

**AMENDED CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 21, 2014, 5:30 P.M.**

Call to Order
Roll Call

ORAL COMMUNICATIONS

This is the opportunity to address the City Council on any matter scheduled for Closed Session. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CITY COUNCIL CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 260-320-004. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Tomas and Lucina Pizano. Under Negotiation: Terms and Price.
 - 2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 253-192-010. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Sierra View Medical Center. Under Negotiation: Terms and Price.
 - 3- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.
 - 4- Government Code Section 54956.95 – Liability Claim: Claimant: Kimberly and William Wyatt. Agency claimed against: City of Porterville.
 - 5- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: John Duran v. City of Porterville, et al., United States District Court, Eastern District of California, Case No. 12:-CV-01239-LJO-BAM.
 - 6- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Donald Sipple, et al. v. City of Alameda, et al., Los Angeles County Superior Court Case No. BC462270.
 - 7- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of El Centro, et al. v. David Lanier, et al., San Diego County Superior Court Case No. 37-2014-00003824-CU-WM-CTL.
 - 8- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Operating Engineers Local Union No. 3 v. City of Porterville, et al., United States Court of Appeals, Ninth District, Case No. VCU249441.
 - 9- Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three Cases.
 - 10- 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
AND REPORT ON REPORTABLE ACTION TAKEN DURING CLOSED SESSION**

Pledge of Allegiance Led by Council Member Reyes
Invocation

PROCLAMATIONS

Friends of the Library Week – October 19 – 25, 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) – October 16, 2014
2. Council of Cities – October 15, 2014
3. Tulare County Association of Governments (TCAG) – October 20, 2014
4. Local Community Healthcare Task Force – October 14, 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
 2. Library & Literacy Commission – October 14, 2014
 3. Arts Commission
 4. Animal Control Commission – October 14, 2014, and October 20, 2014
 5. Youth Commission – October 13, 2014
 6. Transactions and Use Tax Oversight Committee (TUTOC)

- II. Staff Informational Reports
 1. Water Conservation Phase II, Water System Status

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. **Request for Approval to Purchase a Dell Power Edge R720 Server**
Re: Consideration of a request to purchase the Dell Power Edge R720 Server from Dell at a cost of \$17,829.68.

2. **Authorization to Advertise for Bids – CNG Facility Maintenance Contract**
Re: Considering authorization to advertise for bids for maintenance of the Compressed Natural Gas Facility at 555 N. Prospect.

3. **Authorization to Negotiate a Contract – Biological Odor Control System Project**
Re: Considering authorization to negotiate a “not to exceed” \$50,000 design service agreement with BioAir Solutions, LLC, for the design, manufacture and installation of equipment to control and remove odorous compounds at the City’s Wastewater Treatment Facility.
4. **Award of Contract – Cleaning of Anaerobic Digesters**
Re: Considering awarding contract in the amount of \$127,307 to PARC Environmental of Fresno, CA, for the cleaning of four anaerobic digesters at the City’s Wastewater Treatment Facility.
5. **Award of Contract for the Oak Avenue Mural Project**
Re: Considering awarding contract in the amount of \$4,334.54 to Omni Graphics for a mural to be located at 134 North Main Street, along the Oak Avenue façade.
6. **MLB Baseball Tomorrow Fund Grant Award**
Re: Considering authorization to purchase softball field amenities in an amount not to exceed \$13,847 to match \$13,036 award in grant funds.
7. **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.

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

PUBLIC HEARINGS

8. **Medical Cannabis Cultivation Permit Forms and Fees**
Re: Considering approval of an application for Medical Cannabis Cultivation Permit, and adoption of a resolution establishing fees associated with processing and administering said permit.
9. **Consideration of a Conditional Use Permit (PRC 2014-011-C) to Allow the Upgrade to a Type 21 General Off-Sale License for Alcohol Sales Located at 1187 West Henderson Avenue**
Re: Considering adoption of a resolution approving the Conditional Use Permit to upgrade the current Type 20 (beer and wine) license to a Type 21 (general) alcohol license in conjunction with the reconfiguration of site improvements at JJ’s Market.

SECOND READINGS

10. **Second Reading – Ordinance 1818, Amending Porterville Development Ordinance**
Re: Second Reading of Ordinance 1818, An Ordinance of the City Council of the City of Porterville Amending the Porterville Development Ordinance to Amend the Definition of Commercial Entertainment Uses and Adjust the Zone Districts within which Commercial Entertainment and Trade Schools are Allowed, which was given first reading on October 7, 2014, and has been printed.

SCHEDULED MATTERS

- 11. Annexation & Municipal Services – Update of Policies and Procedures**
Re: Considering approval of resolutions defining objectives and policies, and establishing procedures for annexations and extension of municipal services.

- 12. Consideration of Web-Based Agenda Management System with Live/Video Streaming Component and Council Chambers Audio Visual Upgrades**
Re: Considering approval to contract for services with SuiteOne Media for agenda management and live/video streaming, purchase two stationary cameras and related control accessories and software from JCG, and engage the services of ITC and City staff for A/V appliance upgrades in the Council Chambers, for an amount not to exceed \$34,862.97, with ongoing annual service costs of \$6,959.

- 13. Governor’s Executive Order for California Disaster Assistance Act Funding, and the Provision of Water to East Porterville Residents**
Re: Consideration of the planning effort toward the provision of water service connections to East Porterville county residents and the continuation of water delivery service by Mutual Aid Agreement with the County.

- 14. Consideration of City Council Procedural Handbook**
Re: Consideration of the Council’s Handbook.

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 November 4, 2014.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City’s website at www.ci.porterville.ca.us.

COUNCIL AGENDA: OCTOBER 21, 2014

SUBJECT: WATER CONSERVATION PHASE II, WATER SYSTEM STATUS

SOURCE: Public Works Department - Field Services Division

COMMENT: Phase II water conservation efforts for 2014 began in March. Actions were prompted by the governor on January 17, 2014, proclaiming a State of Emergency and asking all Californians to reduce water consumption by 20% and referring residents and water agencies to the Save Our Water campaign. Staff has responded by early implementation of our media campaign with newspaper, radio messages and website information provided.

An emergency regulation to increase conservation practices for all Californians became effective July 29, 2014. The new conservation regulation targets outdoor urban water use. This regulation establishes the minimum level of activity that residents, businesses and water suppliers must meet as the drought deepens and will be in effect for 270 days unless extended or repealed.

As a result of the emergency regulation, the City has implemented a Water Conservation Plan update that was approved by Council on August 19, 2014, as part of the resolution adopting the 2010 Urban Water Management Plan update. The City will continue a water awareness campaign, providing water conservation information and water saving ideas to the public. Staff also directly notifies any customer observed over using water by serving them with a door hanger advising them of our mandatory watering schedule and user restrictions.

The water system has been impacted from the lack of rain the last three years. Well yields have shown reductions in gallons per minute of about 25% compared to the 5-year average through September. Water production for the month of September 2014 continues a 17% decrease on the five-year average and a 20% decrease from 2013. Staff will continue to monitor ground water levels and production, and will inform Council if conditions change, requiring Council action.

RECOMMENDATION: Informational Item.

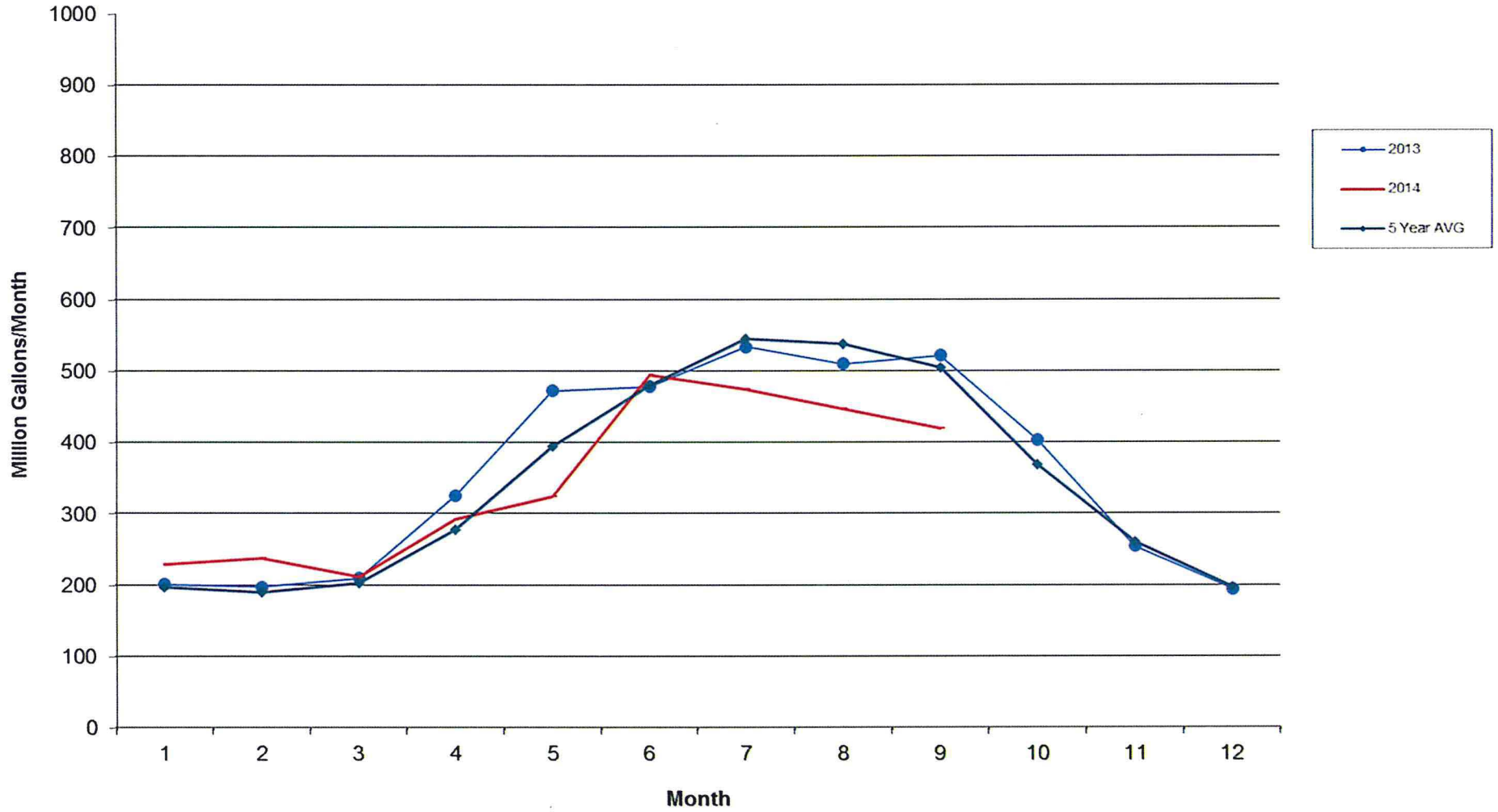
ATTACHMENT: Production Graph
Drought Response Phase II Flyer

P:\pubworks\General\Council\Water Conservation Phase II Water System Status 2014-10-21.doc

Dir BT Appropriated/Funded N/A CM 1

Report No. II.1

Monthly Production Status 2014 Comparison to 2013 & 5 Year Average





Drought Response Phase II At-a-Glance

- **Mandatory Odd/Even Watering Schedule**, based on address. Residents will be allowed three days a week to water lawns and landscapes. No watering allowed on Mondays.
- Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM.
- Excessive water runoff is prohibited.
- The washing of sidewalks and driveways is prohibited.
- Vehicles shall only be washed on designated watering days and with a hose equipped with a shut-off nozzle.
- The operation of ornamental water features is prohibited unless the fountain uses a recycling system.
- Non-compliance with Phase II water conservation regulations could result in citations up to \$500.

DROUGHT RESPONSE PHASE II

The City of Porterville has adopted a Phase II Drought Response Plan. As part of the Phase II plan, the City has restricted watering days to three days per week, based on address.

Mandatory Odd/Even Watering Schedule

| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY | SUNDAY |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------|
| DO NOT WATER | OK TO WATER | OK TO WATER | OK TO WATER | OK TO WATER | OK TO WATER | OK TO WATER |
| — | ODD | EVEN | ODD | EVEN | ODD | EVEN |

 Odd Address  Even Address

ODD NUMBER ADDRESSES

If your address ends with an "odd" number, 1, 3, 5, 7, or 9, Your watering days are Tuesday, Thursday, and Saturday.

OR

EVEN NUMBER ADDRESSES

If your address ends with an "even" number, 0, 2, 4, 6, or 8, Your watering days are Wednesday, Friday, and Sunday.

| Citation Level | Citation Amount |
|-----------------|-----------------|
| First Notice | Warning Only |
| First Citation | \$100 Fine |
| Second Citation | \$200 Fine |
| Third Citation | \$500 Fine |

Mandatory Odd/Even Watering Schedule

Excessive water runoff prohibited

The washing of sidewalks and driveways is prohibited

Vehicles shall only be washed on designated watering days and with hoses equipped with a shut-off nozzle

Ornamental water features are prohibited unless the fountain uses a recycling system

WATERING PROHIBITED BETWEEN THE HOURS OF

5:00 – 10:00 AM
5:00 – 10:00 PM

THERE IS NO WATERING ON MONDAYS.

CITY COUNCIL AGENDA: OCTOBER 21, 2014

SUBJECT: REQUEST FOR APPROVAL TO PURCHASE A DELL POWER EDGE R720 SERVER

SOURCE: Police Department

COMMENT: The current Police Department server is nine years old and the operating system has reached the end of its lifecycle. The IT Department has informed the Police Department that it is necessary to replace the current Police server.

In addition to reaching the end of its lifecycle, the current Police server is unable to meet the new and more stringent Department of Justice compliance requirements. IT staff has identified a server that contains the latest server operating system which will allow the Police Department to meet those requirements. That server is the Dell Power Edge R720.

Police and IT staff recommend the purchase of the Dell Power Edge R720 at a cost of \$17,829.68, which includes tax and shipping.

Funding for this project has been identified and is available in the Police Department's General Fund and Measure H Computer Equipment Maintenance accounts.

RECOMMENDATION: That the City Council approve the purchase of the Dell Power Edge R720 Server from Dell at a cost of \$17,829.68.

ATTACHMENT: Dell Power Edge R720 Server Price Quotation.

District 1

Appropriated/Funded

JAED

CM

[Signature]

Item No. 1



QUOTATION

Quote #:
 Customer #:
 Contract #:
 Customer Agreement #:
 Quote Date:

692493845
 4023319
 WN99ABZ
 WSCA B27160
 10/07/2014
 CITY OF PORTERVILLE

Date: 10/7/2014 Customer Name:

Thanks for choosing Dell! Your quote is detailed below; please review the quote for product and informational accuracy. If you find errors or desire certain changes please contact your sales professional as soon as possible.

| Sales Professional Information | | | |
|--------------------------------|-------------------------|------------|----------------|
| SALES REP: | ALFRED J FIRENZE | PHONE: | 1800 - 2893355 |
| Email Address: | Alfred_Firenze@Dell.com | Phone Ext: | 5139192 |

| GROUP: 1 QUANTITY: 1 SYSTEM PRICE: \$16,471.73 GROUP TOTAL: \$16,471.73 | |
|--|----------|
| Description | Quantity |
| PowerEdge R720, Intel Xeon E-26XX Processors (210-ABVP) | 1 |
| PowerEdge R720 Motherboard, TPM (591-BBBP) | 1 |
| ProSupport: Next Business Day Onsite Service After Problem Diagnosis, 2 Year Extended (936-4593) | 1 |
| ProSupport: 7x24 HW / SW Tech Support and Assistance, 3 Year (936-4603) | 1 |
| Dell Hardware Limited Warranty Plus On Site Service Extended Year (939-2678) | 1 |
| Dell Hardware Limited Warranty Plus On Site Service Initial Year (939-2768) | 1 |
| ProSupport: Next Business Day Onsite Service After Problem Diagnosis, Initial Year (988-9281) | 1 |
| Dell ProSupport. For tech support, visit http://support.dell.com/ProSupport or call 1-800-945-3355 (989-3439) | 1 |
| On-Site Installation Declined (900-9997) | 1 |
| Proactive Maintenance Service Declined (926-2979) | 1 |
| PowerEdge R720 Shipping (331-4437) | 1 |
| Risers with up to 6, x8 PCIe Slots + 1, x16 PCIe Slot (331-4440) | 1 |
| SFP+, Short Range, Optical Transceiver, LC Connector, 10Gb and 1Gb compatible for Intel and Broadcom (330-8723) | 1 |
| SFP+, Short Range, Optical Transceiver, LC Connector, 10Gb and 1Gb compatible for Intel and Broadcom (330-8723) | 1 |
| Broadcom 57810 Dual Port 10Gb Direct Attach/SFP+ Network Adapter (430-4421) | 1 |
| iDRAC7 Enterprise (421-5339) | 1 |
| Broadcom 5720 QP 1Gb Network Daughter Card (430-4418) | 1 |
| 2.5" Chassis with up to 16 Hard Drives (317-8474) | 1 |
| Bezel (318-1375) | 1 |
| Power Saving Dell Active Power Controller (330-5116) | 1 |
| RAID 10 for H710P/H710/H310 (4-16 HDDs in pairs) (331-4383) | 1 |
| PERC H710P Integrated RAID Controller, 1GB NV Cache (342-3531) | 1 |
| Heat Sink for PowerEdge R720 and R720xd (331-4508) | 1 |
| Intel Xeon E5-2650v2 2.6GHz, 20M Cache, 8.0GT/s QPI, Turbo, HT, 8C, 95W, Max Mem 1866MHz (338-BDBD) | 1 |
| DIMM Blanks for Systems with 2 Processors (317-8688) | 1 |

| | |
|--|----|
| Heat Sink for PowerEdge R720 and R720xd (331-4508) | 1 |
| Intel Xeon E5-2650v2 2.6GHz, 20M Cache, 8.0GT/s QPI, Turbo, HT, 8C, 95W, Max Mem 1866MHz,2nd Proc (338-BDBS) | 1 |
| 16GB RDIMM, 1866MT/s, Standard Volt, Dual Rank, x4 Data Width (370-AAWL) | 16 |
| 1866MT/s RDIMMs (370-AAWM) | 1 |
| Performance Optimized (331-4428) | 1 |
| 300GB 10K RPM SAS 6Gbps 2.5in Hot-plug Hard Drive (342-0429) | 8 |
| No System Documentation, No OpenManage DVD Kit (310-5171) | 1 |
| DVD+/-RW, SATA, INTERNAL (313-9090) | 1 |
| ReadyRails Sliding Rails With Cable Management Arm (331-4433) | 1 |
| Dual, Hot-plug, Redundant Power Supply (1+1), 1100W (331-4607) | 1 |
| Power Cord, NEMA 5-15P to C13, 15 amp, wall plug, 10 feet / 3 meter (310-8509) | 2 |
| Windows Server 2012R2 Datacenter Edition,Factory Installed,No Media,2 Socket,Unlimited VMs (618-BBDQ) | 1 |
| Windows Server 2012R2 Datacenter, Media, FI Standard Ed Downgrade image, Eng (634-BBOY) | 1 |

| SOFTWARE & ACCESSORIES | | GROUP TOTAL: \$55.08 | |
|---|----------|----------------------|---------|
| Product | Quantity | Unit Price | Total |
| C2G OM3 10 Gb LC/LC Duplex 50/125 Multimode Fiber Optic Patch Cable - patch cable - 33 ft - aqua (A7046249) | 2 | \$27.54 | \$55.08 |

| | |
|---------------------------------|--------------------|
| *Total Purchase Price: | \$17,829.68 |
| Product Subtotal: | \$16,526.81 |
| Tax: | \$1,302.87 |
| Shipping & Handling: | \$0.00 |
| State Environmental Fee: | \$0.00 |
| Shipping Method: | LTL 5 DAY OR LESS |

(* Amount denoted in \$)

Statement of Conditions

The information in this document is believed to be accurate. However, Dell assumes no responsibility for inaccuracies, errors, or omissions, and shall not be liable for direct, indirect, special, incidental, or consequential damages resulting from any such error or omission. Dell is not responsible for pricing or other errors, and reserves the right to cancel orders arising from such errors.

Dell may make changes to this proposal including changes or updates to the products and services described, including pricing, without notice or obligation.

Terms of Sale

This quote is valid for 30 days unless otherwise stated. Unless you have a separate written agreement that specifically applies to this order, your order will be subject to and governed by the following agreements, each of which are incorporated herein by reference and available in hardcopy from Dell at your request:

If this purchase is for your internal use only: Dell's Commercial Terms of Sale (www.dell.com/CTS), which incorporate Dell's U.S. Return Policy (www.dell.com/returnpolicy) and Warranty (www.dell.com/warrantyterms).

If this purchase is intended for resale: Dell's Reseller Terms of Sale (www.dell.com/resellerterms).

If this purchase includes services: in addition to the foregoing applicable terms, Dell's Service Terms (www.dell.com/servicecontracts/global).

If this purchase includes software: in addition to the foregoing applicable terms, your use of the software is subject to the license terms accompanying the software, and in the absence of such terms, then use of the Dell-

branded application software is subject to the Dell End User License Agreement - Type A (www.dell.com/AEULA) and use of the Dell-branded system software is subject to the Dell End User License Agreement - Type S (www.dell.com/SEULA).

You acknowledge having read and agree to be bound by the foregoing applicable terms in their entirety. Any terms and conditions set forth in your purchase order or any other correspondence that are in addition to, inconsistent or in conflict with, the foregoing applicable online terms will be of no force or effect unless specifically agreed to in a writing signed by Dell that expressly references such terms.

Additional Terms for Public Customers

If you are a department, agency, division, or office of any district, state, county or municipal government within the United States ("Public Customer"), the following terms ("Public Customer Terms") apply in addition to the foregoing terms: A. If any portion of the foregoing terms and conditions (or any terms referenced therein) is prohibited by law, such portion shall not apply to you. Notwithstanding anything to the contrary, the End User License Agreements shall take precedence in all conflicts relevant to your use of any software. B. By placing your order, you confirm that (1) you are a contracting officer or other authorized representative of Public Customer with authority to bind the Public Customer to these terms and conditions, and (2) you have read and agree to be bound by these terms and conditions.

Pricing, Taxes, and Additional Information

All product, pricing, and other information is valid for U.S. customers and U.S. addresses only, and is based on the latest information available and may be subject to change. Dell reserves the right to cancel quotes and orders arising from pricing or other errors. Sales tax on products shipped is based on your "Ship To" address, and for software downloads is based on your "Bill To" address. Please indicate any tax-exempt status on your PO, and fax your exemption certificate, including your Customer Number, to the Dell Tax Department at 800-433-9023. Please ensure that your tax-exemption certificate reflects the correct Dell entity name: Dell Marketing L.P. Note: All tax quoted above is an estimate; final taxes will be listed on the invoice. If you have any questions regarding tax please send an e-mail to Tax_Department@dell.com.

For certain products shipped to end-users in California, a State Environmental Fee will be applied to your invoice. Dell encourages customers to dispose of electronic equipment properly.

All information supplied to CITY OF PORTERVILLE for the purpose of this proposal is to be considered confidential information belonging to Dell.

About Dell

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Privacy Policy

Dell respects your privacy. Across our business, around the world, Dell will collect, store, and use customer information only to support and enhance our relationship with your organization, for example, to process your purchase, provide service and support, and share product, service, and company news and offerings with you. Dell does not sell your personal information. For a complete statement of our Global Privacy Policy, please visit dell.com/privacy.

COUNCIL AGENDA: OCTOBER 21, 2014

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – CNG FACILITY MAINTENANCE CONTRACT

SOURCE: Public Works Department – Field Services Division

COMMENT: The City of Porterville’s current CNG Facility Maintenance contract is scheduled to expire on November 30, 2014. Staff is requesting authorization to advertise for maintenance of the CNG Facility.

The City operates a Compressed Natural Gas Facility for the purpose of fueling both City equipment and multiple outside agencies equipment. Maintenance of the equipment requires specialized training and certification. The City currently compresses approximately 30,000 therms per month, which equates to about 24,960 gallons of gasoline. There are two compressors which total approximately 5.5 hours of runtime per day.

The maintenance contract shall be for one year, beginning December 1, 2014, and expiring November 30, 2015. The contract may be extended for up to four additional years at the City’s option. Staff estimates the yearly contract will not exceed \$25,000.

Equipment Maintenance Operating is the funding source and was approved in the 2014/2015 Annual Budget.

RECOMMENDATION: That the City Council authorize Staff to advertise for bids for CNG Facility Maintenance.

P:\pubworks\General\Council\Authorization to Advertise for Bids - CNG Facility Maintenance - 2014-10-21.doc

Dir BSL Appropriated/Funded AFD CM J Item No. 2

SUBJECT: AUTHORIZATION TO NEGOTIATE A CONTRACT – BIOLOGICAL ODOR CONTROL SYSTEM PROJECT

SOURCE: Public Works Department – Field Services Division/WWTF

COMMENT: On October 3, 2014, staff received one proposal for design, manufacture and installation of equipment to control and remove odorous compounds at the Wastewater Treatment Facility (WWTF).

The one proposal was submitted by BioAir Solutions, the leading provider of biological odor control systems. The project scope requires that BioAir design, construct and install the odor control system.

Staff respectfully asks that the Council authorize the Public Works Director to negotiate a “not to exceed” fifty thousand dollar (\$50,000) design service agreement with BioAir Solutions. Once all parties agree on the content of the plans and specifications, staff will ask Council to authorize the Public Works Director to negotiate a construction contract with BioAir Solutions.

The project will be funded from the WWTF capital reserve fund.

RECOMMENDATION: That City Council:

1. Authorize the Public Works Director to negotiate a “not to exceed” \$50,000 design service agreement with BioAir Solutions, LLC;
2. Prior to the start of construction, direct the Public Works Director to present final plans, specifications and an Engineer’s Estimate of Probable Construction Costs for City Council approval;
3. When the project is ready for construction, direct the Public Works Director to seek Council approval to negotiate a construction contract with BioAir Solutions, LLC;
4. Authorize the Mayor to sign all contract documents; and
5. Authorize staff to make payments up to 100% upon satisfactory completion of all design work.

Dir BSI Appropriated/Funded

[Signature] CM [Signature]

Item No. 3

CITY COUNCIL AGENDA: OCTOBER 21, 2014

SUBJECT: AWARD OF CONTRACT - CLEANING OF ANAEROBIC DIGESTERS

SOURCE: Field Services - Wastewater Treatment Facility

COMMENT: The City of Porterville Wastewater Treatment Facility's (WWTF's) most recent five-year digester cleaning contract expired in April 2014. Staff received authorization from City Council to advertise for bids on August 5, 2014, for a new five-year contract for the cleaning of four (4) anaerobic digesters.

On October 14, 2014, staff received three (3) bids for the Digester Cleaning contract. Unfortunately, one (1) bid was not in compliance with the specifications for this project and must be deemed non-responsive. The bids are as follows:

PARC Environmental
Fresno, CA

| | |
|-------------|---------------|
| Digester #1 | \$31,564 |
| Digester #2 | 31,564 |
| Digester #3 | 32,324 |
| Digester #4 | <u>31,856</u> |
| Total | \$127,307 |

JND Thomas Company, Inc.
Riverdale, CA

| | |
|-------------|---------------|
| Digester #1 | \$39,005 |
| Digester #2 | 39,005 |
| Digester #3 | 44,795 |
| Digester #4 | <u>45,368</u> |
| Total | \$168,173 |

Staff has found the low bid responsive.

WWTF Operating Fund is the funding source for the project and was approved in the 2014/2015 Annual Budget.

RECOMMENDATION: That the City Council:

1. Award the Digester Cleaning contract to PARC Environmental for a five-year term in the amount of \$127,307; and
2. Authorize progress payments up to 100% of the contract amount.

CONSENT CALENDAR

SUBJECT: AWARD OF CONTRACT FOR THE OAK AVENUE MURAL PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: At the March 5, 2013, City Council meeting staff presented the recommendation from the Arts Commission regarding the Short-Term Work Plan. In addition to developing the Arts Commission policy and bylaws, the Short-Term Work Plan requested the authorization to mail Request for Proposals to artists for the Oak Avenue Mural Project. The mural is a component of the Oak Avenue Transportation Enhancement Project, which includes a red brick stamped concrete sidewalk pattern, street trees, benches, trash receptacles and nostalgic street lighting which matches the Main Street downtown theme. The site proposed for the mural is 134 North Main Street, along the Oak Avenue façade (Subway building).

The recommended theme of Hot Air Balloons with a patriotic flair was approved by City Council. One proposal has been received from Omni Graphics. Although only one response was received, the qualifications identified in the proposal provided confirms Omni Graphics' eligibility, and staff requests that they be awarded the contract.

The mural will be funded through the Transportation Enhancement (TE) Grant, which the City's Public Works Department received to improve the pedestrian corridor along Oak Avenue between the new courthouse and Main Street. The proposal amount is \$4,334.64.

Negotiations of a façade easement are underway with the property owner.

RECOMMENDATION: That the City Council:

1. Award the contract for the Oak Avenue Mural Project to Omni Graphics;
2. Authorize the Mayor to sign contract documents; and
3. Authorize staff to make payments up to 100% upon satisfactory completion of tasks.

ATTACHMENT: Omni Graphics Service Agreement

DD JB APPROPRIATED/FUNDED TH CM J ITEM NO. 5

PROFESSIONAL SERVICES AGREEMENT
Graphic Design Services for
Oak Avenue Mural Project

DATE: October 21, 2014

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and Omni Graphics, hereinafter referred to as "CONTRACTOR".

RECITALS: CITY has undertaken a project on which it is seeking assistance from CONTRACTOR. Said project which will hereinafter be referred to as "project" is described as follows:

Project Name: Lead the effort and be assisted by City staff for the timely completion of mural to be installed on the Oak Avenue façade of the Subway building located at 134 N. Main Street, Porterville, CA.

Description of Project: Design mural with a "Hot Air Balloon" theme with a patriotic flair.

AGREEMENTS:

IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER set forth the parties hereto do contract and agree as follows:

SECTION 1. CONTRACT SERVICES: CONTRACTOR hereby agrees to provide services and materials as defined in task orders approved through the term of this contract, based on qualifications defined in Exhibit A.

SECTION 2. CONTRACT SERVICES: In consideration for said services and materials, CITY shall pay CONTRACTOR the fee stipulated in the proposal documents.

TIME OF PAYMENT: CONTRACTOR shall receive payment within 30 days of the date of project completion. (Exhibit B)

SECTION 3. COMPLETION DATE: The services to be performed by CONTRACTOR will be commenced upon execution of a given task order and all work directives shall be completed in a timely manner. This contract will be in effect for three (3) months from October 21, 2014. This contract can be extended after the expiration date, upon mutual agreement by both parties.

CONTRACTOR shall not be responsible for delays which are due to causes beyond the CONTRACTOR'S reasonable control. In the case of any such delay, the time of completion shall be extended accordingly in writing signed by both parties.

ATTACHMENT
ITEM NO. |

SECTION 4. FAMILIARITY WITH PROJECT: CONTRACTOR agrees that it will rely on its own findings and research to perform the services required under this agreement and will not rely solely upon opinions or representations of CITY unless CITY is the only available source of said information. CONTRACTOR shall become familiar enough with project details to independently perform its services in conformance with the normal standard of care for such projects.

SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood that CONTRACTOR is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONTRACTOR specifically warrants that it will have in full force and effect, valid insurance covering:

- (i) Full liability under workers' compensation laws of the State of California; and
- (ii) Bodily injury and property damage insurance in an amount not less than One Million Dollars (\$1,000,000) per occurrence; and
- (iii) Automotive liability in an amount not less than One Million Dollars (\$1,000,000) per occurrence; fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all claims arising from the negligence of CONTRACTOR and any injuries to third parties, including employees of CITY and CONTRACTOR. CONTRACTOR agrees to indemnify, defend (at CITY'S election), and hold harmless the CITY against any claims, actions or demands against CITY, and against any damages, liabilities for personal injury or death or for loss or damage to property, or any of them arising out of negligence of CONTRACTOR or any of its employees or agents.
- (iv) Errors and Omissions insurance of One Million Dollars (\$1,000,000) minimum per claim and aggregate. If deductible for Errors and Omissions insurance is Fifty Thousand Dollars (\$50,000) or more, the City may require a Surety Bond for the deductible.

As an independent contractor, the consultant will obtain and maintain an active City business license.

SECTION 6. WORKMANSHIP AND MATERIALS: Every part of the work herein described shall be executed in a professional manner with competent, experienced personnel. Finished or unfinished material prepared under the agreement, prepared by CONTRACTOR, shall become property of CITY.

Documents, including drawings and specifications, prepared by CONTRACTOR pursuant to this agreement, are not intended or represented to be suitable for reuse by CITY or others on extensions of projects or on any other project. Any use of the completed documents for other projects and any use of incomplete documents without the specific written authorization from CONTRACTOR will be at CITY'S sole risk and without liability to CONTRACTOR. Further, any and all liability arising out of changes made to CONTRACTOR'S deliverables under this Agreement by CITY or persons other than CONTRACTOR is waived as against CONTRACTOR, and the CITY assumes full responsibility for such changes made by the CITY or its agents unless the CITY has

given CONTRACTOR prior notice and has received from CONTRACTOR written consent for such changes.

CONTRACTOR hereby warrants that any materials prepared under this agreement shall be fit for the intended use contemplated by the parties.

SECTION 7. ASSIGNMENT OF CONTRACT: It is acknowledged by the parties that CITY has entered into this contract with the express understanding that all work will be performed by CONTRACTOR or CITY approved sub-consultant. CONTRACTOR shall not, without the written consent of CITY, assign, transfer or sublet any portion or part of this work, nor assign any payments to others. Further, 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. All sub-consultants shall be approved by the City, prior to commencement of work on any project.

SECTION 8. AFFIRMATIVE ACTION. CONTRACTOR will not discriminate against any employee or applicant for employment because of race, color, religion, gender, marital status, or national origin.

SECTION 9. CONFLICT OF INTEREST CODE: CONTRACTOR agrees to comply with the regulations of CITY'S Conflict of Interest Code. Said code is in accordance with the requirements of the Political Reform Act of 1974. The CONTRACTOR shall sign and file a City of Porterville Consultant Conflict of Interest Questionnaire with the City Clerk.

CONTRACTOR covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder. The term "conflict" shall include, as a minimum, the definition of a "conflict of interest" under the California Fair Political Practices Act and the City of Porterville Conflict of Interest Code, as that term is applied to consultants.

SECTION 10. TERMINATION: This contract may be terminated by either party for just cause by giving thirty (30) days written notice by either party except that City may cancel contract upon five (5) days written notice in the event of nonperformance by Contractor. Nonperformance by the 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. Upon termination by CITY, CITY shall be relieved of any obligation to pay for work not completed. CONTRACTOR may be entitled to just and equitable compensation for satisfactory work completed.

SECTION 11. ENTIRE CONTRACT: It is understood and agreed that this Service Agreement represents the entire Agreement between the parties. Should it be necessary to institute legal proceedings to enforce any and all of the covenants and conditions of this Agreement, the prevailing party shall be entitled to recover attorney's fees and costs.

SECTION 12. DISPUTES; VENUE: If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. CONTRACTOR hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

In an effort to resolve any conflicts that arise during or following completion of the Contract, the CITY and the CONTRACTOR agree that all disputes between them arising out of or relating to this Agreement shall be submitted to nonbinding mediation unless the parties mutually agree otherwise.

IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE

CONTRACTOR

Omni Graphics
260 W. Douglas Avenue
El Cajon, CA 92020
(619) 792-1350

By _____
Milt Stowe, Mayor

By _____
Rick Sweeney

Date _____

Date _____

Attachments:
Exhibit "A": Scope of Work
Exhibit "B": Project Fees

EXHIBIT A
SCOPE OF WORK

Fabricate one 10.5' x 18' digitally printed mural comprised as eight (8) pieces of 3 mil aluminum composite DiBond. All panels will be mechanically fastened to wall surface at desired elevation, using a boom lift to reach accessible area.

EXHIBIT B

PROJECT FEES

Oak Avenue Mural Cost Analysis:

| | |
|------------------|------------------|
| Design | \$ 450.00 |
| Fabrication | \$1,488.00 |
| Per Diem/Travel | \$ 650.00 |
| Installation | \$ 950.00 |
| Equipment Rental | <u>\$ 595.00</u> |
| SUB TOTAL | \$4,133.00 |
| CA SALES TAX | <u>\$ 202.64</u> |
| PROJECT TOTAL | \$4,335.64 |

Fee shall be received within thirty (30) days of project completion.

COUNCIL AGENDA: OCTOBER 21, 2014

SUBJECT: MLB BASEBALL TOMORROW FUND GRANT AWARD

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Parks and Leisure Services staff submitted a MLB Baseball Tomorrow Fund Grant in March 2014 for amenities for the two softball diamonds at the Sports Complex. Staff recently received word that the City of Porterville has been selected as a recipient of a grant award in the amount of \$13,036. The grant funds will be used for the following items: outfield fencing, fence guards, distance markers, foul poles, infield mix, dugout shade covers, breakaway bases, drinking fountain, trash cans and a field drag.

On March 18, 2014, at the City Council meeting, Council authorized use of up to \$26,883 from Council Special Purposes Reserves for proposed softball amenities relating to this project. The MLB Baseball Tomorrow Fund Grant requires a minimum match of at least 50% of the total amount requested. The actual amount needed from the Special Purposes Reserves is \$13,847.

The amenities to the two softball diamonds should draw tournaments to the facility, add some safety features, and enhance the overall playing experience.

RECOMMENDATION: That the City Council authorize staff to purchase softball field amenities up to \$13,847 from the Special Purposes Reserves.

 Director  Appropriated/Funded

 City Manager

ITEM NO.: 6

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

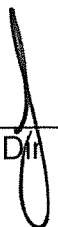
SOURCE: Administration

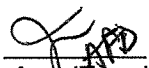
COMMENT: In accordance with the City Council's Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8630 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination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


Since its last review on October 7, 2014, City staff has continued its coordination with both State and Federal representatives in having made claims for reimbursement for public areas reported as suffering flood damage. An estimated total of \$361,750 in damage repair projects were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, which after final FEMA administrative review, a total of approximately \$270,000 was approved. Although all repair projects were originally to be completed by no later than July 2012, the City received a one (1)-year extension to July 2013. CEMA has recently completed its audit and review of the completed City repair projects as approved by FEMA, and has officially closed the projects without modifications and/or revisions.

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.


Dir


App/Fund


CM

Item No. 7

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.

- RECOMMENDATION: That the Council:
1. Receive the status report and review of the designated local emergency; and
 2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that given CEMA's closing of the City's repair projects, there no longer exists the need to continue said local emergency designation.

ATTACHMENT: None

CITY COUNCIL AGENDA: OCTOBER 21, 2014

PUBLIC HEARING

TITLE: MEDICAL CANNABIS CULTIVATION PERMIT FORMS AND FEES

SOURCE: CITY ATTORNEY/COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On October 7, 2014, the City Council gave second reading to the draft ordinance concerning medical cannabis cultivation. The ordinance will go into effect on November 6, 2014. Implementation of the ordinance requires adoption of application forms and fees, as described in subsection J- Cultivation Permit. The ordinance is included for reference as Attachment 1.

Prior to commencing any medical cannabis cultivation, a permit must be obtained from the Community Development Director or assigned designee. Subsection J of the ordinance outlines the contents of the application, and staff has prepared an application form for use by applicants (Attachment 2). Consistent with ordinance requirements, the permit requires information regarding the property owner, the qualified patient, and all adult occupants of the residence. Further, the application requires submittal of a copy of the current valid medical recommendation or county issued medical marijuana card; a signed consent form for inspection of the cultivation area without notice; proof that the applicant and any resident has had no drug related felony convictions within the past seven years; and an indemnification agreement, which is a standard form appended to all City applications.

At time of submittal of a medical cannabis cultivation permit application, fees are due that offset costs associated with review, processing, and inspection of the permit and permitted site. Adoption of the three distinct fees proposed would allow staff to process an application at a fixed rate, accommodate households with more than one adult where additional background checks are required, and charge a re-inspection fee where the scheduled site visit required corrective actions. The application fees were calculated with input from the Police Department, Community Development Department, and the City Attorney's Office. The proposed fees do not include costs involved with evaluation of building permits that may be associated with a proposed cultivation area. Building permit fees are adopted under separate resolution and are independent of the Medical Cannabis Cultivation Permit.

The permit fees include an application fee of \$700, plus \$38 per additional adult in the household, and a \$50 re-inspection fee. Permit fees would be paid with each permit renewal, which is to be every two years. The costs associated with those fees are as follows:

Application fee: \$700

The application fee is a flat fee, payable with each permit and/or permit renewal,

DD JB Appropriated/Funded AKO CM J

Item No. 8

and is comprised of the following costs:

- Staff time to review the permit application, in context of the permit holder, the cultivation area, and the surrounding uses: \$79/hour * 3 hours = \$237
- City Attorney time to review the permit application: \$150/hour * 2 hours = \$300
- Cost for Porterville Police Department to complete background check through the Department of Justice for permit holder: \$40
- Staff time to review background check: \$38/hour * 1 hour = \$38
- Staff time to conduct initial and intermittent site inspections: \$38/hour * 3 hours = \$114

The total cost is actually \$729, but has been rounded down in the initial proposal.

Fee to review background check for each additional adult in the household: \$38

All adult members of the household are required to complete a background check in order to prove, per subsection J (1) g, that “the applicant and any resident has had not drug related felony convictions within the past seven (7) years.” The permit holder may select to obtain secondary proof of no drug related felony convictions within the last seven years, but the fee for completion of the background check is included in the application fee. For other adult members of the household, the \$38 cost of staff’s review of the background check is required. The \$40 cost of the background check as initiated by the Porterville Police Department may be paid directly to the Police Department for a total cost of \$78; alternatively, the other adult members of the household may choose to obtain the background check through different means.

Re-inspection fee: \$50

A re-inspection fee, in the event that cultivation is not taking place as described in the permit, is \$50 per inspection. Note that pursuant to Section J (4) of the Medical Cannabis Cultivation Ordinance, failure to comply with requirements twice within a permitting period constitutes grounds for permit revocation and serves as a basis for denial of any new application or extension.

ENVIRONMENTAL: The Environmental Coordinator made a determination that approving the fees and forms required to implement the ordinance (“project”) is not subject to the California Environmental Quality Act pursuant to §15060(c)(2) of the California Code of Regulations.

RECOMMENDATION: That the City Council:

1. Approve the proposed application for Medical Cannabis Cultivation Permit; and
2. Adopt the draft resolution establishing fees associated with processing and administering a Medical Cannabis Cultivation Permit.

ATTACHMENTS: 1. Ordinance 1817 regarding Medical Cannabis Cultivation

2. Medical Cannabis Cultivation Permit Application
3. Draft Resolution establishing fees associated with processing and administering a Medical Cannabis Cultivation Permit

ORDINANCE NO. 1817

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING ARTICLE I, SECTION 15-5.1 OF THE PORTERVILLE MUNICIPAL
CODE, CONCERNING REFUSAL TO ISSUE LICENSES, REPEALING ARTICLE VII,
SECTIONS 15-85 THROUGH 15-105, OF CHAPTER 15, AND ADDING SECTION
301.23 OF THE PORTERVILLE MUNICIPAL CODE, CONCERNING MEDICAL
MARIJUANA CULTIVATION

WHEREAS, in November 2007, and in response to the implementation by the State of the Compassionate Use Act of 1996, the Medical Marijuana Program Act (2003) and subsequent case law, the City Council of the City of Porterville adopted Ordinance No. 1734, which amended the City's regulations concerning medical marijuana dispensaries, prohibiting the issuance of business licenses for the purpose of operating medical marijuana dispensaries, but allowing for their regulation in the event federal law changed; and

WHEREAS, the City Council of the City of Porterville, based on recent and ongoing problems related to the local cultivation of medical cannabis, hereby finds that the cultivation, preparation and distribution of medical cannabis in the city has caused and is causing ongoing impacts to the community. These impacts are intensified by the activities of those who are abusing the current State statutory provisions for the cultivation, processing and distribution of cannabis for nonmedical, improper and illegal purposes. These impacts include increased crime related to outdoor cultivation occurring on residential lots, damage to buildings containing indoor grows, increases in home invasion robberies and related crimes, and increases in response costs, including code enforcement, building, land use, fire, and police staff time and expenses; and

WHEREAS, the City finds that it is in the best interest of the community to regulate the use of land within the city limits for the purposes of collectively cultivating, preparing, or dispensing medical cannabis, and to continue to deny business licenses to applicants desiring to open a medical marijuana dispensary within city limits; and

WHEREAS, legislation and case law confirms that the City has the power to regulate individual cultivation and restrict and even prohibit dispensing of medical cannabis, as well as regulate the collective cultivation and preparation of medical cannabis.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES HEREBY ORDAIN as follows:

SECTION 1. The Porterville Municipal Code, Chapter 15, Article I, Section 15-5.1 is hereby amended as follows:

15-5.1: REFUSAL TO ISSUE LICENSE

- A. Nothing in this Section shall be deemed to prevent the City Council from refusing to grant to any person a license to carry on and conduct any business in the city, when it shall appear to

**ATTACHMENT
ITEM NO. 1**

the City Council that such business is, or is reasonably certain to be, carried on in such manner as to be unlawful, immoral or a menace to the health, safety, peace or general welfare of the people of the city, or that the applicant is not a fit or proper person to carry on such business, or of such character and reputation as to render it reasonably certain that such business will be carried on by the applicant in an illegal or immoral manner, or in such manner as to constitute a menace to the health, safety, morals, peace or general welfare of the people of the city, or that the applicant has theretofore been convicted of any crime in connection with, or while engaged in the operation of a similar business in the city, or has been convicted of any crime affecting the moral character of such applicant.

- B. The City Council shall refuse to issue a business license to any applicant where it is apparent that the issuance of such license would allow for the practice, operation or carrying out of any activity that conflicts with any local, state or federal law.

SECTION 2. Chapter 15, Article VII, Sections 15-85 through 15-105, is hereby repealed.

SECTION 3. Series 300: Additional Use and Development Regulations

301 Standards for Specific Uses and Activities

- 301.01 Accessory Uses and Structures
- 301.02 Alcoholic Beverage Sales
- 301.03 Animal Keeping
- 301.04 Automobile Vehicle Service and Repair, Major and Minor
- 301.05 Auto Service Stations and Car Washing
- 301.06 Crop Cultivation
- 301.07 Family Day Care Home, Large
- 301.08 Hazardous Waste Management Facilities
- 301.09 Home Occupations
- 301.10 Manufactured Homes
- 301.11 Mobile Home Parks
- 301.12 Outdoor Retail Sales
- 301.13 Personal Storage Facilities
- 301.14 Recycling Facilities
- 301.15 Residential Care Facilities, General
- 301.16 Second Dwelling Units
- 301.17 Sexually Oriented Facilities
- 301.18 Single Room Occupancy Hotels
- 301.19 Social Service Facilities
- 301.20 Telecommunication Facilities
- 301.21 Temporary Uses
- 301.22 Transitional and Supportive Housing
- 301.23 Medical Cannabis Cultivation

SECTION 4. Section 301.23 is hereby added to Article 21 (Porterville Development Ordinance) as follows:

A. Purpose and Intent

1. The City Council of the City of Porterville, based on evidence presented to it in the proceedings leading to the adoption of this chapter, hereby finds that the cultivation, preparation, and distribution of medical cannabis in the city has caused and is causing ongoing impacts to the community. These impacts are intensified by the activities of those who are abusing the current State statutory provisions for the cultivation, processing and distribution of cannabis for nonmedical, improper and illegal purposes. These impacts include increases in various types of crime due to outdoor grows, damage to buildings containing indoor grows, including improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, increased frequency of home-invasion robberies and related crimes. Many of these impacts have fallen disproportionately on residential neighborhoods, but nonetheless also negatively impact properties in the commercial districts. These impacts have also created an increase in response costs, including code enforcement, building, land use, fire, and police staff time and expenses.
2. The City Council also acknowledges that the voters of the State of California have provided a criminal defense to the cultivation, possession and use of medical cannabis for medical purposes under the Compassionate Use Act, but that the Compassionate Use Act does not address land use or building code impacts or issues arising from the resulting increase in cannabis cultivation within the city.
3. The purpose and intent of this chapter is to regulate the cultivation, preparation and distribution of medical cannabis in a manner that protects the public health, safety, and welfare of the community and mitigates for the cost to the community of the oversight of these activities.

B. Interpretation and Applicability

1. No part of this chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, state, federal law, statute, rule or regulation. The cultivation, preparation, and distribution of medical cannabis in the city is controlled by the provisions of this chapter of the Porterville Development Ordinance.
2. Nothing in this chapter is intended to, nor shall it be construed to, preclude a landlord from limiting or prohibiting cannabis cultivation, smoking or other related activities by tenants.
3. Nothing in this chapter is intended to, nor shall it be construed to, burden any defense to criminal prosecution otherwise afforded by California law.

4. Nothing in this chapter is intended to, nor shall it be construed to, exempt any cannabis related activity from any and all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements.
5. Nothing in this chapter is intended to, nor shall it be construed to, make legal any cultivation, transportation, sale or other use of cannabis that is otherwise prohibited under California law.
6. All cultivation, preparation and distribution of medical cannabis within city limits shall be subject to the provisions of this chapter and other applicable provisions of this Code, regardless of whether cultivation, preparation, or distribution existed or occurred prior to adoption of this chapter.

C. Definitions: For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. Accessory Structure. A residential accessory structure shall include any uses that are customarily related to a residence, including garages, greenhouses, storage sheds, studios, and workshops. Any accessory structure must be compliant with Section 301.01 and any other applicable provisions of the Municipal Code.
2. Dwelling Unit. A room or suite of rooms including one (1) and only one (1) kitchen, and designed or occupied as separate living quarters for one (1) family.
3. Medical Cannabis (also known as medical marijuana). Cannabis, including constituents of cannabis, THC and other cannabinoids, used as a physician-recommended form of medicine or herbal therapy.
4. Medical Cannabis Cooperative or Collective. Any person, association, cooperative, affiliation, or collective of persons who provide education, referral, or network services, and/or facilitation or assistance in the cultivation, preparation or distribution of medical cannabis.
5. Medical Cannabis Cultivation Area. The area allowed for the growing and preparation of medical cannabis.
6. Medical Cannabis Cultivation Facility. A facility at which medical cannabis is grown and harvested for supply to a medical cannabis preparation facility and/or a medical cannabis distribution facility.
7. Medical Cannabis Distribution. The supply to a qualified patient by any person, including a primary caregiver, cooperative or collective, of medical cannabis that is not grown in the qualified patient's residence.
8. Medical Cannabis Distribution Facility/Dispensary. Any facility or location where the primary purpose is to distribute medical cannabis as a medication upon recommendation by a physician and where medical cannabis is made available to or distributed by or to a primary caregiver or a qualified patient in strict accordance with

the Compassionate Use Act of 1996 (Cal. Health and Safety Code §§ 11362.5 et seq.).

9. Medical Cannabis Preparation. Includes, but is not limited to: manicuring, drying, curing, pressing, cooking, baking, infusing, grinding, bagging, packaging, rolling.
 10. Medical Cannabis Preparation Facility. A facility at which medical cannabis is processed for supply to a medical cannabis distribution facility.
 11. Qualified Patient. As defined in Cal. Health and Safety Code §§ 11362.7 et seq., and as it may be amended from time to time.
 12. Residence. A legal dwelling unit.
- D. Severability: If any part of this chapter is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.
- E. Cultivation Generally: A qualified patient shall be allowed to cultivate medical cannabis for their own personal use. Cultivation of medical cannabis for said use shall be in conformance with the following standards:
1. No more than one medical cannabis cultivation area shall be permitted on a legal parcel, regardless of the number of dwelling units on the parcel;
 2. No medical cannabis cultivation site shall be located within 100 feet of a sensitive use “use, sensitive” as defined in Chapter 700;
 3. The residence shall remain at all times a residence with legal and functioning cooking, sleeping and sanitation facilities. Medical cannabis cultivation shall remain at all times accessory to the residential use of the property;
 4. The qualified patient shall reside at the residence where the medical cannabis cultivation occurs;
 5. Cultivation of medical cannabis for personal use shall occur only on the parcel occupied by a qualified patient and shall be for the exclusive use of the qualified patient and otherwise in conformance with this chapter (i.e. no collectives or cooperatives);
 6. Cultivation of medical cannabis for personal use shall not displace required off-street parking, or violate any other provisions of the Porterville Municipal Code;
 7. Qualified patients shall have no more than the number of plants the patient is permitted under State law to have, provided that in no case shall any parcel/dwelling have more than 20 plants; with not more than 20 cultivated outdoors and/or 20 cultivated indoors within an Accessory Structure;
 8. The use of gas products (e.g., CO₂, butane, etc.) for medical cannabis cultivation is prohibited;
 9. There shall be no exterior evidence of medical cannabis cultivation occurring at the property, from a public right-of-way;
 10. Medical cannabis cultivation is prohibited as a home occupation;

11. No distribution of medical cannabis cultivated for personal use shall be allowed other than as otherwise authorized by this Code;
12. Medical cannabis cultivation shall be an accessory use to a primary residential use on a property within the RS-1 and RS-2 zones, or at a single-family residence within the RM-1, RM-2 or RM-3 zones. Medical cannabis cultivation is not allowed in multi-family developments or in mobile home parks;
13. The cultivation of medical cannabis shall not adversely affect the health or safety of the residents of the property on which it is cultivated, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes pursuant to the standards contained in Chapter 306 Performance Standards of this Code;
14. Medical cannabis cultivation lighting shall not exceed 1,200 watts;
15. The Accessory Structure(s) shall at all times meet the requirements of the latest adopted version of the California Building, Fire, Mechanical, Electrical and Plumbing Codes (collectively California Codes);
16. All electrical equipment used in the cultivation of medical cannabis, (e.g., lighting and ventilation) shall be plugged directly into a wall outlet or otherwise hardwired and permits obtained pursuant to the California Building, Electrical, Mechanical, Plumbing or other state or local laws rules and regulations;
17. Prior to performing any work on electrical wiring/rewiring the applicant shall first obtain a building, mechanical and/or electrical permit from the Building Division;
18. If required by California Building or Fire Code, the wall(s) adjacent to the cultivation area shall be constructed with 5/8-inch Type X moisture-resistant drywall;
19. The growing of medical cannabis outdoors shall comply with the setback requirements for the primary residence on the property subject to the zoning classification of the property;
20. Medical Cannabis plants shall be grown in an area enclosed with a solid view obscuring fence, secured with self-closing and locking gates, and shall not exceed a maximum height of five (5) feet for properties with a six (6) foot tall fence. In the alternative, plants may grow to a maximum height of seven (7) feet if the area is fenced and screened to eight (8) feet in compliance with applicable Development Ordinance and California Building Code standards; and
21. Areas for cultivation of medical cannabis shall be secured, locked, and fully enclosed and rendered inaccessible to minors.

F. Preparation

A qualified patient shall be allowed to prepare for personal use medical cannabis cultivated on the property or within his or her private residence or accessory structure. Preparation of medical cannabis cultivated at the residence shall be in conformance with the following standards:

1. Only medical cannabis cultivated at the residence in conformance with this chapter shall be allowed to be prepared for use at the residence;
2. The primary use of a dwelling unit shall remain at all times a residence with legal and functioning cooking, sleeping and sanitation facilities. Medical cannabis preparation shall remain at all times accessory to the residential use of the property;
3. The medical cannabis preparation shall be in compliance with the current adopted edition of the California Codes;
4. The use of gas products (e.g., CO₂, butane, etc.) for medical cannabis preparation is prohibited;
5. The preparation of medical cannabis shall not adversely affect the health or safety of the residents, residence or accessory building in which it is processed, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes pursuant to the standards contained in Chapter 306 Performance Standards of this Code; and
6. Cultivation of medical cannabis for personal use shall not displace required off-street parking, or violate any other provisions of the Porterville Municipal Code.

G. Medical cannabis preparation is prohibited as a home occupation.

H. No sale or distributing of medical cannabis processed for personal use shall be allowed.

I. Individual Distribution Prohibited. Medical cannabis cultivated or processed for personal use as provided for in this chapter shall not be distributed to any person, cooperative or collective, unless as otherwise proscribed by this Article.

J. Cultivation Permit:

1. Prior to commencing any medical cannabis cultivation, the person(s) owning, leasing, occupying, or having charge or possession of any legal parcel or premises where medical cannabis cultivation is proposed to occur must obtain a medical cannabis cultivation permit from the Community Development Director or his or her designee. The following information will be required with the initial permit application and subsequent permit extensions:
 - a. A notarized signature from the owner of the property consenting to the cultivation of cannabis at the premises on a form acceptable to the City.
 - b. The name of each person owning, leasing, occupying, or having charge of any legal parcel or premises where medical cannabis will be cultivated.
 - c. The name of each qualified patient or primary caregiver who participates in the medical cannabis cultivation.
 - d. A copy of the a current valid medical recommendation or county-issued medical marijuana card for each qualified patient identified as required above, and for each qualified patient for whom any person identified as required above is the primary caregiver.

- e. The physical site address of where the marijuana will be cultivated.
 - f. A signed consent form, acceptable to the City, authorizing City staff, including the Police Department authority, to conduct an inspection of the cultivation area without notice.
 - g. Proof that the applicant and any resident has had no drug related felony convictions within the past seven (7) years.
2. The initial permit shall be valid for no more than two (2) years and may be extended in increments of two (2) years.
 3. To the extent permitted by law, any personal or medical information submitted with a medical cannabis cultivation permit application or permit extension shall be kept confidential and shall only be used for purposes of administering this chapter.
 4. The Zoning Administrator may, in his or her discretion, deny any application for a medical cannabis cultivation permit, or extension thereof, where he or she finds, based on articulated facts, that the issuance of such permit, or extension thereof, would be detrimental to the public health, safety, or welfare. The Zoning Administrator shall deny any application for a medical cannabis permit, or extension thereof, which does not demonstrate satisfaction of the minimum requirements of this chapter. Failure to comply with requirements twice within a permitting period constitutes grounds for permit revocation and serves as a basis for denial of any new application or extension. The denial of any permit application, or permit extension, shall be subject to appeal pursuant to Section 601.11 Appeals.
 5. The City may establish a fee or fees required to be paid upon filing of any application for permit(s) as provided by this Chapter, which fees shall not exceed the reasonable cost of administering this chapter, including but not limited to review of applications for permits, monitoring and inspections, and enforcement costs. Said fee or fees shall be established by Resolution of the City Council.
- K. Medical Cannabis Cultivation or Distribution Facility/Dispensary. Medical cannabis distributing facilities or dispensaries are not a permitted use and are prohibited in any and all zoning designations or districts within the city limits.
- L. Enforcement. Any violation of this chapter is subject to any and all penalties as prescribed in the Porterville Municipal Code, in addition to being subject to other remedies provided by law, including but not limited to, injunctive relief, nuisance abatement action, summary abatement of immediately hazardous conditions, and all other applicable fines, penalties and remedies. This chapter is adopted to address public health and safety issues, and as such, carries with it an express legislative intent to be interpreted strictly, enforced with an emphasis on public and community safety, and enforced rigorously in a manner such as to deter further violations.
- M. Appeals. With the exception of the appeal process set forth in subsection (J)(4) for consideration of applications for permits, any other decisions made by the Zoning Administrator related to the application and enforcement of this Section including, but

not limited to decisions to suspend, revoke or modify a permit, shall be subject to the appeal provisions set forth in Chapter 612 Appeals of the Porterville Development Code.

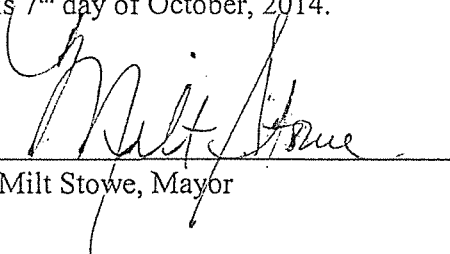
SECTION 5. Series 700: General Terms, Chapter 700.02 is hereby amended to add in alphabetical order "Use, Sensitive" to definitions to read as follows:

Use, Sensitive. Any cemetery/religious institution; school; public building regularly frequented by children; public park; or boys' and girls' club, or similar youth organizations.

SECTION 6: This ordinance shall be in full force and effect not sooner than thirty (30) days from and after the ordinance's publication and passage.

PASSED, APPROVED AND ADOPTED this 7th day of October, 2014.

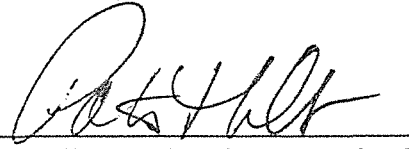
By:


Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By:


Patrice Hildreth, Chief Deputy City Clerk

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

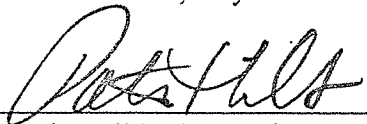
I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1817, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 7th day of October, 2014, 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 November 6, 2014, 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: | REYES | WARD | STOWE | HAMILTON | GURROLA |
|----------|-------|------|-------|----------|---------|
| AYES: | X | X | X | X | X |
| NOES: | | | | | |
| ABSTAIN: | | | | | |
| ABSENT: | | | | | |

JOHN D. LOLLIS, City Clerk


 By: Patrice Hildreth, Chief Deputy City Clerk



CITY OF PORTERVILLE

MEDICAL CANNABIS CULTIVATION PERMIT APPLICATION

Prior to commencing any medical cannabis cultivation, the person(s) owning, leasing, occupying, or having charge or possession of any legal parcel or premises where medical cannabis cultivation is proposed to occur must obtain a medical cannabis cultivation permit from the Community Development Director or his or her designee.

APPLICANT NAME(S), PHYSICAL ADDRESS AND TELEPHONE NUMBER: _____

PROPERTY OWNER NAME(S), MAILING ADDRESS AND TELEPHONE NUMBER: _____

The name of each person owning, leasing, occupying, of having charge of any legal parcel or premises where medical cannabis will be cultivated: _____

The name of each qualified patient or primary caregiver who participates in the medical cannabis cultivation:

Include with the permit application

- A copy of a current valid medical recommendation or county-issued medical marijuana card for each qualified patient identified as required above, and for each qualified patient for whom any person identified as required above is the primary caregiver.
- The attached consent form, signed, authorizing City staff, including the Police Department authority, to conduct an inspection of the cultivation area without notice.
- A background check through the Department of Justice, or other form of proof acceptable to the City Attorney that the applicant and any resident has had no drug related felony convictions within the past seven years.
- Site plan of the proposed cultivation area, including dimensions and all other information required to ensure compliance with Section 301.23(E)

The initial permit shall be valid for no more than two years and may be extended in increments of two years.

FOR OFFICE USE ONLY: _____

Date of Permit Application Submittal: _____ Date of Background Check Review: _____

Permit Reviewed By: _____ Permit Approved By: _____

Date of Approval: _____

**ATTACHMENT
ITEM NO. 2**

TO THE PORTERVILLE CITY COUNCIL:

We, the owners of real property identified within this application, hereby acknowledge and consent to the cultivation of medical cannabis on our property identified as APN _____ and located at _____ (physical address).

OWNER'S DECLARATION

STATE OF CALIFORNIA)

) ss

COUNTY OF TULARE)

I, _____, being duly sworn, declare and say that I am the owner of part (or all) of the property involved and that this application has been prepared in compliance with the requirements of the Porterville City Council as printed herein and that the foregoing information thoroughly and completely, to the best of my ability, presents the argument in behalf of the application except as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at _____ this _____ day of _____, 20_____.

Telephone (_____) _____ Signed _____

Mailing Address _____

STATE OF CALIFORNIA)

) ss

COUNTY OF TULARE)

On _____, 20_____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to within the instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signature on the instrument the person(s) executed the instrument.

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

WITNESS my hand and official seal.

Notary Signature



CITY OF PORTERVILLE

INDEMNIFICATION AGREEMENT

Pursuant to Porterville Municipal Code Chapter 21, Section 601.02(b)(4), and to the fullest extent permitted by law, the "Applicant" (owner of the subject property; and an agent representing the owner, duly authorized to do so in writing by the owner, including a person with a duly executed written contract or exclusive option to purchase the subject property or a lessee in possession of the subject property) hereby agrees to defend, indemnify and hold harmless the City of Porterville, its officers, attorneys, agents, and employees:

1. From any claims, actions, proceedings or liability of any nature (collectively referred to as proceeding) brought against the City or its officers, attorneys, agents or employees, to attack, set aside, void, or annul:
 - a. Any action or decision by City Staff, City Council or any other City entity related to the subject property.
 - b. An action taken to provide related environmental clearance under the California Environmental Quality Act (CEQA) by City Staff, City Council or any other City entity concerning the subject property.

The indemnification is intended to include, but not be limited to, damages, fees, and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, the City, and/or the parties initiating or bringing such proceeding.

2. The Applicant hereby agrees to indemnify the City for all of the City's costs, fees, and damages which the City incurs enforcing the indemnification provisions of this Agreement.
3. In the event of a proceeding, the City retains the right to approve counsel to defend the City, all significant decisions concerning the manner in which the defense is conducted, and any and all settlements, which approval shall not be reasonably withheld. The City has the right not to participate in the defense, except that the City agrees to cooperate with the applicant in the defense of the proceeding. If the City chooses its own counsel to defend the City, the fees and expenses of the counsel selected by the City shall be paid by the City. Notwithstanding the above, if the City Attorney's office participates in the defense, all City Attorney fees and costs shall be paid by the Applicant.
4. The defense and indemnification of the City set forth herein shall remain in full force and effect throughout all stages of litigation, including appeals of any lower court judgments rendered in the proceeding.

Print Name and Date

Signature (Owner or Legal Representative)

Print Name and Date

Signature (Zoning Administrator)

MCCP Number: _____

Project Title: _____

APN: _____

Project Location: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE ADOPTING A FEE FOR PROCESSING AND
ADMINISTERING A MEDICAL CANNABIS CULTIVATION PERMIT

WHEREAS, on October 7, 2014, the City Council of the City of Porterville gave second reading to the draft ordinance concerning medical cannabis cultivation. Implementation of the ordinance requires adoption of application forms and fees, as described in subsection J- Cultivation Permit; and

WHEREAS, Section 301.23 of the Porterville Development Ordinance is pending codification and sets forth a process by which residents of Porterville may cultivate medical cannabis with a physician's recommendation and subject to certain requirements, including a Medical Cannabis Cultivation Permit; and

WHEREAS, based on the information that must be considered in order to duly process such a cultivation permit, the City Council has defined a fee based primarily on hourly cost for staff time, as follows:

Application fee: \$700

The application fee is a flat fee, payable with each permit and/or permit renewal, and is comprised of the following costs:

- Staff time to review the permit application, in context of the permit holder, the cultivation area, and the surrounding uses: \$79/hour * 3 hours = \$237
- City attorney time to review the permit application: \$150/hour * 2 hours = \$300
- Cost for Porterville Police Department to complete background check through the Department of Justice for permit holder: \$40
- Staff time to review background check: \$38/hour * 1 hour = \$38
- Staff time to conduct initial and intermittent site inspections: \$38/hour * 3 hours = \$114

The total cost is actually \$729, but has been rounded down in the initial proposal.

Fee to review background check for each additional adult in the household: \$38

All adult members of the household are required to complete a background check in order to prove, per subsection J (1) g, that "the applicant and any resident has had not drug related felony convictions within the past seven (7) years." The permit holder may select to obtain secondary proof of no drug related felony convictions within the last seven years, but the fee for completion of the background check is included in the application fee. For other adult members of the household, the \$38 cost of staff's review of the background check is required. The \$40 cost of the background check as initiated by the Porterville Police Department may be paid directly to the Police Department for a total cost of \$78; alternatively, the other adult members of the household may choose to obtain the background check through different means.

Re-inspection fee: \$50

A re-inspection fee, in the event that cultivation is not taking place as described in the permit, is \$50 per inspection. Pursuant to Section J (4) of the Medical Cannabis Cultivation Ordinance, failure to comply with requirements twice within a permitting period constitutes grounds for permit revocation and serves as a basis for denial of any new application or extension.

And;

WHEREAS, on October 21, 2014, the City Council reviewed the Medical Cannabis Cultivation Permit fee and determined that fees of \$700, \$38, and \$50, respectively, are justifiable given the amount of effort put forth to provide the services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Porterville that the fee for application for a Medical Cannabis Cultivation Permit as required by Section 301.23 of the Porterville Development Ordinance is adopted as follows: application fee of \$700, \$38 per additional adult in the household, and a \$50 re-inspection fee.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

PUBLIC HEARING

SUBJECT: CONSIDERATION OF A CONDITIONAL USE PERMIT (PRC 2014-011-C) TO ALLOW THE UPGRADE TO A TYPE 21 GENERAL OFF-SALE LICENSE FOR ALCOHOL SALES LOCATED AT 1187 WEST HENDERSON AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit to upgrade the current Type 20 (beer and wine) license to a Type 21 (general) alcohol license in conjunction with reconfiguration of site improvements at JJ's Market, located at 1187 West Henderson Avenue. In addition to the upgrade of the alcohol beverage license, the applicant is proposing a complete demolition and reconstruction of the buildings on site, except the fuel pumps and canopy, which will remain in the current configuration.

Although ownership has changed through the years, the business has been in operation since 1987, and at that time obtained a Conditional Use Permit for approval to develop a self-service gasoline facility in conjunction with a convenience market and self-service car wash. According to records on file with the State of California Department of Alcohol Beverage Control (ABC), this business location has maintained a Type 20 Off-Sale Beer and Wine license since December 1987. At that time, the City of Porterville did not require that businesses engaged in the off-sale of alcoholic beverages obtain a Conditional Use Permit. As a result, JJ's Market has maintained legal non-conforming status relative to sale of alcoholic beverages for off-site consumption since it originally opened. With the requested upgrade in license type from Type 20 Beer and Wine to Type 21 General, a Conditional Use Permit is required. It is important to note that the applicant has a current, valid license with the ABC. As such, approval of the proposed project would not result in an increase of ABC licenses within the census tract.

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

RECOMMENDATION: That City Council adopt the draft resolution approving the Conditional Use Permit (PRC 2014-011-C) subject to conditions of approval.

ATTACHMENT: Complete Staff Report

DD 9B Appropriated/Funded N/A CM J Item No. 9

CITY COUNCIL AGENDA: OCTOBER 21, 2014

PUBLIC HEARING

SUBJECT: CONSIDERATION OF A CONDITIONAL USE PERMIT (PRC 2014-011-C) TO ALLOW THE UPGRADE TO A TYPE 21 GENERAL OFF-SALE LICENSE FOR ALCOHOL SALES LOCATED AT 1187 WEST HENDERSON AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT/AGENT:

Mike Dakhil
1187 W Henderson Avenue
Porterville, CA 93257

Hillman Building Designers
34583 Hwy 190
Springville, CA 93265

PROJECT DESCRIPTION:

The applicant is requesting approval of a Conditional Use Permit to upgrade the current Type 20 (beer and wine) license to a Type 21 (general) alcohol license in conjunction with reconfiguration of site improvements at JJ's Market, located at 1187 West Henderson Avenue. In addition to the upgrade of the alcohol beverage license, the applicant is proposing a complete demolition and reconstruction of the buildings on site, except the fuel pumps and canopy, which will remain in the current configuration.

Although ownership has changed through the years, the business has been in operation since 1987, and at that time obtained a Conditional Use Permit for approval to develop a self-service gasoline facility in conjunction with a convenience market and self-service car wash. According to records on file with the State of California Department of Alcohol Beverage Control (ABC), this business location has maintained a Type 20 Off-Sale Beer and Wine license since December 1987. At that time, the City of Porterville did not require that businesses engaged in the off-sale of alcoholic beverages obtain a Conditional Use Permit. As a result, JJ's Market has maintained legal non-conforming status relative to sale of alcoholic beverages for off-site consumption since it originally opened. With the requested upgrade in license type from Type 20 Beer and Wine to Type 21 General, a Conditional Use Permit is required. The draft resolution (Attachment 1) includes conditions of approval to ensure operation of the business complies with state and local regulations regarding sale of alcohol, as well as conditions that protect the public's safety and welfare. It is important to note that the applicant has a current, valid license with the ABC. As such, approval of the proposed project would not result in an increase of ABC licenses within the census tract (Attachment 2).

Additionally, as referenced above, the applicant is proposing a complete demolition and reconstruction of the buildings on the 24,500± square foot site (APN 251-120-003). The current development includes a 3,700± square foot market that is backed up to the northwest corner, a car wash area under a 2,000± square foot canopy in the southeast corner, and four self-service fuel pumps under a 1,350± square foot canopy near the northeast corner of the property. Drive approaches onto Henderson Avenue and Prospect Street would remain as they are constructed, and the fuel pumps, canopy, and appurtenances will not change; otherwise, the site will be almost entirely demolished and reconstructed as shown in Attachment 3.

The carwash and drying canopy will be demolished and will no longer be included in the business model. The new building will be located in the southeast corner of the property and include three tenant spaces. The largest space, at 2,960± square feet would serve as the new market; two other tenant spaces, 1089± square feet each, will provide opportunity for additional retail or services at the location. Tenants for the two smaller spaces have not yet been named, and any future occupation of those areas would require review by staff for use type and tenant improvements subject to the Development Ordinance and California Building Codes, respectively.

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

GENERAL PLAN CLASSIFICATION: Retail Centers

ZONING CLASSIFICATION: CR (Retail Centers)

SURROUNDING ZONING AND LAND USES:

- North: CR (Retail Centers)
- West: CR (Retail Centers)
- South: CR (Retail Centers)
- East: PD (Planned Development - Retail Centers)

LEGAL NOTICE:

| Date Environmental Document Distributed | Date Notice Published in Porterville Recorder | Date Notice Mailed to Property Owners within 300 feet of property |
|---|---|---|
| Item deemed Categorically exempt. Notice of Exemption mailed upon Council decision. | October 11, 2014 | October 10, 2014 |

ENVIRONMENTAL REVIEW:

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

RECOMMENDATION: That City Council adopt the draft resolution approving the Conditional Use Permit (PRC 2014-011-C) subject to conditions of approval.

- ATTACHMENTS:
1. Draft Resolution containing findings in support of approval for Conditional Use Permit 2014-011-C for a Type 21 off-sale general license
 2. Department of Alcoholic Beverage Control Licenses per Census Tract

3. Site Plan
4. Project Locator Map
5. General Plan Land Use Map
6. Zoning Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN
SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT 2014-011-C
TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES UNDER AN OFF-SALE TYPE 21
GENERAL ALCOHOL LICENSE AT THE SOUTHEAST CORNER OF HENDERSON
AVENUE AND PROSPECT STREET

WHEREAS: The applicant is requesting approval of Conditional Use Permit 2014-011-C to allow the sale of beer and wine under a Type 21 off-sale alcohol license at the southeast corner of Henderson Avenue and Prospect Street in the CR (Retail Centers) Zone; and

WHEREAS: The applicant's business has been in operation since 1987, at which time it received a resolution of approval (Resolution 28-87) for Conditional Use Permit 1-87 and Design Overlay Site Review 1-87 for development of a self-service gasoline facility in conjunction with a convenience market and self-service car wash. Conditions of approval at that time related to the proposed development, safety and environmental conditions related to the fuel dispensers, and food service facilities within the convenience market. Resolution 28-87, approving Conditional Use Permit 1-87 is not affected by the proposed Conditional Use Permit, aside from revised conditions associated with physical improvements on the site; and

WHEREAS: The business has been operational with a valid Alcohol Beverage Control Board license consistently since 1987, prior to the City's adoption of an ordinance requiring conditional use permits for off-sale alcohol licenses, and as such is a legal, non-conforming use. The proposed site improvements and upgrade from a Type 20 to a Type 21 license prompts a requirement to legalize the use by obtaining a conditional use permit; and

WHEREAS: The applicant has a current, valid license with the State of California Department of Alcohol Beverage Control (ABC). As such, approval of the proposed project would not result in an increase of ABC licenses within the census tract, nor will it result in an overconcentration of licenses within the census tract; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 21, 2014, conducted a public hearing to consider Conditional Use Permit 2014-011-C; and

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

WHEREAS: Section 301.02 of the Porterville Development Ordinance requires Conditional Use Permit approval for any use involving the sale of alcoholic beverages under an on-sale or off-sale license; and

WHEREAS: The City Council made the following findings:

**ATTACHMENT
ITEM NO. |**

1. Approval of the Conditional Use Permit 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, as follows:
 - LU-G-1 Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the city.
 - LU-G-21 Attract and retain specialty retail and restaurant businesses that will enhance Porterville's unique character.
 - ED-G-7 Create an image for Porterville that will attract and retain economic activity.
2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan and with any other applicable plan adopted by the City Council.

The General Plan and Zoning Map designates the proposed project site as Retail Centers (CR). The proposed project promotes and implements the specific purposes of the Retail Centers Zone, including the following purposes as set forth in Section 203 of the Development Ordinance:

- To strengthen the city's economic base and provide employment opportunities for residents of the city.
- To maintain areas for regional shopping centers located at major circulation intersections.
- Ensure the provision of services and facilities needed to accommodate planned population densities.

WHEREAS: The proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity. Conditions of approval are included to ensure applicable development standards are met; and

WHEREAS: The subject site is located in Census Tract 36.02 which allows, according to the ABC, seven off-sale licenses. At present, seven off-sale licenses exist in this census tract, one of which is the subject business. Approval of this Conditional Use Permit will serve to legalize an existing non-conforming use, but will not result in an over concentration of off-sale licenses.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 2014-011-C subject to the following conditions:

1. No advertising of alcoholic beverages shall be placed on the exterior of the building nor seen from the public right of way (i.e. no window advertising or digital signage).

2. That 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 sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the Conditional Use Permit as provided in Section 601.12 of the Porterville Development Ordinance.
3. Compliance with all applicable development and access laws, both State and Federal, is required.
4. Physical modifications to the site shall comply with the site plans and designs submitted, as represented in Exhibit A. Any substantial modification of these plans shall be approved by the City Council. The development will be required to adhere to the represented building articulations shown, including (but not limited to) the general palette of colors, indentation in plane, stone façade columns, and contrasting color of awnings above doors and windows.
5. The developer/applicant shall keep and maintain the beer, wine, and distilled spirits in the areas identified on Exhibit B. Any expansion or relocation of same shall be approved by the City Council.
6. That the on-site consumption of alcoholic beverages shall be prohibited.
7. The Conditional Use Permit, approving off-site alcohol sales, will be subject to modification or revocation if the State of California imposes sanctions on the off-sale license.
8. The Conditional Use Permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year. The Conditional Use Permit will expire when the use ceases to operate for one year or more.
9. The use shall be conducted in compliance with all applicable local, state and federal regulations.
10. Abandonment. Any service station shall in the case of abandonment or non-operation of the primary use be dismantled and the site cleared within twelve (12) months subsequent to the close of the last business day.
11. The existing fuel canopy must be updated to be architecturally compatible with the proposed main building structure.
12. Lighting shall be designed to be low-profile, indirect or diffused, create a pleasing appearance, and avoid adverse impacts on surrounding uses.

13. The development shall comply with the Development Ordinance; specific points were outlined through the Project Review Committee process. Additional detail will be provided through the building permit process.
14. 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. A minimum of four feet (4') of clear space in the sidewalk area must be provided around obstructions. 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 or by constructing an accessible path around each driveway. A pedestrian easement(s) may be required if right of way is limited. The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit legal descriptions necessary to dedicate pedestrian easements to the City for public use, if applicable. The easement(s) shall be approved prior to the issuance of a building permit.
15. 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.
16. The developer/applicant shall provide a site plan that illustrates truck-turning movements where applicable within the parking lot. The site plan shall be approved prior to issuance of a building permit application.
17. The Police Department recommends consideration of an interior and exterior video monitoring system which is capable of recording activity in and around the establishment. Such a system should be capable of immediate on-site replay/review.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.

By: _____

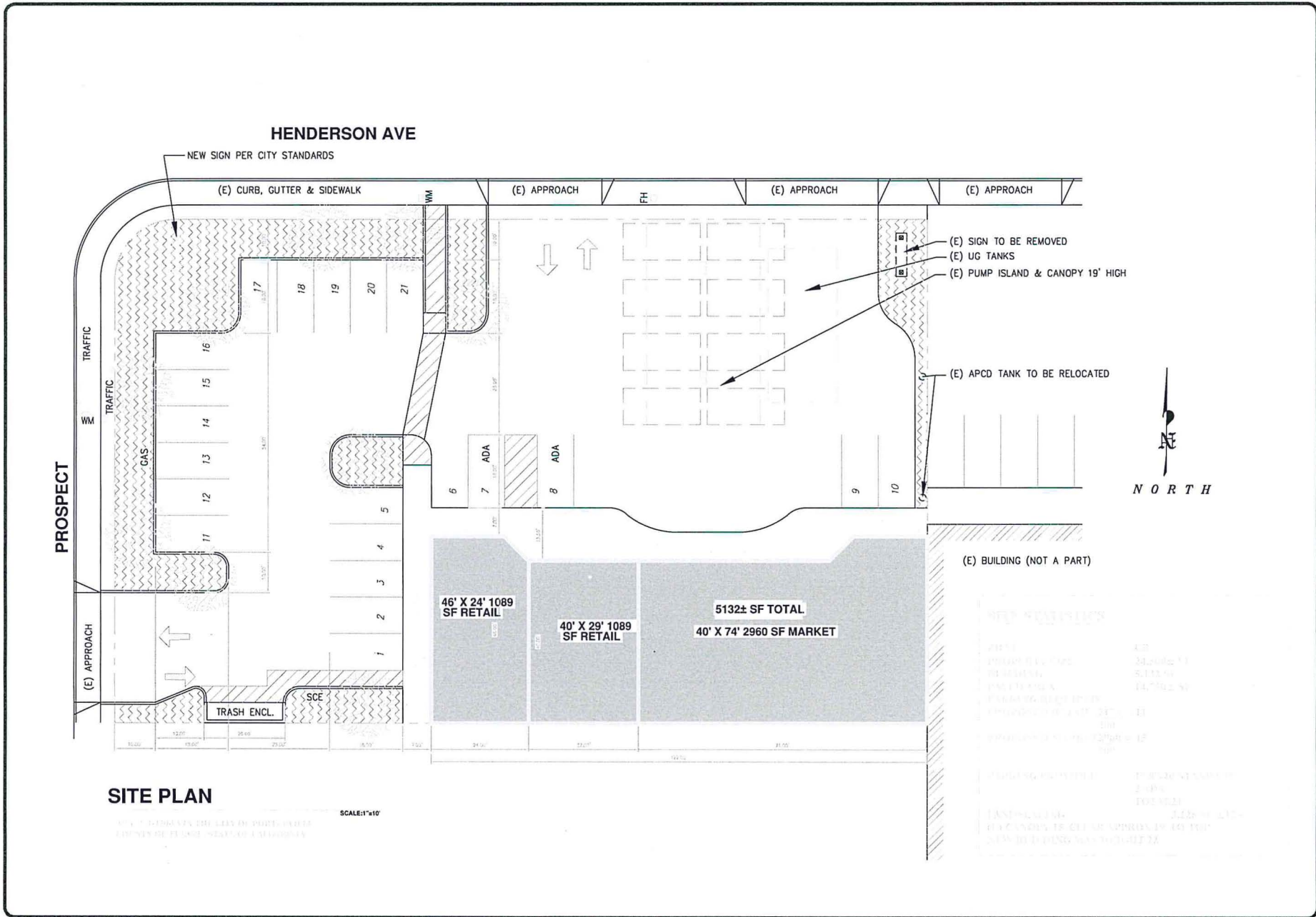
Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk



| REVISIONS | BY |
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 Email: hillmandesign@ecner.net

PROPOSED NEW MINI MART AND RETAIL FOR:
JU'S MINI MART

| | |
|-------|----------|
| DATE | 03-26-14 |
| SCALE | NONE |
| DRAWN | MHL |
| CHK | 13019 |
| SHEET | |

A-1

PLOT: 08-5-14



Exhibit A-2

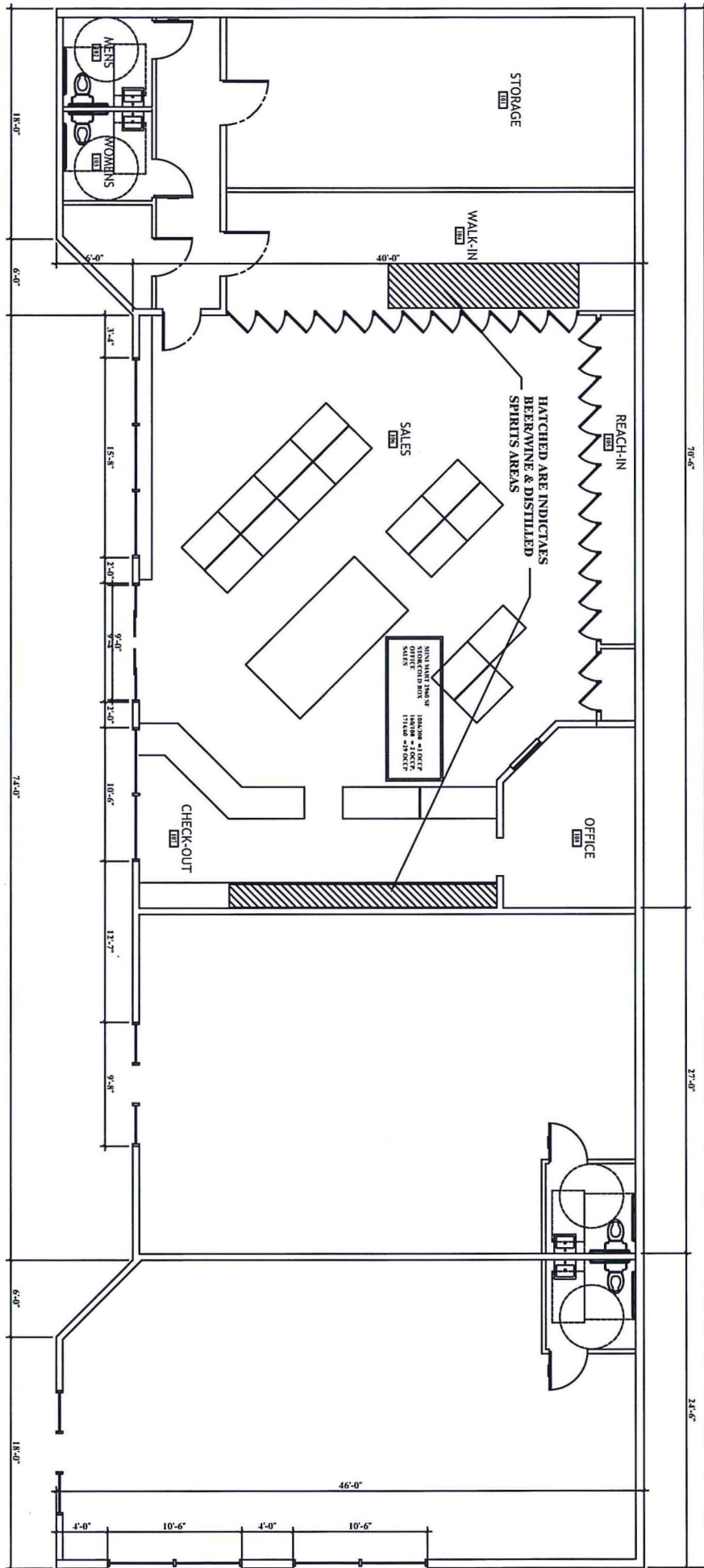


Exhibit B

RESOLUTION NO. 28-87

CONDITIONAL USE PERMIT 1-87
"D" OVERLAY SITE REVIEW 1-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF THE
APPROVAL OF A SELF-SERVICE GASOLINE FACILITY IN
CONJUNCTION WITH A CONVENIENCE MARKET AND SELF-SERVICE
CAR WASH, LOCATED ON THE SOUTHEAST CORNER OF PROSPECT
~~STREET AND HENDERSON AVENUE~~

WHEREAS: The City Council at its regularly scheduled meeting of March 17, 1987 held a public hearing to consider approval of a conditional use permit and "D" overlay site review to allow a self-service gasoline facility in conjunction with a convenience market and self-service car wash in the C-2 (D) zone at the southeast corner of Prospect Street and Henderson avenue; and

WHEREAS: The City Council received testimony from interested parties relative to the subject conditional use permit, which was combined with the site review to provide for expeditious processing and consideration; and

WHEREAS: The City Council reviewed the proposed locations of the four (4) remote controlled, self-service gasoline pumps and three (3) underground storage tanks in relation to the proposed market and car wash and found the on-site parking, landscaping and development proposal to be adequate for the proposed use and in keeping with the requirements of the Design Review Overlay as it applies to such commercial developments; and

WHEREAS: The City Council considered the following findings in review of the subject project:

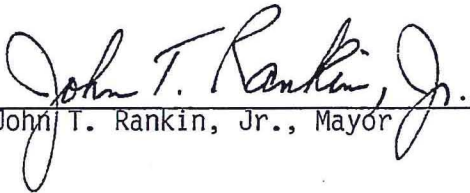
1. That the design and improvement of the proposed project is consistent with the General Plan.
2. That the site is physically suitable for the type and density of the development.

3. That the design of the project and proposed improvements are not likely to cause substantial environmental damage or public health problems.
4. That a Negative Declaration was approved for the project in accordance with the California Environmental Quality Act.
5. That the architectural theme, landscaping design, parking area and locations of structures of the proposed development will be compatible with the area surrounding the subject site.

~~NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council~~
does hereby approve Conditional Use Permit 1-87 and "D" Overlay Site Review 1-87 for a self-service gasoline facility in conjunction with a convenience market and self-service car wash in the C-2 (D) zone, subject to the following conditions:


1. That development shall be in conformance with Sections 79.901 through 79.912 of the 1985 edition of the Uniform Fire Code.
2. That the applicant shall comply with all applicable air pollution control district requirements for vapor recovery, to include permits to construct and operate such equipment.
3. That two sets of plans shall be required when submitting for a building permit.
4. That all plans shall have approval by the Building Inspector, City Engineer and Fire Chief prior to issuance of the building permit.
5. That the air and water dispenser at the southerly property line shall be relocated to an area outside the required loading zone prior to approval of the building permit.
6. That development shall be in strict compliance with plans submitted (Exhibit "A") with the exception of Condition No. 5 herein, including the three (3) plans consisting of the exterior elevations, landscaping diagram and site plan.
7. That development of the subject site shall be in conformance with all applicable City requirements and codes, including but not limited to, the Standard Plans and Specifications, Zoning Ordinance, and Building Code.
8. That the landscaped areas shall be maintained in a neat and viable condition and shall be provided with an appropriate and efficient means of irrigation.

9. That all on-site lighting shall be directed away from adjoining properties and rights-of-way and shall be so designed and located as to preclude glare and visibility impacts on surrounding areas.
 10. That all applicable City fees shall be paid.
 11. That the food service area and related food service facilities shall comply with the requirements of the County Health Department and City Building Inspector.
-
12. That the site shall be maintained in a neat and viable condition and that the operator(s) shall preclude to the extent practicable, the congregation or assemblage of nuisance causing individuals.
 13. That the developer shall make diligent efforts toward obtaining a mutually acceptable vehicular ingress/egress easement from the contiguous property to the east. Should said easement be obtained, the developer shall install a driveway cut from the subject site to said contiguous commercial property to the east allowing free vehicular movement between the proposed and existing commercial developments.



John T. Rankin, Jr., Mayor

ATTEST:



G. G. Haffaker, City Clerk

CUP: RES/1-87

STATE OF CALIFORNIA)
(SS
COUNTY OF TULARE)

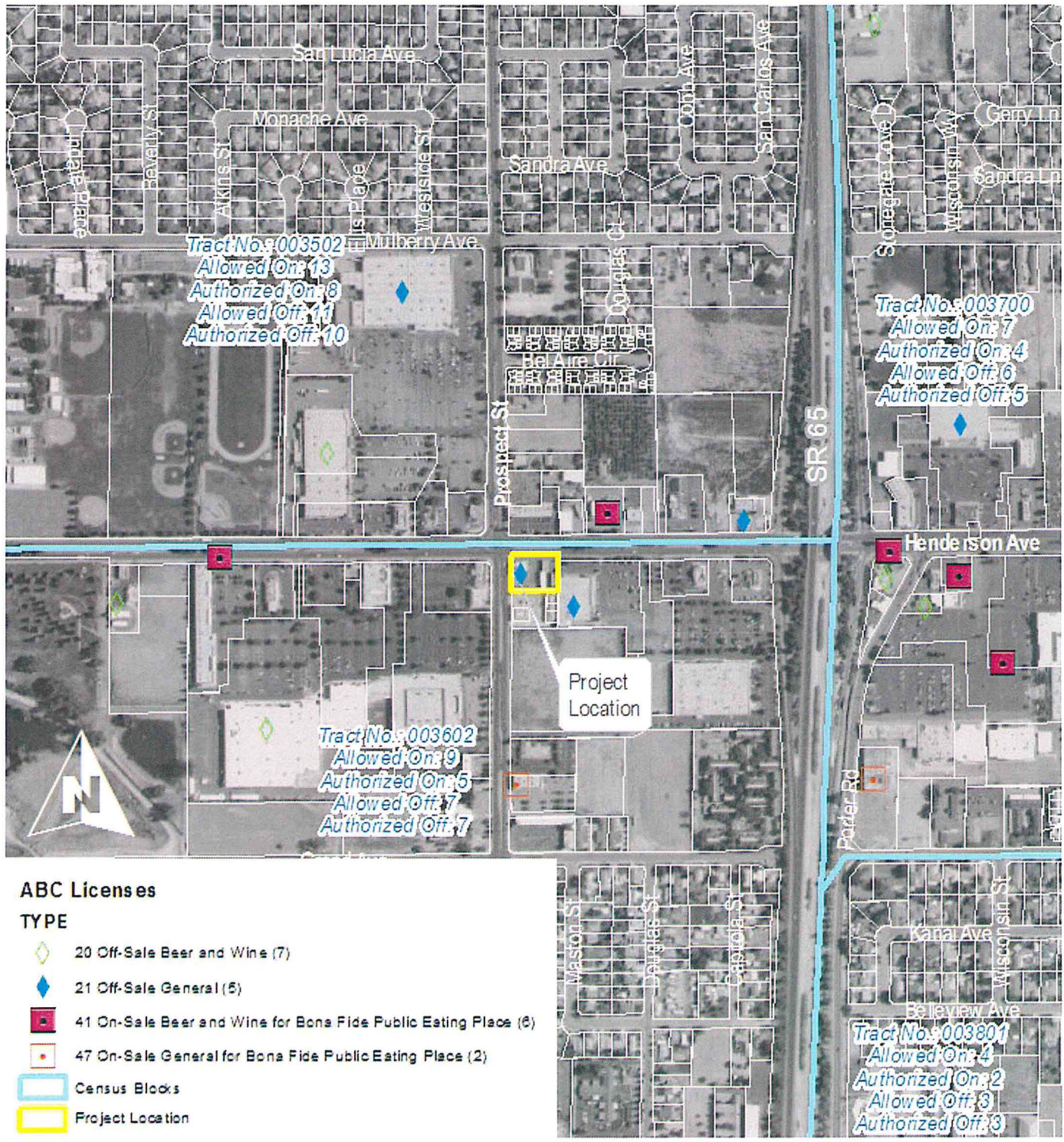
I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville, do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council regularly called and held on March 17, 1987.

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

| COUNCILMEN | PRUITT | BONDS | LEAVITT | ENSSLIN | RANKIN |
|------------|--------|-------|---------|---------|--------|
| AYES | X | X | X | X | X |
| NOES | | | | | |
| ABSENT | | | | | |
| ABSTAIN | | | | | |

C. G. HUFFAKER, City Clerk

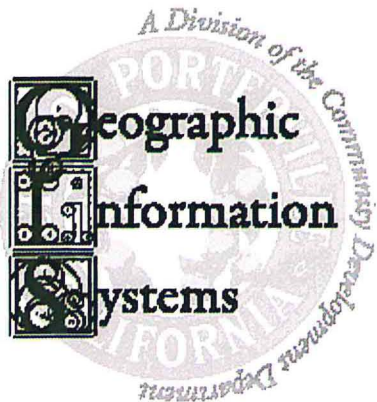
Georgia Hawley
Georgia Hawley, Deputy City Clerk



ABC Licenses

TYPE

- ◆ 20 Off-Sale Beer and Wine (7)
- ◆ 21 Off-Sale General (5)
- 41 On-Sale Beer and Wine for Bona Fide Public Eating Place (6)
- 47 On-Sale General for Bona Fide Public Eating Place (2)
- Census Blocks
- Project Location



PRC 2014-011
JJ's Market Renovations &
Conditional Use Permit for Alcohol Sales
Census Tract Map showing ABC Licenses

1" = 600 ft

**ATTACHMENT
ITEM NO. 2**

| REVISIONS | BY |
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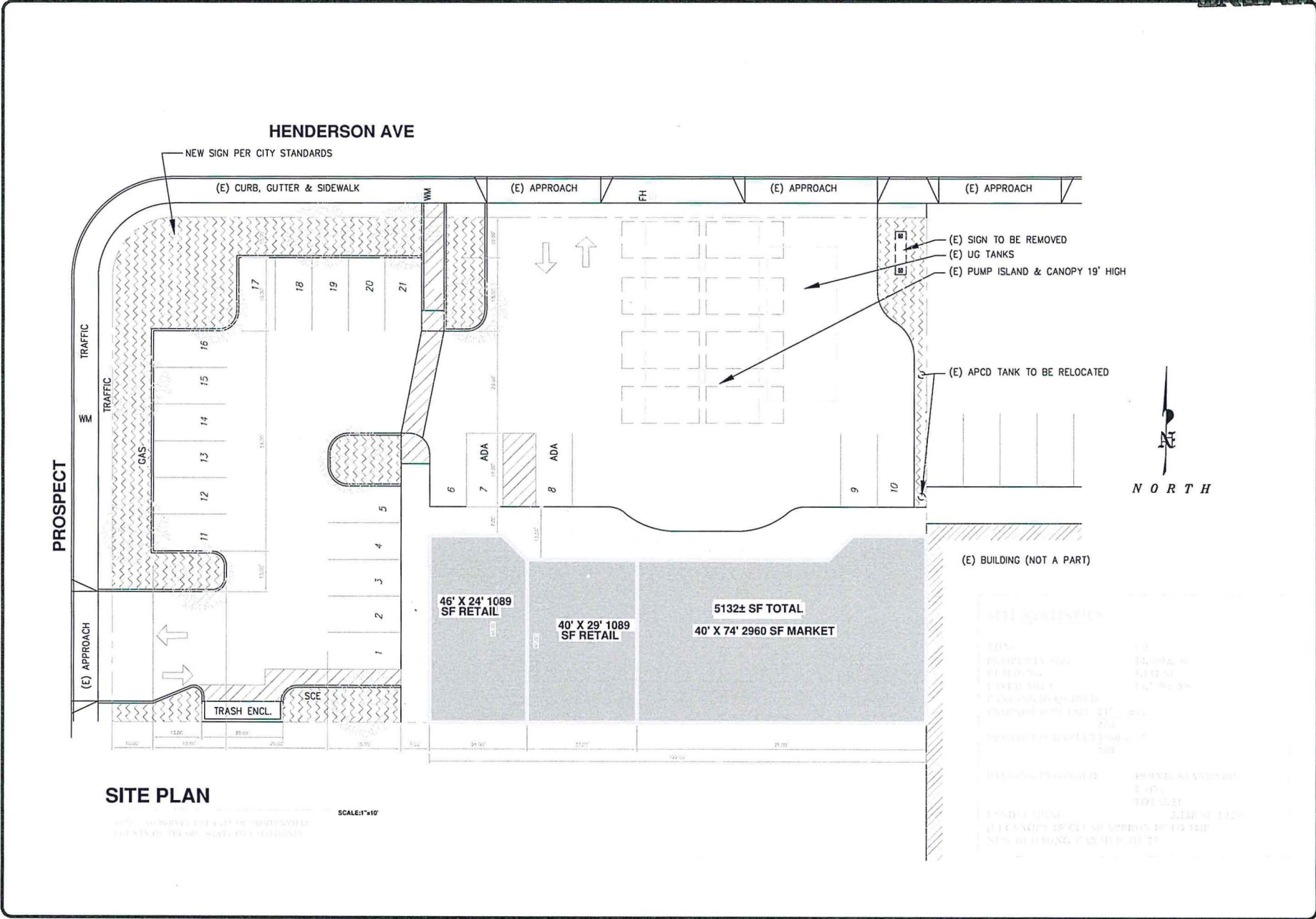
HILLMAN BUILDING DESIGNERS
SPECIALIZING IN CUSTOM DESIGNS
SINCE 1970
14884 Hwy. 1, Suite 200, San Ramon, CA 94583
Phone: (925) 781-2515
Email: hillmandesign@comcast.net

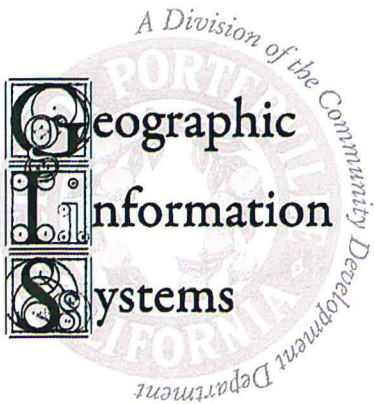
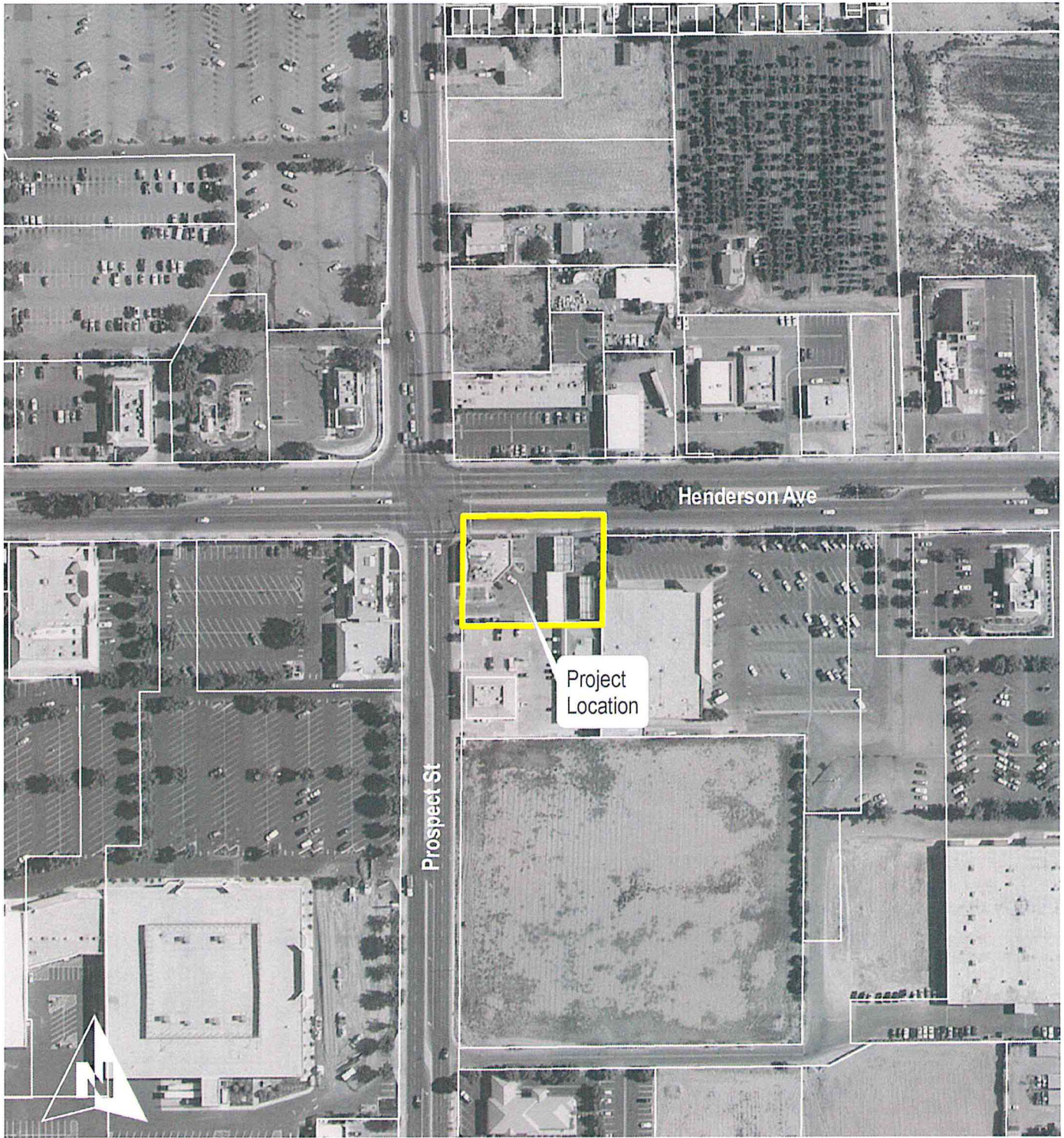
PROPOSED NEW MINI MART AND RETAIL FOR:
JJ'S MINI MART

| | |
|-------|----------|
| DATE | 03-16-14 |
| SCALE | NONE |
| DRAWN | MHL |
| JOB | 13019 |
| SHEET | |

A-1

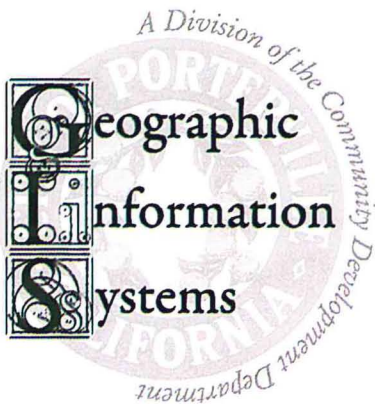
PLOT: 06-15-14



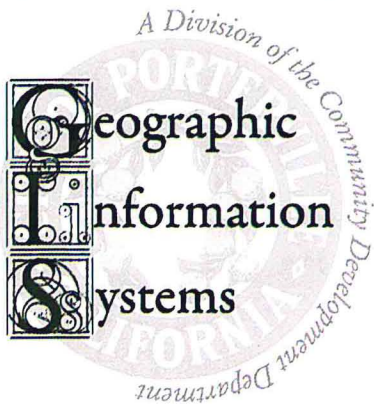


PRC 2014-011
JJ's Market Renovations &
Conditional Use Permit for Alcohol Sales
Locator Map
1" = 200 ft.

ATTACHMENT
ITEM NO. 4



PRC 2014-011
JJ's Market Renovations &
Conditional Use Permit for Alcohol Sales
General Plan Land Use Map
1" = 200 ft. ATTACHMENT
ITEM NO. 5



PRC 2014-011
JJ's Market Renovations &
Conditional Use Permit for Alcohol Sales
Zoning Map
1" = 200 ft. ATTACHMENT
ITEM NO. 6

COUNCIL AGENDA – OCTOBER 21, 2014



SUBJECT: SECOND READING – ORDINANCE 1818, AMENDING THE PORTERVILLE DEVELOPMENT ORDINANCE

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK DIVISION

COMMENT: Ordinance No. 1818, An Ordinance of the City Council of the City of Porterville Amending the Porterville Development Ordinance to Amend the Definition of Commercial Entertainment Uses and Adjust the Zone Districts within which Commercial Entertainment and Trade Schools are Allowed, was given first reading on October 7, 2014, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1818, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1818

| | | |
|--|----------------------------------|---|
|  Dir | <i>N/A</i> Approp./ Funded |  CM |
|--|----------------------------------|---|

Item No. 10

ORDINANCE NO. 1818

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT
ORDINANCE TO AMEND THE DEFINITION OF COMMERCIAL ENTERTAINMENT
USES AND ADJUST THE ZONE DISTRICTS WITHIN WHICH COMMERCIAL
ENTERTAINMENT AND TRADE SCHOOLS ARE ALLOWED

WHEREAS: On October 7, 2014, the City Council at its regularly scheduled meeting, held a public hearing to consider an amendment to the Porterville Development Ordinance;

WHEREAS: The proposed text amendment was discussed at a Project Review Committee meeting on September 24, 2014, where staff expressed no concerns with the proposal; and

WHEREAS: The Zoning Administrator determined the proposal complied with Chapter 608 Amendments to Zoning Map and Text of the Porterville Development Ordinance and determined the application to be complete; and

WHEREAS: Based on analysis conducted regarding trade schools and their potential effect on adjacent properties, the Council made the following finding in support of the text amendment: trade schools vary greatly in use intensity and type, but through a Conditional Use Permit process, the City of Porterville could establish and enforce conditions of approval to insure that the design and operations of a trade school would not have a significant effect on adjacent properties or the remainder of the community within the CR (Retail Centers) and PO (Professional Office) zone districts; and

WHEREAS: Pursuant to State and local environmental regulations, the proposed ordinance serves to provide greater clarity to uses as identified in the Porterville 2030 General Plan, and the proposed ordinance is an implementation measure of the policies, goals and objectives of the Plan. The Environmental Coordinator made a determination on the basis of substantial evidence that no additional environmental review is necessary beyond the environmental review already considered for the General Plan and the Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt Ordinance No. 1818 amending the Porterville Municipal Code to amend the definition of Commercial Entertainment uses and adjust the zone districts within which Commercial Entertainment and Trade Schools are allowed, as follows:

SECTION 1:

1. Amend Table 203.02 LAND USE REGULATIONS - COMMERCIAL DISTRICTS to add as follows:

| Public and Semi-Public Uses | | | | | |
|---|----|----|----|-----|------------------------|
| Use Classification | CN | CR | CG | CMX | Additional Regulations |
| Colleges and Trade Schools, Public or Private | - | C | C | C | |

2. Amend Table 204.02 LAND USE REGULATIONS – EMPLOYMENT DISTRICTS to add as follows:

| Public and Semi-Public Uses | | | | | |
|---|----|----|----|----|------------------------|
| Use Classifications | PO | IP | IG | IA | Additional Regulations |
| Colleges and Trade Schools, Public or Private | C | P | - | - | |

3. Amend Section 701.02 to modify the following definitions:

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment to the general public.

Large-scale. This classification includes large outdoor facilities such as amusement and theme parks, casinos, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses, and facilities with fifty thousand (50,000) square feet or more in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges; riding stables; campgrounds; stables, etc. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Small-scale. This classification includes indoor facilities that occupy less than fifty thousand (50,000) square feet of building area, such as billiard parlors, card rooms, health clubs, fitness centers, gymnasiums, handball, racquetball; ice or roller skating rinks; swimming or wave pools; miniature golf courses, bowling alleys, dance halls, small tennis club facilities, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

SECTION 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 21st day of October, 2014.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

CITY COUNCIL AGENDA: OCTOBER 21, 2014

SCHEDULED MATTER

SUBJECT: ANNEXATION AND MUNICIPAL SERVICES – UPDATE OF POLICIES AND PROCEDURES

SOURCE: Community Development Department - Planning Division

HISTORY: On September 16, 2014, the City Council reviewed broad, conceptual concerns relative to the existing policies and procedures for annexation and municipal services. At that meeting, Council supported staff's goal, and requested that proposed amendments be defined and brought back at a future meeting.

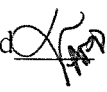
ANALYSIS: Staff has identified a number of issues resulting from current policies and implementation procedures. The most prominent concern is that City services are being provided to areas developed within the County to urban densities, often with no legal obligation for those properties to annex. This puts a strain on the limited resources of the City of Porterville, and in time becomes a burden to the residents of the city, who pay additional taxes in order to fund City services and infrastructure.

COMMENT: Central to the function of the Local Agency Formation Commission (LAFCo), is to consider boundary amendments that support the need for organized community services. When appropriate, areas receiving those community services should be annexed into the jurisdiction providing them. In the recently approved Municipal Services Review (Tulare LAFCo, October 1, 2014), LAFCo recommended that the City continue to pursue the annexation of the remaining "County islands," as administratively feasible, to establish a more definitive and organized City Limit Boundary.

It is in the City's best interest to annex properties that receive municipal services, so as to gain the Utility Users Tax and the albeit limited property tax revenue for those properties. While annexation of already developed and distressed areas is an understandable concern, much of the time the City is already fiscally responsible for the infrastructure and services within those areas. Staff's position is that the most effective solution to the needs of the developed unincorporated communities within and surrounding the city limits is to annex the areas and manage land uses to the standards expected of the City of Porterville.

The proposed policy amendments favor annexation over extension of extra-territorial service agreements (ESA). In situations where annexation is not feasible - for example, if a parcel is outside the Urban Development Boundary, the parcel is too distant from the city limit to have a reasonable chance at successful annexation, or the annexation attempt has failed - the extension of municipal services may still be considered subject to specific provisions.

DD 
ADJUTANT

Appropriated/Funded 

CM 

Item No. 11

Within the proposed policy amendment, staff recommends a series of considerations and conditions prior to the extra-territorial provision of services. Most notable is the requirement that the property owner requesting non-regional services apply for a Development Agreement, which would be recorded upon the property title and protect the City's interests in the property as it relates to the requested service by identifying property improvements and land uses, and limiting expansion of either without consent from the City of Porterville. Another key update is the requirement for an "irrevocable agreement to annex," which would also be recorded on the title of the property. These two documents, which would be required of any property receiving services without first completing annexation, would significantly strengthen the City's ability to secure land uses and future growth as supported by city infrastructure.

FEES: An appropriate consideration with the comprehensive update to the annexation policies and procedures are applicable fees. Currently, City staff spends approximately three hours per Extra-territorial Service Agreement application reviewing the materials and preparing for submittal to LAFCo. It seems reasonable to establish an appropriate fee for this effort. To support the revised policy's position in favor of annexation, staff has looked into a tiered fee schedule for annexation applications.

In addition to the application fees described above, two new concepts are presented for consideration in situations where properties would not be annexed: the Development Agreement and a proposed fee deposit into an escrow account to offset the cost of eventual annexation once certain thresholds are met. There are also two documents with the new application requirements for extra-territorial service agreements that would require recordation by Tulare County. While the City would not establish a fee for the recordation, the County does charge for this process.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution defining objectives and policies for annexations and municipal services;
2. Adopt the draft resolution establishing procedures for annexations and extension of municipal services;
3. Direct the Zoning Administrator to amend and/or create forms and applications as needed to implement the draft resolutions; and
4. Direct staff to review fees associated with processing annexations and extra-territorial service agreements, and an appropriate fee for the escrow fund for future annexations, and bring back a report with recommendations to the City Council at the next meeting.

ATTACHMENT: Complete Staff Report

CITY COUNCIL AGENDA: OCTOBER 21, 2014

STAFF REPORT

SUBJECT: ANNEXATION AND MUNICIPAL SERVICES – UPDATE OF POLICIES AND PROCEDURES

SOURCE: Community Development Department - Planning Division

HISTORY: On September 16, 2014, the City Council reviewed broad, conceptual concerns relative to the existing policies and procedures for annexation and municipal services. While much of the existing policy is fundamentally correct and still in use, the implementation of the policies has evolved since initial adoption, and recent trends in applications underscores the need to have a renewed objective. At that meeting, Council supported Staff's goal, and requested that proposed amendments be defined and brought back at a future meeting.

ANALYSIS: Staff has identified a number of issues resulting from current policies and implementation procedures. The most prominent concern is that City services are being provided to areas developed within the County to urban densities, often with no legal obligation for those properties to annex. This puts a strain on the limited resources of the City of Porterville, and in time becomes a burden to the residents of the city, who pay additional taxes in order to fund City services and infrastructure.

Other points that staff identifies as relevant to gain a general understanding of the need to update the City's Annexation and Municipal Services Policy and Procedures Manual include:

- Water provided to County residents impacts the City's water system. Approval of extra-territorial service connections have occurred at an unsustainable rate over the last few decades, resulting in over 1,000 connections beyond the city limits - 1,160 total. It should be noted that approximately 480 of those connections resulted from purchase of deficient private water systems. Nevertheless, in just the last month, six Extra-territorial Service Agreements (ESAs) were approved for individual parcels by using the parameters established in the current policy. Two were within a completely surrounded island west of North Main Street, but due to the recent denial of that annexation attempt, an ESA was approved instead. Three others were in an area proposed for annexation as a condition of provision of water for a private water company, the Akin Water Company near Gibbons Avenue and Plano Street. Due to significant outcry from the surrounding area, that water company's annexation attempt was halted and instead they were directed to request an ESA, which was approved by the City Council on the October 7, 2014 agenda. Rather than one annexation, the City has processed multiple ESAs within this area to date.
- Many of the aforementioned properties receiving water (and other services) are in areas that could reasonably be annexed, either by using the island provision

of LAFCo law, or through cumulative land valuation of those properties receiving City services.

- When areas are provided municipal services but are not annexed, the City—through a longstanding agreement with Tulare County - assumes responsibility to maintain roads within which municipal utility main lines exist. For example, when the City constructed a three million gallon water storage tank on Martin Hill, the County required the City to take over responsibility for maintaining the approximately 5,043 lineal feet of roads on Yates (1080 ft), Roche (680 ft), Worth (2389 ft), and Plano (894 ft).
- Urban densities of development have greater needs for police and fire services, whether within or outside of city limits. The Porterville Police Department regularly assists the Sheriff’s Department or the California Highway Patrol when they request assistance, typically in order to provide backup while those officers investigate. Similarly, within its response area, the Porterville Fire Department provides assistance (commonly referred to as “automatic aid”) to the Tulare County Fire Department. In 2013, Porterville Fire Department was dispatched to 50 fires in response to an automatic aid request. This equates to nearly 19% of the Department’s fire related calls.
- The total estimated land valuation of properties currently receiving extra-territorial water service from the City of Porterville is approximately \$75,800,000. Based on the current tax sharing agreement in place between the County of Tulare and the City of Porterville, the City’s share of the tax revenue of those properties would be approximately \$22,740 annually. If those properties had been annexed prior to development, the tax revenue would have been approximately \$45,000.

COMMENT: Central to the function of LAFCo is to consider boundary amendments that support the need for organized community services. When appropriate, areas receiving those community services should be annexed into the jurisdiction providing them. In the recently approved Municipal Services Review (Tulare LAFCo, October 1, 2014), LAFCo recommended that the City continue to pursue the annexation of the remaining “County islands,” as administratively feasible, to establish a more definitive and organized City Limit Boundary.

To this end, staff at both agencies have discussed a potential modification to Policy C-9 of the Tulare LAFCo Policy and Procedures Manual. Policy C-9 is the local implementation policy of AB 1555, the legislation that provides a simplified process for annexation of areas “substantially surrounded” by city limits, commonly referred to as islands. Subsection 9.3 of Tulare LAFCo’s Island Annexation Policy defines “substantially surrounded” as 65% or more surrounded. Attachment 3 presents a letter for the Council’s consideration that would ask Tulare LAFCo to reduce the definition of “substantially surrounded” from 65% surrounded to 51% surrounded. If approved, such an amendment would present a more simplified and less expensive application process for some unincorporated

developed communities immediately adjacent to the current city limits; for a representation of those areas, see Attachment 3, Enclosure: Porterville Islands.

It is in the City's best interest to annex properties that receive municipal services, so as to gain the Utility Users Tax and the albeit limited property tax revenue for those properties. While annexation of already developed and distressed areas is an understandable concern, much of the time the City is already fiscally responsible for the infrastructure and services within those areas. Staff's position is that the most effective solution to the needs of the developed unincorporated communities within and surrounding the city limits is to annex the areas and manage land uses to the standards expected of the City of Porterville.

The proposed policy amendments favor annexation over extension of extra-territorial services. The revised policies achieve this by requiring, in most situations, an annexation application to be filed and processed prior to approval of an extra-territorial service connection within the Urban Development Boundary. This eliminates a previously defined exception that allowed individual residential lots to connect to municipal services without attempting annexation. In situations where annexation is not feasible - for example, if a parcel is outside the Urban Development Boundary, the parcel is too distant from the city limit to have a reasonable chance at successful annexation, or the annexation attempt has failed - the extension of municipal services may still be considered subject to specific provisions.

Within the proposed policy amendment, staff recommends a series of considerations and conditions prior to the extra-territorial provision of services. Most notable is the requirement that the property owner requesting non-regional services apply for a Development Agreement, which would be recorded upon the property title and protect the City's interests in the property as it relates to the requested service by identifying property improvements and land uses, and limiting expansion of either without consent of the City of Porterville. Another key update is the requirement for an "irrevocable agreement to annex," which would also be recorded on the title of the property. These two documents, which would be required of any property receiving services without first completing annexation, would significantly strengthen the City's ability to secure land uses and future growth as supported by City infrastructure. The proposed form of these documents, as well as updated formats of the existing annexation applications, are included in Attachment 4.

FEES: An appropriate consideration with the comprehensive update to the annexation policies and procedures are applicable fees. The current approximate cost of an annexation application totals \$5,525, which includes \$3,670 for the annexation application, \$750 for Project Review Committee consultation, and a minimum of \$1,105 in environmental compliance documentation. This does not include LAFCo fees or Board of Equalization fees, which together can typically exceed \$5,000, unless the project is an island. By comparison, no fee currently exists for an extra-

territorial service connection, except the physical connection of the site to the system. Only recently, when this policy update was initiated, did staff begin routing extra-territorial service agreements to Tulare LAFCo, in compliance with LAFCo policy. LAFCo has a fee of \$121 plus actual costs in excess of that amount for ESAs processed by the Executive Officer; if an ESA must be considered by the Commission, the fee is \$334, plus actual costs in excess of that amount. Currently, City staff spends approximately three hours per ESA application reviewing the materials and preparing for submittal to LAFCo. It seems reasonable to establish an appropriate fee for this effort.

To support the revised policy's position in favor of annexation, staff has looked into a tiered fee schedule for annexation applications. A "major" annexation could be defined as an annexation of parcels where the applicant controls less than 50% of the properties; this would require additional noticing and public meetings for those other properties within the proposed annexation. A "minor" annexation could be defined as an annexation where the applicant controls 50% or more of the properties included within the proposed annexation. Island annexations would also be defined as "minor" annexations.

In addition to the application fees described above, two new concepts are presented for consideration in situations where properties would not be annexed. The Development Agreement would be an official agreement between the property owner and the City of Porterville, and would be approved in a manner consistent with Chapter 609 of the Development Ordinance. The currently adopted fee for a Development Agreement is \$1211; however, because Development Agreements for Extra-territorial Service Agreements would generally be standardized, a lesser fee could be considered. Another cost associated with extra-territorial service agreements would be a proposed fee deposit into an escrow account to offset the cost of eventual annexation once certain thresholds are met. This cost would likely be established per square footage, and "districts" would be defined for areas where annexation is not immediately possible. District accounts could be established to hold funds deposited with requests for extra-territorial service connections in escrow until such time as a larger property owner or the City selects to pursue annexation of the area.

It should be noted that the two new application requirements for extra-territorial service agreements, the Irrevocable Agreement to Annex and the Development Agreement, both require recordation by Tulare County. While the City would not establish a fee for the recordation, the County does charge for this process.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution defining objectives and policies for annexations and municipal services;
2. Adopt the draft resolution establishing procedures for annexations and extension of municipal services;

3. Direct the Zoning Administrator to amend and/or create forms and applications as needed to implement the draft resolutions; and
4. Direct staff to review fees associated with processing annexations and extra-territorial service agreements, and an appropriate fee for the escrow fund for future annexations, and bring back a report with recommendations to the City Council at the next meeting.

ATTACHMENTS:

1. Draft resolution defining objectives and policies for annexations and municipal services
2. Draft resolution establishing procedures for annexations and extension of municipal services
3. Letter requesting that Tulare County LAFCo consider an amendment to Policy C-9
4. Proposed forms and applications related to annexation and municipal service extensions:
 - a. Irrevocable Agreement to Annex
 - b. Development Agreement Application
 - c. Annexation/Municipal Service Request Application
 - d. Proposal Questionnaire
 - e. Plan for Services
5. September 16, 2014 Staff report

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the city of Porterville to annex to said City of Porterville”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of the city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary, and only in extreme cases to those properties beyond the Urban Development Boundary within the Urban Area Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extra-territorial services and resolve them in the manner most beneficial to the properties within the city of Porterville.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City of Porterville to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County Local Area Formation Commission (LAFCo).

**ATTACHMENT
ITEM NO. 1**

2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, only where necessary in order to respond to an existing or impending threat to public health or safety of affected residents, to consider extra-territorial service requests within the Urban Area Boundary, as adopted by City Council and identified on the City of Porterville Zoning Map.
4. It shall be the policy of the City of Porterville to consider annexation proposals and extra-territorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
5. It shall be the policy of the City of Porterville to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
6. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
7. It shall be the policy of the City of Porterville that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
8. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
9. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
10. It shall be the policy of the City of Porterville to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
11. It shall be the policy of the City of Porterville that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.
12. It shall be the policy of the City of Porterville to consider any requests for annexation or extra-territorial services in a manner consistent with the procedures adopted by resolution of the City Council.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY _____
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF
MUNICIPAL SERVICES

WHEREAS: The City Council of the City of Porterville, acknowledging that over time policies and procedures must be evaluated and reconsidered in light of changes to the regulatory environment and physical setting of the community, adopted a resolution defining objectives and policies for annexations and municipal services; and

WHEREAS: The evaluation of applications and service requests has long been delegated to staff, a practice that has the potential to lend itself to inconsistent implementation of succinctly defined procedures; and

WHEREAS: Local, regional, and state laws have changed since the Council's last review of policies and procedures related to annexations and extension of municipal services.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define procedures to submit application for annexations and municipal services, and to have said application(s) processed as outlined in Exhibit "A," attached.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY _____

Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENT
ITEM NO. 2

All properties requesting annexation or extraterritorial services are subject to the procedures established below unless otherwise stated. Compliance with City of Porterville procedures does not guarantee approval by LAFCo of annexations or extra-territorial service agreements. Upon request for an annexation or extraterritorial services request, staff will evaluate whether the applicant's property is within the City's Urban Development Boundary or Urban Area Boundary and explain the process.

ANNEXATION APPLICATION PROCEDURE

1. A complete annexation application packet includes: fees, an Irrevocable Agreement to Annex, application for Development Agreement (to be enacted only in the event of failed annexation attempt), Application for Annexation, and other materials as required with those applications respectively.
2. On receipt of an application as outlined above, all materials will be considered by the Project Review Committee, who will coordinate in a pre-consultation process with LAFCO staff and the County Public Works Department for review and recommendation.
3. During review by the Project Review Committee of the necessary application and data, staff will prepare a report and findings on all aspects of the proposed action(s).
4. An environmental document will be prepared pursuant to the California Environmental Quality Act (CEQA), reviewing the potential environmental effect of the proposed activities. The Zoning Administrator will make an initial determination of the level of environmental review required.
5. After proper noticing, a public hearing will be held for the City Council to hear comments related to the project at a regularly scheduled meeting. The Council will authorize staff to initiate the application with LAFCo. Documents will be filed in accordance with the Cortese-Knox-Hertzberg Act of 2000, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees, which are paid by the Applicant.
7. In the event the annexation fails, either by dissenting votes of the City Council or at hearing at LAFCo, the City Council may approve an extraterritorial service agreement within the Urban Development Boundary, subject to conditions identified in the Development Agreement.

ANNEXATION EXEMPTION PROCEDURE

Where a certain property meets all of the following criteria, they may proceed with an Extraterritorial Service Agreement for water or storm-water drainage without first attempting annexation, subject to the conditions of Extraterritorial Service Agreements as defined below.

1. Previously developed single-family residences on parcels 24,999 square feet or smaller, OR a school developed by a State funded school district.
2. The parcel requesting services must be immediately adjacent to a municipal main providing the requested service, or the property owner shall provide for the extension of the main line to City standards at their expense.

EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE

Extraterritorial Service connections may be made subject to the following conditions. Note specific parameters and the required findings for connections in the Urban Development Boundary and the Urban Area Boundary.

1. Application: A complete extraterritorial services application packet includes: fees, an Irrevocable Agreement to Annex, application for Development Agreement, and other materials as required with those applications respectively.
2. General Plan Consistency:
 - a. Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan.
 - b. Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan shall be considered at the discretion of the City Council, and may be subject to other restrictions.
3. Agreements and Covenants:
 - a. A Development Agreement must be approved by the property owner and the City Council, and recorded with the County of Tulare upon the property, at the applicant's expense.
 - b. An irrevocable agreement to annex must be signed by the property owner and recorded with the County of Tulare upon the property, at the applicant's expense.
4. Time Limitations: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
5. Improvement Plans: Applications for service connections which necessitate the extension of one or more municipal facilities to property in order to make such connections shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
6. Fees: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

Within the Urban Development Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and, as such, an extraterritorial service request cannot be denied; however, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council to approve an extraterritorial service connection:

- That the subject property is a previously developed single-family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.
- That the subject property is not within an island as defined by Tulare LAFCo.
- That an attempt to annex the subject site is not realistic given current city limit boundaries. Specifically, the parcel is too far removed from the city limit, and/or the number and valuation of adjacent parcels would result in a failed annexation effort.

Within the Urban Area Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and, as such, an extraterritorial service request cannot be denied; however, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council to approve an extraterritorial service connection:

- That the subject property is a previously developed single-family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.

EXEMPTIONS AND EXCEPTIONS

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville. Interested parties should contact the PVPUD for information on connection requirements and fees pertaining

to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

2. PRIOR APPROVALS: Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.



Local Area Formation Commission
ATTN: Ben Giuliani, Executive Officer
210 N Church Street, Suite B
Visalia, CA 93291

October 22, 2014

Mr. Giuliani,

The City Council of the City of Porterville would like to request that the Tulare LAFCo review and amend Policy C-9, Section 9.3 Interpretation of AB 1555- Island Annexation Policy. As you are aware, the City of Porterville has uniquely convoluted boundaries. As such, our municipality finds itself with a series of developed areas that are surrounded more than 50% by the city limits, but not all are 65% surrounded. The City Council would appreciate LAFCo's consideration of an adjustment of the "substantially surrounded" threshold, from 65% surrounded to 51% surrounded, to allow annexation of islands per the provisions of Policy C-9. We anticipate that this amendment to LAFCo's policy would result in a simplified annexation process for multiple developed, unincorporated communities adjacent to the city limits, as identified in the enclosed figure.

We look forward to attending a future meeting where Tulare LAFCo would consider this policy amendment.

Respectfully,

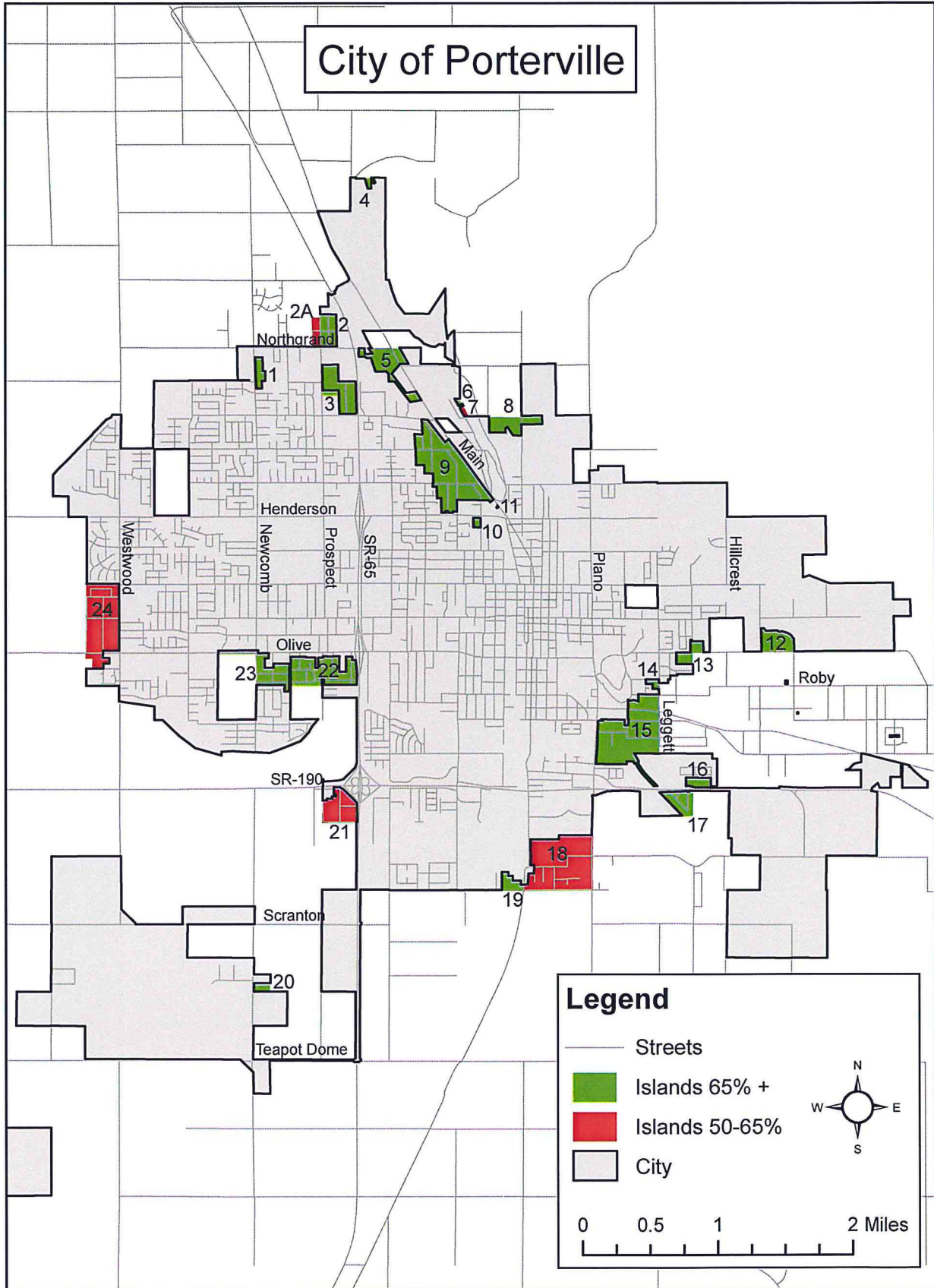
Milt Stowe, Mayor

Enclosure

cc: Community Development Department

**ATTACHMENT
ITEM NO. 3**

City of Porterville





Submittal Requirements for Irrevocable Agreement for Annexation to the City of Porterville

The following items are to be submitted at the time of application. However, prior to actual filing, all applicants are encouraged to contact the Planning Division of the Community Development Department at (559) 782-7460 or planning@ci.porterville.ca.us to schedule a pre-filing meeting at which time a planner can provide assistance regarding form and content of review submittals as well as information regarding City codes and policies.

The following items are to be submitted with this application. Please see attached application for details.

1. Completed application form;
2. Filing fees;
3. Legal description of land parcel(s);
4. Copy of recorded Grand Deed(s).

**ATTACHMENT
ITEM NO. 4-A**

City of Porterville

Application for Irrevocable Agreement for Annexation to the City of Porterville

IAA# _____ Submittal Date _____

Fee _____ PRC# _____

Applicant _____

Phone _____

Mailing Address _____

Total Acreage of the Project (Gross/Net) _____

Assessor's Parcel Number(s) for Property _____

Address of Property _____

Existing County General Plan Designation _____ Zoning _____

Current City General Plan Designation _____ Zoning _____

Proposed Land Use Designation _____ Zoning _____

Please complete the following:

I/We the undersigned owner(s) of the above described property hereby request that the City Manager of the City of Porterville review, approve, and sign the Irrevocable Agreement for Annexation to the City of Porterville for the property(ies) described herein.

Signature 1 Date

Signature 2 Date

Street Address

Street Address

City, State, Zip

City, State, Zip

Signature 3 Date

Signature 4 Date

Street Address

Street Address

City, State, Zip

City, State, Zip

Recording Requested by and

Upon Recordation return to:

City of Porterville

ATTN: Community Development Department

291 N Main Street

Porterville, CA 93257

IAA# _____

Irrevocable Agreement for annexation to the City of Porterville

This agreement is made this ____ day of _____, 20____, between _____ hereinafter referred to as "Owner", and the City of Porterville, hereinafter referred to as "City".

Whereas, Owner is the owner of the real property consisting of approximately ____ gross acres located at _____, Porterville, California, and is further described as follows: See attached legal description being further described as Assessor's Parcel Number _____.

Whereas, Owner requires use of the City (Sewer/Water/Storm Drain) system and the right to connect to the existing (Sewer/Water/Storm Drain) main which is contiguous to said property; and

Whereas, Owner is willing to permit the annexation of its property to the City of Porterville; and

Whereas, the City is willing to consent to the connection of said property to the (Sewer/Water/Storm Drain) main on the conditions that Owner permit said annexation to the City at the earliest possible time and enter into a development agreement to effectively limit changes in use or capacity of the site; and

Whereas, the City may proceed with the annexation of Owner's property plus other property, but said annexation will cause delay, which delay would create a substantial hardship for Owner.

Now, therefore, Owner does agree as follows:

1. Owner hereby gives its irrevocable consent to annexation of its property to the City at such time as the annexation may be properly approved through appropriate legal proceedings, and Owner does further agree to provide all reasonable cooperation and assistance to the City in the annexation proceedings. Said cooperation is contemplated to include signing any applications or consent prepared by the City and submitting any evidence reasonably within the control of Owner to the various hearings required for the annexation. Said cooperation does not include, however, any obligation on behalf of Owner to institute any litigation or judicial proceedings whatsoever to compel annexation to the City.
2. The City hereby agrees to authorize the connection of said property to the City's (Sewer/Water/Storm Drain) main located in _____.

3. Concurrent with connection to utilities, Owner agrees to pay a fair share of annexation fees and other costs related to infrastructure as would ordinarily be charged on the annexation of property to the City, and as outlined in the fee schedule adopted by the City.
4. In addition to fees described above, Owner shall pay all fees and charges and make all deposits required by City to connect to and use the (Sewer/Water/Storm Drain). Those fees shall include, but not be limited to, the following:
 - Connection Fees = \$ _____
 - LAFCo fee = \$ _____
 - Extraterritorial Service Agreement fee = \$ _____

Said fees shall be valid for a period of one year from the date of execution of this Agreement and shall be paid prior to the issuance of a (Sewer/Water/Storm Drain) connection permit. Fees paid after one year of the date of execution of this Agreement shall be subject to the fee amount in effect at that time. Owner also agrees to pay any additional fees that may be charged by the Local Area Formation Commission (LAFCo). Owner agrees to be bound by all City ordinances, rules, and regulations respecting the (Sewer/Water/Storm Drain) system.

5. This agreement shall be recorded.
6. Owner executes this agreement on behalf of itself, its successors and assigns, and said Agreement shall be irrevocable without the prior written consent of both parties hereto.

Executed this ____ day of _____, 20____

Owner: _____

By: _____

City: _____

The City Manager and Mayor of the City of Porterville have been authorized to execute this Agreement of behalf of the City of Porterville

 City Manager of the City of Porterville

 Mayor of the City of Porterville



CITY OF PORTERVILLE

APPLICATION FOR DEVELOPMENT AGREEMENT FOR EXTRATERRITORIAL SERVICE AGREEMENTS

PROJECT ADDRESS AND NEAREST CROSS STREETS:

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:

The Development Agreement will be in place until the date a future annexation of the property into the City of Porterville becomes effective.

The applicant for a Development Agreement shall provide a concise and complete recital of the existing state of the property requesting connection to municipal services. Such information may include:

- a. Site plans and/or photographs representing the subject property and its immediate surroundings as it exists at the date of application;
- b. Legal description of the parcel of land that will be the subject of development agreement;
- c. Any deed restrictions existing or being imposed upon the parcel(s) of land for development, and a description of any reservation or dedication of land for public purposes. It is understood the deed restrictions may change based upon a change in circumstances.
- d. Any further information that the City may require because of the particular nature or location of the development;

**ATTACHMENT
ITEM NO. 4-B**

OWNER'S DECLARATION

STATE OF CALIFORNIA)
) ss
COUNTY OF TULARE)

I, _____, being duly sworn, declare and say that I am the owner of part (or all) of the property involved and that this application has been prepared in compliance with the requirements of the Porterville City Council as printed herein and that the foregoing information thoroughly and completely, to the best of my ability, presents the argument in behalf of the application except as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at _____ this _____ day of _____, 20_____.

Telephone (_____) _____ Signed _____

Mailing Address _____

This is to certify that the foregoing application has been inspected by me and found to be complete and acceptable for filing with the Porterville City Council.

Received _____
Date

Project No. _____

By _____

REQUIREMENTS FOR FILING APPLICATION FOR DEVELOPMENT AGREEMENT

- 1. Development Agreement Application Form**
- 2. Plot Plan, Drawings and Photographs**
- 3. Filing fee as identified in Fee Schedule**

The Development Agreement Application form must be filled out completely. The application must be signed by the owner or authorized agent under penalty of perjury in the space provided on Page 3.

Submit this information and the application to the City of Porterville Community Development Department, Planning Division, 291 N Main Street, Porterville, California. The application must be complete in every respect, with all questions answered completely, before the City Planner can receive and certify the petition.

This application is not a permit. A public hearing will be held on your application.



CITY OF PORTERVILLE

Community Development - Planning Division

APPLICATION FOR ANNEXATION / EXTRATERRITORIAL SERVICES

PRC Number _____

Annexation Number _____

CHECK ALL BEING APPLIED FOR:

- Infill of a County Island
- Full Annexation
- Annexation Creating a County Island
- Sphere of Influence Amendment
- Extraterritorial Service Agreement
- Pre-zoning
- General Plan Amendment

Project Name: _____

Name of Applicant /Agent: _____ Telephone: _____

Address of Applicant /Agent: _____

Name of Property Owner: _____ Telephone: _____

Address of Owner: _____

Project Location (address, cross street): _____

Assessors Parcel Number(s): _____

The applicant makes this request to use the above-described property for the following purposes:

Date of most recent sale of property: _____

List below the original deed restrictions pertaining to the type of permit requested. (Provide Copy)

Date said restrictions expire: _____

(Please attach a copy of original printed restrictions in answer to this question. Properly underline those features controlling the type and class of uses permitted).

**ATTACHMENT
ITEM NO. 4-C**

REQUIREMENTS FOR FILING APPLICATION FOR AN ANNEXATION

1. Project Review Committee (PRC) Application - \$750.00 fee
 2. Application Forms & Fees and Environmental Form
 3. Annexation Map, Legal Description, Deeds and Title Reports, Irrevocable Agreement to Annex, Application for Development Agreement
 4. 300-Foot Radius Map, Property Owners' List and Affidavit (or \$26.50 fee)
 5. Filing fees
 - LAFCo Fees (at www.co.tulare.ca.us/lafco)
 - Additional Fees for Posting, Recording and CEQA Compliance
 - Board of Equalization Acreage Fees
1. The Project Review Committee application form is to be submitted with this application and nine (9) copies of the map. The meeting will take place on the second Wednesday from the week of submittal. After receiving the recommendation from the Project Review Committee meeting, the remainder of the items and any changes will be resubmitted to the City for processing.
 2. The completed application should be submitted and be as complete as possible during the initial submittal to enable staff to make informed recommendations. If applicable, a Zone Change Application and corresponding maps should be submitted for alternative pre-zoning; zoning shall be in conformance with the Land Use Element of the General Plan. (Annexed properties do not qualify for a zone change or a general plan amendment for a two-year period following incorporation into the city limits).
 3. Submit nine (9) annexation maps accurately shown with complete metes and bounds description, or bearings and distance from filed surveys description, prepared by a qualified civil engineer or licensed land surveyor to Board of Equalization Standards. A substitute conceptual map may be submitted for the initial submittal; however, using substandard application materials will delay the processing of the project.
 4. The 300-Foot Radius Map accompanying the application must be to a suitable scale and must be accurate. It must show each parcel, wholly or partially, within 300-feet of the most outer edge of the project site. Each parcel must be consecutively numbered to correspond to owner's name on the Property Owners' List. Alternatively, the City will prepare the map and labels for a fee of \$26.50.

The Property Owners List must be current within 90 days of the first public hearing date and must be typewritten, or printed legibly, on Avery 5160 or equivalent mailing labels, and must include the owner's name and mailing address. Each owner's name on this list must be numbered to correspond with the numbering placed on the 300-foot Radius Map. The list must be of the latest available assessment roll and may be obtained through the Tulare County Assessor's Office or Title Company. The signed affidavit attests to the accuracy of the radius map and property owners list and must accompany the application.

5. Additional fees are required to process the application for a public hearing; these fees cover City expenses and staff time for processing the request. It is customary to expect additional fees for processing required CEQA documents and other agency fees.

Submit this information and the application to the Community Development Department, City Hall, 291 N. Main St., Porterville, California. The application must be complete in every respect, with all questions answered completely, before the Zoning Administrator can receive and certify the application material.

This application is not a permit. A public hearing will be held on your application.



CITY OF PORTERVILLE

PROPOSAL QUESTIONNAIRE

Annexation No. _____ File No. _____

A. GENERAL

- Annexation
 - 100% Consent
 - >50% Controlled
 - Island per G.C. § 56375
 - Inhabited
 - Uninhabited
- Extraterritorial Service Agreement

2. Title of Proposal: _____

3. Describe generally the location of the subject territory: _____

B. PHYSICAL FEATURES

1. Land Area: Acres _____

2. Description of General Topography: _____

3. Describe natural boundaries such as rivers, mountains, etc.: _____

4. Designate and describe generally the major highways and streets, the rivers, drainage basins, flood control channels, and similar features within and adjacent to the subject territory: _____

C. POPULATION AND LAND USE

1. Estimated total population of subject territory: (Indicate source of your information.) _____

2. Estimated population density of subject territory: (Population per acre.) _____

3. Proximity to other populated areas: (Give location of such populated areas with respect to subject territory and brief description of such populated areas.)

North: _____

East: _____

South: _____

West: _____

**ATTACHMENT
ITEM NO. 4-D**

4. Describe present land use in subject territory and in adjacent incorporated and unincorporated areas in the subject territory (i.e. single-family, multiple-family, commercial, industrial, publicly owned, others.)

D. ASSESSED VALUATION IN SUBJECT TERRITORY

1. Land: _____
2. Improvements: _____
3. Total: _____
4. Estimated per capita assessed valuation: _____

E. GOVERNMENTAL SERVICES AND CONTROLS

1. Indicate which of the following governmental services and controls, and any other governmental services and controls which you deem significant, that are now available in the subject territory, which agency now provides such services, and which agency will provide such services after the proposed action. (See Plan for Services – Critique): _____

2. What is the present property tax rate in the subject territory: _____
3. What is the likelihood of significant residential, commercial, industrial, and other urban growth in the subject territory and in adjacent incorporated areas during the next ten years? Explain your answer.

4. Annexation No. _____ conforms with the City of Porterville General Plan Land Use Element. The proposed annexation territory is also within the Porterville Sphere of Influence, the Urban Development Boundary, as adopted by LAFCO, the Board of Supervisors and the Porterville City Council.
5. What are the probable future needs for governmental services and controls in the subject territory during the next ten years, or foreseeable future? _____

F. EFFECT OF PROPOSED ACTION AND ALTERNATIVE ACTIONS:

What will be the probable effect of the proposed action and of alternative actions on the following: (Explain your answer. It is not sufficient to merely state "not applicable" or "no effect".)

1. The cost and adequacy of governmental services and controls in the subject territory and adjacent areas.

2. The general social and economic interests of the community (i.e., explain generally how the social and economic interests of the subject territory, the City and the County, will be benefitted or adversely affected).

3. The local governmental structure of the County (i.e. explain generally how the proposed action will contribute to the logical and reasonable development of local governmental structures of the County).

G. BOUNDARIES OF TERRITORY

1. Do the boundaries of the territory described in the proposal conform with lines of ownership and assessment? If the answer is "no", indicate the parcel or parcels which are divided by the proposed boundaries and state reasons why the proposed boundaries were not laid out to conform to lines of ownership and assessment.

2. Has any or all of the subject territory been included within a proposal undertaken under the same provisions of law which was disapproved by the Local Agency Formation Commission within one year preceding the filing of this application? If the answer is "yes", identify the proposal and attach a description of the territory involved in the former proposal.

3. (To be answered in connection with City annexation). Will the annexation of the territory described in the proposal result in the creation of an island, or a strip or corridor of unincorporated territory, completely surrounded by the annexing city? If your answer is "yes", then give the following information:

- a. Generally describe boundaries of island, strip or corridor and designate on map attached to application.

- b. Characteristics of island, strip or corridor:

Acres _____ Population _____

Population Density (per acre) _____

Total assessed valuation _____

Land and Improvements _____

Number of Registered Voters _____

Land Use _____

Land Use in surrounding Territory _____

c. Describe present and proposed sewer and water services within the island, strip or corridor:

d. Why was the island, strip or corridor not included within the boundaries of the proposal?

e. Could this island, strip or corridor reasonably be annexed to another city or reasonably be incorporated as a new city? Explain.

f. Explain fully how the application of the restrictions of Section 56000 et seq. of the Government Code would be detrimental to the orderly development of the Community.

H. TERMS AND CONDITIONS: The proposal is to be subject to the following terms and conditions:

I. NAME EACH CITY OR DISTRICT LOCATED WHOLLY OR PARTIALLY WITHIN THE BOUNDARIES OF THE SUBJECT TERRITORY: CITY OFFICIALS WILL VERIFY.

- City of Porterville (unannexed portion presently Tulare County)
- Porterville Unified School District
- Kern Community College District
- South Tulare County Citrus Pest Control District
- Tulare County Flood Control District
- Sierra View Hospital District
- Porterville Memorial District
- Porterville Cemetery District
- Tulare County Resource Conservation District
- Others? _____

J. MAILED NOTICE OF HEARING

List names and addresses of the officers, or persons, who are to be given mailed notice of hearing:

Name

Address

Applicant

See Below

City of Porterville

291 N Main St, Porterville, California 93257

K. APPLICANT

State name and address of applicant or applicants: _____

L. SIGNATURE(S) OF PERSONS(S) COMPLETING QUESTIONNAIRE

Signature: _____ Title: _____

Date Signed: _____ Telephone Number: _____

APPLICANT: _____ DATE: _____



CITY OF PORTERVILLE

ANNEXATION PROPOSAL CRITIQUE AND PLAN FOR SERVICES

AREA COMMENTARY: _____

RECREATION: _____

PUBLIC WORKS/PUBLIC FACILITIES: _____

AREA DESCRIPTION: _____

Study Area Boundaries:

North: _____

East: _____

South: _____

West: _____

SIZE OF AREA:

Gross Acres: _____

Square Miles: _____

TOPOGRAPHY: _____

DRAINAGE: _____

POPULATION: _____

REGISTERED VOTERS: _____

HOUSING UNITS: _____

Type(s): _____

ZONING:

Current: _____

Proposed: _____

GENERAL PLAN DESIGNATION: _____

LAND USE: _____

**ATTACHMENT
ITEM NO. 4-E**

PUBLIC UTILITIES:

Existing

Upon Annexation

Telephone: _____

Gas: _____

Electric: _____

Cable T.V.: _____

PUBLIC IMPROVEMENTS: Existing

Streets - lineal feet: _____

Curb & Gutter - lineal feet: _____

Sidewalk - lineal feet: _____

SEWAGE DISPOSAL:

Existing: _____

Upon Annexation: _____

REFUSE DISPOSAL:

Existing: _____

Upon Annexation: _____

WATER:

Existing: _____

Upon Annexation: _____

PUBLIC FACILITIES:

Existing

Upon Annexation

POLICE: _____

FIRE: _____

LIBRARY: _____

PARKS & RECREATION: _____

SCHOOLS: _____

ASSESSMENTS:

Assessed Value: _____

Land: _____

Improvements: _____

Current Tax Rate: _____

METHODS OF UPDATING AND PROVIDING PUBLIC SERVICES AND FACILITIES

A. Sewer: _____

B. Water: _____

C. Streets: _____

D. Curb – Gutter: _____

E. Sidewalk: _____

F. Public Safety: _____

G. Refuse Disposal: _____

CITY COUNCIL AGENDA: SEPTEMBER 16, 2014

SCHEDULED MATTER

SUBJECT: PROPOSED UPDATE TO ANNEXATION & MUNICIPAL SERVICES POLICIES AND PROCEDURES

SOURCE: Community Development Department- Planning Division

HISTORY: In 1986, the City Council adopted Resolution 33-86, establishing policies concerning annexation and extension of municipal services. Since that time, state and regional laws and policies have changed the regulatory framework of annexation and provision of municipal services. The current policy (Attachment 1) identifies objectives of future annexations, and outlines a step-by-step procedure for processing annexation requests. Most of this policy is fundamentally correct, and still in use by the Community Development Department. Over time, terminology has changed, as have City procedures, and staff has adapted the policy internally as needed.

COMMENT: With the pending amendment of the City's Sphere of Influence by the Tulare Local Area Formation Commission (Tulare LAFCo), followed by the anticipated amendment to the County adopted Urban Development Boundary (UDB) for the City, the policy is due for detailed review and revisions. In addition, a recent increase in the number of requests for municipal water services has underscored the importance of clearly established and firmly implemented procedures.

Specifically, staff requires direction on the matter of extending municipal services beyond the City's municipal boundaries, through a process commonly referred to as an "Extraterritorial Service Agreement." The state allows for such an agreement in Section 56133 of the Government Code, subject to specific procedures and findings. The City's current policy is outdated and inconsistent with California Government Code as well as Tulare LAFCo policy.

Over the last few years, the City has extended municipal services such as sewer, water, and storm drain connection to areas outside the city limits as long as the following conditions were met:

- The property in question was an existing single-family residence on a lot size not conducive to further development according to County lot minimum standards;
- The subject parcel was along the alignment of a City water (or sewer/storm drain) main;
- a request for municipal services is submitted to the Public Works Director;
- the land use is consistent with the City's General Plan;
- a "Consent to Annexation" form was filed; and

DD

Appropriated/Funded n/a

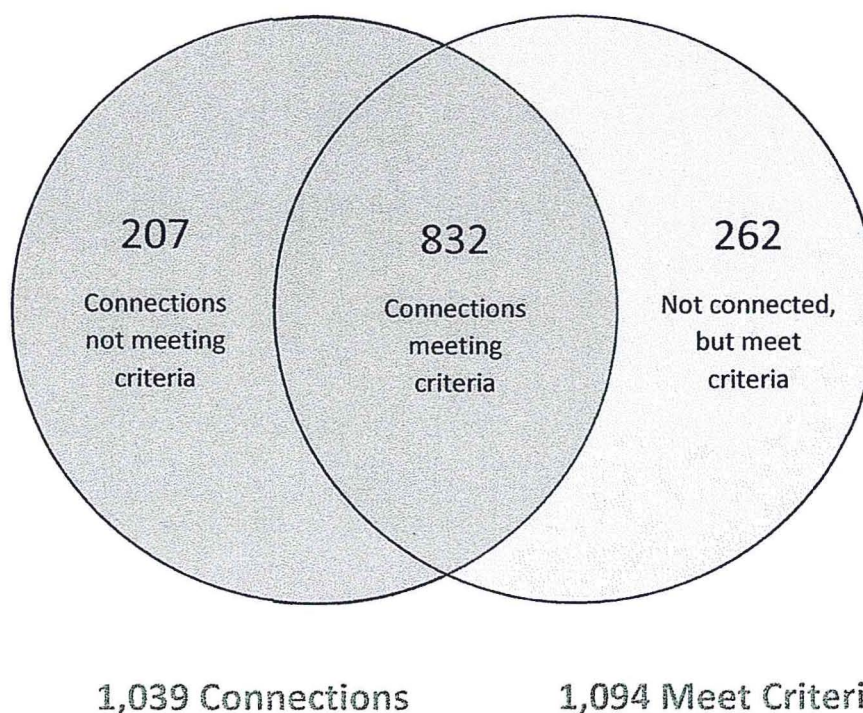
CM

Item No. 16
ATTACHMENT
ITEM NO. 5

- connection fees were paid in full.

In a situation meeting the above referenced conditions, a property owner could quickly connect to City services, and in times of urgent need - for example, if a private well failed - the current procedure could allow connection within just a few days. According to institutional memory, the City has not in the past coordinated with LAFCo to approve Extraterritorial Service Agreements prior to accommodating the connection of services for single-family residences.

In reviewing existing extraterritorial service extensions, staff has analyzed the parcels that meet the conditions identified above specific to water connections, and found that there are 1,094 parcels within the City's proposed UDB that meet the criteria referenced above. There are 1,039 water connections outside the city limits. Of those, 832 meet the criteria referenced above. This leaves 207 water connections that have been established but do not meet the criteria, and 262 parcels that do meet the criteria but are not connected.



Possible explanations for this large number of extraterritorial water service connections include:

- At various times in the past, the City had acquired private water companies due to the private system either failing to meet supply needs, or failing to meet water quality standards;
- Certain subdivisions developed in the County did not annex but requested (and were approved for) municipal services;

- Independent property owners' wells failed and requested connection, which was approved ministerially or per Council's approval, consistent with the existing policy.

Tulare LAFCo Policy C-6 does not prohibit extension of City services to properties outside the city limits, but it does require coordination with LAFCo per Government Code Section 56133. If the service request is within the City's adopted Sphere of Influence, the authorization may come from the Executive Officer on behalf of the Commission. Staff expects that future compliance with this requirement would result in little delay to the past practice of connecting a property owner quickly in times of urgent need.

While the City is fortunately equipped to provide certain municipal services beyond its jurisdictional boundaries on a limited basis, the expectation has long been that at such time a property (with municipal connections) was able to annex to the city, annexation would be pursued. This may be initiated by the applicants or by the City, and the presumption had been that with the signed "Consent to Annexation" form required in order to connect to municipal services, eventual annexation would not be debated by a property owner. Since that time, the City Attorney has counseled staff that the "Consent to Annexation" form is not legally binding. Instead, some other jurisdictions now require an "Irrevocable Agreement to Annex," which is an agreement recorded by grant deed that legally binds any future property owner to annexation at such time that an application to annex is processed.

For the most part, the City's original *Annexation Policy Manual & Municipal Services Policy for Unincorporated Areas* needs only minor adjustments to return to full compliance with the Government Code and Tulare LAFCo policies. However, the City's policy and procedures must be more clearly written as it relates to Extraterritorial Service Agreements in order to preserve the City's resources and ensure consistent implementation. In addition, staff and legal counsel would encourage the Council to consider implementation of a more legally binding "Irrevocable Agreement to Annex" instead of, or in addition to, the "Consent to Annexation" form.

With input from the Council on these important concepts, staff will make necessary adjustments and bring back a revised policy and procedures manual for adoption at the next meeting.

RECOMMENDATION: That the City Council:

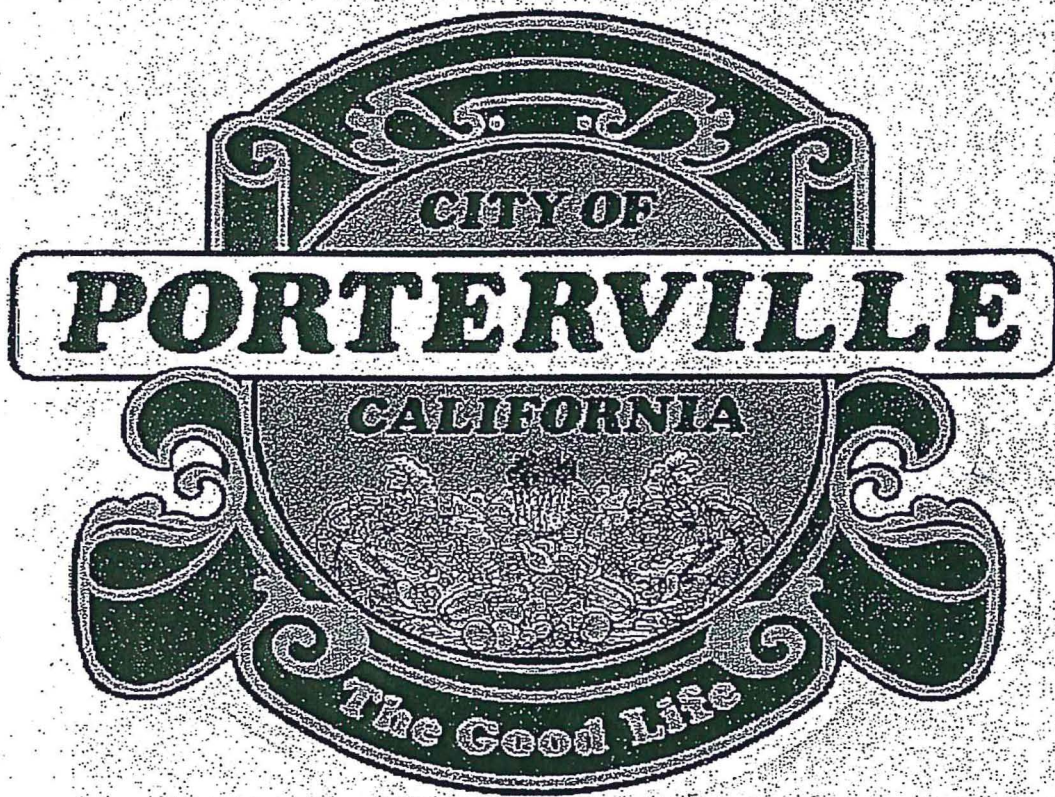
1. Review the proposed resolution defining objectives and policies for annexations and municipal services;
2. Direct the Zoning Administrator to amend the annexation application to reflect updated codes and regulations, such as CEQA and the Cortese-Knox-Hertzberg Act; and

3. Provide direction relative to parameters for provision of extraterritorial services and implementation of an “Irrevocable Agreement to Annex.”

ATTACHMENTS

1. Annexation Policy Manual & Municipal Services Policy for Unincorporated Areas, 1986
2. Tulare LAFCo Policy C-6
3. Draft resolution defining objectives and policies for annexations and municipal services
4. Draft Irrevocable Agreement to Annex form

CITY OF PORTERVILLE



ANNEXATION POLICY MANUAL AND MUNICIPAL SERVICES POLICY FOR THE UNINCORPORATED AREAS

ATTACHMENT
ITEM NO. 1

"CITY OF PORTERVILLE"

ANNEXATION POLICY MANUAL
AND
MUNICIPAL SERVICES POLICY
FOR THE UNINCORPORATED AREAS

"CITY OF PORTERVILLE"

ANNEXATION POLICY MANUAL

AND

MUNICIPAL SERVICES POLICY

FOR THE UNINCORPORATED AREAS

RESOLUTION NO. 33-86

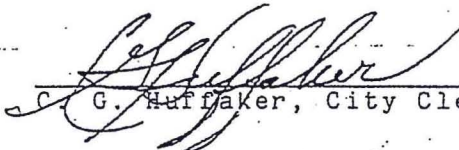
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING AMENDMENT
TO THE ANNEXATION POLICY MANUAL

BE IT HEREBY RESOLVED by the City Council of the City of
Porterville that the attached Annexation Manual and Municipal
Services Policy for the Unincorporated Areas, Exhibit "A", is
hereby adopted this 1st day of April, 1986, to become effec-
tive July 1, 1986.



Nero Pruitt, Mayor

ATTEST;



G. Huffaker, City Clerk

ANNEXATION POLICY MANUAL

I. INTRODUCTION

The unincorporated territories abutting the City of Porterville, and those territories within the Urban Improvement Boundaries are termed the City's unincorporated "Fringe". The City of Porterville's unincorporated fringe is sizeable, measuring better than one-half of the City's present corporate land area.

II. HISTORY

The Porterville City Council by Resolution No. 33-86, adopted April 1, 1986, established the following policy concerning annexation to the City of Porterville.

"The City Council of the City of Porterville, California, recognizing that the City in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the City of Porterville to annex to said City of Porterville."

During the past twenty years rapid expansion of the City's boundaries has caused concern within City government about costs of extensions of public facilities and services. The City of Porterville has taken the position that the costs of all physical improvements within the City have been paid by property owners, and other taxes derived in the City, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

III. OBJECTIVES

1. To provide for land development which will balance the current growth trend and allow a more manageable potential for the extension of public services and facilities.
2. To channel future growth into land more suitable for the development of urban pursuits as evidence by:
 - a. Lower acreage bare land - costs.

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III. OBJECTIVES

1. To provide for land development which will balance the current growth trend and allow a more manageable potential for the extension of public services and facilities.
2. To channel future growth into land more suitable for the development of urban pursuits as evidence by:
 - a. Lower acreage bare land - costs.

- b. Unsuitability of the clay type soils for agricultural pursuits other than citrus.
- c. Scenic potential of hillside lands.
- d. Need for public facilities to serve existing development.
3. To respond to transportation planning needs.
4. To provide a viable interface with land use planning modes, and the full implementation of the Porterville General Plan, as amended.
5. To obtain and correlate pertinent data and information from City, County, and State agencies, the private sector, and field surveys.
6. To determine for the area described in each petition/consent for annexation that the subject proposal will be considered upon its merits, what benefits would accrue to the City and to the area residents/property owners.
7. To equate said benefits applicable for each proposal, thereby determining a benefit balance or imbalance, and forming the basis for recommendation to the legislative body as to which areas, based on comparable standards, should be encouraged to annex to the City.
8. To identify the problems involved in any proposal considered for annexation.
9. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

IV. POLICY

As witnessed during past years, the community is experiencing intensive urban development, and it is anticipated this urbanization will continue at a fairly substantial rate.

The City Council of the City of Porterville hereby makes this statement of policy as a guide and rule in the annexing of properties to the City of Porterville:

1. It shall be the policy of the City Council to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary.

2. It shall be the policy of the City Council to discourage single family one (1) lot annexation proposals, that may have an adverse fiscal impact on the City of Porterville.
3. It shall be the policy of the City Council that territory shall not be annexed to the City of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the City of Porterville.
4. It shall be the policy of the City Council that annexation proposals shall be in conformance with the Cortese-Knox Local Government Reorganization Act of 1985, as amended.
5. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
6. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/ resident or developer.
7. It shall be the policy of the City Council to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
8. It shall be the policy of the City Council that the applicant for present proposals to the Project Review Committee at the City Hall and explain the particulars of the area under consideration for possible annexation, including a plan for services.
9. It shall be the policy of the City Council that procedures as outlined in Exhibit "A" shall be adhered to for submittal of a formal annexation application to the City of Porterville.

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EXHIBIT "A"

PROCEDURES:

1. On receipt of an annexation proposal (See Annexation Application), the material will be forwarded to the Project Review Committee, LAFCO staff and the County Public Works Department for review and recommendation.
2. On receipt from the Project Review Committee of the necessary application and data, staff will prepare a report and findings on environmental aspects of the proposed annexation area.
3. On review of the Environmental Review Committee, a determination of environmental significance will be prepared in conformance with the California Environmental Quality Act, as amended.
4. On completion of the environmental document, the proposed annexation application will be forwarded to the Porterville City Council for its consideration and endorsement.
5. On receipt of an endorsement, documents will be filed in accordance with the Cortese Knox Local Government Reorganization Act of 1985, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On approval of the Local Agency Formation Commission, staff will forward recommendations and conditions to the City Council for its review and consummation of the annexation proposal.

7. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees (To be paid by Applicant).
8. Pre-Zoning (Staff to make determination).

In the event that pre-zoning is required by the City of Porterville, the applicant shall provide the following:

- A. Filing Fee and Environmental Fees.
- B. Application Form.
- C. 300-foot radius map.
- D. Property Owners List.
- E. Photographs (optional).

ANNEXATION APPLICATION

The application for annexation shall include the following:

- A. An Environmental Information Form addressing the annexation and proposed future development.
- B. A legal description of the annexation area, (Complete metes and bounds description, or bearings and distance from field surveys description, an annexation map 8-1/2" X 14", prepared by or under the direction of a registered civil engineer or licensed land surveyor.)
- C. Annexation fees shall be filed pursuant to the provision of the City of Porterville Comprehensive Fee Schedule.
- D. A Consent to Annex form signed by owner(s).
- E. If applicable, an application for pre-zoning (zone change).
Subject application for a zone change shall be in conformance with the Land Use Element designation of the Porterville General Plan.

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APPENDICES

1. Environmental Information Form.
2. Consent to Annex Form.
3. Annexation Proposal Questionnaire (To be prepared by staff).
4. Annexation Proposal Plan for Service/Critique (To be prepared by staff).
5. Sample Annexation Map.

Note: Shown on 8 ½" x 11" paper; CORRECT SIZE TO BE SUBMITTED

SHOULD BE ON 8 ½" x 14" PAPER. Any deviation from content (not form) will impede further processing until corrected by Applicant.

6. Sample Legal Description: To be typed on 8 ½" x 11" paper.

Note: Any deviation from content and form will impede further processing until corrected by Applicant.

7. Cortese-Knox Local Government Reorganization Act of 1985 Flow Chart.
8. City of Porterville Annexation and Pre-Zoning Flow Chart.

CITY OF PORTERVILLE
DEPARTMENT OF COMMUNITY DEVELOPMENT AND SERVICES
PLANNING DIVISION
ENVIRONMENTAL INFORMATION FORM

Date Filed: _____
(To be completed by Applicant or Engineer)

For Office Use Only: Receipt No. _____ Amount: _____
Date: _____ Payer: _____
Received By: _____
ERC No. _____ Project No. _____

Note: Failure to answer applicant questions could delay the processing of your application or require you to resubmit your application.

General Information:

1. Name and address of developer or project sponsor: _____

2. Address of project: _____
3. Name, address, and telephone number of person to be contacted concerning this project: _____

4. Indicate number of the permit application for the project to which this form pertains:

5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

6. Existing zoning district: _____
7. Proposed use of site (project for which this form is filed): _____

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PLANNING DIVISION

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Project Description:

8. Site size.
9. Square footage.
10. Number of floors of construction.
11. Amount of off-street parking provided.
12. Attach plans.
13. Proposed scheduling.
14. Associated project.
15. Anticipated incremental development.
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected.
17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.
18. If industrial, indicate type, estimated employment per shift, and loading facilities.
19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.
20. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

| | YES | NO |
|---|-------|-------|
| 21. Change in existing features of any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours. | _____ | _____ |
| 22. Change in scenic views or vistas from existing residential areas, or public lands or roads. | _____ | _____ |
| 23. Changes in pattern, scale or character of general area of project. | _____ | _____ |
| 24. Significant amounts of solid waste or litter. | _____ | _____ |
| 25. Change in dust, ash, smoke, fumes or odors in vicinity. | _____ | _____ |
| 26. Change in ocean, bay, lake, stream or ground water quality or alteration of existing drainage patterns. | _____ | _____ |
| 27. Substantial change in existing noise or vibration levels in the vicinity. | _____ | _____ |

- 28. Site on filled land or on slope of 10 percent or more. _____
- 29. Use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives. _____
- 30. Substantial change in demand for municipal services (police, fire, water, sewage, etc.). _____
- 31. Substantially increased fossil fuel consumption (electricity, oil, natural gas, etc.). _____
- 32. Relationship to a larger project or series of projects. _____

Environmental Setting:

- 33. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted.

- 34. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

- | | | | |
|-----|--|-------|-------|
| 28. | Site on filled land or on slope of 10 percent or more. | _____ | _____ |
| 29. | Use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives. | _____ | _____ |
| 30. | Substantial change in demand for municipal services (police, fire, water, sewage, etc.). | _____ | _____ |
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| 32. | Relationship to a larger project or series of projects. | _____ | _____ |

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34. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

All applicants or engineers must check one of the following boxes:

_____ I hereby authorize the City of Porterville Planning Division to prepare an Environmental Impact Report for my project, if necessary. I understand the City will bill me, and I agree to pay the City for the actual cost of preparation of the Environmental Impact Report. I further understand that no action approving the project will be taken by the City until the cost of the Environmental Impact Report is paid.

_____ I hereby authorize the engineer or surveyor as my representative to authorize the City Planning Division to prepare an Environmental Impact Report for my project, if necessary. I understand the City will bill me, and I agree to pay the City for the actual cost of preparation of the Environmental Impact Report. I further understand that no action approving the project will be taken by the City until the cost of the Environmental Impact Report is paid.

_____ Please do not proceed with the preparation of an Environmental Impact Report for my project until the City Planning Division has received a written authorization letter from me, or my authorized representative.

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial environmental evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature Date

Applicant/Engineer

Street Address City State Zip

Telephone

Forms: EnvironInfo

CONSENT TO ANNEXATION

The undersigned property owners, their heirs, successors and assignees hereby consent to the annexation of their property to the City of Porterville as provided in the Cortese-Knox Local Government Reorganization Act of 1985 and the Codes and Statutes of the State of California. The owners hereby affirm that all successive owners shall be notified in writing of the consent, and no successive owner shall have recourse against the City resulting from this annexation consent.

The owner acknowledges by signature that the City of Porterville has granted privileges and/or services in order to secure this consent and that this document will be duly recorded with the County Recorder.

| | |
|---|----------------|
| <u>A.P.N. of property to be annexed</u> | <u>Address</u> |
| _____ | _____ |
| _____ | _____ |

| | | |
|-----------------------------|------------------|-------------|
| <u>Name (type or print)</u> | <u>Signature</u> | <u>Date</u> |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

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| | |
|---|----------------|
| <u>A.P.N. of property to be annexed</u> | <u>Address</u> |
| _____ | _____ |
| _____ | _____ |

| | | |
|-----------------------------|------------------|-------------|
| <u>Name (type or print)</u> | <u>Signature</u> | <u>Date</u> |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

PROPOSAL QUESTIONNAIRE

Annexation No. _____ File No. _____

A. GENERAL

1. Type of Proposal: Annexation () 100% Consent () Uninhabited ()
Inhabited () Section 35150 (F)
2. Title of Proposal:
3. Describe generally the location of the subject territory:

B. PHYSICAL FEATURES

1. Land Area: Acres _____
2. Description of General Topography:
3. Describe natural boundaries such as rivers, mountains, etc.:
4. Designate and describe generally the major highways and streets, the rivers, drainage basins, flood control channels, and similar features within and adjacent to the subject territory.

C. POPULATION AND LAND USE

1. Estimated total population of subject territory: (Indicate source of your information.)

2. Estimated population density of subject territory: (Population per acre).
3. Proximity to other populated areas: (Give location of such populated areas with respect to subject territory and brief description of such populated areas).

North:

East:

South:

West:

4. Describe present land use in subject territory and in adjacent incorporated and unincorporated areas in the subject territory (i.e. single family, multiple-family, commercial, industrial, publicly owned, others).

D. ASSESSED VALUATION IN SUBJECT TERRITORY

1. Land _____
2. Improvements _____
3. Total _____
4. Estimated per capita assessed valuation _____

E. GOVERNMENTAL SERVICES AND CONTROLS

1. Indicate which of the following governmental services and controls, and any other governmental services and controls which you deem significant, that are now available in the subject territory, which agency now provides such services, and which agency will provide such services after the proposed action.

See Plan for Services - Critique

2. Estimated population density of subject territory: (Population per acre).

3. Proximity to other populated areas: (Give location of such populated areas with respect to subject territory and brief description of such populated areas).

North:

East:

South:

West:

4. Describe present land use in subject territory and in adjacent incorporated and unincorporated areas in the subject territory (i.e. single family, multiple-family, commercial, industrial, publicly owned, others).

D. ASSESSED VALUATION IN SUBJECT TERRITORY

1. Land _____
2. Improvements _____
3. Total _____
4. Estimated per capita assessed valuation _____

E. GOVERNMENTAL SERVICES AND CONTROLS

1. Indicate which of the following governmental services and controls, and any other governmental services and controls which you deem significant, that are now available in the subject territory, which agency now provides such services, and which agency will provide such services after the proposed action.

See Plan for Services - Critique

2. What is the present property tax rate in the subject territory:
3. What is the likelihood of significant residential, commercial, industrial, and other urban growth in the subject territory and in adjacent incorporated areas during the next ten years? Explain your answer.
4. Annexation No. _____ conforms with the City of Porterville General Plan Land Use Element, adopted July, 1998. The proposed annexation territory is also within the Porterville Sphere of Influence, the Urban Development Boundary, as adopted by LAFCO, the Board of Supervisors and the Porterville City Council.
5. What are the probable future needs for governmental services and controls in the subject territory during the next ten years, or foreseeable future?

F. EFFECT OF PROPOSED ACTION AND ALTERNATIVE ACTIONS:

What will be the probable effect of the proposed action and of alternative actions on the following: (Explain your answer. It is not sufficient to merely state "not applicable" or "no effect").

1. The cost and adequacy of governmental services and controls in the subject territory and adjacent areas.
2. The general social and economic interests of the community (i.e., explain generally how the social and economic interests of the subject territory, the City and the County, will be benefitted or adversely affected).
3. The local governmental structure of the County (i.e. explain generally how the proposed action will contribute to the logical and reasonable development of local governmental structures of the County).

G. BOUNDARIES OF TERRITORY

1. Do the boundaries of the territory described in the proposal conform with lines of ownership and assessment? If the answer is "no", indicate the parcel or parcels which are divided by the proposed boundaries and state reasons why the proposed boundaries were not laid out to conform to lines of ownership and assessment.

2. Has any or all of the subject territory been included within a proposal undertaken under the same provisions of law which was disapproved by the Local Agency Formation Commission within one year preceding the filing of this application? If the answer is "yes", identify the proposal and attach a description of the territory involved in the former proposal.

3. (To be answered in connection with City annexation). Will the annexation of the territory described in the proposal result in the creation of an island, or a strip or corridor of unincorporated territory, completely surrounded by the annexing city? If your answer is "yes", then give the following information:
 - a. Describe generally boundaries of island, strip or corridor and designate on map attached to application.

 - b. Characteristics of island, strip or corridor:

Acres _____ Population _____

Population Density (per acre) _____

Total assessed valuation
(land and improvements) _____

Number of Registered Voters _____

Land Use:

Land Use in surrounding Territory:

 - c. Describe present and proposed sewer and water services within the island, strip or corridor:

G. BOUNDARIES OF TERRITORY

1. Do the boundaries of the territory described in the proposal conform with lines of ownership and assessment? If the answer is "no", indicate the parcel or parcels which are divided by the proposed boundaries and state reasons why the proposed boundaries were not laid out to conform to lines of ownership and assessment.

2. Has any or all of the subject territory been included within a proposal undertaken under the same provisions of law which was disapproved by the Local Agency Formation Commission within one year preceding the filing of this application? If the answer is "yes", identify the proposal and attach a description of the territory involved in the former proposal.

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a. Describe generally boundaries of island, strip or corridor and designate on map attached to application.

b. Characteristics of island, strip or corridor:

Acres _____ Population _____

Population Density (per acre) _____

Total assessed valuation
(land and improvements) _____

Number of Registered Voters _____

Land Use:

Land Use in surrounding Territory:

c. Describe present and proposed sewer and water services within the island, strip or corridor:

- d. Why was the island, strip or corridor not included within the boundaries of the proposal?
- e. Could this island, strip or corridor reasonably be annexed to another city or reasonably be incorporated as a new city? Explain.
- f. Explain fully how the application of the restrictions of Section 35010 of the Government Code would be detrimental to the orderly development of the Community.

H. TERMS AND CONDITIONS

The proposal is to be subject to the following terms and conditions:

I. NAME EACH CITY OR DISTRICT LOCATED WHOLLY OR PARTIALLY WITHIN THE BOUNDARIES OF THE SUBJECT TERRITORY: CITY OFFICIALS WILL VERIFY.

1. City of Porterville (unannexed portion presently Tulare County).
2. Porterville Unified School District.
3. Kern Community College District.
4. South Tulare County Citrus Pest Control District.
5. Tulare County Flood Control District.
6. Sierra View Hospital District.
7. Porterville Memorial District.
8. Porterville Cemetery District.
9. Tulare County Resource Conservation District.
10. Others?

J. MAILED NOTICE OF HEARING

List names and addresses of the officers, or persons, not to exceed three in number, who are to be given mailed notice of hearing:

| <u>Name</u> | <u>Address</u> |
|---------------------|---|
| Applicant | See Below |
| City of Porterville | P.O. Box 432, Porterville, California 93258 |

K. APPLICANT

State name and address of applicant or applicants:

L. SIGNATURE(S) OF PERSONS(S) COMPLETING QUESTIONNAIRE

Signature

Title

Date Signed

Telephone Number

Extension

J. MAILED NOTICE OF HEARING

List names and addresses of the officers, or persons, not to exceed three in number, who are to be given mailed notice of hearing:

Name

Address

Applicant

See Below

City of Porterville · P.O. Box 432, Porterville, California 93258

K. APPLICANT

State name and address of applicant or applicants:

L. SIGNATURE(S) OF PERSONS(S) COMPLETING QUESTIONNAIRE

Signature

Title

Date Signed

Telephone Number

Extension

APPLICANT: _____

DATE: _____

ANNEXATION PROPOSAL CRITIQUE
AND PLAN FOR SERVICES

AREA COMMENTARY:

RECREATION:

PUBLIC WORKS/PUBLIC FACILITIES:

AREA DESCRIPTION:

Study Area Boundaries:

North:

East:

South:

West:

SIZE OF AREA:

Gross Acres:

Square Miles:

TOPOGRAPHY:

DRAINAGE:

POPULATION:

REGISTERED VOTERS:

HOUSING UNITS:

Type:

ZONING:

Current:

Proposed:

GENERAL PLAN DESIGNATION:

AREA DESCRIPTION:

Study Area Boundaries:

North:

East:

South:

West:

SIZE OF AREA:

Gross Acres:

Square Miles:

TOPOGRAPHY:

DRAINAGE:

POPULATION:

REGISTERED VOTERS:

HOUSING UNITS:

Type:

ZONING:

Current:

Proposed:

GENERAL PLAN DESIGNATION:

LAND USE:

PUBLIC UTILITIES:

Existing

Upon Annexation

Telephone:

Gas:

Electric:

Cable T.V.:

PUBLIC IMPROVEMENTS: Existing

Streets - lineal feet: _____

Curb & Gutter - lineal feet: _____

Sidewalk - lineal feet: _____

SEWAGE DISPOSAL:

Existing:

Upon Annexation

REFUSE DISPOSAL:

Existing:

Upon Annexation:

WATER:

Existing:

Upon Annexation:

PUBLIC FACILITIES:

Existing

Upon Annexation

POLICE:

FIRE:

LIBRARY:

PARKS & RECREATION:

SCHOOLS:

ASSESSMENTS:

Assessed Value:

Land:

Improvements:

Current Tax Rate:

METHODS OF UPDATING AND PROVIDING PUBLIC SERVICES AND FACILITIES

- A. Sewer
- B. Water
- C. Streets
- D. Curb - Gutter
- E. Sidewalk
- F. Public Safety
- G. Refuse Disposal

SCHOOLS:

ASSESSMENTS:

Assessed Value:

Land:

Improvements:

Current Tax Rate:

METHODS OF UPDATING AND PROVIDING PUBLIC SERVICES AND FACILITIES

- A. Sewer
- B. Water
- C. Streets
- D. Curb - Gutter
- E. Sidewalk
- F. Public Safety
- G. Refuse Disposal

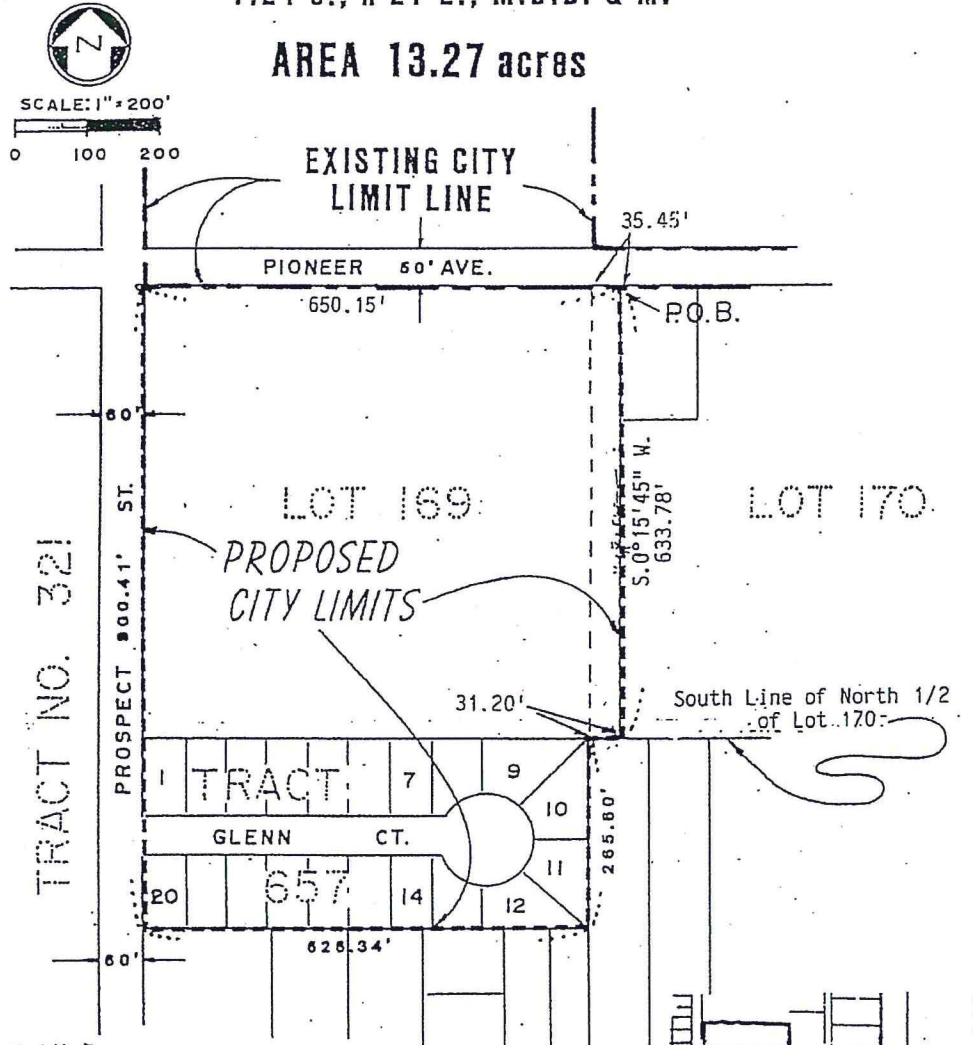
ANNEXATION NO. 396

CITY OF PORTERVILLE

PORTION OF S 1/2 OF NE 1/4 SEC. 22,

T.21 S., R 27 E., M.D.B. & M.

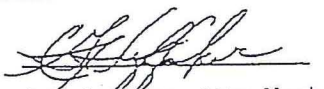
AREA 13.27 acres

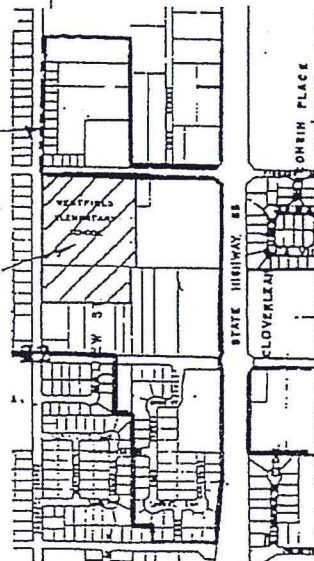


EFFECTIVE DATE 10/21/91
STATE OF CALIFORNIA
COUNTY OF TULARE

I hereby certify that Resolution No. 121-91 was passed and adopted by the Council of the City of Porterville on the 17th day of September, 1991, annexing to the City of Porterville the area shown on this map and that said map sets forth the boundaries of territory annexed to the City of Porterville by said resolution.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Official Seal of the City of Porterville this 30th day of September, 1991.


C.G. H. Baker, City Clerk
City of Porterville



LOCATOR - N.T.S.

ANNEXATION NO. 396

CITY OF PORTERVILLE

That portion of the South half of the Northeast quarter of Section 22, all in Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

BEGINNING at a point in the existing City Limit Line and the south right-of-way line of Pioneer Avenue (50 feet wide), 35.45 feet east of the northeast corner of Lot 169 of Pioneer Land Company's First Subdivision, recorded in Volume 3 of Maps, at Page 34, Tulare County Records;

Thence, leaving the existing City Limit Line south $0^{\circ}15'45''$ west, a distance of 633.78 feet to a point located on the south line of the north half of Lot 170 of said Subdivision, 31.20 feet east of the southwest corner of said north half;

Thence, west along said south line 31.20 feet to the southwest corner of said North half, said corner also being the northeast corner of Tract No. 657 recorded in Book 34 of Maps, at Page 71, Tulare County Records;

Thence, south along the east line of Tract No. 657, a distance of 265.60 feet to the southeast corner of said Tract;

Thence, west along the south line of Tract No. 657, a distance of 626.34 feet to the southwest corner of Tract No. 657 and the east right-of-way line of Prospect Street (60 feet wide);

Thence, north along the east right-of-way line of Prospect Street, a distance of 900.41 feet to the south right-of-way line of Pioneer Avenue and an angle point in the existing City Limit Line;

Thence, east along the south right-of-way line of Pioneer Avenue and existing City Limit Line, a distance of 650.15 feet to the point of beginning.

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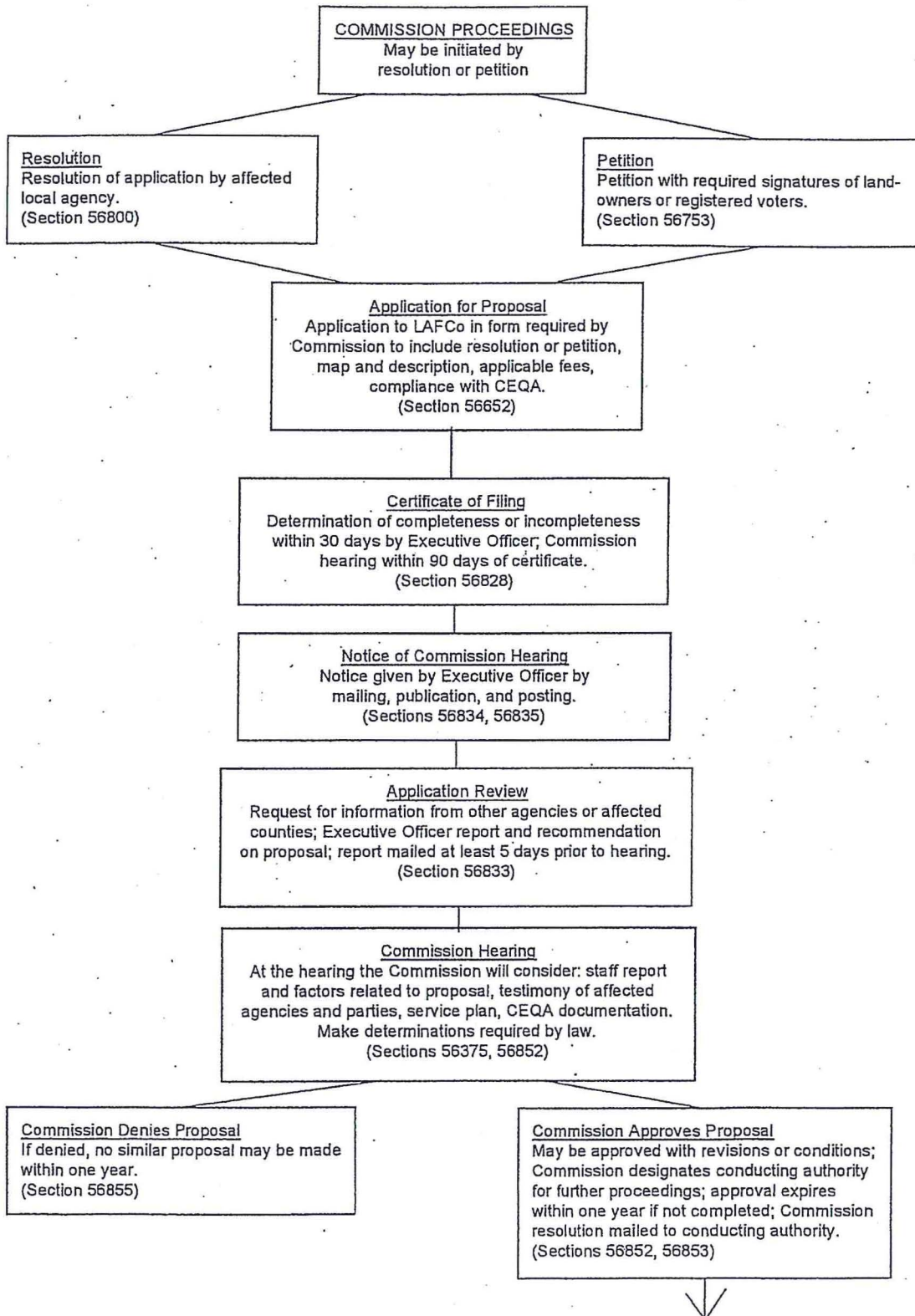
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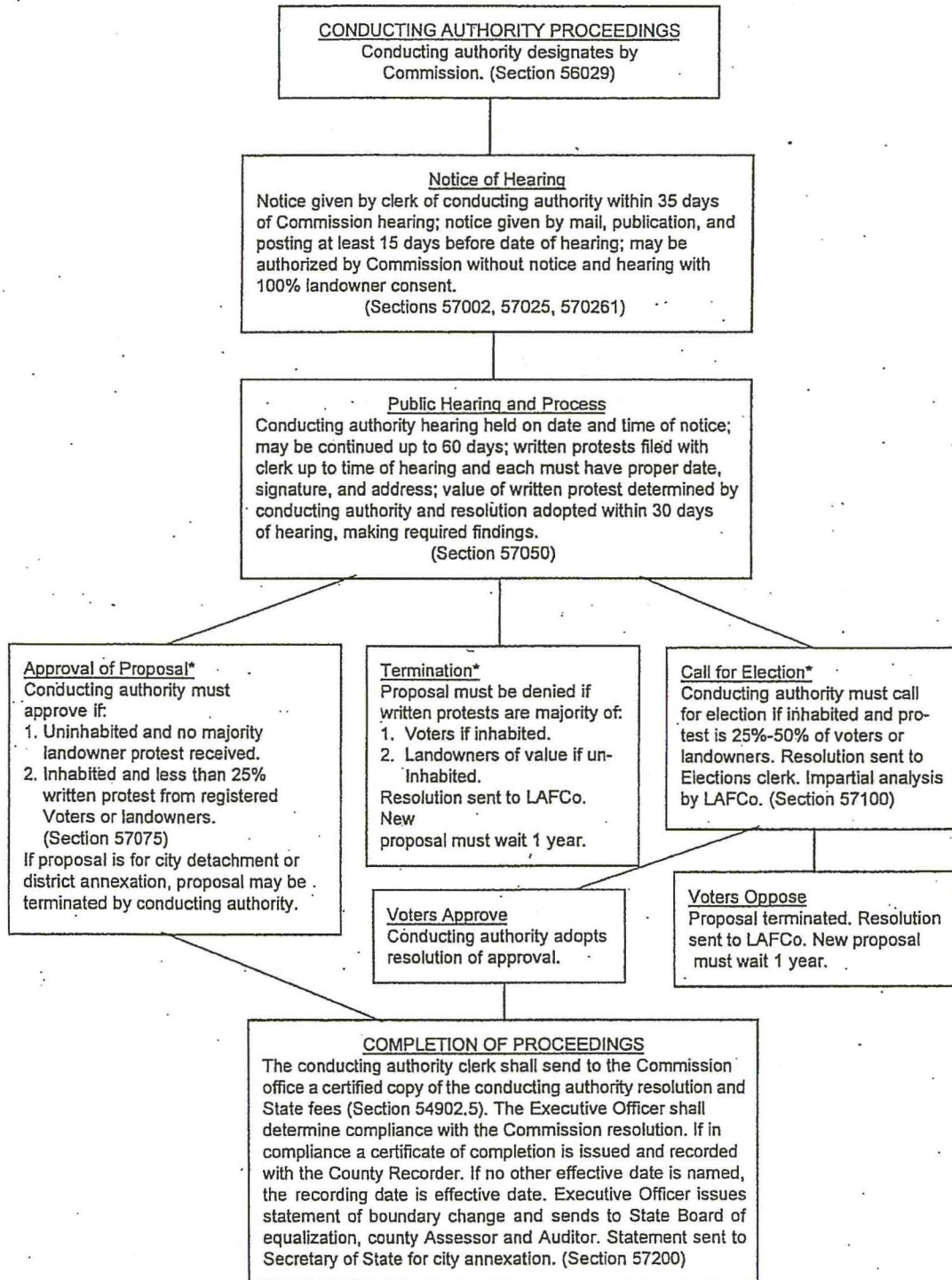
Thence, west along the south line of Tract No. 657, a distance of 626.34 feet to the southwest corner of Tract No. 657 and the east right-of-way line of Prospect Street (60 feet wide);

Thence, north along the east right-of-way line of Prospect Street, a distance of 900.41 feet to the south right-of-way line of Pioneer Avenue and an angle point in the existing City Limit Line;

Thence, east along the south right-of-way line of Pioneer Avenue and existing City Limit Line, a distance of 650.15 feet to the point of beginning.

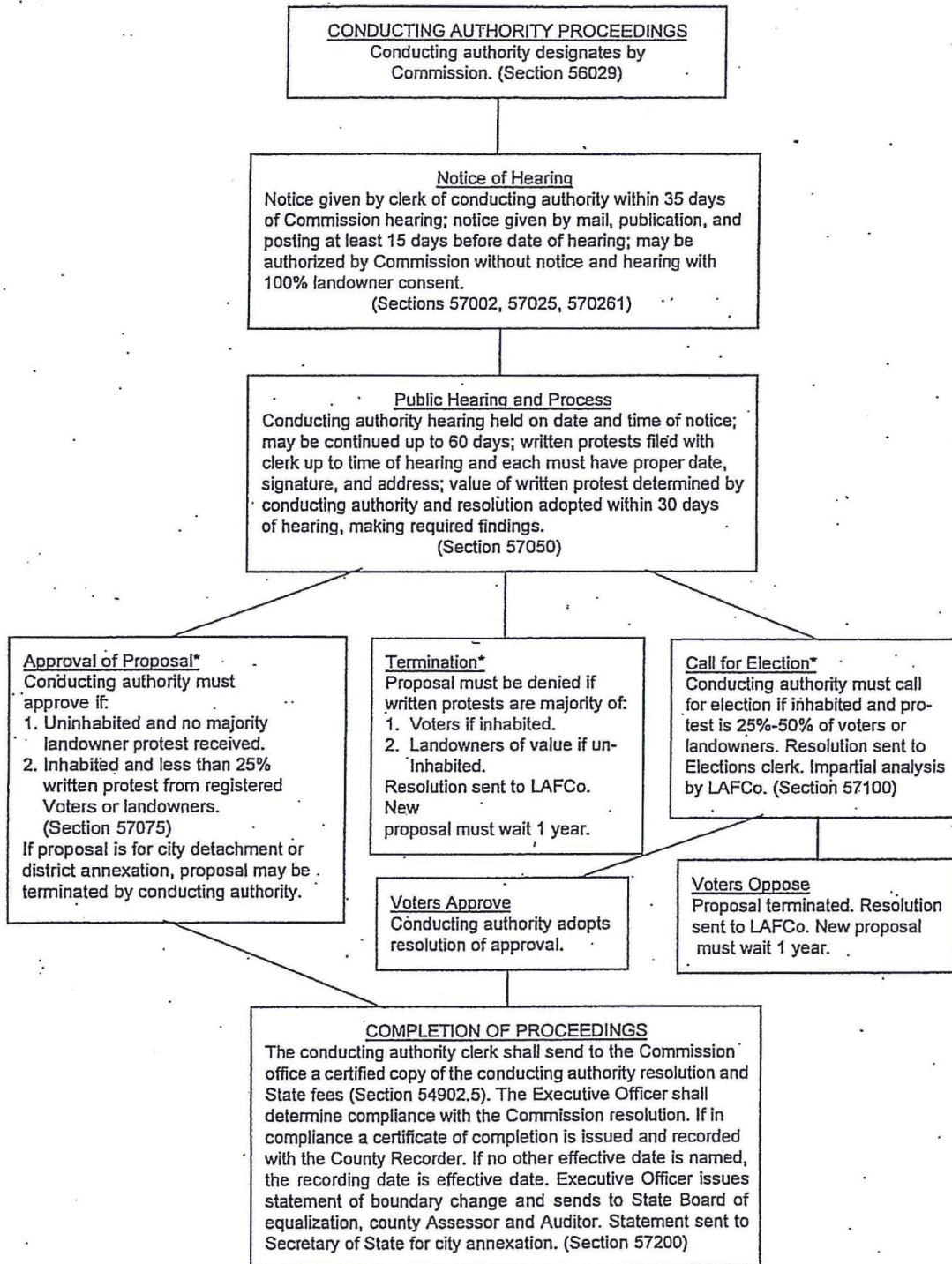
CORTESE-KNOX LOCAL GOVERNMENT REORGANIZATION ACT OF 1985
ANNEXATION/DETACHMENT/REORGANIZATION PROCEDURE DIAGRAM





All citations reference the California Government Code

* Protest provisions for changes of organization other than annexations, detachments, and reorganizations consisting solely of annexations and detachments are different. Please consult applicable section of the law. If terminated due to protest or failure at an election, the waiting period for an incorporation or city consolidation is two years.



All citations reference the California Government Code

* Protest provisions for changes of organization other than annexations, detachments, and reorganizations consisting solely of annexations and detachments are different. Please consult applicable section of the law. If terminated due to protest or failure at an election, the waiting period for an incorporation or city consolidation is two years.

PROJECT FLOW CHART

Annexation

Upon receipt of an annexation proposal, the material will be forwarded to the Project Review Committee for review and recommendation.

12-30 days

Upon receipt from Project Review Committee of the necessary application and data, the staff will prepare a report and findings on environmental aspects of the proposed annexation area.

7-21 days (Average)

Upon review of the Environmental Review Committee, a determination of environmental significance will be prepared in conformance with the California Environmental Quality Act.

2-4 weeks

Upon completion of the environmental document, the proposed annexation application will be forwarded to the Porterville City Council for its consideration and endorsement.

1-2 weeks

Upon receipt of an endorsement, documents will be filed in accordance with the Cortese-Knox Local Government Reorganization Act of 1985 to the Local Agency Formation Commission for their review, recommendations, and action.

1-2 months

Upon approval of the Local Agency Formation Commission, staff will forward recommendations and conditions to the City Council for its review and the consummation of annexation proposal.

Pre-Zoning (if applicable)

The applicant prepares all required information, and supporting documents for application of zone change.

The applicant submits all material to the Planning Division. The application is then scheduled for the Project Review Committee.

12-30 days

The Project Review Committee considers the completeness and conformity with City Codes and Ordinances in relation to the project. If the application is complete, the appropriate fees are collected and the project is scheduled for the Environmental Review Committee.

7-21 days (Average)

The Environmental Review Committee considers if any adverse impacts will be created by the proposed project. The committee will make a determination as to whether a negative declaration or environmental impact report is needed. The project is then scheduled for a City Council Public Hearing.

2-4 weeks

The City Council holds a public hearing to consider if the environmental findings and the proposed change in zone are consistent with City Policies and the General Plan. If the project is approved, the City Council will have a second reading at the next regularly schedule meeting of the Council. Upon consummation of the annexation, the zone change becomes effective.

MUNICIPAL SERVICES POLICY FOR UNINCORPORATED AREAS

I. GENERAL POLICY PROVISIONS

A. REQUESTS FOR SERVICES.

1. Application: Applications requesting approval to connect existing or proposed uses and improvements within the unincorporated environs of the Porterville Urban Area Boundary to the City of Porterville Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities; and, applications for Contractual Arrangements to provide other municipal services to unincorporated areas; shall be filed for presentation to the City Manager or his designee on forms provided by the City for that purpose, and such applications shall be accompanied by:
 - a.) An application processing fee as set forth in the Comprehensive Schedule of Community Development Fees adopted and periodically updated by resolution of the Porterville City Council; and,
 - b.) In the case of requests to connect to Municipal Water and/or Master Storm Drain Facilities, an Annexation Consent form executed by all owners of record to the property, or properties, proposed to be served.
2. Disposition: Upon receipt and consideration of applications to connect existing or proposed unincorporated uses and improvements to City of Porterville Facilities, or, to provide contractual municipal services, the City Manager or his designee, or the City Council may approve, conditionally approve, or deny such applications in accordance with the applicable policy provisions contained herein. In the event of denial, executed Annexation Consent Forms shall thereupon be returned to the applicant(s).

B. EXEMPTIONS AND EXCEPTIONS

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville (Contact the PVPUD for information on connection requirements and fees pertaining to sewer services). This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.
2. PRIOR APPROVALS: Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.

C. RESTRICTIONS AND CONDITIONS

1. GENERAL PLAN CONSISTENCY:

- a.) Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan.
- b.) Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan shall be considered at the discretion of the City Manager or his designee, or the City Council, and may be subject to other restrictions hereafter noted.

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2. TIME LIMITATIONS: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
3. IMPROVEMENT PLANS: Applications for service connections, which necessitate the extension of one or more municipal facilities to property in order to make such connections, shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
4. FEES: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

II. SPECIFIC FACILITY POLICY PROVISIONS

A. REGIONAL SEWAGE TREATMENT FACILITIES.

1. ANNEXATION: An annexation Application and/or Annexation Consent Form is not a requirement for connection and use of Regional Sewage Treatment Facilities.
2. SERVICE LIMITATIONS: Service connections are restricted to existing and proposed uses which do not exceed acceptable waste discharge requirements established by the City of Porterville.

B. MUNICIPAL WATER FACILITIES.

1. ANNEXATION

a.) Annexable Property -

Approval for any type water connection shall not be granted prior to LAFCO approval of an annexation application submitted by the applicant to the City in accordance with the Annexation Policy and payment of all pertinent fees.

b.) Annexable Property Exception -

- 1.) Approval for connection to Water facilities may be granted for existing structures and/or for a vacant lot that will allow only one single family residence subject to the payment of pertinent fees (I.C.4), the conditions outlined in Request for Services (I.A.), and Restrictions and Conditions (I.C.).
- 2.) Approval for connection to Water facilities may be granted for those areas of development or potential development where the City of Porterville has taken over the operation of privately owned water systems. Approval shall be subject to conditions outlined in Request for Services (I.A.), payment of all pertinent fees (I.C.4) and Restrictions and Conditions (I.C.). All subdividing; lot splitting type activities proposed after the effective date of this policy will be processed under conditions listed in Annexation (II.B.1.a.) or (II.B1.c.).

c.) Non-Annexable Property -

Approval for connection to water facilities may be granted for those areas physically unannexable subject to Request for Services (I.A.), Restrictions and Conditions (I.C.), Fees (I.C.4.) and additional conditions deemed necessary to guarantee development that will meet City Development Standards including zoning requirements. Approval may also include a time restriction per Time Limitations (I.C.2.).

C. MASTER STORM DRAIN FACILITIES

1. ANNEXATION

a.) Annexable Property -

Approval for any type storm drain connection shall not be granted prior to LAFCO approval of an annexation application submitted by the applicant to the City in accordance with the Annexation Policy and payment of all pertinent fees.

b.) Annexable Property Exception -

- 1.) Approval for connection to storm drain facilities may be granted for existing structures and/or for a vacant lot that will allow only one single family residence subject to the payment of pertinent fees (I.C.4) the conditions outlined in Request for Services (I.A.) and Restrictions and Conditions (I.C.).
- 2.) Approval for connection to Storm Drain facilities may be granted for those areas of development or potential development where the City of Porterville has taken over the operation of previously installed storm drain systems. Approval shall be subject to conditions outlined in Request for Services (I.A.), payment of all pertinent fees (I.C.4.) and Restrictions and conditions (I.C.).

c.) Non-Annexable Property -

Approval for connection to storm drain facilities may be granted for those areas physically unannexable subject to Request for Services (I.A.), Restrictions and Conditions (I.C.), Fees (I.C.4.), and additional conditions deemed necessary to guarantee development that will meet City Development Standards including zoning requirements. Approval may also include a time restriction per Time Limitations (I.C.2.).

D. CONTRACT SERVICES

1. PUBLIC SAFETY

- a.) Police Department
- b.) Fire Department

2. INSPECTION SERVICES

- a.) Public Works Inspection
- b.) Building Inspection.

c.) Non-Annexable Property -

Approval for connection to water facilities may be granted for those areas physically unannexable subject to Request for Services (I.A.), Restrictions and Conditions (I.C.), Fees (I.C.4.) and additional conditions deemed necessary to guarantee development that will meet City Development Standards including zoning requirements. Approval may also include a time restriction per Time Limitations (I.C.2.).

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Approval for connection to storm drain facilities may be granted for those areas physically unannexable subject to Request for Services (I.A.), Restrictions and Conditions (I.C.), Fees (I.C.4.), and additional conditions deemed necessary to guarantee development that will meet City Development Standards including zoning requirements. Approval may also include a time restriction per Time Limitations (I.C.2.)

D. CONTRACT SERVICES

1. PUBLIC SAFETY

- a.) Police Department
- b.) Fire Department

2. INSPECTION SERVICES

- a.) Public Works Inspection
- b.) Building Inspection.

ORDINANCE NO. 1564

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING CHAPTER 25, ARTICLE I
OF THE PORTERVILLE CITY CODE BY AMENDING
SECTIONS 25-16, AND BY THE ADDITION THERETO OF
SECTION 25-16.2 AND CHAPTER 25, ARTICLE II
OF THE PORTERVILLE CITY CODE BY
AMENDING SECTION 25-36.1 AND BY THE ADDITION
THERETO OF SECTION 25-36.2 RESPECTIVELY RELATING
TO CONNECTION TO CITY WATER AND/OR SEWER
OUTSIDE THE CITY LIMITS

The Council of the City of Porterville does ordain as follows:

Section 1: That Chapter 25 Article I of the Porterville City Code Section 25-16 Water service outside the city: rate be amended as follows and the addition of Section 25-16.2 as follows:

Sec. 25-16 Water service outside the city: rate

Except as provided by Section 25-16.2 pertaining to water connections outside city limits, the city council may, at its option and sole discretion, elect to make available water services to inhabitants outside the boundaries of the city and under such rules and regulations as the city council may, at its discretion, determine, and discontinue such service at its option and election; and at such rates and under such conditions as the city council may elect; provided, however, that water consumers receiving such service outside of the city shall be required to pay for such service at a service rate fixed and established for such consumers.

Sec. 25-16.2 Approval for water service outside city limits

The City Manager, or his/her designee, shall have authority for the administrative approval of requests for water service outside city limits, if applicant meets all other conditions as required by the Porterville City Code and the Annexation Policy Manual and all other pertinent regulations. Consideration of said request shall be in conjunction with approval of required City permits and payment of applicable fees.

Section 2: That Chapter 25 Article II of the Porterville City Code Section 25-36.1 Service to inhabitants outside city boundaries: charges paragraph one (1) be amended as follows and add Section 25-36.2.:

Sec. 25-36.1 Service to inhabitants outside city boundaries: charges

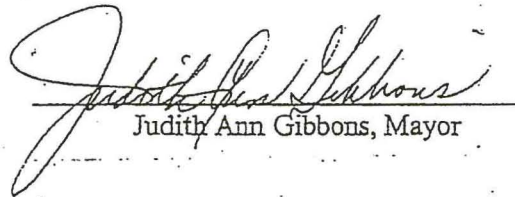
Except as provided by Section 25-36.2 pertaining to sewer connections outside city limits, the city council may, at its option and sole discretion, elect to make available sewer services to inhabitants outside the boundaries of the city and under such rules and regulations as the city council may, at its discretion, determine, and discontinue such service at its option and election. Said service shall be made available only to the owners of the property to be served.

Sec. 25-36.2 Approval for sewer service outside city limits

The City Manager, or his/her designee, shall have authority for the administrative approval of requests for sewer service outside city limits, if applicant meets all other conditions as required by the Porterville City Code and the Annexation Policy Manual and all other pertinent regulations. Consideration of said request shall be in conjunction with approval of required City permits and payment of applicable fees.

Section 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

ATTEST:


Judith Ann Gibbons, Mayor


C. G. Huffaker, City Clerk

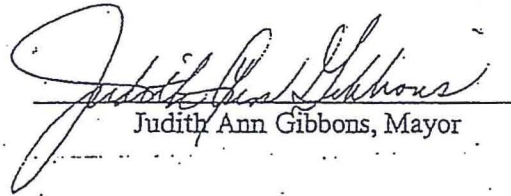
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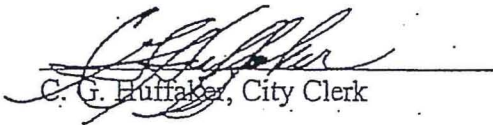
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Judith Ann Gibbons, Mayor

ATTEST:


C. G. Huffaker, City Clerk

STATE OF CALIFORNIA)
(SS
COUNTY OF TULARE)

I, C. G. HUFFAKER, 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 #1564, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 1st day of December, 1998, 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 became effective on the 31st day of December, 1998, and said ordinance is now 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: | IRISH | GURROLA | LEAVITT | CHOATE | GIBBONS |
|----------|-------|---------|---------|--------|---------|
| AYES: | X | X | X | X | X |
| NOES: | | | | | |
| ABSENT: | | | | | |
| ABSTAIN: | | | | | |

C. G. HUFFAKER, City Clerk

By Georgia Hawley
Georgia Hawley, Deputy City Clerk


RESOLUTION NO. 34-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE SETTING MUNICIPAL SERVICES
PROCESSING FEE

BE IT HEREBY RESOLVED by the City Council of the City of
Porterville that the following Municipal Services Processing Fees
are hereby adopted:

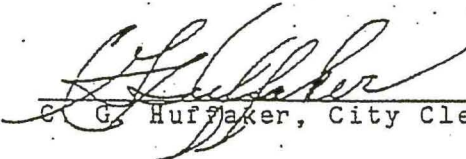
- 1) \$50.00 per lot for single family residences
(developed or undeveloped)
- 2) \$50.00 per unit for existing structures
(Apartment Complexes, Commercial and Industrial).
- 3) \$50.00 per acre for Residential, Commercial and
Industrial projects; but not to exceed the total
cost for processing an annexation (unannexable areas).

said fees shall become effective April 2, 1986.



Nero Pruitt, Mayor.

ATTEST:



G. Huffaker, City Clerk

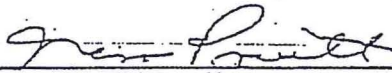
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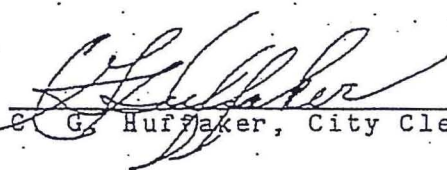
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Industrial projects; but not to exceed the total
cost for processing an annexation (unannexable areas).

said fees shall become effective April 2, 1986.



Nero Pruitt, Mayor.

ATTEST:



G. Huffaker, City Clerk

Policies and Procedures

Tulare County Local Agency Formation Commission

Policy Number: C-6

Effective Date: *February 6, 2002*

Authority: *Government Code §56133, LAFCO Resolutions 94-007, 01-006, 02-006*

Title: **Extraterritorial Service Agreements**

Policy: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes LAFCO approve proposals to extend services beyond the jurisdictional boundary of a local agency, where the territory subject to receiving such services is within the affected agency's sphere of influence in anticipation of a later change of organization.

Purpose: To set clear standards for applying state and local laws governing the extension of services beyond the jurisdictional boundaries of the provider agency.

Scope: This procedure applies to proposals LAFCO receives seeking the extension of services beyond the jurisdictional boundaries of the provider agency.

Procedure:

- 6.1. The commission has determined that those proposals which meet the following criteria may be approved by the Commission
 - A. The affected territory is within the subject agency's sphere of influence.
 - B. The affected territory is ineligible for near-term annexation for reasons outside the control of the provider-agency or deteriorated public health or safety conditions within the affected territory justify an emergency extension of services.
 - C. The provider-agency has completed a California Environmental Quality Act review for the proposed extension of services.
 - D. The provider-agency has submitted a complete application and processing fees to LAFCO
 - E. There is a demand or need for the extension of such services at the time at which the extension is brought to the Commission for review.

- 6.2. The LAFCO Executive Officer is authorized to review and approve or deny, on behalf of the Commission, proposals by cities and special districts to extend services beyond their jurisdictional boundaries, where the proposed extension

**ATTACHMENT
ITEM NO. 2**

area is within the adopted sphere of influence of the affected local agency and to services which are already provided by the local agency within the agency's adopted boundary.

- 6.3. The LAFCO Executive Officer is authorized and required, upon application, to set a public hearing for the consideration, by the Commission, of any proposal by a city or district to extend service outside the agency's sphere of influence, or to extend to territory outside the agency's boundary a service which is not already provided by the local agency within the agency's jurisdictional boundary.
- 6.4. The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:
 - A. The entity applying for the contract approval has provided the commission with the documentation of a threat to the health and safety of the public or the affected residents.
 - B. The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.
- 6.5. Fees- refer to policy B-2

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the City of Porterville to annex to said City of Porterville.”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extraterritorial services.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City Council to consider annexation proposals and extraterritorial service requests only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.

**ATTACHMENT
ITEM NO. 3**

2. It shall be the policy of the City of Porterville to consider annexation proposals and extraterritorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
3. It shall be the policy of the City Council to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
4. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
5. It shall be the policy of the City Council that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
6. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
7. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
8. It shall be the policy of the City Council to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
9. It shall be the policy of the City Council that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.

PASSED, APPROVED AND ADOPTED this _____ day of September, 2014.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY _____

Patrice Hildreth, Chief Deputy City Clerk



Submittal Requirements for Irrevocable Agreement to Annex to the City of Porterville

The following items are to be submitted at the time of application. However, prior to actual filing, all applicants are encouraged to contact the Planning Division of the Community Development Department at (559) 782-7460 or planning@ci.porterville.ca.us to schedule a pre-filing meeting at which time a planner can provide assistance regarding form and content of review submittals as well as information regarding City codes and policies.

The following items are to be submitted with this application. Please see attached application for details.

1. Completed application form;
2. Filing fees;
3. Legal description of land parcel(s);
4. Copy of recorded Grand Deed(s).

**ATTACHMENT
ITEM NO. 4**

Application for Irrevocable Agreement to Annex to the City of Porterville

IAA# _____ Submittal Date _____

Fee _____ PRC# _____

Applicant _____

Phone _____

Mailing Address _____

Total Acreage of the Project (Gross/Net) _____

Assessor's Parcel Number(s) for Property _____

Address of Property _____

Existing County General Plan Designation _____ Zoning _____

Current City General Plan Designation _____ Zoning _____

Proposed Land Use Designation _____ Zoning _____

Please complete the following:

I/We, the undersigned owner(s) of the above described property, hereby request that the City Manager of the City of Porterville review, approve, and sign the Irrevocable Agreement to Annex to the City of Porterville for the property(ies) described herein.

Signature 1 _____ Date _____

Signature 2 _____ Date _____

Street Address _____

Street Address _____

City, State, Zip _____

City, State, Zip _____

Signature 3 _____ Date _____

Signature 4 _____ Date _____

Street Address _____

Street Address _____

City, State, Zip _____

City, State, Zip _____

Recording Requested by and
Upon Recordation return to:
City of Porterville
ATTN: Community Development Department
291 N Main Street
Porterville, CA 93257

IAA# _____

IRREVOCABLE AGREEMENT TO ANNEX TO THE CITY OF PORTERVILLE

This agreement is made this ____ day of _____, 20____, between _____ hereinafter referred to as "Owner," and the City of Porterville, hereinafter referred to as "City."

WHEREAS, Owner is the owner of the real property consisting of approximately _____ gross acres located at _____, Porterville, California, and is further described as follows: See attached legal description being further described as Assessor's Parcel Number _____.

WHEREAS, Owner requires use of the City (Sewer/Water/Storm Drain) system and the right to connect to the existing (Sewer/Water/Storm Drain) main which is contiguous to said property; and

WHEREAS, Owner is willing to permit the annexation of its property to the City of Porterville; and

WHEREAS, the City is willing to consent to the connection of said property to the (Sewer/Water/Storm Drain) main only on the condition that Owner permit said annexation to the City at the earliest possible time; and

WHEREAS, the City may proceed with the annexation of Owner's property plus other property, but said annexation will cause delay, which delay would create a substantial hardship for Owner.

NOW, THEREFORE, OWNER DOES AGREE AS FOLLOWS:

1. Owner hereby gives its irrevocable consent to annexation of its property to the City at such time as the annexation may be properly approved through appropriate legal proceedings, and Owner does further agree to provide all reasonable cooperation and assistance to the City in the annexation proceedings. Said cooperation is contemplated to include signing any applications or consent prepared by the City and submitting any evidence reasonably within the control of Owner to the various hearings required for the annexation. Said cooperation does not include, however, any obligation on behalf of Owner to institute any litigation or judicial proceedings whatsoever to compel annexation to the City.
2. The City hereby agrees to authorize the connection of said property to the City's (Sewer/Water/Storm Drain) main located in _____.
(identify street name)
3. Upon annexation, Owner agrees to pay such annexation fees and cost as would ordinarily be charged on the annexation of property to the City.
4. Owner shall pay all fees and charges and make all deposits required by City to connect to and use the (Sewer/Water/Storm Drain). Those fees shall include, but not be limited to, the following:

- Connection Permit Fee = \$
- _____ Deposit = \$
- Connection charge = \$
- Facilities fee = \$
- LAFCo fee = \$
- Extraterritorial Service Agreement fee = \$

Said fees shall be valid for a period of one year from the date of execution of this Agreement and shall be paid prior to the issuance of a (Sewer/Water/Storm Drain) connection permit. Fees paid after one year of the date of execution of this Agreement shall be subject to the fee amount in effect at that time. Owner also agrees to pay any additional fees that may be charged by the Local Area Formation Commission (LAFCo). Owner agrees to be bound by all City ordinances, rules, and regulations respecting the (Sewer/Water/Storm Drain) system.

5. This agreement shall be recorded.
6. Owner executes this agreement on behalf of itself, its successors and assigns, and said Agreement shall be irrevocable without the prior written consent of both parties hereto.

Executed this ____ day of _____, 20 ____

Owner: _____

By: _____

CITY:

The City Clerk and Mayor of the City of Porterville have been authorized to execute this Agreement on behalf of the City of Porterville

 City Clerk of the City of Porterville

 Mayor of the City of Porterville

CITY COUNCIL AGENDA – OCTOBER 21, 2014

SUBJECT: CONSIDERATION OF WEB-BASED AGENDA MANAGEMENT SYSTEM WITH LIVE/VIDEO STREAMING COMPONENT AND COUNCIL CHAMBERS AUDIO/VISUAL UPGRADES

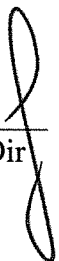
SOURCE: ADMINISTRATIVE SERVICES DEPT/CITY CLERK DIVISION

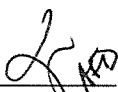
COMMENT: As the Council is aware, past City Councils had voiced interest for transparency purposes in pursuing live broadcasting of City Council Meetings via an educational PEG channel on cable. At that time, due to technical deficiencies in the Council Chambers, live broadcasting was not a viable option. As a later alternative, the City entered into an arrangement, which continues today, with Mr. Will Lloyd for the City's purchase of video coverage of regular City Council Meetings. Under this arrangement, the City provides Mr. Lloyd access to electricity for his video equipment in the Council Chambers. Mr. Lloyd videos the regular Council Meetings, after which the City purchases from Mr. Lloyd a DVD containing the unedited raw footage. The City currently pays Mr. Lloyd \$250 per meeting for this footage for archival purposes, or up to \$6,000 per year. The DVD is then held on file and provided to the public upon request.

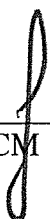
In an effort to improve staff efficiencies and expand public access and transparency in government, staff is seeking to modernize its agenda process and implement much-needed technological upgrades to the Council Chambers. Staff is proposing a two-pronged approach to achieve this: 1) entering into a contract with a vendor to provide access to a web-based agenda management system that includes a live/video streaming component; and 2) implementing audio/visual upgrades to the Council Chambers to make the location more conducive and compatible with newer technologies.

Web-Based Agenda Management System with Live/Video Streaming

Staff has obtained three quotes from web-based agenda management vendors and has analyzed the products offered by each provider, including SuiteOne Media, IQM2, and Granicus. In its consideration, staff looked at the companies' backgrounds and professional references, system features and available modules, user interfaces, and cost. Staff's comparison analysis is attached hereto as Attachment 1 for Council's reference.


Dir


Funded/
Appr.


CM

Item No. 12

It is staff's opinion that the SuiteOne Media product offers the highest quality solution at the lowest cost. The agenda management system automates the entire agenda creation process and allows for online collaboration between all departments, thereby creating more efficiencies with staff time and resources.

Currently, the agenda process is a low-tech, labor-intensive operation consisting of hand-delivering hard copies of agenda items between departments for a series of approvals and edits. The proposed agenda management system streamlines the process by creating an online automated workflow in which all departments can view the progress of their items and track changes. Another available component is the SuiteOne streaming module that provides live streaming of meetings on the City's website, as well as on-demand video recordings after meetings. A key feature of this component is the linking of the agenda management and streaming modules which connects the agenda to the on-demand video thereby allowing users to simply click on the item they wish to view. The costs associated with the SuiteOne contract consist of the following:

| | |
|-----------------------|--|
| Agenda Management: | \$3,588 |
| Live/Video Streaming: | <u>\$2,976</u> |
| Year One Total: | \$8,063 (<i>includes one-time setup fee</i>) |
| Year Two Total: | \$6,564 |

Council Chambers Audio/Visual Upgrades

With the recent access to fiber in the Council Chambers, the ability to undertake much-needed technological upgrades in the Chambers is now available. As a companion piece to the proposed SuiteOne agenda management and live/video streaming system, certain audio/visual appliance enhancements are needed in the Council Chambers. The appliances currently in place are antiquated and lack expansion capabilities and modern input ports which render them incompatible with newer technologies. As the Council is aware, because of the antiquated ports, the Council and staff experience problems with audio, which cannot be corrected with the current appliances. The proposed upgrades to the A/V infrastructure includes an HD projector with mixer; new microphones on the dais; HD A/V connectivity panel, and related appurtenances. The proposed project also includes the purchase of two stationary video cameras with a staff controlled remote device and related software and accessories. The quote for this piece is separate and is attached as Attachment 2 for Council's reference.

While the proposed upgrades to the Council Chambers are not a complete technological renovation, which staff estimates could cost upwards of \$50,000, the proposed work will sufficiently modernize the location to provide for the ability to interface with current technology. Staff obtained three quotes from vendors for the proposed A/V appliance upgrades, which are attached hereto for Council's reference as Attachment 3. It is staff's opinion that ITC offers the best solution at the lowest cost. An added benefit is that ITC is a local Porterville vendor which would provide for ready accessibility. The costs associated with the proposed upgrades are as follows:

| | |
|---------------------------------------|--------------------------------------|
| In-house electrical work: | \$ 1,000.00 (<i>not to exceed</i>) |
| JCG (Cameras, software, accessories): | \$ 6,380.00 |
| ITC (A/V Upgrades) | <u>\$19,419.97</u> |
| | \$26,799.97 |

The total cost for the proposed agenda management/streaming services and A/V upgrades is \$34,862.97 for year one, and \$6,959 annually thereafter (\$3,588 – agenda management component; \$2,976 – video/live streaming component; and \$395 – camera software and support services). Funding for this project is proposed to be from the Special Purposes Reserve Fund, with the future ongoing annual costs of \$6,959 to become a budgetary item.

- RECOMMENDATION: That the City Council:
1. Approve contracting for services with SuiteOne Media for agenda management and live/video streaming in an amount not to exceed \$8,063; and authorize the Administrative Services Director to sign all necessary documents;
 2. Approve the purchase of two stationary cameras and related control accessories and software from JCG in an amount not to exceed \$6,380;
 3. Approve the proposed A/V appliance upgrade in the Council Chambers and authorize staff to engage the services of in-house staff for miscellaneous electrical upgrades in an amount not to exceed \$1,000; and ITC in an amount up to \$19,419.97; and
 4. Authorize funding for said services and upgrades out of the Special Purposes Reserve Fund in an amount not to exceed \$34,862.97, with ongoing annual service costs of \$6,959 to become a budgetary item in future budgets.

- ATTACHMENTS:
- 1) Agenda Management Systems Analysis with Costing
 - 2) Quotation for Cameras with Control Device & Software
 - 3) Quotations for A/V Appliance Upgrades

Company Profile: SuiteOne Media



Background: Founded 12 years ago, SuiteOne Media has progressed from its original service-reporting 311 system, to public records request management, to its current comprehensive solution for agenda and minutes management, as well as both live-stream and on-demand meeting video. SuiteOne Media services are offered in modules that can be purchased individually or in packages.

Modules:

- SuiteView (live streaming & video on-demand)
- SuiteAgenda (paperless agenda management)
- SuiteMinutes (meeting minutes generator)

Main Functions: SuiteView

- Live stream and on-demand meeting video/audio on City website
- Seamless integration with Microsoft Word for video/audio controls
- Synchronization of video clips with each individual item in agenda document
- Administration Portal allows staff to publish and archive content
- Unlimited viewers, bandwidth, and video resolution
- Accessible from mobile devices
- Public and private media libraries

SuiteAgenda

- Online agenda creation workflow for all department staff members involved
- Task management for pre- and post-meeting actions between departments
- Custom-designed agenda templates and “canned” item wordings
- Organization and compilation of reports and attachment documents
- Automatic numbering and layout updating
- Automated item approval routing process
- Tracked changes on all content with commenting to facilitate item process
- Agenda packet delivery via Dropbox
- Web-based system (no software)

SuiteMinutes

- Fully integrated as a toolbar within Microsoft Word
- Record roll calls, motions, and votes during and after meetings
- Upload completed minutes to Dropbox and City website from MS Word
- Automated, “canned” language for minutes sections
- MS Word toolbar available to install on multiple computers
- No internet connection needed
- Included for free with the SuiteAgenda module

Overall Features:

- Data hosted securely on SuiteOne servers with integration to City website
- Unlimited users and data
- Role-based staff access and security
- 24/7 customer service support
- Automatic system upgrades

| | | |
|---------------|-------------------------------------|----------------|
| Costs: | SuiteView with Live Streaming: | \$248/mo. |
| | SuiteAgenda Plus: & SuiteMinutes | \$299/mo. |
| | One-Time Setup Fee: | \$1,499 |
| | Total Year One: | \$8,063 |
| | Total Subsequent Year: | \$6,564 |

City Reference: Seal Beach, CA

Analysis: The SuiteOne Media system offers extensive tools for both public and staff benefit. The SuiteView module streams meetings live to the city's website and has the meeting recordings available on-demand after the meetings. For City staff, SuiteAgenda automates the entire agenda creation process and allows for online collaboration between all departments and staff members involved in compiling agenda items. The system is highly user-friendly and graphically appealing.

In a comparison of costs, SuiteOne is significantly less expensive than both IQM2 and Granicus, while offering the highest quality solution that would meet the City's needs for increased public access and streamlined staff processes for Council meetings.

It is recommended to pursue a contract for the SuiteOne Media product.

Company Profile: IQM2



Background: IQM2 promotes itself as a robust, end-to-end meeting management solution with a single application. The IQM2 solution automates the public meeting process from agenda preparation through the approval and decision workflow, to the compilation of minutes, and ultimately to the dissemination of information to the public via video streaming and agenda publication.

Modules:

- MediaTraq (video streaming and webcasting)
- MinuteTraq (paperless agenda management)

Main Functions: MediaTraq

- Live stream and on-demand meeting video/audio on City website
- Reporting tools to track and understand site traffic
- Synchronization of video clips with each individual item in agenda document
- Transcription tool for creating minutes from recordings
- Software-based (not internet cloud-based)

MinuteTraq

- Agenda creation workflow for all department staff members involved
- Collaboration between departments on drafting and submitting items
- Custom-designed agenda templates and item wordings
- Automatic numbering and layout updating
- Automated item approval routing process
- Both MinuteTraq editor and MS Word integration available
- Organization and compilation of reports and attachment documents
- Revision history with tracked changes and commenting
- Recording of roll call, votes, and council member comments
- Generation of letters and legal notices
- Software-based (not internet cloud-based)

Overall Features:

- Data hosted securely on IQM2 servers with integration to City website
- Unlimited users, meeting groups, and storage
- Monthly subscription, no annual contract
- 24/7 customer service support

Costs:

| | |
|------------------------------|-----------------|
| MediaTraq | \$490/mo. |
| MinuteTraq | \$1,200/mo. |
| One-Time Setup: | \$0 |
| Total Year One: | \$20,280 |
| Total Subsequent Year | \$20,280 |

City Reference: Town of Southampton, NY

Analysis: While the IQM2 product does have extensive tools for agenda management and meeting recordings, it has significant drawbacks when compared to the other products on the market. The IQM2 system is housed in a software application that

must be installed on staff computers, instead of being accessible through an online web-based system. This makes the agenda process cumbersome for collaboration between departments and staff members.

An additional negative aspect of the IQM2 product is that it has a very basic look and functionality that does not integrate well with the advanced graphics and navigation of Windows 8. Since the IQM2 system is software-based, any future updates to the system would require re-installation of the product on all staff computers.

The cost of the IQM2 product is substantially more than the SuiteOne Media system, even though IQM2 is much more basic than SuiteOne. Given the dramatic difference in cost, it is not advisable to pursue a contract for the IQM2 product.

Company Profile: Granicus



Background: Granicus is the largest legislative content management company, with over 20,000 government users and over 5 million government media files and public records. The Granicus system allows government agencies to streamline day-to-day tasks including webcasting public meetings, managing and delivering legislative information, and collaborating with citizens.

Modules:

- Government Transparency Suite (online video portal for meetings and events)
- iLegislate App (agenda access, note-taking, and touch-screen voting)

Main Functions: Government Transparency Suite

- Live stream and on-demand meeting video/audio on City website
- Synchronization of video clips with each individual item in agenda document
- Unlimited viewers, bandwidth, and video resolution
- Closed captioning available
- Analytic tools for understanding public viewership and online participation

iLegislate App for Council Members

- Review complete paperless agenda packets on iPads
- View archived meeting videos specific to agenda items
- Bookmark and annotate agenda items and supporting documents
- Email agenda items with annotations

Overall Features:

- All modules are internet cloud-based (no software)
- Unlimited users and data
- Data hosted securely on Granicus servers with integration to City website
- Web-based portal

| | | |
|---------------|-------------------------------|-----------------|
| Costs: | Encoder Hardware | \$2,625 |
| | Configuration/Setup | \$875 |
| | Government Transparency Suite | \$649/mo. |
| | Total Year One | \$11,288 |
| | Total Subsequent Year | \$7,788 |

City Reference: Azusa, CA

Analysis: The service proposal from Granicus includes only the module for video streaming and archiving, accessible to the public on the City's website. When inquiring about the agenda management modules, staff was informed that the Granicus product for agenda management is designed for large-scale cities and is very expensive, and thus it was excluded from the proposal for Porterville. The Granicus solution for video streaming/archiving is similar to the respective video modules of the two other companies presented here.

The cost for the single Granicus module is significantly higher than the counterpart modules of both SuiteOne and IQM2. Additionally, the Granicus proposal includes

substantial up-front expenses for company hardware and configuration, which excludes the costs of cameras and microphones that would be necessary. The substantial initial investment required for the Granicus product would make it financially impractical to consider alternative products in the future, should the City desire to switch vendors in subsequent years. If the City were to become dissatisfied with Granicus, it would not be possible to recover the initial investment of \$3,500.

The exchange of fees for services with Granicus does not weigh in the City's favor. The cost for the single video module is not reasonable and there are no guarantees for future expansion to the agenda management solution at a reasonable cost.

It is not advisable to pursue a contract for the Granicus product.



9941 E. Mission Lane, Scottsdale, AZ 85258
Phone: 480 661-5629 Fax: 480 661-7589
www.jcgtechnologies.com

Budgetary Price Quotation
City of Porterville, CA
September 30, 2014

Liberty Meeting Recorder Solution

JCG Technologies, Inc (JCG) provides cost effective software solutions to organizations that want to automate their workflow and improve access to information; improving customer service while saving time and money. JCG solutions include Digital Audio and Video Recording, Agenda Management, Public Records Request Management, Video/Audio Webcasting Services, and Audio/Video Systems.

Our software based Liberty Meeting Recorder solution is designed as a replacement for antiquated analog cassette tape based and first generation digital recording systems.

The Liberty Meeting Recorder solution software records meeting audio/video to the PC's hard drive. After a recording is complete, the file can be moved to the client's network, a CD, a DVD, or any other PC-compatible storage media.

The Liberty Meeting Recorder software enables you to use a Microsoft® Word® based document (i.e. your agenda or minutes template) to take notes in Microsoft® Word® during the meeting while digitally recording. Drop down lists are provided to record roll calls, motions, and votes. All notes are automatically tied to the audio/video. Following the meeting, you can review the audio/video with the click of a mouse and quickly and easily complete the Minutes. Once approved, the Minutes (with the associated digital audio/video) can be posted to your web site as a pdf or HTML document.

Once posted to the web site, a user can simply click on a Minutes item to playback the meeting audio/video using the industry standard Microsoft® Windows® Media Player.

Optionally, the audio/video can be hosted and streamed live or on demand using our SuiteView webcasting service. The SuiteView solution includes a custom designed public portal, advanced searching and filtering, an interactive calendar, intuitive player, and analytics.



Pricing

| Quantity | Item | Total |
|----------|---|----------------|
| 1 | Liberty Meeting Recorder Solution for Council Chamber Includes: <ul style="list-style-type: none"> • 1 Liberty Meeting Recorder Software – 2 Channel Version • 1 Liberty Broadcast Module • 1 USB Audio Capture Device • 1 USB Foot Pedal • 1 RCA Cable • 1 PC Stereo Headset • 1 JCG Annual Support Services Package –Year 1 (\$395 annual cost) | \$3,495 |
| 2 | Axis M5014 IP Cameras (\$595 each)* | \$1,190 |
| 1 | Network Switch | \$200 |
| | On-Site Installation and Training | \$1,495 |
| | TOTAL | \$6,380 |

*Axis M5014 IP Camera includes Drill template, mounting brackets for soft and hard ceilings, Installation Guide, Installation and Management Software CD, Windows decoder 1-user license

Prices are effective until October 30, 2014. Prices do not include tax, shipping, and handling charges.

The client will be responsible for installing the JCG supplied cameras, including the Cat5 cable runs from the cameras to the clerk's recording PC location. They will also be responsible for terminating the Cat5 ends.



Installation and Training

Unless specifically noted above, the Client will be responsible for providing:

1. All computers and laptops. Prior to the hardware and software installation all computers must be configured as per the product specifications.
2. All PC/LAN connections and cabling (if the audio is to be archived over the network).
3. All cabling for connecting the system to any of the Customer's external systems/devices (i.e. PA system for audio playback, other recording devices, audio mixer, etc).
4. PC speakers, power supply and cables for PC sound card based playback of the audio.
5. All cabling to the recording PC location, including any cable pulls.
6. Video Encoder (for video recording).

Our installation personnel will load software and install any JCG supplied hardware onto the client's computers that meet or exceed the specifications described in this proposal. Please advise us of the model and configuration of the computers so that we can verify suitability prior to delivery.

Installation is quoted on a per day basis. The quoted price assumes ready access to the Client's facility. The Client may be responsible for additional installation charges if it does not make the facility available to complete the installation in the time frame quoted, does not provide equipment per the product specifications, and/or does not provide the items (if applicable) noted above.

The Installation and Training price includes all travel expenses. Expedited installation and training (scheduled within three weeks) may be subject to additional charges.

Operator training will be provided on the same day as the installation. For training to be most affective it is preferable to have a maximum of 5 persons per session.



Computer Hardware & Software Minimum Requirements

This document details the MINIMUM specifications required for the JCG supplied products. This information makes no allowance for other applications that may run on the computer at the same time.

Adding memory and increasing the processor speed will significantly improve performance, especially if the computer will be running other applications.

Digital Recorder Software

- Standard PC or Laptop with 2.0 GHz Processor or faster (3.0 for video)
- 1GB Memory (RAM) (2GB for video)
- Microsoft® Windows® XP Professional or later
- Windows® compatible, full duplex stereo sound playback support
- USB Port
- 256-color, 800 x 600 video display
- 20GB or more free hard drive capacity
- Microsoft® Word® 2003 or later
- Available network interface card in the recording PC

NOTE: As with any software, there are minimum hardware and software requirements, which need to be in place prior to installing and using JCG supplied software. While the attached list is minimum specification, it is important to be aware that using additional programs in combination may require a higher specification.



JCG Support Services

Package

The Support Service Package is an annual (1 year) package.

The JCG Support Services Package includes:

- Free software updates and upgrades
- Unlimited calls (operational and technical) from 8am to 5pm AZ MST, excluding JCG holidays and weekends.
- Electronic logging of issues and questions (email & Web) 24 hours per day.
- On-line access to all released Technical Support memos.
- On-line access to product documentation.
- Software fixes via electronic download; physical media is extra cost.

The JCG Support Services Package is a site-based contract. All JCG supplied products (software and hardware) installed at the site are eligible for technical support.

All products must be registered with JCG to be eligible for support.

Contact Information

Please do not hesitate to contact me if you have any questions or require any additional information.

Christie Schmenk

Regional Sales Manager
JCG Technologies, Inc.
9941 East Mission Lane
Scottsdale, Arizona 85258

Phone: 619 955-8954
Fax: 480 661-7589
Mobile: 480 282-3582
E-mail: cnschmenk@jcgtechnologies.com
Web: www.jcgtechnologies.com



244 W. Olive Ave.
Porterville, CA 93257

Estimate

| | |
|-----------|------------|
| Date | Estimate # |
| 10/2/2014 | 2288 |

| |
|---|
| Name / Address |
| The City of Porterville 291 North Main Street Porterville, California 93257 |

| |
|---------|
| Project |
| |

| Description | Qty | Rate | Total |
|--|-----|--------------|----------|
| City of Porterville AV System Upgrade: | | | |
| Provide and install listed material. A new HD scaler and switching system controller with picture in picture will be installed and programmed. The existing peripheral display source equipment will be reused. A new HD Projector system with wireless and LAN based display options will be installed. Two HD media source connectivity panels with VGA, HDMI, and Composite video/ audio will be installed. The Audio system will be updated to include all mic inputs and display audio inputs. The existing audio system and components/ microphones will be reused, five microphones will be replaced. The video display system will be controlled via the new system controller ** Optional lighting control an be added**. | | | |
| Estimated Labor | 1 | 3,360.00 | 3,360.00 |
| Material: | | | |
| HD Projector | 1 | 2,409.00 | 2,409.00 |
| Wireless Display Module (proprietary to projector) | 1 | 119.00 | 119.00 |
| HD A/V Connectivity Panel | 2 | 360.00 | 720.00 |
| 1x8 HDMI Splitter & Clock Stretcher, Supports 3D and Deep Color | 1 | 167.93 | 167.93 |
| 1x2 HDMI Splitter & Clock Stretcher, Supports 3D and Deep Color | 1 | 62.93 | 62.93 |
| HDMI extension/ interconnect cable | 12 | 48.93 | 587.16 |
| Touch screen remote | 1 | 754.79 | 754.79 |
| Remote base and remote power | 1 | 385.00 | 385.00 |
| Equipment rack with slide out base | 2 | 365.40 | 730.80 |
| Equipment shelf | 4 | 36.72 | 146.88 |
| Light duty duty equipment shelf | 2 | 48.00 | 96.00 |
| Fan system | 1 | 280.00 | 280.00 |
| Data Run | 4 | 116.20 | 464.80 |
| HDMI Feeder | 2 | 265.92 | 531.84 |
| HDMI to VGA switch | 1 | 240.00 | 240.00 |
| HD video scaler and switching system | 1 | 3,045.00 | 3,045.00 |
| Projector link cables | 1 | 320.00 | 320.00 |
| Remote mixer 4ch | 2 | 658.90 | 1,317.80 |
| DI receiver 4ch | 1 | 158.40 | 158.40 |
| | | Total | |



244 W. Olive Ave.
Porterville, CA 93257

Estimate

| | |
|-----------|------------|
| Date | Estimate # |
| 10/2/2014 | 2288 |

| |
|---|
| Name / Address |
| The City of Porterville 291 North Main Street Porterville, California 93257 |

| |
|---------|
| Project |
| |

| Description | Qty | Rate | Total |
|--------------------------------|-----------|--------------|-------------|
| Sure 12" gooseneck with switch | 5 | 293.25 | 1,466.25 |
| Crown Amplifier CDi 1000 | 1 | 659.99 | 659.99 |
| Sales Tax | 14,663.57 | 0.085 | 1,246.40 |
| Freight | 1 | 150.00 | 150.00 |
| | | Total | \$19,419.97 |

LEE'S STEREO
3120 SOUTH MOONEY BLVD

THANK YOU

NOT FINAL

Created On: 7/28/2014

VISALIA CA 93277
(559) 734-1225 Fax: (559) 635-2192
www.leesstereo.com

| INVOICE | TYPE | DATE | TIME | PAGE# |
|----------|--------|-----------|------------|-------|
| Y 112543 | RETAIL | 10/2/2014 | 3:05:55 PM | 1 |

| CUSTOMER INFORMATION | | | |
|----------------------|----------|----------------------|--|
| Williams Ted | | VIP# | |
| 291 N Main St | | | |
| Porterville | CA 93257 | | |
| Home: 782-7439 | Work: | Cell: (559) 333-7439 | |

| DEALER INFORMATION | | |
|--------------------|------------|------------|
| | | ID# |
| | Ext: | |
| STK: | PO: | RO: |

| AUTOMOBILE DESCRIPTION | |
|------------------------|--------|
| Make: | Model: |
| Year: | Color: |
| VIN#: | |
| Odometer: | |
| Registration: | |

| APPOINTMENT INFORMATION | |
|-------------------------|---------------------|
| Sales1: PL | Day: Monday Bay#: 0 |
| Sales2: | Date: 7/28/2014 |
| Start Time: 03:25 PM | Stop Time: 03:25 PM |

| JOB DESCRIPTION | |
|-----------------|--|
| | |

| QTY. | MODEL | MAKE | DESCRIPTION | SERIAL NO. | PRICE | SUBTOTAL |
|------|------------|----------|--------------------------------|------------|-----------|-----------|
| 7 | #MISCITEM | MISCITEM | desk top mic | #MISCITEM | \$459.95 | \$3219.65 |
| 1 | #MISCITEM | MISCITEM | matrix swicher | #MISCITEM | \$699.95 | \$699.95 |
| 1 | #MISCITEM | MISCITEM | convgahd | #MISCITEM | \$179.95 | \$179.95 |
| 8 | #MISCITEM | MISCITEM | speco 8 dual cone commercial | #MISCITEM | \$49.95 | \$399.60 |
| 1 | #MISCITEM | MISCITEM | crown mixer/amp | #MISCITEM | \$799.95 | \$799.95 |
| 4 | MHX-HDME3 | ETHEREAL | 3M (9.8 FT.) HIGH SPEED HDMI C | MHX-HDME3 | \$49.95 | \$199.80 |
| 1 | #MISCITEM | SONY | projector | #MISCITEM | \$1600.00 | \$1600.00 |
| 1 | #MISCITEM | MISCITEM | mixer shure | #MISCITEM | \$1999.95 | \$1999.95 |
| 7 | XC-10 | NADY | 10' MICROPHONE CABLE | XC-10 | \$19.99 | \$139.93 |
| 150 | 24/4P-L5-C | LIBERTY | Cat-5e Telephone/data Cable | 24/4P-L5-C | \$0.50 | \$75.00 |

| LABOR/SUBLET DESCRIPTION |
|--------------------------|
| SUBLET: |

| | |
|----------------|-------------------|
| Materials: | \$12818.08 |
| Labor: | \$6000.00 |
| Sublet: | \$0.00 |
| Other: | \$0.00 |
| Misc: | \$0.00 |
| Sales Tax: | \$1057.50 |
| Invoice | \$19875.58 |

| TERMS & CONDITIONS |
|--|
| <p>**NO CASH REFUNDS** ALL RETURNS OR EXCHANGES MUST BE MADE WITHIN 10 DAYS OF PURCHASE DATE. IN STORE CREDIT WILL BE GIVIN ONLY. WARRANTIES ONLY APPLY TO PRODUCTS SOLD BY LEES STEREO, CUSTOMER MUST PAY SHIPPING ON ALL WARRANTIES AND REPAIR SHIIPMENTS. ALL SPECIAL ORDER ITEMS MUST BE PAID IN FULL BEFORE ORDERING AND NO RETURNS. NO RETURNS ON ELECTRONIC PARTS INCLUDING TV LAMPS.</p> <p>SIGNATURE _____</p> |

| HOW PAID | |
|--------------------------|------------|
| Paid Cash : | |
| Paid Charge : | |
| Card Info : | |
| Auth. Code : | |
| Gift Card: | |
| Gift Cert: | |
| Paid Check : Chk# | |
| Paid House : | |
| A/R Open : Due: | |
| Deposit : Type: | \$0.00 |
| Balance | \$19875.58 |

LEE'S STEREO
3120 SOUTH MOONEY BLVD

THANK YOU

NOT FINAL

Created On: 7/28/2014

VISALIA CA 93277
(559) 734-1225 Fax: (559) 635-2192
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| INVOICE | TYPE | DATE | TIME | PAGE# |
|----------|--------|-----------|------------|-------|
| Y 112543 | RETAIL | 10/2/2014 | 3:05:55 PM | 2 |

| CUSTOMER INFORMATION | |
|--|----------------------------|
| Williams Ted 291 N Main St | VIP# |
| Porterville CA 93257 Home: 782-7439 | Work: Cell: (559) 333-7439 |

| DEALER INFORMATION | |
|--------------------|----------------|
| | ID# |
| Ext: | |
| STK: | PO: RO: |

| AUTOMOBILE DESCRIPTION | |
|------------------------|--------|
| Make: | Model: |
| Year: | Color: |
| VIN#: | |
| Odometer: | |
| Registration: | |

| APPOINTMENT INFORMATION | |
|-------------------------|---------------------|
| Sales1: PL | Day: Monday Bay#: 0 |
| Sales2: | Date: 7/28/2014 |
| Start Time: 03:25 PM | Stop Time: 03:25 PM |

| JOB DESCRIPTION | |
|-----------------|--|
| | |

| QTY. | MODEL | MAKE | DESCRIPTION | SERIAL NO. | PRICE | SUBTOTAL |
|------|-----------|----------|--------------------------|------------|-----------|-----------|
| 250 | 16-2C KO | LIBERTY | 16AWG 65STR. SPKR. WIRE | 16-2C KO | \$0.65 | \$162.50 |
| 150 | RG6 / 2C | ARBUCKLE | RG6 COAX W/ 18G 2C POWER | RG6 / 2C | \$0.95 | \$142.50 |
| 1 | #MISCITEM | MISCITEM | hdmi extender over coax | #MISCITEM | \$449.95 | \$449.95 |
| 2 | #MISCITEM | MISCITEM | wireless mic | #MISCITEM | \$499.95 | \$999.90 |
| 1 | #MISCITEM | MISCITEM | hdmi 1 in 8 out | #MISCITEM | \$399.95 | \$399.95 |
| 1 | #MISCITEM | MISCITEM | hdmi cables | #MISCITEM | \$600.00 | \$600.00 |
| 10 | #MISCITEM | MISCITEM | hdmi wall plates | #MISCITEM | \$39.95 | \$399.50 |
| 1 | #MISCITEM | MISCITEM | parts | #MISCITEM | \$350.00 | \$350.00 |
| 1 | LABOR | LABOR | labor | LABOR | \$6000.00 | \$6000.00 |

TECHNICIAN

| LABOR/SUBLET DESCRIPTION |
|--------------------------|
| SUBLET: |

| | |
|----------------|-------------------|
| Materials: | \$12818.08 |
| Labor: | \$6000.00 |
| Sublet: | \$0.00 |
| Other: | \$0.00 |
| Misc: | \$0.00 |
| Sales Tax: | \$1057.50 |
| Invoice | \$19875.58 |

| TERMS & CONDITIONS |
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| <p>**NO CASH REFUNDS** ALL RETURNS OR EXCHANGES MUST BE MADE WITHIN 10 DAYS OF PURCHASE DATE. IN STORE CREDIT WILL BE GIVIN ONLY. WARRANTIES ONLY APPLY TO PRODUCTS SOLD BY LEES STEREO, CUSTOMER MUST PAY SHIPPING ON ALL WARRANTIES AND REPAIR SHIIPMENTS. ALL SPECIAL ORDER ITEMS MUST BE PAID IN FULL BEFORE ORDERING AND NO RETURNS. NO RETURNS ON ELECTRONIC PARTS INCLUDING TV LAMPS.</p> <p>SIGNATURE _____</p> |

| HOW PAID | |
|--------------------------|------------|
| Paid Cash : | |
| Paid Charge : | |
| Card Info : | |
| Auth. Code : | |
| Gift Card: | |
| Gift Cert: | |
| Paid Check : Chk# | |
| Paid House : | |
| A/R Open : Due: | |
| Deposit : Type: | \$0.00 |
| Balance | \$19875.58 |



9941 E. Mission Lane, Scottsdale, AZ 85258
Phone: 480 661-5629 Fax: 480 661-7589
www.jcgtechnologies.com

Audio System Proposal City of Porterville, CA October 1, 2014

JCG Audio Solution

JCG Technologies, Inc (JCG) provides cost effective software solutions to cities and other organizations that want to automate their legislative workflow and improve access to information; improving customer service while saving time and money.

JCG solutions include Digital Audio and Video Recording, Agenda Automation, Public Records Request Management, Video Streaming and Archiving Services, Media Presentation, and Audio/Video Systems. Please visit our web site at www.jcgtechnologies.com.

This system proposal is offered as a detailed explanation and outline for the above referenced project. The proposal details our scope of work, any concerns or exclusions, and our cost to you for the referenced project. Please read all information carefully and feel free to contact us with any questions or concerns.

Scope of Work

It is our goal to deliver a complete and functional, integrated media design whose components are listed below.

JCG will:

- Provide, install, and control 6 new Shure MX412S/S microphones, and the clients existing microphones, through a JCG Provided Lectrosonic Model 16/12 Digital mixer and a Lectrosonics Model 8/12 Digital mixer.



- Replace the client's existing amplifier with the QSC Amplifier.
- JCG will utilize the clients existing speakers.
- Provide and install Mid Atlantic Power Supply in clients existing rack.
- Mount and Install a HD Projector.
- Provide and configure a new Extron controller system.
- JCG will terminate and test the complete system prior to training.
- Provide the client with a binder of the manufacturers manuals, warranty cards, and any other pertinent pieces of documentation.
- Install and test all specified equipment and components to provide the client with a fully functional integrated media system. Specified equipment and components will be installed per the initial build documentation set.
- Provide comprehensive training on system usage and features to the client.

Requirements and Exclusions

The following details certain exclusions and points of concern as it relates to this project.

- JCG is not responsible for providing 110 VAC circuits to the specified equipment and/or to the equipment locations. JCG will coordinate with the client as to the engineered and physical requirements of the power circuits, which will be provided by client and or its subcontractor.
- Client will need to provide adequate space for any equipment rack mounting. JCG will furnish requirements for the rack locations if required.
- Client is responsible for speaker wire and termination of speaker wire to audio rack.



System Cost

This proposal is valid for 90 days from the date shown above. In the event the date of your approval to proceed exceeds this 90-day limitation, JCG will recalculate this proposal to represent the current costs for the system.

| | |
|---|--------------------|
| Equipment Cost | \$15,350.25 |
| Engineering/Programming | 1,250.00 |
| Closeout Documentation and User Manual | Included |
| Assembly Labor | 3,500.00 |
| Travel / Lodging / Expenses | Included |
| Testing | Included |
| Training | Included |
| Freight Equipment | 450.00 |
| Sales Tax | NA |
| | |
| Total Cost | \$20,550.25 |



Components

| Item Description | Qty | |
|---|-----|--|
| Common Items | | |
| | | |
| JCG, Inc. Cables and Connectors, Screws, Microphone Cables, Misc Connectors | 1 | |
| | | |
| Audio/Video System | | |
| | | |
| Lectrosonics DM812 Digital Matrix Audio Processor (8 inputs 12 outputs) | 1 | |
| Lectrosonics DM1612 Digital Matrix Audio Processor (16 inputs 12 outputs) | 1 | |
| QSC ISA500Ti Amplifier | 1 | |
| Shure MX412S/S Microphones | 6 | |
| LG HD Projector | 1 | |
| Projector Mounts | 1 | |
| HDMI Splitters | 2 | |
| Mid-Atlantic Power Supply | 1 | |
| | | |
| Extron Equipment | | |
| | | |
| Extron 4 input Switcher with Mono Audio Amplifier | 1 | |
| Extron Secondary Control Panel | 1 | |
| Extron Surface Mount Boxes | 1 | |
| Extron VGA Twisted Pair Transmitter | 3 | |
| Extron VGA Twisted Pair Transmitter | 3 | |



Deadline and Deliverables

A successful project requires that all parties work toward a common goal, especially as it relates to the completion of the project. JCG deliverables are based on a timeline that commences when JCG receives a signed contract or a purchase order authorizing its engagement for this project.

JCG is forecasting the delivery, installation, testing and commissioning of the proposed system to be complete no later than 60 days from receipt of a purchase order or signed contract. Upon official acceptance of this proposal and issuance of a signed contract or purchase order, JCG will contact the client to establish a working deadline for the completion of this project.

In the event the client requests changes to the original scope or deadline, JCG will propose a revised cost to the client for such changes and will issue an altered deadline as dictated by the request.

Method and Terms of Payment

A signed contract or a purchase order will serve as an acknowledgement and an agreement to the payment terms. In the event that it is impossible to honor these payment terms due to corporate or government restrictions, JCG will issue a new proposal or acceptance reflecting the altered and agreed upon terms of payment.

Each invoice shall be due and payable to JCG Technologies, Inc., at the address specified in this quotation. Client agrees to pay a late charge of two percent (2%) per month or the maximum lawful rate; whichever is less, for all amounts not paid within thirty (30) days of receipt of invoice.

JCG. will provide detailed accounting of part numbers, serial numbers, and equipment location. Our payment terms for this project are:

50% When the Purchase Order is issued.

Final payment of the contract upon completion and delivery of proposed system.



System Warranty

The strength of any Systems Integration Company is its ability to stand behind its system and workmanship. JCG is proud to offer a one-year “bumper to bumper” warranty for this project. This warranty period commences upon the completed installation.

What is Covered?

Workmanship:

Should any part of the system installed by JCG fail due to faulty wiring, faulty termination, or any other negligent act of labor by JCG; we will repair the system at no charge to the client.

Hardware and Components:

JCG honors the manufacturer’s warranty for all equipment sold for this project. Each individual manufacturer warrants its product for varying lengths of time. Should any product need replacement during the system warranty period, JCG will repair or replace that product at no charge to the client.

Outside of the system warranty period, JCG will assist the client in exercising any remaining warranty on the specific product. This will be done at normal service rates and expenses.

What We Will Do:

During the system warranty period, JCG will make every attempt to remotely diagnose and/or repair the deficiency of the system prior to an on-site service call. Once our staff has determined that there is no alternative but to conduct an on-site visit, we will make every attempt to respond as quickly as possible.

Handling a Warranty Claim:

Once a service call is made, our service department will handle the claim. Our service department can be reached during normal business hours at (480) 661-5629. Our normal business hours are Monday through Friday, 8:00am to 5:00pm. AZ MST, excluding holidays. We encourage our clients to keep us aware of critical meeting dates in the unlikely event a service issue arises. During the first year, there is no charge for handling the warranty.



Outside of that period, should a service call be required, you will incur time and material charges at a current service rates and expenses of JCG Technologies, Inc. This includes travel expenses. Additional comprehensive preventative maintenance programs are available from JCG.

Individual Equipment Warranty:

Aside from the system warranty, most components will carry additional manufacturer warranty coverage anywhere from two to four years. Our system documentation includes all of the necessary paperwork and cards so that the client can register with the manufacturers to officially be eligible for the warranty. As an authorized dealer of each system component, JCG will be available to assist in the processing of warranty claims for your project if and when the need arises.

What This Warranty Does Not Cover:

This system warranty does not cover defects resulting from accidents, alterations to the system, unauthorized repair of components, or general misuse of the system. JCG reserves the right to refuse warranty service if it is found that the client is negligent as described above.



Contact Information

Please do not hesitate to contact me if you have any questions or require any additional information.

Christie Schmenk

Regional Sales Manager
JCG Technologies, Inc.
9941 East Mission Lane
Scottsdale, Arizona 85258

Phone: 619 955-8954
Fax: 480 661-7589
Mobile: 602 418-5307
E-mail: cnschmenk@jcgtechnologies.com
Web: www.jcgtechnologies.com

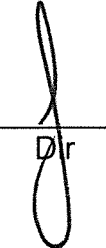
SUBJECT: GOVERNOR'S EXECUTIVE ORDER FOR CALIFORNIA DISASTER ASSISTANCE ACT FUNDING, AND THE PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS

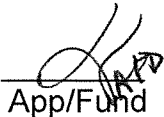
SOURCE: Administration

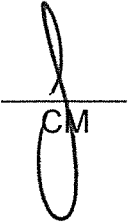
COMMENT: As was reported at the last City Council meeting, Governor Brown issued Executive Order B-26-14, within which the Governor authorized funding through the California Disaster Assistance Act for the purpose of providing temporary water supplies to households without water for drinking and/or sanitation purposes, as well as directed State agencies to coordinate with counties and local agencies in providing long-term solutions for affected residents.

On Wednesday, October 15, 2014, City Council and staff representatives were invited to participate in a coordination meeting with State and County representatives in regards to the long-term water needs in the East Porterville area. State agencies represented in the meeting included the Governor's Offices of Emergency Services and Planning and Research, Department of Water Resources, and Department of Housing and Community Development. During the course of the meeting, the participants discussed the feasibility of the City allowing a manageable number of residents to connect to the City's municipal water system, with the remainder to have a 1,500-gallon tank placed at their residence that is proposed to be filled every other week (likely by Self-Help Enterprises). The Governor's Office of Emergency Services representatives indicated that they could fund the necessary water main infrastructure to connect County residents to the City's water system, and the Department of Housing and Community Development indicated they could fund the individual connection fees (approximately \$5,000 per connection). In addition, the Office of Emergency Services indicated that they could fund at least one (1) and potentially two (2) new wells for both connecting residents to the City's water system, as well as to provide a water source for the filling of the 1,500-gallon tanks.

It was reported in the meeting by the County that there are at least four hundred East Porterville residences whose wells are dry, of which the City indicated that it would begin planning toward the initial


Dir


App/Fund


CM

connection of at least one hundred residences, focusing on the areas that meet the LAFCO definition of an "Island", which are most probable for future annexation into the city. These areas are generally in the western most part of East Porterville, and also contain some of the largest clusters of residences currently without water.

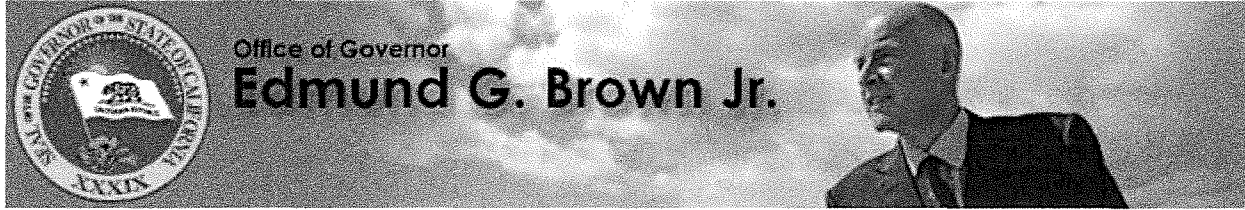
In addition, recognizing that the City Council's funding authorization for providing water delivery service in coordination with the Porterville Area Coordinating Council would soon be expended (end of the month), County representatives have requested that the City consider continuing this service by Mutual Aid Agreement with the County as the long-term solutions are developed and put into effect. Under the Executive Order's funding authorization and by Mutual Aid Agreement, the City would be eligible for reimbursement of up to seventy-five percent (75%) for appropriate expenses in providing assistance and support for drought-related activities.

To date, the PACC has currently placed sixty (60) 300-gallon water tanks at East Porterville residences, which is planned to increase to one hundred (100) by the end of this month. Currently, City staff and a water truck deliver water to each residence with a tank once per week, which requires two full days to fill the tanks, and will require at least an additional day of delivery as the additional tanks are placed.

RECOMMENDATION: That the City Council consider the planning effort toward the provision of water service connections to East Porterville county residents in reference to the Governor's Executive Order, as well as the continuation of water delivery service by Mutual Aid Agreement with the County, and provide direction and authorization to staff as deemed appropriate.

ATTACHMENT: Governor Executive Order B-26-14

[View this email in a web browser](#) | [Forward to a friend](#)



FOR IMMEDIATE RELEASE:

Contact: Governor's Press Office

Friday, September 19, 2014

(916) 445-4571

Governor Brown Streamlines Relief Efforts for Families with Drinking Water Shortages Due to Drought

SACRAMENTO – Just days after signing historic legislation requiring sustainable groundwater management for the first time in California, Governor Edmund G. Brown Jr. issued an executive order streamlining efforts to provide water to families in dire need as the extreme drought continues to grip the state.

The order makes funding available through the California Disaster Assistance Act to provide water for drinking and sanitation to households currently without running water. The executive order also extends the state's prohibition on price gouging during emergencies to the current stage of the drought, recognizing the on-going nature of the drought emergency. Additionally, it directs the State Water Resources Control Board, the Department of Water Resources and the Governor's Offices of Emergency Services and Planning and Research to work together to identify acute drinking water shortages in domestic supplies and to work with counties and local agencies to implement solutions for those water shortages.

Today's announcement follows the Governor's signing of legislation requiring local, sustainable groundwater management earlier this week. Last December, the Governor formed a Drought Task Force to closely manage precious water supplies, to expand water conservation wherever possible and to quickly respond to emerging drought impacts throughout the state. In January, the administration finalized a comprehensive Water Action Plan that charts the way for California to become more resilient in the face of droughts and floods. During that same month, the Governor declared a drought state of emergency and in February, signed legislation to provide \$687.4 million to support drought relief, including money for housing and food for workers directly impacted by the drought, bond funds for projects to help local communities more efficiently capture and manage water and funding for securing emergency drinking water supplies for drought-impacted communities. In April 2014, the Governor called on the state to redouble their efforts at combating drought. Last month the Governor signed legislation to put a water bond before voters after winning bipartisan approval in the Legislature.

Governor Brown has called on all Californians to reduce their water use by 20 percent and prevent water waste. Visit SaveOurWater.com to find out how everyone can do their part and Drought.CA.Gov to learn more about how California is dealing with the effects of the drought.

The text of the executive order is below:

Executive Department
State of California

EXECUTIVE ORDER B-26-14

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS drought conditions have persisted for the last three years and the duration of this drought is unknown; and

WHEREAS many residents across the state who rely on domestic wells or very small water systems now live in homes that can no longer provide water for drinking or sanitation purposes due to declining groundwater supplies resulting from the drought; and

WHEREAS the shortage of water for drinking and sanitation purposes that many residents now face constitutes a threat to human health and safety; and

WHEREAS additional expedited actions are needed to reduce the harmful impacts from these water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

IT IS HEREBY ORDERED THAT:

1. The Office of Emergency Services shall provide local government assistance as it deems appropriate for the purposes of providing temporary water supplies to households without water for drinking and/or sanitation purposes under the authority of the California Disaster Assistance Act, California Government Code section 8680 et seq. and California Code of Regulations, Title 19, section 2900 et seq.

2. The provisions of the Government Code and Public Contract Code applicable to state contracts and procurement, including but not limited to, advertising and competitive bidding requirements, are hereby waived for the sole purpose of allowing state agencies and departments to purchase water for the protection of health, safety, and the environment.

3. The provisions of California Penal Code section 396 prohibiting price gouging in times of emergency are hereby reinstated as of the date of this Order. The 30-day time period limitation under subsection (b) is hereby waived. For the purposes of calculating the price differential, the price of goods or services shall be compared to the price in effect as of the date of this Order.

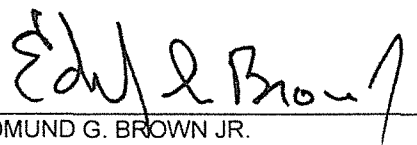
4. The State Water Resources Control Board, the Department of Water Resources, the Office of Emergency Services, and the Office of Planning and Research will assist local agencies with the identification of acute drinking water shortages in domestic water supplies, and will work with local agencies in implementing solutions to those water shortages. For any actions the listed state agencies take pursuant to this directive, for any actions taken by a local agency where the Office of Planning and Research concurs that local action is required, and for any necessary permits to carry out those actions, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension will expire on December 31, 2014, except that actions started prior to that date shall not be subject to Division 13 for the time required to complete them.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

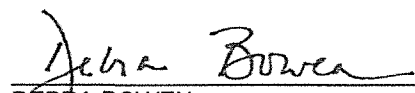
I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of September 2014.




EDMUND G. BROWN JR.
Governor of California

ATTEST:


DEBRA BOWEN
Secretary of State

SUBJECT: CONSIDERATION OF CITY COUNCIL PROCEDURAL HANDBOOK

SOURCE: City Manager

COMMENT: At the City Council meeting of September 16th, Councilmember Ward requested, and the Council approved, the consideration of the City Council Procedural Handbook be scheduled for the October 7th meeting. At the October 7th meeting, the Council postponed consideration of the Handbook to this meeting.

The prior City Council last revised the Handbook in October 2013, and given the recent seating of new members of Council, the Council may wish to review the Handbook for determining its own procedures and operations.

RECOMMENDATION: That the City Council consider the City Council Procedural Handbook, and adopt changes to the Handbook and/or provide direction to staff as deemed appropriate.

ATTACHMENT: City Council Procedural Handbook (Revised October 1, 2013)

C/M 

Item No. 14

CITY COUNCIL PROCEDURAL HANDBOOK



Compiled by:
The Office of City Clerk
291 North Main Street
Porterville, CA 93257
Tel: (559) 782-7447
Fax: (559) 782-7452
www.ci.porterville.ca.us

Revised October 1, 2013

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PREAMBLE

The residents and businesses of the City of Porterville are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- Public Officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- Public Officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

No part of this Handbook shall be interpreted so as to violate any federal or state law; a Council Member's Oath of Office; a Council Member's moral or ethical responsibilities; or the exercise of a Council Member's individual rights afforded him/her by the U.S. Constitution.

To this end, the City Council of the City of Porterville hereby approves of and affirms the above to encourage public confidence in the integrity of local government and its operations.

(Minute Order 21-070511, July 5, 2011.)



II. MEETINGS OF COUNCIL

The Council shall provide by ordinance the time and place of holding regular meetings and the manner in which special meetings may be called. Public interest and convenience shall be primary consideration when decisions are made as to time, location and frequency.

Except as otherwise provided by law, all meetings of the Council shall be open to the public.

A. REGULAR MEETINGS

1. Pursuant to Section 10 of the City Charter, Regular Meetings of the Porterville City Council shall be held on the first and third Tuesday of each month in the Council Chambers at City Hall, 291 North Main Street, in the City. The Regular Meetings will commence at five thirty o'clock (5:30) P.M., with Closed Sessions commencing at five thirty o'clock (5:30) P.M., and Open Session commencing at six thirty o'clock (6:30) P.M. In the event that a regular meeting of the Council shall fall on a legal holiday, that regular meeting shall be held at the same place and time on the next succeeding working day, or as determined by Council. (*Ordinance 1766, August 17, 2010; M.O. 15-09181, September 18, 2012.*)
2. Following the mid-meeting break (around 9:00 p.m.) the Mayor, with assistance from the City Manager, will review the balance of the agenda with Council to discuss how it can be handled in the allowed time. If it is necessary to continue any items, it will be announced at that time.

B. ADJOURNED MEETINGS/STUDY SESSIONS (Open to the public)

1. The purpose of these meetings shall be for informal discussions between staff, advisory bodies or consultants and the City Council regarding specific programs, projects or policies. If noticed, formal action may be taken at such a meeting.
2. Adjourned Meetings/Study Sessions will be held at a time and place convenient to Council and advantageous for public participation.
3. Participation of the public shall be at the discretion of the Presiding Officer, upon consensus of the Council.

C. SPECIAL MEETINGS

1. Special meetings may be called by the Mayor or three members of the City Council. (*Gov. Code Section 54956*) Written notice of each special meeting must be given not less than twenty-four (24) hours before such meeting to each member of the City Council not joining the call.
2. Written notice must be given to the City Council and to the media 24 hours prior to each meeting. (*Gov. Code Section 54956*)
3. A supplemental telephone call shall be made if necessary to notify each Council Member.
4. No business other than that announced shall be discussed.
5. Any special meeting held at a place other than City Hall shall be open to the public. Notice requirements of the Brown Act shall be complied with for any such meetings; regular minutes shall be taken by the City Clerk and shall be available for public inspection.

D. ORDER OF BUSINESS:

Call to Order
Roll Call
Oral Communications
Closed Session(s)
Reconvene at 6:30 p.m.
Closed Session Report
Pledge of Allegiance
Invocation
Presentations/Proclamations
Reports (AB1234 Reports, Committee/Commission/Board Reports;
Subcommittee Reports; Information Items and Reports)
Oral Communications
Consent Calendar
Approval of Minutes
~~Claims Against the City~~ (closed session)
Payment of Bills
Payments on Public Works Projects
Authorization to Purchase
Authorization to Call for Bids
Award of Bids
Acceptance of Projects

Acceptance of Dedications/Property
Approval of Final Tract Maps
Annexations
Requests for City Services
Reports
Other Routine Matters
Public Hearings
Second Reading of Ordinances
Scheduled Matters
Oral Communications (on any matter of interest)
Council Comments
Adjournment
(Resolution 101-2010, August 17, 2010, attached as Appendix A.)

E. CONSENT ITEMS

1. Consent items are the first items on the open session portion of the agenda (items that are routine, have been discussed before, relate to implementation of approved budget items, or to City operations or item to be later set for public hearing).
2. Any item removed from the Consent Calendar shall be considered immediately after the last Scheduled Matter on the agenda and immediately before the Second Oral Communications. *(M.O. 16-091812, September 18, 2012.)*



III. MEETING PROCEDURES

A. PRESIDING OFFICER

1. The Mayor is the Presiding Officer and acts as Chair at Council meetings.
2. In the absence or incapacity of the Mayor, the Vice Mayor as Mayor Pro Tempore will serve as Presiding Officer. In the absence of both the Mayor and Vice Mayor, the Council Members present shall select one of their number to serve as Presiding Officer for that meeting. *(Amended via Minute Order 08-071911, July 19, 2011.)*

3. Seating arrangement of the Council:

Seating arrangements shall be at Council discretion with preference being given to health conditions, seniority, individual Council Member preferences, and the Mayor's preference, in that order. *(Amended via Minute Order 08-071911, July 19, 2011.)*

4. Signing of City Documents:

The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager, or his or her designee, has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Vice Mayor may sign the required documents. *(Amended via Minute Order 08-071911, July 19, 2011.)*

B. QUORUM

A majority of the Council Members shall constitute a quorum for the transaction of business. *(City Charter)*

C. DISCUSSION RULES

1. Obtaining the floor:
 - a. A member of the City Council, staff, or public shall first address the Presiding Officer and gain recognition.

- b. Comments and questions shall be limited to the issue before Council except when members of the public are addressing the Council under Oral Communications.
- c. Council shall require a motion and a second prior to any discussion of an agenda item. (*Minute Order 17-091812, September 18, 2012.*)
- d. Cross-exchange between Council Members, staff or public shall be avoided.
- e. Any citizen may arise and address the City Council on any business especially concerning them or affecting their interests during Oral Communications, but preference will be given to those who have first presented matters in the form of a written communication or who have personally notified the presiding officer of their desire to speak.
- f. Any member or other person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, who refuses to be seated or keep quiet when ordered to do so by the Mayor or Mayor Pro Tem of the City Council, shall be guilty of a misdemeanor. It shall be the duty of the Chief of Police, upon order of the presiding officer, to eject any such member or person from the council room. (*Ordinance 1537*)

2. Questions to staff:

A Council Member shall, after recognition by the Presiding Officer, address questions to duly designated staff members through the City Manager.

3. Interruptions:

- a. Once recognized, a Council Member shall not be interrupted while speaking except to make a point of order or personal privilege.
- b. If a Council Member is called to order while speaking, the individual shall cease speaking until the question of order is determined.
- c. Upon being recognized by the Presiding Officer, members of staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.



IV. COUNCIL REQUESTS FROM THE PUBLIC

A. Response to Letters from the Public

Periodically Council Members receive letters requesting their response. If a Council Member wishes to answer the letter, the matter can be handled in either of three ways:

1. The Council Member can give the letter to the City Manager's Secretary along with direction on how they wish their response to be worded. The City Manager's staff will then prepare the letter on City Council stationery and forward it to the appropriate Council Member for approval and signature. Copies of both letters are kept on file in the City Manager's Office, and copies are available upon request.
2. If the letter requires specific information or details only available from another City Department, the City Manager may refer the letter to the appropriate Department Head for response by them or their designee. Copies of the letters will then be forwarded to the City Manager's Office for filing.
3. If the Council Member wishes to answer their own correspondence, City stationery is available upon request from the City Manager's secretary. Copies of all such letters on City Letterhead shall be provided to all other Council members, and the letter shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. If the Council Member wishes to have a copy of the letters in their file, they should submit a copy to the City Manager's staff for filing.

If a Council Member receives an informational item and wants a copy to be given to the other Council Members and the City Manager or other Directors, the item should be given to the City Manager's staff and copies will be made and sent out.

B. Referrals to Council agenda

Periodically Council Members receive correspondence or verbal requests for items to be acted upon, or considered, by the City Council. If a Council Member wishes to respond to the request, the matter should be referred to the City Manager. The request can then be handled as follows:

1. The Council Member may request the City Manager to place the item on the Council agenda as a written communication (however, the request must be stated on the agenda face sheet for Council to be able to act on it at the meeting); or
2. Upon research, the request may be determined to be a violation of City, State or Federal law, policy, or previous Council determination, in which case an appropriate response as to why the matter can not be heard will be provided to the requesting party.

Correspondence requesting that an item be acted upon, or considered, by the City Council, which is received directly by the City Manager, is handled in either of two ways:

1. The City Manager shall place any routine and/or legitimate written request under written communications*, or have a staff report prepared if time permits, for the next City Council agenda; or
2. The City Manager shall place any request which has already been acted upon by Council, cannot legally be accomplished, or which has a potential for litigation, in an Administrative Memorandum.

C. Telephone Calls

Citizens attempting to communicate with the City Council often call the offices at City Hall. Such calls are referred to the City Manager's Office. The City Manager's staff will take a message and refer it to the appropriate Council Member, or give the caller the telephone number of the City Council Member so they may call them directly, according to instructions given by the Council Member [see X-D (3)].

D. Personal Meetings

Council Members who wish to meet with their constituents may use various rooms at City Hall. The Council Member should call the City Manager's Secretary as soon as they know a room is needed so that it can be reserved for their use. No more than two Council Members may attend a meeting to discuss City matters without the meeting becoming a public meeting and therefore falling under the requirements of the Brown Act Open Meeting Laws.

E. Personal Correspondence

Council Members who wish to send their own correspondence using City stationery shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. Copies of all such letters on City Letterhead shall be provided to all other Council members. Letterhead stationery is available upon request from the City Manager's secretary, and if the Council Member wishes to have a copy of their letter in their file, they should submit a copy to the City Manager's staff for filing.

F. Proclamation Approval Process

All Proclamations must be submitted at least 72 hours before noon on the Thursday before the next City 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. (*M.O. 13-100113, October 1, 2013.*)



V. COUNCIL MEMBER REQUESTS TO STAFF

A. General Information

All City Council Member requests for information or documents shall be referred through the City Manager. Any Department Head who receives a direct request from a Council Member shall submit the request, including the name of the requesting Council Member, to the City Manager.

B. Research

All City Council Member requests for information or documents which require extensive research, in the opinion of the City Manager, shall be referred through the City Manager to the Council for direction. The City Manager will discuss the matter with the appropriate department and relay the approximate time table for completion to the City Council for discussion and action at the next available meeting of the City Council. If the request is approved by the Council, upon completion of the research, the information or documents will be forwarded to the City Council Members by the City Manager. (*Amended via Minute Order 08-071911, July 19, 2011.*)

C. Items for inclusion in Council Agenda

The City Manager shall compile the agenda for each meeting and shall include as agenda items, business in the normal course of City affairs, including but not limited to staff proposals to improve services, support the economy and land use, and enhance the efficiency and effectiveness of the City organization, items relating to current, past, and proposed City contracts, leases, franchises, agreements and similar documents, and matters affecting future or proposed City equipment and property, items relating to City employees, agents and contractors, and such other matters as are defined in this handbook or otherwise directed by the City Council.

All City Council Member requests for an item to be placed on the Council agenda should be referred to the City Manager. Pursuant to Minute Order No. 11-022096, such request shall be submitted prior to Monday noon of the week before the Council meeting in order to be placed on the next regularly scheduled meeting.

The City Manager shall place any Council Member request for an agenda item on the next available agenda as a Consent Calendar item for Council approval to be included as a Scheduled Matter on the next available agenda. This does not prevent any Council Member from moving to place an item on the next available agenda during Other Matters of the current agenda. *(Amended via Minute Order 08-071911, July 19, 2011.)*



VI. COUNCIL AGENDA

A. Preparation:

Each Department Head submits agenda items regarding their Department to the City Manager for approval. Upon the City Manager's approval, the items are returned to the appropriate department for copying and collation.

The City Council meeting agendas are prepared on the Thursday prior to the Tuesday meeting. Any questions regarding whether items have been scheduled for consideration at a particular meeting may be directed to the Chief Deputy City Clerk and/or Deputy City Clerk.

B. Deadlines:

The deadlines for the agenda are the Monday preceding the Thursday preparation day. Public hearing items, scheduled matter items, Consent calendar items, and written communications must be submitted by the Monday deadline. The deadline for a Council member request for any item shall be Monday noon preceding the Thursday preparation day.

C. Delivery:

Agendas will be delivered to Council on the Thursday prior to the Tuesday meeting. The agenda shall include a complete copy of the agenda on compact disc suitable for loading on a laptop computer, with provisions for annotating materials with the use of a suitable Acrobat Reader. No items, or additional materials, shall be delivered after the initial delivery to Council on Thursday, except in the instance of a designated emergency item.

Council agendas shall be delivered to the Council Member's home or business, as requested. If no one is available to receive the agenda, the agenda shall be left in an area designated by the Council Member, unless other arrangements have been previously made with the City Clerk's staff. [See X(D)(1)(2).]

The agendas for staff, public and the news media are available after Council receives their agendas, usually on Friday.



VII. THE RALPH M. BROWN ACT

The Ralph M. Brown Act (California Government Code § 54950 et seq.) governs meetings conducted by local legislative bodies such as city councils, boards of supervisors, special districts, and school boards. The Act represents the State Legislature's determination of how the balance should be struck between the public access to meetings of multi-member public bodies on one hand, and the need for confidential candor, debate, and information gathering on the other.

The Act contains specific exceptions from the open meeting requirements where government has a demonstrated need for confidentiality. Where matters are not subject to a closed meeting exception, the Act has been interpreted to mean that all of the deliberative processes by legislative bodies, including discussion, debate and the acquisition of information, be open and available for public scrutiny.

Meetings are defined as any gathering of a quorum of a legislative body (which includes newly elected but unsworn members of the body) to discuss or transact business under the body's jurisdiction and serial meetings are prohibited. Exemptions are individual contacts between board members and others which do not constitute serial meetings, attendance at conferences and meetings which are open to the public so long as legislative bodies do not discuss amongst themselves business of a specific nature under the body's jurisdiction, and attendance at social or ceremonial events where no business of the body is discussed.

The Act requires that notices of regular meetings must be posted at least seventy-two (72) hours prior to the meeting, and twenty-four (24) hour notice must be provided to members of the legislative body and media outlets for special meetings.

A user's guide to the Ralph M. Brown Act is provided to Council Members for their information. If a Council Member has a specific question which does not seem to be covered in the guide, the Council Member should contact the City Attorney for a legal opinion.



VIII. TRAVEL, MEETINGS AND EXPENSES

This policy would satisfy the requirements of California Government Code §§ 53232.2 and 53233.3 in the event such requirements could be constitutionally applied to charter cities.

The City Manager, or his staff, will notify the City Council Members about any League of California Cities' Conferences, Redevelopment Conferences, Committee meetings, and/or local meetings that may be of interest to the Council. If a Council Member is interested in attending any such meeting, the following procedures should be followed:

A. Requests for Reservations:

When a City Council Member wishes to attend a conference or meeting, he/she should contact the City Manager's office and indicate the following:

1. The date(s) of the conference or meeting;
2. If the Council Member will be accompanied by anyone else, i.e. spouse, child;
3. Any personal preferences for hotel reservations, such as smoking or non-smoking, king or double beds, etc.; and
4. Whether special travel arrangements need to be made, i.e. airplane tickets, ride-sharing, etc.

A disbursement will then be prepared and the payment for the conference or meeting will be forwarded, and, if applicable, the hotel will be contacted to make the appropriate reservations. When making hotel reservations to attend a conference or meeting, a request for a room sales tax waiver shall be made on behalf of the applicable Council member. If a prior room reservation request is not made, the Council member shall request a room sales tax waiver prior to payment for a room.

For lodging in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question, if such rates are available at the time of booking. If the group rate is not available, government rates must be used when available. Lodging rates that are equal or less than the government rates are presumed to be reasonable and allowed per this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence allowed.

B. Travel and Expense Form:

A Travel and Expense Form will then be prepared for the Council Member which indicates the following:

1. The amount of money to be issued to the traveler as per diem*; and
2. Mileage expense* (if a personal vehicle is used for travel and cost is paid in advance).

** Amount set in Administrative Policy Manual Sec. II-E-1, Travel & Conference Expenses. In regard to the per diem amount, if payments for expenses are made in advance pursuant to the specified per diem amounts, the disbursement shall not be considered to be reimbursable expense under AB 1234.*

The Council Member will then be issued a packet of materials several days prior to the meeting which contains the following:

1. A check for per diem and mileage;
2. Confirmation notification and informational materials regarding the conference;
3. Confirmation notification for any hotel reservations; and
4. A City credit card to pay for the room charges at the end of the meeting.

C. Receipts:

The Council Member shall then bring the receipt for the hotel charges to the City Manager's staff upon his/her return, together with the credit card, and any refund due the City. The Council Member shall sign the original Travel and Expense Form at that time, which shall then be filed with the Finance Department for final processing.

If a refund is due the Council Member, a check will be issued by the Finance Department and then distributed to the Council Member.

D. Eligibility:

The City shall pay for any Council Member to attend any meetings or conferences of their choice, as approved or ratified by the City Council. A Council Member may request mileage and other expenses associated with attending meetings of boards, commissions, committees, or other groups to which the Council Member has been elected, appointed, or designated to attend by the City Council without further approval or ratification. When accompanied by a spouse, significant other, and/or one or more children, the Council Member shall pay for expenses incurred above that which would otherwise have been paid for the Council Member. Any charge placed on a City credit card for someone other than a Council Member shall also be considered a refund due

the City, payable within 10 days of the receipt of the charges. (*Amended via Minute Order 18-091812, September 18, 2012.*)

E. Event Tickets :

1. City and/or City-Sponsored Events:

A Council Member may accept no more than two (2) tickets issued by the City to a City event or a City-sponsored event. Any tickets in excess of two (2) accepted by a Council Member shall be paid for by the Council Member from non-City funds at the time of acceptance of the tickets. (*Resolution 99-2012, October 2, 2012.*)

2. Non-City Sponsored Events:

The use of City funds to purchase tickets to community events are restricted to the Mayor and Vice-Mayor only. (*Minute Order 11-120412, December 4, 2012.*)



IX. CONFLICT OF INTEREST

A. City Council Members Filing Requirements

City Council Members are under the provisions of the Political Reform Act (Gov. Code, Section 81000 et seq. known as "the Act") as enforced by the Fair Political Practices Commission. The Act applies to campaign contributions requirements, as well as matters of conflict of interest while in office.

1. Disclosure of Economic Interests:

City Council Members must file assuming office and leaving office statements, as well as annual statements while in office. The statements basically require the disclosure of the following information:

- Investments or interests in real property and its fair market value;
- Income, and the name and address of each source of income aggregating five hundred dollars (\$500) or more, or fifty (\$50) or more if a gift, and a general description of the business activity, if any of each source;
- Interests in real property held by a business entity or trust;
- Loans, and its annual interest rate and the security, if any, given for the loan;

2. Disqualification of Participation (Conflict of Interest):

A Council Member shall not make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. This might include decisions which affect property within up to 500 feet of the subject property in which the Council Member has an interest.

A financial interest in a decision, within the meaning of Section 87100 of the Act, is if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the Council Member or:

- A member of his or her immediate family;

- A business entity in which the Council Member has a direct or indirect investment worth \$2000 or more;
- Any real property in which the Council Member has a direct or indirect interest worth \$2,000 or more;
- Any source of income, other than gifts or commercial lending institutes loans, aggregating \$500 or more received or promised to the City Council Member within twelve months prior to the time when the decision is made;
- Any business entity in which the City Council Member is a director, partner, trustee, employee, or holds any position of management;
- Any donor, or any intermediary or agent for a donor, or a gift or gifts aggregating \$420 or more in value provided to, received by, or promised to the City Council Member within 12 months prior to the time when the decision is made.

Indirect investment or interest means any investments or interest owned by the spouse or dependent child of a City Council Member, by an agent on behalf of a Council Member, or by a business entity or trust in which the Council Member, the Council Member's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10% interest or greater.

Section 87100 of the Act does not prevent any Council Member from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that a Council Member's vote is needed to break a tie does not make his participation legally required for purposes of this section.

Pursuant to Section 87105 of the Act, a public official who holds an office specified in Section 87200 who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

- a. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

- b. Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.
- c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.
- d. Notwithstanding paragraph (3), a public official may speak on the issue during the time that the general public speaks on the issue.

B. Other Agencies:

Whenever a Council Member is required to file a Statement of Economic Interest for an outside agency, the Deputy City Clerk will provide the correct form, and using the Statement of Economic Interest Form 700 filed in the City Clerk's Office for the City of Porterville, prepare a duplicate statement for signature, and forward the appropriate form to the requesting agency.

C. Redevelopment Agency Filing Requirements:

Upon assuming office, a City Council Member will also serve as a Redevelopment Agency Member. As an Agency Member, they must file a Conflict of Interest statement for the Porterville Redevelopment Project area. After assuming office, an Agency Member may not acquire any property within the Redevelopment Project area. If prior interests exist within the Project area, the Agency Member must disqualify themselves from any action taken which would constitute a benefit to them.

D. City of Porterville Conflict of Interest Code:

Certain designated City employees are also required to file conflict of interest forms under the provisions of the Political Reform Act Code, Sections 87100-87500 et seq. The City of Porterville Conflict of Interest Code was adopted by the City Council and is reviewed biennially to make sure it is kept current.

If Council Members have a question on whether an interest they have is sufficient for disqualification, they should contact the Fair Political Practices Commission at (866) 275-3772, or <http://www.fppc.ca.gov>, for a ruling or opinion.



X. GENERAL ITEMS

A. Different Hats

Members of the City Council also serve as the governing bodies for the following local agencies:

1. Redevelopment Agency
2. Industrial Development Authority
3. Public Financing Authority
4. Public Improvement Corporation
5. Planning Commission
6. Conflicts and Disclosure Monitor Agency

B. Compensation

As stated in the City Charter, Section 9, City Council Members shall receive \$20 per Council meeting, \$25 per Council meeting for the Mayor, with a maximum of seven paid Council meetings per month.

Redevelopment Agency Members shall receive \$30 per Redevelopment meeting. Council Members receive no benefits other than the amounts per meeting stated above.

C. Issuance of Laptop Computers to Council Members

A Wireless Communications Policy for the laptop computers is being developed as set forth in Minute Order 14-090605. (*See Appendix D*)

D. Direction to Support Staff:

Upon assuming office, Council Members should notify the City Manager's staff regarding the following items:

1. Where to deliver Council agendas and Administrative Reports and Memorandums, i.e. home or business.
2. Where to leave Council agendas if the business is closed and/or if no one is home, i.e. City Manager's Office Council mail box, front porch, back door, etc.
3. How to direct citizens who wish to speak to Council Members, i.e. take a message, give out home telephone numbers, give out business telephone numbers, etc.

E. City Attorney

The City Attorney is the legal advisor of the City Council, and all other City officials. The City Attorney shall prosecute all violations of City ordinances and shall draft all contracts and other legal documents and instruments, required by the Council or the City Manager. The City Attorney shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members or by the Mayor.

The types of questions referred to the City Attorney are as follows:

1. Generally whether a conflict of interest exists for a Council Member and whether they should abstain from voting on a specific matter.

Please note: Any advice received from the City Attorney relating to Conflicts of Interests is informal only and not binding; the Council Member must seek and obtain a formal written opinion from the FPPC in order to be afforded any statutory immunities.

2. Whether an issue has a legal standing, and what type of action would be appropriate.
3. Legal recommendations for matters of litigation.

F. Annual City Manager/City Attorney Evaluations

The City Council shall provide for annual evaluations for the City Manager and the City Attorney. A standardized evaluation form shall be used which shall address the areas of importance as set forth by the City Council. (*See Appendix C.*)

G. Response to President/Governor Directives

Directives issued by the President of the United States and/or Governor of the State of California shall not be considered a mandatory directive to the City of Porterville except as authorized and/or approved by the City Council. The one exception to this rule is that flags on City buildings shall be flown at half mast upon orders by the President, Governor and/or Mayor, or by majority approval of the City Council.



APPENDICES

- A. Resolution 101-2010, Order of Business
- B. Resolution 99-2012, Ticket Policy
- C. Annual City Manager/City Attorney Evaluation Forms
- D. Laptop Computer and Cell Phone Policy (to be attached upon adoption)
- E. Email Retention Policy (to be attached upon adoption)

RESOLUTION NO. 101 -2010

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE RESCINDING RESOLUTION 72-2005
AND ESTABLISHING NEW ORDER OF BUSINESS TO BE FOLLOWED
AT REGULAR MEETINGS OF THE CITY COUNCIL

BE IT RESOLVED by the City Council of the City of Porterville that Resolution No. 72-2005 is herein rescinded.

BE IT FURTHER RESOLVED that the following is the order of business to be followed in conducting the regular meetings of the City Council:

- MEETING CALLED TO ORDER
- ROLL CALL
- ORAL COMMUNICATIONS (closed session items only)
- CLOSED SESSION
- RECONVENE OPEN SESSION
- REPORT ON ACTION TAKEN IN CLOSED SESSION
- PLEDGE OF ALLEGIANCE
- INVOCATION
- PROCLAMATIONS/PRESENTATIONS
- REPORTS (AB1234 Reports, Committee/Commission/Board Reports; Subcommittee Reports; Information Items and Reports)
- ORAL COMMUNICATIONS (on any matter of interest)
- CONSENT CALENDAR – to include:
 - Approval of Minutes
 - Claims Against the City
 - Payment of Bills
 - Payments on Public Works Projects
 - Authorization to Purchase
 - Authorization to Call for Bids
 - Award of Bids
 - Acceptance of Projects
 - Acceptance of Dedications/Property
 - Approval of Final Tract Maps
 - Annexations
 - Requests for City Services
 - Reports
 - Other Routine Matters
- PUBLIC HEARINGS
- SECOND READINGS
- SCHEDULED MATTERS

- ORAL COMMUNICATIONS (on any matter of interest)
- COUNCIL COMMENTS
- ADJOURNMENT

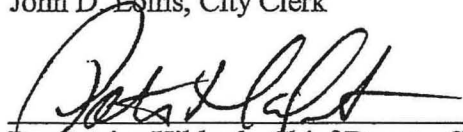
PASSED, APPROVED AND ADOPTED this 17th day of August, 2010.



Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk



By: Patrice Hildreth, Chief Deputy City Clerk

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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 17th day of August, 2010.

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

| Council: | MCCRACKEN | HAMILTON | IRISH | SHELTON | WARD |
|----------|-----------|----------|-------|---------|------|
| AYES: | X | X | X | X | X |
| NOES: | | | | | |
| ABSTAIN: | | | | | |
| ABSENT: | | | | | |

JOHN D. LOLLIS, City Clerk


By: Luisa Herrera, Deputy City Clerk

RESOLUTION NO. 99 -2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE ESTABLISHING A POLICY CONCERNING THE
ACCEPTANCE OF TICKETS BY COUNCIL MEMBERS TO CITY OR
CITY-SPONSORED EVENTS

WHEREAS, at its regular meeting of September 18th, 2012, the City Council of the City of Porterville authorized the drafting of a policy limiting the acceptance of tickets by City Council Members to City and City-sponsored events;

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

SECTION 1. The City Council hereby establishes a policy as follows: a Council Member may accept no more than two (2) tickets issued by the City to a City event or a City-sponsored event. Any tickets in excess of two (2) accepted by a Council Member shall be paid for by the Council Member from non-City funds at the time of acceptance of the tickets.

SECTION 2. This resolution establishing the above policy shall be attached as an appendix to the City Council Procedural Handbook.

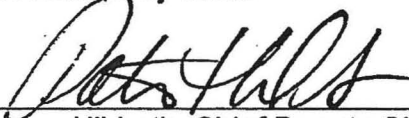
PASSED, APPROVED AND ADOPTED this 2nd day of October, 2012.



Virginia Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 

Patrice Hildreth, Chief Deputy City Clerk

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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 2nd day of October, 2012.

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

**CITY MANAGER
PERFORMANCE EVALUATION
CITY OF PORTERVILLE
(January 1 – December 31, 2013)**

| | <u>WEAK</u> | | <u>STRONG</u> | | |
|---|-------------|---|---------------|---|---|
| A. Providing Information | | | | | |
| 1. Does the City Manager keep you informed, in a timely manner, of the things you want to know about? | 1 | 2 | 3 | 4 | 5 |
| 2. Do you feel that you receive information on an equal basis with other Council members? | 1 | 2 | 3 | 4 | 5 |
| 3. Do reports provide adequate information and analysis to help you make sound decisions? | 1 | 2 | 3 | 4 | 5 |
| 4. Are agenda items and supporting documents appropriate and brought to Council in sufficient time for deliberations? | 1 | 2 | 3 | 4 | 5 |
| 5. Does the City Manager regularly consult with the Council before setting the agenda to determine appropriate topics and timing? | 1 | 2 | 3 | 4 | 5 |
| 6. Does the City Manager follow up promptly on Council requests for information or action without having to be reminded? | 1 | 2 | 3 | 4 | 5 |
| 7. Are Council packets relatively free of errors and omissions? | 1 | 2 | 3 | 4 | 5 |
| Average score | | | | | |

| | <u>WEAK</u> | | <u>STRONG</u> | | |
|--|-------------|---|---------------|---|---|
| B. Providing Advice | | | | | |
| 1. Does the City Manager have adequate knowledge of municipal affairs? | 1 | 2 | 3 | 4 | 5 |
| 2. Does he exercise good judgment? | 1 | 2 | 3 | 4 | 5 |
| 3. Do you feel that the City Manager considers alternatives before making recommendations? | 1 | 2 | 3 | 4 | 5 |
| 4. Does the City Manager plan ahead, anticipate needs and recognize potential problems? | 1 | 2 | 3 | 4 | 5 |
| 5. How do you feel about the quality of analysis that accompanies recommendations? | 1 | 2 | 3 | 4 | 5 |
| 6. Does he have a good sense of timing in bringing issues to the Council for action? | 1 | 2 | 3 | 4 | 5 |
| Average score | | | | | |

INTERNAL ADMINISTRATION

| | <u>WEAK</u> | | <u>STRONG</u> | | |
|---|-------------|---|---------------|---|---|
| A. Financial Management | | | | | |
| 1. Are you comfortable with the City Manager's approach to budget preparation and review? | 1 | 2 | 3 | 4 | 5 |
| 2. Is the City Manager effective in controlling costs through economical utilization of manpower, materials, and equipment? | 1 | 2 | 3 | 4 | 5 |
| 3. Does the City Manager have sufficient knowledge of financial matters? | 1 | 2 | 3 | 4 | 5 |
| 4. Does the City Manager provide you with sufficient information on the financial status of the City government? | 1 | 2 | 3 | 4 | 5 |
| 5. Is the budget submitted on time? | 1 | 2 | 3 | 4 | 5 |
| Average score | | | | | |

| | <u>WEAK</u> | | | <u>STRONG</u> | |
|---|-------------|---|---|---------------|---|
| B. Personnel Management | | | | | |
| 1. Is the City Manager successful in guiding people so that they work together as a team toward common objectives? | 1 | 2 | 3 | 4 | 5 |
| 2. Is the City Manager effective in selection and placing personnel? | 1 | 2 | 3 | 4 | 5 |
| 3. Does the City Manager develop and motivate personnel so that they are increasingly effective in performing their duties? | 1 | 2 | 3 | 4 | 5 |
| 4. Is the City Manager willing to face up to disciplinary problems and take action when warranted? | 1 | 2 | 3 | 4 | 5 |
| 5. Is the City Manager effective in promoting positive employer-employee relations? | 1 | 2 | 3 | 4 | 5 |
| 6. Does the City Manager respond to Council suggestions on employee training, work priorities and productivity? Are the decisions explained to Council? | 1 | 2 | 3 | 4 | 5 |
| 7. Is the City Manager effective on assuring that staff makes a positive impression on citizens? | 1 | 2 | 3 | 4 | 5 |
| 8. Does the City Manager ensure that every City employee receives a written annual performance review? | 1 | 2 | 3 | 4 | 5 |
| Average score | | | | | |

| | <u>WEAK</u> | | | <u>STRONG</u> | |
|---|-------------|---|---|---------------|---|
| C. Getting the Job Done | | | | | |
| 1. Do you have the feeling that things the Council decides or directs get done? | 1 | 2 | 3 | 4 | 5 |
| 2. Does the City Manager organize or assign work so that it is performed efficiently and effectively? | 1 | 2 | 3 | 4 | 5 |
| 3. Does the City Manager pay sufficient attention to detail to avoid error or things "slipping through the cracks"? | 1 | 2 | 3 | 4 | 5 |
| 4. Does the City Manager put in sufficient time and effort to perform to your expectations? | 1 | 2 | 3 | 4 | 5 |
| 5. Does the City Manager have a good sense of priorities in the way he spends his time on the job? | 1 | 2 | 3 | 4 | 5 |
| 6. Is the City Manager able to analyze problems or issues and identify causes, reasons, and implications? | 1 | 2 | 3 | 4 | 5 |
| 7. Does the City Manager develop and carry out short- and long-term action plans? | 1 | 2 | 3 | 4 | 5 |
| Average score | | | | | |

EXTERNAL RELATIONS

| | <u>WEAK</u> | | | <u>STRONG</u> | |
|--|-------------|---|---|---------------|---|
| A. Citizen Relations | | | | | |
| 1. Does the City Manager generally make a positive impression on citizens and is he respected in Porterville? | 1 | 2 | 3 | 4 | 5 |
| 2. Is he effective in handling disputes or complaints involving citizens? | 1 | 2 | 3 | 4 | 5 |
| 3. Does the City Manager have appropriate visibility or identity in the community? | 1 | 2 | 3 | 4 | 5 |
| 4. Does the City Manager represent Council positions and policies accurately and effectively? | 1 | 2 | 3 | 4 | 5 |
| 5. Does the City Manager give sufficient credit to Council? | 1 | 2 | 3 | 4 | 5 |
| 6. Does the City Manager think and act in a manner reflecting an attitude that client (Council, staff, or citizens) perceptions and satisfactions are key? | 1 | 2 | 3 | 4 | 5 |
| Average score | | | | | |

| | <u>WEAK</u> | | | <u>STRONG</u> | |
|--|-------------|---|---|---------------|---|
| B. Intergovernmental Relations | | | | | |
| 1. Is the City Manager effective representing the City's interests in dealing with other agencies? | 1 | 2 | 3 | 4 | 5 |
| 2. Does the City Manager participate in enough intergovernmental activity to have an impact on behalf of the City? | 1 | 2 | 3 | 4 | 5 |
| Average score | | | | | |

PERSONAL CHARACTERISTICS

| | <u>WEAK</u> | | | <u>STRONG</u> | |
|---|-------------|---|---|---------------|---|
| A. Personality | | | | | |
| 1. Is the City Manager's personality suited to effective performance of his duties? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| Average score | | | | | |

| | <u>WEAK</u> | | | <u>STRONG</u> | |
|--|-------------|---|---|---------------|---|
| B. Communications | | | | | |
| 1. Is the City Manager easy to talk to? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| 2. Do you feel he is a good listener? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| 3. Are communications thoughtful, clear, and to the point? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| 4. Does the City Manager show sensitivity to the concerns of others? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| Average score | | | | | |

| | <u>WEAK</u> | | | <u>STRONG</u> | |
|---|-------------|---|---|---------------|---|
| C. Management Style | | | | | |
| 1. Does the City Manager demonstrate interest and enthusiasm in performing his duties? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| 2. Does he have sufficient leadership characteristics to command respect and good performance from employees? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| 3. Does the City Manager show initiative and creativity in dealing with issues, problems, and unusual situations? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| 4. Is the City Manager open to new ideas and suggestions for change? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| 5. Does the City Manager create an atmosphere in which employees can enjoy working for the City? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| 6. Is the City Manager honest and ethical? | 1 | 2 | 3 | 4 | 5 |
| 7. Does the City Manager work well under pressure? | 1 | 2 | 3 | 4 | 5 |
| 8. Is the City Manager able to change his approach to fit new situations? | 1 | 2 | 3 | 4 | 5 |
| 9. Can the City Manager consistently put aside personal views and implement Council policy and direction? | 1 | 2 | 3 | 4 | 5 |
| Average score | | | | | |

ACHIEVEMENTS

| |
|---|
| List the top three achievements or strong points of the City Manager for the past twelve (12) months: |
| 1. |
| 2. |
| 3. |

FUTURE DEVELOPMENT

| |
|--|
| List three performance objectives for the City Manager that you feel are the most important targets for this year: |
| 1. |
| 2. |
| 3. |

TOTAL OVER ALL SCORE

| | <u>WEAK</u> | | | <u>STRONG</u> | |
|-----------------------|-------------|---|---|---------------|---|
| OVERALL RATING | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| <i>Date:</i> | | | | | |

Cameron Hamilton, Mayor

Brian Ward, Vice Mayor

Pete V. McCracken, Council Member

Virginia Gurrola, Council Member

Greg Shelton, Council Member

**CITY ATTORNEY
PERFORMANCE EVALUATION
CITY OF PORTERVILLE
(January 1 – December 31, 20__)**

| | <u>WEAK</u> | | <u>STRONG</u> | | |
|--|-------------|---|---------------|---|---|
| A. Providing Information | | | | | |
| 1. Does the City Attorney keep you informed, in a timely manner, of the legal issues affecting the City? | 1 | 2 | 3 | 4 | 5 |
| 2. Does the City Attorney demonstrate initiative and resourcefulness in identifying legal problems, and advising and recommending resolutions? | 1 | 2 | 3 | 4 | 5 |
| 3. Do reports/memoranda from the City Attorney provide adequate information and analysis to help you make sound decisions? | 1 | 2 | 3 | 4 | 5 |
| 4. Do the legal solutions that are developed appropriately address the issues to be resolved? | 1 | 2 | 3 | 4 | 5 |
| 5. Does the City Attorney follow up promptly on Council requests for information or action without having to be reminded? | 1 | 2 | 3 | 4 | 5 |
| Average score | | | | | |

| | <u>WEAK</u> | | <u>STRONG</u> | | |
|--|-------------|---|---------------|---|---|
| B. Providing Advice | | | | | |
| 1. Does the City Attorney have adequate knowledge of municipal legal affairs? | 1 | 2 | 3 | 4 | 5 |
| 2. Does he/she exercise good judgment? | 1 | 2 | 3 | 4 | 5 |
| 3. Do you feel that the City Attorney considers alternatives before making recommendations? | 1 | 2 | 3 | 4 | 5 |
| 4. Does the City Attorney plan ahead, anticipate needs and recognize potential legal problems? | 1 | 2 | 3 | 4 | 5 |
| 5. How do you feel about the quality of analysis that accompanies recommendations? | 1 | 2 | 3 | 4 | 5 |
| Average score | | | | | |

| | <u>WEAK</u> | | | <u>STRONG</u> | |
|--|-------------|---|---|---------------|---|
| C. Getting the Job Done | | | | | |
| 1. Do you have the feeling that things the Council decides or directs get done? | 1 | 2 | 3 | 4 | 5 |
| 2. Does the City Attorney pay sufficient attention to detail to avoid error or things "slipping through the cracks"? | 1 | 2 | 3 | 4 | 5 |
| 3. Does the City Attorney put in sufficient time and effort to perform to your expectations? | 1 | 2 | 3 | 4 | 5 |
| 4. Does the City Attorney have a good sense of priorities in the way he/she spends his/her time on the job? | 1 | 2 | 3 | 4 | 5 |
| 5. Is the City Attorney able to analyze problems or issues and identify causes, reasons, and implications? | 1 | 2 | 3 | 4 | 5 |
| 6. Does the City Attorney perform well under pressure? | 1 | 2 | 3 | 4 | 5 |
| 7. When work is delegated to staff/deputy attorneys, is the project/issue handled appropriately? | 1 | 2 | 3 | 4 | 5 |
| Average score | | | | | |

EXTERNAL RELATIONS

| | <u>WEAK</u> | | | <u>STRONG</u> | |
|---|-------------|---|---|---------------|---|
| A. Citizen Relations | | | | | |
| 1. Does the City Attorney generally make a positive impression on citizens and is he/she respected in Porterville? | 1 | 2 | 3 | 4 | 5 |
| 2. Is he/she effective in handling disputes or complaints involving citizens? | 1 | 2 | 3 | 4 | 5 |
| 3. Does the City Attorney have appropriate visibility or identity in the community? | 1 | 2 | 3 | 4 | 5 |
| 4. Does the City Attorney think and act in a manner reflecting an attitude that client (Council, staff, or citizens) perceptions and satisfactions are key? | 1 | 2 | 3 | 4 | 5 |
| Average score | | | | | |

| | <u>WEAK</u> | | | <u>STRONG</u> | |
|---|-------------|---|---|---------------|---|
| B. Intergovernmental Relations | | | | | |
| 1. Is the City Attorney effective representing the City's interests in dealing with other agencies? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| Average score | | | | | |

PERSONAL CHARACTERISTICS

| | <u>WEAK</u> | | | <u>STRONG</u> | |
|--|-------------|---|---|---------------|---|
| A. Personality | | | | | |
| 1. Is the City Attorney's personality suited to effective performance of his/her duties? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| Average score | | | | | |

| | <u>WEAK</u> | | | <u>STRONG</u> | |
|---|-------------|---|---|---------------|---|
| B. Communications | | | | | |
| 1. Is the City Attorney easy to talk to? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| 2. Do you feel he/she is a good listener? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| 3. Are communications thoughtful, clear, and to the point? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| 4. Does the City Attorney show sensitivity to the concerns of others? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| Average score | | | | | |

| | <u>WEAK</u> | | | <u>STRONG</u> | |
|--|-------------|---|---|---------------|---|
| C. Management Style | | | | | |
| 1. Does the City Attorney demonstrate interest and enthusiasm in performing his/her duties? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| 2. Does the City Attorney show initiative and creativity in dealing with issues, problems, and unusual situations? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| 3. Is the City Attorney honest and ethical? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| 4. Does the City Attorney work well under pressure? | 1 | 2 | 3 | 4 | 5 |
| | | | | | |

| | | | | | |
|--|---|---|---|---|---|
| 5. Is the City Attorney able to change his/her approach to fit new situations? | 1 | 2 | 3 | 4 | 5 |
| 6. Can the City Attorney consistently put aside personal views and implement Council policy and direction? | 1 | 2 | 3 | 4 | 5 |
| Average score | | | | | |

ACHIEVEMENTS

| |
|--|
| List the top three achievements or strong points of the City Attorney for the past twelve (12) months: |
| 1. |
| 2. |
| 3. |

FUTURE DEVELOPMENT

| |
|---|
| List three performance objectives for the City Attorney that you feel are the most important targets for this year: |
| 1. |
| 2. |
| 3. |

TOTAL OVER ALL SCORE

| | <u>WEAK</u> | | | <u>STRONG</u> | |
|-----------------------|-------------|---|---|---------------|---|
| OVERALL RATING | 1 | 2 | 3 | 4 | 5 |
| | | | | | |
| <i>Date:</i> | | | | | |

Cameron Hamilton, Mayor

Brian Ward, Vice Mayor

Pete V. McCracken, Council Member

Virginia Gurrola, Council Member

Greg Shelton, Council Member

