

**AMENDED CITY COUNCIL AGENDA  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
SEPTEMBER 2, 2014, 5:30 P.M.**

Call to Order  
Roll Call

**ORAL COMMUNICATIONS**

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

**CITY COUNCIL CLOSED SESSION:**

- A. Closed Session Pursuant to:
- 1-** Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 261-020-010. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Lynda Mourton. Under Negotiation: Terms and Price.
  - 2-** Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 259-050-025. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Corridor Group. Under Negotiation: Terms and Price.
  - 3-** Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.
  - 4-** Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Donald Sipple, et al. v. City of Alameda, et al., Los Angeles County Superior Court Case No. BC462270.
  - 5-** Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of El Centro, et al. v. David Lanier, et al., San Diego County Superior Court Case No. 37-2014-00003824-CU-WM-CTL.
  - 6-** Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: California Healthy Communities Network v. City of Porterville, California Court of Appeal, Fifth District, Case No. F067685.
  - 7-** Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case.
  - 8-** Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.

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

Pledge of Allegiance Led by Mayor Milt Stowe  
Invocation

## **PROCLAMATIONS**

Claudia Brewer – 100<sup>th</sup> Birthday  
Library Card Sign-Up Month – September 2014  
Literary Awareness Month – September 2014

## **PRESENTATIONS**

Employee of the Month – Vikki Cervantes

## **AB 1234 REPORTS**

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

1. Consolidated Waste Management Authority (CWMA) – August 21, 2014 (cancelled)
2. Tulare County Economic Development Corporation (TCEDC) – August 27, 2014
3. Porterville Community Healthcare Taskforce – August 27, 2014

## **REPORTS**

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

- I. City Commission and Committee Meetings:
  1. Library & Literacy Commission
  2. Parks & Leisure Services Commission
  3. Arts Commission
  4. Youth Commission
  5. Transactions and Use Tax Oversight Committee (TUTOC)

## **ORAL COMMUNICATIONS**

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

## **CONSENT CALENDAR**

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

- 1. City Council Minutes of August 19, 2014**
- 2. Request for Specialized Services with TESCO Controls**  
Re: Considering approval of a request for Specialized Services for the upgrade of the WWTF SCADA System with TESCO Controls, Inc., at a cost not to exceed \$194,295.

3. **CIP Budget Adjustment for Odor Control at the Wastewater Treatment Facility (WWTF)**  
Re: Considering approval to move forward the Odor Control Project into the 2014/2015 Fiscal Year; and authorizing staff to seek Statement of Qualifications from prospective manufacturers of biofilters.
4. **Amendment to Appendix D of the Urban Water Management Plan Adopted by Resolution No. 59-2014”**  
Re: Considering approval of a resolution amending Appendix D of the Urban Water Management Plan, specifically Phase II of the Water Conservation Plan.
5. **Approval of Measure R Supplemental Agreement – Acquisition of Railroad Right-of-Way**  
Re: Considering approval of a resolution affirming the City Council’s support of the Acquisition of Railroad Right-of-Way, and authorizing the execution and transmittal of the Supplement Agreement for the purchase of railroad property.
6. **Approval for Community Civic Event – Central California Crisis Center – Annual Candlelight Vigil for Domestic Violence – October 16, 2014**  
Re: Considering approval of an event to take place on Thursday, October 16, 2014, from 6:00 p.m. to 7:30 p.m. at Centennial Park.
7. **Request for Proclamation – Domestic Violence Awareness Month – October 2014**  
Re: Considering approval of a request to proclaim October 2014 as Domestic Violence Awareness Month.
8. **Review of Local Emergency Status – December 21, 2010**  
Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8630 of the California Emergency Services Act.

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

#### **PUBLIC HEARINGS**

9. **Vacation of Easements for Water Line and Storm Drainage, Temporary Emergency Ingress and Egress and Temporary Storage of Storm Water Related to Riverview Estates, Phase Five Subdivision (Sme Builders, Inc.)**  
Re: Consideration of a Resolution of Vacation for easements related to the development of Riverview Estates, Phase Five Subdivision.
10. **Medical Cannabis/Marijuana – Draft Ordinance Concerning Cultivation and Dispensaries**  
Re: Consideration of a draft ordinance concerning medical cannabis/marijuana cultivation and dispensaries.

## **SECOND READINGS**

**11. Ordinance 1816, Adding Section 25-5.1 to Porterville Municipal Code Regarding Enforcement of Adopted Water Conservation Plan**

Re: Second Reading of Ordinance No. 1816, An Ordinance of the City Council of the City of Porterville Adding Section 25-5.1 to Chapter 25, Article I, Division 1 of the Porterville Municipal Code Regarding Enforcement of Adopted Water Conservation Plan, was given first reading on August 19, 2014, and has been printed.

## **SCHEDULED MATTERS**

**12. Consideration of Appointments to Animal Control Commission**

Re: Consideration of the appointment of five individuals to serve on the Animal Control Commission.

**13. Water Deliveries Outside City Limits**

Re: Consideration of the provision of water service to East Porterville county residents currently without water.

## **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 September 16, 2014.

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

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



**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
AUGUST 19, 2014, 5:00 P.M.**

Called to Order at 5:25 p.m.

Roll: Council Member Reyes, Council Member Ward, Council Member Gurrola, Vice Mayor Hamilton, Mayor Stowe

**ORAL COMMUNICATIONS**

None

**CITY COUNCIL CLOSED SESSION:**

A. Closed Session Pursuant to:

- 1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 280 North Fourth Street. Agency Negotiators: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville and KT/AAA. Under Negotiation: Terms and Price.
- 2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 2701 W. Scranton Avenue. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and DT-1 Racing. Under Negotiation: Terms and Price.
- 3- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 8.20 miles/line of railroad between Strathmore, CA milepost 268.60 and Porterville, CA milepost 276.80 in Tulare County. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad. Under Negotiation: Terms and Price.
- 4 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.
- 5- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of El Centro, et al. v. David Lanier, et al., San Diego County Superior Court Case No. 37-2014-00003824-CU-WM-CTL.
- 6- Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case.
- 7- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation.

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

**AND REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION**

City Attorney Lew stated that there had been no reportable action taken.

Pledge of Allegiance Led by Boy Scout Troop 132

Invocation – no one participated.

## **PRESENTATIONS**

Employee Service Awards  
CSET Porterville Senior Center Services

Following CSET's presentation, Council Member Gurrola, Vice Mayor Hamilton and Council Member Reyes spoke favorably of the services provided, the individuals involved, and improvements made to the facility.

## **AB 1234 REPORTS**

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

1. Council of Cities – August 13, 2014  
Vice Mayor Hamilton reported on the selection of a new Chair, Steve Nelson, Mayor of Visalia; and indicated that most discussion pertained to the lawsuit against the State of California regarding SB7.
2. Porterville Community Healthcare Task Force – August 12, 2014  
Council Member Gurrola reported on organizations and agencies in attendance, resources identified and efforts to obtain additional information regarding those without water.

## **REPORTS**

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

- I. City Commission and Committee Meetings:
  1. Parks & Leisure Services Commission – August 7, 2014  
Chair Vafeades reported on staff's efforts pertaining to the Murry Park Playground, fallen trees, parkway clean-up, and summer activities for youth.
  2. Library & Literacy Commission – August 12, 2014  
Commissioner Biagio reported on summer library activities, the Chamber mixer and volunteer efforts.
  3. Transactions and Use Tax "Measure H" Oversight Committee – August 7, 2014  
Chair Fletcher reported on the selection of a new Chair, Vice Chair and Secretary; the committee's finding that the Measure H expenditures were consistent with the intent of Measure H; and efforts to educate the public regarding Measure H.
- II. Staff Informational Reports
  1. Street Performance Measure – 4<sup>th</sup> Quarter Report

## **ORAL COMMUNICATIONS**

- Fred and Elva Beltran, Porterville Area Coordinating Council, spoke of efforts to help families in need of water and of donations received.
- Brock Neeley, thanked Public Works Director Baldo Rodriguez and his staff, and Fred and Elva Beltran for their efforts.
- Sheila Pickrell, Porterville Museum Curator, spoke about: National Museum Day (September 27), 4<sup>th</sup> Annual Murder Mystery Dinner (October), a yard sale, Annual Toy &

Train Show (November 28), mentor program for autistic youth, and 50<sup>th</sup> Anniversary of Museum.

- Teri Irish, commented on the City Council’s appropriate attire.
- Lt. Gary Hunt, Porterville Sheriff Substation, updated the Council on law enforcement activities including jail transports, a recent shooting and subsequent arrest of two suspects.
- Jeff Szeles, American Cancer Society and Relay for Life, spoke of upcoming events on September 5<sup>th</sup> and 6<sup>th</sup> and October 4<sup>th</sup> and 5<sup>th</sup>; and extended an invitation to all.
- Dawn Jobe, Porterville resident, provided statistics pertaining to public safety and tax revenues in Colorado where cannabis has been legalized, and spoke in opposition to the proposed medical marijuana regulations.
- Mike Pezzi, provided a copy of his business plan for a medical marijuana collective.
- Jeff Faure, spoke against the proposed medical marijuana ordinance, which he believed violated patient rights and would lead to a lawsuit.
- Barry Caplan, Porterville, thanked those involved in helping with the water issue; spoke in opposition to the renaming of the La Barca and Hamamatsu conference rooms; proposed naming of City Hall entrances as an alternative; and spoke of interest in reviving the Sister City Program.
- Joseph Parks, spoke of his use of marijuana for medicinal purposes and requested compassion from the Council.

### **CONSENT CALENDAR**

#### 1. CITY COUNCIL MINUTES OF JULY 15, 2014

Recommendation: That the City Council approve the Minutes of July 15, 2014.

Documentation: M.O. 01-081914

Disposition: Approved.

#### 2. AUTHORIZATION TO PURCHASE EQUIPMENT BY NEGOTIATION

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

Documentation: M.O. 02-081914

Disposition: Approved.

#### 3. REQUEST FOR APPROVAL TO PURCHASE FLEET MANAGEMENT SOFTWARE

Recommendation: That the City Council approve the purchase of Fleet Management Software from Ron Turley and Associates for a one-time cost of \$6,850 and an annual maintenance charge of \$5,160.

Documentation: M.O. 03-081914

Disposition: Approved

4. APPROVAL OF THE AGREEMENT FOR TRANSIT SERVICES FOR THE COLLEGE OF SEQUOIAS STUDENT TRANSIT PASS PROGRAM

Recommendation: That the City Council:

1. Approve the attached Agreement for Transit Services for the College of the Sequoias Student Transit Pass Program;
2. Authorize the Mayor to execute the Transit Services Agreement; and
3. Authorize staff to forward the executed Agreement for Transit Services to TCAG.

Documentation: M.O. 04-081914

Disposition: Approved.

5. LABORATORY LIMS SOFTWARE REPLACEMENT

Recommendation: That the City Council:

1. Approve the purchase of the MSC-LIMS software for \$14,073 and an annual maintenance fee of \$1,950; and
2. Add the purchase of Lab software to the equipment replacement schedule of the 2014/2015 budget.

Documentation; M.O. 05-081914

Disposition: Approved.

6. REQUEST FOR PROCLAMATION – RELAY FOR LIFE DAYS – OCTOBER 4 – 5, 2014

Recommendation: That the City Council consider approval of the request to proclaim October 4-5, 2014, as Relay for Life Days.

Documentation: M.O. 06-081914

Disposition: Approved.

7. REQUEST FOR PROCLAMATION – LIBRARY CARD SIGN-UP MONTH – SEPTEMBER 2014

Recommendation: That the City Council consider approval of the request to proclaim September 2014, as Library Card Sign-Up Month.

Documentation: M.O. 07-081914

Disposition: Approved.

8. REQUEST FOR PROCLAMATION – LIBRARY AWARENESS MONTH – SEPTEMBER 2014

Recommendation: That the City Council consider approval of the request to proclaim September 2014, as Literacy Awareness Month.

Documentation: M.O. 08-081914

Disposition: Approved.

9. REQUEST FOR PROCLAMATION – CLAUDIA BREWER

Recommendation: That the City Council consider approval of the request to recognize Claudia Brewer with a proclamation in celebration of her 100<sup>th</sup> birthday.

Documentation: M.O. 09-081914

Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT – FILIPINO-AMERICAN ASSOCIATION OF CALIFORNIA – FILIPINO FESTIVAL WEEKEND – SEPTEMBER 28-29, 2014

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Filipino-American Association of California, subject to the stated requirements contained in Exhibit A and Exhibit B.

Documentation: M.O. 10-081914

Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT – WORD OF VICTORY CHURCH – CHURCH COMMUNITY OUTREACH – SEPTEMBER 20, 2014

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Word of Victory Church, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 11-081914

Disposition: Approved.

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

Recommendation: That the City Council:

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

Documentation: M.O. 12-081914

Disposition: Approved.

At 7:55 p.m. Council took a ten minute recess to process an event of rare occasion, approval of all Consent Calendar items in a single motion.

**PUBLIC HEARINGS**

13. ADOPTION OF A RESOLUTION APPROVING THE CITY’S URBAN WATER MANAGEMENT PLAN

Recommendation: That City Council:

1. Conduct a public hearing and adopt the draft resolution approving the UWMP, which includes the Water Conservation Plan in Appendix C;
2. Remain in Phase 2 of the Water Conservation Plan, which restricts landscape watering to three days per week;
3. Submit the UWMP to the DWR, the California State Library, and the County; and
4. Make the UWMP available to the public for review within 30 days after filing a copy of the plan with the DWR.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez.

The public hearing was opened at 8:13 p.m. Seeing no one, the Mayor closed the public hearing at 8:14 p.m.

Following the staff report, Water Utility Superintendent Michael Knight addressed questions from the Council regarding the State’s requirements. Staff indicated that the City of Porterville was in good standing, being historically metered, compared to other communities.

Council Member Ward expressed concerns regarding the proposed phasing, and inquired about the absence of pool draining permits and Xeriscaping requirements. Staff responded that those were not part of the proposed Water Conservation Plan, but could be addressed via building permit process and Development Ordinance.

**COUNCIL ACTION:** MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council adopt the draft resolution approving the UWMP, which includes the Water Conservation Plan in Appendix C; remain in Phase 2 of the Water Conservation Plan, which restricts landscape watering to three days per week; submit the UWMP to the DWR, the California State Library, and the County; and make the UWMP available to the public for review within 30 days after filing a copy of the plan with the DWR. The motion carried unanimously.

Documentation: Resolution No. 59-2014

Disposition: Approved

14. ORDINANCE ADDING SECTION 25-5.1 TO PORTERVILLE MUNICIPAL CODE REGARDING ENFORCEMENT OF ADOPTED WATER CONSERVATION PLAN

Recommendation: That the City Council:

1. Hold the noticed public hearing and consider all testimony; and
2. Approve and give first reading to the draft ordinance, and Ordinance of the City Council of the City of Porterville Adding Section 25-5.1 to Chapter 25, Article I, Division 1 of the Porterville Municipal Code Regarding Enforcement of Adopted Water Conservation.

City Manager Lollis introduced the item. City Attorney Lew presented the staff report and addressed questions regarding the enforcement.

The public hearing was opened at 8:48 p.m. Seeing no one, the Mayor closed the public hearing at 8:49 p.m.

**COUNCIL ACTION:** MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve and give first reading to the draft ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTION 25-5.1 TO CHAPTER 25, ARTICLE I, DIVISION 1 OF THE PORTERVILLE MUNICIPAL CODE REGARDING ENFORCEMENT OF ADOPTED WATER CONSERVATION. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance 1816

Disposition: Approved

**SCHEDULED MATTERS**

15. MEDICAL MARIJUANA – DRAFT ORDINANCE CONCERNING CULTIVATION AND DISPENSARIES; REQUEST TO SET PUBLIC HEARING

Recommendation: That the City Council review the draft ordinance and provide direction to staff on any additional modifications, and, if appropriate, set a public hearing to consider approval of the ordinance.

City Manager Lollis introduced the item, and City Attorney Lew presented the staff report.

The Council discussed the proposed ordinance, specifically with regard to the number of plants and the distance requirement of 600 feet. Captain Eric Kroutil reported that the majority of calls received by the Police Department relative to medical marijuana were regarding suspected criminal activity or complaints of odor, and were associated with larger gardens. Staff then provided clarification regarding previous Council discussions relative to dispensaries.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council set a public hearing for September 2, 2014, to consider approval of the draft ordinance. The motion carried unanimously.

Documentation: M.O. 13-081914

Disposition: Approved

16. ADDENDUM TO THE LICENSE AND DEVELOPMENT AGREEMENT FOR THE PORTERVILLE JUNIOR LIVESTOCK FAIR

Recommendation: That the City Council consider the Fair Board's request and, if agreeable, authorize the Mayor to sign an Addendum to the License and Development Agreement, Exhibit B "Right to Sell Alcoholic Beverages" to include sale of alcohol during events not related to the annual Fair and modifying alcohol sales and consumption areas beyond the Adult Refreshment Area during the Annual Fair, subject to legal counsel approval as to form.

City Manager Lollis introduced the item, and the staff report was presented by Acting Community Development Director Jenni Byers. Council Member Ward expressed his concern that approval of the request would lead to similar requests from other organizations.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council authorize the Mayor to sign an Addendum to the License and Development Agreement, Exhibit B "Right to Sell Alcoholic Beverages" to include sale of alcohol during events not related to the annual Fair and modifying alcohol sales and consumption areas beyond the Adult Refreshment Area during the Annual Fair, subject to legal counsel approval as to form.

AYES: Reyes, Gurrola, Hamilton

NOES: Ward, Stowe

ABSTAIN: None

ABSENT: None

Documentation: M.O. 14-081914

Disposition: Approved.

17. PROVISION OF WATER AND SERVICE DELIVERY TO EAST PORTERVILLE RESIDENTS

Recommendation: That the City Council consider the provision and delivery of water service to East Porterville county residents, and give direction and authorization to staff as deemed appropriate.

City Manager Lollis introduced the item and presented the staff report.



Following the staff report, the Council expressed discontent with the lack of response from the County; and Fred Beltran, Porterville Coordinating Council, updated the Council on recent efforts to help those County residents without water. Public Works Director Rodriguez warned that the County would likely continue to do nothing if the City stepped in as lead agency. The Mayor volunteered to reach out to County representatives.

Mr. Beltran reported that residents outside of the East Porterville area were also in need of water, and they would do their best to provide a water source for those individuals as well.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve up to \$10,000 for first month; authorize staff to provide resources to assist with set up of 5,000 gallon water tank; authorize the Mayor to deliver a letter to the County Board of Supervisors regarding the water crisis; and approve the Indemnification Agreement.

AYES: Reyes, Gurrola, Ward, Stowe

NOES: None

ABSTAIN: None

ABSENT: Hamilton

Documentation: M.O. 15-081914

Disposition: Approved.

18. CONSIDERATION OF RENAMING THE HAMAMATSU AND LA BARCA CONFERENCE ROOMS IN HONOR OF PAST CITY COUNCIL MEMBERS AND MAYORS, JAY C. COLEMAN AND PETE V. MCCRACKEN

Recommendation: That the City Council consider the renaming of the Hamamatsu and La Barca Conference Rooms in honor of past City Council Members and Mayors, Jay C. Coleman and Pete V. McCracken.

City Manager Lollis introduced the item and presented the staff report.

Council spoke of past Sister City Program activities, and indicated that the intent was not to dishonor the Sister Cities, but to honor those who served the community of Porterville. Council Member Reyes suggested naming one conference room for the Sister Cities and the other after the late Pete V. McCracken. Council Member Ward indicated that he was supportive of honoring individuals for their service to the community, but did not feel dying in office was sufficient criteria.

**COUNCIL ACTION:** MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve the renaming of the Hamamatsu and La Barca Conference Rooms in honor of past City Council Members and Mayors, Jay C. Coleman and Pete V. McCracken.

AYES: Reyes, Gurrola, Hamilton, Stowe  
NOES: Ward  
ABSTAIN: None  
ABSENT: None

Documentation: Resolution No. 60-2014  
Disposition: Approved.

**ORAL COMMUNICATIONS**

- Barry Caplan, spoke of the last visit by Sister City residents.

**OTHER MATTERS**

- Council Member Ward thanked staff for efforts made to improve the Lombardi traffic issues.
- Council Member Reyes thanked individuals assisting with the water crisis and those who were responsible for the improvements to Santa Fe Depot.
- Vice Mayor Hamilton, challenged members of the Council, City Manager, City Attorney and Administrative Services Director to a race at Rocky Hill.
- Council Member Gurrola, recognized Derek Kirk for all his hard work with the Chamber during the summer; stated that he would be returning to Point Loma; and wished him well.
- Mayor Stowe, congratulated those City employees recognized for their service.
- City Manager Lollis, reported that two crews were out on fires; and spoke of ground breaking for Public Safety Building on August 25, 2014.

**ADJOURNMENT**

The Council adjourned at 10:25 p.m. to the meeting of September 2, 2014.

---

Luisa M. Zavala, Deputy City Clerk

SEAL

---

Milt Stowe, Mayor

CITY COUNCIL AGENDA: SEPTEMBER 2, 2014

SUBJECT: REQUEST FOR SPECIALIZED SERVICES WITH TESCO CONTROLS

SOURCE: Public Works Department – Wastewater Treatment Facility

COMMENT: The City of Porterville Wastewater Treatment Facility (WWTF) uses a Supervisory Control and Data Acquisition (SCADA) system that monitors and controls the entire wastewater treatment processes. The SCADA system acquires equipment and instrumentation data through remote telemetry units and sends the data to a central computer. The central computer performs graphic display presentations, alarm reporting, report generation, data archiving and database maintenance.

The WWTF has used the existing TESCO SCADA system since 1994. An upgrade is needed on the hardware, software, graphics and alarms. The upgrades will allow the WWTF to incorporate equipment added after 1994 and equipment from several upcoming Capital Improvement Projects (CIP) such as the electric blowers, dewatering equipment and headworks washer compactor.

The project consists of upgrades to the existing plant process control telemetry system. Currently the SCADA system receives all plant statuses and alarms from the process controllers via a hardwired network. The new system will use a high frequency and secure, ethernet based wireless network.

The upgrade will also include the latest software version, including two rack mounted computers, dual power supplies and redundant internal hard drives. TESCO will also upgrade the SCADA screen graphics and alarms. TESCO's cost to the City for the upgrades is \$194,295. The WWTF has set aside funding specifically for the SCADA upgrade.

Staff is sensitive to Council's desire that all projects be advertised for competitive bids and/or proposals. Staff can prepare or have plans and specs prepared to openly bid the SCADA Upgrade Project. Staff estimates that telemetry design services will cost approximately \$75,000 to generate "generic" plans and specifications that will allow other "telemetry installation" companies to bid on the project.

Staff's research suggests that the "other" systems offering the same level of service and compatibility are in the \$175,000 to \$200,000 range. Staff is therefore of the opinion that the proper course of action is to authorize the Public Works Director to negotiate a full service SCADA upgrade contract

Dir BSI Appropriated/Funded MB CM J Item No. 2

with TESCO in an amount not to exceed \$194,295 for the following reasons:

1. The existing SCADA system provided by TESCO is over twenty years old and has performed exceptionally well.
2. It is more prudent to spend City funds towards the SCADA upgrade as opposed to potentially spending \$75,000 or more towards designing a new and generic SCADA system with no guarantee that the new system will be less expensive than the TESCO upgrade.
3. TESCO has provided excellent technical support in the past, are a known quantity and staff has every reason to believe that TESCO's future performance will not diminish.
4. Staff is familiar and competent in the use of the TESCO SCADA system and anticipates minimal, if any, new training on the new TESCO SCADA system.
5. Upgrades to the 20 year old SCADA system can begin immediately upon award of contract. If the "new design" route is chosen, upgrades to the SCADA system at the WWTF will be delayed by at least 6 months.

Funding for this project is from the WWTF Capital Reserve as budgeted in the 2014/2015 Annual Budget.

**RECOMMENDATION:** That City Council approve the request for Specialized Service for the upgrade of the WWTF SCADA system with TESCO Controls, Incorporated, at a cost not to exceed \$194,295.

COUNCIL AGENDA: SEPTEMBER 2, 2014

SUBJECT: CIP BUDGET ADJUSTMENT FOR ODOR CONTROL AT THE WASTEWATER TREATMENT FACILITY (WWTF)

SOURCE: Public Works Department – Field Services Division/WWTF

COMMENT: The Waste Water Treatment Facility (WWTF) has been planning a project to reduce odors at the facility. The project will consist of installing covers over the spill areas of the basins and the grit chamber to trap the odors and pipe them to filters that will reduce the odors.

The project has been scheduled for the 2015/2016 fiscal year, however staff is ready to move the project forward into the 2014/2015 fiscal year in an effort to reduce the odors sooner.

The project is estimated to cost \$800,000 and will be funded from the WWTF capital reserve fund. The 2014/2015 Capital Improvement Project (CIP) budget, approved by Council, will need to be adjusted to reflect moving the project forward.

RECOMMENDATION: That the City Council:

1. Approve moving the Odor Control Project into the 2014/2015 fiscal year; and
2. Authorize the Public Works Director to seek Statement of Qualifications (SOQ) from prospective manufacturers of bio-filters for Council's consideration.

P:\pubworks\General\Council\CIP Budget Adjustment for Odor Control at the WWTF - 2014-09-02.doc

Dir B82 Appropriated/Funded mtb CM J

Item No. 3

COUNCIL AGENDA: SEPTEMBER 2, 2014

SUBJECT: AMENDMENT TO APPENDIX D OF THE URBAN WATER MANAGEMENT PLAN ADOPTED BY RESOLUTION NO. 59-2014

SOURCE: Public Works Department - Field Services

COMMENT: In order to be in compliance with the State's recently enacted Emergency Water Conservation regulations, the following prohibition needs to be added to Phase II of the Water Conservation Plan (WCP). The prohibition currently exists in Phase III of the WCP as approved by City Council on August 19, 2014 and was inadvertently omitted from Phase II.

Ornamental Water Features Prohibition:

- Filling or refilling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life.
- The operation of ornamental fountains or other structure making similar use of water is prohibited unless the fountain uses a recycling system.

Staff recommends City Council approve the draft resolution amending Appendix D of the UWMP to add Ornamental Water Features Prohibition language to Phase II of the City's WCP.

RECOMMENDATION: That the City Council:

1. Approve the draft resolution amending appendix D of the Urban Water Management Plan which was adopted by Resolution 59-2014; and
2. Add Ornamental Water Feature Prohibition language to Phase II of the City's Water Conservation Plan, which is Appendix D of the Urban Water Management Plan.

ATTACHMENT: Draft Resolution amending the resolution adopting the Urban Water Management Plan  
Phase II Water Conservation Plan

P:\pubworks\General\Council\Amendment to Appendix D to the Urban Water Management Plan - 2014-09-02.docx

Dir BS1 Appropriated/Funded N/A CM 1

Item No. 4

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

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF PORTERVILLE  
AMENDING APPENDIX D OF THE CITY OF PORTERVILLE 2010 URBAN WATER  
MANAGEMENT PLAN ADOPTED BY RESOLUTION NO. 59-2014

WHEREAS, the California Legislature enacted Assembly Bill 797 (Water Code Section 10610 et seq., known as the Urban Water Management Planning Act) during the 1983-84 Regular Session, and as amended subsequently, which requires all urban water suppliers providing municipal water directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre feet of water annually, to prepare and submit an Urban Water management Plan (Plan), the primary objective of which is to plan for the conservation and efficient use of water; and

WHEREAS, Appendix D of the City of Porterville 2010 Urban Water Management Plan was adopted by Resolution No. 59-2014 on August 19, 2014; and

WHEREAS, Appendix D of the City of Porterville 2010 Urban Water Management Plan adopted by Resolution No. 59-2014 needs to be amended to add ornamental water features prohibition to Phase II of the City's Water Conservation Plan;

NOW, THEREFORE, LET IT BE RESOLVED by the City Council of the City of Porterville that the following change be made to Phase II of the Water Conservation Plan, which is Appendix D of the City of Porterville 2010 Urban Water Management Plan adopted by Resolution No. 59-2014:

1. Add the following to Drought Response Phase II of the City's Water Conservation Plan:

Ornamental Water Features Prohibition:

Filling or refilling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life.

The operation of ornamental fountains or other structures making similar use of water is prohibited unless the fountain uses a recycling system.

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of September, 2014.

\_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

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



## ● DROUGHT RESPONSE PHASE II: WATER SUPPLY SHORTAGE

*Drought Response Phase II applies during periods when there is a water supply shortage. When water supply conditions start to deteriorate, the City is mandated to implement more stringent water conservation provisions for the benefit of its community. In addition to upholding the programs and provisions outlined in Phases I, the City must be diligent in its water conservation efforts by issuing penalties for non-compliance.*

### ACTIONS BY THE CITY:

<p>Adoption and Enforcement of Stricter Water Regulations and Restrictions</p>	<ul style="list-style-type: none"> <li>• The City of Porterville will enforce an odd/even watering schedule for all residents. Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. Excessive run-off is prohibited.</li> <li>• Per Section 25-5.1 of the City Municipal Code, Non-compliance with the City of Porterville’s water conservation regulations will result in one written warning from the City of Porterville before the issuance of a citation. A second violation within a 12 month period will result in the issuance of a citation with a fine of \$100.00; a second citation will result in a fine of \$200.00; a third citation will result in a fine of \$500.00. Willful and egregious violations will result in issuance of a citation without a warning. Each day that a violation continues shall be regarded as a new and separate offense.</li> <li>• Per Section 25-5 of the City Municipal Code, “The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them.”</li> </ul>
<p>Public Information Program</p>	<p>The City will pursue a more aggressive distribution of information than its efforts initiated in the initial Water Conservation Phase to promote public awareness of the need to conserve water with a stronger emphasis on the water shortage condition.</p>
<p>Water System Pressure Reduction</p>	<p>The City's water system may experience reduced water pressures during high usage periods. This may deter water use for nonessential activities and encourage scheduling of landscape watering to late nights or early mornings.</p>
<p>City Landscapes and Watering Schedules</p>	<p>All City parks, median islands, and public facility landscapes will be watered during the late night or early morning hours to reduce impact on the water system during peak usage hours.</p>
<p>Leak Detection Water Waste</p>	<p>The City will continue in its proactive plan to audit water supply usage. All City staff will be reminded of the necessity of reporting any evidence of leaks or water waste for immediate action. There will be an emphasis on coordinated community efforts to reduce water waste.</p>
<p>“Waste of Water” Notices</p>	<p>City staff will be equipped to issue “Waste of Water” notices to consumers identified as misusing water.</p>
<p>Mandatory Odd/Even Watering days</p>	<p>Increase public education on the mandatory watering schedule program. Public outreach will emphasize changes from the Water Conservation Phase I (Voluntary) to Phase II (Mandatory).</p>



Continuation of all Conservation Programs Established in Phase I	See Phase I
--	-------------

**ACTIONS BY THE GENERAL PUBLIC:**

Mandatory Odd/Even Watering Schedule	<ul style="list-style-type: none"> <li>Addresses ending in an odd number (1, 3, 5, 7, or 9) water on Tuesday, Thursday and Saturday. Addresses ending in an even number (0, 2, 4, 6, or 8) water on Wednesday, Friday and Sunday. There is no watering on Monday. See Exhibit 2 below.</li> <li>Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days.</li> <li>Excessive runoff is prohibited.</li> </ul>
Ornamental Water Features	<ul style="list-style-type: none"> <li>Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life.</li> <li>The operation of ornamental fountains or other structure making similar use of water is prohibited unless the fountain uses a recycling system.</li> </ul>
Conservation Efforts	The general public will be strongly encouraged to utilize those water conservation measures contained within the City's public information program.
Restaurants	Notices will be sent to all restaurants within the city limits requesting support of water conservation efforts by serving water to customers upon request only.
Lawn and Landscaping Watering	Mandatory implementation of the Odd/Even Watering Program initiated in the Water Conservation Phase I, all residential, commercial, and industrial landscape watering scheduled times.
Vehicle Washing and Sidewalk Hosing	<ul style="list-style-type: none"> <li>The washing of sidewalks, driveways, parking areas, patios or other paved areas is prohibited, unless it is necessary for the health and safety of the public.</li> <li>The washing of automobiles, trucks, trailers, boats, and airplanes is only permitted on designated watering days. Such washing, when allowed, shall be done either by automatic car washes that recycle water or with a hand held bucket, or hand held hose equipped with a positive shutoff nozzle for quick rinses.</li> <li>Per Section 25-5 of the City Municipal Code, "The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them."</li> </ul>

### Mandatory Odd/Even Water Schedule

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

 Odd Address  Even Address

Exhibit 2

SUBJECT: APPROVAL OF MEASURE R SUPPLEMENTAL AGREEMENT –  
ACQUISITION OF RAILROAD RIGHT-OF-WAY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The Tulare County Association of Governments, acting as the Local Transportation Authority (“Authority”) is requesting that the City of Porterville (City) approve and submit a Supplemental Agreement (SA) for the Acquisition of Railroad Right-of-Way Project. The Authority requires the processing of a SA for the purpose of funding 100% of the acquisition price.

On August 19, 2014, the City adopted Resolution 61-2014 accepting the Purchase and Sale Agreement and Joint Escrow Instructions with the Union Pacific Railroad Company and authorizing staff to begin escrow.

The acquisition will preserve the railroad property within and near Porterville for the purpose of meeting future transportation needs. A locator map identifying the project limits is included in the Council’s packet.

As stated above, a Supplemental Agreement, Resolution and Exhibit ‘A’ must be received by the Authority before the City can seek reimbursement for said acquisition. Exhibit ‘A’ provides the project title and estimate of probable cost for the acquisition.

RECOMMENDATION: That the City Council:

1. Approve the attached Resolution affirming the City Council’s support of Acquisition of Railroad Right-of-Way;
2. Authorize the Mayor and City Manager to execute the Acquisition of Railroad Right-of-Way Project Supplemental Agreement for the purchase of railroad property; and
3. Direct the City Clerk to transmit the executed Supplemental Agreements to Tulare County Transportation Authority.

ATTACHMENTS: Resolution 61-2014  
Locator Maps  
Supplemental Agreement  
Draft Resolution  
Exhibit ‘A’

Dir JB Appropriated/Funded MB CM J

Item No. 5



RESOLUTION NO. 61- 2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
APPROVING AND AUTHORIZING THE PURCHASE AND SALE AGREEMENT  
AND ESCROW INSTRUCTIONS WITH THE UNION PACIFIC RAILROAD  
COMPANY, A DELAWARE CORPORATION

WHEREAS, the City of Porterville desires to preserve the railroad property within and near Porterville for the purpose of meeting future transportation needs; and

WHEREAS, the Union Pacific Railroad Company, a Delaware Corporation has agreed to sell the abandoned 8.2± mile rail line, bounded to the north by Frazier Hwy (Avenue 196) and to the south by Teapot Dome Avenue (Avenue 128), together with all culverts, ballast, bridge structures and appurtenances, to the City of Porterville; and

WHEREAS, City staff has negotiated an agreement for the purchase of the Property, which terms and conditions are set forth in the Purchase and Sale Agreement and Escrow Instructions ("Agreement") attached as Exhibit A.

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

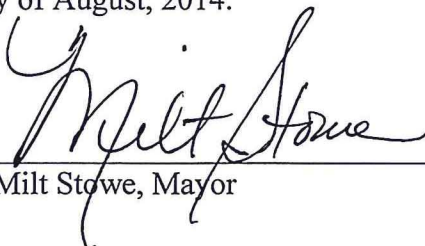
Section 1. That the above recitals are true and correct and incorporated herein.

Section 2. That the Agreement, attached as Exhibit A, is hereby approved

Section 3. That the City Council authorizes and directs the City Manager and/or City Attorney to make any final modifications to the Agreement that are consistent with the substantive terms of the Agreement approved hereby, and to thereafter authorize the Mayor to sign the Agreement on behalf of the City.

Section 4. That the City Council authorizes and directs the Mayor to (i) sign such other and further documents, including but not limited to escrow instructions and (ii) take such other and further actions, as may be necessary and proper to carry out the terms of the Agreement.

PASSED, APPROVED, and ADOPTED this 19<sup>th</sup> day of August, 2014.

  
\_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:

John D. Lottis, City Clerk

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

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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 19<sup>th</sup> day of August, 2014.

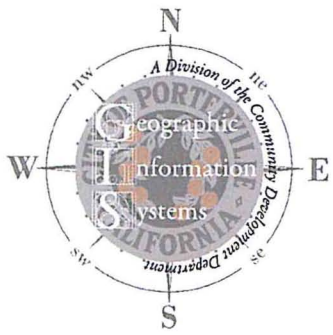
THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk

  
 By: Luisa M. Zavala, Deputy City Clerk







City of Porterville  
Community Development Department  
291 North Main Street  
Porterville, CA 93257  
(559) 782-7460

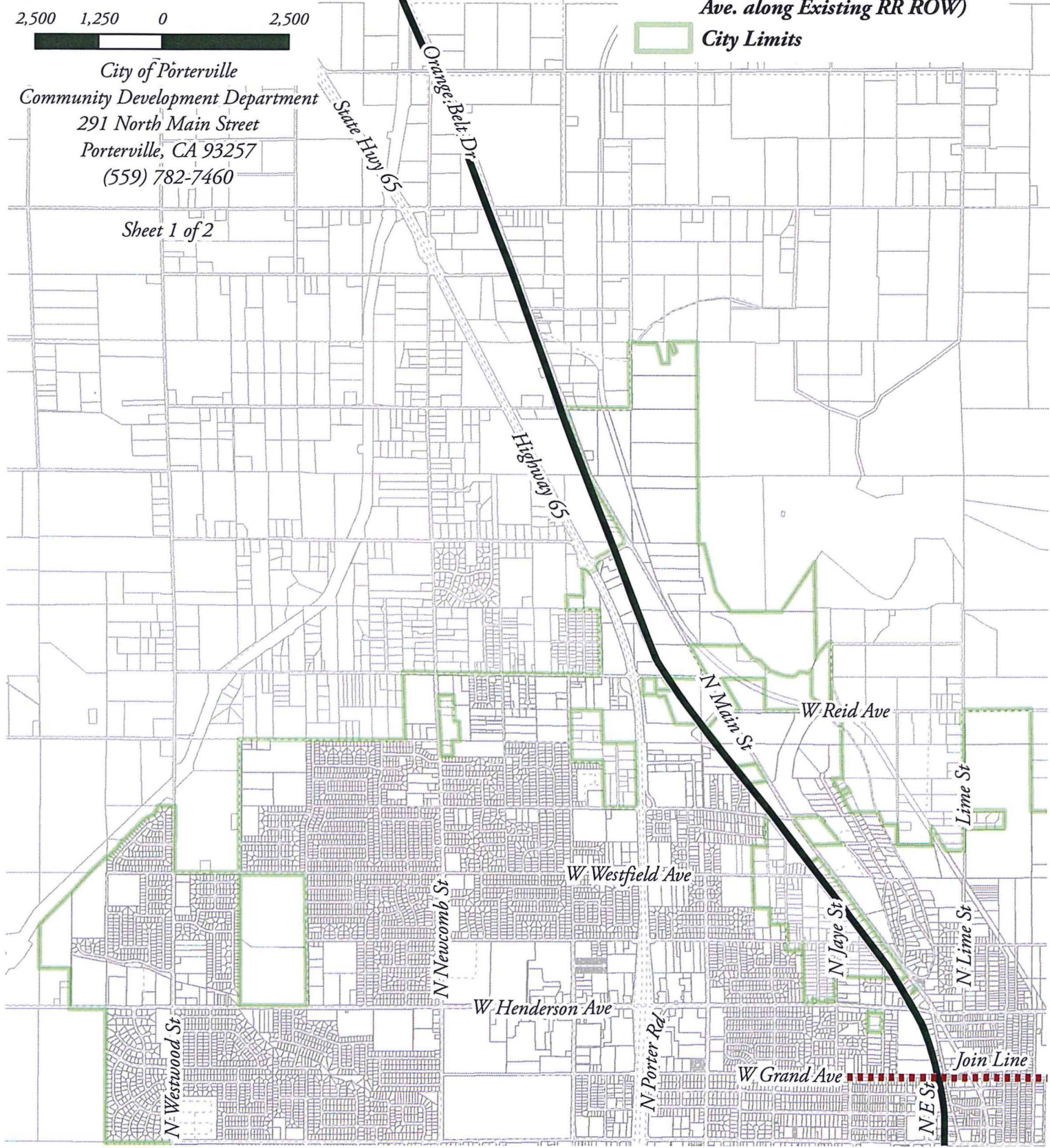
Sheet 1 of 2

Frazier Hwy

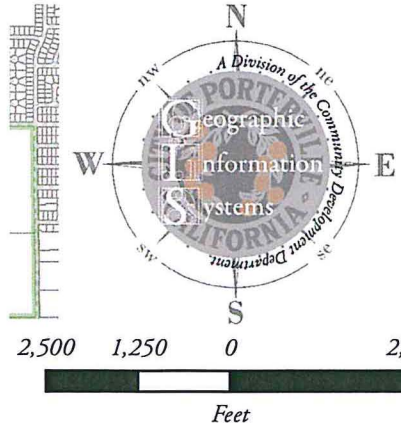
Avenue 196

### Locator Map

-  **Property Acquisition (~100' wide from Ave 196 to Teapot Dome Ave. along Existing RR ROW)**
-  **City Limits**

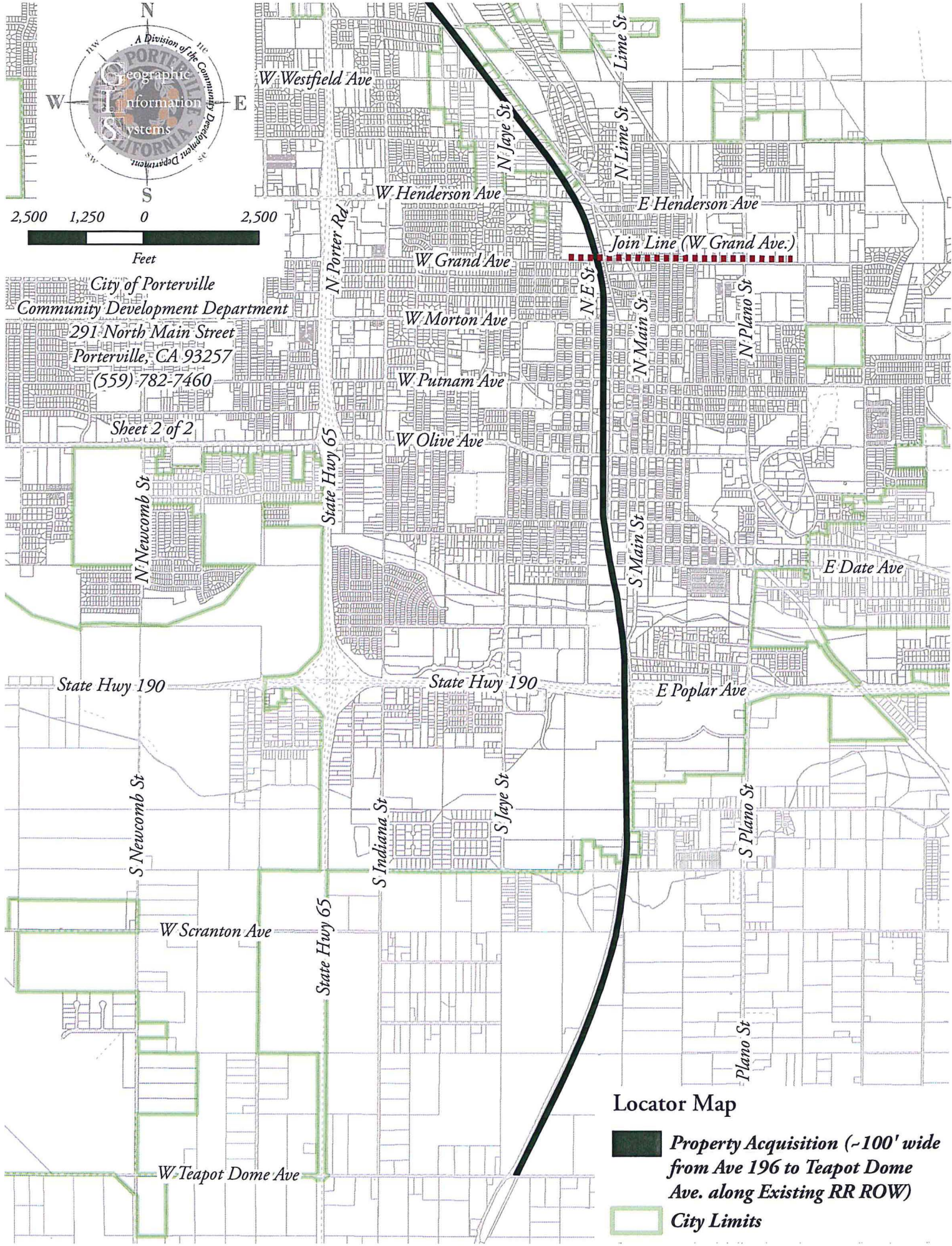








City of Porterville  
 Community Development Department  
 291 North Main Street  
 Porterville, CA 93257  
 (559) 782-7460

Sheet 2 of 2



**Locator Map**

-  **Property Acquisition (~100' wide from Ave 196 to Teapot Dome Ave. along Existing RR ROW)**
-  **City Limits**



MEASURE R PROGRAM SUPPLEMENT TO  
COOPERATIVE AGREEMENT

This Program Supplement is made and entered into on September \_\_\_\_, 2014, 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. \_\_\_\_-2014, approved by the Sponsor on September 2, 2014 (see copy attached).

Project scope and costs are incorporated herein as Exhibit ‘A’ and agreed upon by Sponsor and Authority.

Covenants of Sponsor

- 1.1 SPONSOR agrees that it will only proceed with acquisition 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 a written explanation of the absence of project activity along with target billing date and billing amount.

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

COUNTY OF TULARE  
TRANSPORTATION AUTHORITY

CITY OF PORTERVILLE

By: \_\_\_\_\_  
Authority Director

By: \_\_\_\_\_  
Milt Stowe, Mayor

Attest:

By: \_\_\_\_\_  
John D. Lollis, City Clerk



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
AFFIRMING AND APPROVING THE SUPPORT OF THE CITY COUNCIL FOR THE  
ACQUISITION OF RAILROAD RIGHT-OF-WAY

WHEREAS, the City of Porterville Acquisition of Railroad Right-of-Way Project is eligible to receive 100% funding for the acquisition of the recently abandoned railroad right-of-way within its general jurisdictional boundaries; 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 funding for all acquisition costs incurred;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby affirm and approve support of the Acquisition of Railroad Right-of-Way 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 2<sup>nd</sup> day of September, 2014.

\_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

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

## EXHIBIT 'A'

### Acquisition of Railroad Right-of Way Project

#### PROJECT SCOPE

Acquisition of recently abandoned Railroad Right-of-Way in the city of Porterville and within its general jurisdictional boundaries. The limits are approximately ten (10) miles bounded to the north by Frazier Highway (Avenue 196) and to the south by Teapot Dome Avenue (Avenue 128). The acquisition will preserve the railroad property within and near Porterville for the purpose of meeting future transportation needs.

#### PROJECT COSTS

Acquisition of Railroad Right-of-Way Tasks	Costs (All but acquisition costs are estimated)
Acquisition Costs	\$3,000,000
Escrow Costs	\$10,000
Deed Preparation	\$25,000
Feasibility Review (engineering studies, soils investigations, environmental assessments, surveys and physical inspection of the property)	\$8,000 for Phase 1 and soil tests
Review and execution of all documents	\$7,000

#### PROJECT SCHEDULE

Acquisition of Railroad Schedule	Start Dates (Estimate - Dates depend on start of escrow)	Completion Dates (Estimate - Dates depend on start of escrow)
Open Escrow	September 3, 2014	December 29, 2014
Update Preliminary Report	September 3, 2014	October 17, 2014
Legal Description	September 3, 2014	December 1, 2014
Approved Feasibility Review	September 3, 2014	December 1, 2014

COUNCIL AGENDA: SEPTEMBER 2, 2014

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - CENTRAL CALIFORNIA FAMILY CRISIS CENTER - ANNUAL CANDLELIGHT VIGIL FOR DOMESTIC VIOLENCE - OCTOBER 16, 2014

SOURCE: Finance Department

COMMENT: The Central California Family Crisis Center is requesting approval to hold their annual candlelight vigil at Centennial Park on Thursday, October 16, 2014, from 6:00 p.m. to 7:30 p.m. This vigil is held as a remembrance for those who have lost their lives to domestic violence. The event consists of speakers and information booths. There is no request for street closures.

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

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

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

DD MB Appropriated/Funded MB C.M. [Signature] ACTING Item No. 6

# CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

DO YOU HAVE? Event Flyer? E-mail address? Website?  
Application date: July 14<sup>th</sup> 2014 8/8/14 Event date: October 16<sup>th</sup> 2014  
Event time: 6:00pm - 7:30pm  
Name of Event: Candlelight Vigil

Sponsoring organization: Family Crisis Center Phone # 559-781-7462  
Address: 770 N Main St  
Authorized representative: Krystle Contreras Phone # 559-781-7462  
Address: 770 N Main st  
Event chairperson: Krystle Contreras Phone # 559-781-7462

Location of event Centennial Park  
(Location map must be attached)

Type of event: Candlelight Vigil to honor victims of domestic violence

Non-profit organization status: 501(C)(3) BL # 4815  
(IRS Determination)

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

Parks facility application required: Yes ✓ No      Attached Pd  
Assembly permit required: Yes      No ✓ Attached     

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

<u>Appr.</u>	<u>Deny</u>		
<u>    </u>	<u>    </u>	Bus. Lic. Spvr.	<u>    </u>
<u>    </u>	<u>    </u>	Pub. Works Dir	<u>    </u>
<u>    </u>	<u>    </u>	Comm. Dev. Dir.	<u>    </u>
<u>    </u>	<u>    </u>	Field Svcs. Mgr.	<u>    </u>
<u>    </u>	<u>    </u>	Fire Chief	<u>    </u>
<u>    </u>	<u>    </u>	Parks Dir.	<u>    </u>
<u>    </u>	<u>    </u>	Police Chief	<u>    </u>
<u>    </u>	<u>    </u>	Admin. Svcs. Dir.	<u>    </u>

# CITY OF PORTERVILLE

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

### What constitutes a Community Civic Event?

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

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

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

KC Authorized Representative Initials

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

KC Authorized Representative Initials

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

KC Authorized Representative Initials

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

KC Authorized Representative Initials

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

Family Crisis Center <small>(Name of Organization)</small>	 <small>(Signature)</small>	7-14-14 <small>(Date)</small>
---	--------------------------------	----------------------------------





REQUIREMENTS FOR COMMUNITY CIVIC EVENT  
CENTRAL CALIFORNIA FAMILY CRISIS CENTER  
CANDLELIGHT VIGIL FOR DOMESTIC VIOLENCE

OCTOBER 16, 2014

Finance Director:

*M. Bemis*

Public Works Director:

*B. Rodriguez*

Community Development Manager:

*J. Phillips*

No comments.

Field Services Manager:

*B. Styles*

No comments.

Fire Chief:

*G. Irish*

No comment.

Parks and Leisure Services Director:

*D. Moore*

Vehicles to remain off the grass.

Police Captain:

*D. Haynes*

Please see Exhibit B.

Administrative Services Director:

*P. Hildreth*

See Exhibit A, Page 2.



## REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Central California Family Crisis Center  
Event: Candlelight Vigil for Domestic Violence  
Event Chairman: Krystle Contreras  
Location: Centennial Park  
Date of Event: October 16, 2014

RISK MANAGEMENT: Conditions of Approval

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

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

**CITY OF PORTERVILLE**  
**Community Civic Event Application**

---

Proposed Event: Candlelight Vigil

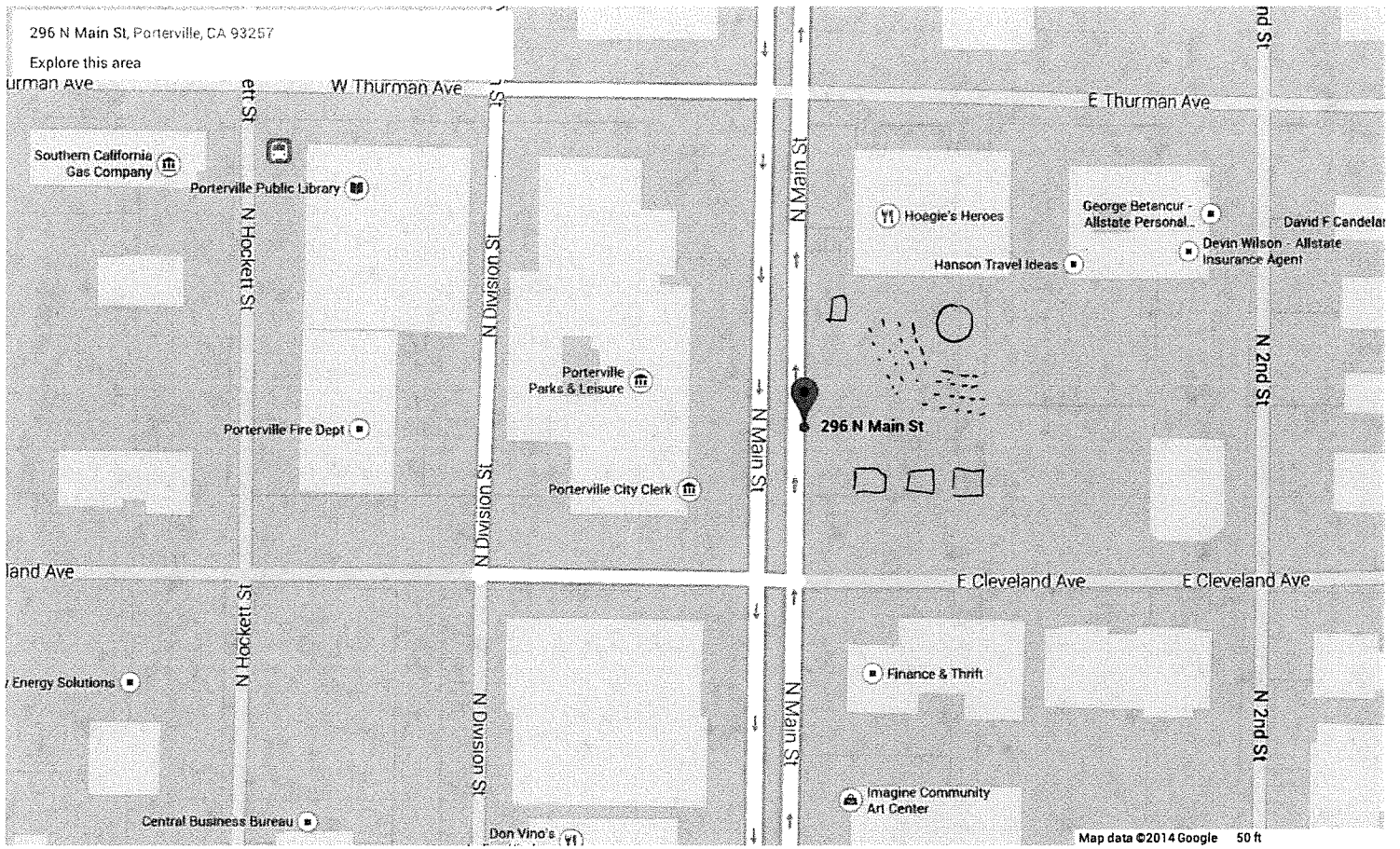
Date of Event: 10-16-14 / 1800-1930

Location of Event: Centennial Park

Recommendations/Requirements:

- City Council approval is required for all street/sidewalk closures.
- Participants must not interfere with the normal flow of pedestrian/vehicular traffic.
- Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.
- An Outside Amplifier Permit has been approved and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.
- At conclusion of event, event organizers shall ensure that affected parks/streets/sidewalks are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling in the area, as well as any other related materials such as signs, pamphlets and fliers.

Dan Haynes, Captain  
Porterville Police Department



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: Krystle Contreras 770 N Main St  
Porterville CA 93257
- 2 Address where amplification equipment is to be used: 296 N. Main St
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Krystle Contreras,  
Anna Green, Betty Luna, 770 N Main St. Porterville 93257
- 4 Type of event for which amplification equipment will be used: Candlelight Vigil
- 5 Dates and hours of operation of amplification equipment: 10-16-14 6:00pm-7:30pm
- 6 A general description of the sound amplifying equipment to be used: light music, speaking to audience

**Section 18-9**

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

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

**Section 18-14**

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

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

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

K. Abbe  
Signature of Applicant

7-14-14  
Date

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

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

8-21-14  
Date





**Nonprofits' Insurance  
Alliance of California**  
A HEAD FOR INSURANCE ... A HEART FOR NONPROFITS

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## **ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

### **SCHEDULE**

**Name of Person or Organization:**

Any person or organization that you are required to add as an additional insured on this policy, under a written contract or agreement currently in effect, or becoming effective during the term of this policy, in consideration of food contributions or client referrals you receive from them.

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

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule as an insured but only with respect to liability arising out of your operations or premises owned by or rented to you.

CITY COUNCIL AGENDA – SEPTEMBER 2, 2014

SUBJECT: REQUEST FOR PROCLAMATION – DOMESTIC VIOLENCE AWARENESS MONTH – OCTOBER 2014

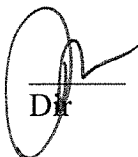
SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION


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

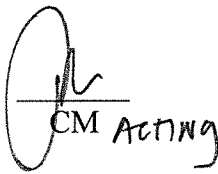
The Family Crisis Center has requested that the Council consider approval of a proclamation to recognize October 2014 as Domestic Violence Awareness Month. Council Member Reyes is sponsoring this proclamation request. If approved, the proclamation will be presented at the City Council on October 7, 2014.

RECOMMENDATION: That the City Council consider approval of the request to proclaim October 2014, as Domestic Violence Awareness Month.

ATTACHMENT: 1. Request for Proclamation  
2. Draft Proclamation

  
Dir

  
N/A  
Approp./  
Funded

  
CM ACTING

Item No. 7



City of Porterville  
REQUEST FOR PROCLAMATION

Date of Request: August 25<sup>th</sup> 2014  
Name of Event/Individual: Domestic Violence Awareness Month  
i.e. "Porterville Tourism Week", "Mr. John Doe"  
Name of Sponsoring Organization: Family Crisis Center  
Name of Contact Person: Krystle Contreras  
Address: 770 N Main St Porterville 93257  
Phone: 559-781-7462 FAX: 559-781-6240  
E-mail: krystle@ccfamilycrisis.org  
I would like the proclamation:  presented at a Council Mtg.  mailed  call for pick-up  
Date(s) of Event: October 2014

Date of Council Meeting to be presented, if applicable: Oct. 7<sup>th</sup> 2014  
(Council meets 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:  
Anna Green / Krystle Contreras

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

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

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

City Clerk's Section

Request Received: 8/25/14 Sponsored by: Reyes Date: 8/25/14  
Approved by Council: yes  no  Date: \_\_\_\_\_  
Notification to Contact person done (date): \_\_\_\_\_ in writing  by phone   
Items (s)  mailed \_\_\_\_\_  faxed \_\_\_\_\_  picked up \_\_\_\_\_  
Comment: \_\_\_\_\_



**Domestic Violence Awareness Month 2014 Proclamation**

**Whereas, 1 in every 4 women will experience domestic violence during their lifetime.**

**Whereas, approximately 15.5 million children are exposed to domestic violence every year;**

**Whereas, when a family member is abused, it can have long term damaging effects on the victim that can also leave a mark on family, friends and the community at large;**

**Whereas, families are indispensable to a stable society, and they should be a place of support to instill responsibility and values in the next generation;**

**Whereas, domestic violence is widespread and is devastating to society as a whole, but particularly women and children;**

**Whereas, violence against women and children is a prevalent social ill due to the historical imbalance of power in gender and age.**

**Whereas, the problem of domestic violence is not confined to any group or groups of people, but crosses all economic, racial, gender, educational, religious and societal barriers, and is sustained by societal indifference;**

**Whereas, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity due to the systemic use of physical, emotional, sexual, psychological and economic control and/or abuse;**

**Whereas, Victims should have assistance to find the comfort and healing they need, and perpetrators of domestic violence should be punished to the full extent of the law;**

**Whereas, victims of violence should have access to medical and legal services, counseling, transitional housing, and other supportive services so they can escape the cycle of abuse.**

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

SOURCE: Administration

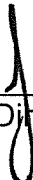
COMMENT: In accordance with the City Council's Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8630 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination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

Since its last review on August 19, 2014, City staff has continued its coordination with both State and Federal representatives in having made claims for reimbursement for public areas reported as suffering flood damage. An estimated total of \$361,750 in damage repair projects were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, which after final FEMA administrative review, a total of approximately \$270,000 was approved. Although all repair projects were originally to be completed by no later than July 2012, the City received a one (1)-year extension to July 2013.

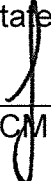
At its meeting on October 16, 2012, the Council awarded a contract in the amount of \$95,391.71 to Greg Bartlett Construction (Porterville), beginning CEMA repairs to Plano Street (south of Thurman Avenue), El Granito Street (near Zalud Park), E. Grand Avenue (at Henrahan Street), and W. Grand Avenue (at Hawaii Street). At its meeting on December 18, 2012, the Council accepted the completion of these identified CEMA repairs, including \$90,295.53 in final construction costs.

At its meeting on March 5, 2013, the Council awarded a contract in the amount of \$29,997.25, also to Greg Bartlett Construction (Porterville), for CEMA repairs of West Street and related storm drain improvements between Scranton and Tea Pot Dome Avenues. At its meeting on May 7, 2013, the Council accepted the completion of these identified CEMA repairs, including \$19,392.25 in final construction costs.

At its meeting on April 2, 2013, the Council awarded a contract in the amount of \$138,350 to Intermountain Slurry Seal, Inc. (Reno, Nevada), for the CEMA repair of Henderson Avenue between Patsy and Balmoral Streets. At its meeting on August 6, 2013, the Council accepted the completion of the identified CEMA repairs, which staff continues to work with the State to finalize repair reimbursements.

  
\_\_\_\_\_  
DJ

  
\_\_\_\_\_  
App/Fund

  
\_\_\_\_\_  
CM

Item No. 8

RECOMMENDATION:

That the Council:

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

ATTACHMENT: None

**PUBLIC HEARING**

**SUBJECT:** VACATION OF EASEMENTS FOR WATER LINE AND STORM DRAINAGE, TEMPORARY EMERGENCY INGRESS AND EGRESS AND TEMPORARY STORAGE OF STORM WATER RELATED TO RIVERVIEW ESTATES, PHASE FIVE SUBDIVISION (Smee Builders, Inc.)

**SOURCE:** Public Works Department – Engineering Division

**COMMENT:** This is the time and place set for the hearing on the proposed vacation of easements for water line and storm drainage, temporary emergency ingress and egress and temporary storage of storm water related to the development of Riverview Estates, Phase Five Subdivision. These easements are generally located east of Mathew Street and south of Orange Avenue. The easements were necessary for the orderly development of the prior phase(s) of Riverview Estates Subdivision. The developer has recently constructed a new drainage reservoir, which will be dedicated in easement form together with the construction of Parkwest Street, which will also be dedicated to the City. These developments terminate the need for the prior easements. The City has authority to vacate these easements under Section 8320, Part 3, Division 9, of the Streets and Highways Code of the State of California.

Staff believes that there are no problems with any reversionary rights since these easements are in favor of the City of Porterville. Vacation of these easements does not affect other agencies or other utility companies.

**RECOMMENDATION:** That the City Council:

1. Conduct a Public Hearing;
2. Adopt the Resolution of Vacation for the easements described in the attached legal description; and
3. Authorize the City Clerk to record the Resolution of Vacation.

**ATTACHMENTS:** Resolution  
Legal Description of Easements  
Map of Easement Vacation

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
ORDERING THE VACATION AND CLOSING TO PUBLIC USE EASEMENTS FOR  
WATER LINE AND STORM DRAINAGE, TEMPORARY EMERGENCY INGRESS AND  
EGRESS AND TEMPORARY STORAGE OF STORM WATER RELATED TO  
RIVERVIEW ESTATES, PHASE FIVE SUBDIVISION

WHEREAS, by Resolution No. 50-2014, passed on August 5, 2014, the City Council of the City of Porterville declared its intention to vacate easements for water line and storm drainage, temporary emergency ingress and egress and temporary storage of storm water located east of Mathew Street, south of Orange Avenue, hereinafter more particularly described, and set the hour of 6:00 p.m. on the 2<sup>nd</sup> day of September, 2014, or as soon thereafter as the matter can be heard, in the Council Chambers of said City as the time and place for hearing all persons objecting to the proposed vacation; and

WHEREAS, such public hearing has been held at said time and place, and there were no protests, oral or written, to such vacation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville as follows:

SECTION 1: The Council hereby finds, from all the evidence submitted, that the easements hereinafter described are unnecessary for present or prospective use, and the City Council hereby makes its order vacating said easements east of Mathew Street, south of Orange Avenue, which are described in the legal description attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2: The City Clerk shall cause a copy of this resolution to be recorded in the office of the Clerk-Recorder of Tulare County, California.

SECTION 3: The City Clerk shall certify to the passage and adoption of this resolution and it shall thereupon take effect and be in force.

PASSED, APPROVED AND ADOPTED this 2<sup>nd</sup> day of September, 2014.

\_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Easement Vacation**

**Parcel 1**

A temporary easement for ingress and egress and for the storage of storm water over, across, through and within that portion of Parcel 2 and of Parcel 4 of Parcel Map No. 4239 in the City of Porterville, County of Tulare, State of California, per map recorded in Book 43, page 43 of Parcel Maps in the Office of the County Recorder of said County, described as follows:

**COMMENCING AT** a point in the West line of said Parcel 2, said point being South 00°32'34" West, 300.09 feet of the Northwest corner of said Parcel 2;

**THENCE**, South 89°27'26" East, 84.00 feet to the **POINT OF BEGINNING** of the easement to be described;

**THENCE**, continuing South 89°27'26" East, 76.00 feet;

**THENCE**, North 00°32'34" East, 9.49 feet;

**THENCE**, North 89°51'04" East, 230.00 feet;

**THENCE**, South 00°08'56" East, 60.00 feet;

**THENCE**, South 89°51'04" West, 214.72 feet;

**THENCE**, South 00°32'34" West, 30.68 feet;

**THENCE**, North 89°27'26" West, 92.00 feet;

**THENCE**, North 00°32'34" East, 81.00 feet, to the **POINT OF BEGINNING**.

**Parcel 2**

A temporary easement, 20 feet in width, for ingress and egress and emergency access over, across, through and within that portion of the West half of the Southwest quarter of Section 33, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California and that portion of Parcel 2 of Parcel Map No. 4239, per map recorded in Book 43, page 43 of Parcel Maps in the Office of the County Recorder of said County, the centerline of said 20 foot strip being described as follows:

**COMMENCING AT** a point in the West line of said Parcel 2, said point being South 00°32'34" West, 381.09 feet of the Northwest corner of said Parcel 2;

**THENCE**, South 89°27'26" East, 130.00 feet to the **POINT OF BEGINNING** of the centerline to be described;

**THENCE**, South 00°32'34" West, 291.19 feet;

**THENCE**, South 31°30'24" West, 174.93 feet;

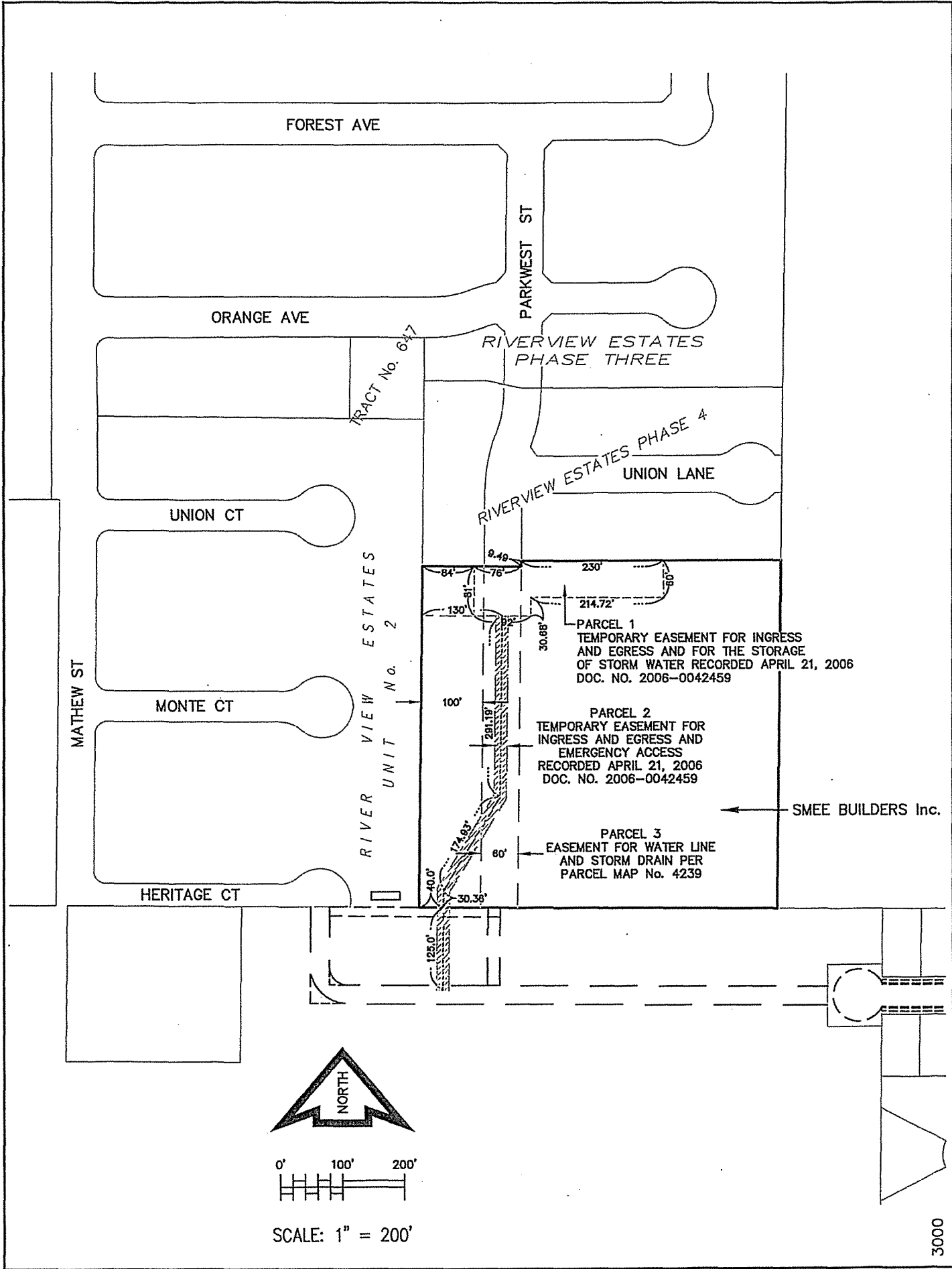
**THENCE**, South 00°32'34" West, 30.36 feet to a point in the South line of said Parcel 2, said point being South 89°44'32" East, 40.00 feet of the Southwest corner of said Parcel 2;

**THENCE**, continuing South 00°32'34" West, 125.00 feet to a point in the North line of a 30 foot wide easement for a vehicular access road conveyed to the City of Porterville, recorded February 18, 1992 as Instrument No. 92-011077 of Official Records, and the terminus of the centerline being described.

### **Parcel 3**

A 60 foot wide easement for water line and storm drainage over, across, through and within Parcel 2 of Parcel Map No. 4239, as shown on said map, recorded in Book 43, page 43 of Parcel Maps in the Office of the Tulare County Recorder.

**END OF DESCRIPTION**





CITY COUNCIL AGENDA: SEPTEMBER 2, 2014

TITLE: MEDICAL CANNABIS/MARIJUANA - DRAFT ORDINANCE CONCERNING CULTIVATION AND DISPENSARIES

SOURCE: CITY ATTORNEY/COMMUNITY DEVELOPMENT DEPARTMENT

BACKGROUND: In November 2007, in response to the approval of the “Compassionate Use Act” and “Medical Marijuana Program Act,” the City Council approved regulations that effectively prohibited land uses that are inconsistent with local, state, and federal law, and provided for regulation of medical cannabis dispensaries in the event federal law changed.

In December 2011, in light of case law and legislative amendments, Staff brought forward the first draft of an ordinance to address medical cannabis/marijuana cultivation and dispensaries. Since that date, all Departments have worked together to address varying issues, and various changes to the draft have been presented to the Council. Based on previous direction, the draft ordinance does not accommodate medical cannabis dispensaries. However, if the Council so chooses, staff could further modify the ordinance to accommodate dispensaries within the city.

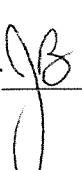

Providing further background, the first attachment to this report is a legal memorandum summarizing the status of medical cannabis laws as they relate to local government authority to regulate land uses.

CONCLUSION: The draft ordinance is a result of multiple compromises, where public safety, land use authority, and property owner rights are balanced with the needs of those who are authorized to use medical cannabis. In response to comments heard at previous City Council meetings, the proposed language includes options for those authorized by the State to use medical cannabis to grow their plants indoors, within an accessory structure, or outdoors. Specific requirements were defined for the various scenarios to advance public safety and security. The draft ordinance would provide opportunity to those medical cannabis users to cultivate it with less residual effects to neighboring property owners or the general public.

RECOMMENDATION: That the City Council:

1. Approve the proposed ordinance for medical cannabis cultivation and give first reading to the draft Ordinance; and
2. Waive further reading and order the Ordinance to print.

ATTACHMENTS: 1. Legal Memo regarding medical cannabis laws  
2. Draft Ordinance

Dir  Appropriated/Funded N/A CM 

Item No. 10

# Memorandum

McCormick, Kabot, Jenner & Lew

A Professional Corporation

1220 West Main Street  
Visalia, CA 93291

**Date:** August 27, 2014  
**To:** Porterville City Council  
**From:** Julia M. Lew, City Attorney  
**Subject:** Summary of California Medical Marijuana Law and Local Regulatory Ability

---

The following is a summary of the history and status of California Medical Marijuana Law as it relates to local regulation.

California voters approved Proposition 215, which codified into the California Health and Safety Code the “Compassionate Use Act of 1996.” The stated intent of the Proposition 215 was to enable people in need of marijuana for medical purposes the ability to obtain and use it without fear of criminal prosecution under limited, specific circumstances. However, pursuant to Federal law the use, possession, transpiration and distribution of marijuana are specifically illegal.

The Compassionate Use Act, along with the “Medical Marijuana Program Act” is codified as Division 10, Chapter 6, Article 2.5 of the California Health and Safety Code, Sections 11362.7 et seq. The state statutes provide, among other things, that qualified patients and their primary care givers have limited immunity from prosecution for violation of various violations of the Penal and Health and Safety Code related to marijuana. The laws also establish a State system for allowing possession and cultivation of marijuana for limited medical treatment purposes, subject to the procedural requirements under the Act. Medical cannabis or marijuana dispensaries appear to be an instance where advocates of the medical use or marijuana are using the statutory language of the Act to establish organizations (nonprofit – as state law prohibit the provision of medical marijuana “for profit” under the law) to distribute to those entitled to possess or use under the law. While dispensaries are not specifically addressed under the Act, a person providing the marijuana may be the “primary care giver” to persons located in the same city or county the primary care giver is located.

The Act does not directly require that cities and counties, in exercising their police power and land use regulatory authority, permit organizations or individuals to distribute medical marijuana. Cities *may* permit the uses under State law. However, and especially given the status of the most recent interpretation of the Federal Controlled Substances Act (CSA) as discussed further, cities may also arguably prohibit land uses that are inconsistent with any other law, including federal law.

Pursuant to federal law the use, possession, transportation, and distribution of marijuana was, and still is, illegal.

In 2005, the U.S. Supreme Court issued its decision in *Gonzales v. Raich* (2005) 545 U.S. 1. The Respondents in the case, two women who cultivated, obtained, and/or processed cannabis for their own personal medical use, claimed that their individual activities (which would have been in compliance with State law and the Compassionate Use Act) were purely local activities beyond the reach of federal power. The Supreme Court overruled the 9<sup>th</sup> Circuit and found that Congress' Commerce Clause authority includes the power to prohibit the local cultivation and use of marijuana, even if said activities are in compliance with California law. While the Court did clearly provide that under the Supremacy clause of the U.S. Constitution the federal law would prevail over state law with regard to these activities, the Court was also careful to note that in this case, the parties did not assert that a particular statute or body of state law fell outside the federal commerce power. Rather, this case involved individual activities. Therefore, there was no express holding that the Compassionate Use Act was unlawful or unconstitutional.

Since the passage of Prop. 215, subsequent case law has managed to muddle the interplay between the federal and state regulatory schemes. That stated, several cases have provided some further guidance, and the State Attorney General and U.S Attorney have both issued policy statements and/or guidelines concerning these issues, the effect of which has resulted in allowance of a certain level of cultivation and usage by individuals who have complied with the State law.

In *City of Claremont v. Kruse* (2009) 177 Cal.App.4<sup>th</sup> 1153, the Court upheld the lower court's determination that operation of a dispensary was a nuisance per se in violation of the City's municipal code, finding that the Compassionate Use Act does not authorize the operation of a medical marijuana dispensary, nor does it prohibit local governments from regulating dispensaries. The Court also found that the State laws do not compel the establishment of local regulations to accommodate medical marijuana dispensaries.

Cities as well as medical marijuana advocates hoped that *Qualified Patients Association v. City of Anaheim* (2010) 187 Cal.App.4<sup>th</sup> 734, would provide a definitive answer to the federal versus state law question. The Court did find that the lower court had erred in concluding, as a matter of law, that federal regulations (Controlled Substances Act) preempt the Compassionate Use Act. However, the Anaheim decision pertained to statutes that imposed purely criminal penalties for operation of a medical marijuana dispensary, and the Court did not address zoning and land use restrictions.

As of January 1, 2011, the Legislature enacted Health and Safety Code Section 11362.768, which provides (per subsection (f)) "Nothing in this section shall prohibit a city, county or city and county from adopting ordinances or policies that further restrict the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider." In *County of Los Angeles v. Martin Hill* (2011) Cal. Court of Appeal (2<sup>nd</sup> Dist.) No. B216432, the Court found that state law does not confer on qualified patients and care givers an unfettered right to cultivate or dispense marijuana anywhere they choose,

During this period, several cases indicated that the Courts were not inclined to find a conflict between federal and state law with regard to cultivation of medical marijuana. This changed,

however, with *Pack v. Superior Court (City of Long Beach)* (2011) 199 Cal.App.4<sup>th</sup> 1070. In October 2011 the Court of Appeals for the Second District found that the City of Long Beach's medical marijuana ordinance, which authorized and permitted but regulated medical marijuana collectives, was preempted by federal law. Although this case appeared to be initially helpful for cities that might wish to ban all collective/cooperative uses, it muddied the water concerning whether cities may institute a permit process for other uses, such as individual cultivation. Given this particular opinion's diversion from many other previously decided cases (especially with regard to the Federal preemption issue as well as cities' abilities to permit and regulate various activities), when the California Supreme Court granted review we believed we might finally obtain definitive higher court opinion concerning these issues. However, the Supreme Court has since dismissed its grant of review, and the case remains de-published.

Notwithstanding the status of the *Pack* decision, there is a possibility that federal preemption issues remain in play and that cities should be cautious about "permitting" ordinances. However, as discussed further below, more recent cases have tended to support local government regulation as consistent with *state* law, which arguably could include a permit requirement.

In 2013 the Supreme Court issued a key decision concerning local regulation of medical marijuana. The Supreme Court issued its long-awaited opinion in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. et al.*, California Supreme Court Case No. S198638. The Court found that California's medical marijuana statutes **do not** preempt a local ban on facilities that collectively cultivate or distribute medical marijuana.

The City of Riverside specifically declared, by virtue of its zoning ordinances, that a "medical marijuana dispensary" is a prohibited use within the city and may be abated as a public nuisance. The City also bans and declares as nuisances any uses prohibited by federal or state law. In its Opinion the Supreme Court undertook a comprehensive review of the landmark cases addressing preemption and medical marijuana and found that, contrary to defendant's allegations, the CUA/MMP do not confer on qualified patients and their caregivers the unfettered right to cultivate or dispense marijuana anywhere they choose. No part of the CUA/MMP explicitly guarantees the availability of locations where such activities may occur, restricts localities otherwise broad authority to regulate zone and land use planning within its borders, or requires local zoning and licensing laws to accommodate cooperative or collective cultivation or distribution. Rather than relying on portions of the MMP (specifically Health and Safety Code Sec. 11362.768) which have been argued by cities to expressly allow regulations and bans on such facilities, the Court instead relied on preexisting local police powers recognized by the California Constitution (Cal. Const. Art. XI, Sec. 7). The Court also noted that while some communities may be well-suited to accommodating the uses, others may come to a reasonable decision that such facilities, even if carefully sited, managed, and monitored would still present an unacceptable local risk and/or burden given the potential for increased crime, blight or drug abuse.

Additionally, in February 2013, the California Appellate Court (3<sup>rd</sup> District) found in *Browne v. County of Tehama* 153 Cal.Rptr. 3d 62, that the State legislature had not granted anyone an unfettered right to cultivate medical marijuana for medical purposes; therefore the County's regulation of the cultivation of medical marijuana did not conflict with the statutes. The County's

ordinance regulated the number of plants that could be located at a property (no more than 12 mature plants or 24 plants total on premises of 20 acres or less), prohibited the cultivation within 1000 feet of sensitive uses, required registration and submission of valid medical marijuana recommendations or state issued cards, required consent from the property owner, and required fencing and substantial setback requirements.

In November 26, 2013, the California Appellate Court (3<sup>rd</sup> District) took this analysis a step further in *Maral v. City of Live Oak*, C071822 (Cal.App. 11-26-1013). In this case, the Court upheld Live Oak's ordinance prohibiting the cultivation of marijuana for any purpose within the city, finding that a complete prohibition of cultivation also falls within a City's police powers, as set forth in the above *Inland Empire* case. It appears that Live Oak may have been the first city to completely ban cultivation (by virtue of the contentions of the plaintiffs in the case). Live Oak also has a conditional regulation that would have required zoning clearance and compliance with additional conditions for cultivation in the event the prohibition was found invalid.

ORDINANCE NO. \_\_\_\_\_

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

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

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

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

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

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

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

15-5.1: REFUSAL TO ISSUE LICENSE

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

**ATTACHMENT  
ITEM NO. 2**

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

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

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

SECTION 3. Series 300 : Additional Use and Development Regulations

301 Standards for Specific Uses and Activities

301.01 Accessory Uses and Structures

301.02 Alcoholic Beverage Sales

301.03 Animal Keeping

301.04 Automobile Vehicle Service and Repair, Major and Minor

301.05 Auto Service Stations and Car Washing

301.06 Crop Cultivation

301.07 Family Day Care Home, Large

301.08 Hazardous Waste Management Facilities

301.09 Home Occupations

301.10 Manufactured Homes

301.11 Mobile Home Parks

301.12 Outdoor Retail Sales

301.13 Personal Storage Facilities

301.14 Recycling Facilities

301.15 Residential Care Facilities, General

301.16 Second Dwelling Units

301.17 Sexually Oriented Facilities

301.18 Single Room Occupancy Hotels

301.19 Social Service Facilities

301.20 Telecommunication Facilities

301.21 Temporary Uses

301.22 Transitional and Supportive Housing

301.23 Medical Cannabis Cultivation

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

A. Purpose and Intent

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

B. Interpretation and Applicability

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



4. Nothing in this chapter is intended to, nor shall it be construed to, exempt any cannabis related activity from any and all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements.
  5. Nothing in this chapter is intended to, nor shall it be construed to, make legal any cultivation, transportation, sale or other use of cannabis that is otherwise prohibited under California law.
  6. All cultivation, preparation and distribution of medical cannabis within city limits shall be subject to the provisions of this chapter and other applicable provisions of this Code, regardless of whether cultivation, preparation, or distribution existed or occurred prior to adoption of this chapter.
- C. Definitions: For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:
1. Dwelling Unit. A room or suite of rooms including one (1) and only one (1) kitchen, and designed or occupied as separate living quarters for one (1) family.
  2. Medical Cannabis (also known as medical marijuana). Cannabis, including constituents of cannabis, THC and other cannabinoids, used as a physician-recommended form of medicine or herbal therapy.
  3. Medical Cannabis Cooperative or Collective. Any person, association, cooperative, affiliation, or collective of persons who provide education, referral, or network services, and/or facilitation or assistance in the cultivation, preparation or distribution of medical cannabis.
  4. Medical Cannabis Cultivation Area. The area allowed for the growing and preparation of medical cannabis.
  5. Medical Cannabis Cultivation Facility. A facility at which medical cannabis is grown and harvested for supply to a medical cannabis preparation facility and/or a medical cannabis distribution facility.
  6. Medical Cannabis Distribution. The supply to a qualified patient by any person, including a primary caregiver, cooperative or collective, of medical cannabis that is not grown in the qualified patient's residence.
  7. Medical Cannabis Distribution Facility/Dispensary. Any facility or location where the primary purpose is to distribute medical cannabis as a medication upon recommendation by a physician and where medical cannabis is made available to or distributed by or to a primary caregiver or a qualified patient in strict accordance with the Compassionate Use Act of 1996 (Cal. Health and Safety Code §§ 11362.5 et seq.).
  8. Medical Cannabis Preparation. Includes, but is not limited to: manicuring, drying, curing, pressing, cooking, baking, infusing, grinding, bagging, packaging, rolling.
  9. Medical Cannabis Preparation Facility. A facility at which medical cannabis is processed for supply to a medical cannabis distribution facility.

10. Qualified Patient. As defined in Cal. Health and Safety Code §§ 11362.7 et seq., and as it may be amended from time to time.
  11. Residence. A legal dwelling unit.
- D. Severability: If any part of this chapter is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.
- E. Cultivation Generally: A qualified patient shall be allowed to cultivate medical cannabis for their own personal use. Cultivation of medical cannabis for said use shall be in conformance with the following standards:
1. No more than one medical cannabis cultivation area shall be permitted on a legal parcel, regardless of the number of dwelling units on the parcel;
  2. Medical cannabis cultivation areas shall be located no closer than 600 feet from one another;
  3. No medical cannabis cultivation site shall be located within 1000 feet of a sensitive use “use, sensitive” as defined in Chapter 700;
  4. The residence shall remain at all times a residence with legal and functioning cooking, sleeping and sanitation facilities. Medical cannabis cultivation shall remain at all times accessory to the residential use of the property;
  5. The qualified patient shall reside at the residence where the medical cannabis cultivation occurs;
  6. Cultivation of medical cannabis for personal use shall occur only on the parcel occupied by a qualified patient and shall be for the exclusive use of the qualified patient and otherwise in conformance with this chapter (i.e. no collectives or cooperatives);
  7. Cultivation of medical cannabis for personal use shall not displace required off-street parking, or violate any other provisions of the Porterville Municipal Code;
  8. Qualified patients shall have no more than the number of plants the patient is permitted under State law to have, provided that in no case shall any parcel/dwelling have more than 16 plants; with not more than four (4) cultivated indoors and twelve (12) cultivated outdoors;
  9. The use of gas products (e.g., CO<sub>2</sub>, butane, etc.) for medical cannabis cultivation is prohibited;
  10. There shall be no exterior evidence of medical cannabis cultivation occurring at the property, from a public right-of-way;
  11. Medical cannabis cultivation is prohibited as a home occupation;
  12. No distribution of medical cannabis cultivated for personal use shall be allowed other than as otherwise authorized by this Code;
  13. Medical cannabis cultivation shall be an accessory use to a primary residential use on a property within residential zones, or at a single-family residence within the RS-3 or

RS-4 Zones. Medical cannabis cultivation is not allowed in multi-family developments or in mobile home parks;

14. The cultivation of medical cannabis shall not adversely affect the health or safety of the residents of the property on which it is cultivated, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes pursuant to the standards contained in Chapter 306 of this Code;
15. Medical cannabis cultivation lighting shall not exceed 1,200 watts;
16. The accessory structure(s) shall at all times meet the requirements of the latest adopted version of the California Building, Fire, Mechanical, Electrical and Plumbing Codes (collectively California Codes);
17. All electrical equipment used in the cultivation of medical cannabis, (e.g., lighting and ventilation) shall be plugged directly into a wall outlet or otherwise hardwired and permits obtained pursuant to the California Building, Electrical, Mechanical, Plumbing or other state or local laws rules and regulations;
18. Prior to performing any work on electrical wiring/rewiring the applicant shall first obtain a building, mechanical and/or electrical permit from the Building Division;
19. If required by California Building or Fire Code, the wall(s) adjacent to the cultivation area shall be constructed with 5/8-inch Type X moisture-resistant drywall;
20. Medical cannabis cultivation areas shall be secured by a functioning audible alarm at all times during growing seasons;
21. The growing of medical cannabis outdoors shall comply with the setback requirements for the primary residence on the property subject to the zoning classification of the property;
22. Medical Cannabis plants shall be grown in an area enclosed with a solid view obscuring fence, secured with self-closing and locking gates, and shall not exceed a maximum height of five (5) feet for properties with a six (6) foot tall fence. In the alternative, plants may grow to a maximum height of seven (7) feet if the area is fenced and screened to eight (8) feet in compliance with applicable Development Ordinance and California Building Code standards; and
23. Areas for cultivation of medical cannabis shall be secured, locked, and fully enclosed and rendered inaccessible to minors.

F. Preparation

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

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

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

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

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

J. Cultivation Permit:

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

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

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



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

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

PASSED, APPROVED AND ADOPTED this 2<sup>nd</sup> day of September, 2014.

By: \_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

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

COUNCIL AGENDA – SEPTEMBER 2, 2014

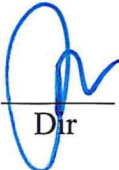

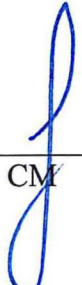
SUBJECT: SECOND READING – ORDINANCE 1816, ADDING SECTION 25-5.1 TO THE PORTERVILLE MUNICIPAL CODE REGARDING ENFORCEMENT OF ADOPTED WATER CONSERVATION PLAN

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK DIVISION

COMMENT: Ordinance No. 1816, An Ordinance of the City Council of the City of Porterville Adding Section 25-5.1 to Chapter 25, Article I, Division 1 of the Porterville Municipal Code Regarding Enforcement of Adopted Water Conservation Plan, was given first reading on August 19, 2014, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1816, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1816

		
Dir	Approp./ Funded	CM

Item No. 11

ORDINANCE NO. 1816

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
ADDING SECTION 25-5.1 TO CHAPTER 25, ARTICLE I, DIVISION 1 OF THE  
PORTERVILLE MUNICIPAL CODE REGARDING ENFORCEMENT OF  
ADOPTED WATER CONSERVATION PLAN

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS  
FOLLOWS:

**Section 1. *Code Amendment.*** Section 25-5.1 IS hereby added to Chapter 25, Article I, Division 1 of the Porterville Municipal Code, to read as follows:

**Section 25-5.1. City Water Conservation Plan.**

The City Council has adopted by Resolution its Water Conservation Plan which sets forth water conservation phases and conservation measures including mandatory restrictions on water usage by property owners and water consumers. Violation of the measures in effect, currently and as may be amended by Resolution from time-to-time, pursuant to the applicable phase of Water Conservation Plan, shall be enforceable as set forth per any applicable remedy provisions in this Municipal Code, including but not limited to Chapter 1, Sections 1-9 and 1-10; Chapter 2, Article XIV; and/or Chapter 25, Article I. The City's Water Conservation Plan is deemed to be the City's "Water Shortage Contingency Plan" per applicable State law.

**Section 2. *Severability.*** Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

**Section 3. *Effective Date.*** This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

**Section 4. *Certification.*** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

**PASSED, APPROVED AND ADOPTED,** this 2<sup>nd</sup> day of September, 2014.

\_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

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

CITY COUNCIL AGENDA – SEPTEMBER 2, 2014

SUBJECT: CONSIDERATION OF APPOINTMENTS TO THE ANIMAL CONTROL COMMISSION

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: On June 3, 2014, the City Council adopted Ordinance 1812, which established a five member Animal Control Commission to serve in an advisory capacity to the City Council on any matters concerning animal control. The ordinance provides that Commissioners be appointed by the City Council at its complete discretion by a majority vote. Commissioners shall serve 4-year staggered terms, shall be residents of the city of Porterville, and representative of a cross-section of the community.

For the establishment of the Animal Control Commission the Council shall appoint five members, two to 2-year terms and three to 4-year terms. After the initial establishment of the Commission, future members of the commission will be appointed to 4-year terms and will serve until his or her term is completed, or until such time that his or her appointment is rescinded by a majority vote of the City Council.

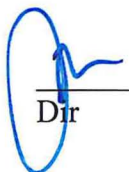
Applications for the Committee were solicited from the public and as of the time of agenda distribution has received ten Requests for Appointment, attached hereto for Council's reference, from the following individuals:


- Peggy Ann Hensley
- Kathleen (Kat) Harris
- Amy Pitigliano
- Maureen M. Hamilton
- Shawn Schwartzenberger
- Margaret Land
- Kathy Guinn
- Anna M. Poteet
- Terry Perry
- Diane Wagner

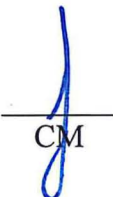
Requests for Appointment received after the distribution of the agendas will be presented to the Council for consideration and made available to the public under separate cover.

RECOMMENDATION: That the City Council appoint two individuals to serve 2-year terms as members of the Animal Control Commission; and three individuals to serve 4-year terms.

ATTACHMENT: Requests for Appointment

  
Dir

  
Approp./  
Funded

  
CM

Item No. 12

RECEIVED

MAY 13 2014

CITY OF PORTERVILLE  
CITY CLERK OFFICE

# CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: PEGGY ANN HENSLEY  
(Please Print)

Appointment to: animal control commission  
(Name of Board, Commission, or Committee)

Reappointment; or IF NEW, please provide :

Street Address: 250 N. 3<sup>rd</sup> St. apt. 203  
Porterville, CA. 93257

Mailing Address: same

Name of Business: o

Own       Operate

Business Address: o  
o

Telephone: Home 559-359-3691 (cell)

Work o

FAX o

E-mail o

City of Porterville resident:

Yes  
 No

Registered Voter:

Yes  
 No

Qualifications: My passion in life is Animal Rights & animal  
welfare. Raised with cats & dogs, I love them.  
I have an understanding of them.  
Years ago I drove to Fresno to get schooling to become  
a Vet-tech, after 2<sup>nd</sup> day was told to stop in Visalia  
to talk with a Vet. and his Vet-Tech. Don't remember  
what they said to me but I burst out crying - saying  
it hurts my soul to realize perfectly healthy cats & dogs  
are put to death because there are no homes for  
them. Spay & Neuter!! (I washed out of the school!)

- Resume attached
- Letter of request attached

Submitted By: *Regina Ann Penley* 5-13-2014  
Date

Received by: \_\_\_\_\_

Forwarded to: City Clerk  Date: 5-13-2014  
City Council  Date: \_\_\_\_\_  
City Manager  Date: \_\_\_\_\_  
Applicable Dept.  Date: \_\_\_\_\_

Tentative Council Mtg Date: \_\_\_\_\_



Request for Appointment Form.pdf

1 of 2

RECEIVED

JUN 2 2014

CITY OF PORTERVILLE  
CITY CLERK OFFICE

# CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Kathleen (Kat) Harris  
(Please Print)

Appointment to: Animal Control Committee  
(Name of Board, Commission, or Committee)

Reappointment; or **IF NEW**, please provide :

Street Address: 187 S Villa St  
Porterville, CA 93257

Mailing Address: same

Name of Business: \_\_\_\_\_

Own       Operate

Business Address: \_\_\_\_\_

Telephone: Home 559-781-7204

Work N/A

FAX 559-781-7204

E-mail kathleen@cityofporterville.net

City of Porterville resident:

Yes  
 No

Registered Voter:

Yes  
 No

Qualifications: Being a person concerned about  
the welfare of animals, I specialized myself  
on State Regulations and both County and City  
Ordinances on Animal Control. Additionally, my  
past Grand Jury experience has provided me the  
knowledge and understanding of the management/  
operations of both County and City Animal Control  
Facilities. The Grand Jury experience would not  
hinder, but will benefit the Animal Control  
Commission.

- Resume attached
- Letter of request attached

Submitted By: Kathleen M. Harris 6/2/14  
 Date

Received by: \_\_\_\_\_

- Forwarded to: City Clerk  Date: \_\_\_\_\_
- City Council  Date: \_\_\_\_\_
- City Manager  Date: \_\_\_\_\_
- Applicable Dept.  Date: \_\_\_\_\_

Tentative Council Mtg Date: \_\_\_\_\_

JUL 28 2014

CITY OF PORTERVILLE  
ADMINISTRATIVE SERVICES

# CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Amy Pitigliano  
(Please Print)

Appointment to: Animal Control Committee  
(Name of Board, Commission, or Committee)

Reappointment; or IF NEW, please provide :

Street Address: 466 N York St  
Porterville CA 93257

Mailing Address: Same

Name of Business: N/A  
 Own       Operate

Business Address: N/A

Telephone: Home 661-900-5838

Work \_\_\_\_\_

FAX \_\_\_\_\_


E-mail adp453@gmail.com

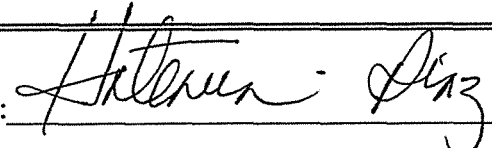
City of Porterville resident:  
 Yes  
 No

Registered Voter:  
 Yes  
 No

Qualifications: I have the interest in the way my city treats and deals with animal control issues. I feel many cities lack in their animal control area and I would like to be a part in helping Porterville not be one of those cities. I enjoy speaking in public and am an articulate and intelligent voice when it comes to something I am passionate about. I would appreciate this opportunity to join my community members to help move Porterville forward. Thank you.

- Resume attached
- Letter of request attached

Submitted By:  7-28-14  
Date

Received by: 

- Forwarded to: City Clerk  Date: \_\_\_\_\_
- City Council  Date: \_\_\_\_\_
- City Manager  Date: \_\_\_\_\_
- Applicable Dept.  Date: \_\_\_\_\_

Tentative Council Mtg Date: \_\_\_\_\_

RECEIVED

AUG - 4 2014

CITY OF PORTERVILLE  
CITY CLERK OFFICE

# CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: MAUREEN M. HAMILTON  
(Please Print)

Appointment to: COMMITTEE TO OVERSEE NEW ANIMAL SHELTER  
(Name of Board, Commission, or Committee)

Reappointment; or IF NEW, please provide :

Street Address: 318 W. BELLEVIEW AVE.

Mailing Address: SAME

Name of Business: N/A

Own       Operate

Business Address: N/A

Telephone: Home 559-784-7751

Work RETIRED

FAX N/A

E-mail MAUREENHAMIL@MSN.COM

City of Porterville resident:

Yes

No

Registered Voter:

Yes

No

Qualifications: I would be a great asset to the new shelter for the following reasons:

1. I have leadership qualities due to my many years as a supervisor
  2. I am detail oriented & being retired I can devote as much time as necessary to this new board
  3. I have been in leadership positions in several organizations, I also enjoy finding unique solutions to problems
  4. I work well with other people & am computer savvy enough to keep files up to date
  5. The bottom line is I love animals & want to help provide the very best care for them. Help run this shelter efficiently & within budgetary guidelines
- Resume attached
- Letter of request attached

Submitted By: Maura Hamlett 8/4/14 Date

Received by: Shauna Biagio

Forwarded to: City Clerk  Date: 8/4/14

City Council  Date: \_\_\_\_\_

City Manager  Date: \_\_\_\_\_

Applicable Dept.  Date: \_\_\_\_\_

Tentative Council Mtg Date: \_\_\_\_\_

RECEIVED

AUG 11 2014

CITY OF PORTERVILLE  
CITY CLERK OFFICE

# CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Shawn SCHWARTZENBERGER  
(Please Print)

Appointment to: ANIMAL CONTROL COMMISSION  
(Name of Board, Commission, or Committee)

G Reappointment; or IF NEW, please provide :

Street Address: 558 N. SUNNYSIDE ST  
APT #14

Mailing Address: SAME  
\_\_\_\_\_

Name of Business: N/A  
Q Own      Q Operate

Business Address: N/A  
\_\_\_\_\_

Telephone: Home <sup>cell</sup> (559) 756-1222

Work SAME

FAX N/A

E-mail TEAMSTRACING@CLEARWIRE.NET

City of Porterville resident:

G  Yes

G  No

Registered Voter:

G  Yes

G  No



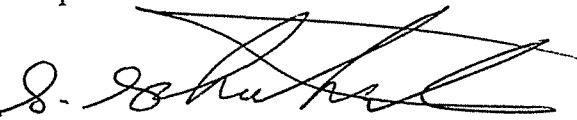
Qualifications: NO SPECIFIC QUALIFICATIONS JUST AN  
AVOID ANIMAL LOVER, I DID SPEND SOME TIME  
IN THE MILITARY AS/WITH THE MP DOG HANDLERS  
BUT I HAVE ALWAYS HAD A WAY WITH ANIMALS, I  
HAVE RESCUED MANY ANIMALS AND ACTUALLY THE  
THERAPY CAT I HAVE NOW IS A RESCUE, MY FAMILY IS  
INTO ANIMALS ALWAYS HAVE BEEN MY SON HAS RESCUE  
DOGS NOW. AS A CHILD I FOUND A HURT FOX MADE  
FRIENDS AND HEALED IT BACK TO HEALTH, AND HE WAS  
MY PET FOR MANY YEARS! I JUST HAVE A WAY WITH  
AND LOVE ANIMALS OF ALL KINDS!

THANKS FOR YOUR CONSIDERATION

Q Resume attached

Q Letter of request attached

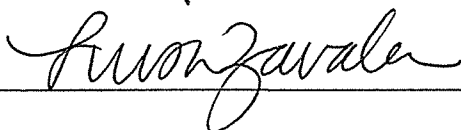
Submitted By:



8/11/14

Date

Received by:



Forwarded to: City Clerk

Date:

8/11/14

City Council

Date:

8/14/14

City Manager

Date:

Applicable Dept.

Date:

Tentative Council Mtg Date:

8/19/14

## SHAWN R SCHWARTZENBERGER

~~4333 N VILLA ST~~ 558 N SONNYSIDE ST #14  
Porterville, CA 93257  
Phone: 559-756-1222  
shawn-irina@clearwire.net

### Objective

WORK WELL WITH OTHERS IN LEADERSHIP, 19 years 9 months plus experience. would love to pass on my skills to others, and lead them to success.

### Abilities

i am 20 years military, retired and have been in leadership rolls for the last 19 years. i am savey on the computer, i work and communicate well with others.

### Employment History

#### department supervisor, Managers, All Other

03/2006 - 08/2012      The Home Depot      porterville, CA

was a leading department supervisor, have run 6 different departments 4 at one time, electrical, plumbing, appliances, kitchen and bath, tool rental, and the front end cashiers. was in charge of as many as 20 associates. had high moral in my departments and made great progress everywhere I went with people and numbers!!

#### owner graphics shop, Graphic Designers

01/2004 - 04/2005      variety graphics      porterville, CA

was the owner of a graphics shop, I started running part time while active duty, then upon retirement, bought out another shop and combined equipment! I ran silk screening, trophy making, sublimation, embroidery, engraving, business cards and flyers. closed due to a major robbery.

#### leading supervisor , Unknown ONET title

01/1983 - 10/2003      Uninted States      various  
Navy

repair department supervisor, in charge of 4 departments with a total of about 50 people, was in charge of the complete repair department and held the position of ships fire marshal, first class association president! retired with honors with 20 years of service.

### Education History

Issuing Institution	Location	Qualification	Course of Study
various, military	CA	2 Years at College or a Technical or Vocational School	general

i have verious college leval courses and training from my military schooling and training

## **Certifications**

<b>Certification Title</b>	<b>Issuing Organization</b>	<b>Completion Date</b>
all expired	US Navy	10/2003

## **Honors**

was awarded the highest honor for inlisted personnel from the US Navy!  
CASHIER,FRONT END OPERATIONS,LEADERSHIP,MANAGEMENT,QUICK  
LEARNER,RETAIL

## **Additional Information**

my dedication is above the average, i give 200% in every area, work well with others and love challenges

## **References Available on Request**

**CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY**

1. NAME (Last, First, Middle) SCHWARTZENBERGER, SHAWN RIC		2. DEPARTMENT, COMPONENT AND BRANCH NAVY-USN		3. [REDACTED]	
4a. GRADE, RATE OR RANK HT1	b. PAY GRADE E-6	5. [REDACTED]		6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD) N/A	
7a. PLACE OF ENTRY INTO ACTIVE DUTY TULARE, CA			b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) 778 E SONORA TULARE, CA 93274		
8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND USS PELELIU (LHA-5)			b. STATION WHERE SEPARATED USS PELELIU (LHA-5) AT SAN DIEGO, CA		
9. COMMAND TO WHICH TRANSFERRED NAVAL RESERVE PERSONNEL CENTER, NEW ORLEANS, LA 70149				10. SGLI COVERAGE AMOUNT: \$ 250,000 NONE	
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.) HT-9545 NAVY LAW ENFORCEMENT SPECIALIST (13 YEARS 7 MONTHS) HT-9585 NAVY RECRUITER CANVASSER (5 YEARS 7 MONTHS) HT 4954 GENERAL MAINTENANCE (12 YEARS 5 MONTHS) X X X X X X		12. RECORD OF SERVICE			
		a. DATE ENTERED AD THIS PERIOD	87	MAR	03
		b. SEPARATION DATE THIS PERIOD	03	SEP	30
		c. NET ACTIVE SERVICE THIS PERIOD	16	06	28
		d. TOTAL PRIOR ACTIVE SERVICE	03	05	11
		e. TOTAL PRIOR INACTIVE SERVICE	00	07	21
		f. FOREIGN SERVICE	00	11	26
		g. SEA SERVICE	08	08	29
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) NAVY/MARINE CORPS COMMENDATION MEDAL, NAVY/MARINE CORPS ACHIEVEMENT MEDAL (3), NAVY UNIT COMMENDATION, MERITORIOUS UNIT COMMENDATION, BATTLE "E" RIBBON (5), FIFTH GOOD CONDUCT AWARD FOR PERIOD ENDING 01SEP18, NATIONAL DEFENSE SERVICE MEDAL (2)		14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed) NAVY RECRUITER ORIENTATION, 5 WKS, FEB 1998; SHIPYARD Q/A QUALIFICATION, 1 WK, MAR 1997; NAVLEAD LPO COURSE, 1 WK, AUG 1993; GENERAL MAINTENANCE WELDER, 8 WKS, SEP 1991; LAW ENFORCEMENT COURSE, 6 WKS, MAR 1990; GAS FREE ENGINEER OPERATIONS, 1 WK, OCT 1994			
15a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM			YES	X	NO
b. HIGH SCHOOL GRADUATE OR EQUIVALENT			X	YES	NO
16. DAYS ACCRUED LEAVE PAID		17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION			
18. REMARKS SER: 20748-03-0264-AJS BLOCK 1 CONTINUED: HARD; BLOCK 13 CONTINUED: ARMED FORCES EXPEDITIONARY MEDAL, SOUTHWEST ASIA SERVICE MEDAL, SEA SERVICE DEPLOYMENT RIBBON (5), NAVY/MARINE CORPS OVERSEAS SERVICE RIBBON, NAVY RECRUITING SERVICE RIBBON, MILITARY OUTSTANDING VOLUNTEER SERVICE MEDAL, RIFLE MARKSMANSHIP MEDAL, PISTOL SHARPSHOOTER MEDAL OBLIGATED SERVICE WAS EXTENDED FOR 2 MONTHS ON 03AUG16. EXTENSION OF SERVICE WAS AT THE REQUEST AND FOR THE CONVENIENCE OF THE GOVERNMENT. SUBJECT TO ACTIVE DUTY RECALL BY SECRETARY OF THE NAVY. EFFECTIVE DATE OF TRANSFER TO FLEET RESERVE STATUS: 03OCT01. The information contained herein is subject to computer matching within the Department of Defense or with any other affected Federal or non-Federal agency for verification purposes and to determine eligibility for, and/or continued compliance with, the requirements of a Federal benefit program.					
19a. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code) 1741 N LOTAS ST PORTERVILLE, CA 93257			b. NEAREST RELATIVE (Name and address - include ZIP Code) SUZI SCHWARTZENBERGER 20031 RD 256 STRATHMORE, CA 93267		
20. MEMBER REQUESTS COPY 6 BE SENT TO: CA			DIRECTOR OF VETERANS AFFAIRS		
21. SIGNATURE OF MEMBER BEING SEPARATED			22. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title and signature) S. E. WEYH, PNC(SF), USN, PERSOFF BYDIRCO		

RECEIVED

AUG 14 2014

CITY OF PORTERVILLE  
CITY CLERK OFFICE

# CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Margaret Land  
(Please Print)

Appointment to: Animal Control Commission  
(Name of Board, Commission, or Committee)

Reappointment; or IF NEW, please provide :

Street Address: 778 W. Bellevue Av  
Porterville, CA

Mailing Address: above

Name of Business: Retired

Own       Operate

Business Address: none

Telephone: Home 559-781-2091

Work \_\_\_\_\_

FAX \_\_\_\_\_

E-mail mland36@imail.com

City of Porterville resident:  
 Yes  
 No

Registered Voter:  
 Yes  
 No

Qualifications: I am a retired English/Humanities teacher from

Monache High School who has had a lifetime love of animals. I belong to the SPCA and have personally rescued several dogs, and either returned them to their owners or found new homes for them.

In addition I have adopted from the Visalia shelter. I am very interested in helping the city of Porterville build and sustain a humane shelter for lost or unwanted pets. I have visited the shelter outside of Lindsay and volunteered to assist, regularly dropping off newspapers. I plan to learn more about "best practices" for shelters & hope to help implement those best practices at our new shelter in Porterville. I am willing to make the time commitment necessary to be an effective member of the Animal Control Commission. Past volunteer activities: 8 yrs as a CASA

Resume attached

Letter of request attached

8 yrs member of the CCFCC Board

Submitted By: Margaret W. Land 8/13/14  
Date

Received by: Rushi Z.

Forwarded to: City Clerk  Date: 8/14/14  
City Council  Date: \_\_\_\_\_  
City Manager  Date: \_\_\_\_\_  
Applicable Dept.  Date: \_\_\_\_\_

Tentative Council Mtg Date: 9/2/14

RECEIVED

AUG 19 2014

CITY OF PORTERVILLE  
CITY CLERK OFFICE

# CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Kathy Guinn  
(Please Print)

Appointment to: Animal Control Commission  
(Name of Board, Commission, or Committee)

Reappointment; or IF NEW, please provide :

Street Address: 381 Lindale  
Porterville

Mailing Address: same

Name of Business: \_\_\_\_\_

Own       Operate

Business Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: Home 559-789-5358

Work same

FAX \_\_\_\_\_

E-mail Katguinn59@gmail.com

City of Porterville resident:

Yes  
 No

Registered Voter:

Yes  
 No



Qualifications: I am a lifelong resident of Porterville,  
I belong to several organizations for animal  
rights advocacy. I take an active part in the  
community with trap- neuter- release programs-  
working with Cat House on the KINGS Funding.  
I coordinate on a volunteer basis - pet population  
control, care and feeding, foster and adoptions  
coordinating - working with citizens and local  
Veterinarians. I believe my insight and experience  
will help in keeping our furry ones safe and  
humanely treated.

- Resume attached
- Letter of request attached

Submitted By: Karl Brown 8-19-14  
Date

Received by: Wisha Zavala

Forwarded to: City Clerk  Date: 8/19/14  
City Council  Date: \_\_\_\_\_  
City Manager  Date: \_\_\_\_\_  
Applicable Dept.  Date: \_\_\_\_\_

Tentative Council Mtg Date: 9/2/14

**RECEIVED**

**AUG 19 2014**

**CITY OF PORTERVILLE  
CITY CLERK OFFICE**

Kathy Guinn  
381 Lindale  
Porterville, Ca. 93257  
katguinn59@gmail.com

August 19, 2014

City of Porterville  
Porterville Animal Control Commission

To Whom It May Concern;

Please accept the enclosed resume as part of the application for consideration on being appointed to the Animal Control Commission Board for the City of Porterville.

At the present time, I am the Operations Manager for Kings View Corporation that conducts business just down the street from City Hall. Our program treats and works with mentally ill transition aged youth.

In my spare time, I do a lot of volunteering for preserving historical locations, assisting at Allensworth State Historic Park as a docent, The Barn Theater, Porterville Museum, Comision Honorifica and Lindsay Museum.

I also volunteer with Cat House on the Kings to bring spay/neutering funding to our area for cats. I will actively trap/neuter/release cats throughout the City of Porterville in order to cut down on the over population of unwanted cats and kittens. I have also assisted dog rescue groups in Visalia, Tulare and Kern County. I have also helped to coordinate fostering for dogs, cats and horses.

Animals are often mistreated and without a voice of their own, it continues. I hope to be able to bring some insight on what I have experienced and learned, working together with local groups and the Porterville Animal Control in reaching out to the community.

I want to not just fix and release animals, but to educate the public about over population, animal abuse and neglect and also ideas on fostering and adoption events. It is my goal to combine my range of supervisory and coordinating experience with my ability to be a compassionate, heads on, intelligent animal advocate, who will make a positive contribution to your commission. I would welcome an interview and hope to hear from you at your earliest convenience.

If you desire further information at this time, I will gladly respond on request.

Thank you for your time and attention. I look forward to hearing from you in the near future.

Sincerely,



Kathy Guinn

**Kathy Guinn**

**381 Lindale St**

**Porterville, Ca. 93257**

**559-789-5358**

- Highly proficient in reporting requirements for different programs: Consistently achieve goals for compliance requirements
- Excellent team building skills; lead by example to ensure quality, productivity and accuracy, time management skills
- Experienced in startup programs: Tulare County MHSA, Kings View Warm Line, Child Welfare Services, Family Services and Tule River JTPA

#### **Areas of Expertise**

- Knowledge of Mental Health Services Act criteria, purpose, focus, TulareWorks, Medi-Cal, Prevention Services, CWS, Probation and Tribal TANF
- Knowledge of state reporting systems; CMHC program for monitoring within Mental Health services, CalWorks, MEDS, CWS, Prevention Services
- Knowledge of Data Collection Reporting for State Department of Mental Health
- DCR Trainer for Tulare County Mental Health: MHSA providers
- Accuracy in monitoring providers for compliance issues
- Knowledge of various reporting requirements for Tulare County MHSA, CWS, CalWorks, Prevention and Probation
- Knowledge of budgeting requirements for Tulare County HHSA programs
- Highly organized and skilled in time management processes
- Knowledge of personnel regulations and documentation requirements
- Knowledge of various community resources and organizations

## Professional Experience

**Kings View Corporation, 12-09 to present**

**Office Operations Manager/Warm Line Project Coordinator**

Responsibilities included start up of the Kings View Warm Line program which has recently been awarded another 3 year cycle of funding. Also to assist in monitoring Kings View Tulare County programs. This includes:

- Designing the framework for reporting requirements (Warm Line)
- Developing call logs, scheduling of staff
- Hiring and training staff (all programs)
- Create contracts for extra help
- Develop policies and procedures for employees, peer supports
- Disciplinary actions and documentation
- Outreach throughout Tulare County
- Attend county wide events as needed
- Provide reports to Directors
- Provide presentations for all Kings View Tulare County programs
- Assist Program Director with staff issues, compliance requirements, statistics, reports
- Monitor budget for all Kings View Tulare County programs
- Act as liaison between Kings View and Tulare County programs

**Tulare County HHSA, 11-95 to 12-09**

**Staff Services Analyst- MHSA and CWS**

**Resource Specialist-Family Services**

**Self Sufficiency Counselor-TulareWorks**

**Eligibility Worker, Cash and Medi-Cal Programs-TulareWorks**

The main focus of employment with Tulare County was monitoring expenditures and eligibility, program compliance issues, budgeting CWS, MHSA, quality assurance, building tools for staff use and reports for use for Program Directors. Here are the highlights of what was conducted:

**MHSA:**

- Reviewed and monitored contracts and compliance with all MHSA providers.
- Purchased and acquired Mobile Units, including registration issues
- Acted as liaison between Tulare County MH Administration and MHSA providers
- Prepared and monitored budgets and reporting requirements with MHSA providers
- Prepared reports which included statistics for target populations (ethnicity, language, locations)
- Prepared policies regarding FSP, SD and OE activities
- Monitored FSP flex funding expenditures
- Reviewed reimbursement requests prior to payment
- Scheduled and coordinated stakeholder meetings
- Prepared, coordinated and recorded RFP processes

**CWS:**

- Budgeting and monitoring for program compliance requirements
- Staffing re-organization review, recommendations and action
- Prepare various reports for Executive Directors
- Assist in program startup for CWS family compliance activities
- Prepare and monitor contracts for CWS providers
- Prepare, monitor and coordinate RFPs for new providers

**Resource Specialist:**

- Assisted in startup of Family Services, including hiring staff, placement, orientation
- Develop policies and procedures with new programs
- Review charts for documentation and compliance
- Review daily activity logs for staff billing and productivity
- Monitor budgets, make recommendations regarding any issues
- Achieved certification for AOD programs for groups with Prevention Services
- Worked closely with TWKS, CWS and Probation departments for participant compliance

**Self Sufficiency Counselor and Eligibility Worker:**

- Ensure participants were following requirements for eligibility
- Ensure participants were adhering to employment and training rules
- Process all new cash and Medi-Cal applications and continuing cases
- Assist supervisors in training new staff, monitor progress
- Review charts for accuracy, auditing reports

- Assigned as lead in various projects to assist supervisors
- Assisted in developing monitoring and tracking systems to reduce error rates

## **Tule River Tribal Council-11-85 to 5-95**

### **JTPA Director**

The main focus of this position was maintaining the JTPA Title IV-A and II-B training programs for Native Americans throughout Tulare County. This involved breaking down barriers and stigma attached to this specific group. This included developing relationships with the Tribe and Tulare County agencies for training and employment opportunities. One of the highlights of this career was Tule River being selected as an "Exemplary Program" by the Department of Labor-Division of Indian and Native American Programs. Activities included:

- Developed successful training programs-this resulted in employment within Corrections, Police Officers, Heavy Equipment Operators, Nursing, Construction Trades and Truck Drivers
- Developed on the job training and work experience opportunities leading to gainful employment
- Supervised staff-hire, discipline, and terminate
- Created and developed workshops for employment enhancement, personal growth
- Helped develop an on-Reservation "summer school" for local high school credits between the Tribe and Tulare County Office of Education-Porterville School District
- Introduced training that enhanced staff and client performance, helped build a motivated workforce
- Monitored budgets, policies and procedures
- Timely reports: Monthly, quarterly and annually, included Comprehensive and Master plans
- Attended Tribal Council meetings, presented reports, progress, success stories
- Stepped in as Human Resources Compliance Officer as needed (Restructuring departments, job descriptions, policies and procedures, EEO, Tribal, BIA, Cal-OSHA training, Federal and State regulations, documentation standards, hiring standards and practices)

## Education and Training

**Porterville College-1988-ongoing**

**College of the Sequoias-ongoing**

**56 total credits-Concentrations in Human Services and Criminology**

**Training; (completed numerous courses in):**

- Databases and spreadsheets-Excel and Access
- Budget development and monitoring
- Contract and Purchasing
- Program compliance for MHSA, CWS, CalWorks, JTPA, Department of Labor
- CMHC, DCR, AVATAR, MEDS, CalWorks
- Human Resources-Employment Issues
- Staff Supervision and Motivation
- Vocational Assessment Tools
- Civil Rights and Sexual Harassment
- Department of Labor Training-Federal Regulations
- Indian Gaming Labor Law



RECEIVED  
CITY CLERK OFFICE  
PORTERVILLE

AUG 19 2014

# CITY OF PORTERVILLE

## REQUEST FOR APPOINTMENT

RECEIVED  
CITY CLERK OFFICE  
PORTERVILLE

Please complete all blanks.

Name: Anna M Potect  
(Please Print)

Appointment to: Porterville Animal Control Commission  
(Name of Board, Commission, or Committee)

Reappointment; or IF NEW, please provide :

Street Address: 786 Montgomery Ave

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Name of Business: Retired

Own       Operate

Business Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: Home 756-0127

Work \_\_\_\_\_

FAX \_\_\_\_\_

E-mail al62potect@gmail.com

City of Porterville resident:

Yes  
 No

Registered Voter:

Yes  
 No

Qualifications: I currently am Admin for "Hope for Porterville Pets" FB page along with Kathy Quinn. I have trapped and spay/neutered and rehomed animals. We try to bring attention to the importance of spay and neutering pets. I believe my experience in the pet community would make me a good advocate for this commission.

- Resume attached
- Letter of request attached

Submitted By: \_\_\_\_\_

*Ann M. Yates*

8/19/2014  
Date

Received by: \_\_\_\_\_

Shauna Biagio

Forwarded to: City Clerk



Date:

08/19/14

City Council



Date: \_\_\_\_\_

City Manager



Date: \_\_\_\_\_

Applicable Dept.



Date: \_\_\_\_\_

Tentative Council Mtg Date: \_\_\_\_\_

9/2/2014

RECEIVED

AUG 27 2014

CITY OF PORTERVILLE  
ADMINISTRATIVE SERVICES

# CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Terry Perry  
(Please Print)

Appointment to: Animal Control Commission  
(Name of Board, Commission, or Committee)

Reappointment; or IF NEW, please provide :

Street Address: 451 W. Henderson Ave Apt. B  
Porterville, CA 93257

Mailing Address: same as above

Name of Business: \_\_\_\_\_

Own       Operate

Business Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: Home 559-359-8705

~~Work~~ \_\_\_\_\_

FAX \_\_\_\_\_

E-mail terryannperry@ymail.com

City of Porterville resident:

Yes

No

Registered Voter:

Yes

No

Qualifications: I have attached a letter of interest listing my qualifications.

Resume attached

Letter of request attached

Submitted By: Derry Perry 8-27-14  
Date

Received by: Hester Perry

Forwarded to: City Clerk  Date: \_\_\_\_\_

City Council  Date: \_\_\_\_\_

City Manager  Date: \_\_\_\_\_

Applicable Dept.  Date: \_\_\_\_\_

Tentative Council Mtg Date: 9-2-2014

August 26, 2014

New Citizen's Oversight Committee

Re: Open position to advise the City Council on Animal Control Matters

To Whom It May Concern,

Your posting in the Porterville Recorder for the volunteer position on the New Citizen's Oversight Committee to advise the City Council on Animal Control matters caught my eye because I have been looking for a position such as this one that would utilize my love and knowledge of animals.

I have been volunteering as a foster parent for four years for K9BFF, a non-profit animal rescue group. During my time with K9BFF I have personally rescued and rehomed over thirty animals. I personally screen each applicant and place each animal I rescue and foster, and am proud to say that every animal that I have rehomed has been a permanent home. I have extensive knowledge of animal care, behavioral issues, and training techniques. I have also created new relationships with other rescue groups in my efforts to expand our reach in finding homes for animals and introduced new ways of finding animals. I have been to numerous shelters and have extensive knowledge of the conditions and treatments of animals in these facilities. I was fortunate enough to be taken on a guided tour through the impressive new state of the art Tulare facility.

I would be very interested in working on your Committee, as it is helping the animals that have no voice be spoken for. I believe that I have the experience, skills, and knowledge that would be an asset in this position.

I would like the opportunity to discuss my skills and abilities in more detail with you and available for an interview at your earliest convenience. Please feel free to contact me via phone or e-mail to arrange a time and date for us to meet.

Mary Contreras Debbie Refanoy  
www.k9bestfriendsforever.com



to the world you are one person  
to a rescued animal you are the world



8839 N. Cedar Ave. #320  
Fresno, CA 93720  
(559) 380-9087 • (916) 772-1971  
k9bff@hotmail.com

## How You Can Help

- ♥ Spay and neuter your pets
- ♥ Become a foster parent for a homeless dog
- ♥ Sponsor a dog
- ♥ Make a tax-deductible donation

501(c)(3) Nonprofit Tax I.D. # 26-1185144

RECEIVED

AUG 27 2014

# CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

CITY OF PORTERVILLE  
ADMINISTRATIVE SERVICES

Please complete all blanks.

Name: Diane Wagner  
(Please Print)

Appointment to: Animal Control Committee  
(Name of Board, Commission, or Committee)

Reappointment; or IF NEW, please provide :

Street Address: 1395 S Mesa Oak  
Porterville, CA 93257

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Name of Business: \_\_\_\_\_

Own       Operate

Business Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: Home 559-310-0476

Work \_\_\_\_\_

FAX \_\_\_\_\_

E-mail dianewagner@portervilleschools.org

City of Porterville resident:  
 Yes  
 No

Registered Voter:  
 Yes  
 No



Qualifications: Masters in Public Administration  
25 Years City government experience  
Teacher (Science)  
Pet Lover

I am happy to see this committee being  
formed. Pet Overpopulation is a huge  
problem in our community!

- Resume attached
- Letter of request attached

Submitted By: Dwayne 8-27-14  
Date

Received by: Helen Puz

- Forwarded to: City Clerk  Date: \_\_\_\_\_
- City Council  Date: \_\_\_\_\_
- City Manager  Date: \_\_\_\_\_
- Applicable Dept.  Date: \_\_\_\_\_

Tentative Council Mtg Date: 9-2-2014

COUNCIL AGENDA: SEPTEMBER 2, 2014

SUBJECT: WATER DELIVERIES OUTSIDE CITY LIMITS

SOURCE: Public Works Department - Engineering Division

COMMENT: A number of meetings have been held by the Office of Emergency Services and other meetings have been held at City Hall, chaired by the Mayor of Porterville, to discuss the wide range of issues related to the on-going drought.

The City Council has directed staff to work with the Porterville Area Coordinating Council (PACC) to provide non-potable water to the residents of East Porterville and the surrounding immediate area.

The PACC has suggested that in lieu of placing 5,000 gallon reservoirs at strategic locations in the East Porterville area, a better strategy would be to place meters on outlying City fire hydrants. Under this scenario, water discharged from fire hydrants is pressurized and can easily fill large water containers located in the back of pickup trucks without need of separate pumps. Staff agrees that this is a better strategy but this scenario has a few drawbacks.

Drawback #1 – Unattended outlying hydrants outfitted with meters are susceptible to abuse and waste. The hydrants can be opened and left running for any number of reasons such as, but not limited to, negligence, children wanting to cool off, or for watering down dusty neighborhoods.

Drawback #2 – The outlying hydrants outfitted with meters invite their use by private water haulers selling City water for profit with no restrictions on the water use or delivery location. Staff has been approached by water haulers seeking to purchase water by the acre-ft to serve farming operations in Terra Bella.

RECOMMENDATION: That the City Council provide direction to staff on:

- 1 The number of hydrants Council is willing to make available for PACC use; and
- 2 Direction on restrictions or conditions as to the use and amount of water made available to private water haulers.

Dir B82 Appropriated/Funded MUB CM J Item No. 13