



**AMENDED CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
SEPTEMBER 1, 2015, 5:30 PM**

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 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.
- 2 - Government Code Section 54956.95 – Liability Claim: Claimant: Johnny Barber. Agency claimed against: City of Porterville.
- 3- Government Code Section 54956.95 – Liability Claim: Claimant: Litzy Blanco, by and through her Guardian Ad Litem, Maria Luz Pacheco Rivera. Agency claimed against: City of Porterville.
- 4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Amy Duran v. City of Porterville, U.S. District Court, Eastern District, Case No. 13-CV-0370-BAM.
- 5 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Roger Cortez v. City of Porterville, U.S. District Court, Eastern District, Case No. 14-CV-00061-LJO-GSA.
- 6 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case in which facts are not yet known to potential plaintiff.

**6:30 P.M. RECONVENE OPEN SESSION AND REPORT ON
REPORTABLE ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Mayor Stowe

Invocation

PRESENTATIONS

Employee of the Month - Arthur Demarath Jr.

AB 1234 REPORTS

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

1. Consolidated Waste Management Association (CWMA) - August 20, 2015

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
 3. Arts Commission - August 26, 2015
 4. Animal Control Commission
 5. Youth Commission
 6. Transactions and Use Tax Oversight Committee (TUTOC)

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

1. **Authorization to Purchase Audio-Visual Equipment for Centennial Plaza**
Re: Considering authorization to contract with ITC for the purchase and installation of audio-visual equipment for Centennial Plaza.

2. **Emergency Repair of Traffic Signals at Olive Avenue & E Street**
Re: Considering awarding a contract in the amount of \$28,492 to Loop Electric for the emergency repair of traffic signals at Olive Avenue and E Street.
3. **Police Vehicle Repair Additional Expenditure Authorization**
Re: Considering approval of an additional payment of \$4,446.03 for the repair of a 2011 Ford Crown Victoria Police Interceptor.
4. **Reject All Bids - OHV Park Management Services**
Re: Considering rejection of bids for OHV Park management services; and authorization to re-advertise for bids.
5. **Award of Bid - Replacement of Digester Mixing Pump & Valves**
Re: Considering awarding contract to JM Squared Associates, Inc. in the amount of \$51,513.91 for the replacement of one (1) 8" Fairbanks Morse horizontal centrifugal digester mixing pump and two (2) valves at the Wastewater Treatment Facility.
6. **Authorization to Purchase Playground Fencing for Veterans' Park**
Re: Considering approval of the purchase of playground fencing for Veterans Park from Anderson Fence Co. in the amount of \$5,579.54
7. **Authorization to Issue Request for Proposals (RFP) for the Demolition of the Henry House**
Re: Considering authorization to distribute a RFP for the demolition of the Henry House located at 604 E. Putnam Avenue, and the appropriation of funds for the commencement of the Hazardous Materials Survey and Demolition Project.
8. **Approval for Community Civic Event – Palabra de Victoria Church – Community Outreach – September 19, 2015**
Re: Considering approval of an event to take place on Saturday, September 19, 2015, from 3:00 p.m. to 8:00 p.m. at 163 W. Orange Avenue.
9. **Approval for Community Civic Event - Porterville Unified School District - Monache Vocal Department - Kaleidoscope Run - September 27, 2015**
Re: Considering approval of an event to take place at the Porterville Sports Complex, on Sunday, September 27, 2015, from 6:00 a.m. to 2:00 p.m.
10. **Amendment to Employee Pay and Benefit Plan -- Management & Confidential Series**
Re: Considering approval of a resolution amending the Employee Pay & Benefit Plan for Management and Confidential Series employees pursuant to the signed Memorandum of Understanding.
11. **Amendment to Employee Pay and Benefit Plan -- Porterville City Employees' Association**
Re: Considering approval of amendments to the Employee Pay & Benefit Plan for Porterville City Employees Association employees pursuant to the signed Memorandum of Understanding.
12. **Request for Proclamation - Relay for Life Days - October 3-4, 2015**
Re: Considering approval of a request to proclaim October 3rd and 4th as "Relay for Life Days."

13. **Request for Proclamation - Library Card Sign-Up Month - September 2015**
Re: Considering approval of a request to proclaim September 2015 as "Library Card Sign-Up Month."
14. **Request for Proclamation - Literacy Awareness Month - September 2015**
Re: Considering approval of a request to proclaim September 2015 as "Literacy Awareness Month."

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

PUBLIC HEARINGS

15. **Housing Related General Plan Amendment and Development Ordinance Text Amendment**
Re: Consideration of a General Plan Amendment to incorporate text and figures regarding municipal infrastructure, and amending Table 201.03 of the Porterville Development Ordinance (Chapter 21 of the Porterville Municipal Code) to establish a minimum density of 20 units per net acre in the RM-3 (High Density Residential) zone district.
16. **Proposed Annexation 480**
Re: Considering adoption of a draft resolution approving Annexation 480, which encompasses 93.3± acres and 134 parcels within the area north of West North Grand Avenue, east of Newcomb Street north to Linda Vista Avenue, and west of Newcomb Street north to a point approximately 200 feet south of the alignment of Chelsea Way, and a minor amendment to the Urban Development Boundary.

SECOND READINGS

17. **Second Reading - Ordinance 1825 - Porterville Development Ordinance Amendment**
Re: Second Reading of Ordinance No. 1825, An Ordinance of the City Council of the City of Porterville Amending the Porterville Development Ordinance to Include Indoor Shooting Range as a Small-Scale Commercial Entertainment and Recreational Type Use with a Minor Conditional Use Permit Approval.

SCHEDULED MATTERS

18. **Presentation of Potential Tulare County Regional Transportation Impact Fees as Proposed by the Tulare County Association of Governments**
Re: Receipt of a presentation of potential Tulare County Regional Transportation Impact Fees as proposed by the Tulare County Association of Governments.
19. **Operation, Use, and Maintenance Covenant on City-Owned Downtown Parking Lot**
Re: Considering approval of a draft resolution defining certain Operation, Use and Maintenance Covenants for the parking lot located at the corner of Hockett Street and Cleveland Avenue.

- 20. Medical Cannabis Ordinance- Review of First Year**
Re: Review of the City's ordinance regarding medical cannabis.
- 21. Consideration of Terminating the Joint Power Agreement with Consolidated Waste Management Authority (CWMA)**
Re: Consideration of the termination of the CWMA Joint Power Agreement.
- 22. Status and Review of Declaration of Local Drought Emergency**
Re: Consideration of the continuance of the Declaration of Local Emergency, and any modifications to the draft Agreement between the City and County of Tulare.

ORAL COMMUNICATIONS

OTHER MATTERS

ADJOURNMENT - to the meeting of September 15, 2015

CLOSED SESSION

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

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.



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Authorization to Purchase Audio-Visual Equipment for Centennial Plaza

SOURCE: Public Works

COMMENT: On May 1, 2015, the Transit Division leased administrative offices and a multi-purpose room at Centennial Plaza. These offices have been furnished and require audio-visual equipment to facilitate meetings, presentations, conferences, and employee training.

Staff prepared design specifications and an independent cost estimate to determine the appropriate procurement process. Staff's independent cost estimate determined that the project be classified as a Federal Transit Administration (FTA) small purchase project since the estimate was under the \$25,000 FTA threshold. Therefore, staff requested noncompetitive bids from all local vendors. Staff received the following two bids:

| | |
|---------|-------------|
| ITC | \$22,105.06 |
| Troxell | \$22,343.03 |

Typically staff strives to acquire three bids in a noncompetitive procurement process, however, staff only received two bids for this project. FTA procurement procedures require at least two bids or sole source justification for small purchases. Staff has determined that the two bids received were fair and reasonable.

It is staff's recommendation to contract with ITC, the lowest bidder, for the purchase and installation of audio-visual equipment for Centennial Plaza. Staff also recommends a ten percent (10%) contingency to be used exclusively to pay for unforeseen conditions that may arise during the installation of the equipment, for a total project cost of \$24,315.57.

Funding for this project is partially funded (50%) by the FY 2015/2016 Federal Transit Administration (FTA) Capital and Operating grant; the balance (50%) will be from Local Transportation Funds (LTF).

RECOMMENDATION: That the City Council authorize staff to contract with ITC for the purchase and installation of audio-visual equipment for Centennial Plaza in an amount not to exceed \$24,315.57.

ATTACHMENTS: 1. Troxell Quote

Item No. 1.

2. ITC Quote

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



Audio•Video•Sales•Design•Service•Installation

438 E. Shaw Ave 145
Fresno, CA 93710

Quote Number Q430112017

August 8, 2015

QUOTED TO**TROXELL CONTACT**

Account: City Of Porterville

Contact: Richard I. Tree

Address: 291 N. Main St

Porterville, CA 93257

Account Executive: Mia Embry

Email: mia.embry@trox.com

Phone: (559)261-1994 x4301

Fax: (559)261-9437

I am pleased to quote on the following items:

Terms Net 30

FOB Destination

Customer # 6416

Expires 09/08/15

| Item # | Description | Unit Price | Qty | Ext. Price |
|--------|--|------------|-----|------------------------|
| 1 | INM SSGUN65JS8500FXZA Samsung 8500 UN65JS8500F 65" 3D 2160p LED-LCD TV - 16:9 - 4K | 2715.31 | 2 | 5430.62 |
| 2 | PER PERSF680 PEERLESS UNIV FLT WALL MNT XXL SEC BLK | 123.75 | 2 | 247.50 |
| 3 | KRA KRATP582T KRAMER 2X1 HDMI OVER TP TRANS | 477.81 | 1 | 477.81 |
| 4 | KRA KRATP582R KRAMER 1X2 HDMI OVER TP RECEIVER | 450.31 | 1 | 450.31 |
| 5 | KRA KRATP580R KRAMER HDMI BIDIR RS 232 IR OVER HDBASET TPRCVR | 165.00 | 1 | 165.00 |
| 6 | KRA KRATP580T KRAMER HDMI BIDIR RS 232 IR OVER HDBASET TPTRAN | 165.00 | 1 | 165.00 |
| 7 | KRA KRACHMHMPRO3 KRAMER HDMI CABLE WITH ETHERNET 3FT | 10.31 | 6 | 61.86 |
| 8 | CNW CNWINSTALL155 INSTALLATION/LABOR (NO TAX) | 1760.00 | 1 | 1760.00 Non-Taxable |

Thank You,

Mia Embry
Account Executive**Total** 8758.10
Plus Applicable Tax**Don't forget we are a great source for mounting hardware, screens, replacement lamps, carts, cables, etc...**
WE CAN HELP YOU ACHIEVE YOUR GOALS!We offer competitively priced extended warranties on much of the equipment we sell.
Please contact your account executive for more details.



Audio•Video•Sales•Design•Service•Installation

438 E. Shaw Ave 145
Fresno, CA 93710

Quote Number Q430112019

August 10, 2015

QUOTED TO

TROXELL CONTACT

Account: City Of Porterville

Contact: Richard I. Tree

Address: 291 N. Main St

Porterville, CA 93257

Account Executive: Mia Embry

Email: mia.embry@trox.com

Phone: (559)261-1994 x4301

Fax: (559)261-9437

I am pleased to quote on the following items:

Terms Net 30

FOB Destination

Customer # 6416

Expires 09/10/15

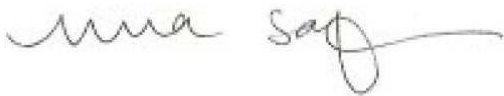
| Item # | Description | Unit Price | Qty | Ext. Price |
|--------|---|------------|-----|------------|
| 1 | DAL DAL37578LI DALITE CONTOUR,164D 87X139NPA MW 220 | 1366.82 | 1 | 1366.82 |
| 2 | HIT HITCPWU8451 HITACHI PROJECTOR- WUXGA- 5000 LUM- 5000:1 (REGISTERED) | 3756.00 | 1 | 3756.00 |
| 3 | CHF CHFCMA440 CHIEF CEILING MOUNT KIT LCD SUSPENDED 8INX24IN | 60.00 | 1 | 60.00 |
| 4 | CHF CHFRPAUW CHIEF UNIVERSAL RPA WHITE | 102.50 | 1 | 102.50 |
| 5 | CHF CHFCMS006W CHIEF FIXED PIPE 6IN WHITE | 10.00 | 1 | 10.00 |
| 6 | KRA KRAVP773AMP KRAMER 8INPUTHDMI-HDBASET PRESENTSWITCH/SCLR-2K | 1852.81 | 1 | 1852.81 |
| 7 | KRA KRAWPH1M KRAMER WALL PLATE HDMI SINGLE PASS THRU | 50.88 | 1 | 50.88 |
| 8 | KRA KRABCHDKT6A305M KRAMER FOUR PAIR U/FTP HDBASET BULK CABLE | 334.81 | 1 | 334.81 |
| 9 | KRA KRABC2T300M KRAMER CABLE- 985FT 2 SHEILD PAIR- 20 AWG AUDIO | 294.94 | 1 | 294.94 |
| 10 | KRA KRACHMHMPRO50 KRAMER HDMI CABLE WITH ETHERNET 50FT | 59.13 | 1 | 59.13 |
| 11 | KRA KRACHMHMPRO15 KRAMER HDMI CABLE WITH ETHERNET 15FT | 21.31 | 1 | 21.31 |
| 12 | KRA KRACHMHMPRO3 KRAMER HDMI CABLE WITH ETHERNET 3FT | 10.31 | 1 | 10.31 |
| 13 | SHU SHUBLX24RSM58J1 SHURE HANDHELD RACK MOUNT WIRELESS SYSTEM | 349.00 | 1 | 349.00 |



We offer competitively priced extended warranties on much of the equipment we sell.
Please contact your account executive for more details.

| Item # | Description | Unit Price | Qty | Ext. Price |
|--------|--|------------|-----|------------------------|
| 14 | HOS HOSHMIC005HZ HOSA PRO MIC CABLE HI-Z 5FT | 12.29 | 1 | 12.29 |
| 15 | HOS HOSHMR010Y HOSA PRO STEREO BREAKOUT CABLE 10 | 14.66 | 1 | 14.66 |
| 16 | OWI OWIAMPR2SIC61 OWI AMPLIFIED CEILING SPKR-TWO SOURCE | 210.64 | 6 | 1263.84 |
| 17 | CNW CNWINSTALL25A INSTALL LABOR | 2130.00 | 1 | 2130.00 Non-Taxable |
| 18 | CNW CNWMAT400KN MATERIALS & HARDWARE FOR INSTALL-TAXABLE | 450.00 | 1 | 450.00 |

Thank You,



Mia Embry
Account Executive

Total 12139.30
Plus Applicable Tax

Don't forget we are a great source for mounting hardware, screens, replacement lamps, carts, cables, etc...
WE CAN HELP YOU ACHIEVE YOUR GOALS!



We offer competitively priced extended warranties on much of the equipment we sell.
Please contact your account executive for more details.



1139 W. Olive Ave.
Porterville, CA 93257

Estimate

| Date | Estimate # |
|-----------|------------|
| 8/24/2015 | 3260 |

Name / Address

The City of Porterville
291 North Main Street
Porterville, California 93257

Project

| Description | Qty | Rate | Total |
|---|---------|--------------|------------|
| CENTENNIAL PLAZA AV EQUIPMENT CONFERENCE ROOM | | | |
| SAMSUNG 4K SUHD JU8500 Series Smart TV -UN65JS8500FXZA | 2 | 2,489.00 | 4,978.00 |
| Peerless-AV SmartMount Universal Flat Wall Mount - SF680 | 2 | 142.75 | 285.50 |
| KRAMER DUAL HDMI over HDBASET - TP-582T | 1 | 535.15 | 535.15 |
| KRAMER DUAL HDMI over HDBASET - TP-582R | 1 | 504.35 | 504.35 |
| KRAMER HDMI over HDBASET - TP-580R | 1 | 184.80 | 184.80 |
| KRAMER HDMI over HDBASET - TP-580T | 1 | 184.80 | 184.80 |
| KRAMR HIGH SPEED with ETHERNET - C-HM/HM/PRO-3 | 6 | 11.55 | 69.30 |
| Sales Tax | 6,741.9 | 0.085 | 573.06 |
| Labor | 1 | 1,560.00 | 1,560.00 |
| | | Total | \$8,874.96 |



**1139 W. Olive Ave.
Porterville, CA 93257**

Estimate

| Date | Estimate # |
|-----------|------------|
| 8/24/2015 | 3261 |

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

| | | | Project |
|---|-----------|--------------|-------------|
| | | | |
| Description | Qty | Rate | Total |
| CENTENNIAL PLAZA AV EQUIPMENT TRAINING ROOM | | | |
| DA-ELITE Contour Electra - 37578LI | 1 | 1,143.98 | 1,143.98 |
| HITACHI PROJECTOR - CP-WU8451 | 1 | 4,160.00 | 4,160.00 |
| Strong™ Suspended Ceiling Tile Adapter Plate with 1-1/2 in. NPT Threading | 1 | 76.93 | 76.93 |
| Strong™ Universal Fine Adjust Projector Mount for Projectors up to 50 lbs. (White) | 1 | 130.13 | 130.13 |
| Strong™ Fixed Pole 6 in. Extension for Ceiling Mounts with 1-1/2" NPT Threading (White) | 1 | 11.13 | 11.13 |
| KRAMER HDBASET PRESENT SWITCH - VP-773A | 1 | 2,075.15 | 2,075.15 |
| KRAMER HDMI PASSIVE WALL PLATE | 1 | 56.98 | 56.98 |
| KRAMER HDBASET BULK CABLE - BC-HDKat6a-305M | 1 | 321.42 | 321.42 |
| KRAMER BULK AUDIO OR CONTROL CABLE - BC-2T-300M | 1 | 283.14 | 283.14 |
| KRAMER HIGH SPEED with ETHERNET - C-HM/HM/PRO-50 | 1 | 66.22 | 66.22 |
| KRAMER HIGH SPEED with ETHERNET - C-HM/HM/PRO-15 | 1 | 23.87 | 23.87 |
| KRAMER HIGH SPEED with ETHERNET - C-HM/HM/PRO-3 | 1 | 11.55 | 11.55 |
| SHURE WIRELESS SYSTEM - BLX24R/SM58J10 | 1 | 371.45 | 371.45 |
| HOSA XLR F to 1/4" MIC - HMIC-005HZ | 1 | 15.12 | 15.12 |
| HOSA 3.5mm TRS to DUAL RCA - HMR-010Y | 1 | 17.52 | 17.52 |
| OWI AMPLIFIED DROP CEILING SPEAKERS - AMPR2SIC61 | 6 | 252.00 | 1,512.00 |
| Sales Tax | 10,276.59 | 0.085 | 873.51 |
| Labor | 1 | 2,080.00 | 2,080.00 |
| | | Total | \$13,230.10 |



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Emergency Repair of Traffic Signals at Olive Avenue & E Street

SOURCE: Public Works

COMMENT: On July 29, 2015, a dump truck made contact with power lines on Olive Avenue at E Street. The truck proceeded westbound on Olive Avenue and the wires pulled down the traffic signal poles at Olive Avenue and E Street. As the truck continued, the wiring pulled down the school warning beacon and pole on the north side of Olive Avenue, west of E Street. Due to the emergency nature of the accident and an estimated 6-8 week lead time on receiving new traffic signal poles, three (3) quotes were obtained for the repair of the traffic signals without the normal sealed bid procedure.

The quotes are as follows:

Loop Electric:\$28,492
A-C Electric Company:\$42,855
Gary Brown Electric:\$60,808

Staff recommends authorizing Loop Electric to proceed with the repairs.

A special account in the General Fund has been set up by Finance to recover funds from the responsible party's insurance company.

RECOMMENDATION: That City Council authorize awarding contract to Loop Electric in the amount of \$28,492.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:
Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Police Vehicle Repair Additional Expenditure Authorization

SOURCE: Police

COMMENT: On April 30, 2015, a 2011 Ford Crown Victoria Police Interceptor (Unit #3220) was involved in a vehicle collision while responding to an emergency call. The front end of the police unit sustained moderate damage.

Research was completed by Departmental staff, and it was determined that due to the low mileage of the vehicle and several years remaining in its replacement cycle, it would be more fiscally prudent to repair the vehicle than to replace it at an estimated cost of \$50,000. On June 2, 2015, the City Council authorized repair of the vehicle by Porterville Collision Center based on their bid amount of \$8,269.09. This agreement was an estimate only and during the repair process it was discovered that the vehicle had additional damage that was not apparent during the initial evaluation. The additional cost to complete repairs to the vehicle was \$4,446.03. This brought the total cost of repair to \$12,715.12.

Based on the above information, the Department is requesting authorization for payment to Porterville Collision Center for the additional \$4,446.03 in repair costs to the 2011 Ford Crown Victoria Police Interceptor (Unit #3220). Funds for these repairs are available in the current Police Department Vehicle Replacement budget.

RECOMMENDATION: That the City Council authorize the additional payment of \$4,446.03 for the repairs to the 2011 Ford Crown Victoria Police Interceptor (Unit #3220).

ATTACHMENTS:

1. Porterville Collision Center
2. June 2, 2015 City Council Staff Report

Appropriated/Funded: MB

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager

Date: 8/18/2015 10:55 AM
 Estimate ID: 30547
 Estimate Version: 3
 Supplement: 2 (F F) 7/15/2015 03:51:40 PM
 Profile ID: Mitchell

Porterville Collision Center

721 N. Sunnyside St., Porterville, CA 93257
 (559) 782-5181
 Fax: (559) 784-0488
 Email: portervillecollision@ocsnet.net
 Tax ID: 27-2959598 BAR #: ARD00262887 EPA #: CAL000354506

Supplement Delta Report Comparison of Estimate 30547 Supplement 0 and Supplement 2

Damage Assessed By: Tony Covarrubias
 Supplemented By: Tony Covarrubias

Owner: UNIT 3320 CITY OF PORTERVILLE
 Vehicle Description: 2011 Ford Crown Victoria Police

| Line Item | Labor Type | Operation | Line Item Description | Part Type | Dollar Amount | Labor Units | CEG Unit |
|-----------------|------------|-----------------|---------------------------------|---------------------|---------------|-------------|----------|
| Changed Entries | | | | | | | |
| 3 | BDY | REMOVE/REPLACE | Frt Bumper Cover | Qual Recycled Part | 575.00 * | INC | 1.4T |
| S1 5< | BDY | REMOVE/REPLACE | Frt Bumper Cover | Qual Recycled Part | INC *< | INC | 1.4T |
| 17 | BDY | REMOVE/REPLACE | Grille | Qual Recycled Part | 57.00 * | 0.1 | 0.3T |
| S1 18< | BDY | REMOVE/REPLACE | Grille | Qual Recycled Part | INC *< | 0.1 | 0.3T |
| 19 | BDY | REMOVE/REPLACE | Grille Header Panel | Qual Recycled Part | 193.00 * | 1.8 | 3.2T |
| S1 19 | BDY | REMOVE/REPLACE | Grille Header Panel | Qual Recycled Part | INC *< | 1.8 | 3.2T |
| 23 | BDY | REMOVE/REPLACE | L Frt Combination Lamp Assembly | Qual Recycled Part | 52.00 * | INC | 0.2T |
| S1 23 | BDY | REMOVE/REPLACE | L Frt Combination Lamp Assembly | Qual Recycled Part | INC *< | INC | 0.2T |
| 25 | BDY | REMOVE/REPLACE | L Frt Combination Lamp Socket | 2U5Z 13411 SA | 19.53 | 0.0 | T |
| S1 24< | BDY | REMOVE/REPLACE | L Frt Combination Lamp Socket | Qual Recycled Part< | INC *< | 0.0 | T |
| 26 | BDY | REMOVE/REPLACE | L Front Side Marker Lamp | Qual Recycled Part | 85.00 * | INC | 0.2T |
| S1 26 | BDY | REMOVE/REPLACE | L Front Side Marker Lamp | Qual Recycled Part | INC *< | INC | 0.2T |
| 28 | BDY | REMOVE/REPLACE | Hood Panel | Qual Recycled Part | 250.00 * | 0.5 | 1.0T |
| S1 27< | BDY | REMOVE/REPLACE | Hood Panel | Qual Recycled Part | INC *< | 0.5 | 1.0T |
| 32 | BDY | REMOVE/REPLACE | R Hood Hinge | Qual Recycled Part | INC * | 0.3 | 0.3T |
| 30< | BDY | REMOVE/REPLACE | R Hood Hinge | Qual Recycled Part | INC * | INC < | 0.3T |
| 37 | BDY | REMOVE/REPLACE | R Hood Assist Strut | 6W7Z 16C826 AB | 33.72 | 0.1 | 0.2T |
| S2 35< | BDY | REMOVE/REPLACE | R Hood Assist Strut | ** QUAL REPL PART< | 21.47 *< | 0.1 | 0.2T |
| 38 | BDY | REMOVE/REPLACE | L Hood Assist Strut | 6W7Z 16C826 AB | 33.72 | 0.1 | 0.2T |
| S2 36< | BDY | REMOVE/REPLACE | L Hood Assist Strut | ** QUAL REPL PART< | 21.47 *< | 0.1 | 0.2T |
| 39 | BDY | REMOVE/REPLACE | Cooling Radiator Support | Qual Recycled Part | 115.00 * | 4.6 | 4.6T |
| S1 38< | BDY | REMOVE/REPLACE | Cooling Radiator Support | Qual Recycled Part | INC *< | 4.6 | 4.6T |
| 44 | BDY | REMOVE/REPLACE | Upr Cooling Shield | 3W7Z 8C291 AA | 80.83 | INC | 0.2T |
| S1 42< | BDY | REMOVE/REPLACE | Upr Cooling Shield | Qual Recycled Part< | INC *< | INC | 0.2T |
| 45 | BDY | REMOVE/REPLACE | L Cooling Air Deflector | 3W1Z 8311 BA | 37.88 | 0.0 | T |
| S1 43< | BDY | REMOVE/REPLACE | L Cooling Air Deflector | Qual Recycled Part< | INC *< | 0.0 | T |
| 46 | BDY | REMOVE/REPLACE | Ctr Lwr Cooling Air Deflector | 3W1Z 8327 AA | 24.90 | INC | 0.2T |
| S1 44< | BDY | REMOVE/REPLACE | Ctr Lwr Cooling Air Deflector | Qual Recycled Part< | INC *< | INC | 0.2T |
| 47 | BDY | REMOVE/REPLACE | L Lwr Cooling Air Deflector | 6W7Z 8327 B | 44.65 | INC | 0.1T |
| S1 45< | BDY | REMOVE/REPLACE | L Lwr Cooling Air Deflector | Qual Recycled Part< | INC *< | INC | 0.1T |
| 48 | BDY | REPAIR | R Fender Panel | Existing | | 1.5* | 3.3 |
| S1 47< | BDY | REMOVE/REPLACE< | R Fender Panel | Qual Recycled Part< | INC *< | 3.3 < | 3.3T< |
| 50 | BDY | REMOVE/REPLACE | L Fender Panel | Qual Recycled Part | 190.00 * | 3.5 | 3.5T |
| S1 50 | BDY | REMOVE/REPLACE | L Fender Panel | Qual Recycled Part | INC *< | 1.8 < | 3.5T |
| 55 | BDY | REMOVE/REPLACE | L Frt Fender Brace | 3W7Z 16A023 AB | 51.48 | 0.1 | 0.1T |

ESTIMATE RECALL NUMBER: 6/10/2015 16:38:38 30547

Date: 8/18/2015 10:55 AM
Estimate ID: 30547
Estimate Version: 3
Supplement: 2 (F F) 7/15/2015 03:51:40 PM
Profile ID: Mitchell

| | | | | | | | |
|--------|-----|----------------|--------------------|---------------------|-----------|--------|------|
| S1 53< | BDY | REMOVE/REPLACE | L Frt Fender Brace | Qual Recycled Part< | INC *< | 0.1 | 0.1T |
| 56 | BDY | REMOVE/REPLACE | L Fender Liner | 6W7Z 16055 B | 74.93 | 0.2 | 1.0T |
| S1 54< | BDY | REMOVE/REPLACE | L Fender Liner | Qual Recycled Part< | INC *< | 0.2 | 1.0T |
| 57 | MCH | REMOVE/REPLACE | Wiring Harness -M | ORDER FROM DEALER | 784.00 * | 2.0* | T |
| S2 55< | MCH | REMOVE/REPLACE | Wiring Harness -M | BW7Z 14290 DA< | 784.93 *< | 2.0* | T |
| 64 | REF | ADD'L OPR | Clear Coat | | | 3.6 | |
| S1 62< | REF | ADD'L OPR | Clear Coat | | | 2.5* < | |
| 67 | | ADD'L COST | Paint/Materials | | 633.60 * | 0.0 | T |
| 71< | | ADD'L COST | Paint/Materials | | 624.00 *< | 0.0 | T |

Deleted Entries

| | | | | | | | |
|----|-----|-----------------|---------------------------------|---------------|--------|-------|------|
| 8 | | | Line Markup %25.00 | | 143.75 | 0.0 | |
| 18 | | | Line Markup %25.00 | | 14.25 | 0.0 | |
| 22 | | | Line Markup %25.00 | | 48.25 | 0.0 | |
| 24 | | | Line Markup %25.00 | | 13.00 | 0.0 | |
| 27 | | | Line Markup %25.00 | | 21.25 | 0.0 | |
| 31 | | | Line Markup %25.00 | | 62.50 | 0.0 | |
| 43 | | | Line Markup %25.00 | | 28.75 | 0.0 | |
| 53 | | | Line Markup %25.00 | | 47.50 | 0.0 | |
| 54 | REF | REFINISH/REPAIR | Deduct For Spot Paint R Fender | Existing | | -0.3* | |
| 58 | FRM | REMOVE/REPLACE | Frame Front Crossmember -F | 3W1Z 5019 AA | 75.48 | 2.5 | 2.5T |
| 59 | FRM | REMOVE/REPLACE | L Frame Rail Replacement Kit -F | 3W1Z 5D059 AA | 758.03 | 7.5 | 7.5T |
| 60 | FRM | REPAIR | Prepull L Frame Rail | Existing | | 2.0* | |
| 63 | FRM | ADD'L OPR | Frame/Rack Set Up | | | 1.0* | |

Added Entries

| | | | | | | | |
|-------|-----|----------------|-------------------------------------|--------------------|------------|------|-------|
| S1 2 | BDY | REMOVE/REPLACE | Frt Clip | Qual Recycled Part | 2,500.00 * | 0.0* | T |
| S1 3 | | | Line Markup %25.00 | | 625.00 | 0.0 | |
| S1 22 | BDY | REMOVE/REPLACE | R Frt Combination Lamp Assembly | Qual Recycled Part | INC * | INC | 0.2T |
| S2 25 | BDY | REMOVE/REPLACE | R Otr Frt Combination Lamp Retainer | F8AZ 13N020 AB | 8.75 | 0.0 | T |
| S1 37 | BDY | REMOVE/REPLACE | Hood Latch | Qual Recycled Part | INC * | INC | 0.3T |
| S2 46 | BDY | REMOVE/REPLACE | Cooling Support Crossmember | 6W1Z 8125 A | INC * | 1.0 | 1.0T |
| 49 | REF | REFINISH | R Add To Edge Fender | | C | 0.5 | 0.5 |
| S1 56 | FRM | REMOVE/REPLACE | Frame Assembly -F | Qual Recycled Part | 1,200.00 * | INC* | 29.0T |
| S1 57 | | | Line Markup %20.00 | | 240.00 | 0.0 | |
| S1 58 | FRM | REMOVE/REPLACE | Frame Assembly | Sublet | 2,465.00 * | 0.0* | |
| S1 59 | | | Line Markup %25.00 | | 616.25 | 0.0 | |
| S2 65 | MCH | ADD'L LABOR OP | Four Wheel Alignment | Sublet | 87.44 * | 0.0* | |
| 66 | | | Carrolls Tire Warehouse | | | 0.0 | |
| S2 67 | MCH | REMOVE/REPLACE | ABS Sensor Wire | 6W1Z 2C204 A | 176.91 * | 0.0* | T |
| S2 68 | GLS | REMOVE/REPLACE | Windshield | ** QUAL REPL PART | 200.00 * | 0.0* | T |
| S2 69 | GLS | REMOVE/REPLACE | Windshield | Sublet | 81.25 * | 0.0* | |
| 70 | | | Chads Auto Glass | | | 0.0 | |

Global Changes

No Deductible, Customer Responsibility, Labor Rate, or Part Adjustment changes were made.

ESTIMATE RECALL NUMBER: 6/10/2015 16:38:38 30547

Software Version: 7.1.179

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Page 2 of 3

Date: 8/18/2015 10:55 AM
Estimate ID: 30547
Estimate Version: 3
Supplement: 2 (F F) 7/15/2015 03:51:40 PM
Profile ID: Mitchell

| | | <u>Amount</u> |
|-----------------------|----------|---------------|
| Original Estimate: | | 8,269.09 |
| Supplement 1 | 4,086.70 | |
| Supplement 2 | 359.33 | |
| Orig Total Tax | 387.09 | |
| Supp 2 Total Tax | 544.65 | |
| Net Supplement Amount | | 4,446.03 |
| Net Total | | 12,715.12 |

| | Program Calc Versions | Data Versions |
|--------|-----------------------|---------------|
| Supp 0 | 7.1.177 | MAR_15_V |
| Supp 2 | 7.1.178 | JUN_15_V |

ESTIMATE RECALL NUMBER: 6/10/2015 16:38:38 30547

Software Version: 7.1.179

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Page 3 of 3



CITY COUNCIL AGENDA – JUNE 2, 2015

SUBJECT: Police Vehicle Repair Authorization

SOURCE: Police

COMMENT: On April 30, 2015, a 2011 Ford Crown Victoria Police Interceptor (Unit #3220) was involved in a vehicle collision while responding to an emergency call. The front end of the police unit sustained moderate damage.

Research was completed by Departmental staff and it was determined that it would be more fiscally prudent to repair the vehicle than to replace it. The damaged vehicle has low mileage and has several years remaining in its current replacement cycle. A replacement police vehicle would cost approximately \$50,000, while repairing the damage to the vehicle would cost \$8,269 to \$11,480. The repairs to the vehicle would allow for the vehicle to be returned to service for several more years.

Department staff has obtained three quotes to repair the damage:

BD Quality Paint and Body Inc. - \$11,480.13.

Faggart Auto Center - \$8,486.17

Porterville Collision Center - \$8,269.09.

Based on the above information, the Department is requesting authorization to enter into an agreement with Porterville Collision Center to repair the damage to Police Unit 3220.

Funds for these repairs are available in the current Police Department Vehicle Replacement budget.

RECOMMENDATION: That the City Council:

- 1) Authorize repairs to Police Unit 3220; and
- 2) Authorize payment upon completion of repairs.

ATTACHMENTS:

1. Faggart Repair Bid
2. BD Paint and Body Bid
3. Porterville Collision Bid

Appropriated/Funded: MB

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager

FAGGART AUTO CENTER

133 S MAIN ST, PORTERVILLE, CA 93257

Phone: (559) 781-2979

FAX: (559) 784-2216

Workfile ID:

87251220

Federal ID:

94-1533513

Preliminary Estimate**Customer: CITY OF PORTERVILLE****Job Number:**

Written By: Ryan Sanchez

Insured: CITY OF PORTERVILLE

Policy #:

Claim #:

Type of Loss:

Date of Loss:

Days to Repair: 0

Point of Impact:

Owner:

Inspection Location:

Insurance Company:

CITY OF PORTERVILLE

FAGGART AUTO CENTER

133 S MAIN ST

PORTERVILLE, CA 93257

Repair Facility

(559) 781-2979 Business

VEHICLE

Year: 2011

Body Style: 4D SED

VIN: 2FABP7BVXEX177137

Mileage In:

Make: FORD

Engine: 8-4.6L-FI

License:

Mileage Out:

Model: CROWN VICTORIA
POLICE

Production Date:

State: CA

Vehicle Out:

Color: Int:

Condition: Fair

Job #:

TRANSMISSION

Automatic Transmission

Overdrive

POWER

Power Steering

Power Brakes

Power Windows

Power Locks

Power Mirrors

Power Adjustable Pedals

DECOR

Dual Mirrors

Body Side Moldings

Tinted Glass

Wood Interior Trim

CONVENIENCE

Air Conditioning

Intermittent Wipers

Tilt Wheel

Rear Defogger

RADIO

AM Radio

FM Radio

Stereo

Search/Seek

SAFETY

Drivers Side Air Bag

Passenger Air Bag

Anti-Lock Brakes (4)

4 Wheel Disc Brakes

Front Side Impact Air Bags

SEATS

Bucket Seats

PAINT

Clear Coat Paint

OTHER

Power Trunk/Gate Release

4 pages

Preliminary Estimate

Customer: CITY OF PORTERVILLE

Job Number:

Vehicle: 2011 FORD CROWN VICTORIA POLICE 4D SED 8-4.6L-FI

| Line | Oper | Description | Part Number | Qty | Extended Price \$ | Labor | Paint |
|------|------|---|----------------|-----|-------------------|-------|-------|
| 1 | | FRONT BUMPER | | | | | |
| 2 | | O/H front bumper | | | | 2.7 | |
| 3 | ** | Repl A/M Bumper cover | 6W7Z17D957APTM | 1 | 213.00 | Incl. | 2.8 |
| 4 | | Add for Clear Coat | | | | | 1.1 |
| 5 | | Repl Bumper cover hardware k/t | 4W7Z17C7S6AA | 1 | 43.35 | Incl. | |
| 6 | | Repl Cover molding chrome | YW7Z17C829BA | 1 | 30.22 | Incl. | |
| 7 | | Repl RT Absorber | 4W7Z17F798AA | 1 | 67.95 | Incl. | |
| 8 | | Repl LT Absorber | 4W7Z17F799AA | 1 | 78.27 | Incl. | |
| 9 | | Repl Absorber rivet | W701913S303 | 1 | 2.50 | | |
| 10 | | Repl Impact bar | 4W7Z17757R | 1 | 118.83 | 0.4 | |
| 11 | | Repl RT Mount bracket | 6W1Z17752A | 1 | 43.10 | Incl. | |
| 12 | | Repl LT Mount bracket | 6W1Z17753A | 1 | 43.10 | Incl. | |
| 13 | | Repl RT Retainer | 5W1Z17E954AA | 1 | 8.62 | | |
| 14 | | Repl LT Retainer | 5W1Z17E954AA | 1 | 8.62 | | |
| 15 | | Repl RT Cover | 3W7Z17E810AA | 1 | 22.00 | | |
| 16 | | Repl LT Cover | 3W7Z17E811AA | 1 | 22.00 | | |
| 17 | | Repl License bracket | 6W7Z17A385AA | 1 | 18.50 | 0.2 | |
| 18 | | FRONT PANELS | | | | | |
| 19 | ** | Repl A/M CAPA Front panel | 6W7Z8190A | 1 | 255.00 | Incl. | 1.7 |
| 20 | | Add for Clear Coat | | | | | 0.7 |
| 21 | | Aim headlamps | | | | 0.5 | |
| 22 | | Add for Edging | | | | | 0.5 |
| 23 | | FRONT LAMPS | | | | | |
| 24 | ** | Repl A/M CAPA LT Headlamp assy | 4W7Z13008A | 1 | 87.00 | Incl. | |
| 25 | | Repl LT Inner bracket | F8AZ13N020AA | 1 | 9.55 | | |
| 26 | | Repl LT Outer bracket | F8AZ13N020AB | 1 | 8.75 | | |
| 27 | | Repl LT Side marker lamp w/strobe light | 1W7Z15A201AB | 1 | 273.68 | Incl. | |
| 28 | | Repl RT Lamp blue illumination | 5W7Z13368BA | 1 | 522.20 | 0.2 | |
| 29 | | Repl LT Lamp red illumination | 5W7Z13368AA | 1 | 522.20 | 0.2 | |
| 30 | | RADIATOR SUPPORT | | | | | |
| 31 | | Refinish Components | | | | | 1.2 |
| 32 | ** | Repl A/M Radiator support | 6W7Z16138A | 1 | 187.00 | 5.5 | Incl. |
| 33 | | Evacuate & recharge | | | m | 1.4 | |
| 34 | | Refrigerant recovery | | | m | 0.4 | |
| 35 | ** | Repl A/M Lower tie bar | 6W1Z8125A | 1 | 67.00 | 1.0 | |
| 36 | | Repl RT Support bracket | 6W1Z8052B | 1 | 19.48 | | |
| 37 | | Repl LT Support bracket | 6W1Z8052A | 1 | 22.28 | | |
| 38 | | Repl RT Side baffle | 3W1Z8310BA | 1 | 38.55 | 0.1 | |
| 39 | | Repl LT Side baffle | 3W1Z8311BA | 1 | 38.55 | 0.1 | |
| 40 | | Repl Air deflector center | 3W1Z8327AA | 1 | 25.33 | Incl. | |
| 41 | | Repl RT Air deflector outer | 6W7Z8327C | 1 | 45.95 | Incl. | |
| 42 | | Repl LT Air deflector outer | 6W7Z8327B | 1 | 45.43 | Incl. | |

Preliminary Estimate

Customer: CITY OF PORTERVILLE

Job Number:

Vehicle: 2011 FORD CROWN VICTORIA POLICE 4D SED 8-4.6L-FI

| | | | | | | | |
|------------------|-------------------------------------|------|---|--------------|-----------------|-------------|-------------|
| 43 | AIR CONDITIONER & HEATER | | | | | | |
| 44 | ** | Repl | A/M Condenser | BW7Z19712A | 1 | 205.00 m | Incl. |
| 45 | | Repl | RT Side seal | 6W1Z19E572BA | 1 | 27.30 | |
| 46 | | Repl | LT Side seal | 6W1Z19E572DA | 1 | 27.83 | |
| 47 | HOOD | | | | | | |
| 48 | ** | Repl | A/M CAPA Hood | 6W7Z16612A | 1 | 417.00 | 1.5 3.0 |
| 49 | | | Overlap Major Non-Adj. Panel | | | | -0.2 |
| 50 | | | Add for Clear Coat | | | | 0.6 |
| 51 | | | Add for Underside(Complete) | | | | 1.5 |
| 52 | | Repl | RT Hinge reinf | F8AZ16A601AA | 1 | 162.85 | Incl. |
| 53 | | Repl | LT Hinge reinf | F8AZ16A602AA | 1 | 162.85 | Incl. |
| 54 | | Repl | RT Hinge | 6W7Z16796A | 1 | 39.32 | Incl. 0.3 |
| 55 | | | Add for Clear Coat | | | | 0.1 |
| 56 | | Repl | LT Hinge | 6W7Z16797A | 1 | 43.57 | Incl. 0.3 |
| 57 | | | Add for Clear Coat | | | | 0.1 |
| 58 | | Repl | RT Lift cylinder | 6W7Z16C826AB | 1 | 34.30 | Incl. |
| 59 | | Repl | LT Lift cylinder | 6W7Z16C826AB | 1 | 34.30 | Incl. |
| 60 | | Repl | RT Bumper | 5W1Z16758AA | 1 | 11.65 | 0.1 |
| 61 | | Repl | LT Bumper | 5W1Z16758AA | 1 | 11.65 | 0.1 |
| 62 | FENDER | | | | | | |
| 63 | ** | Repl | A/M CAPA RT Fender | 7W7Z16005A | 1 | 300.00 | 3.0 2.8 |
| 64 | | | Overlap Major Adj. Panel | | | | -0.4 |
| 65 | | | Add for Clear Coat | | | | 0.5 |
| 66 | | | Add for Edging | | | | 0.5 |
| 67 | | | Deduct for Overlap | | | | -0.4 |
| 68 | ** | Repl | A/M CAPA LT Fender | 7W7Z16006A | 1 | 300.00 | 2.6 2.8 |
| 69 | | | Overlap Major Adj. Panel | | | | -0.4 |
| 70 | | | Add for Clear Coat | | | | 0.5 |
| 71 | | | Add for Edging | | | | 0.5 |
| 72 | | | Deduct for Overlap | | | | -0.4 |
| 73 | FRAME | | | | | | |
| 74 | * | Rpr | Frame Assy FRONT END FRAME NEEDS REPAIR | | | | 3.5 1.0 |
| 75 | # | Rpr | FRAME SET UP | | | | 1.0 |
| 76 | # | Subl | 2 WHEEL ALIGNMENT | 1 | | X | |
| 77 | # | Subl | FLEX ADDITIVE | 1 | | X | |
| 78 | # | Subl | TINT COLOR | 1 | | X | |
| 79 | # | Subl | MASK FOR OVERSPRAY | 1 | | X | |
| 80 | # | Subl | HAZARDOUS WASTE | 1 | | X | |
| 81 | # | Subl | DE-NIB AND FINESSE | 1 | | X | |
| 82 | # | | NOTE# ESTIMATE IS WRITTEN BY WHAT IS VISIBLE AT THIS TIME | 1 | | | |
| 83 | # | | AFTER COMPLETE TEAR DOWN MORE DAMAGES CAN BE FOUND. | 1 | | | |
| SUBTOTALS | | | | | 4,665.63 | 23.7 | 21.5 |

Preliminary Estimate**Customer: CITY OF PORTERVILLE****Job Number:**

Vehicle: 2011 FORD CROWN VICTORIA POLICE 4D SED 8-4.6L-FI

ESTIMATE TOTALS

| Category | Basis | Rate | Cost \$ |
|----------------------|---------------|--------------|-----------------|
| Parts | | | 4,665.63 |
| Body Labor | 23.7 hrs @ | \$ 60.00 /hr | 1,422.00 |
| Paint Labor | 21.5 hrs @ | \$ 60.00 /hr | 1,290.00 |
| Paint Supplies | | | 650.00 |
| Subtotal | | | 8,027.63 |
| Sales Tax | \$ 5,315.63 @ | 8.2500 % | 438.54 |
| Grand Total | | | 8,466.17 |
| Deductible | | | 0.00 |
| CUSTOMER PAY | | | 0.00 |
| INSURANCE PAY | | | 8,466.17 |

FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM: ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON.

THE FOLLOWING IS A LIST OF ABBREVIATIONS OR SYMBOLS THAT MAY BE USED TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED:

MOTOR ABBREVIATIONS/SYMBOLS: D=DISCONTINUED PART, A=APPROXIMATE PRICE. LABOR TYPES: B=BODY LABOR, D=DIAGNOSTIC, E=ELECTRICAL, F=FRAME, G=GLASS, M=MECHANICAL, P=PAINT LABOR, S=STRUCTURAL, T=TAXED MISCELLANEOUS, X=NON TAXED MISCELLANEOUS. PATHWAYS: ADJ=ADJACENT, ALGN=ALIGN, A/M=AFTERMARKET, BLND=BLEND, CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION, D&R=DISCONNECT AND RECONNECT, EST=ESTIMATE, EXT. PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY, INCL=INCLUDED, MISC=MISCELLANEOUS, NAGS=NATIONAL AUTO GLASS SPECIFICATIONS, NON-ADJ=NON ADJACENT, O/H=OVERHAUL, OP=OPERATION, NO=LINE NUMBER, QTY=QUANTITY, RECOND=RECONDITION, REFN=REFINISH, REPL=REPLACE, R&I=REMOVE AND INSTALL, R&R=REMOVE AND REPLACE, RPR=REPAIR, RT=RIGHT, SECT=SECTION, SUBL=SUBLET, LT=LEFT, W/O=WITHOUT, W/_=WITH/_ SYMBOLS: #=MANUAL LINE ENTRY, *=OTHER [IE..MOTORS DATABASE INFORMATION WAS CHANGED], **=DATABASE LINE WITH AFTERMARKET, N=NOTES ATTACHED TO LINE. OPT OEM=ORIGINAL EQUIPMENT MANUFACTURER PARTS EITHER OPTIONALLY SOURCED OR OTHERWISE PROVIDED WITH SOME UNIQUE PRICING OR DISCOUNT.

Estimate calculated using a preset user threshold amount for the paint and material cost.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. ANY WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE PARTS, RATHER THAN BY THE ORIGINAL MANUFACTURER OF YOUR VEHICLE.

BD QUALITY PAINT & BODY INC

Quality's not Expensive.....It's Priceless!
983 West N. Grand Avenue, PORTERVILLE, CA
93257

Phone: (559) 781-3200

FAX: (559) 781-3220

Workfile ID: dc32855a
Federal ID: 27-2626274
State EPA: CAL000375748
License Number: 3292877
BAR: ARD00262752

Preliminary Estimate**Customer: PORTERVILLE, CITY OF****Job Number:**

Written By: Romey Bugarin

Insured: PORTERVILLE, CITY OF
Type of Loss:
Point of Impact: 12 Front

Policy #:
Date of Loss:

Claim #:
Days to Repair: 0

Owner:
PORTERVILLE, CITY OF
555 N. PROSPECT
PORTERVILLE, CA 93257
(559) 782-5240 Business

Inspection Location:
BD QUALITY PAINT & BODY INC
983 West N. Grand Avenue
PORTERVILLE, CA 93257
Repair Facility
(559) 781-3200 Business

Insurance Company:**VEHICLE**

| | | | |
|---------------------------------|-------------------------|-----------------------|--------------|
| Year: 2011 | Body Style: 4D SED | VIN: 2FA8P7BVXB177137 | Mileage In: |
| Make: FORD | Engine: 8-4.6L-FI | License: 1389857 | Mileage Out: |
| Model: CROWN VICTORIA POLICE | Production Date: 7/2011 | State: CA | Vehicle Out: |
| Color: BLK/WHITE Int: | Condition: | Job #: | |

TRANSMISSION

Automatic Transmission
Overdrive

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Power Adjustable Pedals

DECOR

Dual Mirrors
Body Side Moldings
Tinted Glass
Wood Interior Trim

CONVENIENCE

Air Conditioning
Intermittent Wipers
Tilt Wheel
Rear Defogger

RADIO

AM Radio
FM Radio
Stereo
Search/Seek

SAFETY

Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes

Front Side Impact Air Bags

SEATS

Bucket Seats

PAINT

Clear Coat Paint

OTHER

Power Trunk/Gate Release

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

Vehicle: 2011 FORD CROWN VICTORIA POLICE 4D SED 8-4.6L-FI BLK/WHITE

| Line | Oper | Description | Part Number | Qty | Extended Price \$ | Labor | Paint |
|------|------|---|----------------|-----|-------------------|--------|-------|
| 1 | | FRONT BUMPER | | | | | |
| 2 | | O/H front bumper | | | | 2.7 | |
| 3 | <> | Repl Bumper cover | 6W7Z17D957APTM | 1 | 372.48 | Incl. | 2.8 |
| 4 | | Repl Cover molding black | YW7Z17C829AA | 1 | 38.95 | Incl. | |
| 5 | | Repl RT Absorber | 4W7Z17F798AA | 1 | 67.95 | Incl. | |
| 6 | | Repl LT Absorber | 4W7Z17F799AA | 1 | 78.27 | Incl. | |
| 7 | | Repl Impact bar | 4W7Z17757A | 1 | 118.83 | 0.4 | |
| 8 | | Repl RT Mount bracket | 6W1Z17752A | 1 | 43.10 | Incl. | |
| 9 | | Repl LT Mount bracket | 6W1Z17753A | 1 | 43.10 | Incl. | |
| 10 | | Repl License bracket | 6W7Z17A385AA | 1 | 18.50 | 0.2 | |
| 11 | | FRONT PANELS | | | | | |
| 12 | | Repl Front panel | 6W7Z8190A | 1 | 300.35 | Incl. | 1.7 |
| 13 | | Overlap Major Non-Adj. Panel | | | | | -0.2 |
| 14 | | Aim headlamps | | | | 0.5 | |
| 15 | | Add for Edging | | | | | 0.5 |
| 16 | | Repl Grille w/o chrome emblem ebony | 6W7ZB200BAE | 1 | 285.18 | Incl. | 1.0 |
| 17 | | Overlap Major Non-Adj. Panel | | | | | -0.2 |
| 18 | | Repl Emblem w/fleet | F8UZ8213AA | 1 | 24.03 | Incl. | |
| 19 | | ELECTRICAL | | | | | |
| 20 | R&I | Horn | | | m | 0.2 M | |
| 21 | | FRONT LAMPS | | | | | |
| 22 | * | Repl LKQ LT Headlamp assy +25% | 4W7Z1300BA | 1 | 55.00 | Incl. | |
| 23 | | Repl LT Side marker lamp w/strobe light | 1W7Z15A201AB | 1 | 273.68 | Incl. | |
| 24 | | Repl LT Lamp red illumination | 5W7Z13368AA | 1 | 522.20 | 0.2 | |
| 25 | | RADIATOR SUPPORT | | | | | |
| 26 | | Refinish Components | | | | | 1.2 |
| 27 | | Repl Radiator support | 6W7Z16138A | 1 | 304.22 | 5.5 | Incl. |
| 28 | | Evacuate & recharge | | | m | 1.4 M | |
| 29 | | Refrigerant recovery | | | m | 0.4 M | |
| 30 | | Repl Lower tie bar | 6W1Z8125A | 1 | 90.23 | 1.0 | |
| 31 | | Repl LT Support bracket | 6W1Z8052A | 1 | 22.28 | | |
| 32 | | Repl LT Side baffle | 3W1Z8311BA | 1 | 38.55 | 0.1 | |
| 33 | | Repl LT Air deflector outer | 6W7Z8327B | 1 | 45.43 | Incl. | |
| 34 | | Repl Sight shield | 3W7Z8C291AA | 1 | 82.25 | Incl. | |
| 35 | | Repl RT Air deflector outer | 6W7Z8327C | 1 | 45.95 | Incl. | |
| 36 | | Repl RT Side baffle | 3W1Z8310BA | 1 | 38.55 | 0.1 | |
| 37 | | COOLING | | | | | |
| 38 | | Repl Cooling module w/police pkg. | 8W7Z8T000C | 1 | 2,044.11 m | 1.7 M | |
| 39 | | Deduct for Overlap | | | | -0.3 M | |
| 40 | | HOOD | | | | | |
| 41 | | Repl Hood | 6W7Z16612A | 1 | 789.85 | 1.5 | 3.0 |
| 42 | | Overlap Major Adj. Panel | | | | | -0.4 |

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

Vehicle: 2011 FORD CROWN VICTORIA POLICE 4D SED 8-6L-FI BLK/WHITE

| | | | | | | | |
|----|--------------------------------------|--|-------------|---|---------|-------|-------|
| 43 | | Add for Underside(Complete) | | | | | 1.5 |
| 44 | Repl | RT Hinge | 6W7Z16796A | 1 | 39.32 | 0.4 | 0.3 |
| 45 | Repl | LT Hinge | 6W7Z16797A | 1 | 43.57 | 0.4 | 0.3 |
| 46 | Repl | Lock | 5W7Z16700A | 1 | 54.97 | Incl. | |
| 47 | AIR CONDITIONER & HEATER | | | | | | |
| 48 | R&I | Compressor | | | m | 1.2 M | |
| 49 | R&I | Air chamber assy | | | m | 1.5 M | |
| 50 | FENDER | | | | | | |
| 51 | Repl | LKQ RT R&R fender assy +25% | 7W7Z16005A | 1 | 240.00 | 2.8 | 2.8 |
| 52 | | Overlap Major Adj. Panel | | | | | -0.4 |
| 53 | | Deduct for Overlap | | | | -0.4 | |
| 54 | Repl | RT Fender liner | 6W7Z16054A | 1 | 64.80 | 0.8 | |
| 55 | Repl | LT Fender liner | 6W7Z16055B | 1 | 76.25 | 0.6 | |
| 56 | Repl | LKQ LT R&R fender assy | 7W7Z16006A | 1 | 192.00 | 2.4 | 2.8 |
| 57 | | Overlap Major Adj. Panel | | | | | -0.4 |
| 58 | | Deduct for Overlap | | | | -0.4 | |
| 59 | | Clear Coat | | | | | 2.5 |
| 60 | FRAME | | | | | | |
| 61 | Repl | Front c'member | 3W1Z5019AA | 1 | 76.80 | 1.7 | |
| 62 | Repl | RT Bracket | 5W1Z5A098AA | 1 | 103.43 | | |
| 63 | Repl | LT Bracket | 5W1Z5A099AA | 1 | 103.43 | | |
| 64 | PILLARS, ROCKER & FLOOR | | | | | | |
| 65 | R&I | RT Rocker molding front w/o long wheelbase | | | | Incl. | |
| 66 | R&I | LT Rocker molding front w/o long wheelbase | | | | Incl. | |
| 67 | R&I | RT Rocker molding rear | | | | 0.5 | |
| 68 | R&I | LT Rocker molding rear | | | | 0.5 | |
| 69 | FRONT DOOR | | | | | | |
| 70 | Bind | RT Outer panel w/o keyless | | | | | 1.1 |
| 71 | Bind | LT Outer panel w/o keyless | | | | | 1.1 |
| 72 | R&I | RT Belt w/strip | | | | 0.3 | |
| 73 | R&I | LT Belt w/strip | | | | 0.3 | |
| 74 | R&I | RT Mirror assy w/o heated glass | | | | 0.5 | |
| 75 | R&I | LT Mirror assy w/o heated glass | | | | 0.5 | |
| 76 | R&I | RT Handle, outside black/chrome | | | | 0.6 | |
| 77 | R&I | LT Handle, outside black/chrome | | | | 0.6 | |
| 78 | R&I | RT R&I trim panel | | | | 0.4 | |
| 79 | R&I | LT R&I trim panel | | | | 0.4 | |
| 80 | Rpr | RT Door shell w/o keyless entry ALIGN | | | | 1.0 | Incl. |
| 81 | WINDSHIELD | | | | | | |
| 82 | R&I | Reservoir assy w/o electronic Inst | | | | 0.5 | |
| 83 | WHEELS & FRONT SUSPENSION | | | | | | |
| 84 | Subl | 2 Wheel Alignment | | 1 | 59.95 X | | |
| 85 | Repl | Fluids-Antifreeze | | 1 | 24.00 | | |

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

Vehicle: 2011 FORD CROWN VICTORIA POLICE 4D SED 8-4.6L-FI BLK/WHITE

| | | | | | | | |
|----|---|-----------------------------------|---|-------|---|-----|-----|
| 86 | # | Cover Car | 1 | 10.00 | X | | |
| 87 | # | Rpr Set Up and Measure Frame Rack | | | | 2.0 | F |
| 88 | # | Rpr frame pull to square | | | | 3.0 | F |
| 89 | # | Rpr left rail OPEN | | | | | |
| 90 | # | Rpr RIGHT RAIL OPEN | | | | | |
| 91 | # | COLOR TINT | 1 | | | | 1.0 |
| 92 | # | R&I SIREN | | | | 0.4 | |
| 93 | # | Repl FREON AND OIL | 1 | 25.00 | | | |
| 94 | # | *****VISIBLE DAMAGE ONLY | 1 | | | | |
| | | VEHICLE NEEDS A | | | | | |
| | | TEARDOWN***** | | | | | |

SUBTOTALS

6,866.56 38.1 22.0

ESTIMATE TOTALS

| Category | Units | Rate | Cost \$ |
|----------------------|---------------|--------------|------------------|
| Parts | | | 6,796.61 |
| Body Labor | 27.0 hrs @ | \$ 54.00 /hr | 1,458.00 |
| Paint Labor | 22.0 hrs @ | \$ 54.00 /hr | 1,188.00 |
| Mechanical Labor | 6.1 hrs @ | \$ 65.00 /hr | 396.50 |
| Frame Labor | 5.0 hrs @ | \$ 65.00 /hr | 325.00 |
| Paint Supplies | 22.0 hrs @ | \$ 28.00 /hr | 616.00 |
| Miscellaneous | | | 69.95 |
| Subtotal | | | 10,850.06 |
| Sales Tax | \$ 7,412.61 @ | 8.5000 % | 630.07 |
| Grand Total | | | 11,480.13 |
| Deductible | | | 0.00 |
| CUSTOMER PAY | | | 0.00 |
| INSURANCE PAY | | | 11,480.13 |

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

Vehicle: 2011 FORD CROWN VICTORIA POLICE 4D SED 8-4.6L-FI BLK/WHITE

FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM: ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON.

THE FOLLOWING IS A LIST OF ABBREVIATIONS OR SYMBOLS THAT MAY BE USED TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED:

MOTOR ABBREVIATIONS/SYMBOLS: D=DISCONTINUED PART, A=APPROXIMATE PRICE. LABOR TYPES: B=BODY LABOR, D=DIAGNOSTIC, E=ELECTRICAL, F=FRAME, G=GLASS, M=MECHANICAL, P=PAINT LABOR, S=STRUCTURAL, T=TAXED MISCELLANEOUS, X=NON TAXED MISCELLANEOUS. PATHWAYS: ADJ=ADJACENT, ALGN=ALIGN, A/M=AFTERMARKET, BLND=BLEND, CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION, D&R=DISCONNECT AND RECONNECT, EST=ESTIMATE, EXT. PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY, INCL=INCLUDED, MISC=MISCELLANEOUS, NAGS=NATIONAL AUTO GLASS SPECIFICATIONS, NON-ADJ=NON ADJACENT, O/H=OVERHAUL, OP=OPERATION, NO=LINE NUMBER, QTY=QUANTITY, RECOND=RECONDITION, REFN=REFINISH, REPL=REPLACE, R&I=REMOVE AND INSTALL, R&R=REMOVE AND REPLACE, RPR=REPAIR, RT=RIGHT, SECT=SECTION, SUBL=SUBLET, LT=LEFT, W/O=WITHOUT, W/_=WITH/_ SYMBOLS: #=MANUAL LINE ENTRY, *-OTHER (IE..MOTORS DATABASE INFORMATION WAS CHANGED), **=DATABASE LINE WITH AFTERMARKET, N=NOTES ATTACHED TO LINE. OPT OEM=ORIGINAL EQUIPMENT MANUFACTURER PARTS EITHER OPTIONALLY SOURCED OR OTHERWISE PROVIDED WITH SOME UNIQUE PRICING OR DISCOUNT.

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

Vehicle: 2011 FORD CROWN VICTORIA POLICE 4D SED 8-4.6L-FI BLK/WHITE

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide DR2JA03, CCC Data Date 5/8/2015, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM or A/M. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2015 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blend=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

Date: 5/1/2015 05:07 PM
 Estimate ID: 30547
 Estimate Version: 0
 Preliminary
 Profile ID: Mitchell

Porterville Collision Center

721 N. Sunnyside St., Porterville, CA 93257
 (559) 782-5181
 Fax: (559) 784-0488
 Email: portervillecollision@ocsnet.net
 Tax ID: 27-2959598 BAR #: ARD00262887 EPA #: CAL000354506

Damage Assessed By: Tony Covarrubias
 Classification: Field

Condition Code: Good
 Deductible: 0.00
 Claim Number: 30547

Owner: UNIT 3320 CITY OF PORTERVILLE
 Telephone: Home Phone: (559) 782-7517

Mitchell Service: 910026

Description: 2011 Ford Crown Victoria Police
 Body Style: 4D Sed 114" WB
 VIN: 2FABP7BVXBX177137
 OEM/ALT: O
 Color: BLACK/WHITE

Vehicle Production Date: 7/11
 Drive Train: 4.6L Inj 8 Cyl 4A RWD
 License: 1389857 CA
 Search Code: B610364

| Line Item | Entry Number | Labor Type | Operation | Line Item Description | Part Type/ Part Number | Dollar Amount | Labor Units | CEG Unit |
|-----------------------|--------------|------------|----------------|---------------------------------|---------------------------|---------------|-------------|----------|
| MANUAL ENTRIES | | | | | | | | |
| 1 | 900500 | BDY * | REMOVE/REPLACE | Push Bar | ** QUAL REPL PART | 0.00 * | 1.0* | T |
| Front Bumper | | | | | | | | |
| 2 | | BDY | OVERHAUL | Frt Bumper Assy | | | 0.2 # | 1.4 |
| 3 | 003417 | BDY | REMOVE/REPLACE | Frt Bumper Cover | Qual Recycled Part | 575.00 * | INC #r | 1.4T |
| 4 | | REF | REFINISH | Frt Bumper Cover | | | C 2.8 | 2.8 |
| 5 | | BDY | REMOVE/INSTALL | R Frt Side Marker Lamp | | | INC # | 0.2 |
| 6 | | BDY | REMOVE/INSTALL | L Frt Side Marker Lamp | | | INC # | 0.2 |
| 7 | | BDY | REMOVE/INSTALL | Upr Radiator Shield Assy | | | INC | 0.2 |
| 8 | | | | Line Markup %25.00 | | 143.75 | | |
| 9 | 003418 | BDY | REMOVE/REPLACE | R Frt Bumper Impact Absorber | Qual Recycled Part | INC* | 0.2 #r | 0.2T |
| 10 | | BDY | REMOVE/INSTALL | Frt Bumper Cover | | | INC # | 1.2 |
| 11 | 003419 | BDY | REMOVE/REPLACE | L Frt Bumper Impact Absorber | Qual Recycled Part | INC* | 0.2 #r | 0.2T |
| 12 | 000196 | BDY | REMOVE/REPLACE | R Frt Bumper Stopper | Qual Recycled Part | INC* | INC | T |
| 13 | 000197 | BDY | REMOVE/REPLACE | L Frt Bumper Stopper | Qual Recycled Part | INC* | INC | T |
| 14 | 002843 | BDY | REMOVE/REPLACE | Frt Bumper Reinforcement Bar | Qual Recycled Part | INC* | 0.7 #r | 0.7T |
| 15 | 000199 | BDY | REMOVE/REPLACE | R Frt Bumper Bracket | Qual Recycled Part | INC* | 0.2 # | 0.2T |
| 16 | 000200 | BDY | REMOVE/REPLACE | L Frt Bumper Bracket | Qual Recycled Part | INC* | 0.2 # | 0.2T |
| Grille | | | | | | | | |
| 17 | 001815 | BDY | REMOVE/REPLACE | Grille | Qual Recycled Part | 57.00 * | 0.1 #r | 0.3T |
| 18 | | | | Line Markup %25.00 | | 14.25 | | |
| 19 | 003922 | BDY | REMOVE/REPLACE | Grille Header Panel | Qual Recycled Part | 193.00 * | 1.8 #r | 3.2T |
| 20 | | BDY | CHECK/ADJUST | Headlamps | | | 0.4 | 0.4 |
| 21 | | REF | REFINISH | Header Panel | | | C 2.1 | 2.1 |
| 22 | | | | Line Markup %25.00 | | 48.25 | | |
| Front Lamps | | | | | | | | |
| 23 | 004111 | BDY | REMOVE/REPLACE | L Frt Combination Lamp Assembly | Qual Recycled Part | 52.00 * | INC #r | 0.2T |
| 24 | | | | Line Markup %25.00 | | 13.00 | | |
| 25 | 000523 | BDY | REMOVE/REPLACE | L Frt Combination Lamp Socket | 2U5Z 13411 SA | 19.53 | | T |

ESTIMATE RECALL NUMBER: 05/01/2015 15:37:53 30547

Mitchell Data Version: OEM: MAR_15_V

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Software Version: 7.1.177

Page 1 of 4

Date: 5/ 1/2015 05:07 PM
 Estimate ID: 30547
 Estimate Version: 0
 Preliminary
 Profile ID: Mitchell

| | | | | | | | | | | |
|----|--------|-------|-----------------|---|--------------------|--------|---|------|-------|---------|
| 26 | 000536 | BDY | REMOVE/REPLACE | L Front Side Marker Lamp | Qual Recycled Part | 85.00 | * | INC | # | 0.2T |
| 27 | | | | Line Markup %25.00 | | 21.25 | | | | |
| | | | | <u>Hood</u> | | | | | | |
| 28 | 004116 | BDY | REMOVE/REPLACE | Hood Panel | Qual Recycled Part | 250.00 | * | 0.5 | r | 1.0T |
| 29 | | REF | REFINISH | Hood Outside | | | | C | 2.8 | 3.2 |
| 30 | | REF | REFINISH | Add For Hood Underside | | | | C | 1.6 | 1.6 |
| 31 | | | | Line Markup %25.00 | | 62.50 | | | | |
| 32 | 000706 | BDY | REMOVE/REPLACE | R Hood Hinge | Qual Recycled Part | | | INC* | 0.3 | #r 0.3T |
| 33 | | REF | REFINISH | R Hinge | | | | C | 0.5 | 0.5 |
| 34 | | BDY | REMOVE/INSTALL | Hood Assy | | | | INC | | 0.5 |
| 35 | 000707 | BDY | REMOVE/REPLACE | L Hood Hinge | Qual Recycled Part | | | INC* | INC | #r 0.3T |
| 36 | | REF | REFINISH | L Hinge | | | | C | 0.5 | 0.5 |
| 37 | 000708 | BDY | REMOVE/REPLACE | R Hood Assist Strut | 6W7Z 16C826 AB | 33.72 | | 0.1 | # | 0.2T |
| 38 | 000709 | BDY | REMOVE/REPLACE | L Hood Assist Strut | 6W7Z 16C826 AB | 33.72 | | 0.1 | # | 0.2T |
| | | | | <u>Cooling</u> | | | | | | |
| 39 | 002865 | BDY | REMOVE/REPLACE | Cooling Radiator Support | Qual Recycled Part | 115.00 | * | 4.6 | #r | 4.6T |
| 40 | | MCH | REMOVE/REPLACE | Evacuate & Recharge A/C | | | | | 1.4 | 1.4 |
| 41 | | REF | REFINISH | Radiator Support | | | | | 1.5 | 1.5 |
| 42 | | MCH | REMOVE/REPLACE | Add To R&R Mechanical Components | | | | | 0.6 | # 0.6 |
| 43 | | | | Line Markup %25.00 | | 28.75 | | | | |
| 44 | 001687 | BDY | REMOVE/REPLACE | Upr Cooling Shield | 3W7Z 8C291 AA | 80.83 | | INC | | 0.2T |
| 45 | 001690 | BDY | REMOVE/REPLACE | L Cooling Air Deflector | 3W1Z 8311 BA | 37.88 | | | | T |
| 46 | 001682 | BDY | REMOVE/REPLACE | Ctr Lwr Cooling Air Deflector | 3W1Z 8327 AA | 24.90 | | INC | | 0.2T |
| 47 | 001684 | BDY | REMOVE/REPLACE | L Lwr Cooling Air Deflector | 6W7Z 8327 B | 44.65 | | INC | | 0.1T |
| | | | | <u>Front Fender</u> | | | | | | |
| 48 | 000490 | BDY | REPAIR | R Fender Panel | Existing | | | | 1.5* | # 3.3 |
| 49 | | REF | REFINISH | R Fender Outside | | | | C | 2.1 | 2.5 |
| 50 | 000491 | BDY | REMOVE/REPLACE | L Fender Panel | Qual Recycled Part | 190.00 | * | 3.5 | #r | 3.5T |
| 51 | | REF | REFINISH | L Fender Outside | | | | C | 2.1 | 2.5 |
| 52 | | REF | REFINISH | L Add To Edge Fender | | | | C | 0.5 | 0.5 |
| 53 | | | | Line Markup %25.00 | | 47.50 | | | | |
| | | | | <u>MANUAL ENTRIES</u> | | | | | | |
| 54 | 900500 | REF * | REFINISH/REPAIR | Deduct For Spot Paint R Fender | Existing | | | | -0.3* | |
| | | | | <u>Front Fender</u> | | | | | | |
| 55 | 000493 | BDY | REMOVE/REPLACE | L Frt Fender Brace | 3W7Z 16A023 AB | 51.48 | | 0.1 | | 0.1T |
| 56 | 000499 | BDY | REMOVE/REPLACE | L Fender Liner | 6W7Z 16055 B | 74.93 | | 0.2 | # | 1.0T |
| 57 | 004718 | MCH | REMOVE/REPLACE | Wiring Harness | ORDER FROM DEALER | 784.00 | * | 2.0* | | T |
| | | | | <u>Frame</u> | | | | | | |
| 58 | 000171 | FRM | REMOVE/REPLACE | Frame Front Crossmember | 3W1Z 5019 AA | 75.48 | | 2.5 | | 2.5T |
| 59 | 000183 | FRM | REMOVE/REPLACE | L Frame Rail Replacement Kit | 3W1Z 5D059 AA | 758.03 | | 7.5 | # | 7.5T |
| | | | | <u>MANUAL ENTRIES</u> | | | | | | |
| 60 | 900500 | FRM * | REPAIR | Prepull L Frame Rail | Existing | | | | 2.0* | |
| | | | | <u>Additional Costs & Materials</u> | | | | | | |
| 61 | 936012 | | ADD'L COST | Hazardous Waste Disposal | | 4.00 | * | | | |
| 62 | 936016 | | ADD'L COST | Weld Thru Primer | | 5.00 | * | | | T |
| | | | | <u>Additional Operations</u> | | | | | | |
| 63 | 933006 | FRM | ADD'L OPR | Frame/Rack Set Up | | | | | 1.0* | |
| 64 | | REF | ADD'L OPR | Clear Coat | | | | | 3.6 | |
| 65 | 933003 | REF | ADD'L OPR | Tint Color | | 5.00 | * | 0.5* | | |
| 66 | 933018 | REF | ADD'L OPR | Mask For Overspray | | 10.00 | * | 0.2* | | |
| | | | | <u>Additional Costs & Materials</u> | | | | | | |
| 67 | | | ADD'L COST | Paint/Materials | | 633.60 | * | | | T |

ESTIMATE RECALL NUMBER: 05/01/2015 15:37:53 30547

Mitchell Data Version: OEM: MAR_15_V

Software Version: 7.1.177

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Page 2 of 4

* - Judgment Item
- Labor Note Applies
C - Included in Clear Coat Calc
r - CEG R&R Time Used For This Labor Operation

Estimate Totals

| | | Units | Rate | Add'l Labor Amount | Sublet Amount | Totals | | | Amount |
|------|---|-------|-------|--------------------------|------------------|----------|------|--------------------------------|----------|
| I. | Labor Subtotals | | | | | | II. | Part Replacement Summary | |
| | Body | 15.9 | 60.00 | 0.00 | 0.00 | 954.00 | | Taxable Parts | 3,536.15 |
| | Refinish | 20.5 | 60.00 | 15.00 | 0.00 | 1,245.00 | | Parts Adjustments | 379.25 |
| | Frame | 13.0 | 65.00 | 0.00 | 0.00 | 845.00 | | Sales Tax @ 8.500% | 332.81 |
| | Mechanical | 4.0 | 70.00 | 0.00 | 0.00 | 280.00 | | Total Replacement Parts Amount | 4,248.21 |
| | Non-Taxable Labor | | | | | 3,324.00 | | | |
| | Labor Summary | 53.4 | | | | 3,324.00 | | | |
| III. | Additional Costs | | | | | Amount | IV. | Adjustments | Amount |
| | Taxable Costs | | | | | 638.60 | | Insurance Deductible | 0.00 |
| | Sales Tax @ 8.500% | | | | | 54.28 | | Customer Responsibility | 0.00 |
| | Non-Taxable Costs | | | | | 4.00 | | | |
| | Total Additional Costs | | | | | 696.88 | | | |
| | Paint Material Method: Rates | | | | | | | | |
| | Init Rate = 32.00 , Init Max Hours = 99.9, Addl Rate = 0.00 | | | | | | | | |
| | | | | | | | I. | Total Labor: | 3,324.00 |
| | | | | | | | II. | Total Replacement Parts: | 4,248.21 |
| | | | | | | | III. | Total Additional Costs: | 696.88 |
| | | | | | | | | Gross Total: | 8,269.09 |
| | | | | | | | IV. | Total Adjustments: | 0.00 |
| | | | | | | | | Net Total: | 8,269.09 |

This is a preliminary estimate.
Additional changes to the estimate may be required for the actual repair.

Point(s) of Impact
12 Front Center (P)

Inspection Site: PORTERVILLE COLLISION
Inspection Date: 5/ 1/2015

ESTIMATE RECALL NUMBER: 05/01/2015 15:37:53 30547
Mitchell Data Version: OEM: MAR_15_V

Software Version: 7.1.177

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Page 3 of 4

Date: 5/1/2015 05:07 PM
Estimate ID: 30547
Estimate Version: 0
Preliminary
Profile ID: Mitchell

Cycle Time Information

Repair Dates:

Is Vehicle Driveable (Y/N)?: Y

ESTIMATE RECALL NUMBER: 05/01/2015 15:37:53 30547

Mitchell Data Version: OEM: MAR_15_V

Software Version: 7.1.177

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Page 4 of 4



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Reject All Bids - OHV Park Management Services

SOURCE: Parks and Leisure Services

COMMENT: On July 21, 2015, City Council authorized staff to distribute Requests for Proposals for Off-Highway Vehicle (OHV) Park Management Services. The proposed services consist of having a qualified contractor administer and carry out the day-to-day functions associated with managing the OHV Park.

Currently, six part-time staff members handle the daily operations of maintaining the facility. The OHV Park also requires full-time staff administration for oversight of the operations, as well as fulfilling all the required State OHV grant documentation.

On August 20, 2015, staff received one bid for OHV Park Management Services. The bid was incomplete. Staff is recommending that Council reject the bid for the OHV Park Management Services and authorize staff to re-advertise.

RECOMMENDATION: That City Council:

1. Reject all bids for OHV Park management services; and
2. Authorize staff to re-advertise for bids for OHV Park management services.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Award of Bid - Replacement of Digester Mixing Pump & Valves

SOURCE: Public Works

COMMENT: On July 15, 2015, staff received one (1) bid for the Replacement of Digester Mixing Pump and Valves. The bid advertisement was for the replacement of one (1) 8" Fairbanks Morse horizontal centrifugal digester mixing pump and two (2) valves at the Wastewater Treatment Facility.

The estimated cost of the project was \$54,144. JM Squared Associates, Inc. submitted a bid of \$51,513.91 for the replacement of the digester mixing pump and a bid of \$3,439.95 for the valve replacement. Unfortunately, the valve replacement bid does not meet the project specifications and staff recommends rejection of this part of the bid, which is clearly defined as an option in the bid proposal.

Funding for this project was approved in the 2015/2016 Capital Improvement Projects Budget from the Wastewater Treatment Facility Capital Reserve Account.

RECOMMENDATION: That City Council :

1. Award the Replacement of Digester Mixing Pump to JM Squared Associates, Inc. in the amount of \$51,513.91.
2. Reject the bid of Replacement of Valves from JM Squared Associates, Inc. and seek new quotes for valves that meet the project specifications.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: Maria Bemis, Finance Director



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Authorization to Purchase Playground Fencing for Veterans' Park

SOURCE: Parks and Leisure Services

COMMENT: At its meeting on August 18, 2015, the City Council considered the purchase and installation of fencing around the playground at Veterans' Park, which is located in close proximity to a busy intersection. Options for said fencing were considered, and staff was directed to bring back the cost to fence the entire playground with pre-fabricated fencing to be installed by City staff.

Quotes were initially received for a 4' high wrought iron fence to be installed by a fence company and included a small opening for entrance/exit. Revised quotes were received to include entrance/exit gates and a maintenance gate to allow access when work is to be done inside the play area, such as adding wood chip surfacing.

Quotes for a 4' high wrought iron fence around the perimeter of the playground at Veterans' Park are as follows:

| | |
|----------------------|--|
| Anderson Fence Co. | \$5,579.54 (optional labor cost, additional \$5,040) |
| Home Depot | \$5,940.23 |
| Chiapa Welding, Inc. | \$12,090.00 (materials/labor breakdown not provided) |

It should be noted that the City Parks staff has only one welder, who is now the Parks Superintendent. This fact needs to be taken into consideration should the Council direct staff to complete the project within an urgent time frame. An additional option would be to have Anderson Fence Co. install the fencing at an extra labor cost of \$5,040.

Funding for the fence is proposed to be appropriated from the City Council Special Purposes Reserve account.

RECOMMENDATION: That the City Council authorize staff to purchase playground fencing for Veterans' Park from Anderson Fence Co. in the amount of \$5,579.54 from the City Council Special Purposes Account.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Authorization to Issue Request for Proposals (RFP) for the Demolition of the Henry House

SOURCE: Public Works

COMMENT: On December 7, 2010, the City of Porterville purchased the Henry House property located at 604 E. Putnam Avenue (northeast corner of Putnam Avenue and Henry Street). The City Council and Parks and Leisure Services Commission have set a path for transitioning the property from a residential use to auxiliary extension of Murry Park. Unfortunately, the residential structure caught fire February 19, 2014, and now has been deemed unsalvageable.

City insurance has provided the funding necessary to demolish the structures on the property and staff is currently seeking quotes, which are anticipated to be well under \$5,000, for asbestos and lead-based paint surveys. This is a necessary step that must take place before a demolition contractor can obtain a permit from San Joaquin Valley Air Pollution District and the City of Porterville.

Funds for the Henry House Demolition Project are available via the City's insurance policy on the property. The insurance company has deposited approximately \$150,000 in preliminary settlement funds with the City to assist with the facility's replacement, which is currently deposited in the General Fund. Overall projects costs are anticipated not to exceed \$25,000. Staff is seeking authorization to distribute RFP's for demolition contractors.

RECOMMENDATION: That City Council:

1. Accept the RFP in draft form;
2. Authorize staff to distribute the RFP to demolition contractors once the Lead-Based Paint and Asbestos Survey is complete; and
3. Authorize the Finance Director to appropriate the funds for commencement of the Hazardous Materials Survey and Demolition Project.

ATTACHMENTS: 1. RFP - Demolition of Henry House

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

**CITY OF PORTERVILLE
PUBLIC WORKS DEPARTMENT
INFORMAL BID REQUEST FOR PROPOSALS
RFP #15/16-SR1842**

HENRY HOUSE SITE BUILDING DEMOLITION

The City of Porterville is soliciting Proposals from California licensed contractors that are qualified and licensed to perform selective site and building demolition. The successful contractor shall comply with the requirements and general conditions stated in this request for proposals. **Asbestos and lead-based paint are present. (Add or delete after report received.)**

After reviewing the information submitted in response to this Informal Bid Request for Proposals, the City of Porterville expects to enter into a contract with the firm whose proposal best meets the City's requirements.

I. PROJECT DESCRIPTION

The City of Porterville proposes to remove all buildings/structures at the Henry House site (located at 604 E. Putnam Avenue in Porterville, CA.). **One residential home, a portico driveway entrance, and a two-vehicle carport with attached shed are currently standing on the parcel, and the City desires the site be clear of all structures and debris.**

An inspection was recently performed by _____, which **identified asbestos and/or lead-based paint is present in the materials to be demolished. (Add or delete after report received.)** The report/survey provides information on the substrates that were tested and the results. A complete copy of the report/survey is included herewith for your reference.

II. SCOPE OF WORK GENERAL CONDITIONS

CONTRACTOR SHALL:

- Prior to demolition activities that may disturb the asbestos-containing building materials (ACBM) outlined in the attached report/survey (see above); materials shall be properly removed and disposed of by a licensed and registered asbestos abatement contractor.
- Comply with all regulations pertaining to the abatement, management, and removal of asbestos.
- Be certified and licensed in the State of CA for abatement, management and removal of asbestos. Contractor shall submit proof of such training/certifications and licensing prior to starting work.
- Prepare and submit, with required fee, the proper notifications to the Federal Environmental Protection Agency and San Joaquin Valley Air Pollution Control District.
- Obtain a City of Porterville Business License prior to beginning any work.
- Dismantle and remove existing building/structure, improvements, appurtenances, foundations, and grade site to workmanlike smooth finish (no vertical walls).
- Remove all trees, shrubbery and residential landscape within 20' of structures to be demolished.
- Discard offsite all materials generated by the removal.
- Cut as necessary and cap below ground level any remaining pipes or other materials protruding above ground level, and measure and mark on a map and with a lathe stake.

- Coordinate removal work with designated City Staff and provide 48-hour notice prior to beginning work.
- Provide 48-hour notification to adjacent building occupants within a 300' radius of work plan, schedule, and emergency contact information.
- Provide dust control.
- Contractor shall provide/secure site with temporary 6'-0" chain link fencing placed around the perimeter of the project site. Fence post concrete block anchors shall be sandbagged to prohibit fence from falling in windy conditions.

CITY OF PORTERVILLE SHALL:

- Hold a mandatory pre-proposal meeting on [REDACTED], for all interested contractors to tour the facilities proposed for demolition. All interested contractors are asked to attend and must have attended to be considered responsive to the RFP.
- Coordinate disconnection of utilities, including water, sewer, gas and electric to the buildings. The City is currently working with The Gas Company and Southern California Edison to have these services terminated.
- Provide a no-cost City of Porterville Demolition Permit. This Application process has been initiated with the City of Porterville's Building Division.
- Provide an independent environmental consultant on site to perform appropriate testing and monitoring of the abatement/removal process. The Contractor shall coordinate their work schedule closely with the City and shall cooperate fully with the environmental consultant.

Other:

- Work shall be conducted during regular City business hours: Monday through Friday, 8 am to 5 pm. Work outside of these hours must be approved by, and coordinated with, Public Works staff.
- Upon completion of the project, all equipment and materials shall be removed from the site.
- City of Porterville assumes no responsibility for the structural integrity of any materials salvaged as part of this project. These materials become the sole property and responsibility of the contractor.
- The general prevailing wage rates for each craft, classification, or type of workman shall be as determined by the Director of Industrial Relations. Copies of the prevailing rate of per diem wages are on file at the City's principal office and available on request or, alternatively, may be accessed from the website of the Division of Labor Statistics and Research, California Department of Industrial Relations located at <http://www.dir.ca.gov/dlsr/PWD/index.htm>.

III. CRITERIA FOR EVALUATING PROPOSALS

(Not in any specific order of rank)

- a. Adequately satisfy the City of contractor's qualifications and expertise in executing the proposed project.
- b. Pricing of overall project.
- c. Ability to meet desired timelines.
- d. Meeting all required liability insurances.

IV. PROCESS

***A mandatory pre-proposal meeting will be held on-site _____.
Only those contractors present will be eligible to propose.***

Sealed proposals from interested contractors must be submitted by 3:00 p.m. on _____, to:

**City of Porterville
ATTN: Michael K. Reed
Acting Public Works Director
291 N Main Street
Porterville, CA 93257**

Incomplete or late proposals will not be considered.

Proposals must identify, at a minimum:

- a. Company name, address, and name of the contact person.
- b. Firm, fixed price for all services provided.
- c. Indicate State of California Contractor's License (classification and number).
- d. Proposal must be signed by an authorized company representative.
- e. The project completion shall be _____.

Submission of a proposal shall be deemed evidence that the bidder has familiarized his/herself with the site and all aspects of the project and has verified their receipt of all addenda to this RFP (bidders are responsible for ensuring they have received any and all addenda prior to bid opening).

The City of Porterville reserves the right to reject proposals determined in the City's sole discretion to be non-responsive to this RFP and to cancel in whole, or in part, this RFP.

Proposals shall not be accepted from contractors and/or subcontractors ineligible to bid on public works projects pursuant to California Labor Code section 1777.1 or 1777.7.

Within ten (10) days of the notice of award, the successful Firm/Contractor shall execute a contract for the project in the form of the contract attached to this RFP.

Firm/Contractor, after notice of award and prior to execution of the contract, must provide copies of all required insurance forms which are attached to this RFP.

Firm/Contractor, after notice of award and prior to execution of the contract, must provide a payment bond in the amount of no less than 100% of the contract price in the form attached to this RFP. No modification of the attached form shall be accepted.

V. ESTIMATED SCHEDULE

Proposals are due by _____.

Project Completion: The Contractor shall commence work within ten (10) days of the Notice to Proceed (NTP), and diligently prosecute the work to completion within _____(____) working days of said NTP.

VI. CONTACT PERSON

Questions concerning proposal conditions, timeline, and specification shall be in writing and faxed or emailed to:

Vickie Ratta
Secretary – Public Works Department
City of Porterville
Fax 599-781-6437 or email vratta@ci.porterville.ca.us

Questions concerning proposal submittal shall be addressed to:

Michael K. Reed
Acting Public Works Director
559-782-7462

VII. ATTACHMENTS

Bid Proposal Form
Insurance Requirements and Forms
Asbestos/Lead Base Paint Survey Reports
General Contract

HENRY HOUSE SITE BUILDING DEMOLITION
BID PROPOSAL FORM

A. BASE BID

The undersigned declares that he/she has examined the location of the proposed work, that he/she has examined these contract documents and hereby proposes to furnish all materials, labor, equipment, and perform all work in strict accordance with the said contract documents, for the lump sum of:

Total Base Bid Amount = \$ _____

Project completion: The Contractor shall commence work within ten (10) days of the Notice to Proceed (NTP) and diligently prosecute the work to completion within THIRTY (30) working days of said NTP.

Contractor's License Number: _____

Contractor's License Classification: _____

IN WITNESS WHEREOF, the undersigned has caused this Bid to be properly executed, as of the date set forth below:

Dated this _____ day of _____ 2015.

CONTRACTOR:

Signed: _____

By: _____
Print Name

TITLE: _____

Contractors Address: _____

Telephone Number: _____

INSURANCE AND LIABILITY

Insurance

Neither the Contractor nor any subcontractors shall commence any work until all required insurance has been obtained at their own expense. Such insurance must have the approval of the City as to limit, form, and amount, and shall be placed with insurers with a current A.M. Best's rating of no less than A:VII.

Any insurance bearing on adequacy of performance shall be maintained after completion of the project for the full guarantee period.

Prior to execution of the Contract, the Contractor shall furnish the City with original endorsements effecting coverage for all policies required by the Contract. The Contractor shall not permit any subcontractor to commence work on this project until such subcontractor has furnished the City with original endorsements effecting coverage for all insurance policies required by the Contract. The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. The endorsements are to be on forms approved by the City. The City may require the Contractor or any subcontractor to furnish complete, certified copies of all insurance policies affecting the coverage required by the Contract.

All of the Contractor's policies shall contain an endorsement providing that written notice shall be given to the City at least thirty (30) calendar days prior to termination, cancellation, or reduction of coverage in the policy.

Any policy or policies of insurance that the Contractor elects to carry as insurance against loss or damage to its construction equipment and tools shall include a provision therein providing a waiver of the insurer's right to subrogation against the City and the Engineer.

The requirements as to the types, limits, and the City's approval of insurance coverage to be maintained by the Contractor are not intended to, and shall not in any manner, limit or qualify the liabilities and obligations assumed by the Contractor under the Contract.

In addition to any other remedy the City may have, if the Contractor or any of the subcontractors fail to maintain the insurance coverage as required, the City may obtain such insurance coverage as is not being maintained, in form and amount substantially the same as required herein, and the City may deduct the cost of such insurance from any amounts due or which may become due the Contractor under this Contract.

Coverage Requirements

The Contractor and all subcontractors shall, at their expense, maintain in effect at all times during the performance of work under the Contract not less than the following coverage and limits of insurance, which shall be maintained with insurers and under forms of policy satisfactory to the City. The maintenance by the Contractor and all subcontractors of the following coverage and limits of insurance is a material element of this Contract. The failure of the Contractor or any subcontractor to maintain or renew coverage or to provide evidence of renewal may be treated by the City as a material breach of this Contract.

Worker's Compensation and Employer's Liability Insurance.

Worker's Compensation.

The Contractor and all subcontractors shall maintain insurance to protect the Contractor or subcontractor from all claims under Worker's Compensation and Employer's Liability Acts, including Longshoremen's and Harbor Workers' Act. Such coverage shall be maintained, in type and amount, in strict compliance with all applicable State and Federal statutes and regulations. Prior to commencement of any work on the project, the Contractor shall execute a certificate in compliance with Labor Code section 1861, on the form provided in the Contract Documents.

Claims Against City.

If an injury occurs to any employee of the Contractor or any of the subcontractors for which the employee or the employee's dependents, in the event of the employee's death, may be entitled to compensation from the City under the provisions of the said Acts, or for which compensation is claimed from the City, there will be retained out of the sums due the Contractor under this Contract, an amount sufficient to cover such compensation as fixed by said Acts, until such compensation is paid or it is determined that no compensation is due. If the City is required to pay such compensation, the amount so paid will be deducted and retained from such sums due, or to become due, the Contractor.

Commercial General and Automobile Liability Insurance.

Form and Amounts.

The insurance shall include, but shall not be limited to, protection against claims arising from death, bodily injury, personal injury, or damage to property resulting from actions, failures to act, operations or equipment of the insured, or by its employees, agents or consultants, or by anyone directly or indirectly employed by the insured. The amount of insurance coverage shall not be less than \$1,000,000.00 per occurrence for Automobile Liability Insurance. The amount of insurance coverage shall not be less than \$1,000,000.00 per occurrence for Commercial General Liability Insurance with an aggregate no less than two (2) times the required per occurrence limit applying to bodily injury, personal injury, and property damage, or any combination of the three. Any deductibles must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles as respects the entity, its officers, officials, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration expenses, and defense expenses.

Additional Requirements.

The Commercial General and Automobile Liability Insurance coverage shall also include the following:

- a. A provision or endorsement naming the City and the City's consultants and each of their officers, employees, agents, and volunteers, each as additional insured with respect to any potential liability arising out of the performance of any work under the Contract, and providing that such insurance is primary insurance as respects the interest of the City, and that any other insurance, risk pool membership, or other liability

protection maintained by the City or maintained by the Engineer is excess to the insurance required hereunder, and will not be called upon to contribute to any loss unless and until all limits available under the contractor's and subcontractor's insurance policy/policies have been paid.

b. A "Cross Liability" or "Severability of Interest" clause. Broad Form Property Damage, Personal Injury, Contractual Liability, Protective Liability, and Completed Operations coverages, and elimination of any exclusion regarding loss or damage to property caused by explosion or resulting from collapse of buildings or structures or damage to property underground, commonly referred to by insurers as the "XCU" hazards.

c. A provision or endorsement stating that such insurance, subject to all of its other terms and conditions, applies to the liability assumed by the Contractor under the Contract, including, without limitation, indemnity and litigation costs.

d. A provision or endorsement stating that any failure to comply with reporting or other provisions of the policies, including breaches of warranties, shall not affect coverage provided to the City, its officers, officials, employees, or volunteers.

e. A provision or endorsement stating that the Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

SPECIAL NOTICE: Claims Made Coverage.

Liability insurance coverage shall not be written on a "claims made" basis. The Certificate of Insurance must clearly provide that the coverage is on an "occurrence" basis.

Indemnity and Litigation Costs

Promptly upon execution of the Contract, the Contractor specifically obligates itself and hereby agrees to protect, hold free and harmless, defend and indemnify the City, the Engineer and their consultants, and each of their officers, officials, employees agents and volunteers, from and against any and all liability, penalties, costs, losses, damages, expenses, causes of action, claims or judgments, including without limitation attorneys' fees and other costs of litigation, which arise out of or are in any way connected with the Contractor's, or its subcontractors' or suppliers', performance of work under this Contract or failure to comply with any of the obligations contained in the Contract. This indemnity shall not extend, however, to attorney fees and costs incurred by the City in prosecuting or defending against the Contractor in any proceeding, and shall imply no reciprocal right of the Contractor in any action on the Contract pursuant to Civil Code section 1717 or section 1717.5. To the fullest extent legally permissible, this indemnity and hold harmless agreement by the Contractor shall apply to any and all acts or omissions, whether active or passive, on the part of the Contractor or its agents, employees, representatives, or subcontractor's agents, employees, and representatives, resulting in claim or liability, whether or not any acts or omissions of any of the parties to be indemnified hereunder may also have been a contributing factor to the liability, except such loss or damage which was caused by the active negligence, the sole negligence, or the willful misconduct of the City.

In any and all claims against the City or the Engineer and their consultants, and each of their officers, employees and agents by any employee of the Contractor, any subcontractor, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be

liable, the indemnification obligation under this Section shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or any subcontractor under Worker's Compensation statutes, disability benefit statutes or other employee benefit statutes.

Accidents

The Contractor shall provide and maintain, in accordance with Labor Code section 6708 and OSHA requirements, adequate emergency first-aid treatment for its employees and subcontractors and anyone else who may be injured in connection with the work.

The Contractor shall promptly report in writing to the Engineer all accidents whatsoever arising out of, or in connection with, the performance of the work, whether on or adjacent to the Site, which cause death, personal injury, or property damage, giving full details and statements of witnesses. In addition, if death or serious injury or serious damage are caused, the accident shall be reported immediately by telephone or messenger to the City and the Engineer.

If any claim is made by anyone against the Contractor or any subcontractor on account of any accident, the Contractor shall promptly report the facts in writing to the Engineer, giving full details of the claim.

No Personal Liability

Neither the City, the Engineer, nor any of their other officers, agents, or employees shall be personally responsible for any liability arising under the Contract, except such obligations as are specifically set forth herein.



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Approval for Community Civic Event – Palabra de Victoria Church – Community Outreach – September 19, 2015

SOURCE: Finance

COMMENT: The Palabra de Victoria Church is requesting approval to hold their annual Church Community Outreach event on Saturday, September 19, 2015, from 3:00 p.m. to 8:00 p.m. The event will be held on the church parking lot and in front of the church on 'E' Street, and will include carnival games and live music. The Church is requesting closure of 'E' Street from Orange Street to the end of their church building.

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

RECOMMENDATION: That the City Council approve the Community Civic Event Application and Agreement from the Palabra de Victoria Church, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

ATTACHMENTS:

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

Appropriated/Funded: MB

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

DO YOU HAVE? Event Flyer? E-mail address? Website?

Application date: 8-14-15 Event date: 9-19-15
8/17/15 Event time: 3 PM - 8 PM

Name of Event: Palabra De Victoria Church Community Outreach

Sponsoring organization: Palabra De Victoria Church Phone # (559) 782-1573
Address: 163 W. Orange

Authorized representative: ANGEL SEGURA Phone # 559 782 1573
Address: 1184 W. Brown Ave

Event chairperson: ANGEL SEGURA Phone # SAME

Location of event 163 W. Orange (Church)
(Location map must be attached)

Type of event: Community Outreach

Non-profit organization status: _____

(IRS Determination)

City services requested (fees associated with these services will be billed separately):

Barricades (quantity): 12 Street sweeping Yes _____ No /
Police protection Yes _____ No / Refuse pickup Yes _____ No _____
Other: _____

Parks facility application required: Yes _____ No _____ Attached _____

Assembly permit required: Yes _____ No _____ Attached _____

STAFF COMMENTS (list special requirements or conditions for event):

Appr. Deny

| | | | |
|-------|-------|-------------------|-------|
| _____ | _____ | Bus. Lic. Spvr. | _____ |
| _____ | _____ | Pub. Works Dir | _____ |
| _____ | _____ | Comm. Dev. Dir. | _____ |
| _____ | _____ | Field Svcs. Mgr. | _____ |
| _____ | _____ | Fire Chief | _____ |
| _____ | _____ | Parks Dir. | _____ |
| _____ | _____ | Police Chief | _____ |
| _____ | _____ | Admin. Svcs. Dir. | _____ |

CITY OF PORTERVILLE

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

What constitutes a Community Civic Event?

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

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

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

JAS Authorized Representative Initials

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

JAS Authorized Representative Initials

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

JAS Authorized Representative Initials

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

JAS Authorized Representative Initials

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

| | | |
|------------------------------|------------------|----------------|
| <i>Bahra DeVictoria Chua</i> | <i>Joe A. J.</i> | <i>8-14-15</i> |
| (Name of Organization) | (Signature) | (Date) |

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

Location: 163 W. Orange Event date: 9-19-15 Event time: 3PM-8PM

CITY OF PORTERVILLE

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

Name of event: Palabra De Victoria Church Community Outreach

Sponsoring organization: Palabra De Victoria Church

Event date: 9-19-15 Hours: 3PM - 8:PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

| Street Name | From | To | Activity |
|-------------------------|------------------|------------------|-------------------------|
| E. ST | ORANGE ST | | CARNIVAL |
| | ↓ | | Type: GAMES |
| | TO END of Church | | for children that |
| | Building | | Require NO MECH |
| | | (small prizes) ↗ | Equipment (Ball |
| | | | Toss/Ring Toss/ |
| | | | Basket Ball/ NO |
| | | | NO RIDES @ CARNIVAL |
| Sidewalks | From | To | Activity |
| | | | - NO DUNKING MACHINES |
| | | | - LIVE Christian Music |
| | | | - NO DJ. |
| | | | - NO VENDERS |
| | | | - NO OTHER PARTICIPANTS |
| Parking lots and spaces | Location | | Activity |
| | | | EXCEPT FOR Church |
| | | | MEMBERS, BAND & |
| | | | PATRONS of Community |

Requirements for Community Civic Event

Palabra de Victoria Church

Community Outreach

September 19, 2015

Finance Director:

M. Bemis

Deputy Public Works Director:

M. Reed

No comment.

Community Development Manager:

J. Phillips

No comments.

Deputy Public Works Director:

B. Styles

Barricades may be obtained and returned at 555 N. Prospect Street.

Fire Chief:

G. Irish

No comments.

Parks and Leisure Services Director:

D. Moore

No comments.

Police Lieutenant:

C. Contreras

Please see proposed conditions and requirements in Exhibit B.

Administrative Services Director:

P. Hildreth

Please see Exhibit A, page 2.

Requirements for Community Civic Event

Sponsor: Palabra de Victoria Church
Event: Community Outreach
Event Chairman: Angel Segura
Location: Palabra de Victoria parking lot/front of church
Date of Event: September 19, 2015
Time of Event: 6:00 p.m. to 8:00 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Palabra de Victoria Church provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, City of Porterville Redevelopment Agency and its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

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

CITY OF PORTERVILLE

Community Civic Event Application

Proposed Event: Palabra De Victoria Community Outreach

Date of Event: September 19th, 2015 / 3:00pm – 8:00pm

Location of Event: Palabra De Victoria Church, 163 West Orange Avenue

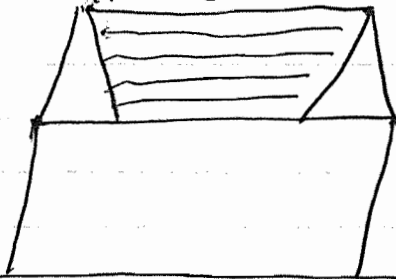
Recommendations/Requirements:

- All street closures in the city require City Council approval.
- If event organizers anticipate the need to have vehicles removed from the associated streets and alleys, the streets in question must be properly posted, in accordance with the California Vehicle Code, well in advance of the event. Event organizers **shall** contact Lt. Dominic Barteau or Lt. Richard Standridge of the Porterville Police Department no less than 30 days prior to the event if vehicle removal is to be authorized. Either can be contacted at 559-782-7410 or 559-782-7400.
- No food vendors have been listed.
- There has been no application to consume alcohol; therefore alcoholic consumption is prohibited.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.
- Amplified music shall not continue after 10:00 p.m.

Chris Contreras, Lieutenant
Porterville Police Department

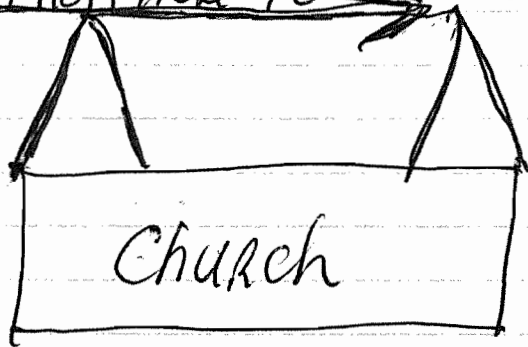
Way to West ← ORANGE → East to Main

FRIENDS Lumber Co.



E. ST

FROM HERE TO End of Church



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



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

- 1 Name and home address of the applicant: ANGEL SEGURA
1184 W. BROWN AVE
- 2 Address where amplification equipment is to be used: 163 W. ORANGE
- 3 Names and addresses of all persons who will use or operate the amplification equipment: _____
- 4 Type of event for which amplification equipment will be used: Church Community Outreach
- 5 Dates and hours of operation of amplification equipment: 9-19-15 3PM-8PM
- 6 A general description of the sound amplifying equipment to be used: Amplifiers, ~~Microphones~~ Bass, Drums, Guitar, P.A. System

Section 18-9

It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14

It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Joe A. J.
Signature of Applicant

8-14-15
Date

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

Chris L. L.
City of Porterville, Chief of Police/Designee

8-25-15
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/18/2015

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

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

| | |
|--|---|
| PRODUCER | CONTACT NAME: Laura Pul |
| Church & Casualty Ins Agency Inc | PHONE (A/C, No, Ext): (800) 995-7525 |
| 3440 Irvine Ave | FAX (A/C, No): (800) 995-7521 |
| | E-MAIL ADDRESS: laura@churchandcasualty.com |
| Newport Beach CA 92660 | INSURER(S) AFFORDING COVERAGE |
| | INSURER A: Church Mutual Insurance Co |
| INSURED | INSURER B: |
| PALABRA DE VICTORIA CHURCH DBA WORD OF VICTORY | INSURER C: |
| 163 W ORANGE AVE | INSURER D: |
| | INSURER E: |
| PORTERVILLE CA 93257-4650 | INSURER F: |

COVERAGES

CERTIFICATE NUMBER: 15-16

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|---|-----------|----------|-------------------|-------------------------|-------------------------|---|
| A | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER: | X | | 0255275-02-609423 | 8/3/2013 | 8/3/2016 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 |
| | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS | | | | | | COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ |
| | UMBRELLA LIAB EXCESS LIAB DED RETENTION \$ | | | | | | EACH OCCURRENCE \$ AGGREGATE \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | Y/N | N/A | | | | PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Evidence of insurance for a street closure (community outreach) at the corner of Orange & E Street (163 W Orange Ave), Porterville, CA on Sept 19, 2015. Certificate holder is named additional insured but only with respect to the activities of the Named Insured on the above described premises. All activities/operations not specifically ran/or conducted by the Named Insured are excluded. *refer to attached A2014

CERTIFICATE HOLDER

agustuson@ci.porterville.c
City of Porterville
& The City of Porterville Redevelopment Agency
291 N Main Street
Porterville, CA 93257

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

J Taheri Kenari/JANIC

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED DESIGNATED PERSON OR ORGANIZATION
FOR SPECIFIC ACTIVITY**

This endorsement modifies insurance provided under the General Liability Coverage Part.

The following is added to the General Liability Additional Provisions Form.

| | | |
|---|-------------|--------------|
| Additional Insured Person(s) or Organization(s): | | |
| Name: City of Porterville & The City of Porterville Redevelopment Agency | | |
| Address: 291 N Main Street | | |
| Porterville City | CA State | 93257 Zip |
| Activity: street closure (community outreach) at the corner of Orange & E Street(163 W Orange Ave), Porterville, CA policy#:0255275-02-609423 | | |
| Date(s): Sept 19, 2015 | | |

A. ADDITIONAL INSURED DESIGNATED PERSON OR ORGANIZATION FOR SPECIFIC ACTIVITY

1. Paragraph C., Who is An Insured, is amended to include the person(s) or organization(s) shown above, but only with respect to "bodily injury," "property damage," "personal injury," and "advertising injury" liability, and only with respect to operations of the Named Insured that are directly related to the activity shown above during the dates shown above.



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Approval for Community Civic Event - Porterville Unified School District - Monache Vocal Department - Kaleidoscope Run - September 27, 2015

SOURCE: Finance

COMMENT: The Porterville Unified School District and the Monache High School Vocal Department are requesting approval to hold a 5K "Kaleidoscope" run at the Porterville Sports Complex on Sunday, September 27, 2015, from 6:00 a.m. to 2:00 p.m. There are no street closures requested. Funds raised from this event will benefit the Monache High School Vocal Department.

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

RECOMMENDATION: That the City Council approve the attached Community Civic Event Application and Agreement submitted by Porterville Unified School District and Monache Vocal Department, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

ATTACHMENTS:

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

Appropriated/Funded: MB

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

DO YOU HAVE? Event Flyer? E-mail address? Website?
Application date: 8/12/15 7/20/15 Event date: 9/27/15
Event time: 6am - 2pm
Name of Event: Monache Vocal Dept Kaleidoscope Run.
Sponsoring organization: Monache Vocal Dept Phone # (559) 793-3870
Address: 960 N. Newcomb
Authorized representative: Joshua Sutherland Phone # (559) 306-2719
Address: _____
Event chairperson: Cindy Reynolds Phone # (559) 623-6614
Location of event Porterville Sports Complex
(Location map must be attached)

Type of event: This is a 5K run which serves as a fundraiser for the Monache H.S. Vocal Dept.

Non-profit organization status: 77-0569290

(IRS Determination)

City services requested (fees associated with these services will be billed separately):
Barricades (quantity): _____ Street sweeping Yes _____ No ☒
Police protection Yes _____ No ☒ Refuse pickup Yes ☒ No ☒
Other: _____

Parks facility application required: Yes ☒ No _____ Attached _____
Assembly permit required: Yes _____ No ☒ Attached _____

STAFF COMMENTS (list special requirements or conditions for event):

| Appr. | Deny | |
|-------|-------|-------------------------|
| _____ | _____ | Bus. Lic. Spvr. _____ |
| _____ | _____ | Pub. Works Dir. _____ |
| _____ | _____ | Comm. Dev. Dir. _____ |
| _____ | _____ | Field Svcs. Mgr. _____ |
| _____ | _____ | Fire Chief _____ |
| _____ | _____ | Parks Dir. _____ |
| _____ | _____ | Police Chief _____ |
| _____ | _____ | Admin. Svcs. Dir. _____ |

CITY OF PORTERVILLE

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

What constitutes a Community Civic Event?

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

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

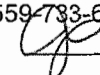
Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise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

 Authorized Representative Initials

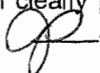
Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include **full liquor liability** in an amount not less than one million dollars (\$1,000,000) per occurrence. The City of Porterville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

____ Authorized Representative Initials

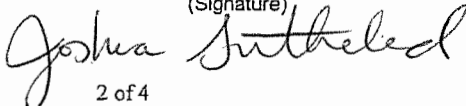
Health permit: Organization/Applicant **will obtain or ensure** that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health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

 Authorized Representative Initials

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

 Authorized Representative Initials

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

| | | |
|------------------------------------|--|---------|
| (Name of Organization) | (Signature) | (Date) |
| Monache High School Vocal Dept. |  | 7/20/15 |

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

Location: Sports Complex Event date: 9/27/15 Event time: 6 Am - 2 pm

[illegible]

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

CITY OF PORTERVILLE

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

Name of event: Monache Vocal Dept Kaleidoscope Run

Sponsoring organization: Monache High School Vocal Dept.

Event date: Sept. 27, 2015 Hours: 6am - 2pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

| Closed | | | | |
|--------------------------------|-----------------|-----------|-----------------|--|
| <u>Street Name</u> | <u>From</u> | <u>To</u> | <u>Activity</u> | |
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| | | | | |
| <u>Sidewalks</u> | <u>From</u> | <u>To</u> | <u>Activity</u> | |
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| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| <u>Parking lots and spaces</u> | <u>Location</u> | | <u>Activity</u> | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Requirements for Community Civic Event
Porterville Unified School District
Monache Vocal Department Kaleidoscope Run
September 27, 2015

Finance Director:
M. Bemis

Deputy Public Works Director:
M. Reed

No comment.

Community Development Manager:
J. Phillips

No comments.

Deputy Public Works Director:
B. Styles

No comments.

Fire Chief:
G. Irish

No comments.

Parks and Leisure Services Director:

Vehicles to remain off the grass.

Police Lieutenant:
C. Contreras

Please see conditions/requirements
in Exhibit B.

Administrative Services Director:
P. Hildreth

See Exhibit A, Page 2.

Requirements for Community Civic Event

Sponsor: Porterville Unified School District
Event: Monache Vocal Department Kaleidoscope Run
Event Chairman: Joshua Sutherland
Location: Porterville Sports Complex
Date of Event: September 27, 2015

RISK MANAGEMENT: Conditions of Approval

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

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

CITY OF PORTERVILLE

APPLICATION FOR COMMUNITY CIVIC EVENT

Proposed Event:

Monache Vocal Department Kaleidoscope Run – Porterville Sports Complex –
September 27th, 2015 / 6:00am – 2:00pm

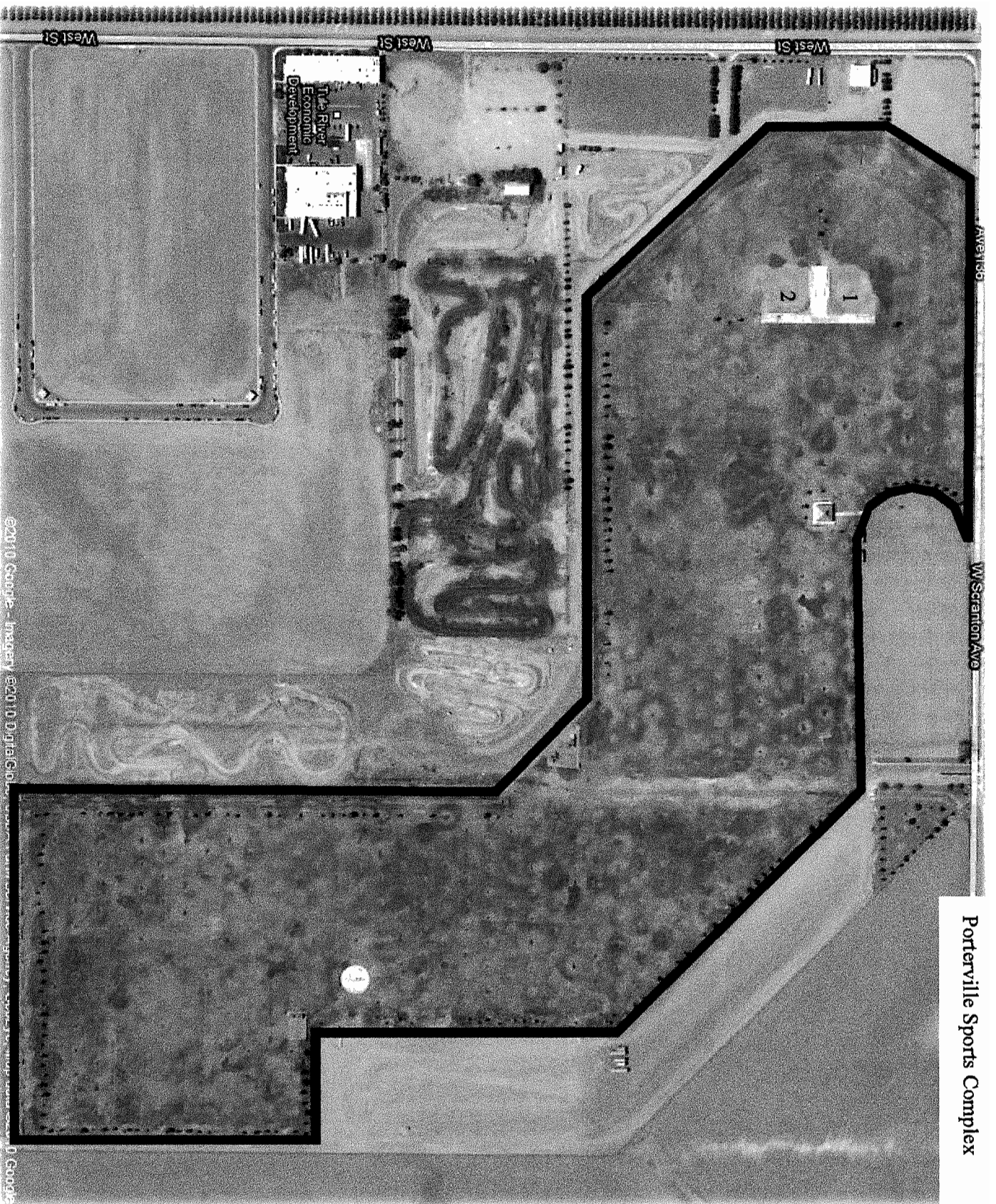
Staff Comments: Conditions/Requirements by Police Department

- No street closures have been mentioned/requested; however all street closures require City Council approval.
- Participants in any procession on city roadways must comply with all traffic laws and rules of the road. Additionally, they shall not impede traffic or generally interfere with the normal flow of vehicle or pedestrian traffic, and also shall not block or park on sidewalks.
- There shall be no sales, possession or consumption of alcoholic beverages in the Sports Complex during the event, unless appropriate permits have been obtained.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music or other amplifications to be played so loud as to unreasonably disturb the peace and good order of the business establishments or neighborhoods in the area.
- Private vehicles may not drive or park inside the park or in any areas other than the parking lots.
- Event organizers shall contact Porterville Police Lieutenants Dominic Barteau or Richard Standridge at 559-782-7410 or 559-782-7400 in advance of the event in order to determine additional policing concerns/requirements.

Chris Contreras / Lieutenant
Porterville Police Department

EXHIBIT B

Porterville Sports Complex



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



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

- 1 Name and home address of the applicant: Joshua Sutherland
1551 Belmont Pl., Porterville CA 93257
- 2 Address where amplification equipment is to be used: Porterville Sports Complex
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Richard
Onsurez address 1817 N. Rose St. Porterville, CA 93257
- 4 Type of event for which amplification equipment will be used: 5K Run
- 5 Dates and hours of operation of amplification equipment: Sept. 27, 2015 7am - 2pm
- 6 A general description of the sound amplifying equipment to be used: P.A. System

Section 18-9

It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14

It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Joshua Sutherland
Signature of Applicant

7/20/15
Date

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

[Signature]
City of Porterville, Chief of Police/Designee

8-17-15
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/12/2015

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

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

PRODUCER 0757776 1-800-877-4560
RUB International Insurance Services Inc.
P.O. Box 4047
Concord, CA 94524

| | |
|---|-----------------------------|
| CONTACT NAME: | |
| PHONE (A/C No. Ext): 925 609-6500 | FAX (A/C No.): 925 609-6550 |
| E-MAIL ADDRESS: | |
| INSURER(S) AFFORDING COVERAGE | |
| NAIC # | |
| INSURER A: Genesis Insurance Company | |
| INSURER B: Central Tulare County School Districts JPA | |
| INSURER C: | |
| INSURER D: | |
| INSURER E: | |
| INSURER F: | |

INSURED
Porterville Unified School District
c/o Houston Insurance Services
P.O. Box 1002
Tulare, CA 93275-1002

COVERAGES

CERTIFICATE NUMBER: 44782284

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|--|--|----------|---------------|-------------------------|-------------------------|---|
| A | GENERAL LIABILITY | X | | YXB300831N | 07/01/15 | 07/01/16 | EACH OCCURRENCE \$ 4,800,000 |
| | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 |
| | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR | | | | | | MED EXP (Any one person) \$ NotCovered |
| | <input checked="" type="checkbox"/> AUTO LIAB included** | | | | | | PERSONAL & ADV INJURY \$ Included |
| | <input checked="" type="checkbox"/> \$200,000 SIR | | | | | | GENERAL AGGREGATE \$ 9,600,000 |
| | GEN'L AGGREGATE LIMIT APPLIES PER: | | | | | | PRODUCTS - COMP/OP AGG \$ Included |
| | <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | | | | | \$ |
| | AUTOMOBILE LIABILITY | | | | | | COMBINED SINGLE LIMIT (Ea accident) \$ |
| | <input type="checkbox"/> ANY AUTO | | | | | | BODILY INJURY (Per person) \$ |
| | <input type="checkbox"/> ALL OWNED AUTOS | <input type="checkbox"/> SCHEDULED AUTOS | | | | | BODILY INJURY (Per accident) \$ |
| | <input type="checkbox"/> HIRED AUTOS | <input type="checkbox"/> NON-OWNED AUTOS | | | | | PROPERTY DAMAGE (Per accident) \$ |
| | | | | | | | \$ |
| | UMBRELLA LIAB | <input type="checkbox"/> OCCUR | | | | | EACH OCCURRENCE \$ |
| | EXCESS LIAB | <input type="checkbox"/> CLAIMS-MADE | | | | | AGGREGATE \$ |
| | DED <input type="checkbox"/> RETENTION \$ | | | | | | \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | | | | | | WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> |
| | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | N/A | | | | E.L. EACH ACCIDENT \$ |
| | If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | | E.L. DISEASE - EA EMPLOYEE \$ |
| B | Grp Self-Insured GL &Auto | | | JPA Primary | 07/01/15 | 07/01/16 | E.L. DISEASE - POLICY LIMIT \$ |
| | | | | | | | \$200,000 Each Occ. |
| | | | | | | | excess of 1,000 Ded |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

The Genesis Insurance Company policy provides limits of liability of \$4,800,000 excess of \$200,000 self-insured retention to equal the \$5,000,000 per occurrence limit of liability. **GENERAL AGG DOES NOT APPLY TO AUTO LIAB.

The City of Porterville and Successor Agency to the Porterville Redevelopment Agency as Additional Insured per attached form TSP200007 0613, as required by written contract/agreement.

Re: Monache H.S. Vocal Dept. Kaleidoscope 5K Run, September 27, 2015, at Porterville Sports Complex

CERTIFICATE HOLDER

City of Porterville
Successor Agency to the Porterville
Redevelopment Agency
291 N. Main Street
Porterville, CA 93257

USA

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2010 ACORD CORPORATION. All rights reserved.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

POLICY CHANGES

Endorsement
Number 11

| | | |
|---|---------------------------------------|---|
| POLICY NUMBER YXB300831N | ENDORSEMENT EFFECTIVE July 1, 2015 | COMPANY Genesis Insurance Company |
| NAMED INSURED Central Tulare County School Districts Liability Property Joint Powers Authority | | COVERAGE PARTS AFFECTED The School Policy Retained Limit Form Coverage Parts A and B |

CHANGES

BLANKET ADDITIONAL INSURED ENDORSEMENT AS REQUIRED BY WRITTEN CONTRACT

As applicable to the respective Coverage Part (s) stated above, the WHO IS AN INSURED section of the policy is amended as follows:

- A. Paragraph D. of SECTION II- WHO IS AN INSURED in Coverage Part A is deleted in its entirety and replaced with the following:
1. We agree to include as an additional **Insured**, the person(s) or organization(s) that you are required, by a written contract or written agreement, to include.
 2. Insurance shall be limited to the extent of coverage and limits of liability required by the written contract or written agreement, however shall not increase:
 - a. The **Limits of Insurance** stated in SECTION III – LIMIT(S) OF INSURANCE of Coverage Part A; or
 - b. The extent of coverage as provided under Coverage Part A.
 3. The written contract or written agreement must be effective and executed prior to any occurrence taking place during the policy period.
 4. Any damages and/or claim expenses payable by us due to coverage provided by this endorsement to an additional **Insured** shall be in excess of the **Insured's Coverage Part A retained limit**. If other valid and collectible insurance is available to the additional **Insured** to pay damages and/or claim expenses due to an occurrence, then our indemnification obligation is excess over such other insurance covering the additional **Insured**, whether such other insurance is written on a primary, excess, contingent or on any other basis. The **Insured's Coverage Part A retained limit** may not be satisfied by any other insurance.
 5. If a written contract or written agreement as described in 1. , 2.and 3. above specifically requires the insurance as provided by Coverage Part A to apply as primary to, and on a non-contributory basis with, any other available insurance to the additional **Insured**, we agree to do so but any indemnification obligation by us due to a covered occurrence will be in excess of the **Insured's Coverage Part A retained limit** and subject to the Coverage Part A Limits of Insurance.

B. SECTION II - WHO IS AN INSURED is hereby amended:

1. We agree to include the person(s) or organization(s) **you** are required by written contract or agreement to include as an additional **Insured**.
2. Insurance shall be limited to the extent of coverage and limits of liability required by the written contract or written agreement, however shall not increase:
 - a. The **Limits of Insurance** stated in **SECTION III – LIMIT(S) OF INSURANCE of Coverage Part B**; or
 - b. The extent of coverage as provided under **Coverage Part B**.
3. The contract must be effective and executed prior to a **claim** arising out of a covered **wrongful act(s)**.

Nothing herein contained shall be held to waive, vary, alter or extend any condition or provision of the policy other than as stated above.



Authorized Representative



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Amendment to Employee Pay and Benefit Plan -- Management & Confidential Series

SOURCE: Administrative Services

COMMENT: Within the scope of the Meyers-Milius-Brown Act, City representatives have concluded labor negotiations with the Management and Confidential Series (MCS). City representatives and MCS have reached an agreement, and a written Memorandum of Understanding (MOU) has been executed restating current benefits as well as amendments pertaining to wages, benefits and working conditions.

City Council acceptance and approval of an executed MOU is most commonly demonstrated by Council authorization to change or amend, when applicable, those documents as are necessarily known to implement the points of agreement contained in the MOU.

RECOMMENDATION: That the City Council approve the draft Resolution amending the Employee Pay and Benefit Plan.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded: MB

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE AMENDING THE EMPLOYEE PAY AND BENEFIT PLAN
FOR THE MANAGEMENT AND CONFIDENTIAL SERIES

WHEREAS, the City Council has determined and reiterated that an Employee Pay and Benefit Plan, Classification Plan, Personnel System Rules and Regulations, Health Plan and Retirement Plan are essential for the proper administration of the City's affairs, including employee recruitment and retention, and for proper supervision of City Employees; and

WHEREAS, the City Council recognizes the necessity of amending and/or changing the contents of such plans and regulations from time to time, and of executing instruments to implement and to keep the provisions thereof current, and to maintain the relevancy of the same; and

WHEREAS, there has been concurrence on a Memorandum of Understanding with the Management and Confidential Series for the period from July 1, 2015, until June 30, 2017, covering provisions to amend the Employee Pay and Benefit Plan, as they relate to employees holding positions represented by such recognized employee organization.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan for employees holding positions represented by the aforementioned recognized employee organization, is hereby amended as follows:

I. TERM OF MEMORANDUM OF UNDERSTANDING

Two (2) years, from July 1, 2015 through June 30, 2017.

II. SALARIES

Effective the pay period after the Memorandum of Understanding is fully executed and officially accepted, or as soon thereafter as possible, MCS employees shall receive a one percent (1%) salary increase.

Effective July 1, 2016, MCS employees shall receive a one percent (1%) salary increase.

III. ONE-TIME OFF-SCHEDULE PAYMENT

Effective December 1, 2015, MCS employees shall receive a one-time payment equivalent to two percent (2%) of the employee's annual base salary.

Effective December 1, 2016, MCS employees shall receive a one-time payment equivalent to one percent (1%) of the employee's annual base salary.

IV. CALPERS

MCS employees shall continue to pay three percent (3%) towards the Employer's contribution rate.

Effective July 1, 2015, the City's CalPERS employer contribution rate for the Local Miscellaneous group increased from 24.743% to 26.074% (an increase of 1.33% from prior year). The City agrees to absorb this rate increase.

The City shall have the right to re-open negotiations on this item if the CalPERS employer contribution rate for the Local Miscellaneous group increases more than 2% for FY 2016/2017.

V. VACATION SELL BACK

Subject to IRS regulations, MCS employees with at least five (5) years of service with the City of Porterville shall have the opportunity to sell back up to forty (40) hours of vacation time provided said MCS employee has utilized a minimum of eighty (80) hours of vacation time within the 12 months prior to the sell back pay period and provided a balance of at least forty (40) hours remains on account after sell back. Under extenuating circumstances created by departmental workload, the City Manager may permit the sell back when an employee has utilized less than 80 hours but more than 40 hours within the prior twelve month period. Said sell back shall occur once per year, during the second pay-period of October.

VI. CHRISTMAS EVE SCHEDULE

When Christmas Eve Day falls during the normal work week (Monday through Friday), Municipal offices shall close at 1:00 p.m. and MCS employees shall be granted four (4) hours of holiday pay. MCS employees required to work on Christmas Eve Day, regardless of on which day of the week it falls, shall be granted additional vacation time equal to the time worked, but not to exceed four (4) hours, as allowable by applicable law.

VII. 2017/2018 NEGOTIATIONS

Labor Negotiations for the 2017/2018 fiscal year shall begin no later than March 1, 2017.

VIII. STATEMENT OF CONTINUING BENEFITS AND WORKING CONDITIONS

All other terms and conditions previously negotiated and subsequently approved and implemented by appropriate authority shall, unless herein expressly modified or eliminated, remain in full force and effect until such time as they are subsequently modified or eliminated through the meet and confer process and mutually agreed upon by the City and MCS.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

PASSED, APPROVED AND ADOPTED this 1st day of September, 2015.

Milt Stowe, Mayor

ATTEST:
John Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Amendment to Employee Pay and Benefit Plan -- Porterville City Employees' Association

SOURCE: Administrative Services

COMMENT: Within the scope of the Meyers-Milius-Brown Act, City representatives have concluded labor negotiations with the Porterville City Employees Association ("PCEA"). City representatives and PCEA have reached an agreement, and a written Memorandum of Understanding (MOU) has been executed restating current benefits as well as amendments pertaining to wages, benefits and working conditions.

City Council acceptance and approval of an executed MOU is most commonly demonstrated by Council authorization to change or amend, when applicable, those documents as are necessarily known to implement the points of agreement contained in the MOU.

RECOMMENDATION: That the City Council adopt the draft Resolution amending the Employee Pay and Benefit Plan.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded: MB

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE AMENDING THE EMPLOYEE PAY AND BENEFIT PLAN
FOR THE PORTERVILLE CITY EMPLOYEES ASSOCIATION

WHEREAS, the City Council has determined and reiterated that an Employee Pay and Benefit Plan, Classification Plan, Personnel System Rules and Regulations, Health Plan and Retirement Plan are essential for the proper administration of the City's affairs, including employee recruitment and retention, and for proper supervision of City Employees; and

WHEREAS, the City Council recognizes the necessity of amending and/or changing the contents of such plans and regulations from time to time, and of executing instruments to implement and to keep the provisions thereof current, and to maintain the relevancy of the same; and

WHEREAS, there has been concurrence on a Memorandum of Understanding with the Porterville City Employee Association ("PCEA") for the period from July 1, 2015, until June 30, 2017, covering provisions to amend the Employee Pay and Benefit Plan, as they relate to employees holding positions represented by such recognized employee organization.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan, for employees holding positions represented by the aforementioned recognized employee organization, is hereby amended as follows:

I. TERM OF MEMORANDUM OF UNDERSTANDING

Two (2) years, from July 1, 2015 through June 30, 2017.

II. SALARIES

Effective the pay-period after the Memorandum of Understanding is fully executed and officially accepted, or as soon thereafter as possible, PCEA employees shall receive a one percent (1%) salary increase.

Effective July 1, 2016, PCEA employees shall receive a one percent (1%) salary increase.

III. ONE-TIME OFF-SCHEDULE PAYMENT

Effective December 1, 2015, PCEA employees shall receive a one-time payment equivalent to two percent (2%) of the employees' annual base salary.

Effective December 1, 2016, PCEA employees shall receive a one-time payment equivalent to one percent (1%) of the employees' annual base salary.

IV. CALPERS

PCEA employees shall continue to pay four percent (4%) towards the Employer's contribution rate.

Effective July 1, 2015, the City's CalPERS employer contribution rate for the Local Miscellaneous group increased from 24.743% to 26.074% (an increase of 1.33% from prior year). The City agrees to absorb this rate increase.

The City shall have the right to re-open negotiations on this item if the CalPERS employer contribution rate for Local Miscellaneous group increases more than 2% for FY 2016/2017.

V. VACATION SELL BACK

Subject to IRS regulations, PCEA employees with at least five (5) years of service with the City of Porterville shall have the opportunity to sell back up to forty (40) hours of vacation time provided said PCEA employee has utilized a minimum of eighty (80) hours of vacation time within the 12 months prior to the sell back pay period and provided a balance of at least forty (40) hours remains on account after sell back. Under extenuating circumstances created by departmental workload, the City Manager may permit the sell back when an employee has utilized less than 80 hours but more than 40 hours within the prior twelve month period. Said sell back shall occur once per year, during the second pay-period of October.

VI. CHRISTMAS EVE SCHEDULE

When Christmas Eve Day falls during the normal work week (Monday through Friday), Municipal offices shall close at 1:00 p.m. and PCEA employees shall be granted four (4) hours of holiday pay. PCEA employees required to work on Christmas Eve day, regardless of which day of the week it falls, shall be granted additional vacation time equal to the time worked, but not to exceed four (4) hours, as allowable by applicable law.

VII. DUES DEDUCTION AND COLLECTION

PCEA may have the regular Union dues of its members within the representation unit deducted from employees' paychecks under the following procedure. Dues deduction shall be made only upon signed authorization from the employee upon a form furnished by the Union to the City and shall continue until such authorization is revoked, in writing, by the employee or until the employee is transferred to a unit represented by another employee organization or terminates employment.

Dues shall be collected each pay-period based on the monthly dues amount set by the Operating Engineers Local #3. Dues may change on a yearly basis after the employee and city have been notified of the change by the Union by mail. No new authorization shall be necessary. Dues shall be submitted to the Operating Engineers Local #3, 1620 S. Loop Road, Alameda, CA 94502, on a monthly basis.

The Union shall indemnify the City and hold it harmless against all claims, demands, expenses, judgments, or other liabilities on account of union dues collected to the City and paid over to the Union. Further, the Union agrees to refund any amounts paid by the City to the Union in error upon presentation of proper documentation of said error(s).

VIII. 2017/2018 NEGOTIATIONS

Labor Negotiations for the 2017/2018 fiscal year shall begin no later than March 1, 2017.

IX. STATEMENT OF CONTINUING BENEFITS AND WORKING CONDITIONS

All other terms and conditions previously negotiated and subsequently approved and implemented by appropriate authority shall, unless herein expressly modified or eliminated, remain in full force and effect until such time as they are subsequently modified or eliminated through the meet and confer process and mutually agreed upon by the City and PCEA.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

PASSED, APPROVED AND ADOPTED this 1st day of September, 2015.

Milt Stowe, Mayor

ATTEST:
John Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Request for Proclamation - Relay for Life Days - October 3-4, 2015

SOURCE: Administrative Services

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

Jeff Szeles, on behalf of the American Cancer Society, has requested that the Council consider approval of a proclamation to proclaim October 3rd and 4th as "Relay for Life Days." Mayor Stowe is sponsoring this proclamation request. If approved, the applicant requests that the proclamation be presented at the City Council Meeting of September 15, 2015.

RECOMMENDATION: That the City Council consider approval of the request to proclaim October 3rd and 4th as "Relay for Life Days."

ATTACHMENTS: 1. Proclamation Request

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager



City of Porterville
REQUEST FOR PROCLAMATION

Date of Request: 8.18.15

Name of Event/Individual: AMERICAN CANCER SOCIETY + THE PORTERVILLE RELAY for LIFE
i.e. "Porterville Tourism Week", "Mr. John Doe"

Name of Sponsoring Organization: AMERICAN CANCER SOCIETY

Name of Contact Person: JEFF SZELES

Address: 26 W. GIBSON AVE

Phone: 559-359-9221 FAX: —

E-mail: KORTERMAN1@GMAIL.COM

I would like the proclamation: ☒ presented at a Council Mtg. ☐ mailed ☐ call for pick-up

Date(s) of Event: OCT 3RD + 4TH 2015

Date of Council Meeting to be presented, if applicable: SEPT 15, 2015
(Council meets 1st and 3rd Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

JEFF SZELES.

Please attach a sample of your proclamation, or the pertinent information needed to formulate your proclamation 3-4 weeks in advance. If assistance is needed, or if you need a sample provided, or to return this form, contact:

WILL BRING SAMPLE 8.19.2015
OR CHECK E-MAIL. [signature]

Office of City Clerk
291 North Main Street
Porterville, CA 93257
(559) 782-7464 / Fax (559) 782-7452

All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council.

City Clerk's Section

Request Received: 8/18/15 Sponsored by: Stowe Date: 8/20/15

Approved by Council: yes ☐ no ☐ Date: _____

Notification to Contact person done (date): _____ in writing ☐ by phone ☐

Items (s) ☐ mailed _____ ☐ faxed _____ ☐ picked up _____

Comment: _____

The American Cancer Society is a voluntary community-based coalition of citizens dedicated to eliminating cancer as a major health problem through financial support and education awareness; and

Relay for Life is the signature activity of the American Cancer Society and honors cancer survivors (anyone who has ever been diagnosed with cancer), remembers those lost to the disease, provides opportunity to fight back against cancer, and helps fund more than \$100 million in cancer research each year; and

The color purple is the signature color of the American Cancer Society's Relay For Life events signifying the passion that cancer survivors and their families and loved ones feel for the eradication of this disease; and

The American Cancer Society Relay for Life of Porterville is a community event that allows an opportunity to network with businesses, associates, family and friends, with the same goal of making a difference in the battle against cancer and

Money raised during the American Cancer Society Relay for Life of Porterville helps support research, education, advocacy, and patient services for treating cancer, thereby increasing cancer survival rates.

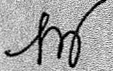
BEFORE, I, VIRGINIA R. GURROLA, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby proclaim October 6-7, 2012, as,

RELAY FOR LIFE DAYS


in Porterville; and encourage citizens to recognize and participate in the Relay for Life events at the Summit Charter Academy-Redwood Campus on October 6-7, 2012, in support of those living with cancer, in celebration of cancer survivors, and in remembrance of those who have lost their lives to the disease

on this October 2nd, 2012.

RECEIVED

AUG 20 2015 

CITY OF PORTERVILLE
CITY CLERK OFFICE


Virginia R. Gurrola,
Mayor



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Request for Proclamation - Library Card Sign-Up Month - September 2015

SOURCE: Administrative Services

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

Staff has requested that the Council consider approval of a proclamation to proclaim September 2015 as "Library Card Sign-Up Month." Council Member Ward is sponsoring this proclamation request. If approved, the applicant requests that the proclamation be presented at the City Council meeting of September 15, 2015.

RECOMMENDATION: That the City Council consider approval of the request to proclaim September 2015 as "Library Card Sign-Up Month."

ATTACHMENTS: 1. Proclamation Request

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager



City of Porterville
REQUEST FOR PROCLAMATION

Date of Request: 8/5/15
Name of Event/Individual: Library Card Sign-up Month
i.e. "Porterville Tourism Week", "Mr. John Doe"
Name of Sponsoring Organization: COP P&L Dept - Library Division
Name of Contact Person: Vikki Cervantes, City Librarian
Address: _____
Phone: Ext 7495 FAX: _____
E-mail: _____

I would like the proclamation: ☒ presented at a Council Mtg. ☐ mailed ☐ call for pick-up

Date(s) of Event: Month of September

Date of Council Meeting to be presented, if applicable: Sept. 7, 2015
(Council meets 1st and 3rd Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

Library & Literacy Commission

Please attach a sample of your proclamation, or the pertinent information needed to formulate your proclamation 3-4 weeks in advance. If assistance is needed, or if you need a sample provided, or to return this form, contact:

Office of City Clerk
291 North Main Street
Porterville, CA 93257
(559) 782-7464 / Fax (559) 782-7452

All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council.

City Clerk's Section

Request Received: 8/6/15 Sponsored by: Ward Date: 8/21/15

Approved by Council: yes ☐ no ☐ Date: _____

Notification to Contact person done (date): _____ in writing ☐ by phone ☐

Items (s) ☐ mailed _____ ☐ faxed _____ ☐ picked up _____

Comment: _____

LIBRARY CARD SIGN-UP MONTH 2015 PROCLAMATION

Whereas, the library is the most important school supply of all; and

Whereas, children who use the library perform better in school; and

Whereas, libraries enhance the educational experience; and

Whereas, libraries work hard to meet the needs of all students in preschool through college by providing free access to educational databases, the internet, homework help, and online tutoring and books; and

Whereas, libraries provide the opportunity for students to pursue their own interests leading to more effective lifelong learning; and

Whereas, a library card is the “smartest card” you can own;

NOW, THEREFORE, I, Milt Stowe, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby Proclaim September 2015 as Library Card Sign-Up Month in Porterville, California and encourage everyone to sign up for the smartest card@ your Porterville City Library.



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Request for Proclamation - Literacy Awareness Month - September 2015

SOURCE: Administrative Services

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

Staff has requested that the Council consider approval of a proclamation to proclaim September 2015 as "Literacy Awareness Month." Council Member Ward is sponsoring this proclamation request. If approved, the applicant requests that the proclamation be presented at the City Council meeting of September 15, 2015.

RECOMMENDATION: That the City Council consider approval of the request to proclaim September 2015 as "Literacy Awareness Month."

ATTACHMENTS: 1. Proclamation Request

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager



City of Porterville
REQUEST FOR PROCLAMATION

Date of Request: 8/5/15
Name of Event/Individual: Literacy Awareness Month
i.e. "Porterville Tourism Week", "Mr. John Doe"
Name of Sponsoring Organization: COP P&L Dept - Library Division
Name of Contact Person: Vikki Cervantes, City Librarian
Address: _____
Phone: Ext 7495 FAX: _____
E-mail: _____

I would like the proclamation: ☒ presented at a Council Mtg. ☐ mailed ☐ call for pick-up

Date(s) of Event: Month of September

Date of Council Meeting to be presented, if applicable: Sept. 1, 2015
(Council meets 1st and 3rd Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

Lead to Succeed Adult Literacy Staff

Please attach a sample of your proclamation, or the pertinent information needed to formulate your proclamation 3-4 weeks in advance. If assistance is needed, or if you need a sample provided, or to return this form, contact:

Office of City Clerk
291 North Main Street
Porterville, CA 93257
(559) 782-7464 / Fax (559) 782-7452

All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council.

City Clerk's Section

Request Received: 8/6/15 Sponsored by: Ward Date: 8/21/15
Approved by Council: yes ☐ no ☐ Date: _____
Notification to Contact person done (date): _____ in writing ☐ by phone ☐
Items (s) ☐ mailed _____ ☐ faxed _____ ☐ picked up _____
Comment: _____

Proclamation
Literacy Awareness Month
September 2015

WHEREAS, the year 2015 marks the 31st anniversary of California Library Literacy Services; and

WHEREAS, in 1984 the California Legislature established California Library Literacy Services, to promote literacy by providing services to English-speaking adult learners and their families through California's public libraries; and

WHEREAS, The City of Porterville established in 2001 the Read to Succeed Program Adult Literacy program; and

WHEREAS, the Porterville City Library recognizes the level of literacy to function in the workplace, the community, and the home has risen steadily with the advance of technology and the information age; and

WHEREAS, the Read to Succeed program is pleased to offer free one-on-one opportunity for adults to improve their literacy and language skills; and

WHEREAS, successful literacy skills will better family education and secure a productive workforce; and

WHEREAS, the City's commitment to the Read to Succeed program helps strengthens our community by tackling illiteracy rate in Tulare County; and

NOW, THEREFORE, I, Milt Stowe, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby proclaim the month of September as **Adult Literacy Awareness Month**, in honor of the 31st anniversary of the California Library Literacy Services program; those adults who come forward, often against many odds, seek and receive literacy services; and the public library staff and volunteers who dedicate their time and skills to assist adult learners and their families achieve a better life.



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Housing Related General Plan Amendment and Development Ordinance Text Amendment

SOURCE: Community Development

BACKGROUND:

The California Department of Housing and Community Development (HCD) mandates that all cities and counties in the state adopt, as an element of their General Plan, a Housing Element that addresses regional housing needs as well as goals to accommodate and encourage housing for all income levels. Regionally, HCD defines timeframes within which the Housing Element must be updated. For the first four cycles of this requirement, the Housing Element was required to be updated every five years. Thus, the 4th Cycle Housing Element is due to expire December of 2015. The City of Porterville has contracted with LeSar Development Consultants to assist in preparation of the upcoming 5th Cycle Housing Element, and staff is pleased to report that not only will the 5th Cycle last eight rather than five years, but that we are on schedule to deliver a draft for initial consideration to the Council in October.

COMMENT: As we get closer to completion, and through working with the California Department of Housing and Community Development (HCD), staff has realized that in order to meet the requirements of this upcoming cycle, as well as fulfill requirements of the current cycle, minor adjustments need to be made to the City's General Plan and Development Ordinance. The proposed amendments will incorporate figures and text into the General Plan to elaborate on existing and planned infrastructure and assess the capacity and availability of physical infrastructure necessary to support the existing and proposed land uses in the city. Further, the Development Ordinance amendment will complete a condition imposed by HCD during the 2009 Housing Element Update (4th Cycle) and allow the City to meet requirements related to the provision of high-density and low-income housing.

ANALYSIS: The Porterville General Plan includes eight distinct elements. The Public Utilities Element, which addresses infrastructure, currently includes only one figure mapping well locations. SB 244 (Government Code §65302.10(a)) requires that each city and county review and update the General Plan to include an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies prior to the next adoption of a housing element. Staff has recently coordinated with Tulare Local Agency Formation Commission (LAFCo) for the recent update to the Porterville Municipal Service Review, and all the required

information has already been prepared. The general plan amendment proposed with this report would incorporate that report into the Land Use Element by reference and include figures in the Public Utilities Element that help clearly represent the City's infrastructure capacities.

As referenced above, HCD is also mandating that a final requirement of the 4th Cycle be met as soon as possible during the 4th Cycle so that compliance can be achieved. Table 201.03 of the Development Ordinance allows a maximum density (units per net acre) of 30.0 in the RM-3 (High Density Residential) zone district. This high density was established in response to comments received by HCD at the time the 4th Cycle was initially approved, where HCD determined that the City of Porterville had an insufficient volume of high density zoned land in our RHNA (Regional Housing Needs Allocation). HCD directed the City to increase the high density land in the RHNA, which was completed in 2009. The one element of HCD's direction that the City did not complete with that effort was establishing a minimum density (as opposed to a default density). In order to successfully complete the 4th Cycle, this correction must be made. A minor adjustment as represented in the draft Ordinance included in this report would establish not only that maximum density of 30 units per net acre, but also a minimum density of 20 units per net acre for the RM-3 zone district. So long as this commitment is met within the 4th Cycle, no special commitments would be required in the 5th Cycle.

ENVIRONMENTAL REVIEW:

The approval of the proposed amendments would neither have nor entitle any activity which could result in a physical impact to the environment. Under the general rule that CEQA does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, no environmental review is required.

RECOMMENDATION:

That the City Council:

1. Adopt the draft Resolution approving a General Plan Amendment to incorporate text and figures regarding municipal infrastructure as required by SB 244;
2. Adopt the draft ordinance amending Table 201.03 of the Porterville Development Ordinance (Chapter 21 of the Porterville Municipal Code) to establish a minimum density of 20 units per net acre in the RM-3 (High Density Residential) zone district; and
3. Waive second reading and order to print.

ATTACHMENTS:

1. Draft Resolution to Amend the General Plan
2. Draft Ordinance

Appropriated/Funded: N/A

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING
THE PORTERVILLE 2030 GENERAL PLAN, PURSUANT TO SENATE BILL 244, TO
INCLUDE AN ANALYSIS OF WATER, WASTEWATER, STORMWATER DRAINAGE,
AND STRUCTURAL FIRE PROTECTION NEEDS WITHIN THE PLANNING AREA

WHEREAS, On October 7, 2011, Governor Brown approved Senate Bill 244, an act to amend certain sections of the Government Code and the Water Code, relating to local government. The Bill requires each city and county to review and update the general plan to include an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies for all communities prior to the next adoption of the housing element; and

WHEREAS, Porterville's 4th Cycle Housing Element is due to expire in December of 2015, and City staff is currently working to prepare the 5th Cycle Housing Element for adoption in December 2015; and

WHEREAS, in order to meet the requirements of this upcoming cycle, as well as fulfill requirements of the current cycle, minor adjustments need to be made to the City's General Plan. The proposed amendments will incorporate figures and text into the General Plan to elaborate on existing and planned infrastructure, and assess the capacity and availability of physical infrastructure necessary to support the existing and proposed land uses in the city; and

WHEREAS, The Porterville General Plan includes eight distinct elements. The Public Utilities Element, which addresses infrastructure, is the appropriate element to incorporate the required changes. Staff has recently coordinated with Tulare LAFCo for the recent update to the Porterville Municipal Service Review, and all the information required to comply with SB 244 has already been prepared; and

WHEREAS, Approval of the proposed amendments would neither have nor entitle any activity which could result in a physical impact to the environment. Under the general rule that CEQA does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, no environmental review is required.

NOW, THEREFORE, BE IT RESOLVED, that this general plan amendment does hereby incorporate and include, by reference the Porterville Municipal Service Review, prepared by the Tulare Local Agency Formation Commission and approved by that body through Resolution 14-013 on October 1, 2014, into the Porterville Land Use Element by reference. In addition, the Public Utilities Element is hereby amended to incorporate additional figures, attached hereto as Exhibits A, B, and C that help more clearly represent the City's infrastructure capacities.

PASSED, APPROVED AND ADOPTED this 1st day of September, 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

BY _____
Patrice Hildreth, Chief Deputy City Clerk

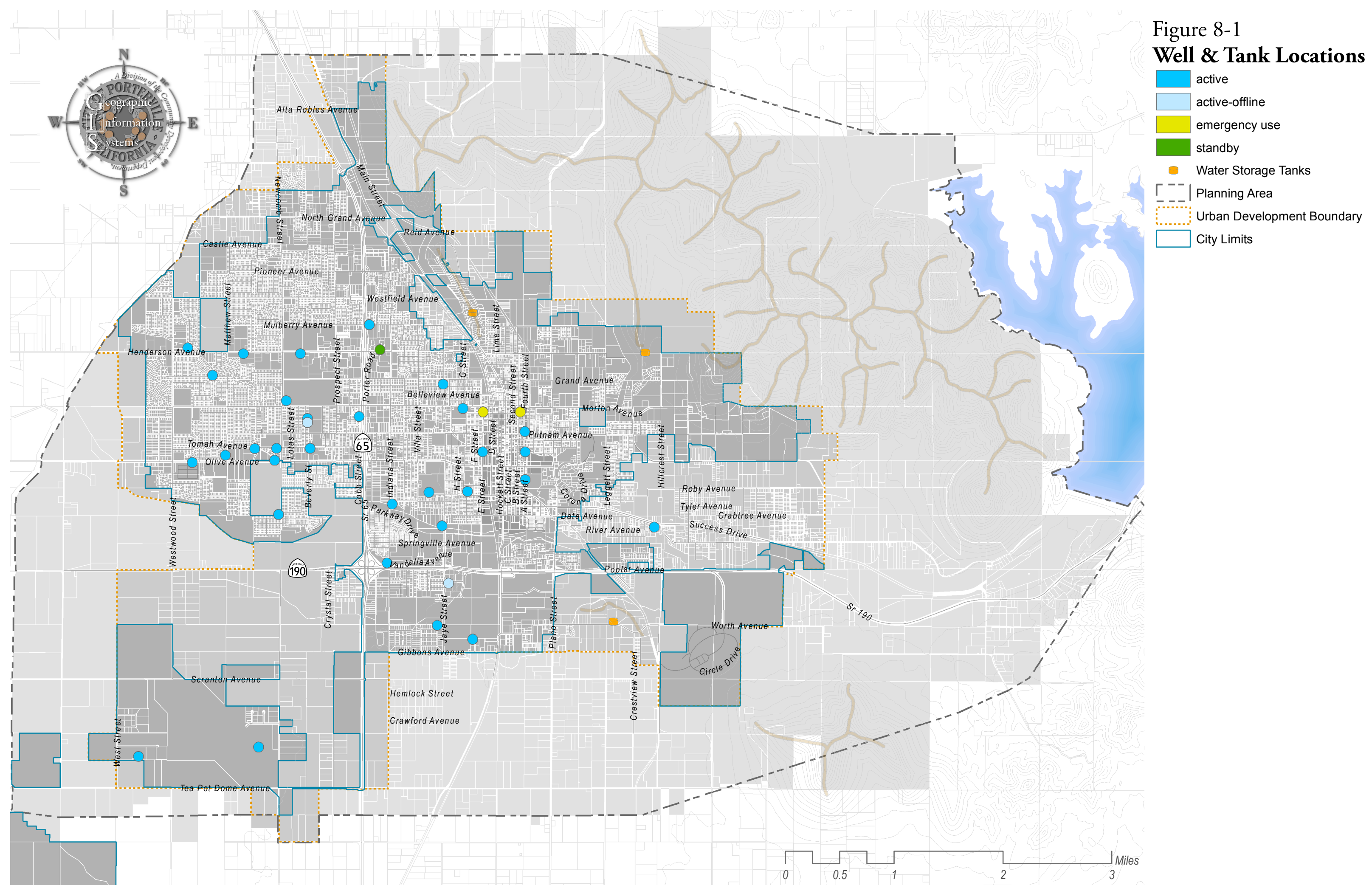


Figure 8-2
Sewer Infrastructure

- Sewer Mains
- City Limits
- Planning Area
- Urban Development Boundary

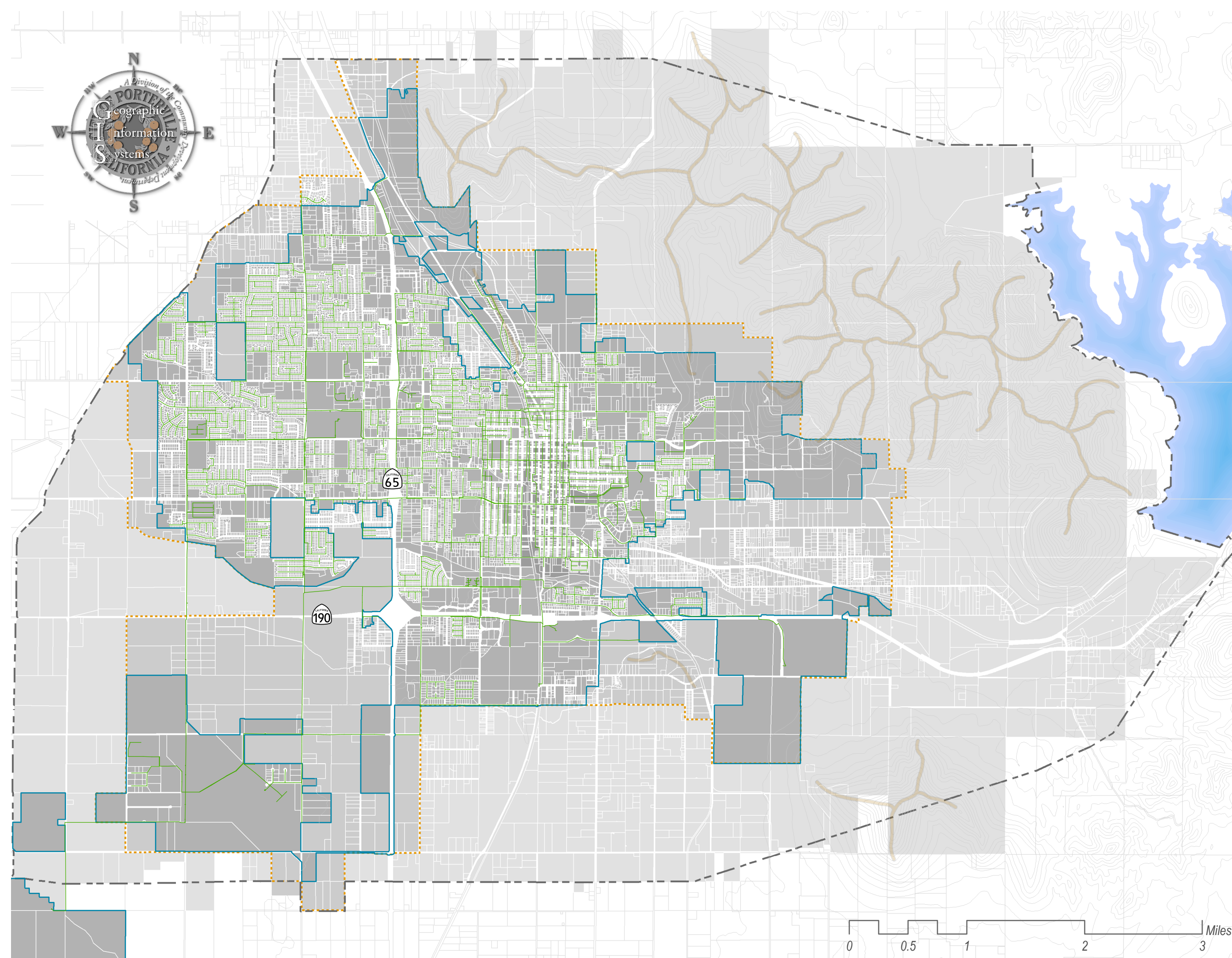
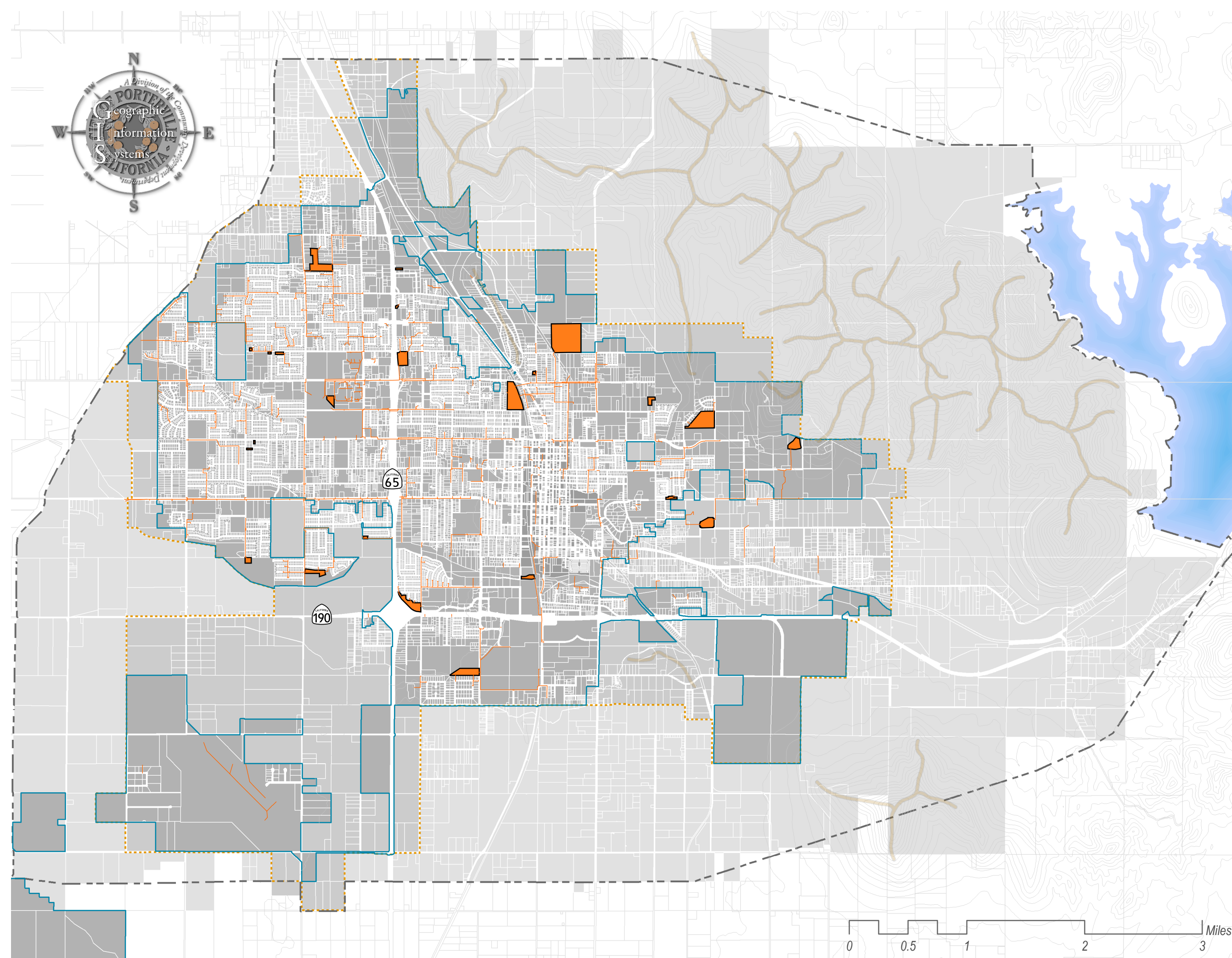
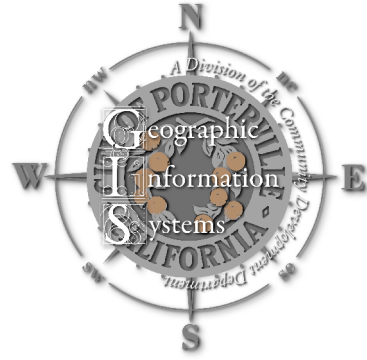


Figure 8-3
**Storm Sewer
Infrastructure**

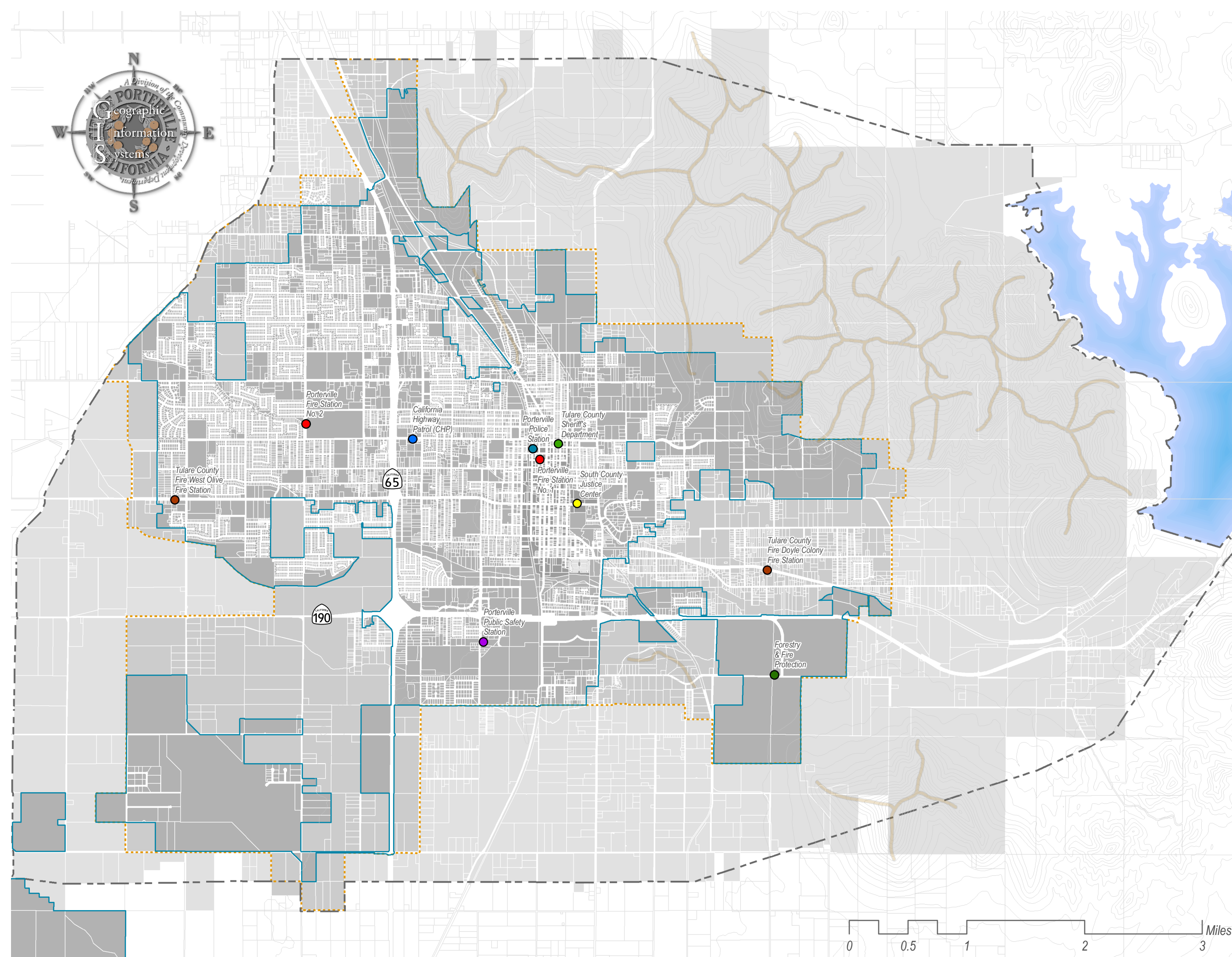
- Storm Drainage Mains
- Drainage Basins
- City Limits
- - - Planning Area
- Urban Development Boundary



0 0.5 1 2 3 Miles

Figure 8-4
Public Safety
Locations

- CHP
- TC Sheriff
- Superior Courthouse
- Porterville FD
- TC Fire
- Forestry and Fire Protection
- Porterville PD
- Public Safety (PPD/PFD)
- City Limits
- Planning Area
- Urban Development Boundary



ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING THE PORTERVILLE DEVELOPMENT ORDINANCE TO ESTABLISH A
MINIMUM DENSITY OF 20.0 UNITS PER NET ACRE WITHIN THE RM-3 (HIGH
DENSITY RESIDENTIAL) ZONE DISTRICT

WHEREAS: In 2009, the California Department of Housing and Community Development directed the City of Porterville to amend the draft 4th Cycle Housing Element to increase the volume of high density zoned lands in Porterville, and to establish a minimum density, as opposed to a default density, to increase opportunity for development of low income housing; and

WHEREAS: The rezoning of land was completed in accordance with the direction, but the distinction between minimum density and default density was unclear and as such the required text amendment was not made at that time; and

WHEREAS: Completion of this task within the 4th Cycle of the Housing Element is integral to insuring that no additional commitments are required of the City and carried on into the 5th Cycle of the Housing Element; and

WHEREAS: The establishment of a minimum density of 20.0 units per net acre in the RM-3 (High Density Residential) zone district will increase opportunity for development of low income housing.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt an ordinance amending the Porterville Development Ordinance to establish a minimum density of 20.0 units per net acre within the RM-3 (High Density Residential) zone district, by amending Table 201.03: DEVELOPMENT STANDARDS – RESIDENTIAL DISTRICTS, as follows:

| TABLE 201.03: DEVELOPMENT STANDARDS—RESIDENTIAL DISTRICTS | | | | | | |
|--|-------------|-------------|-------------|-------------|-------------|-------------------------------|
| <i>Standard</i> | <i>RS-1</i> | <i>RS-2</i> | <i>RM-1</i> | <i>RM-2</i> | <i>RM-3</i> | <i>Additional Regulations</i> |
| Lot and Density Standards | | | | | | |
| Maximum Density (units/net acre) | 3.1 | 7.5 | 11.3 | 15.0 | 30.0 | |
| <u>Minimum Density (units/net acre)</u> | <u>n/a</u> | <u>n/a</u> | <u>n/a</u> | <u>n/a</u> | <u>20.0</u> | |

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

PASSED, APPROVED AND ADOPTED this 1st day of September, 2015.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Proposed Annexation 480

SOURCE: Community Development

BACKGROUND:

On July 21, 2015, the City Council directed staff to move forward with two annexation applications. One of them, the subject of this report, was in response to a request from multiple property owners who had approached staff and the City Council about ways to gain access to City water.

COMMENT: The proposed City-initiated annexation and urban development boundary amendment, identified as Annexation 480 and also known as Chelsea Rose Annexation, encompasses 93.3± acres and 134 parcels. The boundaries include the area north of West North Grand Avenue, east of Newcomb Street, north to Linda Vista Avenue, and west of Newcomb Street north to a point approximately 200 feet south of the alignment of Chelsea Way. While the majority of the annexation area is within the existing urban development boundary, four parcels are outside the current urban development boundary. The minor amendment proposed would result in a logical boundary given that two of the four parcels are only accessed at the northern extent of one of the streets in the annexation.

ANALYSIS: Staff held a Public Information Meeting on August 11, 2015, at Sequoia Middle School regarding the annexation; approximately 25 property owners and residents attended. The collective position of those present was supportive of annexation. Comments included inquiries as to how quickly the application can be processed, contact information for LAFCo so that residents could present comments directly to that entity, and the process of how to connect to City water once annexed. Of the 134 parcels within the subject area, 64 are already connected to City water and 46 are due to receive City water per an agreement between the City and that developer. However, there are still several property owners that are without water; those residents are the aforementioned parties who initially approached staff and the City Council to request this application be initiated. A few of the attendees were also residents that are outside of the proposed annexation area who are in favor of this proposal and would also like to be considered for annexation. Those who were located outside of the proposal area are interested in being annexed for the same reason as those who are within the proposed annexation area, which is the desire and need to receive City municipal water. As private wells run dry, the need to annex is vital to the wellbeing of residents in this area. Existing water mains adjacent to the subject area will accommodate the existing structures in need of connection. Annexation

surveys were distributed that night and mailed directly to each property owner and resident in the subject area. As of the date of preparation of this report, staff had received nineteen total. Thirteen are in favor of the annexation, five are opposed, and one is indifferent.

The total acreage of the city is currently 17.67 square miles (769,705.2 acres). If the annexation is approved, the total area of the city would be 17.67± square miles (769,798.4 acres). Tulare County zoning of the subject area includes R-A-43 (Rural Residential, one-acre minimum), PD-C-1 (Planned Development, Neighborhood Commercial), R-1-20 (Single Family Residential, one-half acre minimum), and R-A-12.5 (Rural Residential, one-quarter acre minimum). The current City pre-zoning designations for the subject area are rural residential, very low density residential, and low density residential; which is consistent with the existing development being single-family homes. The County of Tulare recently adopted the Porterville Area Community Plan, which effectively adopted the City's General Plan and applies it as appropriate to all unincorporated areas of the City's Urban Development Boundary. As a result, the County's General Plan designation for the subject area mimics the City's. The subject area is identified in the Porterville General Plan as a Residential Neighborhood overlay district. No development is currently proposed, however, any future development would be required to comply with the City's General Plan. Although certain properties have a general plan designation different from the proposed use, no change to the General Plan is proposed as a part of the project. Since the subject area is entirely existing low density residential units, the proposed annexation will not affect the regional housing needs assessment. The projected population of the annexation area is calculated to be approximately 550, calculation based on assessor number of housing times 3.2 persons per household.

The funding necessary to pay for processing this annexation is approximately \$14,500. On July 21, 2015, the City Council committed to funding this effort through the special purpose reserve.

ENVIRONMENTAL REVIEW:

Significant growth in the proposed area is not likely as the subject area is predominantly developed, and there are not any anticipated difficulties in maintaining the physical and economic integrity of surrounding land. With the subject area already developed and the utilities to serve existing parcels already in place, the subject annexation and minor Urban Development Boundary amendment is exempt from CEQA per the Class 19 categorical exemption.

RECOMMENDATION: That the City Council adopt the draft Resolution to approve Annexation 480, including a minor amendment to the Urban Development Boundary.

ATTACHMENTS:

1. Map of Proposed Annexation Area 480
2. General Plan Land Use Diagram
3. Zoning Map

4. Municipal Services Map
5. Draft Resolution to Approve Annexation 480
6. Exhibit A- Legal Description

Appropriated/Funded: MB

Review By:

Department Director:





Jenni Byers, Community Development Director

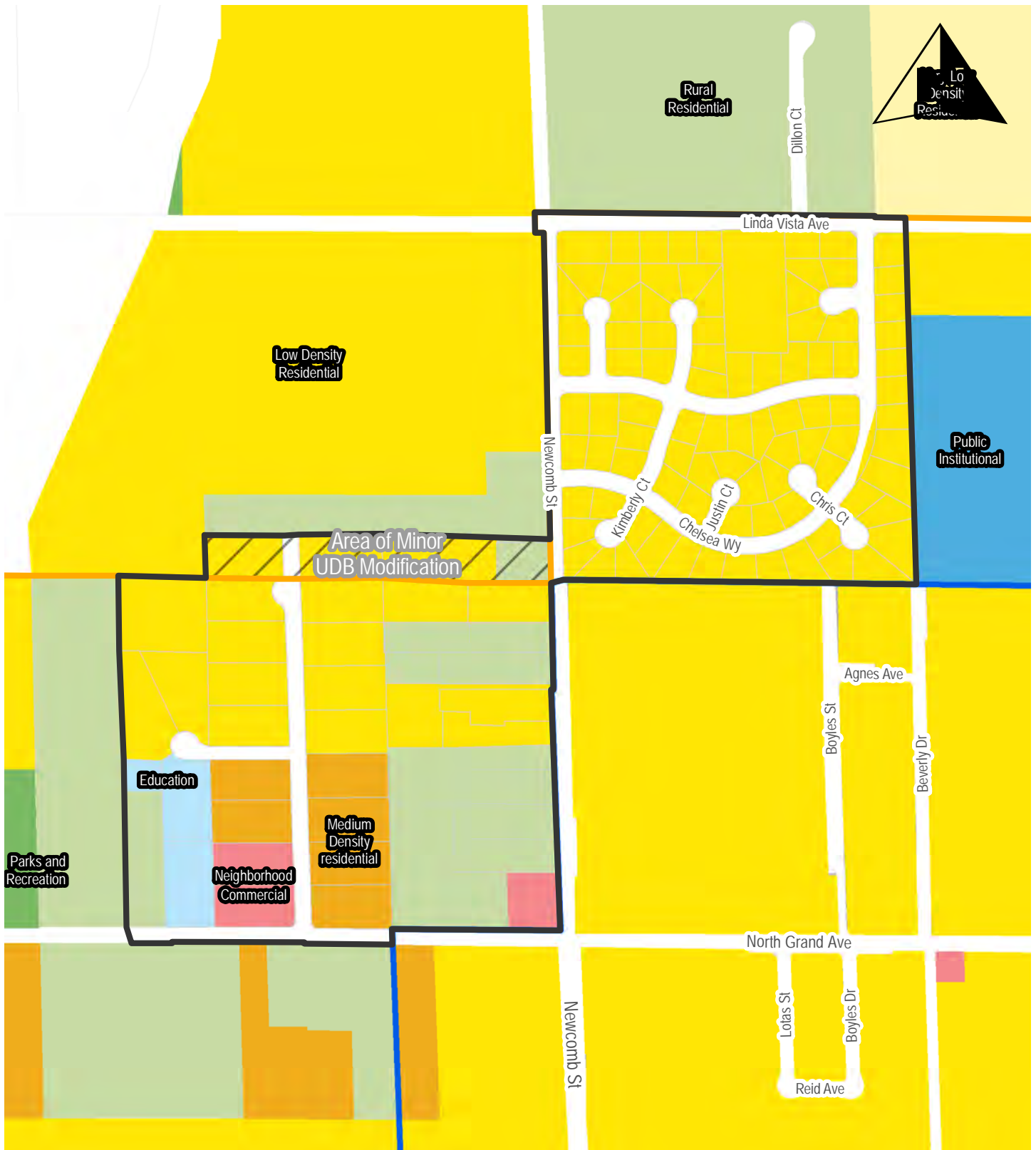
Final Approver: John Lollis, City Manager



PRC 2015-026 Annexation 480 Project Locator Map 1" = 500 ft.

Legend

-  UDB
-  City Limits
-  Annexation 480
-  UDB Minor Modification

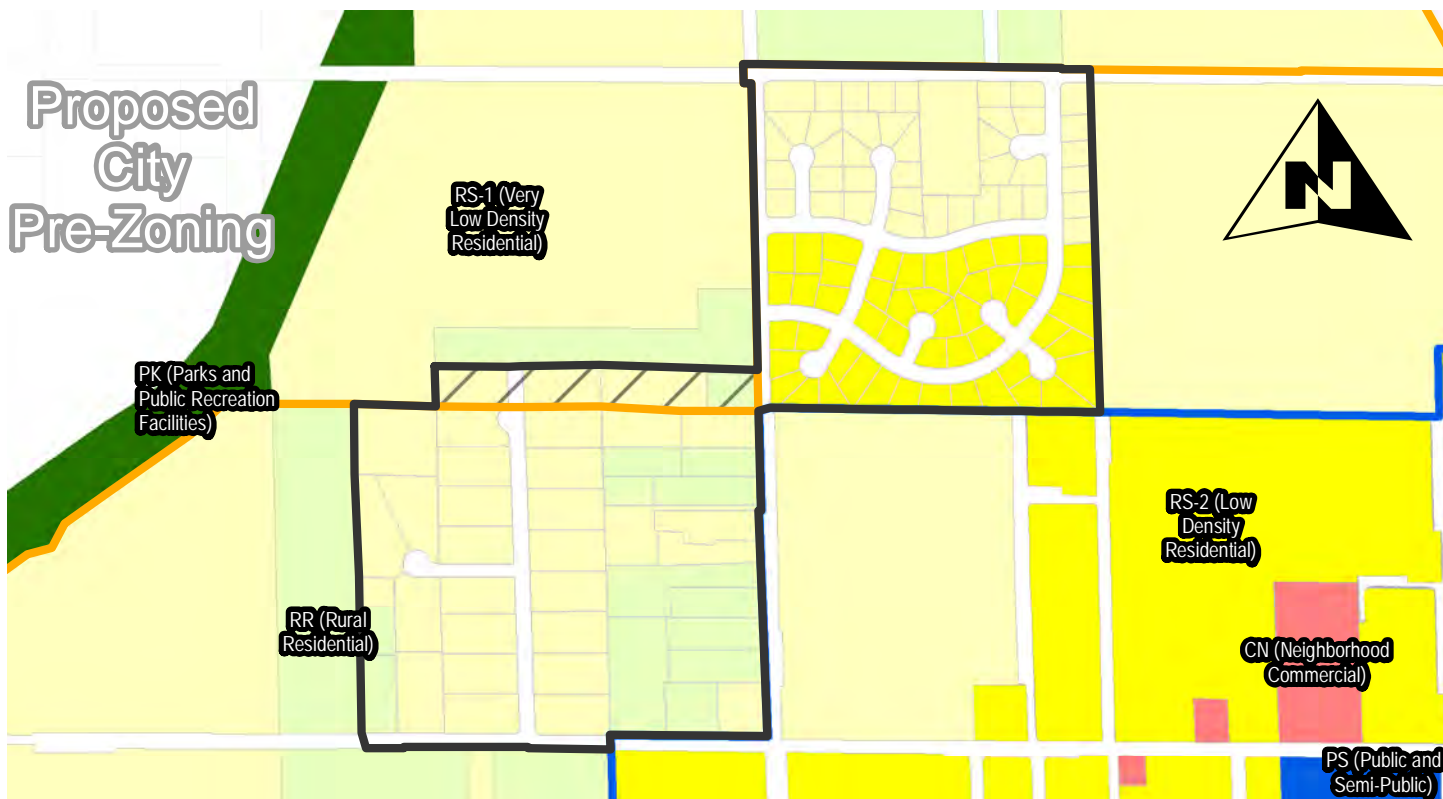


PRC 2015-026
Annexation 480
General Plan Land Use Map
1" = 500 ft.

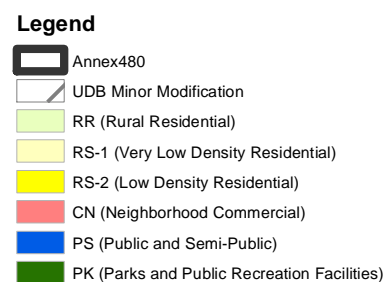
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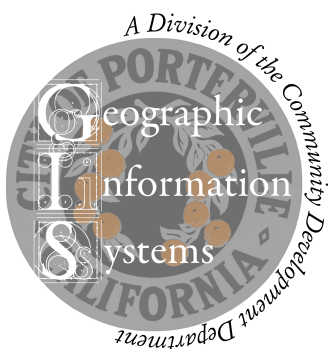
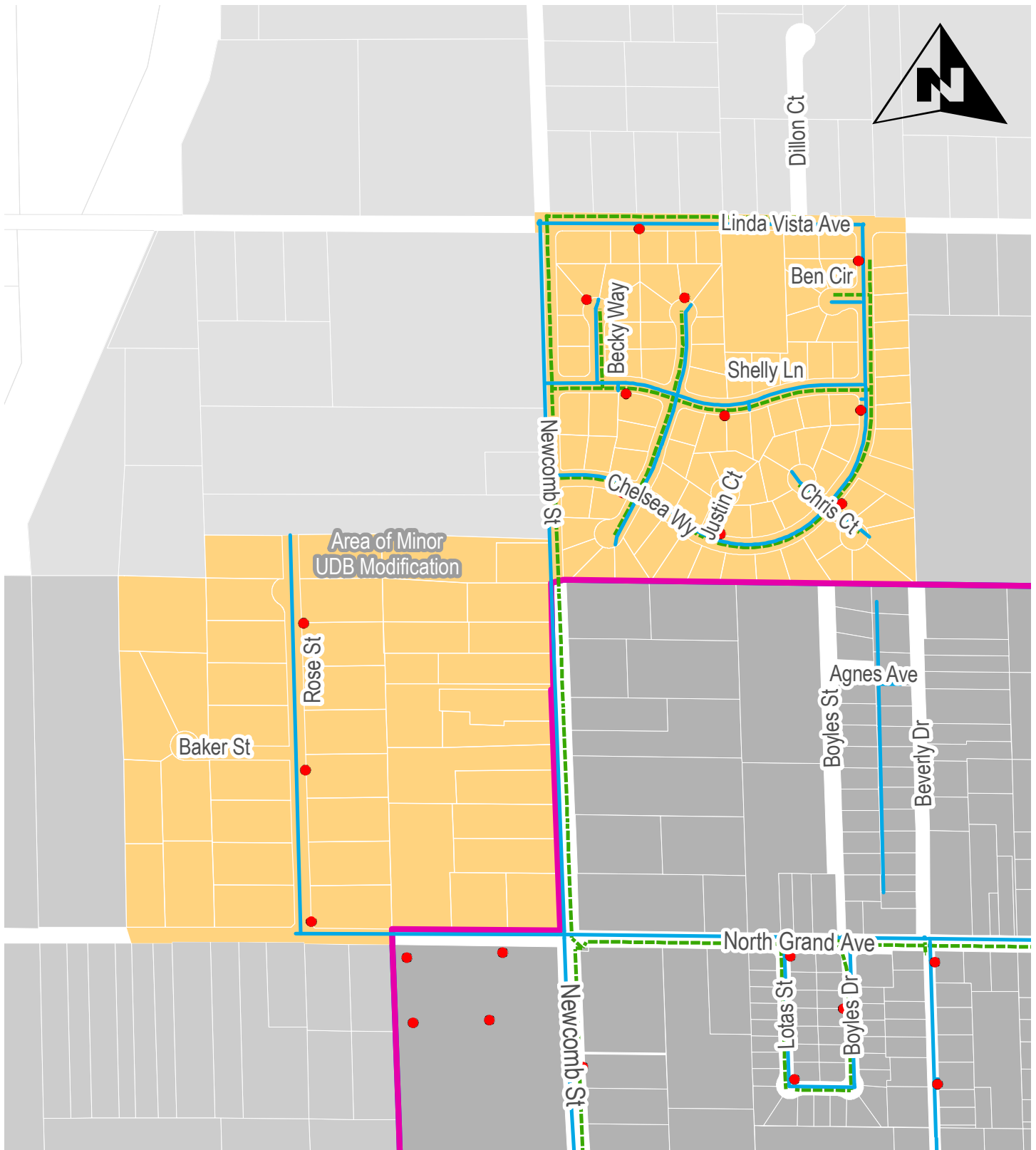
- UDB Minor Modification
- Rural Residential
- Very Low Density Residential
- Low Density Residential
- Medium Density Residential
- Neighborhood Commercial
- Public Institutional
- Education
- Parks and Recreation

Existing County Zoning



PRC 2015-026
Annexation 480
Zoning Map
1" = 500 ft.





PRC 2015-026
Annexation 480
Existing City Services Map
1" = 500 ft.

Legend

- Fire Hydrants
- Water Mains
- - - Sewer Mains
- City Limits
- Annexation 480

Resolution No. _____

A RESOLUTION OF APPLICATION BY THE CITY OF PORTERVILLE REQUESTING
THAT THE LOCAL AGENCY FORMATION COMMISSION TAKE PROCEEDINGS FOR
ANNEXATION 480

WHEREAS, the City of Porterville desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for Annexation 480; and

WHEREAS, the territory proposed to be annexed to the city totals approximately 93.34± acres, and is substantially developed; and

WHEREAS, this proposal is generally consistent with the Sphere of Influence for the affected city; however, a minor amendment to the sphere of influence also known as the Porterville Urban Development Boundary would be required to accommodate 4.47± acres. This area includes four parcels, two of which already receive municipal water, and two of which are requesting the amendment; and

WHEREAS, notice of a public information meeting was published in a newspaper of general circulation, *The Porterville Recorder*, and individually mailed to all property owners within the subject area and within a 300-foot radius surrounding the subject areas on July 30, 2015, which was twelve days in advance of the public information meeting; and

WHEREAS, notice of a proposal was published in a newspaper of general circulation, *The Porterville Recorder*, and individually mailed to all property owners within the subject area and within a 300-foot radius surrounding the subject areas on August 21, 2015, which is ten days in advance of the scheduled public hearing; and

WHEREAS, this proposal is made pursuant to Sections 56654 and 56428 of the California Government Code; and

WHEREAS, the reasons for this proposal are as follows:

1. To respond to multiple property owners' requests for water. Staff has received an increased number of residents asking about annexation because they want to connect to City water, and are anticipating that their wells are nearly dry.
2. To efficiently provide government services in a manner consistent with the City's Annexation and Municipal Services Objectives, Policies, and Procedures (Resolutions 74-2014 and 75-2014).
3. To create a more definitive and organized city boundary. To ensure the provision of services and facilities needed to accommodate planned population densities in the project area; and

WHEREAS, the proposed annexation area and any future development thereof would be subject to compliance with the Porterville Municipal Code and Porterville General Plan.

NOW, THEREFORE, BE IT RESOLVED, this Resolution of Application is hereby adopted and approved by the City Council of the City of Porterville. The Local Agency Formation Commission of Tulare County is hereby requested to take proceedings for the annexation and minor modification of the Porterville Urban Development Boundary for the territory as described in Exhibit A, according to the terms and conditions stated above, and in the manner provided for by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and the detachment of the same area from County Service Area #1.

PASSED, APPROVED AND ADOPTED this 1st day of September, 2015.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY _____

Patrice Hildreth, Chief Deputy City Clerk

**City of Porterville
Annexation No. 480**

Description for Annexation

That portion of Sections 15 and 16, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, more particularly described as follows:

Beginning at the East quarter corner of said Section 16, and a point in the existing City Limit Line (per Annexation 474);

Thence, along said existing City Limit Line the following four (4) courses:

- C1) Westerly, along the North line of the Southeast quarter of said Section 16, a distance of 30 feet more or less, to the West right of way line of Newcomb Street;
- C2) Southerly, along said West right of way line, 1284 feet more or less, to and intersection with the North right of way line of North Grand Avenue;
- C3) Westerly, along said North right of way line, 615 feet more or less;
- C4) Southerly, 60 feet more or less, to the South right of way line of North Grand Avenue;

Thence, along said South right of way line the following five (5) courses:

- C5) Westerly, 322 feet more or less, to an angle point in said right of way line;
- C6) Northerly, 5 feet more or less, to an angle point in said right of way line;
- C7) Westerly, 484 feet more or less, to an angle point in said right of way line;
- C8) Southerly, 5 feet more or less, to an angle point in said right of way line;
- C9) Westerly, 161 feet more or less, to an intersection with the Southerly prolongation of the West line of Parcel Map No. 4153 recorded in Book 42 of Parcel Maps, at Page 57, of Tulare County Records, thence;
- C10) Northerly, along said West line and the West line of Parcel Map No. 4735 recorded in Book 48 of Parcel Maps, at Page 40, of Tulare County Records, 1340 feet more or less, to the Northwest corner of said Parcel Map No. 4735, thence;
- C11) Easterly, along the North line of said Parcel Map No. 4735, a distance of 321 feet more or less, to the Southwest corner of Parcel Map No. 4507 recorded in Book 46 of Parcel Maps, at Page 12, of Tulare County Records, thence;
- C12) Northerly, along said West line of said Parcel Map No. 4507, a distance of 161 feet more or less, to the Northwest corner of said Parcel Map, thence;

C13) Easterly, along the North line of said Parcel Map No. 4507, a distance of 1254 feet more or less, to the West right of way line of Newcomb Street, thence;

C14) Northerly, along said West right of way line, 1178 feet more or less, to an intersection with the North right of way line of Avenue 174 (Linda Vista Avenue), thence;

Thence, along said North right of way line the following five (5) courses:

C15) Easterly, 694 feet more or less, to an angle point in said right of way line;

C16) Northerly, 5 feet more or less, to an angle point in said right of way line;

C17) Easterly, 554 feet more or less, to an angle point in said right of way line;

C18) Southerly, 5 feet more or less, to an angle point in said right of way line;

C19) Easterly, 111 feet more or less, to an the intersection with the Northerly prolongation of the East line of Tract No. 781, Phases 1 and 2, recorded in Volume 42 of Map, at Page 59, of Tulare County Records, thence

C20) Southerly, along said Northerly prolongation and East line, and the East line of Tract No. 678, Phase 1 (Amended) recorded in Volume 35 of Maps, at Page 79, of Tulare County Records, 1342 feet more or less, to the Southeast corner thereof and being a point in the existing city limit line, thence;

C21) Westerly, along the South line of said Tract No. 678 and it's Westerly prolongation, a distance of 1321 feet more or less, to the **Point of Beginning**.

Containing 93.3 acres more or less.



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Second Reading - Ordinance 1825 - Porterville Development Ordinance Amendment

SOURCE: Administrative Services

COMMENT: Ordinance No. 1825, An Ordinance of the City Council of the City of Porterville Amending the Porterville Development Ordinance to Include Indoor Shooting Range as a Small-Scale Commercial Entertainment and Recreational Type Use with a Minor Conditional Use Permit Approval, was given first reading on August 18, 2015, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1825, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordinance No. 1825

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

ORDINANCE NO. 1825

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT
ORDINANCE TO INCLUDE INDOOR SHOOTING RANGE AS A SMALL-SCALE
COMMERCIAL ENTERTAINMENT AND RECREATIONAL TYPE USE WITH A MINOR
CONDITIONAL USE PERMIT APPROVAL

WHEREAS: On August 18, 2015, the City Council at its regularly scheduled meeting, held a public hearing to consider an amendment to the Porterville Development Ordinance; and

WHEREAS: The proposed text amendment was discussed at a Project Review Committee (PRC) meeting on July 17, 2015, where staff did not express significant 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: The proposed change would include indoor shooting ranges as part of the definition of Small-scale, commercial entertainment and recreational type uses and would include a specific limitation that a minor conditional use permit approval is required in the Retail Center (CR), General and Service Commercial (CG), Public and Semi-Public (PS), Commercial Recreation (REC), and Parks and Public Recreation Facilities (PK) Zoning 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. 1825 amending the Porterville Development Ordinance to include indoor shooting ranges as a Small-scale, commercial entertainment and recreational type use with a minor conditional use permit approval in the Retail Center (CR), General and Service Commercial (CG), Public and Semi-Public (PS), Commercial Recreation (REC), and Parks and Public Recreation Facilities (PK) Zoning Districts, as follows:

SECTION 1:

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

| TABLE 203.02: LAND USE REGULATIONS—COMMERCIAL DISTRICTS | | | | | |
|---|----|----|----|-----|------------------------|
| Use Classifications | CN | CR | CG | CMX | Additional Regulations |

| | | | | | |
|---|-------------------------------|-------|-------|---|---|
| Commercial Entertainment and Recreation | See sub-classifications below | | | | |
| Cinema/Theaters | - | P | P | C | Section 301.02 Alcoholic Beverage Sales |
| Large-scale | - | - | C(8) | - | Section 301.02 Alcoholic Beverage Sales |
| Small-scale | - | P(19) | P(19) | C | Section 301.02 Alcoholic Beverage Sales |

Specific Limitations:

1. Multi-family Residential are permitted in conjunction with allowable non-residential uses.
 2. Limited to no more than two rooms in a dwelling rented to not more than a total of four persons and meals are not provided to more than four boarders.
 3. Limited to establishments with a gross floor area of 5,000 square feet or less.
 4. Provided that such use shall be completely enclosed in a building of soundproof construction.
 5. Drive-through facilities are prohibited.
 6. Bulk storage of sand, gravel or cement is not allowed.
 7. Wholesale services are not allowed.
 8. Campgrounds are prohibited.
 9. Limited to establishments with a gross floor area less than 50,000 square feet.
 10. Outdoor work and outdoor storage is prohibited.
 11. General offices shall not be located on the ground floor.
 12. Minor Conditional Use Permit approval is required for office, business, or professional uses greater than 5,000 square feet in size per lot or integrated commercial development.
 13. Limited to establishments with a gross floor area less than 1,500 square feet.
 14. Limited to parking areas for exclusive use of occupants, employees and patrons of the uses, buildings, stores, and businesses located in that zone.
 15. Limited to establishments with a gross floor area less than 2,000 square feet.
 16. Prohibited within 300 feet of any R district.
 17. Limited to radio or television studios.
 18. Limited to one dwelling for a caretaker or watchman and his immediate family, necessary and incidental to a use located in such zone.
 19. Minor Conditional Use Permit approval is required for indoor shooting ranges.
2. Amend Table 205.02: LAND USE REGULATIONS – PUBLIC AND OPEN SPACE DISTRICTS to add as follows:

| TABLE 205.02: LAND USE REGULATIONS—PUBLIC AND OPEN SPACE DISTRICTS | | | | |
|--|------|-----|----|------------------------|
| Use Classification | PS | REC | PK | Additional Regulations |
| Public and Semi-Public Use Classifications | | | | |
| Commercial Use Classifications | | | | |
| Aircraft Sales, Services, and Storage | P(2) | - | - | |

TABLE 205.02: LAND USE REGULATIONS—PUBLIC AND OPEN SPACE DISTRICTS

| Use Classification | PS | REC | PK | Additional Regulations |
|---|-------------------------------|------|------|---|
| Commercial Entertainment and Recreation | See sub-classifications below | | | |
| Large-scale | P | C | P | Section 301.02 Alcoholic Beverage Sales |
| Small-scale | P(6) | P(6) | P(6) | Section 301.02 Alcoholic Beverage Sales |

Specific Limitations:

1. Limited to facilities associated with park and recreational facilities.
 2. Limited to facilities associated with an airport.
 3. Limited to cafes and restaurants accessory to cultural institutions.
 4. Prohibited within 300 feet of any R district.
 5. Permitted only as accessory to a hospital or public airport.
 6. Minor Conditional Use Permit approval is required for indoor shooting ranges.
3. Amend Section 701.02 Land Use Classifications, to modify the following definitions:

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

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, indoor shooting ranges, 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 the ordinance's publication and passage.

PASSED, APPROVED, AND ADOPTED this 1st day of September, 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Presentation of Potential Tulare County Regional Transportation Impact Fees as Proposed by the Tulare County Association of Governments

SOURCE: City Manager's Office

COMMENT: Over the past year, the Tulare County Association of Governments (TCAG) has been preparing a potential Tulare County Transportation Impact Fee (TIF) program that would apply to new development throughout the County, both within cities and in unincorporated areas. At its last meeting on July 20, 2015, the TCAG Board of Directors acted to have each member agency receive a presentation by TCAG staff on the proposed TIF program, and to provide subsequent comment and direction to the TCAG Board.

The potential TIF program would mitigate traffic impacts brought to the region from future development for increasing system capacity to address growth demands. The proposed Regional TIF would be similar and in addition to the current TIF the City currently has, however, its emphasis would be on projects not addressed in the City's TIF and more regional in scope. The proposed TIF would focus on local contributions for the anticipated widening of State Routes commonly used throughout the county, including State Routes 99, 137, 190, 198.

The Tulare County Transportation Impact Fee program was originally proposed by the County of Tulare, however, by mutual agreement of the TCAG Board of Directors in 2012, the development of a potential Regional TIF was transferred to TCAG for further development and potential administration. Over the past several years, staff from all cities and the County have worked with TCAG and their consultants in the technical review of the potential TIF. Various program concepts have been evaluated, and the methodology for development of the potential fees has been defined.

If implemented, a single combined TIF program (rather than multiple "zones") has been developed, with the project list total project estimate of almost \$700 million. As presented in the attached TCAG presentation, the most direct benefit that the City would see would be the future improvement of State Route 190 to four (4) lanes of travel between State Route 99 and State Route 65, as well as Blue Heron Parkway (Porterville Developmental Center) and Road 284 (Reservation Road), and six (6) lanes of travel between State Route 65 and Blue Heron Parkway, with an estimated project cost of approximately \$177 million.

The proposed TIF program is intended to have new development compensate for its share of impact to the county's anticipated major infrastructure projects. Without the implementation of a Regional TIF, the burden of new development's traffic/transportation impact falls on existing residents with costs of necessary improvements drawn from other revenue sources that could be used for other city street construction or maintenance. In addition, improvement of the county's major highway infrastructure can assist in recruiting new commercial and industrial development to the area by providing an adequate and efficient transportation system.

The implementation of a Regional TIF is not without potential adverse impacts to future development and growth, which, faced with new increased costs to invest within Tulare County, development could seek to locate in other areas with lower fees. To address this issue and maintain competitiveness, the potential Regional TIF has focused on the key transportation corridors within the county which provide the most benefit to local users, as well as significantly reducing the proposed fees from their calculated amounts. Given the corridors of significance, it is proposed that the "large" cities in the county benefitting most from the improvements (Porterville, Tulare, Visalia) charge 50% of the proposed Regional TIF fees, and that the "small" cities (Dinuba, Exeter, Farmersville, Lindsay, and Woodlake) benefitting less from the improvements charge 12.5%. It is also proposed that the County would charge 12.5% for development, given the unincorporated population is constituted generally of "small" communities. Some cities have expressed concern with the proposal that the County only charge 12.5%, given this may incentivize commercial and industrial development outside of cities. In further consideration of economic development and regional competitiveness, TCAG is seeking a legal opinion on exempting commercial and industrial development from the proposed fees.

As part of the proposed TIF program, the option to add a 10% "return to source" fee is also considered, whereby a local jurisdiction could use the fee for transportation projects directly benefitting its local streets infrastructure needs and also leverage federal and state funding. TCAG would perform the necessary fee study for the approving jurisdiction.

Should the proposed Regional TIF be adopted by TCAG, the fees would be collected by TCAG member agencies, and then transferred to TCAG for administration of the program.

RECOMMENDATION: That the City Council receive the presentation of potential Tulare County Regional Transportation Impact Fees as proposed by the Tulare County Association of Governments, and provide direction as determined.

ATTACHMENTS: 1. TCAG Regional TIF Presentation
2. TCAG Regional TIF Study

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

Tulare County Regional Transportation Impact Fee

Update: September 1, 2015

Porterville
City Council



Overview of RTIF

- Fee to mitigate traffic impacts of future development
- Without development, no need for fee
- Without fee, burden of new development's impact falls on existing residents in one of two ways:
 - Increased traffic congestion
 - Cost of needed improvements drawn from elsewhere

Discussion Overview

- Reducing TIF to a more competitive level
- Fair application of TIF between cities with regional projects and cities without
- Return to source option for complete streets projects
- Key Corridors

Reducing TIF

| | A | B | C = A x B | | D = C x 0.02 | | E = C + D | | E / 1,000 | |
|-----------------------|----------|------------|-----------------------|------------------------|------------------------|----------|-----------|----------|-------------|----------|
| | | Trip | | Admin | | | | | Reduced Fee | |
| Land Use | Cost Per | Rate | Base Fee ¹ | Charge ^{1, 2} | Total Fee ¹ | Fee per | | | 50 | 25 of 50 |
| | Trip | Assumption | | | | Sq. Ft. | | | Percent | Percent |
| North Zone | | | | | | | | | | |
| <u>Residential</u> | | | | | | | | | | |
| Single Family | \$ 373 | 9.57 | \$ 3,570 | \$ 71 | \$ 3,641 | | | \$ 1,821 | \$ 455 | |
| Multi-family | 373 | 6.65 | 2,480 | 50 | 2,530 | | | 1,265 | 316 | |
| <u>Nonresidential</u> | | | | | | | | | | |
| Commercial | \$ 373 | 42.94 | \$ 16,017 | \$ 320 | \$ 16,337 | \$ 16.34 | | \$ 8.17 | \$ 2.04 | |
| Office | 373 | 11.01 | 4,107 | 82 | 4,189 | 4.19 | | 2.10 | 0.52 | |
| Industrial | 373 | 6.97 | 2,600 | 52 | 2,652 | 2.65 | | 1.33 | 0.33 | |
| South Zone | | | | | | | | | | |
| <u>Residential</u> | | | | | | | | | | |
| Single Family | \$ 388 | 9.57 | \$ 3,713 | \$ 74 | \$ 3,787 | | | \$ 1,894 | \$ 473 | |
| Multi-family | 388 | 6.65 | 2,580 | 52 | 2,632 | | | 1,316 | 329 | |
| <u>Nonresidential</u> | | | | | | | | | | |
| Commercial | \$ 388 | 42.94 | \$ 16,661 | \$ 333 | \$ 16,994 | \$ 16.99 | | \$ 8.50 | \$ 2.12 | |
| Office | 388 | 11.01 | 4,272 | 85 | 4,357 | 4.36 | | 2.18 | 0.55 | |
| Industrial | 388 | 6.97 | 2,704 | 54 | 2,758 | 2.76 | | 1.38 | 0.35 | |
| Combined Zone | | | | | | | | | | |
| <u>Residential</u> | | | | | | | | | | |
| Single Family | \$ 387 | 9.57 | \$ 3,704 | \$ 74 | \$ 3,778 | | | \$ 1,889 | \$ 472 | |
| Multi-family | 387 | 6.65 | 2,574 | 51 | 2,625 | | | 1,313 | 328 | |
| <u>Nonresidential</u> | | | | | | | | | | |
| Commercial | \$ 387 | 42.94 | \$ 16,618 | \$ 332 | \$ 16,950 | \$ 16.95 | | \$ 8.48 | \$ 2.12 | |
| Office | 387 | 11.01 | 4,261 | 85 | 4,346 | 4.35 | | 2.18 | 0.54 | |
| Industrial | 387 | 6.97 | 2,697 | 54 | 2,751 | 2.75 | | 1.38 | 0.34 | |

Examples

- Single Family Residential Unit = \$1,889
- Multi-Family Residential Unit = \$1,265
- 25,000 sq ft Commercial building = \$212,000
- 200,000 sq ft Industrial building = \$276,000

Cities without Regional Projects

- Reduce the fee for cities without regional projects to 25% of the new fee (25% of 50% of the total fee...)

Examples:

- Single Family Residential Unit = \$472
- Multi-Family Residential Unit = \$316
- 25,000 sq ft Commercial building = \$53,000
- 200,000 sq ft Industrial building = \$69,000

Return to Source

- Agencies may add a 10% return to source fee for complete streets and/or projected minor projects
- A study would need to be completed to justify the fee
- This type of funding would be helpful in providing matching money for state and federal programs

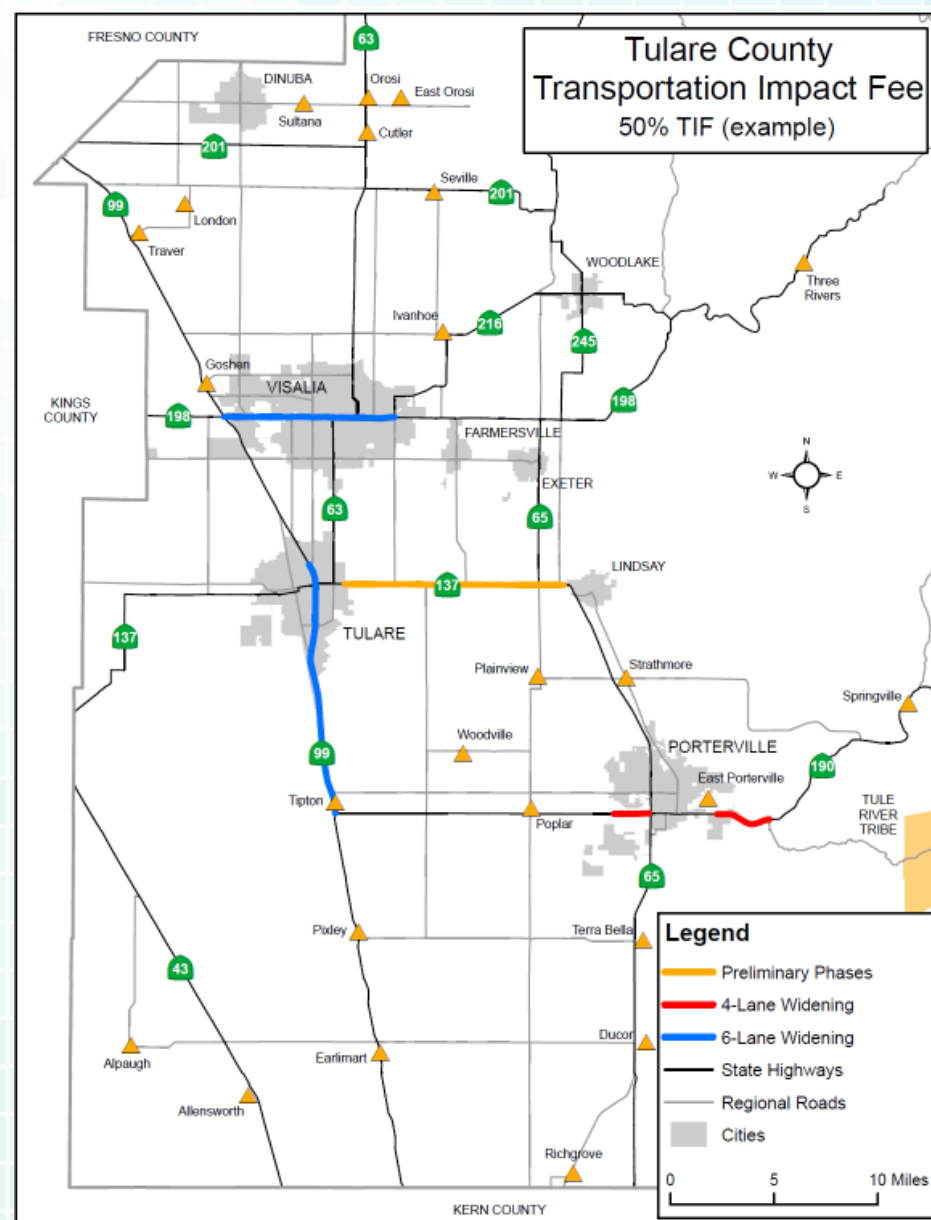
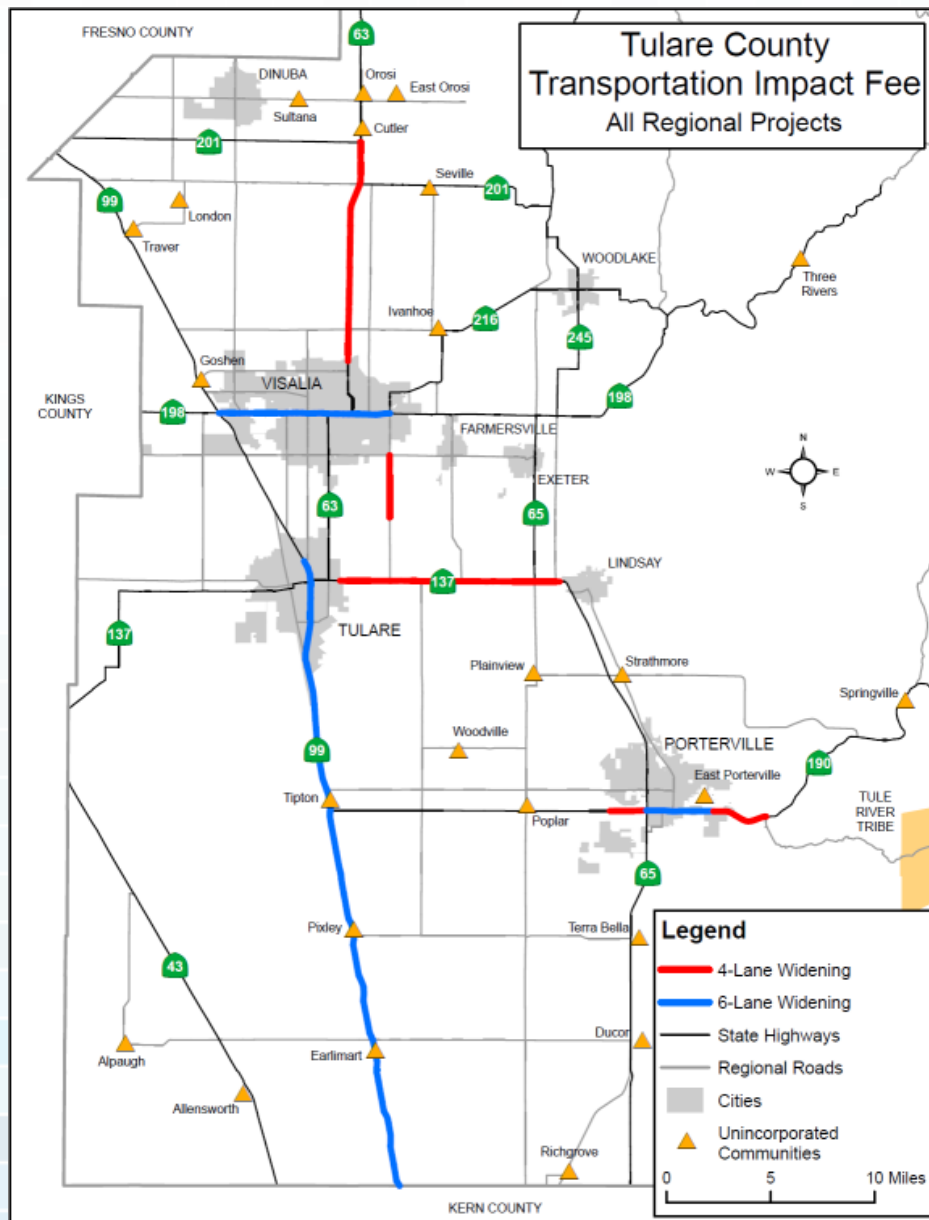
Key Corridors

- SR-99
- SR-198
- SR-190
- SR-137

Project List

Example project list with 50% TIF and Key Corridors

| Route | From | To | Total Cost | Fed/State | RTIF | TIF Cost | New TIF Cost | |
|----------|-----------------|-----------------|-----------------|-----------|------|---------------|---------------|---------------|
| SR-99 | County Line | SR-190 | \$342,000,000 | 80% | 20% | \$68,400,000 | | |
| | SR-190 | Avenue 200 | \$146,000,000 | 80% | 20% | \$29,200,000 | \$ 29,200,000 | |
| | Avenue 200 | Prosperity | \$76,000,000 | 80% | 20% | \$15,200,000 | \$ 15,200,000 | |
| | Aux Lanes | | \$55,000,000 | 9% | 91% | \$50,050,000 | \$ 50,050,000 | |
| SR-198 | SR-99 | Akers | \$45,000,000 | 10% | 90% | \$40,500,000 | \$ 40,500,000 | |
| | Akers | SR-63 | \$30,000,000 | 10% | 90% | \$27,000,000 | \$ 27,000,000 | |
| | SR-63 | Lovers Ln | \$46,000,000 | 10% | 90% | \$41,400,000 | \$ 41,400,000 | |
| SR-63 | Avenue 402 | Avenue 368 | \$36,000,000 | 10% | 90% | \$32,400,000 | | |
| | Avenue 368 | Avenue 314 | \$55,000,000 | 10% | 90% | \$49,500,000 | | |
| SR-65 | SR-137 | SR-198 | \$120,000,000 | 85% | 15% | \$18,000,000 | | |
| SR-137 | Tulare | Lindsay | \$145,000,000 | 10% | 90% | \$130,500,000 | \$ 24,000,000 | |
| SR-190 | SR-65 | Blue Heron Pkwy | \$103,000,000 | 25% | 75% | \$77,250,000 | | |
| | Blue Heron Pkwy | Reservation Rd | \$106,000,000 | 25% | 75% | \$79,500,000 | \$ 79,500,000 | |
| | Westwood Rd | SR-65 | \$22,000,000 | 10% | 90% | \$19,800,000 | \$ 19,800,000 | |
| Road 140 | Avenue 280 | Avenue 256 | \$7,000,000 | 0% | 100% | \$7,000,000 | | |
| | | | \$1,334,000,000 | | | \$685,700,000 | \$326,650,000 | |
| | | | | | | | 50% goal: | \$342,850,000 |
| | | | | | | | difference: | \$16,200,000 |



Next Steps

- Cities and County consider **concept** in August

Questions Comments Discussion

Re-evaluation Triggers

TIF Fee triggers for fee re-evaluation (or traffic analysis review)

1. Any time significant funding is received for a regional project not assumed in the TIF calculation.
 - a. Example: More funding received for SR-99 that reduces the 20% TIF share
 - b. Example: Federal funding is received for a state highway
2. When the cumulative amount of new funding exceeds _____ not assumed in the TIF calculation.
 - a. Example: 10 signals receive safety funding.
 - b. Example: Small amount of funding is received on four regional projects
3. When significant change to the construction cost index occurs (This has not been discussed but implied)
 - a. When the economic down turn happened a few years ago, the cost of construction significantly decreased
 - b. When the natural disaster Katrina occurred a number of years ago, key construction materials significantly increased such as steel and PCC
4. TCAG major model update (This occurs approximately every 5 years)
5. Major revision to a member agency Circulation Element (This has not been discussed but implied)
6. Not a trigger per se, but for TIF purposes new project funding should be assumed in place if:
 - a. The new funding is programmed in the four year FTIP
 - b. The new funding is programmed into the five year STIP
 - c. The new funding is amended into the Measure R Expenditure plan

TULARE RTIF UPDATE

ADMINISTRATIVE DRAFT

FEBRUARY 17, 2015



Table of Contents

| | |
|---|----|
| EXECUTIVE SUMMARY | 1 |
| Study Objectives | 1 |
| Projects Included in the TIF Study | 1 |
| Methodology Used in This Study | 1 |
| Fee Zones | 2 |
| Fee Schedule | 4 |
| 1. INTRODUCTION | 6 |
| Background | 6 |
| Approach | 6 |
| Organization | 7 |
| 2. TRIP DEMAND AND GROWTH PROJECTIONS | 8 |
| Trip Generation by Land Use | 8 |
| Housing and Employment Growth | 9 |
| Growth in Trip Demand Through 2040 | 11 |
| 3. TIF PROJECTS AND PROJECT COSTS | 12 |
| TIF Projects | 12 |
| Project Costs | 15 |
| 4. COST ALLOCATION AND FEE CALCULATION | 17 |
| Impact of Growth on Transportation Facilities | 17 |
| Existing Deficiencies | 17 |
| Select Link Analysis | 18 |
| Fee per Trip Demand Unit | 19 |
| 5. IMPLEMENTATION | 23 |
| TIF Program Adoption Process | 23 |
| Reporting Requirements | 23 |
| Fee Collection and Expenditure | 23 |
| Renovations and Changes in Use | 24 |
| Inflation Adjustment | 24 |
| 6. MITIGATION FEE ACT FINDINGS | 25 |
| Purpose of Fee | 25 |
| Use of Fee Revenues | 25 |
| Benefit Relationship | 26 |
| Burden Relationship | 26 |
| Proportionality | 26 |
| APPENDIX A – TIF RE-EVALUATION TRIGGERS | 28 |
| APPENDIX B – COMPARABLE FEE PROGRAMS | 29 |
| APPENDIX C – TRAFFIC MODELING ANALYSIS | 32 |

Executive Summary

The Tulare County Association of Governments (TCAG) has prepared a Traffic Impact Fee (TIF) that would apply to new development Countywide in Tulare County. The TIF funds a select list of transportation system improvements. This Executive Summary provides an overview of the study objectives, methodologies, projects to be funded, and results of the nexus analysis.

Study Objectives

The primary policy objective of the TIF program is to ensure that new development pays the transportation improvement costs associated with growth. The primary purpose of this report is to calculate and present fees that will enable the County to expand its inventory of transportation facilities – and therefore maintain its facilities standards – as new development leads to increased traffic roadways located within Tulare County.

The County can impose TIF fees within their jurisdictions under authority granted by the *Mitigation Fee Act (the Act)*, contained in *California Government Code* Sections 66000 *et seq.* This report provides the necessary findings required by the *Act* for adoption of the fees presented in the fee schedules presented in this report.

The County of Tulare is forecast to experience growth in both its incorporated cities and unincorporated areas through this study's planning horizon of 2040. This growth will create an increase in demand for transportation improvements. Given the revenue challenges that are common to most cities and counties in California; this report highlights the need for a regional transportation impact fee program to ensure that new development funds the share of transportation improvement costs associated with growth. This report makes use of the most current available growth forecasts, facility plans, and traffic modeling to ensure that the TIF program is representative of the transportation facility needs resulting from new development.

Projects Included in the TIF Study

The study includes the projects detailed in Tables 4 and 4b. Certain projects are no longer included in the TIF program because growth through 2040 would no longer cause traffic on those roads to drop below level of service “D”.

Methodology Used in This Study

The impact fees calculated in this study are based on maintaining specified County of Tulare level of service (LOS) facility standards on roadways. The Tulare County General Plan has designated LOS “D” as the minimum acceptable LOS standard on County facilities in general Caltrans also strives to maintain a LOS C on state highway projects.

This study is an update of the previous study. Although many of the transportation system improvement projects included in this study were included in prior studies, new development is not being asked to pay to remedy existing transportation system improvements. All projects

included in this study either a) met the County's roadway level of service standards at the time they were originally added to the TIF program, or b) have an identified existing deficiency share of costs that will not be funded with impact fee revenue.

Impact fees are calculated to help fund the cost of facilities required to accommodate growth. The *Mitigation Fee Act* requires that any agency adopting impact fees establish a reasonable nexus between the projected amount of new development, the public improvements (in this case transportation improvements) needed to serve that development, and the amount of the fees. The six steps followed in this TIF update study and described in detail in the chapters that follow include:

1. Prepare projections of travel demand;
2. Identify facility standards;
3. Identify candidate facilities (transportation improvement projects);
4. Determine new development's cost share;
5. Calculate the TIF by allocating new development's cost share per unit of development, and;
6. Identify alternative funding.

This report relies primarily on level of service (LOS) standards to establish a nexus between projected new development in the County and the need for improvements to roadways of regional importance. This report also relies upon the results of select link analysis. Select link analysis identifies where the traffic that will be using each roadway improvement is coming from and going to.

The most recent TCAG traffic model was used in this analysis for several purposes, including LOS and select link analysis.

Fee Zones

Different areas of the County generate differing amounts of demand for transportation facilities. This analysis examined the demand for transportation facilities for two zones. The two fee zones analyzed in the study are a north zone and a south zone, and are defined as follows:

1. **North Zone:** Northern portion of the County containing the cities of Dinuba and Woodlake and the surrounding unincorporated areas.
2. **South Zone:** The cities of Visalia, Tulare, Lindsay, Exeter, Farmersville, Porterville and the surrounding unincorporated areas.

Refer to **Figure 1** for a map of the fee zones. Willdan has also provided a calculation of the fee for a single combined zone.

Fee Schedule

Table E.1 summarizes the schedule of maximum justified transportation impact mitigation fees based on the analysis contained in this report. Just as vehicle trip generation varies by land use, the TIF fee varies by land use and is charged for each residential unit or each 1,000 square feet of nonresidential space. A key nexus finding is based on the setting of the TIF proportional to the additional trip demand created by different types of new development. Below are the fees calculated for north and south zones, as well as a single combined zone.

Table E.1: Transportation Impact Fee Schedule

| Land Use | A Cost Per Trip | B Trip Rate Assumption | C = A x B D = C x 0.02 | | E = C + D E / 1,000 | |
|-----------------------|-----------------------|---------------------------------|---------------------------|---------------------------------|------------------------|--------------------|
| | | | Base Fee ¹ | Admin Charge ^{1, 2} | Total Fee ¹ | Fee per Sq. Ft. |
| North Zone | | | | | | |
| <u>Residential</u> | | | | | | |
| Single Family | \$ 380 | 9.57 | \$ 3,637 | \$ 73 | \$ 3,710 | |
| Multi-family | 380 | 6.65 | 2,527 | 51 | 2,578 | |
| <u>Nonresidential</u> | | | | | | |
| Commercial | \$ 380 | 42.94 | \$ 16,317 | \$ 326 | \$ 16,643 | \$ 16.64 |
| Office | 380 | 11.01 | 4,184 | 84 | 4,268 | 4.27 |
| Industrial | 380 | 6.97 | 2,649 | 53 | 2,702 | 2.70 |
| South Zone | | | | | | |
| <u>Residential</u> | | | | | | |
| Single Family | \$ 387 | 9.57 | \$ 3,704 | \$ 74 | \$ 3,778 | |
| Multi-family | 387 | 6.65 | 2,574 | 51 | 2,625 | |
| <u>Nonresidential</u> | | | | | | |
| Commercial | \$ 387 | 42.94 | \$ 16,618 | \$ 332 | \$ 16,950 | \$ 16.95 |
| Office | 387 | 11.01 | 4,261 | 85 | 4,346 | 4.35 |
| Industrial | 387 | 6.97 | 2,697 | 54 | 2,751 | 2.75 |
| Combined Zone | | | | | | |
| <u>Residential</u> | | | | | | |
| Single Family | \$ 387 | 9.57 | \$ 3,704 | \$ 74 | \$ 3,778 | |
| Multi-family | 387 | 6.65 | 2,574 | 51 | 2,625 | |
| <u>Nonresidential</u> | | | | | | |
| Commercial | \$ 387 | 42.94 | \$ 16,618 | \$ 332 | \$ 16,950 | \$ 16.95 |
| Office | 387 | 11.01 | 4,261 | 85 | 4,346 | 4.35 |
| Industrial | 387 | 6.97 | 2,697 | 54 | 2,751 | 2.75 |

¹ Persons per dwelling unit or per 1,000 square feet of nonresidential.

² Administrative charge of 2.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

Sources: Tables 1 and 5; Willdan Financial Services.

1. Introduction

This study analyzes the need for transportation improvements to support the growth through 2040 in Tulare County. This chapter provides an overview of California's *Mitigation Fee Act* (*California Government Code* Sections 66000 *et seq.*) and major County and State policy supporting a Traffic Impact Fee (TIF). The chapter also provides a description of the technical approach chosen for the TIF and report organization.

Background

The changing fiscal landscape in California during the past 30 years has steadily undercut the financial capacity of local governments to fund infrastructure. Three dominant trends stand out:

- ♦ The passage of a string of tax limitation measures, including increased thresholds of voter approval for many taxes or tax increases, starting with Proposition 13 in 1978 and continuing through the passage of Proposition 218 in 1996;
- ♦ Declining popular support for bond measures to finance infrastructure for the next generation of residents and businesses; and
- ♦ Steep reductions in federal and state assistance.

Faced with these trends, many cities and counties have had to adopt a policy of “growth pays its own way.” This policy shifts the burden of funding infrastructure expansion from existing ratepayers and taxpayers onto new development. This funding shift has been accomplished primarily through the imposition of assessments, special taxes, and development impact fees.

Assessments and special taxes require approval of property owners and are appropriate when the funded facilities are directly related to the developing property. In contrast, development fees are an appropriate funding source for facilities that benefit all development countywide. Development fees need only a majority vote of the legislative body for adoption.

The County of Tulare has the authority to impose impact fees by virtue of their police powers, which are granted in Article 11, Section 7 of the California Constitution. The exercise of that power is guided by the *Mitigation Fee Act* (“Act”) contained in California Government Code Sections 66000 *et seq.* This study provides the necessary findings required by the *Act* for adoption of a Traffic Impact Fee (TIF).

Tulare County first initiated the study of establishing development impact fees to fund transportation facilities in 2010. This study will comprehensively update the traffic fees for changes in growth projections, project costs and other technical considerations.

Approach

Impact fees are calculated to help fund the cost of facilities required to accommodate growth. The *Mitigation Fee Act* requires that any agency adopting impact fees establish a reasonable nexus between the projected amount of new development, the public improvements (in this case, traffic improvements) needed to serve that development, and the amount of the fees. The six steps followed in this TIF update study and described in detail in the chapters that follow include:

1. Prepare projections of travel demand;
2. Identify facility standards;
3. Identify eligible projects;
4. Identify alternative funding;
5. Determine new development's cost share; and,
6. Calculate the TIF by allocating new development's cost share per unit of development.

This report relies primarily on level of service (LOS) standards to establish a nexus between projected new development in the County and the need for improvements to roadways of regional importance. LOS is calculated based on the volume of traffic on a roadway or at an intersection compared to the capacity of the roadway or intersection. LOS "A," "B," and "C" suggest that delays are insignificant to acceptable. LOS "D" suggests delays are high and some short-term back-ups occur. LOS "E" and "F" suggest restricted speeds and significant delays as traffic volumes meet or exceed the capacity of the facility. The current minimum acceptable LOS standard set by the County and Caltrans is LOS "D".

This report also relies upon the results of select link analysis. Select link analysis identifies where the traffic that will be using each roadway improvement is coming from and going to.

The most recent TCAG traffic model was used in this analysis for several purposes, including LOS and select link analysis.

Organization

This study is divided into the following eight chapters and three appendices:

- ♦ Chapter 1, **Introduction** (this chapter): Summarizes public infrastructure financing in California, and the general technical approach used in the study;
- ♦ Chapter 2, **Trip Demand and Growth Projections**: Describes the growth projections used to estimate future demand and translates the growth into trip demand measures;
- ♦ Chapter 3, **TIF Projects and Project Costs**: Details the projects that are included in the TIF Program;
- ♦ Chapter 4, **Cost Allocation and Fee Calculation**: Describes the results of traffic modeling and the determination of development's share of cost for roadway facilities; Details maximum justified impact fees for traffic facilities;
- ♦ Chapter 5, **Implementation**: Provides guidelines for the implementation and ongoing maintenance of the TIF Program; and,
- ♦ Chapter 6, **Mitigation Fee Act Findings**: Summarizes the five statutory findings required for adoption of the proposed public facilities fees in accordance with the *Mitigation Fee Act* (California Government Code 66000 et. seq.).

2. Trip Demand and Growth Projections

This chapter describes the estimates of trip demand for transportation facilities. The most recent TCAG traffic model provided the estimates of the amounts of growth expected during the planning horizon of the TIF. These land use projections are later converted to vehicle trips to provide a measure of travel demand.

Trip Generation by Land Use

Vehicle trips (trips) are used as a measure of the use of transportation facilities by various land uses. Trip volumes help define the need for improvements to selected road segments or intersections. A traffic model is used because it is a more accurate way of identifying trip volume from existing and projected land uses on various existing and proposed road segments, and as part of an overall transportation system.

This study uses average daily level of service (LOS) output from the TCAG traffic model to identify improvements and allocate costs by land use category. The share of roadway improvement costs allocated to each unit of new development is based on the relative amount of new trip demand generated by that development. Trip demand during the afternoon peak hour of traffic is used because this is generally the busiest time of day for traffic, and road improvements are needed to provide capacity to accommodate peak levels of traffic. The traffic study used for this analysis identified improvements needed to mitigate deficiencies during the peak hour.

As new development generates increased vehicle trips for the County's transportation network, additional capacity in the system will be needed in the form of the improvements described in this report. Allocation of cost by land use incorporates rates of trip generation, relative shares of pass-by and diverted trips, and relative trip length, by major land use category.

Trip generation rates are applied to development projections to allocate improvement costs by land use type. The trip generation rates used for this analysis are based on years of study of major land use categories by the Institute of Transportation Engineers:

- ♦ Single family
- ♦ Multi-family
- ♦ Commercial
- ♦ Office
- ♦ Industrial

Table 1 shows trip generation rate assumptions used in this analysis.

Table 1: Trip Rate Assumptions

| Land Use | Rate per Unit/ 1,000 SF |
|-----------------------|------------------------------------|
| <i>Residential</i> | |
| Single Family | 9.57 |
| Multi Family | 6.65 |
| <i>Nonresidential</i> | |
| Commercial | 42.94 |
| Office | 11.01 |
| Industrial | 6.97 |

Source: Institute of Traffic Engineers, Trip Generation Manual, 8th Edition.

Housing and Employment Growth

Base year (2010) assumptions for population and dwelling units and building square feet are based on the TCAG traffic model. The planning horizon for this analysis is 2040. The nexus analysis uses 2040 TCAG traffic model data to estimate new development's demand for transportation improvements.

All demographic assumptions are shown for the County as a whole, and also shown for each of the two fee zones as identified previously in Figure 1. Fees are calculated independently for each zone, based on the trip demand for each specific facility from each zone.

Table 2 lists the base year and 2040 land use assumptions used in the nexus analysis, by zone. This study does not require that all projected growth will have occurred within the study's planning horizon. Whether this amount of new development occurs prior to 2040 or after 2040, the need for transportation improvements included in the TIF Program and the impact fee revenues that flow with new development are mutually supportive. No funding threshold or transportation improvement is tied to any particular calendar year.

Table 2: Growth Projections

| | South Zone | | | North Zone | | | Total | | |
|------------------------------------|------------|---------|--------|------------|--------|--------|-----------|---------|--------|
| | Base Year | 2040 | Growth | Base Year | 2040 | Growth | Base Year | 2040 | Growth |
| <i>Residential Dwelling Units</i> | | | | | | | | | |
| Single Family | 96,392 | 139,129 | 42,737 | 15,346 | 19,656 | 2,987 | 111,738 | 158,785 | 45,724 |
| Multi-family | 26,171 | 61,770 | 35,599 | 3,767 | 7,059 | 2,885 | 29,938 | 68,829 | 38,484 |
| Subtotal | 122,563 | 200,899 | 78,336 | 19,113 | 26,715 | 5,872 | 141,676 | 227,614 | 84,208 |
| <i>Building Square Feet (000s)</i> | | | | | | | | | |
| Commercial | 11,807 | 20,836 | 9,029 | 1,304 | 2,104 | 800 | 13,111 | 22,939 | 9,829 |
| Office | 21,303 | 42,732 | 21,429 | 1,813 | 3,667 | 1,854 | 23,116 | 46,399 | 23,283 |
| Industrial | 75,296 | 127,300 | 52,004 | 14,870 | 23,926 | 9,055 | 90,166 | 151,226 | 61,059 |
| Subtotal | 108,405 | 190,868 | 82,462 | 17,987 | 29,696 | 11,709 | 126,393 | 220,564 | 94,171 |

Sources: TCAG; Willdan Financial Services

Growth in Trip Demand Through 2040

Based on the trip rate assumptions shown in Table 1, and the growth projections in Table 2, **Table 3** calculates the projected travel demand growth in the County, and for each zone between the base year and 2040. These trip demand “unit” totals are calculated by multiplying the trip demand factors by the development projections from Table 2.

Table 3: Growth in Trips

| | Dwelling Units / 1,000 Square Feet | | | Trip Rate | Trips | | |
|-----------------------------------|------------------------------------|------------|---------|-----------|------------|------------|-----------|
| | South Zone | North Zone | Total | | South Zone | North Zone | Total |
| Base Year | | | | | | | |
| <u>Residential Dwelling Units</u> | | | | | | | |
| Single Family | 96,392 | 15,346 | 111,738 | 9.57 | 922,471 | 146,861 | 1,069,333 |
| Multi-family | 26,171 | 3,767 | 29,938 | 6.65 | 174,037 | 25,051 | 199,088 |
| Subtotal | 122,563 | 19,113 | 141,676 | | 1,096,509 | 171,912 | 1,268,420 |
| <u>Nonresidential</u> | | | | | | | |
| Commercial | 11,807 | 1,304 | 13,111 | 42.94 | 506,974 | 56,003 | 562,978 |
| Office | 21,303 | 1,813 | 23,116 | 11.01 | 234,545 | 19,959 | 254,504 |
| Industrial | 75,296 | 14,870 | 90,166 | 6.97 | 524,813 | 103,646 | 628,459 |
| Subtotal | 108,405 | 17,987 | 126,393 | | 1,266,332 | 179,608 | 1,445,940 |
| 2040 | | | | | | | |
| <u>Residential Dwelling Units</u> | | | | | | | |
| Single Family | 139,129 | 19,656 | 158,785 | 9.57 | 1,331,465 | 188,108 | 1,519,572 |
| Multi-family | 61,770 | 7,059 | 68,829 | 6.65 | 410,771 | 46,942 | 457,713 |
| Subtotal | 200,899 | 26,715 | 227,614 | | 1,742,235 | 235,050 | 1,977,285 |
| <u>NonResidential</u> | | | | | | | |
| Commercial | 20,836 | 2,104 | 22,939 | 42.94 | 894,684 | 90,335 | 985,019 |
| Office | 42,732 | 3,667 | 46,399 | 11.01 | 470,481 | 40,369 | 510,850 |
| Industrial | 127,300 | 23,926 | 151,226 | 6.97 | 887,281 | 166,762 | 1,054,043 |
| Subtotal | 190,868 | 29,696 | 220,564 | | 2,252,446 | 297,466 | 2,549,912 |
| Growth | | | | | | | |
| <u>Residential Dwelling Units</u> | | | | | | | |
| Single Family | 42,737 | 4,310 | 47,047 | 9.57 | 408,993 | 41,247 | 450,240 |
| Multi-family | 35,599 | 3,292 | 38,891 | 6.65 | 236,733 | 21,892 | 258,625 |
| Subtotal | 78,336 | 7,602 | 85,938 | | 645,726 | 63,139 | 708,865 |
| <u>Nonresidential</u> | | | | | | | |
| Commercial | 9,029 | 800 | 9,829 | 42.94 | 387,710 | 34,332 | 422,042 |
| Office | 21,429 | 1,854 | 23,283 | 11.01 | 235,935 | 20,410 | 256,345 |
| Industrial | 52,004 | 9,055 | 61,059 | 6.97 | 362,468 | 63,116 | 425,584 |
| Subtotal | 82,462 | 11,709 | 94,171 | | 986,113 | 117,858 | 1,103,971 |
| Total | | | | | 1,631,840 | 180,997 | 1,812,836 |

Sources: TCAG; Tables 1 and 2, Willdan Financial Services

3. TIF Projects and Project Costs

This chapter presents a description of the transportation improvement projects and the costs of the projects included in the updated TIF program.

TIF Projects

Prior to cost allocation, total project costs must be identified. All projects included in this comprehensive update were included in the prior study with the exception of one project (SR-65). The following projects are included in the TIF program. Some previously identified projects from the first study are no longer listed here because they are now either fully funded or no longer meet the qualifying LOS threshold. They are listed below and displayed in more detail in **Figure 2**.

| | |
|------------|--|
| Project A: | SR-99 from County Line to SR-190 |
| Project B: | SR-99 from SR-190 to Avenue 200y |
| Project C: | SR-99 from Avenue 100 to Prosperity |
| Project F: | SR-99 Aux lanes |
| Project G: | SR-198 from SR-99 to Lovers Lane |
| Project H: | SR-63 from Shannon Pkwy (Ave 314) to Avenue 402 |
| Project J: | SR-137 from Tulare to Lindsay |
| Project K: | SR-190 from Westwood Rd to Reservation Road (Rd 284) |
| Project L: | Road 140 from Avenue 280 to Avenue 256 |
| Project M: | SR-65 from SR-137 to SR-198 |

State Route 99 is a 4/5 lane freeway that runs in a north-south direction providing a regional connection within the San Joaquin Valley. State Route 99 has a landscaped median that separates the roadway section into 2 travel lanes per direction. State Route 99 is planned to be widened from 4 to 6-lanes in the future through the Caltrans Interregional Improvement Program (IIP) and Proposition 1B funds.

State Route 198 (Sierra Drive) is a 4-lane divided freeway from State Route 99 to Road 204 near Exeter. East of Spruce Road, State Route 198 continues east to the Sequoia National Park entrance will serving communities of Lindcove, Lemon Cove and Three Rivers. West of State Route 99 and east of Road 204, State Route 198 operates as a 2-lane highway. State Route 198 is proposed to be improved to a four lane expressway between the cities of Hanford and Visalia. State Route 198 serves commercial, residential, recreational, retail and agricultural land uses.

State Route 63 is a north-south, four to six-lane arterial that runs through eastern Tulare and extends through Visalia to Fresno County. This roadway is known as State Route 63 (Mooney Boulevard) from Visalia (State Route 198) to Tulare Avenue (State Route 137). North of downtown Visalia, SR-63 is known as Dinuba Blvd and connects Visalia with the communities of Cutler and Orosi.

State Route 65 is a north-south highway/freeway segment that begins at State Route 198 and continues into Kern County. Within Tulare County State Route 65 serves Exeter (Kaweah Avenue), Lindsay, Strathmore, Porterville, Terra Bella and rural Tulare County. State Route 65 in Porterville is constructed to freeway standards from just south of State Route 190 to just north of Henderson Avenue. State Route 65 also provides a connection to Bakersfield for south county residents and serves agricultural, commercial, residential and educational land uses.

State Route 137 (Tulare-Lindsay Highway) also known as Inyo and Tulare Avenues, is a two to four-lane arterial type facility that runs in an east-west direction through Tulare. State Route 137 begins in Corcoran (Kings County), continues east through Tulare and ends west of Lindsay at State Route 65. State Route 137 serves primarily agricultural and residential land uses in the rural areas and retail/commercial within Tulare.

State Route 190 is an east-west, two to four-lane arterial type facility that extends from the Sierra foothills through the City of Porterville to the community of Tipton on SR-99. It is the primary east-west corridor through the City of Porterville.

Road 140 (Lovers Lane) is a north-south street that serves Visalia as well as central Tulare County. Lovers Lane is four-lanes north of Caldwell Avenue and it tapers from four to two-lanes to the south. Lovers Lane serves a variety of urban land uses north of Caldwell Avenue. South of Caldwell Avenue, Lovers Lane transitions to a rural two lane road; it primarily serves agricultural land uses. Road 140 begins at Saint John Parkway in Visalia and extends south to Avenue 192.

[illegible]

Project Costs

Cost estimates are shown in **Table 4**. Cost estimates used in this study were developed by developed by TCAG. Alternative funding from state and federal sources is subtracted from the total project costs to determine the net cost of projects to be included in the TIF. As noted in the table, some project costs have not been included because the projects have been substantially completed or no longer met the LOS requirement for inclusion.

Table 4: Project List

| ID | Route | From | To | Total Cost | Federal/ State | RTIF | Net TIF Cost |
|----------------------------|----------|-----------------|------------------|------------------------|-------------------|------|-----------------------|
| A | SR-99 | County Line | SR-190 | \$ 342,000,000 | 80% | 20% | \$ 68,400,000 |
| B | | SR-190 | Avenue 200 | \$ 146,000,000 | 80% | 20% | \$ 29,200,000 |
| C | | Avenue 200 | Prosperity | 76,000,000 | 80% | 20% | 15,200,000 |
| D ² | | Prosperity | Caldwell | - | 80% | 20% | - |
| E ² | | Caldwell | Goshen | - | 80% | 20% | - |
| F | SR-198 | Aux lanes | | 55,000,000 | 9% | 91% | 50,050,000 |
| G1 | | SR-99 | Akers | 45,000,000 | 10% | 90% | 40,500,000 |
| G2 | | Akers | SR 63 | 30,000,000 | 10% | 90% | 27,000,000 |
| G3 | | SR 63 | Lovers Lane | 46,000,000 | 10% | 90% | 41,400,000 |
| G4 ¹ | | Lovers Ln | Rd 156 | - | | | - |
| H1 ³ | SR-63 | Avenue 402 | Avenue 368 | 36,000,000 | 10% | 90% | 32,400,000 |
| H2 | | Avenue 368 | Avenue 312 | 55,000,000 | 10% | 90% | 49,500,000 |
| I ¹ | | Visalia | Tulare | - | | | - |
| | SR-65 | SR-137 | SR-198 | 120,000,000 | 85% | 15% | 18,000,000 |
| J | SR-137 | Tulare | Lindsay | 145,000,000 | 10% | 90% | 130,500,000 |
| K1 | SR-190 | SR 65 | Blue Heron Pkwy | 103,000,000 | 25% | 75% | 77,250,000 |
| K2 ⁴ | SR-190 | Blue Heron Pkwy | Reservation Road | 106,000,000 | 25% | 75% | 79,500,000 |
| K3 | SR-190 | Westwood Rd | SR 65 | 22,000,000 | 10% | 90% | 19,800,000 |
| L | Road 140 | Avenue 280 | Avenue 256 | 7,000,000 | 0% | 100% | 7,000,000 |
| Total Highway Costs | | | | \$1,334,000,000 | | | \$ 685,700,000 |
| Zone Costs | | | | 15,200,000 | 0% | 100% | 15,200,000 |
| Total RTIF Costs | | | | \$1,349,200,000 | | | \$ 700,900,000 |

¹ Project Costs Excluded Because Project no longer exceeds LOS threshold.

² Projects already funded and substantially completed.

³ \$48.2 million of total \$125 million allocated to fee program.

⁴ Total cost is \$206 million, with \$100 million coming from Measure R.

Source: Willdan Financial Services.

Table 4b, below, details the zone costs for the north and south zones.

Table 4b: Zone Projects

| Road Segments | Improvement | Cost |
|---|--------------------------|-------------------|
| North Zone | | |
| Road 56 (Avenue 416 to State Route 201) | Operational Improvements | 820,000 |
| Merritt/Road 44 (Traver to Avenue 384) | Operational Improvements | 1,080,000 |
| Avenue 384 (State Route 99 to Road 56) | Operational Improvements | 1,450,000 |
| Avenue 416 & Road 104 | Install traffic signal | 190,000 |
| Avenue 384 & Road 56 | Install traffic signal | <u>190,000</u> |
| Total | | 3,730,000 |
| South Zone | | |
| Road 100 (Visalia limits to Avenue 264 - Liberty) | Operational Improvements | 2,810,000 |
| Avenue 264 (State Route 99 to Road 100) | Operational Improvements | 360,000 |
| Road 180 (State Route 198 to Avenue 288) | Operational Improvements | 420,000 |
| Avenue 288 (Road 180 to Belmont Road - Exe.) | Operational Improvements | 420,000 |
| Belmont Road (Avenue 288 to Exeter Limits) | Operational Improvements | 210,000 |
| Avenue 240 & Road 140 | Install traffic signal | 190,000 |
| Avenue 248 & Road 140 | Install traffic signal | 190,000 |
| Avenue 288 & Road 156 | Install traffic signal | 380,000 |
| Avenue 296 (Mineral King) & Road 156 | Install traffic signal | 380,000 |
| Avenue 304 & Road 68 | Install traffic signal | 190,000 |
| Avenue 328 & Road 108 | Install traffic signal | 190,000 |
| Avenue 328 & Ben Maddox Way | Install traffic signal | 190,000 |
| Avenue 272 & Road 140 | Install traffic signal | 190,000 |
| Main Street (Porterville Limits to Avenue 112 - TB) | Operational Improvements | 1,510,000 |
| Richgrove Drive (State Route 65 to Kern Co.) | Operational Improvements | 2,700,000 |
| Avenue 152 & Road 208 | Install traffic signal | 190,000 |
| Avenue 256 & Road 204 (Spruce Road) | Install traffic signal | 190,000 |
| Leggett Street & Date Avenue | Install traffic signal | 190,000 |
| Main Street & North Grand Avenue (Orange Belt Driv | Install traffic signal | 380,000 |
| State Road & Washington Avenue | Install traffic signal | 190,000 |
| Total | | 11,470,000 |
| Grand Total | | 15,200,000 |

Sources: Tulare County Association of Governments, Willdan Financial Services.

4. Cost Allocation and Fee Calculation

This first half of this chapter documents a reasonable relationship between increased travel demand from new development within the County and the share of roadway improvement costs that are associated with the need to accommodate that growth. The second part of this chapter describes the traffic impact mitigation fee calculations.

Impact of Growth on Transportation Facilities

The analysis of how growth impacts transportation facilities that are included in the TIF was accomplished by running the following three scenarios in the TCAG traffic model:

- ♦ Base year (2010) County General Plan land uses;
- ♦ 2040 County General Plan land uses with no improvements to the road network (*2040 Without Improvements* scenario); and
- ♦ 2040 County General Plan land uses with TIF improvements added to the road network (*2040 With Improvements* scenario).

Changes in the performance of roadways between scenarios inform the TIF Program's allocation of costs between new and existing development. The metric of performance used in the TIF is level of service (LOS). LOS data is used from the model runs to allocate the total cost of each project to the TIF program.

LOS is calculated based on the volume of traffic on a roadway or at an intersection compared to the capacity of the roadway or intersection. LOS "A," "B," and "C" suggest that delays are insignificant to acceptable. LOS "D" suggests tolerable delays although traffic is significant and some short-term back-ups occur. LOS "E" and "F" suggest restricted speeds and significant delays as traffic volumes meet or exceed the capacity of the facility.

Existing Deficiencies

Existing roadways and intersections that do not meet County LOS standards are considered existing deficiencies. All projects included in this study are not currently deficient, and will become deficient in the future due to trip growth from new development, unless traffic improvements are constructed to mitigate new development's impacts.

For each project included in the TIF, **Table 5** documents existing LOS and future LOS with no TIF projects, and future LOS with TIF projects. Without the TIF projects included in the fee, these segments would ultimately have an unacceptable LOS. Project costs with no existing deficiencies can be allocated 100% to new development after accounting for alternative funding sources. Projects that are either new roadways or new extensions have no existing level of service deficiencies and no deficiency share is allocated to existing development.

Table 5: Level of Service

| ID | Route | From | To | Base Year | | 2040 | |
|----|--------------------|-----------------|------------------|-----------|-----|--------|-----|
| | | | | ADT | LOS | ADT | LOS |
| A | SR-99 | County Line | SR-190 | 45,000 | B | 61,000 | D |
| B | SR-99 | SR-190 | Avenue 200 | 55,000 | C | 76,000 | F |
| C | SR-99 | Avenue 200 | Prosperity | 56,000 | C | 78,000 | F |
| D | SR-99 | Prosperity | Caldwell | 56,000 | C | 87,000 | F |
| E | SR-99 | Caldwell | Goshen | 56,000 | C | 81,000 | F |
| F | SR-99 | Aux lanes | | | | | |
| G1 | SR-198 | SR-99 | Akers | 56,000 | C | 70,000 | E |
| G2 | SR-198 | Akers | SR 63 | 64,000 | D | 83,000 | F |
| G3 | SR-198 | SR 63 | Lovers Lane | 65,000 | D | 89,000 | F |
| G4 | SR-198 | Lovers Ln | Rd 156 | 32,000 | A | 48,000 | B |
| H1 | SR-63 ¹ | Avenue 402 | Avenue 368 | 9,600 | B | 15,000 | F |
| H2 | SR-63 | Avenue 368 | Avenue 312 | 7,600 | A | 12,000 | D |
| I | SR-63 | Visalia | Tulare | 29,500 | C | 27,000 | B |
| | SR-65 | SR-137 | SR-198 | 9,500 | B | 12,237 | D |
| J | SR-137 | Tulare | Lindsay | 11,100 | C | 47,000 | F |
| K1 | SR-190 | SR 65 | Blue Heron Pkwy | 25,100 | A | 38,000 | E |
| K2 | SR-190 | Blue Heron Pkwy | Reservation Road | 11,200 | C | 19,000 | F |
| K3 | SR-190 | Westwood Rd | SR 65 | 5,800 | A | 20,000 | F |
| L | Road 140 | Avenue 280 | Avenue 256 | 8,200 | A | 22,000 | F |

Notes: ADT = Average Daily Trips; LOS = Level of Service

Source: KHA.

Select Link Analysis

Select link runs of the travel demand model were conducted for each of the projects included in the TIF. A select link analysis identifies where the traffic that will be using each roadway improvement is coming from and going to. With this information, the fair share of the cost of the improvement can be allocated to new development in each of the two fee zones identified earlier in this report, and these proportional costs included in the impact fee calculated for each zone.

For fee assignment purposes, there are four categories of trips identified through each select link process:

1. Trips that both start and end in Tulare County;
2. Trips that have an origin in Tulare County, and a destination outside the County;
3. Trips that have an origin outside the Tulare County, and a destination in the County;
4. Trips that have neither an origin nor a destination in Tulare County, but are using a County roadway to pass through the County.

Trip types that fall into Category 4 are “external” trips, and are not subject to the fee program. Although these through trips take up capacity on the roadway and thereby contribute to the need for the improvement, local development cannot be held responsible for the impact of external traffic on the transportation system. The proportion of external trips on the selected link is applied

to the cost of the improvement, and that portion of the improvement cost is not included in the impact fee program. The portion of the improvements that cannot be funded by local development must be covered with other local, state, and federal funding sources.

Table 6 details the allocation between the North and South zones based on the select link analysis.

Table 6: Select Link Allocation

| ID | Route | From | To | Net TIF Cost | North Zone | South Zone |
|----------------------------|----------|-----------------|------------------|----------------------|-------------------|--------------------|
| A | SR-99 | County Line | SR-190 | \$ 68,400,000 | - | 68,400,000 |
| B | | SR-190 | Avenue 200 | 29,200,000 | 468,000 | 28,732,000 |
| C | | Avenue 200 | Prosperity | 15,200,000 | 472,000 | 14,728,000 |
| D | | Prosperity | Caldwell | - | - | - |
| E | | Caldwell | Goshen | - | - | - |
| F | SR-198 | Aux lanes | | 50,050,000 | 4,995,900 | 45,054,100 |
| G | | SR-99 | Akers | 108,900,000 | 10,971,000 | 97,929,000 |
| H1 | | Avenue 402 | Avenue 368 | 32,400,000 | 15,858,000 | 16,542,000 |
| H2 | | Avenue 368 | Avenue 312 | 49,500,000 | 24,039,000 | 25,461,000 |
| I | | Visalia | Tulare | - | - | - |
| J | SR-63 | SR-137 | SR-198 | 18,000,000 | 1,797,149 | 16,202,851 |
| K1 | SR-137 | Tulare | Lindsay | 130,500,000 | 6,138,000 | 124,362,000 |
| K2 | SR-190 | SR 65 | Blue Heron Pkwy | 77,250,000 | 309,000 | 76,941,000 |
| K3 | SR-190 | Blue Heron Pkwy | Reservation Road | 79,500,000 | - | 79,500,000 |
| L | SR-190 | Westwood Rd | SR 65 | 19,800,000 | 79,200 | 19,720,800 |
| | Road 140 | Avenue 280 | Avenue 256 | \$ 7,000,000 | - | 7,000,000 |
| Total Highway Costs | | | | \$685,700,000 | 65,127,249 | 620,572,751 |
| Zone Costs | | | | 15,200,000 | 3,730,000 | 11,470,000 |
| Total RTIF Costs | | | | \$700,900,000 | 68,857,249 | 632,042,751 |

Source: Willdan Financial Services.

All other trip types with an origin, destination or both in Tulare County are subject to the fee program as these trips are related to future development in the County. **Appendix A** contains the select link analysis detail.

Fee per Trip Demand Unit

Every impact fee consists of a dollar amount, or the cost of projects that can be funded by a fee, divided by a measure of development. In the case of the TIF, all fees are first calculated as a cost per trip demand unit. Then these amounts are translated into housing unit (\$/unit) and employment space (\$/1,000 square feet) by multiplying the cost per trip by the trip generation rate for each land use category. These amounts become the fee schedule.

Table 7 calculates the cost per trip for Zones 1 and 2. Cost per trip is calculated by dividing the total project costs allocated to each zone from the select link analysis, by the total trip growth in that zone.

Table 7: Cost per Trip

| | North Zone | South Zone | Countywide |
|---------------|---------------|----------------|----------------|
| Net Costs | \$ 68,857,249 | \$ 632,042,751 | \$ 700,900,000 |
| Trip Growth | 180,997 | 1,631,840 | 1,812,836 |
| Cost Per Trip | \$ 380 | \$ 387 | \$ 387 |

Sources: Kimley Horn; Willdan Financial Services.

Based on the cost per trip calculated above, **Table 7** shows the Traffic Impact Fee schedule, by land use. The fee for a given land use is calculated by multiplying the cost per trip by the trip demand factor for that land use from **Table 1**.

Table 8: Transportation Impact Fee Schedule

| Land Use | A Cost Per Trip | B Trip Rate Assumption | C = A x B D = C x 0.02 | | E = C + D | E / 1,000 |
|-----------------------|-----------------------|---------------------------------|---------------------------|---------------------------------|------------------------|--------------------|
| | | | Base Fee ¹ | Admin Charge ^{1, 2} | Total Fee ¹ | Fee per Sq. Ft. |
| North Zone | | | | | | |
| <u>Residential</u> | | | | | | |
| Single Family | \$ 380 | 9.57 | \$ 3,637 | \$ 73 | \$ 3,710 | |
| Multi-family | 380 | 6.65 | 2,527 | 51 | 2,578 | |
| <u>Nonresidential</u> | | | | | | |
| Commercial | \$ 380 | 42.94 | \$ 16,317 | \$ 326 | \$ 16,643 | \$ 16.64 |
| Office | 380 | 11.01 | 4,184 | 84 | 4,268 | 4.27 |
| Industrial | 380 | 6.97 | 2,649 | 53 | 2,702 | 2.70 |
| South Zone | | | | | | |
| <u>Residential</u> | | | | | | |
| Single Family | \$ 387 | 9.57 | \$ 3,704 | \$ 74 | \$ 3,778 | |
| Multi-family | 387 | 6.65 | 2,574 | 51 | 2,625 | |
| <u>Nonresidential</u> | | | | | | |
| Commercial | \$ 387 | 42.94 | \$ 16,618 | \$ 332 | \$ 16,950 | \$ 16.95 |
| Office | 387 | 11.01 | 4,261 | 85 | 4,346 | 4.35 |
| Industrial | 387 | 6.97 | 2,697 | 54 | 2,751 | 2.75 |
| Combined Zone | | | | | | |
| <u>Residential</u> | | | | | | |
| Single Family | \$ 387 | 9.57 | \$ 3,704 | \$ 74 | \$ 3,778 | |
| Multi-family | 387 | 6.65 | 2,574 | 51 | 2,625 | |
| <u>Nonresidential</u> | | | | | | |
| Commercial | \$ 387 | 42.94 | \$ 16,618 | \$ 332 | \$ 16,950 | \$ 16.95 |
| Office | 387 | 11.01 | 4,261 | 85 | 4,346 | 4.35 |
| Industrial | 387 | 6.97 | 2,697 | 54 | 2,751 | 2.75 |

¹ Persons per dwelling unit or per 1,000 square feet of nonresidential.

² Administrative charge of 2.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

Sources: Tables 1 and 5; Willdan Financial Services.

An administrative charge of two percent of the total impact fee is also calculated in Table 6. The administrative charge funds costs that include: (1) a standard overhead charge applied to County programs for legal, accounting, and other departmental and countywide or citywide administrative

support, (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses. Revenue from the administrative charge should be tracked and compared against actual costs. Adjustments in the percentage collected for the administrative component should be made if warranted.

5. Implementation

This chapter provides guidance on major TIF Program implementation actions that Tulare County may wish to take. The guidance provided in this study is not a substitute for legal advice and County and City staff will want to consult with its legal counsel regarding final decisions on how to comply with the *Mitigation Fee Act (Act)*.

TIF Program Adoption Process

Impact fee program adoption procedures are found in the *California Government Code* section 66016. Adoption of an impact fee program requires the Board of Supervisors and City Council to follow certain procedures, including ensuring availability of support documents and a public hearing.

Subject to the advice of legal counsel, the Board of Supervisors and City Council should make a finding that adoption of the proposed fees is consistent with both agency processes and with California Government Code Sections 66016 through 66019 (sections of the Code which codified the *Mitigation Fee Act* and establish requirements for the impact fee implementation process.) The County should:

- ♦ At least 10 days prior, publish notice of a public hearing on the proposed impact fee.
- ♦ At least 14 days prior, send a notice of a public hearing to any party that has submitted a written request for such a notice.
- ♦ At least 10 days prior to the hearing, make this report and all supporting documentation such as transportation planning and finance documents available for review by the public.
- ♦ Hold the public hearing to consider a resolution adopting the TIF.
- ♦ Adopt a resolution establishing the TIF fee schedule.

Reporting Requirements

The County of Tulare should comply with the annual and five-year reporting requirements of the *Act*. Reports should document fees collected, expended, and programmed, along with current fee account balances.

Fee Collection and Expenditure

To ensure a reasonable relationship between each fee and the type of development paying the fee, growth projections distinguish between different land use types. The land use types used in this analysis are:

- ♦ **Single family:** Detached one-family dwelling units.
- ♦ **Multi-family:** All attached multi-family dwellings such as apartments and condominiums, plus mobile homes, duplexes, and dormitories.
- ♦ **Commercial:** All commercial development including retail, hotel, motel.
- ♦ **Office:** All general, professional, and medical office development.

- ♦ **Industrial:** All manufacturing, warehouse, agricultural and vehicle and freight terminal development.

Some developments may include more than one land use type, such as apartments over ground floor retail or a planned unit development with both single and multi-family uses. In these cases the TIF would be calculated separately for each land use type.

The County of Tulare should have the discretion to impose the TIF based on the specific aspects of a proposed development regardless of zoning. The guideline to use is the daily trip generation, adjusted for trip length and pass-through rates. The fee imposed should be based on the land use type that most closely represents the trip generation of the development.

Pursuant to *California Government Code* section 66007 (b), fees will be collected at the time of the issuance of a building permit or certificate of occupancy.

Renovations and Changes in Use

Impact fees should be charged to new development projects that increase the demand for transportation facilities. Accordingly, impact fees would generally not be charged for building renovations, unless new dwelling units or new nonresidential space is created.

If a renovation is associated with a change in use that results in increased trip demand factor, the difference between the fees that would have been charged for the prior use and the new use may be charged. For example, if commercial space is renovated and converted to offices, the County may charge the difference between the office impact fees and the commercial impact fees.

Inflation Adjustment

This impact fee program should be kept up to date by periodically adjusting the fees for inflation. Such adjustments should be completed regularly to ensure that new development will fully fund its share of needed facilities. There are no inflation indices that are specific to Tulare County. We recommend that the Engineering News Record's national Building Cost Index (BCI) be used to estimate the change in construction costs. While there is a BCI calculated for nearby San Francisco, use of the national BCI is recommended because it is not as susceptible to wide variations as the local index.

While fee updates using inflation indexes are appropriate for periodic updates to ensure that fee revenues keep up with increases in the costs of transportation improvements, TCAG will also need to conduct more extensive updates of the fee documentation and calculation when significant new data on growth projections and/or improvement project plans become available.

6. Mitigation Fee Act Findings

Development impact fees are one-time fees typically imposed on development projects by local agencies responsible for regulating land use (cities and counties). To guide the widespread imposition of public facilities fees, the State Legislature adopted the *Mitigation Fee Act (Act)* with Assembly Bill 1600 in 1987 and subsequent amendments. The *Act*, contained in *California Government Code* sections 66000 through 66025, establishes requirements on local agencies for the imposition and administration of fee programs. The *Act* requires local agencies to document five findings when adopting a fee.

Sample text that may be used for the five statutory findings required for adoption of the impact fee is presented in this chapter and supported in detail by Chapters 2 and 3 of this report. All statutory references below are to the *Act*. The County should consult with its legal counsel for final drafting of these findings.

Purpose of Fee

For the first finding the County must:

Identify the purpose of the fee. (§66001(a)(1))

The purpose of this fee is to ensure that new development will contribute toward the cost of transportation facility improvements necessary to accommodate the types and quantities of growth identified by the County's General Plan. Section TC-1.4 of the County's General Plan states: "The County shall work to enhance funding available for transportation projects. This includes... transportation impact fees to pay for appropriate construction, enhancement, and maintenance of transportation facilities." The fee advances a legitimate public interest by enabling the County to fund improvements to its transportation infrastructure required to accommodate new development.

Use of Fee Revenues

For the second finding the County must:

Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged. (§66001(a)(2))

The TIF will fund a portion of approximately \$446 million of transportation facility projects. These projects are identified in Table 4 of this document. Additional funding from other sources is required to fully fund these improvements.

Costs for planned transportation improvements are preliminarily identified in this report. Costs funded by the TIF may include fee collection and accounting, project administration and management, design and engineering, right-of-way acquisition, and construction. Fee revenues will be used for the sole purpose of expanding capacity in the countywide transportation system

to accommodate new development. The share of project costs representing external, inter-regional trips will be funded with non-fee revenues from other sources. The TIF will not be used for the purpose of correcting existing deficiencies in the transportation system.

Benefit Relationship

For the third finding the County must:

Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. (§66001(a)(3))

The County will restrict fee revenues to capital projects that expand capacity to serve new development. Improvements funded by the TIF will provide the additional residents and workers from new development in the County with the transportation infrastructure required to meet the County's level of service roadway standards.

These capital improvements are required to maintain acceptable levels of service as additional traffic volume accompanies development. The planned projects identified in this report will expand the capacity of the region's transportation system to accommodate the increased trips generated by new development. Thus, there is a reasonable relationship between the use of fee revenues and the residential and nonresidential types of new development that will pay the fee.

Burden Relationship

For the fourth finding the County must:

Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed. (§66001(a)(4))

New dwelling units and building square footage are indicators of the demand for transportation improvements needed to accommodate growth. As additional dwelling units and building square footage are constructed, the occupants of these structures generate additional demand on the countywide transportation system.

The need for the TIF is based on projections of growth that show an increase in trip generation and a decrease in level of service primarily as a result of new development. The estimated impacts from new development are based on trip demand factors that vary by land use category, providing a reasonable relationship between the type of development and the need for improvements.

Proportionality

For the fifth finding the local agencies must:

Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed. (§66001(b))

This reasonable relationship between the TIF imposed on a specific development project and the cost of the facilities attributable to that project is based on the estimated vehicle trip demand that the project will add to the County's transportation system. The total fee for a specific residential

development is based on the number and type of new dwelling units multiplied the trip demand factor, which is based on the trip generation rate for the applicable residential land use category.

The fee for a specific nonresidential development is based in a similar manner on the amount of building square footage by land use category. Larger projects generate more vehicle trips and pay a higher fee than smaller projects of the same land use category. Thus, the fee schedule ensures a reasonable relationship between the TIF for a specific development project and the cost of the regional transportation improvements attributable to the project.

Appendix A – TIF Re-evaluation Triggers

The attached memo summarizes the events that would trigger a recalculation/re evaluation of the TIF fees.



210 N. Church, Suite B
Visalia, California 93291
Phone (559)623-0450
Fax (559)733-6720
www.tularecog.org

TULARE COUNTY TRAFFIC IMPACT FEE STUDY TECHNICAL ADVISORY COMMITTEE

***Consensus Efforts (This is an incomplete draft and not a recommendation for presentation or Board
consideration) Updated May 18, 2012***

The following is a compilation of key items that tend to have overall agreement. As progress is made, the list will be adjusted.

Overall

1. The TAC should be a part of the recommendation process to the TCAG Board when the TIF gets to stage of formal review and consideration.
2. The Traffic Study represents the “Ceiling” of projects and not a recommendation.
3. The Traffic Study should more clearly explain the model and at a minimum reference model documentation.
4. Given the revised costs, the potential/projected 20 year TIF fees are too high and not likely to be financially feasible.

TIF Fee triggers for fee re-evaluation (or traffic analysis review)

1. Any time significant funding is received for a regional project not assumed in the TIF calculation.
 - a. Example: More funding received for SR-99 that reduces the 20% TIF share
 - b. Example: Federal funding is received for a state highway
2. When the cumulative amount of new funding exceeds _____ not assumed in the TIF calculation.
 - a. Example: 10 signals receive safety funding.
 - b. Example: Small amount of funding is received on four regional projects
3. When significant change to the construction cost index occurs (This has not been discussed but implied)
 - a. When the economic down turn happened a few years ago, the cost of construction significantly decreased
 - b. When the natural disaster Katrina occurred a number of years ago, key construction materials significantly increased such as steel and PCC
4. TCAG major model update (This occurs approximately every 5 years)
5. Major revision to a member agency Circulation Element (This has not been discussed but implied)
6. Not a trigger per se, but for TIF purposes new project funding should be assumed in place if:
 - a. The new funding is programmed in the four year FTIP
 - b. The new funding is programmed into the five year STIP
 - c. The new funding is amended into the Measure R Expenditure plan

Appendix B – Comparable Fee Programs

The following tables detail a survey of the fees charged by comparable jurisdictions.

Table B-1
Comparable County and Regional Fees

| Jurisdiction | TCAG RTIF (06/13) | | Fresno | Kings | Kern | San Joaquin TIMF+RTIF | | Madera County | | Merced County | Yuba County |
|---------------------------------|-------------------|---------|---------|-------|------|-----------------------|---------|---------------|---------|---------------|-------------|
| | Low | High | | | | Low | High | Low | High | | |
| Fee per Single Family Unit | \$1,421 | \$2,840 | \$1,727 | \$0 | \$0 | \$3,894 | \$4,570 | \$4,136 | \$9,091 | \$1,375 | \$2,756 |
| Fee per SF of Retail/Commercial | 3.39 | 6.04 | 1.96 | 0 | 0 | 6.86 | 8.57 | 3.15 | 6.92 | 1.23 | 12.65 |
| Fee per SF of Office/Commercial | 1.74 | 3.10 | 1.23 | 0 | 0 | 4.28 | 4.93 | 1.28 | 2.82 | 0.00 | 6.33 |
| Fee per SF of Industrial | 1.10 | 1.96 | 0.49 | 0 | 0 | 2.59 | 3.01 | 0.86 | 1.89 | 0.62 | 2.53 |

Willdan Financial Services, 2013

Table B-2
City Fees

| Fee Type | Visalia | Fresno | | Bakersfield | | Modesto | | Hanford | Delano | Wasco | Clovis | |
|---------------------------------|---------|--------|---------|-------------|----------|----------|----------|---------|---------|-------|--------|---------|
| | | Low | High | Low | High | Low | High | | | | Low | High |
| Fee per Single Family Unit | \$4,592 | \$697 | \$2,263 | \$7,747 | \$12,870 | \$14,066 | \$14,066 | \$1,734 | \$1,632 | \$724 | \$423 | \$4,773 |
| Fee per SF of Retail/Commercial | 11.33 | 1.86 | 6.46 | 2.02 | 3.35 | 6.89 | 10.30 | 7.38 | 7.32 | 3.25 | 0.40 | 5.46 |
| Fee per SF of Office/Commercial | 5.07 | 1.42 | 4.61 | 0.95 | 1.00 | 6.74 | 13.20 | 1.52 | 1.88 | 0.83 | 0.40 | 5.46 |
| Fee per SF of Industrial | 1.59 | 0.21 | 0.68 | 0.78 | 7.99 | 1.95 | 2.64 | 0.99 | 1.19 | 0.53 | 0.25 | 3.41 |

Willdan Financial Services, 2013

**Table B-3
Combined Fees**

| Fee Type | Visalia | Modesto | | Fresno | | Bakersfield | |
|---------------------------------|---------|----------|----------|---------|---------|-------------|----------|
| | | Low | High | Low | High | Low | High |
| Fee per Single Family Unit | \$7,432 | \$18,074 | \$18,074 | \$2,424 | \$3,990 | \$7,747 | \$12,870 |
| Fee per SF of Retail/Commercial | 17.37 | 8.73 | 12.14 | 3.82 | 8.42 | 2.02 | 3.35 |
| Fee per SF of Office/Commercial | 8.17 | 9.97 | 16.43 | 2.65 | 5.84 | 0.95 | 1.00 |
| Fee per SF of Industrial | 3.54 | 3.42 | 4.11 | 0.70 | 1.17 | 0.78 | 7.99 |

Willdan Financial Services, 2013

Appendix C – Traffic Modeling Analysis

This appendix includes traffic modeling analysis prepared by Kimley-Horn and Associates.

Model Outputs and LOS Calculations

[illegible]

Select Link Analysis for Daily Model Outputs

| ID | Roadway Segment | Between (From / To) | 2009 Count (1) | | | 2010 Model on 2010 Network - Unadjusted | | | 2040 Output Analyzed Using 2010 Network - Unadjusted (2) | | | 2010 to 2040 Volume Delta | PM Peak Hour Model Output | | | Daily Model Output (Excludes E-E Trips) | | | | | 2010 to 2040 Daily Traffic Characteristics | | | |
|---|-----------------|--------------------------------|----------------|---------------|---------|---|---------------|---------|--|---------------|---------|---------------------------|---------------------------|-------|-------|---|--------|--------|--------------------|--------------------|--|--------------------|------------------------------|------|
| | | | Daily | Model Type/Ln | LOS (1) | Daily | Model Type/Ln | LOS (1) | Volume | Model Type/Ln | LOS (1) | | 2010 | 2040 | Delta | 2010 | 2040 | Delta | North TIF District | South TIF District | North TIF District | South TIF District | TCAG (at least one trip end) | E-E |
| A | SR-99 | County Line to SR-190 | 45,000 | 1-2 | B | 46,344 | 1-2 | B | 61,994 | 1-2 | D | 15,649 | 4,311 | 5,597 | 1,286 | 13,930 | 23,783 | 9,853 | 33 | 9,819 | 0.3% | 99.7% | 63% | 37% |
| B | SR-99 | SR-190 to Avenue 200 | 55,000 | 1-2 | C | 54,821 | 1-2 | C | 75,765 | 1-2 | F | 20,945 | 4,928 | 6,806 | 1,878 | 23,884 | 38,710 | 14,826 | 286 | 14,539 | 1.9% | 98.1% | 71% | 29% |
| C | SR-99 | Avenue 200 to Prosperity | 56,000 | 1-2 | C | 58,788 | 1-2 | C | 80,693 | 1-3 | F | 21,906 | 5,214 | 6,972 | 1,758 | 28,521 | 44,666 | 16,145 | 424 | 15,721 | 2.6% | 97.4% | 74% | 28% |
| D | SR-99 | Prosperity to Caldwell | 56,000 | 1-2 | C | 52,356 | 1-2 | B | 83,769 | 1-3 | F | 31,413 | 4,999 | 7,921 | 2,922 | 25,177 | 52,049 | 26,872 | 2,575 | 24,298 | 9.6% | 90.4% | 86% | 14% |
| E | SR-99 | Caldwell to Goshen | 56,000 | 1-2 | C | 48,327 | 1-2 | B | 72,827 | 1-3 | F | 24,500 | 4,738 | 7,161 | 2,423 | 22,368 | 41,938 | 19,570 | 1,990 | 17,580 | 10.2% | 89.8% | 80% | 20% |
| F | | Aux lanes | | | | | | | | | | | | | | | | | | | | | | |
| G1 | SR-198 | SR 99 to Akers | 56,000 | 1-2 | C | 18,900 | 1-2 | A | 32,891 | 1-2 | E | 13,992 | 2,083 | 3,632 | 1,549 | 21,716 | 37,843 | 16,127 | 2,322 | 13,805 | 14.4% | 85.6% | 115% | -15% |
| G2 | SR-198 | Akers to SR 63 | 64,000 | 1-2 | D | 21,760 | 1-2 | A | 40,990 | 1-2 | F | 19,230 | 2,328 | 4,415 | 2,086 | 24,606 | 45,968 | 21,362 | 2,342 | 19,020 | 11.0% | 89.0% | 111% | -11% |
| G3 | SR-198 | SR 63 to Lovers Lane | 65,000 | 1-2 | D | 38,251 | 1-2 | A | 61,847 | 1-2 | F | 23,596 | 4,036 | 6,178 | 2,143 | 45,214 | 69,949 | 24,735 | 1,614 | 23,121 | 6.5% | 93.5% | 105% | -5% |
| G4 | SR-198 | Lovers Ln to Rd 156 | 32,000 | 1-2 | A | 34,876 | 1-2 | A | 50,479 | 1-2 | B | 15,603 | 3,971 | 6,759 | 2,788 | 44,111 | 59,088 | 14,977 | -188 | 15,165 | -1.3% | 101.3% | 96% | 4% |
| H1 | SR-63 | Avenue 384 to Avenue 368 | 9,600 | 2-2 | B | 20,872 | 2-2 | F | 26,617 | 2-2 | F | 5,745 | 3,346 | 4,266 | 920 | 37,883 | 48,341 | 10,457 | 5,100 | 5,357 | 48.8% | 51.2% | 182% | -82% |
| H2 | SR-63 | Avenue 368 to Avenue 312 | 7,600 | 2-2 | A | 23,161 | 2-2 | F | 27,732 | 2-2 | D | 4,571 | 3,617 | 4,336 | 719 | 40,891 | 49,080 | 8,189 | 3,934 | 4,255 | 48.0% | 52.0% | 179% | -79% |
| I | SR-63 | Visalia to Tulare | 22,400 | 2-4 | C | 38,189 | 2-4 | E | 36,096 | 2-4 | B | -2,092 | 3,330 | 3,160 | -169 | 38,476 | 36,320 | -2,156 | -140 | -2,016 | 6.5% | 93.5% | 103% | -3% |
| J | SR-137 | Tulare to Lindsay | 11,100 | 2-2 | C | 24,226 | 2-2 | F | 60,460 | 3-4 | F | 36,234 | 2,200 | 5,365 | 3,165 | 24,509 | 61,066 | 36,558 | 1,548 | 35,010 | 4.2% | 95.8% | 101% | -1% |
| K1 | SR-190 | SR 65 to Hillcrest St | 25,100 | 1-2 | B | 16,979 | 1-2 | A | 29,668 | 1-3 | | 12,690 | 1,586 | 3,312 | 1,725 | 17,076 | 29,740 | 12,664 | 68 | 12,596 | 0.5% | 99.5% | 100% | 0% |
| K2 | SR-190 | Hillcrest St to Reservation Rd | 11,200 | 2-2 | C | 10,938 | 2-2 | C | 19,125 | 2-2 | F | 8,187 | 990 | 1,656 | 666 | 11,003 | 19,191 | 8,188 | 1 | 8,187 | 0.0% | 100.0% | 100% | 0% |
| K3 | SR-190 | Westwood Rd to SR 65 | 5,800 | 2-2 | A | 7,683 | 2-2 | A | 21,413 | 3-4 | F | 13,730 | 680 | 1,700 | 1,020 | 7,688 | 21,283 | 13,595 | 21 | 13,574 | 0.2% | 99.8% | 99% | 1% |
| L | Road 140 | Avenue 280 to Avenue 256 | 8,200 | 2-2 | A | 26,365 | 2-2 | F | 39,813 | 2-2 | F | 13,448 | 2,512 | 3,280 | 768 | 27,992 | 41,098 | 13,106 | -348 | 13,454 | -2.7% | 102.7% | 97% | 3% |
| (1) TCAG 2012 TIF Report | | | | | | | | | | | | | | | | | | | | | | | | |
| (2) Analysis completed using 2040 volumes generated on 2040 network | | | | | | | | | | | | | | | | | | | | | | | | |
| (3) Project costs for K2 include those related to K1 | | | | | | | | | | | | | | | | | | | | | | | | |
| (4) Unless noted the project is needed prior to 2040 | | | | | | | | | | | | | | | | | | | | | | | | |
| 2040 LOS E or worse - potential additional Select Zone Analysis (if requested) | | | | | | | | | | | | | | | | | | | | | | | | |
| 2040 LOS D or better - not anticipated to require additional Select Zone Analysis | | | | | | | | | | | | | | | | | | | | | | | | |
| Project calculations not valid given traffic reduction between 2010 and 2040 | | | | | | | | | | | | | | | | | | | | | | | | |

Select Link Analysis for PM Peak Hour Output

| ID | Segment | PM Peak Hour Model Output (Excludes E-E Trips) | | | | | 2010 to 2040 PM Peak Hour Traffic Characteristics | | | |
|----|----------|---|-------|-------|--------------------------|--------------------------|--|--------------------------|---------------------------------------|-----|
| | | 2010 | 2040 | Delta | North TIF District | South TIF District | North TIF District | South TIF District | TCAG (at least one trip end) | E-E |
| A | SR-99 | 1,384 | 2,305 | 921 | -4 | 925 | -0.5% | 100.5% | 72% | 28% |
| B | SR-99 | 2,115 | 3,501 | 1,386 | 22 | 1,364 | 1.6% | 98.4% | 74% | 26% |
| C | SR-99 | 2,405 | 3,672 | 1,267 | 40 | 1,228 | 3.1% | 96.9% | 72% | 28% |
| D | SR-99 | 2,228 | 4,605 | 2,378 | 252 | 2,125 | 10.6% | 89.4% | 81% | 19% |
| E | SR-99 | 2,041 | 3,886 | 1,845 | 226 | 1,619 | 12.3% | 87.7% | 76% | 24% |
| F | | | | | | | | | | |
| G1 | SR-198 | 2,080 | 3,632 | 1,552 | 225 | 1,327 | 14.5% | 85.5% | 100% | 0% |
| G2 | SR-198 | 2,327 | 4,415 | 2,088 | 228 | 1,860 | 10.9% | 89.1% | 100% | 0% |
| G3 | SR-198 | 4,032 | 6,151 | 2,119 | 127 | 1,991 | 6.0% | 94.0% | 99% | 1% |
| G4 | SR-198 | 3,968 | 6,732 | 2,764 | -28 | 1,349 | -1.0% | 48.8% | 99% | 1% |
| H1 | SR-63 | 3,255 | 4,147 | 893 | 437 | 455 | 49.0% | 51.0% | 97% | 3% |
| H2 | SR-63 | 3,526 | 4,218 | 692 | 336 | 355 | 48.6% | 51.4% | 96% | 4% |
| I | SR-63 | 3,330 | 3,160 | -169 | -10 | -159 | 5.9% | 94.1% | 100% | 0% |
| J | SR-137 | 2,153 | 5,259 | 3,106 | 146 | 2,960 | 4.7% | 95.3% | 98% | 2% |
| K1 | SR-190 | 1,586 | 3,312 | 1,725 | 7 | 1,109 | 0.4% | 64.3% | 100% | 0% |
| K2 | SR-190 | 990 | 1,656 | 666 | 0 | 666 | 0.0% | 100.0% | 100% | 0% |
| K3 | SR-190 | 680 | 1,656 | 976 | 4 | 1,231 | 0.4% | 126.1% | 96% | 4% |
| L | Road 140 | 2,512 | 3,280 | 768 | -64 | 833 | -8.4% | 108.4% | 100% | 0% |



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Operation, Use, and Maintenance Covenant on City-Owned Downtown Parking Lot

SOURCE: Community Development

COMMENT: The real property assets of the City of Porterville include 14 parking lots. In addition, the former Porterville Redevelopment Agency real property assets include four parking lots in the downtown district. Staff was contacted by a representative of the property owner of 259 North Main Street inquiring about the long-term plans of the downtown City-owned parking lot adjacent to 259 North Main Street. On August 12, 2015, staff received a letter from the owner's representative requesting that the City record an operation, use, and maintenance covenant on the City-owned parking lot on the corner of Hockett Street and Cleveland Avenue to ensure that the parking lot remains public parking to serve the merchants downtown.

In an effort to preserve the public parking in the Downtown District, an Operation, Use, and Maintenance Covenant could be placed on a City-owned parking lot outlined in the attached exhibit to ensure that said parking lots will be maintained for the use of public parking. On March 10, 2011, the Former Porterville Redevelopment Agency approved the recordation of an Operation, Use, and Maintenance Covenant on the parking lots under the ownership of the agency.

The Downtown Parking Management and Implementation Study, conducted in 2011, states that the health and vitality of the Downtown District is dependent, in part, on an adequate and well-maintained parking supply. The study anticipates the demand for parking to increase with the growth in population. The recordation of an Operation, Use, and Maintenance Covenant on the parking lot would send a message to assure downtown businesses of the City's commitment to the success of the Downtown District. A potential consequence of recording the Operation, Use, and Maintenance Covenant agreement is that it would likely need to be rescinded if the City elected to sell the land, or the property would likely be less valuable.

RECOMMENDATION: That the City Council:

1. Approve the draft Resolution;
2. Authorize the Mayor to execute all necessary documents; and
3. Authorize staff to record with the County Recorder an

Operation, Use, and Maintenance Covenant running with the land on the City-owned parking lot on the southeast corner of Hockett Street and Cleveland Avenue.

ATTACHMENTS:

1. Locator Map
2. Request for Restrictive Covenant
3. Draft Resolution
4. Operation, Use and Maintenance Covenants Agreement

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



Source: Esri, DigitalGlobe, GeoEye, Earthstar-Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

August 12, 2015

Jenni Byers
Acting Director of Development
CITY OF PORTERVILLE
291 N. Main Street
Porterville, CA 93257

Re: Restrictive Covenant for Public Parking Lot
APN: 252-185-008
SEC W. Cleveland and N. Hockett
Porterville, CA

Dear Jenni:

As agents of the ownership of 259 N. Main Street, we are requesting that the City of Porterville ("City") record an operation, use and maintenance covenant similar to the restrictive covenant the City has on Redevelopment Agency parking lots in the Downtown area. The purpose of which would be to restrict the use of the public parking to only that use and for no other purpose. This restrictive covenant would be for the property identified by yellow highlighting on the attached page currently noted as "City of Porterville Parking Lot".

Please contact me should you have any questions or comments.

Sincerely,
COLLIERS TINGEY INTERNATIONAL, INC.



John S. Hale
Senior Vice President/Principal

cc: David Kieffer
Jason Alexander

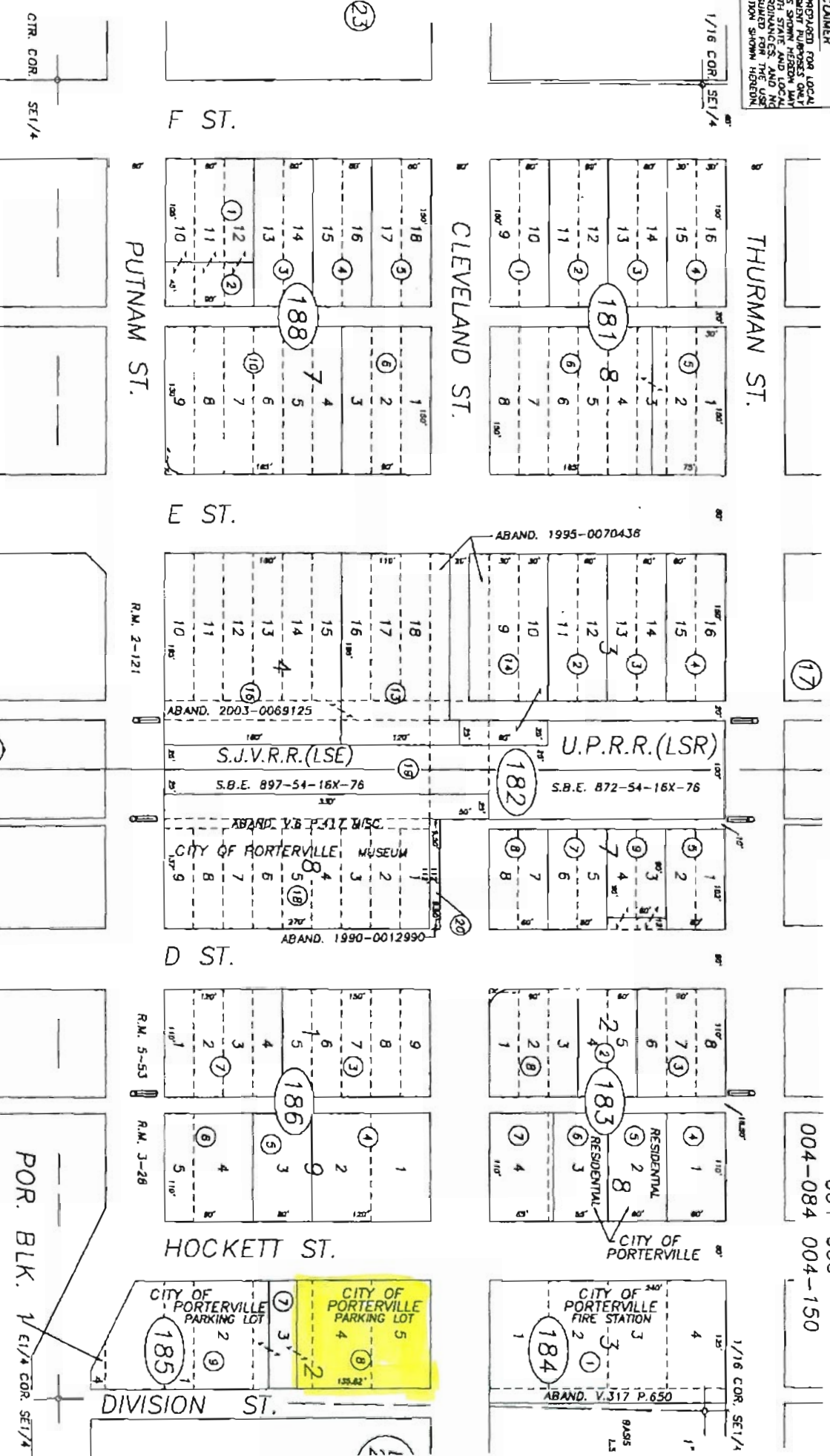
DISCLAIMER
 THIS MAP IS FOR LOCAL
 PURPOSES ONLY. IT DOES NOT
 REPRESENT THE STATE OF
 CALIFORNIA, AND NO
 WARRANTY IS MADE BY
 THE STATE OF CALIFORNIA
 IN CONNECTION WITH THIS
 MAP.

S1/2 OF NE1/4 OF SE1/4, SEC.26, T.21S, R.27E, M.D.B&M. Tax Area Codes 252-
 004-000
 004-084 004-150

POR. EL BONITO TRACT,
 POR. B. HOCKETT'S ADDITION,
 POR. HOCKETT & PARKHURST NORTH EXTENTION,
 R.M. 2-121
 R.M. 3-28
 R.M. 5-53

CITY OF PORTERVILLE
 ASSESSOR'S MAPS BK.252 , PG.18
 COUNTY OF TULARE, CALIFORNIA, U.S.A.

NOTE: Assessor's Parcel Numbers Shown in Circles
 Assessor's Block Numbers Shown in Ellipses



MAP CHANGE ONLY 03/02/2017
 REVISION DATE

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING CERTAIN OPERATION, USE AND MAINTENANCE COVENANTS FOR SPECIFIC PARKING FACILITIES WITH RESPECT TO CERTAIN REAL PROPERTY IN THE CITY AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

WHEREAS: The City of Porterville owns real property generally located at the southeast corner of Hockett Street and Cleveland Avenue in the city ("Property"). The Property is legally described in Exhibit A, which is attached hereto and incorporated herein by this reference.

WHEREAS: The City of Porterville acquired the Property for public purposes, specifically the public purpose of providing public parking in the downtown area of the city.

WHEREAS: The public parking provided by the parking lot supports commerce in the downtown area.

WHEREAS: The City desires to ensure that the Property is used and operated solely as public parking for transient parking purposes and is maintained in a clean, safe, and sanitary condition, free of graffiti, trash and debris throughout the entire Term hereof in order to support, benefit and eliminate blight within the city of Porterville.

NOW, THEREFORE, BE IT RESOLVED: That the recitals and conditions of Exhibit B, incorporated hereto in reference establish operation, use, and maintenance covenants for the parking facility identified as Tulare County Assessor Parcel Number 252-185-008 and further described in Exhibit A.

PASSED, APPROVED AND ADOPTED this ____ day of September, 2015.

By: _____
Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

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 a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the _____ day of September, 2015.

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

| | | | | | |
|----------|-------|----------|------|---------|-------|
| Council: | STOWE | HAMILTON | WARD | GURROLA | REYES |
| AYES: | | | | | |
| NOES: | | | | | |
| ABSENT: | | | | | |
| ABSTAIN: | | | | | |

JOHN D. LOLLIS, City Clerk

 By: Patrice Hildreth, Chief Deputy City Clerk

LEGAL DESCRIPTION

Exhibit "A"

Lots Four (4) and Five (5) and the North 45 feet of Lot Three (3) in Block Two (2) of B. Hockett's Addition, in the City of Porterville, County of Tulare, State of California, as per map recorded in Book 3, Page 28 of maps, in the office of the County Recorder of said County

252-185-008

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

City of Porterville
291 North Main Street
Porterville, California 93257
Attention: City Clerk

This document is exempt from the payment of a recording fee pursuant to Government Code Sections 6103 and 27383.

**OPERATION, USE AND MAINTENANCE COVENANTS RUNNING WITH THE LAND
(Parking Facilities)**

These **OPERATION, USE AND MAINTENANCE COVENANTS RUNNING WITH THE LAND (Parking Facilities)** ("Covenants") are made as of September 1, 2015 ("Date of Covenants") by the **City of Porterville**, with respect to that certain real property located in the City of Porterville ("City") and described in Attachment No. 1, which is attached hereto and incorporated herein by this reference (collectively, the "Properties").

RECITALS

A. The City of Porterville acquired the Properties for public purposes, specifically the public purpose of providing public parking in the downtown area of the city.

B. The public parking provided at the corner of Hockett Street and Cleveland Avenue supports commerce in the downtown area.

D. The City desires to ensure that the Properties are used and operated solely as public parking for transient parking purposes and are maintained in a clean, safe and sanitary condition, free of graffiti, trash and debris, throughout the entire Term hereof, in order to support, benefit and eliminate blight within the City of Porterville.

NOW, THEREFORE, the City hereby covenants, for itself and any and all successors in interest to the Properties or any portion thereof, as follows:

1. Covenants re Use, Operation and Maintenance of Properties. Until expiration of the Term hereof, the Properties shall be used, operated, and maintained as public parking facilities for transient public parking only. Such parking facilities may be maintained as surface parking lots or, if authorized by the City Council of the City ("City Council"), parking structures may be constructed at the Properties. The City Council may establish rules and regulations relating to the operation of the Properties, including without limitation, restrictions on hours of operation and duration of use, reasonable charges for parking, and restrictions on loitering or public gatherings, as the City Council approve from time to time in its reasonable discretion.

2. Maintenance and Security Covenants. The Properties and all improvements thereon (including the landscaping and lighting required by the applicable land use approvals) shall be maintained in compliance with the terms of these Covenants, the Redevelopment Plan and all

applicable federal, state and local laws, rules and regulations applicable to the Properties. The operation, use, security and maintenance of the Properties shall be accomplished in accordance with these Covenants and shall include regular landscape maintenance, graffiti removal, and trash and debris removal.

3. Failure to Maintain Improvements. In the event the Properties are not maintained in the manner set forth herein, the City shall have the right to maintain the Properties and the improvements thereon, or to contract for the correction of such deficiencies, after written notice to the last known assessee of the applicable portion of the Properties, at his or her last known address as shown on the last equalized assessment roll of Tulare County. Upon notification of any maintenance deficiency, the owner of the applicable Properties shall have thirty (30) days within which to correct, remedy or cure the deficiency. If the written notification states the problem is urgent and relates to the public health and safety, then the owner of the applicable Properties shall have forty -eight (48) hours to rectify the problem.

In the event such maintenance deficiency is not cured after notification and after the period of correction has lapsed, then City shall have the right to maintain such Properties and charge the cost of such maintenance back to the owner of the applicable Properties. Until such costs are paid, City shall have a lien on the applicable Properties for the amount of such reasonable charges or costs, which lien shall be perfected by the recordation of a "Notice of Claim of Lien" against the applicable Properties. Upon recordation of a Notice of Claim of Lien against the applicable Properties, such lien shall constitute a lien on the fee estate in and to the applicable Properties prior and superior to all after-recorded monetary liens. Any lien in favor of City created or claimed hereunder is expressly made subject and subordinate to any mortgage or deed of trust made in good faith and for value, recorded as of the date of the recordation of the Notice of Claim of Lien describing such lien as aforesaid, and no such lien shall in any way defeat, invalidate, or impair the obligation or priority of any such mortgage or deed of trust, unless the mortgage or beneficiary thereunder expressly subordinates his interest, of record, to such lien. No lien in favor of City created or claimed hereunder shall in any way defeat, invalidate, or impair the obligation or priority of any lease, sublease or easement unless such instrument is expressly subordinated to such lien. Upon foreclosure of any mortgage or deed of trust made in good faith and for value and recorded prior to the recordation of any unsatisfied Notice of Claim of Lien, the foreclosure purchaser shall take title to the applicable Properties free of any lien imposed by Agency or City that has accrued up to the time of the foreclosure sale, and upon taking title to the applicable Properties, such foreclosure purchaser shall only be obligated to pay costs associated with these Covenants accruing after the foreclosure purchaser acquires title to the applicable Properties. City may also pursue any and all other remedies available in law or equity. The owner of the applicable Properties against which such charges or liens are applied shall be liable for any and all attorneys' fees, expert witness fees, and other legal costs or fees incurred in collecting said maintenance costs.

4. Code Enforcement. The City and their employees and authorized agents shall have the right to conduct code compliance and/or code enforcement inspections of the Properties, both exterior and interior (if applicable), at reasonable times and upon reasonable notice to the last known assessee of the applicable Properties, at his or her last known address as shown on the last equalized assessment roll of Tulare County.

5. Nondiscrimination. There shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and

paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises which are the subject of these Restrictive Covenants, nor shall the grantee or any person claiming under or through him or her, establish or permit any practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land. The foregoing covenants shall run with the land and remain in effect for perpetuity.

All deeds, leases or contracts with respect to the Properties shall contain or be subject to substantially the following nondiscrimination or nonsegregation clauses:

5.1 In deeds: “The grantee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises herein conveyed, nor shall the grantee or any person claiming under or through him or her, establish or permit any practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land.”

5.2 In leases: “The lessee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through him or her, and this lease is made and accepted upon and subject to the following conditions:

“That there shall be no discrimination against or segregation of any person or group of persons, on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased nor shall the lessee himself or herself, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, sublessees, subtenants, or vendees in the premises herein leased.”

5.3 In contracts: “There shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises which are the subject of these Restrictive Covenants, nor shall the grantee or any person claiming under or through him or her, establish or permit any practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land.”

6. Effect of Restrictive Covenants. The covenants and agreements established in these Covenants shall, without regard to technical classification and designation, run with the land and be binding on each owner of the Properties and any successor in interest to the Properties, or any part thereof, for the benefit of and in favor of the the City and their successors and assigns, for the entire Term specified herein.

7. Remedies. The City may institute legal action to cure, correct, or remedy any default hereunder, to recover damages for any default hereunder, or to obtain any other remedy consistent with the purpose of these Covenants, including actions for specific performance. Such legal actions must be instituted in the Superior Court of the County of Tulare, State of California or in the Federal District Court in the Eastern District of California. The owner of the Properties shall be liable for any and all attorneys' fees, expert witness fees, and other legal costs or fees incurred in enforcing the terms hereof. Except as otherwise expressly stated in these Covenants, the rights and remedies of the Agency and City are cumulative and the exercise by the City of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default hereunder.

8. Recordation. These Covenants shall be recorded against the Properties in the official records of Tulare County.

9. California Law. These Covenants shall be construed in accordance with the laws of the State of California.

10. Third Party Beneficiary. The City of Porterville is an intended third party beneficiary of these Covenants, with full right (but no obligation) to enforce all terms and provisions hereof. Other than the City, no third party beneficiaries are intended, and the only parties who are entitled to enforce the provisions of these Covenants are the City and their respective successors and assigns.

11. Term. The "Term" of these Covenants shall commence on the Date of Covenants and shall continue until terminated by the City Council in accordance with Section 14.

12. No Violation of Existing Restrictions. These Covenants are intended to be and shall be construed in a manner consistent with all existing restrictions and encumbrances that are recorded against or affect the Properties (or any portion thereof) as of the Date of Covenants ("Existing Restrictions"). To the extent any portion of these Covenants conflict with Existing Restrictions, the conflicting provision(s) shall be of no further force and effect for so long as the subject Existing Restrictions affect the applicable Properties; provided, the provisions of these Covenants shall be reinstated upon termination or expiration of the subject Existing Restrictions and all provisions of these Covenants that do not conflict with Existing Restrictions shall continue in full force and effect.

13. Severability. If any provision of these Covenants or portion thereof, or the application to any person or circumstances, shall to any extent be held invalid, inoperative or unenforceable, the remainder of these Covenants, or the application of such provision or portion thereof to any other persons or circumstances, shall not be affected thereby.

14. Modification or Termination of Covenants. These Covenants may be modified or terminated only by a Resolution adopted by the City Council.

IN WITNESS WHEREOF, the City of Porterville hereby restricts the use, operation and maintenance of the Properties as set forth in these Operation, Use and Maintenance Covenants Running with the Land (Parking Facilities).

CITY OF PORTERVILLE

By: _____
Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

ATTACHMENT NO. 1

LEGAL DESCRIPTION

Exhibit "A"

That real property located in the State of California, County of Tulare, City of Porterville, and described as follows:

Lots Four (4) and Five (5) and the North 45 feet of Lot Three (3) in Block Two (2) of B. Hockett's Addition, in the City of Porterville, County of Tulare, State of California, as per map recorded in Book 3, Page 28 of maps, in the office of the County Recorder of said County

252-185-008



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Medical Cannabis Ordinance- Review of First Year

SOURCE: Community Development

COMMENT: On September 16, 2014, at a continued Public Hearing on the subject, the City Council approved an ordinance regarding the cultivation of medical cannabis for individual use. The ordinance was intended to represent a compromise where public safety, land use authority, and property owner rights are balanced with the needs of those who are authorized to use medical cannabis through the Medical Marijuana Program Act. At the time the ordinance was approved, staff was directed to bring an item back to the Council after the first year to review any issues or concerns that came up during the initial period of implementation.

When Ordinance 1817 became effective on November 7, 2014, the typical growth cycle of cannabis plants had ended. This presumably explains why staff received no calls, interest inquiries, or permit applications for months afterward. The first application for a Medical Cannabis Cultivation permit was received in February 2015. To date, staff has received fourteen complete applications, and all fourteen have been approved. Two additional applications were brought forward but are not yet complete; once all required information is submitted, these applications will be processed. Staff typically works to process the permits within two days of receipt, but in instances where the State Department of Justice identifies the applicant with an existing criminal history, the background report is reviewed by the Police Department and the process may take a few more days.

The Police Department reports a negligible change in documented gardens resulting from the ordinance. Since the ordinance's adoption, as in years past, residents call to report illegal grows in neighbor's yards. This year, the number of documented gardens stands at 33, a slight reduction from 34 gardens documented in the 2014 growing season. However, as we enter the final months of the growing season, it is suspected that more gardens will be identified. As reports of gardens are received, a police officer and the code enforcement officer visit the site and provide comments and instructions on how to come into compliance. In May, the first series of visits included nine gardens. Four of those have since come into compliance, and one other has removed the garden. The remaining four are under notice to comply, and staff is working with the growers to obtain compliance in a manner consistent with other code enforcement efforts.

There have been no reports of violent criminal activity related to the permitted gardens. However, since the growing season began in March, the Police Department has responded to 5 criminal gardens with nearly 600 plants and

approximately 20 pounds of processed product seized. In addition, there have been five associated arrests. Cannabis-related fire activity had not been distinctly monitored in years past, although certain fire events were quite clearly a result of an illegal (and often indoor) garden. Since the ordinance was approved, staff has noted two fires related to cannabis. The first, in December of 2014, was a result of processing of cannabis indoors. The second, in June of 2015, was initiated by combustion of mulch kept for use in the cannabis garden. Neither of these gardens had a permit through the City.

Since the ordinance's adoption, various changes in other state laws have been implemented which could impact the Council's initial intent. For example, Proposition 47 was approved by ballot initiative in November 2014. This action reduced many drug-related crimes from felonies to misdemeanors and allows previous felony convictions to be reduced to a misdemeanor upon petition to the Courts. As currently adopted, the Ordinance restricts applicants from obtaining a permit if they or any other resident has a drug-related felony conviction in the past seven years. It may also be noteworthy to the Council that violent criminal convictions, if not drug related, do not prohibit an applicant from receiving a permit.

Another State mandate that could be seen as a conflict with the cannabis ordinance is Executive Order B-29-15, which requires the City to enforce water conservation efforts. The City of Porterville is currently in Phase III of its Water Conservation Plan which allows outdoor watering not more than two days per week. The Medical Cannabis Ordinance requires that all plants be outdoors in either a secured, fenced area or within an accessory structure. The California Department of Fish and Wildlife estimates that a single marijuana plant uses six to eight gallons of water per plant, per day. Other sources note that, depending on the variety of plant, whether or not it is within a greenhouse, and whether or not it is planted in a pot or in the ground, water usage could be much less - as low as two gallons of water per day. In any event, the daily requirement for water is inconsistent with other outdoor watering restrictions. A review of water usage of the permitted gardens show that most properties remain within a typical residential water consumption rate. However, one of the permit holders has water usage over the last few months as much as three times higher than that of an average household. Whether or not this relates to the garden is not certain.

Dispensaries and cooperatives are not permitted with the adopted ordinance, and, in fact, a previously drafted ordinance regarding dispensaries was repealed with the adoption of the current ordinance. Ordinance 1734, adopted in 2007, included language that would only become effective at such time as the federal law changed to permit the legal operation of medical marijuana dispensaries and/or cooperatives. Because of its outdated language and the fact that the federal laws had not changed, the language was repealed with the adoption of Ordinance 1817. At that time, the Council was advised that in the event permitting of dispensaries or cooperatives was desired by the Council, new language would be drafted and brought forward that better represented the changing legislative and regulatory climate of medical cannabis in California. While no changes to City medical cannabis regulations are proposed at this time, some members of City Council did

express an interest in revisiting the subject as part of the annual review of Ordinance 1817, due in part to the zoning and sensitive use restrictions contained in the Ordinance. Although no complaints were received in the past year in regards to the restrictions, the Council may wish to provide direction to have further research presented at a future meeting. On a related note, certain staff members joined the Mayor and Vice Mayor to tour one such facility in Tulare County. The information shared by the manager of that cooperative association was enlightening and could certainly be considered a resource in the event Council chooses to modify or amend the existing ordinance to accommodate such a facility.

RECOMMENDATION: That the City Council review the information provided herein and, if desired, provide direction to gather additional information or schedule a public hearing to consider modifications to the existing ordinance.

ATTACHMENTS: 1. Ordinance 1817
 2. September 16, 2014 Staff Report
 3. Ordinance 1734 (Repealed)

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

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

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, of 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.

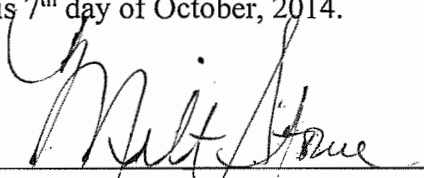
SECTION 5. Series 700: General Terms, Chapter 700.02 is hereby amended to add in alphabetical order "Use, Sensitive" to definitions to read as follows:

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.

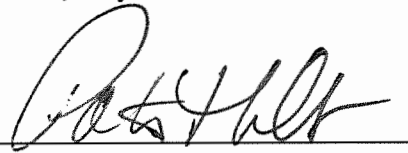
By:


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)

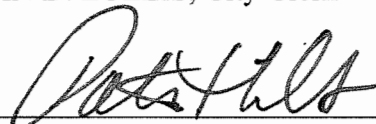
I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

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 COUNCIL AGENDA: SEPTEMBER 16, 2014

PUBLIC HEARING - CONTINUED

TITLE: DRAFT ORDINANCE CONCERNING MEDICAL CANNABIS/MARIJUANA CULTIVATION

SOURCE: CITY ATTORNEY/COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On September 2, 2014, the City Council of the City of Porterville, at its regularly scheduled meeting, conducted a public hearing to hear testimony from the public and consider all information in the record relating to the draft ordinance concerning medical marijuana cultivation. In an effort to resolve proposed amendments, the Council called for a continuation of the public hearing to the meeting of September 16th.

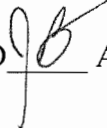
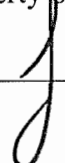
The Council directed that the following items be amended:

- 301.23(e)2 – Remove restriction of 600 foot radius between allowed cultivation areas.
- 301.23(e)3 – Concerns raised, but no clear direction provided. Language previously proposed: No medical cannabis cultivation site shall be located within 1,000 feet of a sensitive use.
- 301.23(e)8 – Concerns raised, but no clear direction provided. Language previously proposed: 16 plants would be permitted, not more than four (4) indoors and not more than 12 outdoors.
- 301.23(e)20 – Remove requirement for cultivation area to be secured by an alarm at all times during growing season.
- 301.23(j)4 – Identify Section 601.11 as the proper appeals process in the Development Ordinance. 301.23(m) has been amended as well to further clarify the appeal process.

Staff is requesting Council direction for the distance of cultivation sites to sensitive uses, as well as clarification on the number of plants to be permitted.

ENVIRONMENTAL: The Environmental Coordinator made a determination that approving the draft ordinance (“project”) is not subject to the California Environmental Quality Act pursuant to §15060(c)(2) of the California Code of Regulations. Staff had also considered the exemption of the proposed ordinance from CEQA in accordance with §15061(b)(3) (General Rule), §15304 (Minor alterations to land), §15321 (Enforcement actions by regulatory agencies), §15311 (Accessory structures), but after careful evaluation came to the conclusion that the adoption of the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.

CONCLUSION: The draft ordinance is a result of multiple compromises, where public safety, land use authority, and property owner rights are balanced with the needs of those

DD  Appropriated/Funded N/A CM 

Item No. 15

who are authorized to use medical cannabis. The draft ordinance would provide opportunity to those medical cannabis users to cultivate it with less residual effects to neighboring property owners or the general public. If the ordinance is approved, staff will bring forth a report in one year's time to review any issues or concerns that came up during the initial period of implementation.

RECOMMENDATION: That the City Council:

1. Consider any additional public testimony;
2. Finalize the noted areas where there were concerns;
3. Approve the proposed ordinance for medical cannabis cultivation and give first reading to the draft Ordinance; and
4. Waive further reading and order the Ordinance to print.

ATTACHMENT: Draft Ordinance

ORDINANCE NO. _____

**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. |**

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. 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.
 2. 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.
 3. 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.
 4. Medical Cannabis Cultivation Area. The area allowed for the growing and preparation of medical cannabis.
 5. 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.
 6. 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.
 7. 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.).
 8. Medical Cannabis Preparation. Includes, but is not limited to: manicuring, drying, curing, pressing, cooking, baking, infusing, grinding, bagging, packaging, rolling.
 9. Medical Cannabis Preparation Facility. A facility at which medical cannabis is processed for supply to a medical cannabis distribution facility.

10. Qualified Patient. As defined in Cal. Health and Safety Code §§ 11362.7 et seq., and as it may be amended from time to time.

11. 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. ~~Medical cannabis cultivation areas shall be located no closer than 600 feet from one another;~~

3. No medical cannabis cultivation site shall be located within ~~1000~~ * feet of a sensitive use “use, sensitive” as defined in Chapter 700;

4. 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;

5. The qualified patient shall reside at the residence where the medical cannabis cultivation occurs;

6. 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);

7. Cultivation of medical cannabis for personal use shall not displace required off-street parking, or violate any other provisions of the Porterville Municipal Code;

8. 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 16 plants; with not more than four (4) cultivated indoors and twelve (12) cultivated outdoors;

9. The use of gas products (e.g., CO2, butane, etc.) for medical cannabis cultivation is prohibited;

10. There shall be no exterior evidence of medical cannabis cultivation occurring at the property, from a public right-of-way;

11. Medical cannabis cultivation is prohibited as a home occupation;

12. No distribution of medical cannabis cultivated for personal use shall be allowed other than as otherwise authorized by this Code;

13. 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;
14. 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;
 15. Medical cannabis cultivation lighting shall not exceed 1,200 watts;
 16. 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);
 17. 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;
 18. 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;
 19. 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;
 20. ~~Medical cannabis cultivation areas shall be secured by a functioning audible alarm at all times during growing seasons;~~
 21. 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;
 22. 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
 23. 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, of 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.
 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. Any person aggrieved by any of the requirements of this section may appeal in so far as such appeals are allowed pursuant to Section ___ of the Porterville Municipal 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 16th day of September, 2014.

By: _____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO.1734

**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, AND ADDING ARTICLE VII,
SECTIONS 15-85 THROUGH 15-105, TO CHAPTER 15 OF THE PORTERVILLE
MUNICIPAL CODE, CONCERNING MEDICAL MARIJUANA DISPENSARIES AND
OTHER OPERATIONS**

WHEREAS, state and federal laws concerning the issue of medical marijuana dispensaries are in direct conflict; and

WHEREAS, the City finds that it is in the best interest of the community to deny business licenses to applicants desiring to open a medical marijuana dispensary within city limits, at least until such time as the issuance of such a license would not be in direct conflict with federal law; and

WHEREAS, the City desires to have a section in place in its municipal code, which governs medical marijuana dispensaries, in the event federal law is modified to permit such activities.

BE IT ORDAINED by the Council of the City of Porterville 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 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. Inasmuch as 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, and whereas the concept of medical marijuana dispensaries, which are defined by the

California Compassionate Use Act of 1996 and SB 420, directly conflict with federal marijuana laws, all applications for medical marijuana dispensaries shall be denied. Should federal marijuana laws, at any time, be altered or amended to accommodate for the operation of medical dispensaries, Section 15-17 of this Municipal Code shall govern such licenses, but only to the extent that it conforms with all applicable local, state and federal laws.

SECTION 2. Article VII, Sections 15-85 through 15-105, is hereby added to Section 15 of the Porterville Municipal Code to read as follows:

ARTICLE VII. MEDICAL MARIJUANA DISPENSARIES

Section:

| | |
|--------|---|
| 15-85 | Purpose and Intent |
| 15-86 | Definitions |
| 15-87 | Enforcement of Article |
| 15-88 | Medical Marijuana Business Permit Required |
| 15-89 | Applications |
| 15-90 | Term, Renewals and Fees |
| 15-91 | Notifications |
| 15-92 | Investigation and Action on Applications |
| 15-93 | Grounds for Denial of Permit |
| 15-94 | Appeal from Denial |
| 15-95 | Suspension or Revocation of Permit |
| 15-96 | Judicial Review |
| 15-97 | Effect of Denial or Revocation |
| 15-98 | Operating Requirements |
| 15-99 | Zoning and Development Standards |
| 15-100 | Minors |
| 15-101 | Display of Permit |
| 15-102 | Transfer of Permits |
| 15-103 | Violation of Article: Enforcement |
| 15-104 | Severability |
| 15-105 | Existing Medical Marijuana Dispensaries; Time Limit for Filing Application for Permit |

15-85. Purpose and Intent; Effective Date. It is the purpose and intent of this ordinance to provide direction concerning medical marijuana dispensaries, in the event federal law is altered to accommodate the legal operation of such, in a manner that will promote the health, safety, and general welfare of the residents and businesses within the city. It is not the intent nor effect of this ordinance to restrict or deny qualified patients access to marijuana for medical purpose as intended by the passage of the Compassionate Use Act of 1996 and SB 420 in 2004. Neither is it the intent nor effect of this ordinance to condone or legitimize the use of marijuana. **This Article shall not go into effect unless and until and only to the extent federal law changes to permit the legal operation of medical marijuana dispensaries and/or cooperatives.**

15-86. Definitions All definitions set forth in Health & Safety Code sections 11362.5 and 11362.7 *et seq.*, as may be amended, including but not limited to the terms “attending physician”, “person with an identification card”, “serious medical conditions”, shall apply under this Ordinance in addition to the definitions set for as follows:

“Applicant” means a person who is required to file an application for a permit under this section, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee or agent of a Medical Marijuana Business.

“City Manager” means the City Manager holding office in the City of Porterville or his or her designee.

“Medical Marijuana” is defined in strict accordance with California Health and Safety Code sections 11362.5, and 11362.7 *et seq.*

“Medical Marijuana Dispensary” means any facility or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or distributed to one or more of the following: (1) a qualified patient, (2) a person with an identification card, or (3) a primary caregiver. All three of these terms are defined in strict accordance with California Health and Safety Code sections 11362.5, and 11362.7 *et seq.* Unless otherwise regulated by this Code or applicable law, a “medical marijuana dispensary” shall not include the following uses: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code sections 11362.5, and 11362.7 *et seq.*

“Medical Marijuana Businesses” means any Medical Marijuana Dispensary; any cultivation and/or processing of medical marijuana operations by primary caregivers for three or more qualified patients or persons with identification cards; or collective or cooperative cultivation operations.

“Cultivation of Medical Marijuana” means the growing of medical marijuana for medical purposes as defined in strict accordance with California Health and Safety Code sections 11362.5, and 11362.7 *et seq.*

“Collective or Cooperative Cultivation” means the association with California of qualified patients, persons with valid identification cards, and designated primary caregivers to cultivate marijuana for medical purposes as defined in strict accordance with California Health and Safety Code sections 11362.5, and 11362.7 *et seq.*

“Processing of Medical Marijuana” means the harvesting of marijuana or the use of any process or equipment, including but not limited to dehydrators or humidifiers, that may be necessary to convert raw marijuana plants or plant parts into a consumable product.

“Permittee” means the person to whom a Medical Marijuana Business permit is issued.

“Written Recommendation” shall have the same definition as California Health and Safety Code section 11362.7 *et seq.*, and as may be amended.

15-87. Enforcement of Article The City Manager of the City of Porterville or his/her designee shall have the responsibility and duty of enforcement of this Article.

15-88. Medical Marijuana Business Permit Required

A. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City of Porterville the operation of a Medical Marijuana Business unless the person first obtains and continues to maintain in full force and effect a Medical Marijuana Business permit from the City of Porterville as herein required.

B. A Medical Marijuana Business shall also be required to apply for and maintain a general City of Porterville business license as a prerequisite to obtaining a permit pursuant to the terms hereof.

C. The total number of permitted medical marijuana dispensaries shall be limited to one dispensary per 25,000 city population. Population shall be determined by the Federal Census Bureau or State Department of Finance. The standard of one dispensary per 25,000 city population may be deviated from upon the submittal of evidence that additional dispensaries are needed to serve the city. Any such evidence shall be approved by the City Council.

15-89. Applications

A. The applicant for a Medical Marijuana Business permit shall submit to the City Manager or designee an application for a permit. The application shall be made under penalty of perjury and shall include the following information:

1. The full name, present address, and telephone number of the applicant;
2. The address to which notice of action on the application is to be mailed;
3. Previous addresses for the past five (5) years immediately prior to the present address of the applicant;

4. Written proof that the applicant is over the age of eighteen (18) years of age.
5. Applicant's height, weight, color of eyes and hair;
6. An identification photograph of the applicant;
7. All business, occupation, or employment of the applicant for the five years immediately preceding the date of the application;
8. The business license history of the applicant, including whether such person, in previously operating in this or another city, county or state under a license has had such license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation;
9. The name or names of the person or persons having the management or supervision of applicant's business;
10. Whether the person or persons having the management or supervision of applicant's business have been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefore;
11. The name of all employees, independent contractors, and other persons who will work at the proposed Medical Marijuana Business;
12. The proposed security arrangements for ensuring the safety of persons, safe and secure storage of the marijuana, and to protect the premises from theft which shall be kept confidential and not disclosed to the public as the public interest is served in preserving the confidentiality of such security arrangements;
13. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the proposed Medical Marijuana Business. The sketch or diagram need not be professionally prepared, but must be drawn with marked dimensions of the interior of the premises;
14. A current and accurate straight-line drawing depicting the building and/or the portion thereof to be occupied by the proposed Medical Marijuana Business;
15. Authorization for the City of Porterville, its agents and employees to seek verification of the information contained within the application;
16. A statement In writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct; and

B. If the applicant has completed the application improperly, or if the application is incomplete, the City Manager or designee shall within ten (10) days of receipt of the original application, notify the applicant of such fact.

C. The fact that an applicant possesses other types of state or City permits or licenses does not exempt the applicant from the requirement of obtaining a Medical Marijuana Business permit.

15-90. Term, Renewals and Fees

A. Unless otherwise suspended or revoked, a Medical Marijuana Business permit shall expire one (1) year following its issuance. An operator of a Medical Marijuana Business may re-apply for a permit for subsequent year(s).

B. Every application for a permit or renewal shall be accompanied by a nonrefundable fee, as established by resolution adopted by the City Council from time to time. This application or renewal fee shall not include fingerprinting, photographing or background check costs and shall be in addition to any other business license fee or permit fee imposed by this code or other governmental agencies.

15-91. Notifications Within ten (10) calendar days of filing an application for a Medical Marijuana Business permit, the applicant shall provide the City Manager or designee with proof that all residents and property owners within 300 feet of the proposed premises have been notified in writing by U.S. mail of the applicant's intent to open such a business and filing of such application.

15-92. Investigation and Action on Application After the background checks and investigation are complete, and in no case later than forty-five (45) days after receipt of a completed application, the City Manager or designee shall determine whether to issue the Medical Marijuana Business permit. The City Manager or designee may grant the permit subject to conditions he or she deems reasonable under the circumstances to protect the public health, safety and welfare of the community. The City Manager or designee shall cause a written notice of his or her decision to issue or deny a permit to be delivered in person or mailed to the applicant by certified U.S. mail, postage prepaid, return receipt requested.

15-93. Grounds for Denial of Permit The grounds for denial of a permit shall be one or more of the following:

A. The business or conduct of the business at a particular location is prohibited by any local or state law, statute, rule or regulation.

B. The applicant has violated any local or state law, statute, rule or regulation relating to medical marijuana business.

C. The applicant has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

D. The applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has been convicted of a felony or

of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee. A conviction within the meaning of this article means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

E. The applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

F. The applicant has committed any act, which, if done by a permittee, would be grounds for suspension or revocations of a permit.

G. An applicant is under eighteen (18) years of age.

H. The Medical Marijuana Business does not comply with the ordinance standards of the City of Porterville Municipal Code or the development standards set forth in this Article.

I. The required application or renewal fees have not been paid.

15-94. Appeal from Denial

A. An applicant aggrieved by the decision of the City Manager or designee to deny a permit may appeal such decision to the City Council by filing a written notice with the City Clerk within ten (10) calendar days of service of the written notice of decision. If an appeal is not taken within such time, the City Manager's decision shall be final.

B. Upon filing of a timely appeal, the permit application shall be scheduled by the City Clerk for a public hearing within forty-five (45) calendar days.

C. Notice of the hearing shall be given by the posting of notice on the premises where the activity is to be conducted for a period of not less than five (5) working days prior to the date of the hearing. In addition, a copy of the notice of hearing shall be mailed to the applicant at least five (5) working days in advance of the hearing. The City Council may give such additional notice of hearing as it deems appropriate in a particular case.

D. Following public hearing, the City Council may grant the permit subject to such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the community or it may deny the issuance of the permit for any of the grounds specified in this Article. The decision of the City Council shall be final.

15-95. Suspension or Revocation of Permit

A. The City Manager or designee may suspend or revoke a permit when the permittee or the permitte's agent or employee has committed any one or more of the following acts:

1. Any act which would be considered a ground for denial of the permit in the first instance.
2. Violates any other provision of this Article or any local or State law, statute, rule or regulation relating to his or her permitted activity.
3. Engages in or permits misconduct substantially related to the qualification, functions or duties of the permittee.
4. Conducts the permitted business in a manner contrary to the health, safety, or welfare of the public.
5. Fails to take reasonable measures to control the establishment's patrons' conduct resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the premises, traffic control problems, or creation of a public or private nuisance, or obstruction of the business operation of another business
6. Violates or fails to comply with the terms and conditions of the permit.

B. Prior to suspension or revocation, the City Manager or designee shall conduct a hearing. Written notice of the time and place of such hearing shall be served upon the permittee at least five (5) working days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery to the permittee or by certified U.S. Mail, postage prepaid, addressed to the permittee at his or her address as it appears in his application for the permit.

C. If any permittee or person acting under the authority of a permittee is convicted of a public offense in any court for the violation of any law which relates to his or her permit, the City Manager or designee may immediately revoke the permit without any further action, other than giving notice of revocation to the permittee. In this circumstance, during the pendency of any appeal to the City Council, the permit shall not remain in effect.

D. Any permittee aggrieved by the decision of the City Manager or designee in suspending or revoking a permit may, within ten (10) calendar days, appeal to the City Council by filing a written notice with the City Clerk. Unless otherwise stated in this Article, during the pendency of the appeal to the Council, the permit shall remain in effect. If such appeal is not taken within ten (10) days, the decision of the City Manager or designee shall be final. If an appeal is timely filed, the appeal shall be held in accordance with the procedures for considering an appeal of the denial of a permit. The City Council may suspend or revoke the permit for any of the grounds specified in this Article. The City Council's decision shall be final.

15-96. Judicial Review Judicial review of a final decision made under this Article may be had by filing a petition for a writ of mandate with the superior court in accordance with the provision of the California Code of Civil Procedure section 1094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in California Code of Civil Procedure section 1094.6, which shall be applicable for such actions.

15-97. Effect of Denial or Revocation When the City Manager or designee has denied or revoked a permit and the time for appeal to the City Council has elapsed, or if after appeal to the City Council, the decision of the City Manager or designee has been affirmed by the City Council, no new application for a permit shall be accepted from the applicant and no permit shall be issued to such person or to any corporation in which he or she shall have any beneficial interest for a period of one (1) year after the action denying or revoking the permit.

15-98. Operating Requirements A Medical Marijuana Business, once permitted by the City Manager or Designee, shall meet the following operating standards for the duration of the use:

A. A Medical Marijuana Business shall be open for business only between the hours of 8:00 a.m. and 8:00 p.m. on any particular day.

B. A Medical Marijuana Business shall maintain a current register of the names of all employees employed by the Business.

C. A Medical Marijuana Business shall maintain a current register of all qualified patients, persons with identification cards and primary caregivers to whom it provides or distributes medical marijuana. Once documented the qualified patients, persons with identification cards and primary caregivers shall be "registered" patrons of the Business. The Business's register shall be subject to periodic inspection to ensure compliance with the state law. The Business shall further maintain records of all patients and primary caregivers using the identification card number only when issued by the county, or its agent, pursuant to California Health and Safety Code section 11362.7 *et seq.*, so as to protect the confidentiality of the cardholders, or a copy of the written recommendation from a physician stating the need for medical marijuana.

D. A Medical Marijuana Business shall post a sign, either at the building entrance or inside at the entrance, with a notice indicating that persons under the age of eighteen (18) years are precluded from entering the premises unless they are a qualified patient and they are in the presence of their parent or guardian.

E. A Medical Marijuana Dispensary may not possess more than eight (8) ounces of dried marijuana per registered qualified patient or primary caregiver on the premises. However, if a qualified patient or primary caregiver has a doctor's recommendation that this quantity does not meet the qualified patient's medical

needs, the dispensary may increase the amount of dried marijuana per the doctor's recommendation, the dispensary may not possess an amount of marijuana in excess of the registered patient's needs.

F. No marijuana shall be smoked, ingested or otherwise consumed on the premises of the Business. The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other immediate surroundings. The building entrance to a Medical Marijuana Business shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming marijuana on the premises or in the vicinity of the Business is prohibited.

G. Any cultivation of medical marijuana or processing of medical marijuana conducted by the Business shall at all times occur in a secure, locked, and fully enclosed structure. No Medical Marijuana Business may cultivate or process more than 99 marijuana plants, whether mature or immature.

H. No Medical Marijuana Business shall hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of the Business.

I. No Medical Marijuana Business shall conduct or engage in the commercial sale of any product, good or service. The term "commercial sale" does not include the provision of medical marijuana on terms and conditions consistent with this Article and the Compassionate Use Act of 1996, and any amendments thereto.

J. A Medical Marijuana Business shall provide adequate security on the premises, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.

K. A Medical Marijuana Business shall provide litter removal services once during each day of operation on and in front of the premises and, if necessary, on public sidewalks within one hundred (100) feet of the premises.

L. A Medical Marijuana Business shall not cultivate, distribute or sell medical marijuana for a profit. A Business may receive compensation for its actual expenses, including reasonable compensation for service provided, or for payment of out-of-pocket expenses incurred in providing those services. However, any such Business must pay applicable sales tax on such sales or services and maintain the applicable seller's permit or similar permit from the State Franchise Tax Board or other applicable agency.

M. A Medical Marijuana Business shall meet all the operating criteria for the dispensing of medical marijuana as required pursuant to California Health and Safety Code sections 11362.5 and 11362.7 *et seq.*

N. Each Medical Marijuana Business shall allow the City Manager or designee to have access to the Business's books, records, accounts, and any and all data relevant to its activities for the purposes of conducting an audit or examination. Books, records, accounts, and any and all relevant data shall be produced no later than 24 hours after receipt of the City Manager's written request(s).

O. The Medical Marijuana Business shall meet any specific additional operating procedures and measures as may be imposed as conditions of approval by the City Manager or designee to ensure that operations of the Business is consistent with protection of the health, safety and welfare of the community, qualified patients and primary caregivers, and will not adversely affect surrounding uses.

P. The building in which the Medical Marijuana Business is located shall comply with all applicable local, state and federal rules, regulations and laws including, but not limited to, building codes and the Americans with Disability Act, as certified by the Building Official of the City.

Q. Any marijuana provided by a Medical Marijuana Business for the purpose of consumption by the recipient shall be contained in a package that includes, in a conspicuous location, the following warning: "Smoking may be hazardous to the health of the consumer, and smoking by pregnant women may result in fetal injury, premature birth and low birth weight. Further, ingestion of marijuana in any form may be hazardous to the health of the consumer and may impair the judgment of the consumer."

R. A Medical Marijuana Business that provides marijuana in the form of food or other comestibles shall obtain and maintain the appropriate licenses from the County Health Department for the provisions of food or other comestibles.

S. A Medical Marijuana Business shall provide to the City Manager or designee, upon request, written evidence to the City Manager or designee's reasonable satisfaction, that the Business is not engaged in interstate commerce.

T. No Medical Marijuana Business shall sell or display any drug paraphernalia as defined in California Health and Safety Code section 11364, *e t seq.*, or any implement that may be used to administer, use, consume, smoke or ingest medical marijuana.

Failure to comply with any of the above operating requirements shall result in the revocation of any permit issued.

15-99. Zoning and Development Standards Failure to comply with any of the above operating requirements shall result in the revocation of any permit issued.

15-100. Minors

A. It shall be unlawful for any permittee, operator, or other person in charge of any Medical Marijuana Business to employ any person who is not at least eighteen (18) years of age.

B. Persons under the age of eighteen (18) years shall not be allowed on the premises of a Medical Marijuana Business unless they are a qualified patient and they are in the presence of their parent or guardian.

15-101. Display of Permit Every Medical Marijuana Business shall display at all times during business hours the permit issued pursuant to the provisions of this Article in a conspicuous place so that the same may be readily seen by all persons entering the Medical Marijuana Business.

15-102. Transfer of Permits

A. A permittee shall not operate a Medical Marijuana Business under the authority of a Medical Marijuana Business permit at any place other than the address of the Medical Marijuana Business stated in the application for the permit.

B. A permittee shall not transfer ownership or control of a Medical Marijuana Business permit to another person unless and until the transferee obtains an amendment to the permit from the City Manager or designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the City Manager or designee in accordance with this Article and accompanies the application with the transfer fee in an amount set by the resolution of the City Council, and the City Manager determines that the transferee would be entitled to the issuance of an original permit.

C. No permit may be transferred when the City Manager or designee has notified the permittee that the permit has been or may be suspended or revoked.

D. Any attempt to transfer a permit either directly or indirectly in violation of this Article is hereby declared void, and the permit shall be deemed revoked.

15-103. Violations of Article: Enforcement

A. Any person that violates any provision of this Article shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.

B. Any use of condition caused or permitted to exist in violation of any of the provisions of this Article shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to the City of Porterville Municipal Code.

C. Any person who violates, causes, or permits another person to violate any provision of this Article commits a misdemeanor.

D. The violation of any provisions of this Article shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.

E. In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this Article may be subject to administrative remedies as set forth by City ordinance.

15-104. Severability The provisions of this Article are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this Article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Article.

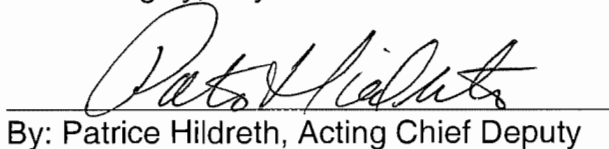
15-105. Existing Medical Marijuana Dispensaries Time Limit for Filing Application for Permit The continued operation of a Medical Marijuana Business in existence before the effective date of this Article without having applied for a permit obtained pursuant to the provisions of this Article for more than ninety (90) days after the effective date of this Article shall constitute a violation of this Article.

SECTION 3. This Ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.


Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk


By: Patrice Hildreth, Acting Chief Deputy

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

I, JOHN LONGLEY, 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. 1734, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 20th day of November, 2007, 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 on December 20, 2008, 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: | McCRACKEN | P. MARTINEZ | F. MARTINEZ | HERNANDEZ | HAMILTON |
|----------|-----------|-------------|-------------|-----------|----------|
| AYES: | X | X | X | X | X |
| NOES: | | | | | |
| ABSTAIN: | | | | | |
| ABSENT: | | | | | |

JOHN LONGLEY, City Clerk


By: Patrice Hildreth, Acting Chief Deputy



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Consideration of Terminating the Joint Power Agreement with Consolidated Waste Management Authority (CWMA)

SOURCE: Public Works

COMMENT: The Consolidated Waste Management Authority (CWMA), consisting of the Cities of Visalia, Porterville, Tulare, Lindsay, Dinuba, Exeter, Farmersville, and County of Tulare, was formed in 1999 as a Joint Powers Authority (JPA) to act as a regional agency and independent public agency to comprehensively plan, develop, operate, and manage the transformation, diversion, recycling, processing, and disposal of solid waste within the members' jurisdictions to meet the State mandated 50% diversion requirements under Assembly Bill AB 939.

The future of the CWMA has been a topic of discussion at several CWMA Board meetings. Several of the member agencies have suggested that they may consider leaving the CWMA. That prospect, plus the retirement of the CWMA Administrator, prompted multiple member agencies to bring the issue to their Councils.

At the August 20, 2015, CWMA Board meeting, the City of Visalia informed the CWMA of their intent to provide official notice of withdrawal from the organization at the earliest juncture. Written notice from the City of Visalia will be given in 2015 for withdrawal in June 2016. Upon further discussion, several other members suggested that they would likely follow suit. The CWMA Board then voted to begin the process to terminate the CWMA instead of waiting until June 2016, and asked each member agency to obtain a confirmation vote from their governing body to terminate the JPA.

The JPA states that the Agreement and the Authority shall continue in full force and effect until the governing bodies of the parties unanimously elect to terminate the Agreement. An item will be placed on the October 22, 2015, CWMA Board Meeting Agenda regarding termination of the Agreement.

The Agreement states that upon effective election to terminate the Agreement, the Board shall continue to act as a Board to wind up and settle the affairs of the Authority. The Board shall adequately provide for the known debts, liabilities, and obligations of the Authority, and shall then distribute the assets of the Authority among the Members. The assets contributed by each Member, or the value thereof as of the date of termination, shall be distributed to that entity. The remaining assets shall then be distributed in proportion to the population contained within the current boundaries of the Members as last determined by the

California Department of Finance.

The cash assets of the CWMA as of August 11, 2015, was \$1,375,692. It is estimated the closing cost will be approximately \$75,000, leaving approximately \$1.3M to be distributed to the members once the CWMA is terminated. It is estimated that the City of Porterville's population is 12.3% of the total CWMA member population. Staff estimates the return of the City's pro-rate share of the \$1.3M to be approximately \$160,000.

The City of Porterville's annual membership in the CWMA is currently \$32,094, and also contributes another \$14,499 in bottle bill funds which the City annually receives from the State. These two contributions to the CWMA total \$46,593 and would be retained by the City if the CWMA were to terminate. These funds would be available to the Solid Waste Enterprise Fund for City staff to conduct the necessary reporting and other related activities that are currently conducted by the CWMA. City staff will also continue to coordinate with other local agency staff on waste-related activities and programs (i.e. Household Hazardous Waste, Sharp's Disposal, etc.).

It is staff's recommendation that City Council proceed with the CWMA Board's recommendation to terminate the JPA with CWMA.

RECOMMENDATION: That City Council authorize the City's CWMA Board Member to vote to terminate the CWMA JPA.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – SEPTEMBER 1, 2015

SUBJECT: Status and Review of Declaration of Local Drought Emergency

SOURCE: City Manager's Office

COMMENT: As previously reported to the City Council, Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, which established drought-related mandates and restrictions, in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.), to also achieve a 25% reduction in potable water usage. Also of significance, the Board is directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

At the City Council's last meeting on August 18th, the City Council took action in the continued affirmation of the adoption of a Resolution of Declaration of Local Emergency, due to local residences within the city having been identified as having wells that are now dry as a result of the drought. Approximately twenty-five (25) residences within the city have been determined to currently have dry wells, most of which are concentrated in the vicinity of E. Vandalia Avenue between Main and Plano Streets, and it is anticipated that more could likely occur through the summer months. City staff has submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry. As previously reported, City staff has resubmitted the E. Vandalia water connection project to the State for grant-funding consideration, and another survey of this area has been undertaken to determine if there are additional residences in the area with dry wells. As previously reported, it is staff's perception that the State is not inclined to provide funding for this water connection project, thus, staff is planning for an outreach meeting soon in the area to begin discussions regarding the formation of a water utility district.

Also, as was reported at the Council's August 18th meeting, staff continues to work with the State Department of Public Health's Division of Drinking Water on diminishing water quality issues being experienced by the Akin Water System and its customers. Through part of a broader grant-funded consolidation project currently under design, the State is advocating for a more immediate emergency

connection to the City's water system, for which the State will reimburse the City its costs extending the necessary water main. The Akin Water System must also agree to pay the master meter costs for water used by its customers, which will be apportioned to the customers as determined by the system.

At the City Council's August 4th meeting, the Council continued its authorization for the County to purchase up to 500,000 gallons of City water over the next thirty (30) days in support of the County's Household Tank Program in East Porterville, requiring that the water continue to be drawn exclusively from the City's "Jones Corner" water system. County OES has continued to work toward developing additional water sources, which representatives indicate that an additional two (2) sources have been secured, to assist in an ultimate goal to place 700 tanks in the East Porterville area. Also, as previously reported to Council, County OES has indicated that it will likely soon terminate its Mutual Aid Request with the City for the filling of tanks placed by PACC, due to 2,500-gallon tanks having been placed to replace the 300-gallon tanks.

City staff has been in continued coordination with both State and County representatives on the funding and development of the new well, with the Draft Agreement between the City and the County having been approved by the Council at its July 7th meeting. The County is still reviewing the draft Agreement, though no date has yet been provided that the Board of Supervisors would consider the Agreement. At its August 11th meeting, the Board approved a contract to begin drilling expected to begin on August 31st, which will be located on County property on a parcel located at the southeast corner where Olive Avenue crosses the Tule River.

RECOMMENDATION: That the City Council:

1. Receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration;
2. Determine the time period and quantity of water to be provided for purchase by the County in support of the East Porterville Household Tank Program; and
3. Review any modifications to the draft Agreement between the City and County of Tulare.

ATTACHMENTS:

1. Resolution 49-2015 - Declaration of Local Emergency
2. Governor's Executive Order
3. Draft Agreement
4. CalOES Drought Update

Appropriated/Funded: MB

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. 49-2015

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE DECLARING A DROUGHT EMERGENCY
WITHIN THE CITY OF PORTERVILLE

WHEREAS: in response to the ongoing severe drought, the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers, and state residents increase water conservation in urban settings or face possible fines or other enforcement; and

WHEREAS: as we enter the fourth year of severe drought, long-term forecasts indicate no relief of the current drought conditions, and suggest a warmer-than-average summer, resulting in increased domestic demand for water; and

WHEREAS: public and private potable water supplies continue to be threatened due to decreasing supplies of groundwater caused by the precipitation deficit and an extended state of groundwater overdraft; and

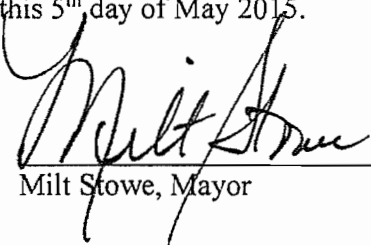
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville does hereby proclaim that, due to drought conditions, a Local Emergency now exists in the city of Porterville and shall remain in effect for the duration of the emergency; and

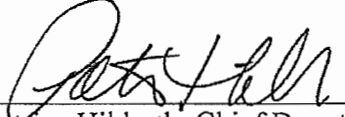
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, to include a Presidential Declaration of Emergency and Individual Assistance and Public Assistance programs as applicable; and

BE IT FURTHER RESOLVED: that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED this 5th day of May 2015.


Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

Executive Department
State of California

EXECUTIVE ORDER B-29-15

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 California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from 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 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; 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 orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

SAVE WATER

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.
3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.
4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.
5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.
6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.
14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.
15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.
16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

INVEST IN NEW TECHNOLOGIES

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

STREAMLINE GOVERNMENT RESPONSE

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.
19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.

20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento - San Joaquin delta estuary. These barriers will be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for essential human health and safety uses in 2015 and in the future.
21. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals for the purpose of installation of the Emergency Drought Salinity Barriers.
22. The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015 by the Department subject to the criteria set forth in Water Code section 1810.
23. The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages. As the Department of Public Health's drinking water program was transferred to the Water Board, any reference to the Department of Public Health in any prior Proclamation or Executive Order listed in Paragraph 1 is deemed to refer to the Water Board.
24. The California Department of Forestry and Fire Protection shall launch a public information campaign to educate the public on actions they can take to help to prevent wildfires including the proper treatment of dead and dying trees. Pursuant to Government Code section 8645, \$1.2 million from the State Responsibility Area Fire Prevention Fund (Fund 3063) shall be allocated to the California Department of Forestry and Fire Protection to carry out this directive.
25. The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of securing alternate water supply necessary for continued power plant operation. Title 20, section 1769 of the California Code of Regulations is hereby waived for any such petition, and the Energy Commission is authorized to create and implement an alternative process to consider such petitions. This process may delegate amendment approval authority, as appropriate, to the Energy Commission Executive Director. The Energy Commission shall give timely notice to all relevant local, regional, and state agencies of any petition subject to this directive, and shall post on its website any such petition.

26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.
27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.
28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.
29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.
30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.

31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

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 1st day of April 2015.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT

THIS AGREEMENT is entered into this day of, 2015, between the COUNTY OF TULARE, referred to as COUNTY, and the CITY OF PORTERVILLE, referred to as CITY, with reference to the following:

- A. WHEREAS, East Porterville/Doyle Colony area properties within the COUNTY's jurisdiction and within the CITY's Urban Development Boundary are experiencing serious water shortages due to the historical drought conditions. Attached hereto as Exhibit 'A' is a map defining the East Porterville/Doyle Colony area; and
- B. WHEREAS, CITY and COUNTY have been and are collaborating to jointly develop a new municipal water well; and
- C. WHEREAS, COUNTY shall secure complete funding for a new well to be solely owned, operated and maintained by the CITY for the purpose of providing a short-term emergency water supply for COUNTY's Household Tank Program and providing long-term capacity to enable permanent water connections to single family residential properties that comply with CITY'S Annexation and Extension of Municipal Services procedures. These procedures are defined by two Resolutions, 74-2014 and 75-2014, which are attached hereto as Exhibit 'B'. A review of properties in the East Porterville/Doyle Colony area show approximately 115 single family residences meet these parameters; and
- D. WHEREAS, COUNTY AND CITY have defined three potential well sites, two of which are CITY owned, and one which is COUNTY owned. Location of the potential municipal well sites are attached hereto as Exhibit 'C'. The COUNTY owned parcel is the preferred site as the site is more conducive to providing the required capacity and water quality. Further, should this site become the agreed upon location, the COUNTY shall convey the land to CITY at a cost of \$1; and
- E. WHEREAS, CITY operates an existing municipal water system, with limited infrastructure already established in the East Porterville/Doyle Colony area, and has experience and qualifications necessary to provide such services; and
- F. WHEREAS, CITY and COUNTY mutually agree that a regional, collaborative solution to leverage and expand CITY'S municipal water system into the East Porterville/Doyle Colony area is the most feasible means to address the area's water needs; and

- G. WHEREAS, CITY is willing to enter into this Agreement with COUNTY upon terms and conditions set forth herein; and
- H. WHEREAS, CITY and COUNTY mutually understand that due to the limited resources of the CITY's municipal water system, all future connections must comply with the CITY's Annexation and Extension of Municipal Services procedures, attached hereto and made a part thereof as Exhibit 'B'; and

ACCORDINGLY, IT IS AGREED:

1. **TERM:** This agreement shall become effective as of the date the agreement is fully executed by both agencies.
2. **SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES – WELL CONSTRUCTION:**
Refer to attached Exhibit 'D'.
3. **SERVICE TO BE PERFORMED IN PERPETUITY:** The services described below shall be performed in perpetuity upon completion of all tasks enumerated in Exhibit 'D' and upon COUNTY securing the funds for equipping the well to CITY standards and requirements:
 - A. CITY shall sell to COUNTY, upon COUNTY's request, water from the well provided under this Agreement, for the purposes of meeting emergency water needs in COUNTY's jurisdiction. CITY shall charge COUNTY the water rate effective as of the date the agreement is fully executed for all water sold to COUNTY. CITY shall provide a maximum of 3,000,000 gallons per month to the COUNTY for the household tank program from the CITY's water system upon integration of the new well into the system.
 - B. CITY shall utilize water produced by the well provided under this Agreement as source capacity for new residential service connections and agreements in East Porterville/Doyle Colony area. CITY agrees to provide source water for up to one hundred fifteen (115) new residential connections in the East Porterville/Doyle Colony area that are in compliance with the CITY'S Annexation and Extension of Municipal Services procedures. CITY agrees to authorize permanent connection of prequalified properties upon termination and cessation of the COUNTY's household tank program. A list and map of the qualifying properties are attached hereto as Exhibit 'E'. The listed properties will be exempt from payment of CITY water impact fees, but will be subject to standard fees, such as, but not limited to, water service and meter installation and associated monthly

fees. CITY shall have sole discretion to determine the number of connections, if any, above the minimum number of residential properties provided herein.

- C. CITY expressly agrees to own, operate, maintain, repair and otherwise care for the well provided under this Agreement, in the same fashion as CITY's other wells, for the duration of the well's useful life.
- D. If the well provided under this agreement is situated on COUNTY property, COUNTY shall grant the relevant portion to the CITY by Grant Deed at a cost of \$1. A 50-foot control zone around the well site is a requirement of the California Department of Public Health, therefore establishing the minimum parcel size to be conveyed to the CITY. Existing COUNTY infrastructure may encroach through or conflict with the subject parcel and if so, ownership, maintenance, repair and replacement of these facilities shall remain COUNTY jurisdiction by execution of easements
- E. CITY shall not be entitled to compensation by COUNTY, or any State or Federal agency providing funding for the activities enumerated in Exhibit 'D', for any ongoing costs related to owning, operating, maintaining, repairing, or replacing of this well. CITY and COUNTY expressly agree that CITY's ongoing compensation for such ongoing costs shall be the use of the well for CITY's unrestricted use within its water system. No part of this paragraph shall be construed to limit or restrict in any way CITY's ability to seek any grant funding or collect rates and fees from users of CITY's water system.
- F. All recipients of water, whether permanent or temporary sources, are subject to CITY water policies, such as, but not limited to, water conservation and watering schedules.

4. This Agreement represents the entire agreement between CITY and COUNTY as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

5. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY: County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

Administrative Building
2800 W. Burrel Avenue
Visalia, CA 93291

(Fax No.: (559) 733-6318 / Phone No. (559) 636-5005)

CITY: City Manager
291 N. Main St.
Porterville, CA 93257

(Fax No.: (559) 715-4013/ Phone No. (559) 782-7466)

Notice delivered personally or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

6. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.

7. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

8. This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. This Agreement is entered into and shall be performed in Tulare County, California. CITY waives the removal provisions of California Code of Civil Procedure Section 394.

9. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party or either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.

10. The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

11. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court of other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.

12. Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.

13. CITY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.

///

///

///

///

THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY _____
Steve Worthley Chairman,
Board of Supervisors

ATTEST: Jean M. Rousseau,
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By _____
Deputy Clerk

Approved as to Form
County Counsel

By _____
Deputy

CITY OF PORTERVILLE

BY _____
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

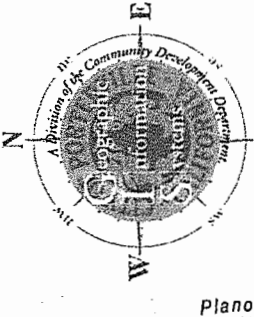
BY _____
John Lollis, City Manager

Approved as to Form

BY _____
City Attorney

EXHIBIT 'A'

East Porterville Properties



Legend

- Boundary
- East Porterville (1,361)

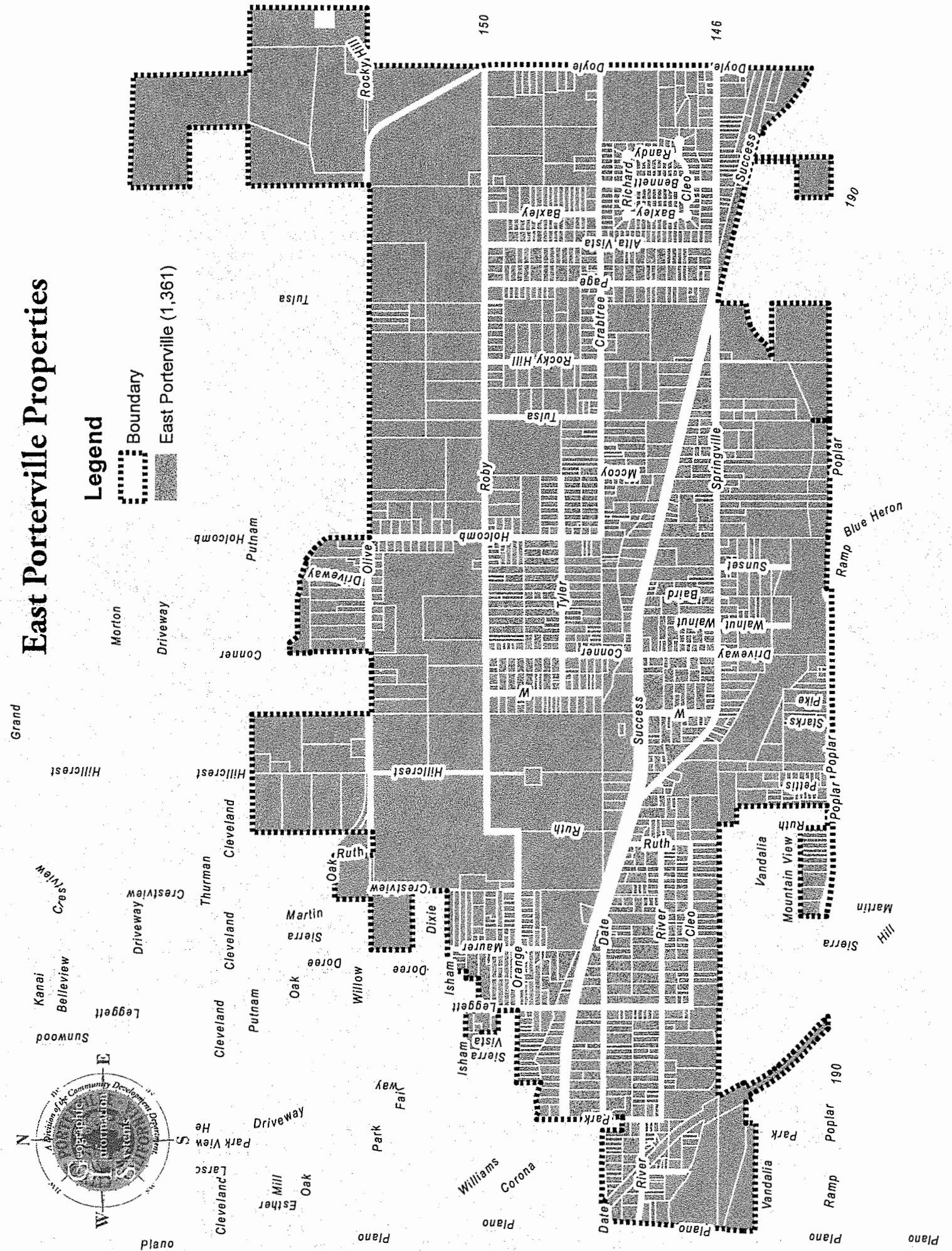


EXHIBIT 'B'

RESOLUTION NO. 74 -2014

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:

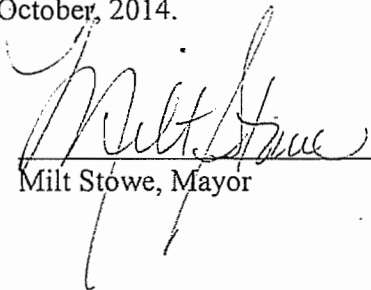
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, 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).

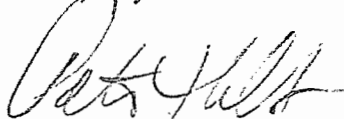
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, 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

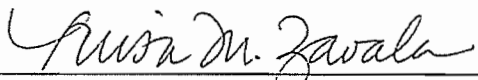
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

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 regular meeting of the Porterville City Council duly called and held on the 21st day of October, 2014.

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

| Council: | REYES | WARD | STOWE | HAMILTON | GURROLA |
|----------|-------|------|-------|----------|---------|
| AYES: | X | | X | X | X |
| NOES: | | X | | | |
| ABSTAIN: | | | | | |
| ABSENT: | | | | | |

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION NO. 75 -2014

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

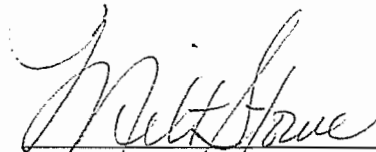
WHEREAS: The City Council of the City of Porterville, acknowledging that over time policies and procedures must be evaluated and reconsidered in light of changes to the regulatory environment and physical setting of the community, adopted a resolution defining objectives and policies for annexations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

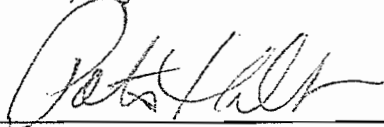
PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.



Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 

Patrice Hildreth, Chief Deputy City Clerk

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.

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 regular meeting of the Porterville City Council duly called and held on the 21st day of October, 2014.

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

| Council: | REYES | WARD | STOWE | HAMILTON | GURROLA |
|----------|-------|------|-------|----------|---------|
| AYES: | X | | X | X | X |
| NOES: | | X | | | |
| ABSTAIN: | | | | | |
| ABSENT: | | | | | |

JOHN D. LOLLIS, City Clerk

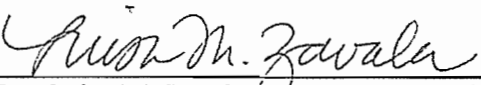
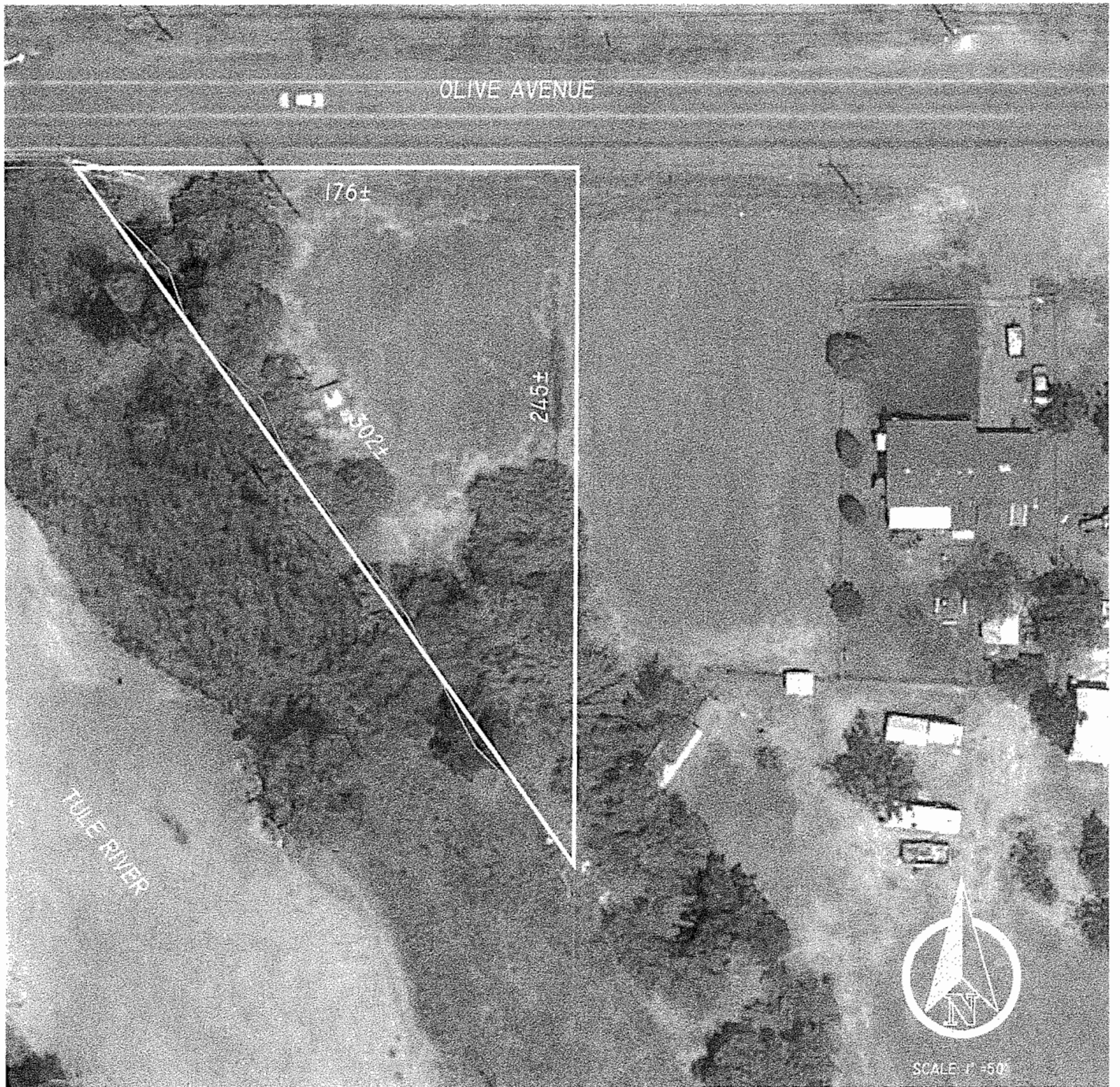

By: Luisa M. Zavala, Deputy City Clerk

EXHIBIT 'C'



TULE RIVER

125±

398±

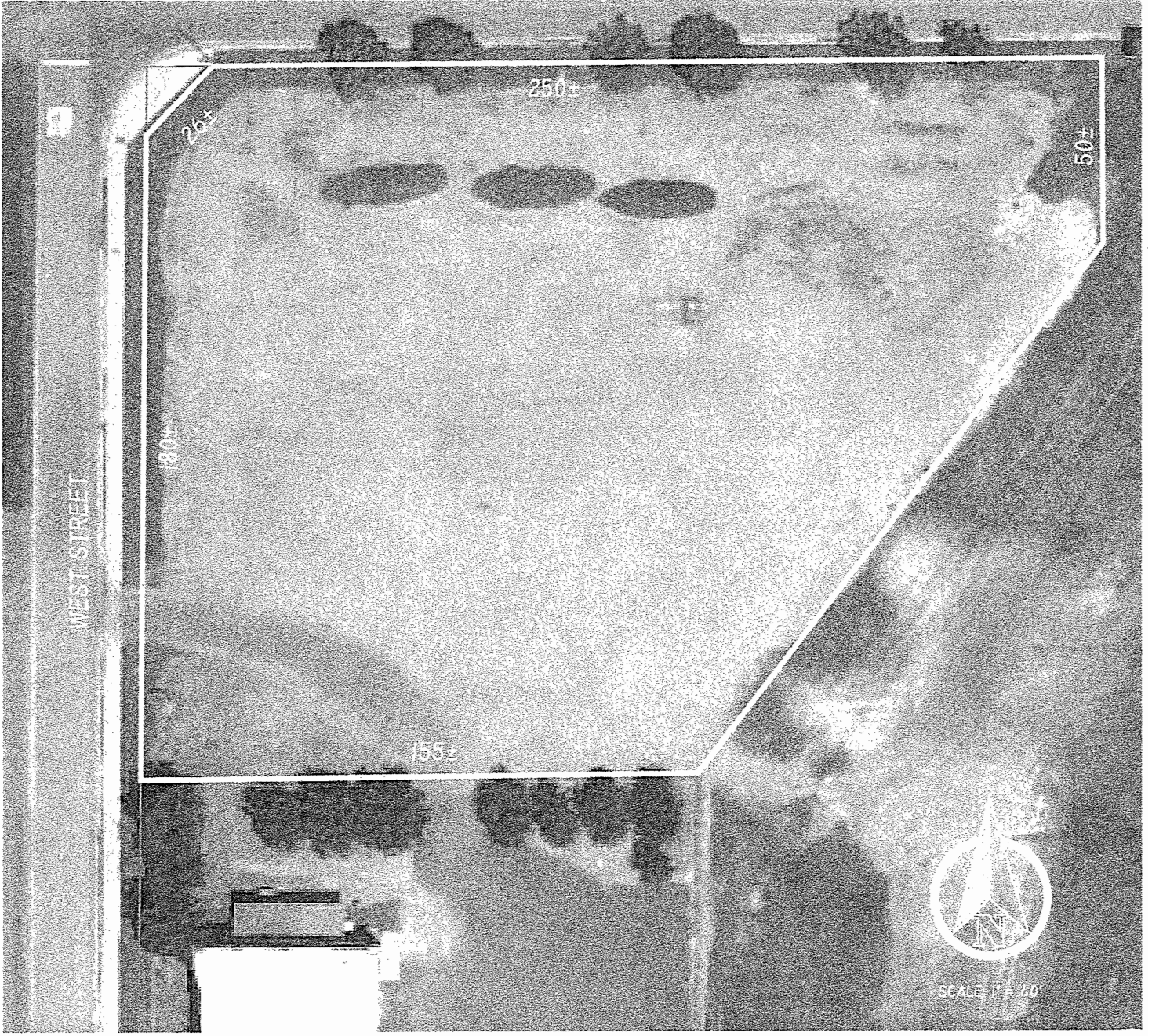
±062

52±

MAIN STREET



SCALE: 1" = 50'



WEST STREET

250±

26±

50±

180±

155±



SCALE 1" = 20'

EXHIBIT 'D'

SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES WELL CONSTRUCTION

(insert Dee Jaspar work plan, add City/County division of responsibilities)

CITY Scope of Work

| Task | Description | Cost |
|-------------|---|------------|
| 1.2 | Review prepared Well Drilling Plans, Specifications, and Estimates | \$468.00 |
| 3.2 | Review prepared Well Equipping Plans, Specifications, and Estimates | \$1,526.00 |
| 5 | Construction Management | \$1,357.43 |
| CITY Total: | | \$3,351.43 |

Consulting Engineering work will be reimbursed directly to **Dee Jaspar & Associates** under Tulare County Agreement No. #####, including the following tasks:

Dee Jaspar & Associates Fiscal Year 2015 Scope of Work

| Task | Description | Cost |
|----------------|--|-------------|
| 1.1 | Project Evaluation and Pre-Design Engineering | \$6,168.00 |
| 1.2 | Prepare Well Drilling Plans, Specifications, and Estimates | \$9,360.00 |
| 3.1 | Project Evaluations and Field Surveying | \$3,298.00 |
| 3.2 | Prepare Well <i>Equipping</i> Plans, Specifications, and Estimates | \$30,520.00 |
| 3.3 | Prepare and Assist with SCE Application & Telephone Service | \$2,114.00 |
| 3.4 | Bid Assistance | \$4,332.00 |
| 5.1 | Ph. 1 Preconstruction Meeting | \$1,114.00 |
| 5.2 | Ph. 1 Construction Surveying | \$1,932.00 |
| 5.3 | Ph. 1 Construction Inspection & Administration | \$33,342.00 |
| FY 2015 Total: | | \$92,180.00 |

Deliverables

| | |
|-----|---|
| 1.1 | Pre-Design |
| 1.2 | Plans, Specs, & Estimates |
| 3.1 | Field Logs, Notes, or Reports |
| 3.2 | Plans, Specs, & Estimates |
| 3.3 | SCE Application & Telephone Service Application |
| 5.2 | Field Logs, Notes, or Reports |

Dee Jaspar & Associates Fiscal Year 2016 Scope of Work

| Task | Description | Cost |
|------|---|-------------|
| 5.4 | Ph. 1 Water Quality Testing | \$7,000.00 |
| 5.5 | Ph. 1 Project Close Out | \$1,346.00 |
| 5.6 | Ph. 2 Project Meetings and Correspondence | \$18,876.00 |
| 5.7 | Ph. 2 Submittal Review, RFI Responses, Change Order Review, & Progress Payment Review | \$14,304.00 |
| 5.8 | Ph. 2 Construction Surveying | \$3,864.00 |
| 5.9 | Ph. 2 Construction Inspection and Quality Control | \$47,931.00 |
| 5.10 | Ph. 2 Start-up, Testing, and Troubleshooting | \$3,864.00 |
| 5.11 | Ph. 2 Project Close Out and As-Builts | \$2,754.00 |

| | |
|--------------------------------|---------------------|
| Contingency | \$61.00 |
| Task Total | \$99,939.00 |
| Total FY 2016 Contract: | \$100,000.00 |

Deliverables

| | |
|------|-------------------------------|
| 5.3 | Field Reports |
| 5.4 | Test Results |
| 5.5 | Close Out Documents |
| 5.9 | Field Logs, Notes, or Reports |
| 5.10 | Field Logs, Notes, or Reports |
| 5.11 | As Builts |

The COUNTY will be the lead agency on the project. The COUNTY has executed State of California Department of Water Resources Grant Agreement No. 20150518-1 to be reimbursed for the work described herein as well as work to be performed by a well drilling contractor.

EXHIBIT 'E'

East Porterville Properties
Single Family Residential Uses, with at least 1 property line adjacent to existing water mains, less than 25k s.f.

Single Family Residential Uses, with at least 1 property line adjacent to existing water mains, less than 25k s.f.

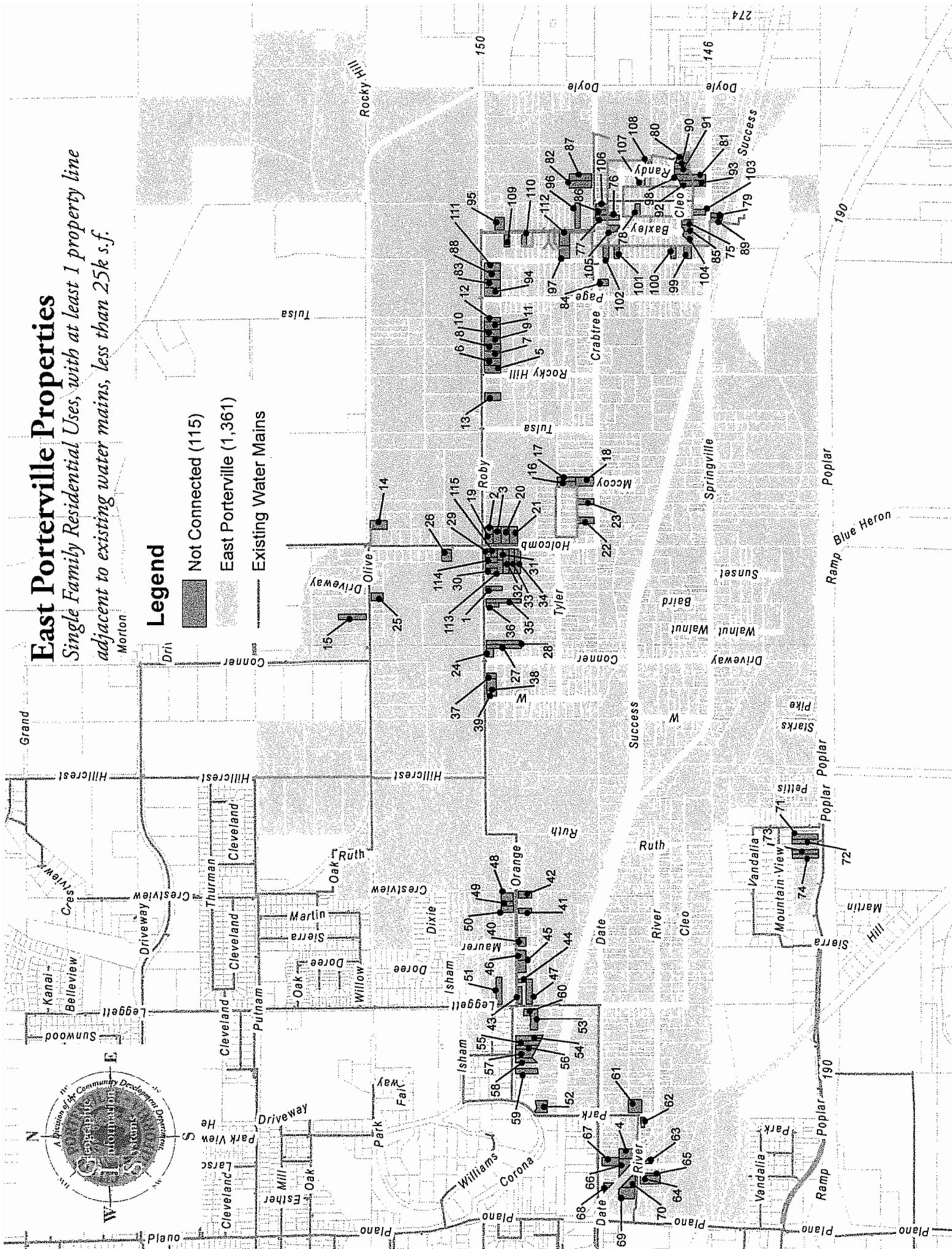
Morton.

Legend

| Not Connected (115) | Connected (115) |
|---|---|
| | |

East Porterville (1,361)

Existing Water Mains



| | | | | | | | | | | | |
|----|-----------|-----------|---------------------|----|-----------|-----------|---------------------|-----|-----------|-----------|------------------------|
| 1 | 262091028 | AREA | ADDRESS | ID | APN | AREA | ADDRESS | ID | APN | AREA | ADDRESS |
| 2 | 263010049 | 8,929.45 | NO SITE ADDRESS | 40 | 262023001 | 8,038.96 | 907 E ORANGE AVE | 79 | 2631S0006 | 7,770.54 | 2173 E SPRINGVILLE DR |
| 3 | 263010050 | 8,322.27 | 1629 E ROBY AVE | 41 | 262023007 | 9,023.71 | 965 E ORANGE AVE | 80 | 263120029 | 14,068.21 | 2277 E CLEO AVE |
| 4 | 261012017 | 18,376.21 | 226 S HOLCOMB ST | 42 | 262023014 | 11,476.01 | 991 E ORANGE AVE | 81 | 263120020 | 10,473.73 | 2186 E SPRINGVILLE AVE |
| 5 | 263050018 | 21,929.52 | 518 E RIVER AVE | 43 | 262024001 | 9,982.88 | 831 E ORANGE AVE | 82 | 263100017 | 20,912.37 | 2292 E CRABTREE AVE |
| 6 | 263050019 | 15,552.02 | 1911 E ROBY AVE | 44 | 262024003 | 3,991.14 | 843 E ORANGE AVE | 83 | 263070046 | 17,829.96 | 2069 E ROBY AVE |
| 7 | 263050020 | 15,631.45 | 1911 E ROBY AVE | 45 | 262024013 | 13,967.44 | 861 E ORANGE AVE | 84 | 263170052 | 8,886.05 | 2061 E CRABTREE AVE |
| 8 | 263050021 | 15,626.31 | NO SITE ADDRESS | 46 | 262024014 | 11,961.07 | 261 S MAURER ST | 85 | 263162028 | 9,134.32 | 2157 E CLEO AVE |
| 9 | 263050022 | 15,621.24 | 1949 E ROBY AVE | 47 | 262024011 | 20,056.93 | 280 S LEGGETT ST | 86 | 263162007 | 8,149.61 | 2168 E CRABTREE AVE |
| 10 | 263050022 | 15,616.14 | 1963 E ROBY AVE | 48 | 262022008 | 14,064.17 | 994 E ORANGE AVE | 87 | 263100015 | 20,831.65 | 2308 E CRABTREE AVE |
| 11 | 263050001 | 15,611.05 | 1975 E ROBY AVE | 49 | 262022009 | 7,032.06 | 978 E ORANGE AVE | 88 | 263070026 | 18,194.63 | 2075 E ROBY AVE |
| 12 | 263050002 | 15,605.94 | 1989 E ROBY AVE | 50 | 262022010 | 10,529.88 | 960 E ORANGE AVE | 89 | 263150005 | 7,080.46 | 2167 E SPRINGVILLE AVE |
| 13 | 263050026 | 10,238.64 | 1995 E ROBY AVE | 51 | 262021003 | 21,846.36 | 224 S LEGGETT ST | 90 | 263120028 | 10,608.61 | 2263 E CLEO AVE |
| 14 | 263040024 | 16,908.53 | 1863 E ROBY AVE | 52 | 261251002 | 18,771.64 | 304 S PARK ST | 91 | 263120027 | 11,862.07 | 2251 E CLEO AVE |
| 15 | 263030032 | 20,000.14 | 1643 E OLIVE AVE | 53 | 261243019 | 19,878.98 | 739 E ORANGE AVE | 92 | 263120025 | 9,930.29 | 2229 E CLEO AVE |
| 16 | 254050056 | 20,800.75 | 1478 E OLIVE AVE | 54 | 261243012 | 19,512.38 | 729 E ORANGE AVE | 93 | 263120021 | 9,894.27 | 2186 E SPRINGVILLE AVE |
| 17 | 263020009 | 10,727.83 | 1703 E TYLER AVE | 55 | 261243011 | 13,865.77 | 729 E ORANGE AVE | 94 | 263070045 | 17,805.15 | 2042 E ROBY AVE |
| 18 | 263020010 | 11,347.61 | 1705 E TYLER AVE | 56 | 261243010 | 11,130.20 | 721 E ORANGE AVE | 95 | 263070019 | 15,591.77 | 214 BAXLEY ST |
| 19 | 263010048 | 22,350.60 | 1706 E CRABTREE AVE | 57 | 261243009 | 21,564.88 | 711 E ORANGE AVE | 96 | 263060023 | 17,427.95 | 366 BAXLEY ST |
| 20 | 263010046 | 10,067.12 | NO SITE ADDRESS | 58 | 261243008 | 12,481.75 | 703 E ORANGE AVE | 97 | 263060015 | 17,886.82 | 350 ALTA VISTA ST |
| 21 | 263010047 | 19,211.22 | NO SITE ADDRESS | 59 | 261243006 | 15,465.49 | 675 E ORANGE AVE | 98 | 263120026 | 11,564.19 | 2237 CLEO AVE |
| 22 | 263020041 | 14,152.20 | 248 S HOLCOMB ST | 60 | 261243018 | 6,224.92 | 275 S LEGGETT ST | 99 | 263163023 | 12,461.65 | 570 ALTA VISTA ST |
| 23 | 263020044 | 14,152.18 | 1640 E CRABTREE AVE | 61 | 261260033 | 23,839.14 | 460 S PARK ST | 100 | 263163018 | 8,704.92 | 554 ALTA VISTA ST |
| 24 | 262101019 | 7,822.17 | 1674 E CRABTREE AVE | 62 | 261013006 | 6,009.86 | 577 E RIVER AVE | 101 | 263163005 | 9,268.01 | 436 ALTA VISTA ST |
| 25 | 262820002 | 12,512.48 | 1411 E ROBY AVE | 63 | 261013013 | 4,073.53 | 478 S LARSON ST | 102 | 263163003 | 9,245.70 | 422 ALTA VISTA ST |
| 26 | 262290003 | 15,056.68 | NO SITE ADDRESS | 64 | 261015007 | 22,466.00 | 475 E RIVER AVE | 103 | 263162034 | 9,519.39 | 2186 E SPRINGVILLE AVE |
| 27 | 262101006 | 18,962.56 | 121 S HOLCOMB ST | 65 | 261015008 | 6,692.02 | NO SITE ADDRESS | 104 | 263162027 | 10,315.76 | 2143 E CLEO AVE |
| 28 | 262101007 | 19,444.23 | 1419 E ROBY AVE | 66 | 261012018 | 21,161.90 | 510 E RIVER AVE | 105 | 263162013 | 9,824.18 | 2164 E RICHARD AVE |
| 29 | 262091024 | 6,812.13 | 1431 E ROBY AVE | 67 | 261012005 | 19,360.32 | 505 E DATE AVE | 106 | 263162008 | 9,441.85 | 2168 E CRABTREE AVE |
| 30 | 262091001 | 8,833.48 | 1593 E ROBY AVE | 68 | 261012001 | 6,775.68 | 451 E DATE AVE | 107 | 263110033 | 8,040.99 | 483 S RANDY ST |
| 31 | 262091003 | 8,816.34 | 1557 E ROBY AVE | 69 | 261012024 | 24,599.32 | 448 E RIVER AVE | 108 | 263110031 | 8,609.81 | 494 S RANDY ST |
| 32 | 262091004 | 19,207.92 | 227 S HOLCOMB ST | 70 | 261012025 | 15,095.24 | 935 E RIVER AVE | 109 | 263070041 | 9,091.82 | NO SITE ADDRESS |
| 33 | 262091005 | 19,538.90 | 235 S HOLCOMB ST | 71 | 262220062 | 19,761.17 | 1094 E POPLAR AVE | 110 | 263070013 | 8,380.13 | 271 BAXLEY ST |
| 34 | 262091006 | 19,193.11 | 245 S HOLCOMB ST | 72 | 262220061 | 18,112.05 | 1088 E POPLAR AVE | 111 | 263070008 | 18,100.87 | 223 ALTA VISTA ST |
| 35 | 262091020 | 19,520.59 | 253 S HOLCOMB ST | 73 | 262220059 | 16,131.13 | 1066 E POPLAR AVE | 112 | 263060016 | 18,005.03 | 345 BAXLEY ST |
| 36 | 262091022 | 7,172.30 | 1503 E ROBY AVE | 74 | 262220058 | 16,459.29 | 1056 E POPLAR AVE | 113 | 262091027 | 19,280.15 | 1565 E ROBY AVE |
| 37 | 262071001 | 6,929.42 | 1493 E ROBY AVE | 75 | 263162029 | 7,896.00 | 2165 E CLEO AVE | 114 | 262091026 | 8,141.19 | 1565 E ROBY AVE |
| 38 | 262071020 | 14,836.29 | 1373 E ROBY AVE | 76 | 263162011 | 8,279.43 | NO SITE ADDRESS | 115 | 262091025 | 6,792.49 | 213 S HOLCOMB ST |
| 39 | 262071021 | 7,068.23 | 1353 E ROBY AVE | 77 | 263162006 | 8,195.29 | 2168 E CRABTREE AVE | | | | |
| | | | 1343 E ROBY AVE | 78 | 263161003 | 8,667.06 | 479 BENNETT ST | | | | |



Drought Update

Wednesday, August 26, 2015

KEY ACTION ITEMS FROM THIS WEEK

- **Drought's Economic Toll to California Estimated at \$2.7 Billion in 2015:** On August 17, the UC Davis Center for Watershed Sciences [released a new report](#) indicating that California's ongoing drought will impact the state's agricultural economy this year by \$2.7 billion and eliminate more than 21,000 jobs. The report, compiled with the assistance from the Department of Water Resources, explains that the use of groundwater is largely mitigating the impact of the drought to agriculture by offsetting the loss of surface water. For more details, the report is available [here](#).
- **NASA Report: Drought Causing Valley Land to Sink:** On August 19, the Department of Water Resources [released a report based on NASA satellite data](#) showing land in the San Joaquin Valley is sinking faster than ever before, nearly two inches per month in some locations. Sinking land, known as subsidence, has occurred for decades in California because of excessive groundwater pumping during drought conditions, but the new NASA data shows the sinking is happening faster, putting infrastructure at risk. To view the full report, click [here](#).
- **DWR Releases Draft List of Critically Overdrafted Groundwater Basins, Schedules Public Meetings:** On August 19, the Department of Water Resources (DWR) [released](#) its draft list of [Critically Overdrafted Groundwater Basins](#). The draft list identifies 21 groundwater basins and subbasins that have been overdrafted due to excessive groundwater pumping. DWR will open a 30-day comment period and hold two public meetings to discuss its draft list, the process used to make its findings, and solicit public comment. For more information regarding California's groundwater, please visit DWR's [website](#).
- **New Site Provides Data on Household Water Shortages:** On August 21, the Department of Water Resources (DWR), in partnership with key state agencies, developed a new system that improves and streamlines data collection and reporting for household water shortages for California water systems with fewer than 15 household connections. The [Household Water Supply Shortage Reporting System's webpage](#) provides summary tables, a map and more information about the program.
- **Emergency Merced River Angling Closure in Effect as of Aug. 18:** On August 18, the California Department of Fish and Wildlife (CDFW) [announced the emergency closure of the lower Merced River](#) to angling earlier than usual due to high water temperatures. The lower Merced River is typically closed to angling from November 1 through December 31. The river is still scheduled to be closed during that period, and will re-open to anglers on January 1, 2016. Additional information on emergency angling closures, including can be found on CDFW's [website](#).

- **Continuing Drought Would Hit Rural Areas the Hardest, Report States:** On August 20, the Public Policy Institute of California (PPIC) [released a new report](#) that indicates California's greatest vulnerabilities are in low-income rural communities where wells are running dry and in California's wetlands, rivers and forests, where the state's iconic biodiversity is under extreme threat. PPIC also indicates that two to three more years of drought will increase challenges in all areas and require continued and increasingly difficult adaptations. To view the full report, visit PPIC's website [here](#).
- **Climate Change Impacts on California Water Detailed by DWR:** On August 21, the Department of Water Resources (DWR) [released a new report](#) that outlines the hydrologic changes expected to result from climate change. The report also indicates that climate change will bring rising seas, longer droughts, less snowpack and higher temperatures to California and elsewhere, which will require water managers to develop new scientific-based strategies to adapt. These findings were presented at the [California Climate Change Symposium 2015](#) held at the Sacramento Convention Center on August 24-25. To view the report, click [here](#).
- **DOE Selects UC Berkeley to Lead Consortium for U.S.-China Clean Energy Research Center's Energy-Water Track:** On August 20, the U.S. Department of Energy (DOE) [announced](#) that UC Berkeley has been selected to lead a group of university, nonprofit, utility, and national laboratory partners in a new technical track under the U.S.-China Clean Energy Research Center ([CERC](#)) that addresses water-related aspects of energy production and use.
- **Recommendations for Lessening the Burden of the California Drought on Low-Income Communities:** On August 19, the Center for American Progress (CAP) [released a new report](#) that explores the connection of climate change and inequality in the context of the California drought, highlighting the unique and disproportionate challenges faced by California's low-income communities. This report also offers recommendations on how policymakers can lessen the burden the drought has placed on low-income people living in tribal, rural, and farming communities. To view the full report, visit CAP's website [here](#).
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- **California's Water Conservation Education Program Campaign:** This past week, television personality Mario Lopez participated in the [Saving Together](#) campaign with a selfie on Twitter and Instagram, reaching more than 1.5 million people. Lopez has also recorded three Save Our Water radio ads which will air on Clear Channel Stations. In addition, the Spanish-language press announcement of Sergio Romo PSA and Save Our Water Spanish website were released last week.

On August 18, Save Our Water, in partnership with California ReLeaf and the U.S. Forest Service, [produced two how-to videos](#) to show California residents how to best care for their trees during this historic drought. The new videos educate viewers to the benefits of trees to California and the importance of caring for trees in times of drought.

For more tips and tools to help conserve water and keep trees healthy during the drought, please visit Save Our Water's website, which is available in both [English](#) and [Spanish](#), or connect with the program on [Facebook](#), [Twitter](#) or [Instagram](#).

- **Governor's Drought Task Force:** The Task Force continues to take actions that conserve water and coordinate state response to the drought. During the most recent Task Force meeting on August 20, the Governor's Office announced that the next regional task force meeting will be on September 2 in Los Angeles. In addition, the Public Policy Institute of California (PPIC) attended the meeting and provided a briefing on impacts of continued drought to Task Force principals and members.

ONGOING DROUGHT SUPPORT

- **Emergency Food Aid, Utility and Employment Assistance:** The Department of Social Services (CDSS) Drought Food Assistance Program (DFAP) provides food assistance to affected communities that suffer high levels of unemployment from the drought. To date, over 818,175 boxes have been provided to community food banks in drought-impacted counties, with an average of approximately 13,250 food boxes per week since June 2014. Approximately 743,642 boxes of food have been picked up by 391,003 households.

Food boxes distributions vary by county and occur 1-4 times per month. Nearly 70% of the food distributions have occurred in the Tulare Basin (Fresno, Kern, Kings and Tulare). There are 12,300 boxes scheduled for delivery for the week ending August 28, to Butte, Fresno, Kern, Madera, Merced, Riverside, Santa Cruz, and Tulare counties.

The Department of Community Services and Development (CSD) allocated an additional \$600,000, under the federally-funded Community Services Block Grant (CSBG), to continue the [Drought Water Assistance Program \(DWAP\)](#) which provides financial assistance to help low-income families pay their water bills. As of August 14, CSD has reported that a total of \$361,187 has been issued to 1,811 households.

CSD is in the process of allocating \$400,000, under CSBG, to continue the Migrant and Seasonal Farmworker (MSFW) drought assistance program, which provides assistance in employment training and placement services to individuals impacted by the drought. This program provides employment training and placement services to migrant and seasonal farmworkers suffering job loss or reduced employment due to the drought. To date, CSD has reported that a total of \$10,843 has been issued to the Center for Employment Training, California Human Development, and Central Valley Opportunity Center with 14 participants enrolled.

In response to California's historic drought, CSD has received \$7.5 million in General Fund to implement the Drought Emergency Assistance Program (DEAP) to provide emergency relief and support services to drought-impacted individuals and their families and households. As of August 14, CSD has reported that a total of \$115,843 has been issued to 103 households.

- **Drought Response Funding:** The \$687 million in state drought funding that was appropriated last March through emergency legislation, as well as \$142 million provided in the 2014 Budget Act, continues to advance toward meeting critical needs. To date, \$468 million has been committed, and nearly \$625 million of the emergency funds appropriated in March came from sources dedicated to capital improvements to water systems. Since March, the Department of Water Resources has expedited grant approvals, getting \$21 million immediately allocated to grantees that were pre-approved for certain projects.

As planned in March, the next \$200 million of expedited capital funding was awarded in October, and the remaining \$250 million will be granted by fall 2015. The 2014 Budget Act appropriated an additional \$53.8 million to CAL FIRE over its typical budget to enhance firefighter surge capacity and retain seasonal firefighters beyond the typical fire season.

As a result of continuing drought conditions, emergency legislation was enacted in March 2015 that appropriated over \$1 billion of additional funds for drought-related projects and activities. The Administration's May Revision proposal includes an additional \$2.2 billion for programs that protect and expand local water supplies, improve water conservation, and provide immediate relief to impacted communities.

CURRENT DROUGHT CONDITIONS

- **Fire Activity:** Since the beginning of the year, firefighters from CAL FIRE and the U.S. Forest Service have responded to 5,857 wildfires across the state, burning 342,698 acres. Fire activity across California remains high with nearly 201 wildfires in just the past week.
- **CAL FIRE Suspends Outdoor Residential Burning:** California's increased fire activity this year, coupled with record-setting drought conditions, has caused CAL FIRE to [suspend burn permits](#) in all counties in the State Responsibility Area.
- **Dry Well Reports:** With California in its fourth year of a severe, hot drought, the Governor's Drought Task Force continues to monitor and identify communities and local water systems in danger of running out of water. Recently, a cross-agency team, led by DWR, developed a new system that improves and streamlines data collection and reporting for [household water shortages](#) for California water systems with fewer than 15 household connections.

As of August 19, approximately 2,225 wells statewide have been identified as critical or dry, which affects an estimated 9,488 residents. Cal OES has reported that 2,128 of the 2,225 dry wells are concentrated in the inland regions within the Central Valley. If you are experiencing a water supply shortage, please [submit a report](#) on DWR's website.

- **Vulnerable Water Systems:** The State Water Board continues to provide technical and funding assistance to several communities facing drinking water shortages, and is monitoring water systems across the state. Since January 2014, 91 out of the 119 projects approved to receive emergency funding for interim replacement drinking water have been executed. On May 19, the State Water Board adopted Guidelines for administering the latest emergency drought appropriations of \$19 million announced this past March. To date, the State Water Board has received requests for \$3.7 million of those funds.

- **Projected Reservoir Management:** Shasta Reservoir recorded 1,857,959 acre-feet (AF) on August 20 with a 10-day average reduction in storage of 6,523 AF/day. Releases are being held lower than normal to keep cold water in the reservoir for Winter Run Chinook Salmon later in the fall. Shasta Reservoir is projected to reach 1,460,000 AF by the end of September. This is higher than the 1976-77 record low storage of 700,000 AF.

Oroville Reservoir recorded 1,088,050 AF on August 20 with a 10-day average reduction in storage of 2,603 AF/day. Releases are higher than normal to help make up for reduced flows out of Shasta. These higher flows are to keep salt water from coming too far into the Delta and to meet other joint federal-state obligations. Oroville Reservoir is projected to reach 900,000 AF by the end of September. This storage is about the same as the record low 1976-77 storage level.

Folsom Reservoir recorded 219,426 AF on August 20 with a 10-day average reduction in storage of 3,088 AF/day. Releases are higher than normal to help make up for reduced flows out of Shasta. Folsom Reservoir is projected to reach 120,000 AF by the end of September. This is lower than the 1976-77 record low storage of 150,000 AF.

[Reservoir Levels](#) as of August 23 remain low, including: Castaic Lake 37% of capacity (45% of year to date average); Don Pedro 32% of capacity (45% of average); Exchequer 10% of capacity (17% of average); Folsom Lake 22% of capacity (34% of average); Lake Oroville 31% of capacity (45% of average); Lake Perris 36% (46% of average); Millerton Lake 31% of capacity (62% of average); New Melones 13% of capacity (22% of average); Pine Flat 13% of capacity (31% of average); San Luis 20% of capacity (46% of average); Lake Shasta 40% of capacity (62% of average); and Trinity Lake 30% of capacity (39% of average). An update of water levels at other [smaller reservoirs](#) is also available.

- **Weather Outlook:** Mainly dry weather can be expected over the area for the next several days. Temperatures will remain near to slightly above normal as the upper-level ridge lingers over the region. Some light rain is possible throughout the week in higher mountain elevations and the southwestern deserts, and in the Bay Area near the end of the week.

Local Government

- **Local Emergency Proclamations:** A total of 60 local Emergency Proclamations have been received to date from city, county, and tribal governments, as well as special districts:
 - **27 Counties:** Butte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Madera, Mariposa, Merced, Modoc, Plumas, San Bernardino, San Joaquin, San Luis Obispo, Santa Barbara, Shasta, Siskiyou, Sonoma, Stanislaus, Sutter, Trinity, Tulare, Tuolumne and Yuba.
 - **12 Cities:** City of Live Oak (Sutter County), City of Lodi (San Joaquin County), City of Manteca (San Joaquin County), City of Montague (Siskiyou County), City of Porterville (Tulare County), City of Portola (Plumas County), City of Ripon (San Joaquin County), City of San Juan Bautista (San Benito County), City of Santa Barbara (Santa Barbara County), City of Rancho Cucamonga (San Bernardino County) and City of West Sacramento (Yolo County) and City of Willits (Mendocino County).

- **9 Tribes:** Cortina Indian Rancheria (Colusa County), Hoopa Valley Tribe (Humboldt County), Karuk Tribe (Siskiyou/Humboldt Counties), Kashia Band of Pomo Indians of the Stewarts Point Rancheria (Sonoma County), Picayune Rancheria of Chukchansi Indians (Madera County) Sherwood Valley Pomo Indian Tribe (Mendocino County), Tule River Indian Tribe (Tulare County), Yocha Dehe Wintun Nation (Yolo County) and Yurok Tribe (Humboldt County).
- **12 Special Districts:** Carpinteria Valley Water District (Santa Barbara County), Goleta Water District (Santa Barbara County), Groveland Community Services District (Tuolumne County), Lake Don Pedro Community Services District (Mariposa Stanislaus County), Mariposa Public Utility District (Mariposa County), Meiners Oaks Water District (Ventura County), Montecito Water District (Santa Barbara County), Mountain House Community Service District (San Joaquin County), Nevada Irrigation District (Nevada County), Placer County Water Agency (Placer County), Tuolumne Utilities District (Tuolumne County) and Twain Harte Community Services District (Tuolumne County).
- **Water Agency Conservation Efforts:** The Association of California Water Agencies (AWCA) [has identified](#) several hundred local water agencies that have implemented water conservation actions. These water agencies [are responding to the drought](#) by implementing conservation programs, which include voluntary calls for reduced water usage and mandatory restrictions where water shortages are worst.

ACWA [released](#) a Drought Response Toolkit to assist water agencies as they take action to meet state-mandated water conservation target and communicate information about water use restrictions, enforcement and other issues with their customers, media and other audiences.
- **County Drought Taskforces:** A total of 33 counties have established drought task forces to coordinate local drought response. These counties include: Butte, Colusa, Glenn, Humboldt, Kern, Kings, Lake, Madera, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Orange, Placer, Plumas, Sacramento, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Siskiyou, Stanislaus, Solano, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yolo.
- **Tribal Taskforce:** A total of 7 tribes have established drought task forces to coordinate tribal drought response. These tribes include: Hoopa Valley Tribe (Humboldt County), Hopland Tribe (Mendocino County), Karuk Tribe (Siskiyou County), La Jolla Band of Luiseno Indians (San Diego County), Sherwood Valley Tribe (Mendocino County), Trinidad Tribe (Humboldt County), and Yurok Tribe (Humboldt and Del Norte County).

DROUGHT RELATED WEBSITES FOR MORE INFORMATION

[Drought.CA.Gov](#): California's Drought Information Clearinghouse

State's Water Conservation Campaign, [Save Our Water](#)
Local Government, [Drought Clearinghouse and Toolkit](#)

California Department of Food and Agriculture, [Drought Information](#)
California Department of Water Resources, [Current Water Conditions](#)
California Data Exchange Center, [Snow Pack/Water Levels](#)
California State Water Resources Control Board, Water Rights, [Drought Info and Actions](#)
California Natural Resources Agency, [Drought Info and Actions](#)
State Water Resources Control Board, Drinking Water, [SWRCB Drinking Water Program](#)
California State Water Project, [Information](#)

[U.S. Drought Monitor](#) for Current Conditions throughout the Region
[U.S. Drought Portal](#), National Integrated Drought Information System (NIDIS)
National Weather Service [Climate Predictor Center](#)
USDA Drought Designations by County [CA County Designations](#)
USDA Disaster and Drought Assistance Information [USDA Programs](#)
U.S. Small Business Administration Disaster Assistance Office: www.sba.gov/disaster