DRAFT

CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AND 1155 KELVIN ROAD
EL SOBRANTE, CA 94803
MARCH 6, 2012, 5:30 P.M.

Call to Order
Roll Call

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

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member McCracken
Invocation

PROCLAMATIONS
   Boyd and Mary Leavitt

PRESENTATIONS
   Employee of the Month – Debbie Salter
   Employee Services Awards

REPORTS
   This is the time for all reports pursuant to AB 1234; committee/commission/board reports; subcommittee reports; and other informational items.

I. City Council Committee and Commission Meetings:
   A. Tulare County Economic Development Corporation – February 22, 2012
   B. Council of Cities – February 29, 2012
II. City Commission and Committee Meetings:
   A. Youth Commission – February 27, 2012
   B. Parks & Leisure Services Commission – March 1, 2012

**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.

1. **City Council Minutes of February 27, 2012**

2. **Acceptance of Project – Scranton Avenue & Indiana Street Reconstruction Project**
   Re: Considering acceptance of project from Halopoff & Sons, and authorizing the filing of the Notice of Completion for the project consisting of the reconstruction of Scranton Avenue, from Indiana Street to State Route 65, and Indiana Street from Gibbons Avenue to Scranton Avenue to arterial standards.

3. **Acceptance of Project – Jaye Street Improvements (From the Easterly Extension of Brown Avenue to Gibbons Avenue)**
   Re: Considering acceptance of project from Mitch Brown Construction and authorizing the filing of the Notice of Completion for the project consisting of the reconstruction of Jaye Street to collector standards; and authorizing the withholding of $25,000 in a trust and agency account from the project retention.

4. **Approval of Measure ‘R’ Supplemental Agreement Heritage Center Trailway Extension (Rails to Trails Phase II) Project**
   Re: Considering the approval of a resolution affirming the City Council’s support of the Heritage Center Trailway Extension project; and authorizing the execution of the Supplemental Agreement.

5. **Purchase of Police Vehicles**
   Re: Considering authorization to negotiate the purchase and outfitting of eight marked police vehicles.

6. **Abandoned Vehicle Abatement Program**
   Re: Considering authorizing the Tulare County Association of Governments (TCAG) to extend the imposition of a $1.00 registration fee for an additional ten-year period for the purpose of funding the Vehicle Abatement Program through April 30, 2022.
7. **Airport Lease Renewal – Lot 45**  
   Re: Considering approval of a five year extension of the Lease Agreement between the City and Gillespie Ag Service of Porterville, CA, for Lot 45 at the Porterville Municipal Airport.

8. **Airport Lease Renewal – FBO Lot 9**  
   Re: Considering approval of a ten year extension of the Lease Agreement between the City and Arrow Falcon Exporters, Inc., for Fixed Base Operator Lot 9 at the Porterville Airport.

9. **Approval of Community Civic Event – Porterville Unified School District, the Porterville Rotary Club and Burton School District – Porterville Celebrates Reading – April 21, 2012**  
   Re: Considering approval of an event to take place on April 21, 2012, at Veteran’s Park, from 10:00 a.m. to 2:00 p.m.

10. **Consideration of a Street Closure for Community Event in Recognition of Bear Pascoe, a Member of the National Football League World Champion New York Giants**  
    Re: Considering approval of the temporary closure of Main Street between Thurman Avenue and Cleveland Avenue on March 10, 2012.

11. **Review of Local Emergency Status**  
    Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8690 of the California Emergency Services Act.

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

**PUBLIC HEARINGS**

12. **Commercial Crop Cultivation Ordinance: An Amendment to the Development Ordinance to Accommodate Interim Agricultural Use of Lands Within Multiple Zone Districts**  
    Re: Consideration of amending the development ordinance to allow commercial crop cultivation in residential and commercial zones as an interim use through a conditional use permit process.

**SCHEDULED MATTERS**

13. **Re-Visit Consideration of Street Self-Performance and Purchase of Specialized Equipment**  
    Re: Consideration of information regarding available street funds and the cost of purchasing specialized street equipment.

14. **Appointment to CDBG Citizens’ Advisory and Housing Opportunity Committee**  
    Re: Consideration of the appointment of an individual to the CDBG Citizens’ Advisory and Housing Opportunity Committee for a one-year term.

15. **Consideration of Charge and Scope of Potential Ballot Measure Review Committee; Committee’s Composition and Appointment Method; and Approval of Proposed Timeline**  
    Re: Consideration of decisions to be made relative to the ad hoc committee approved by the Council to study the potential placement of a ballot measure to move the City’s general election from June to November of even years.
Re: Consideration of a draft ordinance establishing a General Fund Reserve Policy and amending the City’s current regulations regarding the Fund; and approving the scheduling of a public hearing for consideration and first reading of the proposed ordinance.

ORAL COMMUNICATIONS

OTHER MATTERS

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

ADJOURNMENT - to the meeting of March 20, 2012.

Pursuant to Ordinance No. 1766, the Council Meeting shall adjourn no later than 9:45 p.m., unless otherwise approved by a majority of the Council Members present.

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.
SPECIAL MEETING  
CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
FEBRUARY 27, 2012, 6:30 P.M.

Call to Order at 6:30 p.m. 
Roll Call: Council Member Shelton, Council Member McCracken, Vice Chair Hamilton, Mayor Irish  
Absent: Council Member Ward

Pledge of Allegiance Led by Council Member Greg Shelton  
Invocation – None.

ORAL COMMUNICATIONS  
• Donnette Carter, Porterville Chamber of Commerce, 93 N. Main, invited the Council to participate in the Educator for a Day event on March 2nd; and elaborated on the Porterville Celebrates Reading Committee’s decision to move the date and location of their event this year.

CLOSED SESSION  
Prior to the Council convening in Closed Session, Deputy City Attorney Steve Kabot indicated that the Government Code Section relative to Closed Session Item A-1 identified five possible situations in which there could be a significant exposure to litigation. Of those the one applicable to the Agenda Item was 54956.9(b)(3)(B), in which facts and circumstances could result in litigation against the City and those facts and circumstances were known to a potential plaintiff. He stated that under those circumstances he was required to publically disclose, in general terms, those circumstances for the record. The Deputy City Attorney disclosed that there had been an allegation that an officer of the City made unlawful or tortuous statements to a representative of a developer whose project was being considered by the City; and that those comments could give rise to potential litigation. He added that should there be any reportable action taken by the Council during Closed Session, that such action would be reported in open session.

At 6:35 p.m. the Council reconvened in Closed Session.

A. CLOSED SESSION PURSUANT TO:
1- GOVERNMENT CODE SECTION 54956.9(B)(2) – BASED ON EXISTING FACTS AND CIRCUMSTANCES, THE CITY COUNCIL IS MEETING ONLY TO DECIDE WHETHER A CLOSED SESSION IS AUTHORIZED PURSUANT TO PARAGRAPH (1) OF GOVERNMENT CODE SECTION 54956.9(B).
2- GOVERNMENT CODE SECTION 54956.9(B)(1) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – SIGNIFICANT EXPOSURE TO LITIGATION: ONE CASE.

The Council reconvened in open session at 7:21 p.m.
Deputy City Attorney Kabot reported that the Council determined, in Closed Session, that the facts and circumstances justified proceeding to consider the matter in Closed Session and did so. There was no reportable action taken by the Council with regard to Item A-2.

**ADJOURNMENT**

The Council adjourned at 7:25 p.m. to the meeting of March 6, 2012.

SEAL

_________________________

Luisa Herrera, Deputy City Clerk

_________________________

Ronald L. Irish, Mayor
SUBJECT: ACCEPTANCE OF PROJECT – SCRANTON AVENUE & INDIANA STREET RECONSTRUCTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Halopoff & Sons has completed the Scranton Avenue & Indiana Street Reconstruction Project per plans and specifications. The project consisted of the reconstruction of Scranton Avenue and Indiana Street to arterial standards (84’ wide right of way). The project encompassed all of Indiana Street from Gibbons Avenue to Scranton Avenue and Scranton Avenue from Indiana Street to State Route 65. The project consisted of storm drain pipeline, fire hydrants, asphalt paving, curb, gutter and street lighting. The storm drain system included the installation of 24”, 36” and 48” reinforced concrete pipe which will accommodate any future development within this area.

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council’s direction, staff has commenced with the reporting of project construction expenditures. On April 5, 2011, City Council authorized expenditure of $1,989,934.13 for construction, construction management and quality control services for the Scranton Avenue & Indiana Street Reconstruction Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1) Final construction cost is $1,818,238.40.

2) Construction management was performed by staff and quality control by BSK Associates. The cost for both services was $89,306.79, which is 5.16% of the awarded construction contract. This amount is $2,787.92 greater than the 5% construction management and quality control amount requested at time of award due to additional concrete pipe testing completed by BSK at the request of City Staff.

Total project construction costs equate to $1,907,545.19, which is less than the $1,989,934.13 overall budget approved by Council at the time of award.

$3.3 million was set aside to cover all costs for this project by implementation of the 2006 ½ cent sales tax Measure “R” Expenditure Plan. The following is a summary of all associated project expenditures:
Budgeted Amount $3,300,000.00
- Right of way negotiation/acquisition $175,351.17
- Design and miscellaneous costs $186,970.75
- Construction management & quality control $89,306.79
- Construction $1,818,238.40
Remaining Regional Measure “R” Funding $1,030,132.89

Funding source for the project is “Regional” Measure ‘R’ funds as included in the 2010/2011 Annual Budget. As directed by Council, the Public Works Director transmitted a letter to the Tulare County Transportation Authority (TCTA) requesting that the approximate $1 million cost savings be moved to the Main Street/SR 190 Interchange Project Study Report (PSR).

Halopoff & Sons requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;

2. Authorize the filing of the Notice of Completion; and

3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map

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SUBJECT: ACCEPTANCE OF PROJECT – JAYE STREET IMPROVEMENTS (FROM THE EASTERLY EXTENSION OF BROWN AVENUE TO GIBBONS AVENUE)

SOURCE: Public Works Department - Engineering Division

COMMENT: Mitch Brown Construction has completed the Jaye Street Improvements Project (from the easterly extension of Brown Avenue to Gibbons Avenue). The project consisted of the reconstruction of Jaye Street to collector standards including storm drain pipeline with catch basins, fire hydrant relocation, new water services, asphalt paving, curb, gutter, sidewalk in designated areas, drive approaches, median island with landscaping and street lighting.

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council’s direction, staff has commenced with the reporting of project construction expenditures. On April 5, 2011, City Council authorized expenditure of $903,141.43 for construction, construction management and quality control services for the Jaye Street Improvements Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1) Final construction cost is $801,169.02.

2) Construction management was performed by staff and quality control by BSK Associates. The cost for both services was $75,355.41, which is 9.18% of the awarded construction contract. This amount is greater than the 7% construction management and quality control amount requested at time of award due to additional testing completed by BSK at the request of City Staff and additional time required for completion of the project.

Total project construction costs equate to $876,524.43, which is less than the $903,141.43 overall budget approved by Council at the time of award.

Funding for the project is Local Transportation Fees (LTF) and Prop 1B Funds as approved in the 2010/2011 Annual Budget.
Mitch Brown Construction requests that the City accept the project as complete. Staff has concerns with the final appearance of the asphalt concrete, specifically to isolated longitudinal areas along the center of Jaye Street and perpendicularly across Jaye Street at Gibbons Avenue. It was agreed between the City and Contractor to withhold $25,000.00 in a trust and agency account from the project retention to cover the square yard cost for micro-surfacing within these specific areas of concern to seal and lock in aggregates.

The Contractor has submitted a 3-year warranty bond per the project specifications. The 3-year warranty will address the structural integrity of the asphalt concrete inclusive of the areas apparent to staff at the time of final inspection and will correct any deficiencies not yet readily apparent to staff. The City and Contractor will review the project yearly during the 3 year warranty period. Corrective measures will take place immediately should they become necessary and if not, the warranty bond and unused $25,000.00 will be returned to the Contractor.

RECOMMENDATION: That City Council:

1. Accept the project as complete;

2. Authorize the filing of the Notice of Completion; and

3. Authorize the release of the 10% retention, less $25,000.00 deduction ($25,000.00 to be held in a Trust and Agency Account), thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map
SUBJECT: APPROVAL OF MEASURE ‘R’ SUPPLEMENTAL AGREEMENT HERITAGE CENTER TRAILWAY EXTENSION (RAILS TO TRAILS PHASE II) PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Tulare County Association of Governments, acting as the Local Transportation Authority (“Authority”) is requesting that the City of Porterville approve and submit a Supplemental Agreement (SA) for the Heritage Center Trailway Extension (Rails to Trails Phase II) project. A CDBG-ARRA Grant predominately funded this segment of the trail through Porterville. The grant funded an aggregate base trail alignment and several parkway amenities.

As previously presented to City Council during the project approval and bidding process, appropriation of Measure “R” Alternative Transportation (Bike and Pedestrian) Funds was necessary to meet the construction funding gap and grant match. A locator map identifying the project limits is included in the Council’s packet. The “Authority” requires the processing of a SA for the purpose of reimbursing the agency for construction costs. In this particular case, the request is after project completion.

TCAG is asking that the City Manager prepare a letter recognizing that the City is seeking reimbursement after the fact, explain how the project was funded and formally request a Measure “R” Alternative Transportation funding reimbursement. The Supplemental Agreement, Resolution and Exhibit ‘A’ must be received by the “Authority” before the City can seek reimbursement for all construction costs. Exhibit ‘A’ provides the project title, project scope, and actual construction costs for this phase of the project.

So that the Council is aware, staff is currently preparing funding obligation documents to Caltrans for approval to move to the next phase of construction on this same trail segment. It is staff’s hope that Caltrans will approve CMAQ funds for the placement of concrete over the aggregate base trail alignment in time for a summer construction schedule. This project will also utilize Measure “R” Alternate Transportation Funds for the design, construction management and construction grant match. Council recently approved the Measure “R” Supplemental Agreement outlining the stated reimbursement strategy.

Dir Appropriated/Funded ___ CM ___ Item No. ___
RECOMMENDATION: That the City Council:

1. Approve the attached resolution affirming the City Council’s support of the Heritage Center Trailway Extension (Rails to Trails Phase II) project;

2. Authorize the Mayor and City Manager to execute the Heritage Center Trailway Extension (Rails to Trails Phase II) Supplemental Agreement; and

3. Direct the City Clerk to transmit the executed Supplemental Agreement to the Tulare County Authority and a letter explaining the reimbursement request after expenditure of funds for a completed construction project.

ATTACHMENTS: Locator Map
Supplemental Agreement
Resolution
Exhibit ‘A’
MEASURE R PROGRAM SUPPLEMENT TO
COOPERATIVE AGREEMENT

This Program Supplement is made and entered into on March 6th, 2012, by and
between the City of Porterville ("Sponsor") and the TULARE COUNTY ASSOCIATION OF
GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

This Program Supplement hereby incorporates the "Measure R Cooperative Agreement" for
Measure R Expenditures, which was entered into between the Sponsor and the Authority on
May 29, 2007, and is subject to all terms and conditions thereof. This Program Supplement
is executed under authority of Resolution No. ___-2012, approved by the Sponsor on March
6, 2012 (see copy attached).

Project scope and costs are incorporated herein as Attachment “A” and agreed upon by
Sponsor and Authority.

Covenants of Sponsor

1.1. SPONSOR agrees that it will only proceed with work authorized for specific phase(s)
with a written "Authorization to Proceed" or Authority action and will not proceed with
future phase(s) of this project(s) prior to receiving a written "Authorization to
Proceed" or Authority action.

1.2. The SPONSOR will advertise, award, and administer the project(s) in accordance
with SPONSOR standards.

1.3. Award information shall be submitted by the SPONSOR to the AUTHORITY within
60 days after the project contract award.

1.4. Failure to submit award information in accordance with section 1.3 will cause a delay
(without interest or penalties) in AUTHORITY processing invoices for the
construction phase.

1.5. If no costs have been invoiced for a six-month period, SPONSOR agrees to submit
for each phase a written explanation of the absence of project(s) activity along with
target billing date and billing amount.

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

COUNTY OF TULARE
TRANSPORTATION AUTHORITY       CITY OF PORTERVILLE

By: ____________________________________                  By: ___________________________
    Authority Director                               Ronald L. Irish, Mayor

Attest:

By: ____________________________________                  By: ___________________________
    John D. Lollis, City Clerk
RESOLUTION NO. _______ - 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AFFIRMING AND APPROVING THE SUPPORT OF THE CITY COUNCIL FOR THE
HERITAGE CENTER TRAILWAY EXTENSION
(RAILS TO TRAILS PHASE II) PROJECT

WHEREAS, the City of Porterville Bike and Pedestrian Program is eligible to
receive reimbursement of costs for the aggregate base trail and appurtenant
improvements related to the Heritage Center Trailway Extension Project (Rails to Trails,
Phase II), which meets the Measure R guidelines and City General Plan for alternate
modes of travel; and

WHEREAS, the Tulare County Association of Governments is requesting that the
City of Porterville approve and submit a Supplemental Agreement that will allow the City
to receive reimbursement for all design costs incurred in Fiscal Year 2011/12;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of
Porterville does hereby affirm and approve support of the Heritage Center Trailway
Extension (Rails to Trails Phase II) Project and authorizes the Mayor and City Clerk to
execute the Program Supplement and any other related documents as may be required.

PASSED, APPROVED and ADOPTED this 6th day of March, 2012.

__________________________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
STATE OF CALIFORNIA  )  SS
CITY OF PORTERVILLE  )
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 6th day of March, 2012.

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

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John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
Project Title: Heritage Center Trailway Extension (Rails to Trails Phase II) Construction Project

Project Description: Construction of a base rock trail, drainage system, water system for both fire protection (for future ball field improvements) and landscaping irrigation.

Project Limits: The old Atchison, Topeka and Santa Fe Railway (A.T. & S.F. Railway) alignment between the existing Olive Avenue pedestrian crossing to existing sidewalk on the north side of Walnut Avenue adjacent to the City of Porterville Heritage Center. The vacated A.T. & S.F. Railway is bounded on the west by A Street and Plano Street on the east.

Actual Construction Costs:

1. Drainage Inlet $ 2,500.00
2. 8" Storm Drain Pipe $ 3,850.00
3. Fire Hydrant Assembly $ 5,000.00
4. 6" Waterline $ 3,500.00
5. Irrigation System $ 13,687.00
6. Install Conc. Collar at ex. DI $ 620.00

Total Construction $ 29,157.00

Actual Construction Management (CM) Costs:

1. City Staff Construction Management $ 6,485.57
2. Soils Quality Control (CLT) $ 680.00

Total Construction Management $ 7,165.57

Total Reimbursement Request $ 36,322.57
SUBJECT: PURCHASE OF POLICE VEHICLES

SOURCE: Police Department

COMMENT: In the upcoming budget cycle, the Police Department currently has twelve marked patrol vehicles, four unmarked detective vehicles, three police motorcycles and one police utility vehicle scheduled for replacement.

Due to strong fiscal management and adherence to our vehicle depreciation plan, the monies for these vehicle replacements have already been accumulated in the department’s Equipment Replacement Fund. In past years, a careful evaluation was made on each particular vehicle to determine actual need for replacement and to ensure that a vehicle is not replaced only because it was scheduled to be replaced. In light of budget uncertainties, this part of vehicle replacement process is even more critical and has recently been completed.

With regard to the replacement of the marked police vehicles, it has been determined that of twelve vehicles scheduled for replacement, only eight of them are in extreme need of replacement. Two of the vehicles were totaled as a result of traffic collisions. Although there may be increased maintenance costs with the remaining two marked vehicles, four unmarked detective vehicles and one police utility vehicle, the Department believes the replacement of those vehicles can be deferred to the 2013/2014 budget year. Finally, it is the intent of the Department to research and implement a plan for motorcycle replacement during the year to come.

Normally, the Department’s vehicle replacement plan would be part of the budget process. However, there exists a need to pursue these vehicles immediately. We have just been informed that a vehicle supplier has marked police vehicles available for purchase due to other agencies not taking immediate possession of their entire orders. These vehicles are 2011 Ford “Crown Victoria Police Sedans” and they are available under an existing City of Sacramento contract. An additional savings would also be realized in that these vehicles would not require the state’s contract fee.

Based on the above information, it is the Department’s belief that this purchase opportunity must be taken now, prior to the start of the new fiscal year. If we do not act promptly, there is a high risk that the stock of vehicles in question, which are no longer in production, will be depleted.
The Police Department requests permission to start the vehicle purchase process immediately, prior to budget adoption because of the cost savings available at this time.

RECOMMENDATION: That the Council authorize the City’s Purchasing Agent to negotiate the purchase and outfitting of eight marked police vehicles.
SUBJECT: ABANDONED VEHICLE ABATEMENT PROGRAM

SOURCE: Police Department

COMMENT: In September of 1991, the Tulare County Association of Governments was established as the Service Authority for the County's Abandoned Vehicle Abatement (AVA) program through the adoption of a Joint Powers Agreement between Tulare County and the cities within Tulare County. The AVA program is funded by a $1.00 service fee collected by the Department of Motor Vehicles at the time of registration. Funds are distributed to the cities and Tulare County each quarter based on population and the number of vehicles abated by each agency. Sections 9250.7 and 22710 of the vehicle code provided that collection of the fee would terminate no later than 10 years from the date the fee was initially commenced.

Legislation allowing the extension of this sunset date (SB106) was passed in August 2001. This bill authorizes the extension of the fee collection in increments of up to 10 years each if the County Board of Supervisors (by a 2/3rds vote) and a majority of the cities having a majority of the incorporated population within the County adopt resolutions providing for the extension of the fee. The fee was reauthorized by resolution beginning April 30, 2002. In accordance with this provision, the sunset date for Tulare County is April 30, 2012.

Staff requests that Council approve the extension of the AVA program for another 10-year period to assist in funding the abatement of abandoned vehicles in the city of Porterville.

RECOMMENDATION: That the City Council:

1) Authorize the Tulare County Association of Governments, acting as the Authority, to extend the imposition of a $1.00 registration fee for an additional 10-year period in order to fund the Vehicle Abatement Program through April 30, 2022.

ATTACHMENT: Resolution to extend AVA program

[Signature] [Signature] Appropriated/Funded [Initial] Item No. 60
BEFORE THE CITY COUNCIL
CITY OF PORTERVILLE,
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF EXTENDING ) RESOLUTION NO.
THE SUNSET DATE FOR )
COLLECTION OF THE SERVICE FEE )
FOR THE ABANDONED VEHICLE )
ABATEMENT PROGRAM IN TULARE )
COUNTY TO APRIL 30, 2022 )

WHEREAS, California Vehicle Code section 22710 authorizes the establishment of a
Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar
($1) vehicle registration fee to fund an abandoned vehicle abatement program established by such
Service Authority; and

WHEREAS, the Tulare County Board of Supervisors and the majority of the cities within
the County having the majority of the incorporated population have previously concurred in the
establishment of a Service Authority; and

WHEREAS, the County and the Cities had previously, on September 25, 1991, entered
into a joint exercise of powers agreement creating the Tulare County Service Authority for the
Abatement of Abandoned Vehicles ("the Authority") and designating the Tulare County
Association of Governments as the Authority; and

WHEREAS, California Vehicle Code section 9250.7 had previously provided that the fee
imposed by a Service Authority shall remain in effect only for a period of 10 years from the date
the actual collection of the fee commenced; and

WHEREAS, collection of the fee for the Authority commenced May 1, 1992, was re-
authorized through April 30, 2002 and will sunset on April 30, 2012; and

WHEREAS, California Vehicle Code section 9250.7 was amended in August 2001 by
Senate Bill 106 which provides that the fee may be extended in increments of up to 10 years each
if the Board of Supervisors of the county, by a two-thirds vote, and a majority of the cities having
a majority of the incorporated population within the county adopt resolutions providing for the
extension of the fee; and
WHEREAS, the City of Porterville recognizes that it is desirable to extend the collection of the service fee for abatement of abandoned vehicles in both the incorporated and unincorporated areas of Tulare County;

NOW, THEREFORE, BE IT RESOLVED that the Tulare County Association of Governments, acting as the Authority, be authorized to extend the imposition of a one dollar ($1) registration fee to fund the abandoned vehicle abatement program within both the incorporated and unincorporated areas of Tulare County for a 10 year increment with a new sunset date of April 30, 2022.

The foregoing resolution was adopted upon motion of Councilmember ________, seconded by Councilmember ________, at a regular meeting on the ____ day of ________, 2012, by the following vote:

AYES:

NOES:

ABSENT:

BY:

__________________________
Mayor
City of ________

ATTEST:

__________________________
City Clerk
COUNCIL AGENDA: MARCH 6, 2012

SUBJECT: AIRPORT LEASE RENEWAL – LOT 45

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: Gillespie Ag Service is the current lease holder of Lot 45 at the Porterville Municipal Airport. The lease will expire on June 30, 2012; however, the lease terms allow for options to extend the lease in five-year periods. We have received a request from Mr. Dana Gillespie, President, to exercise his option to extend his lease for an additional five years, expiring on June 30, 2017. This lease was assigned to Gillespie Ag Service from Mr. & Mrs. Michael Archer on January 1, 2010.

RECOMMENDATION: That the Council approve the extension of the Lease Agreement between the City of Porterville and Gillespie Ag Service of Porterville, CA, for Lot 45 at the Porterville Municipal Airport.

ATTACHMENT: Locator Map
Letter from Mr. Dana Gillespie requesting renewal
Paragraph 2 of original Lease Agreement

D.D. [ ] Appropriated/Funded [ ] C.M. [ ]  Item No. 7
January 26, 2012

Susan Hartman
City of Porterville
291 No. Main Street
Porterville, CA 93257

Re: Airport Lease Renewal

Dear Ms. Hartman:

According to our lease terms for Lot 45 at Porterville Municipal Airport, we would like to extend our lease for another five years.

Thank you for your help in this matter.

Sincerely,

[Signature]

Dana Gillespie
President
LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California this 1st day of July, 1992, by and between the CITY OF PORTERVILLE, a political subdivision of the State of California, hereinafter referred to as "City" and MICHAEL AND FRANKIE L. ARCHER hereinafter referred to as "Lessee".

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

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

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises:
(a) Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, more particularly described by metes and bounds in Exhibits being attached hereto and by this reference made a part hereof.

2. Term: The term of this lease shall commence when both parties have executed the same and shall terminate on June 30, 2002. Provided Lessee is not in default with respect to any of the
conditions or covenants of this lease. Lessee shall have an option to request an extension of the terms hereof for additional periods of five (5) years, by giving written notice thereof to Lessor not less than 120 days prior to expiration of this agreement or any five year extension. Lessor is not obligated to grant any extension but such shall not be unreasonably withheld.

3. Rental and Business Privilege Consideration: Lessee agrees to pay to City in lawful money of the United States without deduction or offset, to the Finance Director, City of Porterville, P O Box 432, Porterville, California, 93258, or to such person or persons and as such place or places as may be designated from time to time by City, a rental rate of $.1662 per square foot per year. Inasmuch as the lease site contains approximately 5,180 square feet of land area, said rental rate will be $860.92 per year payable in advance on July 1, of each year of this lease. See Exhibit "A" attached.

At the end of each year of this lease, the rate shall be adjusted by a percentage equal to the percentage increase or decrease in the Consumer Price Index (CPI) for San Francisco in the interval between the date of execution of this Lease or the last date or rate adjustment.

4.a Purpose: This Lease is made for the purpose of constructing and operating an aircraft hangar to be used for the parking and storage of aircraft and other activities incident thereto. Lessee shall not use the premises or any part thereof or permit them to be used for any purpose or purposes other than stated above.

Lessee shall not do or permit any act or thing to be done upon the premises which constitutes nuisance or which may disturb the
SUBJECT: AIRPORT LEASE RENEWAL – FBO LOT 9

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: Arrow Falcon Exporters, Inc., is the current leaseholder of Fixed Base Operator Lot 9 at the Porterville Municipal Airport. The twenty year lease will expire on September 30, 2012; however, the lease terms allow for an option to extend the lease for an additional ten (10) years, provided the City receives a request to exercise the option 120 days prior to expiration. Paragraph 2 of the Lease Agreement (attached) outlines the terms including the renewal option. We received a request from Mr. Victor Symonds, President, dated February 8, 2012, asking to continue the lease on FBO Lot 9. Staff recommends that Council grant the ten year option to extend the lease to 2022.

RECOMMENDATION: That the Council approve the ten year extension of the Lease Agreement between the City of Porterville and Arrow Falcon Exporters, Inc., for Fixed Base Operator Lot 9 at the Porterville Municipal Airport.

ATTACHMENT: Locator Map
Letter from Mr. Victor Symonds, President, requesting renewal Paragraph 2 of original Lease Agreement

D.D. Appropriated/Funded C.M. Item No. 8
Porterville Municipal Airport Site 9: Beginning at a City of Porterville brass capped 2-inch iron pipe accepted as the center of Section 9, Township 22 South, Range 27 East, M.D.B. & M; Thence North 89° 58' 38" East, along the north line of the Southeast Quarter of Said Section a distance of 979.60 feet to a City of Porterville brass capped 2-inch iron pipe marking the intersection with the Porterville Municipal Airport building setback line; Thence South 44° 55' 30" East along said setback line a distance of 445.87 feet to the West corner of Site 12 of said Airport; Thence North 45° 04' 30" East, 450 feet to the True Point of Beginning; Thence continuing North 45° 04' 30" East, 150 feet; Thence South 44° 55' 30" East, 150 feet; Thence South 45° 04' 30" West, 150 feet; Thence North 44° 55' 30" West, 150 feet to the point of beginning.
February 8, 2012

City of Porterville
291 No. Main Street
Porterville, CA 93257

RE: Airport Lease Renewal
   Municipal Airport Lot #9

ATTN: Susan Hartman

In accordance with provisions of Porterville Municipal Airport Lease of October 1, 1992, we wish to extend the terms of the lease for an additional 10 years.

Sincerely,

[Signature]

Victor Symmonds
President

VVS/bj
LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California this 1st day of October, 1992, by and between the CITY OF PORTERVILLE, a political subdivision of the State of California, hereinafter referred to as "City" and VICTOR V. SYMONDS, President, ARROW FALCON EXPORTERS, INC., referred to as "Lessee".

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

WHEREAS, Lessee desires to lease a portion of said airport to operate an aviation oriented business;

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

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises:
   (a) Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, more particularly described by metes and bounds in Exhibits being attached hereto and by this reference made a part hereof. [Oct 1, 1992]

2. Term: The term of this Lease shall commence when both parties have executed the same and shall terminate on September 30, 2012. Provided Lessee is not in default with respect to any of the conditions or covenants of this Lease, Lessee shall have an option to extend the terms hereof for
an additional period of ten (10) years, by giving written notice thereof to Lessor not less than 120 days prior to expiration of this agreement.

3. Rental and Business Privilege Consideration: Lessee agrees to pay to City in lawful money of the United States without deduction or offset, to the Finance Director, City of Porterville, P O Box 432, Porterville, California 93258, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of $.0045 per square foot per month. Inasmuch as the lease site contains 22,500 square feet of land area, said rental rate will be $101.25 per month. See Exhibit "A" attached.

At the end of each five (5) year period of this Lease, i.e. September 30, 1997 the rate shall be adjusted by a percentage equal to the percentage increase or decrease in the Consumer Price Index (CPI) for San Francisco in the interval between the date of execution of this Lease or the last date of rate adjustment, and the end of the five (5) year period.

4. Purpose: This Lease is made for the purpose of conducting commercial activity reasonably associated with the aviation industry. Lessee shall not use the premises or any part thereof or permit them to be used for any purpose or purposes other than stated above.

Lessee shall not do or permit any act or thing to be done upon the premises which constitutes nuisance or which may disturb the quiet enjoyment of City or any tenant of City on adjacent or neighboring property.

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

In the event Lessee has not (a) taken corrective action within 72 hours, or (b) filed an appeal with the City Council, City of Porterville,

SOURCE: Finance Department

COMMENT: Porterville Unified School District, Porterville Rotary Club and Burton School District are requesting approval for their annual literacy fair, Porterville Celebrates Reading, on April 21, 2012, at Veteran's Park, from 10:00 a.m. to 2:00 p.m. This annual event includes free books and small group presentations for children and parents in order to encourage literacy development.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached Application, Agreement and Exhibit 'A.'

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Porterville Unified School District, Porterville Rotary Club and Burton School District, subject to the stated requirements contained in the Application, Agreement and Exhibit 'A.'

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit 'A,' Outside Amplifier Permit and Certificate of Liability Insurance.

D.D. Appropriated/Funded C.M. Item No. 9
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 2/10/12  Event date: 4/21/12
Event time: 10:00 am - 2:00 pm

Name of Event: Porterville Celebrates Reading

Sponsoring organization: Rotary/PUSD/BSP
PHONE # 782-6119

Authorized representative: 
PHONE #

Event chairperson: Catherine May
PHONE # 782-6119

Granite Hills H. S.

Location of event (location map must be attached): Veterans' Park

Type of event: Literacy Fair

Nonprofit status determination: 314# 00 4102

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

Barricades (quantity): [ ] Yes [ ] No [X]

Police protection [ ] Yes [ ] No [X]

Street sweeping [ ] Yes [ ] No [ ]

Refuse pickup [ ] Yes [ ] No [X]

Other: __________________________

Parks facility application required: [ ] Yes [X] No [ ]

Assembly permit required: [ ] Yes [ ] No [X]

Attached ______

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

Approve Deny

________________________ Bus Lic Spvr __________________________

________________________ Pub Works Dir __________________________

________________________ Comm Dev Dir __________________________

________________________ Field Svcs Mgr __________________________

________________________ Fire Chief __________________________

________________________ Parks Dir __________________________

________________________ Police Chief __________________________

________________________ Deputy City Mgr __________________________
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.

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.
City Code requirements:
- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

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 shall be named as additional insured. When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council’s approval.

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

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

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

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.

<table>
<thead>
<tr>
<th>PUSD/BSD/Rotary</th>
<th>Catherine E. May</th>
<th>2/10/12</th>
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<tbody>
<tr>
<td>(Name of Organization)</td>
<td>(Signature)</td>
<td>(Date)</td>
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CITY OF PORTERVILLE

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

Name of event: ____________________________________________________________

Sponsoring organization: ____________________________________________________

Location: ___________________________ Event date: __________ Event time: __________

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE** week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
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**Municipal Code 15.1: ITINERANT VENDOR OR ITINERANT MERCHANT:** All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
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: ________________________________________________

Sponsoring organization: _______________________________________

Event date: ___________________________ Hours: ________________

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

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<th>Street Name</th>
<th>From</th>
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<th>Sidewalks</th>
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<th>Parking lots and spaces</th>
<th>Location</th>
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4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

CITY OF PORTERVILLE

PORTERVILLE CELEBRATES READING

APRIL 21, 2012

Business License Supervisor:  Business License Division has no requirements.
   S. Hartman

Public Works Director:      Provide general clean up after event.
   B. Rodriguez

Community Development Director:  No comments.
   B. Dunlap

Field Services Manager:  No comments.
   B. Styles

Chief of Fire Operations:  No comment.
   M. G. Garcia

Parks and Leisure Services Director:  Please assist in picking up litter following event. Fill out park reservation form.
   M. Stowe

Police Lieutenant:         The Police Department has no comments, concerns or conditions.
   D. Haynes

Administrative Services Manager: No comments other than usual insurance requirements.
   P. Hildreth
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Unified School District, Porterville Rotary Club and Burton School District
Event: Porterville Celebrates Reading
Event Chairman: Catherine May
Location: Veterans Park
Date of Event: April 21, 2012
Time of Event: 10:00 a.m. to 2:00 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Porterville Unified School District, Porterville Rotary Club and Burton 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, 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.

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
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: Catherine May 770 Phillips Circle, Porterville, CA 93257

2 Address where amplification equipment is to be used: Veteran's Park

3 Names and addresses of all persons who will use or operate the amplification equipment: Leila Burns, 1151 W. Pioneer, Porterville (Westfield School)

4 Type of event for which amplification equipment will be used: Literacy Fair

5 Dates and hours of operation of amplification equipment: 4/21/12 10:00am - 2:00pm

6 A general description of the sound amplifying equipment to be used: PA 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 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 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 sound amplifier or sound amplifier shell 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.

Catherine May
Signature of Applicant
2/10/12
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.

City of Porterville, Chief of Police/Designee
2/29/12
Date
ACORD™
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER 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
Hub International
HUB Int'l Insurance Serv. Inc.
P.O. Box 4047
Concord, CA 94524-4047

INSURED
Porterville Unified School District
P.O. Box 1002
Tulare, CA 93275-1002

CONTACT NAME: Dina Afkhami
PHONE (Loc. No. Ext.): 925 609-6500
FAX (As: No.): 925 609-6550
E-MAIL: dina.afkhami@hubinternational.com

INSURER A: Genesis Insurance Company
NAIC #: 38962
INSURER B: Central TulareCoSchools DisJPA

COVERAGE 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, CONDITIONS AND EXCLUSIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTN | TYPE OF INSURANCE | ADDL/USBR INSR WPD | POLICY NUMBER | POLICY OWNED | POLICY EXPIRED | LIMITS
--- | --- | --- | --- | --- | --- | ---
A | GENERAL LIABILITY | | | | | |
X | COMMERCIAL GENERAL LIABILITY | | | | | |
| CLAIMS-MADE | | | | | |
X | AUTO LIAB included** | | | | | |
| $200,000 SIR | | | | | |

GENL AGGREGATE LIMIT APPLIES PER:
POLICY

AUTOMOBILE LIABILITY

ANY AUTO
ALL OWNED AUTOS
HIRED AUTOS

UMBRELLA LIAB
EXCESS LIAB

DED RETENTION $ |

WORKERS COMPENSATION AND EMPLOYER'S LIABILITY

Y/N | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED (Mandatory in NH) | N/A

DESCRIPTION OF OPERATIONS

B | Group Self-Insured General & Auto Liab. | JPA Primary | 07/01/2011 | 07/01/2012 | $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 Ins. Co. policy provides limits of liab. of $4,800,000 excess of $200,000 self-insured retention to equal the $5,000,000 per occurrence limit of liab. **GENERAL AGGREGATE DOES NOT APPLY TO AUTO LIAB.
Re: Porterville Celebrates Reading Literacy Fair on April 21, 2012 at Veteran's Park, Porterville.
City of Porterville, as additional insured as respects to General Liability per attached TSPA9852 0709, as required by written contract.

CERTIFICATE HOLDER

City of Porterville
Attn: Anita Gustason
291 North Main St.
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

© 1988-2010 ACORD CORPORATION. All rights reserved.
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

POLICY CHANGES

<table>
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<th>POLICY NUMBER</th>
<th>ENDORSEMENT EFFECTIVE</th>
<th>COMPANY</th>
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<tr>
<td>YXB300831J</td>
<td>July 1, 2011</td>
<td>Genesis Insurance Company</td>
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<table>
<thead>
<tr>
<th>NAMED INSURED</th>
<th>COVERAGE PARTS AFFECTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Tulare County School Districts Liability Property Joint Powers Authority</td>
<td>The School Policy, Retained Limit Form, Coverage Part A</td>
</tr>
</tbody>
</table>

CHANGES

BLANKET ADDITIONAL INSURED ENDORSEMENT

Paragraph D. in SECTION II – WHO IS AN INSURED in Coverage Part A is deleted and replaced by the following:

D. We agree to include any person or organization as an additional Insured under Coverage Part A where you are required by a written contract or written agreement to include that person or organization as an insured. Insurance shall be limited to the extent of coverage and limits of insurance required by the written contract or written agreement but shall not increase (1) the Limits of Insurance stated in SECTION III – LIMIT(S) OF INSURANCE of Coverage Part A or (2) the extent of coverage as provided under Coverage Part A. The written contract or written agreement must be effective and executed prior to any occurrence taking place during the policy period.

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.

However, if a written contract or written agreement as stated in paragraph A. above specifically requires the insurance as provided by Coverage Part A to apply 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.

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

TSP A 98 52 07/09

[Signature]
Authorized Representative

Copyright, Genesis Insurance Company, 2009
SUBJECT: CONSIDERATION OF STREET CLOSURE FOR COMMUNITY EVENT IN RECOGNITION OF BEAR PASCOE, A MEMBER OF THE NATIONAL FOOTBALL LEAGUE WORLD CHAMPION NEW YORK GIANTS

SOURCE: Parks & Leisure Services Department

COMMENT: A community event has been planned to recognize Bear Pascoe, a member of the World Champion New York Giants. This event is scheduled for Saturday, March 10, 2012, beginning at 10:00 a.m. at Centennial Plaza, Main Street, Porterville. Due to site considerations and limitations, it is recommended that the City Council approve the temporary closure of Main Street from Thurman Avenue to Cleveland Avenue from 10:00 a.m. to 1:00 p.m.

RECOMMENDATION: That the City Council authorize the temporary closure of Main Street between Thurman Avenue and Cleveland Avenue on March 10, 2012, in support of the community event to recognize Bear Pasco.

ATTACHMENT: Locator Map
SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS

SOURCE: Administration

COMMENT: In accordance with the City Council's Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8690 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination whether to continue or terminate the local emergency declaration.

Since its last review on February 21, 2012, City staff has continued its coordination with both State and Federal representatives in having made claims for reimbursement for public areas reported as suffering flood damage. An estimated total of $361,750 in damage repair projects were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, which after final FEMA administrative review, a total of approximately $270,000 was approved. All repair projects are to be completed by no later than July 2012.

As was previously reported, staff made application for almost $2 million in State Office of Emergency Services (OES) grant funds, which would provide financial assistance for mitigating repetitive flooding conditions. Considering the preliminary flood prevention measures previously presented to the Council, staff evaluated the grant application criteria, and made application for mitigation projects, specifically focusing on Downtown, Murry Park, and Zalud Park projects. Staff is pleased to report that its proposed grant-funded projects successfully passed initial screening, with staff having also attended several days of required training in preparation for administering the grant funds.

RECOMMENDATION: That the Council:
1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

ATTACHMENT: None
PUBLIC HEARING

TITLE: COMMERCIAL CROP CULTIVATION ORDINANCE: AN AMENDMENT TO THE DEVELOPMENT ORDINANCE TO ACCOMMODATE INTERIM AGRICULTURAL USE OF LANDS WITHIN MULTIPLE ZONE DISTRICTS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: On February 21, 2012, the City Council continued the discussion of the crop cultivation ordinance, being a text amendment requested by Greg Woodard of the Great Western Land Company. The discussion centered on several points including indemnification of the City from agricultural operations, requiring a vector control plan for all development applications and clarifying the provisions for on-site sales and restoring the site to its prior use. Specifically, the following revisions were made to the proposed ordinance:

1- Table 204.02 was revised to show that commercial crop cultivation is currently allowed in the Airport Industrial (IA) Zone district.

2- Section 301.21(b) Development Standards was revised to require all agricultural operations to submit a vector control plan to control rodents and to indemnify the City against legal recourse stemming from the agricultural operations on a site.

3- Section 301.21(c) Considerations was revised to clarify that on-site sale of crops is not allowed and abandoned crops are removed from the site upon discontinuance of the use.

No other changes were made to the proposed ordinance. Further, the proposed edits were discussed with the applicant and his agent prior to finalization.

In response to the other direction by Council, staff will work on an amendment to the code to: 1) provide for a minor conditional use permit process that would apply to an agricultural operation of this type, as well as other uses that require less staff resources to process, 2) a graduated monetary penalty for violations of this ordinance, and 3) an amendment to the fee resolution to set an appropriate fee for a minor conditional use permit. These items will be brought back to the Council for consideration at the May 1, 2012, Council meeting.

DD [Signature] APPROPRIATED/FUNDED [N/A] CM [Signature] ITEM NO. 12
RECOMMENDATION: That the City Council:
1. Approve the proposed ordinance for the Development Code and give first reading to the Draft Ordinance; and
2. Waive further reading and order the Ordinance to print.

ATTACHMENTS: 1. Draft Ordinance
2. Section 2-141 and 2-144 Municipal Code
3. January 17, 2012, staff report and draft ordinance
4. February 21, 2012, staff report
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT
ORDINANCE TO ALLOW COMMERCIAL CROP CULTIVATION
ON AN INTERIM BASIS IN CERTAIN ZONE DISTRICTS WITH
A CONDITIONAL USE PERMIT

WHEREAS: There is currently land in the incorporated City programmed for urban development, much of which will not realize development in the near term due to the slow down in the economy; and

WHEREAS: In addition to land in the City programmed for urban development, the City has granted entitlement of urban lands that have not yet been developed; and

WHEREAS: In light of the down turn in the economy, a text amendment has been requested by a private developer to allow commercial crop cultivation on an interim basis on lands zoned for urban uses until market conditions improve to construct the intended urban land use; and

WHEREAS: This proposed text amendment was discussed at a Project Review Committee meeting on November 16, 2011, and January 11, 2012, where staff expressed support so long as it is an interim use; and

WHEREAS: The intent of this ordinance is not to encourage land owners to initiate farming operations within city limits but to allow for a viable interim use of property until such time as the economic conditions promote ultimate development of the land; and

WHEREAS: A public hearing was held before the City Council on January 17, 2012, pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of the City; and

WHEREAS: The public hearing was continued to February 21, 2012, and then to March 6, 2012, to allow additional time for consideration of the draft ordinance; 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; and

WHEREAS: On March 4, 2008, the City Council adopted Resolution 21-2008 certifying the Final Environmental Impact Report (EIR) for the General Plan; and

WHEREAS: On April 20, 2010, a public hearing was held before the City Council approving Ordinance 1764 which adopted a Comprehensive Development Code and determined the

Attachment 1
adequacy of an Addendum to the Final Environmental Impact Report to the Porterville General Plan; and

WHEREAS: On December 29, 2011, the Environmental Coordinator made a determination on the basis of substantial evidence that the proposed action is adequately covered under the addendum to the previously certified EIR.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt Ordinance No. _____ amending the Porterville Municipal Code to include Commercial Crop Cultivation, as follows:

SECTION 1:

1. Amend Table 200.02 LAND USE REGULATIONS - AGRICULTURAL/CONSERVATION DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>AC</th>
<th>RR</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Classification</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Raising</td>
<td>P</td>
<td>P(2)</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Mining and Quarrying</td>
<td>C(3)</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

2. Amend Table 201.02 LAND USE REGULATIONS - RESIDENTIAL DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Classification</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>CN</th>
<th>CR</th>
<th>CG</th>
<th>CMX</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Classification</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
</tbody>
</table>
4. Amend Table 204.02 LAND USE REGULATIONS - COMMERCIAL DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>PO</th>
<th>IP</th>
<th>IG</th>
<th>IA</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 301.21</td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

5. Amend Table 205.02 LAND USE REGULATIONS - COMMERCIAL DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>PS</th>
<th>REC</th>
<th>PK</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
</tbody>
</table>

6. Add Section 301.21  Crop Cultivation as follows:

Commercial Crop Cultivation is a Permitted Use in the AC, RR, IP, IA and IG zones. Commercial Crop Cultivation is allowed in all other City zone districts except downtown districts on an interim basis subject to a Conditional Use Permit, in which the following section applies. This section of the Code does not apply to non-commercial crop cultivation or commercial crop cultivation where allowed as a permitted use.

(a) Purpose and Intent

1. It is the purpose and intent of this section to provide opportunity for interim use of land within city limits until such time as the development market supports the intended development of said lands.

2. Commercial crop cultivation can be allowed with a conditional use permit on an interim basis only where the impacts of an agricultural operation will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the surrounding area.

3. Crop cultivation allowed under the premises of this section is secondary to its availability for urban development and should be available for development as an urban use when market conditions improve for such a use.

4. Use of a subject site for crop cultivation for an interim period does not result in the land being construed as an agricultural resource requiring protection or preservation.

5. If residentially zoned, the land, regardless of the status of its agricultural use, will be considered in the City's Housing Element and the Regional Housing Needs Assessment (RHNA) as available land for residential use.

6. A key intent of this section is to limit the use to a time period that is appropriate to the type of agricultural crop to be planted, to allow sufficient time for a reasonable profit to be realized while assuring that the use is interim in nature. At
its discretion the City Council may set time periods to limit the use to a specific amount of time.
7. This section shall not be construed to apply to animal confinement.

(b) Development Standards.
Commercial crop cultivation allowed by this section shall comply with the following standards:
1. The aerial application of fertilizers, pesticides, or other agricultural treatments is not allowed.
2. Prior to the application of pesticides, fungicides, or insecticides, notice will be given to all property owners within 300 feet of the parcel(s), and notice shall be posted on site along every 100 feet of street frontage. Notice shall be no smaller than 10” x 12” and with the word “Notice” in 80 point font.
3. A minimum twenty (20) foot wide drive aisle clearance shall be maintained along all property boundaries.
4. The applicant/property owner shall not enter into a Williamson Act contract or other agricultural preservation measure, whether for tax reduction or other purposes.
5. A vector control plan shall be submitted and approved with the conditional use permit and implemented for the term of the agricultural use.
6. The applicant shall indemnify the City of Porterville to the satisfaction of the City Attorney from and against any and all claims or legal recourse resulting from the agricultural operation.

(c) Considerations.
The following factors will be considered on a project-by-project basis to determine if commercial crop cultivation is an appropriate use for a particular site. The Council may consider the following factors or others as may be appropriate, based on the location of the proposed use and its proximity to urban uses and may consider limiting some crop types due to impacts of excessive noise, dust, vibration, odors or other effects on surrounding uses.

1. No “Right to Farm” is conveyed or otherwise implied with the use.
2. The area to be farmed is of adequate size, dimension and topography to accommodate the proposed use.
3. The burning of agricultural waste/trimmings/etc. on the property will not create a public nuisance or a danger due to the close proximity of urban uses.
4. On-site sale of crops is not allowed unless approved otherwise by the City Council.
5. The use does not involve the installation of underground storage tanks.
6. Best Management Practices to reduce spray drift will be implemented.
7. Wells, as needed to serve the subject site, are subject to California Department of Public Health Services approval and review of the City Engineer.
8. Irrigation water run-off, if any, can be contained on site.
9. The area shall be groomed of weeds and agricultural waste regularly to reduce potential fire hazard, proliferation of pests, and unsightly conditions.
10. Equipment and vehicles related to the active farming operation of the site shall not be parked in the public right of way and vehicular circulation related to the use shall occur on-site.

11. The applicant shall remove all abandoned crops upon discontinuation of the use.

7. Amend Section 700.01 List of Terms, to include “Crop Cultivation” alphabetically.

8. Amend Section 701.07 to add the following definitions alphabetically:

Crop Cultivation – commercial. Results in quantities of crops greater than what could be reasonably consumed in personal use and/or crops that are produced with the intent to sell commercially.

Crop Cultivation – non-commercial. Includes orchards and flower and vegetable gardens for personal use.

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

PASSED, APPROVED, AND ADOPTED this _____ day of March, 2012.

By: ________________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: ________________________________
Patrice Hildreth, Chief Deputy City Clerk
2-141: LEGISLATIVE FINDINGS AND STATEMENT OF PURPOSE:

A. Alternative Method Of Enforcement: The city council hereby finds that there is a need for an alternative method of enforcement for minor violations of this code, or state codes specifically adopted by reference in the applicable chapters of this code. The city council further finds that an appropriate method of enforcement for minor violations is an administrative citation program as authorized by Government Code section 53069.4.

B. Procedures Additional To Other Remedies: The procedures established in this article shall be in addition to criminal, civil or any other legal remedy established by law, which may be pursued to address violations of this code and state codes specifically adopted by reference in the applicable chapters of this code.

C. City Goals: The city council hereby finds and determines that enforcement of this code, other ordinances adopted by the city, conditions on entitiements and terms and conditions of city agreements are matters of local concern and serve Important public purposes. Consistent with its powers as a charter city, the city of Porterville adopts this administrative citation program provision in order to achieve the following goals, and:

1. To protect the public health, safety and welfare of the citizens of the city;

2. To gain compliance with this code and state codes specifically adopted by reference in the applicable chapters of this code in a timely and efficient manner;

3. To provide a method to hold parties responsible when they fail or refuse to comply with the provisions of this code and state codes specifically adopted by reference in the applicable chapters of this code;

4. To minimize the expense and delay where the sole remedy is to pursue responsible parties in the civil or criminal justice system;

5. To provide for an administrative process to appeal the imposition of administrative citations and fines.

D. Purpose: The purpose of this article is to enable the city, acting as a charter city pursuant to article XI, sections 5 and 7 of the state constitution, to impose and collect civil administrative fines in conjunction with the enforcement of provisions of this code or state codes specifically adopted by reference in the applicable chapters of this code. Notwithstanding the provisions herein, the city has, and shall continue to employ, the philosophy of voluntary compliance when seeking compliance with this code and state codes specifically adopted by reference in the applicable chapters of this code.

E. Voluntary Compliance: Prior to the implementation of the enforcement policies and penalties stated herein, voluntary compliance approaches, when practical, should first be used in order to educate city property owners and businesses concerning the requirements of this code.
specifically adopted by reference in the applicable chapters of this code, and the corrective action necessary to correct a violation of this code and state codes specifically adopted by reference in the applicable chapters of this code.

F. Use Of Provisions Discretionary: Use of this article shall be at the sole discretion of the city. (Ord. 1720 § 3, 5-1-2007)

2-144: VIOLATIONS, PENALTIES AND ENFORCEMENT:

The city council of the city of Porterville intends to secure compliance with the provisions of this code, and state codes specifically adopted by reference in the applicable chapters of this code. To the extent that such compliance may be achieved by less drastic methods of enforcement, the following alternate, separate and distinct methods may be utilized. Each method set forth herein is intended to be mutually exclusive and does not prevent concurrent or consecutive methods being used to achieve compliance against continuing violations. Each and every day any such violations exist constitutes a separate offense. Notwithstanding any other provision of this code, and state codes specifically adopted by reference in the applicable chapters of this code, each violation of the provisions of this code may be enforced alternatively as follows:

A. Misdemeanor: Unless otherwise specified in this code, any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code, and state codes specifically adopted by reference in the applicable chapters of this code, may be prosecuted for a misdemeanor. Written citations for misdemeanors may be issued by police officers or by nonsafety employees designated by this code. Any person convicted of a misdemeanor under the provisions of this code, and state codes specifically adopted by reference in the applicable chapters of this code, shall be punished by a fine not exceeding one thousand dollars ($1,000.00) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

B. Infraction: In the alternative, with the concurrence of the city attorney, any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code, and state codes specifically adopted by reference in the applicable chapters of this code, may be prosecuted for an infraction. Written citations for infractions may be issued by police officers or nonsafety employees designated by this code. Unless otherwise set forth in this code, fines shall be assessed in the amounts specified as follows:

1. A fine not exceeding one hundred dollars ($100.00) for a first violation;

2. A fine not exceeding two hundred dollars ($200.00) for a second violation of the same ordinance within twelve (12) months, or five hundred dollars ($500.00) for building and safety code violations;

3. A fine not exceeding five hundred dollars ($500.00) for each additional violation of the same ordinance within twelve (12) months, or one thousand dollars ($1,000.00) for building and safety code violations.
C. Civil Action: The city attorney, or an attorney hired for such purposes by and at the request of the city council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this code, or state codes specifically adopted by reference in the applicable chapters of this code, as provided by law, and the city shall be entitled to its attorney fees and costs.

D. Administrative Citation: Upon a finding by the city official vested with the authority to enforce the various provisions of this code, or state codes specifically adopted by reference in the applicable chapters of this code, that a violation exists, he or she may issue an administrative citation under the provisions of this article. (Ord. 1720 § 3, 5-1-2007)
CITY COUNCIL AGENDA: JANUARY 17, 2012

PUBLIC HEARING

TITLE: COMMERCIAL CROP CULTIVATION ORDINANCE: AN AMENDMENT TO THE DEVELOPMENT ORDINANCE TO ACCOMMODATE INTERIM AGRICULTURAL USE OF LANDS WITHIN MULTIPLE ZONE DISTRICTS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

BACKGROUND:

On November 4, 2011, Winton & Associates filed an application on behalf of Greg Woodard and Great Western Land Company to consider a development ordinance text amendment to allow commercial crop cultivation beyond that already provided for in the Development Ordinance. The request was reviewed by staff and discussed at a Project Review Committee meeting on November 16, 2011. As a result of the discussion, a draft ordinance was developed and refined, with input from the applicant, to assure that the intent of the ordinance was to permit crop cultivation as an interim use during the slowed development market. Further applications to initiate commercial crop cultivation on parcels within the city may follow, but none have yet been received. The potential extent of this ordinance would be limited to parcels throughout the city greater than 10 acres. Specific findings would also be set in place for consideration of conditional use permits.

ANALYSIS:

The City of Porterville has previously approved twelve (12) tentative subdivision maps on over three hundred acres in the City; these lands are zoned Very Low Density Residential (RS-1) and Low Density Residential (RS-2), yet are completely undeveloped. While the City’s housing goals and the County of Tulare’s Regional Housing Needs Assessment (RHNA) show that this amount of available residential land is appropriate, the market for new homes has subsided in recent years. An alternative beneficial use in the interim, until such time as the demand for new single family residences exceeds the availability of existing development, could be the cultivation of crops.

The current development ordinance allows commercial crop cultivation to occur in Agricultural Conservation (AC), Rural Residential (RR), Industrial Park (IP), Airport Industrial (IA) and General Industrial (IG) zone districts. Commercial crop cultivation is also an existing use on certain parcels within the Airport Industrial (IA) zones, including lands currently owned by the City for the disposal of treated effluent.

The proposed ordinance text amendment would serve to define commercial crop cultivation and more importantly, it would allow the City Council to
approve interim crop cultivation in residential and commercial zones through a conditional use permit process. The proposed ordinance sets forth the purpose and intent of the amendment, which is clearly to provide an interim use of land until such time as the development market supports the intended development of said lands. The conditional use permit would provide a process whereby the City Council can assess the impacts of new or renewed agricultural operations on adjacent land uses, and through conditions, provide standards for the operation of the agricultural use. For example, the aerial application of fertilizers and pesticides may not be appropriate in areas with adjacent residential uses and conditions of approval could prohibit such operations. The conditional use permit process would also allow the public to comment on potential detrimental impacts from new agricultural operations.

ENVIRONMENTAL REVIEW:

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.

RECOMMENDATION: That the City Council:
1. Approve the proposed ordinance for the Development Code and give first reading to the draft ordinance; and
2. Waive further reading and order the Ordinance to print.

ATTACHMENTS:
1. Draft Ordinance
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT
ORDINANCE TO ALLOW COMMERCIAL CROP CULTIVATION
ON AN INTERIM BASIS IN CERTAIN ZONE DISTRICTS WITH
A CONDITIONAL USE PERMIT

WHEREAS: There is currently land in the incorporated City programmed for urban
development, much of which will not realize development in the near term due to the slow down
in the economy; and

WHEREAS: In addition to land in the City programmed for urban development, the
City has granted entitlement of urban lands that have not yet been developed; and

WHEREAS: In light of the down turn in the economy, a text amendment has been
requested by a private developer to allow commercial crop cultivation on an interim basis on
lands zoned for urban uses until market conditions improve to construct the intended urban land
use; and

WHEREAS: This proposed text amendment was discussed at a Project Review
Committee meeting on November 16, 2011, and January 11, 2012, where staff expressed support
so long as it is an interim use; and

WHEREAS: The intent of this ordinance is not to encourage land owners to initiate
farming operations within city limits but to allow for a viable interim use of property until such
time as the economic conditions promote ultimate development of the land; and

WHEREAS: A public hearing was held before the City Council on January 17, 2012,
pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of
the City; 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; and

WHEREAS: On March 4, 2008, the City Council adopted Resolution 21-2008 certifying
the Final Environmental Impact Report (EIR) for the General Plan; and

WHEREAS: On April 20, 2010, a public hearing was held before the City Council
approving Ordinance 1764 which adopted a Comprehensive Development Code and determined the
adequacy of an Addendum to the Final Environmental Impact Report to the Porterville General
Plan; and

Attachment 1
WHEREAS: On December 29, 2011 the Environmental Coordinator made a determination on the basis of substantial evidence that the proposed action is adequately covered under the addendum to the previously certified EIR.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt Ordinance No. ______, amending the Porterville Municipal Code to include Commercial Crop Cultivation, as follows:

SECTION 1:

1. Amend Table 200.02 LAND USE REGULATIONS-AGRICULTURAL/CONSERVATION DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>AC</th>
<th>RR</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Raising</td>
<td>P</td>
<td>P(2)</td>
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<tr>
<td>Crop Cultivation</td>
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<td>P</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Mining and Quarrying</td>
<td>C(3)</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

2. Amend Table 201.02 LAND USE REGULATIONS-RESIDENTIAL DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>CN</th>
<th>CR</th>
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<th>Additional Regulations</th>
</tr>
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<tbody>
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<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
</tbody>
</table>

4. Amend Table 204.02 LAND USE REGULATIONS-COMMERCIAL DISTRICTS to add as follows: 
Agricultural and Extractive Uses

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>PO</th>
<th>IP</th>
<th>IG</th>
<th>IA</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
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</tr>
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<td>P</td>
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<td>Section 301.21</td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

5. Amend Table 205.02 LAND USE REGULATIONS-COMMERCIAL DISTRICTS to add as follows:

Agricultural and Extractive Uses

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>PS</th>
<th>REC</th>
<th>PK</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
</tbody>
</table>

6. Add Section 301.21  Crop Cultivation as follows:

Commercial Crop Cultivation is a Permitted Use in the AC, RR, IP, IA and IG zones. Commercial Crop Cultivation is allowed in all other City zone districts except downtown districts on an interim basis subject to a Conditional Use Permit, in which the following section applies. This section of the Code does not apply to non-commercial crop cultivation or commercial crop cultivation where allowed as a permitted use.

(a) Purpose and Intent
   1. It is the purpose and intent of this section to provide opportunity for interim use of land within City limits until such time as the development market supports the intended development of said lands.
   2. Commercial crop cultivation can be allowed with a conditional use permit on an interim basis only where the impacts of an agricultural operation will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the surrounding area.
   3. Crop cultivation allowed under the premises of this section is secondary to its availability for urban development and should be available for development as an urban use when market conditions improve for such a use.
   4. Use of a subject site for crop cultivation for an interim period does not result in the land being construed as an agricultural resource requiring protection or preservation.
   5. If residentially zoned, the land, regardless of the status of its agricultural use, will be considered in the City's Housing Element and the Regional Housing Needs Assessment (RHNA) as available land for residential use.
   6. A key intent of this section is to limit the use to an initial ten (10) year term with the option to consider five (5) year extensions. At the discretion of the City Council these time periods may be modified and/or reviewed.
   7. This section shall not be construed to apply to animal confinement.

(b) Development Standards.
   The following standards shall be met for each commercial crop cultivation area.
1. The area to be farmed shall be of adequate size, dimension and topography to accommodate the proposed use, and is a minimum of 10 acres, which may be a portion of a single parcel or a composition of multiple contiguous parcels under the same ownership.

2. The applicant/property owner shall not enter into a Williamson Act contract or other agricultural preservation measure, whether for tax reduction or other purposes.

(c) Conditions of Approval.

The following conditions of approval will be considered on a project-by-project basis at the discretion of the City Council.

1. Aerial application of fertilizers, pesticides, or other agricultural treatments is not allowed.
2. Burning of agricultural waste/trimmings/etc. is not allowed.
3. Sale of crops on-site is not allowed.
4. Installation of underground storage tanks is not permitted.
5. At least ten (10) days prior to the application of pesticides, fungicides, or insecticides, notice will be given to all property owners within 300 feet of the parcel(s), and notice shall be posted on site along every 100 feet of street frontage. Notice shall be no smaller than 10" x 12" and with the word “Notice” in 80 point font.
6. Best Management Practices to reduce spray drift will be implemented.
7. Wells, as needed to serve the subject site, are subject to California Department of Public Health Services approval and review of the City Engineer.
8. Irrigation water run-off, if any, shall be contained on site.
9. The area shall be groomed of weeds and agricultural waste regularly to reduce potential fire hazard, proliferation of pests, and unsightly conditions.
10. Equipment and vehicles related to the active farming operation of the site shall not be parked in the public right of way.
11. Vehicular circulation related to the use shall occur on-site.
12. A minimum twenty (20) drive aisle clearance shall be maintained along all property boundaries.
13. A vector control plan must be approved with the Conditional Use Permit and implemented for the term of the agricultural use.
14. The Council may consider other conditions as may be appropriate based on the location of the proposed use and may consider limiting some crop types due to impacts of excessive noise, dust, vibration, odors or other effects on surrounding uses.

7. Amend Section 700.01 List of Terms, to include “Crop Cultivation” alphabetically.

8. Amend Section 701.07 to add the following definitions alphabetically:

Crop Cultivation – commercial. Results in quantities of crops greater than what could be reasonably consumed in personal use and/or crops that are produced with the intent to sell commercially.
Crop Cultivation — non-commercial. Includes orchards and flower and vegetable gardens for personal use.

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

ADOPTED this ___ day of ____, 2012.

______________________________
Ronald L. Irish, Mayor

ATTEST:

______________________________
John D. Lollis, City Clerk

By ________________
Patrice Hildreth, Chief Deputy City Clerk
COMMERCIAL CROP CULTIVATION ORDINANCE: AN AMENDMENT TO THE DEVELOPMENT ORDINANCE TO ACCOMMODATE INTERIM AGRICULTURAL USE OF LANDS WITHIN MULTIPLE ZONE DISTRICTS

COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

On January 17, 2012, the City Council held a public hearing to consider a text amendment filed by Greg Woodard of the Great Western Land Company to consider a development ordinance text amendment to allow commercial crop cultivation beyond that already provided for in the Development Ordinance. After much discussion, the public hearing was continued to February 7, 2012, and then to February 21, 2012 hearing for consideration of a revised draft ordinance. At the direction of Council, staff met with Councilman McCracken on February 3, 2012 to discuss points discussed at the Council meeting as well as his suggestions. In addition to some of the revisions shown below, he suggested that the applicant agree to mitigate impacts on adjoining residential landowners. Also proposed was a penalty structure in the event the applicant failed to comply with the conditions of approval. Penalties were suggested since the type of use is very different than other conditional uses where they could be sanctioned by Council. It’s not realistic to restrict an applicant from farming a field for 30 days. The penalty structure discussed included an escalating fine such as $100 for the first violation, $500 for the second and $5,000 for the third.

Section 2-144 sets forth the violations, penalties and enforcement of provisions of the Municipal Code, which includes the Porterville Development Ordinance. This section, which is provided as an attachment, allows violations to be considered as a misdemeanor or an infraction, each having its own set fines ranging between $100 a day for the first violation up to $1000 and/or imprisonment for up to six (6) months. An administrative citation is also an option for a violation, as well as the revoking of a conditional use permit, with the latter appearing to not be very effective in this case. At the Council’s direction, staff can prepare a resolution for creating a dedicated fee for a violation of this ordinance, if it is determined that existing enforcement options are inappropriate.

Councilman McCracken also suggested use of a matrix to identify probable impacts of a particular crop on neighboring properties. In review of this matrix, staff found that the revisions below should address most of his concerns and allow the Council full discretion to require conditions to mitigate negative impacts to surrounding land uses.
The draft code has been revised to address the concerns raised by the Council at the January 17, 2012 hearing. The size requirement of the agricultural area has been eliminated as well as the set time period for duration of the use due to the variation of crop types and their commercial return rates. Since the size requirement has been eliminated, staff has not provided a map of available sites, as it potentially could include every vacant lot in the city. The Development Standards section (301.21 (b)), which requires mandatory elements of the use, has been modified to prohibit aerial spraying, to require notice to the surrounding property owners when ground spraying occurs, and to require a minimum 20-foot wide drive aisle around the perimeter of the site.

There was significant confusion with the wording of section 301.21 (c), previously titled Conditions of Approval. This section has been revised to clarify that several factors will be considered in determining if a conditional use permit can be granted for a particular use. This section will also be used to frame future conditions of approval as necessary; however, these are not mandatory elements required for each use.

There was also discussion regarding a reduced fee option for this type of use. Although there is currently no such option in place, the code could be revised to include a minor conditional use permit (CUP). The process would generally be the same as the standard CUP but the fee could be reduced. The current fee for a CUP is $1,164. Staff reviewed the code and determined that there are a few uses that could be processed under a minor CUP because they require less staff review time due to less complexity on average. Such uses could include conditional use permits for kennels, offices in a Commercial Retail zone, uses in existing buildings (a sample may be to upgrade an ABC license at an existing use), telecommunication towers and commercial crop cultivation. At Council’s direction, staff can prepare a draft ordinance setting forth a provision for a minor CUP or include it in the current code amendment process and prepare a resolution establishing a fee of $500.00 for the minor modification.

RECOMMENDATION: That the City Council:
1. Approve the proposed ordinance for the Development Code and give first reading to the draft ordinance;
2. Waive further reading and order the Ordinance to print; and
3. Direct staff, if necessary, to draft additional revisions to address enforcement penalties and an alternate fee structure.

ATTACHMENTS:
1. Draft Ordinance
2. Section 2-141 and 2-144 Municipal Code
3. January 17, 2012 staff report and draft ordinance
ORDINANCE NO.  ________________

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT
ORDINANCE TO ALLOW COMMERCIAL CROP CULTIVATION
ON AN INTERIM BASIS IN CERTAIN ZONE DISTRICTS WITH
A CONDITIONAL USE PERMIT

WHEREAS: There is currently land in the incorporated City programmed for urban
development, much of which will not realize development in the near term due to the slow
down in the economy; and

WHEREAS: In addition to land in the City programmed for urban development, the
City has granted entitlement of urban lands that have not yet been developed; and

WHEREAS: In light of the down turn in the economy, a text amendment has been
requested by a private developer to allow commercial crop cultivation on an interim basis on
lands zoned for urban uses until market conditions improve to construct the intended urban land
use; and

WHEREAS: This proposed text amendment was discussed at a Project Review
Committee meeting on November 16, 2011, and January 11, 2012, where staff expressed support
so long as it is an interim use; and

WHEREAS: The intent of this ordinance is not to encourage land owners to initiate
farming operations within city limits but to allow for a viable interim use of property until such
time as the economic conditions promote ultimate development of the land; and

WHEREAS: A public hearing was held before the City Council on January 17, 2012,
pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of
the City; and

WHEREAS: The public hearing was continued to February 21, 2012 to allow additional
time for consideration of the draft ordinance; 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; and

WHEREAS: On March 4, 2008, the City Council adopted Resolution 21-2008 certifying
the Final Environmental Impact Report (EIR) for the General Plan; and

WHEREAS: On April 20, 2010, a public hearing was held before the City Council
approving Ordinance 1764 which adopted a Comprehensive Development Code and determined the

Attachment 1
adequacy of an Addendum to the Final Environmental Impact Report to the Porterville General Plan; and

WHEREAS: On December 29, 2011, the Environmental Coordinator made a determination on the basis of substantial evidence that the proposed action is adequately covered under the addendum to the previously certified EIR.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt Ordinance No. ________, amending the Porterville Municipal Code to include Commercial Crop Cultivation, as follows:

SECTION 1:

1. Amend Table 200.02 LAND USE REGULATIONS- AGRICULTURAL/CONSERVATION DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>AC</th>
<th>RR</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Raising</td>
<td>P</td>
<td>P(2)</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
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<td>P</td>
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</tr>
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<td>Mining and Quarrying</td>
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2. Amend Table 201.02 LAND USE REGULATIONS- RESIDENTIAL DISTRICTS to add as follows:

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

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6. Add Section 301.21 Crop Cultivation as follows:

Commercial Crop Cultivation is a Permitted Use in the AC, RR, IP, IA and IG zones. Commercial Crop Cultivation is allowed in all other City zone districts except downtown districts on an interim basis subject to a Conditional Use Permit, in which the following section applies. This section of the Code does not apply to non-commercial crop cultivation or commercial crop cultivation where allowed as a permitted use.

(a) Purpose and Intent

1. It is the purpose and intent of this section to provide opportunity for interim use of land within city limits until such time as the development market supports the intended development of said lands.

2. Commercial crop cultivation can be allowed with a conditional use permit on an interim basis only where the impacts of an agricultural operation will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the surrounding area.

3. Crop cultivation allowed under the premises of this section is secondary to its availability for urban development and should be available for development as an urban use when market conditions improve for such a use.

4. Use of a subject site for crop cultivation for an interim period does not result in the land being construed as an agricultural resource requiring protection or preservation.

5. If residentially zoned, the land, regardless of the status of its agricultural use, will be considered in the City's Housing Element and the Regional Housing Needs Assessment (RHNA) as available land for residential use.

6. A key intent of this section is to limit the use to a time period that is appropriate to the type of agricultural crop to be planted, to allow sufficient time for a reasonable profit to be realized while assuring that the use is interim in nature. At
its discretion the City Council may set time periods to limit the use to a specific amount of time.
7. This section shall not be construed to apply to animal confinement.

(b) Development Standards.
Commercial crop cultivation allowed by this section shall comply with the following standards.
1. The aerial application of fertilizers, pesticides, or other agricultural treatments is not allowed.
2. Prior to the application of pesticides, fungicides, or insecticides, notice will be given to all property owners within 300 feet of the parcel(s), and notice shall be posted on site along every 100 feet of street frontage. Notice shall be no smaller than 10” x 12” and with the word “Notice” in 80 point font.
3. A minimum twenty (20) foot wide drive aisle clearance shall be maintained along all property boundaries.
4. The applicant/property owner shall not enter into a Williamson Act contract or other agricultural preservation measure, whether for tax reduction or other purposes.

(c) Considerations.
The following factors will be considered on a project-by-project basis to determine if commercial crop cultivation is an appropriate use for a particular site. The Council may consider the following factors or others as may be appropriate, based on the location of the proposed use and its proximity to urban uses and may consider limiting some crop types due to impacts of excessive noise, dust, vibration, odors or other effects on surrounding uses.

1. No “Right to Farm” is conveyed or otherwise implied with the use.
2. The area to be farmed is of adequate size, dimension and topography to accommodate the proposed use.
3. The burning of agricultural waste/trimmings/etc. on the property will not create a public nuisance or a danger due to the close proximity of urban uses.
4. The site is not intended to allow for the on-site sale of crops unless approved otherwise by the City Council.
5. The use does not involve the installation of underground storage tanks.
6. Best Management Practices to reduce spray drift will be implemented.
7. Wells, as needed to serve the subject site, are subject to California Department of Public Health Services approval and review of the City Engineer.
8. Irrigation water run-off, if any, can be contained on site.
9. The area shall be groomed of weeds and agricultural waste regularly to reduce potential fire hazard, proliferation of pests, and unsightly conditions.
10. Equipment and vehicles related to the active farming operation of the site shall not be parked in the public right of way and vehicular circulation related to the use shall occur on-site.
11. A vector control plan will be submitted and approved with the Conditional Use Permit and implemented for the term of the agricultural use.
12. The applicant shall restore the site to its original condition or a better condition in the event of adverse economic conditions, termination of the agricultural use or failure to develop as an urban use.

7. Amend Section 700.01 List of Terms, to include "Crop Cultivation" alphabetically.

8. Amend Section 701.07 to add the following definitions alphabetically:

Crop Cultivation – commercial. Results in quantities of crops greater than what could be reasonably consumed in personal use and/or crops that are produced with the intent to sell commercially.

Crop Cultivation – non-commercial. Includes orchards and flower and vegetable gardens for personal use.

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

PASSED, APPROVED, AND ADOPTED this _______ day of February, 2012.

By: ____________________________  Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: ____________________________  Patrice Hildreth, Chief Deputy City Clerk
2-141: LEGISLATIVE FINDINGS AND STATEMENT OF PURPOSE:

A. Alternative Method Of Enforcement: The city council hereby finds that there is a need for an alternative method of enforcement for minor violations of this code, or state codes specifically adopted by reference in the applicable chapters of this code. The city council further finds that an appropriate method of enforcement for minor violations is an administrative citation program as authorized by Government Code section 53069.4.

B. Procedures Additional To Other Remedies: The procedures established in this article shall be in addition to criminal, civil or any other legal remedy established by law, which may be pursued to address violations of this code and state codes specifically adopted by reference in the applicable chapters of this code.

C. City Goals: The city council hereby finds and determines that enforcement of this code, other ordinances adopted by the city, conditions on entitlements and terms and conditions of city agreements are matters of local concern and serve important public purposes. Consistent with its powers as a charter city, the city of Porterville adopts this administrative citation program provision in order to achieve the following goals, and:

1. To protect the public health, safety and welfare of the citizens of the city;

2. To gain compliance with this code and state codes specifically adopted by reference in the applicable chapters of this code in a timely and efficient manner;

3. To provide a method to hold parties responsible when they fail or refuse to comply with the provisions of this code and state codes specifically adopted by reference in the applicable chapters of this code;

4. To minimize the expense and delay where the sole remedy is to pursue responsible parties in the civil or criminal justice system;

5. To provide for an administrative process to appeal the imposition of administrative citations and fines.

D. Purpose: The purpose of this article is to enable the city, acting as a charter city pursuant to article XI, sections 5 and 7 of the state constitution, to impose and collect civil administrative fines in conjunction with the enforcement of provisions of this code or state codes specifically adopted by reference in the applicable chapters of this code. Notwithstanding the provisions herein, the city has, and shall continue to employ, the philosophy of voluntary compliance when seeking compliance with this code and state codes specifically adopted by reference in the applicable chapters of this code.

E. Voluntary Compliance: Prior to the implementation of the enforcement policies and penalties stated herein, voluntary compliance approaches, when practical, should first be used in order to educate city property owners and businesses concerning the requirements of this code, or state codes.
specifically adopted by reference in the applicable chapters of this code, and the corrective action necessary to correct a violation of this code and state codes specifically adopted by reference in the applicable chapters of this code.

F. Use Of Provisions Discretionary: Use of this article shall be at the sole discretion of the city. (Ord. 1720 § 3, 5-1-2007)

2-144: VIOLATIONS, PENALTIES AND ENFORCEMENT:

The city council of the city of Porterville intends to secure compliance with the provisions of this code, and state codes specifically adopted by reference in the applicable chapters of this code. To the extent that such compliance may be achieved by less drastic methods of enforcement, the following alternate, separate and distinct methods may be utilized. Each method set forth herein is intended to be mutually exclusive and does not prevent concurrent or consecutive methods being used to achieve compliance against continuing violations. Each and every day any such violations exist constitutes a separate offense. Notwithstanding any other provision of this code, and state codes specifically adopted by reference in the applicable chapters of this code, each violation of the provisions of this code may be enforced alternatively as follows:

A. Misdemeanor: Unless otherwise specified in this code, any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code, and state codes specifically adopted by reference in the applicable chapters of this code, may be prosecuted for a misdemeanor. Written citations for misdemeanors may be issued by police officers or by nonsafety employees designated by this code. Any person convicted of a misdemeanor under the provisions of this code, and state codes specifically adopted by reference in the applicable chapters of this code, shall be punished by a fine not exceeding one thousand dollars ($1,000.00) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

B. Infraction: In the alternative, with the concurrence of the city attorney, any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code, and state codes specifically adopted by reference in the applicable chapters of this code, may be prosecuted for an infraction. Written citations for infractions may be issued by police officers or nonsafety employees designated by this code. Unless otherwise set forth in this code, fines shall be assessed in the amounts specified as follows:

1. A fine not exceeding one hundred dollars ($100.00) for a first violation;

2. A fine not exceeding two hundred dollars ($200.00) for a second violation of the same ordinance within twelve (12) months, or five hundred dollars ($500.00) for building and safety code violations;

3. A fine not exceeding five hundred dollars ($500.00) for each additional violation of the same ordinance within twelve (12) months, or one thousand dollars ($1,000.00) for building and safety code violations.
C. Civil Action: The city attorney, or an attorney hired for such purposes by and at the request of the city council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this code, or state codes specifically adopted by reference in the applicable chapters of this code, as provided by law, and the city shall be entitled to its attorney fees and costs.

D. Administrative Citation: Upon a finding by the city official vested with the authority to enforce the various provisions of this code, or state codes specifically adopted by reference in the applicable chapters of this code, that a violation exists, he or she may issue an administrative citation under the provisions of this article. (Ord. 1720 § 3, 5-1-2007)
COMMERCIAL CROP CULTIVATION ORDINANCE: AN AMENDMENT TO THE DEVELOPMENT ORDINANCE TO ACCOMMODATE INTERIM AGRICULTURAL USE OF LANDS WITHIN MULTIPLE ZONE DISTRICTS

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

On November 4, 2011, Winton & Associates filed an application on behalf of Greg Woodard and Great Western Land Company to consider a development ordinance text amendment to allow commercial crop cultivation beyond that already provided for in the Development Ordinance. The request was reviewed by staff and discussed at a Project Review Committee meeting on November 16, 2011. As a result of the discussion, a draft ordinance was developed and refined, with input from the applicant, to assure that the intent of the ordinance was to permit crop cultivation as an interim use during the slowed development market. Further applications to initiate commercial crop cultivation on parcels within the city may follow, but none have yet been received. The potential extent of this ordinance would be limited to parcels throughout the city greater than 10 acres. Specific findings would also be set in place for consideration of conditional use permits.

The City of Porterville has previously approved twelve (12) tentative subdivision maps on over three hundred acres in the City; these lands are zoned Very Low Density Residential (RS-1) and Low Density Residential (RS-2), yet are completely undeveloped. While the City's housing goals and the County of Tulare’s Regional Housing Needs Assessment (RHNA) show that this amount of available residential land is appropriate, the market for new homes has subsided in recent years. An alternative beneficial use in the interim, until such time as the demand for new single family residences exceeds the availability of existing development, could be the cultivation of crops.

The current development ordinance allows commercial crop cultivation to occur in Agricultural Conservation (AC), Rural Residential (RR), Industrial Park (IP), Airport Industrial (IA) and General Industrial (IG) zone districts. Commercial crop cultivation is also an existing use on certain parcels within the Airport Industrial (IA) zones, including lands currently owned by the City for the disposal of treated effluent.

The proposed ordinance text amendment would serve to define commercial crop cultivation and more importantly, it would allow the City Council to
approve interim crop cultivation in residential and commercial zones through a conditional use permit process. The proposed ordinance sets forth the purpose and intent of the amendment, which is clearly to provide an interim use of land until such time as the development market supports the intended development of said lands. The conditional use permit would provide a process whereby the City Council can assess the impacts of new or renewed agricultural operations on adjacent land uses, and through conditions, provide standards for the operation of the agricultural use. For example, the aerial application of fertilizers and pesticides may not be appropriate in areas with adjacent residential uses and conditions of approval could prohibit such operations. The conditional use permit process would also allow the public to comment on potential detrimental impacts from new agricultural operations.

ENVIRONMENTAL REVIEW:

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.

RECOMMENDATION: That the City Council:
1. Approve the proposed ordinance for the Development Code and give first reading to the draft ordinance; and
2. Waive further reading and order the Ordinance to print.

ATTACHMENTS:
1. Draft Ordinance.
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT
ORDINANCE TO ALLOW COMMERCIAL CROP CULTIVATION
ON AN INTERIM BASIS IN CERTAIN ZONE DISTRICTS WITH
A CONDITIONAL USE PERMIT

WHEREAS: There is currently land in the incorporated City programmed for urban
development, much of which will not realize development in the near term due to the slow down
in the economy; and

WHEREAS: In addition to land in the City programmed for urban development, the
City has granted entitlement of urban lands that have not yet been developed; and

WHEREAS: In light of the down turn in the economy, a text amendment has been
requested by a private developer to allow commercial crop cultivation on an interim basis on
lands zoned for urban uses until market conditions improve to construct the intended urban land
use; and

WHEREAS: This proposed text amendment was discussed at a Project Review
Committee meeting on November 16, 2011, and January 11, 2012, where staff expressed support
so long as it is an interim use; and

WHEREAS: The intent of this ordinance is not to encourage land owners to initiate
farming operations within city limits but to allow for a viable interim use of property until such
time as the economic conditions promote ultimate development of the land; and

WHEREAS: A public hearing was held before the City Council on January 17, 2012,
pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of
the City; 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; and

WHEREAS: On March 4, 2008, the City Council adopted Resolution 21-2008 certifying
the Final Environmental Impact Report (EIR) for the General Plan; and

WHEREAS: On April 20, 2010, a public hearing was held before the City Council
approving Ordinance 1764 which adopted a Comprehensive Development Code and determined the
adequacy of an Addendum to the Final Environmental Impact Report to the Porterville General
Plan; and
WHEREAS: On December 29, 2011 the Environmental Coordinator made a determination on the basis of substantial evidence that the proposed action is adequately covered under the addendum to the previously certified EIR.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt Ordinance No. ______ amending the Porterville Municipal Code to include Commercial Crop Cultivation, as follows:

SECTION 1:

1. Amend Table 200.02 LAND USE REGULATIONS-AGRICULTURAL/CONSERVATION DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>AC</th>
<th>RR</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Raising</td>
<td>P</td>
<td>P(2)</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Mining and Quarrying</td>
<td>C(3)</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

2. Amend Table 201.02 LAND USE REGULATIONS-RESIDENTIAL DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>CN</th>
<th>CR</th>
<th>CG</th>
<th>CMX</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
</tbody>
</table>

4. Amend Table 204.02 LAND USE REGULATIONS-COMMERCIAL DISTRICTS to add as follows:
Agricultural and Extractive Uses

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>PO</th>
<th>IP</th>
<th>IG</th>
<th>IA</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation</td>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

5. Amend Table 205.02 LAND USE REGULATIONS-COMMERCIAL DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>PS</th>
<th>REC</th>
<th>PK</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
</tbody>
</table>

6. Add Section 301.21 Crop Cultivation as follows:

Commercial Crop Cultivation is a Permitted Use in the AC, RR, IP, IA and IG zones. Commercial Crop Cultivation is allowed in all other City zone districts except downtown districts on an interim basis subject to a Conditional Use Permit, in which the following section applies. This section of the Code does not apply to non-commercial crop cultivation or commercial crop cultivation where allowed as a permitted use.

(a) Purpose and Intent

1. It is the purpose and intent of this section to provide opportunity for interim use of land within City limits until such time as the development market supports the intended development of said lands.

2. Commercial crop cultivation can be allowed with a conditional use permit on an interim basis only where the impacts of an agricultural operation will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the surrounding area.

3. Crop cultivation allowed under the premises of this section is secondary to its availability for urban development and should be available for development as an urban use when market conditions improve for such a use.

4. Use of a subject site for crop cultivation for an interim period does not result in the land being construed as an agricultural resource requiring protection or preservation.

5. If residentially zoned, the land, regardless of the status of its agricultural use, will be considered in the City’s Housing Element and the Regional Housing Needs Assessment (RHNA) as available land for residential use.

6. A key intent of this section is to limit the use to an initial ten (10) year term with the option to consider five (5) year extensions. At the discretion of the City Council these time periods may be modified and/or reviewed.

7. This section shall not be construed to apply to animal confinement.

(b) Development Standards.

The following standards shall be met for each commercial crop cultivation area.
1. The area to be farmed shall be of adequate size, dimension and topography to accommodate the proposed use, and is a minimum of 10 acres, which may be a portion of a single parcel or a composition of multiple contiguous parcels under the same ownership.

2. The applicant/property owner shall not enter into a Williamson Act contract or other agricultural preservation measure, whether for tax reduction or other purposes.

(c) Conditions of Approval.
The following conditions of approval will be considered on a project-by-project basis at the discretion of the City Council.

1. Aerial application of fertilizers, pesticides, or other agricultural treatments is not allowed.

2. Burning of agricultural waste/trimmings/etc. is not allowed.

3. Sale of crops on-site is not allowed.

4. Installation of underground storage tanks is not permitted.

5. At least ten (10) days prior to the application of pesticides, fungicides, or insecticides, notice will be given to all property owners within 300 feet of the parcel(s), and notice shall be posted on site along every 100 feet of street frontage. Notice shall be no smaller than 10” x 12” and with the word “Notice” in 80 point font.

6. Best Management Practices to reduce spray drift will be implemented.

7. Wells, as needed to serve the subject site, are subject to California Department of Public Health Services approval and review of the City Engineer.

8. Irrigation water run-off, if any, shall be contained on site.

9. The area shall be groomed of weeds and agricultural waste regularly to reduce potential fire hazard, proliferation of pests, and unsightly conditions.

10. Equipment and vehicles related to the active farming operation of the site shall not be parked in the public right of way.

11. Vehicular circulation related to the use shall occur on-site.

12. A minimum twenty (20) drive aisle clearance shall be maintained along all property boundaries.

13. A vector control plan must be approved with the Conditional Use Permit and implemented for the term of the agricultural use.

14. The Council may consider other conditions as may be appropriate based on the location of the proposed use and may consider limiting some crop types due to impacts of excessive noise, dust, vibration, odors or other effects on surrounding uses.

7. Amend Section 700.01 List of Terms, to include “Crop Cultivation” alphabetically.

8. Amend Section 701.07 to add the following definitions alphabetically:

Crop Cultivation – commercial. Results in quantities of crops greater than what could be reasonably consumed in personal use and/or crops that are produced with the intent to sell commercially.
Crop Cultivation – non-commercial. Includes orchards and flower and vegetable gardens for personal use.

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

ADOPTED this ___ day of ____, 2012.

________________________
Ronald L. Irish, Mayor

ATTEST:

________________________
John D. Lollis, City Clerk

By ______________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: RE-VISIT CONSIDERATION OF STREET SELF-PERFORMANCE AND PURCHASE OF SPECIALIZED EQUIPMENT

SOURCE: Public Works Department - Engineering Division

COMMENT: At the September 6, 2011 Council meeting, staff presented information related to available street funds and the cost of purchasing specialized street equipment, more specifically, the purchase of an Asphalt Concrete Grinder and a Slurry Seal Truck using Equipment Replacement funds.

The Council expressed an interest in exploring whether the purchase of this specialized equipment will result in higher street repair performance and more efficient use of dedicated street funds. Dedicated street funds include Local Transportation Funds (LTF), Special Gas Tax (SGT), Surface Transportation Program funds (STP), Proposition 1B (Prop 1B) and Measure 'R' Local funds.

Reiterating what was stated in the September 2011 report, on average, the City can expect approximately $2 million to be available in dedicated street funds. Typically, about $900,000 has been used annually for microsurfacing projects, $750,000 for street reconstruction, and $350,000 for cold mix asphalt overlay applications and street sign/signal upgrades self-performed by City forces. Alley, curb, gutter, and sidewalk reconstruction work performed by contract is also included in the $350,000.

Based on funding spent over the past three years, staff prepared two cost/benefit tables inserting "real" dollars spent over the past three years. **Table 1** identifies costs associated with Asphalt Concrete Grind operations. **Table 2** identifies costs associated with Micro-Surfacing operations.

Regarding **Table 1**, the significant numbers to note are:

1) **$219,743** spent on average to grind out and repair approximately 110,000 SF of poor street areas prior to applying the micro-surfacing seal.
2) The center section of Table 1 summarizes the Cost/Benefit analysis and includes:

- a) $436,000 to purchase the equipment,
- b) $50,000 for Maintenance & Operation,
- c) $59,000 for Depreciation,
- d) $106,489 to grind & repair if City forces perform the work, and
- e) $28,300 for Salaries & Benefits.

For a project to be economically acceptable, it must yield user benefits which meet or exceed the cost of providing those benefits; that is, the ratio of benefit to cost must equal or exceed One (1). Staff’s analysis shows that the Cost/Benefit ratio would be 0.827 if City forces undertake grind & repair operations. The 0.827 ratio indicates that it is not a good economical decision to purchase and operate a street grinder/paver.

Regarding Table 2, the significant numbers to note are:

1) $236,876 spent on average to micro-surface approximately 74,681 SY per year.

2) The center section of Table 2 summarizes the Cost/Benefit analysis and includes:

- a) $350,000 to purchase the equipment,
- b) $72,000 for Maintenance & Operation,
- c) $47,000 for Depreciation,
- d) $153,095 to micro-surface if City forces performed the work, and
- e) $28,300 for Salaries & Benefits.

Staff's analysis shows that the Cost/Benefit ratio would be 0.676 if City forces undertook micro-surfacing operations. The 0.676 ratio indicates that it is not a good economical decision to purchase and operate a slurry truck. Further, Engineering has completed approximately 50% of the “Local Street Pavement Management” survey and early indications suggest that less than 10% of the surveyed local streets would be candidates for micro-surfacing. The majority of the City’s local streets would be better served with a 1” overlay.

In lieu of disbursing upwards of $436,000 in one-time Equipment Replacement funds and $109,000 in annual M & O costs, and in light of our “local street pavement” survey findings to date, staff respectfully asks that Council consider the following Alternate Option:
Alternative Option:

Augment Field Services “cold mix” purchase allocation by $150,000. The additional funds will allow Field Services to purchase 2,150 tons of additional asphalt material ($70/ton) resulting in an additional 1.8 miles of local street overlay. The current overlay season lasts approximately 8 weeks and does not end because of poor weather conditions but rather, terminates because funds to purchase material are depleted.

RECOMMENDATION: That the City Council provide direction.

ATTACHMENT: Table 1
Table 2
TABLE 1

Summary of Costs associated with the Grinding and Pavement Patches (Digout & Repairs) on the City of Porterville’s Micro-Surfacing Projects

<table>
<thead>
<tr>
<th>FY</th>
<th>Project - Street</th>
<th>Areas of Full Structural Section (SS) Depth Grind (SF)</th>
<th>Areas of Full Asphalt Concrete (AC) Depth Grind (SF)</th>
<th>Cost for Full SS Depth Grind ($/SF)</th>
<th>Cost for Full AC Depth Grind ($/SF)</th>
<th>Total Cost per Street ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009/2010</td>
<td>2009/2010 Micro-Surfacing Project - Prospect Street</td>
<td>1,045</td>
<td>322</td>
<td>$9.06</td>
<td>$3.05</td>
<td>$19,253.32</td>
</tr>
<tr>
<td>2011/2012</td>
<td>2011/2012 Micro-Surfacing Project - Henderson Avenue</td>
<td>36,473</td>
<td>6,371</td>
<td>$8.00</td>
<td>$6.00</td>
<td>$218,638.00</td>
</tr>
<tr>
<td>2011/2012</td>
<td>2011/2012 Micro-Surfacing Project - Oliva Avenue</td>
<td>6,371</td>
<td></td>
<td>$8.00</td>
<td>$6.00</td>
<td>$38,228.00</td>
</tr>
<tr>
<td>Total</td>
<td>No. of Years</td>
<td>31,934</td>
<td>76,116</td>
<td>$8.33</td>
<td>$5.03 Average Cost/Year: $219,742.93 (4 weeks of continual work)</td>
<td></td>
</tr>
</tbody>
</table>

Cost Benefit Analysis for Purchase of Grinder and Related Equipment to Self Perform the above Sub-Contracted work on Collector and Arterial Streets

Grind Removals & Pavement Replacement Life Span: 20 years
Grinder & Paver Equipment Purchase Amount: $435,000
Maintenance and Operation (M&O) Costs per year: $65,000
Depreciation Cost per year: $65,000
Material Cost Full SS Depth Grind ($4.50/SF): $47,001
Material Cost Full AC Depth Grind ($2.29/SF): $58,687
Salaries and Benefits: $28,300

Cost Benefit = (20 Year Contractor Cost/Initial Grinder & Paver Investment + Material Costs + M&O (Life Span of Repair)

* Cost Benefit = (20Years x ($219,742.93 x $435,000 + $65,000 + $65,000 x 47.001 + $58,687 + $28,300) / 20Years) = 0.827

* Cost Benefit Ratio is less than 1, which equals to less than a desirable situation (Poor Economic Decision)

Cost Benefit Analysis (CBA) Definition:

Process of quantifying costs and benefits of a decision, program, or project (over a certain period), and those of its alternatives (within the same period), in order to have a single scale of comparison for unbiased evaluation. Unlike the present value (PV) method of investment appraisal, CBA estimates the net present value (NPV) of the decision by discounting the investment and returns. Though employed mainly in financial analysis, a CBA is not limited to monetary considerations only. It often includes the environmental and social costs and benefits that can be reasonably quantified.
## TABLE 2

### Summary of Costs Associated with the City of Porterville’s Micro-Surfacing Projects, excluding the Digouts and Repairs

<table>
<thead>
<tr>
<th>FY</th>
<th>Project - Street</th>
<th>Micro-Surfacing Area, including cost for mobilization, demobilization, traffic control, new loop detectors and new pavement markings (SY)</th>
<th>Unit Price per SY ($)</th>
<th>Total Cost per Street ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010/2011</td>
<td>2009/2010 Micro-Surfacing Project - Newcomb Street</td>
<td>17,885</td>
<td>$2.41</td>
<td>$42,205.05</td>
</tr>
<tr>
<td>2010/2011</td>
<td>2009/2010 Micro-Surfacing Project - Prospect Street</td>
<td>18,060</td>
<td>$2.50</td>
<td>$45,150.00</td>
</tr>
<tr>
<td>2011/2012</td>
<td>2011/2012 Micro-Surfacing Project - Henderson Avenue</td>
<td>25,986</td>
<td>$2.77</td>
<td>$70,873.22</td>
</tr>
<tr>
<td>2011/2012</td>
<td>2011/2012 Micro-Surfacing Project - Olive Avenue</td>
<td>42,073</td>
<td>$4.07</td>
<td>$171,237.11</td>
</tr>
</tbody>
</table>

Total SY: 235,942

No. of Years: 3

Yearly Average SY: 78,647

Average Cost per Year: $298,876 (4 weeks of continual work)

### Cost Benefit Analysis for Purchase of Micro-Surfacing Truck, Body & Spreader Box to Self Perform the above Contracted work on Collector and Arterial Streets

- **Micro-Surfacing Life Span**: 7 years
- **Micro-Surfacing Truck, Body & Spreader Box Purchase**: $300,000
- **Maintenance and Operation (M & O) Costs per year**: $72,000
- **Depreciation Cost per year**: $47,000
- **Micro-Surfacing Material (CO2/SNY)**: $150,065 includes loop detector materials
- **Salaries and Benefits**: $28,000 (Denotes 4 weeks of continual work)

Cost Benefit = (7 Year Contractor Cost/Initial sunny seat Truck, Body & Spreader Investment + Material Costs + M & O) (Life Span of Repair)

\[
\text{Cost Benefit} = \frac{\text{7 Years} \times (\$298,876 + (\$300,000 + \$72,000 + \$47,000 + \$150,065 + \$28,000) \times 7 \text{Years})}{7 \times (\$300,000 + \$72,000 + \$47,000 + \$150,065 + \$28,000)}
\]

\[
\text{Cost Benefit} = \frac{\text{7 Years} \times (\$298,876 + (\$300,000 + \$72,000 + \$47,000 + \$150,065 + \$28,000) \times 7 \text{Years})}{7 \times (\$300,000 + \$72,000 + \$47,000 + \$150,065 + \$28,000)} = 9.076
\]

*Cost Benefit Ratio is less than 1, which equates to less than a desirable situation (Poor Economic Decision)*

### Cost Benefit Analysis (CBA) Definition:

Process of quantifying costs and benefits of a decision, program, or project (over a certain period), and those of its alternatives (within the same period), in order to have a single scale of comparison for unbiased evaluation. Unlike the present value (PV) method of investment appraisal, CBA estimates the net present value (NPV) of the decision by discounting the investment and returns. Though employed mainly in financial analysis, a CBA is not limited to monetary considerations only. It often includes those environmental and social costs and benefits that can be reasonably quantified.

### Cost Benefit Analysis - Investment Objective:

For a project to be economically acceptable, it must yield user benefits which meet or exceed the cost of providing those benefits; that is, the ratio of benefit to the cost must equal or exceed 1. Expressed mathematically:

\[
\text{Positive user benefits minus negative user benefits/Initial investment plus annual operating costs} = \text{B/A} \geq 1
\]
CITY COUNCIL AGENDA: MARCH 6, 2012

SCHEDULED MATTER

SUBJECT: APPOINTMENT TO CDBG CITIZENS’ ADVISORY AND HOUSING OPPORTUNITY COMMITTEE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On February 21, 2012, the City Council appointed six of the seven existing committee members to another one year term on the Community Development Block Grant (CDBG) Citizens’ Advisory and Housing Opportunity Committee. The seventh member of the committee asked not to be reappointed for another term.

The Citizen Participation Plan, adopted to guide the annual action plan adoption, sets forth provisions for the Advisory Committee, which is unlike other committees and commissions in the City. Two (2) pertinent provisions to consider in appointing a replacement, is that each member is to be a resident of the City, and emphasis is placed on obtaining representation of low and moderate income persons residing in slum and blight areas, members of minority groups, the elderly and persons with disabilities, and members of areas where use of funds are proposed.

In response to the recent press release informing the community of the vacant position, three people, Candance Banks, Doug Heusdens, and Raghibir K. Bajwa, submitted applications expressing their interest in serving on the committee (Attachment 1). In light of the above criteria, it was determined that Candance Banks is not eligible for the position as she does not live within the city limits. After reviewing the remaining two applications in accordance with the adopted Citizen Participation Plan which places particular emphasis on representation from low income areas and people representing CDBG funded projects, staff is recommending that Doug Heusdens, who is a resident at the Glennwood Hotel, be appointed to the committee.

The Citizens’ Advisory and Housing Opportunity Committee will meet on March 12, 2012, to hold a Public Hearing on the Proposed 2012 Action Plan, which is being developed in accordance with the Five Year Consolidated Plan (2010-2015) adopted by the City Council in May 2010. The Plan will then be available for a 30-day public comment period and will be taken to the City Council for final adoption in May.

RECOMMENDATION: That the City Council appoint Doug Heusdens to a one year term on the CDBG Citizens’ Advisory and Housing Opportunity Committee.

ATTACHMENTS: Applications

APPROPRIATED/FUNDED n/a CM ITEM NO. 14
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Candace Lucille Banks

Appointment to: CDBG Advisory Committee

☐ Reappointment; or IF NEW, please provide:

Street Address: 1190 West North Grand
Porterville, Ca 93257

Mailing Address: (same)

Name of Business: New Hope Resources (volunteer)

☐ Own ☐ Operate

Business Address: 1163 Linda Vista Ave
Porterville, Ca 93257

Telephone: Home (559) 789-1647
Work (559) 781-1586
FAX (559) 781-0692
E-mail newhope-resources@yahoo.com

City of Porterville resident: ☑ Yes ☐ No
Registered Voter: ☑ Yes ☐ No
Qualifications: Over twenty years of experience working with low income, disabled and disadvantaged populations from Exeter to Madera, Ca. For the past several years since relocating to Porterville I have increased my support of those in need, with the support of my church. I began a resource program which provides free assistance to those in need of prescription medications, utility assistance and job placement. In addition to my own program I have also been involved with Project Homeless Connect, American Cancer Society, Porterville Pregnancy Center and Porterville Women's Shelter just to name a few.

Resume attached
Letter of request attached

Submitted By: Vondancee R. Banks  Feb 14, 2012

Received by:

Forwarded to: City Clerk  Date:
City Council  Date:
City Manager  Date:
Applicable Dept.  Date:

Tentative Council Mtg Date:

Page 2 of 2
Candance L Banks
1190 West North Grand, Porterville, Ca, 93257 559-789-6447 new hope_resources@yahoo.com

Objective
To obtain the skills and experience to start my own non-profit organization.

Experience
Secretary/Program Director
08/15/10 to Present New Hope Christian Fellowship, Porterville, Ca

Compose letters, maintain schedules/calendars
Utilize Servant Keeper software to maintain all membership records
Increase funds through researching and targeting charitable trusts sympathetic to the charity

Health Unit Coordinator
09/14/04 to 12/30/09 Children's Hospital Central California, Madera, Ca

Transcribed physicians' orders, maintained patient charts
Designed new orders sets that were implemented throughout the hospital
Solicited and secured over $5,000 in donations

Community Employment Specialist
12/20/1994 to 06/20/1999 Employment Connection, Madera, Ca

Case management, client training, employment support and job development
Developed task analysis / task training plans, facilitated weekly trainings
Designed pre-employment training manual

Education
Reedley College, Madera, Ca, Porterville College, Ca
1999 to 2000 2010 to Present
Maintained a 3.75 GPA

Interests
Serving the needy in my community by providing prescription coverage assistance, utility assistance referral, resume writing and distributing food free of charge. Work closely with the city of Porterville to provide services to those in need. I currently receive referrals from multiple area agencies including family crisis, health and human services, Sierra View District Hospital and Love Inc.

References
References are available on request.
1190 West North Grand  
Porterville, Ca 93257  
(559) 789-6447

February 14, 2012

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

To Whom It May Concern,

I am writing in response to your advertisement requesting community members for the CDBG Advisory Committee. I would like to officially submit my request to be a part of the CDBG Advisory Committee. Since moving to Porterville I have committed myself to serving the community. For the past two years I have provided free services with the support of my church (New Hope Christian Fellowship) to members of the community by assisting those in need with prescription medication resources, utility payments, weatherization and job placement. In addition to community involvements through my church program I have also worked with other agencies including: Project Homeless Connect, American Cancer Society, Porterville Pregnancy Center and the Porterville Woman’s Shelter.

I look forward to further serving my community by becoming a member of the CDBG Advisory Committee.

Sincerely,

Candance Banks  
New Hope Resources
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Douglas Earl Heusdens
(Please Print)

Appointment to: Community Development Block Grant
Citizen's Advisory and Housing Opportunity Comm.

☐ Reappointment; or IF NEW, please provide:

Street Address: 147 N. Main St. 205
Porterville, CA 93257

Mailing Address: 147 N. Main St. 205
Porterville, CA 93257

Name of Business: none

☐ Own ☐ Operate

Business Address: none

Telephone: Home (559) 756-0796
Work
FAX
E-mail

City of Porterville resident: ☒ Yes
☐ No

Registered Voter: ☐ Yes
☒ No

Page 1 of 2
Qualifications: I am a resident of Porterville. I reside in the Glennwood Hotel, and am aware of housing opportunities in the city of Porterville. I have a Bachelor's degree in History and a minor in Political Science from Fresno State University. I work as a substitute teacher for Porterville Unified School District.

☐ Resume attached
☐ Letter of request attached

Submitted By: Doug Henderson 2-22-12

Date

Received by:

Forwarded to: City Clerk ☐ Date: ____________________________

City Council ☐ Date: ____________________________

City Manager ☐ Date: ____________________________

Applicable Dept. ☐ Date: ____________________________

Tentative Council Mtg Date: ____________________________

Page 2 of 2
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: R A G N E R K. B A J W A (Please Print)

Appointment to: Community Development Block Grant Advisory
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 1461 W. Men Cy Ln.
Porterville CA 93257

Mailing Address: Same as above

Name of Business: Concerned Citizen

☐ Own  ☐ Operate

Business Address: ________________________________

Telephone: Home: 781-2930
Work: Retired
FAX: ________________________________
E-mail: ________________________________

City of Porterville resident: Yes ☐
No ☐

Registered Voter: Yes ☐
No ☐
Qualifications: I have taught at Monarch High School for 26 years. My children were born and raised here. All three played sports since age 5.

☐ Resume attached

☐ Letter of request attached

Submitted By: Kayla M. Rieber  2-25-12

Date

Received by: ______________________

Forwarded to: City Clerk  2 Date: 2/21/12

City Council  Date:

City Manager  Date:

Applicable Dept.  Date: 2/23/12

Tentative Council Mtg Date: ______________________

Page 2 of 2
Name: Raghbir K. Bajwa  “Roxie” for short

Address: 1461 W. Nancy Lane
          Porterville, CA 93257


Personal: My three sons are born, raised, and educated in our local schools.

          Jeet Bajwa, my oldest, is a Doctor of Chiropractic. Raj, my second son, is a Doctor of Optometry. Prub Bajwa, my youngest son, is a chemistry and math teacher. Prub and his wife, Emily Wise Bajwa, taught in the Burton School District for 3 and 5 years respectively. Now, they have moved to the coast and teach there.

          Having lived here all these past years, I have a strong desire to do something worthwhile, where I help the community in some way. Being on the advisory committee would be a good start.
SUBJECT: CONSIDERATION OF CHARGE AND SCOPE OF POTENTIAL BALLOT MEASURE REVIEW COMMITTEE; COMMITTEE'S COMPOSITION AND APPOINTMENT METHOD; AND APPROVAL OF PROPOSED TIMELINE

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK DIVISION

COMMENT: At its meeting on February 21, 2012, the City Council approved the establishment of an ad hoc committee to study the potential placement of a ballot measure to consider amending the Charter to move the City's general election from June to November of even years. Staff was directed to bring back an item for Council's consideration of 1) the charge and scope of the potential ballot measure review committee; 2) the committee's composition and appointment method; and 3) establishing a timeline.

The Council expressed interest in ensuring that all potential impacts of moving the election from June to November were reviewed. At the Council's discretion, the charge and scope of the committee could be as narrow or broad as it deems appropriate. For the purpose of providing a point of reference, the timeline provided herein assumes a more narrow scope of review. In the event there is Council interest in a more broad scope and charge for the committee, the proposed timeline may need to be adjusted.

Council further has discretion in determining the composition and appointment method for the ad hoc committee. There are a variety of options the Council could consider in this regard. For example, in 2002, the City Council established a 15-member committee to conduct a full review of the City Charter. (Agenda Items related to the Charter Review Committee are attached hereto for Council's reference.) Each Council Member appointed one initial member, and then each initial member selected two additional members to form the full 15-member committee. In the event the Council determines to limit the committee's charge and scope to only that related to potential impacts on changing the general election date, a somewhat smaller committee may prove to be more efficient, particularly in terms of calendaring meetings and reaching timely decisions.

In order to place a measure on the November 6, 2012 ballot, Elections Code requires that the election be called no later than 88 days prior to the election, or August 10, 2012. Based on that deadline, staff has prepared a proposed timeline for Council's consideration.

Item No. 15
RECOMMENDATION: That the City Council:
1. Determine the charge and scope of the potential ballot measure review committee;
2. Determine the committee’s composition and appointment method;
3. Approve the proposed timeline; and
4. Provide direction to staff accordingly.

ATTACHMENT: 1. Proposed Timeline
2. Agenda Items from March 5, 2002, March 19, 2002 and April 2, 2002
**PROPOSED**
**BALLOT MEASURE REVIEW TIMELINE**
**FOR**
**NOVEMBER 6, 2012, ELECTION**

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 21, 2012</td>
<td>City Council establishes a Potential Ballot Measure Review Committee</td>
</tr>
<tr>
<td>March 6, 2012</td>
<td>City Council determines charge and scope of committee; committee composition and method of appointment; and approves proposed timeline</td>
</tr>
<tr>
<td>March 20, 2012</td>
<td>Committee Members are appointed by Council</td>
</tr>
<tr>
<td>March 21 through April 30, 2012</td>
<td>Committee conducts meetings and conducts review as directed by Council</td>
</tr>
<tr>
<td>April 30, 2012</td>
<td>Committee submits recommendation to City Manager for inclusion on the May 15, 2012, Council Agenda</td>
</tr>
<tr>
<td>May 15, 2012</td>
<td>Review Committee/staff report presentation to City Council</td>
</tr>
<tr>
<td>June 5, 2012</td>
<td>City Council makes determination and refers to staff</td>
</tr>
<tr>
<td>July 17, 2012</td>
<td>Council adopts resolution for Calling Election for Ballot Measure</td>
</tr>
<tr>
<td>August 10, 2012</td>
<td>Last Day to Call Election for Ballot Measure <em>(Last City Council Meeting prior to this date is August 7, 2012)</em></td>
</tr>
<tr>
<td>November 6, 2012</td>
<td>Election Day</td>
</tr>
</tbody>
</table>
SUBJECT: CONSIDERATION OF THE REVIEW OF THE CITY OF PORTERVILLE CHARTER

SOURCE: Administration

COMMENT: At the Council meeting of February 5, 2002, direction was given to provide options for the review of the City Charter during the City’s Centennial Year.

Through a municipal charter, cities may derive powers directly from the Constitution of the State of California. The original charter of the City of Porterville was filed with the City Clerk on July 31, 1926 and has been subsequently amended.

The process for the revision of the Charter can involve a 15-member elected charter commission [Gov. Code §34450-34457] which works independently and provides to the Clerk of the City Council for placement on the ballot a textually fully integrated proposal. Enabling legislation for another option currently in wide use [Gov. Code §34458 and Elec. Code §9255. (a), (2)] , allows the Council to form an advisory committee consisting of citizens, including city employees, to review the Charter in some detail. The committee would receive a resolution of charge from the Council and a time frame in which a report should be returned.

With this latter option, the report to the Council would be specific recommendations about which sections should be modified and in plain language, the modifications.

The Council could then schedule a special meeting to review the report and to provide direction to the City Attorney and the City Clerk regarding proposed language. The final draft would return to the Council as a complete document for action. The action would be to approve the modifications and place the matter before the electorate.

If the Council determines to review the Charter, it should direct the City Attorney to prepare a resolution for their consideration. This resolution should specify:

- **What the membership of the committee will be:** It could be specific staff members defined by office and a number of other members appointed by the Council as a body, or the Mayor and Council members individually.

- **What the date for recommendations should be:** Assuming that the Council may take 60 days or so to review language, proposals, or recommendations, for the matter to appear on the March ballot, the Committee’s report should be received by July 22, 2002.
• **What the scope of the Committee should be:** The Council may ask the committee to review the entire Charter to bring it current with existing or improved practice, or it may specify areas to review or areas of specific interest.

• **What resources should be allocated to support the Committee:** It would be beneficial to consider staff involvement and budget. Consideration of the City Attorney's and City Manager's time will be beneficial and some parameters in this regard could appear in the resolution.

• **What the product of the Committee will be:** Whether the committee will provide the Council with recommendations, proposals, or a fully integrated proposal for presentation to the electorate.

In addition to this summary, the Council will find attached a copy of a calendar prepared by the Deputy City Clerk.

**RECOMMENDATION:** If the Council determines to proceed with a review of the Charter during the Centennial Year, the staff suggests that the result of the review should be recommendations from a Charter Advisory Committee appointed by Council. It is suggested that the City Attorney, City Manager, and Administrative Services Manager should be staff to the Committee. It is suggested that the Deputy City Clerk should be the secretary of the Committee. A resolution implementing the Council’s direction should be provided at the next meeting and the review should be completed by July 19, 2002.

**ATTACHMENT:** Time Line Calendar
CHARTER REVIEW TIME LINE
FOR
MARCH 4, 2003 ELECTION

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 5, 2002</td>
<td>Council considers establishment of Charter Review Committee and refers to staff for preparation of resolution</td>
</tr>
<tr>
<td>March 19, 2002</td>
<td>Council adopts resolution establishing a Charter Review Committee and setting criteria</td>
</tr>
<tr>
<td>April 2, 2002</td>
<td>Committee Members are appointed by Council</td>
</tr>
<tr>
<td>April 3 -July 19, 2002</td>
<td>Committee conducts meetings and reviews Charter</td>
</tr>
<tr>
<td>July 22, 2002</td>
<td>Charter Committee recommendation submitted to City Manager for inclusion on the August 6, 2002 Council Meeting</td>
</tr>
<tr>
<td>August 6, 2002</td>
<td>Staff Report/Committee Presentation to City Council</td>
</tr>
<tr>
<td>August 20, 2002</td>
<td>Council makes determinations and refers to staff and City Attorney</td>
</tr>
<tr>
<td>September 17, 2002</td>
<td>Council adopts prepared resolution for Charter Revision and refers to City Attorney (ELE §9280. Whenever any city measure qualifies for a place on the ballot, the governing body may direct the city elections official to transmit a copy of the measure to the city attorney, unless the organization or salaries of the office of the city attorney are affected. The city attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. If the measure affects the organization or salaries of the office of the city attorney, the governing board may direct the city elections official to prepare the impartial analysis. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.)</td>
</tr>
<tr>
<td>Oct. 28-Nov. 11, 2002</td>
<td>Notice of Election is published, with Charter Revision (Measure), with translation in Spanish.</td>
</tr>
</tbody>
</table>
SUBJECT: ESTABLISHMENT OF A CITY CHARTER REVIEW COMMITTEE

SOURCE: Administration

COMMENT: At the Council meeting of March 5, 2002, the Council agreed to proceed with a review of the Porterville City Charter for possible inclusion in the March 4, 2003 General Municipal Election. The Council agreed upon a Charter Advisory Committee composed of five members appointed by Council, with two additional members selected by each of the Council’s appointees, for a total Committee of fifteen. The Council also directed that City staff members be included in an advisory capacity as needed. The City Attorney was then directed to prepare a draft resolution for the next Council meeting setting forth the specifics of the process and the duties and responsibilities of the Committee.

Attached is the draft resolution prepared by the City Attorney for consideration and approval of the City Council. Also attached is the time line to meet the goal of allowing the Charter revision recommendations, if approved by Council, to be placed on the ballot for the March 4, 2003 General Municipal Election.

RECOMMENDATION: That the City Council adopt the proposed draft resolution.

ATTACHMENT: 1. Draft Resolution
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, AUTHORIZING THE FORMATION OF A CITY CHARTER REVIEW ADVISORY COMMITTEE

WHEREAS, the City of Porterville is a Charter Law City; and

WHEREAS, it has been determined that it is appropriately necessary for the undertaking of a review and analysis of the City’s existing charter to determine whether any changes, modifications, additions and/or deletions should be made thereto; and

WHEREAS, Government Code Section 34458 and Elections Code Section 9255(a)(2) authorize the City Council to form an Advisory Committee consisting of citizens to review the existing City Charter and to make recommendation to the City Council as to what changes, if any, to the Charter should be put before the voters of the City of Porterville; and

WHEREAS, the City Council of the City of Porterville does wish to form such a Charter Review Committee;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does herewith authorize the creation of a City Charter Advisory Review Committee consisting of 15 residents of the City of Porterville. Membership on said Committee shall be established by having each member of the City Council appoint one citizen of his/her choosing and thereafter having those five committee members each selecting an additional, two citizens of their own choosing.

BE IT FURTHER RESOLVED, that the City staff, including the City Manager, the City Attorney, the Administrative Services Manager, and the Deputy City Clerk shall serve the Committee in advisory and technical capacities.

BE IT FURTHER RESOLVED, that this Committee is herewith charged with the duties
and responsibilities of reviewing the entire Porterville City Charter and thereafter preparing a written report to the City Council containing specific recommendations as to what modifications, if any, should be made to the existing City Charter; provided that such modifications shall be specifically limited to those intended only to improve and clarify current provisions of the Charter and further that said modifications shall not be intended to undertake any fundamental or major changes in the form, structure and practices of the Porterville City government.

BE IT FURTHER RESOLVED, that said Committee is to be formed immediately and to forthwith begin its activity and to prepare and lodge its written report of recommendation to the City Council no later than July 22, 2002.

APPROVED AND ADOPTED this 19th day of March, 2002.

______________________________
Gordon T. Woods, Mayor

ATTEST:

______________________________
John Longley, City Clerk
CITY COUNCIL AGENDA - APRIL 2, 2002

SUBJECT: APPOINTMENT OF CITY CHARTER REVIEW COMMITTEE MEMBERS

SOURCE: Administration

COMMENT: At the Council meeting of March 19, 2002, the City Council adopted Resolution No. 46-2002 establishing a City Charter Review Committee. A timeline for the process was also adopted which stated that the names of the five members to be appointed by Council were to be submitted by April 2, 2002. The five names are to be submitted, in writing, to the Deputy City Clerk, and the names will then be read into the record at the April 2, 2002, City Council meeting. The names of the two additional members selected by each of the Council’s appointees will be submitted to the Deputy City Clerk at, or by, the first meeting of the City Charter Review Committee.

It is proposed that the first meeting of the City Charter Review Committee be held on April 9, 2002, at 5:00 p.m. Further meetings shall then be scheduled by the Committee. As stated in Resolution No. 46-2002, selected staff members will also be present to assist in an advisory capacity as needed.

RECOMMENDATION: That the City Council authorize the first meeting of the Charter Review Committee be held on April 9, 2002, at 5:00 p.m.

Item No. 17

SOURCE: Audit Committee/City Manager/City Attorney's Office

COMMENT: The City Manager has proposed to establish a General Fund Reserve Policy and amend the City's current regulations regarding the Fund, and worked with the Audit Committee to develop the attached Ordinance. On February 21, 2012, the Audit Committee completed its review and revisions of the proposed Ordinance and recommended it be submitted to the City Council for its consideration.

Pursuant to Section 2-31 of the Porterville Municipal Code, a permanent revolving General Reserve Fund has been established for the purpose of keeping the payment of the running expenses of the City on a cash basis. A copy of Section 2-31 is attached for the Council's reference.

The proposed Ordinance would repeal this section and replace it with six categories of reserve funds, described as follows:

1. Budget Stabilization Reserve Fund: This fund would be established for the purpose of mitigating one-time annual budget revenue shortfalls that could occur due to changes in the economic environment or actions by other governmental entities that have a material effect on the City's revenues, or City expenditures that will result in future efficiencies or budgetary savings. This fund would be required to be maintained at a minimum of 15% of the General Fund annual budgeted operating expenditures. This fund could only be appropriated by formal action (defined as a Resolution with specific findings as required by the new regulations) approved with a 4/5 vote of those voting. If the Fund balance fell below 10% of the annual budgeted operating expenditures, a plan must be established to replenish the fund within 3 years.

2. Catastrophic/Emergency Reserve Fund: This fund would be established for the purposes of mitigating costs related to unforeseen emergencies, such as natural disasters or other catastrophic events. Expenditure of these funds would require formal Council action with a
4/5 vote of those voting. This fund is proposed to be maintained at a minimum of 10% of the General Fund annual budgeted operating expenditures. If the fund balance were to fall below the 10%, a plan must be established to replenish the fund within 5 years.

3. Facility Deferred Maintenance/Equipment Replacement Designated Fund: These funds would be established to support one-time facility deferred maintenance or equipment replacement costs (excluding vehicles). The City Council could modify the specific deferred maintenance or equipment replacement categories by resolution. These funds would have no minimum balance, but would accumulate funds until appropriated by formal action.

4. Capital Construction/Improvement Designated Fund: These funds would be established for the purpose of providing funds to support new capital construction and/or improvement projects identified in the City’s Capital Improvement Plan. These funds would have no minimum balance.

5. Infrastructure Deferred Maintenance/Improvement Designated Fund: These funds would be established for the purpose of supporting one-time infrastructure deferred maintenance or improvement costs, such as streets/alleys, sewer, water, etc. The specific categories could be modified by resolution. This fund would have no minimum balance.

6. Special Purposes Reserve Fund: This fund would be established for the purpose of providing support for one-time City special events, projects or purposes. This fund would be maintained at a minimum of $100,000, and could be appropriated by formal action with a 4/5 vote of those voting.

The new regulations would assist the City in minimizing the effects of an economic or other crisis and would allow better management of unforeseen emergencies. Furthermore, the City Manager’s office and the Audit Committee believe these clarifications to the regulations would benefit the City’s credit worthiness and financial strength.

It is requested that the City Council review the proposed Ordinance and provide additional input, and schedule a public hearing for consideration and first reading of the Ordinance.

RECOMMENDATION: That City Council:

1. Review the draft Ordinance and provide input; and
2. Schedule a public hearing and consideration of the Ordinance for first reading.
Attachments:


2) Chapter 2, Article VI, Section 2-31 of Porterville Municipal Code
ORDINANCE NO._________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CREATING A GENERAL FUND RESERVE POLICY; AUTHORIZING THE
ESTABLISHMENT OF "BUDGET STABILIZATION," "CATASTROPIC/EMERGENCY,"
"CAPITAL MAINTENANCE," "CAPITAL CONSTRUCTION/IMPROVEMENT,"
"INFRASTRUCTURE MAINTENANCE/IMPROVEMENT," AND
"SPECIAL PURPOSES" DEDICATED AND RESERVE FUNDS; AND AMENDING
CHAPTER 2, ARTICLE VI, BY REPEALING SECTION 2-31 AND ADDING SECTIONS
2-31.1 THROUGH 2-31.7 OF THE PORTERVILLE MUNICIPAL CODE

WHEREAS, the City Council of the City of Porterville deems it prudent financial
management to establish a General Fund Reserve Policy to require the accumulation of
General Fund revenues to address future community needs; and

WHEREAS, adequate General Fund balance and Reserve levels are an
important factor in an external agency's measurement of the City of Porterville's
creditworthiness and financial strength; and

WHEREAS, General Fund Reserve funds can assist in mitigating the effects of
economic and financial crisis; and

WHEREAS, General Fund Reserve funds are necessary for cash flow
management, and to enable the City of Porterville to manage unforeseen emergencies
or changes in condition; and

WHEREAS, the City Council of the City of Porterville wishes to create a General
Fund Reserve Policy and to authorize the establishment of certain dedicated Reserve
funds;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PORTERVILLE DOES
ORDAIN AS FOLLOWS:

Section 1. Section 2-31 of Chapter 2, Article VI, of the Porterville Municipal Code
is hereby repealed in its entirety.

Section 2. Sections 2-31.1 through 2-31.7 are hereby added to Chapter 2, Article
VI of the Porterville Municipal Code, as follows:

2-31.1 "Budget Stabilization" Reserve Fund

It shall be the policy of the City of Porterville to establish Reserve funds that shall
be used for the purpose to mitigate, should it occur, one-time annual budget
revenue shortfalls (actual revenues less than projected revenues) due to
changes in the economic environment and/or actions by the county/state/federal
government that have a material effect on the City’s revenues; and/or expenditures that will result in future efficiencies and/or budgetary savings. The “Budget Stabilization” Reserve Fund shall be maintained at a minimum of fifteen percent (15%) of General Fund annual budgeted operating expenditures (excluding one-time expenditures), and may only be appropriated by formal City Council action with not less than 4/5s of those voting in agreement. If the City Council takes action due to making a finding(s) of material effects as stated above, it shall include findings of material effects as further specified in Section 2-31.7 of this Article. Should the Fund’s balance fall below 10% of annual budgeted operating expenditures, then a plan will be established to replenish the Fund to the required level within three (3) fiscal years. An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance in an amount equal to fifteen percent (15%) of the Budgeted General Fund Expenditures for fiscal 2011-2012.

2-31.2. “Catastrophic/Emergency” Reserve Fund

It shall be the policy of the City of Porterville to establish Reserve funds that shall be used for the purpose to mitigate costs associated with unforeseen emergencies, including natural disasters or catastrophic events. Should unforeseen and unavoidable events occur that require the expenditure of City resources beyond those provided for in the annual budget, formal City Council action with not less than 4/5 of those voting in agreement, is required of a budget amendment confirming the nature of the emergency andauthorizing the appropriation of Reserve funds. The “Catastrophic/Emergency” Reserve Fund shall be maintained at a minimum of ten percent (10%) of General Fund annual budgeted operating expenditures (less one-time expenditures). Should the Fund’s balance fall below 10% of annual budgeted operating expenditures, then a plan will be established to replenish the Fund to the required level within five (5) fiscal years. An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance in an amount equal to ten percent (10%) of the Budgeted General Fund Expenditures for fiscal 2011-2012.

2-31.3 “Facility Deferred Maintenance/Equipment Replacement” Designated Fund

It shall be the policy of the City of Porterville to establish Designated funds that shall be used for the exclusive purpose of providing funds to support one-time City facility deferred maintenance and/or equipment replacement costs (excluding vehicles), such as, but not limited to, HVAC units, roofing, parking lot overlays, painting, plumbing, electrical, and doors/windows. The City Council, by means of a Resolution, may add, modify, or delete specific deferred maintenance or equipment replacement categories. The “Facility Deferred Maintenance/Equipment Replacement” Designated Fund shall have no minimum balance, but shall accumulate funds until appropriated by formal City Council
action. The Fund shall receive an allocation one third (1/3) of audited General Fund unassigned fund balance (actual revenues more than actual expenditures). An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance in an amount equal to one-third (1/3) of the current unallocated reserve balance as of the date of adoption of this Ordinance after the funding of the Budget Stabilization Reserve Fund, the Catastrophic/Emergency Reserve Fund, and the initial funding of the Special Purpose Designated Fund, have been deducted from the initial unallocated reserve fund balance.

2-31.4 “Capital Construction/Improvement” Designated Fund

It shall be the policy of the City of Porterville to establish Designated funds that shall be used for the exclusive purpose of providing funds to support new capital construction and/or improvement projects as identified in the City’s 10-year Capital Improvement Plan. The "Capital Construction/Improvement” Designated Fund shall have no minimum balance, but shall accumulate funds until appropriated by formal City Council action. The Fund shall receive an allocation of one third (1/3) of audited General Fund unassigned fund balance (actual revenues more than actual expenditures). An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance in an amount equal to one-third (1/3) of the current unallocated reserve balance as of the date of adoption of this Ordinance after the funding of the Budget Stabilization Reserve Fund, the Catastrophic/Emergency Reserve Fund, and the initial funding of the Special Purpose Designated Fund, have been deducted from the initial unallocated reserve fund balance.

2-31.5 “Infrastructure Deferred Maintenance/Improvement” Designated Fund

It shall be the policy of the City of Porterville to establish Designated funds that shall be used for the exclusive purpose of providing funds to support one-time City infrastructure deferred maintenance and/or improvement costs, such as, but not limited to, streets/alleys, bridges, sewer, water, storm drain, and curb/gutter/sidewalk. The City Council, by means of a Resolution, may add, modify, or delete specific infrastructure deferred maintenance/improvement categories. The "Infrastructure Deferred Maintenance/Improvement” Designated Fund shall have no minimum balance, but shall accumulate funds until appropriated by formal City Council action. The Fund shall receive an allocation of one third (1/3) of audited General Fund unassigned fund balance (actual revenues more than actual expenditures). An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance in an amount equal to one-third (1/3) of the current unallocated reserve balance as of the date of adoption of this Ordinance after the funding of the Budget Stabilization Reserve Fund, the Catastrophic/Emergency Reserve
Fund, and the initial funding of the Special Purpose Designated Fund, have been deducted from the initial unallocated reserve fund balance.

2-31.6 "Special Purposes" Reserve Fund

It shall be the policy of the City of Porterville to establish Reserve funds as a line item of the annual City Council budget that shall be used for the purpose of providing funds to support one-time City special events, projects, and/or purposes that benefit the community. The “Special Purposes” Reserve Fund shall be maintained at a minimum of $100,000, and may only be appropriated by formal City Council action with 4/5 of those voting in agreement. Should the Fund’s balance fall below $100,000 in a fiscal year, then the General Fund will replenish the Fund to the minimum required level at the beginning of the following fiscal year. An initial balance in the amount of One Hundred Thousand and no/100 dollars ($100,000.00) shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance.

2-31.7 "Formal City Council Action" for Appropriations

For the purposes of Sections 2-31.1 through 2-31.6 of this Article, formal City Council action shall require adoption of a Resolution. Said Resolution shall contain the basis for a finding (or findings) of materiality if required by any provision in this Article. Additionally, said Resolution shall include finding(s) that the appropriation is within the intent and purpose of the Designated Fund including, where appropriate, one or more findings that the purpose of the appropriation is within the defined purpose of the Designated Fund whether or not explicitly stated in this Ordinance.

Section 3. This Ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this _____ day of ___________, 2012.

__________________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: ________________________________
Patrice Hildreth, Chief Deputy City Clerk
CHAPTER 2
ADMINISTRATION

ARTICLE VI. FUNDS OF THE CITY

SECTION:

2-31: General Reserve Fund
2-32: Special Gas Tax Street Improvement Fund; Created
2-33: Special Gas Tax Street Improvement Fund; Created; Monies Paid Into Fund
2-34: Special Gas Tax Street Improvement Fund; Created; Expenditure Of Monies In Fund

2-31: GENERAL RESERVE FUND: There is hereby established, and shall be hereafter maintained, in addition to all funds now provided for by the provisions of this code or other ordinance, or the charter of the city, a permanent revolving fund to be known as the "general reserve fund", for the purpose of keeping the payment of the running expenses of the city on a cash basis. Such fund shall be maintained in an amount sufficient to meet all legal demands against the treasury for the first four (4) months, or other necessary period of each fiscal year prior to the collection of taxes. The city council shall have power to transfer from the general reserve fund to any other fund or funds, such sum or sums as may be required for the purposes of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the city council to provide that all monies so transferred from the general reserve fund be returned thereto on or before the end of the fiscal year in which such transfers are made; provided, that in any fiscal year in which the total balance in the general reserve fund exceeds thirty percent (30%) of the total amount of the general budget for that year, the council may appropriate such excess for any city purposes without returning the same. (Ord. Code § 1632.1)

1. See charter sections 46, 47, 48 and 53.

City of Porterville