESABLITES MILL BETOMED AWAY AT OWNER'S EXPOSES, TOWN OWNERCES MAY BE RECLANED BY CONTACTING THE CITY OF SAN JOSE POLICE DEPARTMENT.

4 INCH WIDE WHITE PAINTED STRIPPING PER CITY OF PORTERVILLE PUBLIC WORKS STANDAROS, TYPICAL AT PARKING STALLS.

INSTALL 3'-O" MIDE x G'-O" HIGH WROUGHT IRDI) PEDESTRIAN CATE WITH LEVER TYPE LAICHSET. INDICATES THE LOCATION(S) OF EXISTING STREET LIGHTS TO REMAIN

INDICATES THE LOCATION(S) OF EXISTING POWER POLES TO REMAIN PROPUSED OFFICE/ COMMUNITY BUILDING PROPOSED PORTE COCHERE.



VINCENT



Issuances:	Date:
CESIGN REVIEW	03.05.12
O PLAN CHECK	
O BACK CHECK	
O PERMITS	
O CONSTRUCTION	

All drawings and written material oppearing herein constitute original

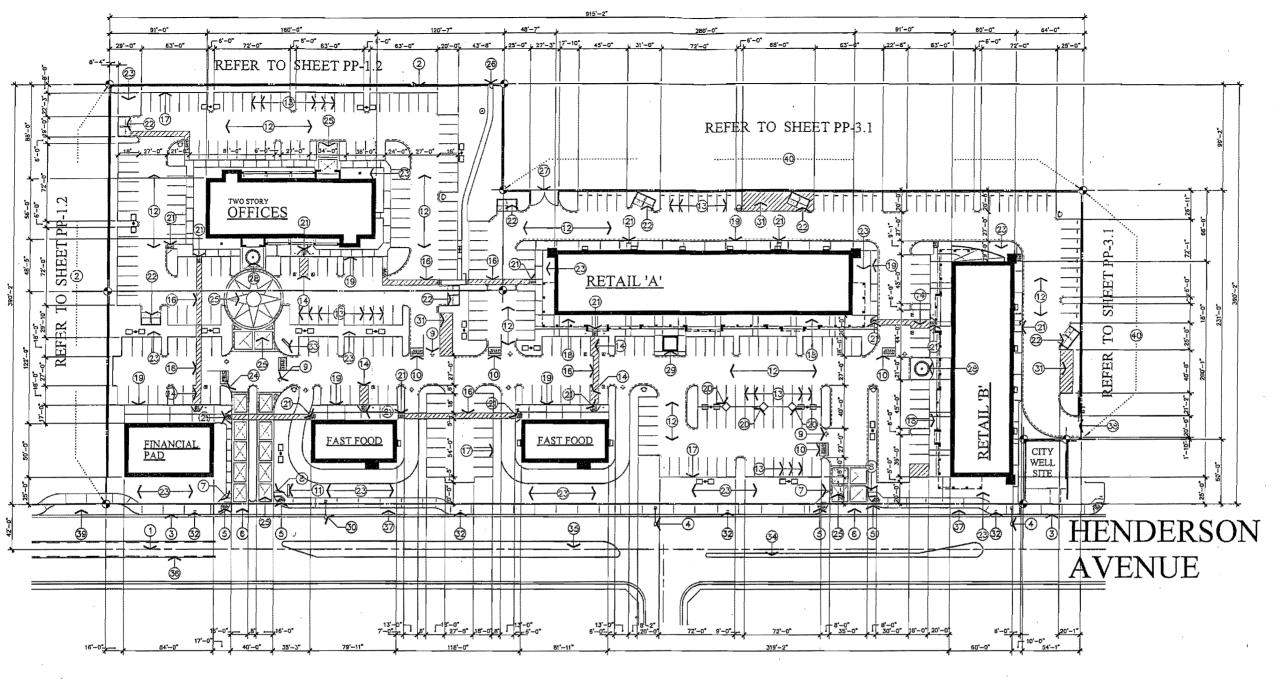
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work of the orchitect and may not be duplicated, used, or disclosed without

Reference (forth:	
$NV_{}$	
	- 40'-0"
ojed Name; PACIFIC F	RIM

PORTERVILLE, CA. Project Number: 110925





71,49D S.F. (1.64 ACRES) 227,816 S.F. (5.24 ACRES) 299,306 S.F. (6.88 ACRES)

9,000 S.F. (12.6%) 43,180 S.F. (60.4%) 19,310 S.F. (27.0%)

39,400 S.F. (17.3%) 43,180 S.F. (54.8%) 53,554 S.F. (27.9%)

18,000 S.F.

16,800 S.F. 12,000 S.F. 4,200 S.F. 3,200 S.F. 3,200 S.F. 39,400 S.F.

72 STALLS

116 STALLS 64 STALLS

107 STALLS 245 STALLS 352 STALLS 9 STALLS

3 ZONES

PROPOSED USE(S) PROJECT ZONING

OFFICES
COMMERCIAL/ RETAIL
TOTAL SITE AREA SITE COVERAGES

FFICES . BUILDING AREA . PAVED AREA . LANDSCAPE AREA COMMERCIAL / RETAIL
. BUILOING AREA
2. PAVED AREA
3. LANOSCAPE AREA

BUILDING AREA CALCULATIONS TWO STORY OFFICE COMMERCIAL/ RETAIL

COMMERCIAL, FETAIL

1. RETAIL 'A'

2. RETAIL 'B'

3. FINANCIAL PAD

4. FAST FOOD PAD 1

5. FAST FOOD PAD 2

6. TOTAL COMMERCAIL/ RETAIL PARKING REQUIRED

KING REQUIRED
OFFICE © 1/250
COMMERCIAL/ RETAIL
1, RETAIL © 1/250
2, FAST FOOD © 1/100
3, FINANCIAL PAO© 1/250
TOTAL STAILS REQUIRED
ACCESSIBLE STALLS REQUIRED

A. ACCESSIBLE STALLS RECORDED
PARKING PROVIDED
0. OFFICE
b. COMMERCIAL/ RETAIL
c. TOTAL STALLS PROVIDED
d. ACCESSIBLE STALLS PROVIDED LOADING ZONES

NEIGHBORHOOD RETAIL SALE; FAST FDOD WITH DRIVE THROUGH; FINANCIAL; GENERAL OFFICE (1)

(11)

14

INDICATES SECTION LINE/ CENTERLINE OF THE STREET. INSTALL 6'-0" HIGH SOLID GROUTED REINFORCED CONCRETE MASONRY WALL AT PROPERTY LINE/ TYPICAL 2

3 EXISTING CONCRETE OURB, GUTTER, INSTALL 9'-6" WIDE CONCRETE WALK FOR ENTIRE STREET FRONTAGE PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS TO REMAIN.

EXISTING STREET LIGHTS INSTALLED PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS TO REMAIN. (5) INSTALL ACCESSIBLE OFF—SITE CURB RAMP WITH TRUNCATED DOMES PER CITY OF PORTERVALLE PUBLIC WORKS STANDARDS/ TYPICAL. INSTALL COMMERCIAL STREET—TYPE APPROACHES PER CITY OF PORTERVALLE PUBLIC WORKS STANDARDS/ TYPICAL. **(5)** 

INDICATES THE LOCATION OF 30" STATE STANDARD "STOP" SIGN(S).
SIGN SHALL BE MOUNTED ON A 2 INCH DAMPTER GALVANIZED POST WITH
THE BOTTOM OF THE SIGN ""-O" ADDUC GROUND AND LOCATED BEHIND
CURB AND IMMEDIATELY BEHIND MAJOR STREET SIDEWALK/ TYPICAL. INDICATES THE LOCATION OF 17"x22" (MINIMUM) PARKING FOR PERSONS WITH DISABILITIES ONLY SIGNAGE AT OFF-STREET ENTRANCES TO PROPERTY.

INDICATES LOCATION OF NEW PAINTED TRAFFIC DIRECTIONAL ARROWS PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL. (10)

INDICATES LOCATION OF NEW PAINTED TRAFFIC SIGNAGE PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL. INDICATES LOCATION OF PROPOSED POLE MOUNTED PROJECT SIGN (TO BE REMEMED AND APPROVED UNDER SEPARATE PERMIT). COORDINATE INSTALLATION OF POWER SUPPLY TO THIS LOCATION WITH THE ELECTRICAL SITE PLAN/ TYPICAL.

ASPHALTIC CONCRETE PAVING OVER CLASS II AGGREGATE BASE OVER NATIVE SDIL COMPACTED TO 90%. CODRDINATE PAVING SECTION(S) WITH GRADING AND ORAINAGE PLAN AND PROJECT SDILS REPORT/ TYPICAL INSTALL 4 INCH WIDE WHITE PAINTED STALL STRIPING PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL.

8'-0" WIDE DISABLED ACCESSIBLE UNLOADING SPACE WITH RAMP ACCESS TO WALKWAY/ TYPICAL

# (15)

5'-0" WIDE DISABLED ACCESSIBLE UNLOADING SPACE WITH WHEELCHAIR RAWP ACCESS TO WALKWAY/ TYPICAL (16) INSTALL 4'-0" WIDE PAINTED CROSSWALK WITH 5% MAXIMUM SLOPE AND 2% MAXIMUM CROSS SLOPE / TYPICAL.

17 INDICATES LOCATION OF 6 INCH CONTINUOUS CURB/ TYPICAL (18)

INDICATES NEW 4 INCH THICK CONCRETE WALK WITH NON-SLIP FINISH PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL. (19) INDICATES LOCATION OF 6 INCH CONTINUOUS CURB WITH INTEGRAL WALKIYAY / TYPICAL 20 20

COORDINATE WORK AT TREE WELLS WITH THE LANDSCAPE PLAN/ TYPICAL INSTALL ACCESSIBLE CURE RAMP WITH TRUNCATED DDMES/ TYPICAL

INDICATES LOCATION OF 6"-0" HICH CONCRETE MASONRY TRASH ENCLOSURE WITH STUCCO FINISH TO MATCH THE ADJACENT BUILDING, PROVIDE (2) 6"-0" HICH STEEL FRAME GATES WITH CORRUGATED DECKING AT OPENING! TYPICAL. 22)

LANDSCAPE AREA(S). CODRDINATE THE WORK WITH THE LANDSCAPE PLAN/ TYPICAL.

OASHED LINE INDICATES LOCATION(S) OF CURBS TO BE PAINTED RED AND MARKED "FIRE LANE - NO PARKING". LETTERS SHALL BE WHITE, 3 NICHES HIGH AND SPACED AT 50"-0" ON-CENTER PER CITY OF PORTERVILLE FIRE OEPARTMENT STANDARDS/ TYPICAL

PONTERVILLE FIRE OFFRAMENT STANDARDS/ TYPICAL NODICATES LOCATION OF COLORED CONCRETE ACCENT PAYING WITH TOOLED JOINT PATTERN AS WIDICATED. COORDINATE INSTALLATION WITH THE GRADING AND ORAINAGE PLAN/ TYPICAL

INSTALL 3'-0" MDE x 6'-0" HIGH VROUGHT IRON PEDESTRIAN ACCESS GATE WITH LEVER TYPE LATCHSET. INDICATES LOCATION OF 20"-0" WIDE x 6"-0" HIGH CORRUGATED STEEL EMERGENCY VEHICLE ACCESS ONLY GATE(S), INSTALLATION SHALL COMPLY WITH CITY OF PORTERVILLE PUBLIC WORKS AND FIRE DEPARTMENT REQUIREMENTS/ TYPICAL

FOUNTAIN LOCATION. COORDINATE THE WORK WITH THE LANDSCAPE PLAN/ TYPICAL. 28)

29 GOORDINATE THE INSTALLATION OF THE FREE-STANDING CLOCK TOWER WITH THE EXTERIOR ELEVATIONS. (3) (3)

EXISTING STREET LIGHT TO BE RELOCATED/ TYPICAL INDICATES THE LOCATION OF COMMERCIAL LOADING ZONE PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS.

(3) (3) INDICATES THE LOCATION OF EXISTING POWER POLE TO REMAIN INDICATES THE LOCATION OF ILLUMINATED PROJECT DIRECTORY TO BE INSTALLED UNDER SEPARATE SIGN PERMIT. 34)

INSTALL MEDIAN ISLAND WITH LEFT-TURN POCKET PER CITY OF PORTERVALE PUBLIC WORKS STANDARDS. INSTALL MEDIAN ISLAND PER CITY OF PORTERVALLE PUBLIC WORKS STANDARDS.

(36) INSTALL PAINTED MEDIAN FOR LEFT-TURN ACCESS PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS INSTALL RIGHT-TURN LANE PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS. PROVIDE DEDICATION TO THE CITY AS REDURED FOR THE BISTALLATION. 37) <u>38</u>)

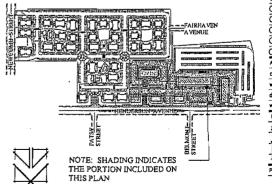
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39

**40** 

INDICATES THE LOCATION OF 20'-0" WIDE x 5'-0" HIGH CORRUGATED STEEL "EXIT ONLY" GATE WITH AUTOMATIC OPERATION AND EXIT LODP

CODROINATE THE INSTALLATION OF REINFORCED CONCRETE MASONR' FENCES AT THE PROPERTY LINE WITH THE MINI STORAGE SITE PLAN SHEET PP3.1



RETAIL CENTER

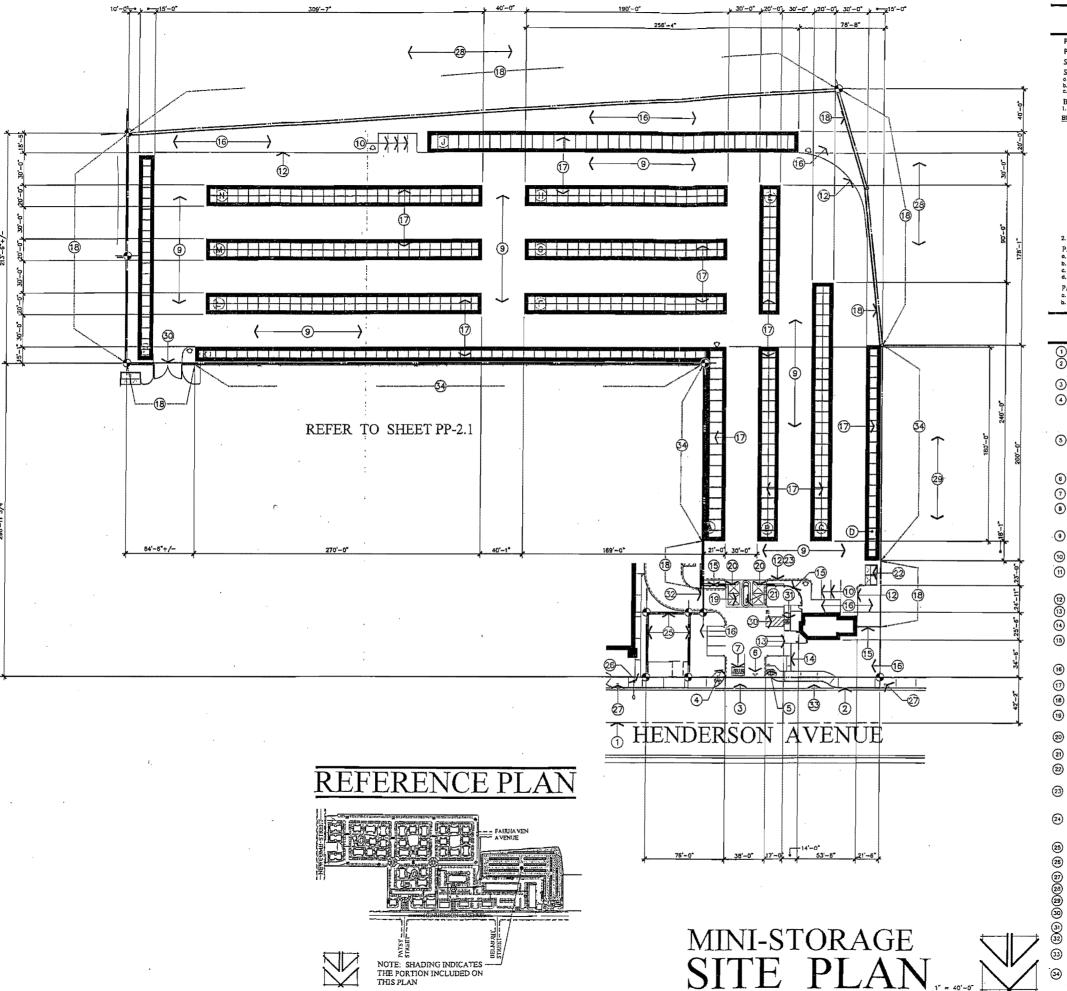


issuances:	Date:
DESIGN REVIEW	03.08.12
PLAN CHECK	
BACK CHECK	
PERMITS	
CONSTRUCTION	
AS BUILT	
drawings and	written material
peoring herein o	onstitule original
rk of the orchitec	t and may not be
plicated, used, or	disclosed without
itten consent c	of the orchitect.
elerence North:	
\'/	
Scale:	1" = 40'~0"

PORTERVILLE, CA.

(M)

Project Number: 110925



PROI	OSED USE		NEIGHBORHOOD MINI STORAG
PROJ	ECT ZONING		CMX
SITE	AREA		212,524 S.F. (4.8B ACRES)
SITE b. c.	COVERAGES BUILDING AREA PAYED AREA LANDSCAPE AREA		1,29D S.F. (0.6%) 119,738 S.F. (56.3%) 92,786 S.F. (43.7%)
BUIL 1.	DING AREA(S) STURAGE BUILDING	•	
BUILDI	NG USE/UNIT SIZE	NO. OF UNITS	BUILDING AREA 3,500 S.F.
В	10 x 10	36	3,500 S.F.
C	10 x 10	48	4,800 S.F.
Ð	10 x 15	20	3,000 S.F.
3	10 x 10	24	2,400 S.F.
F	10 x 10	38	3,800 S.F.
G	10 × 10	38 .	3,800 S.F.
H	10 x 10	38	3,800 S.F.
J	10 x 20	35	7,000 S.F.
K	10 x 15	48	7,200 S.F.
L	10 × 10	52	5,200 S.F.
м	10 = 10	52	5,200 S.F.
N	10 x 10	52	5,200 S.F.
P	10 x 15	19	2,850 S.F.
2.	TOTAL UNITS/AREA OFFICE BUILDING AREA	518 UNITS	61,450 S.F. 1,290 SQ. FT.
PARK	ING REQUIRED		
a,	1 STALL / 75 UNITS		7 STALLS
b.	1 STALL / 300 S.F. OFFI	Œ	4 STALLS
c,	TOTAL STALLS REQUIRED		11 STALLS
d.	ACCESSIBLE STALLS		1 STALL
PARK	ING PROVIDED		
a.	OFEN STALLS		14 STALLS
b.	ACCESSIBLE STALLS		1 STALL

- ① ② INCICATES SECTION LINE/ CENTERLINE OF THE STREET.
- EXISTING RIGHT-OF-WAY IMPROVEMENTS ALONG THE STREET FRONTAGE INCLUDING CONCRETE CURB, GUTTER, AND SIDEWALK, PER CITY OF PORTERVILLE PUBLIC WORKS DEPARTMENT STANDARDS TO REMAIN.
- PORTERVILLE FUBLIC WORKS OFFARTMENT STANDARDS TO REMAIN, INSTAIL COMMERCIAL STREET—TYPE APPROACHES PER CITY OF PORTERVILLE FUBLIC WORKS STANDARDS/ TYPICAL.

  INSTAIL 30° STATE STANDARD "STOP" SON(S) AT LOCATIONS SHOWN, SICK STATE STANDARD "STOP" SON(S) AT LOCATION SHOWN, SICK STAIL 38 WOUNTED ON A 2 INCH DIMMETER GALVANIZED POST WITH THE BOTTOM OF THE SIGN "7-0" ADOVE FORDING AND LOCATIO BEHAVIOR OF THE SIGN OF THE STANDARD OIRE AND IMMEDIATELY BEHAVIOR MAJOR STREET SIGNEWALK. "RIGHT TURN OIR" SIGN AT SAME LOCATION, INSTAIL 30° JABS "STATE STANDARD SIGN IMMEDIATELY BELOW THE STOP SIGN ON THE SAME POSITY TYPICAL PROPOSE SIGN AT EACH SITE ENTRANCE THAT CLEARLY STATES, "HIGH LETTERNO STATMAG." UNAUTHORIZED VEHICLES PARKED IN DESIGNATED ACCESSIBLE SPACES NOT OISPLATING SIGNIGLISHING PLAZARDS OR SPECIAL LICENSE PLATES ISSUED FOR PERSONS WITH DISCRIPTIES WILL BE TOWED AWAY AT OWNERS" SEPPENS. TOWN VEHICLES WAY BE RECLAMED
- INDICATES LOCATION OF NEW PAINTED TRAFFIC DIRECTIONAL ARROWS PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL INDICATES LOCATION OF NEW PAINTED TRAFFIC SIGNAGE PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL.
- MOICATES LOCATION OF PROPOSED POLE MOUNTED PROJECT SIGN (TO BE REVEWED AND APPROVED UNDER SEPARATE PERMIT). COORDINATE INSTALLATION OF POWER SUPPLY TO THIS LOCATION WITH THE ELECTRICAL SITE PLAN/ TYPICAL.
- INSTALL NEW CAST-IN-PLACE CONCRETE PAYING OVER COMPACTED NATIVE SOIL COORDINATE THE INSTALLATION REQUIREMENTS WITH PAYING PLAN/ TYPICAL. . (9)
- 100 INSTALL 4 INCH WHOE WHITE PAINTED STALL STRIPING PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL 111
- MUICATES LOCATION OF ACCESSIBLE PARKING STALL WITH 8'-0" MIDE UNLOADING AREA AND WARPED WALK WHEELCHAIR RAWP, INSTALL SIGNADE AND MARKING AS REQUIRED BY TITLE 24 CCR ACCESSIBILITY REQUIREMENTS/ TYPICAL
- INDICATES LOCATION OF 6 INCH CONTINUOUS CURB/ TYPICAL
- 6 INCH CONTINUOUS CONCRETE CURB WITH INTEGRAL 4 INCH THICK CONCRETE WALK/ TYPICAL (15)
  - CONCRETE WALK/ TYPICAL NUIGHTEN SHEW 4 INCH THECK CONCRETE WALK WITH NON-SLIP FINISH PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL INCICATES LOCATION OF 6'-0' HIGH REINFORCEO CONCRETE MASUNRY FENCE (GROUT SOUD) WITH CEMENT PLASTER PINISH AND PLASTERS AT 20'-0' ON CENTER (INCREASE HEIGHT TO 8'-0' AT STORAGE BUILDINGS)/ TYPICAL.
- LANDSCAPE AREA(S). COORDINATE THE WORK WITH THE CONCEPT LANDSCAPE PLAN/ TYPICAL
- STORAGE UNITS SHALL BE PRE-FABRICATED STEEL STORAGE UNITS TO BE INSTALLED UNDER SEPARATE BUILDING PERMITS/ TYPICAL. (17) 18) INSTALL 6'-0" HIGH SOLIO GROUTED REINFORCED CONCRETE MASONRY FEVCE AT PROPERTY LINE/ TYPICAL
- INDICATES LOCATION OF COLORED CONGRETE ACCENT PAVING WITH TOOLED JOINT PATTERN AS INDICATED. COORDINATE INSTALLATION WITH THE GRADING AND ORAINAGE PLAN/ TYPICAL. 20)
- INCICATES THE LOCATION OF 6"-0" HIGH STEEL GATES WITH AUTOMATH OPERATOR(S)/ TYPICAL
- INDICATES THE LOCATION OF PEDESTAL MOUNTED GATE CONTROLLER/TXPICAL 22) INDICATES LOCATION OF TRASH AND RECYCLING ENCLOSURE WITH REMFORCED CONCRETE MASONRY WALLS TO +4"-8" PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL
  - OSHED LINE INDICATES LOCATION(S) OF CURBS TO BE PAINTED RED AND MARKED TRIEL LANE NO PARKING". LETTERS SHALL BE WHITE, 3 NICHES HIGH AND SPACED AT 50-0° ON-CENTER PER CITY OF PORTERVILLE FIRE OBPARTMENT STANDARDS/ TYPICAL. HINICATES LOCATION OF 20-0° MOR S. 6'-0° HIGH ORNAMENTAL WROUGHT IRON GATE(S) FOR EMERGENCY VOHICLE INGRESS AND ECRESS ON Y. . INSTALLATION SHALL COMPLY WITH CITY OF PORTERVILLE PUBLIC WORKS AND FIRE DEPARTMENT RECORDEMENTS/ TYPICAL.

  - EXISTING CONCRETE MASONRY WALL AT CITY OF PORTERVILLE WATER WELL SITE TO REMAIN EXSTING STREET LIGHTS INSTALLED PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS TO REMAIN.
  - INDICATES THE LOCATION OF EXISTING POWER POLE TO REMAIN.
  - EXISTING ADJACENT SINGLE FAMILY RESIDENTIAL DEVELOPMENT TO REMAIN. EXISTING ADJACENT CHURCH TO REMAIN
  - 8'-0' WIDE DISABLED ACCESSIBLE UNLOADING SPACE WITH RAMP ACCESS TO WALKWAY/ TYPICAL.
    INSTALL ACCESSIBLE CURB RAMP WITH TRUNCATED DOMES/ TYPICAL.
- INDICATES THE LOCATION OF 20'-D" WIDE x 6'-D" HIGH CORRUGATED STEEL "EXIT ONLY" GATE WITH AUTOMATIC OPERATION AND EXIT LOOP ONLY. INSTALL RIGHT-TURN LANE PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS. PROVIDE DEDICATION TO THE CITY AS REQUIRED FOR THE INSTALLATION.

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### ARCHITECT'S, INC.

1500 West Shaw, Ste. 30-Fresno, California 93711

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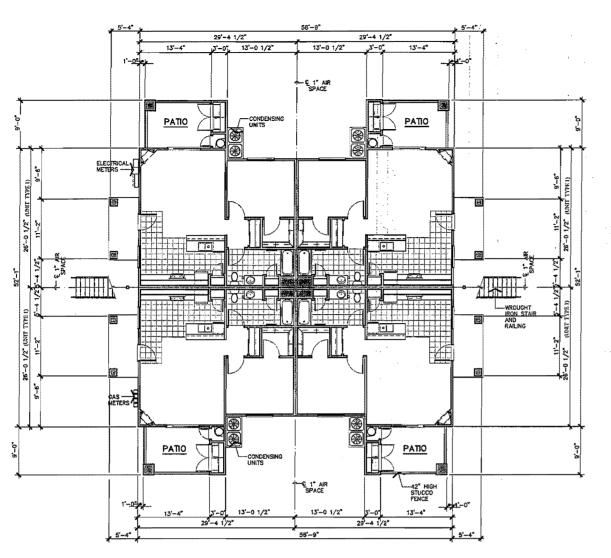
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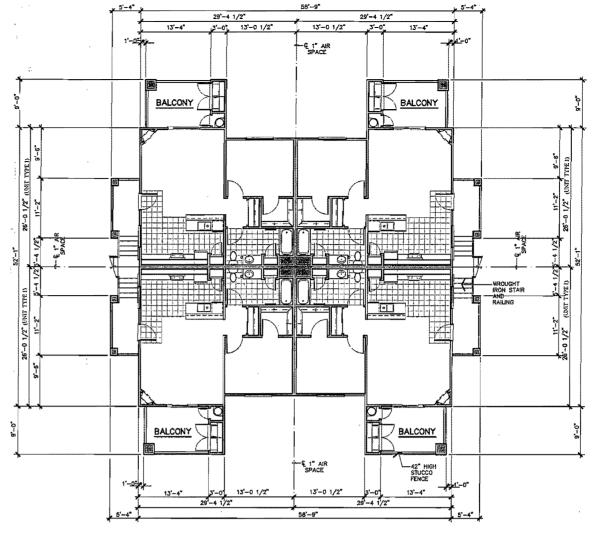
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PORTERVILLE, CA. Project Number: 110925



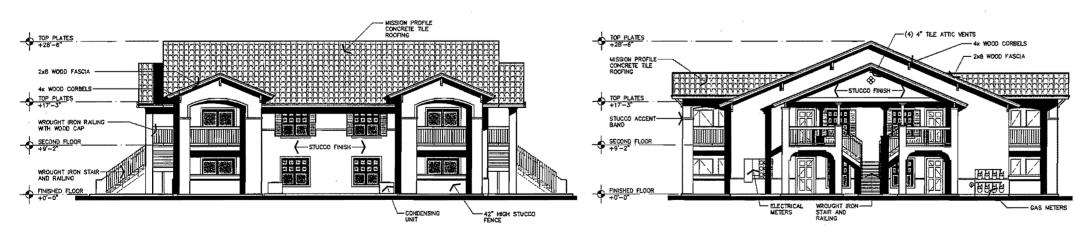


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THE

**GROUND FLOOR** 

SECOND FLOOR



FRONT ELEVATION



# **BUILDING STATISTICS**

OCCUPANCY GROUP BUILDING AREA

TOTAL BUILDING AREA

FIRE RESISTANCE REQUIREMENTS INTERIOR BEARING WALLS

> CEILING/ROOF ASSEMBLY FLODR/CEILING ASSEMBLY

(B) UNITS TYPE "1" 1 BEOROOM 1 BATHROOM WALK-UP UNIT 766 SQ. FT./UNIT

V-B WITH NFPA 13R AUTOMATIC FIRE SPRINKLER SYSTEM

NON-RATED

NON-RATED
MJ-1.6 ONE HOUR RATED
FLODR/CEILING PER ASTM E 119/NFPA ONE HOUR RATED (G.A. FILE NO. WP-3370)

written consent of the architect PORTERVILLE, CA.

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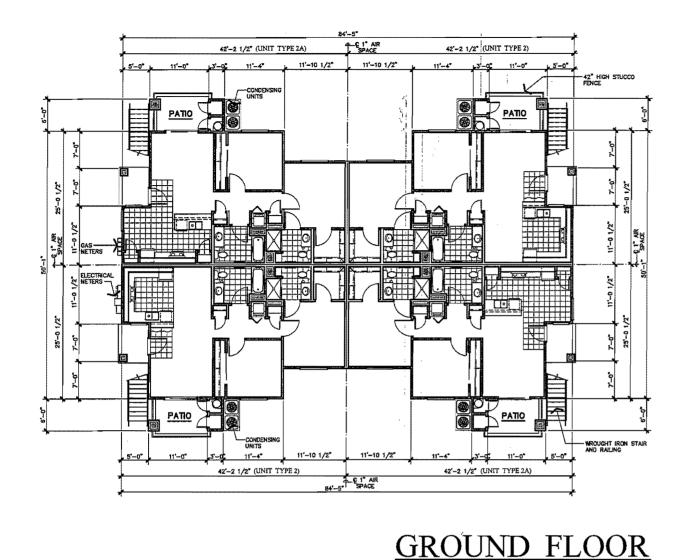
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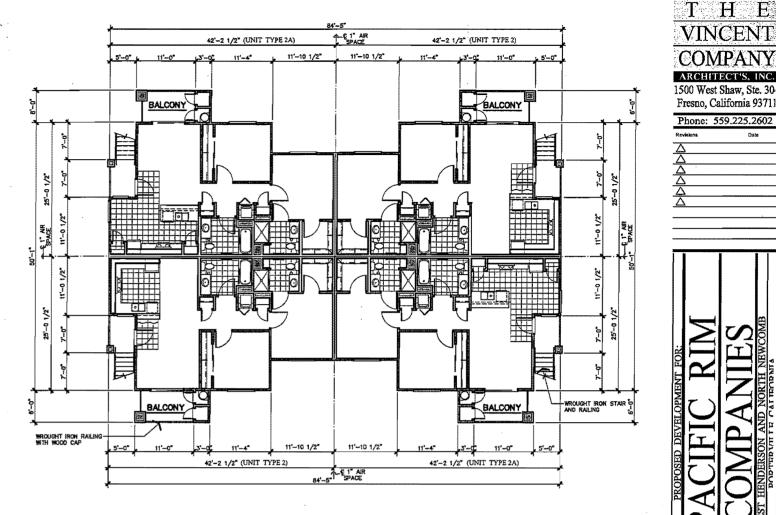
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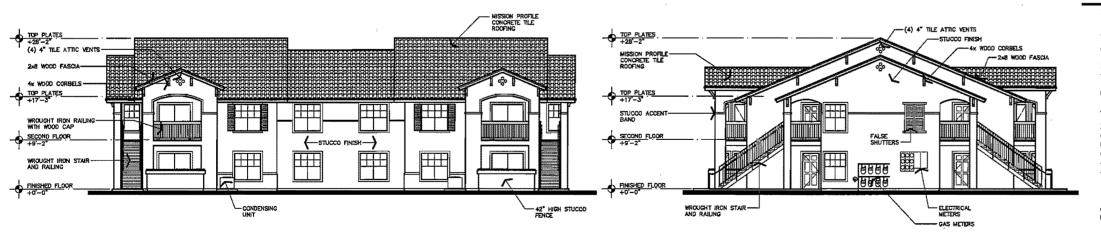
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BUILDING A





# SECOND FLOOR



FRONT ELEVATION

SIDE ELEVATION

# **BUILDING STATISTICS**

OCCUPANCY GROUP

CONSTRUCTION TYPE

BUILDING AREA

a. GROUND FLOOR

1. RESIDENTIAL UNITS
2. COVERED PORCH/ PATIOS

b. SECOND FLOOR
1. RESIDENTIAL UNITS
2. COVERED PORCH/ PATIOS

TOTAL BEILDING APER A

FIRE RESISTANCE REQUIREMENTS EXTERIOR WALLS

INTERIOR NON-BEARING WALLS CEILING/ROOF ASSEMBLY

SHAFT ENGLOSURES

(8) UNITS TYPE "2" 2 BEDROOM 2 BATHROOMS WALK-UP UNIT 918 SQ. FT./UNIT

V-B WITH NFPA 13R AUTOMATIC FIRE

NON-RATED

NON-RATED NON-RATED WIJ-1.6 ONE HOUR RATED FLOOR/CEILING PER ASTM E 119/NFPA

ONE HOUR RATED (G.A. FILE NO. WP-337D) NONE OCCUR

THE **VINCENT** 

COMPANY

Fresno, California 93711

Phone: 559.225.2602

PORTERVILLE, CA.

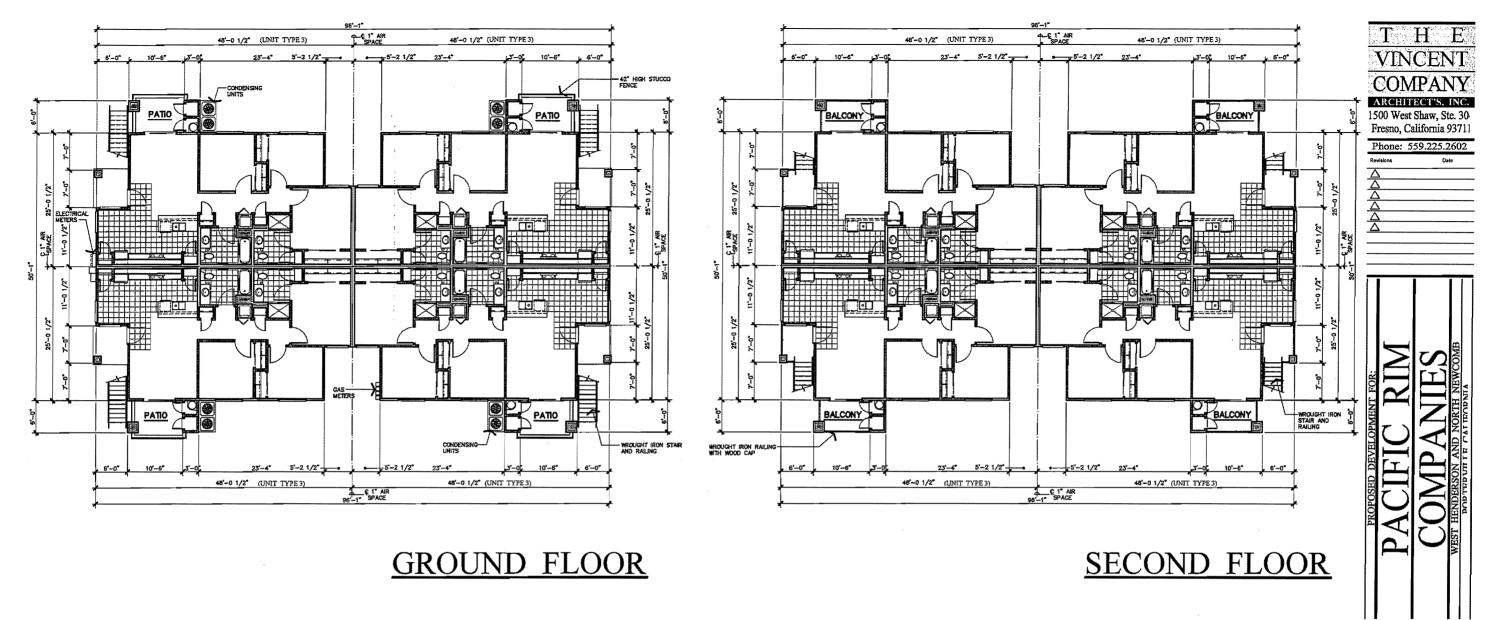
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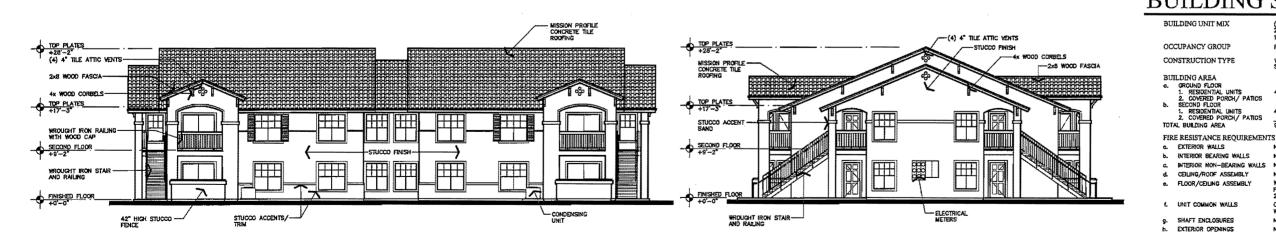
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O AS BUILT

BUILDING B





**FRONT ELEVATION** 

SIDE ELEVATION



NON-RATED

NON-RATED

NONE OCCUR NON-RATED

MJ-1.6 ONE HOUR RATED FLOOR/CEILING PER ASTM E 119/NFPA 251

ONE HOUR RATED (G.A. FILE NO. WP-3370)

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Project Name: PACIFIC RIM PORTERVILLE, CA. Project Number: 110925

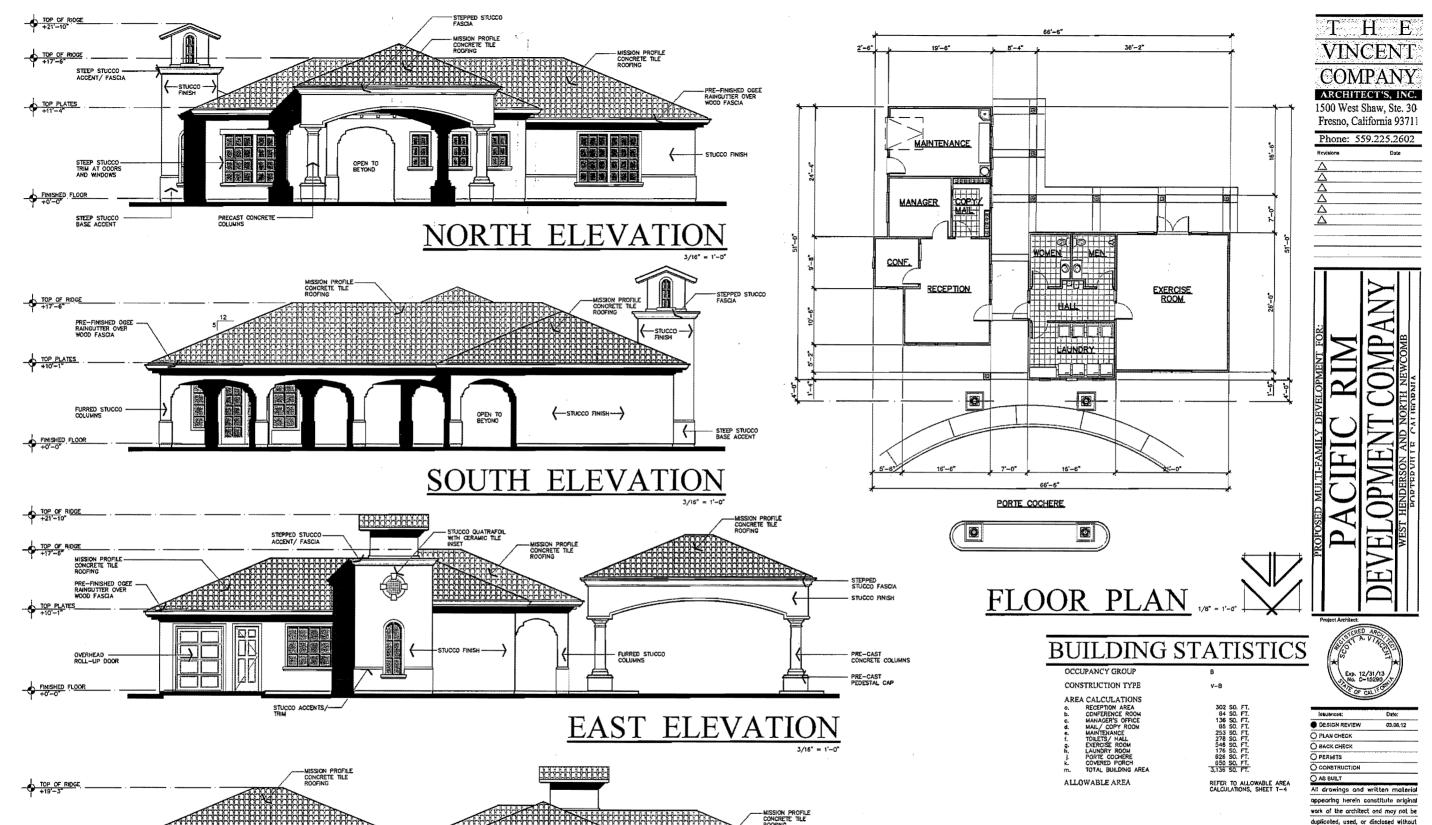
BUILDING C.



Project Name: PACIFIC RIM

Project Number, 110925 Plot Dale: 03,08,12

PORTERVILLE, CA.



**ELEVATION** 

STUCCO FINISH -

STEPPED ACCENT TRIM ----

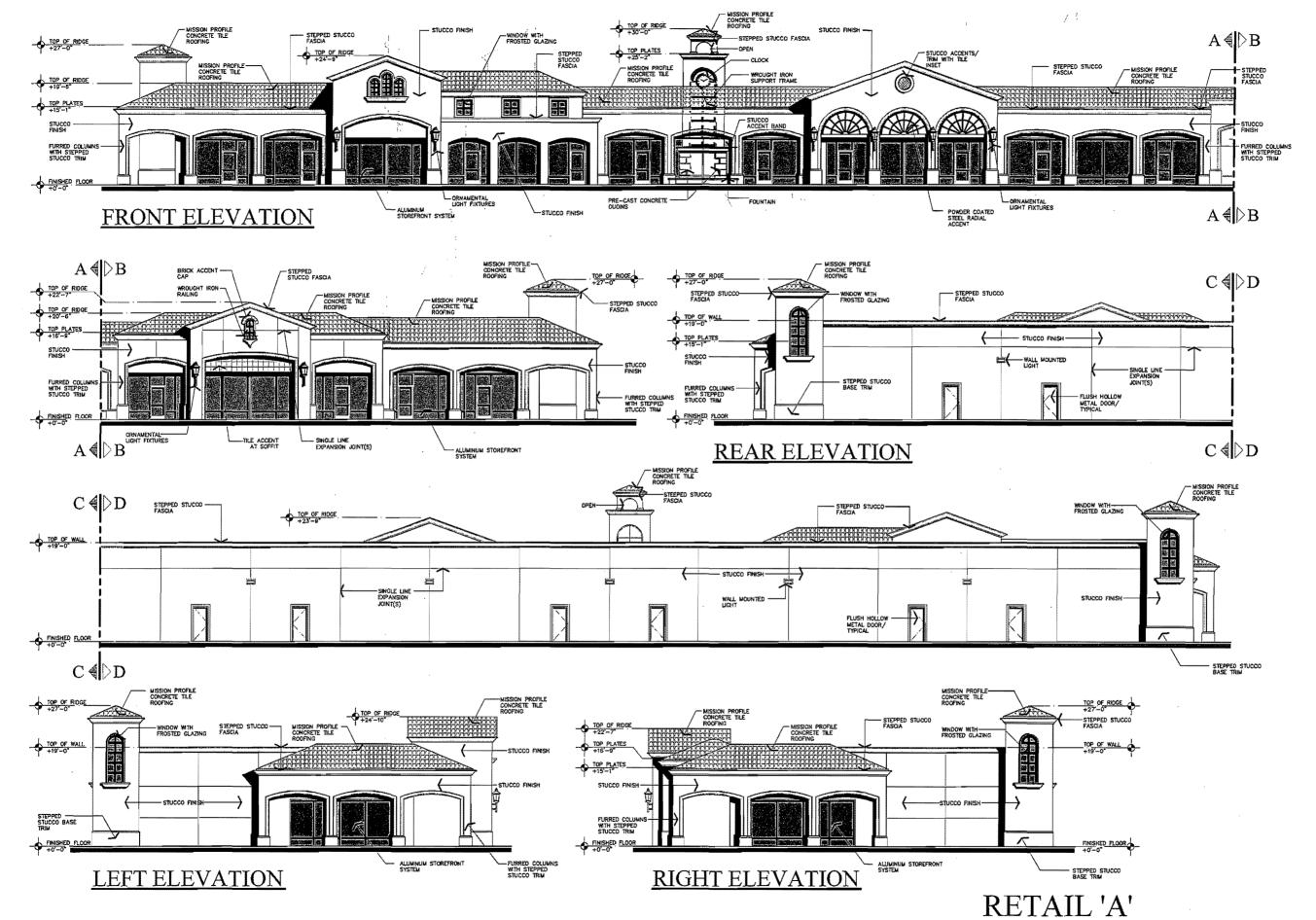
FINISHED FLOOR

-PRE-CAST PEDESTAL CAP

PRE-FINISHED OGEE RAINGUTTER OVER WOOD FASCIA

COMMUNITY BUILDING

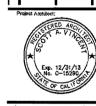




T H E
VINCENT
COMPANY
ARCHITECT'S, INC.
1500 West Shaw, Ste. 30
Fresno, California 93711

PACIFIC RIM
DEVELOPMENT FOR:

OEVELOPMENT COMPANY
WEST HENDERSON AND NORTH NEWCOMB



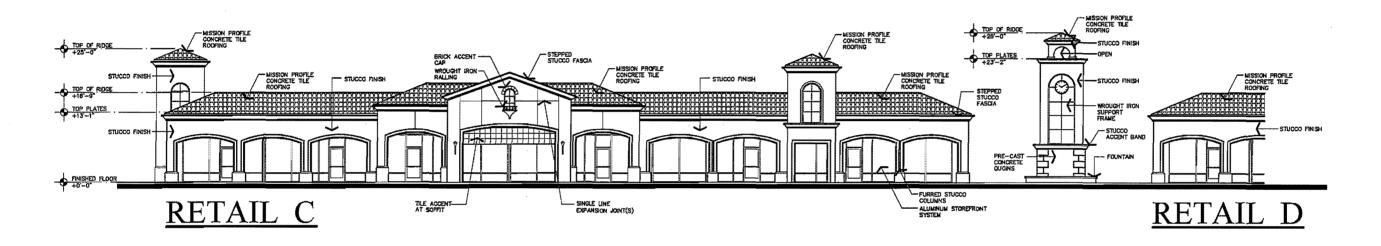
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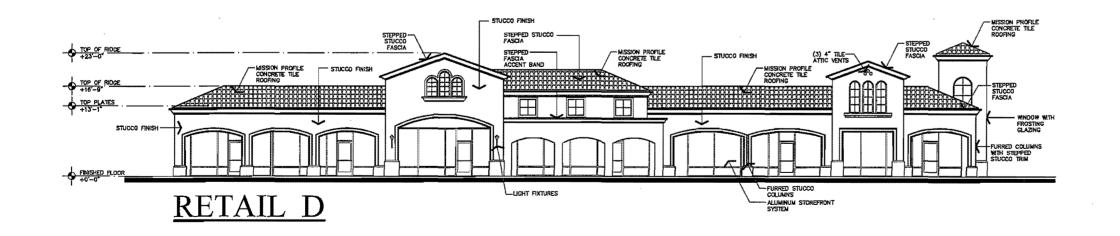
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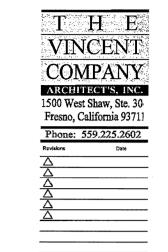
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Project Number: 110925
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RETAIL CENTER ELEVATIONS



DESIGN REVIEW

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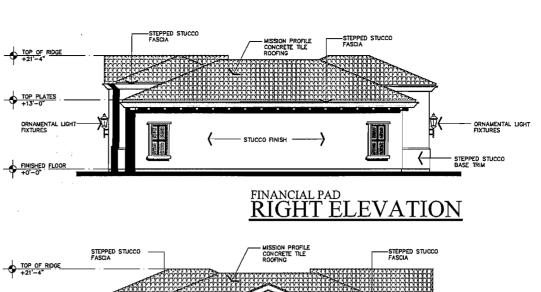
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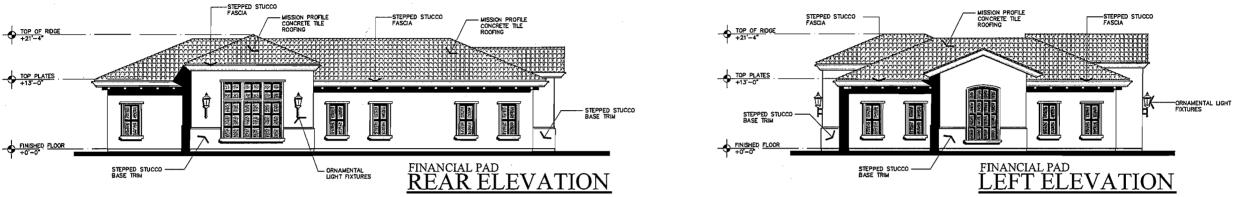
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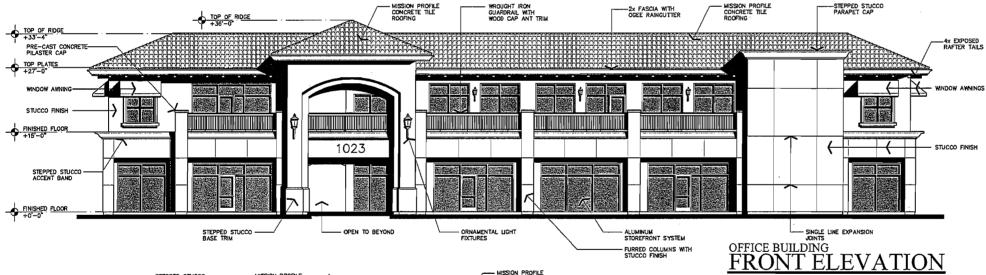
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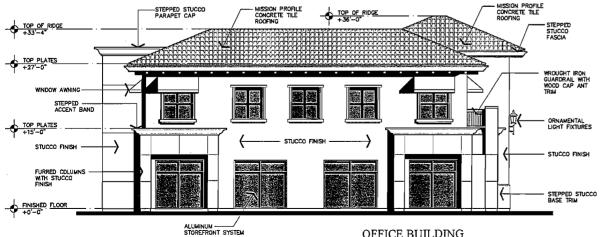
STUCCO FINISH



-STEPPED STUCCO FASCIA

- MISSION PROFILE CONCRETE TILE ROOFING

FRONT ELEVATION



MISSION PROFILE CONCRETE TILE ROOFING

FURRED COLUMNS WITH STUCCO

10P OF RIDGE

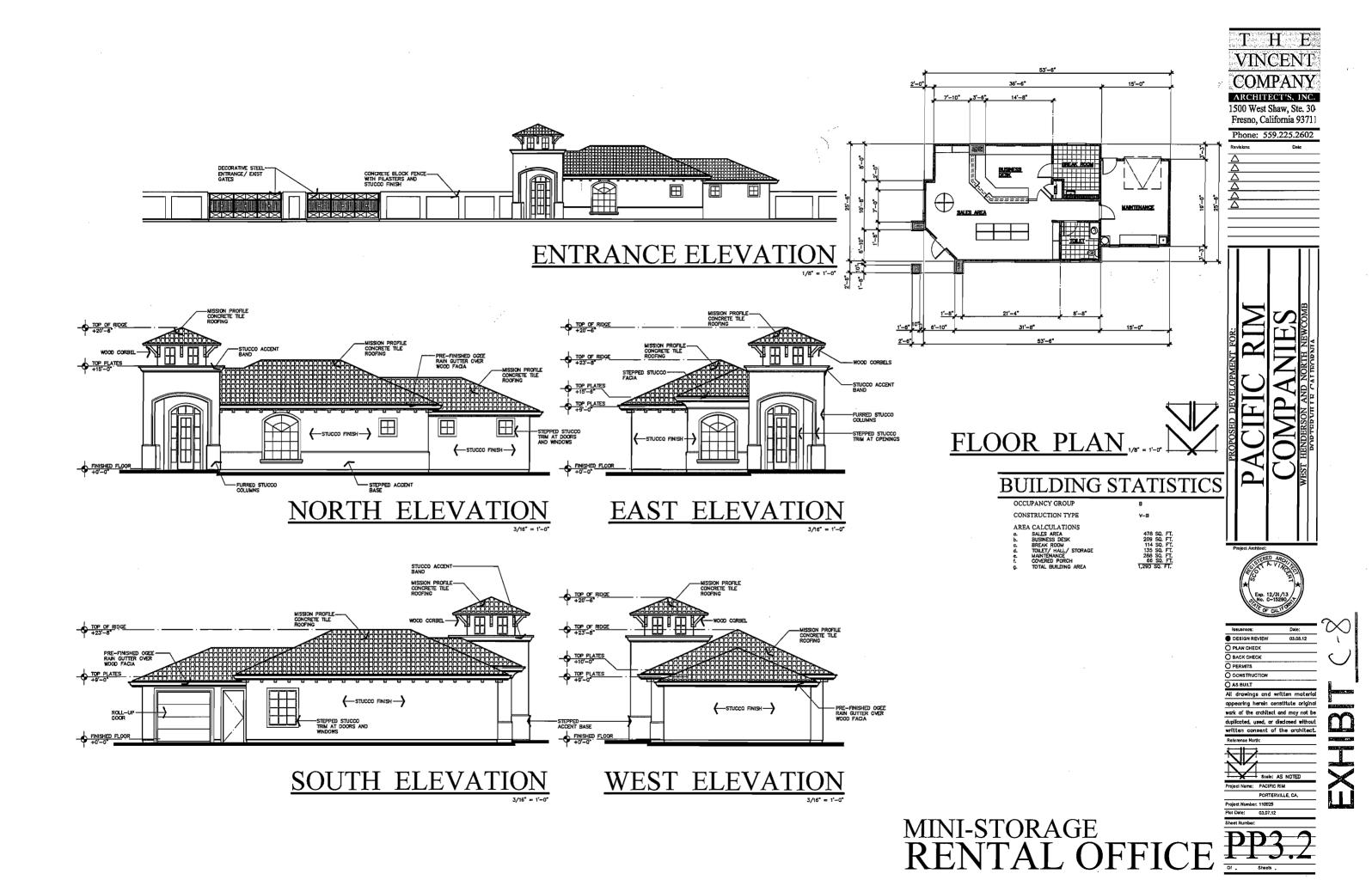
+13'-0"

FINISHED FLOOR

STEPPED STUCCO BASE TRIM

OFFICE BUILDING SIDE ELEVATION

EXTERIOR ELEVATIONS



- EXTRA CARE SHALL BE TAKEN TO PRESERVE EXISTING MATURE LANDSCAPING. ANY PLANT MATERIAL DAMAGED DURING CONST SHALL BE REPLACED WITH NEW MATERIAL OF LIKE MATURITY AND OUALITY.

# **SYMBOLS**

STREET TREES
SPECIES TO BE SELECTED BY THE CITY OF
PORTERVILLE PUBLIC WORKS DEPARTMENT

MEDIUM TREES (25 - 30 FOOT CANOPY)
SELECTED FROM THE LIST OF PROPOSED
PLANT MATERIALS

SMALL TREES (20 - 25 FOOT CANOPY) SELECTED FROM THE LIST OF PROPOSED PLANT MATERIALS

SHRUBS / PERRENIALS
SELECTED FROM THE LIST OF PROPOSED PLANT MATERIALS



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Project Name: PACIFIC RIM PORTERVILLE, CA.

IRLES

15 GAL 18' O.C. EUCALYPTUS SIDEROXYLEN 'ROSEA' (BLACK IRON BARK)

15 GAL 12' O.C. LAGERSTROEMIA INDICA (CREPE MYRTLE)

15 GAL 18' O.C. PIRUS CANARIENSIS (CANARY ISLAND PINE)

15 GAL 30' O.C. PIRUS CALLERYANA (ARISTOCAT PEAR)

15 GAL 30' O.C. PIRUS HALEPENSIS (ALLEPO PINE)

15 GAL 35' O.C. PISTACHE CHINENSIS (CHINESE PISTACHE)

15 GAL 18' O.C. SEQUIDIA SEMPERVIRENS (COAST REDWODD)

15 GAL 18' O.C. PINUS CERASIFERA 'ATROPURPUREA' (PURPLE LEAF PLUM)

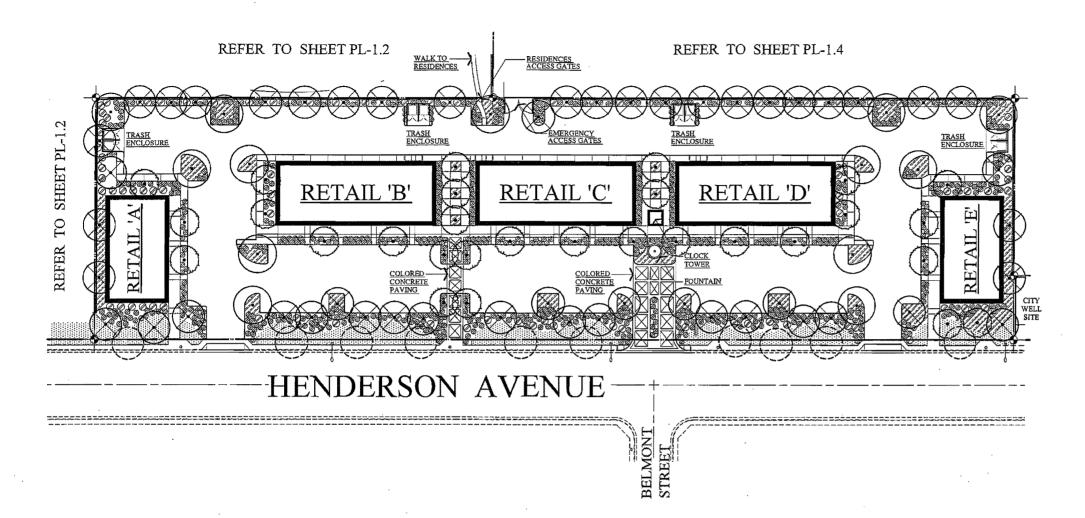
1 GAL 18" Q.C. AGAPANTHUS AFRICANUS (LILY OF THE NILE)
5 GAL 38" Q.C. ASPARAGUS SPRENGERI (SPRENGER ASPARAGUS

PARTIAL B LANDSCAPE PLAN

GROUND COVERS / ANNUALS

FLATS 12" O.C. HYPERICUM CALYSINUM (AARONS BEARD)
FLATS 12" O.C. GAZAMIA "COPPER KING" (TRAILING GAZAMIA)
FLATS 12" O.C. VINCA KINOR (DWARF PERKIMNKLE)
FLATS 12" O.C. ANNUALS (PETUNIAS, MUMS AND DWARF MARIGOLDS)

HENDERSON AVENUE



# RETAIL CENTER ANDSCAPE PLAN

# **SYMBOLS**

$\bigcirc$	STREET TREES SPECIES TO BE SELECTED BY THE CITY OF PORTERVILLE PUBLIC WORKS DEPARTMENT
$\odot$	LARGE TREES (30 - 35 FOOT CANOPY) SELECTED FROM THE LIST OF PROPOSED PLANT MATERIALS
$\bigotimes$ $\lambda$	MEDIUM TREES (25 - 30 FOOT CANOPY). SELECTED FROM THE UST OF PROPOSED PLANT MATERIALS .
$\odot$	SMALL TREES (20 - 25 FOOT CANOPY) SELECTED FROM THE LIST OF PROPOSED PLANT MATERIALS
Ø ø	SHRUBS / PERRENIALS SELECTED FROM THE LIST OF PROPOSED PLANT MATERIALS
	GROUND COVER / ANNUALS SELECTED FROM THE LIST OF PROPOSEO PLANT MATERIALS

LAWN

# VINCENT COMPANY

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THE FOLLOWING IS A PROPOSED LIST OF PLANT MATERIALS TO BE UTILIZED ON THIS PROJECT. FINAL QUANTITIES AND PLACEMENT WILL BE PROVIDED WITH THE SUBMITTAL OF FINAL LANDSCAPE PLANS PRIOR TO THE ISSUANCE OF BUILDING PERMITS.

TREES

15 GAL 18' O.C. EUCALYPTUS SIDEROXYLEN 'ROSEA' (BLACK IRON BARK)

15 GAL 12' O.C. LAGERSTROCMIA INDICA (CREPE MYRTLE)

15 GAL 30' O.C. PINUS CANARIENSIS (CANARY ISLAND PINE)

15 GAL 30' O.C. PINUS CALLERYANA (ARISTOCAT PEAR)

15 GAL 35' O.C. PISTACHE CHINENSIS (CHINESE PISTACHE)

15 GAL 18' O.C. SEQUIJA SEMPENVIRENS (COAST REDWOOD)

15 GAL 18' O.C. PINUS CERASIFERA 'ATROPURPUREA' (PURPLEAF PLUM)

SHRUBS

1 GAL 18" O.C. AGAPANTHUS AFRICANUS (LILY OF THE NILE)
5 GAL. 36" O.C. ASPARAGUS SPRENGER (SPRENGER ASPARAGUS)
5 GAL. 36" O.C. AZALEA SOUTHERN INDICA (SUN AZALEA)
1 GAL. 20" O.C. FIOUS PUMILA (GREEPING FIG WINE)
5 GAL. 36" O.C. AURULIA SASANGUA (SUN CAMPLLIA)
5 GAL. 36" O.C. JUNIPERUS SABINA TAMARISCIPOLIA (JUNIPER TAM)
5 GAL. 36" O.C. JUNIPERUS SABINA TAMARISCIPOLIA (JUNIPER TAM)
5 GAL. 36" O.C. MANDINA ADUIFOLIUM (CHINESE GRAPE)
5 GAL. 72" O.C. PHOTENIA FRASERI (PHOTENIA)
5 GAL. 72" O.C. PHOTENIA FRASERI (PHOTENIA)
5 GAL. 36" O.C. RAPHIOLEPIS INDICA ROSEA (INDIAN HAWTHORNE)
5 GAL. 36" O.C. RAPHIOLEPIS INDICA ROSEA (INDIAN HAWTHORNE)
5 GAL. 36" O.C. TRACHELOSPERIUM JASMINOIDES (STAR JASMINE)
5 GAL. 72" O.C. VILOSMA CONCESTUM (SHINEY XYLOSMA)

### GROUND COVERS / ANNUALS

FLATS 12" O.C. HYPERICUM CALYSINUM (AARONS BEARD)
FLATS 12" O.C. GAZANIA 'COPPER KING' (TRAILING GAZANIA)
FLATS 12" O.C. VINCA MINOR (OWARF PERIMINKLE)
FLATS 12" O.C. AINUALS (PETUNIAS, MUMS AND DIWARF MARIGOLDS)

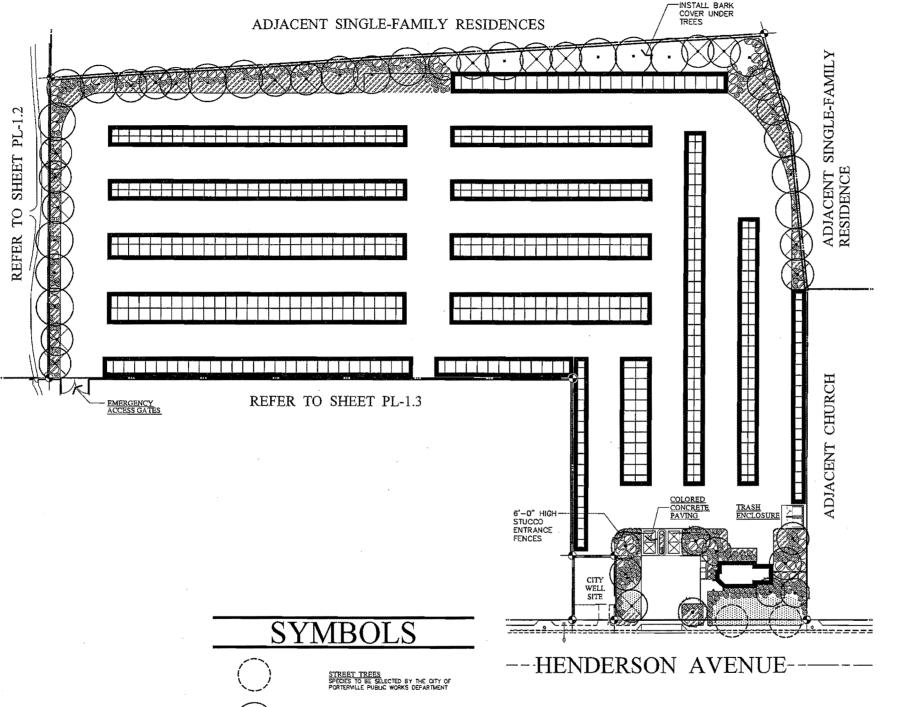
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Project Namo:	PACIFIC RIM

Project Number: 110925



LARGE TREES (30 - 35 FOOT CANOPY)
SELECTED FROM THE LIST OF PROPOSED PLANT MATERIALS

MEDIUM TREES (25 - 30 FOOT CANOPY)
SELECTED FROM THE LIST OF PROPOSED
PLANT MATERIALS

SHRUBS / PERRENIALS
SELECTED FROM THE LIST OF PROPOSED PLANT MATERIALS

GROUND COVER / ANNUALS
SELECTED FROM THE LIST OF PROPOSED PLANT MATERIALS

LAWN

 $\otimes$ 

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BUILDING EXTERIOR WALL

CONDENSING UNIT SCREENING & CLEARANCES

# LANDSCAPE NOTES THE

- LANDSCAPE SUBCONTRACTOR SHALL BE RESPONSIBLE FOR SUBMISSION OF IRRIGATION PLANS TO THE ARCHITECT AND CITY OF PORTERVILLE BUILDING AND INSPECTION DEPARTMENT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION OF THE SYSTEM, PLANS SHALL INCLUDE LOCATION AND TYPE OF ALL HEADS; LOCATION, MATERIALS AND SIZE OF ALL WATER LINES AND CALCULATION VERIFYING ADEQUACY OF WATER SUPPLY.
- PLANTING SHALL BE PERFORMED BY WORKMEN FAMILIAR WITH PLANTING PROCEDURES UNDER THE SUPERVISION OF A QUALIFIED PLANTING FOREMAN. THE PLANTING FOREMAN SHALL BE ON-SITE AT ALL TIMES WHEN PLANTING IS IN PROGRESS.
- PLANTS SHALL BE NURSERY GROWN, TYPICAL OF THEIR SPECIES AND VARETTY, AND SHALL BE FIREE FROM DEFECTS AND INJURIES. QUALITY AND SEA OF FLANTS, SPEEAD OF ROOTS, AND SEZE OF BALLS SHALL BE IN ACCORDANCE WITH ANSI ZBO,1—1969 "AMERICAN STANDARD FOR NURSERY STOCK"

- SEED SHALL PASS A GERMINATION TEST WITH BSX GERMINATION, LARGE TREES SHALL BE PLANTED FIRST. SHRUB PLANTING SHALL BE COMPLETED BEFORE GROUND COVER AND LAWN AREAS ARE PLANTED.

  ALL TREES, PLANTS AND GRASS PROVIDED UNDER THIS CONTRACT SHALL BE IN GOOD HEALTHY AND FLOURISHING CONDITION ONE GROWNNOW YEAR FROM DATE OF ACCEPTANCE. EXCEPT FOR LOSS BEYOND CONTROL OF CONTRACTOR, REPLACEMENT OF TREES AND PLANTS OF COMPARABLE OUALITY AND SIZE SHALL BE MADE BY THE CONTRACTOR.

  EXTRA CARE SHALL BE TAKEN TO PRESSERVE EXISTING MATURE LANDSCAPING, ANY PLANT MATERIAL DAMAGED DURING CONSTRUCTION SHALL BE REPLACED WITH NEW MATERIAL OF LIKE MATURITY AND OUALITY.
- ALL LANDSCAPING SHALL BE IN PLACE PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- NO EXPOSED THILTY BOXES, TRANSFORMERS, METERS, PIPING (EXCEPTING THE BACKFLOW PREVENTION DEVICE) ETC. ARE ALLOWED TO BE LOCATED IN THE LANDSCAPED AREAS OR SETBACKS OR ON THE STREET FRONTAGES OF THE BUILDINGS, ALL TRANSFORMERS, ETC. ARE TO BE SHOWN ON THE SITE PLAN. THE BACKFLOW PREVENTION DEVICE SHALL BE SCREENED BY LANDSCAPING OR OTHER SUCH MEANS AS MAY BE APPROVED.
- APPROVED.

  TREES SHALL BE MAINTAINED IN GOOD HEALTH. HOWEVER, TREES MAY NOT BE TRIMMED OR PRUNED TO REDUCE THE NATURAL HEIGHT OR OVERALL GROWN OF THE TREE, EXCEPT AS NECESSARY FOR THE HEALTH OF THE TREE AND PUBLIC SAFETY; OR AS MAY BE OTHERWISE APPROVED BY THE PUBLIC WORKS DEPARTMENT.

  PRIOR TO FINAL INSPECTION, A WRITTEN CERTIFICATION, SIGNED BY ALANDSCAPE PROFESSIONAL APPROVED BY THE OMERCION, SMALL BE SUBMITTED STAINSO THAT THE REQUIRED LANGSCAPE AND IRRIGATION PLANS APPROVED BY THE OMERCIAN CHARGE AND IRRIGATION PLANS APPROVED BY THE PLANNING DIVISION, DEVELOPMENT DEPARTMENT.

THE FOLLOWING IS A PROPOSED LIST OF PLANT MATERIALS TO BE UTILIZED ON THIS PROJECT. FINAL QUANTITIES AND PLACEMENT WILL BE PROPOSED WITH THE SUBMITTAL OF FINAL LANDSCAPE PLANS PRIOR TO THE ISSUANCE OF BUILDING PERMITS.

TREES
15 GAL 18' O.C. EUCALYPTUS SIDEROXYLEN 'ROSEA' (BLACK IRON BARK)
15 GAL 12' O.C. LAGERSTROCHIAI INDICA (CREPE MYRTLÉ)
15 GAL 18' O.C. PINUS CANARENSIS (CANARY ISLAND PINE)
15 GAL 30' O.C. PYRUS CALLERY NANA (ARISTOCAT PEAR)
15 GAL 30' O.C. PINUS HALEPENSIS (ALLEPO PINE)
15 GAL 30' O.C. PISTACHE CHINENSIS (CHINESE PISTACHE)
15 GAL 18' O.C. SEQUIDA SEMPERVIRENS (COAST REDWOOD)
15 GAL 18' O.C. PURUS CERASIFERA 'ATROPURPUREA' (PURPLE LEAF PLUM)

SHRUBS

1 GAL 18° O.C. AGAPANTHUS AFRICANUS (LILY OF THE NILE)
5 GAL 36° O.C. AFARAGUS SPRENGER (SPRENGER ASPARAGUS)
5 GAL 36° O.C. AZALEA SOUTHERN INDICA (SUN AZALEA)
5 GAL 36° O.C. CAMELLIA SASANGUA (SUN CAMELLIA)
1 GAL 20′ O.C. FICUS FUMILA (CREEPING FIG VINE)
5 GAL 36° O.C. GAMOPELIS CHRYSANTHENDIDES (NO COMMON NAME)
5 GAL 36° O.C. JUNIPERUS SABINA TAMARISCIFCULA (JUNIPER TAM)
5 GAL 36° O.C. MANDINA DUFESTICA (HEAVENLY BAMBOO)
5 GAL 72° O.C. PHOTENIA FRASERI (FHOTENIA)
5 GAL 72° O.C. PHOTENIA FRASERI (FHOTENIA)
5 GAL 36° O.C. C. RAPHIOLEPIS INDICA ROSEA (INDIAN HAWTHORNE)
5 GAL 36° O.C. ROSEMARY OFFICIANUS (GOSSMARY)
5 GAL 36° O.C. TRACHELOSPERNUM ASSINICIDES (STAR JASMINE)
5 GAL 72° O.C. TRACHELOSPERNUM ASSINICIDES (STAR JASMINE)
5 GAL 72° O.C. TRACHELOSPERNUM ASSINICIDES (STAR JASMINE)
5 GAL 72° O.C. TRACHELOSPERNUM ASSINICIDES (STAR JASMINE)

### GROUND COVERS / ANNUALS

FLATS 12" O.C. HYPERICUM CALYSINUM (AARONS BEARD)
FLATS 12" O.C. GAZANIA "COPPER KING" (TRAILING GAZANIA)
FLATS 12" O.C. WINCA MINOR (DWARF FERNINNIKLE)
FLATS 12" O.C. ANNUALS (PETUNIAS, MUMS AND DWARF MARIGOLDS)



COMPANY ARCHITECT'S, INC.

1500 West Shaw, Ste. 30

Fresno, California 93711

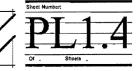
Phone: 559.225.2602

DESIGN REVIEW O PLAN CHECK BACK CHECK O PERMITS CONSTRUCTION AS BUILT

All drawings and written materia oppearing herein constitute ariginal work of the architect and may not be duplicated, used, or disclosed without written consent of the architect

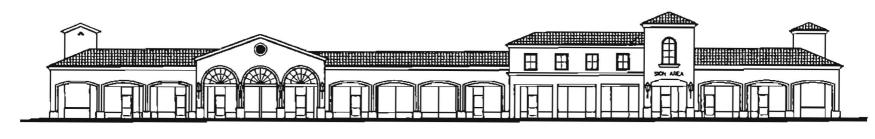
Scale: 1"=40.00"

Plot Date: 03.07.12



MINI-STORAGE LANDSCAPE PLAN

# SIGN LOCATION EXHIBIT "E"



# FRONT ELEVATION

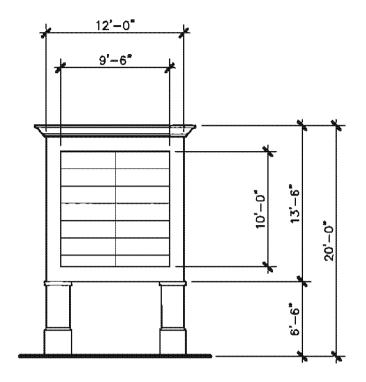






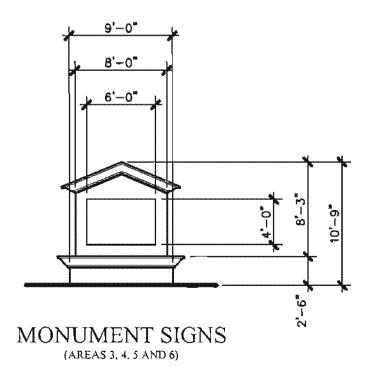
**TYPICAL** 

# EXHIBIT " "



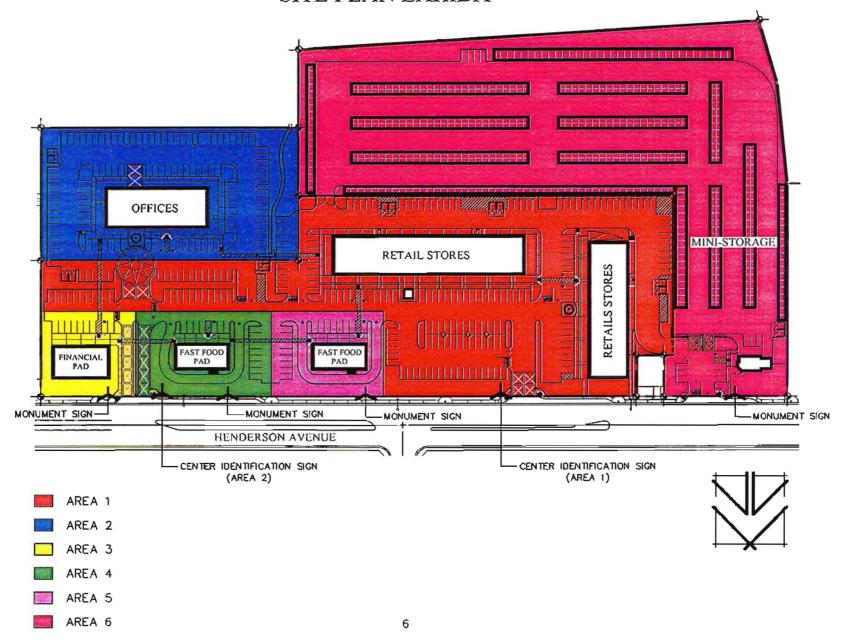
# CENTER IDENTIFICATION SIGNS

(AREAS LAND 2)



5

# SITE PLAN EXHIBIT " "



# City of Porterville (development name) Master Sign Program Henderson Avenue MSP-

This Master Sign Program applies to the (development name). This master sign program has been established for the purpose of assuring an outstanding shopping center for the community and for the mutual benefit of all tenants. Conformance may be strictly enforced by the City, and any nonconforming or unapproved signs must be brought into conformance at the expense of the applicable tenant.

### A. GENERAL REQUIREMENTS

- Tenants shall be responsible for installation and maintenance of all tenant's individual signs at the tenant's expense.
- Tenants shall be responsible for the fulfillment of all requirements and specifications of this Criteria.
- Each tenant shall submit to the owner, before fabrication, at least two (2) copies of detailed drawings of proposed signs, indicating the location on the building and on the property, size of sign, layout, design and color of the proposed sign including all lettering and/or graphics, and a detailed method of attachment. However such detailed drawings may be submitted electronically.
- 4. All tenants at their own expense are responsible for obtaining a Porterville City Sign Permit. Both the tenant's and landlord's signature are required on all sign applications. Fabrication prior to City approval is not recommended. Said Sign Permit must be obtained by a State of California licensed contractor.
- 5. Tenants must have their signs, as specified in this Criteria installed within 90 days of opening for business. Signs must be removed within 15 days after their departure. Tenants shall be responsible for any necessary repairs to the building fascia, (i.e.) patching, painting etc. caused during installation or removal of the signs. All expenses for such shall be the responsibility of and paid for by the tenant.

## B. GENERAL SPECIFICATION

- All tenant signs shall be internally lighted individual channel letters as specified in Section "C" of this Criteria.
- All tenant signs must be installed within the designated sign area on the building as shown in Exhibit A, and as specified in paragraphs 3 and 4 of this Section "8".

- 3. Major tenants may display their company name or agency, logo, products, departments or services that are consistent with their national branding of their store fronts or office buildings. A maximum of two (2) square feet of sign, per each linear foot of tenant's leasehold frontage will be allowed, not to exceed 350 square feet, however no single sign shall exceed 300 square feet in area. Total linear feet of the signs shall not exceed 75% in horizontal length of the linear frontage of each tenant's leasehold frontage.
- 4. All other tenants' signs shall be displayed on one (1) line of text to include any logo or business name, with a minimum height of 12 inches and a maximum height of 24 inches. Two lines or "stacked" text or logos shall not be permitted. The overall size of all tenant signs shall not exceed two (2) square feet of sign per linear foot of tenant's leasehold frontage. No sign shall exceed more than 75% in horizontal length of the linear frontage of the tenant leasehold space.
- 5. Tenants of areas 3, 4 and 5 as designated on Exhibit "C" may display their company name or agency, logo, products, departments or services that are consistent with their national branding of their stores or offices.
- 6. All signs are to be installed centered on the arched opening nearest to the main entrance door of the respective tenant's leasehold (see Exhibit "A").
- 7. At the property owner's sole discretion, depending on the space available, tenants may be afforded a space on the Center Identification sign, located on Henderson Avenue (Exhibit "B"). No alterations to the spaces on these signs will be allowed without the landlord's prior written approval as provided for in Section A, paragraph 3. However, no alterations or additional signs on the exterior of these signs will be allowed.
- 8. No additional freestanding signs are allowed for tenants of areas 1 and 2 other than the Center Identification signs on Henderson Avenue as shown on Exhibit "B". Monument signs shall be allowed on Areas 3-6 as identified on Exhibit "C"as shown on Exhibit "B".
- Design, layout and materials for tenant signs shall conform in all respects with the sign design drawings included within these criteria. The maximum height for letters in the body of all signs shall be as indicated in this document.
- 10. All signage within this shopping center is subject to Chapter 305:12 "Master Sign Program" of the Porterville Development Ordinance. However, at the Zoning Administrator's discretion, Chapter 305 "signs) shall prevail if there are any discrepancies or omissions within this Master Sign Program.

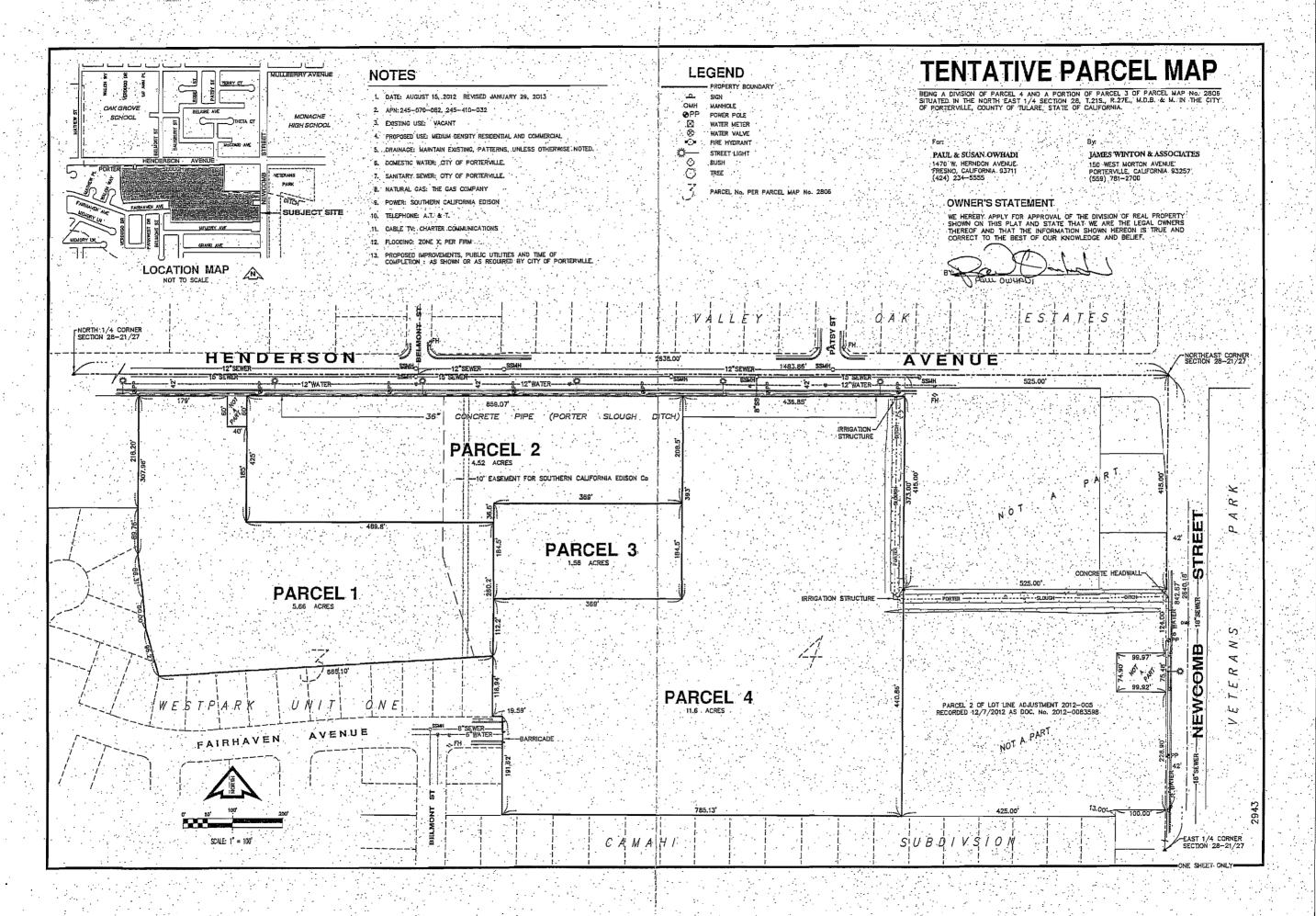
### C. CONSTRUCTION SPECIFICATIONS

- Channel letter signs are to be manufactured using .040 aluminum returns, 1/8 inch plastic faces held on with 3/4 inch thick plastic trim capping. Illumination is to be provided using L.E.D. lighting.
- 2. Major tenants and tenants of areas 3, 4 and 5 (Exhibit "C") will have the option of lighting their signs using either L.E.D., or 15mm Neon Tubing.
- Tenants will have their choice of color; however, they must be approved by the landlord.
- All electrical wiring shall be installed and enclosed behind the wall where letters are installed.
   No exposed crossover wiring or exposed raceways on the front of the building will be allowed.

- Electrical wiring to the sign on the front fascia of the tenant's leasehold store front on the building to be existing. Tenants will be responsible at their sole expense for any timing device to operate the signs.
- No audible, flashing or animated signs will be permitted.
- 7. All electrical wiring shall conform to and pass all state and local building codes.
- 8. All tenant signs shall be manufactured under Underwriters Laboratories specifications, and carry the U.L. label.

### D. MISCELLANEOUS REQUIREMENTS

- Advertising placards, banners, pendants, names, insignias, trademarks, or other descriptive
  materials, either temporary or permanently affixed or maintained upon the glass panes and
  supports of the show windows and doors, shall conform with the City of Porterville sign codes
  for such. Window signs shall not exceed 50% of the total glass window area. The above
  shall not be hand drawn.
- Except as provided herein, no advertising placards, banners, pendants, names, insignia, trademarks or other descriptive materials shall be affixed or maintained upon the exterior walls or building without previous written approval of the landlord, and must receive a Temporary Sign Permit from the City of Porterville for such. The above shall not be hand drawn.
- All sign plans must be submitted to the landlord for approval prior to the obtaining of a City
  of Porterville Sign Permit and installation as specified in Section "A", paragraph 3 of these
  Criteria.
- 4. The property owner reserves the right to designate the Sign Contractor to be contracted by the tenant, at the tenant's sole expense. Tenants must contact the property owner's agent as shown below to coordinate the hiring of the designated sign contractor. However, at the property owner's discretion, a tenant may be approved to use a Sign Contractor of their choice.
- Any proposed Sign Contractor must be currently licensed as a C-45 State of California sign contractor. Said contractor must provide the following:
  - Certificate of Liability Insurance in the amount of \$2,000,000.00, naming \_\_\_, as additionally insured.
  - b. Certificates of The State of California Workman's Compensation.
- 6. Owners agent: (name): Phone: (phone number) e-mail: (email address)



A RESOLUTION OF THE PARCEL MAP COMMITTEE OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF TENTATIVE PARCEL MAP 2012-002-PM TO DIVIDE A 23± ACRE SITE INTO FOUR (4) PARCELS GENERALLY LOCATED AT THE SOUTH WEST CORNER OF HENDERSON AVENUE AND NEWCOMB STREET

WHEREAS: The City Council of the City of Porterville at its scheduled meeting of March 5, 2013, conducted a public hearing to consider Tentative Parcel Map PRC-2012-002-PM; and

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

WHEREAS: The Parcel Map Committee of the City of Porterville at its regularly scheduled meeting of February 13, 2013, conducted a public hearing to consider approval of Tentative Parcel Map 2012-002-PM to divide a 23.4± acre vacant site into four (4) parcels as follows:

Parcel  $1 - 5.70 \pm acres$ 

Parcel  $2-4.49\pm$  acres

Parcel  $3 - 1.57 \pm acres$ 

Parcel  $4 - 11.69 \pm acres$ 

; and

WHEREAS: The Parcel Map Committee discussed concerns and conditions relevant to the proposed project; and

WHEREAS: On February 5, 2013, the Environmental Coordinator made a preliminary determination that in compliance with the California Environmental Quality Act, a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The Parcel Map Committee provided the opportunity to the public and all interested parties to comment on the proposed tentative subdivision map; and

WHEREAS: The Parcel Map Committee made the following findings:

- 1. That the proposed tentative parcel map is contingent upon approval of General Plan Amendment PRC 2012-002-G and Zone Change PRC 2012-002-Z.
- 2. That the proposed parcel map is consistent with applicable general and specific plans.

ATTACHMENT ITEM NO. (a)

- 3. The proposed use of the site shall be required to be operated and maintained to comply with State Law, the City of Porterville Development Ordinance, adopted Building Codes and all other applicable laws and ordinances.
- 4. The design and improvements of the parcel map and the proposed project are consistent with the proposed Commercial Mixed Use General Plan designation, as represented in Exhibits A & B.
- 5. That the site is physically suitable for the type and density of the proposed development.

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

- 6. That the design of the parcel map or proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- 7. That the design of the parcel map or type of improvements will not cause serious public health problems.

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

- 8. That the design of the parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed parcel map.
- 9. That the Parcel Map Committee reviewed the proposed parcel map and recommended that the City review the project in its entirety.

NOW, THEREFORE, BE IT RESOLVED: That the City Council does hereby approve Tentative Parcel Map 2012-002 subject to the following conditions:

1. An easement shall be recorded prior to the issuance of the first building permit that provides ingress/egress, parking, trash and connectivity throughout the development. Such an easement between Parcels 1 and 2 shall serve as a guarantee for the functionality and circulation of those parcels as proposed. Also shown on Exhibit A, a drive aisle between Parcels 1 and 2 shall be fully developed and provide connectivity from the secondary exit of the mini-storage to the mini-storage main entrance when Parcel 1 is developed.

- 2. An easement shall be recorded prior to the issuance of the Parcel 4 building permit that provides for emergency vehicular access to Newcomb Street over and across the adjacent easterly parcel.
- 3. As development of any parcel occurs, all right of way improvements along that parcel's frontage shall be constructed in accordance with the mitigation measures and recommendations of the Ruettgers & Schuler traffic study (2012), as represented in Exhibit A and identified in the resolution approving the Mitigated Negative Declaration, prepared pursuant to CEQA. In the event Parcel 3 should develop prior to Parcel 2, the frontage improvements shall be completed for Parcel 2 at that time. At such time as Parcel 4 is developed, the off-site improvements extending the eastbound left turn lane on Henderson Avenue shall be constructed. At such time as Parcel 2 is developed, the off-site improvements extending the eastbound left turn lane on Henderson Avenue and the median improvements further west as represented on the site plan shall be constructed. In the event Parcel 1 is developed prior to Parcel 2, the raised median island improvements on Henderson Avenue shall be constructed.
- 4. Due to potential drainage issues, prior to securing a building permit, a grading sewer and water, and drainage master plan for Parcels 1, 2, 3, and 4, shall be submitted for review and approval by the City Engineer. As development of the site occurs, the phased master plan shall be implemented as approved by the City Engineer.
- 5. Prior to issuance of any building permit for the Project, access easements for ingress/egress, parking, and trash pick-up shall be recorded as deemed necessary by the City Engineer and Community Development Director. Copies of the easements shall be provided to the City.
- 6. Gates that have restricted access shall be identified on building permit plans.
- 7. The automated gate between Retail "B" and the mini-storage shall allow traffic to exit from the commercial complex to Henderson Avenue only. No access into shopping center is permitted.
- 8. 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.
- 9. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant intends to utilize the 10-year development fee payment plan for all fees except school fees pursuant to Resolution 37-2012, adopted April 17, 2012.

- 10. The developer/applicant shall reimburse the City for constructed frontage improvements along Henderson Avenue in accordance with approved resolutions.
- 11. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the Henderson Avenue frontage, except where they exist and are in good condition in the opinion of the City Engineer at the time of inspection prior to building permit issuance (Ordinance. No. 1306).
- 12. The developer/applicant shall construct sidewalk necessary to obtain a width of 9.5 feet along the full frontage of the proposed project.
- 13. The developer/applicant shall construct drainage facilities as required to serve the property (Ordinance. No. 1306). The parking lot shall be designed to convey water to the City drainage system without crossing driveways.
- 14. The Porter Slough Ditch runs through this property, requiring piping and reservation of an easement in favor of the irrigation company. Construction of structures within the easement area shall be prohibited.
- 15. The developer/applicant shall coordinate with the Porterville Irrigation District and City of Porterville regarding potential conflicts with the existing pipeline/open ditch that crosses the property. The Porterville Irrigation District shall specify appropriate pipeline replacement size(s) and materials, should replacement or installation be mandated.
- 16. 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.).
- 17. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the Tulare County Environmental Health Department, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.
- 18. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.
- 19. At the time of approval of the Final Map the developer/ applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Elements and/or that was established by the City Council, along with dedication of right-of-way adequate for all improvements associated with the project Traffic Study prepared by Ruettgers and Schuler, as well as dedication of property required for ADA ramp(s) (Section 21-23). Dedicate required utility easements.
- 20. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Chapter 18 and Appendix J of the California Building Code and provide a Preliminary

Soils Report (C.C. Sec. 7-126 & Res. 4997) 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. Additional reporting requirements are as indicated below:

- a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
- b. Soils Report(s) in accordance with Chapter 18 and Appendix J of the California Building Code.
- 21. Prior to approval of a permit or other grant of approval for development of the property, the developer/applicant shall comply with or provide plans that comply with City Retaining Wall Standards at Lot Lines (adopted by City Council January 3, 1989).
- 22. The dedication of easements or any other potential dedications shall be clearly identified on the Parcel Map. A Dedications Statement shall be placed on the map that reads:

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

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

By Michael K. Reed, City Engineer PLS 7514"

- 23. Prior to recording the Parcel Map, the developer/applicant shall provide improvements by the method indicated below:
  - a. Simultaneous recording of a separate legal instrument or placement of a statement on the Parcel Map, if appropriate, that reads as follows:

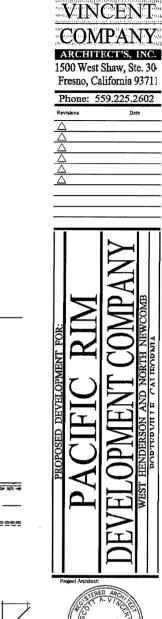
"In accordance with Section 66411.1 of the Government Code, the construction of on-site and off-site improvements, such as but not limited to, curbs, gutters, sidewalks, paveouts, pavement transitions, traffic signage and markings, median islands and the mitigation measures described in the project Traffic Study prepared by Ruettgers and Schuler Civil Engineers, utilities, grading, parking lot improvements, well abandonment (if any), removal of irrigation lines (if any), etc. has been deferred until such time as a permit or other grant of approval for development of the parcel is issued. Such construction may be phased when only a portion of the parcels shown herein receive such approval. The phased construction shall consist of all improvements related to the specific parcels plus that required to make the installed improvements function."

24. The developer/applicant shall move existing utility structures, if any, that are in conflict with the project driveways and associated transitional traffic lanes (for example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear

- space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).
- 25. Concurrent with issuance of building permits and construction of any improvements on a parcel, the developer/applicant shall have constructed, or pay fees for, street lights on Marbelite poles complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.
- 26. Prior to recording the final map, the developer/applicant shall provide easements, permits (from other agencies as required), calculations, etc., if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the development (e.g., water, sewer, drainage, "turn arounds", etc.). If the City Engineer determines that construction of improvements is needed to protect public health and safety or for orderly development of the surrounding area, the developer/applicant shall construct or provide a surety for said improvements.
- 27. Prior to recording the final map, the developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way (if present) if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall cure any leaks in irrigation pipes crossing the subject parcel, if in the opinion of the City Engineer, such leaks may interfere with the development of the subject site. Easements shall be provided for irrigation pipes across parcels created, if such pipes will continue in use.
- 28. The developer/applicant shall dedicate a one foot (1') limitation of access strip between driveways shown on Exhibit A and those locations where, in the opinion of the City Engineer, it is undesirable to allow access. Dedication shall be illustrated on the Parcel Map or by recordation of a separate legal document.
- 29. The developer/applicant shall construct a City standard barricade or wall at the end of all dead end streets or drive aisles, with the exception of Fairhaven Avenue, where an emergency access gate shall be constructed and keyed with a Knox box padlock.
- 30. 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.
- 31. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.
- 32. Fire hydrant spacing shall be as follows:
  - a. In Commercial development, one hydrant shall be installed at 300-foot intervals.
  - b. In Residential development, one hydrant shall be installed at 500-foot intervals.

- 33. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.
- 34. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code. Fire flow for the project as proposed would be 1,500 GPM.
- 35. Areas identified as "Fire Lanes" must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.
- 36. The project shall comply with all local, State, and federal laws.
- 37. The project shall comply with all mitigation measures identified in the approved CEQA document.

PASSED, APPROVED AND ADOPTED this	S	day of March, 2013.
F	Зу:	
	-	Virgina R. Gurrola, Mayor
ATTEST: John D. Lollis, City Clerk		
By:		

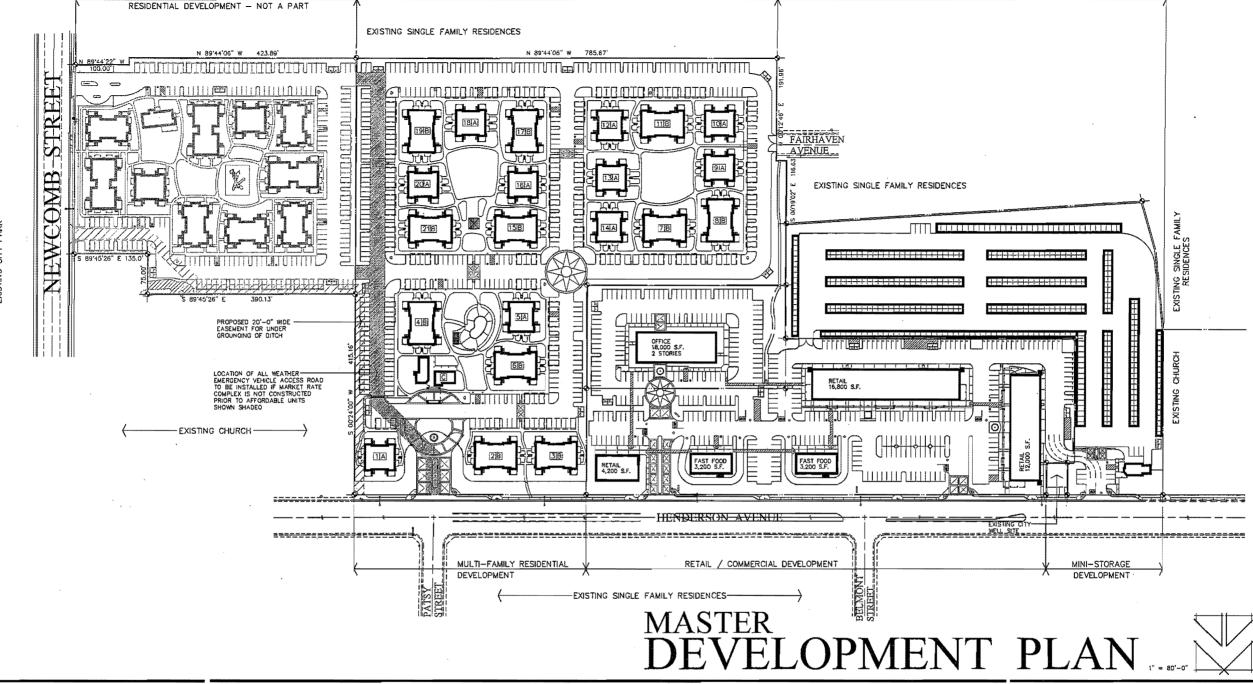


Exp. 12/31/13

PORTERVILLE, CA.

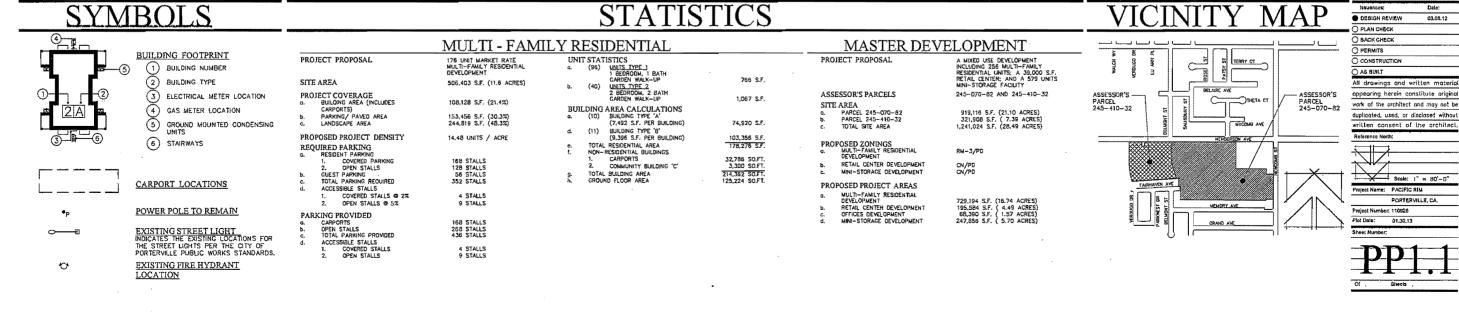
03,08.12

PROPOSED MINI-STORAGE DEVELOPMENT



PROPOSED MARKET RATE MULTI-FAMILY RESIDENTIAL DEVELOPMENT

PROPOSED MULTI-FAMILY



RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A CONDITIONAL USE PERMIT (2012-002-C)

FOR A PERSONAL STORAGE FACILITY ON A 5.66± ACRE PORTION OF THE PROPOSED PACIFIC RIM COMMERCIAL MIXED USE PROJECT

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 5, 2013, conducted a public meeting to consider approval of a Conditional Use Permit to accommodate a 518 unit personal storage facility in the Commercial Mixed Use zone on a 5.66± acre parcel; and

WHEREAS: The project site is currently undeveloped; and

WHEREAS: On February 5, 2013, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; 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 301.13 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 designation for the subject area was approved by the City Council on March 5, 2013, modifying the General Plan designation from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use) for the subject parcel.
- 2. The Zoning classification for the subject area was approved by the City Council on March 5, 2013, modifying the zoning from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use) for the subject parcel.
- 3. That a Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran for twenty (20) days, from February 8, 2013, to February 28, 2013.
- 4. The City Council is the decision-making body for the project.

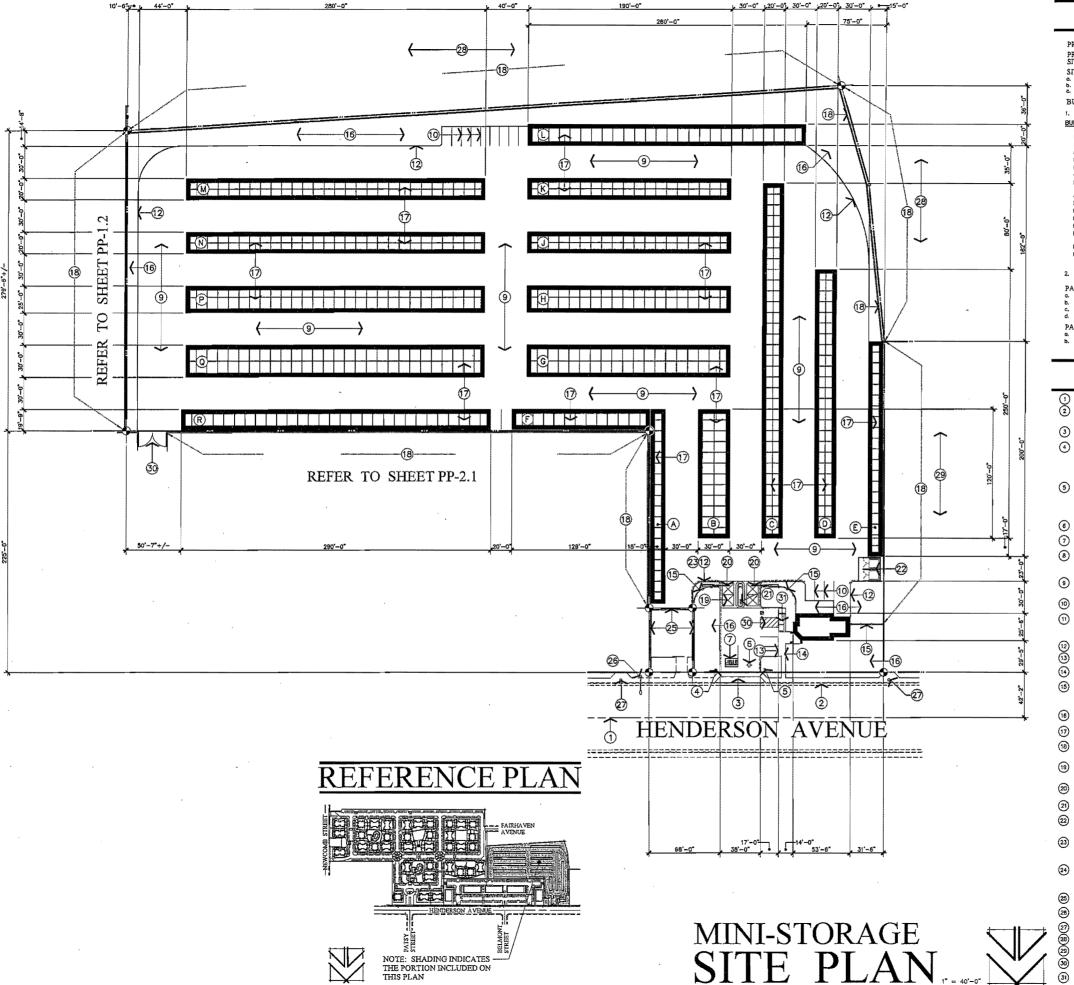
ATTACHMENT ITEM NO. 7

BE IT FURTHER RESOLVED: That the City Council does hereby approve the Conditional Use Permit for development of a 518 unit personal storage facility as represented and incorporated herein as Exhibit "A" subject to the following conditions:

- 1. The proposed project shall comply with all local, State, and Federal laws, including but not limited to Section 301.13 of the Porterville Development Ordinance.
- 2. The project shall be developed in a manner consistent with the site plan and elevations, included herein as Exhibits "A" and "B".
- 3. The personal storage units shall prohibit storage of hazardous materials onsite.
- 4. The Zoning Administrator shall consider any modifications to the development for consistency.

PASSED, APPROVED AND ADOPTED this 5<sup>th</sup> day of March 2013.

	By:	
	Virginia R. Gurrola, Mayor	
ATTEST:	•	
John D. Lollis, City Clerk		
By:		
Patrice Hildreth, Chief Deputy City Clerk	•	



# **STATISTICS**

			<u> </u>		<u> </u>		_	<u> </u>
PRO	POSED US	E			NEIGH	BORHOG	D MI	INT STO
	ECT ZON	NING						
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	COVERA							
a. b.	BUILDING PAVED AF				1,29	0 S.F.	(0.5	5%) 7%)
č.	LANDSCA				112,6	4 S.F. 72 S.F.	(43.	(%)
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1.	STORAGE	BUILDING						
BUILDI	NG USE	/UNIT SIZ	E 1	NO. OF UN	ITS BI	JILDING	ARE	ĒΑ
A		10 x 15		18		2,700		
₽		10 × 15		24		3,600		
Ç		10 × 10		66		6,600		
D		10 × 10		5D		5,000		
Ε		10 x 15		20		3.000		
F		10 x 20		13		2,600		
G		10 x 15		38		5,700		
н		ID x 10		19		1,900		
J		10 x 15		19 38		2,850 3,800		
ĸ		10 x 10		38		3,800		
Ĺ		0 x 20		25		5,200		
M		0 x 20		56		5,500		
N N		D x 10		56		5,600		
P		D x 10		28		2,800		
-		0 x 15		28		4,200		
D		D x 15		56		8,400		
R	1	0 x 20		29		5.800	S.F.	
	TOTAL UN	ITS/AREA		622 UNI	TS	79,150	S.F.	
2.	OFFICE BU	ILDING ARE	A		1,2	90 SO.	FT.	
PARK	ING REO	URED						
g,		75 UNITS				14 STA	LLS	
b.		300 S.F.		Ε	_	4 STA		
c,	TOTAL STA	ALLS REQU		-	-	18 STA		
d.	ACCESSIBL	E STALLS				1 STA	LLS	
PARK	ING PRO	VIDED						

17 STALLS 1 STALLS

- EXISTING RIGHT-OF-WAY IMPROVEMENTS ALONG THE STREET FRONTAGE INCLUDING CONCRETE CURB, GUTTER, AND SIDEWALK, PER CITY OF PORTERVILLE PUBLIC WORKS DEPARTMENT STANDARDS TO REMAIN.
- INSTALL COMMERCIAL STREET-TYPE APPROACHES PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL.
- PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL

  NOTAL 30 STANTE STANDARD "STOP" SINNS) AT LOCATIONS SHOWN,
  SIGN SHALL BE WOUNTED ON A 2 INCH DIAMETER CALVANIZED POST WITH
  THE BOTTOM OF THE SIGN "7—0" ADOVE GROUND AND LOCATED BEHIND "
  CURB AND IMMEDIATELY BEHIND MAJOR STREET SOEWALK, "RICHT TURN
  ONLY "SIGN AT SAME LOCATION, INSTALL 30"-36" STATE STANDARD
  SIGN IMMEDIATELY BELIOW THE STOP SIGN ON THE SAME POST/ TYPICAL,
  PROVINE SIGN AT EACH SITE ENTRANCE THAT CLEARLY STATES. I" HIGH
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  BY CONTACTING THE CITY OF SAN JOSE POLUCE DEPARTMENT.
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- INSTALL 4 INCH WIDE WHITE PAINTED STALL STRIPING PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL.
- INDICATES LOCATION OF ACCESSIBLE PARKING STALL WITH 8'-0" WIDE UNLOADING AREA AND WARPED WALK WHEELCHAIR RAMP, INSTALL SIGNAGE AND MARKING AS REQUIRED BY TITLE 24 CCR ACCESSIBILITY REQUIREMENTS/ TYPICAL. INDICATES LOCATION OF 6 INCH CONTINUOUS CURB / TYPICAL
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  INDICATES NEW 4 INCH THICK CONCRETE WALK WITH NON-SLIP FINISH
  PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL.
- INDICATES LOCATION OF 5"-0" HIGH REINFORCED CONCRETE MASONRY FENCE (GROUT SOLID) WITH CEMENT PLASTER FINISH AND PILASTERS AT 20"-0" ON CENTER (INCREASE HEIGHT TO 8"-0" AT STORAGE BULDINGS)/ TYPICAL
- (16) LANDSCAPE AREA(S), COORDINATE THE WORK WITH THE CONCEPT LANDSCAPE PLAN/ TYPICAL
- STORAGE UNITS SHALL BE PRE-FABRICATED STEEL STORAGE UNITS TO BE INSTALLED UNDER SEPARATE BUILDING PERMITS/ TYPICAL.
- INSTALL 6'-0" HIGH SOLID GROUTED REINFORCED CONCRETE MASUNRY FENCE AT PROPERTY LINE/ TYPICAL.
- INDICATES LOCATION OF COLORED CONCRETE ACCENT PAYING WITH TOOLED JOINT PATTERN AS INDICATED. COORDINATE INSTALLATION WITH THE GRADING AND DRAINAGE PLAN/ TYPICAL. INDICATES THE LOCATION OF 8'-0" HIGH STEEL GATES WITH AUTOMATIC OPERATOR(S)/ TYPICAL
- INDICATES THE LOCATION OF PEDESTAL MOUNTED GATE CONTROLLER/
- ITPICAL
  INDICATES LOCATION OF TRASH AND RECYCLING ENCLOSURE WITH
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- INDICATES THE LOCATION OF EXISTING POWER POLE TO REMAIN.
- 8'-0" WIDE DISABLED ACCESSIBLE UNLOADING SPACE WITH RAMP ACCESS TO WALKWAY/ TYPICAL. INSTALL ACCESSIBLE CURB RAMP WITH TRUNCATED DOMES/ TYPICAL.

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ARCHITECT'S, INC. 1500 West Shaw, Ste. 30

Fresno, California 93711

Phone: 559.225.2602

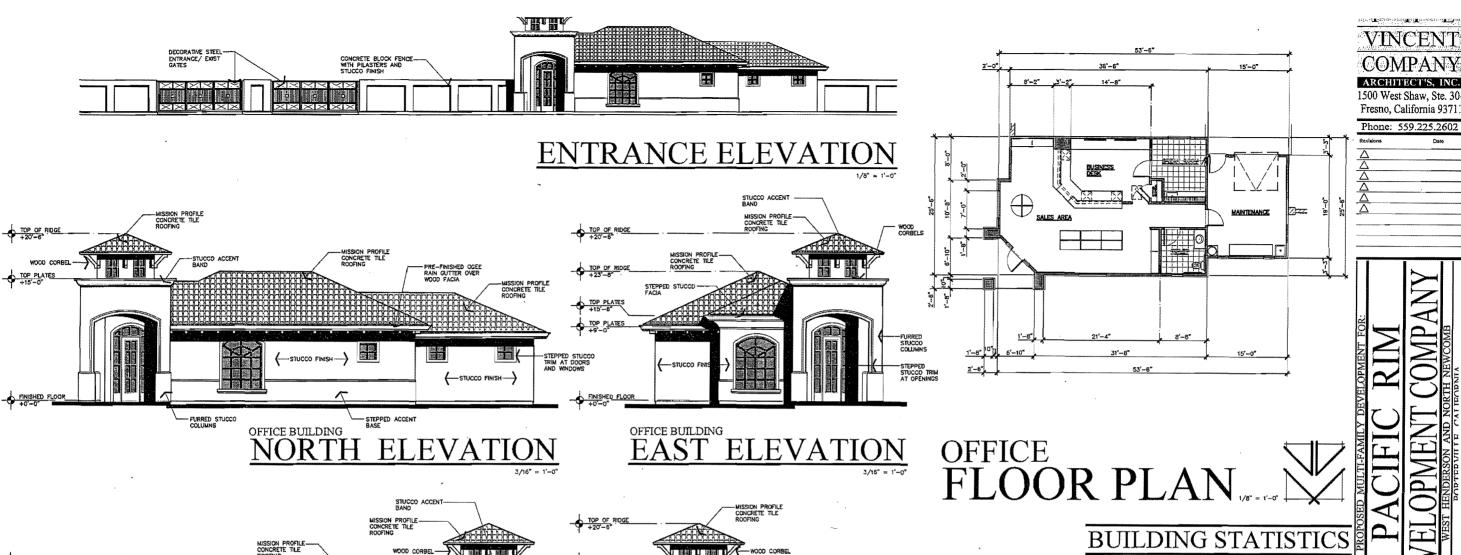


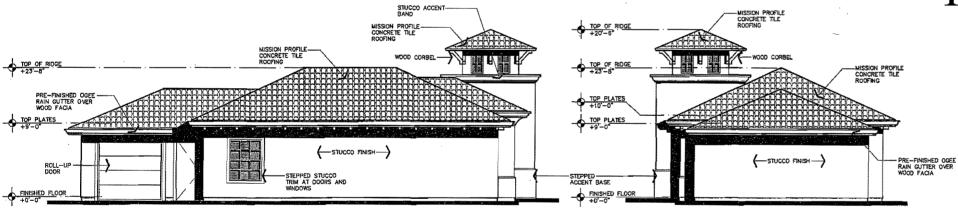
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Project Name: PACIFIC RIM PORTERVILLE, CA.

Plot Date: 03,06,12





OCCUPANCY GROUP

CONSTRUCTION TYPE AREA CALCULATIONS

A CALCULATIONS
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BUSINESS DESK
BREAK ROOM
TOILET/ HALL/ STORAGE
MAINTENANCE
COVERED PORCH



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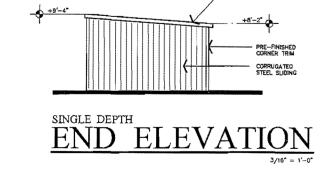
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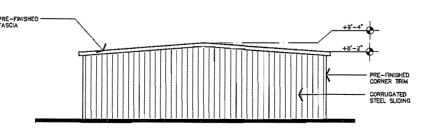
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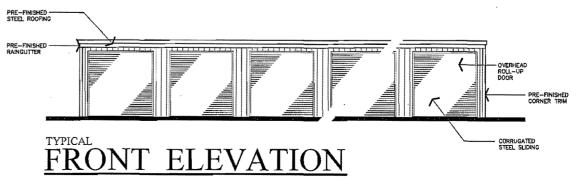
# **ELEVATION**

# WEST ELEVATION





END ELEVATION



## ORDINANCE NO. 1796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 2012-002-Z

FROM RM-2 (MEDIUM DENSITY RESIDENTIAL), RM-3 (HIGH DENSITY RESIDENTIAL), AND CN (NEIGHBORHOOD COMMERCIAL) TO CMX (COMMERCIAL MIXED USE) FOR THAT 23.4± ACRE SITE LOCATED GENERALLY AT THE SOUTHWEST CORNER OF HENDERSON AVENUE AND NEWCOMB STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 5, 2013, conducted a public hearing to approve findings and consider Zone Change 2012-002-Z, being a change of zone from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use) for the site located on the south side of Henderson Avenue, west of Newcomb Street (APN 245-410-032); and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone Change (2012-002-Z) is consistent with the guiding and implementation policies of the adopted 2030 General Plan; and

WHEREAS: That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran for twenty (20) days from February 8, 2013 to February 28, 2013; and

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

- a. The project supports and complies with the following General Plan guiding policies:
  - LU-G-1: Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the City.
  - LU-G-3 Promote sustainability in the design and development of public and private development projects.
  - LU-G-10: Foster viable, pedestrian-oriented neighborhood centers with vertically- and horizontally- mixed-use development.
- b. Development of the site as proposed, including personal storage, requires approval of a Conditional Use Permit and would be subject to the City's development standards.

- c. An amendment to the General Plan designation is being processed concurrently with this Zone Change request. Approval of the Zone Change is contingent upon the approval of General Plan Amendment 2012-002 G, to ensure consistency between the General Plan and Zoning. The commercial mixed use (CMX) zoning will allow for similar types of land uses but in different proportions than currently exist on the property. In addition, the CMX Zone will allow the personal storage development pursuant to approval of a Conditional Use Permit as well as the drive through lanes as proposed.
- d. The subject Zone Change will not create adverse environmental impacts on the adjacent neighborhood when mitigation measures are implemented and standards of the Development Ordinance and General Plan are applied to the subsequent development project.

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

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 2012-002-Z, is hereby rezoned from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use), pursuant to Section 3 below, for the parcel described herein as Assessor's Parcel Number 245-410-032 located on the south side of Henderson Avenue, west of Newcomb Street; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show the above described real property is rezoned from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use) for the site described above, more particularly shown on the attached map as Exhibit "A"; and

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

- 1. The project shall comply with all local, State, and federal laws.
- 2. The project shall comply with all mitigation measures identified in the approved CEQA document.
- 3. Building Design Criteria: In order to receive building permit approval for the mixed use project. City staff shall find that all of the following criteria have been met:
  - a. Integrated Theme All buildings within the mixed use development will exhibit an integrated architectural theme that includes consistent materials, colors, and design details as represented on Exhibits "B, C and D"; including a complete master site plan, building elevations, and landscaping.

- b. The architectural details of building entrances shall be integrated with the overall building design in terms of materials, scale, proportion, and design elements.
- c. All buildings shall include a complementary level of design detail on all facades.
- d. Signage shall be in compliance with the Master Sign Program for the entire development, as represented herein on Exhibit "E".
- 4. The entire commercial mixed use project is considered one project as shown on the proposed Master Development Plan and Tentative Parcel Map (Exhibits "B" and "F"). Building permits secured separately for phased buildings with differing uses are considered part of one overall commercial mixed use project.

As either or both Parcels 2 and/or 3 develop, the Developer shall complete rough grading on both parcels and construct required parking and access for the development phase and an all-weather surface approved by the City Engineer to provide adequate secondary access.

- 5. The main access point for the residential component (Parcel 4), along Henderson Avenue shall be fully developed and provide connectivity to the street with the first building permit for any portion of the apartments. The connecting drive aisle and parking within this area, as shown on Exhibit "B", (approximately 80 foot width), shall be developed prior to issuance of a certificate of occupancy. A recorded access easement for ingress/egress, parking, trash and connectivity to both streets shall serve as a guarantee for the functionality of the apartments on Parcel 4 and the adjacent development to the east. As shown on Exhibit "B", the section of the easement running east to west shall be developed in favor of Parcel 4 and the section of the easement running north to south shall be in favor of the adjacent parcel.
- 6. All improvements shall be in accordance with City standards and should maintain a common theme throughout the entire project. All landscaping shall comply with all City of Porterville landscape and irrigation standards. Plants shall be selected for their ability to prosper in the climate and geography of this region; the Sunset Garden manual is one such approved resource that is frequently used to guide plant selection. Such landscaping shall include an automatic sprinkler system and adequate maintenance to maintain the landscaping as approved free of diseased, dead or damaged materials. Plants shall be maintained in a healthy and vigorous growing condition and planting areas shall be maintained in a clean and orderly manner, free of weeds and debris. Other improvements to the Land Area are to include, at a minimum, a seating area with one or more benches and a trash receptacle which are designed for use in the public space. Owner shall submit details regarding the style, color, and materials for approval of the Community Development Director, which approval shall not be unreasonably withheld.

7. Development of the project area shall substantially comply with all plan sheets (Exhibits "B, C, and D").

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

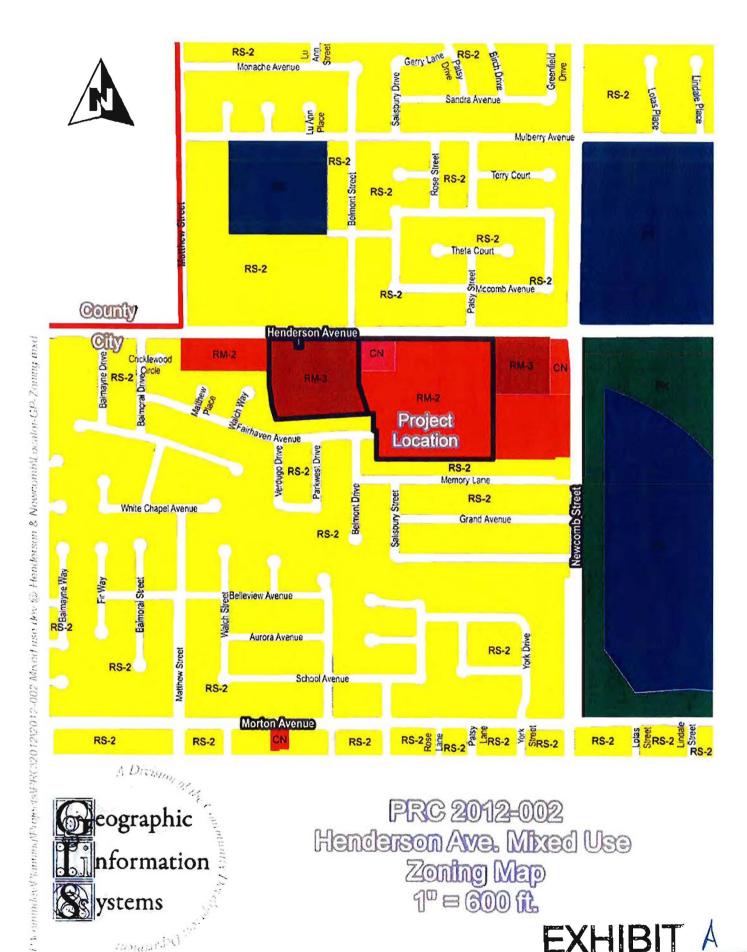
Virginia R. Gurtola, Mayor

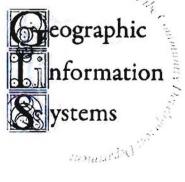
ATTEST:

John D. Lollis, City Clerk

By:

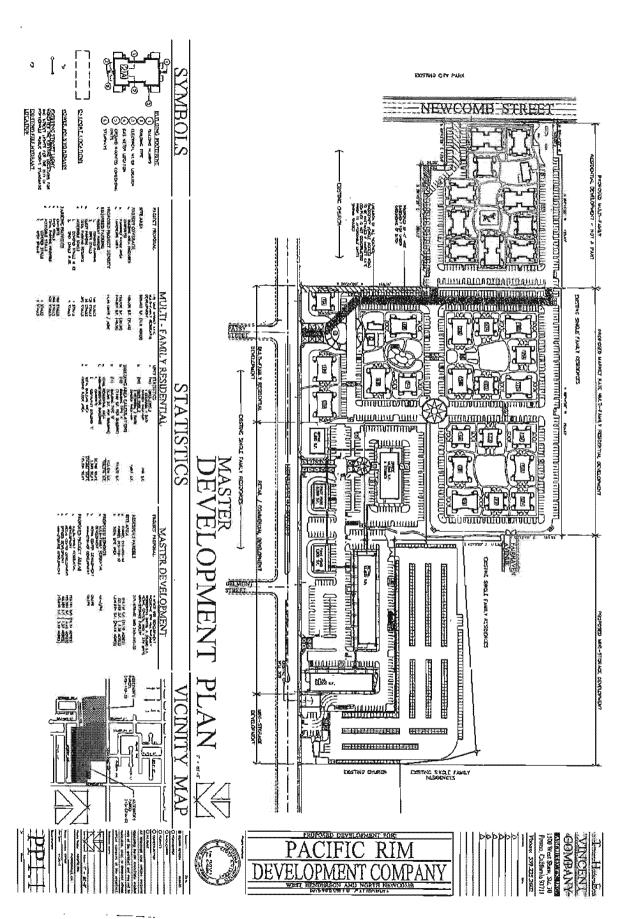
Patrice Hildreth, Chief Deputy City Clerk

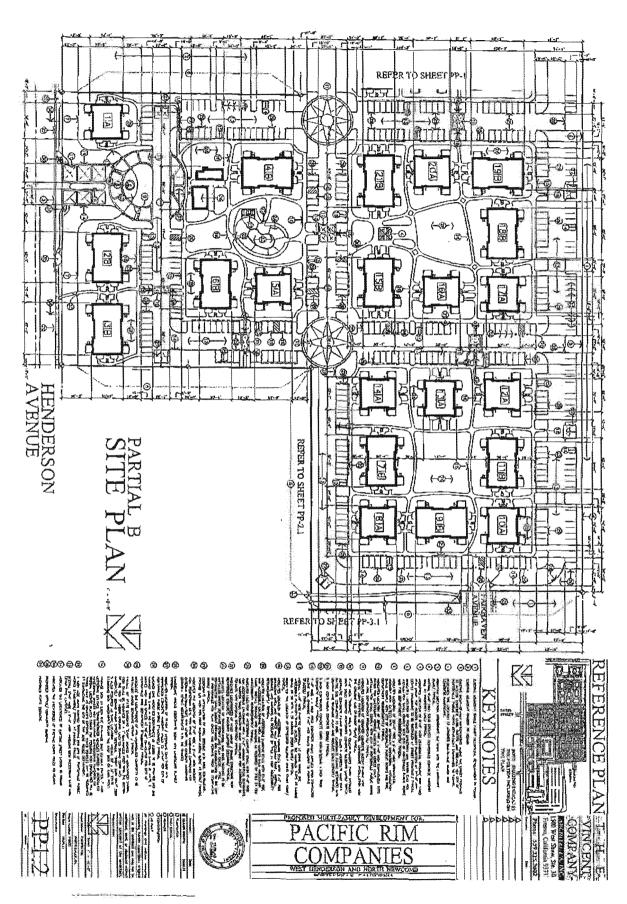




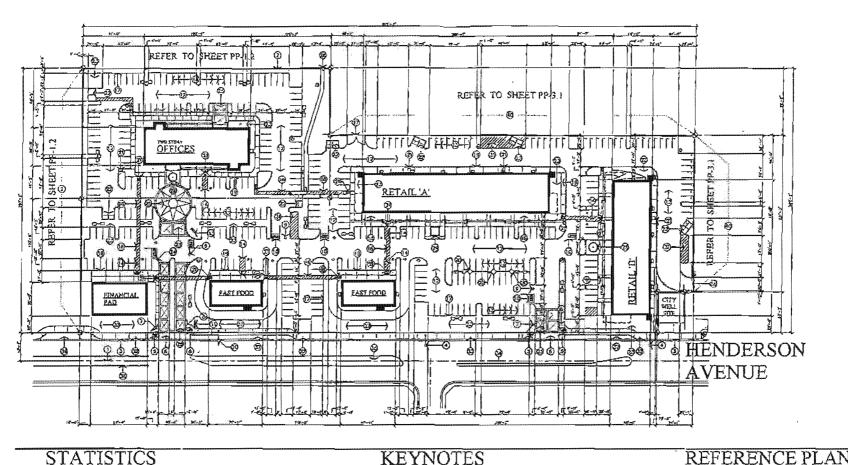
PRC 2012-002 Henderson Ave. Mixed Use Zoning Map  $1^{\circ} = 600$  (i.







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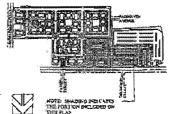
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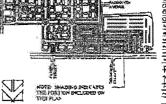
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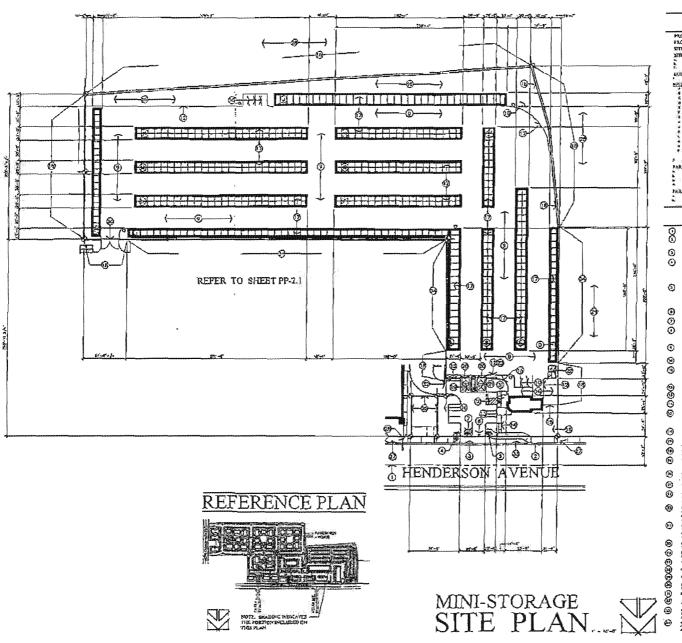
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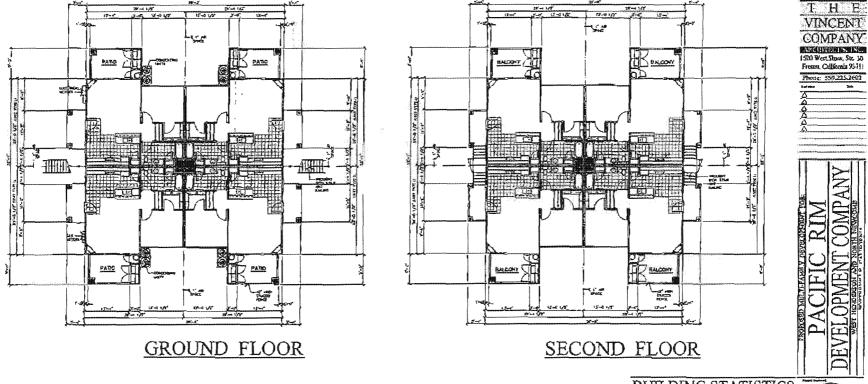
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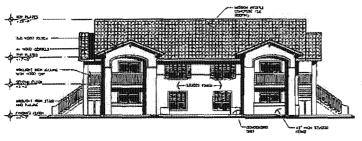
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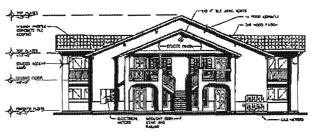


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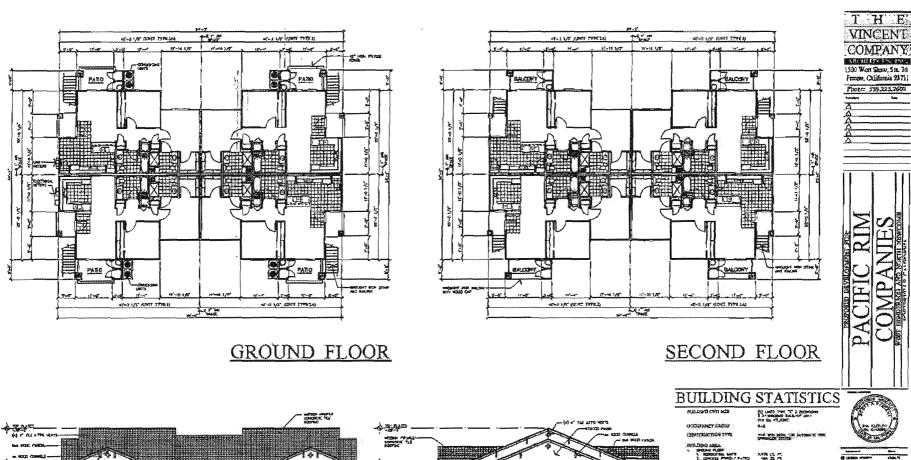
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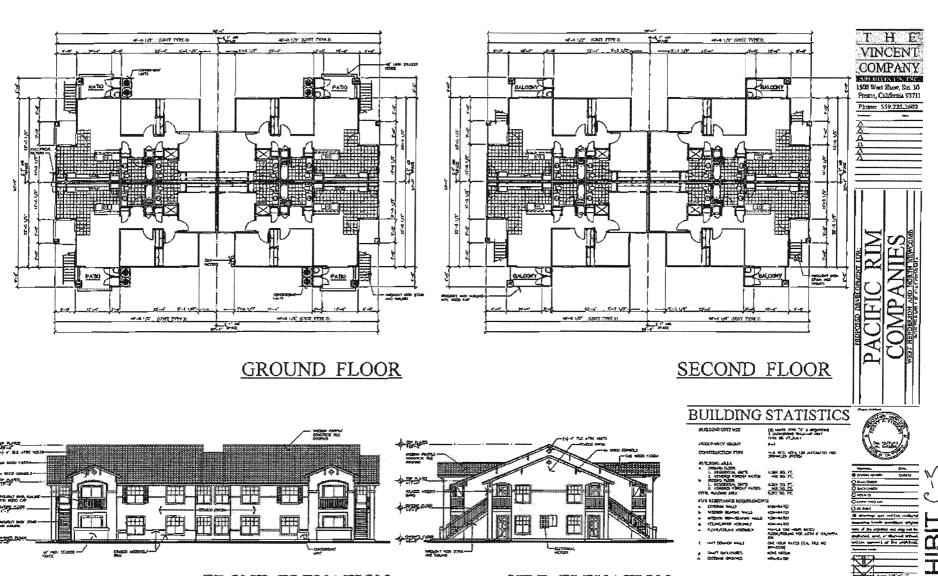
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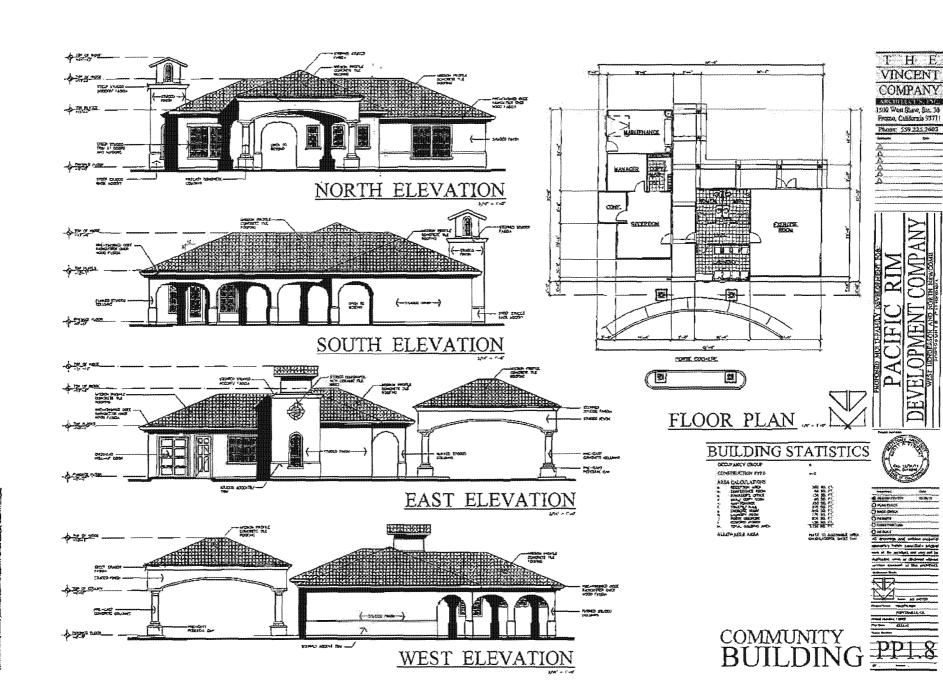


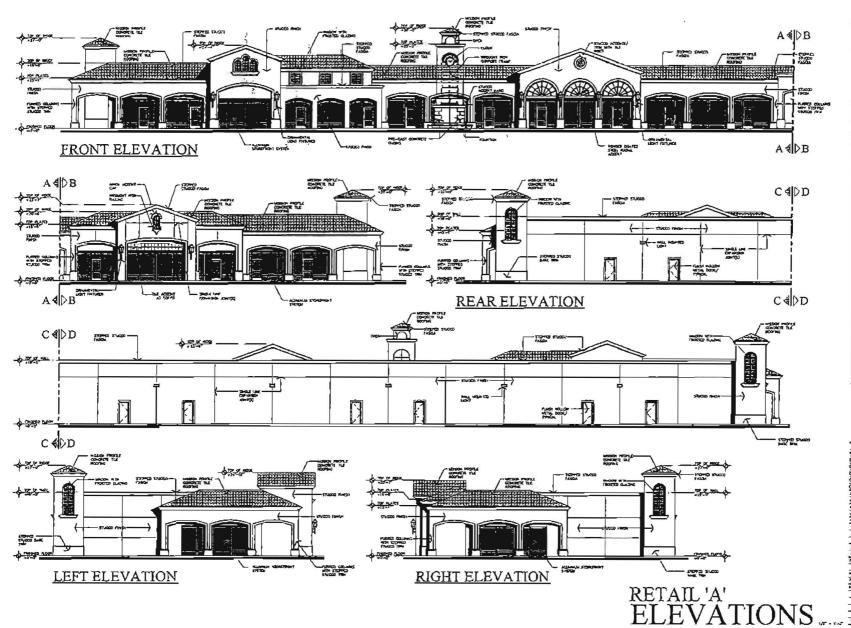


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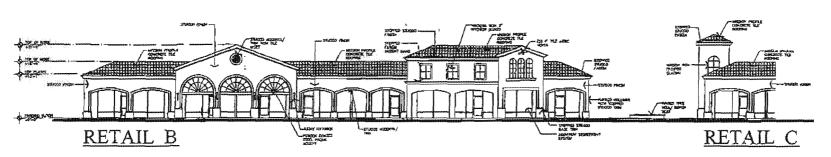


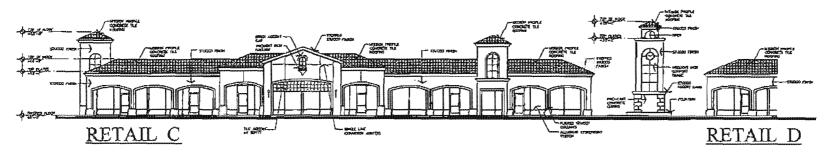
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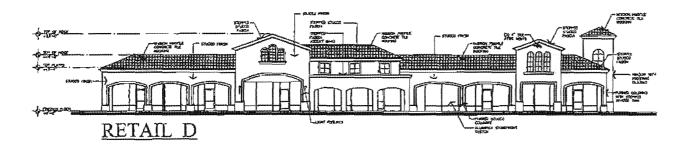
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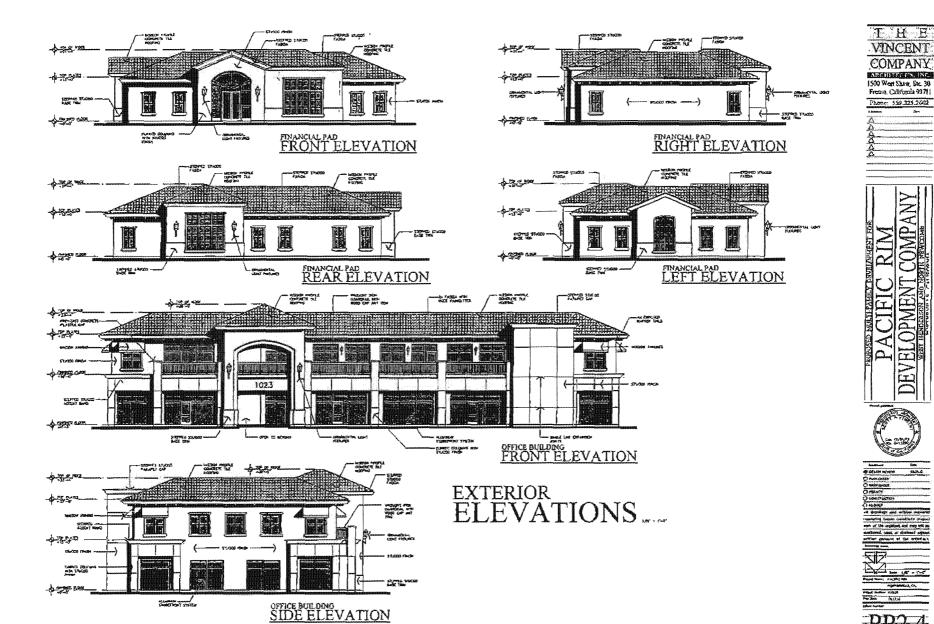


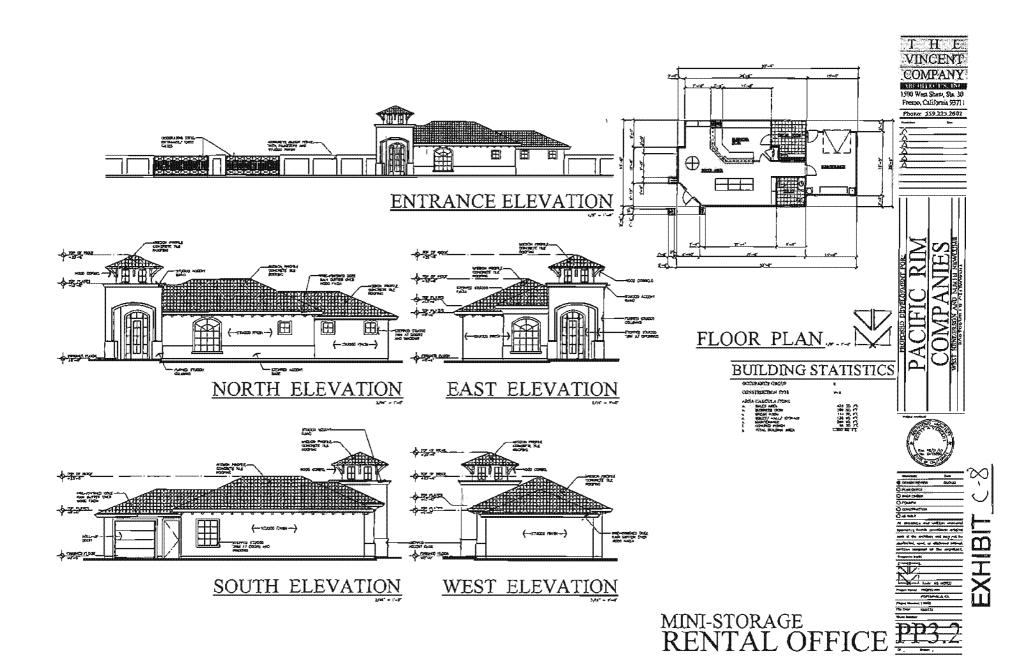


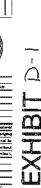


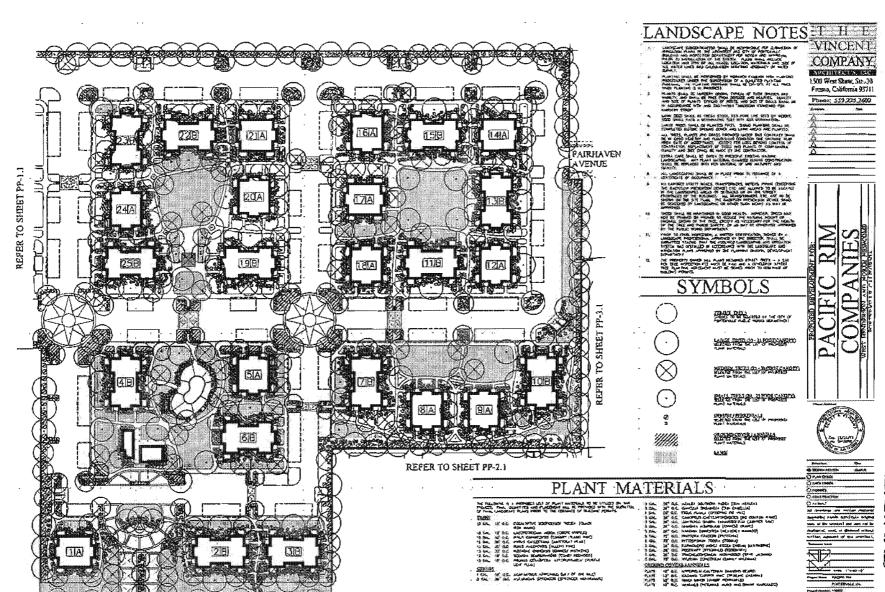


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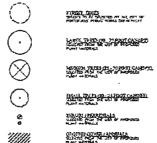


-HENDÉRSON AVENUE

PARTIAL B LANDSCAPE PLAN

# RETAIL CENTER LANDSCAPE PLAN....

# SYMBOLS



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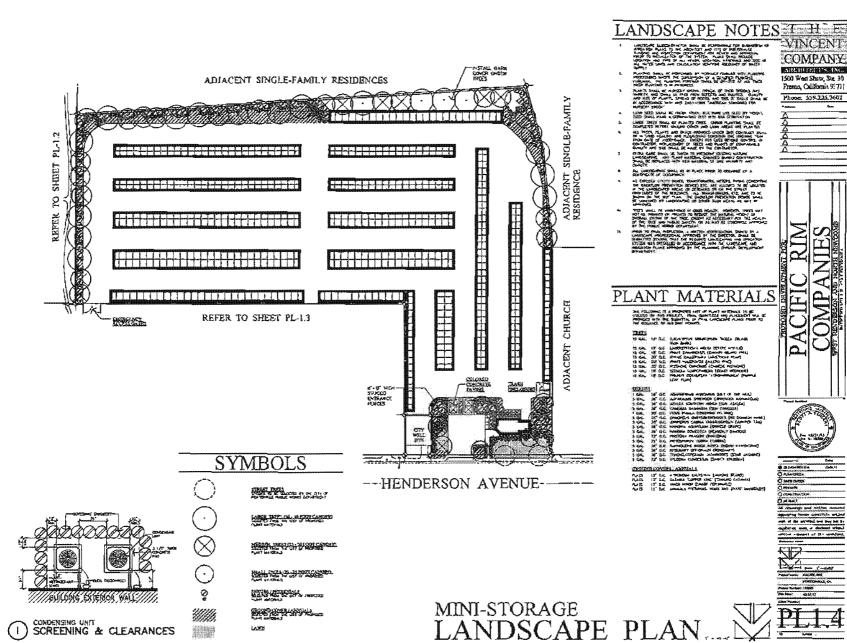


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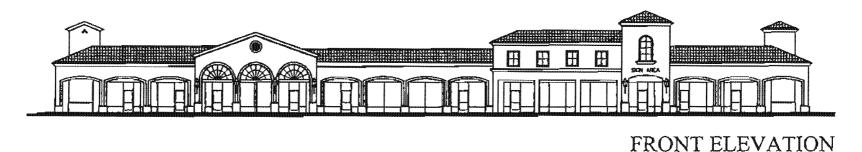


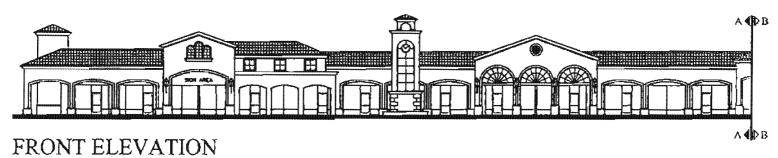




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# SIGN LOCATION EXHIBIT "E"



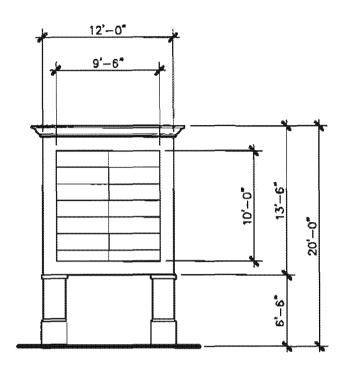




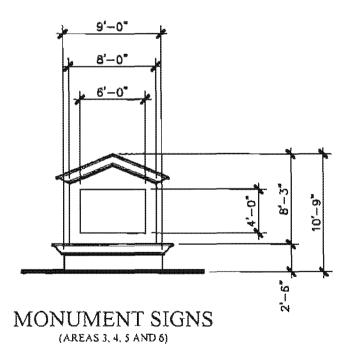


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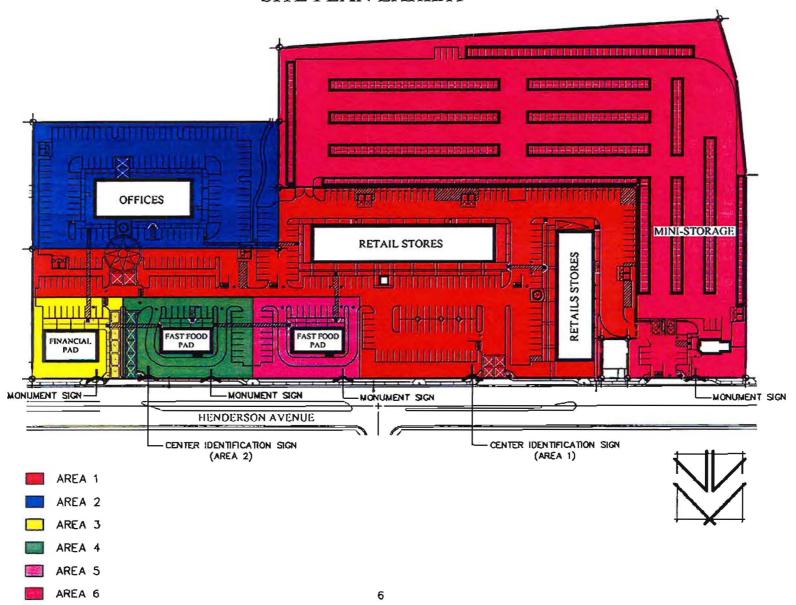
# EXHIBIT " "



# CENTER IDENTIFICATION SIGNS (AREAS 1 AND 2)



# SITE PLAN EXHIBIT " "



# City of Porterville (development name) **Master Sign Program** Henderson Avenue MSP-

This Master Sign Program applies to the (development name). This master sign program has been established for the purpose of assuring an outstanding shopping center for the community and for the mutual benefit of all tenants. Conformance may be strictly enforced by the City, and any nonconforming or unapproved signs must be brought into conformance at the expense of the applicable tenant.

## A. GENERAL REQUIREMENTS

- Tenants shall be responsible for installation and maintenance of all tenant's individual signs
  at the tenant's expense.
- Tenants shall be responsible for the fulfillment of all requirements and specifications of this Criteria.
- 3. Each tenant shall submit to the owner, before fabrication, at least two (2) copies of detailed drawings of proposed signs, indicating the location on the building and on the property, size of sign, layout, design and color of the proposed sign including all lettering and/or graphics, and a detailed method of attachment. However such detailed drawings may be submitted electronically.
- 4. All tenants at their own expense are responsible for obtaining a Porterville City Sign Permit. Both the tenant's and landlord's signature are required on all sign applications. Fabrication prior to City approval is not recommended. Said Sign Permit must be obtained by a State of California licensed contractor.
- 5. Tenants must have their signs, as specified in this Criteria Installed within 90 days of opening for business. Signs must be removed within 15 days after their departure. Tenants shall be responsible for any necessary repairs to the building fascia, (i.e.) patching, painting etc. caused during installation or removal of the signs. All expenses for such shall be the responsibility of and paid for by the tenant.

#### B. GENERAL SPECIFICATION

- All tenant signs shall be internally lighted individual channel letters as specified in Section "C" of this Criteria.
- All tenant signs must be installed within the designated sign area on the building as shown in Exhibit A, and as specified in paragraphs 3 and 4 of this Section "8".

- 3. Major tenants may display their company name or agency, logo, products, departments or services that are consistent with their national branding of their store fronts or office buildings. A maximum of two (2) square feet of sign, per each linear foot of tenant's leasehold frontage will be allowed, not to exceed 350 square feet, however no single sign shall exceed 300 square feet in area. Total linear feet of the signs shall not exceed 75% in horizontal length of the linear frontage of each tenant's leasehold frontage.
- 4. All other tenants' signs shall be displayed on one (1) line of text to include any logo or business name, with a minimum height of 12 inches and a maximum height of 24 inches. Two lines or "stacked" text or logos shall not be permitted. The overall size of all tenant signs shall not exceed two (2) square feet of sign per linear foot of tenant's leasehold frontage. No sign shall exceed more than 75% in horizontal length of the linear frontage of the tenant leasehold space.
- 5. Tenants of areas 3, 4 and 5 as designated on Exhibit "C" may display their company name or agency, logo, products, departments or services that are consistent with their national branding of their stores or offices.
- All signs are to be installed centered on the arched opening nearest to the main entrance door of the respective tenant's leasehold (see Exhibit "A").
- 7. At the property owner's sole discretion, depending on the space available, tenants may be afforded a space on the Center Identification sign, located on Henderson Avenue (Exhibit "B"). No alterations to the spaces on these signs will be allowed without the landlord's prior written approval as provided for in Section A, paragraph 3. However, no alterations or additional signs on the exterior of these signs will be allowed.
- 8. No additional freestanding signs are allowed for tenants of areas 1 and 2 other than the Center Identification signs on Henderson Avenue as shown on Exhibit "B". Monument signs shall be allowed on Areas 3-6 as Identified on Exhibit "C"as shown on Exhibit "B".
- Design, tayout and materials for tenant signs shall conform in all respects with the sign design drawings included within these criteria. The maximum height for letters in the body of all signs shall be as indicated in this document.
- All signage within this shopping center is subject to Chapter 305:12 "Master Sign Program" of the Porterville Development Ordinance. However, at the Zoning Administrator's discretion, Chapter 305 "signs) shall prevail if there are any discrepancies or omissions within this Master Sign Program.

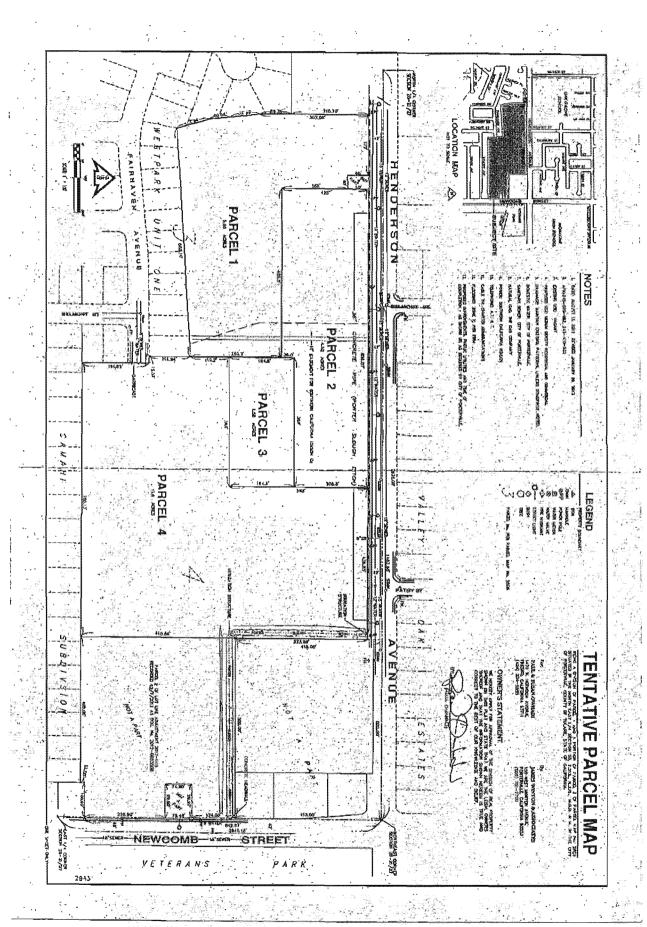
# C. CONSTRUCTION SPECIFICATIONS

- Channel letter signs are to be manufactured using .040 aluminum returns, 1/8 inch plastic faces held on with 3/4 inch thick plastic trim capping. Illumination is to be provided using L.E.D. lighting.
- Major tenants and tenants of areas 3, 4 and 5 (Exhibit "C") will have the option of lighting their signs using either L.E.D. or 15mm Neon Tubing.
- 3. Tenants will have their choice of color; however, they must be approved by the landlord.
- 4. All electrical wiring shall be installed and enclosed behind the wall where letters are installed. No exposed crossover wiring or exposed raceways on the front of the building will be allowed.

- Electrical wiring to the sign on the front fascia of the tenant's leasehold store front on the building to be existing. Tenants will be responsible at their sole expense for any timing device to operate the signs.
- 6. No audible, flashing or animated signs will be permitted.
- 7. All electrical wiring shall conform to and pass all state and local building codes.
- All tenant signs shall be manufactured under Underwriters Laboratories specifications, and carry the U.L. label.

#### D. MISCELLANEOUS REQUIREMENTS

- Advertising placards, banners, pendants, names, insignias, trademarks, or other descriptive
  materials, either temporary or permanently affixed or maintained upon the glass panes and
  supports of the show windows and doors, shall conform with the City of Porterville sign codes
  for such. Window signs shall not exceed 50% of the total glass window area. The above
  shall not be hand drawn.
- Except as provided herein, no advertising placards, banners, pendants, names, insignla, trademarks or other descriptive materials shall be affixed or maintained upon the exterior walls or building without previous written approval of the landlord, and must receive a Temporary Sign Permit from the City of Porterville for such. The above shall not be hand drawn.
- All sign plans must be submitted to the landlord for approval prior to the obtaining of a City
  of Porterville Sign Permit and installation as specified in Section "A", paragraph 3 of these
  Criteria.
- 4. The property owner reserves the right to designate the Sign Contractor to be contracted by the tenant, at the tenant's sole expense. Tenants must contact the property owner's agent as shown below to coordinate the hiring of the designated sign contractor. However, at the property owner's discretion, a tenant may be approved to use a Sign Contractor of their choice.
- Any proposed Sign Contractor must be currently licensed as a C-45 State of California sign contractor. Said contractor must provide the following:
  - Gertificate of Liability Insurance in the amount of \$2,000,000.00, naming \_\_\_, as additionally insured.
  - b. Certificates of The State of California Workman's Compensation.
- Owners agent: (name): Phone: (phone number) e-mail: (email address)



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

I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1796, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 19<sup>th</sup> day of March, 2013, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective April 18<sup>th</sup>, 2013, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

COUNCIL:	WARD	McCRACKEN	GURROLA	SHELTON	HAMILTON
AYES:	х	X	Х	X	Х
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk

By: Luisa Herrera, Deputy City Clerk

# RESOLUTION NO. 14 -2013

A RESOLUTION OF THE PARCEL MAP COMMITTEE OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF TENTATIVE PARCEL MAP 2012-002-PM TO DIVIDE A 23± ACRE SITE INTO FOUR (4) PARCELS GENERALLY LOCATED AT THE SOUTH WEST CORNER OF HENDERSON AVENUE AND NEWCOMB STREET

WHEREAS: The City Council of the City of Porterville at its scheduled meeting of March 5, 2013, conducted a public hearing to consider Tentative Parcel Map PRC-2012-002-PM; and

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

WHEREAS: The Parcel Map Committee of the City of Porterville at its regularly scheduled meeting of February 13, 2013, conducted a public hearing to consider approval of Tentative Parcel Map 2012-002-PM to divide a 23.4± acre vacant site into four (4) parcels as follows:

Parcel  $1 - 5.70 \pm acres$ 

Parcel  $2 - 4.49 \pm acres$ 

Parcel  $3 - 1.57 \pm acres$ 

Parcel  $4 - 11.69 \pm acres$ 

; and

WHEREAS: The Parcel Map Committee discussed concerns and conditions relevant to the proposed project; and

WHEREAS: On February 5, 2013, the Environmental Coordinator made a preliminary determination that in compliance with the California Environmental Quality Act, a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The Parcel Map Committee provided the opportunity to the public and all interested parties to comment on the proposed tentative subdivision map; and

WHEREAS: The Parcel Map Committee made the following findings:

- 1. That the proposed tentative parcel map is contingent upon approval of General Plan Amendment PRC 2012-002-G and Zone Change PRC 2012-002-Z.
- 2. That the proposed parcel map is consistent with applicable general and specific plans.



- 3. The proposed use of the site shall be required to be operated and maintained to comply with State Law, the City of Porterville Development Ordinance, adopted Building Codes and all other applicable laws and ordinances.
- 4. The design and improvements of the parcel map and the proposed project are consistent with the proposed Commercial Mixed Use General Plan designation, as represented in Exhibits A & B.
- 5. That the site is physically suitable for the type and density of the proposed development.

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

- 6. That the design of the parcel map or proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- 7. That the design of the parcel map or type of improvements will not cause serious public health problems.

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

- 8. That the design of the parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed parcel map.
- 9. That the Parcel Map Committee reviewed the proposed parcel map and recommended that the City review the project in its entirety.

NOW, THEREFORE, BE IT RESOLVED: That the City Council does hereby approve Tentative Parcel Map 2012-002 subject to the following conditions:

1. An easement shall be recorded prior to the issuance of the first building permit that provides ingress/egress, parking, trash and connectivity throughout the development. Such an easement between Parcels 1 and 2 shall serve as a guarantee for the functionality and circulation of those parcels as proposed. Also shown on Exhibit A, a drive aisle between Parcels 1 and 2 shall be fully developed and provide connectivity from the secondary exit of the mini-storage to the mini-storage main entrance when Parcel 1 is developed.

- 2. An easement shall be recorded prior to the issuance of the Parcel 4 building permit that provides for emergency vehicular access to Newcomb Street over and across the adjacent easterly parcel.
- 3. As development of any parcel occurs, all right of way improvements along that parcel's frontage shall be constructed in accordance with the mitigation measures and recommendations of the Ruettgers & Schuler traffic study (2012), as represented in Exhibit A and identified in the resolution approving the Mitigated Negative Declaration, prepared pursuant to CEQA. In the event Parcel 3 should develop prior to Parcel 2, the frontage improvements shall be completed for Parcel 2 at that time. At such time as Parcel 4 is developed, the off-site improvements extending the eastbound left turn lane on Henderson Avenue shall be constructed. At such time as Parcel 2 is developed, the off-site improvements extending the eastbound left turn lane on Henderson Avenue and the median improvements further west as represented on the site plan shall be constructed. In the event Parcel 1 is developed prior to Parcel 2, the raised median island improvements on Henderson Avenue shall be constructed.
- 4. Due to potential drainage issues, prior to securing a building permit, a grading sewer and water, and drainage master plan for Parcels 1, 2, 3, and 4, shall be submitted for review and approval by the City Engineer. As development of the site occurs, the phased master plan shall be implemented as approved by the City Engineer.
- 5. Prior to issuance of any building permit for the Project, access easements for ingress/egress, parking, and trash pick-up shall be recorded as deemed necessary by the City Engineer and Community Development Director. Copies of the easements shall be provided to the City.
- 6. Gates that have restricted access shall be identified on building permit plans.
- 7. The automated gate between Retail "B" and the mini-storage shall allow traffic to exit from the commercial complex to Henderson Avenue only. No access into shopping center is permitted.
- 8. 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.
- 9. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant intends to utilize the 10-year development fee payment plan for all fees except school fees pursuant to Resolution 37-2012, adopted April 17, 2012.

- 10. The developer/applicant shall reimburse the City for constructed frontage improvements along Henderson Avenue in accordance with approved resolutions.
- 11. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the Henderson Avenue frontage, except where they exist and are in good condition in the opinion of the City Engineer at the time of inspection prior to building permit issuance (Ordinance. No. 1306).
- 12. The developer/applicant shall construct sidewalk necessary to obtain a width of 9.5 feet along the full frontage of the proposed project.
- 13. The developer/applicant shall construct drainage facilities as required to serve the property (Ordinance. No. 1306). The parking lot shall be designed to convey water to the City drainage system without crossing driveways.
- 14. The Porter Slough Ditch runs through this property, requiring piping and reservation of an easement in favor of the irrigation company. Construction of structures within the easement area shall be prohibited.
- 15. The developer/applicant shall coordinate with the Porterville Irrigation District and City of Porterville regarding potential conflicts with the existing pipeline/open ditch that crosses the property. The Porterville Irrigation District shall specify appropriate pipeline replacement size(s) and materials, should replacement or installation be mandated.
- 16. 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.).
- 17. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the Tulare County Environmental Health Department, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.
- 18. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.
- 19. At the time of approval of the Final Map the developer/ applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Elements and/or that was established by the City Council, along with dedication of right-of-way adequate for all improvements associated with the project Traffic Study prepared by Ruettgers and Schuler, as well as dedication of property required for ADA ramp(s) (Section 21-23). Dedicate required utility easements.
- 20. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Chapter 18 and Appendix J of the California Building Code and provide a Preliminary

Soils Report (C.C. Sec. 7-126 & Res. 4997) 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. Additional reporting requirements are as indicated below:

- a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
- b. Soils Report(s) in accordance with Chapter 18 and Appendix J of the California Building Code.
- 21. Prior to approval of a permit or other grant of approval for development of the property, the developer/applicant shall comply with or provide plans that comply with City Retaining Wall Standards at Lot Lines (adopted by City Council January 3, 1989).
- 22. The dedication of easements or any other potential dedications shall be clearly identified on the Parcel Map. A Dedications Statement shall be placed on the map that reads:

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

Dated this	day of	, 20	
By Michael K.	Reed, City Engi	ineer	PLS 7514"

- 23. Prior to recording the Parcel Map, the developer/applicant shall provide improvements by the method indicated below:
  - a. Simultaneous recording of a separate legal instrument or placement of a statement on the Parcel Map, if appropriate, that reads as follows:

"In accordance with Section 66411.1 of the Government Code, the construction of on-site and off-site improvements, such as but not limited to, curbs, gutters, sidewalks, paveouts, pavement transitions, traffic signage and markings, median islands and the mitigation measures described in the project Traffic Study prepared by Ruettgers and Schuler Civil Engineers, utilities, grading, parking lot improvements, well abandonment (if any), removal of irrigation lines (if any), etc. has been deferred until such time as a permit or other grant of approval for development of the parcel is issued. Such construction may be phased when only a portion of the parcels shown herein receive such approval. The phased construction shall consist of all improvements related to the specific parcels plus that required to make the installed improvements function."

24. The developer/applicant shall move existing utility structures, if any, that are in conflict with the project driveways and associated transitional traffic lanes (for example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear

- space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).
- 25. Concurrent with issuance of building permits and construction of any improvements on a parcel, the developer/applicant shall have constructed, or pay fees for, street lights on Marbelite poles complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.
- 26. Prior to recording the final map, the developer/applicant shall provide easements, permits (from other agencies as required), calculations, etc., if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the development (e.g., water, sewer, drainage, "turn arounds", etc.). If the City Engineer determines that construction of improvements is needed to protect public health and safety or for orderly development of the surrounding area, the developer/applicant shall construct or provide a surety for said improvements.
- 27. Prior to recording the final map, the developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way (if present) if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall cure any leaks in irrigation pipes crossing the subject parcel, if in the opinion of the City Engineer, such leaks may interfere with the development of the subject site. Easements shall be provided for irrigation pipes across parcels created, if such pipes will continue in use.
- 28. The developer/applicant shall dedicate a one foot (1') limitation of access strip between driveways shown on Exhibit A and those locations where, in the opinion of the City Engineer, it is undesirable to allow access. Dedication shall be illustrated on the Parcel Map or by recordation of a separate legal document.
- 29. The developer/applicant shall construct a City standard barricade or wall at the end of all dead end streets or drive aisles, with the exception of Fairhaven Avenue, where an emergency access gate shall be constructed and keyed with a Knox box padlock.
- 30. 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.
- 31. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.
- 32. Fire hydrant spacing shall be as follows:
  - a. In Commercial development, one hydrant shall be installed at 300-foot intervals.
  - b. In Residential development, one hydrant shall be installed at 500-foot intervals.

- 33. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.
- 34. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code. Fire flow for the project as proposed would be 1,500 GPM.
- 35. Areas identified as "Fire Lanes" must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.
- 36. The project shall comply with all local, State, and federal laws.
- 37. The project shall comply with all mitigation measures identified in the approved CEQA document.

PASSED, APPROVED AND ADOPTED this 5th day of March, 2013.

By:

Virgina K. Gurrøla, Mayor

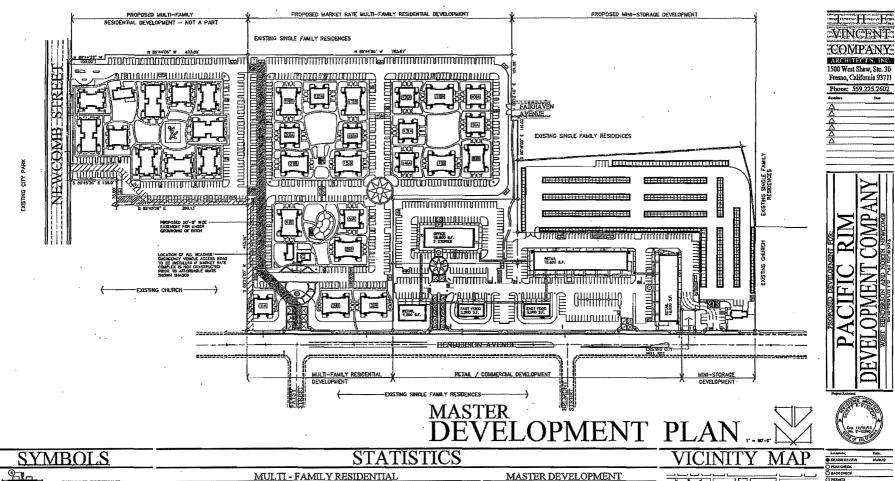
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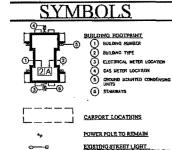
John D. Lollis, City Clerk

Rv

Patrice Hildreth, Chief Deputy City Clerk



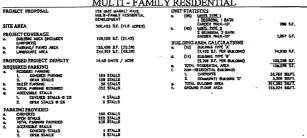




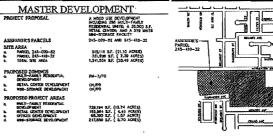
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EXISTING FIRE HYDRANT LOCATION

SITE AREA

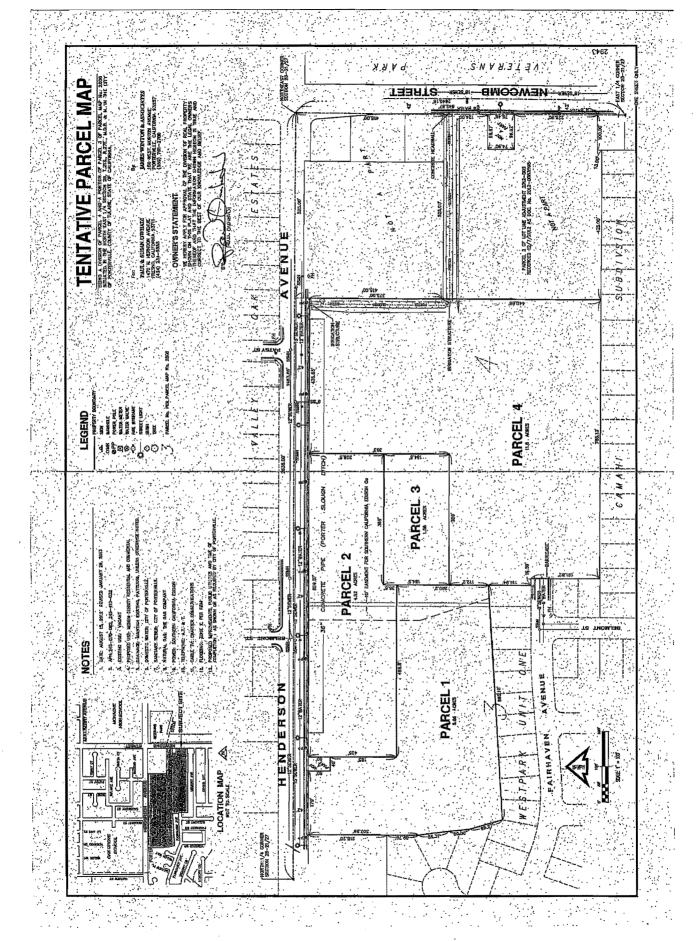


4 STALLS





O BUSICONOS O PERMITO OASBURT appearing herein constitute original sort of the exchitect and may not be deplicated, used, or disclosed without written consent of the exchitect. Project Name: PACIFIC IOM



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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 5<sup>th</sup> day of March, 2013.

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

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

JOHN D. LOLLIS, City Clerk

By: Luisa M. Herrera, Deputy City Clerk

# PUBLIC HEARING

TITLE: MINOR CONDITIONAL USE PERMIT FOR BROADCASTING FACILITY

LOCATED AT 362 N. PORTER ROAD

COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION SOURCE:

COMMENT: The applicant is requesting approval of a minor Conditional Use Permit (PRC 2014-007-M) to allow for a broadcasting facility within an existing building located at 362 N. Porter Road. The project site is identified as CG (General and Service Commercial) on both the General Plan Land Use Map and the Zoning Map.

> The project applicant does not propose any physical modifications to the location of the facility. Through the use of new technology, the broadcasting facility will be internet based, and the only mechanical equipment located at the project site would be a standard computer. Audio would be broadcast remotely from existing towers adjacent to the city. The broadcasting facility would be located in an existing tenant space within a commercial center on Porter Road, just south of Morton Avenue. The location meets all applicable requirements of the Porterville Development Ordinance as they relate to development standards as of the date the building was constructed.

> Broadcasting Facilities are permitted within the CG zone with a minor conditional use permit. Additionally, they are required to operate in compliance with Section 301.20 Telecommunication Facilities where applicable. Conditions of approval have been incorporated relating to the operation of a broadcast facility to provide compliance with all applicable codes. On April 2, 2014, the Project Review Committee (PRC) reviewed and found that the project is consistent with the City of Porterville's Development Ordinance, and the General Plan Land Use Policies and Guidelines.

LEGAL NOTICE: On April 25, 2014, notice of the public hearing to consider the Conditional Use Permit was published in the Porterville Recorder, and mailed individually to all property owners within 300 feet of the subject site, to provide ten days of notice in advance of the public hearing as required by Government Code Sections 65090 and 65091.

ENVIRONMENTAL REVIEW: The Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act as a Class 1- Existing Facilities categorical exemption (§15301 of the California Code of Regulations). A Notice of Exemption will be filed with Tulare County if the Council approves the project.

ALT APPROPRIATED/FUNDED N/A CM ITEM NO. 27

RECOMMENDATION: That the City Council adopt the draft resolution approving the

minor Conditional Use Permit for a broadcasting facility located

at 362 N. Porter Road subject to conditions of approval.

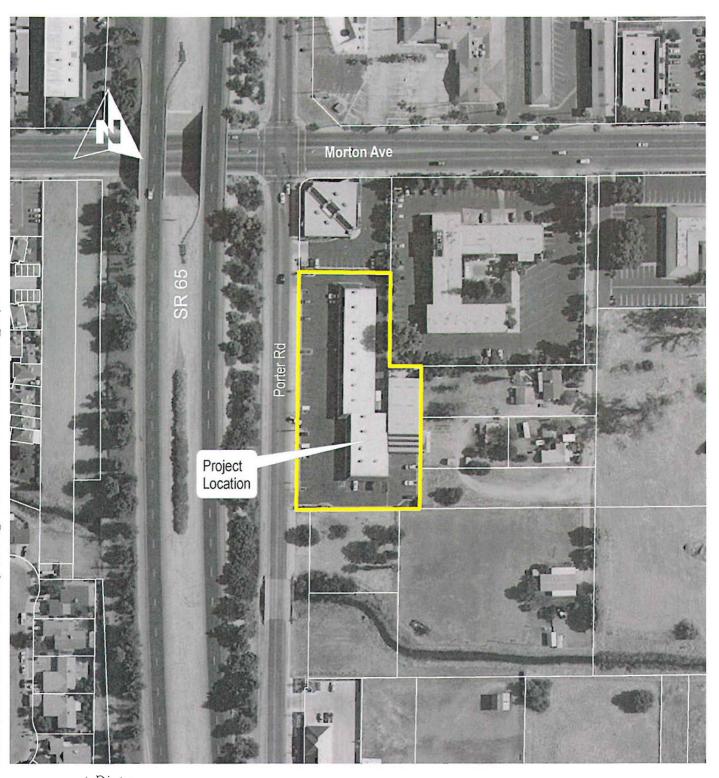
ATTACHMENTS: 1. Locator Map

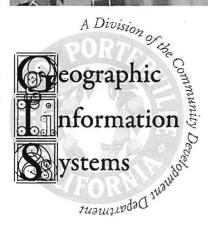
2. General Plan Map

3. Zoning Map

4. Draft Resolution approving Minor Conditional Use Permit

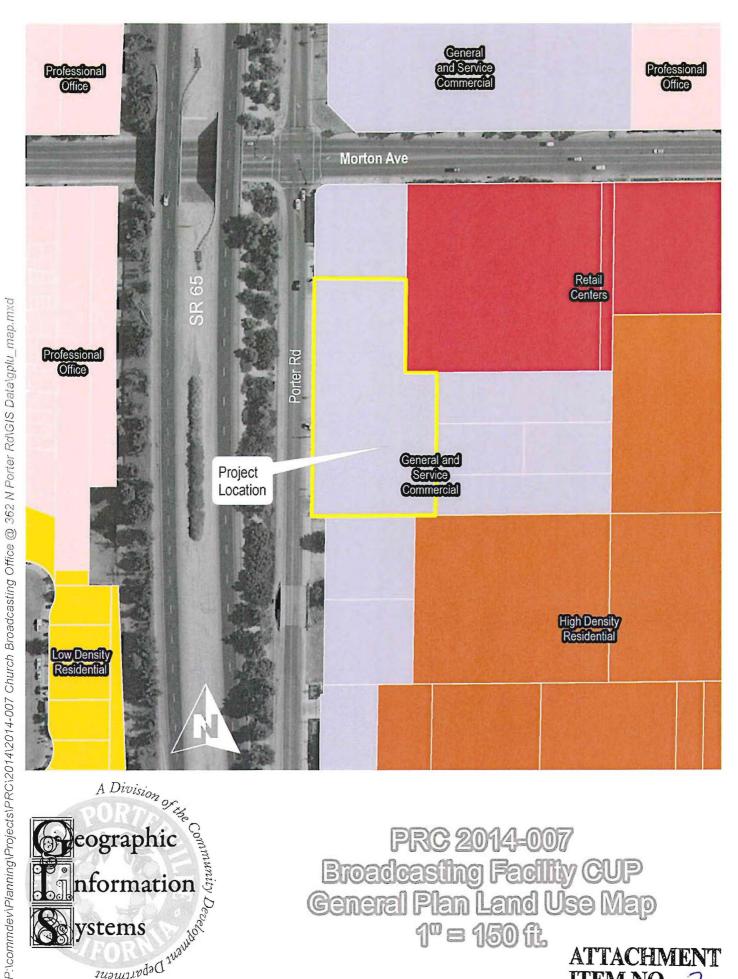
2014-007-M for a broadcasting facility

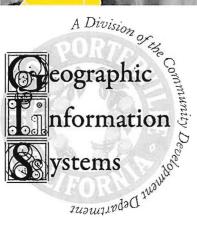




PRC 2014-007
Broadcasting Facility CUP
Locator Map
10 = 150 ft.

ATTACHMENT ITEM NO. |





PRC 2014-007
Broadcasting Facility CUP
General Plan Land Use Map 10 = 150 ft

ATTACHMENT ITEM NO. 2



PRC 2014-007
Broadcasting Facility CUP
Zoning Map
1° = 150 ft.

ATTACHMENT ITEM NO. ?

RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A
MINOR CONDITIONAL USE PERMIT (2014-007-M)
FOR A BROADCASTING FACILITY LOCATED AT 362 N. PORTER ROAD

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 6, 2014, conducted a public hearing to consider approval of a minor Conditional Use Permit to allow a broadcasting facility located at 362 N. Porter Road within an existing building on property zoned General and Service Commercial (CG); and

WHEREAS: On April 22, 2014, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act as a Class 1- Existing Facilities categorical exemption per §15301 of the California Code of Regulations; and

WHEREAS: The proposed Conditional Use Permit is supported by the General Plan and Development Ordinance in that the proposed development is consistent with the Porterville Development Ordinance (Chapter 21 of the Porterville Municipal Code), in that the building currently exists and the proposed business location meets all applicable requirements as of the date the building was constructed; and

WHEREAS: Broadcasting Facilities are permitted within the CG zone with a minor conditional use permit. Additionally, they are required to operate in compliance with Section 301.20 Telecommunication Facilities where applicable. Conditions of approval have been incorporated relating to the operation of a broadcast facility to provide compliance with all applicable codes; and

WHEREAS: On April 2, 2014, the Project Review Committee (PRC) reviewed and found that the project is consistent with the City of Porterville's Development Ordinance, and the General Plan Land Use Policies and Guidelines.

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

- 1. The proposed telecommunication facility will comply with all applicable state and Federal standards and requirements. The Federal Communications Commission has granted the applicant a permit to operate, and will monitor the facility to ensure compliance with State and Federal laws related to telecommunication.
- 2. The proposed telecommunication facility will conform with the specific purposes of this chapter and any special standards applicable to the proposed facility. The proposed facility is unique in that it does not propose or involve any physical telecommunication devices. In the event the applicant requests to

ATTACHMENT ITEM NO.

add such equipment, this entitlement would require further review by the City Council.

- 3. The applicant has made good faith and reasonable efforts to locate a telecommunication facility on a support structure other than a new monopole or lattice tower or to accomplish co-location. The applicant is using pre-existing antenna on existing structures not within this jurisdiction.
- 4. The City Council may waive or modify requirements of this chapter upon finding that strict compliance would result in noncompliance with applicable federal or state law. However, the project as currently proposed does not require waiver or modification of any of the subject requirements.
- 5. The City Council is the decision-making body for the project.

BE IT FURTHER RESOLVED: That the City Council does hereby approve the minor Conditional Use Permit for a broadcasting facility located at 362 N. Porter Road as represented and incorporated herein subject to the following conditions:

- 1. The proposed broadcasting facility shall comply with all Federal Communications Commission (FCC) rules, policies and procedures, including all applicable State and other Federal standards and requirements.
- 2. The proposed broadcasting facility shall conform to the specific purpose of Series 301.20 (Telecommunication Facilities) of the Porterville Development Ordinance, as applicable.
- 3. Upon approval of the minor Conditional Use Permit, any future change in operation which substantially alters the conditions or nature of the broadcasting facility will require approval by the City Council if such modification involves the nature of the telecommunication facility.
- 4. Upon approval of the minor Conditional Use Permit, any future violations of regulations of the codes relating to the broadcasting facility will result in revocation of the minor Conditional Use Permit.
- 5. At all times, the facility shall be operated and maintained to comply with State Laws, the City of Porterville Development Ordinance, adopted Building Codes and all other applicable laws and ordinances.
- 6. Upon approval of the minor Conditional Use Permit, the applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the broadcasting facility. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the minor

Conditional Use Permit as provided in Section 601.10 of the Porterville Development Ordinance (PDO).

7. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.

PASSED, APPROVED AND ADOPTED this 6<sup>th</sup> day of May 2014.

		By:	
	EST: D. Lollis, City Clerk	·	Cameron J. Hamilton, Mayor
Ву:	Patrice Hildreth, Chief Deputy City Clerk		

#### **PUBLIC HEARING**

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT (PRC 2014-005-C) TO

ALLOW FOR THE DEVELOPMENT OF A DRIVE THROUGH CAR WASH TUNNEL WITH SELF-SERVE VACUUMS LOCATED AT PORTERVILLE

WEST SHOPPING CENTER

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENTS: The applicant is requesting approval of Conditional Use Permit (PRC 2014-005-C) to allow for the development of a drive through car wash tunnel with self-serve vacuums located on Henderson Avenue, just east of Prospect Street, within the Porterville West Shopping Center. The proposed project area is located immediately west of the Tulare County Government Plaza – South office. The project site is identified by the General Plan Land Use Map as Retail Centers and is zoned PD (Planned Development). Two vacant parcels would be merged (APNs 251-120-030 and 251-120-031) to accommodate the proposed development on a 2.53± acre project site. Pursuant to Sections 203 and 301.05 of the Porterville Development Ordinance, a car wash requires approval of a Conditional Use Permit.

The car wash tunnel building is approximately 4,290 square feet which includes a cashier booth. The development standards of the proposed project in terms of height, location, and density complies with the Porterville West Shopping Center Specific Plan and Porterville Development Ordinance. The vacuum canopy is approximately 6,449 square feet and covers 22 vacuum stalls.

As a component of the development, the applicant is proposing to install a five-tank Purwater Recovery System; each tank serves as a sand-oil interceptor and holds 1,500 gallons of wash water. The tanks are designed to reclaim/reuse 86 percent of the greywater. The effectiveness of the Purwater Recovery System meets the intent and goals of the City's Water Conservation Plan and supports Governor Brown's Executive Order to mitigate the effects of drought conditions, signed April 25, 2014.

On April 2, 2014, the Project Review Committee (PRC) reviewed and found that the proposed project is consistent with the City of Porterville's Development Ordinance (PDO) and the General Plan Land Use Polices and Guidelines. The design is consistent with the requirements of the Planned Development Zone, the General Plan designation of Retail Centers, and is located, developed and shall be operated in compliance with Section 301.05 (Auto Service Station and Car Washing) of the PDO.

DD Appropriated/Funded W/A

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Item No. 🛮 🖔

operated in compliance with Section 301.05 (Auto Service Station and Car Washing) of the PDO.

RECOMMENDATION: That City Council adopt the draft resolution approving the Conditional

Use Permit (PRC 2014-005-C) subject to conditions of approval.

ATTACHMENT: Complete Staff Report

#### PUBLIC HEARING

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT (PRC 2014-005-C) TO

ALLOW FOR THE DEVELOPMENT OF A DRIVE THROUGH CAR WASH TUNNEL WITH SELF-SERVE VACUUMS LOCATED AT THE

PORTERVILLE WEST SHOPPING CENTER

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

## APPLICANT/AGENT

Sam Siam Fred Scott

Alisam Properties, LLC Scott & Associates 10724 Wilshire Blvd, Suite 1405 1008 N. Demaree Los Angeles, CA 90024 Visalia, CA 93291

PROJECT DESCRIPTION: The applicant is requesting approval of Conditional Use Permit (PRC 2014-005-C) to allow for the development of a drive through car wash tunnel with self-serve vacuums located on Henderson Avenue, just east of Prospect Street, within the Porterville West Shopping Center. The proposed building pad would be located immediately west of the Tulare County Government Plaza – South office. The project site is identified by the General Plan Land Use Map as Retail Centers and Zoned PD (Planned Development). Two vacant parcels would be merged (APNs 251-120-030 and 251-120-031) to accommodate the proposed development on a 2.53± acre project site.

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

ANALYSIS: The car wash tunnel building is approximately 4,290 square feet, including a cashier booth. The self-service vacuum stalls are covered by two canopies totaling approximately 6,449 square feet. The canopies cover all 22 vacuum stalls, and are architecturally integrated into the car wash tunnel. Landscaping is proposed in islands along the entrance from Henderson Avenue, providing a shaded, tree lined entry. An elongated traffic circle facilitates vehicular movement at the northern end of the development where traffic would interface with the adjacent parking lot to the east. The applicant proposes to develop the traffic circle as an open space feature with landscaping and amenities including a water fountain, tables and chairs to further integrate the new development into the existing Porterville West Shopping Center.

The Porterville West Shopping Center was developed in 1974, anchored by a K-Mart, and included a variety of other stores and uses. A Specific Plan was adopted at the time of that initial development (Planning Commission Resolution #624). However, the conditions and terms of that document were broadly written and the Specific Plan essentially holds the development to what are now the City of Porterville's standard development conditions. Because of this, no modification to the Specific Plan is required.

The design of the proposed project in terms of height, location, and density complies with the development standards of the Porterville West Shopping Center Specific Plan and Porterville Development Ordinance; subsequent building permit application review will ensure that the development is constructed per local, state, and federal guidelines, as applicable. The proposed development will blend in with the adjacent use of the Government Center by incorporating similar colors and materials such as soft earth tones. The architectural style is Spanish-Mediterranean with cement plastered walls; stone veneer accents will be incorporated into the design of the car wash tunnel building along with accent lighting, cornice features, and varied rooflines for architectural articulation. Landscaping as proposed exceeds the minimum requirements throughout the project.

Due to the unique shape of the subject parcels, the facility will be accessible from Henderson Avenue and Prospect Street. Circulation through the car wash tunnel and the vacuum area is clearly identified and separated from through traffic on-site. The design, including the location and number of driveways, promotes a safe and efficient on-site traffic circulation and shall comply with all engineering requirements.

As a component of the development, the applicant is proposing to install a five-tank Purwater Recovery System; each tank serves as a sand-oil interceptor and holds 1,500 gallons of wash water. The tanks are designed to reclaim/reuse 86 percent of the waste water. The effectiveness of the Purwater Recovery System meets the intent and goals of the City's Water Conservation Plan and supports Governor Brown's Executive Order to mitigate the effects of drought conditions, signed April 25, 2014.

The proposed development would improve a pad that has been undeveloped for over forty years. The unique water feature, circulation, layout and building design which include a variety of materials, architectural features, and enhanced landscaping will improve the quality of life to the surrounding neighborhood and the community by promoting good design and economic development. The approval of the project will advance the goals and objectives of and is consistent with the policies of the General Plan by fostering strong, visually attractive regional commercial centers with a mix of tenants to serve both local and regional needs.

GENERAL PLAN CLASSIFICATION: Retail Centers

ZONING CLASSIFICATION: PD (Planned Development)

SURROUNDING ZONING AND LAND USES:

North: CR (Retail Center) – Commercial Development

West: CR (Retail Center) - Vacant Parcel

South: RM-3 (High Density Residential) – Vacant Parcels and Apartments East: PD (Planned Development) – Porterville West Shopping Center

#### LEGAL NOTICE:

On April 25, 2014, notice of the public hearing to consider the Conditional Use Permit was published in the Porterville Recorder, and mailed individually to all property owners within 300 feet of the subject site, to provide ten days of notice in advance of the public hearing as required by Government Code Sections 65090 and 65091.

# ENVIRONMENTAL REVIEW:

Pursuant to Section 15332 Class 32 (In-fill Development) the proposed project is categorically exempt from California Environmental Quality Act. Upon approval by the City Council, the Environmental Coordinator would file the Notice of Exemption with the Tulare County Clerk.

RECOMMENDATION: That City Council adopt the draft resolution approving the Conditional

Use Permit (PRC 2014-005-C) subject to conditions of approval.

ATTACHMENTS: 1. Project Locator Map

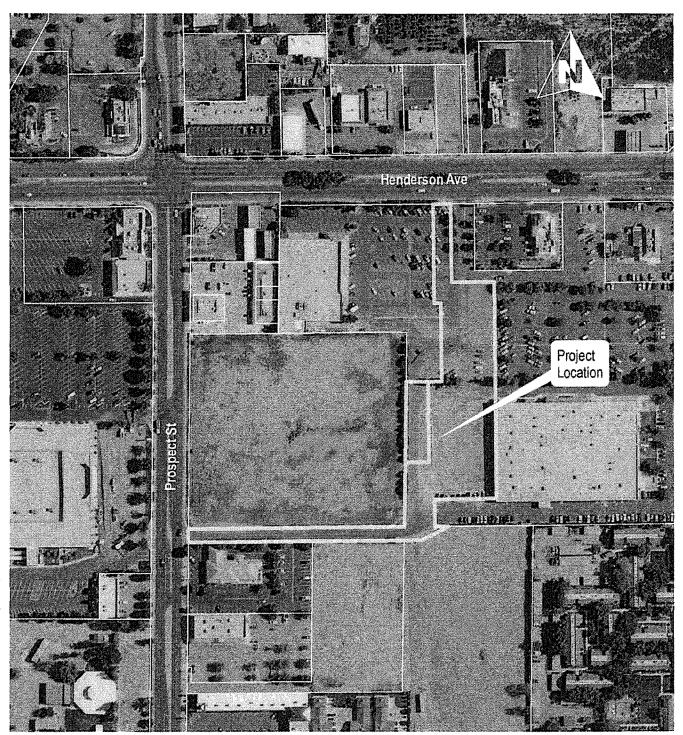
2. Zoning Map

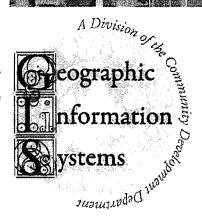
3. Elevations

4. Site Plan

5. Resolution No. 624 (Specific Plan)

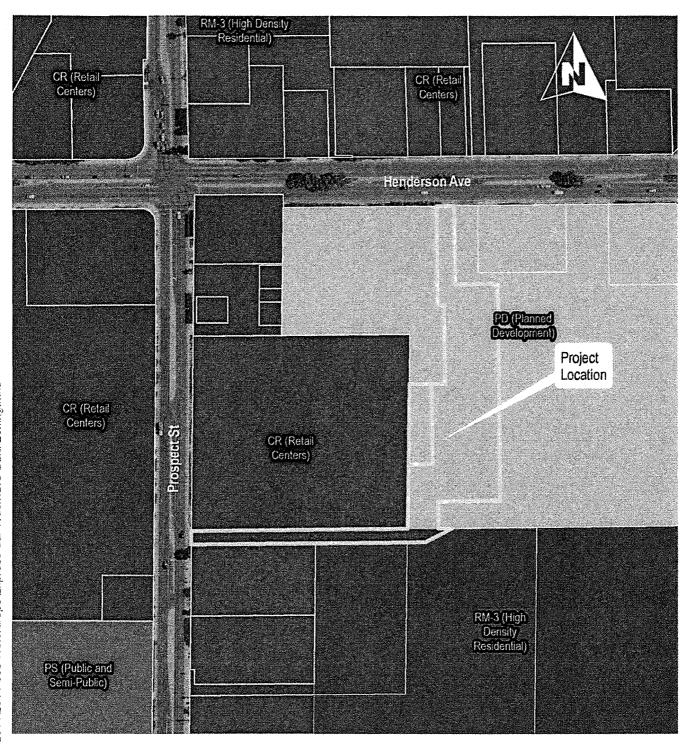
6. Draft Resolution containing findings in support of approval for Conditional Use Permit 2014-005-C for the development of a drive through car wash tunnel with self-serve vacuums.

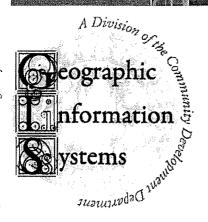




PRC 2014-005
Waterdrops Car Wash CUP
Locator Map

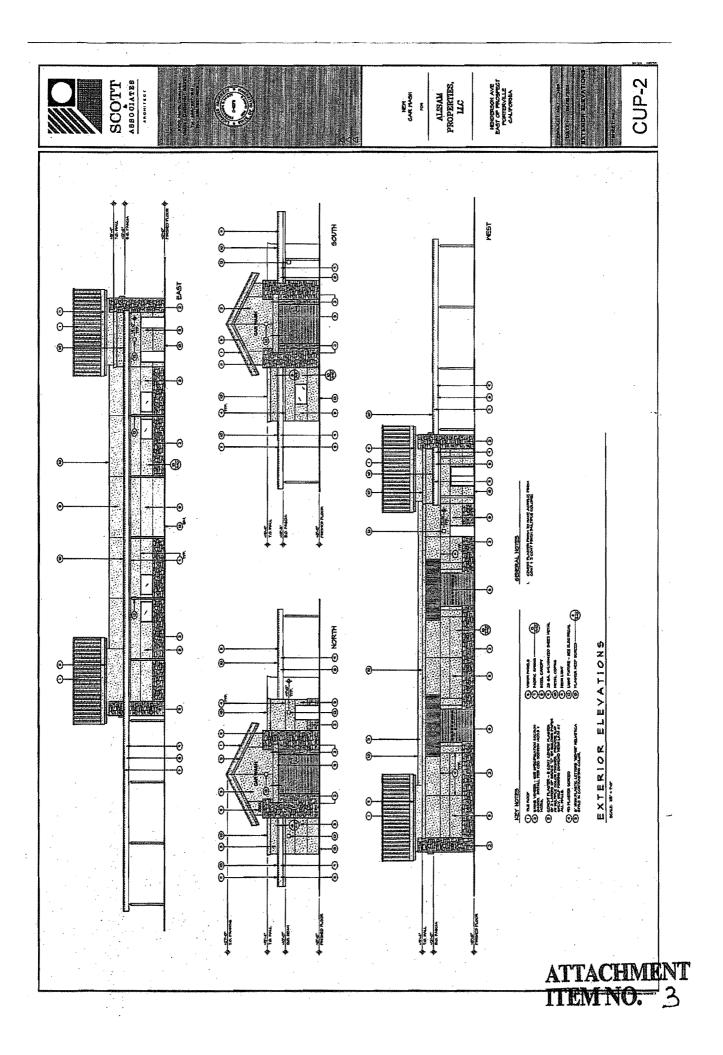
10 = 200 ft ATTACHMENT
ITEM NO. |

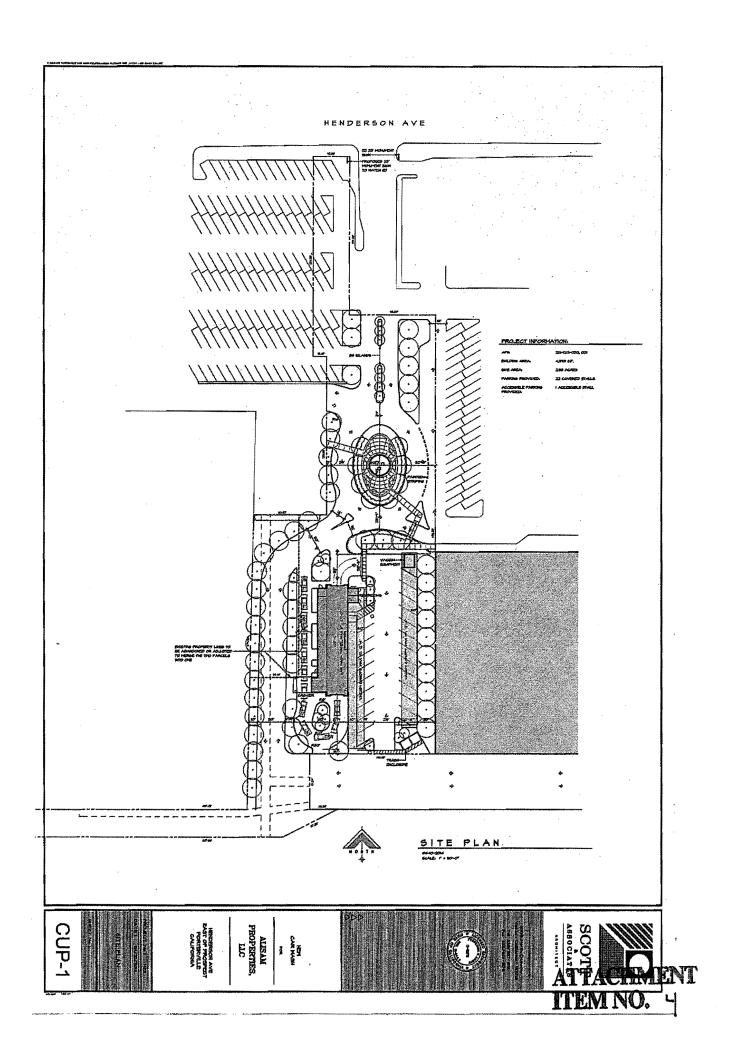




PRG 2014-005
Waterdrops Car Wash CUP
Zoning Map

10 = 200 ft. ATTACHMENT
ITEM NO. 2





#### RESOLUTION NO. 628

#### CONDITIONAL USE PERMIT NO. 11-74(P-D)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF SPECIFIC PLANS FOR THE DEVELOPMENT OF PORTERVILLE WEST SHOPPING CENTER, TO BE LOCATED AT THE SOUTHWEST CORNER OF STATE HIGHWAY 65 AND HENDERSON AVENUE, AND APPROVAL FOR SPECIFIC PLANS FOR THE CONSTRUCTION OF A "K-MART" STORE TO BE LOCATED WITHIN THE SUBJECT SHOPPING CENTER.

WHEREAS: The Porterville Planning Commission at their regularly scheduled meeting of November 12, 1974, held a public hearing to consider the Specific plans for the development of a shopping center at the southwest corner of State Highway 65 and Henderson Avenue, and for approval of construction plans for a "K-Mart" store to be located within the subject shopping center, and

WHEREAS: The Planning Commission received testimony from all interested parties relative to the proposed development, and

WHEREAS: The Planning Commission reviewed the detailed plot plan, parking plan, landscape and irrigation plan, on and off-site utilities, development scheduled and other miscellaneous improvements, and

WHEREAS: The Planning Commission also reviewed the plans for construction of the 71,657 square foot "K-Mart" store, which will be a single story building constructed of split face block, and will include a screened outdoor seasonal sales area containing 8,811 square feet, and

WHEREAS: The Planning Commission also considered the proposed signing for the "K-Mart" store, totaling approximately 415 square feet, or 3.8% of the

15% allowable.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville Planning Commission does hereby approve Conditional Use Permit No. 11-74(P-D) for Specific Development Plans for the Porterville West Shopping Center, and for specific construction plans for the "K-Mart" store, subject to the following conditions:

- That all development conform with the Specific Plans as presented to the Planning Commission unless herein conditioned otherwise, and that all applicable provisions of the Planning Commission Resolution No. 624 shall remain in full force as if restated herein.
- 2. That prior to the issuance of an occupancy permit for the K-Mart facility, all on-site and off-site improvements required by the City of Porterville or shown on the Specific Plans shall be constructed or installed with the exception of those improvements shown to be in Phase 2 and Phase 3 construction.
- 3. That those areas approved for phased construction, and the area of the future market structure, be rough graded and the soil treated to prevent dust and for weed abatement, and so maintained until developed.
- 4. That construction and detail plans, when submitted for a building permit, be revised to reflect all design features of the approved specific plot plan.
- 5. That the submitted signing for the K-Mart facility be approved with the exception that there be no identication signs on the southerly building elevation.
- 6. That with the exception of parking section indicator signs attached to interior light standards, all other on-site directional signing shall not exceed 42" in height, nor shall such signing project over any property line.
- 7. That the developer provide and install one standard "Stop" sign for traffic control at the point of egress from the shopping center onto Prospect Street, with the exact location to be approved by the City Engineer.
- 8. That the area adjacent to the southerly boundary of the shopping center, between the six (6) foot concrete block fence and a parallel raised curb, approximately four (4) feet apart, be surfaced with asphaltic concrete or landscaped:

- 9. That all vehicle parking stalls be striped in accordance with the parking and circulation pattern shown on the Specific Plot Plan approved by the Planning Commission, with the exception that such stalls may be "double striped," and that such striping be permanently maintained.
- 10. That directional arrows and stop bars shall be painted on the asphalt surface of the parking lot as shown on the Specific Plan approved by the Planning Commission and be permanently main-
- 11. That unless approved by the City of Porterville, no uses shall be established that do not conform to uses permitted under C-2 zoning regulations.
- 12. That approval of the Specific Plans does not include the proposed "Parceling Plan," Sheet C-2, since a Tentative Parcel Map is a requirement under the provisions approving the General Development Plan and will be treated separately, and because parcels shown to be "Not A Part" are definitely A Part of the subject property and will be considered.
- 13. That the existing pomegranate trees on the westerly side of the center be considered part of the landscaping, and that a letter be submitted to the Planning Department agreeing that in the event of the loss or removal of any plantings, the applicant will provide replacements on-site.

MOVED by Commissioner Roberts, seconded by Commissioner Rankin, and carried unanimously by roll call vote.

DATED: November 12,

ATTEST:

Goodman, Jr., Chairman

Porterville Planning Commission

RESOLUTION NO.	RESC	LU'	<b>LION</b>	NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING CONDITIONAL USE PERMIT 2014-005-C TO ALLOW FOR THE DEVELOPMENT OF A DRIVE THROUGH CAR WASH TUNNEL WITH SELF-SERVE VACUUMS LOCATED AT PORTERVILLE WEST SHOPPING CENTER

WHEREAS, on November 12, 1974, the Porterville Planning Commission held a public hearing to consider the Specific Plan for Porterville West Shopping Center and received testimony from all interested parties related to the shopping center; and

WHEREAS, the Porterville West Shopping Center was developed in the mid-1970s, anchored by a K-Mart, and included a variety of other stores and uses. A Specific Plan was adopted at the time of that initial development by Planning Commission Resolution #624. However, the conditions and terms of that document were broadly written and the Specific Plan essentially holds the development to what are now the City of Porterville's standard development conditions. Because of this, no modification to the Specific Plan is required; and

WHEREAS, on May 6<sup>th</sup>, 2014, the City Council of the City of Porterville conducted a public hearing to consider approval of Conditional Use Permit 2014-005-C to allow for the development of a drive through car wash tunnel with self-serve vacuums located on Henderson Avenue, just east of Prospect Street, within the Porterville West Shopping Center; and

WHEREAS, the conditional use permit is required pursuant to Section 203 and 301.05 of the Development Ordinance for automobile washing facilities. The conditional use permit would allow the construction of a drive through car washing tunnel with self-serve vacuums; and

WHEREAS, on April 21<sup>st</sup>, 2014, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15332 of the California Code of Regulation (CEQA Guidelines) as Class 32 Exemption; and

WHEREAS, the proposed Conditional Use Permit is supported by the General Plan, Development Ordinance and Water Conservation Plan in that the proposed development is consistent with Section 301.05 of the Porterville Development Ordinance and supports Governor Brown's Executive Order to mitigate the effects of drought conditions, signed April 25, 2014.

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

1. That the project shall be designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the surrounding neighborhood.

The design of the proposed project in terms of height, location, and density complies with the development standards of the Porterville West Shopping Center Specific Plan and Porterville Development Ordinance; subsequent building permit application review will ensure that the development is constructed per local, state, and federal guidelines, as applicable. The proposed development will blend in with the adjacent use of the Government Center by incorporating similar colors and materials such as soft earth tones. The architectural style is Spanish-Mediterranean with cement plastered walls; stone veneer accents will be incorporated into the design of the car wash tunnel building along with accent lighting, cornice features, and varied rooflines for architectural articulation. Landscaping as proposed exceeds the minimum requirements throughout the project.

2. That the design, including the location and number of driveways, shall promote safe and efficient on-site traffic circulation.

Due to the unique shape of the subject parcels, the facility will be accessible from Henderson Avenue and Prospect Street. Circulation through the car wash tunnel and the vacuum area is clearly identified and separated from through traffic on-site. The design, including the location and number of driveways, promotes a safe and efficient on-site traffic circulation and shall comply with all engineering requirements.

3. That lighting shall be designed to be low-profile, indirect or diffused, create a pleasing appearance, and avoid adverse impacts on surrounding uses.

All lighting requirements shall comply with Section 306.07 (Lighting and Glare), light shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with normal operation or enjoyment of surrounding properties.

4. That approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted.

The approval of the project will advance the goals and objectives of and is consistent with the policies of the General Plan by fostering strong, visually attractive regional commercial centers with a mix of tenants to serve both local and regional needs. As noted above, a Specific Plan was adopted at the time of the initial development by Planning Commission Resolution #624. However, the conditions and terms of that document were broadly written and the Specific Plan essentially holds the development to what are now the City of Porterville's standard development conditions. Because of this, no modification to the Specific Plan is required.

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

The location, size, design, and operating characteristics complies with Section 203 and 301.05 of the Development Ordinance for automobile washing facilities. The proposed development complies with the Specific Plan for Porterville West Shopping Center (CUP 11-74(P-D)).

BE IT FURTHER RESOLVED that the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2014-005-C) for the development of a drive through car wash tunnel with self-serve vacuums located on Henderson Avenue, just east of Prospect Street, within the Porterville West Shopping Center as represented as incorporated herein as Exhibit "A" and "B" subject to the following conditions:

- 1. The development shall be constructed and operated in a manner consistent with the attached exhibits and the operational elements described herein.
- 2. The development shall comply with all applicable local, state, and federal laws and regulations.
- 3. The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit a Parcel Merger that will merge the parcels (251-120-031 and 030) 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.
- 4. The proposed development is zoned PD (Planned Development), in the Retail Centers General Plan Land Use designation, and located within the Specific Plan for Porterville West Shopping Center (CUP 11-74(P-D)). Complementary architectural design elements of the adjacent building such as color and materials shall be incorporated into the proposed development to ensure orderly, transitional and consistent development.
- 5. The proposed development shall not generate noise that is in violation of the City's Noise Standards contained in Chapter 18, Article IX, of the Porterville Municipal Code or other standards adopted by the City Council. The developer/applicant shall install silencers to their modular dying system to reduce the noise level to "normally acceptable" for future residential development located south of the project site. Compliance with the machine operated decibel reading with silencers submitted and reviewed by the Zoning Administrator on April 29, 2014, shall be sufficient not to require a six foot block wall which would otherwise be required along the southwest property where the line abuts a residential district.
- 6. The developer/applicant shall comply with Section 301.05 of the Porterville Development Ordinance (Auto Service Stations and Car Washing). Automobile/vehicle washing facilities shall be limited in hours of operation from 8:00 a.m. to 8:00 p.m., seven (7) days a week when abutting a residential district.
- 7. The developer/applicant shall comply with Section 300.07 of the Porterville Development Ordinance (Lighting and Illumination). Light fixtures shall not exceed 40 feet in height and all lighting fixtures shall be shielded so as not to produce

obstructive glare onto the public right-of-way or adjoining properties. Pedestrian Oriented lighting in the Retail Center districts shall be provided for secure nighttime pedestrian environment at building entrances, on-site pedestrian walkways and open areas with a safe level of illumination with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness. A photometric plan shall be included with the building permit submittal that illustrates compliance to Section 203.04 (2), (d) 3, of the Porterville Development Ordinance.

- 8. The developer/applicant shall comply with Chapter 303 of the Porterville Development Ordinance (Landscaping). Landscape plans shall be drawn to scale and shall at a minimum indicate: proposed plant locations, species, and sizes; any additional proposed landscape elements; soil preparation measures; and any other measures to facilitate plant growth or control erosion. Landscape plans shall include verification that the soil type, depth, and other characteristics are appropriate for the proposed landscaping and irrigation. Landscape plans shall also indicate the location of any existing trees over six (6) inches in diameter, and whether each such tree is proposed for retention or removal. Each landscape plan shall be accompanied by an irrigation plan that at a minimum indicates the location, type and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, and backflow prevention devices.
- 9. Landscaping shall be designed and plantings selected so that water use is minimized. The total "water use value" of the proposed landscaping on a site, as described in Section 303.07(b) of the Porterville Development Ordinance, may not exceed the total planting area.
- 10. The developer/applicant shall extend that portion of the wall located at the rear property line to prevent ingress from that unimproved lot located south of the project site.
- 11. All electrical, telephone, cable television, and similar distribution lines providing direct service to a development site shall be installed underground within the site.
- 12. The developer/applicant shall comply with Section 300.10 (a) and (b) of the Porterville Development Ordinance (Screening). All mechanical and electrical equipment and antennas shall be screened or incorporated into the design of buildings so as not to be visible from the street, freeway, or adjacent residential districts. Such equipment includes, but is not limited to, all roof-mounted equipment, utility meters, cable equipment, telephone entry boxes, backflow prevention devices, irrigation control valves, electrical transformers and pull boxes. Screening devices shall be consistent with the exterior colors and materials of the buildings to which they are attached. Roof access ladders and fire sprinkler risers shall be located internally as allowed by the California Building Code.
- 13. The proposed development shall not be used or occupied in a manner creating dangerous, injurious, or noxious fire, explosive or other hazard; noise, vibration, smoke, dust, odor, or form of air pollution; heat, cold dampness, electrical or other

disturbance; glare, refuse, or wastes; or other substances, conditions or elements which would substantially affect the surrounding area in an adverse manner.

- 14. The developer/applicant shall comply with Section 300.13 of the Porterville Development Ordinance (Trash and Refuse Collection Areas) as follows:
  - a) Solid waste and recycling storage areas located outside or on the exterior of any building shall be enclosed per City standards for refuse and recycling enclosures.
  - b) Enclosure material shall be solid masonry or concrete tilt-up with decorated exterior-surface finish compatible to the main structure(s).
  - c) Gate material shall be decorative, solid, heavy-gauge metal or a heavy-gauge metal frame with a covering of a view-obscuring material. If not visible from a public street, public parking area, or residential area, the enclosure gates may be constructed of chain link with wood or plastic inserts.
  - d) Each solid waste and recycling enclosure serving a residential project shall be designed to allow walk-in access without having to open the main enclosure gate.
  - e) Pads shall be a minimum of six (6) inch-thick concrete.
  - f) Concrete curbs or equivalent shall protect enclosures from adjacent vehicle parking and travel ways.
  - g) The perimeter of the recycling and trash enclosure, except for areas used for access, shall be planted, if feasible, with drought resistant landscaping, including a combination of shrubs and/or climbing evergreen vines.
  - h) The area in front of all enclosure types shall be kept clear of obstructions, and shall be painted, striped, and marked "No Parking."
- 15. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (2012 Edition), and Standard Plans and Specifications (2007 Edition), except where they are in conflict with the Americans with Disabilities Act and the 2013 California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, or the Tulare County Congestion Management Program.
- 16. 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.
- 17. The developer/applicant shall provide a Soils Report in conformance with Chapter 18

- of the 2013 California Building Code.
- 18. The developer/applicant shall comply with Appendix J, "Grading" of the 2013 California Building Code, including provision of a grading and drainage plan signed by a licensed civil engineer or architect.
- 19. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). Staff is requesting that the parking lot be designed to convey water to the City drainage system that exists near the southwest corner of the property to be developed.
- 20. 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.
- 21. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full parcel frontages (Henderson Avenue and Prospect Street), except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306). Existing frontage improvements were evaluated and determined that they were noncompliant. An accessible path of travel across the driveway(s) serving the property must be provided by the removal and replacement of each driveway per the attached professional office/commercial standard driveway standard plan.
- 22. An accessible path of travel from the City sidewalk to the front entrance will be required. It is recommended that the path be directed towards Henderson Avenue.
- 23. 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.
- 24. The developer/applicant shall provide a site plan that illustrates truck turning movements where applicable within parking lot and through the proposed traffic circle. The site plan shall be approved prior to issuance of a building permit application.
- 25. 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 (For example, foundations, septic tanks, irrigation pipes, etc.).
- 26. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the Tulare County Environmental Health Department, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.
- 27. The developer/applicant is advised that he/she is obligated to comply with the National

Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than one acre of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

- 28. The developer/applicant shall assure compliance with applicable San Joaquin Valley 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.
- 29. San Joaquin Valley Air Pollution Control District (District) Adoption of Rules 9510 and 3180 Indirect Source Review (ISR) Rules

The San Joaquin Valley Air Pollution Control District enforces the Indirect Source Rule (ISR). ISR applies to projects that are at least:

- 50 residential units
- 2,000 square feet of commercial space
- 9,000 square feet of educational space
- 10,000 square feet of government space
- 20,000 square feet of medical or recreational space
- 25,000 square feet of light industrial space
- 39,000 square feet of general office space

- 100,000 square feet of heavy industrial space
- Or, 9,000 square feet of any land use not identified above.

Projects that meet the above thresholds but are found through the application process to have mitigated emissions of less than two tons per year each of nitrogen oxides and PM10 (particulate matter 10 microns and smaller) are not subject to the emission-reduction requirements of the rule.

- a) It is the applicants' responsibility to file an application (found at <a href="http://www.valleyair.org/ISR/ISR.htm">http://www.valleyair.org/ISR/ISR.htm</a>) with the District. The application must be filed with the District no later than concurrent with an application for final discretionary approval with a public agency. An application may be filed with the District prior to applying for a final discretionary permit from the local agency, at the discretion of the applicant. This timing was included in the rule so that applications filed with the District would not interfere with the local agency development approval process and so that local agencies could consider the benefits of the ISR program emission reductions in their environmental documents.
- b) The District recognizes the land use authority of local land use agencies and does not impose any design requirements upon ISR projects.
- c) ISR applicants can take credit for those measures that are required by the local agency or included in the design of the project that have a quantifiable air quality benefit. ISR applicants can also take emission reduction credit for those measures that are not required by the local agency, but have been voluntarily identified by the applicant.
- d) The District is responsible for enforcing compliance for those measures identified by the applicant that are not required by the local agency and do not affect the design or construction standards. Examples of District enforced measures are operational measures such as businesses offering transit subsidies to employees and transportation demand management programs. The District enforces those measures through a Monitoring and Reporting Schedule (MRS).
- e) The District will notify the local agency when a project's application is deemed complete, and when it is approved. The District will send copies of the preliminary and finalized MRS to the local agency for voluntary review for consistency with local regulations and programs.
- f) If the local agency, or applicant or district determines that a measure on the MRS is not consistent with local agency regulations and programs, that measure will be removed from the MRS and the project will be re-assessed.
- g) The District will provide a letter of rule compliance status to the local agency upon request.

h) The ISR Rules and Program does not place any requirements upon the agency.

For more information regarding the Indirect Source Rule, please contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000. The Central Region office in Fresno is leading the ISR enforcement.

30. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

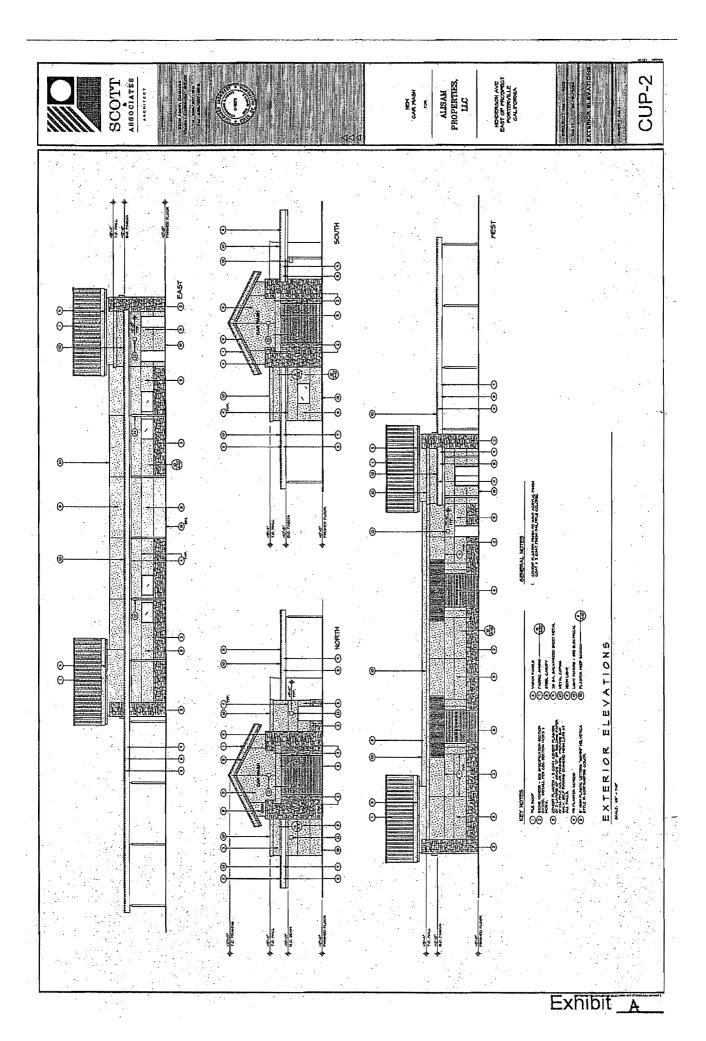
Wastewater Discharge Permit Application, Part "A"; and if monitoring is required, based on the responses to questions in Part "A" of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

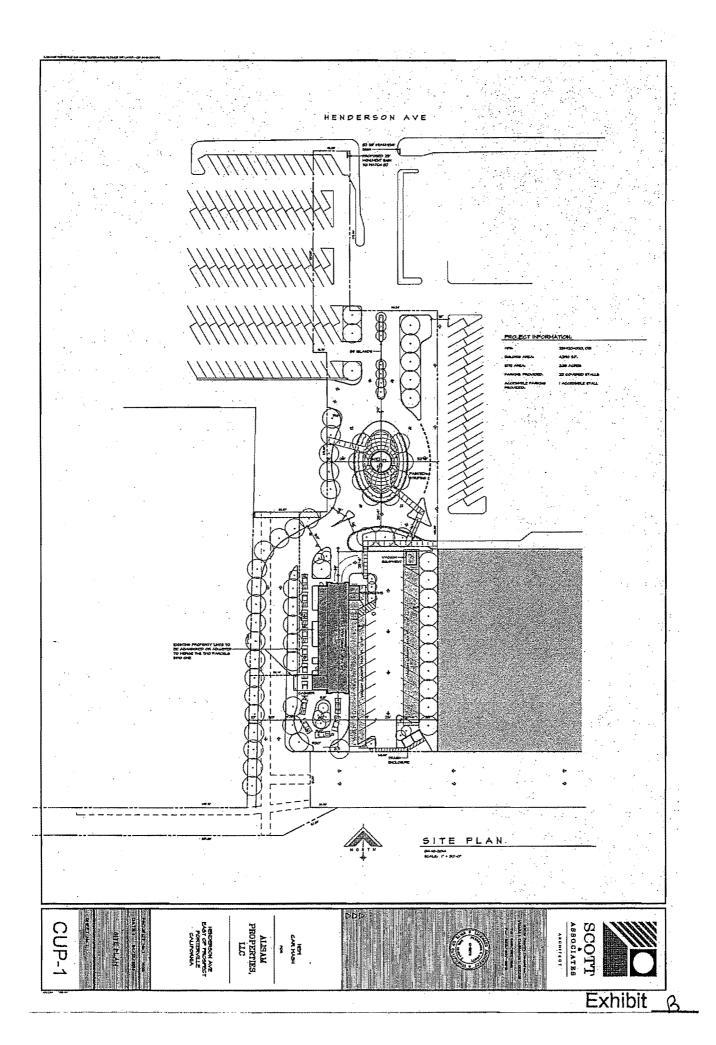
- 31. An oil, sand, and silt separator, with a capacity of at least 1,000 gallons, will be required for this car wash development. Capacity calculations shall be provided with the building permit application.
- 32. The developer/applicant shall install a refuse container enclosure which will accommodate 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.
- 33. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.
- 34. 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.
- 35. The developer/applicant shall design on-site water systems meeting the requirements of California Plumbing Code and Fire Code. It shall be noted that the City water system complies with Title 22 of the California Administrative Code and any assurance to effectively provide water pressure for multi-story buildings is the sole responsibility of the owner/builder.
- 36. 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.

- 37. Plan submittals shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
- 38. Plan submittals shall comply with all current applicable Codes.
- 39. The developer/applicant shall make payment of the required plan check fees at the time of building permit plan submittal.
- 40. The developer/applicant shall provide soil compaction test(s) as required by the applicable building code sections.
- 41. The developer/applicant shall pay School Development fees and all other City fees at the time table determined by current City Ordinance.
- 42. The developer/applicant shall pay all fees according to the Municipal Code and State Law.
- 43. 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.
- 44. Compliance forms and worksheets are required to be included on all plan submittals. (Per California Green Code.)
- 45. 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.
- 46. Signs require separate plan submittal and separate permit per the Development Ordinance.
- 47. The Building Official has designated the proposed construction to be a "B" Occupancy Classification.
- 48. Allow two (2) weeks review time for the initial plan check submittal and an additional two (2) weeks review time for each subsequent re-submittal.
- 49. No deferred items. Plans submitted with deferred items will automatically be rejected and are not guaranteed a complete plan review prior to said rejection.
- 50. A back-flow device is required on the water meter. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.

- 51. A grease trap or grease interceptor is required.
- 52. The Police Department recommends consideration of a monitored burglar alarm for all buildings and recorded video capabilities to monitor activity on and about the property during and after hours of operation.
- 53. Provide adequate lighting to illuminate buildings and property during evening hours when business is closed.
- 54. Areas identified as "Fire Lanes" must be identified as such per requirements set forth in the California Vehicle Code Section 22500.1.
- 55. 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.
- 56. The developer/applicant shall provide a mutual ingress/egress agreement for the Porterville West Shopping Center or affected parcels at the time of building permit submittal.

PASSED, APPROVED AND ADOPTED this 6 <sup>th</sup>	<sup>h</sup> day of May, 2014.
	Cameron J. Hamilton, Mayor
ATTEST:  John D. Lollis, City Clerk	
ByPatrice Hildreth, Chief Deputy City Clerk	





SUBJECT: INTERPRETATION OF TRANSACTIONS AND USE TAX (MEASURE H)

OVERSIGHT COMMITTEE ELIGIBILITY AND CONSIDERATION OF

**APPOINTMENTS** 

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK DIVISION

COMMENT:

The Transactions and Use Tax Oversight Committee was established via Resolution 24-2006 subsequent to the passage of Measure H. The Committee is charged with monitoring Measure H revenues and expenditures to ensure consistency with the intent of the ballot measure. Pursuant to Section F(1) of Resolution 24-2006, Committee eligibility requires that an individual "either be a resident of Porterville, a business owner or operator." It has come to staff's attention that the Council's most recent appointee, Mr. Jim Grayson, does not reside within the City of Porterville. Mr. Grayson does, however, work as an independent contractor at Century 21 Jordan-Link in the City of Porterville. Staff seeks direction from the Council as to whether employment as an independent contractor qualifies as "operating" a business. In the event the Council deems that it does, staff will proceed with implementing Mr. Grayson's appointment to the Committee. If not, staff will notify Mr. Grayson and seek to fill the vacancy. For Council's information, staff has advised Mr. Grayson of the ambiguity with regard to his eligibility. Mr. Grayson remains interested in serving and will respect the Council's decision.

In addition, five of the ten committee members have terms that are expiring at the end of May 2014. These are:

- Russell Fletcher
- Kathleen Harris
- Michael MacDonald
- Bill Nebeker
- John Simonich

As is customary, City Clerk staff has contacted each of the members to ascertain whether there is interest in serving another term. As of the date of agenda compilation, Mr. Fletcher, Ms. Harris and Mr. Nebeker have indicated an interest in seeking reappointment. Mr. MacDonald has indicated he does not wish to seek reappointment, and Mr. Simonich was undecided.

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Item No. <u>29</u>

Further, staff currently has one Request for Appointment on file, from Dr. Raheel Mann. Dr. Mann's eligibility has been confirmed by staff, and his request is attached hereto for Council's consideration.

# RECOMMENDATION: That the City Council:

- 1. Provide direction to staff as to whether working as an independent contractor qualifies as operating a business;
- 2. Reappoint those current committee members who are interested in remaining on the Committee to four-year terms to expire in May of 2018;
- 3. Appoint Dr. Raheel Mann to the seat vacated by Mr. Michael McDonald for a four-year term; and
- 4. Direct the City Clerk to advertise, if necessary, any remaining vacancies on the Committee, and notify all interested individuals of the Council's action.

### ATTACHMENTS: 1. Resolution 24-2006

2. Request for Appointment – Dr. Raheel Mann

#### RESOLUTION NO. 24 -2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING AN INDEPENDENT CITIZEN'S OVERSIGHT COMMITTEE CHARGED TO MONITOR THE EXPENDITURE OF GENERAL FUND REVENUES DERIVED FROM THE TRANSACTIONS AND USE TAX FOR PUBLIC SAFETY, POLICE AND FIRE PROTECTION.

WHEREAS, the Porterville City Council reaffirmed the adoption of Ordinance No. 1684 on December 6, 2005, imposing a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 and Section 7285.91 of Part 1.7 of Division 2 of the Revenue and Taxation Code that authorizes the City of Porterville to adopt a tax ordinance that shall become operative if at least two-thirds of the electors voting on the measure vote to approve the tax at an election called for that purpose; and

WHEREAS, Ordinance No.1684 imposes, upon all retailers in the incorporated territory of the City of Porterville, a transactions and use tax at the rate of one half of 1 percent (0.50%) of the gross receipts of any retailer from the sale of all tangible personal property subject to the State sales and use tax; and

WHEREAS, Ordinance No. 1684, hereinafter known as the *Transactions and Use Tax for Public Safety, Police and Fire Protection* appeared on the November 8, 2005 Special Consolidated Election ballot as Measure H; and

WHEREAS, the tax imposed by Measure H is a special tax, the proceeds of which are to provide a source of revenue to be used to provide additional public safety, police, fire protection services and undertake necessary capital projects to support those services, and to restore and maintain literacy programs and services; and

WHEREAS, revenues generated by Measure H shall be accounted for and paid into a special fund or account designated for use for Public Safety Services only; and

WHEREAS, by Ordinance No. 1684 the City adopted the Program Guidelines and Public Safety Expenditure Plan for the administration and expenditure of the tax proceeds. The Public Safety Expenditure Plan may be amended from time to time by a majority vote of the City Council, so long as the funds are utilized for public safety, police and fire protection services. For the purposes of the Ordinance, "Public Safety Services" means (a) obtaining, furnishing, operating, and/or maintaining police protection equipment or apparatus, paying the salaries and benefits of police protection personnel, and such other police protection service expenses as are deemed necessary by the City Council for the benefit of the residents of the City; (b) obtaining, furnishing, operating, and/or maintaining fire protection equipment or apparatus, paying the salaries and benefits of fire protection personnel, and such other fire protection service expenses, including capital expenses, as are deemed necessary by the City Council for the benefit of the residents of the City; and (c) with the use of no more than 15% of the revenue generated from the special tax, restoration and maintenance of literacy programs due to the established connection between illiteracy and crime; and

WHEREAS, the Porterville City Council declares that public participation is essential to ensuring the effective implementation of priority goals and objectives contained in the Public Safety Expenditure Plan, and the appropriate expenditure of General Fund revenues committed to public safety, police and fire protection services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby directs formation of an independent citizen's oversight committee as follows:

A. Name: The committee shall be known as the Transactions and Use Tax Oversight Committee.

### B. Purpose

 To review the revenue and expenditures of the three Measure H budgets (Fire, Police and Literacy) contained in General Fund No. 4, Public Safety Sales Tax, and report to Council their finding as "consistent with the intent of the ballot measure" or "non consistent."

Should a determination of "non consistent" be brought forth, the Council shall hold a public hearing on the issue and take whatever action is necessary and appropriate to correct any issues the Council concurs are inconsistent. It is not the intent of the measure nor the direction of the City Council that the committee have any input in the activities of the aforementioned departments, their sole and only purpose is to advise the City Council on whether or not they believe the departments are utilizing the funds in compliance with the intent of Measure "H" and that the City is not under funding the public safety departments based on the approved funding levels.

2. Oversight: Provide that certain spending decisions and priorities contained in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan are subject to direct oversight and review.

#### C. Charge of Committee

- 1. Monitoring of expenditures: To monitor the expenditure of General Fund Revenues derived from the Transactions and Use Tax for Public Safety, Police and Fire Protection, and to keep the public informed about the expenditures.
- 2. Inform public of failure to expend revenues: To advise the public when General Fund revenues are not expended for certain spending decisions and priorities as set in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.

The charge of the committee may be revised from time-to-time by the Porterville *City* Council.

- **D. Powers:** The Porterville *City* Council empowers the committee with the following powers:
  - 1. Oversight: Oversight responsibility to review expenditures related to certain spending decisions and priorities in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.
  - 2. Review financial statements: Authority to review independent financial and performance audits of the General Fund No. 4, Public Safety Sales Tax.
  - 3. Review of General Fund Budgets: Authority to review the Fire, Police and Literacy Budgets and the General Fund application to Public Safety to assure a continued, base level of support.

#### The committee shall not have the following authority:

1. No authority to recommend or advise: The committee does not have authority to recommend, direct, or advise on any such matters that may fall under its oversight power and authority to review. The committee is not advisory to the City Council and has no power to determine or recommend how General Fund moneys are spent. The City Council retains its authority to make such decisions and determinations and establish separate advisory groups for such purposes. The City Council shall also retain discretion and flexibility in what it asks, directs, or allows the committee to address.

#### E. Committee Operations

- 1. Establishing the committee: The committee shall be established pursuant to voter approval of Measure H in the November 8, 2005 Special Consolidated Election and within 120 days of the effective implementation date of Measure H on April 1, 2006.
- 2. First meeting: The committee shall hold its first meeting within 60 days of adoption of the City's 2006/2007 Annual Budget.
- 3. Open meeting requirements: Meetings of the committee are subject to the open meeting requirements of the Ralph M. Brown Act. Meetings shall be noticed and open to the public.
- 4. Annual report: The committee shall issue an annual report of its conclusions. Minutes and reports of the committee are a matter of public record. Reports and minutes of the committee shall be published on the City of Porterville website.
- 5. Meet at least once annually: The committee shall meet at least once annually after adoption of the City budget.

- 6. *Quorum:* The committee shall make decisions by a simple majority vote of those members in attendance.
- 7. Record: The committee shall maintain a record of its meetings.
- 8. Location of meetings: The committee shall meet in Mikkabi Conference Room, 291 N. Main Street, Porterville, California, at a time convenient to members and the public or at some other location designated by the committee and available to the public.
- 9. Officers: The committee shall elect a chairperson, vice chairperson, and secretary.
- 10. Effective operation of meetings: The Porterville City Council charges the committee to establish additional operating procedures as necessary for the effective operation of committee meetings.
- 11. Administrative staff: The City Manager or his designee will provide necessary administrative and technical assistance to the committee.
- 12. Resources available to the committee: The committee shall be provided the resources to publicize its conclusions—the minimum level of resource to be a page on the City of Porterville website.

#### **F. Committee Composition:** The committee shall consist of 10 members as follows:

- 1. City Council appointments: For the establishment of the committee, each member of the Porterville City Council shall appoint two people to the committee. The appointee may be either a resident of Porterville, a business owner or operator. All future appointment to the committee shall be by a majority vote of the Council.
- 2. Criteria for appointment: No member of the City Council, employee of the City, or immediate family member of a City Council Member may serve on the committee.
- 3. Length of appointment; rescission of appointment: For the establishment of the first committee, each Council member shall appoint one person to a two-year term and one to a four-year term. After that, each member of the committee shall be appointed for a four-year term and shall serve until such time that his or her term is completed, or until such time that his or her appointment is rescinded by a simple majority vote of the City Council. It is provided that a member of the committee may resign at his or her discretion.
- 4. Recommendation to remove by committee: Members of the committee, by majority vote, may recommend to the Porterville City Council removal of a committee member for the following reasons: (1) malfeasance; or (2) repeated absence.

- 5. Appointment of new members: At the next regularly scheduled City Council meeting, the Council shall act to replace members of the committee in the event of removal, resignation, disability, or death.
- 6. Dissolution of committee: Dissolution of the committee shall occur in the event the Transactions and Use Tax for Public Safety, Police and Fire Protection is revoked or otherwise rendered invalid.

APPROVED AND ADOPTED this 21th day of February, 2006.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

Georgia Hawley, Chief Deputy City Clerk

5

# Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan

This measure will provide a secure, local revenue stream to the City of Porterville that will be used entirely to provide additional public safety police and fire personnel and services to protect our community. Porterville residents deserve to know how the funds will be spent. Detailed spending plans have been developed so voters can have a clear understanding of how the monies will be spent if the ½ cent sales tax is approved. Program guidelines have also been established to govern how the money can be spent, to specify the accounting, audit and oversight guidelines that will be implemented to make certain that the funds are spent according to the voter's direction, and to ensure the public is well-informed of the progress and process.

#### Fiscal Accountability Protections

An Independent Auditor will annually review and audit expenditures of funds specifically derived from the Public Safety Measure, to ensure compliance with the expenditure plans and with prudent, established accounting regulations and practices.

The City will establish an Independent Citizen's Oversight Committee to annually review revenues and expenditures, providing a second independent verification that all expenditures are being made as promised to Porterville residents. The findings of both the Independent Citizens Oversight Committee and the Independent Auditor will be reviewed by the City Council and made available to the public.

Each May or June, as the City's budget is adopted following public hearings, the City Manager will re-certify the plan to the City Council, stating what monies have been received, what monies have been spent and what monies are available. The financial consequences of these changes will be reflected in the recertified plan.

#### **Dedicated Accounting Structure**

The Expenditure Plan specifies that all revenues from the Measure are to be utilized for the sole purpose of improving our community's public safety, with the revenue to be directed to the police and fire departments respectively, and with a small portion (not more than 15%) dedicated to the restoration and maintenance of literacy programs due to the established connection between illiteracy and crime. The funding proportions have been mutually agreed upon by the Police Chief and Fire Chief.

The City will establish separate funds into which these specific monies shall be deposited. These accounts shall be separate for police and fire and shall be the source of their respective expenditures as established in the approved expenditure plans. Any balances in these funds, positive or negative, shall earn or pay interest accordingly.

Based on public safety needs, the City Council may determine to advance funds from the City's General Fund into the individual Public Safety Sales Tax Fund in order to most effectively accomplish the objectives of the program.

### Priorities if additional revenues are available

In the event that the contingency/reserve fund is fully funded and all annual planned expenditures have been implemented, the use of the additional unanticipated sales tax revenues will be used first to accelerate the implementation of the plan and then to provide additional public safety facilities, personnel, and new equipment based on specific needs of the community.

#### Review and Modification of Expenditure Plan

The proposed Expenditure Plan may be amended from time to time by a majority vote of the City Council.

### NOVEMBER 2005 BALLOT MEASURE EXPENDITURE PLAN

Proposed Expenditure Plan for the City of Porterville Public Safety Sales Tax Measure Based on ½ Cent Sales Tax availability

The City Council has evaluated Porterville's safety needs with input from the public in developing the attached Public Safety Expenditure Plan, which shall be amended from time to time, at the projected/estimated costs shown:

Fiscal Year 2005-06 Sales Tax Revenue available (partial year) Additional Supplemental Resources (General Fund) Total Resources Available	\$600,000 \$50,903 \$650,903
Increase Police Sworn by 5 positions to the base and outfit (partial year) Increase Fire Sworn by 7 positions to the base and outfit (partial year) Restore Literacy Programs/hours (partial year) Total 2005-06 Fiscal Year Expenditures	\$412,803 \$148,100 \$90,000 \$650,903
Fiscal Year 2006-07 Additional Sales Tax Revenues (First full F/Y)	\$1,792,000
Increase Police Sworn by 1 additional position to the base Maintain and Expand Patrol Operations Maintain and Expand Gang Suppression and Narcotics Operations Maintain 7 additional Sworn Fire personnel Purchase additional Fire Rescue Apparatus Purchase Rescue Equipment for new Fire Apparatus Purchase Personal Safety Equipment for additional Fire Fighters Maintain Literacy Program/hours Expand Homework Assistance and Creative Expression Program Establish Capital Reserve Fund for New Fire Station Total 2006-07 Fiscal Year Expenditures	\$85,000 \$405,000 \$215,000 \$521,156 \$140,000 \$25,000 \$14,000 \$180,000 \$80,000 \$126,844 \$1,792,000
Fiscal Year 2007-08 Additional Sales Tax Revenues (Second full F/Y)	\$1,863,680
Increase Police Sworn by 1 additional position to the base Maintain Expanded Patrol Operations Maintain Expanded Gang Suppression and Narcotics Operations Maintain 7 additional Sworn Fire personnel Hire 1 additional Fire Investigator Station and Equipment Maintain Literacy Programs/hours Expand Homework Assistance and Creative Expression Program Increase Established Capital Reserve Fund for New Fire Station Total 2007-08 Fiscal Year Expenditures	\$87,000 \$508,000 \$255,250 \$557,637 \$74,167 \$20,000 \$187,200 \$83,200 \$91,226 \$1,863,680

Fiscal Year 2008-09 Additional Sales Tax Revenues (Third full F/Y)	\$1,938,227
Additional Supplemental Resources (General Fund) Total Resources Available	\$50,000 \$1,988,227
Increase Police Sworn by 1 additional position to the base Maintain Expanded Patrol Operations Maintain Expanded Gang Suppression and Narcotics Operations Maintain 8 additional Sworn Fire personnel Safety Equipment Maintain Literacy Programs/hours Expand Homework Assistance and Creative Expression Program Increase Established Capital Reserve Fund for New Fire Station Total 2007-08 Fiscal Year Expenditures	\$91,000 \$566,000 \$320,763 \$676,030 \$5,000 \$194,688 \$86,528 \$48,218 \$,988,227
Fiscal Year 2009-10 Additional Sales Tax Revenues (Fourth full F/Y) Additional Supplemental Resources (General Fund) Total Resources Available	\$2,015,756 \$75,000 \$2,090,756
Maintain 8 additional Sworn Police personnel Maintain Expanded Patrol Operations Maintain Expanded Gang Suppression and Narcotics Operations Maintain 8 additional Sworn Fire personnel Maintain Literacy Programs/hours Expand Homework Assistance and Creative Expression Program Partial Year Debt Service Payment on New Fire Station Financing Total 2009-10 Fiscal Year Expenditures	\$630,000 \$396,651 \$723,352 \$202,476 \$89,989 \$48,288 \$2,090,756
Fiscal Year 2010-11 Additional Sales Tax Revenues (Fifth full F/Y) Additional Supplemental Resources (General Fund) Total Resources Available	\$2,096,387 \$150,000 \$2,246,387
Maintain 8 additional Sworn Police personnel Maintain Expanded Patrol Operations Maintain Expanded Gang Suppression and Narcotics Operations Maintain 8 additional Sworn Fire personnel Maintain Literacy Programs/hours Expand Homework Assistance and Creative Expression Program Debt Service on New Fire Station Financing Total 2010-11 Fiscal Year Expenditures	\$664,000 \$413,983 \$773,352 \$210,575 \$93,589 \$90,889 \$2,246,387
* Total Reserve Cash Available for Real Property Acquisition for New Fire Station in Fiscal Year 2008/09.	\$266,288

- 1. Assumes 4% growth rate in annual sales tax revenue.
- Current General Fund monies and State and School Subventions provide for 44.5 Sworn Police Officers. Additional grant funding has provided for 2.5 additional Sworn Police Officers. Additional positions funded through this sales tax measure will add positions to the base of 45 Sworn Police Officers.
- Additional General Fund Utility User's Taxes generated from annexation activity during the course of this expenditure plan will be proposed to be specifically earmarked for additional Police positions. These additional positions will modify the base above the 45 positions as described in Note 2.
- 4. Literacy programs delivered through the Library will annually receive up to 15% of the new revenue provided by this sales tax measure.
- 5. The City will use base budget amounts established and approved under the Expenditure Control Budget System in determining additional funding for Police, Fire, and Literacy programs delivered through the Library to prevent erosion of existing General Fund support for these activities.

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

I, JOHN LONGLEY, 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 a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 21st day of February, 2006.

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

Council:	IRISH	WEST	HAMILTON	STADTHERR	MARTINEZ
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN LONGLEY, City Clerk

by Patrice Hildreth, Deputy City Clerk

# **RECEIVED**

APR - 4 2014

# CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

ADMINISTRATIVE SERVICES

Please comp	olete all b	blanks.	
Name:	· · · · · · · · · · · · · · · · · · ·	Dr-Raheel Mann (Please Print)	
Appointment	t to:	MEASURE H OVERSIGHT  (Name of Board, Commission, or Committee)	
☐ Reap	pointme	ent; or <u>IF NEW</u> , please provide :	
Street Addre	ss:	83 N. Main St.	
Mailing Add	ress:	Parteville, CA 93257 1880 W. Roby Ave. Parteville, CA 93257	
Name of Bus	iness:	Missakian Spine Care Center  Own Operate	
Business Add	lress:	83 N. Main St. Pryterville, CA 93257	
Telephone:		559 - 781 - 3033 559 - 781 - 3073	
City of Porter Yes No	ville resi	ident: Registered Voter:	

Qualification	18: <u>PAS51</u>	OVATE	for	THE	OUE	KALL	SAF	ETY AND	)
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Submitted By		ATT INCL		•				Date	
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Forwarded to:	City Clerk		Date:				· · · · · · · · · · · · · · · · · · ·	, , , , , , , , , , , , , , , , , , , ,	
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	Applicable D	ept. 🗆	Date:						
Геntative Coш	ncil Mtg Date	*							

# DR. RAHEEL MANN

1880 W Roby Ave. Porterville, CA cell: 650.243.7569

mann.raheel@gmail.com

#### Chiropractor

Missakian Spine Care Center, Porterville, CA January 2014-current

Practice diversified chiropractic to help patients achieve their unique maximal health potential.
 (Gonstead, Activator, Myofascial Release Technique, Gua Sha, Motor Nerve Stimulation, Lumbar Spinal Decompression, Cox Flexion, Rock Tape)

#### Chiropractor

Verve Wellness Center, Mesa, AZ.October 2011-July 2013

- Working in high volume multidisciplinary practice combining chiropractic, dental, medical, and physical therapy with a keen focus on patient education and retention.
- · Facilitated conversion of paper files into electronic medical record format (Practice Fusion, Altapoint)
- Organized community outreach events with Mesa Police Department, AT Still University, Mesa Chamber of Commerce

#### **Community Service Director**

ASSOCIATED STUDENT GOVERNMENT—PALMER COLLEGE OF CHIROPRACTIC WEST 2010-2011

- Formulated positive relations with the Santa Clara Valley Transportation Authority (VTA) through participation in their distinguished "Adopt-A-Stop" program
- Worked with San Jose Health Trust-Healthy Steps in Silicon Valley in attempts to make Silicon Valley the healthiest region in America
- Worked with Stanford Medical Center to host monthly blood drives for local hospitals
- S.P.E.A.K Club: (Student Patient Education Awareness Knowledge)—volunteered at hundreds of health fairs in the San Jose community representing the chiropractic profession

#### Resident Counselor/ Lead Crisis Manager

JT Residential Group & Foster Homes - January 2009-April 2011; Sunday-Thursday 11pm-7am

Authority figure to six teenage boys whose families were found to be unfit to be held responsible for them; main responsibilities included preparing breakfast, distributing daily medication, educating young men on the benefits of being a socially and physically healthy member of society

#### Chairman-Ethnic and Cultural Affairs Commission

ASSOCIATED STUDENT GOVERNMENT - University of California, Davis - 2003-2006

- Facilitated weekly meetings to monitor the UCD Health Center's involvement with the underserved local community
- Coordinated numerous high school outreach programs, diversity forums and workshops on higher education
- Administered a low income clinic in Sacramento's Power District for those without medical insurance intake specialist, translator (Urdu, Hindi, Punjabi)

EDUCATION DOCTORATE OF CHIROPRACTIC: CHIROPRACTIC PHYSICIAN (DECEMBER 2011, PALMER WEST)

MAJOR: BACHELOR OF SCIENCE: PSYCHOBIOLOGY (JUNE 2006, UC DAVIS)

MINOR: SOUTH ASIAN/MIDDLE EASTERN POLICY AND POLITICS (JUNE 2006, UC DAVIS)

AWARDS OUTSTANDING SENIOR AWARD--OFFICE OF THE CHANCELLOR, UC DAVIS 2006

EXCELLENCE IN COMMUNITY INVOLVEMENT—PALMER COLLEGE OF CHIROPRACTIC, WEST 2011

AFFILIATIONS REGIONAL DIRECTOR, ARIZONA—XTREME BRONC RIDING SPORTS MEDICINE TEAM

AMERICAN CHIROPRACTIC ASSOCIATION-MEMBER

COUNCIL AGENDA: MAY 6, 2014

SUBJECT: AUTHORIZATION TO OPERATE TRANSIT SHUTTLE SERVICE TO

SPECIAL EVENTS

SOURCE: Public Works Department - Transit

COMMENT: In 2011, the Porterville Fair and the Porterville Freedom Fest opened in their new locations on Teapot Dome and Scranton Avenue.

Porterville Transit does not operate in this area, and in an effort to improve mobility options and reduce congestion, Council authorized staff in 2011, 2012 and 2013 to operate a shuttle route from the

downtown Transit Center to the Porterville Fairgrounds and the City's

Sports Complex.

This year, staff received a request for an estimate, from the Porterville Fair Board to operate a parking lot shuttle on the following dates and duration:

Friday, May 16, 2014, 5:00 p.m. – 12:00 a.m. Saturday, May 17, 2014, 3:00 p.m. – 12:00 a.m. Sunday, May 18, 2014, 3:00 p.m. – 11:00 p.m.

Staff feels that parking lot shuttles can best be handled through private "for-profit" chartered services and the Federal Transit Administration's (FTA) Charter Bus Service Rule, 49 U.S.C. 5323(d). This rule protects private charter operators from unauthorized competition from FTA grant recipients.

However, the regulation states that the transit agency may provide the service to a third party free of charge, with no third party subsidy, as it will not be considered chartered bus service. Should the Council authorize the parking lot service, Staff estimates the parking lot shuttle would cost approximately \$720 to operate during the requested times.

In 2013, Porterville Transit operated a shuttle route from the downtown Transit Center to the Porterville Fair during normal transit hours. Service was provided to 117 passengers, approximately 30 of those passengers were disabled students for kid's day, generating \$31 in total passenger fares. The cost to operate the Porterville Fair Shuttle in 2013 was \$1,320.

It is staff's recommendation, in an effort to increase mobility options for City residents, to operate a shuttle route from the downtown Transit Center to the Porterville Fair from May 15-18, 2014, during normal operating hours at normal passenger fares. The estimated

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Item No. 30

cost to operate a Porterville Fair Shuttle for 2014 is approximately \$1,500.

In 2013, Porterville Transit transported 285 passengers to the Porterville Freedom Fest. Transit service was free to those passengers and the total cost of the expanded transit service was \$1,200.

It is staff's recommendation, in an effort to increase mobility options for City residents, to operate a shuttle route from the downtown Transit Center to the Porterville Freedom Fest on June 28, 2014 from 4:00 p.m. to 10:00 p.m., and authorize all other routes and services to extend service hours to 10:00 p.m. as well. The estimated cost to operate a Porterville Freedom Fest shuttle and extend all routes and services is approximately \$1,500.

# RECOMMENDATION: That the City Council:

- 1. Provide direction for operating a parking lot shuttle during the 2014 Porterville Fair as requested;
- Provide direction for expanded transit service, operating hours and passenger fares for the 2014 Porterville Fair; and
- 3. Provide direction for expanded transit service, operating hours and passenger fares to the 2014 Porterville Freedom Fest on June 28, 2014.

ATTACHMENT: Request for Transit Service to the Porterville Fair

P:\pubworks\General\Council\Transit - Authorization to Operate Special Event Shuttles - 2014-05-06.doc



# TULARE COUNTY JUNIOR LIVESTOCK SHOW AND COMMUNITY FAIR, INC. PORTERVILLE FAIR 2700 W. Teapot Dome Ave. Porterville, CA 93258

Phone: 559-781-6582 Fax: 559-781-4233

April 14, 2014

Richard Tree, Transit Manager City of Porterville 291 N. Main Street Porterville, CA 93257

Dear Richard;

On behalf of the Porterville Fair Board of Directors; I am requesting the services of the City Trolley and operator. The Trolley would be utilized as a shuttle to and from the east general parking lot to the front gate (south). Please forward a financial quote at your earliest convenience.

Hours of services requested: Friday, May 16, 2014, 5:00 PM – Midnight Saturday, May 17, 2014, 3:00 PM – Midnight Sunday, May 18, 2014, 3:00 PM – 11:00 PM

Thank you in advance for your consideration.

Sincerely,

Susie Godfrey, Manager

Cc: BOD

COUNCIL AGENDA: MAY 6, 2014

SUBJECT: REVIEW OF CURRENT REGULATIONS PERTAINING TO YARD SALES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: Due to complaints regarding a proliferation of yard sale signs, code enforcement was tasked with identifying violators. This resulted in the discovery of perpetual yard sales. At their meeting on April 15, 2014, the City Council requested that staff provide the current standards for "yard sales" for their consideration, in response to a concern voiced during oral communications. The standards for yard sales (also known as "garage sales") are identified within Chapter 18-8.2 of the Municipal Code and Section 301.21(b) of the Development Ordinance and are as follows:

# CHAPTER 18-8.2: SALE OF PERSONAL PROPERTY FROM RESIDENTIAL PREMISES:

- A. Residential Sales Prohibited: It shall be unlawful for any person to conduct, or participate in the conduct of, a sale of personal property to the general public by means of a "garage" sale, "patio" sale, "yard" sale, or other sale similarly conducted on any residentially zoned premises, except as permitted in this section or authorized by Chapter 21 of this code, or other law.
- B. Time And Place Of Sale: Only one such sale may be conducted at a particular place in any six (6) month period. No sale shall continue more than three (3) days. Sales shall be conducted between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M. only.
- C. Court Sales: This section shall not apply to sales conducted pursuant to process or order of any court of competent jurisdiction.
- D. Penalty: Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor. (Ord. 1147 §§ 1\_4, 7/18/1978)

#### **SECTION 301.21 TEMPORARY USES**

A Temporary Use is intended to operate only for a limited period of time. Unless otherwise specific, temporary uses shall require a permit in accordance with Chapter 605, Temporary Use Permits. Temporary uses shall be located, developed and operated in compliance with the standards of this section.

- (b) **Garage Sales.** A garage or yard sale may be permitted on any developed lot in an R district, in accordance with Section 18-8.2 of the Municipal Code and the following standards.
  - (1) Garage sales are limited to no more than three (3) consecutive days in any six (6) month period.
  - (2) All merchandise to be sold shall be displayed on a private lot and not within the public right-of-way.

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Series 700 of the Development Ordinance defines Garage Sales as: The sale or offering for sale to the general public of over five (5) items of personal property on a portion of a lot in a residentially zoned district, whether inside or outside any building.

Staff evaluated the garage/yard sale standards of other cities (Visalia, Tulare, and Dinuba). All of the ordinances are consistent in limiting property owners to two sales per property per year; however, Dinuba will allow additional sales with a Conditional Use Permit at a fee of \$1,966.00 per occurrence. The Cities of Porterville and Visalia are the most similar in that no permit is required, two sales per year may be held for three consecutive days each, and hours of operation are limited to between 8:00 a.m. and 8:00 p.m. The City of Tulare requires a permit fee of \$6.25, but senior citizens are allowed one free garage sale per year; further, their ordinance states that more than one sale per six month period is presumed to be a business and not a garage or yard sale.

The State Board of Equalization (BOE) substantiates the City of Tulare's presumption of business activity, in that BOE requires a person to obtain a seller's permit if sales events are three or greater in a 12-month period. (See Regulation 1595 of the Business Taxes Law Guide, Section (a)(4)(A), attached). Typically, a garage/yard sale would not be required to charge sales tax so long as certain limits are not exceeded, but a seller's permit would be required.

RECOMMENDATION: That the City Council review and discuss the above information and if needed, provide direction to staff.

#### ATTACHMENTS:

- 1. Comparison of Yard Sale Ordinances
- 2. Board of Equalization Publication 107
- 3. Board of Equalization Article 7, Regulation 1595

#### Comparison of Yard Sale Ordinances: Porterville, Visalia, Tulare, Dinuba

#### The City of Porterville Yard Sale rules are:

- One sale allowed in any 6 month period, or 2 per year.
- Allowed from 8 a.m. to 8 p.m.
- No longer than 3 consecutive days in length.
- Signs are not permitted to be attached to any pole, post sign or tree in the right of way or placed on the sidewalk or median.
- "Garage sale" means the sale or offering for sale to the general public of over five (5) items of
  personal property on a portion of a lot in a residentially zoned district, whether inside or outside
  any building.

#### The City of Visalia rules are:

- Only two (2) yard/garage sales are allowed per calendar year, not to exceed 3 consecutive days
- Sales shall be conducted between 8 a.m. to 8 p.m.
- Signs one sign not exceeding 2 ft by 2 ft in size may be posted on the property where the sale is being held during the duration of the sale only. No signs regarding such sale shall be posted on any property other than where the sale is held.
- "Garage sale" means a sale, offer to sell, or holding for the purpose of selling, conducted by any individual or individuals, of household furnishings, goods, or other tangible personal property, conducted in a non-commercial garage, yard, patio, driveway, or on any portion of the premises in a residential zone. This definition does not include sales made on commercial premises.

#### The City of Tulare rules are:

- Permit Fee of \$6.25 per sale; however, senior citizens are allowed one free garage sale per year
- 1 sale in each 6 month period or you are presumed to be engaged in a business other than a garage or yard sale.
- Length of sale shall not exceed three consecutive days.
- "Garage or Yard Sale" means the sale from the residence or residential lot of a vendor of personal property which was not purchased or solicited by the vendor(s) for purpose of resale, and when the personal property has been used in the home of the vendor and, or, in the home of not to exceed five other vendors.

#### The City of Dinuba rules are:

- Two per calendar with a permit required: First time during calendar year, permit required (no fee); Second event during calendar year \$5.00 permit fee
- More than two sales require a Conditional Use Permit \$1,966.00 per additional event.
- No sale shall last more than three days. Allowed from 6 a.m. to 8 p.m.
- Signs advertising a sale shall be located on the property only. Individual signs shall not exceed 3
  ft; total signs shall not exceed 9 sq. ft. in the aggregate, and shall not be placed so as to block
  vehicular or pedestrian view from adjoining properties. Posting of signs shall be only during time
  of sale and in conformance with Chapter 17.72.
- "Garage sale" is defined as a sale, offer to sell, or holding for the purpose of selling, conducted by
  any person or persons, of household furnishings, goods or other tangible personal property,
  conducted in a noncommercial garage, yard, patio, driveway or on any portion of the premises in
  a residential property.

# Publication 107, Do you Need a California Seller's Permit?

### March 2014

Do you Need a California Seller's Permit? Required Registration Applying for a to Report Use Tax

Additional Seller's Permit Information

When you sell or lease merchandise, vehicles, or other tangible personal property in California, even temporarily, you are generally required to register with our agency, the Board of Equalization (BOE), and to pay sales tax on your taxable sales. When you register, we will issue you a seller's permit. Sometimes people incorrectly refer to a seller's permit as a resale number or resale permit. A seller's permit is a state license that allows you to sell items at the wholesale or retail level and to issue resale certificates to suppliers. Issuing a resale certificate allows you to buy items you will sell in your business operations without paying amounts for tax to your suppliers.

Generally, if you make three or more sales in a 12-month period, you are required to hold a seller's permit. This applies even if your sales are made through Internet auction houses, such as eBay and uBid, or websites that offer online classified advertisements (online advertisers) such as Craigslist. For additional information, please see publication 177 (/formspubs/pub177/index.html), Internet Auction Sales and Purchases, available at www.boe.ca.gov (/) or call our Taxpayer Information Section at 800-400-7115.

When you have a garage sale and sell used items, you are generally not required to hold a seller's permit unless you have more than two garage sales in a 12-month period or are required to hold a seller's permit for being engaged in the business of selling merchandise, goods or items (tangible personal property). Please see Regulation 1595 (/lawguides/business/current/btlg/vol1/sutr/1595.html), Occasional Sales—Sale of A Business—Business Reorganization.

Making sales of merchandise, goods or other items in California without first getting a seller's permit violates the law and subjects you to fines and penalties. California law requires a seller's permit be held for warehouse locations when; the retailer has one or more sales offices in this state, the sale is negotiated out of state, and the order is filled from the retailer's in-state stock of goods at the warehouse. You are not required to hold a seller's permit if all your sales are made exclusively in interstate or foreign commerce, and you make no sales in this state. However, your business may meet the requirements of a "qualified purchaser" and you may be required to register for a use tax account as discussed in the next section. ITEM NO. *Note:* This publication summarizes the law and applicable regulations in effect when the publication was written, as noted above. However, changes in the law or in regulations may have occurred since that time. If there is a conflict between the text in this publication and the law, decisions will be based on the law and not on this publication.

California law requires a "qualified purchaser" to register with the BOE and annually report and pay use tax directly to the BOE through our eFiling system. A "qualified purchaser" includes businesses with at least \$100,000 in annual gross receipts from business operations. Gross receipts are the total of all receipts from both in-state and out-of-state business operations. For additional information, see publication 126, (/pdf/pub126.pdf) Mandatory Use Tax Registration for Service Enterprises available from our website.

#### Websites

A retailer with a computer server located in California on which a website resides may not be required to have a seller's permit unless the retailer has a proprietary interest in the server and the activities at that location otherwise qualify for a seller's permit. You may need to obtain other licenses, permits, or documents to operate your business (see Additional requirements for your business) (#) or you may be required to register for a use tax account with the BOE if you are a "qualified purchaser", as explained above. Please note that a California seller's permit does not grant you any other rights, privileges, or status under local, state, or U.S. law.

#### Obligations of seller's permit holders

When you hold a seller's permit, you must file sales and use tax returns and pay any sales or use tax due on your sales and purchases. You must report and pay sales tax on each taxable sale. At the time you make the sale, you may collect from your customer an amount equal to the tax you will owe. As a registered seller, you will need to take the time to learn how to properly apply the sales and use tax law in your business operations. You also must keep adequate records that document your sales and purchases. Our classes publications and online seminars can help you learn to meet your obligations and help ensure that you don't pay more or less tax than you owe.

Note: You should not obtain a seller's permit just to take advantage of the opportunity to issue resale certificates to your suppliers. Issuing a resale certificate to avoid paying tax on items you will use rather than sell is against the law and may result in fines and penalties. It is a misdemeanor to issue a resale certificate if at the time of purchase you do not intend to resell the merchandise

You must notify the BOE if you intend to sell or close your business. If you are not making sales, your permit may be canceled. For more information, please see Regulation 1699 (/lawguides/business/current/btlg/vol1/sutr/1699.html) *Permits* and publication 74 (/pdf/pub74.pdf) *Closing Out Your Seller's Permit* 

You can register on our website at <a href="https://efile.boe.ca.gov/ereg/index.boe">www.boe.ca.gov/ereg/index.boe</a>), and then select <a href="https://efile.boe.ca.gov/ereg/index.boe">Register a business activity with BOE</a>. You can also register in person at any of our field offices (/info/phone.htm). Please contact our Customer Service Center for assistance at 1-800-400-7115 (TTY:711). You will need to provide information about your business, including bank account details and estimated income. You must also provide information about yourself including your driver license number and social security number (or substitute documents, as explained on the application). If you purchased your business, you'll need to provide the previous owner's name and seller's permit number. To make sure you won't have to pay any tax, interest or penalties owed by the previous owner, you should request in writing, a tax clearance from us 60 days prior to your purchase. There is no charge for a seller's permit. However, depending on your type of business and expected taxable sales, we may ask you for a security deposit. The BOE may be able to issue your permit the same day.

## Temporary permits

If you make sales of a temporary nature such as Christmas tree sales or sales of fireworks, you may apply for a temporary seller's permit. Temporary permits are issued to those whose sales activity will last no longer than 90 days.

### Additional requirements for your business

In addition to registering for a seller's permit, you may need to register for one of the other taxes and fees we administer. You can register on our website at www.boe.ca.gov (/) by selecting New Registration (https://efile.boe.ca.gov/ereg/index.boe), and then select Register a business activity with BOE. You can also register in person at any of our field offices (/info/phone.htm) . Please contact our Customer Service Center at 1-800-400-7115 (TTY:711) for additional information. The state and federal governments have additional requirements for businesses. You must file income tax returns with the California Franchise Tax Board and the U.S. Internal Revenue Service (IRS). Certain businesses are required to obtain permits from the California Department of Consumer Affairs and state and local environmental agencies. If you have employees, you are required to register as an employer with the California Employment Development Department and the IRS and to pay payroll withholding taxes. You will probably need to obtain a business license or other extensive local, state, and federal business permit information at a special site on the Internet: www.calgold.ca.gov (http://www.calgold.ca.gov) . Chambers of commerce, economic development organizations, and other business organizations are other good sources of information. Often the business licensing department of a city or county can assist you, too. Some counties and cities publish special guides for small businesses, available free or at a low cost.

For more information regarding seller's permits, please see publication 73 (/pdf/pub73.pdf), *Your California Seller's Permit*. For a complete list of other BOE-administered taxes and fees, please see publication 51 (/pdf/pub51.pdf), *Board of Equalization Resource Guide to Free Tax Products and Services.* You may find these and all our publications at our website at *www.boe.ca.gov* (/), under the Forms & Pubs (/formspubs/) tab.

# Regulations

1595 (/lawguides/business/current/btlg/vol1/sutr/1595.html) Occasional Sales—Sale of a Business—Business Reorganization

1699 (/lawguides/business/current/btlg/vol1/sutr/1699.html) Permits

#### **Publications**

51 (/pdf/pub51.pdf) Board of Equalization Resource Guide to Free Tax Products and Services

73 (/pdf/pub73.pdf) Your California Seller's Permit

74 (/pdf/pub74.pdf) Closing Out Your Seller's Permit

126 (/pdf/pub126.pdf) Mandatory Use Tax Registration for Service Enterprises

177 (/formspubs/pub177/index.html) Internet Auction Sales and Purchases

California Board of Equalization
Article 7, Regulation 1595- Occasional Sales
<a href="https://www.boe.ca.gov/lawguides/business/current/btlg/vol1/sutr/1595.html">https://www.boe.ca.gov/lawguides/business/current/btlg/vol1/sutr/1595.html</a>

# Relevant Excerpt

(4) SERIES OF SALES REQUIRING THE HOLDING OF A SELLER'S PERMIT. A person not otherwise engaged in an activity requiring the holding of a seller's permit may make a series of sales sufficient in number, scope and character to require the holding of a seller's permit. The sale in that series of sales, and subsequent sales, during any 12-month period which resulted in the requirement to hold a permit are subject to tax, unless otherwise exempt.

# (A) Number.

1. Generally the minimum number of sales to require the holding of a seller's permit by a person not otherwise engaged in a selling activity is three within any 12 month period.

COUNCIL AGENDA: May 6, 2014

SUBJECT:

PROPOSED DRAFT REVISIONS TO CITY ANIMAL CONTROL

**ORDINANCE** 

SOURCE:

Administration

COMMENT

The Animal Control Unit of the City of Porterville Police Department has been providing animal control services for the city of Porterville since January 1, 2009. Prior to that date, animal control and sheltering services were contracted with the City of Lindsay.

Since its inception, the Animal Control Unit has grown to employ four full-time employees, one part-time employee, operates three animal control trucks, several support vehicles, maintains a temporary sheltering facility at the City of Porterville Corporation Yard and the recently purchased animal shelter facility near the city of Lindsay. A new animal shelter facility is planned to be built in the city of Porterville this next year. Personnel currently address approximately 500 animal-related incidents per month. In addition to enforcing animal control laws, personnel provide other services such as care and boarding of impounded animals, dog licensing, adoptions, hearings, inspections, etc.

The City has not updated its Animal Control Ordinance since 2007, and yet, since that time, assumed animal control responsibilities in 2009, recently purchased the animal shelter facility near the city of Lindsay, and plans to build a new animal shelter facility in Porterville this next year. Given these facts, it was determined the Animal Control Ordinance for the City of Porterville was inadequate and in need of update to support the control and enforcement efforts necessary to ensure the citizens of Porterville continue to receive the quality, efficient, and effective animal control services they expect to receive. Personnel from several City Departments were called upon for input, and the draft of proposed revisions to the current Animal Control Ordinance has been produced for the City Council's review, consideration and direction.

The draft of the proposed Ordinance includes current Ordinance verbiage (black), newly-proposed verbiage (blue), and recommendations of the City Attorney (red). The proposed Ordinance is in an extremely preliminary form and is extensive and substantial in detail, which the list provided below attempts to summarize by subject:

App/Fund

Item No. 32

- Description/Definition of Certain Animals
- Mandatory Spay/Neuter Requirements
- > Term of Dog Licenses Single Calendar Year
- > Exemptions for Service or Assistance Animals
- Leash Requirements
- > Keeping of Animals
- > Annexations/Compliance/Transition Period
- Public Nuisance
- > Nuisance/Inspection
- > Prohibitions re Killing/Slaughtering Animals
- > Authority to Develop Rules and Regulations for Dog Parks
- > Implementation of Administrative Citation Process
- > Establishment of a Revised Fee Schedule

Staff has also provided sample regulations regarding animal care and control requirements, which include, but are not limited to, regulations covering hydration, feeding/nutrition, housing, veterinary, and exercise requirements. Additionally, many communities have adopted regulations addressing urban farming, and information from the American Planning Association is also attached.

RECOMMENDATION:

That the City Council consider the proposed draft revisions to the City's Animal Control Ordinance, and provide direction

to staff as appropriate.

ATTACHMENTS: 1) Draft Ordinance with Changes

- 2) Ordinance 1726 with Markings Indicating Changes
- 3) American Humane Association: Spaying/Neutering
- 4) Sample Regulations Regarding Animal Care and Control
- 5) Urban Farming Regulations American Planning Association

# [NOTE – SECTION NUMBERING AND REFERENCES IN THE DRAFT HAVE NOT BEEN VERIFIED AND MAY BE INCORRECT UNTIL FINALIZED]

WHEREAS, the City desires to adopt comprehensive modifications to the regulations pertaining to animal control within the City; and

WHEREAS, in adopting this ordinance the City Council desires to clarify the requirements, violations, and remedies regarding the control of animals within the City limits;

# NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN, AS FOLLOWS:

**SECTION 1:** Chapter 5, Sections 5-1 through 5-4.6, of the Porterville Municipal Code is repealed in its entirety and replaced with the following:

# Chapter 5 ANIMAL CONTROL

# Article I General Provisions

#### Sections:

- 5-1.0 Definitions
- 5-1.1 Shelter Supervisor
- 5-1.2 Records
- 5-1.3 Animal Shelter
- 5-1.4 Impounding / Collection of Animals
- 5-1.5 Right to Enter Premises
- 5-1.6 Interference with Duties

#### 5-1.0 DEFINITIONS.

- (a) The term "owner," or "handler" as used in this Chapter, means any person, firm or corporation owning, harboring, having an interest in, or having control, custody or possession of an animal. In the case of an animal, which is owned by a minor, the parent or guardian of the minor shall constitute the "owner" of such animal for the purposes of this Chapter.
- (b) The term "at large," as used in this Chapter, means any animal that is off the premises of its owner and not under restraint by leash or chain, or which is wandering or running freely on public property or property belonging to a person not the owner or person in control of the animal and without supervision, accompaniment and adequate restraint.

- (c) The term "dangerous animal," as used in this Chapter, means a dog or other animal which has attacked, bitten or injured any human being or other animal without reasonable provocation, or which has been so declared pursuant to this Chapter, or under the facts and circumstances has acted in a threatening manner towards any human being or other animal or has displayed characteristics of being trained for fighting, or there is other evidence to show such training or fighting.
- (d) The term "attack," as used in this Chapter means any unprovoked aggressive behavior toward a person or animal. Aggressive behavior in defense of property or territory of the owner shall constitute an attack unless the dog or other animal is securely contained within an enclosure sufficient to prevent physical contact with a person or animal outside such enclosure.
- (e) The term "field officer" as used in this Chapter shall mean any officer of the police department. [Note do we want to define "field officer" more broadly to include other individuals designated by the City?]
- (f) The term "competition dog" as used in this Chapter shall mean any animal which is used to show, to compete, or to breed which is of a breed recognized by the American Kennel Club, United Kennel Club, or American Dog Breeders Association and meets the following requirements:
  - (1) The dog has competed in at least one (1) dog show or sporting competition sanctioned by the national registry or approved by the department within the last 365 days.
  - (2) The dog has earned a confirmation, obedience, agility, carting, herding, protection, rally, sporting, working, or other title from a purebred dog registry or dog sport association.
  - (3) The owner or custodian of the dog is a member of a purebred dog breed club, approved by the department, which maintains and enforces a code of ethics for dog breeding that includes restrictions from breeding dogs with genetic defects and life threatening health problems that commonly threaten the breed.
- (g) The term "competition cat" as used in this Chapter shall mean any show cat (also known as a purebred cat or pedigreed cat) that is recognized by the Cat Fanciers' Association and/or The International Cat Association and meets the following requirements:

- (1) The owner or custodian of the dog is a member of a purebred cat breed club, approved by the department that encourages its members to be owners and breeders of cats who work together to promote the preservation of pedigreed cats and the health and welfare of domestic cats.
- (2) maintains a certified pedigree registry.
- (3) Have participated in a cat show in the last 365 days, which promotes both pedigreed and non-pedigreed cats.
- (4) The owner or custodian of the cat is a member of a purebred cat breed club, approved by the department, which maintains and enforces a code of ethics for cat breeding that includes restrictions from breeding cats with genetic defects and life threatening health problems that commonly threaten the breed.
- (h) The term "service animal," as used in this Chapter, means any animal which shall include but not be limited to assistance dogs, guide dogs, signal dogs, police dogs, search and rescue animals, or other service animals as defined by applicable State or Federal law, or being trained for such use. [Note include definition for "therapy animals?"]
- (i) The term "altered animal," as used in this Chapter, means any animal that has been surgically altered (spayed/neutered) or by means of written proof from a licensed veterinarian that the animal does not possess the capability of reproduction.
- (j) The term "unaltered animal," as used in this Chapter, means any animal capable of reproduction.
- **5-1.1 SHELTER SUPERVISOR ANIMAL CONTROL UNIT.** Supervision of the Animal Control Unit shall be any supervisor of the police department at the direction of the Chief of Police and / or his designee. The Police Department shall carry out the duties of Animal Control.
- (a) Any police department employee [consider broadening this to potentially include other city employees] acting in the capacity of animal control duties shall have the following powers:
- 1. To enforce the provisions of this chapter and state laws relating to the care, treatment, impounding and destruction of animals. These provisions will also

encompass the adoption of animals and / or safe return of animals to their rightful owner.

- 2. The Chief of Police may formulate rules and regulations in conformity with and for the purposes of carrying out this chapter.
- (b) The Chief of Police or his designee shall have authority to determine whether any animal has engaged in the behaviors or exhibits any of the characteristics of a dangerous animal.
- **5-1.2 RECORDS.** The Shelter Supervisor police department shall keep a record of every animal impounded pursuant to this Chapter which shall include a description of the animal, the date of receipt, the date and manner of disposal, the name of the person redeeming or purchasing, and the fees, charges and proceeds of sales received on account of said animal, and any additional records as may be required. by the City Council from time to time.
- **5-1.3 ANIMAL SHELTER.** There shall be provided by the *police department* a suitable building, or enclosure, or other support facility to keep and safely hold all animals to be impounded pursuant to the provisions of this Chapter, and said building or enclosure shall be known and designated as the "Shelter."
- **5-1.4 IMPOUNDING** *I COLLECTION OF* **ANIMALS**. The *police department may pick* up, impound and safely keep any *animal* that is found running at large contrary to the provisions of this Chapter within the incorporated territory of the City.
- **5-1.5 RIGHT TO ENTER PREMISES.** Any police department employees performing animal control duties shall be authorized to enter upon any premises for the purpose of enforcing the provisions of this Chapter.
- **5-1.6 INTERFERENCE WITH DUTIES.** It shall be unlawful for any person to interfere with *police department employees engaged in the performance of animal control duties.*

#### Article II

## Dogs / Licensable Animals

#### Sections:

5-2.1	License Required
5-2.2	Issuance of License and Tag
5-2.3	Time Limits
5-2.4	Vaccination Certificate Required
5-2.5	Term of License
5-2.6	License Fees: Unaltered

5-2.7	License Fees: Altered
5-2.8	Exemption: Service or Assistance Dog
5-2.9	Delinquent Penalties
<b>5-2.10</b>	Extension of Time: Dogs too III to be Vaccinated
5-2.11	Replacing Lost or Stolen Tags
5-2.12	License Transferable
5-2.13	Affixing Dog Tag
5-2.14	Impounding Dogs without Tags
5-2.15	Impounding Biting or Attacking Animals
5-2.16	Notice to Owner of Licensed Dog or Other Animal
5-2.17	Redemption of Impounded Dogs or Other Animals
5-2.18	Fees for Impounding and Keeping Dogs and Other
	Animals
5-2.19	Sale and Destruction of Impounded Dogs and Other
	Animals Wearing Tags
5-2.21	Sale of Impounded Dogs
5-2.22	Licensing Impounded Dogs
5-2.23	Removal of Tag
5-2,24	Display of Tag
5-2.25	Keeping Dangerous Dogs or Other Animals
5-2.26	Interference with Highways
5-2.27	Permitting Dogs to Run At Large
5-2.28	Barking Dogs
5-2.29	Hearing to Determine if Animal is Dangerous
5-2.30	Hearing: Conduct
5-2.31	Hearing: Decision
5-2.32	Disposition of Dangerous Animal
5-2.33	Dog or Other Animal Declared Not Dangerous

**5-2.1 LICENSE REQUIRED**. Every owner of a dog *or licensable animal*, within the City, shall secure a license from a Police Department *facility* for each dog or *licensable animal* within the time limits set forth in this Chapter. It shall be unlawful for any owner to fail to secure said license in accordance with the provisions of this Chapter. A license need not be secured for a dog *or licensable animal* which is brought into the City *by its visiting owner* or for the purpose of being entered in a show or exhibition, provided that *the owner* of such *animal provides proof of current license and/or current rabies vaccination from the jurisdiction of origin, and the animal is removed from the city limits no more than (30) days after entry.* 

5-2.2 MANDATORY SPAY / NEUTER REQUIREMENT. It has been shown that mandatory spaying / neutering has been effective in reducing the population of animals in the city. By requiring mandatory spaying/neutering, the police department is working to reduce the number of euthanizations conducted in the City of Porterville each year necessary to maintain a manageable animal population. Spaying/neutering has been shown to be effective in reducing animals

running at large and also reduces aggressive behavior in animals. As an additional benefit, this requirement will cut costs to the community in managing the pet population.

- (a) Requirement for Altered Animals: No person may keep, own or harbor an unaltered dog or cat over four (4) months of age within the city limits, unless an unaltered license has been properly obtained. An owner or custodian of an unaltered dog or cat must have the animal spayed or neutered or obtain an unaltered license in accordance with the exceptions to the spay/neuter requirements as described in section (b) "Unaltered Animals."
- (b) **Unaltered Animal License:** An owner or custodian of an unaltered dog or cat over the age of four (4) months must obtain an annual unaltered animal license. The license shall be issued if the department has determined that all of the following conditions have been met:
  - (1) The dog or cat qualifies as an exempt animal as described in section 3
  - (2) The owner or custodian has submitted the required application for the license and the applicable fees for the license have been paid in accordance with the fee schedule as set by Resolution of the City Council.
  - (3) The following may[??] be exempt animals from the spay/neuter requirements:
    - (a) An animal unable to be spayed/neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity, which is confirmed in writing from a licensed veterinarian.
    - (b) A competition animal as defined in this Chapter.
    - (c) A service animal which shall include but not be limited to assistance dogs, guide dogs, signal dogs, police dogs, search and rescue animals, or other service animals as defined by applicable State or Federal law, or being trained for such use.
    - (d) An animal associated with a licensed kennel within the city for breeding purposes.

**5-2.2 ISSUANCE OF LICENSE AND TAG.** Application for a license required by this Chapter shall be filed with the *Police Department*. Upon payment of the required fee and upon compliance with the other requirements of this Chapter, a license *shall be issued*. The application shall contain a description of the *animal* including the age, sex, color and breed of the *animal*, and the name and address of the owner. The license shall contain a serial number, and such other information as the *police department* may determine. The *police department* shall keep a copy of the application on file. With each license issued, the *police department* shall also issue a tag *that* shall bear the words "City of Porterville," the serial number on the *animal* license. *The* tag shall be securely worn by the animal for which the license was issued.

#### 5-2.3 TIME LIMITS.

- (a) An owner of a dog or *licensable animal* shall secure a license for the animal within thirty (30) days after s/he he/she acquires ownership of the dog. However, if a dog or licensable animal is less than four (4) months of age when the owner acquires it, the owner shall secure a license for the animal within ten (10) days after the animal becomes four (4) months of age.
- (b) Any person who enters the City and resides dwells in the City for a period of thirty (30) days or more, and who has brought a dog or licensable animal with him/her from outside the City, shall secure a license for the animal within thirty (30) days after the person first enters the City.

#### 5-2.4 VACCINATION CERTIFICATE REQUIRED.

- (a) A license for an animal shall not be issued unless the owner of the animal presents a certificate signed by a veterinarian or other professional as authorized pursuant to applicable State law showing that said animal has been vaccinated against rabies. The certificate shall indicate that the period of time elapsing from the date of the vaccination to the date of expiration of the license does not exceed thirty six (36) months in the case of vaccination with live virus rabies vaccine or eighteen (18) months in the case of vaccination with killed virus rabies vaccine, as those types of vaccines are defined in section 2606 et seq. of Chapter 17 of the California Code of Regulations. During any period when the City is designated as a rabies area pursuant to sections 1900-1921 of the Health and Safety Code of the State of California, no killed virus vaccine shall be used other than vaccine of bovine nerve tissue origin.
- (b) Every duly licensed veterinarian or other authorized professional, after vaccinating any dog owned by a resident of the City of Porterville, shall sign a certificate containing the following information pursuant to 1920 of the Health and Safety Code:
  - (1) The type of vaccination used.
  - (2) The date of the vaccination.
  - (3) The breed, age, color and sex of the vaccinated dog.
  - (4) The serial number of the vaccination tag issued.
  - (5) The name and address of the owner of the dog.

The veterinarian or other authorized professional shall immediately present the original vaccination certificate to the owner of the dog, and shall deliver the duplicate copy to the *police department*. The veterinarian or other authorized professional shall keep *a* copy.

**5-2.5 TERM OF LICENSE.** Dog Animal licenses shall be issued on an annual basis, commencing from January 1<sup>st</sup> of the current year to December 31<sup>st</sup> of the current year. Any first time issued license for an animal in the City will receive a prorated rate per month for the current year and will pay the fees in advance for the following year.

Commencing on the 1st day of January each year, the police department shall collect a delinquent penalty, in addition to the regular license fee, before issuing any license. The delinquent penalty shall be in an amount equal to the regular license fee as set forth in the fee schedule.

#### 5-2.6 LICENSE FEES- UNALTERED:

(a) This section applies only to *licensable animals*, which have not been spayed or neutered, and to *animals* which are *capable of reproduction*. The license fee for each dog / *licensable animal* shall be established by a *Resolution of the* City Council as adopted *in a fee schedule*.

#### 5-2.7 LICENSE FEES - ALTERED:

- (a) This section applies only to *licensable animals* which have been spayed or neutered. A certificate from a licensed veterinarian that the *licensable animal* comes within the provisions of this Section shall accompany the application for a license or the fees set forth in this Section shall be paid. The license fee for each *licensable animal* shall be established by a *Resolution of the* City Council as adopted *in a fee schedule*.
- **5-2.8 EXEMPTION: SERVICE OR ASSISTANCE ANIMALS.** Any other provision of this Chapter notwithstanding, it shall be at the discretion of the police department regarding whether or not there will be a charge for the annual licensing of a service animal as described. Proof of such use or training shall be provided by the applicant at the time of license application in a form satisfactory to the police department City, pursuant to Sections 365.5 and 365.7 of the Penal Code.
- **5-2.9 DELINQUENT PENALTIES.** Commencing on the 1st day of January of-each year, a delinquent penalty, which has been established and adopted as part of a fee schedule, shall be collected in addition to the regular license fee.
- **5-2.10 EXTENSION OF TIME: DOGS TOO ILL TO BE VACCINATED.** If a *licensable animal* dog is too ill to be vaccinated against rabies at the time that the

time limits, set forth in this Chapter, expire, then the date for securing the dog license is extended until thirty (30) days after the date on which the dog is well enough to be vaccinated, and no delinquent penalties shall be charged for issuance of the dog license during said thirty (30) day period. However, an extension of time shall not be granted pursuant to this section unless the application for the license is accompanied by a certificate signed by a veterinarian setting forth facts, which show that the *licensable animal* comes within the provisions of this chapter.

**5-2.11 REPLACING LOST OR STOLEN TAGS.** Whenever a tag issued for the then current year has been stolen or lost, the owner of the *animal* for which the tag was issued may, upon the payment of a fee to the *police department* receive a duplicate tag. The fee for a duplicate tag shall be set by Resolution of the City Council as adopted *in a fee schedule*.

**5-2.12 LICENSE TRANSFERABLE.** The license and tag issued pursuant to this Chapter may be transferred when the ownership of the *animal* is transferred. The new owner or the previous owner of the *animal* shall notify the *police department* in writing of the change in ownership of the *animal* and the name and address of the new owner. If such written notice is not given, *the police department* shall send all required notices concerning said *animal* to the person whose name and address are on file with the *police department*.

**5-2.13 AFFIXING** *LICENSE* **TAG.** It shall be unlawful to *possess a licensable animal in the City Limits* without the tag issued pursuant to this Chapter being securely affixed to the *animal* by means of a collar, harness or other suitable device. It shall be unlawful for any person to affix the tag required by this Chapter to any *animal* except the *animal* for which it was issued and it shall be unlawful for the owner of an *animal* to allow the *animal* to wear a tag other than the tag issued for the current year.

### 5-2.15 IMPOUNDING BITING OR ATTACKING ANIMALS.

(a) The police department shall have the power to summarily and immediately impound any animal where there is evidence it has attacked, bitten or injured any human being or other animal, or where there is evidence that an animal has acted in a threatening manner towards any human being, has exhibited characteristics of being trained for fighting or attacking, or there is other evidence to show such training or fighting, pending any court proceeding or animal license or animal permit revocation proceeding arising from the attack, bite or injury; or pending a hearing pursuant to Section 5-2.29 and 5-2.30 of this Chapter. The police department may enter and inspect private property to enforce the provisions of this section. Failure to surrender to the police department upon demand an animal which is being impounded pursuant to this

section is a misdemeanor. The *police department* shall also, as soon as reasonably possible, notify the bite victim of the rabies vaccination status of the biting *animal*.

An animal wearing a current license tag, impounded pursuant to the authority of this Chapter, shall be returned to the owner or custodian as provided by this Chapter when it is no longer required as evidence, or considered to be vicious by police department. Once the owner is notified the animal is to be returned, he/she has six working days, not including the date of notification to retrieve the animal.

An animal not wearing a license tag, impounded pursuant to the authority of this section *may* be destroyed *in accordance with applicable state and federal laws, if* within six business days after being impounded, *not including the date of impoundment*, the owner has failed to make application to redeem the animal. If, within six business days after being impounded, *not including the date of impoundment*, the owner has applied to redeem the animal, then the *animal shall be returned to the owner as provided by this Chapter, or when it is no longer required as evidence or considered to be vicious by the police department-, and the owner has also satisfied all licensing requirements.* 

- (b) In lieu of impound, the *police department* may permit the animal to be confined at the owner's or custodian's expense in a licensed kennel or veterinary facility approved by the *police department or* at the owner's or custodian's residence provided that the owner or custodian:
  - (1) Shall not remove the animal from the kennel *or* veterinary facility without the prior written approval of the *police department*.
  - (2) Shall make the animal available for observation and inspection by the *police department*.
- (c) The *police department* may have animal impounded or confined as provided in (a) or (b) above, permanently identified by means of photo identification prior to release from impound or confinement.

#### 5-2.16 NOTICE TO OWNER OF LICENSED DOG OR OTHER ANIMAL.

Within two (2) days after an animal which is wearing a license tag is impounded, the *police department* shall contact the owner by phone or in person at the address shown on the application for the license on file and advise the owner of the

procedure whereby he/she may apply to regain custody of the animal. If the owner cannot be contacted with the first (2) days of impoundment, the police department shall mail a written notice of the impoundment to the mailing address on file for the owner.

#### 5-2.17 REDEMPTION OF IMPOUNDED DOGS OR OTHER ANIMALS.

- (a) The owner of any animal impounded other than pursuant to this Chapter may redeem the animal at any time prior to its sale or destruction. A person desiring to redeem an animal shall deliver to the police department an application for redemption and a statement in a form prescribed by the police department which shall contain a description of the animal to be redeemed, the name and address of the claimant, and the statement that he or she is the owner of the animal. The police department shall issue to such person a written statement containing the name and address of the claimant, a description of the animal redeemed, the date on which the animal was impounded, and the accrued fees, and said statement shall serve as a certificate of redemption and receipt for the fees paid.
- (b) The owner of any animal impounded pursuant to this Chapter may redeem the animal pursuant to (a) above only after six days from impoundment if he or she has not received notice that the animal has been declared a dangerous animal and of the right to a hearing pursuant to this Chapter or if, after a hearing, an order is made to return the animal to the owner.

5-2.18 FEES FOR IMPOUNDING AND KEEPING LICENSABLE ANIMALS. The owner of an *animal* which has been impounded shall pay to the *police department* an impounding fee and shall also pay a fee for keeping said *animal* dog for each day, or portion thereof, that said *animal* dog has been impounded. The owner of an animal, which has been impounded, shall also pay an impoundment fee and a fee per day for keeping said animal unless the amount required to keep the animal is higher in which case the owner shall pay the actual cost of keeping the animal. The owner may also be charged for actual costs of veterinarian fees, medications and vaccinations associated with the care of their animal while said animal is under the care and custody of the police department. Impoundment and associated fees will be set by Resolution of the City Council as adopted in a fee schedule.

# 5-2.19 ADOPTION / RESCUE AND / OR DESTRUCTION OF IMPOUNDED ANIMALS.

(a) Unless an animal has been *claimed* within six (6) days after being impounded, *not including the date of impoundment*, or unless it is being held for evidence in a hearing pursuant to this Sections 5-2.29

through 5-2.33 of this Article, it may be *made available for adoption or rescue* by the *police department* to *a* person other than the owner. But no animal which has been declared a dangerous animal pursuant to Sections 5-2.29 through 5-2.33 of this Article shall be *made available for adoption or rescue* pursuant to this section nor shall any animal which has been impounded pursuant to Section 5-2.15 and subsequently found not dangerous but improperly trained, handled or maintained be *made available for adoption or rescue*.

- (b) An animal may be humanely destroyed in accordance with state laws by the police department if within (6) days of impoundment, not including the date of impoundment, the owner has failed to make an application to claim the animal.
- (c) All animals coming into the jurisdiction of the police department animal control unit shall be screened for a license tag, microchip, or any other means of locating the owner. After all efforts have been made to locate the owner, the animal will be handled pursuant to (a) and (b) above.
- (d) All animals voluntarily surrendered by their owner will be handled in accordance with (a) and (b) above.
- **5-2.21 ADOPTION OF IMPOUNDED A**NIMALS. When an animal is adopted pursuant to the provisions of this Chapter, the police department shall deliver to the adopting person of said animal a contract containing a description of the dog or other animal, the date of transfer, and the terms of the adoption and the amount of fees paid. Upon the proper adoption of an animal, the previous owner of the animal shall thereafter be barred from all rights to recover the animal.

#### 5-2.22 LICENSING IMPOUNDED DOGS.

- (a) The police department shall not release any licensable animal to its owner until such time the owner provides proof of application for license in the jurisdiction of their residence.
- **5-2.23 REMOVAL OF TAG.** It shall be unlawful for any person to remove from a licensable animal the attached license tag for the current year.
- **5-2.24 DISPLAY OF TAG.** It shall be unlawful for any person to refuse to show police department employees on request, the license certificate and / or the tag for any licensable animal kept on the premises under their control.
- **5-2.25 KEEPING DANGEROUS DOGS OR OTHER ANIMALS.** It shall be unlawful for a person to keep *any animal* which has been found to be a dangerous or vicious animal pursuant to this Chapter, *or any other jurisdiction*.

#### 5-2.26 INTERFERENCE WITH HIGHWAYS.

It shall be unlawful for the owner to allow or permit *any animal* to habitually or repeatedly attack, *chase, molest or frighten* pedestrians, cyclists, vehicles or other users of the public *right of ways or roadways*.

**5-2.27 PERMITTING ANIMALS DOGS TO RUN AT LARGE**. It shall be unlawful for the owner or other person in lawful possession or control of an animal dog to allow or permit the animal to run at large upon any property, public or private, except with the consent of the property owner, or in a park or other area designated for such activity. Every animal found running at large in violation of the provisions of this section may be seized and impounded and/or the responsible person may be issued a citation for said violation.

**5-2.28 LEASH REQUIREMENTS.** It shall be unlawful for the owner or handler in lawful possession or control of a dog to walk the dog on any public place or right of way without the dog being secured or tethered by a fixed length leash not to exceed six (6) feet and the number of dogs shall not exceed the number of dogs the owner or handler can reasonably and safely control and in no circumstance shall the number of dogs exceed three (3).

#### 5-2.29 KEEPING OF ANIMALS.

Animal keeping is allowed as an accessory use to a primary residential use. Animals may be kept in compliance with the following standards:

- (a) Residential Household Pets. Household pets such as domestic dogs, cats, or birds, ordinarily permitted inside of a dwelling and kept only for the company and pleasure provided to the occupants shall be permitted. Household pets shall not include horses, cows, goats, sheep or other equine, bovine, ovine or ruminant animals, pigs, chickens, ducks, geese, turkeys, game birds or fowl which normally constitute an agricultural use. At no time shall the combined number of animals kept exceed seven (7) animals. At no time shall the number of cats or dogs exceed three (3) animals. It shall be unlawful to possess a combination of animals kept to exceed (7) residential household pets. [Include snakes/reptiles/other animals as permitted domestic pets?]
- (b) Agricultural Animals. The keeping of horses, cows, goats, sheep or other equine, bovine, ovine or ruminant animals is permitted in the AC and RR zone districts on lots one-half (0.5) acre or greater as long as the number of animals does not exceed one (1) per fifteen thousand (15,000)[??] square feet of lot area. The keeping of chickens, ducks, geese, turkeys, game birds or fowl is permitted with the total number not to exceed twelve (12) birds per gross acre. The raising of pigs is permitted in conjunction with an FFA or 4-H project for any recognized Fair, the limit being one (1) animal per student residing on the property. All animals other than household pets shall be housed or penned at a minimum distance of thirty-five (35) feet from property lines and fifty (50) feet from any residence. All areas and structures used in conjunction with the keeping of animals other than household pets shall be maintained and cleaned so as not to

present a public hazard or nuisance.

- (c) Except as permitted in section (b) above, is unlawful for any person to keep, maintain or permit to be maintained bees, swine, llamas, roosters, chickens, pigeons, turkeys, pea fowl, water fowl, ostriches and other "Ratitae," or livestock on any premises within the city. In addition, predatory, wild, or endangered animals are not allowed within the city.
- (d) The offspring of any permitted animal may be kept until weaned, as long as they do not exceed the total number of animals allowed herein.
- (e) The keeping of animals for commercial purposes shall not violate the provisions of Chapter 21 of the City of Porterville Municipal Code, which regulates kennels, pet stores, veterinary services, and animal raising.

#### 5-2.30 ANNEXATIONS-COMPLIANCE-TRANSITION PERIOD

Prohibited animals brought into the city limits as the result of a property annexation may be maintained on the annexed property for a maximum transitional period of 365 days from the date of annexation as long as the animals in question can legally be owned or possessed by law, are not classified as or presumed to be dangerous, and are in compliance with the ordinances of the County of Tulare at the time of annexation. Subsequent to the transitional period, the animals/property must be brought into compliance with the ordinances of the City of Porterville. [Review time period.... Determine if section should require compliance via attrition, lot size issues.]

### 5-2.31 ANIMALS IN CITY BUILDINGS AND IN VEHICLES:

- (a) It shall be unlawful for any person charged with the care of any animal or animals to cause or permit such animal to enter or remain in city-owned or city-managed buildings other than a building used for the purpose of care, detention, control or treatment of animals, or a building used for training classes, shows or exhibitions. This subsection shall not apply to persons using service animals.
- (b) It shall be unlawful, other than an individual actually in the process of working a dog or other animal for ranching purposes, to transport or carry the animal in a motor vehicle on any public highway, public roadway, or lot open to the public unless the animal is safely enclosed within the vehicle or by means of a container, cage or other device which will prevent the animal from falling from, jumping from, or being thrown from the motor vehicle.

(c) It shall be unlawful for any person to leave any dog or other animal in a vehicle or other enclosure without adequate ventilation or in such a manner as to subject the animal to extreme temperatures which may adversely affect the health or well being of the animal.

### 5-2.32 CONTROL & SEIZURE OF DISEASED ANIMALS:

- (a) It shall be unlawful for any person owning or having charge of any animal which that person knows to be infected with any disease transmittable to humans or detrimental to other animals shall permit such animal to remain within the city limits other than at an approved veterinary hospital unless the police department or other appropriate authority approves an alternative means of confinement.
- (b) The police department is authorized to seize any animal reasonably believed to be infected with disease transmittable to humans or detrimental to other animals.

### 5-2.33 CRUELTY TO ANIMALS PROHIBITED:

(a) It shall be unlawful for any person to engage in any activity likely to cause harm or maliciously, willfully, or recklessly kill, maim, wound, mutilate, torment, torture or physically abuse any animal.

[include section preventing animal neglect??]

#### 5-2.34 ABANDONMENT OF ANIMALS PROHIBITED:

It shall be unlawful to abandon any animal within the city limits. "Abandonment" as used herein, refers to acts clearly indicating intent on the part of an owner or person in control of an animal to permanently relinquish control over the animal.

**5-2.28 5-2.35 BARKING DOGS.** It shall be unlawful for any owner *or caretaker* of a dog to keep said dog in the City *limits*, which by loud or excessive barking, howling, whining, *crying*, *yelping* or making any other noise, disturbs the comfort, quiet, *or peace* of any neighborhood or any person *at any time*; provided *the* owner has been made aware *of the disturbance by the police department*.

#### 5-2.36 PUBLIC NUISANCE:

(a) It is declared to be a nuisance, and it shall be unlawful, for any person owning or having control or custody of any animal to do any of the following:

- (1) Permit an animal to defecate or urinate on any privately owned or occupied property other than that of the owner or the person having control of the animal;
- (2) Permit an animal to defecate on public property without immediately cleaning or removing the excrement to a proper receptacle;
- (3) Permit unsanitary conditions to exist on any premises where an animal is kept which would cause foul or obnoxious odors, attract flies or vermin or otherwise threatens public health and safety;
- (4) Cause or permit any animal to run or wander on any public property or privately owned or occupied property or premise without the consent of the owner or occupant.
- (b) If an unaltered animal is determined to be a nuisance pursuant to this subsection, upon a second offense, the owner may be required to have the animal altered;
- (c) The owner or person in control of an animal that has been determined to be a nuisance on a second or subsequent occasion maybe required to have a microchip inserted into the animal for identification purposes. In such instances, the microchip must be implanted by a licensed veterinarian within twenty (20) days of being classified as a nuisance for a second or subsequent offense and shall be at the expense of the owner or person in control of the animal. The owner or person in control of the animal shall provide the police department with a certificate of completion and provide the information listed on the microchip, which will be included in the licensing record for that animal;
- (d) Any police department employee acting in the capacity of animal control may seize and impound any animal causing a public nuisance.
- (e) Any private person may maintain an action under Civil Code Section 3493 for enforcement of this chapter declaring certain acts a public nuisance, if such acts are especially injurious to such person.
- 5-2.37 KILLING/BUTCHERING/PROCESSING OF ANIMALS OR FOWL EXEPTIONS. It shall be unlawful to kill, slaughter, or sacrifice any animal or fowl inside the city limits of Porterville except on the premises or within the confines of establishments licensed for that purpose or within the confines of a recognized/licensed teaching institution as part of a curriculum. This section does not apply to police department employees acting in the capacity of animal control duties.

## 5-2.38 NUISANCE - INSPECTION FOR THE SAME - PROCEDURES:

- (a) It shall be the duty of the police department to enter upon any yard, lot or parcel of land for the purpose of inspecting the same to ascertain the presence of an animal-related nuisance.
- (b) If the inspecting official has reason to believe a nuisance exists, he/she may serve written notice of correction to the person or persons owning or having control of or acting as agent for, leasing or occupying such premises, to abate or remove such nuisance within forty-eight (48) hours or other reasonable time as stated in the notice. Such notice shall be served personally or, where the person responsible for such nuisance cannot be located, by posting the notice in a conspicuous place on the front door or entranceway.
- (c) It shall be unlawful for any person to knowingly, willfully, or negligently fail to abate the nuisance alleged in the notice or fail to contest the allegations in the notice within forty-eight (48) hours (or other time as specified in the notice) following receipt or knowledge of same.
- (d)Where the person upon whom the abatement notice is required to be served under subsection (b) has been properly served but does not abate the nuisance within the time specified in the notice, the police department shall have the authority to do the following:
  - (1) Where the nuisance is caused by an at-large animal, a wild or exotic animal or a dangerous animal, the police department may follow the procedures relating to seizure and impoundment.
  - (2) Where the nuisance is in the nature of noise or odors and is caused by an animal or animals, by animal waste, or other conditions on the premises that are the result of the keeping of the animals, the police department may abate the nuisance by substantially following the notice, hearing, and the abatement procedure. Cost recovery procedures will follow the same as set forth in the impoundment recovery procedures defined in this Chapter pursuant to the attached fee schedule.

## 5-2.39 HEARING TO DETERMINE IF ANIMAL IS DANGEROUS.

(a) The police department may declare any animal to be a dangerous whenever it has attacked, bitten or caused injury to any human being or other animal, or where there is evidence that an animal has acted in a threatening manner towards any human being, or has exhibited characteristics of being trained for fighting or attacking. Within two (2) days after an animal, which is wearing a license tag or can otherwise be identified, is impounded pursuant to this section, the police department shall serve notice

of the finding to the owner of record, via registered mail, or deliver the same in person, advising the owner the animal is dangerous and of the owner's right to a hearing on the issue of whether or not the animal is dangerous.

- (b) The owner of an animal confined or impounded pursuant to this section may, within the six (6) day time period, not including the date of impound, provide for application for redemption of the animal, requesting a hearing to determine whether or not the animal is a dangerous.
- (c) When a hearing is requested pursuant to subsection (b) above, a date and time for such a hearing shall be set, and notice thereof shall be served to all involved parties [??needs to be better defined] within five (5) business days.

# 5-2.405-2.30 HEARING: CONDUCT.

- (a) A hearing requested in accordance with this chapter shall be conducted before a person appointed by the Chief of Police to serve as a hearing officer.
  - (b) The hearing shall be open to the public. The animal owner may be represented by an attorney. The hearing officer shall hear all pertinent evidence offered by any interested persons. The technical rules of evidence shall not be applicable to the hearing, except that the hearing officer's decision may not be based solely wholly on hearsay evidence. All persons giving evidence shall be sworn before testifying. The hearing will be recorded electronically by an uninvolved member of the police department. Copies of the hearing recording will be provided to the involved parties upon request.
  - (c) Any animal which has attacked, bitten or caused injury to a human being or other animal is presumed to be dangerous and the burden is on the owner to present evidence that the animal is not dangerous.
  - (d) In making a determination that an animal is or is not dangerous, evidence of the following shall be considered:
    - (1) Any previous history of the animal attacking, biting or causing injury to a human being or other animal.

- (2) The nature and extent of injuries inflicted and the number of victims involved.
- (3) The place where the bite, attack or injury occurred.
- (4) The presence or absence of any provocation for the bite, attack or injury.
- (5) The extent to which property has been damaged or destroyed.
- (6) Whether the animal exhibits any characteristics of being trained for fighting or attack or other evidence to show such training or fighting.
- (7) Whether the animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or animals.
- (8) Whether the animal can be effectively trained or re-trained to change its temperament or behavior.
- (9) The manner in which the animal had been maintained by its owner or custodian.
- (10) Any other relevant evidence concerning the maintenance of the animal.
- (11) Any other relevant evidence regarding the ability of the owner or custodian to protect the public safety in the future if the dog animal is permitted to remain in the City.
- (12) Any other relevant evidence concerning the characteristics or behavior of the *animal* dog, or concerning the circumstances of the incident.

### 5-2.412HEARING: DECISION AND DISPOSITION OF ANIMAL

- (a) At the conclusion of the hearing, the hearing officer may determine:
  - (1) That the animal is not a dangerous animal and should be returned to its owner; or

- (2) That the animal is not dangerous but that the attack, bite or injury was the result of improper or negligent training, handling or maintenance; or
- (3) That the animal is dangerous and it should be humanely destroyed after all appeal processes have been exhausted following the receipt of the hearing officer's decision.
- (b) If it is determined that the animal is not dangerous, but that the bite, attack or injury was the result of improper or negligent training, handling or maintenance and the owner is unable or unwilling to properly train, handle or maintain animal and that a similar incident is likely to occur in the future without proper training, handling or maintenance, the dog or other animal may be disposed of.

(c) If it is determined that the animal is not dangerous, but that the bite, attach or injury was the result of improper or negligent training, handling or maintenance, but also that the owner is able and willing to properly train, handle or maintain the animal and that similar incident is not likely to occur in the future with proper training, handling and maintenance, the animal may be returned to the owner with documentation of how to prevent future incidents.

- (d)The decision of the hearing officer shall be in writing and shall be delivered personally to the owner or mailed to him or her by certified mail.
  - (e) The owner may, within ten (10) days of *receipt* of the hearing officer's written decision, appeal the hearing officer's decision to the Tulare County Superior Court pursuant to California Code of Civil Procedure Section 1094.6. The police department will be notified by the owner of the appeal in writing on the same date as the appeal was filed.[not sure we can require this notification, but this is intended to prevent unintentional destruction of an animal where an appeal to the Court has been filed.]

#### Article III

#### Kennels

Kennel Defined
Kennel Permit and Application Fee
<b>Vaccination Certificate Required</b>
Preliminary Inspection
Permit

5-3.6	Term of Permit
5-3.7	Delinquent Penalties, Securing Individual Licenses if
	Kennel Permit Denied, Time Limits
5-3.8	Permitting Dogs to Run At Large
5-3.9	Inspection of Kennel
5-3.10	Vaccination of Additional Dogs
5-3.11	Delivery of Vaccination Certificates to Purchasers
5-3.12	Effect of Revocation of Kennel Permit

**5-3.1 KENNEL DEFINED.** The term "kennel," as used in this Chapter, means a premises, building or enclosure where four (4) or more animals not owned by the kennel owner or operator are kept, boarded, trained, or maintained for commercial purposes. The maintenance of more than two (2) animals used for breeding purposes for which compensation is received, or the parturition or rearing of more than two (2) litters in one (1) calendar year shall be a rebuttable presumption that such animals are owned or maintained for the purpose of commercial breeding and the owner and the premises shall be subject to permit and licensing requirements as established in Chapter 21 of the City of Porterville Municipal Code.

**5-3.2 KENNEL PERMIT AND APPLICATION FEE.** In lieu of securing the permit required by this Chapter for each of the *animals* in a kennel, a person owning or operating a kennel may obtain a kennel permit covering all of the *animals* maintained in the kennel. It shall be unlawful to fail to secure the permit required by this Chapter. The application for a kennel permit shall be filed with the *police department*, *along with a copy of a valid city business license*. The fees for kennel permits shall be set by Resolution of the City Council *in a fee schedule*.

5-3.3 VACCINATION CERTIFICATE REQUIRED. The police department shall not issue a kennel permit unless the person applying for the permit files a certificate or certificates signed by a licensed veterinarian showing that all of the animals in the kennel, which are over four (4) months of age, have been vaccinated against rabies and which indicates that the period of time elapsing from the dates of the vaccinations to the date of expiration of the kennel permit does not exceed thirty-six (36) months in the case of vaccination with live virus rabies vaccine or eighteen (18) months in the case of vaccination with killed virus rabies vaccine, as those types of vaccines are defined in section 2606 et seq. of Chapter 17 of the California Code of Regulations. During any period when the City of Porterville is designated as a rabies area pursuant to sections 1900-1921 of the Health and Safety Code of the State of California, no killed virus vaccine shall be used other than vaccine of bovine nerve tissue origin.

However, if one or more *animals* in the kennel are too ill to be vaccinated against rabies at the time the application kennel permit is filed with the *police department*, and the application for the kennel permit is accompanied by a certificate signed by

a veterinarian which so states, the *police department may* process and issue the kennel permit in compliance with this Chapter. The owner of the kennel shall thereafter have each such *animal* vaccinated within thirty (30) days after the date on which it becomes well enough to be vaccinated, the owner of the kennel shall file the vaccination certificate with the *police department*. If a person holding a kennel permit has failed to have *an animal* vaccinated pursuant to this section, the *police department may* immediately revoke the kennel permit and to give the holder of the kennel permit written notice of such revocation. [May require a hearing for revocation of permit]

- **5-3.4 PRELIMINARY INSPECTION:** The *police department may* inspect *all kennels to* determine whether the *kennels are* constructed and operated in such a manner as to prevent the *animals* confined therein from running at large.
- **5-3.5 LICENSE.** If the *police department* has determined that the *kennels are* constructed and operated in such a manner as to prevent *animals* confined therein from running at large, and if the required vaccination certificates have been filed in compliance with the provisions of this Chapter, the *police department may issue* a kennel permit to the applicant. The kennel permit issued by the *police department* shall contain a serial number, the expiration date of the permit, the address of the kennel, and such other information as the *police department* may require.
- **5-3.6 TERM OF PERMIT.** Kennel permits shall be issued on *an annual basis* commencing on *January 1st* July 1st and *expiring on December 31st*.
- 5-3.7 DELINQUENT PENALTIES: SECURING INDIVIDUAL PERMITS IF KENNEL PERMIT DENIED: TIME LIMITS. Commencing on the 1st day of January each year, the police department shall collect a delinquent penalty, in addition to the regular permit fee, before issuing any kennel permit if the time limits set forth in this Chapter have expired for any animal in the kennel at the time that the application for the permit is filed. The delinquent penalty shall be in an amount equal to the regular permit fee as set forth in this Chapter. If an application for a kennel permit is filed before the time limits set forth in this Chapter have expired and if, after the expiration of such time limits, the *police department* determines that a kennel permit will not be issued, the police department shall send the owner of the kennel written notice that the kennel permit will not be issued. It shall be unlawful for the owner of the kennel to fail to secure individual permits for each of the animals in the kennel, pursuant to the provisions of this Chapter, within thirty (30) days after receipt of such written notice of such violation. During the period between the date on which the application for the kennel permit is filed with the police department until thirty (30) days after receipt of said written notice, the owner of the kennel shall not be in violation of this chapter.

**5-3.9 INSPECTION OF KENNEL.** The *police department* may at any time inspect any kennel for which a kennel permit has been issued. If the *police department* 

determines that the kennel is not being operated in accordance with the Chapter, the police department may immediately revoke the kennel permit.

- 5-3.11 DELIVERY OF VACCINATION CERTIFICATES TO PURCHASERS. Whenever a person holding a kernel permit sells any *animal* in the kennel, he/she shall deliver a copy of the vaccination certificate for the *animal* to the purchaser. If satisfactory evidence is presented to the *police department* that a person holding a kennel permit has failed to comply with the provisions of this section, the *police department may* immediately [note may need hearing prior to revocation] revoke the kennel permit.
- **5-3.12 EFFECT OF REVOCATION OF KENNEL PERMIT.** If the *police department* revokes a kennel permit pursuant to the provisions of this chapter, it shall be unlawful for the owner of the kennel to fail to secure individual *licenses* for each of the *animals* in the kennel, pursuant to this Chapter, within thirty (30) days after receipt of written notice of such revocation from the *police department*. Any person whose kennel permit has been revoked by the *police department* shall not be permitted to apply for a kennel permit until the next *calendar* year.

# Article IV Rabies Control

#### Sections:

- 5-4.1 Application of Article
- 5-4.2 Animal Showing Signs of Rabies
- 5-4.3 Isolation of Rabid Animals and Clinically Suspected Rabid Animals
- 5-4.4 Animals Biting Persons
- 5-4.5 Animals in Contact with Rabid Animals
- 5-4.6 Violation of Quarantine
- **5-4.1 APPLICATION OF ARTICLE.** This Chapter shall be in effect only at those times when the City of Porterville is not designated as a rabies area pursuant to sections 1900-1921 of the Health and Safety Code of the State of California. During those periods when the City of Porterville is designated as a rabies area, the provisions of said sections 1900-1921 of the Health and Safety Code, and the rules and regulations adopted pursuant thereto, are applicable rather than the provisions of this Article.
- **5-4.2 ANIMAL SHOWING SIGNS OF RABIES.** Whenever the owner of an animal observes or learns that such animal shows symptoms of rabies or acts in a manner which would lead to a reasonable suspicion that it may have rabies, such person

shall immediately notify the *police department*. Said person shall thereafter allow the *police department* to inspect or examine *the* animal.

**5-4.3 ISOLATION OF RABID ANIMALS AND CLINICALLY SUSPECTED RABID ANIMALS,** The owner of any rabid animal or clinically suspected rabid animal shall isolate the animal in strict confinement under proper care and under the observation of a veterinarian, in a Kennel, veterinary hospital, or other adequate facility in a manner approved by the *police department*, and said animal shall not be destroyed or released from confinement for at least ten (10) days after the onset of symptoms suggestive of rabies and until the *police department* gives written authorization for the release of the animal, with the exception that such animal may be sacrificed with the permission of the *police department* for the purpose of a laboratory examination for rabies using the fluorescent rabies antibody test in an approved public health laboratory.

5-4.4 ANIMALS BITING PERSONS. Whenever the owner of an animal has knowledge that such animal has bitten any person, the owner shall immediately report that fact to the police department and report the name and address of the person bitten and the time and place that such person was bitten. Upon order of the police department, the owner shall guarantine the animal for the period of time specified in section 2606 of Chapter 17 of the California Administrative Code with regard to rabies areas, and shall allow the *police department* to make inspections and examinations of the animal during such period. The police department Shelter Supervisor may guarantine said animal upon the premises of the owner. However, if the owner of the animal so desires, the *police department* shall place the animal in quarantine in a veterinary hospital, at the expense of the owner, in lieu of quarantine of the animal on the premises of the owner. Quarantine shall be made by written notice delivered to the owner of said animal stating that the animal is quarantined and the instructions to be followed. If the quarantine is upon the premises of the owner of the animal, the animal shall be confined within a locked enclosure so constructed that the animal cannot escape or have contact with any other animal or human being other than the person responsible for its care or, at the discretion of the police department, the animal may be kept under restraint by leash in charge of a responsible person, or under such restrictions as the Shelter Supervisor may prescribe. Said animal shall be kept in guarantine until the police department gives written authorization for the release of the animal from quarantine.

**5-4.5 ANIMALS IN CONTACT WITH RABID ANIMALS.** Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal or has been in intimate contact with a rabid or suspected rabid animal shall be quarantined by the owner in a place and manner approved by the *police department* Shelter Supervisor, for a period of six (6) months or destroyed; provided, however, that the following alternatives are permitted in the case of dogs and cats: If the dog or cat has been vaccinated against rabies within two (2) years but not less than thirty (30) days with a live virus vaccine, or within one (1) year but

not less than thirty (30) days with a killed virus vaccine, as those types of vaccines are defined in section 2606 et seq. of Chapter 17 of the California Administrative Code, the dog or cat may be re-vaccinated in a manner approved by the *police department* and quarantined in a place and manner approved by the *police department* for a period of thirty (30) days. The provisions of this Chapter concerning quarantine shall also apply to the quarantine of animals pursuant to this section.

**5-4.6 VIOLATION OF QUARANTINE.** When any animal is quarantined by the *police department*, it shall be unlawful for the owner of the animal to violate the quarantine by removing said animal from the premises where it is quarantined, allowing it to run at large, destroying it without authorization from the *police department*, concealing it from the *police department* or disobeying any of the quarantine restrictions which have been imposed by the police department.

#### DOG PARKS - RULES & REGULATIONS

[Note – we may want to just provide the authority for adopting rules for the dog parks in the ordinance and specify that said rules will be posted, violation of posted rules will subject the offender to penalties/fees, etc. Can keep the provision re allocating fees and fines to operation and enforcement of animal control program]

#### Rules

- 1. Each owner or handler using the park is responsible for reading the rules of the dog park before entering it.
- 2. No owner or handler may bring more than two (2) dogs into the park at one time.
- 3. An owner or handler must be sixteen (16) years of age or older.
- 4. A child under the age of ten (10) years may enter the park only with a responsible adult.
- 5. Each dog brought into the park must be wearing a current license tag. The license tag may be checked by a member of the police department for validity.
- Dogs are to be brought to the park on leashes and released inside the dog park, and put under the control of the leash again before they exit the dog park. No spike, choke, electric, or prong collars are allowed on dogs in the park.
- 7. No female dog in heat, or sick dog, shall be brought into the dog park.

- 8. Smoking, food, toys, and glass containers are prohibited in the dog park.
- Owners or handlers are to remain in visual contact with their dogs at all times and shall have verbal control of their dogs while in the park.
- 10. An owner or handler shall immediately leash and remove a dog that becomes aggressive. At no time may a dog that has been designated as being dangerous or vicious be brought into the park.
- 11. Dog bites occurring inside dog parks shall be reported immediately to the police department.
- 12. Owners or handlers shall control excessive barking while in or about the park.
- 13. An owner or handler is responsible for cleaning up secretion of feces and destruction caused by his or her dog, and filling in any holes the dog digs while in the park.

#### Allocation of fees and fines collected.

All fees and the city's share of all fines collected shall be used only by the department to fund the implementation and enforcement of the city's animal control program

#### Article VI

#### **Violations**

#### 5-5.1 VIOLATIONS.

- (a) Misdemeanor. Any person violating any of the provisions of section this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment for a term not exceeding six (6) months or by both such fine and imprisonment. Notwithstanding the classification of a violation of this Chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of this Chapter, the trial court, upon recommendation of the prosecuting attorney, may reduce the charged offense from a misdemeanor to an infraction.
- (b) Separate Offense. Each day that any provision of this chapter is violated is a separate and distinct offense and shall be punishable as separate and distinct offense.

- (c) A person who owns or is in charge of or controls or who possesses an animal who permits, allows or causes the dog to run, stray, be uncontrolled or in any manner be in, upon, or at large upon a public street, sidewalk, park or other public property or in or upon the premises or private property of another person is guilty of a misdemeanor if said animal bites, attacks or causes injury to any human being or other animal.
- (d) Administrative Citation. Upon a finding by the city official or representative vested with the authority to enforce the various provisions of this Chapter, that a violation exists, he or she may issue an Administrative Citation and proceed with enforcement pursuant to Chapter 2, Article XIV, of the Municipal Code.
- (e) Except as provided for in Subsection (c) of this section, violation of any of the provisions covered in this chapter may be investigated and punished as an infraction. An administrative citation may be issued in lieu of filing a criminal case. Each day a violation continues may be investigated regarded as a new and separate offense. The punishment upon conviction may be:
  - 1. A fine not exceeding one hundred dollars (\$100.00) for a first violation:
  - 2. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same provision within one (1) year; or
  - 3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same provision within one (1) year, to a maximum of three (3) such violations.
  - (B) For purposes of this section, bail forfeiture shall be deemed to be a conviction of the offense charged.
  - (C) In addition to any other penalties or fines provided for in this chapter, any reasonable costs incurred by the city in seizing, impounding and for confining any dangerous animal may be charged and recovered against the owner.
  - (f) Four (4) or more violations of the same section of this chapter shall constitute a misdemeanor and shall be investigated according to section (a) above. Each additional day the violations continue unabated shall be regarded as a new and separate offense.
    - (e) Civil Action. The City Attorney, or an Attorney hired for such purposes by and at the request of the City Council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition found to be in violation of the provisions of

the Chapter	, or State	Codes:	specifical	ly adopt	ted by ref	ference,	as
provided by	law, and	the City	shall be	entitled	to its atto	rneys f	ees
and costs.		-				15	

(f) These remedies shall not supplant or replace the procedures concerning dangerous animals as specified in Sections 5-2.15, and 5-2.29 through 5-2.33. [check numbering once finalized]

<b>SECTION 2:</b>	This Ordinance shall be in full force and effect thirty (30) days from
and after its pa	assage, adoption, and approval.

	Mayor	
ATTEST: ???????		

# [NOTE - SECTION NUMBERING AND REFERENCES IN THE DRAFT HAVE NOT BEEN VERIFIED AND MAY BE INCORRECT UNTIL FINALIZED]

WHEREAS, the City desires to adopt comprehensive modifications to the regulations pertaining to animal control within the City; and

WHEREAS, in adopting this ordinance the City Council desires to clarify the requirements, violations, and remedies regarding the control of animals within the City limits;

# NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN, AS FOLLOWS:

**SECTION 1**: Chapter 5, Sections 5-1 through 5-4.6, of the Porterville Municipal Code is repealed in its entirety and replaced with the following:

# Chapter 5 ANIMAL CONTROL

# Article I General Provisions

#### Sections:

- 5-1.0 Definitions
- 5-1.1 Shelter Supervisor
- 5-1.2 Records
- 5-1.3 Animal Shelter
- 5-1.4 Impounding / Collection of Animals
- 5-1.5 Right to Enter Premises
- 5-1.6 Interference with Duties

### 5-1.0 DEFINITIONS.

- (a) The term "owner," or "handler" as used in this Chapter, means any person, firm or corporation owning, harboring, having an interest in, or having control, custody or possession of an animal. In the case of an animal, which is owned by a minor, the parent or guardian of the minor shall constitute the "owner" of such animal for the purposes of this Chapter.
- (b) The term "at large," as used in this Chapter, means any animal that is off the premises of its owner and not under restraint by leash or chain, or which is wandering or running freely on public property or property belonging to a person not the owner or person in control of the animal and without supervision, accompaniment and adequate restraint. means an animal off the premises of its owner which is not under restraint by leash and which is not under the control and in the immediate presence of the owner.

- (c) The term "dangerous animal," as used in this Chapter, means a dog or other animal which has attacked, bitten or injured any human being or other animal without reasonable provocation, or which has been so declared pursuant to this Chapter, or under the facts and circumstances has acted in a threatening manner towards any human being or other animal or has displayed characteristics of being trained for fighting, or there is other evidence to show such training or fighting.
- (d) The term "attack," as used in this Chapter means any unprovoked aggressive behavior toward a person or animal. Aggressive behavior in defense of property or territory of the owner shall constitute an attack unless the dog or other animal is securely contained within an enclosure sufficient to prevent physical contact with a person or animal outside such enclosure.
- (e) The term "field officer" as used in this Chapter shall mean any officer of the police department. the animal control agents or peace officers that respond to any complaint or incident. [Note do we want to define "field officer" more broadly to include other individuals designated by the City?]
- (f) The term "competition dog" as used in this Chapter shall mean any animal which is used to show, to compete, or to breed which is of a breed recognized by the American Kennel Club, United Kennel Club, or American Dog Breeders Association and meets the following requirements:
  - (1) The dog has competed in at least one (1) dog show or sporting competition sanctioned by the national registry or approved by the department within the last 365 days.
  - (2) The dog has earned a confirmation, obedience, agility, carting, herding, protection, rally, sporting, working, or other title from a purebred dog registry or dog sport association.
  - (3) The owner or custodian of the dog is a member of a purebred dog breed club, approved by the department, which maintains and enforces a code of ethics for dog breeding that includes restrictions from breeding dogs with genetic defects and life threatening health problems that commonly threaten the breed.
- (g) The term "competition cat" as used in this Chapter shall mean any show cat (also known as a purebred cat or pedigreed cat) that is

recognized by the Cat Fanciers' Association and/or The International Cat Association and meets the following requirements:

- (1) The owner or custodian of the dog is a member of a purebred cat breed club, approved by the department that encourages its members to be owners and breeders of cats who work together to promote the preservation of pedigreed cats and the health and welfare of domestic cats.
- (2) maintains a certified pedigree registry.
- (3) Have participated in a cat show in the last 365 days, which promotes both pedigreed and non-pedigreed cats.
- (4) The owner or custodian of the cat is a member of a purebred cat breed club, approved by the department, which maintains and enforces a code of ethics for cat breeding that includes restrictions from breeding cats with genetic defects and life threatening health problems that commonly threaten the breed.
- (h) The term "service animal," as used in this Chapter, means any animal which shall include but not be limited to assistance dogs, guide dogs, signal dogs, police dogs, search and rescue animals, or other service animals as defined by applicable State or Federal law, or being trained for such use. [Note include definition for "therapy animals?"]
- (i) The term "altered animal," as used in this Chapter, means any animal that has been surgically altered (spayed/neutered) or by means of written proof from a licensed veterinarian that the animal does not possess the capability of reproduction.
- (j) The term "unaltered animal," as used in this Chapter, means any animal capable of reproduction.

5-1.1 SHELTER SUPERVISOR/DEPARTMENT OF ANIMAL CONTROL UNIT. Supervision of the Animal Control Unit shall be any supervisor of the police department at the direction of the Chief of Police and / or his designee. The office of Shelter Supervisor shall be established. The Shelter Supervisor shall be appointed or contracted by the City Council and may be either a person, firm, association, corporation, public entity or joint powers authority. The Shelter Supervisor shall serve for such period of time and shall receive such compensation as shall be established by the City Council by ordinance or by contract. If an association or corporation is appointed as Shelter Supervisor, each officer and

employee authorized by such association or corporation to perform duties under this Chapter shall be deemed to be a Shelter Supervisor and shall have all of the rights and duties of the Shelter Supervisor which are set forth in this Chapter. The Police Department shall carry out the duties of a Department Division of Animal Control., and the Chief of Police shall serve as the ex-officio Director. The Director shall perform all duties of the Shelter Supervisor, unless the City Council has entered into a contract with another person, firm, association, corporation, or public entity, or has otherwise provided for such services via a joint powers authority, to furnish animal control services, in which case the Director shall administer said contract on behalf of the City Council.

- (a) Any police department employee [consider broadening this to potentially include other city employees] acting in the capacity of animal control duties shall have the following powers:
- 1. To enforce the provisions of this chapter and state laws relating to the care, treatment, impounding and destruction of animals. These provisions will also encompass the adoption of animals and / or safe return of animals to their rightful owner.
- 2. The Chief of Police may formulate rules and regulations in conformity with and for the purposes of carrying out this chapter.
- (b) The Chief of Police or his designee shall have authority to determine whether any animal has engaged in the behaviors or exhibits any of the characteristics of a dangerous animal.
- **5-1.2 RECORDS.** The Shelter Supervisor police department shall keep a record of every animal impounded pursuant to this Chapter which shall include a description of the animal, the date of receipt, the date and manner of disposal, the name of the person redeeming or purchasing, and the fees, charges and proceeds of sales received on account of said animal, and any additional records as may be required. by the City Council from time to time.
- 5-1.3 ANIMAL SHELTER. There shall be provided by the *police department* Shelter Supervisor, upon such terms and conditions as may be mutually agreed upon by the Shelter Supervisor and the City Council, a suitable building, or enclosure, or other support facility to keep and safely hold all animals to be impounded pursuant to the provisions of this Chapter, and said building or enclosure shall be known and designated as the "Shelter."
- 5-1.4 IMPOUNDING / COLLECTION OF ANIMALS. The police department Shelter Supervisor shall may take pick up, impound and safely keep any animal dog that is found running at large contrary to the provisions of this Chapter within the incorporated territory of the City.

- **5-1.5 RIGHT TO ENTER PREMISES.** The Any police department employees acting in the capacity of performing animal control duties Shelter Supervisor, and his or her agents, shall be authorized to enter upon any premises for the purpose of enforcing the provisions of this Chapter.
- **5-1.6 INTERFERENCE WITH DUTIES.** It shall be unlawful for any person to interfere with the police department employees engaged in the performance of capacity of animal control duties. Shelter Supervisor, or his or her agents, in the performance of his/her official duties.

## Article II

# Dogs / Licensable Animals

Sect	ions:	
	5-2.1	License Required
	5-2.2	Issuance of License and Tag
	5-2.3	Time Limits
	5-2.4	Vaccination Certificate Required
	5-2.5	Term of License
	5-2.6	License Fees: Unaltered
	5-2.7	License Fees: Altered Spayed or Neutered Dogs
	5-2.8	Exemption: Service or Assistance Dog
	5-2.9	Delinquent Penalties
	5-2.10	Extension of Time: Dogs too III to be Vaccinated
	5-2.11	Replacing Lost or Stolen Tags
	5-2.12	License Transferable
	5-2.13	Affixing Dog Tag
	5-2.14	Impounding Dogs without Tags
	5-2.15	Impounding Biting or Attacking Animals
	5-2.16	Notice to Owner of Licensed Dog or Other Animal
	5-2.17	Redemption of Impounded Dogs or Other Animals
	5-2.18	Fees for Impounding and Keeping Dogs and Other
		Animals
	5-2.19	Sale and Destruction of Impounded Dogs and Other
		Animals Wearing Tags
	<del>5-2.20</del>	Sale and Destruction of Impounded Dogs and Other
		Animals Not Wearing Tags
	5-2.21	Sale of Impounded Dogs
	5-2.22	Licensing Impounded Dogs
	5-2.23	Removal of Tag
	5-2.24	Display of Tag
	5-2.25	Keeping Dangerous Dogs or Other Animals
	5-2.26	Interference with Highways
	5-2.27	Permitting Dogs to Run At Large

5-2.28	Barking Dogs
5-2.29	Hearing to Determine if Animal is Dangerous
5-2.30	Hearing: Conduct
5-2.31	Hearing: Decision
5-2.32	Disposition of Dangerous Animal
5-2.33	Dog or Other Animal Declared Not Dangerous

**5-2.1 LICENSE REQUIRED**. Every owner of a dog *or licensable animal*, within the City, shall secure a license from *a* the Shelter Supervisor or the Police Department *facility* or from the City Finance Department, for each such dog or *licensable animal* within the time limits set forth in this Chapter. It shall be unlawful for any owner to fail to secure said license in accordance with the provisions of this Chapter. A license need not be secured for a dog *or licensable animal* which is brought into the City *by its visiting owner* or for the purpose of being entered in a dog show or dog exhibition, provided that *the owner* of such *animal* dog is entered in such show or exhibition, and is removed from the City within thirty (30) days after the date on which the dog was brought into the City. *provides proof of current license and/or current rabies vaccination from the jurisdiction of origin, and the animal is removed from the city limits no more than (30) days after entry.* 

5-2.2 MANDATORY SPAY / NEUTER REQUIREMENT. It has been shown that mandatory spaying / neutering has been effective in reducing the population of animals in the city. By requiring mandatory spaying/neutering, the police department is working to reduce the number of euthanizations conducted in the City of Porterville each year necessary to maintain a manageable animal population. Spaying/neutering has been shown to be effective in reducing animals running at large and also reduces aggressive behavior in animals. As an additional benefit, this requirement will cut costs to the community in managing the pet population.

- (a) Requirement for Altered Animals: No person may keep, own or harbor an unaltered dog or cat over four (4) months of age within the city limits, unless an unaltered license has been properly obtained. An owner or custodian of an unaltered dog or cat must have the animal spayed or neutered or obtain an unaltered license in accordance with the exceptions to the spay/neuter requirements as described in section (b) "Unaltered Animals."
- (b) Unaltered Animal License: An owner or custodian of an unaltered dog or cat over the age of four (4) months must obtain an annual unaltered animal license. The license shall be issued if the department has determined that all of the following conditions have been met:
  - (1) The dog or cat qualifies as an exempt animal as described in section 3.
  - (2) The owner or custodian has submitted the required application for the license and the applicable fees for the license have been paid in

- accordance with the fee schedule as set by Resolution of the City Council.
- (3) The following may[??] be exempt animals from the spay/neuter requirements:
  - (a) An animal unable to be spayed/neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity, which is confirmed in writing from a licensed veterinarian.
  - (b) A competition animal as defined in this Chapter.
  - (c) A service animal which shall include but not be limited to assistance dogs, guide dogs, signal dogs, police dogs, search and rescue animals, or other service animals as defined by applicable State or Federal law, or being trained for such use.
  - (d) An animal associated with a licensed kennel within the city for breeding purposes.

5-2.2 ISSUANCE OF LICENSE AND TAG. Application for a license required by this Chapter shall be filed with the Shelter Supervisor, or Police Department. on a form prescribed by the Shelter Supervisor. Upon Finance Department, payment of the required fee and upon compliance with the other requirements of this Chapter, the Shelter Supervisor shall issue a dog license shall be issued. Either The application or the license shall contain a brief description of the dog animal including the age, sex, color and breed of the animal dog, and the name and address of the owner. The license shall contain a serial number, the expiration date of the license and such other information as the police department Shelter Supervisor may determine. The police department Shelter Supervisor shall keep a copy of the application and license on file. in his office and the application and license shall be open to public inspection. With each license issued, the police department Shelter Supervisor shall also issue a tag made of some durable material. Said tag that shall bear the words "City of Porterville," the serial number on the animal dog license. , the date of expiration of the license, and such other information as the police department-Shelter Supervisor may determine. Said The tag shall be securely worn by the animal for which the license was issued.

#### 5-2.3 TIME LIMITS.

- (a) An owner of a dog or *licensable animal* shall secure a license for his dog the animal within thirty (30) days after s/he he/she acquires ownership of the dog. However, if a dog or licensable animal is less than four (4) months of age when the owner acquires it, the owner shall secure a license for the dog animal within ten (10) days after the dog animal becomes four (4) months of age.
- (b) Any person who enters the City and resides dwells in the City for a period of thirty (30) days or more, and who has brought a dog or licensable animal with him/her from outside the City, shall secure

- a license for the *animal* dog within thirty (30) days after the person first enters the City.
- (c) Prior to the time that a license is issued, the dog animal shall not be allowed to run at large, and any animal dog found running at large shall be impounded pursuant to this section, even though the time limits for securing the license which are set forth herein above have not expired.

### 5-2.4 VACCINATION CERTIFICATE REQUIRED.

- (a) A license for a deg an animal shall not be issued unless the owner of the animal deg presents for filing a certificate signed by a veterinarian or other professional as authorized pursuant to applicable State law showing that said animal deg has been vaccinated against rabies. The certificate shall which indicates that the period of time elapsing from the date of the vaccination to the date of expiration of the license does not exceed thirty six (36) thirty (30) months in the case of vaccination with live virus rabies vaccine or eighteen (18) months in the case of vaccines are defined in section 2606 et seq. of Chapter 17 of the California Code of Regulations. During any period when the City is designated as a rabies area pursuant to sections 1900-1921 of the Health and Safety Code of the State of California, no killed virus vaccine shall be used other than vaccine of bovine nerve tissue origin.
- (b) Every duly licensed veterinarian or other authorized professional, after vaccinating any dog owned by a resident of the City of Porterville, shall sign a certificate in triplicate containing the following information pursuant to 1920 of the Health and Safety Code:
  - (1) The type of vaccination used.
  - (2) The date of the vaccination.
  - (3) The breed, age, color and sex of the vaccinated dog.
  - (4) The serial number of the vaccination tag issued.
  - (5) The name and address of the owner of the dog.

The veterinarian or other authorized professional shall immediately present the original vaccination certificate to the owner of the dog, and shall deliver the duplicate copy to the *police department* Shelter Supervisor. The veterinarian or other authorized professional shall keep a the triplicate copy.

5-2.5 TERM OF LICENSE. Dog Animal licenses shall be issued on an annual basis, commencing from January 1<sup>st</sup> of the current year to December 31<sup>st</sup> of the current year. on July 1st and terminating on the next June 30th. The owner of a dog shall secure a license for his/her dog annually. after the expiration of the original license. During the period from July 1st through August 31st of each year, an owner who has secured a license for his/her dog for the prior fiscal year shall not be in violation of this Chapter, and such dog shall not be impounded pursuant to this Chapter if the dog is wearing the tag issued for the prior fiscal year. Any first time issued license for an animal in the City will receive a prorated rate per month for the current year and will pay the fees in advance for the following year.

Commencing on the 1st day of January each year, the police department shall collect a delinquent penalty, in addition to the regular license fee, before issuing any license. The delinquent penalty shall be in an amount equal to the regular license fee as set forth in the fee schedule.

#### 5-2.6 LICENSE FEES- UNALTERED:

- (a) This section applies only to *licensable animals* dogs, which have not been spayed or neutered, and to *animals* dogs which are not otherwise unable, for physical or medical reasons, to bear capable of reproduction. The annual-license fee for each dog / *licensable animal* shall be established by a *Resolution of the* City Council as adopted from time to time in a fee schedule. Such Resolution may provide for the proration of fees depending upon length of ownership of the dog and portion of year remaining on the license.
- (b) The annual license fee for each dog / licensable animal shall be established by the police department City Council as adopted from time to time in a fee schedule. Such Resolution may provide for the proration of fees depending upon length of ownership of the dog and portion of year remaining on the license.

# 5-2.7 LICENSE FEES - ALTERED:

(a) This section applies only to dogs licensable animals which have been spayed or neutered. , or which are unable to bear or produce offspring for physical or medical reasons. A certificate from a licensed veterinarian that the dog licensable animal comes within one of the provisions in subsection (a) of this Section shall accompany the application for a license or the fees set forth in this Section shall be paid. The annual-license fee for each dog / licensable animal shall be established by a Resolution of the City Council as adopted from time to time in a fee schedule.

- (b) A certificate from a licensed veterinarian that the dog licensable animal comes within one of the provisions in subsection (a) of this Section shall accompany the application for a license or the fees set forth in this Section shall be paid.
- (c) The annual license fee for each dog *licensable animal* shall be established by Resolution of the City Council as adopted from time to time in a fee schedule. Such Resolution may provide for the proration of fees depending upon length of ownership of the dog and portion of year remaining on the license.
- 5-2.8 EXEMPTION: SERVICE OR ASSISTANCE ANIMALS. Any other provision of this Chapter notwithstanding, it shall be at the discretion of the police department regarding whether or not there will be a charge shall be made for the annual licensing of a service animal as described by this Chapter. license issued for seeing eye dog For the purposes of this chapter, a service animal includes but is not limited to assistance dogs, guide dogs, signal dogs, police dogs, search and rescue animals, or other service animals as defined by applicable State or Federal law, or being trained for such use. Proof of such use or training shall be provided by the applicant at the time of license application in a form satisfactory to the police department City, pursuant to Sections 365.5 and 365.7 of the Penal Code.
- 5-2.9 DELINQUENT PENALTIES. Commencing on the 1st day of January of September each year, a delinquent penalty, which has been established and adopted as part of a fee schedule, shall be collected in an amount equal to the regular license fee, in addition to the regular license fee. before issuing a license if the time limits for securing licenses which are set forth in this Chapter have expired at the time that the license is issued.
- 5-2.10 EXTENSION OF TIME: DOGS TOO ILL TO BE VACCINATED. If a licensable animal dog is too ill to be vaccinated against rabies at the time that the time limits, set forth in this Chapter, expire, then the date for securing the dog license is extended until thirty (30) days after the date on which the dog is well enough to be vaccinated, and no delinquent penalties shall be charged for issuance of the dog license during said thirty (30) day period. However, an extension of time shall not be granted pursuant to this section unless the application for the license is accompanied by a certificate signed by a veterinarian setting forth facts, which show that the licensable animal dog comes within the provisions of this chapter. Prior to the time that a license is issued for a licensable animal dog pursuant to this section, the licensable animal dog shall not be allowed to run at large and any such animal dog found running at large shall be impounded pursuant to this Chapter.
- **5-2.11 REPLACING LOST OR STOLEN TAGS.** Whenever a tag issued for the then current year has been stolen or lost, the owner of the animal dog for which the tag was issued may, upon the payment of a fee to the police department

Shelter Supervisor, receive a duplicate tag. The fee for a duplicate tag shall be set by Resolution of the City Council as adopted from time to time. in a fee schedule.

- **5-2.12 LICENSE TRANSFERABLE.** The license and tag issued pursuant to this Chapter may be transferred when the ownership of the *animal* dog is transferred. The new owner or the previous owner of the *animal* dog shall notify the *police* department Shelter Supervisor in writing of the change in ownership of the *animal* dog and the name and address of the new owner. If such written notice is not given, the police department Shelter Supervisor shall send all required notices concerning said *animal* dog to the person whose name and address are on file with the police department Shelter Supervisor.
- 5-2.13 AFFIXING LICENSE DOG TAG. It shall be unlawful to for the owner of the an animal dog to permit the dog to run at large possess a licensable animal in the City Limits without the tag issued pursuant to this Chapter being securely affixed to the animal dog by means of a collar, harness or other suitable device. It shall be unlawful for any person to affix the tag required by this Chapter to any animal dog except the animal dog for which it was issued and it shall be unlawful for the owner of an animal dog to allow the animal dog to wear a tag other than the tag issued for the current year.
- **5-2.14 IMPOUNDING DOGS WITHOUT TAGS.** The Shelter Supervisor, his/her agent, and any peace officer, shall-may take up every dog which is not wearing the required tag and which is found running at large within the City of Porterville. When such a dog is taken up by a peace officer, he/she shall deliver the dog to the Shelter Supervisor. All such dogs shall be impounded in the Porterville Shelter or associated support facility.

### 5-2.15 IMPOUNDING BITING OR ATTACKING ANIMALS.

(a) The police department Shelter Supervisor, any of its his/her authorized agents, and any peace officer, shall have the power to summarily and immediately impound any animal dog or other animal where there is evidence it has attacked, bitten or injured any human being or other animal, or where there is evidence that an animal dog has acted in a threatening manner towards any human being, a dog has exhibited characteristics of being trained for fighting or attacking, or there is other evidence to show such training or fighting, pending any court proceeding or animal license dog license or animal permit revocation proceeding arising from the attack, bite or injury; or pending a hearing pursuant to Section 5-2.29 and 5-2.30 of this Chapter. The police department Shelter Supervisor may enter and inspect private property to enforce the provisions of this section. Failure to surrender to the police department Shelter Supervisor upon demand an dog or other

animal which is being impounded pursuant to this section is a misdemeanor. The *police department* Shelter Supervisor shall also, as soon as reasonably possible, notify the bite victim of the rabies vaccination status of the biting dog- animal.

An animal dog or other animal wearing a current license tag, impounded pursuant to the authority of this Chapter, shall be returned to the owner or custodian as provided by this Chapter or when it is no longer required as evidence, or considered to be vicious by the if a notice that the police department Shelter Supervisor has declared the animal dog or other animal dangerous has not been served on the owner or custodian within six days after the impoundment, not including the date of impoundment,. Once the owner is notified the animal is to be returned, he/she has six working days, not including the date of notification to retrieve the animal. provided that, within those six days, the owner has made application to redeem the dog or other animal.

An dog or other animal not wearing a license tag, impounded pursuant to the authority of this section shall may be destroyed in a humane manner if in accordance with applicable state and federal laws, if within six business days after being impounded, not including the date of impoundment, the owner has failed to make application to redeem the dog or other animal. If, within six business days after being impounded, not including the date of impoundment, the owner has applied to redeem the dog or other animal, then the dog or other animal shall be returned to the owner as provided by this Chapter, or when it is no longer required as evidence, or considered to be vicious by the police department. and the owner Hhas also satisfied all licensing requirements. has been a notice that the Shelter Supervisor has declared the dog or other animal dangerous has not been served on the owner within six days of the filing of the application to redeem the dog or other animal.

- (b) In lieu of impound, the *police department* Shelter Supervisor may permit the dog or other animal to be confined at the owner's or custodian's expense in a licensed dog kennel or veterinary facility approved by the *police department* Shelter Supervisor. or at the owner's or custodian's residence provided that the owner or custodian:
  - (1) Shall not remove the dog or other animal from the kennel or veterinary facility or residence without the prior written approval of the police department Shelter Supervisor.

- (2) Shall make the dog or other animal available for observation and inspection by the *police department* Shelter Supervisor or members of law enforcement or their authorized representatives.
- (c) The *police department* Shelter Supervisor may have an dog or other animal impounded or confined as provided in (a) or (b) above, permanently identified by means of photo identification prior to release from impound or confinement.

## 5-2.16 NOTICE TO OWNER OF LICENSED DOG OR OTHER ANIMAL.

Within two (2) days after an dog or other animal which is wearing a license tag is impounded, the *police department* Shelter Supervisor shall contact the owner by phone or in person mail a notice of the impounding to the owner at the address shown on the application for the license which is on file with the Shelter Supervisor, and advise the owner of the procedure whereby *he/she* may apply to regain custody of the dog or other animal. If the owner cannot be contacted with the first (2) days of impoundment, the police department Shelter Supervisor shall mail a written notice of the impoundment to the mailing address on file for the owner.

#### 5-2.17 REDEMPTION OF IMPOUNDED DOGS OR OTHER ANIMALS.

- (a) The owner of any dog or other animal impounded other than pursuant to this Chapter may redeem the dog or other animal at any time prior to its sale or destruction. A person desiring to redeem an dog or other animal shall deliver to the police department Shelter Supervisor an application for redemption and a statement in a form prescribed by the police department Shelter Supervisor which shall contain a description of the dog or other animal to be redeemed, the name and address of the claimant, and the statement that he or she is the owner of the dog or other animal. The police department Shelter Supervisor shall issue to such person a written statement containing the name and address of the claimant, a description of the dog or other animal redeemed, the date on which the dog or other animal was impounded, and the accrued fees, and said statement shall serve as a certificate of redemption and receipt for the fees paid.
- (b) The owner of any dog or other animal impounded pursuant to this Chapter may redeem the dog or other animal pursuant to (a) above only after six days from impoundment if he or she has not received notice that the dog or other animal has been declared a dangerous animal and of the right to a hearing pursuant to this Chapter or if,

after a hearing, an order is made to return the <del>dog or other</del> animal to the owner.

**5-2.18 FEES FOR IMPOUNDING AND KEEPING LICENSABLE ANIMALS DOGS AND OTHER ANIMALS.** The owner of an *animal* deg which has been impounded shall pay to the *police department* Shelter Supervisor an impounding fee and shall also pay a fee for keeping said *animal* deg for each day, or portion thereof, that said *animal* deg has been impounded. The owner of an animal ether than a deg, which has been impounded, shall also pay an impoundment fee and a fee per day for keeping said animal unless the amount required to keep the animal is higher in which case the owner shall pay the actual cost of keeping the animal. The owner may also be charged for actual costs of veterinarian fees, medications and vaccinations associated with the care of their animal while said animal is under the care and custody of the police department Shelter Supervisor. Impoundment and associated fees and the fees per day for keeping animals will be set by Resolution of the City Council as adopted from time to time in a fee schedule.

# 5-2.19 SALE ADOPTION / RESCUE AND / OR DESTRUCTION OF IMPOUNDED ANIMALS DOGS AND OTHER ANIMALS WEARING TAGS.

- (a) Unless an dog or other animal wearing a license tag has been redeemed claimed within six (6) days after being impounded, not including the date of impoundment, or unless it is being held for evidence in a hearing pursuant to this Sections 5-2.29 through 5-2.33 of this Article, it may be sold made available for adoption or rescue by the police department Shelter Supervisor to the a person other than the owner. offering to pay the highest cash amount therefore. But no dog or other animal which has been declared a dangerous animal pursuant to Sections 5-2.29 through 5-2.33 of this Article shall be made available for adoption or rescue sold pursuant to this section nor shall any dog or other animal which has been impounded pursuant to Section 5-2.15 and subsequently found not dangerous but improperly trained, handled or maintained be made available for adoption or rescue, sold, except to a person who is willing to properly train, handle and maintain the dog or other animal, as determined by the Shelter Supervisor.
- (b) An animal may be humanely destroyed in accordance with state laws by the police department if within (6) days of impoundment, not including the date of impoundment, the owner has failed to make an application to claim the animal.

Unless it may be destroyed by the police department Shelter Supervisor in a humane manner in accordance with state and federal law. An dog or other animal not wearing a license tag impounded pursuant to section 5-2.15 shall may be humanely destroyed in

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accordance with state and federal laws, by the Shelter Supervisor if, within six days after it is impounded, not including the date of impoundment, the owner has failed to make application to redeem the dog or other animal.

If the owner of a dog or other animal gives permission in writing to do so, the dog or other animal shall be maintained at the Shelter for owner redemption for a period of 3 days, not including the date of arrival, then may be sold or destroyed six days after being delivered to the Shelter, not including the date of delivery, at any time after it is delivered to the Shelter, provided that no dog or other animal pursuant to Sections 5-2.29 through 5-2.33 of this Article shall be sold even with the permission of the owner.

- (c) All animals coming into the jurisdiction of the police department animal control unit shall be screened for a license tag, microchip, or any other means of locating the owner. not been sold After all efforts have been made to locate the owner, the animal will be handled pursuant to (a) and (b) above.

  Unless an dog or other animal wearing a license tag has been redeemed claimed within six (6) business days after being impounded, not including the date of impoundment, or unless it is being held for evidence in a hearing pursuant to Sections 5-2.29 through 5-2.33, and it
- (d) All animals voluntarily surrendered by their owner will be handled in accordance with (a) and (b) above.

# 5-2.20 SALE AND DESTRUCTION OF IMPOUNDED DOGS AND OTHER ANIMALS NOT WEARING TAGS.

- (a) Unless a dog or other animal which is not wearing a license tag has been redeemed within six (6) business days after being impounded, not including the date of impoundment, or unless it is being held for evidence in a hearing pursuant to Sections 5-2.29 through 5-2.33 of this Article, it may be sold by the Shelter Supervisor, to the person offering to pay the highest cash amount therefore. But no dog or other animal not wearing a license tag impounded pursuant to Section 5-2.15, for which no application for redemption has been made by the owner, shall be sold pursuant to this section.
- (b) If any impounded dog or other animal which is not wearing a license tag has not been redeemed within six (6) business days after being impounded, not including the date of impoundment, or unless it is being held for evidence in a hearing pursuant to

Sections 5-2.29 through 5-2.33 of this Article, and it has not been sold pursuant to (a) above, it may be destroyed by the Shelter Supervisor in a humane manner in accordance with state and federal law. A dog or other animal not wearing a license tag impounded pursuant to Section 5-2.15 shall be destroyed by the Shelter Supervisor in a humane manner in accordance with state and federal law if, within six business days after it is impounded, not including the date of impoundment, the owner has failed to make application to redeem the dog or other animal.

(c) If the owner of a dog or other animal has given permission in writing to do so, the dog or other animal may be sold or destroyed in accordance with subsections (a) and (b) above, providing the dog or other animal was available for owner redemption for three (3) days, not including the date of impoundment, and the mandatory six (6) day holding period, not including the date of impoundment, has expired at any time after it is delivered to the Shelter.

5-2.21 SALE ADOPTION OF IMPOUNDED DOGS ANIMALS. When an animal dog is adopted sold by the Shelter Supervisor pursuant to the provisions of this Chapter, the police department Shelter Supervisor shall deliver to the adopting person purchaser of said animal a contract statement in writing containing a description of the dog or other animal, the date of transfer sale, and the terms of the adoption and the amount of fees paid. amount of the purchase price. Upon the proper adoption of an animal, the previous owner of the animal shall thereafter be barred from all rights to recover the animal. All sales shall convey a good and valid title to the purchaser, and the previous owner of the dog or other animal shall thereafter be barred from all right to recover said dog or other animal.

#### 5-2.22 LICENSING IMPOUNDED DOGS.

(a) The police department shall not release any licensable animal to its owner until such time the owner provides proof of application for license in the jurisdiction of their residence. The Shelter Supervisor shall not release an unlicensed dog to its owner or sell an unlicensed dog to any person who resides in the City., unless the owner or purchaser, respectively, signs an agreement that he or she will secure the required license within ten (10) days after he or she is given possession of the dog and pays a deposit in an amount set by the City Council by Resolution. Said deposit shall be refundable to the owner if the owner submits evidence of compliance with this section. It shall be unlawful to fail to secure said license within said ten (10) day period. If the owner or purchaser fails to secure said license within said ten (10) day

- period, he shall be required to return the dog to the Shelter Supervisor, and the dog may be impounded.
- (b) The Shelter Supervisor shall not release to the owner or purchaser any dog whose license has been revoked after a hearing pursuant to this Chapter unless the owner or purchaser shows proof that he or she has enrolled the dog in a class to re-train the dog or proof that he or she is qualified to re-train the dog and the owner or purchaser signs an agreement that, until the dog is re-trained as evidenced by a certificate of successful completion of the training program, it will be securely confined when not under the immediate control of a responsible attendant and that he or she will secure has secured the required license, within ten (10) days after he or she is given possession of the dog. It shall be unlawful for the owner or purchaser to not keep the dog-securely confined as agreed, and to fail to secure said license with said ten (10) day period and any Any dog which is not so confined or for which said license is not secured within the required ten (10) day period shall be immediately impounded by the Shelter Supervisor and, without further notice, humanely destroyed or sold to a person willing to comply with the above requirements for re-training and confinement of the dog, or destroyed in accordance with state and federal law.
- **5-2.23 REMOVAL OF TAG.** It shall be unlawful for any person to remove from a licensable animal the attached license tag for the current year. —dog, without authority from the owner, any collar, harness, or other device to which is attached a license tag for the current year, or to remove such tag there from.
- **5-2.24 DISPLAY OF TAG.** It shall be unlawful for any person to refuse to show police department employees Shelter Supervisor or any peace officer, on request, the license certificate and / or the tag for any licensable animal dog kept on the premises under their control. within his the home, upon any enclosed premises under his their immediate control.
- **5-2.25 KEEPING DANGEROUS DOGS OR OTHER ANIMALS.** It shall be unlawful for a person to keep a dangerous dog or other animal. Aany dog or other animal which has been found to be a dangerous or vicious animal pursuant to this Chapter, or any other jurisdiction. the ordinance code of any other county or city or pursuant to any state statute, shall be conclusively presumed to be dangerous.

#### 5-2.26 INTERFERENCE WITH HIGHWAYS.

It shall be unlawful for the owner to allow or permit a dog any animal to habitually or repeatedly attack, chase, molest or frighten pedestrians, cyclists, vehicles or other users of the public right of ways or roadways. highways.

5-2.27 PERMITTING ANIMALS DOGS TO RUN AT LARGE. It shall be unlawful for the owner or other person in lawful possession or control of an animal dog to allow or permit the animal dog to run at large upon any property, public or private, in any public park, public square, school or school grounds in any area of the City; or upon any property, whether public or private, except with the consent of the property owner, or in a park or other area designated for such activity. where such property is located within the City limits. Every animal dog found running at large in violation of the provisions of this section shall may be seized and impounded and/or the responsible person may be issued a citation for said violation.

**5-2.28 LEASH REQUIREMENTS.** It shall be unlawful for the owner or handler in lawful possession or control of a dog to walk the dog on any public place or right of way without the dog being secured or tethered by a fixed length leash not to exceed six (6) feet and the number of dogs shall not exceed the number of dogs the owner or handler can reasonably and safely control and in no circumstance shall the number of dogs exceed three (3).

#### 5-2.29 KEEPING OF ANIMALS.

Animal keeping is allowed as an accessory use to a primary residential use. Animals may be kept in compliance with the following standards:

- (a) Residential Household Pets. Household pets such as domestic dogs, cats, or birds, ordinarily permitted inside of a dwelling and kept only for the company and pleasure provided to the occupants shall be permitted. Household pets shall not include horses, cows, goats, sheep or other equine, bovine, ovine or ruminant animals, pigs, chickens, ducks, geese, turkeys, game birds or fowl which normally constitute an agricultural use. At no time shall the combined number of animals kept exceed seven (7) animals. At no time shall the number of cats or dogs exceed three (3) animals. It shall be unlawful to possess a combination of animals kept to exceed (7) residential household pets. [Include snakes/reptiles/other animals as permitted domestic pets?]
- (b) Agricultural Animals. The keeping of horses, cows, goats, sheep or other equine, bovine, ovine or ruminant animals is permitted in the AC and RR zone districts on lots one-half (0.5) acre or greater as long as the number of animals does not exceed one (1) per fifteen thousand (15,000)[??] square feet of lot area. The keeping of chickens, ducks, geese, turkeys, game birds or fowl is permitted with the total number not to exceed twelve (12) birds per gross acre. The raising of pigs is permitted in conjunction with an FFA or 4-H project for any recognized Fair, the limit being one (1) animal per student residing on the property. All animals other than household pets shall be housed or penned at a minimum distance of thirty-five (35) feet from property lines and fifty (50) feet from any residence. All areas and structures used in conjunction with the keeping of animals other than household pets shall be maintained and cleaned so as not to present a public hazard or nuisance.

- (c) Except as permitted in section (b) above, is unlawful for any person to keep, maintain or permit to be maintained bees, swine, llamas, roosters, chickens, pigeons, turkeys, pea fowl, water fowl, ostriches and other "Ratitae," or livestock on any premises within the city. In addition, predatory, wild, or endangered animals are not allowed within the city.
- (d) The offspring of any permitted animal may be kept until weaned, as long as they do not exceed the total number of animals allowed herein.
- (e) The keeping of animals for commercial purposes shall not violate the provisions of Chapter 21 of the City of Porterville Municipal Code, which regulates kennels, pet stores, veterinary services, and animal raising.

#### 5-2.30 ANNEXATIONS-COMPLIANCE-TRANSITION PERIOD

Prohibited animals brought into the city limits as the result of a property annexation may be maintained on the annexed property for a maximum transitional period of 365 days from the date of annexation as long as the animals in question can legally be owned or possessed by law, are not classified as or presumed to be dangerous, and are in compliance with the ordinances of the County of Tulare at the time of annexation. Subsequent to the transitional period, the animals/property must be brought into compliance with the ordinances of the City of Porterville.

#### 5-2.31 ANIMALS IN CITY BUILDINGS AND IN VEHICLES:

- (a) It shall be unlawful for any person charged with the care of any animal or animals to cause or permit such animal to enter or remain in city-owned or city-managed buildings other than a building used for the purpose of care, detention, control or treatment of animals, or a building used for training classes, shows or exhibitions. This subsection shall not apply to persons using service animals.
- (b) It shall be unlawful, other than an individual actually in the process of working a dog or other animal for ranching purposes, to transport or carry the animal in a motor vehicle on any public highway, public roadway, or lot open to the public unless the animal is safely enclosed within the vehicle or by means of a container, cage or other device which will prevent the animal from falling from, jumping from, or being thrown from the motor vehicle.
- (c) It shall be unlawful for any person to leave any dog or other animal in a vehicle or other enclosure without adequate ventilation or in such a manner as to subject the

animal to extreme temperatures which may adversely affect the health or well being of the animal.

#### 5-2.32 CONTROL & SEIZURE OF DISEASED ANIMALS:

- (a) It shall be unlawful for any person owning or having charge of any animal which that person knows to be infected with any disease transmittable to humans or detrimental to other animals shall permit such animal to remain within the city limits other than at an approved veterinary hospital unless the police department or other appropriate authority approves an alternative means of confinement.
- (b) The police department is authorized to seize any animal reasonably believed to be infected with disease transmittable to humans or detrimental to other animals.

#### 5-2.33 CRUELTY TO ANIMALS PROHIBITED:

(a) It shall be unlawful for any person to engage in any activity likely to cause harm or maliciously, willfully, or recklessly kill, maim, wound, mutilate, torment, torture or physically abuse any animal.

#### 5-2.34 ABANDONMENT OF ANIMALS PROHIBITED:

It shall be unlawful to abandon any animal within the city limits. "Abandonment" as used herein, refers to acts clearly indicating intent on the part of an owner or person in control of an animal to permanently relinquish control over the animal.

**5-2.28 5-2.35 BARKING DOGS.** It shall be unlawful for any owner *or caretaker* of a dog to keep said dog in the City *limits*, which dog shall by loud or excessive barking, howling, whining, *cryingies*, *yelpings* or making any other noise, *that* disturbs the comfort, or quiet, *or peace* of any neighborhood or any person at any time; provided the said owner has been made aware of the disturbance by the police department. of the disturbance created by the dog.

#### 5-2.36 PUBLIC NUISANCE:

- (a) It is declared to be a nuisance, and it shall be unlawful, for any person owning or having control or custody of any animal to do any of the following:
  - (1) Permit an animal to defecate or urinate on any privately owned or occupied property other than that of the owner or the person having control of the animal;

- (2) Permit an animal to defecate on public property without immediately cleaning or removing the excrement to a proper receptacle;
- (3) Permit unsanitary conditions to exist on any premises where an animal is kept which would cause foul or obnoxious odors, attract flies or vermin or otherwise threatens public health and safety;
- (4) Cause or permit any animal to run or wander on any public property or privately owned or occupied property or premise without the consent of the owner or occupant.
- (b)(a) If an unaltered animal is determined to be a nuisance pursuant to this subsection, upon a second offense, the owner may be required to have the animal altered;
- (c)(b) The owner or person in control of an animal that has been determined to be a nuisance on a second or subsequent occasion maybe required to have a microchip inserted into the animal for identification purposes. In such instances, the microchip must be implanted by a licensed veterinarian within twenty (20) days of being classified as a nuisance for a second or subsequent offense and shall be at the expense of the owner or person in control of the animal. The owner or person in control of the animal shall provide the police department with a certificate of completion and provide the information listed on the microchip, which will be included in the licensing record for that animal;
- (d)(e) Any police department employee acting in the capacity of animal control may seize and impound any animal causing a public nuisance.
- (e)(d) Any private person may maintain an action under Civil Code Section 3493 for enforcement of this chapter declaring certain acts a public nuisance, if such acts are especially injurious to such person.
- 5-2.37 KILLING/BUTCHERING/PROCESSING OF ANIMALS OR FOWL EXEPTIONS. It shall be unlawful to kill, slaughter, or sacrifice any animal or fowl inside the city limits of Porterville except on the premises or within the confines of establishments licensed for that purpose or within the confines of a recognized/licensed teaching institution as part of a curriculum. This section does not apply to police department employees acting in the capacity of animal control duties.

#### 5-2.38 NUISANCE - INSPECTION FOR THE SAME - PROCEDURES:

(a) It shall be the duty of the police department to enter upon any yard, lot or parcel of land for the purpose of inspecting the same to ascertain the presence of an animal-related nuisance.

- (b) If the inspecting official has reason to believe a nuisance exists, he/she may serve written notice of correction to the person or persons owning or having control of or acting as agent for, leasing or occupying such premises, to abate or remove such nuisance within forty-eight (48) hours or other reasonable time as stated in the notice. Such notice shall be served personally or, where the person responsible for such nuisance cannot be located, by posting the notice in a conspicuous place on the front door or entranceway.
- (c) It shall be unlawful for any person to knowingly, willfully, or negligently fail to abate the nuisance alleged in the notice or fail to contest the allegations in the notice within forty-eight (48) hours (or other time as specified in the notice) following receipt or knowledge of same.
- (d)(e) Where the person upon whom the abatement notice is required to be served under subsection (b) has been properly served but does not abate the nuisance within the time specified in the notice, the police department shall have the authority to do the following:
  - (1) Where the nuisance is caused by an at-large animal, a wild or exotic animal or a dangerous animal, the police department may follow the procedures relating to seizure and impoundment.
  - (2) Where the nuisance is in the nature of noise or odors and is caused by an animal or animals, by animal waste, or other conditions on the premises that are the result of the keeping of the animals, the police department may abate the nuisance by substantially following the notice, hearing, and the abatement procedure. Cost recovery procedures will follow the same as set forth in the impoundment recovery procedures defined in this Chapter pursuant to the attached fee schedule.

#### 5-2.395-2.29 HEARING TO DETERMINE IF ANIMAL IS DANGEROUS.

(a) The Field Officers police department shall may declare any dog or other animal to be a dangerous animal whenever it has attacked, bitten or caused injury to any human being or other animal, or where there is evidence that an animal a dog has acted in a threatening manner towards any human being, or a dog has exhibited characteristics of being trained for fighting or attacking. , or there is other evidence to show such training or fighting. Within two (2) days after a dog or other an animal, which is wearing a license tag or can otherwise be identified, is impounded pursuant to this section, the police department

Shelter Supervisor shall mail serve notice of the finding to the owner of record, via registered mail, or deliver the same in person, advising the owner that the the dog or other animal is dangerous and of the owner's right to a hearing on the issue of whether or not the animal is dangerous.

- (b) The owner of an animal confined or impounded pursuant to this section may, within the six (6) day time period, not including the date of impound, provide for application for redemption of the dog or other animal, requesting a hearing to determine whether or not the dog or other animal is a dangerous. animal. Requests must be received by the police department Shelter Supervisor no more than six (6) days after impoundment, not including the date of impoundment.
- (c) When a hearing is requested pursuant to subsection (b) above, a date and time for such a hearing shall be set, and notice thereof shall be served to all involved parties [??needs to be better defined] within sent by regular mail at least five (5) business days. , including Saturday, before such date to the owner at the address set forth on his or her request and shall notify the victim of such hearing.

#### 5-2.405-2.30 HEARING: CONDUCT.

- (a) A hearing requested in accordance with this chapter shall be conducted before a person appointed by the Chief of Police -the Director or a person appointed as a Shelter Supervisor or other person appointed by the Director-to serve as a hearing officer.
  - (b) The hearing shall be open to the public. The animal owner may be represented by an attorney counsel. The hearing officer shall hear all pertinent evidence offered by anyall interested persons. The technical rules of evidence shall not be applicable to the hearing, except that the hearing officer's decision may not be based solely wholly on hearsay evidence. All persons giving evidence shall be sworn before testifying. The owner may hearing will be recorded electronically by an uninvolved member of the police department. Copies of the hearing recording will be provided to the involved parties upon request. employ a shorthand reporter to report the hearing at his/her own-expense.

- (c) Any dog or other animal which has attacked, bitten or caused injury to a human being or other animal is presumed to be dangerous and the burden is on the owner to present evidence that the animal is not dangerous.
- (d) In making a determination that an <del>dog or other</del> animal is or is not dangerous, evidence of the following shall be considered:
  - (1) Any previous history of the dog or other animal attacking, biting or causing injury to a human being or other animal.
  - (2) The nature and extent of injuries inflicted and the number of victims involved.
  - (3) The place where the bite, attack or injury occurred.
  - (4) The presence or absence of any provocation for the bite, attack or injury.
  - (5) The extent to which property has been damaged or destroyed.
  - (6) Whether the dog or other animal exhibits any characteristics of being trained for fighting or attack or other evidence to show such training or fighting.
  - (7) Whether the dog or other animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or dogs or other animals.
  - (8) Whether the dog or other animal can be effectively trained or re-trained to change its temperament or behavior.
  - (9) The manner in which the dog or other animal had been maintained by its owner or custodian.
  - (10) Any other relevant evidence concerning the maintenance of the dog or other animal.
  - (11) Any other relevant evidence regarding the ability of the owner or custodian to protect the public safety in the future if the dog animal is permitted to remain in the City.
  - (12) Any other relevant evidence concerning the characteristics or behavior of the animal dog, or concerning the circumstances of the incident.

#### 5-2.4125-2.31 HEARING: DECISION AND DISPOSITION OF ANIMAL

- (a) At the conclusion of the hearing, the hearing officer may determine:
  - (1) That the <del>dog or other</del> animal is not a dangerous <del>animal</del> and should be returned to its owner; or
  - (2) That the dog or other animal is not dangerous but that the attack, bite or injury was the result of improper or negligent training, handling or maintenance; and the dog is returned to

the owner with documentation of how to prevent future incidents, and that the license or animal permit should be revoked; or

- (3) That the animal is dangerous and it should be humanely destroyed after all appeal processes have been exhausted following the receipt of the hearing officer's decision.
- (b)(3) If it is determined that the dog or other animal is not dangerous, but that the bite, attack or injury was the result of improper or negligent training, handling or maintenance and that the owner is unable or unwilling to properly train, handle or maintain the dog or other animal and that a similar incident is not likely to occur in the future with without proper training, handling or maintenance, the dog or other animal will may be disposed. of pursuant to section 5-2.32.

(c) If it is determined that the animal is not dangerous, but that the bite, attach or injury was the result of improper or negligent training, handling or maintenance, but also that the owner is able and willing to properly train, handle or maintain the animal and that similar incident is not likely to occur in the future with proper training, handling and maintenance, the animal may be returned to the owner with documentation of how to prevent future incidents.

- (3) That the dog or other animal is a dangerous animal and that it should be humanely destroyed after all appeal processes have been exhausted following the receipt no sooner than the sixth tenth business day following the mailing of notice of the hearing officer's decision.
- (d)(b) The decision of the hearing officer shall be in writing and shall be delivered personally to the owner or mailed to him or her by certified mail. to the address appearing on the request for hearing.
- (e)(c) The owner may, within ten (10) days of the receipt mailing of the hearing officer's written decision to the owner, appeal the hearing officer's decision to the Tulare County Superior Court pursuant to California Code of Civil Procedure Section 1094.6. The police department will be notified by the owner of the appeal in writing on the same date as the appeal was filed. [not sure we can require this notification]

#### 5-2.32 DISPOSITION OF DANGEROUS ANIMAL

- (a) It shall be unlawful for any person to own, possess, harbor or keep any animal dog or other animal declared to be dangerous within the city-limits.
- (b) Any dog or other animal declared to be dangerous, if not already impounded, shall be immediately surrendered to the *police department* Shelter Supervisor, and it is the duty of the *police department* Shelter Supervisor to take up and impound any such dog or other animal.
- (c) Any dog or other animal declared to be a dangerous animal shall may be humanely destroyed as permitted pursuant to this Chapter or otherwise prescribed by law.

#### 5-2.33 DOG OR OTHER ANIMAL DECLARED NOT DANGEROUS.

- (a) If it is determined that the dog or other animal is not dangerous, but that the bite, attack, injury, or other behavior was the result of improper or negligent training, handling or maintenance, the dog license or animal permit shall may be revoked.
- (b) The dog license or animal permit may be reissued with reasonable terms, conditions or restrictions imposed for the training, handling or maintenance of the dog or other animal to protect the public health, safety and welfare only if it is determined that the owner or custodian is able and willing to properly train, handle or maintain the dog or other animal and a similar incident is not likely to occur in the future with proper training, handling or maintenance.

(c) If it is determined that the dog or other animal is not dangerous, but that the bite, attack or injury was the result of improper or negligent training, handling or maintenance and that the owner is unable or unwilling to properly train, handle or maintain the dog or other animal and that a similar incident is not likely to occur in the future with without proper training, handling or maintenance, the dog or other animal will may be disposed of pursuant to section 5-2.32.

#### Article III

#### Kennels

Sections:		
5-3.1	Kennel Defined	
5-3.2	Kennel Permit and Application Fee	
5-3.3	Vaccination Certificate Required	
5-3.4	Preliminary Inspection	
5-3.5	Permit	
5-3.6	Term of Permit	
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5-3.8	Permitting Dogs to Run At Large	
5-3.9	Inspection of Kennel	
5-3.10	Vaccination of Additional Dogs	
5-3.11	Delivery of Vaccination Certificates to Purchasers	
5-3.12	Effect of Revocation of Kennel Permit	

**5-3.1 KENNEL DEFINED.** The term "kennel," as used in this Chapter, means a premises, building or enclosure where four (4) or more animals not owned by the kennel owner or operator are kepteping, boardedboarding, trainedtraining, or maintainedmaintaining for commercial purposes four (4) or more animals not owned by the kennel owner or operator. five (5) or more dogs or other animals ever four (4) months of age are kept. The maintenance of more than two (2) animals used for breeding purposes for which compensation is received, or the parturition or rearing of more than two (2) litters in one (1) calendar year shall be a rebuttable presumption that such animals are owned or maintained for the purpose of commercial breeding and the owner and the premises shall be subject to permit and licensing requirements as established in Chapter 21 of the City of Porterville Municipal Code.

**5-3.2 KENNEL PERMIT AND APPLICATION FEE.** In lieu of securing the permit required by this Chapter for each of the dogs animals in a kennel, a person owning or operating a kennel may obtain a kennel permit covering all of the dogs or other animals maintained in the kennel. It shall be unlawful to fail to secure either the permit required by this Chapter. or the permit authorized by this chapter. The

application for a kennel permit shall be filed with the *police department*, along with a copy of a valid city business license. Shelter Supervisor on a form prescribed by the him/her. The fees for kennel permits shall be set by Resolution of the City Council as adopted from time to time in a fee schedule.

5-3.3 VACCINATION CERTIFICATE REQUIRED. The police department Shelter Supervisor shall not issue a kennel permit unless the person applying for the permit files with him/her a certificate or certificates signed by a licensed veterinarian showing that all of the degs animals in the kennel, which are over four (4) months of age, have been vaccinated against rabies and which indicates that the period of time elapsing from the dates of the vaccinations to the date of expiration of the kennel permit does not exceed thirty-six (36) thirty (30) months in the case of vaccination with live virus rabies vaccine or eighteen (18) months in the case of vaccination with killed virus rabies vaccine, as those types of vaccines are defined in section 2606 et seq. of Chapter 17 of the California Code of Regulations. During any period when the City of Porterville is designated as a rabies area pursuant to sections 1900-1921 of the Health and Safety Code of the State of California, no killed virus vaccine shall be used other than vaccine of bovine nerve tissue origin.

However, if one or more degs—animals in the kennel are too ill to be vaccinated against rabies at the time the application for the kennel permit is filed with the police department Shelter Supervisor, and the application for the kennel permit is accompanied by a certificate signed by a veterinarian which so states, the police department Shelter Supervisor shall—may process and issue the kennel permit in compliance with this Chapter. The owner of the kennel shall thereafter have each such dog—animal vaccinated within thirty (30) days after the date on which it becomes well enough to be vaccinated and, within ten (10) days after such dog animal—has been vaccinated, the owner of the kennel shall file the vaccination certificate with the police department Shelter Supervisor. If satisfactory evidence is presented to the City Council that If a person holding a kennel permit has failed to have a dog an animal vaccinated pursuant to this section, the City Council shall direct the Shelter Supervisor police department may immediately revoke the kennel permit and to give the holder of the kennel permit written notice of such revocation.

**5-3.4 PRELIMINARY INSPECTION:** The *police department* Shelter Supervisor shall may inspect the kennel all kennels and to determine whether the kennel is kennels are constructed and operated in such a manner as to prevent the dogs animals confined therein from running at large.

**5-3.5 LICENSE**. If the *police department* Shelter Supervisor has determined that the kennel is kennels are constructed and operated in such a manner as to prevent dogs animals confined therein from running at large, and if the required vaccination certificates have been filed in compliance with the provisions of this Chapter, the

police department Shelter Supervisor shall may issue a kennel permit to the applicant. Otherwise, the police department Shelter Supervisor shall may refuse to issue the kennel permit. The kennel permit issued by the police department Shelter Supervisor shall contain a serial number, the expiration date of the permit, the address of the kennel, and such other information as the Shelter Supervisor police department may require. The Shelter Supervisor shall not issue individual permit tags for the dogs animals in the kennel.

5-3.6 TERM OF PERMIT. Kennel permits shall be issued on an annual basis commencing on January 1st July 1st and expiring on December 31st. terminating on the next June 30th. During the period from July 1st through August 31st of each year. an owner who has secured a kennel permit for his dogs for the prior fiscal year shall not be in violation of this Chapter.

5-3.7 DELINQUENT PENALTIES: SECURING INDIVIDUAL PERMITS IF KENNEL PERMIT DENIED: TIME LIMITS. Commencing on the 1st day of January September each year, the police department Shelter Supervisor shall collect a delinquent penalty, in addition to the regular permit fee, before issuing any kennel permit if the time limits set forth in this Chapter have expired for any dog animal in the kennel at the time that the application for the permit is filed. The delinquent penalty shall be in an amount equal to the regular permit fee as set forth in this Chapter. If an application for a kennel permit is filed before the time limits set forth in this Chapter have expired and if, after the expiration of such time limits, the police department Shelter Supervisor determines that a kennel permit shall will not be issued, the police department Shelter Supervisor shall send the owner of the kennel written notice that the kennel permit shall-will not be issued. It shall be unlawful for the owner of the kennel to fail to secure individual permits for each of the dogs animals in the kennel, pursuant to the provisions of this Chapter, within thirty (30) days after receipt of such written notice of such violation. During the period between the date on which the application for the kennel permit is filed with the police department Shelter Supervisor until thirty (30) days after receipt of said written notice, the owner of the kennel shall not be in violation of this chapter.

5-3.8 PERMITTING DOGS ANIMALS TO RUN AT LARGE. It shall be unlawful for any person who has secured a kennel permit to allow or permit any dog animal in his/her kennel to run at large at any time. Every dog animal found running at large in violation of the provisions of this section shall be seized and impounded. If satisfactory evidence is presented to the City Council Shelter Supervisor that a person holding a kennel permit has allowed or permitted a dog an animal housed in said kennel to run at large, the City Council shall may direct the Shelter Supervisor to immediately revoke the kennel permit and to give the holder of the kennel permit written notice of such revocation.

**5-3.9 INSPECTION OF KENNEL.** The *police department Shelter Supervisor* may at any time from time to time inspect any kennel for which a kennel permit has been issued. If the *police department Shelter Supervisor* determines that the

kennel is not being constructed or operated in accordance with the Chapter, the police department may such a manner as to prevent the dogs animals confined therein from running at large, s/he he/she shall may immediately revoke the kennel permit. and give the holder of the kennel permit written notice of such revocation.

5-3.10 VACCINATION OF ADDITIONAL DOGS ANIMALS. After a kennel permit has been issued, the owner of the kennel shall thereafter have each additional dog animal which is maintained in said kennel vaccinated against rabies by a permitted licensed-veterinarian within thirty (30) days after he acquires ownership of the dog animal. However, if the a dog-animal is less than four (4) months of age when it is acquired, it shall be vaccinated within thirty (30) days after the dog animal becomes four (4) months of age. If a dog an animal is too ill to be vaccinated against rabies at the time that the time limits set forth above expire, then the owner of the kennel shall thereafter have each such dog animal vaccinated within thirty (30) days after the date on which it becomes well enough to be vaccinated. Within ten (10) days after a dog an animal has been vaccinated in accordance with this section, the owner of the kennel shall file the vaccination certificate with the City Shelter Supervisor. If satisfactory evidence is presented to the City Council Shelter Supervisor that a person holding a kennel permit has failed to comply with the provisions of this section, the City Council shall may direct the Shelter Supervisor to shall immediately revoke the kennel permit and to give the holder of the kennel permit written notice of such revocation.

5-3.11 DELIVERY OF VACCINATION CERTIFICATES TO PURCHASERS. Whenever a person holding a kennel permit sells any deg animal in the kennel, he/she shall deliver his a copy of the vaccination certificate for the deg animal to the purchaser. If satisfactory evidence is presented to the City Council police department that a person holding a kennel permit has failed to comply with the provisions of this section, the City Council shall may direct the Shelter Supervisor police department may shall to immediately [note may need hearing prior to revocation] revoke the kennel permit. and to give the holder of the kennel permit written notice of such revocation.

**5-3.12 EFFECT OF REVOCATION OF KENNEL PERMIT.** If the *police department* Shelter Supervisor revokes a kennel permit pursuant to the provisions of this chapter, it shall be unlawful for the owner of the kennel to fail to secure individual dog permits *licenses* for each of the dogs *animals* in the kennel, pursuant to this Chapter, within thirty (30) days after receipt of written notice of such revocation from the *police department* Shelter Supervisor. Any person whose kennel permit has been revoked by the *police department* Shelter Supervisor shall not be permitted to apply for a kennel permit until the next *calendar* ensuing fiscal year.

## Article IV Rabies Control

#### Sections:

- **5-4.1 Application of Article**
- 5-4.2 Animal Showing Signs of Rabies
- 5-4.3 Isolation of Rabid Animals and Clinically Suspected Rabid Animals
- **5-4.4 Animals Biting Persons**
- 5-4.5 Animals in Contact with Rabid Animals
- 5-4.6 Violation of Quarantine
- **5-4.1 APPLICATION OF ARTICLE.** This Chapter shall be in effect only at those times when the City of Porterville is not designated as a rabies area pursuant to sections 1900-1921 of the Health and Safety Code of the State of California. During those periods when the City of Porterville is designated as a rabies area, the provisions of said sections 1900-1921 of the Health and Safety Code, and the rules and regulations adopted pursuant thereto, are applicable rather than the provisions of this Article.
- **5-4.2 ANIMAL SHOWING SIGNS OF RABIES.** Whenever the owner of an animal observes or learns that such animal shows symptoms of rabies or acts in a manner which would lead to a reasonable suspicion that it may have rabies, such person shall immediately notify the *police department Shelter Supervisor*. Said person shall thereafter allow the *police department Shelter Supervisor*, or his/her representative to make an inspection or examination to inspect or examine of said the animal.
- **5-4.3 ISOLATION OF RABID ANIMALS AND CLINICALLY SUSPECTED RABID ANIMALS,** The owner of any rabid animal or clinically suspected rabid animal shall isolate the animal in strict confinement under proper care and under the observation of a veterinarian, in a Kennel, veterinary hospital, or other adequate facility in a manner approved by the *police department* Shelter Supervisor, and said animal shall not be destroyed or released from confinement for at least ten (10) days after the onset of symptoms suggestive of rabies and until the *police department* Shelter Supervisor gives written authorization for the release of the animal, with the exception that such animal may be sacrificed with the permission of the *police department* Shelter Supervisor for the purpose of a laboratory examination for rabies using the fluorescent rabies antibody test in an approved public health laboratory.
- **5-4.4 ANIMALS BITING PERSONS.** Whenever the owner of an animal has knowledge that such animal has bitten any person, the owner shall immediately report that fact to the *police department Shelter Supervisor* and report the name and address of the person bitten and the time and place that such person was

bitten. Upon order of the police department Shelter Supervisor, the owner shall quarantine the animal for the period of time specified in section 2606 of Chapter 17 of the California Administrative Code with regard to rabies areas, and shall allow the police department Shelter Supervisor or his/her representative to make inspections and examinations of the animal from time to time during such period. The police department Shelter Supervisor may shall guarantine said animal upon the premises of the owner. However, if the owner of the animal so desires, the police department Shelter Supervisor shall place the animal in guarantine in a veterinary hospital, at the expense of the owner, in lieu of guarantine of the animal on the premises of the owner. Quarantine shall be made by written notice delivered to the owner of said animal stating that the animal is quarantined and the instructions to be followed. If the guarantine is upon the premises of the owner of the animal, the animal shall be confined within a locked enclosure so constructed that the animal cannot escape or have contact with any other animal or human being other than the person responsible for its care or, at the discretion of the police department Shelter Supervisor, the animal may be kept under restraint by leash in charge of a responsible person, or under such restrictions as the Shelter Supervisor may prescribe. Said animal shall be kept in guarantine until the police department Shelter Supervisor gives written authorization for the release of the animal from quarantine. Notwithstanding the foregoing provisions, such animal may be sacrificed with the permission of the police department Shelter Supervisor for the purpose of a laboratory examination for rabies using the fluorescent rabies antibody test in an approved public health laboratory.

**5-4.5 ANIMALS IN CONTACT WITH RABID ANIMALS.** Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal or has been in intimate contact with a rabid or suspected rabid animal shall be quarantined by the owner in a place and manner approved by the *police department* Shelter Supervisor, for a period of six (6) months or destroyed; provided, however, that the following alternatives are permitted in the case of dogs and cats: If the dog or cat has been vaccinated against rabies within two (2) years but not less than thirty (30) days with a live virus vaccine, or within one (1) year but not less than thirty (30) days with a killed virus vaccine, as those types of vaccines are defined in section 2606 et seq. of Chapter 17 of the California Administrative Code, the dog or cat may be re-vaccinated in a manner approved by the *police department* Shelter Supervisor and quarantined in a place and manner approved by the *police department* Shelter Supervisor for a period of thirty (30) days. The provisions of this Chapter concerning quarantine shall also apply to the quarantine of animals pursuant to this section.

**5-4.6 VIOLATION OF QUARANTINE.** When any animal is quarantined by the *police department Shelter Supervisor*, it shall be unlawful for the owner of the animal to violate the quarantine by removing said animal from the premises where it is quarantined, allowing it to run at large, destroying it without authorization from the *police department Shelter Supervisor*, concealing it from the *police department* 

Shelter Supervisor or disobeying any of the quarantine restrictions which have been imposed by the police department. Shelter Supervisor.

#### DOG PARKS - RULES & REGULATIONS

[Note – we may want to just provide the authority for adopting rules for the dog parks in the ordinance and specify that said rules will be posted, violation of posted rules will subject the offender to penalties/fees, etc. Can keep the provision re allocating fees and fines to operation and enforcement of animal control program]

#### Rules

- 1. Each owner or handler using the park is responsible for reading the rules of the dog park before entering it.
- 2. No owner or handler may bring more than two (2) dogs into the park at one time.
- 3. An owner or handler must be sixteen (16) years of age or older.
- 4. A child under the age of ten (10) years may enter the park only with a responsible adult.
- Each dog brought into the park must be wearing a current license tag. The license tag may be checked by a member of the police department for validity.
- Dogs are to be brought to the park on leashes and released inside the dog park, and put under the control of the leash again before they exit the dog park. No spike, choke, electric, or prong collars are allowed on dogs in the park.
- 7. No female dog in heat, or sick dog, shall be brought into the dog park.
- 8. Smoking, food, toys, and glass containers are prohibited in the dog park.
- Owners or handlers are to remain in visual contact with their dogs at all times and shall have verbal control of their dogs while in the park.
- 10. An owner or handler shall immediately leash and remove a dog that becomes aggressive. At no time may a dog that has been designated as being dangerous or vicious be brought into the park.
- 11. Dog bites occurring inside dog parks shall be reported immediately to the police department.

- 12. Owners or handlers shall control excessive barking while in or about the park.
- 13. An owner or handler is responsible for cleaning up secretion of feces and destruction caused by his or her dog, and filling in any holes the dog digs while in the park.

#### Allocation of fees and fines collected.

All fees and the city's share of all fines collected shall be used only by the department to fund the implementation and enforcement of the city's animal control program

#### Article VI

#### **Violations**

#### 5-5.1 VIOLATIONS.

- Misdemeanor. Any person violating any of the provisions of section this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment for a term not exceeding six (6) months or by both such fine and imprisonment.

  Notwithstanding the classification of a violation of this Chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of this Chapter, the trial court, upon recommendation of the prosecuting attorney, may reduce the charged offense from a misdemeanor to an infraction.
- (b) Separate Offense. Each day that any provision of this chapter is violated is a separate and distinct offense and shall be punishable as separate and distinct offense.
- Infraction. Notwithstanding the classification of a violation of this Chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of this Chapter, the trial court, upon recommendation of the prosecuting attorney, may reduce the charged offense from a misdemeanor to an infraction. Any person convicted of an infraction under this Chapter shall be punished by:
  - (1) A fine not exceeding one hundred dollars (\$100.00) for a first violation:
  - (2) A fine not exceeding two hundred dollars (\$200.00) for a second violation of this Chapter within one (1) year; and (3) A fine not exceeding five hundred dollars (\$500.00) for each additional violation of this Chapter within one (1) year.

(c)(d)A person who owns or is in charge of or controls or who possesses an animal who permits, allows or causes the dog to run, stray, be uncontrolled or in any manner be in, upon, or at large upon a public street, sidewalk, park or other public property or in or upon the premises

or private property of another person is guilty of a misdemeanor if said animal bites, attacks or causes injury to any human being or other animal.

(d)(e) Administrative Citation. Upon a finding by the city official or representative vested with the authority to enforce the various provisions of this Chapter, that a violation exists, he or she may issue an Administrative Citation and proceed with enforcement pursuant to Chapter 2, Article XIV, of the Municipal Code.

(e)(f)Except as provided for in Subsection (c)(d) of this section, violation of any of the provisions covered in this chapter may be investigated and punished as an infraction. An administrative citation may be issued in lieu of filing a criminal case. Each day a violation continues may be investigated regarded as a new and separate offense. The punishment upon conviction may be:

- 1. A fine not exceeding one hundred dollars (\$100.00) for a first violation:
- 2. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same provision within one (1) year; or
- 3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same provision within one (1) year, to a maximum of three (3) such violations.
- (B) For purposes of this section, bail forfeiture shall be deemed to be a conviction of the offense charged.
- (C) In addition to any other penalties or fines provided for in this chapter, any reasonable costs incurred by the city in seizing, impounding and for confining any dangerous animal may be charged and recovered against the owner.
- (f) Four (4) or more violations of the same section of this chapter shall constitute a misdemeanor and shall be investigated according to section (a) above. Each additional day the violations continue unabated shall be regarded as a new and separate offense.
  - (e) Civil Action. The City Attorney, or an Attorney hired for such purposes by and at the request of the City Council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition found to be in violation of the provisions of the Chapter, or State Codes specifically adopted by reference, as provided by law, and the City shall be entitled to its attorneys fees and costs.

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(f)	These remedies shall not supplant or replace the procedures concerning dangerous animals as specified in Sections 5-2.15, and 5-2.29 through 5-2.33. [check numbering once finalized]		
<b>SECTION 2:</b> This Ordinance shall be in full force and effect thirty (30) days from and after its passage, adoption, and approval.			
	Mayor		
ATT	EST: ???????		
	City Clerk		

#### American Humane Association

The nation's voice for the protection of children & animals

#### Spaying / Neutering

Spaying is a general term used to describe the ovariohysterectomy of a female animal. Neutering is a general term used to describe the castration of a male animal. However, neutering is often used in reference to both genders. The surgical procedure, performed by a veterinarian, renders the animal incapable of reproducing. Here are answers to some questions you may have about this beneficial procedure.

#### When can I have this procedure done?

American Humane Association believes that all cats and dogs adopted from public or private animal care and control facilities should be spayed or neutered (i.e., sterilized). Such sterilization includes prepubertal spaying and neutering of kittens and puppies. American Humane Association supports the passage of laws and regulations mandating that all cats and dogs adopted from public or private animal care and control facilities be sterilized.

American Humane Association encourages the veterinary profession to assist, whenever and however possible, in reducing the number of unwanted pets. This involvement includes supporting the neutering of cats and dogs adopted from public or private animal care and control facilities – thereby controlling the ongoing contribution of offspring to pet overpopulation.

Pet owners should work with their veterinarians to determine the appropriate sterilization ages for individual cats and dogs. Veterinarians are encouraged to work with clients, especially those who are well known and likely to permit an unwanted pregnancy to occur prior to surgery. Short-term and long-term health risks for each animal should always be assessed. American Humane Association encourages research into the development and use of nonsurgical methods of sterilization.

#### Why should I have my pet neutered?

Animal shelters, both public and private, are faced with an incredible burden: What to do with the overpopulation of dogs and cats that they cannot find homes for? Approximately 3.7 million animals are euthanized at shelters each year, due to the sheer fact that there are not enough willing adopters. Having your pet spayed or neutered ensures that you will not be adding to this tremendous burden.

#### What are some of the health and behavioral benefits?

Through neutering, you can help your dog or cat live a happier, healthier, longer life. Spaying eliminates the constant crying and nervous pacing of a female cat in heat. Spaying a female dog also eliminates the messiness associated with the heat cycle.

Neutering of male dogs and cats can prevent certain undesirable sexual behaviors, such as urine marking, humping, male aggression and the urge to roam. If you have more than one pet in your household, all the pets will generally get along better if they are neutered.

A long-term benefit of spaying and neutering is improved health for both cats and dogs. Spaying females prior to their first heat cycle nearly eliminates the risk of breast cancer and totally prevents uterine infections and uterine cancer. Neutering males prevents testicular cancer and enlargement of the prostate gland, and greatly reduces their risk for perianal tumors.

#### Neutering just costs too much!

The cost of caring for a pet, including providing veterinary care, should be considered before acquiring an animal. Many animal shelters offer low-cost spay/neuter services, and there are also many low-cost spay/neuter clinics across the country. To find low-cost options in your area, call your local animal shelter. The reality is that the cost associated with providing adequate care for just one litter of puppies or kittens is often more than the cost of spaying or neutering. The cost of feeding, worming and first vaccinations for a litter can be upwards of \$200 to \$300. You must also consider that there could be complications with the birth that require hospitalization or surgery. You will also be faced with finding good homes for the offspring yourself or placing more animals into your local shelter. The cost of the well-being of not just your companion animal, but of future generations, should be considered.

#### Can't I allow my purebred dog to have just one litter?

Mixed breed or purebred — there just aren't enough good homes, Purebred animals also often end up in shelters. In fact, 25 percent of shelter dogs are purebreds. Responsible purebred breeders have homes for their potential litters before they breed.

#### I don't even own a pet! Why is this my problem?

All of us are affected by animal overpopulation. Millions of tax dollars are spent annually to shelter and care for stray, abandoned and unwanted pets. Much of that money is spent to euthanize these animals when homes cannot be found. Human health is threatened by the danger of transmittable diseases (including rabies), animal bites and attacks. Property may be damaged and livestock killed when pets roam in search of food. Animal waste is proving to be a serious environment hazard, fouling yards and parks. It is only when all of us assume the responsibility for pet overpopulation that we will see any decrease in the problem.



#### Isn't it wrong to deprive an animal of the natural right to reproduce?

No, it's wrong to allow these animals to reproduce millions of unwanted offspring that are eventually killed because there aren't enough responsible homes.

#### If I find homes for my pet's litters, then I won't contribute to the problem, right?

Wrong. Only a finite number of people want pets. So every home you find for your pet's offspring takes away a home from a loving animal already at a shelter.

#### Shouldn't every female pet have at least one litter before being spayed?

No. In fact, your pet will be healthier if she never sexually matures.

#### Shouldn't children experience the miracle of birth?

No. A more important lesson to teach your children would be responsible pet ownership and concern for life by explaining why their pet should not have babies.

#### Doesn't neutering alter an animal's personality?

No. Personality changes that may result from neutering are for the better. Not being distracted by the instinctual need to find a mate helps your pet stop roaming and decreases aggressive tendencies.

#### Won't animal shelters take care of the surplus animals?

No. Shelters do their best to place animals in loving homes, but the number of homeless animals far exceeds the number of willing adopters. This leaves many loving and healthy animals in our community that must be euthanized as the only humane solution to this tragic dilemma. Only spaying and neutering can end the overpopulation problem.

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#### SAMPLE REGULATIONS - ANIMAL CARE. CONTROL & SUBSISTENCE

#### SANITARY ENCLOSURE REQUIREMENTS:

- The following section provides the minimal requirements for the care and harboring of animals within the city limits. Nothing in this section is intended to conflict with any provision of Chapter 21 of the Porterville Municipal Code.
- (a) All premises, enclosures, or structures used or intended to be used for the harboring of animals must be cleaned and kept reasonably free of debris, refuse, manure, excreta, or like material as often as may be necessary to comply with the provisions of this section.
- (b) The floor of any premises, enclosure, or structure used for the keeping of animals must be smooth and tight to prevent the accumulation of water, debris, refuse, manure, excreta, or like material. A wire floor may be used if appropriate for the type of animal being harbored and if maintained to prevent injury to the animal.
- (c) Evidence of unsanitary or substandard maintenance of the premises, enclosure, or structure may include but not limited to the following:
  - (1) the accumulation of debris, refuse, manure, excreta, or other like material upon any surface within any such premises, enclosure, or structure used or intended to be used for the housing of such animals,
  - (2) any reasonably obnoxious odor or allergen arising from any condition existing within the premises, enclosure, or structure used or intended to be used for the housing of such animals, and
  - (3) the presence of numerous flies or fly larvae in the vicinity.

#### **ENCLOSURE, STRUCTURE, SHADING REQUIREMENTS:**

- (a) All animals must have adequate enclosures, structures, or alternate forms of shading to allow an animal maintained outdoors to:
  - (1) protect itself from the direct ravs of the sun when the sunlight is likely to cause overheating or discomfort;
  - (2) remain dry during the rain or other wet conditions;
    - (a) The enclosure, structure, or shading must be accessible to the animal at all times;
    - (b) The enclosure or structure must be situated to prevent exposing the animal to:
      - (1) unreasonably loud noise or:



- (2) teasing. harassment. abuse, or injury by another animal or person;
- (b) If the animal is confined in an enclosure or structure, the enclosure or structure must be:
  - (1) Of adequate size inside and outside the enclosure or structure to allow the animal to stand, sit, turn around freely, or lie down in a normal position, relieve itself away from its confinement, and safely interact with any other animal:
  - (2) Adequately lighted to provide regular lighting cycles of natural or artificial light uniformly diffused throughout the shelter, and sufficient illumination for routine inspections and maintenance of the animal; and
  - (3) Supplied with clean and dry bedding material or other means of protection from the weather elements to maintain the shelter at a temperature that is not harmful to the health of the animal.

#### **WATER REQUIREMENTS:**

- (a) All animals must have access to clean potable water at all times unless restricted for veterinary care. If the water is kept in a container, the container must be designed to prevent tipping and spilling of the water or be secured to a solid structure, object or the ground.
- (b) Water containers must be clean and must be emptied and refilled with fresh water as necessary to maintain cleanliness or alternatively if the water is provided by an automatic or demand device, the water supply connected to the device must functional at all times.

#### FOOD AND FEEDING REQUIREMENTS:

- (a) All animals must be provided food that is wholesome and be of sufficient quantity and nutritive value to maintain a healthy body weight and meet the normal daily requirements for the condition and size of the animal.
- (b) The food receptacles must be accessible to the animal and be placed in a location to minimize contamination from excreta and insects. Feeding pans must be durable and kept clean. Disposable food receptacles may be used and must be discarded after each feeding. Self-feeders may be used for dry food and must be sanitized regularly to prevent molding, deterioration, or the dense compaction of food.

(c) Spoiled or contaminated food must be disposed of in a sanitary manner.

#### **VETERINARY TREATMENT REQUIREMENT:**

All animals must receive veterinary treatment from a veterinarian licensed by the State of California when such treatment is necessary to alleviate the animal's apparent suffering or prevent the transmission of disease.

#### **EXERCISE REQUIREMENT:**

All animals must be provided the opportunity to exercise in order to maintain normal muscle tone and mass for the age, size, and condition of the animal.

#### TRANSPORTATION REQUIREMENTS:

All animals must be handled, moved, or shipped in a manner to ensure the health and safety and overall comfort of the animal.

#### REFUSE CONTAINER REQUIREMENTS:

Any debris, refuse, manure, excreta, or other like material conducive to the breeding of flies or that creates a reasonably obnoxious odor must be placed in a fly-proofed container until the material is removed from the premises or buried under the soil surface as fertilizer.

#### FOOD STORAGE CONTAINERS:

All grain or cereal intended for use as food for animals must be kept in containers with tightly fitted covers or other containers constructed to keep out vermin and wild animals.

#### DISPOSAL OF DECEASED ANIMALS:

- (a) Upon the death of any animal, the owner or person in charge thereof shall provide for the burial, incineration or other disposition of the body of such animal in a manner not likely to result in an unsanitary condition. It shall be unlawful to dispose of any dead animal in any trash or garbage receptacle, whether public or private, to be hauled and carried into the general municipal solid waste stream. If the owner or person in charge of any dead animal is unable to provide for burial or other disposition, he/she may request the police department to remove and dispose of the body of such animal for a fee as set forth by a resolution of the city council.
- (b) Upon learning that the body of a dead animal has not been disposed of in a safe and sanitary manner, the police department may remove and dispose of such body immediately. The owner or person who had legal custody of such animal at the time of removal shall immediately upon city's demand for payment, pay the police department for costs incurred as established by a resolution of the city council.

## ZONING PRACTICE APRIL 2013

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AMERICAN PLANNING ASSOCIATION

#### **→** ISSUE NUMBER 4

## **PRACTICE URBAN LIVESTOCK**



ATTACHMENT S

## Urban Micro-Livestock Ordinances: Regulating Backyard Animal Husbandry

By Jaime Bouvier

While small farm animals never completely disappeared from most cities, a growing number of communities are revisiting their animal control and zoning regulations in response to a renewed interest in chickens, bees, and goats among urban agriculture practitioners and backyard hobbyists.

This article explores how small farm animals (i.e., micro-livestock) can and already do coexist in urban environments, and it examines the regulatory tools cities use to sanction and control backyard animal husbandry. The following sections are intended to serve as a guide for local governments considering legalizing and regulating this budding hobby.

#### WHAT IS MICRO-LIVESTOCK?

There is no universal definition of microlivestock. It often just means small animals-like chickens, ducks, quail, and rabbits. It can also mean breeds that are smaller than average-such as bantam chickens, Nigerian Dwarf goats, or Red Panda cows. Finally, it can mean an animal of what is normally a large breed that just happens to be small. Many international organizations have long championed raising micro-livestock in cities to provide a secure and safe local food source. Because they require less food and water, are often especially hardy breeds, and their small size makes them ideal for small lots, microlivestock are especially well suited to urban living.

Right now, most attempts to legalize micro-livestock focus on chickens, goats, and bees. Although rabbits are micro-livestock, they have caused less controversy. Perhaps because they are more accepted as pets, they were never made illegal in many cities. Very small pigs, like the pot-bellied pig, have also been accepted in many cities

## Uncle Sam Expects You To Keep Hens and Raise Chickens



During World War II, the U.S. government framed backyard chicken keeping as a patriotic duty.

as a pet; because they are not being raised for bacon, people don't think of them as livestock. There has been some move to legalize miniature horses as guide animals for the blind and disabled. Other animals, like miniature hogs, cows, or sheep, may also be suitable for city life under the right circumstances, but fewer people are advocating for them.

## A SHORT HISTORY OF URBAN HENS AND OTHER MICRO-LIVESTOCK.

Although micro-livestock never disappeared from cities altogether, they used

to be an accepted and even encouraged part of urban life. For example, during the Victory Garden campaign, when the U.S. government urged American citizens to grow more of their own food to support the war, the government encouraged people to keep and raise chickens.

As it became cheaper and more convenient to buy food from a grocery store, it became less common to see livestock in the city. While many people believe that livestock became illegal because they were a nuisance, there is little evidence that this was the case—especially when just

#### ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of April to participate in our "Ask the Author" forum, an interactive feature of Zoning Practice. Jaime Bouvier will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The author will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

#### About the Author

Jaime Bouvier is a senior instructor of law and codirector of the Writing and Academic Support Program at Case Western Reserve University School of Law in Cleveland, Ohio. She has also represented state and local governments as well as landowners in zoning and land-use litigation.

a few animals were kept. Instead, exiling livestock was partially a class-based phenomenon. Excluding animals that were seen as productive, that is animals kept for food purposes, was a way to exclude the poor. Animals that came to be viewed as nonproductive, such as dogs and cats, required money to keep and did not have the same associations. By illegalizing behavior associated with the recently rural and poor, a city could present itself as prosperous and progressive.

The desire to exclude the poor is a reason why ordinances making livestock illegal are often found in suburbs and even exurbs where the lot sizes are especially conducive to raising animals. It is also a reason why changing the regulations, even in such suburbs, is often especially contentious.

Now, however, raising livestock is becoming an activity that many young, educated, middle-class people seek out. The association between micro-livestock and poverty is no longer relevant. And distinguishing cities and suburbs from rural occupations is no longer universally seen as a sign of progress. In fact, many view a well-regulated return of micro-livestock to the cities and suburbs as embracing progressive values. And legalizing micro-livestock can actually attract people who seek to live in a place that supports the close-knit communities that this hobby creates.

#### MICRO-LIVESTOCK COMMUNITIES

Communities are essential to the microlivestock movement. They provide muchneeded support for people to discuss common problems and share interests. Many communities began as a few people who already raised chickens, or goats, or bees—in violation of city law. They organized to legalize their animals. One of the leading examples of this is a group called Mad City Chickens in Madison, Wisconsin. Members of the group who kept chickens illegally, the self-described "Chicken Underground," were

Many communities
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generally law-abiding citizens uncomfortable with their outlaw status. They did not understand why raising chickens in a way that did not bother their neighbors should be illegal. In 2004, in response to the group's lobbying efforts, Madison amended its zoning ordinance to allow chickens (and, subsequently, bees in 2012). Their lobbying efforts became the focus of a film, also titled *Mad City Chickens*, and have been a model for other groups seeking to legalize micro-livestock, such as the New York City Beekeepers Association and Seattle's Goat Justice League.

These groups' stories show that many people already keep micro-livestock in cities whether or not they are legal. It also shows that once citizens and city leaders are educated about these animals and shown how

they can, and already do, peacefully coexist in cities, they often will legalize these animals. Finally, it shows that cities are better off reasonably regulating micro-livestock, rather than forcing hobbyists out of their cities or underground.

#### CHICKENS, GOATS, AND BEES: BENEFITS

The main benefits to keeping chickens, goats, and bees is not so much to eat the animal itself, though people do eat chickens and goats. The main benefit is to eat the food they produce: eggs, milk, and honey. There is good research to show that backyard eggs are tastier and have more nutrients than store-bought ones. Milk from backyard goats, moreover, tastes better because goat milk does not store or ship well. It is also, arguably, easier to digest for those who cannot drink cow's milk. Goat hair is a prized material for making cashmere and mohair fabric. Manure from these animals is an excellent, and surprisingly pricey, fertilizer. Many people also value these animals for their companionship and become as close to them as they do any other pet. Finally, backyard and hobbyist livestock keepers ensure a diverse and more robust population of animals, ensuring the propagation of breeds that are not valued commercially but may become important if commercial breeds, because of genetic uniformity, become threatened by disease.

Apart from honey, keeping bees in urban areas has two main benefits: pollination services and ensuring an extant bee population. Honeybees pollinate two-thirds of our food crops and in recent years have suffered devastating losses. Some experts assert that these losses are caused or exac-

erbated by the use of pesticides, the stress of constant travel to different farms to pollinate crops, and the lack of plant diversity in rural environments. Thus, hobbyist beekeepers who do not subject their hives to such stressors may prove to be a haven for the continued existence of honeybees.

#### CHICKENS, GOATS, AND BEES: CONCERNS

Concerns about chickens and goats generally boil down to three things: odor, noise, and disease. None of these provide a reason to ban hens and does, but roosters can be too noisy and a rutty buck may be too smelly for dense urban environments.

Contrary to popular myth, roosters do not just crow in the morning to greet the rising sun—roosters crow all day. Hens do not need roosters to lay eggs; roosters are only necessary to fertilize the eggs. Hens are generally quiet, but when they do cluck, the resulting noise is about the same decibel level as a quiet human conversation. And, as long as a chicken coop is regularly cleaned and adequately ventilated, a small flock of hens will not be smelly.

Goats, too, are not generally noisy animals. While a goat may bleat, the sound is generally far less than the noise of a barking dog. Some goats, just like dogs or cats, are noisier than others. And, as for odor, female goats (does) and neutered male goats (wethers) do not smell. Male goats (bucks), during the mating season, do smell. The gamy odor of a rutty buck is the smell many associate with goats. While it is necessary for a doe to mate with a buck and deliver a kid to lactate and provide milk, this can be arranged with a stud-buck kept in more rural environs.

Finally, there is the issue of disease. As with any animal, including dogs and cats, disease can be spread through feces. Regular cleaning and straightforward sanitation practices, such as hand washing, can take care of this issue. While concerns about backyard chickens spreading avian flu have surfaced in some communities, the kind of avian flu that can cross over to humans has not yet been found in North America. And neither the Centers for Disease Control nor the Department of Agriculture have asserted that the possibility of bird flu is a reason to ban backyard hen keeping. Public health scholars have concluded that backyard chickens present no greater threat to public health than other more common pets like dogs and cats.

The major objection to honeybees is the fear of being stung. Here, it is important to understand the distinction between bees and wasps. Honeybees are defensive; they will not bother others unless they are threatened. A honeybee's stinger is attached to the entrails, so it will die if it stings. Bees want pollen; they are not interested in human food. Wasps, by contrast, are predatory, can sting repeatedly with little consequence, and are attracted to human food. Many people confuse fuzzy honeybees with smooth-skinned yellow jackets, a kind of wasp that forms papery hives. People do not keep wasps because they are not effective pollinators and do not produce honey.

A connected objection is a fear of a swarm. A swarm is a group of bees traveling to establish a new hive. While a swarm can be intimidating, before bees swarm they gorge on honey to prepare for the trip, which makes them particularly lazy and docile. Unless attacked or bothered, they will follow a scout bee to a new location within a few hours to a day.

§451 et seq.; 21 U.S.C., §1031 et seq.; and 21 U.S.C. §601 et seq.). The FDA requires that all milk be pasteurized, including goat milk (21 C.F.R. §1240.61) and regulates nutrition and information labeling of honey (21 U.S.C. §§342–343). Many of these laws have exceptions for animals and animal products raised for home consumption, but someone who wants to raise eggs, milk, or meat for sale or distribution would need to comply.

Most states have laws regulating the movement of livestock, including chickens, goats, and bees, into and out of the state. To track and attempt to control some diseases associated with livestock and bees, some states either require or encourage keepers of livestock and beekeepers, even backyard hobbyists, to register their premises with the state. Other states only ask to be alerted if a particular disease is found. Many states also have laws regulating the slaughter and sale of any animal used for meat, as well as laws regulating the sale of eggs, milk, and milk products. While these, also, generally have exceptions for home consumption, they will apply to sales. Often state agricultural

## Before drafting an ordinance, local governments should be aware that federal and state laws already regulate livestock.

## AGRICULTURAL BASICS FOR CITIES CONSIDERING LEGALIZING MICRO-LIVESTOCK

Chickens and goats require companionship. As a consequence, cities should allow a minimum of four hens and two does. This ensures that the city is not interfering with good animal husbandry practices.

And, while bees never lack for companionship, it is a good idea to allow beekeepers to have more than one hive. This allows the beekeeper to better inspect for and maintain hive health. Cities should not be overly concerned that hives kept too close together will compete for food—honeybees fly up to a three-mile radius from the hive to find pollen.

#### FEDERAL AND STATE LAW CONSIDERATIONS

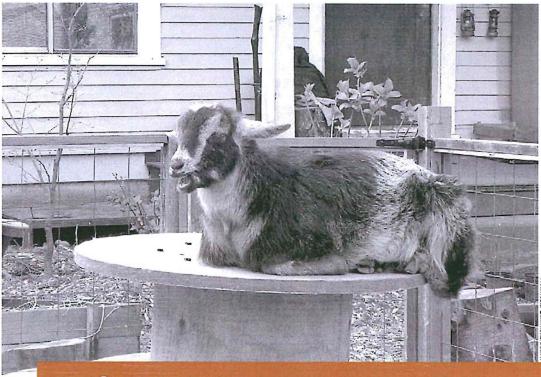
Before drafting an ordinance, local governments should be aware that federal and state laws already regulate livestock. The federal government regulates the sale, processing, labeling, and transportation of chickens, eggs, and other meats (21 U.S.C.

extension services will have online information pages describing the regulations and exemptions for hobbyists.

For beekeeping, however, a few states have passed laws that interfere with a local government's ability to regulate. Wyoming, for instance, controls how close together apiaries (an area with one or more beehives) may be located (Wyo. Stat. Ann. §11-7-201). In June 2011, Tennessee preempted all local government ordinances regulating honeybee hives (Tenn. Code. Ann. §44-15-124). And in July 2012, Florida also preempted all local government ordinances regulating managed honeybee colonies or determining where they can be located (Fla. Stat. §§586.055 & 586.10).

#### COMMON ASPECTS OF URBAN MICRO-LIVESTOCK REGULATION

In the cities that have recently passed ordinances regulating micro-livestock, the ordinances are all quite different. No standard ordinance has yet been established.



 Portland, Oregon, allows up to three pygmy goats in a residential backyard without a permit (§13.05.015.E).

There are, however, many common aspects to these regulations. Most of them limit the number and type of livestock that can be kept in the city, establish setbacks for where the animals can be kept on the property, and require a certain amount of space per animal. Some also require a license.

#### Micro-Livestock Standards

Most cities have not taken a comprehensive regulatory approach to micro-livestock, but appear to allow particular livestock in response to citizen lobbying. Hundreds of cities have legalized chickens in the past few years. And the growing popularity of beekeeping means many cities have also adopted separate ordinances to allow for it. For example, South Portland, Maine (§§3-51 & 3-710; Cary, North Carolina (§5.3.4(I) & (O)); Ypsilanti, Michigan (§§14-13 & 14-171); and Littleton, Colorado (§§10-4-4 & 10-4-14) have recently passed ordinances separately allowing for both chickens and bees.

Some cities make idiosyncratic choices. For example, Ponca City, Oklahoma, allows miniature horses and donkeys, but still bans all other fowl and livestock (§7-3-10). Sebring, Florida, allows two hens and

two pot-bellied pigs (§4-1). And Carson City, Nevada, allows chickens, pigs, rabbits, and bees, but no goats (§§7.02 & 7.13.190).

And some only allow goats. In 2011, Loveland, Ohio, allowed two pygmy goats on residential properties of any size (§505.16). It defines pygmy as a goat no heavier than 60 pounds. The choice of such a light weight is curious, given that many micro-goat breeds weigh more than 60 pounds. Also, many breeds of dogs weigh up to three times as much, but most cities do not restrict the size of dogs. In 2010, Carl Junction, Missouri, allowed just one pygmy goat on a property of any size (§205.200(C)). Because goats are herd animals, this limit encourages poor animal husbandry practices.

Meanwhile, many cities are legalizing a wider variety of livestock. For example, Denver allows up to eight ducks or chickens and up to two dwarf goats and two beehives (§8-91; §11.8.5.1). But it requires 16 square feet of permeable land available to each chicken and 130 square feet for each goat. The city also requires adequate shelter to protect the animals from the elements and from predators. This means that to keep the full complement of eight chickens and two

goats, the yard would have to have approximately 400 square feet of space. For chickens, ducks, and goats, Denver has a 15-foot setback from neighboring structures used for dwelling and requires that the animals be kept in the rear half of the lot. For bees, Denver has a five-foot setback from any property line and requires that hives be kept in the back third of the lot.

Seattle allows up to eight domestic fowl, four beehives, one potbelly pig, and two pygmy goats, or no pig and three pygmy goats, on any lot (§23.42.052). It then employs a step system for additional animals. For lots larger than 20,000 square feet, an additional small animal-which means a dog, cat, or goat, may be kept on the lot. Seattle also allows other farm animals, including cows, horses, or sheep, to be kept on lots that are greater than 20,000 square feet. Seattle allows one of these animals per 10,000 square feet. Also, it has a 50-foot setback from the neighboring property for all farm animals, not including potbelly pigs, fowl, or miniature goats. Finally, Seattle has a separate ordinance that restricts goats to their premises, "except for purposes of transport or when on property other than

that of the miniature goat's owner with the permission of a lawful occupant of that property" (§ 9.25.084(H)).

Cleveland has a slightly more complex ordinance in that it has different regulations for residential and nonresidential districts (§347.02). It also employs a step system, allowing one animal per a certain number of square feet. In residential districts, it allows one hen, duck, rabbit, or similar animal per 800 square feet, and one beehive per 2,400 square feet. The ordinance spells out that a standard residential lot in Cleveland is 4,800 square feet, so most households could keep up to six hens and two beehives. Setbacks for hens are five feet from the sidevard line and 18 inches from the rear-vard line. Setbacks for bees are five feet from the lot line and 10 feet from any dwelling on another parcel. Neither animal is allowed in the front or side yard. Cleveland only allows goats, pigs, sheep, or similar farm animals on lots that have at least 24,000 square feet (i.e., a little more than a half-acre). If a lot is that size or larger, two of these animals will be allowed, with an additional one for each additional 2,400 square feet. Enclosures for these animals must be set back 40 feet from the property line and at least 100 feet from the dwelling of another.

In Cleveland, the nonresidential districts are less restrictive, with one chicken, duck, or rabbit per 400 square feet, one beehive per 1,000 square feet, and one goat, pig, or sheep per 14,400 square feet. This can allow for more intensive operations in less populated areas—and also opens the area to urban farms.

Hillsboro, Oregon, and El Cerrito, California, employ similar step systems. El Cerrito allows three hens as long as the property is at least 4,000 square feet (§7.08.020). Hillsboro allows three hens as long as the property is 7,000 square feet (§6.20.070). Both cities require at least 10,000 square feet to keep goats, but Hillsboro limits goats to two, and El Cerrito does not appear to limit them. El Cerrito, however, does require an administrative use permit to keep goats and allows for a conditional use permit to keep goats on a smaller parcel of land. El Cerrito requires a property of at least 5,000 square feet to keep one beehive. That beehive must be 20 feet from an adjacent dwelling and 10 feet from the property line. Hillsboro allows up to three beehives on any size residential property with a setback of 10 feet from the property line.

Vancouver, Washington, is an example of a less restrictive ordinance (§20.895.050). It allows up to three goats, if they weigh less than 100 pounds, on any size property. It also allows chickens, ducks, geese, or rabbits on any size lot with no numerical restriction. It does provide in the ordinance that the keeping of animals is subject to already existing nuisance requirements.

#### **Roosters and Bucks**

Most of these cities prohibit roosters and male goats (or bucks). Hillsboro prohibits roosters and uncastrated male goats with no exceptions. Seattle also prohibits roosters and uncastrated males but has an exception for nursing offspring that are less than 12 weeks old. Denver does the same but only until they are six weeks old. El Cerrito prohibits roosters but does not say anything about the gender of the goats it allows. And Cleveland has a more complicated system, in that it will allow roosters,

the license on those grounds (§205.04). The department also notifies neighbors about the license application and waits at least 21 days to hear back from them. The director can consider any evidence that the neighbors submit concerning nuisance, unsanitary, or unsafe conditions. To determine whether to grant the license, and any time after the license is granted, the department can inspect the property and enforce any penalties for violating sanitation or nuisance regulations.

Ellensburg, Washington, has an interesting ordinance in that it requires a license for dogs and cats, but does not require a license to keep up to two beehives and four hens (§§5.30.260 & 5.30.310). Seattle, likewise, requires a license for dogs, cats, pigs, and goats, but does not require one for chickens or bees (§9.25.050).

After restricting livestock to property with three acres or more, Pittsburgh amended its ordinance to allow chickens

# Some cities require a permit or license . . . [which] are relatively straightforward and do not allow for much discretion on the part of the official who issues it.

but only on property that is at least one acre in size with a 100-foot setback from the property line for the coop. Cleveland, like El Cerrito, does not say anything about goat gender.

#### Licensing

Some cities require a permit or license. Most of these permits are relatively straightforward and do not allow for much discretion on the part of the official who issues it. For instance, Denver requires a livestock or fowl permit to keep chickens or goats but requires no more than the provisions of the ordinance be met and a fee be paid to acquire the license. The city charges \$100 annually for a livestock permit and \$50 annually for a fowl permit.

Cleveland also requires a license. Its health department issues a two-year license to keep any type of livestock, including chickens and bees. In issuing the license the director of public health must consider evidence of "nuisance or conditions that are unsafe or unsanitary" and any "recorded violations" and may deny

and bees in 2011 (§912.07). It allows three hens and two beehives per 2,000 square feet on occupied, residentially zoned lots. It allows one more bird and hive for each additional 1,000 square feet. However, it requires the home owner to seek a special exception to keep livestock as an accessory use (§922.07). The special exception requires the zoning board of adjustment to hold a public hearing, to make findings of fact, and issue a written decision within 45 days of the hearing. This allows it to reevaluate and reweigh all of the concerns with raising chickens and bees in the city, even though the city council had already made the legislative determination and established criteria for when and where it was legal to do so. This puts a substantial burden on each home owner to fully argue the case before each iteration of the board. It also uses up considerable city resources.

## COMMON AND LESS COMMON BEE PROVISIONS

Some cities never made keeping bees illegal, and do not regulate the practice.



 Chicago allows up to five bee colonies in a residential backyard without a permit (\$17-17-0270.7).

Among cities that do regulate beekeeping, flyway barriers and a source of fresh water are common requirements. Flyway barriers force bees to fly up over the heads of people so that they do not establish flight paths through a neighbor's property or populated sidewalks, streets, or parks. Bees require water; if a beekeeper does not provide it, bees will frequently use a close source, like a neighbor's pool.

Concerning flyway barriers, Cleveland requires a fence or a dense hedge of at least six feet in height within five feet of the hive and extending at least two feet on either side. However, it does not require a flyway barrier if the hive is at least 25 feet from the property line or on a porch or balcony at least 10 feet from the ground. South Portland, Maine, has a similar flyway barrier standard, but requires it to extend at least 10 feet in each direction. And Carson City, Nevada, requires the flyway barrier to "surround" the hive on any side that is within 25 feet of a property line. Neither South Portland nor Carson City has exceptions for balcony or rooftop hives.

Concerning a water source, Ellensburg, Washington, requires "a consistent source of water... at the apiary when bees are

flying unless it occurs naturally. The water may be 'sweetened' with mineral salt or chlorine to enhance its attractiveness." Cleveland requires a freshwater source to be maintained "throughout the day." And Carson City requires water only from April 1 to September 30.

As for less common provisions, Ellensburg, Washington, requires that all hives "consist of moveable frames and combs." Cleveland prohibits Africanized bees. Africanized bees have only been found in a few southern states; beekeepers, moreover, do not seek to keep Africanized bees. Boise, Idaho, prohibits Africanized bees, as well as wasps and hornets (§11-09-11.03). This is peculiar; people do not keep wasps or hornets because they do not provide honey or pollination services. Boise and Carson City require a queen to be removed if the hive shows "unusually aggressive characteristics." And Carson City requires the new queen to be chosen from "stock bred for gentleness and non-swarming characteristics." Carson City only allows honey to be extracted "where there is no access by bees before, during, or after the extraction process." Carson City also requires any hive found to be diseased to be either "treated so as to completely eradicate the disease" or destroyed at the owner's expense. Finally, both Carson City and Ellensburg provide that abandoned hives are to be considered nuisances.

#### RECOMMENDATIONS

Of the ordinances discussed above, two stand out as potential models: Denver's and Seattle's. These ordinances show that the trend, over time, is to simplify regulations. Local governments seeking to regulate these practices should consider how much they are prepared to spend, in terms of resources, on licensing or monitoring these practices given the relatively small degree of actual nuisance they cause. Governments should also keep in mind that straightforward ordinances following developing norms will be easier to follow and easier to enforce.

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### **ZONING PRACTICE**

AMERICAN PLANNING ASSOCIATION

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COUNCIL AGENDA: May 6, 2014

SUBJECT: FORMATION OF AN ANIMAL CONTROL COMMISSION

SOURCE: City Manager

COMMENT: At its meeting on October 15, 2013, the City Council gave approval

for staff to begin initiating the formation of a citizens advisory committee for the oversight of Animal Control facilities and operations. As staff reviewed the structure of forming such an advisory body, there were different types of organization, as well as purpose and scope, which other community governing bodies had adopted for their advisory boards. Similar to the City of Porterville's

Commissions that currently advise the City Council and

Departments on various functions (Library & Literacy, Parks & Leisure Services, etc), the prevailing structure of citizens advisory bodies for Animal Control programs are as a Commission, adopted by Ordinance. In terms of purpose and scope, most Animal Control

advisory bodies are limited to oversight of their individual

communities Animal Control program operations.

For the City Council's consideration, staff has prepared a draft Ordinance in the formation of an Animal Control Commission. Contained in the draft, there are several subjects for the City Council's consideration in the formation of the Commission. In regards to the Commission's composition, number of members, method of appointment, City residency, term of office, and attendance requirements vary greatly among agencies.

RECOMMENDATION: That the City Council consider the draft Ordinance, and

provide any further direction as appropriate.

ATTACHMENTS: 1. City of Berkeley – Animal Care Commission

2. County of Kern – Animal Control Commission

3. County of Santa Clara - Animal Advisory Commission

С/М\_\_\_\_\_

Item No. <u>33</u>

# ORDINANCE NO. \_\_\_\_\_ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING CHAPTER 5B OF THE PORTERVILLE MUNICIPAL CODE REGARDING THE FORMATION OF AN ANIMAL CONTROL COMMISSION

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

## CHAPTER 5B ARTICLE I

#### Section 5B-1 Established.

An Animal Control Commission is established in and for the City of Porterville. The Animal Control Commission shall serve in an advisory capacity to the City Council.

#### Section 5B-2 Composition.

The Animal Control Commission shall consist of seven (7) members, who shall be residents of the city of Porterville. Commissioners shall be appointed by the City Council at its complete discretion by a majority vote. Members of the Commission shall be representative of a cross-section of the community and shall be limited to persons interested in animal welfare.

#### Section 5B-3 Compensation.

Members of the Animal Control Commission shall serve without compensation.

#### Section 5B-4 Term of Office/Removal.

The term of office shall be four (4) years with terms staggered to prevent concurrent expiration of terms. All Commission members shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council at any time and for any reason.

#### Section 5B-5 Vacancies.

Vacancies, occurring otherwise than by expiration of the terms, shall be filled by appointment by the City Council as soon as possible; such appointee is to serve for the unexpired term of the vacant office.

#### Section 5B-6 Appointment of Chairperson and Vice Chairperson.

The Animal Control Commission shall appoint one of its members Chairperson, and one of them Vice Chairperson.

#### Section 5B-7 Term of Officers.

The officers thus appointed shall serve one (1) year, until their successors in office have been appointed by the Animal Control Commission.

#### Section 5B-8 Meetings and Records.

The Animal Control Commission shall hold meetings regularly as determined by the Commission and shall designate the time and place thereof. The Commission may hold as many meetings as determined necessary for the performance of the duties prescribed in this chapter. The meetings shall be held in compliance with the Brown Act and all applicable laws, and the meetings and records of attendance shall be public. The Commission shall adopt its own rules of procedure and keep a record of its proceedings. A record of attendance shall be kept regularly and reported to the City Council at least once per year. Members are expected to have at least 75% attendance based upon the Commission's regular meeting schedule (e.g. 9 out of 12 meetings if held monthly, and 3 out of 4 if held quarterly). Members who fail to meet the attendance requirement automatically vacate their seat and the vacancies shall be filled per Section 5B-5.

#### Section 5B-9 Quorum.

Four (4) members shall constitute a quorum for the transaction of business.

#### Section 5B-10 General Powers and Duties of Commission.

The Animal Control Commission shall:

- A. Advise the City Council and staff on any matters concerning animal control and shelter programs;
- B. Make recommendations to the City Council and staff concerning regulations affecting animals and the care, control, and treatment of animals;
- C. Make recommendations to the City Council and staff to strengthen the City's animal control and shelter programs;
- D. Engage in a long-term planning process through which it identifies major priorities and provides recommendations for the City Council for policies and procedures on animal control and shelter program operations;
- E. Promote public awareness of the goals and operations of the animal shelters and to enhance community relations with respect to animal control program operations;
- F. To advise and assist the City Council and staff in conducting public education and outreach programs to city residents regarding animal owner responsibility for licensing, spaying and neutering, and proper care of animals;
- G. To review and recommend proactive enforcement programs that will result in reducing cases of animal overpopulation, neglect, abuse, and public nuisance;
- H. To review and provide recommendations to the City Council and staff on all proposed amendments to Chapter 5–Animal Control;
- I. Serve as a sounding board for staff to review their plans and ideas; and
- J. Act on any matters referred by the City Council or staff in accordance with the instructions provided with the said referrals.

<u>Section 1.</u> Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on

any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, or that end, the provisions hereof are severable.

<u>Section 2.</u> <u>Effective Date.</u> This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

<u>Section 3.</u> Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this _	
	Cameron J. Hamilton, Mayor
ATTEST:	
John D. Lollis, City Clerk	
By	
Patrice Hildreth, Chief Deputy City Clerk	

#### Chapter 3.08

#### BERKELEY ANIMAL CARE COMMISSION\*

#### Sections:

3.08.010	EstablishedNumber of members.
3.08.020	MembershipAppointment criteria and financial interest restrictions.
3.08.030	Repealed by Ord. 7027-NS
3.08,040	Liaison representatives to other City entitiesFunctions.
3.08.050	Organization, meetings, rules and procedures.
3.08,060	Functions.

<sup>\*</sup>For animal regulations generally, see Title 10 of this code.

#### Section 3.08.010 Established-Number of members.

A Berkeley Animal Care Commission is established. The commission shall consist of nine members, each of whom shall be appointed by individual members of the City Council. (Ord. 7164-NS § 2, 2011: Ord. 4804-NS § 1 (part), 1975: Ord. 4570-NS § 1, 1972)

#### Section 3.08.020 Membership--Appointment criteria and financial interest restrictions.

The members of the commission shall be appointed in accordance with the "Fair Representation Ordinance," and shall be persons who have demonstrated their compassion for animals.

No member shall have any financial interest, employment, or policy determining position in any profit making animal care facility, research center, or any profit making organization that deals in the sale of animals for any purpose. (Ord. 5690-NS § 1, 1985: Ord. 4804-NS § 1 (part), 1975: Ord. 4570-NS § 2, 1972)

#### Section 3.08.040 Liaison representatives to other City entities--Functions.

Subject to the approval of the council in each case, the commission may designate one of its members to act as a liaison representative to any other board, commission or committee of the City. The functions of such liaison representatives are:

- A. To attend meetings of such other board, commission or committee;
- B. Advise this commission of the background, attitudes and reasons behind the actions of such other board, commission or committee; and
- C. On request of any member of such other board, commission or committee, to advise such other board, commission or committee of policy, procedures and decisions of this commission that may bear upon matters under discussion by such other board, commission or committee. Such liaison representative shall have no power to vote. (Ord. 4570-NS § 8, 1972)

#### Section 3.08.050 Organization, meetings, rules and procedures.

- A. The commission shall elect one of its members president and one of its members vice-president, who shall hold office for one year and until their successors are elected unless their terms as members of the commission expire sooner. The president and vice-president shall be elected at the first meeting of the commission after February 1st of each year.
- B. An officer or employee of the City designated by the City Manager shall serve as secretary of the commission.
- C. The commission shall establish a regular place and time for meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. The frequency of meetings shall be as determined by City Council resolution. The scheduling of special meetings in addition to those established by City Council resolution, except special meetings that take the place of cancelled regular meetings, shall be subject to approval by the City Council. A request for a special meeting shall include the reason for the proposed meeting and should be expedited on the City Council's agenda, or in the alternative, placed before the Agenda Committee for approval.

#### Chapter 3.08

- D. The commission may make and alter rules governing its organization and procedures which are not inconsistent with this chapter or any other applicable ordinance of the City.
- E. A majority of the members appointed to the commission shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.
- F. The commission shall keep an accurate record of its proceedings and transactions and shall submit an annual report to the City Council with a copy to the City Manager. (Ord. 6889-NS § 1, 2006: Ord. 6019-NS § 1, 1990: Ord. 5365-NS § 1, 1981: Ord. 4804-NS § 1 (part), 1975: Ord. 4570-NS § 9, 1972)

#### Section 3.08.060 Functions.

The functions of the commission shall be as follows:

- A. To oversee the treatment of animals in all shelters established within the City;
- B. To make recommendations to the City Council concerning regulations affecting animals and the care, treatment and control of animals. (Ord. 4570-NS § 10, 1972)

Kern County, California, Code of Ordinances >> Title 2 - ADMINISTRATION >> Chapter 2.150 ANIMAL CONTROL COMMISSION >>

#### Chapter 2.150 ANIMAL CONTROL COMMISSION

#### Sections:

2.150.010 Members.

2.150.020 Responsibilities.

2.150.030 Administration.

2.150.040 Personnel.

2.150.050 Reimbursement of travel expenses.

#### 2.150.010 Members.

There is an animal control commission in the county. The commission shall be composed of five (5) members who shall be appointed by the board of supervisors of the county. Each member appointed shall serve in office for a term of four (4) years to run concurrent with the term of the supervisor who makes his nomination, except that the first appointment nominated by the supervisors from the second and the third supervisorial districts shall each serve for a one (1) year term, and the first appointment nominated by the supervisors from the first, fourth and fifth supervisorial districts shall each serve for a three (3) year term, and thereafter nominees from all districts shall serve for four (4) year terms. Appointees filling vacancies shall serve the unexpired portion of the term of their predecessors. These members shall be the voting members of the commission. A member of the board of supervisors, as designated by the board, shall be a nonvoting member of the commission and his term shall correspond to his official tenure. The board shall also designate from the board of supervisors an alternate nonvoting member to act as a member in the absence of the first nonvoting member named. The board of supervisors may remove any member of the commission from office at any time upon majority vote of the board.

(Ord. G-7335 § 2 (part), 2006)

### 2.150.020 Responsibilities.

- A. It shall be the responsibility of the commission:
- 1. To engage in a long-term planning process through which it identifies major issues and establishes recommendations for the board of supervisors for policies and procedures on animal control program operations;
- 2. To promote public awareness of the goals and operations of the animal shelters and to enhance public confidence and improve community relations with respect to animal control program operations;
- 3. To investigate and provide advisory recommendations to the board of supervisors on all proposed amendments to Chapter 7.08—Animal Control Regulations of the Kern County Ordinance Code:
- 4. To review and investigate citizen complaints regarding animal control program operations and, if appropriate, provide advisory recommendations to the board of supervisors concerning matters brought to its attention by members of the public;

- 5. To serve as the administrative review board for consideration of appeals to the revocation of permits under <u>Section 7.08.040</u> and the waiver of dog license fees under <u>Section 7.08.040</u> (A)(1) of the Kern County Ordinance Code;
- 6. To advise and assist the board of supervisors in conducting public education and outreach programs to Kern County residents regarding animal owner responsibility for licensing, spaying and neutering, and proper care of animals; and
- 7. To review and recommend proactive enforcement programs that will result in reducing cases of animal overpopulation, neglect, abuse, and public nuisance.
- B. The commission shall hold at least one public meeting for the purpose of receiving evidence and public comments on the matters assigned to it.
- C. The commission shall act on any matters referred by the board of supervisors or the director in accordance with the instructions provided with said referrals.

(Ord. G-7354 §§ 2, 3, 2006; Ord. G-7335 § 2 (part), 2006) (Ord. No. 8263, § 2, 3-12-12)

#### 2.150.030 Administration.

At the first meeting of the commission each year one (1) of its voting members shall be elected chairman and one (1) of its voting members shall be elected vice chairman. The commission may hold as many meetings as determined necessary for the performance of the duties prescribed in this chapter. Three (3) voting members shall constitute a quorum for the transaction of business at commission meetings. A voting member's absence from three consecutive meetings shall constitute a resignation from the commission unless the chairman has excused the member from attendance for a good and sufficient reason. The members of the animal control commission shall also adopt such rules as they deem necessary and proper to conduct the business of the animal control commission, subject to approval by the board of supervisors.

(Ord. G-7335 § 2 (part), 2006)

#### 2.150.040 Personnel.

The director of the animal control division shall furnish the animal control commission with such clerical, administrative and other personnel deemed necessary in order to perform the duties of the animal control commission. The animal control director or his designated representative shall attend the meetings of the animal control commission in the capacity of administrative advisor and secretary of the commission.

(Ord. G-7335 § 2 (part), 2006)

#### 2.150.050 Reimbursement of travel expenses.

Members of the animal control commission shall be reimbursed for expenses actually and necessarily incurred while traveling on the business of the commission. Such travel expenses shall include the cost of transportation, meals, lodging, and other incidental items, and transportation by private automobile pursuant to the rates and per diem expenses allowed county offices and employees on similar business.

(Ord. G-7335 § 2 (part), 2006)

Santa Clara County, California, Code of Ordinances >> TITLE B - REGULATIONS >> Division B31 - ANIMALS AND FOWL >> CHAPTER IX. ANIMAL ADVISORY COMMISSION >>

#### CHAPTER IX. ANIMAL ADVISORY COMMISSION



Sec. B31-110. Establishment; function.

Sec. B31-111. Membership.

Sec. B31-112, Organization.

Sec. B31-113. Secretary.

Sec. B31-114. Powers and duties.

## Sec. B31-110. Establishment; function.



There is hereby established a Santa Clara County Animal Advisory Commission. The Commission shall act in an advisory capacity to the Board of Supervisors on all matters specified in Section B31-114.

(Ord. No. NS-300.745, § 1, 5-2-06)

## Sec. B31-111. Membership.

- (a) The Commission shall consist of seven members appointed by the Board of Supervisors. Five members shall be appointed, one (1) each, by individual Supervisors and shall be allocated to each supervisorial district. The remaining two members shall be appointed, one each, by individual Supervisors on a rotating basis. The rotational sequence for making these two appointments shall be determined by the Board of Supervisors and thereafter shall continue as so designated.
- (b) The composition of the Commission shall be representative of a cross-section of the community and shall be limited to persons interested in animal welfare. It shall include one official representative nominated by the Santa Clara Valley Veterinary Medical Association, and one official representative selected by the Board of Supervisors from nominations received from nonprofit, public benefit humane organizations located in Santa Clara County unless no official representatives are nominated by these organizations. Each member shall have a term of three years, and no member shall serve for more than three consecutive terms, plus any unexpired term. Of the first members, two shall serve for two years and two shall serve for one year to establish staggered terms of the membership. At the first meeting, members shall draw lots to determine the term of their membership.
- (c) A vacancy shall exist and shall be reported to the Board of Supervisors whenever a member fails to attend more than three consecutive regular meetings of the Commission without good cause entered in the minutes of the commission meeting.

(Ord. No. NS-300.745, § 1, 5-2-06; Ord. No. NS-300.753, 12-12-06)

# Sec. B31-112. Organization.

The Commission shall organize itself in accordance with Section 506 of the Chapter. It shall prepare rules, regulations and bylaws for the conduct of its meetings. Said rules, regulations, bylaws and amendments thereto shall be first approved by the Board of Supervisors.

(Ord. No. NS-300.745, § 1, 5-2-06)

# Sec. B31-113. Secretary.

The Director of Agriculture and Environmental Management or designee shall be ex officio secretary of the Commission and shall provide secretarial assistance to the Commission.

(Ord. No. NS-300.745, § 1, 5-2-06; Ord. No. NS-300.817, 4-13-10)

## Sec. B31-114. Powers and duties.

The powers and duties of the Commission shall be as follows:

- (a) To aid in coordinating and promoting pet population control measures;
- (b) To work with the County Office of Education on curriculum for humane education and responsible pet ownership/guardianship in the schools as required by California state law:
- (c) To investigate and find alternative ways of achieving an animal shelter at minimum cost to the taxpayers;
- (d) To make suggestions to the staff of the Animal Care and Control Division to strengthen the County animal care and control program;
- (e) To serve as an information and referral source on animals by holding public hearings; and working with the public and private animal welfare groups;
- (f) To educate the public about the seriousness of the animal care and control problem;
- (g) To advise the Board of Supervisors on any matters concerning animal care and control; and
- (h) To render to the Board of Supervisors at least once each calendar year report or reports of its activities, whereupon the Board of Supervisors may review the effectiveness and performance of the Commission.

(Ord. No. NS-300.745, § 1, 5-2-06)

SUBJECT: 2014 CITY-WIDE SPEED SURVEY - AMENDMENT TO TRAFFIC

**ORDINANCE 1162** 

SOURCE: Public Works Department – Engineering Division

COMMENT: The State of California requires municipalities to update the speed surveys every 5 years with an option to extend 7 to 10 years depending on certain circumstances per Section 40802 of the California Vehicle Code (CVC). Section 627 of the CVC requires that Engineering and Traffic Surveys be conducted based on a methodology mandated by the California Department of Transportation (Caltrans).

The Porterville Police Department began a city-wide speed survey on major corridors (arterial and collectors) within the city of Porterville and those streets within Tulare County where agreements dictate Porterville's authority to post speed limits. The speed survey was completed by the Porterville Police Department early this year.

When a speed limit is to be posted, it shall be established at the nearest 5 mph increment of the 85<sup>th</sup> percentile speed of free-flowing traffic, except as shown in the following two options:

## Options:

- 1. The posted speed may be reduced by 5 mph from the nearest 5 mph increment of the 85<sup>th</sup> percentile, in compliance with CVC Sections 627 and 22358.5.
- 2. For cases in which the nearest 5 mph increment of the 85<sup>th</sup> percentile speed would require a rounding up, then the speed limit may be rounded down to the nearest 5 mph increment below the 85<sup>th</sup> percentile speed, if no further reduction is used. Reference CVC Section 21400(f).

If the speed limit to be posted has had the 5 mph reduction applied, then an Engineering and Traffic Survey shall document in writing the conditions and justification for the lower speed limit and be approved by a registered Civil or Traffic Engineer. The reasons for the lower speed limit shall be in compliance with CVC Sections 627 and 22358.5. Posted speed limits not following the herein provided criteria are not enforceable.

Engineering staff has evaluated the speed surveys provided by the Police Department, calculated the 85<sup>th</sup> percentile speeds and has prepared Engineering and Traffic Surveys aş required by the CVC. As result of

Dir Appropriated/Funded M/A CM

Item No. 34

these efforts, determination of *prima facie speeds*, the following streets require an amendment to Traffic Ordinance No. 1162:

Street	Survey Area	Posted Speed (MPH)	85 <sup>th</sup> Percentile (MPH)	New Posted Speed Limited (MPH)
Conner St.	Morton to Olive	35/25	41	35
Gibbons Ave.	Indiana to Jaye	Not Posted	45	45
Henderson Ave.	Elderwood to Westwood	35	45	40
Indiana St.	Scranton to Poplar	Not Posted	39	40
Leggett St.	Isham to Putnam	Not Posted	38	40
Main St.	Date to Olive	25	36	30
Main St.	Morton to Henderson	30	38	35
Main St.	Westfield to Linda Vista	45	55	50
Mathew St.	Heritage to Olive	35	32	30
Morton Ave.	Plano to Leggett	35	43	40
Morton Ave.	Leggett to Conner	35	41	40
Newcomb St.	River Springs to Olive	25	38	35
Springville Ave.	Indiana to Jaye	25	40	40
Springville Ave.	Jaye to E	Not Posted	35	35
Westfield Ave.	Newcomb to Prospect	25	36	35
Westwood St.	Olive to Tule River	35	44	45

Engineering and Traffic Surveys have been prepared by staff for the above proposed speed limit amendments, when applicable, and will be on file with the City Clerk's Office for the above amended speed limit designations. Engineering staff have also prepared several Engineering and Traffic Surveys for street segments where the posted speed limit has **not** changed and these surveys are also available in the City Clerk's Office. Staff considers the physical condition of all of the surveyed streets, such as adjacent land uses, roadway width, grades, surface conditions, or any other condition readily apparent to the driver. In absence of other factors, staff would not require special downward speed zoning.

Therefore, staff recommends that Article XV, Special Speed Zones, Section 17-15, Prima Facie Speed Limits Determined on Certain Street be amended as directed herein.

## RECOMMENDATION: That City Council:

- 1. Approve the proposed Ordinance Amendment;
- 2. Give first reading to the Ordinance amending Chapter 17, Article XV, Section 17-15, Prima Facie Speed Limits Determined on Certain Streets, in the City Code;
- 3. Authorize Deputy City Clerk to execute the Speed Survey Status Report; and
- 4. Direct the City Engineer to make appropriate changes in the posted signs when the ordinance becomes effective.

ATTACHMENTS: Draft Ordinance

Speed Survey Status Report

P:\pubworks\General\Council\2014 Traffic Survey - 2014-04-15.doc

ORDINANCE NO.	
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# AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 17, ARTICLE XV, SECTION 17-15, PRIMA FACIE SPEED LIMITS DETERMINED ON CERTAIN STREETS, OF THE CODE OF THE CITY OF PORTERVILLE

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

A. That Section 17-15, Prima Facie Speed Limits Determined on Certain Streets, of the Code of the City of Porterville is hereby amended to incorporate the following changes:

Street	Survey Area	Posted Speed (MPH)	85 <sup>th</sup> Percentile (MPH)	New Posted Speed Limited (MPH)
Conner St.	Morton to Olive	35/25	41	35
Gibbons Ave.	Indiana to Jaye	Not Posted	45	45
Henderson Ave.	Elderwood to Westwood	35	45	40
Indiana St.	Scranton to Poplar	Not Posted	39	40
Leggett St.	Isham to Putnam	Not Posted	38	35
Main St.	Date to Olive	25	36	30
Main St.	Morton to Henderson	30	38	35
Main St.	Westfield to Linda Vista	45	55	50
Mathew St.	Heritage to Olive	35	32	30
Morton Ave.	Plano to Leggett	35	43	40
Morton Ave.	Leggett to Conner	35	41	40
Newcomb St.	River Springs to Olive	25	38	35
Springville Ave.	Indiana to Jaye	25	40	40
Springville Ave.	Jaye to E	Not Posted	35	35
Westfield Ave.	Newcomb to Prospect	25	36	35
Westwood St.	Olive to Tule River	35	44	45

B. This ordinance and code ame thirty (30) days from and after its	endment shall be in full force and effect publication and passage.
PASSED, ADOPTED and APPROVED this	day of, 2014.
	Cameron J. Hamilton, Mayor
ATTEST:	
Patrice Hildreth, Chief Deputy City Clerk	

Street	Area of Survey	Date of Survey	Posted	85th %	Engineering Report	Recommended Change	Comments
Conner	Olive to Morton	1/7/2014	35/25	41	On File	Implement 35 MPH for Corridor	
D	Orange to Olive	8/19/2013	35	33			
D	Olive to Morton	8/19/2013	35	32			
Date 2	Plano to Success	8/19/2013	40	38			
Gibbons 1	Indiana to Jaye	1/29/2007	Not Posted	45	On File	Post Speed Limit at 45 MPH	
Grand 1	Porter to "E"	1/12/2007	25	37	On File		Residential District
Henderson 1	Elderwood to Westwood	8/19/2013	35	45	On File	Post Speed Limit at 40 MPH	
Henderson 2	Westwood to Newcomb	8/19/2013	35	42	On File		
Henderson 3	Newcomb to Indiana	8/19/2013	35	37			
Henderson 4	Indiana to Main	8/19/2013	35	40	On File		
Henderson 5	Main to Plano	8/20/2013	35	36			
Henderson 6	Plano to East City Limits				Not Done		
Indiana 1	Union to Olive	8/20/2013	35	35			
Indiana 2	Olive to Morton	8/20/2013	35	38	On File		
Indiana 3	Morton to Henderson	8/20/2013	35	38	On File		
Indiana 4	Henderson to Westfield	8/20/2013	35	38	On File		
Indiana 5	Scranton to Poplar	8/20/2013	Not Posted	39		Post Speed Limit at 40 MPH	
Indiana 6	Gibbons to Scranton	1/7/2014	45	42			Maintain Posted Speed Limit
Jaye 1	Gibbons to Hwy 190	8/20/2013	45	44			
Jaye 2	Hwy 190 and Olive	8/20/2013	35	38	On File		
Leggett 1	Isham to Putnam	8/20/2013	Not Posted	38		Post Speed Limit at 40 MPH	
Main 1	Yates to Date	8/21/2013	40	46	On File		
Main 2	Date to Olive	8/21/2013	25	36	On File	Post Speed Limit at 30 MPH	
Main 3	Olive to Morton	8/21/2013	25	22			

Street	Area of Survey	Date of Survey	Posted	85th %	Engineering Report	Recommended Change	Comments
Main 4	Morton to Henderson	8/21/2013	30	38	On File	Post Speed Limit at 35 MPH	
Main 5	Henderson to Westfield	8/21/2013	45	47			
Main 6	Westfield to Linda Vista	8/22/2013	45	55	On File	Post Speed Limit at 50 MPH	
Mathew 1	Heritage to Olive	8/22/2013	35	32		Post Speed Limit at 30 MPH	
Mathew 2	Olive to Morton	8/22/2013	35	37			
Mathew 3	Morton to White Chapel	8/22/2013	Not Posted	32	On File		Set at 25 MPH - Res. District
Morton 1	Westwood to Mathew	8/22/2013	35	40			
Morton 2	Mathew to Newcomb	8/22/2013	35	37			
Morton 3	Newcomb to Porter	8/22/2013	35	37			
Morton 4	Porter to D	8/22/2013	35	35			
Morton 5	D to Plano	8/22/2013	35	32			
Morton 6	Plano to Leggett	1/7/2014	35	43	On File	Post Speed Limit at 40 MPH	
Morton 7	Leggett to Conner	1/7/2014	35	41	On File	Post Speed Limit at 40 MPH	
Newcomb 1	River Springs to Olive	8/26/2013	25	38	On File	Post Speed Limit at 35 MPH	
Newcomb 2	Olive to Morton	8/26/2013	35	37			
Newcomb 3	Morton to Henderson	8/26/2013	35	38			
Newcomb 4	Henderson to Pioneer	8/26/2013	35	37			
Newcomb 5	Pioneer to North Grand	8/26/2013	35	40	On File		
Olive 1	Westwood to Mathew	8/27/2013	40	46	On File		
Olive 2	Mathew to Newcomb	8/27/2013	40	44			
Olive 3	Newcomb to Porter	8/27/2013	35	35			
Olive 4	Porter to Jaye	8/27/2013	35	36			
Olive 5	Jaye to Main	8/27/2013	35	34			

Street	Area of Survey Main to Plano	Date of Survey	Posted	85th_%	Engineering Report	Recommended Change	Comments
Olive 6							Not Done/Construction
Olive 6	Holcomb to East City Limits	8/28/2013	40	43	On File		
Plano 1	Worth to Hwy 190	8/29/2013	45	44			
Plano 2	Hwy 190 to Date	8/29/2013	35	38	On File		
Plano 3	Date to Morton	8/29/2013	35	37			
Plano 4	Morton to Henderson	1/8/2014	40	41			
Plano 5	Henderson to Westfield	1/8/2014	35	38	On File		
Plano 6	Westfield to Reid	1/8/2014	55	54			
Porter 1	Olive to Henderson	8/29/2013	40	40	On File	Post Speed Limit at 35 MPH	Initially approved by Ord. #1637
Porter 2	Morton to Henderson	8/29/2013	35	40	On File		
Prospect 1	Olive to Morton	8/29/2013	Not Posted	35			Set at 25 MPH - Res. District
Prospect 2	Morton to Mulberry	8/29/2013	35	34			
Prospect 3	Mulberry to North Grand	8/30/2013	35	35			
Putnam 1	Mathew to Hwy 65	8/30/2013	25	27			
Putnam 2	Porter to Villa	8/30/2013	30	34	On File		
Putnam 3	Villa to "D"	8/30/2013	25	29	On File		
Putnam 4	"D" to Fourth	9/3/2013	30	30			
Putnam 5	Fourth to Crestview	9/3/2013	30	36	On File		
Reid 1	Main to Lime	1/8/2014	55	56			Maintain Posted Speed Limit
Scranton 1	SR 65 to Indiana	1/9/2014	40	40			Maintain Posted Speed Limit
Springville 1	Indiana to Jaye	9/3/2013	25	40	On File	Post Speed Limit at 40 MPH	
Springville 2	Jaye to "E"	9/4/2013	Not Posted	38	On File	Post Speed Limit at 35 MPH	
Teapot Dome 1	Westwood to West	1/8/2014	55	59			Maintain Posted Speed Limit
Tomah 2	Hwy 65 to Newcomb		25				Deleted from Survey

Street	Area of Survey	Date of Survey	Posted	85th %	Engineering Report	Recommended Change	Comments
Union 1	Jaye to Indiana	9/4/2013	25	34	On File		Set at 25 MPH - Res. District
Villa 1	Union to Morton	9/4/2013	30	30			
Villa 2	Morton to Henderson	9/4/2013	30	34	On File		
Westfield 1	Elderwood to Westwood		25				Deleted from Survey - Res. District
Wesfileld 2	Westwood to Mathew						
Westfield 3	Mathew to Newcomb		25				
Westfield 4	Newcomb to Prospect	8/31/2013	25	36	On File	Post Speed Limit at 35 MPH	
Westfield 5	Propsect to Main	8/31/2013	35	39	On File		
Westfield 6	Plano to Leggett						Deleted from Survey
Westwood 1	Olive to Tule River	8/31/2013	35	44		Post Speed Limit at 45 MPH	
Westwood 2	Olive to Henderson	9/3/2013	35	40	On File		
Westwood 3	Henderson to City Limits n/0 V	9/3/2013	35	39	On File		
Worth 1	Plano to Martin Hill Tank	1/8/2014	50	53	On File		Maintain Posted Speed Limit

I, Patrice Hildreth, Chief Deputy City Clerk of the City of Porterville, do hereby certify and declare that the foregoing entry of the Porterville Speed Survey Status Report, dated December 24, 2007, is true and correct copy of said Reports on file in the office of the CityTraffic Engineer of the City of Porterville.

DATED this _	day of April, 2014	
	<del></del>	Patrice Hildreth, Chief Deputy City Clerk

STREET NAME:

**Conner Street** 

SURVEY LIMITS:

Morton Avenue to Olive Avenue

POSTED SPEED LIMIT:

35 MPH between Morton Avenue and Putnam Avenue and

25 MPH between Putnam Avenue and Olive Avenue.

AVERAGE DAILY TRAFFIC:

Recent count not available

STREET WIDTH:

Varies between 30' and 35'

STREET CONDITION:

Fair.

CURB & GUTTER:

Curb & gutter exists along east side only. 4' asphalt concrete shoulder exits west of the southbound travel lane.

STREET GEOMETRY:

Straight two lane street.

DESCRIPTION OF ADJACENT

PROPERTIES:

Undeveloped and agricultural properties are located on both sides of the street between Putnam Avenue and Morton Avenue. There are six (6) residential units on the east side of Connor Street and agricultural land on the west side between Olive Avenue and Putnam Avenue.

UNIQUE OR UNUSUAL

**CONDITIONS:** 

Connor Street is designated a collector that is partially improved and predominantly lined with undeveloped properties. This corridor is a primary route to Granite Hills High School and warrants a level of safety due to peak

traffic situations to and from the campus.

**RECOMMENDATION:** 

Radar speed survey indicates an 85% speed of 41 MPH. For the reasons noted above and in accordance with CVC Sections 627, change the speed limit between Putnam Avenue and Olive Avenue to 35 MPH and maintain 35 MPH speed limit between Morton Avenue and Putnam

Avenue.

STREET NAME: Henderson Avenue

SURVEY LIMITS: Elderwood Street to Westwood Street

POSTED SPEED LIMIT: 35 MPH

AVERAGE DAILY TRAFFIC: 4180

STREET WIDTH: Varies between 45' and 64'

STREET CONDITION: Fair to poor.

CURB & GUTTER: Northern side – 40% of the frontage is developed with curb

& gutter.

Southern side – Fully developed with curb and gutter.

STREET GEOMETRY: Straight two lane arterial designated street.

DESCRIPTION OF ADJACENT

PROPERTIES: Fully developed residential on south side. Open field on

north side, mixed in with a major retirement center and a

community center.

UNIQUE OR UNUSUAL

CONDITIONS: The traffic lanes for this street are in pour condition and

lacks significant amount of concrete improvements along the north side. The fact that residential properties, including a retirement center and community center, are located along this same corridor results in the need for extra caution when

driving along this section of street.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 45 MPH.

For the reasons noted above and in accordance with CVC

Sections 627, raise existing posted speed limit from 35

MPH to 40 MPH.

STREET NAME:

**Henderson Avenue** 

SURVEY LIMITS:

Indiana Street to Main Street

POSTED SPEED LIMIT:

35 MPH

**AVERAGE DAILY TRAFFIC:** 

11,030

STREET WIDTH:

64'

STREET CONDITION:

Good to poor.

CURB & GUTTER:

Curb and gutter exists on each side of the street within the

survey limits.

STREET GEOMETRY:

Straight four lane arterial street with a parking lane on each

side of the street.

DESCRIPTION OF ADJACENT

PROPERTIES:

Single family residential properties exist throughout this

corridor. The corridor also includes a mixture of commercial and professional office complexes.

UNIQUE OR UNUSUAL

Street is a fully functional arterial constructed to City

standards with parking lanes adjacent to the curb and gutter. Several residents have direct access to Henderson Avenue

via driveways. The fact that vehicles exiting their

driveways have difficulty seeing traffic along street and the mixture of several commercial and professional office complexes along this same corridor results in the need to for extra caution when driving along this section of street.

**RECOMMENDATION:** 

Radar speed survey indicates an 85% speed of 40 MPH.

For the reasons noted above, maintain posted speed limit of

STREET NAME:

**Henderson Avenue** 

SURVEY LIMITS:

Westwood Street to Newcomb Street

POSTED SPEED LIMIT:

**35 MPH** 

**AVERAGE DAILY TRAFFIC:** 

10,110

STREET WIDTH:

64'

STREET CONDITION:

Good.

CURB & GUTTER:

Curb and gutter exists on each side of the street within the

survey limits.

STREET GEOMETRY:

Straight four lane arterial street with a center two way

turning lane.

DESCRIPTION OF ADJACENT

PROPERTIES:

Single family residential properties, with four churches are

located along this corridor.

UNIQUE OR UNUSUAL

Street is a fully functional arterial constructed to City standards with lanes adjacent to the curb and gutter. Several residents have direct access to Henderson Avenue via driveways. The fact that vehicles exiting their driveways have difficulty seeing traffic along street and the significant number of churches existing along this same corridor results in the need to for extra caution when driving along

this section of street.

**RECOMMENDATION:** 

Radar speed survey indicates an 85% speed of 42 MPH.

For the reasons noted above, maintain posted speed limit of

STREET NAME: Indiana Street

SURVEY LIMITS: Henderson Avenue to Westfield Avenue

POSTED SPEED LIMIT: 35 MPH

AVERAGE DAILY TRAFFIC: 6,620

STREET WIDTH: 64'

STREET CONDITION: Good.

CURB & GUTTER: Curb and gutter exists on each side of the street within the

survey limits.

STREET GEOMETRY: Straight four lane arterial street with a parking lane on each

side of the street.

DESCRIPTION OF ADJACENT

PROPERTIES: Single family residential properties exist throughout this

corridor. The corridor also includes a mixture of several

multi-family and a commercial complexes.

UNIQUE OR UNUSUAL Street is a fully functional arterial constructed to City

standards with parking lanes adjacent to the curb and gutter. Several residents have direct access to Indiana Street via driveways. The fact that vehicles exiting their driveways have difficulty seeing traffic along this street and the mixture of several multi-family, and commercial complexes

along the same corridor results in the need to for extra caution when driving along this section of street. This street

also has substantial pedestrian traffic due to it's close

proximity to Monte Vista Elementary School

RECOMMENDATION: Radar speed survey indicates an 85% speed of 38 MPH.

For the reasons noted above, maintain posted speed limit of

STREET NAME: Indiana Street

SURVEY LIMITS: Morton Avenue to Henderson Avenue

POSTED SPEED LIMIT: 35 MPH

AVERAGE DAILY TRAFFIC: Recent count not available

STREET WIDTH: 64'

STREET CONDITION: Good.

CURB & GUTTER: Curb and gutter exists on each side of the street within the

survey limits.

STREET GEOMETRY: Straight four lane arterial street with a parking lane on each

side of the street.

DESCRIPTION OF ADJACENT

PROPERTIES: Single family residential properties exist throughout this

corridor. The corridor also includes a mixture of several

multi-family, church and commercial complexes.

UNIQUE OR UNUSUAL Street is a fully functional arterial constructed to City

standards with parking lanes adjacent to the curb and gutter. Several residents have direct access to Indiana Street via driveways. The fact that vehicles exiting their driveways have difficulty seeing traffic along this street and the mixture of several multi-family, churches and commercial complexes along this same corridor results in the need to

for extra caution when driving along this section of street.

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RECOMMENDATION: Radar speed survey indicates an 85% speed of 38 MPH.

For the reasons noted above, maintain posted speed limit of

STREET NAME: Indiana Street

SURVEY LIMITS: Olive Avenue to Morton Avenue

POSTED SPEED LIMIT: 35 MPH

AVERAGE DAILY TRAFFIC: 4,260

STREET WIDTH: 64'

STREET CONDITION: Good.

CURB & GUTTER: Curb and gutter exists on each side of the street within the

survey limits.

STREET GEOMETRY: Straight four lane arterial street with a parking lane on each

side of the street.

DESCRIPTION OF ADJACENT

PROPERTIES: Single family residential properties exist throughout this

corridor. The corridor also includes a mixture of multi-

family and professional office complexes.

UNIQUE OR UNUSUAL Street is a fully functional arterial constructed to City

standards with parking lanes adjacent to the curb and gutter. Several residents have direct access to Indiana Street via driveways. The fact that vehicles exiting their driveways have difficulty seeing traffic along this street and the mixture of several commercial and professional office complexes along the same corridor results in the need to for

extra caution when driving along this section of street.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 38 MPH.

For the reasons noted above, maintain posted speed limit of

STREET NAME: Jaye Street

SURVEY LIMITS: State Route 190 to Olive Avenue

POSTED SPEED LIMIT: 35 MPH

AVERAGE DAILY TRAFFIC: 11,140

STREET WIDTH: Varies 64' to 100'

STREET CONDITION: Good.

CURB & GUTTER: Curb and gutter exists on each side of the street within the

survey limits.

STREET GEOMETRY: Major Arterial: Four and six lane street with and without

parking lanes.

DESCRIPTION OF ADJACENT

PROPERTIES: Single family residential properties exist throughout this

corridor. The corridor also includes a mixture of multifamily, school and a large commercial complexes.

UNIQUE OR UNUSUAL Street is a fully functional major arterial constructed to City

standards with parking lanes adjacent to the curb and gutter.

Several residents have direct access to Jaye Street via driveways. The fact that vehicles exiting their driveways have difficulty seeing traffic along this street and the mixture of multi-family school, school and commercial complexes along the same corridor results in the need to for extra caution when driving along this section of street. This street also has substantial pedestrian traffic due to the close

proximity to Porterville High School.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 38 MPH.

For the reasons noted above, maintain posted speed limit of

STREET NAME: Main Street

SURVEY LIMITS: Date to Olive

POSTED SPEED LIMIT: 25 MPH

AVERAGE DAILY TRAFFIC: 7,050

STREET WIDTH: 60'

STREET CONDITION: Fair

CURB & GUTTER: Curb & gutter exists along both sides of street.

STREET GEOMETRY: Straight four lane arterial street.

DESCRIPTION OF ADJACENT

PROPERTIES: Commercial and retail businesses along both sides of street.

UNIQUE OR UNUSUAL

CONDITIONS: Multiple driveways to the businesses in turn create

ingress/egress concerns. Parallel parking to the businesses

results in a narrowing of the travel lane.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 34 MPH.

For the reasons noted above and in accordance with CVC Sections 627, raise existing posted speed limit from 25

MPH to 30 MPH.

STREET NAME:

**Main Street** 

SURVEY LIMITS:

Morton Avenue to Henderson Avenue

POSTED SPEED LIMIT:

30 MPH

**AVERAGE DAILY TRAFFIC:** 

8,350

STREET WIDTH:

60'

STREET CONDITION:

Fair

CURB & GUTTER:

Curb & gutter exists along both sides of street.

STREET GEOMETRY:

Straight four lane street with a large radius midway curve.

DESCRIPTION OF ADJACENT

PROPERTIES:

Commercial, professional offices and retail businesses are

located along street corridor.

UNIQUE OR UNUSUAL

CONDITIONS:

This section of Main Street lacks sufficient parking in front of the area businesses. Parallel parking along Main Street is in use and some businesses have off site parking. Ingress

and egress from the many businesses make this corridor

difficult for through traffic.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 38 MPH.

For the reasons noted above and in accordance with CVC Sections 627, raise existing posted speed limit from 30

MPH to 35 MPH.

STREET NAME: Main Street

SURVEY LIMITS: Yates to Date

POSTED SPEED LIMIT: 40 MPH

AVERAGE DAILY TRAFFIC: 11,090

STREET WIDTH: 64'

STREET CONDITION: Fair to good

CURB & GUTTER: Curb and gutter exists on each side of the street within the

survey limits.

STREET GEOMETRY: Street is a four lane street with a severe bends (horizontal

curves) cross the railroad tracks at a skewed angle. The northern limits of this street segment has designated bike

lanes that have narrowed the outside lanes.

DESCRIPTION OF ADJACENT

PROPERTIES: Commercial, retail businesses and junior college.

UNIQUE OR UNUSUAL

CONDITIONS: The skewed railroad crossing is less than satisfactory. A

significant amount of pedestrian and bicycle traffic is

experienced throughout the year.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 46 MPH.

For the reasons noted above, maintain posted speed limit of

STREET NAME: Main Street

SURVEY LIMITS: Westfield Avenue to Linda Vista Avenue

POSTED SPEED LIMIT: 45 MPH

AVERAGE DAILY TRAFFIC: 3,190

STREET WIDTH: Approximately 30'

STREET CONDITION: Fair to poor.

CURB & GUTTER: Minimal curb and gutter along both sides of street and

minimal pavement shoulder widths where curb and gutter is

missing.

STREET GEOMETRY: Two lane arterial designated street with large sweeping

horizontal and vertical curves.

DESCRIPTION OF ADJACENT

PROPERTIES: Predominately open s

Predominately open space. Commercial businesses are located near Westfield/Main intersection and a nightclub south of the Reid/Main intersection, some residential

properties are sparsely located along west side.

UNIQUE OR UNUSUAL

CONDITIONS: There are significant sections of this street that are poor

condition. The adjacent properties drop off or rise rapidly lying significantly lower and higher than the adjacent street grade. Vehicles exiting their driveways have difficulty seeing traffic along street. Asphalt along this corridor has little to no shoulder and the drop off and rise from the edge

of street is significant.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 55 MPH.

For the reasons noted above and in accordance with CVC Sections 627, raise existing posted speed limit from 45

MPH to 50 MPH.

STREET NAME: **Mathew Street** 

**SURVEY LIMITS:** Heritage to Olive

POSTED SPEED LIMIT: **35 MPH** 

**AVERAGE DAILY TRAFFIC:** Recent traffic counts are not available

STREET WIDTH: 40 feet

STREET CONDITION: Fair to Good

**CURB & GUTTER:** Curb & gutter exists along both sides of street

STREET GEOMETRY: Straight two lane local street

DESCRIPTION OF ADJACENT

PROPERTIES:

A large church, including a Christian based school, is located at the southwest corner of Olive Avenue and Mathew Street. A storage unit facility is located on the southeast corner of Olive Avenue and Mathew Street. Summit Charter Academy (Burton School District) is located on the west side of Mathew Street midway between Olive Avenue and River Avenue, with the remainder being residential developed or residential zoned vacant property. Vehicles exiting their driveways have difficulty seeing

traffic along this street segment.

UNIQUE OR UNUSUAL

CONDITIONS: Several residential properties are contiguous to this street,

combined with the school and church, results in the need

for extra caution when driving along this section of street.

**RECOMMENDATION:** Radar speed survey indicates an 85% speed of 32 MPH.

> For the reasons noted above and in accordance CVC Sections 627 and 22352, implement Prima Facie Speed Limit at 30 MPH. A school zone in accordance with CVC 22358.4, which is 25 mph when children are present, shall also be implemented appropriately in the vicinity of both

Summit Charter Academy and the Church.

STREET NAME: Mathew Street

SURVEY LIMITS: Morton to White Chapel

POSTED SPEED LIMIT: (Not Posted)

AVERAGE DAILY TRAFFIC: Recent traffic counts are not available

STREET WIDTH: Varies between 40' and 64 feet

STREET CONDITION: Poor to Fair

CURB & GUTTER: Curb & gutter exists along both sides of street.

STREET GEOMETRY: Northerly transition from a wide two lane to a narrow two

lane street.

DESCRIPTION OF ADJACENT

PROPERTIES: This area is a residential district with residential properties

contiguous to both sides of Mathew Street, with one exception and that exception being a church located at the northwest corner of Mathew Street and Morton Avenue.

UNIQUE OR UNUSUAL

CONDITIONS: This street segment meets the residential district criteria per

CVC Sections 627 and 22352.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 35 MPH.

For the reasons noted above, residential district, establish a

25 MPH speed zone.

STREET NAME:

**Morton Avenue** 

SURVEY LIMITS:

Plano Street to Conner Street

POSTED SPEED LIMIT:

35 MPH

**AVERAGE DAILY TRAFFIC:** 

2,415

STREET WIDTH:

Varies between 40' and 64'

STREET CONDITION:

Fair.

CURB & GUTTER:

Curb & gutter exists along both sides.

STREET GEOMETRY:

Straight four lane arterial street with bike lanes on each

side.

DESCRIPTION OF ADJACENT

PROPERTIES:

Single family residential, churches and undeveloped school

site and single family residential.

UNIQUE OR UNUSUAL

CONDITIONS:

Morton Avenue is a designated arterial but unlike most

arterials, the street is lined by single family residences.

RECOMMENDATION:

Radar speed survey indicates an 85% speed of 43 MPH

from Plano Street to Leggett Street and 41 MPH from Leggett Street to Conner. For the reasons noted above, stay

with maintain posted speed limit of 35 MPH.

STREET NAME: Newcomb Street

SURVEY LIMITS: Pioneer to North Grand

POSTED SPEED LIMIT: 35 MPH

AVERAGE DAILY TRAFFIC: 2,710

STREET WIDTH: 60' to 64'

STREET CONDITION: Good

CURB & GUTTER: Curb and gutter along nearly all of the street, small

segments of asphalt and dirt shoulders exist along both

sides of the street.

STREET GEOMETRY: Straight four lane arterial street.

DESCRIPTION OF ADJACENT

PROPERTIES:

Residential homes along east and west sides, with a church located at the southwest corner of North Grand Avenue and Newcomb Street. The large number of driveways to residential homes means there is high volume of ingress

and egress movement form the residential homes.

UNIQUE OR UNUSUAL

CONDITIONS: Street is a fully functional arterial constructed to City

standards with narrow lanes adjacent to the curb and gutter and dirt shoulders. The fact that residential properties and a church existing along this same corridor results in the need to for extra caution when driving along this section of

street.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 40 MPH. For

reasons stated above, maintain posted speed limit of 35

STREET NAME: N

Newcomb Avenue

SURVEY LIMITS:

River Springs Avenue to Olive Avenue

POSTED SPEED LIMIT:

**25 MPH** 

AVERAGE DAILY TRAFFIC:

2,580

STREET WIDTH:

Varies between 30' and 64'

STREET CONDITION:

Fair

CURB & GUTTER:

Curb and gutter along the full length (3500') of the east side and about 2000 feet of curb and gutter on west side.

STREET GEOMETRY:

Straight two lane arterial designated street, with a transition from a 64' wide roadway to a 30' wide roadway near W.

Forest Lane.

DESCRIPTION OF ADJACENT

PROPERTIES:

Eastern Side: Predominately residential with some developed commercial parcels located at the southeast

corner of Olive Avenue and Newcomb Street.

Western Side: Predominately open space (farm land. There is a residential development along the southern 1000' and the Hubbs Minor Ditch is adjacent to the west edge of pavement along the northern half of this corridor.

UNIQUE OR UNUSUAL

CONDITIONS:

Open space along west side of street and residential on the east side with multiple driveways to residential homes. Street width is less than standard width and street lacks developed shoulders. The transition from a wide roadway to a narrow roadway or vice versa require vehicular caution.

RECOMMENDATION:

Radar speed survey indicates an 85% speed of 38 MPH. For the reasons noted above and in accordance with CVC Sections 627, raise existing posted speed limit from 25

MPH to 35 MPH.

STREET NAME:

Olive Avenue

SURVEY LIMITS:

Westwood Street to Newcomb Street

POSTED SPEED LIMIT:

40 MPH

**AVERAGE DAILY TRAFFIC:** 

7,990

STREET WIDTH:

90'

STREET CONDITION:

Good

CURB & GUTTER:

Fully developed with curb and gutter on both sides and median islands with designated left turn lanes at major

intersections.

STREET GEOMETRY:

Straight four lane arterial street.

DESCRIPTION OF ADJACENT

PROPERTIES:

Commercial and residential properties exist along this street corridor with a church at the southwest corner of Mathew Street and Olive Avenue. An open field at the southwest corner of Olive Avenue and Newcomb Street is zoned commercial and multi-family property with no immediate

plans for development.

UNIQUE OR UNUSUAL

CONDITIONS:

Street is a fully functional arterial constructed to City standards. The fact that residential properties, a church with a Christian based school and due to the number of

tractor/trailers that legally park in the commercially zoned areas along this same corridor results in the need for extra

caution when driving along this section of street.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 46 MPH.

For the reasons noted above, maintain posted speed limit of

STREET NAME: Olivecrest Diagonal and Olive Avenue

SURVEY LIMITS: Crestview/Putnam Intersection to East City Limits

POSTED SPEED LIMIT: 40 MPH

AVERAGE DAILY TRAFFIC: Recent traffic counts are not available.

STREET WIDTH: The collector designated street is predominately 64' wide.

However it does narrows to 40' wide east of Conner and again narrowing to +/-20' wide east of Tulsa Street (private street east and adjacent to Granite Hills High School).

STREET CONDITION: Good. Poor east of Tulsa Street (private street).

CURB & GUTTER: Fully developed with curb and gutter on both sides from the

Crestview Street/Putnam Avenue intersection to Holcomb Street. Curb and gutter exists along the north side between Holcomb Street and Tulsa Street (private street). The road narrows east of Tulsa Street and curb and gutter is absent on both side of the road and lacks appropriate paved

shoulders.

STREET GEOMETRY: Straight four lane street that converges into a two lanes at

Conner Street. Remaining easterly segment is two lanes.

**DESCRIPTION OF ADJACENT** 

PROPERTIES: Developed and undeveloped residential properties exist

along this street corridor with a planned church on the north side of Olive Avenue near Hillcrest Street. Granite Hills High School (GHHS) is also located on the north side of

Olive Avenue, east of Holcomb Street.

UNIQUE OR UNUSUAL

CONDITIONS: The fact that residential properties, a planned church and a

high school is located along this same corridor results in the need for extra caution when driving along this section of

street.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 43 MPH.

For the reasons noted above, maintain posted speed limit of 40 MPH. A school zone in accordance with CVC 22358.4, which is 25 mph when children are present, shall also be implemented appropriately in the vicinity of both GHHS.

STREET NAME:

Plano Street

SURVEY LIMITS:

Highway 190 to Date

POSTED SPEED LIMIT:

35 MPH

**AVERAGE DAILY TRAFFIC:** 

15,310

STREET WIDTH:

64' except at the Tule River Bridge which is approximately

32'.

STREET CONDITION:

Fair to Good

CURB & GUTTER:

Curb & gutter exists along both sides of street.

STREET GEOMETRY:

Straight four lane arterial designated street, except at the

Tule River Bridge which is two lanes.

DESCRIPTION OF ADJACENT

PROPERTIES:

Combination single family homes, commercial and

professional businesses.

UNIQUE OR UNUSUAL

CONDITIONS:

The ingress and egress to the many businesses, the volume

of traffic and the fact that the Tule River bridge constricts traffic movement makes it necessary to drive cautiously

along this corridor.

RECOMMENDATION:

Radar speed survey indicates an 85% speed of 38 MPH. For

the reasons noted above, maintain posted speed limit of 35

STREET NAME: Plano Street

SURVEY LIMITS: Henderson to Westfield

POSTED SPEED LIMIT: 35 MPH

STREET WIDTH: 64'

AVERAGE DAILY TRAFFIC: 3,710

STREET CONDITION: Good to very good.

CURB & GUTTER: Curb & gutter exists along both sides of street from Morton

to Henderson. Curb & gutter exists along the west side

only from Henderson to Heather wood Court.

STREET GEOMETRY: Straight four lane arterial street from Morton to Henderson.

Straight two lane arterial designated street from Henderson

to Westfield.

DESCRIPTION OF ADJACENT

PROPERTIES: Residential properties with some commercial near

Henderson Avenue. Open areas exists north of Mulberry Avenue. Westfield Avenue is the one and only access to Los Robles Elementary School east of Plano Street.

UNIQUE OR UNUSUAL

CONDITIONS: Street is a functional arterial constructed to City standards

with narrow lanes adjacent to the curb and gutter and dirt shoulders. The fact that residential properties, and school are exiting along this same corridor results in the need to for extra caution when driving along this section of street.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 38 MPH. For

the reasons noted above, maintain posted speed limit of 35

MPH.

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STREET NAME:

Porter Road

SURVEY LIMITS:

Olive to Henderson

POSTED SPEED LIMIT:

35 MPH

**AVERAGE DAILY TRAFFIC:** 

4,170

STREET WIDTH:

34'

STREET CONDITION:

Fair to Good

CURB & GUTTER:

Curb & gutter exists along the east side with some gaps. No curb & gutter exists along the west side of street.

STREET GEOMETRY:

Two lane collector street with long sweeping curves near Olive Avenue and Henderson Avenue. State Route 65

borders the west side of this corridor.

DESCRIPTION OF ADJACENT

PROPERTIES:

Combination commercial (motel, restaurant, retail) and

some residential along the east side of street.

UNIQUE OR UNUSUAL

CONDITIONS:

Street width is less than standard and lacks developed shoulder on west side. Drivers have a tendency to pass southbound cars that are attempting to make a left hand turns in the dirt shoulder area. Lack of a fully developed City street results in the need for extra caution in this area.

RECOMMENDATION:

Radar speed survey indicates an 85% speed of 40 MPH. For the reasons noted above, maintain the posted speed

limit of 35 MPH.

STREET NAME:

**Putnam Avenue** 

**SURVEY LIMITS:** 

Porter Street to Villa Street

POSTED SPEED LIMIT:

30 MPH

**AVERAGE DAILY TRAFFIC:** 

5,410

STREET WIDTH:

40'

STREET CONDITION:

Fair to Good

**CURB & GUTTER:** 

Curb & gutter along both sides of street

STREET GEOMETRY:

Straight two lane street.

**DESCRIPTION OF ADJACENT** 

PROPERTIES:

Professional offices are located near the intersection of Putnam Avenue and Villa Street. Single-family and multifamily residential units scattered throughout this corridor.

UNIQUE OR UNUSUAL

CONDITIONS:

Putnam Avenue is a designated local street but as noted above is predominantly professional offices, with a few single family and multi-family residential units. This section of street is also a principal corridor for emergency

vehicles due to location of the area hospital.

RECOMMENDATION:

Radar speed survey indicates an 85% speed of 34 MPH. For the reasons stated above, maintain the posted speed

limit of 30 MPH.

STREET NAME:

**Putnam Avenue** 

SURVEY LIMITS:

Villa Street to 'D' Street

POSTED SPEED LIMIT:

25 MPH

DAILY AVERAGE TRAFFIC:

5,875

STREET WIDTH:

40'

STREET CONDITION:

Fair to Good

CURB & GUTTER:

Curb & gutter along both sides of street

STREET GEOMETRY:

Straight two lane street.

DESCRIPTION OF ADJACENT

PROPERTIES:

Sierra View District Hospital is located at the southwest corner of Jaye Street and Putnam Avenue. Predominately professional offices along this street corridor with a few scattered single family residential units.

UNIQUE OR UNUSUAL

CONDITIONS:

Putnam Avenue is a designated local street but as noted above is predominantly professional offices, with a few single family residential units. This section of street is also a principal corridor for emergency vehicles due to location of the area hospital.

of the area hospital.

RECOMMENDATION:

Radar speed survey indicates an 85% speed of 29 MPH. For the reasons stated above, maintain the posted speed limit of 25 MPH.

STREET NAME: Putnam Avenue

SURVEY LIMITS: Fourth Street to Crestview Street

POSTED SPEED LIMIT: 30 MPH

AVERAGE DAILY TRAFFIC; 4,220

STREET WIDTH: 40'

STREET CONDITION: Fair to Good

CURB & GUTTER: Curb & gutter along both sides of street

STREET GEOMETRY: Straight two lane street.

DESCRIPTION OF ADJACENT

PROPERTIES: There are a few retail/professional offices along the

westerly limits and it is predominately single family residential mixed in with a public park and a Senior

Citizen/Community Center along the easterly limits of this

corridor.

UNIQUE OR UNUSUAL

CONDITIONS: Putnam Avenue is the north boundary limits of Murry Park

and is adjacent to the municipal golf course. A Senior Citizen/Community Center is also located on this corridor As a result of the adjacent land uses that generate high pedestrian traffic and the significant vehicle traffic volumes, especially during the summer months, along the corridor results in the need to for extra caution when

driving along this section of street.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 36 MPH.

For the reasons stated above, maintain the posted speed

limit of 30 MPH.

STREET NAME: Springville Avenue

SURVEY LIMITS: Indiana Street to Jaye Street

POSTED SPEED LIMIT: 25 MPH

AVERAGE DAILY TRAFFIC: 4,260

STREET WIDTH: This street transitions from a 64' wide arterial street at Jaye Street

to a 40' wide collector street near Creekside Street.

STREET CONDITION: Fair to Good

CURB & GUTTER: Curb and gutter exists along both sides of the street. The south

side improvements and street widening was developed as component of the recently developed Riverwalk Marketplace Commercial Center. There is a small section lacking curb and

gutter, about 250 feet, near Indiana Street.

STREET GEOMETRY: Four lane arterial street with a center dual left lane turning lane

from Jaye Street to Creekside Street. The remainder, Creekside Street to Indiana Street, is a straight to two lane roadway. Traffic is controlled by an all way stop intersection at Indiana Street and

Springville Avenue and a traffic signal at Jaye Street and

Springville Avenue.

DESCRIPTION OF ADJACENT

PROPERTIES:

The north side of the street is fully developed with Single family and multi-family residential units. The south side is a partially

developed commercial center, known as Riverwalk Marketplace

Commercial Center.

UNIQUE OR UNUSUAL

CONDITIONS:

The development of the Riverwalk Marketplace Commercial

Center has created a safe traffic flow and pedestrian travel ways.

The Tule River Parkway trail, which is located between

Springville Avenue and the Tule River tends to be the preferred pedestrian route to and from the commercial complex and the residential developed properties. No real unique or unusual conditions are apparent now that more than 90% of the roadway

is fully improved.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 40 MPH. For the

reasons noted above and in accordance with CVC Sections 627,

raise the posted speed limit from 25 MPH to 40 MPH.

STREET NAME: Springville Avenue

SURVEY LIMITS: Jaye Street to "E" Street

POSTED SPEED LIMIT: Not Posted

AVERAGE DAILY TRAFFIC: 610

STREET WIDTH: Varies from 30 feet to 42 feet and at Jaye Street the width is

64'.

STREET CONDITION: Poor to Fair

CURB & GUTTER: Curb and gutter exists along the developed properties only.

Dirt shoulder exists for most of the street segment

STREET GEOMETRY: Straight two lane street.

**DESCRIPTION OF ADJACENT** 

PROPERTIES: Predominately vacant industrial and commercial zoned

properties. A mini-storage complex exists on the south side towards the eastern limits and commercial building exists

on both street at the Jaye Street frontage corners.

UNIQUE OR UNUSUAL

CONDITIONS: The fact that industrial traffic is commingling with

commercial traffic and the lack of street improvements results in the need to for extra caution when driving along

this section of street.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 38 MPH.

For the reasons noted above and in accordance CVC Sections 627 and 22352, implement Prima Facie Speed

Limit at 35 MPH.

STREET NAME: Union Avenue

SURVEY LIMITS: Indiana Street to Jaye Street

POSTED SPEED LIMIT: 25 MPH

AVERAGE DAILY TRAFFIC: 3,690

STREET WIDTH: 28'

STREET CONDITION: Poor.

CURB & GUTTER: Limited amount of concrete improvements exist along this

half mile local street segment.

STREET GEOMETRY: Straight unmarked two lane street.

**DESCRIPTION OF ADJACENT** 

PROPERTIES: Single family residential along both sides of street.

UNIQUE OR UNUSUAL

CONDITIONS: Concrete improvements are minimal along this section of

street and the area is considered a residential district. The street lacks standard width shoulders. This section of roadway is in close proximity to Porterville High School, heavy student presence, both driving and walking, requiring

extra caution when driving along this corridor.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 34 MPH. In

accordance with CVC Sections 627 and 22352 and for the reasons stated above, maintain the posted speed limit of 25

STREET NAME:

Villa Street

**SURVEY LIMITS:** 

Morton to Henderson

POSTED SPEED LIMIT:

30 MPH

AVERAGE DAILY TRAFFIC:

3,270

STREET WIDTH:

40'

STREET CONDITION:

Fair to good.

CURB & GUTTER:

Curb & gutter exists along both sides of this half mile long

collector street segment.

STREET GEOMETRY:

Straight two lane street.

DESCRIPTION OF ADJACENT

PROPERTIES:

Residential homes along both sides of street and a

professional office complex (PUSD administrative offices) is located at the northwest corner of Villa Street and Grand

Avenue.

UNIQUE OR UNUSUAL

**CONDITIONS:** 

Adjacent properties along this street segment could create a warrant for a residential district in this area of Porterville. However, the design of the street and the fact that this street is considered a collector, essential for traffic flow through central Porterville, provides for an opinion that the speed limit shall remain 30 MPH, 5 MPH over the residential

district speed limit designation.

RECOMMENDATION:

Radar speed survey indicates an 85% speed of 34 MPH. For the reasons stated above, maintain the posted speed

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limit of 30 MPH.

STREET NAME:

Westfield Avenue

SURVEY LIMITS:

Newcomb to Prospect

POSTED SPEED LIMIT:

**25 MPH** 

**AVERAGE DAILY TRAFFIC:** 

4,890

STREET WIDTH:

Varies between 40' and 50'

STREET CONDITION:

Fair to Good

CURB & GUTTER:

Curb & gutter exist along both sides of street.

STREET GEOMETRY:

Straight two lane minor arterial street.

DESCRIPTION OF ADJACENT

PROPERTIES:

Single family residences on both sides of street, except one neighborhood commercial site is located at the northwest corner of Prospect Street and Westfield Avenue.

UNIQUE OR UNUSUAL

CONDITIONS:

Adjacent properties along this street segment could create a warrant for a residential district in this area of Porterville. However, the design of the street and the fact that this street is considered a minor arterial, essential for traffic flow across the northern portion of Porterville, provides for an opinion that the speed limit shall remain 35 MPH, 10 MPH over the residential district speed limit designation.

RECOMMENDATION:

Radar speed survey indicates an 85% speed of 36 MPH. Westfield Avenue is designated a minor arterial street and essential in facilitating orderly traffic movement. For the reasons noted above and in accordance with CVC Sections 627, raise the posted speed limit from 25 MPH to 35 MPH.

STREET NAME: Westfield Avenue

SURVEY LIMITS: Prospect Street to City Limit line west of Villa

POSTED SPEED LIMIT: 35 MPH

AVERAGE DAILY TRAFFIC: 8,350

STREET WIDTH: 40'

STREET CONDITION: Good

CURB & GUTTER: Curb & gutter on both sides of street

STREET GEOMETRY: Straight two lane minor arterial street. Large vertical curve

over State Route 65 (Overpass).

DESCRIPTION OF ADJACENT

PROPERTIES: Residential properties and elementary school along south

side of street just west of Villa Street.

UNIQUE OR UNUSUAL

CONDITIONS: Significant vertical curve (overpass) makes it difficult to

see east bound traffic from Indiana intersection. Numerous residential homes along each side of the street so there is significant traffic entering and exiting Homes. Stop and go traffic in front of school in the morning and again in early

afternoon.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 39 MPH.

For the reasons stated above, maintain the posted speed limit of 35 MPH, with the exception of the school zone, which is 25 mph when children are present. This speed will effectively facilitate the orderly flow of traffic as this is the

speed limit assigned to Westfield Avenue between

Newcomb Street and Prospect Street.

STREET NAME:

**Westwood Street** 

SURVEY LIMITS:

Tule River to Olive Avenue

POSTED SPEED LIMIT:

35 MPH

**AVERAGE DAILY TRAFFIC:** 

5,280

STREET WIDTH:

Varies 40' to 64'

STREET CONDITION:

Fair

**CURB & GUTTER:** 

This arterial street has curb and gutter along both sides of the roadway. An asphalt and dirt shoulder transition on the west side is in place near the Tule River and services a traffic delineation or transition from a wide roadway to a narrow two lane bridge.

STREET GEOMETRY:

Straight two lane arterial designated street.

DESCRIPTION OF ADJACENT

PROPERTIES:

Commercial at southeast corner and southwest corner of Olive Avenue and Westwood Street. Residential along east side and some along the west side. Single family zoned properties on both sides of the street are fully developed. Access to the single family properties are via side streets connecting to Westwood Street. Significant arterial street improvements have been constructed since the last speed survey.

UNIQUE OR UNUSUAL

CONDITIONS:

None.

RECOMMENDATION:

Radar speed survey indicates an 85% speed of 44 MPH. For the reasons noted above and in accordance with CVC Sections 627, raise the posted speed limit from 35 MPH to 45 MPH.

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STREET NAME: Westwood Street

SURVEY LIMITS: Olive to Henderson

POSTED SPEED LIMIT: 35 MPH

AVERAGE DAILY TRAFFIC: 5,600

STREET WIDTH: 64'

STREET CONDITION: Good

CURB & GUTTER: Curb & gutter exists along both sides of street.

STREET GEOMETRY: Straight four lane arterial street.

DESCRIPTION OF ADJACENT

PROPERTIES: Commercial and church facilities exists at Olive Avenue.

The remaining corridor is primarily single family homes. At the Morton Avenue intersection there is an Elementary

School (Burton School District).

UNIQUE OR UNUSUAL

CONDITIONS: The elementary school receives a significant level of

vehicular, school bus and pedestrian traffic, more

specifically in the early morning and mid-afternoon. Extra

caution is required when driving in the area.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 40 MPH. For

the reasons stated above, maintain the posted speed limit of

STREET NAME: Westwood Street

SURVEY LIMITS: Henderson Avenue to City limits north of Westfield

POSTED SPEED LIMIT: 35 MPH

AVERAGE DAILY TRAFFIC: Recent Traffic Counts are not available

STREET WIDTH: Varies, mostly 44'

STREET CONDITION: Fair to Poor

CURB & GUTTER: Curb and gutter along west side and a moderate amount

exists on the east side of street.

STREET GEOMETRY: Straight two lane arterial designated street, extra width for

south bound lane.

DESCRIPTION OF ADJACENT

PROPERTIES: Residential along west side of street, open area and older

residential homes sparsely located along east side. There is a large single family residential subdivision that has been developed since the last speed survey was performed.

UNIQUE OR UNUSUAL

CONDITIONS: Limited entry points into subdivision located on west side

of street handles all traffic to a residential subdivision and Burton School District schools. There is only one access

point to the new subdivision on the east side of the

roadway. Some congestion occurs at this location in early morning and mid-afternoon due to two schools located in the residential area west of this roadway and the City is experiencing high volumes of pedestrian traffic along this

corridor as well when school is in session.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 39 MPH. For

the reasons stated above, maintain the posted speed limit of

STREET NAME: Worth Avenue

SURVEY LIMITS: Plano Street to Martin Hill Tank e/o Golden Hills Road

POSTED SPEED LIMIT: 50 MPH

AVERAGE DAILY TRAFFIC: Recent Traffic Counts are not available

STREET WIDTH: Varies, mostly 44'

STREET CONDITION: Fair to Poor

CURB & GUTTER: None exits. Dirt shoulders on each side with drainage

swales to accommodate hillside drainage.

STREET GEOMETRY: Straight two lane collector designated street that does not

meet City collector design standards. The road gradient climbs and falls between Paul Street and Crestview Street with a large sweeping curve around the southern base of

Martin Hill.

DESCRIPTION OF ADJACENT

PROPERTIES: The adjacent properties are predominately large rural

residential properties with several vacant undeveloped

parcels.

UNIQUE OR UNUSUAL

CONDITIONS: The gradient and large sweeping curve near the south base

of Martin Hill requires some caution for vehicles traveling this street. The City's Transit System also provides two stops within the surveyed area. These stops do not currently

meet City standards and also warrants driver caution.

RECOMMENDATION: Radar speed survey indicates an 85% speed of 53 MPH. For

the reasons stated above, maintain the posted speed limit of