Pledge of Allegiance Led by Council Member Ronald Irish
Invocation
Roll Call

**PROCLAMATION**
Commendation Proclamation for Sally Hurtado

**PRESENTATIONS**
Employee of the Month - Denise Marchant, January 2004
Bob Raymond, Allstate Insurance, Check for Gang Violence Education
City Manager’s Featured Project for January, 2004

**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.

**CONSENT CALENDAR**
All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.

1. Approval of City Council Minutes of December 16 and December 23, 2003

2. Purchase of Specialized Police Equipment
   Re: Authorization to negotiate the purchase of a wireless surveillance camera system from Gamut Electronics IIC at a cost of $14,280.

3. Authorization to Advertise for Bids - Memory Lane Widening Project
   Re: Approving plans and project manual for the Memory Lane Widening Project.

4. Dedication of Diving Boards from Municipal Pools Complex to Monache High School
   Re: Approval of dedicating the diving boards to be salvaged from the Murry Pool Renovation Project to the Monache High School Athletics Department.

5. Acceptance of the Granite Hills Streets Project - Phase 2
   Re: Accepting the project by Mitch Brown Construction and filing the Notice of Completion.

6. Acceptance of the Jaye Street Water Main Project
   Re: Accepting the project by Halopoff & Sons, Inc. and filing the Notice of Completion.
7. **Acceptance of Right of Way for Property Located at APN 245-040-006 & 007 - Willard Bennett, Owner - Henderson Avenue Reconstruction Project**  
Re: Purchasing 1,825 s.f. of property for $5,073.00.

8. **Surplus Transit Vehicles**  
Re: Authorization to surplus two 16-passenger transit buses for placement in the next City auction.

9. **Consideration of Hiring Freeze, Restoration of Selected Positions, Franchise In-Lieu Fee, and Performance of a Review of City Fees**  
Re: Consideration of certain actions for proposed implementation in the current Fiscal Year.


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

**PUBLIC HEARING**

10. **General Plan Amendment 1-2004 (Circulation Element) to Redesignate Date Avenue Between Howard Street and South Main Street from an Arterial Street to a Collector Street**  
Re: Approving a Negative Declaration for the Date Avenue and “A” Street Improvement Project and amending the Circulation Element of the General Plan to redesignate Date Avenue to a Collector Street.

11. **Zone Change 5-2003 (Zenz & O'Sullivan)**  
Re: Changing zoning from City R-1 (One Family Residential) to C-1 (D) (Neighborhood Commercial with a Design Review Overlay) for that site on the west side of Newcomb Street, approximately 290± feet south of Henderson Avenue.

12. **Amalene Estates - Tentative Subdivision Map (Bechara)**  
Re: Approval of a map to divide a 19.7± acre parcel zoned R-1(single family) into 62 single family lots in 2 phases for the site located on the west side of Westwood Street, 170± feet south of Olive Avenue.

13. **Conditional Use Permit 2-2003 - Proposed Sale of Alcoholic Beverages Under an On-Sale License at 58 East Mill Avenue (Stan’s Restaurant)**  
Re: Opening the public hearing and then continuing it until February 3, 2004 to consider the sale of beer and wine at Stan’s Restaurant.
14. Sewer User Surcharge Fees for Industrial Dischargers  
   Re: Consideration of adopting new sewer user surcharge rate for industrial dischargers for two years.

15. Abandonment of a Portion of Howard Street (Porterville Unified School District)  
   Re: Consideration of the resolution abandoning a portion of Howard Street, north of Locust Avenue.

16. Wholesale Water Policy  
   Re: Approving a policy regulating the delivery of water outside the City.

SECOND READING
17. Ordinance 1644, Amending Sections of Municipal Code Relating to Concrete Improvements  
   Re: Amending the City Code relating to installation and payment for concrete improvements.

SCHEDULED MATTERS
18. Parks and Leisure Services Commission Report/Youth Members  
   Re: Receiving an oral report from the Youth Commissioners of the Parks and Leisure Services Commission.

19. Business Improvement District Assessment Review  
   Re: Consideration of different options in levying assessments for the Business Improvement District.

20. Community Development Department Committee Modifications  
   Re: Approval of actions necessary to modify various City Committees associated with the Community Development Department.

21. Outside Agency Services - Tulare County Vehicle Maintenance Contract  
   Re: Consideration of a request from the County of Tulare to continue providing vehicle maintenance service for Tulare County’s southern section.

22. California Transit Insurance Pool (CalTIP)  
   Re: Consideration of the City’s inclusion in CalTIP, a pooled insurance group, for the purpose of insuring the City’s transit fleet.

23. Transit Agreement with Sierra Management  
   Re: Consideration of negotiating an extension of the existing transit contract for two years with the current provider.

24. Consideration of Revised Council Meeting Times  
   Re: Consideration of adopting an ordinance to change the regular meeting times of the City Council to 6:30 p.m., with closed sessions to begin at 5:30 p.m.
25. **Quarterly Portfolio Summary**  
   Re: Investment summary stating that all current holdings are in compliance with the current Investment Policy and that all City cash needs are being met.

26. **Interim Financial Status Report**  

27. **Approval of Community Questionnaire**  
   Re: Consideration of including questionnaires with the City utility billings to seek input from the community.

Adjourn to a Meeting of the Porterville Redevelopment Agency.

**PORTERVILLE REDEVELOPMENT AGENCY AGENDA**

Roll Call: Redevelopment Agency

**WRITTEN COMMUNICATIONS**

**ORAL COMMUNICATIONS**

**SCHEDULED MATTERS**

PRA-1. **Award of Contract - Casas Buena Vista - Landscape Maintenance District #25**  
   Re: Awarding the contract to Rainscape in the amount of $191,878.00.

The Porterville Redevelopment Agency adjourns to a Meeting of the Porterville City Council

**ORAL COMMUNICATIONS**

**OTHER MATTERS**

**COUNCIL COMMENTS**

ADJOURNMENT - to the meeting of February 3, 2004

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 Deputy City Clerk at (559) 782-7442. 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.
PORTERVILLE CITY COUNCIL MEETING
REGULAR MEETING DECEMBER 16, 2003
CITY HALL COUNCIL CHAMBERS

Call to Order: 7:00 p.m.
Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation by Pastor John Eby, First Baptist Church
Roll Call: West, Martinez, Hamilton, Irish, Stadtherr

PROCLAMATION

"Wright Brothers Day" (100 Years of Flight) - December 17, 2003

PRESENTATIONS

• EMPLOYEE SERVICE AWARDS
  The following employees were presented with their service awards:
  
  Javier Castaneda, 5 years
  Jeff Friedman, 5 years

• City Manager's Featured Projects – The Year in Review

ORAL COMMUNICATIONS

Cathy Capone, 806 W. Westfield, asked for the agenda items to placed back on the website. She also spoke on Items 12, 27, and 28.

CONSENT CALENDAR

Consent Calendar Items 4, 8, 9, 11, and 13 were removed for discussion.

1. MINUTES OF DECEMBER 2, 2003

Disposition: Approved
Documentation: Minute Order No. 01-121603

2. CLAIM - TANYA UNDERHILL

Recommendation: That the Council reject said claim, and refer the matter to the City Attorney, and direct the City Clerk to give the claimant proper notification.

Disposition: Approved
Documentation: Minute Order No. 02-121603

3. CLAIM - CHRISTINE TURNEY

Recommendation: That the Council reject said claim, and refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

Disposition: Approved
Documentation: Minute Order No. 03-121603
5. BUDGET ADJUSTMENTS FOR THE 2003/2004 FISCAL YEAR

Recommendation: That the Council approve the proposed budget adjustments, and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.

Disposition: Approved
Documentation: Minute Order No. 04-121603

6. AUTHORIZATION TO ADVERTISE FOR BIDS – CONSTRUCTION OF Hockett/Division ST. PARKING LOT – PHASE I

Recommendation: That City Council:
1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

Disposition: Approved
Documentation: Minute Order No. 05-121603

7. AUTHORIZATION TO ADVERTISE FOR BIDS – INDIANA STREET RECONSTRUCTION PROJECT (PUTNAM AVENUE TO MORTON AVENUE)

Recommendation: That City Council:
1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

Disposition: Approved
Documentation: Minute Order No. 06-121603

10. SET PUBLIC HEARING FOR SEWER USER SURCHARGE FEES FOR INDUSTRIAL DISCHARGES

Recommendation: That the City Council set a public hearing for January 20, 2004, to hear comments on the draft resolution setting new sewer user surcharge rates for industrial discharges.

Disposition: Approved
Documentation: Minute Order No. 07-121603

12. RESOLUTION FOR THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION GRANT PROGRAM UNDER THE SECTION 164.56 OF THE STREETS AND HIGHWAYS CODE FOR THE TULE RIVER WETLANDS ACQUISITION PROJECT, PHASE III

Recommendation: That the City Council approve the Environmental Enhancement and Mitigation Resolution for the Tule River Wetlands Acquisition Project, Phase III.

Disposition: Approved
Documentation: Resolution No. 156-2003

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the City of Porterville’s Parks and Leisure Services Department, subject to the stated requirements contained in the Application, Agreement and Exhibit “A.”

Disposition: Approved
Documentation: Minute Order No. 08-121603

15.  TENANT AGREEMENTS IN THE SINGER BUILDING

Recommendation: That the Council authorizes the Mayor to execute the agreements, and any future similar agreements for occupancy of the aforementioned property while the Building remains habitable.

Disposition: Approved
Documentation: Minute Order No. 09-121603

16.  AMENDMENT TO LEGAL SERVICES AGREEMENT

Recommendation: That the City Council:
1. Approve the Amendment to the Amendment to the Legal Services Agreement.
2. Authorize the Mayor to execute the Amendment to the Legal Services Agreement.

Disposition: Approved
Documentation: Minute Order No. 10-121603

17.  PROPERTY INSURANCE COVERAGE

Recommendation: That the City Council authorize the Risk Manager to enter the Property and Major Vehicle Program in the RMA for the remainder of the coverage period of January 1, 2004, through August 31, 2004, and maintain coverage through the RMA as long as it is determined to be the most cost-effective coverage available to the City.

Disposition: Approved
Documentation: Minute Order No. 11-121603

18.  AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN AND EMPLOYEE HEALTH PLAN DOCUMENT

Recommendation: That the City Council adopt the resolution amending the Employee Pay And Benefit Plan for Fiscal Year 2003-2004, and the Employee Health Plan Document, and authorize the Mayor to execute these and other documents Necessary to implement the provisions thereof.

Disposition: Approved.
Documentation: Resolution No. 157-2003

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Irish to approve Item Numbers 1 through 3, 5 through 7, 10, 12, and 14 through 18a. The motion carried unanimously.

4. APPROVAL OF PURCHASES

Recommendation: That the City Council approve purchases as listed, and authorize the Chief Financial Officer to issue payment for same upon satisfactory delivery.

Council Member Irish asked for clarification on the discrepancy between bids on the OHV Park Concrete Stairs, and stated that he was uncomfortable with the large gap in bid amounts.

The City Manager stated that both contractors would be contacted and asked what was involved in coming to their bids. The matter would then be brought back to Council at the December 23, 2003 meeting.

COUNCIL ACTION: MOVED by Council Member Irish, and SECONDED by Council Member Hamilton to approve all purchases, except OHV Park Concrete Stairs, which will be awarded on December 23, 2003. The motion carried unanimously.

Disposition: Approved with change.

8. COMMUNITY DEVELOPMENT DEPARTMENT COMMITTEE MODIFICATIONS

Recommendation: That the City Council approve the proposed modifications to City Committees as follows:
1. Accept the modifications to various committees pertaining to the number of representatives on a particular committee as outlined in Exhibit A and authorize Staff to proceed administratively;
2. Discontinue the Housing Element Task Force upon completion of the process;
3. Authorize Staff to coordinate with the Workforce Investment Board to transfer the facilitation of the Health Care Task Force to the Workforce Investment Board and authorize the Mayor to sign the necessary paperwork;

4. Authorize Staff to initiate a public hearing to consider the establishment of a fee for the submittal of Project Review Committee applications;

5. Authorize Staff to include in the update to the local California Environmental Quality Act guidelines the elimination of the Environmental Review Committee and the delegation of responsibility to the Environmental Coordinator;

6. Authorize Staff to initiate the process of amending the Subdivision Ordinance to discontinue the Subdivision Review Committee;

7. Discontinue the Ad Hoc Alcohol Advisory Committee upon completion of the Alcohol Regulations Ordinance revisions;

8. Discontinue the Stakeholder Group and combine the attendance list with the Futures Group; and

9. Authorize Staff to coordinate with the Workforce Investment Board to transfer the facilitation of the Building Trades Task Force to the Workforce Investment Board and authorize the Mayor to sign the necessary paperwork.

Council Member Hamilton stated that he felt that there could more cuts made to the existing Committees. He suggested the discontinuation of the Long Range Planning Committee, and the Employment Connection Committee; combining of the Chamber Liaison with the Chamber EDC; changing the Home buyers Awareness Classes to every 2 months, instead of every month; and the discontinuation of the Community Service and Improvement Group and combine it with the Monthly Coordination meetings.

The City Manager asked if it would be appropriate to ask the staff about the committees and how the staff views their effectiveness.

Council Member Irish then asked if it would be possible to indicate which Committees are funded by outside sources, and which are mandated by the State.

Brad Dunlap, Community Development Director, responded to this request by identifying those Committees that are mandatory: the Community Development Block Grant Advisory Committee, the Redevelopment Advisory Committee, and the Continuum of Care Committee. He stated that there would be need to an amendment to the Code in order to eliminate the Long Range Planning Committee. In regards to the mention of the Employment Connection Committee, he stated that the City has a closer relationship with the Workforce Investment Board than most other cities due to the amount of unemployment. He continued by explaining that the Chamber Liaison and the Chamber Economic Development Committee serve two different functions, and then explained in more detail the proposed modifications to the Partners Meetings. He then addressed the Home Buyer Awareness meetings, stating that they were being held monthly in order to facilitate people moving through the training, which is a requirement to qualify for a Home Buyer Assistance Loans. Monthly meetings, Mr. Dunlap explained, would make the process as accessible as possible for those who are eligible for the programs, and to meet the quota set forth by grant monies.

The City Manager then commented to Council that elimination of the Community Services and Improvement Group would reorganize how he manages the City.

Mayor Stadtherr recognized the amount of time and effort on the part of staff and Council to educate themselves about each of the Committees in the Committee summary, and stated that he did not feel comfortable making any changes at this point.
Council Member Hamilton stated that he was concerned with the amount of money and time that was required for some committees, being that they are all being paid for through the General Fund; and that there were no parameters set forth at this time to determine whether or not the Committees were effective. He also stated that all of the committees that he mentioned were up for discussion, and that he wanted to bring out some suggestions for consideration.

Mayor Pro Tem Martinez stated that he would like to see some paperwork addressing each of Council Member Hamilton’s recommendations to better evaluate each committee.

Council Member West agreed that Council needed to evaluate each committee a little deeper.

Council Member Irish stated that he was concerned with the amount of staff time required for all of the committees and the City’s budget. He mentioned a concern with the Mural Committee, stating that staff should be eliminated as the middle man, and that all murals should be brought directly to Council for approval.

Mayor Pro Tem Martinez stated that he did agree with Council Member Hamilton that the Council does need to better evaluate the committees, but should acknowledge the relationships, and the participation of members of staff and the community.

Council Member Hamilton asked that staff bring this item back to Council at the January 20, 2004 meeting. He requested that each committee be broke down in dollars.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Stadtherr, to eliminate the Long Range Planning Committee; direct staff to prepare an abbreviated analysis of the time and costs involved with the committees, (i.e. Employment Connection Committee, combining Chamber Liaison with the Chamber EDC, and combining Community Service and Improvement Group with Monthly Coordination Meetings, and changing Homebuyers Awareness Classes to every 2 months), with background and why they were set up, with staff recommendation on the importance of maintaining or discontinuing any committee; to be presented on January 20, 2004.

AYES: West, Hamilton, Irish, Stadtherr
NOES: Martinez
ABSTAIN: None
ABSENT: None

Disposition: Approved

Donnette Silva-Carter came up to address Council on the participation of staff in the Mural Committee. She stated that staff provided valuable information to the Committee and their participation is much appreciated. She then updated Council on the status of the first mural at Council Member Hamilton’s request, and suggested a Study Session to discuss the importance and value of certain committees.

Council Member Irish stated that he was trying to save staff time and money.

Mayor Pro Tem Martinez stated that he agreed with Council Member Irish, but also believes that the involvement of staff in committees and other organizations strengthens the relationships between the City and the community. It is important to save money, but it is also important not to withdraw from the community.
9. REQUEST FOR SUPPORT TO COORDINATE THE RESTORATION OF THE “P” ON BENNETT HILL

Recommendation: Authorize City Staff to organize the restoration of the “P” on Bennett Hill, and to raise monies to support the effort. No appropriation for the purchase of materials should be authorized.

Council Member Irish asked if this was going to be a City project.

The City Manager clarified that they proposed that the City Manager’s office assist the coordination of this project.

Council Member Irish asked if a non-profit organization could be found who would take on this project.

Mayor Stadtherr then clarified that the role of the City Manager in this project would be as a resource to whomever took on this project.

Council Member Irish stated that he would feel more comfortable if a group would come forward who would like to take on the project themselves, and keep the City out of it. This would eliminate staff time and issues of liability.

Council Member Hamilton agreed that he too would be more comfortable if the City was not involved, but would like to authorize the City Manager to coordinate the project if no group comes forward.

The City Manager stated that a press release would be issued in order to solicit interested parties.

Council Members Irish and Hamilton agreed that if the City Manager were to coordinate this project that there should be a cap set on the amount of time spent on this project.

Mayor Stadtherr recognized Steve McCracken, 657 Village Green, Chairman of the Sierra District Boy Scouts. Mr. McCracken informed the Council of a District Committee meeting on Thursday, December 18th at the Olive Tree Inn in Lindsay. He advised that the group may be interested in this project and that it may be beneficial for a City representative to attend.

Disposition: No action taken. Council directed staff to first solicit groups to take on this project by press release - if no response is received by January 20, 2004 a cap is to be placed on the City Manager’s time to coordinate the project.

11. INTENT TO ABANDON A PORTION OF HOWARD STREET (PORTERVILLE UNIFIED SCHOOL DISTRICT)

Recommendation: That City Council:
   1. Pass a Resolution of Intent to Abandon a Portion of Howard Street, north of Locust Avenue, and
2. Set the Council meeting of January 20, 2004, as the time and place for a public hearing.

Council Member Irish asked if there was a way to get around this compared to getting public funds.

The City Manager stated that the street code provides procedure for abandonment when it is no longer required for street purposes.

**COUNCIL ACTION** MOVED by Council Member Irish, SECONDED by Council Member Hamilton, to accept staff’s recommendation. The motion carried unanimously.

**Disposition:** Approved

13. **STATUS REPORT ON AGREEMENT FOR JOINT USE OF RECREATIONAL FACILITIES WITH KERN COMMUNITY COLLEGE DISTRICT**

**Recommendation:** Receive the report, discuss and provide direction as appropriate.

Council Member Irish asked if the lights in the fields still belonged to the City, and if they would be relocated or sold.

The City Manager stated that the lights did belong to the City and that although they are not state-of-the-art, they are still functional; and that the selling and relocating of the lights were both options.

Council Member Hamilton asked if the lights could be used at the Motocross track.

Mr. Perrine stated that the cost of moving the lights to another location may not be economical, and that the College does not intend to use or maintain the areas where the lights are present. They would however, allow the City to leave the lights until a decision has been made.

**COUNCIL ACTION** MOVED by Council Member Irish, SECONDED by Council Member Hamilton, to receive the report. The motion carried unanimously.

**Disposition:** Approved

Mayor Pro Tem Martinez stated that he had to leave for another meeting at 8:30 p.m. and would then be back around 11:00 p.m. for the closed session.

**COUNCIL ACTION** MOVED by Mayor Pro Tem Martinez, SECONDED by Council Member Hamilton to hear Items 27 and 28 at this point. The motion carried unanimously.

**Disposition:** Approved
27. PETITION FOR COUNCIL RESOLUTION: MODIFICATIONS TO THE TCAG BICYCLE TRANSPORTATION PLAN AS IT RELATES TO THE PORTERVILLE AREA.

Council Member Hamilton asked if the Blue Skies Coalition planned on presented this to TCAG, being that this is a TCAG element.

Council Member Irish stated that he felt uncomfortable with the fact that staff was in no way involved with the development of this plan, and that he has no feedback from staff.

Council Member West agreed that there was not enough information at this time, and that he would like staff to look into this further and bring recommendations back to Council.

Council Member Irish asked if staff could review the plan and that this item be continued to February 3, 2004.

Council took a 10-minute break at 8:30 p.m.

PUBLIC HEARING

19. STATE HIGHWAY 190/JAYE INTERSECTION – CIRCULATION ELEMENT

Recommendation: That the City Council:
1. Adopt the draft resolution approving General Plan Amendment 1-2003 to change the Circulation Element designation for the State Highway 190/Jaye Street intersection from a grade separated crossing to an at-grade intersection.

This item was presented to Council by Community Development Director, Brad Dunlap.

Mayor Stadtherr opened the item for public hearing at 8:53 p.m. When no one came forward to speak in favor or in opposition of this item, the item was closed to the public at 8:54 p.m. The Mayor then closed the public hearing to the Council at 8:55 p.m.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton to adopt the draft resolution approving General Plan Amendment 1-2003 to change the Circulation Element designation for the State Highway 190/Jaye Street intersection from a grade separated crossing to an at-grade intersection.

AYES: West, Hamilton, Irish
NOES: Stadtherr
ABSENT: Martinez
ABSTAIN: None

Disposition: Approved

SECOND READING

20. ORDINANCE 1643, CHANGES TO SPECIAL SPEED ZONES

Recommendation: That Council give Second Reading to Ordinance No. 1643, waive further reading, and adopt said ordinance.
COUNCIL ACTION  MOVED by Council Member Irish, SECONDED by Council Member Hamilton to waive further reading and adopt Ordinance No. 1643, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 17, ARTICLE XV, SECTION 17-15, PRIMA FACIE SPEED LIMITS DETERMINED ON CERTAIN STREETS, OF THE CODE OF THE CITY OF PORTERVILLE.

AYES:      West, Hamilton, Irish, Stadtherr
NOES:      None
ABSENT:    Martinez
ABSTAIN:   None

Disposition:  Approved

SCHEDULED MATTERS

21.  ORDINANCE AMENDING CITY CODE – CHANGES TO SECTIONS RELATED TO CONCRETE IMPROVEMENTS

Recommendation:  That the City Council:
                             1. Approve the proposed Ordinance; and
                             2. Give first reading to the Ordinance amending Section 20-40.1, 20-40.2, 20-40.3, and 20-40.6, and adding Section 20-40.8 to the Porterville Municipal Code, relating to the installation and payment for concrete improvements.

The City Attorney presented this item to Council.

Council Member Hamilton asked if grant monies needed to be defined and if property owner’s titles would be clouded.

The City Attorney stated that this would serve as a trigger or notice that will provide information on any possible fees that may apply to their property.

COUNCIL ACTION  MOVED by Council Member Hamilton, SECONDED by Council Member Irish to approve the proposed Ordinance and give first reading to the Ordinance.

Ordinance 1644

AYES:      West, Hamilton, Irish, Stadtherr
NOES:      None
ABSENT:    Martinez
ABSTAIN:   None

Disposition:  Approved

The City Manager read the Ordinance by title only.

COUNCIL ACTION  MOVED by Council Member West, SECONDED by Council Member Hamilton to waive further reading of the Ordinance and order Ordinance 1644 to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTIONS 20-40.1, 20-40.2, 20-40.3, AND 20-40.6, AND ADDING SECTION 20-40.8 TO THE PORTERVILLE MUNICIPAL CODE RELATING TO INSTALLATION AND PAYMENT FOR CONCRETE IMPROVEMENTS.
Ordinance 1644

AYES: West, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: Martinez
ABSTAIN: None

Disposition: Approved

22. COUNTY ISLAND GRAFFITI ABATEMENT

Mayor Stadtherr asked if the reward program applied to offenders apprehended in a County pocket, to which Police Chief Silver Rodriguez answered no.

Council Member Hamilton stated that he participates in this program, and thinks that everyone is doing a great job and that it is a very effective program. He suggested that the Council send letters to the block captains.

Mayor Stadtherr stated that he was concerned with someone reporting an offense occurring in a County Pocket and not receiving a reward, and suggested using donations to fund the reward program in County pockets.

23. CLARIFICATION OF TERMS – LEASE AGREEMENT FOR THE SANTA FE DEPOT SENIOR FACILITY

Recommendation: Request City Council’s approval for clarification of terms and allowance for utilities cost.

Council Member Irish commented on the request to subsidize the utilities, while the City is charging people for parking at the Sport’s Complex.

Council Member Hamilton asked if the City was picking up the electricity bill, or if they would be providing $500 per month.

Council Member Irish asked that the funding be brought back to Council for the next two years for appropriation.

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Mayor Stadtherr to approve this item with a utility cap of $500; and that the funding be brought back in March/April for the next two years for appropriation.

M.O. 18-121603
AYES: Hamilton, Irish, Stadtherr
NOES: None
ABSENT: Martinez
ABSTAIN: West

Disposition: Approved

24. APPROVE LETTERS TO LEGISLATORS REQUESTING LEGISLATION FOR FLEXIBILITY TO USE GRANT FUNDS FOR MODULAR CONSTRUCTION AND MODIFIED SITING OF A SKATEBOARD PARK

Recommendation: Approve the letters to Senator Ashburn and Assemblyman Maze requesting legislation for flexibility to use grant funds for modular construction and
modified siting of a Skateboard park, and authorize and direct the Mayor to sign the letters.

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Council Member Irish to approve the letters to Senator Ashburn and Assemblyman Maze.

M.O. 19-121603

AYES: West, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: Martinez
ABSTAIN: None

Disposition: Approved

25. STATUS OF WORK TO SATISFY REQUIREMENTS OF THE REGIONAL WATER QUALITY CONTROL BOARD

Recommendation: That the City Council accept the status report as informational item.

This item was presented to Council by Public Works Director Baldo Rodriguez.

Council Member Irish asked if the six millions dollars would be allocated to only those areas listed.

The Public Works Director stated that was correct.

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Council Member West to accept the status report.

M.O. 20-121603

AYES: West, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: Martinez
ABSTAIN: None

Disposition: Approved

26. STATUS REPORT ON DISPOSITION OF NELSON TRUST BUILDING, 296 N. MAIN STREET

Recommendation: That the City Council accepts the information presented as an update to the progress towards disposition of the Nelson Trust Building.

Council Member West asked how much it would cost to demolish the building themselves.

Council Member Hamilton suggested that the City take it upon themselves to demolish it themselves if Mr. Ennis is unable to do so.

Disposition: No action taken. Council requested that the item be placed back on the City Council agenda of February 17, 2004.
28. **PETITION FOR COUNCIL RESOLUTION: RESOLUTION OF SUPPORT FOR GOVERNOR SCHWARZENEGGER’S ENERGY POLICY**

Mayor Stadtherr asked that this petition be reviewed by staff and brought back to Council for consideration at another meeting.

Council Member Irish asked that a mission statement be provided by the Porterville Blue Skies Coalition.

Mayor Stadtherr asked that Council consider sponsoring a County-Wide Solar Summit in the Spring of 2004.

Council Member Irish asked if there would be any cost to the City.

Mayor Stadtherr stated that the venue, speakers, and food have been donated, so the event would not cost the City.

**COUNCIL ACTION**

MOVED by Mayor Stadtherr, SECONDED by Council Member Hamilton to bring back this item with staff response; get a mission statement from the Coalition; and sponsor a county-wide Solar Summit in Spring of 2004, with no cost to the City or staff involvement, with the stipulation that there be at least one other city as co-sponsor.

M.O. 12-121603

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<td>None</td>
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</tbody>
</table>

Disposition: Approved

29. **STATUS REPORT – DEVELOPER IMPACT FEES**


Council Member Irish asked if it would be possible to set up a study session to better explain the components of Developer Impact Fees.

**COUNCIL ACTION**

MOVED by Council Member Hamilton, SECONDED by Council Member West to accept the status report and set up a study session on Developer Impact Fees.

M.O. 22-121603

<table>
<thead>
<tr>
<th>AYES:</th>
<th>West, Hamilton, Irish, Stadtherr</th>
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<tr>
<td>NOES:</td>
<td>None</td>
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<tr>
<td>ABSENT:</td>
<td>Martinez</td>
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<td>ABSTAIN:</td>
<td>None</td>
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Disposition: Approved

The City Council adjourned to a meeting of the Porterville Redevelopment Agency.
PORTERVILLE REDEVELOPMENT AGENCY AGENDA
December 16, 2003

Roll Call: Redevelopment Agency: West, Hamilton, Irish, Stadtherr
Absent: Martinez

WRITTEN COMMUNICATIONS

None

ORAL COMMUNICATIONS

None

SCHEDULED MATTERS

PRA-1. RE-ADVERTISE FOR BIDS – CONSTRUCTION OF THE CASAS BUENA VISTA LANDSCAPE AND MAINTENANCE DISTRICT #25

Recommendation: That the Redevelopment Agency:
1. Approve the Plans and Project Manual; and
2. Authorize staff to re-advertise for bids on the project.

AGENCY ACTION

MOVED by Agency Member Hamilton, SECONDED by Agency Member West to accept staff’s recommendation.

PRA 01-121603

AYES: West, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: Martinez
ABSTAIN: None

PRA-2. AMEND REDEVELOPMENT STRATEGIC PLAN TO INCLUDE AN ENTERTAINMENT COMPONENT

Recommendation: That the Redevelopment Agency:
1. Approve an amendment to the Porterville Redevelopment Project Area Strategic Plan to include entertainment uses in Project Area #1; and
2. Approve an amendment to the previously approved Parking Study to include a parking structure and/or rehabilitation of existing parking lots as required to adequately address parking for entertainment uses.

AGENCY ACTION

MOVED by Agency Member Irish, SECONDED by Agency Member Hamilton to approve staff’s recommendation.

PRA 02-121603

AYES: West, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: Martinez
ABSTAIN: None

The City Council convened with the Porterville Redevelopment Agency in a Joint Meeting.

PRA-3. REALLOCATION OF REDEVELOPMENT HOME MATCH FUNDS TO CASAS BUENA VISTA REDEVELOPMENT PROJECT
Recommendation: That the City Council:
1. Approve using the allowed calculated value of executed CalHome loans for $48,670 of the $163,095 remaining for the HOME match requirement for the St. James Place Project; and
2. Approve the reallocation of $48,670 of HOME Program Income funds from the First Time Low Income Homebuyer Program and the Housing Rehabilitation Program to the St. James Place Project to replace $48,670 in Redevelopment funds that had been designated as match for the HOME grant funds.

That the Redevelopment Agency:
1. Approve the reallocation of $48,670 in Redevelopment Low and Moderate Housing Funds from the St. James Place Project to the Casas Buena Vista Project to be used for the development of the common area and/or for debt payment on the HELP CalHFA loan.

COUNCIL ACTION MOVED by Mayor Stadtherr, SECONDED by Council Member West to accept staff's recommendation.
M.O. 23-121603
AYES: West, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: Martinez
ABSTAIN: None

Disposition: Approved

AGENCY ACTION MOVED by Agency Chair Stadtherr, SECONDED by Agency Member West to accept staff's recommendation.
PRA 03-121603
AYES: West, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: Martinez
ABSTAIN: None

Disposition: Approved

The Porterville Redevelopment Agency and the City Council adjourned to a Meeting of the Porterville City Council at 10:10 p.m.

ORAL COMMUNICATIONS
None

OTHER MATTERS
None

COUNCIL COMMENTS
Council Member Irish spoke on expediting the purchase of the parks spray rig
Council Member Hamilton stated that Denise Marchant's daughter, Elise, was the highest scoring student on the PSA test.
CLOSED SESSION

18a. CLOSED SESSIONS PURSUANT TO: 1-GOVERNMENT CODE § 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR, AGENCY NEGOTIATOR: DARREL PYLE. EMPLOYEE GROUPS: PORTERVILLE CITY FIREFIGHTERS ASSOCIATION AND PORTERVILLE POLICE OFFICE ASSOCIATION;
4-GOVERNMENT CODE § 54956.9(A) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: CITY OF PORTERVILLE V. TULARE VALLEY RAIL ROAD;
5-GOVERNMENT CODE § 54956.9(C) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: ONE CASE
6- GOVERNMENT CODE § 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION – TITLE: CITY MANAGER

At 10:15 p.m. the Council adjourned to Closed Sessions.

ADJOURNMENT

The Council reconvened and then adjourned at 1:15 a.m. to the meeting of December 23, 2003 at 4:00 p.m.

Georgia Hawley, Deputy City Clerk
By: Luisa Herrera

SEAL

Richard M. Stadtherr, Mayor
PORTERVILLE CITY COUNCIL ADJOURNED MEETING
DECEMBER 23, 2003 - 4:00 P.M.
CITY HALL CONFERENCE ROOM

Call To Order: 4:00 p.m.
Pledge of Allegiance Led by Council Member Cameron Hamilton
Roll Call: West, Martinez, Hamilton
Absent: Irish, Stadtherr

ORAL COMMUNICATIONS
None

SCHEDULED MATTERS

1. APPROVAL OF PURCHASES

Recommendation: That the City Council approve purchases as listed, and authorize the Chief
Financial Officer to issue payment for same upon satisfactory delivery.

Darrel Pyle, Deputy City Manager, explained the first item was brought back from the
previous meeting and one additional item was added.

Mr. Pyle stated the item to award a contract to remove and install new concrete stairs at the
OHV was back due to a sizable discrepancy between the two contractors who submitted the job. He
stated that Council requested confirmation that both contractors were bidding the same job. Staff put
in writing in the bid the scope of work, including the funding sources, and the fact that it was a job
that would require prevailing wage. Valley Oak has confirmed in writing they bid the job as stated.
The second bidder, Tovar, has not confirmed, and it is staff's belief they are closed thru the holidays.
Staff's position is that they need to issue a purchase order prior to December 31, 2003 or lose that
component of the project. Mr. Pyle went on to state that if Tovar comes back with information the
job was not bid as a prevailing wage job, staff would recommend the project not be done.

Council Member Hamilton asked if in the original bid it was stated as a prevailing wage job.

Jim Perrine, Parks & Leisure Services Director, advised it was not in writing, but it was
generally discussed what the scope of the work was with the contractors. It has now been put in
writing and sent to both contractors for them to confirm it was their understanding of a prevailing
wage job. Tovar has not confirmed to staff at this point.

Council Member West asked if Tovar was aware they had to pay the prevailing wage and Mr.
Perrine responded he believes so, but has not been able to confirm with Tovar as they are closed for
the holiday.
Council Member Hamilton asked if they gave a bid based on materials and labor, and Mr. Perrine replied it was bid as a bottom line amount to do the complete project. Council Member Hamilton went on to state there should not be a $4,000 difference on a prevailing wage job.

Mayor Pro Tem Martinez asked if the funding would then be lost, and Mr. Pyle stated it was a small grant project. Mr. Perrine went on to explain that the grant was originally $6,800 for the steps and it was rescoped, and staff is determining the amount it was rescoped.

Council Member Hamilton asked if Council approves the project today and the amount goes up, were they allowed to use up to the $6,800 or do they go back to the grant and say it has been bid at $2,150.

Mr. Perrine said they are allowed to apply the money to any of the components that are within the scope of the work, and anything that is saved can go towards something else.

Council Member Hamilton asked if there is a time constraint on the project and Mr. Perrine advised December 31, 2003 was the extension.

**COUNCIL ACTION**

MOTION made by Council Member West and SECONDED by Council Member Hamilton that the City Council approve a purchase order be issued, but not submitted to Tovar Manufacturing until confirmation of the job being bid at prevailing wage.

**AYES:** West, Hamilton, Martinez  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Irish, Stadtherr

Disposition: Approved

**COUNCIL ACTION**

MOTION made by Council Member Hamilton and SECONDED by Council Member West that item #2 on the Approval of Purchases be approved.

**AYES:** West, Hamilton, Martinez  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Irish, Stadtherr

Disposition: Approved
2. AWARD OF CONTRACT - MUNICIPAL POOL COMPLEX RENOVATION PROJECT

Recommendation: That City Council:
1. Approve the reallocation of $86,900 from the CDEG Business Assistance Program to the CDBG Murry Park Improvement Project and the reallocation of $86,900 in Program Income from the CDBG First Time Low Income Homebuyer Program to the Business Assistance Program Income fund; and
2. Award the Municipal Pools Complex Renovation Project Base Bid and Alternative ‘A’ to Webb & Son in the amount of $1,194,246.00; and
3. Authorize progress payments up to 90% of the contract amount; and
4. Authorize a 9% contingency to cover unforeseen construction costs.

Darrel Pyle, Deputy City Manager introduced the item and Baldomero Rodriguez, Public Works Director, presented the staff report. He stated on May 4, 2003 Council rejected the low bid for the project and asked staff to review and research if a ‘B’ license contractor could be the primary contractor. With legal assistance, staff ascertained a ‘B’ license contractor could be primary as long as all other requirements were met. On December 16, 2003 staff received three bids with Webb & Son as the low bid. Mr. Rodriguez went on to explain the funding for this project.

Council Member Hamilton asked Denise Marchant, Development Associate, Community Development Department, if using the $86,900 is going to harm the Casas de Rio Project, and she stated it would not.

Due to Council Member Irish being absent, Council Member Hamilton stated Council Member Irish had concerns with the granite we have underneath the pool, and that we have had some shifting problems, and would like to know if we have any assurance from construction that it can’t possibly happen again. Mr. Rodriguez advised in the geo-technical report (BSK Report) there are specifics, in detail, as to how they are to stabilize and work around the rocks to avoid shifting. Mr Rodriguez stated there is quite a bit of excavation required to be sure there is a stable sub-grade and Webb & Son are aware of the requirement.

Council Member Hamilton stated for confirmation that “Alternate B” and “C” are the only items not being able to be completed. Mr. Perrine added that this project is likely to extend over to the next fiscal year and there may be the possibility of identifying some additional funding next fiscal year and would like to come back to Council to request applying the funds to the missing components of this project.

Council Member Hamilton asked if the project Council would be approving tonight would include the plumbing for the slide and concrete footings and Mr. Rodriguez advised that was correct.
Mr. Rodriguez did state there would be quite a bit of hardware, but staff would request to come back if money became available as Mr. Perrine stated. Mr. Rodriguez added he would like to ask Council to augment for that particular amount without having to take a separate action. Julia Lew, City Attorney commented the request might be for a Change Order to the contract itself, rather than a separate contract. She added we would have to look at the extent of the amount of work.

Council Member West asked with all the switching of funds if there was any co-mingling of funds, and Denise Marchant advised they are all CDBG funds and they are within programs and staying within the rules for allocation. Council Member West asked if this is being held up time wise for opening day.

Mr. Rodriguez advised it was, and staff would request a timeline from the contractor. Mr. Rodriguez added the pool would probably not be ready in June, and it would most likely extend beyond June.

Mayor Pro Tern Martinez requested clarification on programs that would be affected with the switching of funds.

Denise Marchant explained the money is being taken from the CDBG funds of the First Time Home Buyers Program income funds. Since there have been a number of refinancings there has been a significant amount of program income. These are CDBG loans and the City has a number of Home Grants and Cal-Home Grants which have to be spent to meet specific requirements and milestones. At present there are funds available to move to another program to be utilized for the pool project.

**COUNCIL ACTION**

**MOTION** made by Council Member Hamilton and **SECONDED** by Council Member West to award the contract of the Municipal Pools Complex to Webb & Son.

**AYES:** West, Hamilton, Martinez

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Irish, Stadtherr

Disposition: Approved

3. **ADDENDUM TO M.O.U. BETWEEN CITY/PORTERVILLE POLICE OFFICERS ASSOCIATION, AND AMENDMENT TO CITY COUNCIL RESOLUTION NO. 134-2002**

Recommendation: That the City Council accept Addendum No. 1 to the M.O.U. with the P.P.O.A., dated August 20, 2002; and adopt the attached Draft Resolution amending Resolution No. 134-2002.
COUNCIL ACTION
MOTION made by Council Member Hamilton and SECONDED by Council Member West to accept Addendum No. 1 to the M.O.U. with the P.P.O.A., dated August 20, 2002; and adopt the Draft Resolution amending Resolution No. 134-2002.

AYES: West, Hamilton, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish, Stadtherr

Disposition: Approved

4. AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN AND EMPLOYEE HEALTH PLAN DOCUMENT

Recommendation: That the City Council adopt the attached resolution amending the Employee Pay and Benefit Plan for Fiscal Year 2003-04, and the Employee Health Plan Document, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof

COUNCIL ACTION
MOTION made by Council Member Hamilton and SECONDED by Council Member West to adopt the attached resolution amending the Employee Pay and Benefit Plan for Fiscal Year 2003-04, and the Employee Health Plan Document, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof

AYES: West, Hamilton, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish, Stadtherr

Disposition: Approved

5. LEASING A PORTION OF THE CITY’S PIONEER WATER COMPANY SHARES

Recommendation: That City Council allow staff to contact over-allocated share holders of the Pioneer Water Company and negotiate the lease of the City’s unused shares for the prior year.

Darrel Pyle, Deputy City Manager introduced Bryan Styles, Field Services Manager who gave Council the staff report.

Page 5 of 6
MOTION made by Council Member West and SECONDED by Council Member Hamilton to allow staff to contact over-allocated shareholders of the Pioneer Water Company and negotiate the lease of the City's unused shares for the prior year.

AYES:  West, Hamilton, Martinez
NOES:  None
ABSTAIN:  None
ABSENT:  Irish, Stadtherr

Disposition:  Approved

6. CLOSED SESSIONS PURSUANT TO 54956.9(a) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: BRAD MAPLES AND STEVE ALLEN V. CITY OF PORTERVILLE, ET AL

ADJOURNMENT

The Council adjourned at 4:34 p.m. to an Adjourned Meeting of the City Council on January 13, 2004 at 5:00 p.m.

Georgia Hawley, Deputy City Clerk
Prepared by: Carol Bodine,
Secretary to City Manager

Pedro R. Martinez, Mayor Pro Tem
SUBJECT: Purchase of Specialized Police Equipment

SOURCE: Police Department

COMMENT: In accordance with the City’s Purchasing Policy and Procedure Manual as amended by Resolution 122-87, staff hereby requests approval to negotiate with sole source manufacturer Gamut Electronics LLC, of San Diego, California, for the purchase of a covert remote wireless surveillance camera system. The Police Department received funds from the Department of Motor Vehicles Auto Theft Prevention Fund, pursuant to AB 183, to purchase special equipment to combat auto thefts and enhance the department’s capability in auto theft investigations.

The wireless surveillance camera system is designed to allow investigators to monitor known locations of auto thefts and the areas where most auto thefts are recovered without jeopardizing the investigation. The system includes a continuous 360 degree pan and 60 degree tilt camera with a digital encrypted transmitter. The system can be used in total darkness using an infrared illuminator with the operator controlling the system by wireless means away from the targeted location.

The remote wireless surveillance camera system is manufactured and featured as the Code Five Systems by Gamut Electronics and is utilized by several other law enforcement agencies in California in an effort to combat auto theft. Grant funds are available to purchase the equipment.

RECOMMENDATION: That Council authorize staff to negotiate with Gamut Electronics for the purchase of the Code Five Surveillance System at a cost of $14,280, and authorize payment upon satisfactory delivery of the equipment.

Item No. 2
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - MEMORY LANE WIDENING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Memory Lane Widening Project. This project consists of the construction of curb, gutter, sidewalk, curb return with handicap ramp and paveout at the northwest corner of Memory Lane and Newcomb Street.

The Plans and Project Manual are available for review in the Public Works Department - Engineering Division.

The estimated probable cost for this project is $10,700. Funding was approved in the 02/03 Annual Budget and re appropriated in the 03/04 Annual Budget from Local Transportation Fees.

Recommendation: That City Council:

1. Approve the Plans and Project Manual; and

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

Attachment: Locator Map

BSR Y:\Engineering\Council Items\Authorization to Advertise for Bids - Memory Lane Widening Project.wpd
SUBJECT: DEDICATION OF DIVING BOARDS FROM MUNICIPAL POOLS COMPLEX TO MONACHE HIGH SCHOOL

SOURCE: Public Works Department - Engineering Division

COMMENT: Monache High School Athletics has been in contact with Porterville City Parks and Leisure Services for some time regarding the planned demolition and rebuilding of the City pool at Murry Park. They have expressed interest in making use of the two diving boards and board stands and are seeking them as a donation.

The two diving boards and stands, along with the mechanical equipment from the mechanical room, are called out on the plans to be salvaged to the City's Corporation Yard.

Recommendation: That City Council:

1. Approve the dedication of the diving boards and stands; and
2. Allow Monache Athletics to remove items from the Corporation Yard.

Attachment: Letter from MHS Athletic Director, Locator Map
Dear Mr. Perrine,

Monache High School Athletics has been in contact with Porterville City Parks and Leisure for some time now regarding the planned demolition and subsequent rebuilding of the city pool at Murray Park. We have expressed an interest in making use of the two diving boards and two board stands that are at the city pool. We would be seeking them as a donation to Monache High School Athletics and Physical Education. We would work with the City to have the requested equipment removed and delivered to the Monache Pool where we would then assume responsibility for the equipment.

Please proceed with this matter as needed to allow this to happen. Please contact me when a decision has been made.

Thank you for your time

Randy Quiram
Athletic Director
Monache High School
960 N. Newcomb
Porterville Ca. 93257
793-3899
SUBJECT: ACCEPTANCE OF THE GRANITE HILLS STREETS PROJECT - PHASE 2

SOURCE: Public Works Department - Engineering Division

COMMENT: Mitch Brown Construction Inc., has completed construction of the Granite Hills Streets Project - Phase 2 per plans and specifications. The project consisted of the reconstruction of Crestview Street beginning at Thurman Avenue, Olivecrest Street and East Olive Avenue ending at the east limits of Granite Hills High School. New curb, gutter, sidewalk, paving, storm drain, sewer, water and street lights were included.

The City Council authorized expenditure of $1,569,018.86. Final construction cost is $1,528,694.45.

Mitch Brown Construction Inc., requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;

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

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

ATTACHMENT: Locator Map

BSR Y:\Engineering\Council Items\Acceptance of the Granite Hills Streets Project Phase 2.wpd

Dir BS R Appropriated/Funded CM Item No. 5
COUNCIL AGENDA: JANUARY 20, 2004

SUBJECT: ACCEPTANCE OF THE JAYE STREET WATER MAIN PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Halopoff & Sons, Inc., has completed the Jaye Street Water Main Project. A 12-inch water main and related appurtenances have been installed along Jaye Street for the purpose of connecting Well No. 27 to the City water system. Well No. 27 is currently under construction and should be in service by the end of May. Well No. 27 is located on the west side of Jaye Street approximately 1300 feet north of Gibbons Avenue. The project consisted of about 1455 lineal feet of twelve (12) inch water main in Jaye Street from the well site to a point of connection north of the Poplar Ditch. The new water main is a key component to the Well No. 27 project.

The City Council authorized expenditure of $82,420.69 for this project. The work was completed for $74,927.90.

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

RECOMMENDATION: That City Council:

1. Accept the Jaye Street Water Main Project as complete;

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

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

ATTACHMENT: Locator Map

BSR Y:\Engineering\ Council Items\Acceptance of the Jaye Street Water Main.wpd

Dir  Appropriated/Funded  CM  Item No. 40
SUBJECT: ACCEPTANCE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 245-040-006 & 007 - WILLARD BENNETT, OWNER - HENDERSON AVENUE RECONSTRUCTION PROJECT

SOURCE: Community Development Department

COMMENT: Willard Bennett, owner of property located at APN 245-040-006 & 007, have accepted the appraised value of $5,073.00 for the 1,825 square feet of right-of-way needed.

The City recently had the property appraised by Tim Simon, MAI, a Certified General Real Estate Appraiser. The appraisal came in at $5,073.00 for the 1,825 square feet needed for the project. This appraisal is available in the Community Development Department for review.

This acquisition is a requirement for the reconstruction of West Henderson Avenue.

RECOMMENDATION: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Willard Bennett in the amount of $5,073.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS:
1. Right-Of-Way Take Map
2. Resolution

DDCS - APPROPRIATED/FUNDED

ITEM NO. 7
EXHIBIT B

WILLARD BENNETT
A.P.N. 245-040-007

HENDERSON AVE

ADDITIONAL RIGHT OF WAY TO BE ACQUIRED - 1,190.00 SQ. FT.
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A GRANT DEED IN FEE FOR PUBLIC STREET AND UNDERGROUND UTILITIES PURPOSES FROM WILLARD BENNETT

APN 245-040-006 & 245-040-007

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Grant Deed in fee from Willard Bennett, for public street and underground utility purposes, in the City of Porterville, County of Tulare, State of California, to-wit:

See Exhibit “A” and Exhibit “B” attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the purchase price of $5,073.00 is hereby approved with the City to open escrow account, pay the normal and customary escrow fees, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

________________________________________
Richard Stadtherr, Mayor

ATTEST:

John Longley, City Clerk

By: Georgia Hawley, Deputy
SUBJECT: SURPLUS TRANSIT VEHICLES

SOURCE: ADMINISTRATIVE SERVICES/PURCHASING DIVISION

COMMENT: At Council’s direction, Staff advertised for sale two 16-passenger ADA-equipped transit buses and made the vehicles available for the public to inspect. The time for submitting bids has expired and there have been no inquiries and no bids have been received. The County of Tulare has also declined to submit a bid. Staff is now requesting permission to dispose of the surplus vehicles in the usual manner by placing them in the City’s auction.

RECOMMENDATION: That the Council authorize Staff to surplus two 16-passenger transit buses and send them to the next regularly scheduled City auction.
SUBJECT: Consideration of Hiring Freeze, Restoration of Selected Positions, Franchise In-Lieu Fee, and Performance of a Review of City Fees

SOURCE: CITY MANAGER

On January 13th, the Council met to review proposals submitted by the staff. This was strictly an information session and no actions or decisions were requested. The session did, however, provide a basis for discussion among the members of the Council regarding budgetary matters over the next 18 months.

For the current Fiscal Year, the staff reported to the Council that the budget was stable based upon current spending levels. This is a conclusion subject to continuing periodic review and reaffirmation.

There are, however, significant budgetary issues for the coming fiscal year 2004-05. It is impossible at this time to define them exactly because the interaction between the Governor, Legislators, and Voters will define City revenue losses to support the resolution of the State deficit.

There are certain actions for proposed implementation in the current Fiscal Year. These are presented in this staff report for Council consideration.

1. **Continue Hiring & Travel Freeze:** It is proposed that the position freeze continue through this Fiscal Year. The Council’s policy is that all position, once vacated are frozen except for sworn positions in the police and fire departments and for positions approved by the City Manager or Deputy City Manager that are necessary for health or safety or meeting contractual requirements of the City.

   In addition, the Council has required in the past, that travel be only for employee essential training and to meet with legislators and administrative agency officials. It is recommended that this policy also continue.

2. **Authorizing Hiring of Two Positions:** A specific request is made to fill two positions that do not meet any of the afore-mentioned criteria. These positions are necessary to meet program expectations of the City Council. The position freeze has saved the City money, but it
has slowed progress with projects. The City Manager requests that authorization be provided by the Council to retain an Assistant City Engineer and a Leisure Service Coordinator.

The Assistant City Engineer works in the Public Works Department. They will be specifically responsible for street and water projects design and administration. The specific projects that the Assistant Engineer is proposed to work on are the traffic signal at Putnam and Villa, the traffic signal at Plano and Mulberry, and the Jaye Street Tule River Bridge Widening Project. Much of the cost for the position will be recovered from grant funds.

The Leisure Service Coordinator exists primarily to assist with supervision of the Youth Center, helps with event set up and coordination of events, provides gym supervision, evening and weekend youth sports supervision, and has been involved with the After School Program. As we move towards focusing on after school program activities, the coordinator position becomes increasingly important. Because of the current involvement with the Youth Center and the future involvement with the Neighborhood Community Center, the position will be funded 50% through the Community Development Block Grant Program.

3. **Modify Franchise In Lieu Fee:** The Budget for the current fiscal year authorized the collection of $816,000 in Franchise In Lieu Fees. These fees are collected from City Utilities and are in lieu of amounts that a private operator would pay to operate the utilities. They are based on actual cost for the use of city streets and other overhead items.

   The amount for these fees was defined as about $1,200,000 over fifteen years ago. Instead of setting the full rate, the annual price was established at $816,000. If this amount is adjusted annually for the past 7 years based on the consumer price index since August, 1997, a proposed total annual fee of $990,000 is established. This is an annual increase of $174,000 from all of the City’s utilities.

   The proposal for this Fiscal Year is to apply the fee for 4 months, beginning March 1, 2004. The estimated yield from this adjustment has been estimated at $58,000 in additional revenue for this Fiscal Year. The staff proposal is to use this money to support a comprehensive review of City fees and charges.

4. **Undertake a Comprehensive Review of City Fees and Charges:** A comprehensive review of City fees and charges has not been conducted since 1987. It is important to periodically review fees to assure they are consistent with current program effort and with overhead costs. With the additional $58,000 anticipated from the increase in the City In Lieu Utility Franchise, a consultant should be engaged to complete a review of fees and charges.

   This review should be comprehensive, requiring between 750 hours and 1,000 hours of analysis. The performance of the analysis provides comprehensive, current information
which the Council can use to determine whether or not fee adjustments are appropriate for Fiscal Year 2004/05.

**Recommendation:**

1. Continue the existing hiring and travel freeze

2. Authorize the recruitment and hiring of an Assistant City Engineer and Leisure Services Coordinator

3. Effective March 1, 2004, increase the In Lieu Franchise Fee to an annual $990,000 per year.

4. Authorize the City Manager’s office to retain a contractor to undertake a comprehensive review of City fees and charges for City Council review.
PUBLIC HEARING

TITLE: GENERAL PLAN AMENDMENT 1-2004(CIRCULATION ELEMENT) TO REDESIGNATE DATE AVENUE BETWEEN HOWARD STREET AND SOUTH MAIN STREET FROM AN ARTERIAL STREET TO A COLLECTOR STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The City of Porterville is proposing an amendment to the Circulation Element of the General Plan. The proposed amendment would redesignate Date Avenue between Howard Street and South Main Street from an Arterial Street (84 feet wide) to a Collector Street (60 feet wide). Date Avenue is parallel to Orange Avenue which is expected to continue to serve as the primary east/west corridor south of Olive Avenue. For that reason, Date Avenue is expected to function adequately as a Collector Street primarily carrying neighborhood traffic. Furthermore, as detailed consideration of Date Avenue improvements has been carried out, it has become apparent that the cost of acquiring sufficient property to construct an 84 foot wide street would exceed the potential benefits of an additional arterial connection.

In conjunction with the proposed general plan amendment, the environmental resolution also addresses the Date Avenue and “A” Street improvement project.

On February 6, 2003, the Long Range Planning Committee recommended approval of the proposed General Plan Amendment.

RECOMMENDATION: That the City Council:

1. Adopt the attached resolution approving a Negative Declaration for the Date Avenue and “A” Street Improvement Project and the amendment of the Circulation Element of the General Plan to redesignate Date Avenue to a Collector Street.

2. Approve the draft resolution for General Plan Amendment 1-2004 to amend the Circulation Element of the General Plan to redesignate Date Avenue from an Arterial Street (84 feet wide) to a Collector Street (60 feet wide).

ATTACHMENT:

1. Complete Staff Report

ITEM NO. 10
CITY COUNCIL AGENDA: January 20, 2004

PUBLIC HEARING - STAFF REPORT

TITLE: GENERAL PLAN AMENDMENT 1-2004(CIRCULATION ELEMENT) TO REDESIGNATE DATE AVENUE BETWEEN HOWARD STREET AND SOUTH MAIN STREET FROM AN ARTERIAL STREET TO A COLLECTOR STREET

APPLICANT: City of Porterville
Community Development Department
291 N. Main Street
Porterville, CA 93257

COMMENT: The City of Porterville is proposing an amendment to the Circulation Element of the General Plan. The proposed amendment would redesignate Date Avenue between Howard Street and South Main Street from an Arterial Street (84 feet wide) to a Collector Street (60 feet wide). Date Avenue is parallel to Orange Avenue which is expected to continue to serve as the primary east/west corridors south of Olive Avenue. For that reason, Date Avenue is expected to function adequately as a Collector Street primarily carrying neighborhood traffic. Furthermore, as detailed consideration of Date Avenue improvements has been carried out, it has become apparent that the cost of acquiring sufficient property to construct an 84 foot wide street would exceed the potential benefits of an additional arterial connection.

In conjunction with the proposed general plan amendment, the environmental resolution also addresses the Date Avenue and “A” Street improvement project as follows:

Improvement of Date Avenue between Main Street and Howard Street from the current subdivision width to meet the precise alignment plan adopted in 1979. Date Avenue will have a standard 60 foot right-of-way with one lane in each direction, except where greater improvements already exist. Curbs, gutters, sidewalks and curb returns with ramps will be installed as needed. The proposed expansion of Date Avenue will require removal of four to five existing single family residences.

In addition, improvements will be made in “A” Street to improve drainage. “A” Street south of Date Avenue is currently a dead-end street designed to slope to the south. Storm drainage currently exits the south end of “A” Street and sheet flows across the property to the south until it enters the Tule River.
Curbs and gutters will be installed or repaired along “A” Street as necessary and sidewalks may be constructed. Two (2) drop in-lets (DI’s) will be installed near the southerly terminus of “A” Street. An 18" storm drain pipe will be constructed from the terminus of “A” Street approximately 750 feet south to an outlet structure to be constructed near the bank of the Tule River. Additionally, paveout along “A” Street may be required.

COMMITTEE/COMMISSION ACTION: On February 6, 2003, the Long Range Planning Committee recommended approval of the proposed General Plan Amendment.

GENERAL PLAN LAND USE DESIGNATION:

The Circulation Element of the General Plan designates Date Avenue as an Arterial Street.

SURROUNDING AREA LAND USE:

North: City - Single and multiple family residential dwellings.

South: City - Concrete pipe yard, single and multiple family residential dwellings, Casas Buena Vista residential subdivision and the Tule River.

East: City - Plano Street, and commercial uses.

West: City - South Main Street and commercial uses.

ENVIRONMENTAL: On December 3, 2003, the Environmental Review Committee made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. Appropriate notice of the availability of the environmental documents has been provided to the State Clearinghouse, interested agencies and individuals for a thirty (30) day review. The only agencies that have responded are the California Regional Water Quality Control Board and the San Joaquin Valley Air Pollution Control District. The Engineering Division is aware of the requirements for the permits addressed in the California Regional Water Quality Control Board and appropriate steps will be taken. Additionally, the comments addressed have been incorporated into the Mitigation Monitoring Program attached to the environmental resolution as Attachment A.
STAFF ANALYSIS: Date Avenue is parallel to Orange Avenue which is expected to continue to serve as the primary east/west corridors south of Olive Avenue. For that reason, Date Avenue is expected to function adequately as a Collector Street primarily carrying neighborhood traffic. Furthermore, as detailed consideration of Date Avenue improvements has been carried out, it has become apparent that the cost of acquiring sufficient property to construct an 84 foot wide street would exceed the potential benefits of an additional arterial connection.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No Project. Denial of the proposed project would cause the Circulation Element of the General Plan to continue to show Date as an Arterial Street. The Date Avenue Improvement Project could continue as designed, however, a future project would be anticipated to acquire additional right-of-way and further widen Date Avenue to Arterial width. The benefits of such a project are not expected to exceed its cost.

2. Approve the Project. Approval of the request would remove the Date Avenue Arterial designation between Howard Street and South Main Street. The Date Avenue Improvement Project as proposed could commence.

RECOMMENDATION: That the City Council:

1. Adopt the attached resolution approving a Negative Declaration for the Date Avenue and "A" Street Improvement Project and the amendment of the Circulation Element of the General Plan to redesignate Date Avenue to a Collector Street.

2. Approve the draft resolution for General Plan Amendment 1-2004 to amend the Circulation Element of the General Plan to redesignate Date Avenue from an Arterial Street (84 feet wide) to a Collector Street (60 feet side).

ATTACHMENTS:

1. Locator Map
2. Letter dated December 19, 2003 from the California Regional Water Quality Control Board
3. Letter Date December 31, 2003 from the San Joaquin Valley Air Pollution Control Board
4. Draft Environmental Resolution
5. Draft Resolution approving General Plan Amendment 1-2004
19 December 2003

Bradley D. Dunlap
City of Porterville
291 North Main Street
Porterville, CA 93257

PROPOSED NEGATIVE DECLARATION, DATE AVENUE AND “A” STREET
IMPROVEMENT PROJECT AND AMENDMENT TO THE CIRCULATION ELEMENT OF
THE GENERAL PLAN, SCH# 2003121062, PORTERVILLE, TULARE COUNTY

Your request for comments on the Proposed Negative Declaration for the Date Avenue and “A” Street Improvement Project and Amendment to the Circulation Element of the General Plan was received on 12 December 2003. The proposed project is to improve Date Avenue between Main Street and Howard Street to a standard 60-foot right-of-way with one lane in each direction. Curbs, gutters, sidewalks, and curb returns with ramps will be installed as needed. The expansion of Date Avenue will require the removal of four to five existing residences. In addition, improvements will be made along “A” Street to improve drainage. Improvements will include installation or repair of curbs and gutters along “A” Street and possibly construction of sidewalks. Two drop inlets will be installed at the south terminus of “A” Street and an 18-inch storm drain pipe will be constructed from the ”A” Street terminus 750 feet south to an outlet structure to be constructed near the bank of the Tule River. Also proposed is an amendment to the Circulation Element of the General Plan that would redesignate Date Avenue between Orange Avenue and South Main Street from an Arterial Street (84 feet wide) to a Collector Street (60 feet wide).

Regulations published in the Federal Register on 8 December 1999 expanded the storm water program to include small municipal separate storm sewer systems (MS4) (serving a population of less than 100,000 and located in an urbanized area). Such small MS4s must obtain an NPDES Phase II municipal permit by March 2003 and comply with its terms for storm water management and control. The Phase II storm water minimum requirements include public education and outreach, public involvement and participation, illicit discharge detection and elimination, pollution prevention and good housekeeping in municipal operations, construction site urban runoff control, and post-construction management in new development and redevelopment. The City of Porterville has submitted an application package for coverage under the NPDES Phase II permit. The City should incorporate as many of these minimum requirements into its General Plan as appropriate.

As construction associated with the project will disturb one acre or more, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS0000002 for Discharges of Storm Water Associated With Construction Activity will be required for potential discharges to surface waters, including ephemeral and intermittent drainages. Before construction begins, the City must
submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared. The SWPPP must contain at a minimum all items listed in Section A of the General Permit including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, riparian buffers, etc.) best management practices (BMPs) that will be implemented to prevent pollutants from discharging with storm water into waters of the United States.

If the project will result in construction dewatering discharges, compliance with the NPDES General Order No. 5-00-175 for Dewatering and Other Low Threat Discharges to Surface Waters may be required. Before construction begins, the City must submit a NOI to comply with the permit and a filing fee to this Regional Board office. The General Order is applicable only if the discharge does not contain significant quantities of pollutants, and is less than four months in duration or has an average dry weather flow of less than 0.25 million gallons per day. Otherwise, the City must apply for site-specific waste discharge requirements (WDRs). A representative sample of the construction dewatering discharge would need to be collected and analyzed to demonstrate that no constituents of concern are present in quantities that would cause an exceedance of water quality objectives.

The Proposed Negative Declaration document indicates that a storm water outlet will be constructed near the bank of the Tule River. If the project will result in the discharge of dredged or fill material into navigable waters or wetlands (jurisdictional waters), a permit pursuant to Section 404 of the Clean Water Act will be needed from the US Army Corps of Engineers and the City will also need to obtain a Section 401 Water Quality Certification from this office. The Regional Board will review the Section 401 certification application to ensure that discharges will not violate water quality standards. If the project will result in the discharge of dredged or fill material into wetlands that are determined by the Corps to be non-jurisdictional, the City will not be required to obtain a Section 401 Water Quality Certification, but may be required to submit a report of waste discharge (RWD) if the wetlands are waters of the State. The Regional Board will either prescribe WDRs that will incorporate measures to mitigate potentially significant impacts to water quality and potential public nuisances or issue a waiver of WDRs. For more information regarding Section 404 permitting, contact the Sacramento District of the Corps of Engineers at (916) 557-5250.

Thank you for the opportunity to comment on this Proposed Negative Declaration. If you have any questions regarding our comments, please call me at (559) 445-6046.

LISA GYMER
Environmental Scientist

cc: State Clearinghouse, Sacramento
San Joaquin Valley
Air Pollution Control District

December 31, 2003

Attn: Mr. Bradley Dunlap
City of Porterville
291 North Main Street
Porterville, California 93257

RE: "A" Street Improvement Project & Amendment to the Circulation Element of the General Plan

Dear Mr. Dunlap:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Negative Declaration prepared for the above mentioned project and has the following comments:

The entire San Joaquin Valley is non-attainment for ozone and fine particulate matter (PM-10). The Federal Clean Air Act (CAA) and the California Clean Air Act require areas that are designated non-attainment to reduce emissions until standards are met. Upon review, it does not appear that this project in itself would result in any significant adverse air quality impacts.

As discussed in your document this project will be subject to certain aspects of District Regulation VIII. Regulation VIII is a series of rules designated to reduce PM-10 emissions generated by human activity, and is required.

The equipment utilized during construction may be subject to the District’s Permit to Operate requirements and must obtain an Authority to Construct (ATC) from the District. Construction or installation of equipment, which requires an ATC, and intimately related appurtenances such as foundations and utility hookups for the equipment, cannot begin until an ATC is obtained. ATC approval can take several months. To determine if the project requires permit approval or for further information, the applicant should contact the District’s Small Business Assistance Office at (661) 326-6900.

David L. Crow
Executive Director/Air Pollution Control Officer

ATTACHMENT
ITEM NO. 3
Thank you for the opportunity to comment on this project. If you have any questions, or require further information, please call me at (661) 326-6980.

Sincerely,

[Signature]

Heather K. Ellison
Air Quality Planner
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION FOR THE DATE AVENUE AND "A" STREET IMPROVEMENT PROJECT AND AMENDMENT OF THE CIRCULATION ELEMENT OF THE GENERAL PLAN TO REDESIGNATE DATE AVENUE FROM AN ARTERIAL STREET TO A COLLECTOR STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 20, 2004, considered the potential environmental impact of the proposed Date Avenue and "A" Street Improvement Project and amendment of the Circulation Element of the General Plan to redesignate Date Avenue between Howard Street and South Main from an Arterial Street (84 feet wide) to a collector Street (60 feet wide); and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act.

2. That the subject project will not create adverse environmental impacts. The approved Negative Declaration was evaluated in light of the prepared environmental initial study with studies, comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level through the implementation of the attached mitigation measures.

3. That the City Council is the decision-making body for the project.

4. That the Negative Declaration prepared for the proposed project was transmitted to the State Clearinghouse and interested agencies, groups and individuals for review and comment. The thirty (30) day review period ran from October 10, 2003 to January 8, 2004. The only agencies that have responded were from the California Regional Water Quality Control Board and the San Joaquin Valley Air Pollution Control District. These comments have been reviewed. The Engineering Division is aware of the requirements for the permits addressed in the California Regional Water Quality Control Board and appropriate steps will be taken. Additionally, the comments addressed have been incorporated into the Mitigation Monitoring Program attached to the environmental resolution as Attachment A.
5. That review of the environmental circumstances regarding the project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.

6. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A, and all mitigation measures will be implemented with the proposed project.

7. That implementation of the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a de minimis impact pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

8. That the environmental assessment and analysis prepared for the project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for the Date Avenue and “A” Street Improvement Project and amendment of the Circulation Element of the General Plan to redesignate Date Avenue between Orange Avenue and South Main Street from an Arterial Street (84 feet wide) to a Collector Street (60 feet wide), adopts the Mitigation Monitoring Plan and commits to carry out the mitigation measures per the Mitigation Monitoring Plan.

_____________________________
Richard M. Stadtherr, Mayor

ATTEST:
John Longley, City Clerk

_____________________________
Georgia Hawley, Deputy
# Attachment A

## Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
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<tbody>
<tr>
<td>Geologic Problems</td>
<td>Mitigation measures include the enforcement of site development plan or other development related conditions of approval requiring erosion control plans, and the conservation of vegetation, with soil disturbances to be limited to dry seasons. In addition, conformance with the City Storm Drain Master Plan, and requirements relative to grading, the California Building Code, etc., will be required.</td>
<td>Conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the California Building Code, etc., will be required.</td>
<td>City of Porterville</td>
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<tr>
<td>3.f Erosion, changes in topography or unstable soil conditions from excavation, grading or fill.</td>
<td></td>
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<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
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<td>Water</td>
<td>The City of Porterville has been designated as a small MS4. The city has obtained</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City's Storm Drainage Master Plan will be required.</td>
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<td></td>
<td>coverage under NPDS No. CAS0000004 for Storm Water Discharges and will comply with its terms for storm water management standards. Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City's Storm Drainage Master Plan will be required.</td>
<td></td>
<td>City of Porterville</td>
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<tr>
<td>4.c</td>
<td>temperature, dissolved oxygen or turbidity.</td>
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<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
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<tr>
<td>Air Quality</td>
<td>If asbestos or lead base paint is found in the dwelling units to be demolished in the future, the City of Porterville will implement and comply with the regulations outlined in the NESHAP regulation, 40 CFR, Part 61, Subpart M. Mitigation through construction management. 1. The City will implement Regulation VIII of the SJVUAPCD including:</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California CARB, SJVUAPCD, City of Porterville</td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
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</table>
| Air Quality 5. a (continued) | a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.  
  
  b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 MPH. If winds or gusting exceed 20 MPH, vehicular activity will be required to cease.  
  
  c. Limit engine idling at the project site. |                                                                                      |                                                                                         |                                                         |
| Hazards 9. c            | If asbestos or lead base paint is found in the dwelling units to be demolished, the City of Porterville will implement and comply with the regulations outlined in the NESHAP regulation, 40 CFR, Part 61, Subpart M. | The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) are expected to maintain their commitment to this program. | State of California CARB, SJVUAPCD, City of Porterville |
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING GENERAL PLAN AMENDMENT 1-2004 AMENDING
THE CIRCULATION ELEMENT OF THE GENERAL PLAN
TO REDESIGNATE DATE AVENUE BETWEEN HOWARD STREET
AND SOUTH MAIN STREET FROM AN ARTERIAL STREET (84 FEET WIDE)
TO A COLLECTOR STREET (60 FEET WIDE)

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of January 20, 2004, conducted a public hearing to consider General Plan Amendment 1-2004 to
amend the Circulation Element of the General Plan to redesignate Date Avenue between Howard
Street and South Main Street from an Arterial Street (84 feet wide) to a Collector Street (60 Feet
wide); and

WHEREAS: The City Council received testimony from all interested parties relative to the
General Plan Amendment; and

WHEREAS: The City Council made the following findings:

1. That the proposed General Plan Amendment, is consistent with the goals and policies
   of the General Plan in that it furthers the following objectives and policies of the
   Circulation Element:

2. Date Avenue is parallel to Orange Avenue which is expected to continue to serve as
   the primary east/west corridor south of Olive Avenue. For that reason, Date Avenue
   is expected to function adequately as a Collector Street primarily carrying
   neighborhood traffic. Furthermore, as detailed consideration of Date Avenue
   improvements has been carried out, it has become apparent that the cost of acquiring
   sufficient property to construct an 84 foot wide street would exceed the potential
   benefits of an additional arterial connection.

3. That a Negative Declaration was prepared for this project and corresponding Date
   Avenue and “A” Street Improvement Project in accordance with the California
   Environmental Quality Act indicating that such will not have a significant effect on
   the environment and that implementation of the projects will comply with the
   recommended mitigation measures was approved for this project.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve General Plan Amendment 1-2004 being an amendment to the Circulation Element of the General Plan as described above.

Richard M. Stadtherr, Mayor

ATTEST:
John Longley, City Clerk

By ____________________________
Georgia Hawley, Deputy
PUBLIC HEARING

TITLE: ZONE CHANGE 5-2003 (Zenz & O'Sullivan)

SOURCE: COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT - PLANNING DIVISION

COMMENT: Zone Change 5-2003 proposes to change the existing zoning from City R-1 (One Family Residential) Zone to C-1 (D)- (Neighborhood Commercial with a Design Review Overlay).

The subject site (.34± acres) located on the west side of Newcomb Street, approximately 290± feet south of Henderson Avenue has two (2) deteriorated single family residential structures with curb, gutter and sidewalk across the full frontage of the parcel.

Upon approval of the zone change, the existing single family dwellings will be considered as “legal non-conforming uses” which could not be rebuilt if destroyed by more than 75% of their reasonable value. However, the present residential use will be allowed to continue.

ENVIRONMENTAL: The Environmental Review Committee on November 26, 2003, made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review. The only agency that commented was the San Joaquin Valley Air Pollution Control District. These comments have been incorporated into the Mitigation Monitoring Program attached to the environmental resolution as Attachment A.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving a Negative Declaration for Zone Change 5-2003.

2. Adopt the draft ordinance approving Zone Change 5-2003.

ATTACHMENT:

1. Complete Staff Report

DD APPROPRIATED/FUNDED CM

ITEM NO. 11
PUBLIC HEARING - STAFF REPORT

TITLE: ZONE CHANGE 5-2003

APPLICANT: Zenz & O'Sullivan
            P.O. Box 1927
            Porterville, CA 93258

PROJECT LOCATION: West side of Newcomb Street, approximately 290± feet south of Henderson Avenue.

SPECIFIC REQUEST: Zone Change 5-2003 proposes to change the existing zoning from City R-1 (One Family Residential) Zone to C-1 (D)- (Neighborhood Commercial with a Design Review Overlay).

PROJECT DETAILS: The subject site (.34± acres) located on the west side of Newcomb Street, approximately 290± feet south of Henderson Avenue has two (2) deteriorated single family residential structures with curb, gutter and sidewalk across the full frontage of the parcel.

Upon approval of the zone change, the existing single family (dwellings) uses will be considered as "legal non-conforming uses" which could not be rebuilt if destroyed by more than 75% of its reasonable value. However, the present residential use will be allowed to continue.

GENERAL PLAN LAND USE DESIGNATION: Single Family Residential with a Neighborhood Commercial Node. The Land Use Element of the General Plan allows for a maximum of five (5) acres of neighborhood commercial uses at an intersection of two (2) arterial streets (both Henderson Avenue and Newcomb Street are designated arterial streets). The two (2) parcels to the north presently zoned City C-1 (D) consist of a total of .77± acres. Approval of the proposed project would result in a total of 1.11 acres of commercial land.

SURROUNDING AREA ZONING AND LAND USE:

North: City - Two (2) vacant parcels and Henderson Avenue.
South: City - A single family dwelling and developed single family residential subdivision.
East: City - Newcomb Street and Veteran’s Park.
West: City - Church and vacant land.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No Project. Denial of the proposed zone change would result in the existing use of the site to remain non-conforming.
2. Approve the project. Approval of the proposed zone change to City C-1 (D) would allow the subject site to be more viable for development in relation with the two (2) parcels zoned C-1 (D) located immediately to the north. Additionally, any future development of the site would require a D-Overlay Site Review before the City Council.

ENVIRONMENTAL: The Environmental Review Committee on November 26, 2003, made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review. The only agency that commented was the San Joaquin Valley Air Pollution Control Board. These comments have been incorporated into the Mitigation Monitoring Program attached to the environmental resolution as Attachment A.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: October 2, 2003

DATE ACCEPTED AS COMPLETE: November 26, 2003

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving a Negative Declaration for Zone Change 5-2003.

2. Adopt the draft ordinance approving Zone Change 5-2003.

ATTACHMENTS:

1. Zoning/Land Use Map
2. Negative Declaration
3. San Joaquin Valley Air Pollution Control District letter dated December 17, 2003
4. Zone Change Application
5. Draft Resolution approving Negative Declaration for Zone Change 5-2003
6. Draft Ordinance approving Zone Change 5-2003
ZONE CHANGE NO. 5–2003

HENDERSON AVE.

MONACHE
HIGH SCHOOL
R–2

CHURCH
R–1

C–1(D)
SUBJECT SITE

LEGEND

■ = EXISTING DWELLING
V = VACANT
■■ = PROPOSED– R–1 TO C–1(D)

NEWCOMB ST.

VETERAN'S PARK
O–A

LAND USE & ZONING
ATTACHMENT 1
NEGATIVE DECLARATION

LEAD AGENCY: City of Porterville
291 North Main Street
Porterville, California 93257

Zenz & O'Sullivan
P.O. Box 1927
Porterville, CA 93258

PROJECT TITLE: Zone Change 5-2003

ADDRESS/LOCATION: West side of Newcomb Street, approximately 290 ± feet south of Henderson Avenue.

PROJECT APPLICANT: Zenz & O’Sullivan

PROJECT DESCRIPTION: A proposed zone change for a .34 ± acre site developed with two (2) single family dwellings and existing curb, gutter and sidewalk across the full frontage of the site from City R-1(One Family Residential) to City C-1 (D)- (Neighborhood Commercial with a Design Review Overlay).

CONTACT PERSON: Bradley D. Dunlap (559) 782-7460

Per Resolution No. 6956, the Environmental Review Committee of the City of Porterville has reviewed the proposed project described herein and has found that this project will have no significant impact on the environment for the following reasons:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

3. The project does not have possible environmental effects which are individually limited but cumulatively considerable, "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

5. Mitigation measures were not made a condition of the approval of the project.

On November 26, 2003, the Environmental Review Committee determined that the above project will have no significant effect on the environment.

Copies of plans and other documents relating to the subject project may be examined by interested parties at the City Planning Division, 291 North Main Street, Porterville, California.

Dated: December 15, 2003

Approved: Bradley D. Dunlap, Environmental Review Committee

ATTACHMENT ITEM NO. 2
December 17, 2003

Attn: Mr. Bradley Dunlap
Community Development Department
City of Porterville
291 N. Main St.
Porterville, CA 93257

RE: Zone Change 2-2003 and Design Overlay Site Review 1-2003

Dear Mr. Dunlap:

The entire San Joaquin Valley is non-attainment for ozone and fine particulate matter (PM-10). The Federal Clean Air Act (CAA) and the California Clean Air Act require areas that are designated non-attainment to reduce emissions until standards are met. Upon review, it does not appear that this project would result in any significant adverse air quality impacts.

The following item, as discussed in your Initial Study, has been adopted by the District to reduce emissions throughout the San Joaquin Valley, and is required. District Regulation VIII or the Fugitive Dust Rules is a series of rules designed to reduce PM-10 emissions generated by human activity, including construction, road building, bulk materials storage, landfill operations, etc. A synopsis highlighting many of the requirements of this regulation has been enclosed.

One issue that may arise in conjunction with any proposed construction within the buildings or demolitions in the project area is compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS). Specifically, the primary air pollutant of concern is asbestos. To ascertain whether this project is subject to NESHAPS, the project applicant is advised to review the enclosed Asbestos – Compliance Assistance Bulletin. For information regarding Asbestos requirements please contact Sherman Yount at (661) 326-6900.

David L. Crow
Executive Director/Air Pollution Control Officer
There are a number of additional measures that can be incorporated to reduce the project's overall level of emissions. (Note: Some of these measures may already exist as City development standards. All other measures should be implemented to the fullest extent possible.) This list should not be considered all-inclusive. The District encourages innovation in measures to reduce air quality impacts.

1. Require construction equipment to be equipped with catalysts/particulate traps to reduce particulate and NOx emissions. These catalysts/traps require the use of ultra-low sulfur diesel fuel (15 ppm). Currently, California Air Resources Board (ARB) has verified a limited number of these devices for installation in several diesel engine families.

2. If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas and shelters.

3. Direct pedestrian access to the main entrance of the project from existing or potential public transit stops.

4. Any gas-fired appliances should be low nitrogen oxide (NOx) emitting gas-fired appliances complying with California NOx Emission Rule #1121.

5. Electrical outlets should be installed around the exterior of any buildings to encourage the use of electric landscape maintenance equipment.

The District appreciates the opportunity to comment. If you have any further questions or concerns, please feel free to contact me at (661) 326-6980.

Sincerely,

Heather Ellison
Air Quality Planner

Enclosures
APPLICATION FOR CHANGE OF ZONE NO. 

TO THE PORTERVILLE CITY PLANNING COMMISSION:

We, the owners of real property set opposite our respective names, hereby petition to have Ordinance No. 707 amended by reclassifying from Zone E-1 to Zone C-1(D), the property described hereon and shown in colored cross-hatching on the attached map which, together with the Property Owner's List, also attached hereto, are made a part of this petition.

The property is situated on the __________ side __________ Street.

between __________ Street and __________ Street.

Exact legal description of said property being __________.

1. Does public necessity require the proposed change? Is there a real need in the community for more of the types of uses permitted by the Zone requested than can be accommodated in the areas already zoned for such uses?

   The change of zone is consistent with the Porterville General Plan.

2. Is the property involved in the proposed reclassification more suitable for the purposes permitted in the proposed classification than for the purposes permitted in the present classification?

   The change of Zone will augment the existing C-1(D) area located adjacent and North of the Subject Site which is in the same ownership as the Subject Site.

3. Would the uses permitted by the proposed zone be detrimental in any way to surrounding property?

   No. The proposed zone is consistent with the adjoining property on the north, is consistent with the General Plan.

FORM B

ATTACHMENT

ITEM NO. 4
4. What were the original deed restrictions, if any, concerning the type and class of uses permitted on the property involved? Give the expiration date of these restrictions.

(You may attach a copy of these restrictions, after properly underscoring the portions that are in answer to this question.)

None

The following spaces are for signatures of owners whose properties lie within the radius of 300 feet of the property proposed to be reclassified and who approve of the change. (Not required. (See Item 2, Page 4.))

(Attach extra sheets if necessary.)

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We, the undersigned property owners, herewith request that our respective properties which are included in the proposed classification petitioned for, be recategorized and for the reasons herein enumerated

(This space is for signatures of owners of property actually included in the proposed reclassification. Attach extra sheets if necessary.)

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STATE OF CALIFORNIA ) ss.
COUNTY OF TULARE )

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

I declare under penalty of perjury that the foregoing is true and correct, executed at this day of Oct., 2003.

Telephone Number
Signed

JAMES WINTON & ASSOCIATES
150 W. MORTON AVE.
PORTERVILLE, CA 93257

Mailing Address

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

Received

Date

Receipt No.

By

For The Porterville City Planning Commission
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR ZONE CHANGE 5-2003 BEING A CHANGE OF ZONING FROM CITY R-1 (ONE FAMILY RESIDENTIAL) TO C-1 (D) - (NEIGHBORHOOD COMMERCIAL WITH A DESIGN REVIEW OVERLAY) FOR THAT .34± ACRE SITE LOCATED ON THE WEST SIDE OF NEWCOMB STREET, APPROXIMATELY 290± FEET SOUTH OF HENDERSON AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 20, 2004, conducted a public hearing to consider Zone Change 5-2003, being a change of zone from R-1 (One Family Residential) to C-1 (D)- (Neighborhood Commercial with a Design Review Overlay) for that .34± acre site located on the west side of Newcomb Street, approximately 290± feet south of Henderson Avenue; and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act.

2. That the subject project will not create adverse environmental impacts.

3. That the City Council is the decision-making body for the project.

4. That the Negative Declaration prepared for this project was made available for public review and comment. The only agency that commented was the San Joaquin Valley Air Pollution Control Board. These comments have been incorporated into the Mitigation Monitoring Program attached to the environmental resolution as Attachment A.

5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A.

6. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.
7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

8. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for Zone Change 5-2003, and that the mitigation measures defined in Attachment A shall be implemented by the applicant or his/her successors with project implementation.

______________________________
Richard M. Stadtherr, Mayor

ATTEST:
John Longley, City Clerk

By ______________________________
Georgia Hawley, Deputy
## Attachment A
### Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
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<td><strong>Geologic Problems</strong></td>
<td>Mitigation measures include the enforcement of site development plan or other development related conditions of approval requiring erosion control plans, and the conservation of vegetation, with soil disturbances to be limited to dry seasons. In addition, conformance with the City Storm Drain Master Plan and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>Conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>City of Porterville</td>
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<td>3.f Erosion, changes in topography or unstable soil conditions from excavation, grading or fill.</td>
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<td><strong>Water</strong></td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required for future development of the site with multiple family residential uses.</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required.</td>
<td>City of Porterville</td>
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<td>4.a Changes in absorption rates, drainage patterns or the rate and amount of surface runoff.</td>
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<td>Potential Impact</td>
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<td>Air Quality</td>
<td>If asbestos or lead base paint is found in the dwelling units to be demolished in the future, the City of Porterville will implement and comply with the regulations outlined in the NESHAP regulation, 40 CFR, Part 61, Subpart M. Mitigation of the effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e. bicycles and walking). Mitigation through construction management. 1. The City will implement Regulation VIII of the SJVUAPCD including:</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California CARB, SJVUAPCD, City of Porterville</td>
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<td>Air Quality</td>
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<td>5. a (continued)</td>
<td>a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.</td>
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<td>b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 MPH. If winds or gusting exceed 20 MPH, vehicular activity will be required to cease.</td>
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<td>c. One or more of the following means of dust control should be employed after the completion of earth grading operations:</td>
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<td>i. Seeding and watering of new vegetation.</td>
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<td>ii. Hydromulching or spreading of soil binders.</td>
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<td>iii. Maintenance of the site's soil surface crust through repeated soakings.</td>
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<td>Potential Impact</td>
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<td><strong>Air Quality</strong></td>
<td>2. Trees should be carefully selected and located to shade the structures during</td>
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<td>5. a (continued)</td>
<td>the hot summer months. This measure should be implemented on southern and</td>
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<td>western exposures. Deciduous trees should be considered since they provide</td>
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<td>shade in the summer and allow the sun to reach the commercial building during</td>
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<td>the cold winter months.</td>
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<td>3. As many energy-conserving features as possible should be included in the</td>
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<td>design/ construction of new commercial buildings. Examples include (but are not</td>
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<td>limited to) increased wall and ceiling insulation (beyond building code</td>
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<td>requirements), energy efficient lighting, high efficiency appliances and solar-</td>
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<td>assisted water heating.</td>
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<td>4. Electric or low nitrogen oxide (NOX) emitting appliances should comply with</td>
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<td>California Nox Emission Rule #1121</td>
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<td>5. Electrical outlets should be installed around the exterior of the units to</td>
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<td>encourage the use of electric landscape maintenance equipment.</td>
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<td>6. Limit engine idling at the project site.</td>
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<td>Potential Impact</td>
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<td>Air Quality 5. a (continued)</td>
<td>7. Construction equipment needs to be equipped with catalysts/particulate traps to reduce particulate and NOx emissions.</td>
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<td>Transportation/ Circulation 6.a</td>
<td>Mitigation measures include the careful design of the site's future development circulation patterns and conformance to the City's development standards and Circulation Element of the General Plan will provide partial mitigation. Subsequent development will be required to design and install proper and necessary traffic circulation facilities for both vehicular and pedestrian traffic. Additional mitigation measures include the development of existing and future contiguous streets to their full right-of-way widths, the provision of traffic signals, if necessary, and the installation of median islands and turn lanes.</td>
<td>Conformance with the City of Porterville's Circulation Element of the General Plan.</td>
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<td><strong>Utilities and Service Systems</strong>&lt;br&gt;12.e&lt;br&gt;Storm water drainage.</td>
<td>Mitigation: Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). Any future installation of storm drain lines will be in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan.</td>
<td>The City of Porterville and the effected utility companies.</td>
<td>The City of Porterville and the effected utility companies.</td>
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<td><strong>Aesthetics</strong>&lt;br&gt;13.c&lt;br&gt;Create light and glare.</td>
<td>Any future development of the subject site with Neighborhood commercial uses require the installation of low profile exterior lighting will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from street lights and on - site lighting facilities accruing from the site’s eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.</td>
<td>Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced.</td>
<td>City of Porterville</td>
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ORDINANCE NO. ________

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING ZONE CHANGE 5-2003
BEING A CHANGE OF ZONING FROM R-1 (ONE FAMILY RESIDENTIAL) TO
C-1 (D) - (NEIGHBORHOOD COMMERCIAL WITH A DESIGN REVIEW OVERLAY) FOR
THAT .34± ACRE SITE LOCATED ON THE WEST SIDE OF NEWCOMB STREET,
APPROXIMATELY 290± FEET SOUTH OF HENDERSON AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of January 20, 2004, conducted a public hearing to consider Zone Change 5-2003, being a change
of zone from R-1 (One Family Residential) to C-1 (D)- (Neighborhood Commercial with a Design
Review Overlay) for that .34± acre site located on the west side of Newcomb Street, approximately
290± feet south of Henderson Avenue; and

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and
taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City
of Porterville, and the laws of the State of California, has determined that the public interest would
best be served by approval of the proposed Zone Change 5-2003; and

WHEREAS: The City Council made the following findings in support of the approval of
Zone Change 5-2003:

1. The Land Use Element of the General Plan identifies the intersection of Henderson
Avenue and Newcomb Street as a Neighborhood Commercial Node.

2. The Land Use Element of the General Plan allows for a maximum of five (5) acres
of neighborhood commercial uses at an intersection of two (2) arterial streets. The
neighborhood commercial area at the southwest corner of Henderson Avenue and
Newcomb Street currently consists of .77± acres.

3. That the proposed zoning will conform with the land use designation of the General
Plan.

4. That a Negative Declaration was approved for this project in accordance with the
California Environmental Quality Act and mitigation measures incorporated into the
approval will be precedent to project implementation.

5. That this zoning designation will ensure that any future development of the subject
site will be in conformance with existing plans and policies and will not adversely
impact the surrounding area.
NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 5-2003, is hereby re-zoned from R-1 (One Family Residential) to C-1 (D)-(Neighborhood Commercial with a Design Review Overlay) for that .34± acre site located on the west side of Newcomb Street, approximately 290± feet south of Henderson Avenue, more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville shall be changed to show that all of the above described real property is rezoned from City R-1 (One Family Residential) Zone to C-1 (D)-(Neighborhood Commercial with a Design Review Overlay) for that .34± acre site located on the west side of Newcomb Street, approximately 290± feet south of Henderson Avenue; and

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

Richard M. Stadtherr, Mayor

ATTEST:
John Longley, City Clerk

By ________________________________
Georgia Hawley, Deputy
ZONE CHANGE NO. 5–2003

NORTH

MONACHE HIGH SCHOOL

HENDERSON AVE.

CHURCH

NEWCOMB ST.

VETERAN'S PARK

SUBJECT SITE

LEGEND

PROPOSED CHANGE

R–1 TO C–1(D)

CITY COUNCIL ORDINANCE NO. ________

EXHIBIT "A"
PUBLIC HEARING

SUBJECT: AMALENE ESTATES - TENTATIVE SUBDIVISION MAP (BECHARA)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of Amalene Estates Tentative Subdivision Map to divide a 19.7± acre vacant parcel zoned R-1 (One-Family Zone) into sixty-two (62) single family residential lots in two (2) phases for that site located on the west side of Westwood Street, 170± feet south of Olive Avenue.

The Ford Estates Subdivision was approved on July 20, 1993 at the same location. The Ford Estates Map expired on July 20, 2001 after completion of Phase 1. The proposed subdivision is essentially a modification of the remainder of the Ford Estates Subdivision.

On December 10, 2003, the Environmental Review Committee made a preliminary determination that a Mitigated Negative Declaration would be appropriate based on the Initial Study. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups and individuals for review and comment.

City Staff is proposing approval of a compromise condition of approval that would require construction of a stronger fence along the northerly property line than would typically be constructed with a subdivision. Such a condition would exceed the minimum standards of the Subdivision Ordinance and Zoning Ordinance but is less restrictive than a requirement to construct a chain link fence which was originally applied to the Ford Estates subdivision on the same property. The applicant has agreed to this condition. Staff and the applicant have not reached agreement on the appropriate separation between the subdivision and the vacant, commercially zoned property located at the southwest corner of Olive Avenue and Westwood Street. At that location, Staff has proposed construction of a concrete block wall which is generally consistent with the prior map approval. The applicant objects to this condition.
RECOMMENDATION: That the Subdivision Review Committee recommend that the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Amalene Estates Tentative Subdivision Map; and

2. Adopt the draft resolution approving Amalene Estates Tentative Subdivision Map.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: JANUARY 20, 2004

STAFF REPORT - PUBLIC HEARING

TITLE: AMALENE ESTATES - TENTATIVE SUBDIVISION MAP (BECHARA)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Antoine Bechara
P.O. Box 1268
Porterville, CA 93258

AGENT: James Winton & Associates
150 West Morton Avenue
Porterville, CA 93257

PROJECT LOCATION: West side of Westwood Street, 170± feet south of Olive Avenue.

SPECIFIC REQUEST: The applicant is requesting approval for Amalene Estates Tentative Subdivision Map.

PROJECT DETAILS: The Amalene Estates Tentative Subdivision Map is a proposal to divide a 19.7± acre vacant parcel zoned R-1 (One-Family Zone) into sixty-two (62) single family residential lots in two (2) phases.

The current proposal is a modification to the original Ford Estates Tentative Subdivision Map which was approved on July 20, 1993 and expired on July 20, 2001 after completion of the first phase.

GENERAL PLAN DESIGNATION: Low Density Residential.

SURROUNDING ZONING LAND USE:

North: County AE-20 (Exclusive Agriculture - 20 Acre Minimum), County C-3 (Heavy Commercial): Single family residences, County Fire Station, Industrial use, Olive Avenue

South: County AE-20: Single family Residences, Vacant Land, Tule River

East: City R-1 (One Family Residential): Westwood Street, Commercial Business, Mobilehome Park, Single Family Residences

West: County AE-20: Field Crops and Vacant Land
SUBDIVISION REVIEW: Pursuant to Article 4 of the Subdivision Ordinance, a request for comment dated December 17, 2003, was mailed to the following public/private agencies for a 20 day review period:

Charter Communications
Edison International
Postmaster
Porterville Irrigation District
Pacific Bell
Southern CA Gas
Burton Elementary School District
Porterville Unified School District
Sierra View District Hospital
Tulare County Resource Management Agency
Tulare County Health and Human Services Agency
Tulare County Association of Governments
California Department of Fish and Game
San Joaquin Valley Air Pollution Control District

At the end of the review period, no comments or responses were received.

The Subdivision Review Committee on January 7, 2003, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant’s agent and incorporated into the draft resolution of approval. The Subdivision Review Committee negotiated the compromise staff position on fencing standards as described below.

STAFF ANALYSIS: Development of the site as proposed will provide needed housing in conformance with the City’s General Plan Land Use and Housing Elements and requirements of the State Subdivision Map Act and local ordinances.

The proposal to develop the 19.7± acre site with a single family residential subdivision in two (2) phases is consistent with the General Plan’s Low Density Residential land use designation and R-1 (One-Family Residential) zoning classification for the site.

Staff and the applicant have made substantial efforts to reach a compromise agreement regarding the appropriate conditions of approval for fencing along the northerly border of the subject site. When the Ford Estates subdivision was considered on the same property in 1993, several neighboring property owners expressed concern that the residents of the subdivision would have easy access to their rural residential parcels. As several of the neighbors maintain livestock, including one who operates a petting zoo, they requested conditions of approval which would require chain link fencing separating the subdivision from the northerly properties. The concern was particularly acute due to the design of the subdivision which placed a street along a substantial portion of the northerly boundary of the subdivision. In the absence of specific conditions of approval, there would be no barrier at all between the front yard of the parcels south of this street and the livestock fencing
maintained by the neighboring property owners. After several public hearings, the developer of Ford Estates agreed to conditions which required chain link fencing or concrete block walls along the entire northerly boundary of the subdivision, including along the rear and side yards of several lots which would otherwise be expected to be developed with wood fences.

The design of the Amalene Estates subdivision improves the prior situation substantially. Except for a short portion of Dogwood Street, the northerly edge of the subject site consists of the rear and side yards of residential lots. The applicant for the Amalene Estates subdivision requested to be completely relieved of the requirement for fencing along the northerly border of the subdivision. Among other concerns, the applicant noted that chain link fencing would be aesthetically inappropriate to the prospective buyers, which would likely create the need to double fence the property line. City Staff contacted the neighboring property owners to determine whether they continued to support such fencing. Several respondents indicated that they would still request conditions of approval mandating fencing between the subdivision and their properties. In light of the neighbors continuing request, as well as the prior resolution of approval requiring chain link fencing, Staff initially supported the continuation of this requirement for the Amalene Estates subdivision. As a compromise position, however, Staff has agreed to support a condition of approval which would require fencing of the entire northerly border of the subdivision with a fence which is designed to be more durable than the typical subdivision fence, but which is also aesthetically appropriate for a residential fence. The applicant has proposed an acceptable design for a wood fence secured to metal posts. Other designs may also be acceptable.

It should be noted that the boundary fence is expected to be a six foot tall solid fence. Zoning Ordinance Section 2611 limits the height of fences within the front yard of a residential lot to a maximum of 42 inches for solid fences and 48 inches for open or lattice fences. The proposed fence would exceed this standard along the westerly boundary of Phase 1, Lot 22. Section 2611 allows an exception for fences required by "any law or regulation of a governmental agency." Staff recommends that the City Council adopt a finding that the proposed condition of approval constitutes a regulation by the City of Porterville. Furthermore, access to Dogwood Street should be prohibited from Phase 1, Lot 21 to prevent potential hazards from limited visibility.

The remaining area of disagreement regarding fencing standards is the appropriate separation between the subdivision and the vacant commercial lot located on the southwest corner of Olive Avenue and Westwood Street. Zoning Ordinance Section 2617 (Fence Requirements, Commercial and Industrial Zones: Highway Frontages) mandates the construction of a concrete block wall where the rear yard or side yard of any commercially zoned property abuts a residentially zoned property. For some years, this section had been interpreted to require such a wall to be constructed with whichever property developed first. The Ford Estates subdivision was considered under this interpretation and a concrete block wall was required. More recently, the City Council has interpreted this section more literally to require the concrete block wall with commercial development, and, in some cases, with residential development proposed adjacent to existing commercial development. Since the commercial lot has not yet been annexed and Tulare County does not require a similar wall separating commercial and residential uses, Staff recommends incorporation of the requirement into the conditions of approval. The only way to guarantee construction of the concrete block wall is to require its construction as a condition of approval of the
Amalene Estates subdivision. The applicant objects to such a requirement on the grounds that it exceeds the minimum standards of the Zoning Ordinance and Subdivision Ordinance, and, in their opinion, unfairly transfers the responsibility for constructing the concrete block wall from the commercial to the residential property.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. The site would remain undeveloped until an amended development plan is approved.

2. Approve the project. Conditional approval of the proposed tentative subdivision map would allow the site to be developed in conformance with its current General Plan land use designation while contributing additional housing units towards the City’s Fair Share Regional Housing Goal as identified by the General Plan Housing Element.

ENVIRONMENTAL: The Environmental Review Committee on December 10, 2003, recommended to the City Council that a Negative Declaration be adopted for this project. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 180 days from the date the application was accepted as complete to prepare a Negative Declaration. If necessary, an additional 60 days may follow certification of the Negative Declaration in order to make a determination regarding the project.

DATE FILED FOR SUBDIVISION REVIEW COMMITTEE PROCESSING: September 8, 2003

DATE ACCEPTED AS COMPLETE: October 8, 2003

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Amalene Estates Tentative Subdivision Map; and

2. Adopt the draft resolution approving Amalene Estates Tentative Subdivision Map.

ATTACHMENTS:

1. Amalene Estates Tentative Subdivision Map
2. Land Use/General Plan/Zoning Map
3. Letter to Adjacent Property Owners
4. Ford Estates Tentative Subdivision Map
5. Excerpts from the Minutes of the Ford Estates TSM Public Hearings
6. Zoning Ordinance Section 2617
7. Negative Declaration
8. Draft Environmental Resolution
9. Draft Resolution of Approval
December 24, 2003

Donald L. and Alice F. Cobbs
P.O. Box 895
Porterville, CA 93258

Dear Property Owner:

Your parcel is immediately adjacent to the proposed Amalene Estates Subdivision to be located on the west side of Westwood Street, south of Olive Avenue.

Amalene Estates is essentially a modification of the prior Ford Estates Subdivision which was approved several years ago. Phase One of Ford Estates was constructed along Roby Avenue west of Westwood Street but the approval for the remainder of the subdivision has expired.

Several of the owners of land adjacent to the Ford Estates subdivision asked the City Council to impose Conditions of Approval requiring sturdier fencing adjacent to their properties than the typical six foot tall wood fence. At the time, the City Council agreed to the request and required a combination a concrete block wall adjacent to the commercial property located on the southwest corner of Olive Avenue and Westwood Street and chain link fencing along the remainder of the northerly edge of the subdivision. The record indicates that the purpose of the requirements for chain link fencing and concrete block walls was primarily to offer protection of property and livestock located on adjacent properties.

The applicant for the Amalene Estates Subdivision has indicated that he would object to similar conditions of approval for his project. This letter is to seek input from the owners of property which could be affected by this question. Property owners have several opportunities to make their preference known. The first opportunity is to call Randy Rouda or Bubba Frasher of the Porterville Community Development Department at (559) 782-7460. In addition, the proposed subdivision will be presented to the City Subdivision Review Committee on Wednesday, January 7, 2004 at 1:30 P.M. in the Conference Room in City Hall, 291 N. Main Street, Porterville, CA. Finally, a public hearing has been scheduled for the proposed subdivision at the regular meeting of the City Council on Tuesday, January 20, 2004 at 7:00 P.M. or as soon thereafter as the matter can be heard in the Council Chambers in City Hall. Please note that it is likely to be easier to accommodate any requests if they are received as early in the process as possible.

Thank you for your consideration of this matter.

Sincerely,

Randall S. Rouda, AICP
Associate Planner

cc: Jim Winton, Winton and Assoc.
    Antoine Bechara
City Council Meeting of March 16, 1993

Alice Cobbs, 1922 North Newcomb, stated that she owned the property on the southwest corner of Olive and Westwood, and she was wondering about the type of fence the developer planned to put behind her property. Mrs. Cobbs stated that she would like to see a masonry fence put up.

Jerry Jennings, 16157 Road 223, asked about any wall to be built along the north side of the project, and whether the neighbors would have any say in the type. Mr. Jennings stated that a block wall would be beneficial to keep the children off their property.

Jean Johnson stated that she was also concerned about the wall because of the liability of having children on her property when she has livestock and a petting zoo for the schools. Mrs. Johnson asked in Burton School had addressed on this issue.

Mayor Pro Tem Gibbons stated that she had a problem with the walls. Mayor Pro Tem Gibbons stated that she would not want to see redwood fences, especially along areas with animals.

City Council Meeting of May 18, 1993

Mrs. Johnson stated that she also had a problem with fencing and Mr. Cook stated that the developer could not afford to put fencing for the neighborhood. Mrs. Johnson stated she needed the fencing for privacy and protection due to her animals and redwood trees, and due to the liability.

Mr. Carter stated that they were willing to put up masonry fencing along the commercial property to the north and a redwood fence along the Johnson fence line. Mr. Carter stated they would do whatever the Council wanted them to do.

Council Member Clark stated that on Lot 47 they were now going to put the wall on Westwood. Council Member Clark questioned how they were going to address the entrance to that lot.

Mr. Carter stated that they would bring the block wall up to Lot 23 and the entrance to the house would be on the north side. Mr. Carter stated that the house would face the east and the driveway would be in from the north. Mr. Carter stated that Item 28 would be 10 lots facing Westwood.
Staff asked Mr. Carter about the fence to the north along the Johnson’s property.

Mr Carter stated that they would be willing to put up the fence when they start Phase 1.

Staff stated that the fence would fall within the one foot reservation strip and would be maintained by the City on City right-of-way and would be the City’s responsibility in the Landscape maintenance District. Staff stated that it was important to note that the fence would probably be damaged by traffic.

**City Council Meeting of July 20, 1993**

Mr. Carter stated that if the adjoining property owner needed a chain link fence, they would be happy to build it, because that was the kind of thing they do.

Staff pointed out that such a fence would become the City’s responsibility.

Mr. Carter stated that the Johnson property would have a six foot chain link fence as requested.

Staff stated that the fence would run from the northwest corner of Lot 64, proceeding along Lots 64 and 65 to Dogwood, then down to Lot 73, and would all be included in the Landscape Maintenance District. Staff stated that the temporary turn-around on Lot 65 would be inside the fence.

**Adopted Conditions of Approval**

29. The developer/applicant shall construct a six (6) foot high masonry wall along the northerly property line of Lot Nos. 51, 52, 53, and 54 in conformance with Section 2617 of the City Zoning Ordinance.
30. The developer/applicant shall construct a six (6) foot high chain link fence in accordance with standard specifications for public works construction along the westerly boundary of Lot No. 55 and the northerly boundary of Lot Nos. 64 and 65 from the point of intersection of the westerly boundary line of Lot No. 55 to the westerly boundary of the Dogwood Street right-of-way then south along the westerly right-of-way line of the three quarter street segment of the Dogwood Street to a point in the intersection with the northerly right-of-way line of Slaughter Avenue thence west along the northerly right-of-way line of the three quarter street segment of the Slaughter Avenue to the northwest corner of Lot No. 73. Said fence shall be included in the Lighting and Landscape Maintenance District.
single family development are exempt from this requirement.

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

SECTION 2617: Fence Requirements, Commercial and Industrial Zones: Highway Frontages.

A. Rear Yard abutting any "R" zone, and where there is no alley a masonry wall six (6) feet in height shall be erected and maintained on the rear lot line.

B. Side yard abutting any "R" zone and where there is no alley a masonry wall six (6) feet in height shall be erected and maintained on the side lot line.

C. Where residentially zoned parcels abut State Highway rights-of-way or State Highway frontage road rights-of-way, a masonry block fencing at least eight (8) feet in height from finished grade shall be installed along that frontage, unless an acoustical analysis indicates that a greater height is warranted subject to the approval of any conditional use permit, parcel or subdivision map or any applicable development identified in Section 2619 A-3 of this chapter. The design of such improvements shall be approved by the City Engineer.

SECTION 2618: Performance Standards.

A. Fire and Explosion Hazards.

1. All activities involving, and all storage of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire. Fire fighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, and those instances wherein the Fire Department deems it a practical necessity.

B. Radioactivity or Electrical Disturbance.

1. Devices which radiate radio-frequency energy shall be so operated as not to cause interference with any activity
NEGATIVE DECLARATION

LEAD AGENCY: City of Porterville
291 North Main Street
Porterville, California 93257

PROJECT TITLE: Tentative Subdivision Map Amalene Estates

ADDRESS/LOCATION: West side of Westwood Street, 170 feet south of Olive Avenue, Porterville, CA

PROJECT APPLICANT: Antoine Bechara
PROJECT DESCRIPTION: Tentative Subdivision Map to divide a 1.92 ± acre site into 62 single family residential lots in two phases

CONTACT PERSON: Bradley D. Dunlap (559) 782-7460

Per Resolution No. 6956, the Environmental Review Committee of the City of Porterville has reviewed the proposed project described herein and has found that this project will have no significant impact on the environment for the following reasons:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

3. The project does not have possible environmental effects which are individually limited but cumulatively considerable, "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

5. Mitigation measures X were, ____ were not made a condition of the approval of the project.

On December 10, 2003, the Environmental Review Committee determined that the above project will have no significant effect on the environment.

Copies of plans and other documents relating to the subject project may be examined by interested parties at the City Planning Division, 291 North Main Street, Porterville, California.

Dated: December 10, 2003  _______________  Approved: _______________
Bradley D. Dunlap, AICP, Environmental Review Committee

ATTACHMENT
ITEM NO. 7
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR AMALENE ESTATES TENTATIVE SUBDIVISION MAP

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 20, 2004, conducted a public hearing to consider approval of Amalene Estates Tentative Subdivision Map, being a division of a 19.7± acre site into sixty-two (62) single family residential lots in two (2) phases, generally located on the west side of Westwood Street, 170± feet south of Olive Avenue; and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act;

2. That the proposed project will not create adverse environmental impacts;

3. That the City Council is the decision-making body for the project;

4. That the Negative Declaration prepared for this project was made available for public review and comment;

5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A;

6. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of the project;

7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. seq. of the Fish and Game Code; and

8. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration and Mitigation Monitoring Report for Amalene Estates Tentative Subdivision Map as described herein, and commits to carry out those items identified as City responsibilities within the Mitigation Monitoring Report.

____________________________
Richard M. Stadtherr, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
Georgia Hawley, Deputy
## Attachment A
### Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
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<tr>
<td><strong>Geologic Problems</strong></td>
<td>Mitigation measures include the enforcement of site development plan or other development related conditions of approval requiring erosion control plans, and the conservation of vegetation, with soil disturbances to be limited to dry seasons. In addition, conformance with the City Storm Drain Master Plan, and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>Conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>City of Porterville</td>
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<td><strong>Water</strong></td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>City of Porterville</td>
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<td>Air Quality</td>
<td>Mitigation of the effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e./ bicycles and walking). Mitigation through construction management. 1. The City will implement Regulation VIII of the SJVUAPCD including:</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California CARB, SJVUAPCD, City of Porterville</td>
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<td>Air Quality</td>
<td>a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.</td>
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<td>b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 MPH. If winds or gusting exceed 20 MPH, vehicular activity will be required to cease.</td>
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<td>c. One or more of the following means of dust control should be employed after the completion of earth grading operations:</td>
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<td>i. Seeding and watering of new vegetation.</td>
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<td>ii. Hydromulching or spreading of soil binders.</td>
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<td>iii. Maintenance of the site's soil surface crust through repeated soakings.</td>
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<td>Air Quality</td>
<td>2. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the commercial building during the cold winter months.&lt;br&gt;3. As many energy-conserving features as possible should be included in the design/construction of new commercial buildings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating.&lt;br&gt;4. Electric or low nitrogen oxide (NOX) emitting appliances should comply with California NOX Emission Rule #1121.&lt;br&gt;5. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.&lt;br&gt;6. Limit engine idling at the project site.</td>
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<td>Air Quality</td>
<td>5. a (continued) 7. Construction equipment needs to be equipped with catalysts/particulate traps to reduce particulate and NOx emissions.</td>
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<td>Utilities and Service</td>
<td>Mitigation: Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). Any future installation of storm drain lines will be in conformance with Federal, State, and local environmental protection requirements and the City's Storm Drainage Master Plan.</td>
<td>The City of Porterville and the effected utility companies.</td>
<td>The City of Porterville and the effected utility companies.</td>
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<td>Aesthetics</td>
<td>13.c Create light and glare. Any future development of the subject site with Neighborhood commercial uses require the installation of low profile exterior lighting will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from street lights and on-site lighting facilities accruing from the site's eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.</td>
<td>Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced.</td>
<td>City of Porterville</td>
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RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL
FOR AMALENE ESTATES TENTATIVE SUBDIVISION MAP

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of January 20, 2004, conducted a public hearing to consider approval of Amalene Estates Tentative
Subdivision Map, being a division of a 19.7± acre site into sixty-two (62) single family residential
lots in two (2) phases, generally located on the west side of Westwood Street, 170± feet south of
Olive Avenue; and

WHEREAS: The City Council received testimony from all interested parties relative to the
proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the
   General Plan.

2. That the site is physically suitable for the type and density of the proposed
devlopment.

3. That the Negative Declaration prepared for this project is in compliance with the
   California Environmental Quality Act indicating that such will not have a significant
effect on the environment.

4. That the design of the project, or proposed improvements, are not likely to cause
   substantial environmental damage.

5. That the proposed location of the project and the conditions under which it would be
   operated or maintained will not be detrimental to the public health, safety or welfare,
or materially injurious to properties or improvements in the area.

6. That the standards of population density, site area dimensions, site coverage, yard
   spaces, heights of structures, distance between structures, off-street parking facilities
   and landscaped areas will produce an environment of stable and desirable character
   consistent with the objectives of the Zoning Ordinance.

7. That the Condition of Approval requiring a fence to be constructed along the entire
   northerly boundary of the subject site constitutes a regulation of the City of
   Porterville for the purposes of compliance with Zoning Ordinance Section 2611.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Amalene Estates Tentative Subdivision Map subject to the following conditions:


2. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

3. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23).

4. The developer/applicant shall provide and show all required utility easements on the Final Map.

5. The developer/applicant shall dedicate a one foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.

6. The developer/applicant shall install a six (6) foot tall concrete masonry (CMU) wall and a five foot wide landscape strip along the Westwood Street frontage of all lots. Landscaping shall be designed to obscure open views of the wall and/or to discourage access to the wall.

7. Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (1) Lighting, (2) Public Landscaping, if any (3) Public walls/fences, if any, (4) Drainage reservoir, if any, etc.
8. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the Uniform Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. The developer/applicant shall provide the reports indicated below:

   a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133).
   b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Sec. 7013). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans.

9. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

10. Prior to recording the final map for each phase, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.

11. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells in that unit. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations.

12. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use.

13. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).

14. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.

15. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).
16. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

17. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

18. Building or foundation permits shall not be issued until all of the following items are accepted as complete:

   a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
   b. The water system is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);
   c. Street base rock for accessibility by the public safety officials and building inspectors;
   d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommendations contained in the Preliminary Soils Report; and
   e. Lot corners are marked;
   f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

19. The developer/applicant shall construct a drainage reservoir to serve the proposed Tentative Subdivision that satisfies one of the following conditions:

   a. Construct Drainage Reservoir No. 50 within the Urban Development Boundary complying with the intent of the Storm Drain Master Plan. In accordance with Section 21-50 of the City Code, the acquisition of land and development of the drainage reservoir is reimbursable. Acquisition of property will be in accordance with the City’s adopted Property Acquisition Procedures.
b. Acquire property outside of the proposed subdivision and within the Urban Development Boundary for the construction of a drainage reservoir as intended by the adopted Storm Drain Master Plan; or

c. Provide temporary on-site drainage reservoir in accordance with City Standards and Specifications; or

d. Obtain rights and convey an easement to the City of Porterville for a drainage reservoir as shown on the Tentative Subdivision Map, which is outside the Urban Development Boundary. This off-site drainage reservoir shall comply with CEQA, be improved/designed in accordance with City Standard Plans, and approved by Tulare County Resource Management Agency.

20. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than one acre of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

21. To accommodate refuse vehicles and street sweepers, the developer/applicant shall construct, dedicate and improve, to City standards, temporary turn-arounds at such time that phased development of the subdivision results in creation of dead end streets. These temporary turn-arounds are to be enclosed with chain link fencing.

22. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5” pipe security gate to accommodate emergency service vehicles at such time that phased development of the subdivision results in creation of dead end cul-de-sac streets in excess of 600 feet long.

23. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.
24. The developer/applicant shall construct two City standard barricades at the end of all dead end streets.

25. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision.

26. The developer/applicant shall move existing utility structures (for example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA) or provide surety in lieu of (Section 2616.b of the Zoning Ordinance).

27. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

28. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.

29. The developer/applicant shall comply with the City Flood Damage Prevention Ordinance No. 1397, and the requirements of the State Reclamation Board where applicable. In all areas of special flood hazards (i.e., Zones A, AO, A1-A30, AE, A99 or AH), the following conditions are required: (1) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood; (2) All final subdivision plans shall provide the elevation of proposed structures and pads. If the site has to be filled to be above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and said certification shall be provided to the local administrator in the form of an elevation certificate.

30. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.

31. The developer/applicant is hereby notified that in order to comply with Section 66499.35 of the Subdivision Map Act, Phase 1, Lot 1 must be included as a lot within the Final Map for the first phase and developed in accordance with City Standards, Specifications and these conditions of approval. Vine Avenue is the only acceptable access to this parcel.

32. The developer/applicant shall construct a six (6) foot high masonry wall along the northerly property line of Phase 1, Lot Nos. 28, 29, and 30.
33. The developer/applicant shall construct a six (6) foot high fence of greater durability than a typical wood fence, to the satisfaction of the City Engineer, along the westerly boundary of Phase 1, Lot Nos. 27 and 28, thence westerly along the northerly boundary of Phase 1, Lots 22, 23 and 24, thence southerly along the westerly boundary of Phase 1, Lot 22 and continuing to the easterly prolongation of the northerly boundary of Phase 1 Lot 21, thence westerly along the northerly boundary of the Amalene Estates Subdivision to the northwest corner of Phase 2, Lot 23. If any portion of this fence does not border on a lot within the Amalene Estates Subdivision, that portion shall be included within the Landscape and Lighting District.

34. The developer/applicant shall provide 77 street trees, or payment in lieu, for the sixty-two (62) lot subdivision.

35. A building setback line of 12 feet shall be shown on the south side of Phase 1, Lot No. 9, the east side of Phase 1, Lot No. 10, the west side of Phase 1, Lot No. 14, the east side of Phase 1, Lot No. 20, the east side of Phase 1, Lot No. 26, and the west side of Phase 1, Lot No. 32.

36. The developer/applicant shall relinquish access rights to Westwood Street and indicate such on the final map(s) for the seven (7) lots which have frontage along both Westwood Street and Jennifer Street or Jennifer Drive. The developer/applicant shall relinquish access rights to Dogwood Street for Phase 1, Lot 21.

37. All concrete block walls shall match one of the colors in the approved color palate approved by the City Council and maintained by the Community Development Department.

38. All model home landscaping must conform to the City’s Water Efficient Landscape.

39. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. Prior to the submittal of the final map, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.

__________________________
Richard M. Stadtherr, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
Georgia Hawley, Deputy
PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 2-2003 - PROPOSED SALE OF ALCOHOLIC BEVERAGES UNDER AN ON-SALE LICENSE AT 58 EAST MILL AVENUE (STAN’S RESTAURANT)

SOURCE: COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT - PLANNING DIVISION

COMMENT: The applicants are requesting approval of a Conditional Use Permit to allow the sale of beer and wine under an on-sale license in conjunction with the serving of meals at an existing restaurant (Stan’s) located at 58 East Mill Avenue located in a C-2 Zone.

City staff and the applicant are requesting that this item be continued to the next scheduled meeting of the City Council on February 3, 2004, to allow time to resolve an outstanding concern.

RECOMMENDATION: It is recommended that the City Council open the public hearing and continue this item to the next scheduled meeting of the City Council on February 3, 2004.
PUBLIC HEARING

SUBJECT: SEWER USER SURCHARGE FEES FOR INDUSTRIAL DISCHARGERS

SOURCE: Public Works Department - Field Services Division

COMMENT: Now is the time and place set for the hearing on the proposed sewer user surcharge fees for industrial dischargers.

Chapter 25 of the City of Porterville Municipal Code deals with water, sewer, and sewage disposal. Article IV of Chapter 25 is the section involving the requirements and surcharges for sewage discharges. In accordance with Section 25-60 and 25-62, sewage discharges above the normal concentrations of 175 mg/L for Total Suspended Solids (TSS) and 250 mg/L for Biochemical Oxygen Demand (BOD) are considered industrial discharges. These discharges are subject to a surcharge in addition to other sewer service fees.

A fee schedule was adopted by Council last year to recover costs associated with additional treatment requirements resulting from industrial discharges that are high in TSS and/or BOD. The fee schedule is intended to provide an incentive for industries to pretreat their discharges to the City’s wastewater treatment facility. Industrial dischargers who exceed the 175 mg/L TSS or 250 mg/L BOD levels are subject to a surcharge fee. A review by the City’s consultant, Bartle Wells Associates, determined that the sewer user surcharge rate should be increased as shown on the attached draft resolution. The draft resolution covers a fee rate for two years which is in line with the previously approved sewer and treatment plant fee rates.

RECOMMENDATION: That the City Council:

1. Open the public hearing and receive comments, and

2. Authorize the Mayor to sign the resolution setting new sewer user surcharge rates for industrial dischargers.

ATTACHMENT: Resolution

Y:\Engineering\Council Items\Public Hearing for Sewer User Surcharge Fees for Industrial Dischargers.wpd

Dir B: Appropriated/Funded CM Item No. 14
RESOLUTION NO. ______________

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE
SETTING SEWER USER SURCHARGE FEES
FOR INDUSTRIAL DISCHARGERS

WHEREAS, The California Regional Water Quality Control Board (RWQCB) has
issued a cease and desist order requiring the City of Porterville to make improvements
to its Wastewater Treatment Facility and its reclamation area; and

WHEREAS, in order to finance the needed improvements required by the
RWQCB, the City must borrow approximately $6,000,000. Monthly sewer rates and
treatment plant fees were raised so the City would be successful in borrowing the
$6,000,000; and

WHEREAS, to ease the burden of a lump sum increase to customers, increases
are scheduled by percentage over a period of two years, with a potential third year
percentage increase to be determined; and

WHEREAS, in accordance with provisions of Chapter 25, Section 25-60(a) and
Section 25-62(a) of the Code of the City of Porterville, Total Suspended Solids (TSS)
exceeding 175 mg/L and Biochemical Oxygen Demand (BOD) exceeding 250 mg/L are
subject to a surcharge, and

WHEREAS, the City wishes to provide an incentive for industries to pretreat their
discharges.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Porterville that the following surcharge rates be established:
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* Increase to be determined by City Council.

PASSED AND ADOPTED, this ____ day of ____________.

ATTEST:

Richard M. Stadtherr, Mayor

John Longley, City Clerk

By Georgia Hawley, Deputy City Clerk
PUBLIC HEARING

SUBJECT: ABANDONMENT OF A PORTION OF HOWARD STREET  
(PORTERVILLE UNIFIED SCHOOL DISTRICT)

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place set for the hearing on the proposed abandonment of a portion of Howard Street, north of Locust Avenue and adjacent to the new Santa Fe Elementary School.

The road was dedicated for public highways as a part of the Cornell Addition Subdivision Map, recorded July 11, 1908. The City has authority to abandon this portion of Howard Street under Division 9, Part 3, Section 8320 of the Streets and Highways Code of the State of California.

Porterville Unified School District represents the proprietary interest to all the property fronting the proposed road abandonment and is the requesting party. Staff believes that there are no problems with any reversionary rights. The abandonment is necessary for the orderly development of the Sante Fe Elementary School.

RECOMMENDATION: That City Council:

1. Adopt the Resolution of Abandonment, including reservations, for said portion of Howard Street; and

2. Authorize the City Clerk to record the Resolution of Abandonment with the County Recorder.

ATTACHMENT: Resolution
RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ORDERING THE VACATION AND CLOSING TO PUBLIC USE A PORTION OF HOWARD STREET, SITUATED NORTH OF LOCUST STREET

WHEREAS, by Resolution No. 155-2003A, passed on December 16, 2003 the Council of the City of Porterville declared its intention to vacate a portion of Howard Street, an improved road situated north of Locust Avenue, hereinafter more particularly described, and set the hour of 7:00 p.m. on the 20th day of January, 2004 in the Council Chambers of said City as the time and place for hearing all persons objecting to the proposed abandonment; and

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

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 road right of way hereinafter described is unnecessary for present or prospective right of way, and the City Council hereby makes its order vacating a portion of Howard Street, north of Locust Avenue which is described in the legal description and map attached hereto, marked Exhibit "A" and Exhibit "C" respectively and by reference made a part hereof.

SECTION 2: The subject street vacation shall be subject to the reservations and exceptions set forth in Exhibit "B" which is attached hereto and by reference made a part hereof.

SECTION 3: The City Clerk shall cause a copy of this resolution to be recorded in the office of the County Recorder of Tulare County, California.

SECTION 4: The City Clerk shall certify to the passage and adoption of this resolution and it shall thereupon take effect and be in force.

__________________________
Richard M. Stadtherr, Mayor

ATTEST:

John Longley, City Clerk

__________________________
By: Georgia Hawley, Deputy
EXHIBIT “A”

PARCEL 1

That portion of the Northwest quarter of Section 36, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

BEGINNING AT the Northeast corner of Lot 20 in Block 3 of Cornell Addition, as shown on map filed in Volume 8 of Maps, at page 40 in the office of the County Recorder of said County;

THENCE, South 00° 51' 53" East, along the east line of said Block 3, a distance of 49.13 feet, to the beginning of a non-tangent curve, concave Southerly, having a radius of 47.00 feet, a radial line to said point bears North 45° 36' 17" West;

THENCE, Northeasterly and Easterly along said curve through a central angle of 53° 42' 40", an arc length of 44.06 feet

THENCE North 00° 51’ 53” East, a distance of 34.96 feet, to a point in the south line of Parcel 2 of Parcel Map No. 2391, as shown on map filed in Book 24 of Parcel Maps, at page 92, in the office of the County Recorder of said County;

THENCE, North 89° 15’ 24” West, along said south line, a distance of 40.00 feet, to the POINT OF BEGINNING.

CONTAINING 1537 square feet, more or less.

PARCEL 2

That portion of the Northwest quarter of Section 36, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

BEGINNING AT the Southeast corner of Lot 11 in Block 3 of Cornell Addition, as shown on map filed in Volume 8 of Maps, at page 40 in the office of the County Recorder of said County;

THENCE, South 88° 59’ 41” East, parallel with the centerline of Locust Avenue, a distance of 4.58 feet;

THENCE, North 46° 11’ 34” East, a distance of 20.34 feet;

THENCE, North 00° 51’ 53” East, a distance of 5.61 feet, to the beginning of a curve concaved Easterly, having a radius of 325.00 feet:
THENCE, Northerly along said curve through a central angle of 10° 29' 06'', an arc length of 59.47 feet, to a reverse curve, concave Westerly, having a radius of 275.00 feet;

THENCE, Northerly along said curve through a central angle of 3° 19' 57'', an arc length of 16.00 feet, to a reverse curve, concave Southwesterly, having a radius of 47.00 feet,

THENCE, Northerly and Northwesterly along said curve through a central angle of 62° 14' 44'', an arc length of 51.06 feet, to a reverse curve, concaved Northeasterly, having a radius of 47.00 feet;

THENCE, Northwesterly along said curve through a central angle of 11° 33' 45'', an arc length of 9.48 feet, to a point in the east line of said Block 3;

THENCE, South 00° 51' 53'' East, along said east line, a distance of 145.41 to the POINT OF BEGINNING;

CONTAINING 2916 square feet, more or less.

BASIS OF BEARINGS for the parcel described herein is South 89° 25' 17'' East, for the south line of the Northwest quarter of Section 36, Township 21 South, Range 27 East as shown on Record of Survey filed in Book, 21 of Licensed Surveys, at page 68 in the office of the County Recorder of the County of Tulare.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: Michael K. Reed
Licensed Land Surveyor

Date: 1/6/04
Reservations and Exceptions:

The City reserves and excepts from the vacation the permanent public utility easement and right at any time, or time to time, to construct, maintain, operate, replace, remove, renew, enlarge, and expand public utilities, and/or appurtenant structures in, upon, over and across any street or alley or part thereof proposed to be vacated and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operations of gas pipe lines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and incidental purposes, including access and the right to keep the property free from inflammable materials, and wood growth, and otherwise protect the same from all hazards in, upon, and over the street or alley or part thereof proposed to be vacated.
EXHIBIT "C"

VACATION OF A PORTION HOWARD ST. RIGHT OF WAY-CORNELL ADDITION AS SHOWN ON MAP FIELD IN VOLUME 8 OF MAPS, AT PAGE 40, IN THE OFFICE OF THE TULARE COUNTY RECORDER

CURVE DATA

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COURSE DISTANCE

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PARCEL 2
2,916 SQ. FT.

PROPOSED FUTURE CONCRETE IMPROVEMENTS (TYP)
PUBLIC HEARING

SUBJECT: WHOLESALE WATER POLICY

SOURCE: Public Works Department

COMMENT: This is the time and place set for the public hearing on the City’s proposed Wholesale Water Policy.

The City does not currently sell City water to water purveyors because the City does not produce enough water to satisfy the criteria established in the City’s adopted 2001 Water Master Plan.

The Master Plan states that the City will meet the maximum day demand plus an additional 3,000 gallons per minute (gpm) for standby purposes. A “Wholesale Water Policy” should be in effect to deal with requests for City water once the City has met its water producing responsibilities.

The concept of a wholesale water policy is that the City may sell water to a system other than the City’s. The City would have no obligation other than the delivery of a specific quantity of water.

RECOMMENDATION: That City Council:

1. Open the Public Hearing and receive public comments; and

2. Authorize the approval of the draft Wholesale Water Policy as presented.

ATTACHMENTS: Water Well Production and Usage
Draft Wholesale Water Policy
I. PURPOSE:

To provide water to requesting private water purveyors outside the City Limits, and to administer those requests for City water once the City has met its water producing responsibilities as established in the 2001 Water Master Plan.

II. POLICY:

1. The City can only sell water if water system production goals are met or if a source of supply is established which meets 120% of the requesting system’s requirements.

2. Requesting system shall pay design and construction costs for all piping and related appurtenances such as, but not limited to, piping, gate valves, pressure reducing valves, bends and master meter. Piping, as defined herein, includes all pipes needed to connect the new well to the system grid and to connect the system grid to a “point of connection” within City right of way at a location determined by the City.

3. Requesting system shall pay, if shown to be needed, for the design and construction of water reservoirs, booster pumps and incidental items of work. Incidental items of work include, but are not limited to, environmental, property appraisal, negotiation and acquisition of same to situate the reservoir and/or booster pump.

4. Requesting system must adhere to the City water conservation policies including any reduction in supply as warranted during summer months and/or during emergencies.

5. Requesting system cannot sell water to anyone other than to their “normal” customers.

6. Prior to receiving City water, requesting system shall apply for and receive LAFCO approval to enter into and receive City water.
SUBJECT: ORDINANCE 1644, AMENDING SECTIONS OF MUNICIPAL CODE RELATING TO CONCRETE IMPROVEMENTS

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1644, amending Sections 20-40.1, 20-40.2, 20-40.3, and 20-40.6, and adding Section 20-40.8 to the Porterville Municipal Code relating to installation and payment for concrete improvements, was given First Reading on December 16, 2003, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1644 and waive further reading, and adopt said ordinance.

Attachment: Ordinance No. 1644
ORDINANCE NO.1644

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING SECTIONS 20-40.1, 20-40.2,
20-40.3, AND 20-40.6, AND ADDING SECTION 20-40.8
TO THE PORTERVILLE MUNICIPAL CODE RELATING TO
INSTALLATION AND PAYMENT FOR CONCRETE IMPROVEMENTS

WHEREAS, on October 7, 2003, the City Council of the City of Porterville adopted Resolutions concerning the reimbursement by property owners for city-funded concrete improvements for various street improvement projects completed within the City; and

WHEREAS, the City Council further directed that certain requirements established by the City Council at that time be incorporated into the City’s regulations;

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

1. SECTION 20-40.1 IS AMENDED AS FOLLOWS:

20-40.1 When construction of curbs, gutters, and sidewalks required.

Any owner, lessee, agent, licensee, or other person, corporation, association, or firm who is:

(1) Constructing or arranging for the construction of a building, dwelling, or any other improvement, or

(2) Arranging for the remodeling, improving, modifying or otherwise altering in any manner whatsoever, an existing building, dwelling, or other improvement;

upon any lot or parcel of real property in the City of Porterville shall provide, subject to the provisions of this article and chapter and to the ordinances and regulations of the City of Porterville that may now be or hereafter be in effect, for the construction of concrete curbs, gutters, and sidewalks unless in accordance with city specifications therefor, they already exist in a satisfactory condition along all street frontages adjoining the lot or lots, parcel or parcels of land on which the building, dwelling, or other improvement is to be constructed or remodeled or modified. In lieu of installation of concrete improvements, payment for said concrete improvements shall be provided to the City upon development of the property as specified above, if said concrete improvements have been installed by the City. In the event the construction of improvement is being made upon a portion of an undeveloped parcel and the portion to be developed does not exceed fifty (50) percent of the entire undeveloped parcel, and the concrete improvements have not already been installed by the City, the curbs, gutters, and sidewalks shall be provided on the street frontage so that said curbs, gutters, and sidewalks will

-1-
extend the length of the building or improvement and to include side yard requirements as set forth in the zoning ordinance. In determining whether the developed portion exceeds fifty (50) percent of the entire portion there shall be considered the portion of the parcel on which the building or other improvement rests, together with all yard and open area requirements required by the zoning ordinance.

2. SECTION 20-40.2 IS AMENDED AS FOLLOWS:

Section 20-40.2 Exceptions to construction requirements.

a) In the event any public improvements are required under the provisions of this article and chapter, the provisions of this article and chapter shall not apply unless the construction or remodeling set forth in section 20-40.1 shall be the cost of fifteen thousand dollars ($15,000.00) or more within a two (2) year period. This valuation is to be adjusted, by resolution, each year to reflect changes in the cost of construction as indicated in the Engineering News Record. This exception does not pertain to street dedication requirements.

b) Payment for city-installed concrete improvements shall not be required when said improvements have been installed with grant funds.

3. SECTION 20-40.3 IS AMENDED AS FOLLOWS:

Section 20-40.3 Repair and maintenance of residential buildings; application of article’s provisions.

a) Whenever it is deemed by the City that in the best interest of public health, safety or welfare it is necessary to maintain and repair a building or dwelling used exclusively for residential purposes or to correct damage caused by fire, flood, earthquake or act of God, the provisions of this article and chapter shall not apply, unless that within during any consecutive twelve (12) month period the total dollar amount of building permits issued to maintain and repair the building or dwelling will exceed fifty (50) percent of the total current building cost value of the building or dwelling following the completion of the repairs. As used herein the term “necessary maintenance and repair” shall be defined as maintenance and repair required by any law, ordinance, code or regulation on any political subdivision in effect in the City of Porterville.

b) Whenever it is deemed by the City that improvements, maintenance, or repairs to a building or dwelling used exclusively for residential purposes are for the purpose of weatherization, the provisions of this article and chapter shall not apply, unless that within during any consecutive twelve (12) month period the total dollar amount of building permits issued to maintain and repair the building or dwelling will exceed fifty (50) percent of the total current building cost value of the building or dwelling following the completion of the repairs.
4. SECTION 20-40.6 IS AMENDED AS FOLLOWS:

Section 20-40.6 Compliance with article prerequisite to issuance of building permit, final approval, etc.

The building inspector of the City of Porterville, shall deny the issuance of a permit unless the building plans and specifications therefor provide for curbs, gutters, and sidewalks in compliance with the requirements of this article and chapter, and shall deny final approval and acceptance to any said building, dwelling or other improvement unless and until said integral curbs, gutters, and sidewalks exist in a serviceable condition or are constructed in accordance with the provisions of this article and chapter or unless and until the cash deposit or lien agreement provisions of this article and chapter have been complied with. Furthermore, under circumstances where payment is required for concrete improvements installed by the City, the building inspector of the City of Porterville, shall deny the issuance of a permit unless the building plans and specifications therefor provide for curbs, gutters, and sidewalks in compliance with the requirements of this article and chapter, and shall deny final approval and acceptance to any said building, dwelling or other improvement unless and until payment for said improvements has been provided for in conformity with the provisions of this article.

5. SECTION 20-40.8 IS ADDED AS FOLLOWS:

Section 20-40.8 Miscellaneous Provisions.

a) Deductions for Improvements to be Removed. Under circumstances where payment will be required to pay for city-installed concrete improvements under this article, if an approved parcel map, improvement plans or building plan identifies proposed concrete improvements that will require removal of existing city-installed concrete improvements, the reimbursement cost of the portion of the city-installed concrete improvements to be removed shall be deducted from the cost of the city-installed improvements adjacent to the property, so long as the concrete improvements specified are installed as part of the improvement(s).

b) Process for Objecting to Payment for Improvements. Prior to or at the time the City Council considers whether to go out to bid on a street improvements project that will result in the installation of concrete improvements for which payment will be required in conformity with this article, the City shall hold a public hearing. Notice of the time and place of hearing shall be mailed at least fourteen (14) days prior to the meeting to all property owners affected by the proposed project. Additionally, prior to establishing the development fees to be paid for city-installed improvements, the City shall hold at least one public hearing in conformity with the applicable provisions of the Mitigation Fee Act. Said fees for concrete improvements related to specific street improvement projects shall be established by Resolution, and shall be administered and accounted for in compliance with the Mitigation Fee Act.

c) Record Notice of the Reimbursement Requirement. The City shall record a general notice of the potential applicability of said development fees for concrete improvements with the office of the Tulare County Recorder.
d) Payment Agreements with the City. The City shall allow any one required
to pay a fee for concrete improvements in conformity with this Article to pay over a period not
to exceed five (5) years, with additional terms and interest as determined by the City.

ADOPTED, SIGNED AND APPROVED this ___ day of __________, 2004.

______________________________
Richard M. Stadtherr, Mayor
City of Porterville

ATTEST:

John Longley, City Clerk

______________________________
By: Georgia Hawley, Deputy City Clerk

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

I, JOHN LONGLEY, the duly qualified City Clerk of the City of Porterville do hereby certify
that the foregoing ordinance is a true and correct copy of Ordinance No. 1644, passed and adopted by
the Council of the City of Porterville at a regular meeting held on the 20th day of January, 2004, that
said ordinance has been duly published pursuant to law, and that by the terms and provisions of the
Charter of the City of Porterville, said ordinance to become effective on the 19th day of February, 2004,
at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted
by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

______________________________
JOHN LONGLEY, City Clerk

______________________________
By: Georgia Hawley, Deputy
SUBJECT: PARKS AND LEISURE SERVICES COMMISSION REPORT/YOUTH MEMBERS

SOURCES: Parks and Leisure Services Department

COMMENT: In June of last year the City Council authorized and directed the addition of Youth Commissioners to the Parks and Leisure Services Commission for a period to expire July 2004. This report constitutes the first report to the Council on the success of the Youth Commissioner program.

One Youth Commissioner from each of the three local high schools and the college were originally appointed and began participation in August, 2003. Some turnover of the Youth Commissioners has occurred as personal and student curriculum obligations precluded a few from continued service. The attendance and participation of the current Youth Commissioners has been very good over the past four months.

Youth Commissioners have actively participated in the discussion at the meetings. Their questions have indicated a strong desire to understand and contribute to discussions. Their questions have also served as a reminder, at least to staff, that the jargon and background on issues can be confusing and merits more attention to ensure that full understanding can be achieved.

Youth Commissioners have been invited to attend the Council meeting to provide their perspectives directly to the Council.

RECOMMENDATION: Receive the report of Youth Commissioners, no action is requested at this time.
SUBJECT: BUSINESS IMPROVEMENT DISTRICT ASSESSMENT REVIEW

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – ECONOMIC DEVELOPMENT

COMMENT: At the September 4, 2003 City Council meeting, Council reviewed and approved the Business Improvement District (BID) assessment for the fiscal year 2003-2004, with instructions for this assessment to be reviewed in December 2003. At the November 18, 2003 City Council meeting, Council requested this review to be brought to the January 20, 2004 meeting.

Staff has surveyed ten (10) Business Improvement Districts (which included two Property Improvement Districts) regarding how assessments are levied. Six districts levied an assessment equal to the business license fee, three districts levied an assessment based on zone of benefit, and one district used a graduated fee schedule. Zone of benefit assessments ranged from 50% to 75% of business license fees.

Staff has been working to establish Options that have minimal impact on the BID budget should Council elect to move to a method of levying assessment other than the current assessment equal to the business license fee.

The current annual assessment for the entire district is $28,140. “Area A” businesses are located along the main corridor within boundaries from Morton Avenue to Olive Avenue, and both sides of Hockett Street to the west side of Second Street pay 56%. Area A contains 137 businesses. “Area B” businesses are located within the boundaries from Morton Avenue to Olive Avenue, both sides of D Street, and the east side of Second Street pay 44%. Area B contains 49 businesses.

**Option 1 – Current Method of Assessment.**

<table>
<thead>
<tr>
<th>Area</th>
<th>Equal to business license</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area A</td>
<td></td>
<td>15,886</td>
</tr>
<tr>
<td>Area B</td>
<td></td>
<td>12,252</td>
</tr>
<tr>
<td><strong>Total Assessment</strong></td>
<td></td>
<td><strong>28,138</strong></td>
</tr>
</tbody>
</table>

DD: Appropriated/Funded CM: [Signature] Item No. 19
Option 2 – Flat Fee for All Areas

<table>
<thead>
<tr>
<th>Area</th>
<th>Flat Assessment</th>
<th>Total Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area A</td>
<td>$150</td>
<td>$20,550</td>
</tr>
<tr>
<td>Area B</td>
<td>$150</td>
<td>$ 7,350</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td><strong>$27,900</strong></td>
</tr>
</tbody>
</table>

Option 2 results in a loss of less than 1% revenue to the BID.

Option 3 – Area of Benefit

<table>
<thead>
<tr>
<th>Area</th>
<th>Percentage</th>
<th>Total Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area A</td>
<td>150%</td>
<td>$23,829</td>
</tr>
<tr>
<td>Area B</td>
<td>50%</td>
<td>$ 6,126</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td><strong>$29,955</strong></td>
</tr>
</tbody>
</table>

Option 3 results in a gain of 6% revenue to the BID.

Option 4 – Area of Benefit

<table>
<thead>
<tr>
<th>Area</th>
<th>Flat Assessment</th>
<th>Total Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area A</td>
<td>$165</td>
<td>$22,605</td>
</tr>
<tr>
<td>Area B</td>
<td>$100</td>
<td>$ 4,900</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td><strong>$27,505</strong></td>
</tr>
</tbody>
</table>

Option 4 results in a loss of 2% revenue to the BID.

Option 5 – Assessment Based on Business Type

<table>
<thead>
<tr>
<th>Type</th>
<th>Flat Assessment</th>
<th>Total Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td>$200</td>
<td>$14,200</td>
</tr>
<tr>
<td>Restaurant/Service</td>
<td>$150</td>
<td>$ 8,700</td>
</tr>
<tr>
<td>Professional/Office</td>
<td>$100</td>
<td>$ 5,700</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td><strong>$28,600</strong></td>
</tr>
</tbody>
</table>

Option 5 results in a 1% gain of revenue to the BID.

Option 6 – All Businesses Assessed

Currently only those businesses that pay a business license are assessed a BID fee. In this option all businesses, with the exception of non-profit, religious institutions, utility companies, and the postal service would pay an assessment.

<table>
<thead>
<tr>
<th>Businesses</th>
<th>Flat Assessment</th>
<th>Total Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>$150</td>
<td>$1,500</td>
</tr>
</tbody>
</table>

Option 6 results in additional revenue for the BID.
Options 2 through 5 create the greatest impact to those businesses that currently pay the minimum assessment of $50 annually. The increases presented in the options would increase from 50% (Option 3) to 400% (Option 5).

Input from the Downtown Porterville Association (DPA) Board was solicited regarding the material being presented to Council. The DPA Board does not support a flat fee rate structure based on the inequity that this option would provide to small business. The DPA Board provided the information for and supports Option 3. In addition, the DPA Board does not support Option 6, the mandatory assessment for those businesses now exempt; preferring instead to approach these exempt businesses for voluntary contributions and associate membership in the BID as currently allowed in the BID by-laws.

Changing the method in which assessments are calculated at this mid-year juncture does not provide the Downtown Porterville Association (DPA) with the means to carryout their work program as submitted and approved by City Council. If Council should elect to make changes in the method of levying assessments, a public hearing shall be conducted to propose the changes pursuant to California Streets and Highways Code Sections 36524 and 36525.

RECOMMENDATION: That City Council:

1) Authorize no changes to the method of levying assessments be made in the 2003-2004 fiscal year; and

2) Make a recommendation for options to be implemented in 2004-2005 and future fiscal years.
On December 16, 2003, the City Council considered information regarding the Community Development Department's involvement in various committees. Upon review of the information presented, the Council requested additional information on 7 of the committees. The exhibit attached hereto contains the additional information and identifies the subject committees in order at the front of the document. The requested information includes the cost of the committee, committee purpose, and a measure of effectiveness. At the December 16, 2003 Council meeting, the Council made modifications to a few committees such as the abolishment of the Long Range Planning Committee. There were also staff recommendations that were not acted on that have been carried forward in this report for action by the Council.

RECOMMENDATION: That the City Council approve the proposed modifications to City Committees as outlined in Exhibit A and as it pertains to specific actions as follows:

1. Authorize Staff to initiate a public hearing to consider the establishment of a fee for the submittal of Project Review Committee applications;
2. Authorize Staff to include in the update to the local California Environmental Quality Act guidelines the elimination of the Environmental Review Committee and the delegation of responsibility to the Environmental Coordinator;
3. Authorize Staff to initiate the process of amending the Subdivision Ordinance to discontinue the Subdivision Review Committee;
4. Authorize Staff to coordinate with the Workforce Investment Department to transfer the facilitation of the committees referenced in Exhibit A to the Workforce Investment Department and authorize the Mayor to sign the necessary paperwork.

Attachments: Exhibit A - Committee Meeting Summary
## Exhibit A

<table>
<thead>
<tr>
<th>COMMITTEE NAME/RECOMMENDATION</th>
<th>COMMITTEE DESCRIPTION, DUTIES, AND MEETING SCHEDULE. (NOTE EXPIRATION DATE IF APPLICABLE)</th>
<th>ANNUAL STAFF TIME COMMITMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chamber Liaison (Monthly)</td>
<td>The Development Associate attends the Chamber’s meetings to provide input on City policy (i.e. procedures and requirements), and to ensure no duplication of efforts to coordinate events that are co-sponsored with the City. Board meetings are prior to work hours with an occasional evening meeting. This effort provides for close coordination and results in a savings of staff hours otherwise required for a similar level of coordination. The measure of effectiveness through this effort is that there is a consolidated effort that would otherwise be required of both of the agencies without coordination thereby resulting in a savings in staff time. For example, visitor packets sent out by the Chamber include information provided by the City, planning for the Iris Festival, Chamber Mixers, Sierra Music Fest, etc.</td>
<td>24 hours 24 hrs. CDD</td>
</tr>
<tr>
<td>Staff Recommendation: Continue Participation</td>
<td><strong>General Fund: $860.88</strong></td>
<td></td>
</tr>
<tr>
<td>Chamber Economic Development Comm. (Monthly)</td>
<td>This is a sub-committee of the Chamber of Commerce created at the request of the City. The Committee addresses economic development issues within the community by providing input on long-term growth and economic development issues by sharing experience, information and knowledge, providing input on critical needs of local employer and improving the community (currently working on City identification signs along SH 65). Staff recommended modifying the attendance at the Committee from 3 to 2 staff. It is anticipated that this would save approximately 18 hours (30% of the time). The committee is comprised of representatives from the business and education community that provide input on economic development issues to staff. This committee was integrally involved in attracting the Best Western to town.</td>
<td>60 hours 60 hrs. CDD <strong>42 hours proposed</strong></td>
</tr>
<tr>
<td>Staff Recommendation: Continue Committee involvement. Modify from 3 to 2 representatives</td>
<td><strong>General Fund: $2,458.74 Proposed: $1,521.00 (18 hours and $937.74 savings)</strong></td>
<td></td>
</tr>
<tr>
<td>COMMITTEE NAME/RECOMMENDATION</td>
<td>COMMITTEE DESCRIPTION, DUTIES, AND MEETING SCHEDULE. (NOTE EXPIRATION DATE IF APPLICABLE)</td>
<td>ANNUAL STAFF TIME COMMITMENT</td>
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<td>-----------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Homebuyer Awareness Classes (Monthly)</td>
<td>The City's First Time Low Income Homebuyer (FTHB) Program includes a mandatory requirement for prospective buyers to attend classes to educate them on the process and realities of home ownership. This is a three night class offered once per month. It is offered monthly for the express reason that it maintains a pool of qualified buyers which aids the City in making loans and meeting expenditure milestones required of grant funds. The City made 71 First Time Low Income Homebuyer Loans over the past 2 years equating to approximately $1.4 million.</td>
<td>192 hours 192 hours</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong> Continue-required by funding sources</td>
<td></td>
<td>CDBG/HOME/CalHOME $14,319.12</td>
</tr>
<tr>
<td>Employment Connection Council (Monthly)</td>
<td>The Employment Connection is comprised of representatives of various organizations throughout Tulare County. Porterville is the only City serving on the Council, which provides input to the Workforce Investment Board on the types of programs that should be offered in the various cities. The City of Porterville has the opportunity to have a voice in the types of programs to be offered locally to prospective employees and employers in order to encourage development for those interested. The measure of effectiveness is difficult to quantify due to the challenge in tracking the specific individuals. However, the Employment Connection worked with ProDocumentSolutions to determine eligibility for them to participate in the CDBG Business Assistance Program. The Nurses Initiative received funds to obtain funding and initiate training programs in Porterville largely due to the City's participation.</td>
<td>48 hours 48 hrs. CDD</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong> Continue involvement in Committee</td>
<td></td>
<td>General Fund: $1,721.76</td>
</tr>
<tr>
<td>COMMITTEE NAME/RECOMMENDATION</td>
<td>COMMITTEE DESCRIPTION, DUTIES, AND MEETING SCHEDULE. (NOTE EXPIRATION DATE IF APPLICABLE)</td>
<td>ANNUAL STAFF TIME COMMITMENT</td>
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<tr>
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</tr>
<tr>
<td>Partners Meetings (Monthly)</td>
<td>This is a monthly meeting where the various assistance agencies get together to coordinate and learn about other agencies’ services. In Staff’s proposal, the responsibility of facilitating this meeting would remain with the City but the costs would be shared between the City and the Workforce Investment Department. The Committee assisted with the implementation of requirements of the City’s Enterprise Zone Application which called for the distribution of the guides to the approximately 200 businesses in the Enterprise Zone and discussed the opportunities of the Zone. This committee has operated on a quarterly basis in the past but participation by the various agencies diminished.</td>
<td>84 hours 84 hrs. CDD General Fund: $5,149.56 84 hours $2,574.78 42 hours Every other month $1,350 Incidental Savings per Staff Recommendation $2,553 per Council Proposal (Quarterly)</td>
</tr>
<tr>
<td>Community Services and Improvement Group (Two/Month)</td>
<td>Sub-group of the senior management team designed to coordinate and communicate on issues involving public works, community development and parks and leisure services. Pursuant to Council’s suggestion, staff re-evaluated this committee relative to the Monthly coordination meeting identified below and believes it would be effective to consolidate them while reducing the number of staff attending.</td>
<td>132 hours 60 hrs. CDD 66 hours proposed 18 hrs. CDD prop. General Fund: $6,085.68 (132 hours) $3,042.84 savings w/staff recommendation. (66 hours savings) $9,426.65 savings w/staff and Council recommendations. (258 hours savings)</td>
</tr>
<tr>
<td>Monthly Coordination Mtg.</td>
<td>Once per month the various departments in the City get together to coordinate the different projects and activities being undertaken in the City. Consolidated with above meeting. Savings referenced above</td>
<td>252 hours 108 hours General Fund: $8,723.04</td>
</tr>
<tr>
<td>COMMITTEE NAME/RECOMMENDATION</td>
<td>COMMITTEE DESCRIPTION, DUTIES, AND MEETING SCHEDULE. (NOTE EXPIRATION DATE IF APPLICABLE)</td>
<td>ANNUAL STAFF TIME COMMITMENT</td>
</tr>
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<td>-------------------------------</td>
</tr>
<tr>
<td>Mural Committee</td>
<td>This is a volunteer committee that has had two City representatives attending. They have represented the redevelopment and economic development interests on the committee as well as provide input on the preparation of the mural section of the Redevelopment Design Guidelines. Meetings are held monthly after normal work hours. The mural project is of interest to staff and the development associate has indicated she will continue meeting voluntarily since meetings are after hours. Therefore, no formal action is required.</td>
<td>48 hours 0 hours proposed</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong> Discontinue attendance on a formal basis</td>
<td></td>
<td>General Fund: $1,721.76</td>
</tr>
<tr>
<td><strong>Modified Recommendation saves $1,721.76 (48 hours)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Development Block Grant Advisory Committee</td>
<td>This seven member committee was created by City Council to meet the federal requirements for citizen participation in the development of the Consolidated and Action Plans for the expenditure of CDBG entitlement funds.</td>
<td>80 hours 68 hrs. CDD</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong> Continue Committee</td>
<td>Committee meets as needed to review projects affecting the Redevelopment Area. Committee recommendations are taken to the Redevelopment Agency for action. Staff prepares notices, agendas, takes minutes, and acts upon Committee recommendation.</td>
<td>CDBG Funded: $2,448.27</td>
</tr>
<tr>
<td>Redvelopment Advisory Committee</td>
<td></td>
<td>General Fund, was RDA: $1,118.75</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong> Continue Committee</td>
<td>This nine-member body was created by City Council to review and comment on all General Plan Amendments and Updates. Meetings are held as needed to review projects, typically three to five times per year. Community Development Department Staff prepares all agendas, staff reports, etc.</td>
<td>44 hours 44hrs. CDD</td>
</tr>
<tr>
<td>Long Range Planning Committee</td>
<td></td>
<td>General Fund: $2,562.44</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong> Abolished by Council on December 16, 2003</td>
<td></td>
<td>(44 hours)</td>
</tr>
<tr>
<td>COMMITTEE NAME/RECOMMENDATION</td>
<td>COMMITTEE DESCRIPTION, DUTIES, AND MEETING SCHEDULE. (NOTE EXPIRATION DATE IF APPLICABLE)</td>
<td>ANNUAL STAFF TIME COMMITMENT</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Housing Element Task Force</td>
<td>This fifteen-member body was created by City Council to review and comment on the Housing Element General Plan Update. Meetings are held approximately every two weeks. Community Development Department Staff, with consultant support, prepares all agendas, staff reports, etc. The Task Force is expected to complete its work by January 2004.</td>
<td>140 hours 140 hrs. CDD 0 hours proposed</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong> Discontinue Committee</td>
<td></td>
<td>General Fund: $8,289.56 (140 hours)</td>
</tr>
<tr>
<td>Chamber Business and Education Committee</td>
<td>This Committee is a sub-committee of the Chamber and strives to bring together representatives from the Business and Education communities. Meetings are held on the first Friday of each month in early morning hours.</td>
<td>30 hours 30 hrs. CDD</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong> Continue Committee</td>
<td></td>
<td>General Fund: $1,076.10</td>
</tr>
<tr>
<td>Downtown Porterville Association Liaison</td>
<td>The Liaison meets with the Board during the monthly Board meetings. Staff monitors DPA’s compliance with the City’s agreement to administer the BID funds and coordinates compliance with the City’s Finance Department.</td>
<td>54 hours 54 hrs. CDD</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong> Continue Committee</td>
<td></td>
<td>General Fund: $1,866.60</td>
</tr>
<tr>
<td>Futures Group <strong>Staff Recommendation:</strong> Continue one-year, re-evaluate and replace Stakeholders</td>
<td>The Futures Group meets to discuss issues relative to the City of Porterville’s economic competitiveness in the coming years. A significant focus has been on furthering educational opportunities.</td>
<td>30 hours 30 hrs. CDD</td>
</tr>
<tr>
<td></td>
<td></td>
<td>General Fund: $1,202.71</td>
</tr>
<tr>
<td>Strategic Planning Committee</td>
<td>The Strategic Planning Committee resulted from the strategic planning sessions between the Council and public. The focus of this effort for community development has been economic development activities. Last year the emphasis was on improving the City’s website and making it a greater resource.</td>
<td>24.75 hours 24.75 hrs. CDD 0 hours proposed</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong> Discontinue Committee</td>
<td></td>
<td>General Fund: $998.54 (24.75 hours savings)</td>
</tr>
<tr>
<td>Hillside Development Committee</td>
<td>This joint committee of City Council members and City Staff meets to develop strategies to encourage greater development on the east side of Porterville, including those areas with significant slopes. Community Development Department Staff prepares all agendas, staff reports, etc.</td>
<td>134 hours 116 hrs. CDD</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong> Continue Committee until project complete</td>
<td></td>
<td>General Fund: $6843.12</td>
</tr>
<tr>
<td>COMMITTEE NAME/RECOMMENDATION</td>
<td>COMMITTEE DESCRIPTION, DUTIES, AND MEETING SCHEDULE. (NOTE EXPIRATION DATE IF APPLICABLE)</td>
<td>ANNUAL STAFF TIME COMMITMENT</td>
</tr>
<tr>
<td>--------------------------------</td>
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<td>-------------------------------</td>
</tr>
<tr>
<td>Health Care Task Force</td>
<td>This committee meets monthly to review progress in the creation of Health Careers opportunities. Staff prepares all agendas, arranges for meeting place and refreshments, takes notes, and performs various other duties for the committee.</td>
<td>50 hours 50 hrs. CDD 0 hours proposed General Fund: $2,696.20 (50 hours savings)</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong> Discontinue as City facilitated Committee – WID take over facilitator role</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Review Committee</td>
<td>This committee of City Staff meets weekly to review all proposed commercial development, multiple-family development and all discretionary permits such as Conditional Use Permits, Subdivisions, Zone Changes, etc. Community Development Department Staff prepares all agendas, staff reports, etc.</td>
<td>1,680 hours 816 hrs. CDD General Fund: $60,121.20</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong> Continue Committee – Vital. Consider small application fee to cover portion of admin costs and require submittal of copies to reduce costs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environmental Review Committee</td>
<td>This committee of City Staff meets as needed to review environmental documents (Environmental Impact Reports (EIR’s) and Negative Declarations) and recommends action on the documents to City Council. Meetings typically occur once or twice per month. Community Development Department Staff prepares all agendas, staff reports, etc.</td>
<td>27 hours 18 hrs. CDD 0 hours proposed General Fund: $988.38 (27 hours savings)</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong> Discontinue Committee – Delegate responsibility to Environmental Coord.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parcel Map Committee</td>
<td>This committee of City Staff meets as needed to take final action on applications for minor divisions of land. The Parcel Map Committee makes the final determination to approve or deny the project and imposes conditions of approval. The Committee typically meets three to four times per year. Community Development Department Staff prepares all agendas, staff reports, etc.</td>
<td>24 hours 16 hrs. CDD General Fund: $826.52</td>
</tr>
<tr>
<td>COMMITTEE NAME/RECOMMENDATION</td>
<td>COMMITTEE DESCRIPTION, DUTIES, AND MEETING SCHEDULE. (NOTE EXPIRATION DATE IF APPLICABLE)</td>
<td>ANNUAL STAFF TIME COMMITMENT</td>
</tr>
<tr>
<td>-------------------------------</td>
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<td>-----------------------------</td>
</tr>
<tr>
<td>Subdivision Review Committee</td>
<td>This committee of City Staff, with one City Council member, meets as needed to recommend action to City Council regarding major divisions of land. The Subdivision Review Committee recommends approval or denial and all conditions of approval. The Committee typically meets three to four times per year. Community Development Department Staff prepares all agendas, staff reports, etc.</td>
<td>40 hours 28 hrs. CDD 0 hours proposed</td>
</tr>
<tr>
<td>Staff Recommendation: Discontinue Committee - Added step in process prior to Council consideration</td>
<td></td>
<td>General Fund: $1,412.70 (40 hours savings)</td>
</tr>
<tr>
<td>Continuum of Care</td>
<td>The Tulare/Kings County Continuum of Care was created several years ago to address the issue of homelessness on a regional level. HUD requires jurisdictions to have such an organization in order to be eligible for federal homeless assistance grant funds and also requires Entitlement cities receiving CDBG funds to be actively involved in working on a Continuum of Care. The Continuum meets once a month at one of the participating agencies within the two counties and has several active committees working on the implementation of the adopted Strategic Plan for the Continuum.</td>
<td>60 hours 60 hrs. CDD</td>
</tr>
<tr>
<td>Staff Recommendation: Continue involvement in Committee – less staff resources than for City to undertake on own</td>
<td></td>
<td>CDBG: $2,390.60</td>
</tr>
<tr>
<td>Ad Hoc Alcohol Advisory Committee</td>
<td>This committee consists of the Long Range Planning Committee members with additional representation from the business community and the Porterville Area Ministerial Association. City Council formed this group to review the City’s ordinances regarding the regulation of businesses that want to sell alcohol. The Committee meets approximately monthly and is expected to complete its work by October 2003.</td>
<td>80 hours 80 hrs. CDD 0 hours proposed</td>
</tr>
<tr>
<td>Staff Recommendation: Discontinue Committee after draft ordinance developed</td>
<td></td>
<td>General Fund: $3,074.30 (80 hours savings)</td>
</tr>
<tr>
<td>County General Plan Update Technical Advisory Group</td>
<td>Tulare County has begun the lengthy process of conducting the first comprehensive update of their General Plan since the 1960’s. Representatives of each City meet regularly with County Staff to provide input into the process and to improve communication and coordination.</td>
<td>20 hours 20 hrs. CDD</td>
</tr>
<tr>
<td>Staff Recommendation: Continue involvement in Committee</td>
<td></td>
<td>General Fund: $1,150.00</td>
</tr>
<tr>
<td>COMMITTEE NAME/RECOMMENDATION</td>
<td>COMMITTEE DESCRIPTION, DUTIES, AND MEETING SCHEDULE. (NOTE EXPIRATION DATE IF APPLICABLE)</td>
<td>ANNUAL STAFF TIME COMMITMENT</td>
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<tr>
<td>--------------------------------</td>
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</tr>
</tbody>
</table>
| Plant Managers Group           | Quarterly meetings with the City’s plant managers to discuss topics of interest to the manufacturing sector. Staff prepares agendas, researches topics, arranges for guest speakers, takes notes. | 40 hours  
40 hrs. CDD  
 **20 hours proposed**  
*General Fund: $1,817.52  
($1,300 and 30 hours savings)* |
| Stakeholders Group             | Semi-annual meetings with members of the community to provide input on the City’s Economic Development plan. Staff prepares agendas, sends notices, arranges for guest speakers, etc. | 26 hours  
26 hrs. CDD  
 **0 hours proposed**  
*General Fund: $1,910.94  
(26 hours savings)* |
| Building Maintenance Task Force| This Taskforce has not had the momentum experienced by the Health Care Task Force, however, the need to address the concerns of this sector still exists. | 30 hours  
30 hrs. CDD  
 **0 hours proposed**  
*General Fund: $1,511.72  
(30 hours savings)* |
| Community Development Financial Assistance Review Com. | Committee reviews CDBG/Housing program assistance requests pursuant to established guidelines. | 686 hours  
614 hrs. CDD  
*CDBG/HOME/CalHOME/General Fund: $23,135.20* |
| Community Development Staff Mtgs. | Community Development Department meets twice per month to coordinate efforts and discuss issues pertinent to projects and departmental function. | 374 hours  
374 hours  
*General Fund: $12,404.54* |
<table>
<thead>
<tr>
<th>COMMITTEE NAME/RECOMMENDATION</th>
<th>COMMITTEE DESCRIPTION, DUTIES, AND MEETING SCHEDULE. (NOTE EXPIRATION DATE IF APPLICABLE)</th>
<th>ANNUAL STAFF TIME COMMITMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Manager’s Staff Mtg.</td>
<td>Once per week the City Manager, Directors, City Clerk and City Attorney meet to discuss the pertinent issues of the week including Council agenda items.</td>
<td>1,222 hours 130 hours</td>
</tr>
<tr>
<td><strong>Staff Recommendation: Continue Meetings</strong></td>
<td></td>
<td><strong>General Fund: $49,667.47</strong></td>
</tr>
<tr>
<td>City Council Meetings</td>
<td>Council Meets 2 times per month.</td>
<td>1,512 hours 1,512 hours</td>
</tr>
<tr>
<td><strong>Staff Recommendation: Continue Meetings</strong></td>
<td></td>
<td><strong>General Fund: $56,897.78</strong></td>
</tr>
</tbody>
</table>

The proposed modifications will save a total of 827 staff hours, $38,083.93 organization wide. The monetary savings is largely symbolic due to the fact that in most instances, the tasks are still required to be achieved. They will however, be more efficiently conducted.
SUBJECT: OUTSIDE AGENCY SERVICES - TULARE COUNTY VEHICLE MAINTENANCE CONTRACT

SOURCE: Public Works Department - Field Services Division

COMMENT: The Tulare County Sheriff's and Tulare County Probation Departments had previously made a decision to put their vehicle maintenance services out to bid in an effort to find cost savings as a result of the State budget crisis. The City's Shop Operation currently provides services for the southern and eastern county region.

By Council direction at the September 16, 2003, meeting, staff notified the County that the City of Porterville would not be responding to the bid. The County rejected all bids for the south county area and is requesting that services continue per the existing contract with the City of Porterville. Income from the County contract for FY 02/03 was approximately $55,700. Current annual cost of a Mechanic II with benefits is approximately $40,000. Loss of the County maintenance and repair contract could result in a layoff.

The City's Shop operation and the warehouse operation are comprised of a single Internal Service Fund and, as such, do not operate as a profit center. The operation currently pays utility costs including electricity, natural gas, water, sewer and refuse along with employee benefits and overhead costs typically associated with running a business. Utility costs for FY 02/03 were $6,850 for the fund with $5,068 being attributed to the shop operation.

Rates for services are held to the minimal amount required to cover expenses to ensure that General Fund budgets are not unduly burdened to maintain the necessary equipment required to provide services to the community. Additionally, the shop operation spent approximately $412,400 with local businesses for specialty parts, transmission repair and replacements, accident damage, etc. with $51,500 spent out of the area for the same time period and an additional $183,790 spent locally for fuel.

Dir 38 Appropriated/Funded OM Item No. 2
Interdepartmental Services budget for FY 2003/2004 shows a deficit of $33,574. We did not recommend a rate increase during this fiscal year due to the current cash balance in the fund. Based on actual numbers for FY 2001/2002 and projected numbers for fiscal year end 2002/2003, estimated cash balance at the end of FY 2003/2004 will be $77,115. This balance allowed rates to be held for the 8th consecutive year. A detailed analysis will be performed to determine shop rates for FY 2004/2005. It is anticipated that rates will be raised approximately $5 per hour.

RECOMMENDATION: That City Council approve one of the following options:

1. Continue to provide services to the County of Tulare as provided for by contract beginning February 25, 1981 and all amendments thereto; or

2. Cancel the contract with the County of Tulare by 30 day written notice as provided for in the terms and conditions thereof.

ATTACHMENT: Tulare County Letter of Request
January 14, 2004

Tim Campbell, City of Porterville, Shop Supervisor
291 N. Main St. P.O. Box 432
Porterville, Ca. 93258
Ph. 559-782-7514
Fax. 559-791-7700

The City of Porterville has provided vehicle maintenance service to Tulare County's southern section for over 19 years. The service is provided under an agreement between the City of Porterville and the County of Tulare. During fiscal year 2002/03, the County expended about $40,000 for City services on County vehicles. The Resource Management Agency has found the services to be cost effective, performed professionally and are beneficial to County vehicles operating in the County's southern section.

Please contact me if you have any questions.

Very Truly Yours,

[Signature]

James A. Blair
Assistant Director - Transportation
SUBJECT: CALIFORNIA TRANSIT INSURANCE POOL

SOURCE: Administration

COMMENT: As the City’s transit fleet continues to expand, the purchase of larger buses places an enormous impact on insurance costs. Nationwide, businesses have been experiencing tremendous increases in insurance costs, and the transit business is no exception. As we have informed the Council during the last couple of years, Sierra Management continues to be at the mercy of these exorbitant rates, which in turn add to the operating cost of the transit system, and eat into our farebox ratio. With the inclusion of four additional buses during the last few months, Sierra Management’s insurance premiums increased by an additional $24,000. The following is a summary of the insurance premiums over the last three years:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Premiums</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2001/02</td>
<td>$56,493</td>
</tr>
<tr>
<td>FY 2002/03</td>
<td>$88,655</td>
</tr>
<tr>
<td>FY 2003/04</td>
<td>$118,979</td>
</tr>
</tbody>
</table>

In an effort to stabilize transit fleet insurance costs and find a viable alternative, Staff has been pursuing another option for insurance coverage for transit vehicles through a pooled insurance group called California Transit Insurance Pool (CalTIP). The group is the result of the cooperative efforts of public transit operators acting collectively to meet their insurance needs. California public transit operators have banded together and formed a joint powers authority for the purpose of creating a self-funded insurance pool. CalTIP provides Liability Coverage and Vehicle Physical Damage Coverage and now serves 31 California transit operators. Some of the municipal members of CalTIP include the cities of Arcata, Auburn, Azusa, Folsom, Lincoln, Lodi, Santa Rosa, and Whittier, together with other agencies such as Monterey-Salinas Transit, Riverside Transit Agency, San Luis Obispo Regional Transit Authority, Santa Cruz Metropolitan Transit District and South Coast Area Transit.

Staff and Sierra Management have worked together closely in completing the extensive membership application, which was reviewed and approved by the CalTIP recommendation committee and forwarded to the Board of Directors for final approval. Every member of CalTIP is represented on the Board and plays an active role in the organization.

DD Appropriated/Funded CM Item No. 22
We are pleased to report that the CalTIP Board of Directors approved the City of Porterville’s application on December 5, 2003. The City will be able to obtain Vehicle Physical Damage Coverage and Liability Coverage comparable to that currently obtained in the open insurance market. Rather than Sierra Management being responsible for obtaining the insurance coverage, the City would now be paying the insurance directly, and the City’s contract with Sierra Management would need to be adjusted accordingly.

In speaking with the representatives from CalTIP, they itemized the three-part billing to receive the insurance coverage. There is an annual administrative fee of $8,540 which covers general administrative costs; a Loss Fund Deposit of $44,335 which is the deposit for the layer between the deductible up to $1 million; and the excess premium of $35,808 to cover the insurance we requested (up to $10 million). The total annual deposit figure is $88,683. The amount of an entity’s Loss Fund Deposit is evaluated and calculated by an experience modification factor. The lower an entity’s loss runs, the lower the amount of the deposit required. After five years with CalTIP, monies not spent are divided and refunded to the members, and CalTIP representatives state there has never been a year where substantial refunds have not been returned to the members. This annual deposit of $88,683 is not only $30,000 less than the annual premium now being paid by Sierra Management, but additionally, by joining CalTIP, we would be stabilizing the transit fleet insurance costs for succeeding years as well. Our loss runs to date have been extremely low; and as long as our good loss run experience continues, we would no longer have major insurance increases year after year, and we could look forward to substantial refunds as a result. Another favorable aspect of insuring the transit fleet with CalTIP is the City’s ability to withdraw the insurance coverage component from the transit contractor’s agreement, thus removing the volatility of rapidly rising insurance costs which have plagued the contractor over the last few years. This would stabilize rising costs and unforeseen expenses year after year.

RECOMMENDATION: That the City Council:

1. Authorize staff to complete the application process for inclusion in the California Transit Insurance Pool, together with the payment of $88,683 to cover the first year’s annual deposit for transit fleet insurance coverage through CalTIP;

2. Authorize the Mayor to execute any and all documents required to effect the City’s membership in the CalTIP insurance program; and

3. Authorize Staff to negotiate with Sierra Management accordingly to adjust the remainder of their current Agreement with the City of Porterville.
SUBJECT: TRANSIT AGREEMENT WITH SIERRA MANAGEMENT

SOURCE: Administration

COMMENT: The City of Porterville and Sierra Management entered into an agreement on May 16, 2000 for operational and management services for the City’s Fixed Route and Demand-Response public transit services. The Agreement was for a period of four (4) years and will expire June 30, 2004.

The City has two options relating to the expiration of the Transit Agreement:

1. The City could extend the existing contract by negotiation for any number of years that the Council may choose. The Federal Transit Administration’s former five-year contract term limitation has been rescinded, and the City is no longer limited to a five-year contract for transit services.

2. The City could solicit a Request for Proposals for a new contract for transit services commencing July 1, 2004, also for any number of years that the Council may choose.

To Staff’s knowledge, Sierra Management is the only local transit provider qualified to provide the services necessary to maintain the continuity of the City’s public transit services. A Request for Proposals would more than likely solicit proposals from larger transit providers outside the local area. Staff is prepared to follow Council’s direction timely should it choose to solicit proposals, and contributes the following as information for consideration in the Council’s decision:

1. The City now receives immediate communication and local expertise from Sierra Management. There is an on-site manager, and all management decisions or responses to Staff requests are handled completely at a local level. It is questionable if this type of relationship can be expected from a larger, out-of-the-area provider. However, we can require certain things regarding a local manager; for instance, that the manager stay for a minimum number of years and live within a maximum number of miles of the City limits. We can also require that the City approve any replacement and that the manager is accessible during all hours of operation.

Appropriated/Funded DD  CM  Item No. 23
2. Our on-site manager has remained constant over the last four years. There have been no changes in management. When dealing with larger transit providers, it is quite common that on-site managers change, oftentimes several times throughout the contract period. Once again, we could attempt to mitigate this concern through the requirements we state in the Request for Proposals and the actual Agreement.

3. Local providers live within the community, participate in community activities and care about local concerns. When dealing with larger providers, that local connection is not inherent—the City is a contract, and usually one of many contracts, most of which would be much larger transit agencies requiring extra attention. This is a risk in seeking proposals because it is hard to know how good a manager will be until he/she has been in action for a while. We can provide a clause in the Agreement stating that the City could request a change in management if it feels the need, but actually effecting such a change could be difficult.

4. Insurance is a very substantial cost element. Several of the national firms are self-insured and are therefore more motivated to keep claims down. This can save a considerable amount of money. However, should the City become affiliated with CalTIP, the insurance would be an expense the City would be bearing, and not an element of the Transit Agreement. In this case, the City would want to be certain to obtain some type of assurance that the contractor would still be very motivated to keep claims at a minimum and actively promote safety issues.

5. Larger companies have more resources at their disposal to assist when needed. For example, if there is a need for extra buses for a short-term project, it is possible a larger company could provide them.

6. Larger firms could borrow personnel from nearby contracts when and if needed, such as during expansions or special projects. This has not been a need to date; however, it is a possibility if the need should arise.

Staff is completely satisfied with the present contract relationship and responsiveness to transit issues. Further, with the transition into Section 5307 provisions and regulations, the Contractor’s local expertise and immediate attention to matters are essential and valuable. Staff is aware of the City’s continual desire to maintain cost containment, and this is an area Staff monitors on a regular basis to assure that the new 20% farebox ratio requirement will not be in jeopardy. This has been discussed with the
Contractor, and they are willing to provide a yearly Profit and Loss Statement for Staff review to assure these efforts are maintained. The Contractor is more than willing to accommodate this request as long as the information contained therein remains a confidential matter with the Council so as not to jeopardize any future Request for Proposals.

RECOMMENDATION: That the City Council:

1. Authorize staff to negotiate a two-year extension of the existing transit contract with Sierra Management for approval by the City Council to become effective July 1, 2004, through June 30, 2006; and

2. Request that Sierra Management provide a yearly Profit and Loss Statement for review by Staff to further the City’s and Contractor’s desire to maintain cost containment.
SUBJECT: CONSIDERATION OF REVISED COUNCIL MEETING TIMES

SOURCE: City Manager

COMMENT: There has been a request that the Council consider amending the starting time of the Council meetings. It is suggested that Closed Sessions be held at 5:30 p.m. and regular meetings be held at 6:30 p.m. The meeting time of the City Council is set at the discretion of the Council, and such a change would require adoption of an ordinance.

RECOMMENDATION: That the City Council either:

1) Maintain the Council meeting time of 7:00 p.m. pursuant to Ordinance No. 1415; or

2) Approve the draft ordinance changing the Council meeting time to 5:30 p.m. to conduct Closed Sessions, and 6:30 p.m. to conduct regular meetings, give First Reading to the draft ordinance, and order the ordinance to print.

Attachments: 1. Porterville City Code Section 2-1.
2. Draft Ordinance
ARTICLE I. CITY COUNCIL

Charter references—City council generally, §§ 8, 9; election of city council, § 8; term of city council members, § 9; compensation of city council members, § 9; president of city council, § 9; interference, etc., with city manager by members of the city council, § 67.

Sec. 2-1. Time and place of regular meetings.

The regular meetings of the city council shall be held on the first and third Tuesday of each month in the city hall, at 291 North Main Street in the city, at the hour of 7:00 p.m. (Ord. Code, § 1241; Ord. No. 1399, 3-15-88; Ord. No. 1415, 6-6-89)

Charter references—Meetings of the city council, §§ 9, 10; quorum for city council meetings, § 11.

Sec. 2-1.1. Reserved.

Editor's note—Ord. No. 1126, adopted Jan. 19, 1978, repealed Ord. No. 941, 6-3-69, which had been codified herein as § 2-1.1. Said ordinance had pertained to study sessions.

Sec. 2-2. Special meetings; notice.

Special meetings of the city council may be called by a written notice signed by the mayor, or three (3) members of the city council, and mailed or personally delivered to each member of the city council and to each local newspaper of general circulation, radio or television station requesting notice in writing, not less than twenty-four (24) hours prior to the time fixed for such special meeting as specified in Government Code section 54956 et. seq. (Ord. No. 1537, § B4, 8-6-96)

Editor's note—Section 2-2 was repealed by § A of Ord. No. 1537, adopted Aug. 6, 1996, § B4 of which enacted a new § 2-2 to read as set out herein. The repealed provisions pertained to similar subject matter and derived from Ord. Code, § 124.1.1.

Sec. 2-3. Rules of order.

The proceedings of the city council shall be governed under “Robert's Rules of Order” on all matters pertaining to parliamentary law, but no ordinance, resolution, proceeding or other action of the city council shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow such rules. (Ord. Code, § 1272)

Charter reference—Council to adopt rules of conduct for its meetings, § 10.

Sec. 2-4. Disorderly conduct at meetings; removal of offender.

Any member or other person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, who refuses to be seated or keep quiet when ordered to do so by the mayor or mayor pro tem of the city council, shall be guilty of a misdemeanor. It shall be the duty of the chief of police, upon order of the presiding officer, to eject any such member or person from the council room. (Ord. No. 1537, § B5, 8-6-96)

Charter reference—Punishment by council of members and others for disorderly conduct, § 10.

Editor's note—Section 2-4 was repealed by § A of Ord. No. 1537, adopted Aug. 6, 1996, § B5 of which enacted a new § 2-4 to read as set out herein. The repealed provisions pertained to similar subject matter and derived from Ord. Code, § 1273.

Sec. 2-5. Citizens addressing council.

Any citizen may arise and address the city council on any business specially concerning them or affecting their interests, but preference will be given to those who have first presented matters in the form of a written communication or who have personally notified the president of the council of their desire to speak. (Ord. Code, § 1274)

Sec. 2-6. Conduct of councilmen generally.

The members of the city council shall remain seated while participating in discussions and at all times during any meeting. They shall address their remarks to the president and other members of the city council and not to the citizens who may happen to be in attendance. (Ord. Code, § 1275)
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 2, SECTION 2-1, TIME AND PLACE OF REGULAR MEETINGS

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

A. That Section 2-1, Time and Place of Regular Meetings, of the Code of the City of Porterville is hereby amended as follows:

Sec. 2-1. Time and place of regular meetings.

The regular meetings of the City Council shall be held on the first and third Tuesday of each month in the City Hall, at 291 North Main Street in the City, at the hour of 6:30 p.m. Closed Sessions held in conjunction with regular meetings shall be held at 5:30 p.m.

B. This ordinance and code amendment shall be in full force and effect thirty (30) days from and after its publication and passage.

________________________________________
Richard Stadtherr, Mayor

ATTEST:

John Longley, City Clerk

By ________________________________
Georgia Hawley, Deputy City Clerk
SUBJECT: QUARTERLY PORTFOLIO SUMMARY

SOURCE: Administrative Services - Finance Division

COMMENT: During the 1995 Legislative Session, the State adopted SB 564 and SB 866 which became effective January 1, 1996. These pieces of legislation set formal requirements for annual reaffirmation of the Investment Policy by Council, as well as for quarterly portfolio updates to Council. These quarterly updates are to be delivered no later than 30 days after the end of each quarter.

Items identified in the summary that are requirements under SB 564 and SB 866 include the fact that all current holdings are in compliance with the current Investment Policy and that all City cash needs will be met. The date of the next update has also been identified.

RECOMMENDATION: That City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.

ATTACHMENTS: Quarterly Portfolio Summary
<table>
<thead>
<tr>
<th>INVESTMENT OR CUSIP NUMBER</th>
<th>INSTITUTION</th>
<th>BLOOMBERG PURCHASE PRICE</th>
<th>BLOOMBERG PURCHASE MARKET PRICE</th>
<th>COUPON INTEREST RATE</th>
<th>PURCHASE DATE</th>
<th>MATURITY DATE</th>
<th>DAYS TO MATURITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1006 LOCAL AGENCY INVESTMENT FUND</td>
<td>$7,625,981</td>
<td>$7,625,981</td>
<td>1.545%</td>
<td>DAILY</td>
<td>DAILY</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1006 LOCAL AGENCY INVESTMENT FUND</td>
<td>2,184,171</td>
<td>2,184,171</td>
<td>1.545%</td>
<td>DAILY</td>
<td>DAILY</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1007 CSJVRMA INVESTMENT FUND</td>
<td>5,718,821</td>
<td>5,771,057</td>
<td>5.580%</td>
<td>DAILY</td>
<td>DAILY</td>
<td>1</td>
<td></td>
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<tr>
<td>1008 MONEY MARKET</td>
<td>15,602</td>
<td>15,602</td>
<td>0.080%</td>
<td>DAILY</td>
<td>DAILY</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

| 3136F3W2 FEDERAL HOME LOAN BANK | 500,000 | 492,970 | 3.000% | 06/11/03 | 06/11/08 | 1,624 |
| 31331Q532 FEDERAL HOME LOAN BANK | 500,000 | 495,470 | 3.240% | 06/18/03 | 06/18/08 | 1,631 |
| 31339Y1W0 FEDERAL HOME LOAN BANK | 500,000 | 496,875 | 3.360% | 07/30/03 | 07/30/08 | 1,673 |
| 3133X0J59 FEDERAL HOME LOAN BANK | 500,000 | 508,125 | 4.300% | 08/18/03 | 08/18/08 | 1,692 |
| 31339Y1W4 FEDERAL HOME LOAN BANK | 500,000 | 499,845 | 3.580% | 08/14/03 | 08/14/08 | 1,688 |
| 3133X2T64 FEDERAL HOME LOAN BANK | 500,000 | 503,750 | 4.500% | 12/30/03 | 12/30/08 | 1,826 |

| 31339X4J7 FEDERAL HOME LOAN BANK (STEP UP) | 500,000 | 498,205 | 2.125% | 05/28/03 | 12/26/07 | 1,455 |
| 3133MYX44 FEDERAL HOME LOAN BANK (STEP UP) | 500,000 | 500,470 | 2.500% | 06/05/03 | 06/05/08 | 1,619 |
| 31339Y5M9 FEDERAL HOME LOAN BANK | 500,000 | 495,355 | 3.200% | 06/30/03 | 06/30/08 | 1,643 |
| 31339Y1P5 FEDERAL HOME LOAN BANK | 500,000 | 495,175 | 3.300% | 07/28/03 | 07/28/08 | 1,671 |
| 3128X1P87 FEDERAL HOME LOAN BANK | 500,000 | 492,785 | 3.000% | 07/30/03 | 07/30/08 | 1,652 |
| 3133X0D66 FEDERAL HOME LOAN BANK | 500,000 | 504,250 | 3.300% | 08/11/03 | 08/11/08 | 1,685 |

| 3128X1Z0E FEDERAL HOME LOAN BANK | 1,000,000 | 1,010,950 | 3.300% | 08/20/03 | 02/20/07 | 1,147 |
| 3133X0P01 FEDERAL HOME LOAN BANK | 1,000,000 | 1,003,750 | 3.360% | 09/08/03 | 03/08/07 | 1,163 |
| 31330X033 FEDERAL HOME LOAN BANK | 1,000,000 | 1,004,060 | 4.450% | 08/18/03 | 08/18/08 | 1,692 |

| 31331T886 FEDERAL FARM CREDIT | 500,000 | 501,875 | 3.330% | 09/08/03 | 03/08/07 | 1,163 |

| 1119 CERTIFICATE OF DEPOSIT | 99,000 | 99,000 | 4.750% | 08/05/02 | 08/07/05 | 585 |
| 1111 CERTIFICATE OF DEPOSIT | 99,000 | 99,000 | 4.150% | 03/19/02 | 03/19/04 | 79 |
| 1103 CERTIFICATE OF DEPOSIT | 99,000 | 99,000 | 4.850% | 05/21/02 | 05/23/05 | 509 |
| 1129 CERTIFICATE OF DEPOSIT | 99,000 | 99,000 | 4.120% | 02/21/03 | 02/21/06 | 783 |
| 1113 CERTIFICATE OF DEPOSIT | 99,000 | 99,000 | 4.500% | 03/21/02 | 03/21/05 | 446 |
| 1131 CERTIFICATE OF DEPOSIT | 99,000 | 99,000 | 3.100% | 06/06/03 | 06/06/06 | 888 |
| 1120 CERTIFICATE OF DEPOSIT | 99,000 | 99,000 | 4.800% | 08/16/02 | 08/16/05 | 594 |
| 1121 CERTIFICATE OF DEPOSIT | 99,000 | 99,000 | 3.800% | 09/10/02 | 09/10/05 | 621 |
| 1122 CERTIFICATE OF DEPOSIT | 99,000 | 99,000 | 3.920% | 09/11/02 | 09/11/05 | 620 |

| TOTALS | $25,935,575 | $25,989,761 |

<table>
<thead>
<tr>
<th>WEIGHTED AVERAGE</th>
<th>% OF LIQUIDITY</th>
<th>WEIGHTED AVERAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>EARNINGS</td>
<td>RATE OF PORTFOLIO</td>
<td>DAYS TO MATURITY</td>
</tr>
<tr>
<td>3.219%</td>
<td>59.935%</td>
<td>580</td>
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</table>

Comments:
Portfolio holdings as of December 31, 2003, are in compliance with the current investment Policy. With 59.935% of the portfolio being held in liquid instruments, the cash needs of the City will be met. As per SB 564 and SB 866, the next portfolio report will be calculated for the first calendar quarter ended March 31, 2004, and will be presented during the April 20, 2004, Council meeting.
SUBJECT:        INTERIM FINANCIAL STATUS REPORT

SOURCE:        Administrative Services - Finance Division

COMMENT: The City Charter requires financial information to be provided to City Council members on a monthly basis. Staff will deliver this information publicly on a quarterly basis in conjunction with the quarterly portfolio summary. The approved dates for these presentations are the second Council meeting following the quarters ended March 31, June 30, September 30, and December 31.

In accordance with Council Minute Order #13-041602, the interim financial status reports for the fiscal year ended December 31, 2003, are submitted.

RECOMMENDATION: Accept the interim financial status reports as presented.

ATTACHMENT:    Interim financial reports

D.D. Appropriated/Funded C/M. Item No. 26
### CITY OF PORTERVILLE

**REVENUE STATUS REPORT - GENERAL FUND**

**FOR THE SIX MONTHS ENDED**

**DECEMBER 31, 2003 AND DECEMBER 31, 2002**

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>PROPERTY TAXES</td>
<td>$1,491,337</td>
<td>$853,016</td>
<td>57.20%</td>
<td>$1,470,045</td>
<td>$717,314</td>
<td>48.80%</td>
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<td></td>
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<tr>
<td>SALES AND USE TAX</td>
<td>4,509,401</td>
<td>1,883,246</td>
<td>41.76%</td>
<td>4,183,884</td>
<td>1,826,433</td>
<td>43.65%</td>
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<tr>
<td>UTILITY USERS TAX</td>
<td>3,022,559</td>
<td>1,246,170</td>
<td>41.23%</td>
<td>2,878,628</td>
<td>1,271,890</td>
<td>44.18%</td>
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<td>TRANSIENT OCCUPANCY TAX</td>
<td>189,720</td>
<td>61,138</td>
<td>32.23%</td>
<td>194,670</td>
<td>51,391</td>
<td>26.40%</td>
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<td>PROPERTY TRANSFER TAX</td>
<td>53,560</td>
<td>13,536</td>
<td>25.27%</td>
<td>38,625</td>
<td>27,804</td>
<td>71.99%</td>
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<tr>
<td>FRANCHISE TAX</td>
<td>1,279,000</td>
<td>407,994</td>
<td>32.00%</td>
<td>1,223,912</td>
<td>407,994</td>
<td>33.34%</td>
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<td>SALES TAX - PUBLIC SAFETY</td>
<td>114,000</td>
<td>33,025</td>
<td>28.97%</td>
<td>114,000</td>
<td>47,405</td>
<td>41.58%</td>
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<tr>
<td>LICENSES AND PERMITS:</td>
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<td></td>
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<tr>
<td>BUSINESS LICENSES</td>
<td>360,000</td>
<td>174,385</td>
<td>48.44%</td>
<td>360,000</td>
<td>175,175</td>
<td>48.66%</td>
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<td>CONSTRUCTION PERMITS</td>
<td>264,020</td>
<td>167,085</td>
<td>63.28%</td>
<td>236,940</td>
<td>178,087</td>
<td>75.16%</td>
</tr>
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<td>REVENUE FROM AGENCIES-TAXES:</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>MOTOR VEHICLE IN-LIEU TAX</td>
<td>2,512,984</td>
<td>528,220</td>
<td>21.02%</td>
<td>2,105,733</td>
<td>1,144,288</td>
<td>54.34%</td>
</tr>
<tr>
<td>OTHER TAXES</td>
<td>32,000</td>
<td>32,000</td>
<td>40.07%</td>
<td>35,200</td>
<td>7,979</td>
<td>22.67%</td>
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<tr>
<td>REVENUE FROM AGENCIES-GRANTS</td>
<td>641,873</td>
<td>829,769</td>
<td>129.27%</td>
<td>1,377,870</td>
<td>554,580</td>
<td>40.25%</td>
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<tr>
<td>USE OF MONEY AND PROPERTY</td>
<td>65,427</td>
<td>44,759</td>
<td>68.41%</td>
<td>58,500</td>
<td>20,367</td>
<td>34.81%</td>
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<tr>
<td>FINES AND FORFEITURES</td>
<td>30,000</td>
<td>12,135</td>
<td>40.45%</td>
<td>35,200</td>
<td>7,979</td>
<td>22.67%</td>
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<tr>
<td>CHARGES FOR SERVICES:</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLANNING AND ENGINEERING</td>
<td>85,500</td>
<td>34,259</td>
<td>40.07%</td>
<td>85,500</td>
<td>38,996</td>
<td>45.61%</td>
</tr>
<tr>
<td>POLICE</td>
<td>93,700</td>
<td>32,954</td>
<td>35.17%</td>
<td>96,000</td>
<td>52,084</td>
<td>54.25%</td>
</tr>
<tr>
<td>FIRE</td>
<td>35,000</td>
<td>155</td>
<td>0.44%</td>
<td>35,000</td>
<td>1,588</td>
<td>4.54%</td>
</tr>
<tr>
<td>LIBRARY</td>
<td>37,000</td>
<td>20,386</td>
<td>55.10%</td>
<td>37,000</td>
<td>19,992</td>
<td>54.03%</td>
</tr>
<tr>
<td>RECREATIONAL</td>
<td>782,500</td>
<td>437,016</td>
<td>55.85%</td>
<td>861,858</td>
<td>424,677</td>
<td>49.27%</td>
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<tr>
<td>INTERDEPARTMENTAL</td>
<td>1,171,234</td>
<td>649,208</td>
<td>55.43%</td>
<td>1,171,234</td>
<td>587,013</td>
<td>50.12%</td>
</tr>
<tr>
<td>OTHER</td>
<td>63,200</td>
<td>16,421</td>
<td>25.98%</td>
<td>51,200</td>
<td>3,867</td>
<td>7.55%</td>
</tr>
<tr>
<td>AFFINITY CARD PROGRAM</td>
<td>3,500</td>
<td>3,471</td>
<td>99.18%</td>
<td>3,500</td>
<td>1,822</td>
<td>52.06%</td>
</tr>
<tr>
<td>OTHER REVENUES</td>
<td>70,125</td>
<td>47,677</td>
<td>67.99%</td>
<td>65,975</td>
<td>39,076</td>
<td>59.23%</td>
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<tr>
<td><strong>SUBTOTALS</strong></td>
<td><strong>$16,903,640</strong></td>
<td><strong>$7,496,024</strong></td>
<td><strong>44.35%</strong></td>
<td><strong>$16,717,274</strong></td>
<td><strong>$7,599,821</strong></td>
<td><strong>45.46%</strong></td>
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<tr>
<td>DEBT SERVICE TRANSFERS</td>
<td>880,036</td>
<td>440,018</td>
<td>50.00%</td>
<td>855,933</td>
<td>427,967</td>
<td>50.00%</td>
</tr>
<tr>
<td><strong>$17,783,676</strong></td>
<td><strong>$7,936,042</strong></td>
<td><strong>44.63%</strong></td>
<td><strong>$17,573,207</strong></td>
<td><strong>$8,027,787</strong></td>
<td><strong>45.68%</strong></td>
<td></td>
</tr>
</tbody>
</table>
## CITY OF PORTERVILLE

### REVENUE STATUS REPORT - ALL OTHER FUNDS

**FOR THE SIX MONTHS ENDED**

**DECEMBER 31, 2003 AND DECEMBER 31, 2002**

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>REDEVELOPMENT AGENCY</td>
<td>$ 418,753</td>
<td>$ 773,040</td>
<td>184.6%</td>
<td>$ 566,470</td>
<td>$ 315,804</td>
<td>55.7%</td>
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<tr>
<td>SPECIAL GAS TAX</td>
<td>1,780,000</td>
<td>631,169</td>
<td>35.5%</td>
<td>4,103,260</td>
<td>630,646</td>
<td>15.4%</td>
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<tr>
<td>LOCAL TRANSPORTATION FUNDS (LTF)</td>
<td>572,706</td>
<td>1,968</td>
<td>0.3%</td>
<td>435,000</td>
<td>30,409</td>
<td>7.0%</td>
</tr>
<tr>
<td>TRAFFIC SAFETY FUND</td>
<td>101,000</td>
<td>31,723</td>
<td>31.4%</td>
<td>113,500</td>
<td>37,744</td>
<td>33.3%</td>
</tr>
<tr>
<td>ZALUD ESTATE</td>
<td>9,000</td>
<td>3,231</td>
<td>35.9%</td>
<td>9,000</td>
<td>4,429</td>
<td>49.2%</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>4,724,000</td>
<td>314,604</td>
<td>6.7%</td>
<td>751,000</td>
<td>295,482</td>
<td>39.3%</td>
</tr>
<tr>
<td>TRANSIT</td>
<td>1,913,800</td>
<td>694,840</td>
<td>36.3%</td>
<td>2,799,086</td>
<td>475,738</td>
<td>17.0%</td>
</tr>
<tr>
<td>SPECIAL POLICE GRANTS</td>
<td>137,500</td>
<td>159,470</td>
<td>116.0%</td>
<td>229,100</td>
<td>164,488</td>
<td>71.8%</td>
</tr>
<tr>
<td>SEWER OPERATING</td>
<td>5,314,763</td>
<td>2,558,525</td>
<td>48.1%</td>
<td>4,468,098</td>
<td>2,204,575</td>
<td>49.3%</td>
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<tr>
<td>REFUSE REMOVAL</td>
<td>3,934,524</td>
<td>1,857,032</td>
<td>47.2%</td>
<td>3,448,217</td>
<td>1,715,818</td>
<td>49.8%</td>
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<tr>
<td>AIRPORT OPERATIONS</td>
<td>620,554</td>
<td>450,610</td>
<td>72.6%</td>
<td>597,621</td>
<td>525,091</td>
<td>87.9%</td>
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<tr>
<td>GOLF COURSE</td>
<td>264,000</td>
<td>127,533</td>
<td>48.3%</td>
<td>289,212</td>
<td>129,425</td>
<td>44.8%</td>
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<tr>
<td>WATER OPERATING</td>
<td>4,704,678</td>
<td>2,779,077</td>
<td>59.1%</td>
<td>4,615,747</td>
<td>2,614,188</td>
<td>56.6%</td>
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<tr>
<td>RISK MANAGEMENT</td>
<td>2,480,000</td>
<td>1,216,284</td>
<td>49.0%</td>
<td>2,475,100</td>
<td>1,249,408</td>
<td>50.5%</td>
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<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>1,047,434</td>
<td>458,007</td>
<td>43.7%</td>
<td>956,245</td>
<td>482,470</td>
<td>50.5%</td>
</tr>
<tr>
<td>EQUIPMENT REPLACEMENT</td>
<td>1,363,619</td>
<td>618,511</td>
<td>45.4%</td>
<td>1,200,860</td>
<td>463,276</td>
<td>38.6%</td>
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<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>141,080</td>
<td>14,619</td>
<td>10.4%</td>
<td>140,149</td>
<td>14,094</td>
<td>10.1%</td>
</tr>
<tr>
<td>WATER REPLACEMENT</td>
<td>598,850</td>
<td>207,144</td>
<td>34.6%</td>
<td>456,862</td>
<td>245,830</td>
<td>53.8%</td>
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<td>SOLID WASTE RESERVE</td>
<td>244,549</td>
<td>122,931</td>
<td>50.3%</td>
<td>6,000</td>
<td>3,032</td>
<td>50.5%</td>
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<tr>
<td>SEWER REVOLVING</td>
<td>189,000</td>
<td>60,461</td>
<td>32.0%</td>
<td>221,000</td>
<td>73,272</td>
<td>33.2%</td>
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<tr>
<td>TRANSPORTATION DEVELOPMENT</td>
<td>136,800</td>
<td>122,026</td>
<td>89.2%</td>
<td>224,200</td>
<td>383,016</td>
<td>170.8%</td>
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<tr>
<td>PARK DEVELOPMENT</td>
<td>51,300</td>
<td>66,293</td>
<td>129.2%</td>
<td>83,000</td>
<td>3,344</td>
<td>4.0%</td>
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<tr>
<td>TREATMENT PLANT RESERVE</td>
<td>8,603,000</td>
<td>405,301</td>
<td>4.7%</td>
<td>995,000</td>
<td>486,102</td>
<td>48.9%</td>
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<tr>
<td>STORM DRAIN DEVELOPMENT</td>
<td>271,980</td>
<td>69,115</td>
<td>25.4%</td>
<td>260,000</td>
<td>83,162</td>
<td>32.0%</td>
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<tr>
<td>BUILDING CONSTRUCTION</td>
<td>50,000</td>
<td>20,617</td>
<td>41.2%</td>
<td>46,000</td>
<td>29,407</td>
<td>63.9%</td>
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<tr>
<td>AIRPORT REPLACEMENT</td>
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<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$ 39,672,890</strong></td>
<td><strong>$ 13,764,671</strong></td>
<td><strong>34.7%</strong></td>
<td><strong>$ 29,489,727</strong></td>
<td><strong>$ 12,660,251</strong></td>
<td><strong>42.9%</strong></td>
</tr>
</tbody>
</table>
## CITY OF PORTERVILLE

**EXPENDITURE STATUS REPORT - GENERAL FUND**

**FOR THE SIX MONTHS ENDED**

**DECEMBER 31, 2003 AND DECEMBER 31, 2002**

<table>
<thead>
<tr>
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<tbody>
<tr>
<td></td>
<td>AMENDED</td>
<td>YEAR-TO-DATE</td>
<td>% OF APPROP</td>
<td>AMENDED</td>
<td>YEAR-TO-DATE</td>
<td>% OF APPROP</td>
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<td><strong>LEGISLATIVE:</strong></td>
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</tr>
<tr>
<td>City Council</td>
<td>$63,662</td>
<td>$40,310</td>
<td>63.3%</td>
<td>$53,662</td>
<td>$42,153</td>
<td>78.6%</td>
</tr>
<tr>
<td>Community Promotion</td>
<td>167,527</td>
<td>98,231</td>
<td>58.6%</td>
<td>167,527</td>
<td>96,037</td>
<td>57.3%</td>
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<td><strong>ADMINISTRATIVE &amp; LEGAL:</strong></td>
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<td></td>
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</tr>
<tr>
<td>City Manager</td>
<td>223,994</td>
<td>98,997</td>
<td>44.2%</td>
<td>207,255</td>
<td>94,934</td>
<td>45.8%</td>
</tr>
<tr>
<td>City Clerk</td>
<td>110,009</td>
<td>50,528</td>
<td>45.9%</td>
<td>135,009</td>
<td>43,853</td>
<td>32.5%</td>
</tr>
<tr>
<td>Human Resources</td>
<td>129,117</td>
<td>54,569</td>
<td>42.3%</td>
<td>129,117</td>
<td>54,280</td>
<td>42.0%</td>
</tr>
<tr>
<td>City Attorney</td>
<td>107,340</td>
<td>74,315</td>
<td>69.2%</td>
<td>107,340</td>
<td>46,371</td>
<td>43.2%</td>
</tr>
<tr>
<td><strong>FINANCE:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finance &amp; Accounting</td>
<td>603,801</td>
<td>268,173</td>
<td>44.4%</td>
<td>596,845</td>
<td>297,974</td>
<td>49.9%</td>
</tr>
<tr>
<td>Information Services</td>
<td>241,187</td>
<td>101,981</td>
<td>42.3%</td>
<td>221,314</td>
<td>66,901</td>
<td>30.2%</td>
</tr>
<tr>
<td>Administrative Services</td>
<td>342,354</td>
<td>168,962</td>
<td>49.4%</td>
<td>369,183</td>
<td>142,104</td>
<td>38.5%</td>
</tr>
<tr>
<td><strong>POLICE PROTECTION:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>618,012</td>
<td>291,985</td>
<td>47.2%</td>
<td>626,334</td>
<td>245,782</td>
<td>39.2%</td>
</tr>
<tr>
<td>Operations</td>
<td>2,569,953</td>
<td>1,237,490</td>
<td>48.2%</td>
<td>2,567,055</td>
<td>1,081,737</td>
<td>42.1%</td>
</tr>
<tr>
<td>Investigative</td>
<td>1,874,183</td>
<td>871,889</td>
<td>46.5%</td>
<td>1,868,050</td>
<td>727,137</td>
<td>38.9%</td>
</tr>
<tr>
<td>Animal Control</td>
<td>139,000</td>
<td>38,140</td>
<td>27.4%</td>
<td>138,000</td>
<td>45,920</td>
<td>33.3%</td>
</tr>
<tr>
<td>Fire Protection</td>
<td>2,363,925</td>
<td>1,136,344</td>
<td>48.1%</td>
<td>2,352,424</td>
<td>1,010,430</td>
<td>43.0%</td>
</tr>
<tr>
<td><strong>COMMUNITY DEVELOPMENT:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Engineering &amp; Building</td>
<td>612,469</td>
<td>300,701</td>
<td>49.1%</td>
<td>612,469</td>
<td>263,311</td>
<td>43.0%</td>
</tr>
<tr>
<td>Planning &amp; Zoning</td>
<td>257,414</td>
<td>122,620</td>
<td>47.6%</td>
<td>257,414</td>
<td>124,683</td>
<td>48.4%</td>
</tr>
<tr>
<td>Economic Development</td>
<td>172,239</td>
<td>71,215</td>
<td>41.3%</td>
<td>172,239</td>
<td>47,065</td>
<td>27.3%</td>
</tr>
<tr>
<td>Street Maintenance</td>
<td>341,241</td>
<td>134,817</td>
<td>39.5%</td>
<td>365,241</td>
<td>160,369</td>
<td>43.9%</td>
</tr>
<tr>
<td>Signals, Signing &amp; Striping</td>
<td>270,574</td>
<td>126,133</td>
<td>46.6%</td>
<td>280,574</td>
<td>125,855</td>
<td>44.9%</td>
</tr>
<tr>
<td>Street Lighting</td>
<td>298,120</td>
<td>107,347</td>
<td>36.0%</td>
<td>266,120</td>
<td>125,325</td>
<td>47.1%</td>
</tr>
<tr>
<td>Storm Drains</td>
<td>92,204</td>
<td>21,772</td>
<td>23.6%</td>
<td>92,204</td>
<td>12,849</td>
<td>13.9%</td>
</tr>
<tr>
<td>Parking Lots</td>
<td>39,208</td>
<td>15,295</td>
<td>39.0%</td>
<td>37,208</td>
<td>15,345</td>
<td>41.2%</td>
</tr>
<tr>
<td><strong>PARKS &amp; LEISURE:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park Maintenance &amp; Operation</td>
<td>1,172,542</td>
<td>592,403</td>
<td>50.5%</td>
<td>1,218,363</td>
<td>598,544</td>
<td>49.1%</td>
</tr>
<tr>
<td>Street Trees &amp; Parkways</td>
<td>263,818</td>
<td>85,243</td>
<td>32.3%</td>
<td>239,847</td>
<td>95,149</td>
<td>39.7%</td>
</tr>
<tr>
<td>Community Centers</td>
<td>227,305</td>
<td>102,031</td>
<td>44.9%</td>
<td>228,459</td>
<td>103,704</td>
<td>45.4%</td>
</tr>
<tr>
<td>Leisure Services</td>
<td>141,567</td>
<td>75,490</td>
<td>53.3%</td>
<td>141,567</td>
<td>72,829</td>
<td>51.4%</td>
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<tr>
<td>Leisure Services - Special Prog</td>
<td>792,889</td>
<td>353,898</td>
<td>44.6%</td>
<td>775,501</td>
<td>367,242</td>
<td>47.4%</td>
</tr>
<tr>
<td>Swimming Pool</td>
<td>134,079</td>
<td>72,564</td>
<td>54.1%</td>
<td>134,079</td>
<td>81,889</td>
<td>61.1%</td>
</tr>
<tr>
<td>Library Operations</td>
<td>592,227</td>
<td>302,120</td>
<td>51.0%</td>
<td>591,879</td>
<td>292,782</td>
<td>49.5%</td>
</tr>
<tr>
<td>Special Projects</td>
<td>38,506</td>
<td>28,977</td>
<td>75.3%</td>
<td>263,323</td>
<td>120,469</td>
<td>45.7%</td>
</tr>
<tr>
<td><strong>SUB TOTALS</strong></td>
<td>$15,000,466</td>
<td>$7,044,569</td>
<td>47.0%</td>
<td>$15,215,602</td>
<td>$6,602,991</td>
<td>43.4%</td>
</tr>
<tr>
<td><strong>DEBT SERVICE</strong></td>
<td>1,834,883</td>
<td>917,442</td>
<td>50.0%</td>
<td>1,837,508</td>
<td>918,754</td>
<td>50.0%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$16,835,349</td>
<td>$7,962,011</td>
<td>47.3%</td>
<td>$17,053,110</td>
<td>$7,521,745</td>
<td>44.1%</td>
</tr>
</tbody>
</table>
GENERAL FUND EXPENDITURES
Fiscal Year Ended December 31, 2003

COMMUNITY DEVELOPMENT (11.30%)

DEBT SERVICE (11.52%)

POLICE (30.64%)

FIRE (14.27%)

PARKS & LEISURE (20.26%)

GENERAL FUND EXPENDITURES
Fiscal Year Ended December 31, 2002

COMMUNITY DEVELOPMENT (11.63%)

DEBT SERVICE (12.21%)

POLICE (27.93%)

FIRE (13.43%)

PARKS & LEISURE (23.03%)

ADMINISTRATIVE & LEGAL (3.50%)

FINANCE (6.77%)

LEGISLATIVE (1.74%)
CITY OF PORTERVILLE

EXPENDITURE STATUS REPORT - ALL OTHER FUNDS
FOR THE SIX MONTHS ENDED
DECEMBER 31, 2003 AND DECEMBER 31, 2002

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AMENDED</td>
<td>YEAR-TO-DATE</td>
<td>AMENDED</td>
<td>YEAR-TO-DATE</td>
<td>AMENDED</td>
<td>YEAR-TO-DATE</td>
</tr>
<tr>
<td></td>
<td>APPROP</td>
<td>EXPEND</td>
<td>% OF APPROP</td>
<td>EXPEND</td>
<td>APPROP</td>
<td>EXPEND</td>
</tr>
<tr>
<td>REDEVELOPMENT AGENCY</td>
<td>$588,840</td>
<td>$399,610</td>
<td>67.9%</td>
<td>$699,000</td>
<td>$126,656</td>
<td>18.1%</td>
</tr>
<tr>
<td>ZALUD ESTATE</td>
<td>29,189</td>
<td>12,185</td>
<td>41.7%</td>
<td>34,421</td>
<td>11,969</td>
<td>34.8%</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>199,800</td>
<td>92,215</td>
<td>46.2%</td>
<td>150,200</td>
<td>59,788</td>
<td>39.8%</td>
</tr>
<tr>
<td>TRANSIT</td>
<td>1,725,996</td>
<td>1,313,054</td>
<td>76.1%</td>
<td>2,185,451</td>
<td>818,494</td>
<td>37.5%</td>
</tr>
<tr>
<td>SPECIAL POLICE GRANTS</td>
<td>379,758</td>
<td>125,396</td>
<td>33.0%</td>
<td>423,120</td>
<td>61,745</td>
<td>14.6%</td>
</tr>
<tr>
<td>SEWER OPERATING</td>
<td>5,557,771</td>
<td>2,298,343</td>
<td>41.4%</td>
<td>5,285,950</td>
<td>2,053,979</td>
<td>38.9%</td>
</tr>
<tr>
<td>REFUSE REMOVAL</td>
<td>3,880,149</td>
<td>1,861,246</td>
<td>48.0%</td>
<td>3,642,796</td>
<td>1,532,609</td>
<td>42.1%</td>
</tr>
<tr>
<td>AIRPORT</td>
<td>671,554</td>
<td>392,732</td>
<td>58.5%</td>
<td>597,072</td>
<td>417,294</td>
<td>69.9%</td>
</tr>
<tr>
<td>GOLF COURSE</td>
<td>300,434</td>
<td>139,973</td>
<td>46.6%</td>
<td>298,508</td>
<td>129,924</td>
<td>43.5%</td>
</tr>
<tr>
<td>WATER OPERATING</td>
<td>4,418,527</td>
<td>1,819,233</td>
<td>41.2%</td>
<td>4,245,182</td>
<td>1,890,804</td>
<td>44.5%</td>
</tr>
<tr>
<td>RISK MANAGEMENT</td>
<td>2,819,172</td>
<td>1,647,604</td>
<td>58.4%</td>
<td>2,819,172</td>
<td>1,520,171</td>
<td>53.9%</td>
</tr>
<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>907,290</td>
<td>392,905</td>
<td>43.3%</td>
<td>787,338</td>
<td>358,596</td>
<td>45.5%</td>
</tr>
<tr>
<td>CENTRAL STORES</td>
<td>173,717</td>
<td>81,673</td>
<td>47.0%</td>
<td>187,707</td>
<td>88,734</td>
<td>47.3%</td>
</tr>
<tr>
<td>EQUIPMENT REPLACEMENT</td>
<td>1,187,108</td>
<td>340,154</td>
<td>28.7%</td>
<td>1,650,757</td>
<td>805,178</td>
<td>48.8%</td>
</tr>
<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>141,078</td>
<td>43,020</td>
<td>30.5%</td>
<td>140,149</td>
<td>40,475</td>
<td>28.9%</td>
</tr>
</tbody>
</table>

TOTALS                | $22,980,383 | $10,959,342 | 47.7%      | $23,146,823 | $9,916,416 | 42.8%     |
CITY OF PORTERVILLE  
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS  
As of December 31, 2003

<table>
<thead>
<tr>
<th>FUND</th>
<th>REVENUES</th>
<th>EXPENSES</th>
<th>NET PROFIT (LOSS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zalud Estate</td>
<td>$</td>
<td>3,231.40 $</td>
<td>(12,184.56) $</td>
</tr>
<tr>
<td>Sewer</td>
<td>2,558,525.08</td>
<td>(2,298,343.33)</td>
<td>260,181.75</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>1,857,031.93</td>
<td>(1,861,245.78)</td>
<td>(4,213.85)</td>
</tr>
<tr>
<td>Airport</td>
<td>450,609.66</td>
<td>(392,731.75)</td>
<td>57,877.91</td>
</tr>
<tr>
<td>Golf</td>
<td>127,532.62</td>
<td>(139,973.02)</td>
<td>(12,440.40)</td>
</tr>
<tr>
<td>Water</td>
<td>2,779,076.92</td>
<td>(1,819,232.84)</td>
<td>959,844.08</td>
</tr>
</tbody>
</table>

NOTE: The Transit Fund is not included as it does not contain any retained earnings.
The City Manager has received a request from the Mayor for a community questionnaire. He requested that an item be added to the January 20th agenda calling for a community questionnaire to be included with the utility bills. The questions to be asked (subject to formulation by the full Council) are proposed as follows:

1. To accommodate the local demand for water the City of Porterville will need to drill 6 to 9 wells over the next three years at an estimated cost of $500,000 each. Would you be in favor of switching to a tiered schedule of residential rates, similar to what is currently used by SCE for electricity, with a higher rate for large consumption of water at peak times, as a method for reducing peak demand and delaying the need for additional wells?

2. The City of Porterville has several major road construction projects planned for the next couple of years. Would you like to see the City include 3-4 Roundabouts in future construction as a way of improving traffic flow, reducing wait times at intersections and improving traffic safety?

3. Do you favor the development of a network of bicycle lanes that will connect schools, parks, residential, and shopping areas?

4. Would you like to see the City of Porterville institute curbside pickup of recyclable materials even if this meant an increase in trash pick up fees?

There may be additional questions added at the time Council debates the matter.
COUNCIL AGENDA: JANUARY 20, 2004

PORTERVILLE REDEVELOPMENT AGENCY

SUBJECT: AWARD OF CONTRACT – CASAS BUENA VISTA – LANDSCAPE MAINTENANCE DISTRICT (LMD) #25

SOURCE: COMMUNITY DEVELOPMENT

COMMENT: On January 12, 2004, staff received two (2) bids for the Casas Buena Vista LMD #25 project. The bids received are as follows and include all five (5) alternates:

- **Rainscape**
  - Porterville, CA
  - $191,878

- **Hobbs Construction**
  - Ivanhoe, CA
  - $201,185

Staff has found the low bid acceptable. This project will be funded through Redevelopment Low and Mod Housing Funds.

RECOMMENDATION: That the Redevelopment Agency:

1. Award the Casas Buena Vista LMD #25 project to Rainscape in the amount of $191,878;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

ATTACHMENT: Bid Summary
Locator Map

DD [Signature] APPROPRIATED/FUNDED [Signature] CM [Signature] ITEM NO. **PRA-1**
## Bid Summary
**Bids Opened January 12, 2004 at 2:30 P.M.**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>A&amp;D</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>Rainscape Unit</th>
<th>Total</th>
<th>Hobbs Construction Unit</th>
<th>Total</th>
<th>Unit</th>
<th>Total</th>
<th>Unit</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>LS</td>
<td>LS</td>
<td>Review Site/Project Start Up</td>
<td>$4,000.00</td>
<td></td>
<td>$18,665.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>LS</td>
<td>LS</td>
<td>Demolition, Clearing and Grubbing</td>
<td>$8,080.00</td>
<td></td>
<td>$15,000.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>LS</td>
<td>LS</td>
<td>Rough Grading, Excavate Play area, Fill Low Area</td>
<td>$11,205.00</td>
<td></td>
<td>$20,000.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>LS</td>
<td>LS</td>
<td>Asphalt Parking, Slurry Seal, Striping, Wheel Stops, ADA Sign</td>
<td>$16,400.00</td>
<td></td>
<td>$10,000.00</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>5.</td>
<td>LS</td>
<td>LS</td>
<td>Concrete Slab, Striping, Walk, Bench Pads, Ramp, Curbs</td>
<td>$38,893.00</td>
<td></td>
<td>$30,000.00</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>6.</td>
<td>LS</td>
<td>LS</td>
<td>Install Basketball Equipment</td>
<td>$2,770.00</td>
<td></td>
<td>$2,500.00</td>
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</tr>
<tr>
<td>7.</td>
<td>LS</td>
<td>LS</td>
<td>New and Rehabed Mailboxes, Installed</td>
<td>$3,745.00</td>
<td></td>
<td>$4,000.00</td>
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<td></td>
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</tr>
<tr>
<td>8.</td>
<td>LS</td>
<td>LS</td>
<td>Pothole and Install Irrigation</td>
<td>$43,027.00</td>
<td></td>
<td>$45,000.00</td>
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<td></td>
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</tr>
<tr>
<td>9.</td>
<td>LS</td>
<td>LS</td>
<td>Fine Grade, Insull Planting, Root Barriers</td>
<td>$24,291.00</td>
<td></td>
<td>$20,000.00</td>
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</tr>
<tr>
<td>10.</td>
<td>CY</td>
<td>CY</td>
<td>Top Dress Mulch</td>
<td>$40.54</td>
<td>$1,500.00</td>
<td>$75.00</td>
<td>$2,775.00</td>
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<tr>
<td>11.</td>
<td>LS</td>
<td>LS</td>
<td>Play Area Equipment and Surface</td>
<td>$22,666.00</td>
<td></td>
<td>$17,500.00</td>
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</tr>
<tr>
<td>12.</td>
<td>LS</td>
<td>LS</td>
<td>90 Day Landscape Maintenance</td>
<td>$4,000.00</td>
<td></td>
<td>$2,500.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>$180,577.00</strong></td>
<td></td>
<td><strong>$187,940.00</strong></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>ALTERNATE &quot;A&quot; (ADD)</td>
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<td></td>
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<tr>
<td>--------------------</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>&quot;A&quot;</td>
<td>LS</td>
<td>LS</td>
<td>Boring Underneath Streets to Install new sleeves if existing sleeves are not located</td>
<td>$2,700.00</td>
<td>$5,720.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td>$2,700.00</td>
<td>$5,720.00</td>
<td>$0.00</td>
<td>$0.00</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ALTERNATE &quot;B&quot; (ADD)</th>
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<tr>
<td>&quot;B&quot;</td>
<td>LS</td>
<td>LS</td>
<td>Install Two Trash Cans on Bench Pads and One Trash Can Next to Barbeque Location</td>
<td>$2,536.00</td>
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<td>TOTAL</td>
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<td>&quot;C&quot;</td>
<td>LS</td>
<td>LS</td>
<td>Install Benches on Bench Pads</td>
<td>$1,815.00</td>
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<td>TOTAL</td>
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<tr>
<td>&quot;D&quot;</td>
<td>LS</td>
<td>LS</td>
<td>Picnic Tables on Concrete Pads</td>
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<td>&quot;E&quot;</td>
<td>LS</td>
<td>LS</td>
<td>Barbeque on Concrete Pad</td>
<td>$617.00</td>
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