CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
MARCH 15, 2005 6:00 P.M.

Call to Order
Roll Call

ORAL COMMUNICATIONS
This is the opportunity to address the Council on any matter scheduled for Closed Session.

CLOSED SESSION:

A. Closed Session Pursuant to:
   5- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: Three Cases.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Mayor Pro Tem Ron Irish
Invocation

PROCLAMATION
“Adult Literacy Day” - April 2, 2005
“Filipino - American Week” - September 24-30, 2005

PRESENTATION
Outstanding Business Honoree
City Manager’s Featured Projects for March, 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 February 15, 2005.

2. Budget Adjustments for the 2004/2005 Fiscal Year
Re: Approval of budget adjustments increasing the revenue estimates and appropriations in the General Fund by $2,000 to account for donation received from Breakfast Rotary for Centennial Park; and by $176,494 to account for grant award of the Fire Act Grant 2004 for breathing apparatus.

3. Authorization to Negotiate a Contract for Engineering Design Services - Jaye Street/Tule River Bridge Project
Re: Authorizing staff to negotiate with Imbsen & Associates of Sacramento for design services to rehabilitate and widen the Jay Street/Tule River Bridge.

4. Acceptance of Appraised Value of Right of Way for Property Located at APN 261-080-037 - Alejandro and Teresa Benavidez - Date Avenue Reconstruction Project
Re: Authorizing staff to make payment of $12,900 to Alejandro and Teresa Benavidez for the purchase of 1,961 sq. ft. of real property for right of way usage, generally located south of Date Avenue near C Street.

5. Acceptance of Appraised Value of Right of Way for Property Located at APN 261-080-038 - Joe Lambarena - Date Avenue Reconstruction Project
Re: Authorizing staff to make payment of $9,200 to Joe Lambarena for the purchase of 1,245 sq. ft. of real property for right of way usage, generally located south of Date Avenue and east of C Street.

6. Acceptance of Appraised Value of Right of Way for Property Located at APN 261-080-039 - Mario A. Lambarena and Cristal R. Lambarena-Millon - Date Avenue Reconstruction Project
Re: Authorizing staff to make payment of $7,200 to Mario A. Lambarena and Cristal R. Lambarena-Millon for the purchase of real property for right of way usage, generally located south of Date Avenue and west of B Street.

7. Substitution of Security for Requested Construction Warranty for the St. James Place Project
Re: Approving substitution of a Letter of Credit for the $50,000 Certificate of Deposit, and authorizing the utilization of Redevelopment Low and Moderate Income Housing Funds in the approximate amount of $1,250, not to exceed $3,000, to pay the for the cost of the Letter of Credit.

8. Workforce Housing Incentive Grant Program
Re: Authorizing staff to submit application to Department of Housing and Community Development for an anticipated first year award of $100,000, of which $30,000 would be used for the Skateboard Park, $10,000 for Centennial Plaza, $60,000 for Murry Park, with any excess going toward Traffic Signal No. 8 at Mulberry and Plano Street.

9. Conditional Use Permit 1-2005 - Resolution of Denial to Upgrade an Existing Type 20, Beer and Wine Off-sale License to a Type 21, Beer, Wine and Distilled Spirits Off-sale License and Letter of Public Convenience or Necessity for an Existing Mini-mart Located at 809 East Putnam Avenue (Mounib Dakhil)
Re: Adopting resolution containing the findings for denial of Conditional Use Permit 1-2005.
10. **Spring Clean-Up Event**  
Re: Consideration of declaring April 23, 2005 as City of Porterville’s “Spring Clean Up Day,” encouraging citizens to participate, and authorizing City to accept trash, litter, and yard prunings brought to its Corporation Yard free of charge on April 23, 2005.

11. **Lighted Pedestrian Crossings Update**  
Re: Approving changes to the Plans, Project Manual and Estimate of Probable Cost for installation of lighted crossings where Rails to Trails Project intersects Olive Avenue, Putnam Avenue, Morton Avenue, and Henderson Avenue.

12. **Intent to Set a Public Hearing for Reimbursement Agreements for Concrete Improvement Construction by the City - Granite Hills Streets Project, Phase Two, and Milo Street Reconstruction Project**  
Re: Setting a public hearing for April 19, 2005, pursuant to the Mitigation Fee Act, for the establishment of the concrete reimbursement fee and authorizing staff to notify all affected property owners.

Re: Approving event to be held on Friday, March 25, 2005 from 9:00 a.m. to 1:30 p.m., subject to applications restrictions.

14. **Approval for Community Civic Event - Porterville Breakfast Rotary Cancer Run, May 7, 2005**  
Re: Approving 5K Cancer Run from 6:00 a.m. to 11:00 a.m., starting at Putnam Avenue and Tulsa Street, heading south to Olive Avenue, north on Crestview Street, east on Morton Avenue, south on Conner Street and east on Putnam Avenue to Tulsa Street, subject to application restrictions.

15. **Airport Lease - Lot 34E**  
Re: Approving assignment of lease agreement for hangar at the Porterville Municipal Airport between City of Porterville and Charles F. Hutchins and Marilyn J. Hutchins to Glenn Ricketson.

16. **Request Approval of Land Lease at Porterville Municipal Airport - Donald M. Matthews and Marjorie E. Matthews, Lot 46E**  
Re: Approving land lease to Donald M. Matthews and Marjorie E. Matthews for a term of fifteen years with annual CPI adjustments.

17. **Proposed Revision of Taxicab/Vehicle for Hire Ordinance - Set Public Hearing**  
Re: Setting April 5, 2005 as the date for a public hearing to consider proposed changes to Chapter 23 of the Municipal Code regarding taxicab/vehicles for hire and to set administrative fee.

18. **Alternative Staffing for the Police Department**  
Re: Approving reorganization of staffing to eliminate two clerical positions and reallocation of funds for a new Property and Evidence Technician position so as to return Sworn Officer to policing duties.

19. **City Manager’s Contract**  
Re: That the Council review and approve the Employment Agreement between the City of Porterville and John R. Longley, Jr.

*A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible*
SECOND READING
20. Ordinance 1665, Zone Change 7-2004 (Ennis)
   Re: Adopting the Ordinance approving Zone Change 7-2004 from R-1 (One Family Residential) to R-2
   (Four Family Residential) with a Design Review Overlay and R-1 (One Family Residential) to R-3
   (Multiple Family Residential) with a Design Review Overlay for the vacant 21.05± acre site located
   generally at the southwest corner of Henderson Avenue and Newcomb Street.

SCHEDULED MATTERS
21. Approval to Market Building Located at 301 North Hockett Street
   Re: Authorizing staff to advertise sale of building by sealed bid with requirements to remove structure
   within six months of time of sale.

22. Appointment of Members to the Parks & Leisure Services Commission
   Re: Considering statements of interest submitted by Mrs. Grace Munoz-Rios, Mr. John Hardin, Mr. Greg
   Shelton, Mr. George Luna, Mr. Larry Sullivan, or other interested individuals, and appointing three
   individuals to the vacancies.

23. Consideration of Advertising on Buses
   Re: Considering advertising program for buses which could provide additional revenue source for
   general operation of transit system, or for operational expenses necessary for a new trolley.

   Re: Status report for period of March 2004 through February 2005 comparing the monthly $500 stipend
   paid by the City to Santa Fe Depot to actual utility costs totaling $6,623.79 for the same period.

25. Review of Draft Tulare County Association of Governments Financial Feasibility Independence
    (Autonomy) Study
    Re: Consideration of supporting continued investigation into formation of an independent TCAG (and
    LAFCO) for addressing region’s issues.

Adjourn to a Joint Meeting of the Porterville City Council and Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Redevelopment Agency

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

JOINT CITY COUNCIL/REDEVELOPMENT SCHEDULED MATTER
PRA-1. Ratification of Subordination Agreements for St. James Place
   Re: Ratifying documents necessary to effectuate subordination of the City loan to the Bank of the
   Sierra.

Adjourn the Joint Meeting to a Meeting of the Porterville Redevelopment Agency

PRA-2. Payment for Security for Required Construction Warranty for the St. James Place Project
   Re: Approving expenditure of Redevelopment Low and Moderate Income Housing Funds for the
   cost of the Letter of Credit in the approximate amount of $1,250, not to exceed $3,000.
Use of Redevelopment Agency First Time Low Income Homebuyer Program Loan
Re: Authorizing the use of program income funds generated by the sale or refinance of homes assisted with Redevelopment FTHB funds for the Redevelopment homebuyer assistance in the Casas Buena Vista Subdivision.

Adjourn the Redevelopment Agency Meeting

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

ADJOURNMENT - to the meeting of March 29, 2005 at 6:00 p.m.

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.
CITY MANAGER’S FEATURED PROJECTS FOR MARCH, 2005

1. Computers Police Vehicles

2. HOME - First Time Low Income Homebuyers Program - Receipt of $1.2 Grant
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
FEBRUARY 15, 2005 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Council Member West, Mayor Pro Tem Irish, Council Member Hamilton, Council Member Stadtherr, Mayor Martinez

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   1 - Government Code § 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
No action to report.

Pledge of Allegiance Led by Council Member Richard Stadtherr
Invocation by Mayor Martinez

PRESENTATIONS
• Gil Meachum, Noon Rotary Club of Porterville, came forward and presented a $1,000 check to the Adult Literacy Program. Mr. Meachum then invited Council, staff, and audience members to the Ground Breaking at Centennial Plaza at Noon on February 23, 2005.
• City Manager’s Featured Project
  School Resource Officer: Police Chief Silver Rodriguez made a presentation on the concept and introduced Officers Marcial Morales and Sonia Silva.
• WRAP Awards
  California Integrated Waste Management Board Wrap Award Certificates of Appreciation presented to:
  • Save Mart Store #45
  • Save Mart Store #79
  • Mervyn’s Store #0251
  • Target Store #0698
  • Porterville Sheltered Workshop
  Tulare County Wrap Award and Check in the amount of $1,000 presented to:
  • Wildplaces Ecological Restoration and Education, Springville, CA

Noting the large number of audience members in attendance, Mayor Martinez advised that the Council would enforce the 3 minute maximum for speakers so as to accommodate as many individuals interested in speaking that evening.

ORAL COMMUNICATIONS
• Zack Tolson, 246 South Chestnut, spoke against the proposed Ordinance regulating skateboarders and in favor of the Skateboard Park.
April Tolson, 246 South Chestnut, came forward, spoke against the proposed Ordinance regulating skateboarders, and read her letter of resignation from the Parks and Leisure Services Commission, copies of which she provided to Council.

Dennis Townsend, a Springville resident, voiced support for allowing sectarian prayer during the invocation and requested that Council pass a resolution reinstating such prayer.

Ce Ce Townsend, a Springville resident, came forward and voiced support for allowing sectarian prayer during invocations at Council Meetings.

Barbara Black, 2279 West Garden, spoke against the proposed Ordinance regulating skateboarders.

Margorie Di Carlo, a Springville resident, spoke in favor of allowing sectarian prayer.

Leslie Lanning, 67 North Kessing, spoke against allowing sectarian prayer, instead suggesting a moment of silence.

David Harris, 28593 Avenue 140, spoke in favor of sectarian prayer and requested that the Council reverse its decision not to allow such prayer.

Mary Hodges, a Terra Bella resident, came forward as a member of Leadership Porterville Class 2004 to fulfill a class challenge.

Megan Hanson, 36 East Cleveland, came forward as a member of Leadership Porterville Class 2004.

Bethany Ambrossini, a Strathmore resident, came forward as a member of Leadership Porterville Class 2004.

James Handley, 361 West Oak Avenue, voiced support for allowing sectarian prayer during invocations and warned Council to represent the wishes of the citizens.

The Council recessed for ten minutes.

An individual came forward and voiced support for sectarian prayer during invocations.

Peter Schalember, 1591 North Salisbury, came forward as President of the Porterville Area Ministerial Association and spoke in favor of allowing sectarian prayer during invocations.

Dave Mast, 1301 Jean Street, voiced support for allowing sectarian prayer during invocations and suggested that any and all “legally-defined religions” be allowed to participate.

Rod Boland, a Strathmore resident, voiced support for allowing references to Jesus during invocations.

Linda Morton, 617 South Plano, voiced concerns regarding the proposed annexations.

Dr. Paul Israel, came forward and voiced support for allowing sectarian prayer during invocations at Council Meetings.

Anthony Mock, 1407 West Thurman, voiced support for allowing sectarian prayer and requested that the Council advise for the record as to the manner in which the policy regarding invocations had been changed.

Harry Kennedy, 844 West Kanai, voiced support for allowing sectarian prayer during invocations.

Mark Hillman, 620 West Olive Avenue, voiced support for allowing sectarian prayer.

Sidney Pedraza, 1125 West Glen Court, voiced support for allowing sectarian prayer during invocations.

Bernice Gist, 727 West Morton Avenue, spoke in favor of allowing sectarian prayer during invocations.

A Spanish-speaking individual came forward and voiced support for allowing sectarian prayer during invocations. Mayor Martinez translated his comments.

Jonathan Casey, 828 North Patsy, voiced support for allowing sectarian prayer.

Deborah Sierra, 617 North Main Street, came forward as the Chairperson for the 7th Annual Iris Festival, requested support for the event on April 23, 2005, and invited Council, staff and audience members to attend.
• Fran McElfish, 39 Carmelita Street, voiced support for allowing references to Jesus during invocations.

Mayor Martinez ended Oral Communications and advised the audience that another Oral Communications segment would take place later in the meeting.

Council Member West commented that he had heard quotations at a church service the previous Sunday which he believed to be appropriate. He then offered those quotations regarding Jesus and commented that Jesus was the Lord of his life.

Mayor Martinez stated that the Council appreciated hearing all of the different points of view. He encouraged the audience to also take advantage of other forms of communication with the Council, such as e-mail and written correspondence. He stated that the Council had been diligently looking for a solution to the issue so that all were treated equally and fairly. He then thanked everyone for being respectful.

The Council recessed for five minutes.

CONSENT CALENDAR
Items 5, 10, and 12 were removed.

1. CITY COUNCIL MINUTES OF FEBRUARY 1, 2005

Recommendation: That the Council approve the City Council Minutes of February 1, 2005.

Documentation: M.O. 01-021505
Disposition: Approved.

2. CLAIM - PAUL SIMMONS

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.

Documentation: M.O. 02-021505
Disposition: Approved.

3. CLAIM - MICHAEL HURTADO

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.

Documentation: M.O. 03-021505
Disposition: Approved.

4. BUDGET ADJUSTMENTS FOR THE 2004-05 FISCAL YEAR

Recommendation: That the Council approve the budget adjustments to increase the revenue estimate in the General Fund and the appropriation in the Parks budget by $62,000 to account for reimbursement from the State for the OHV Park, and authorize staff to modify the revenue and expenditure estimates.

Documentation: M.O. 04-021505
6. **STORM WATER MANAGEMENT PLAN (SWMP)**

Recommendation: That the Council authorize staff to negotiate for consulting services for the development of a Storm Water Management Plan.

Documentation: M.O. 05-021505

Disposition: Approved.

7. **APPROVAL OF RESOLUTION FOR RIGHT OF WAY PURCHASE - SCHELLHASE - MEMORY LANE WIDENING**

Recommendation: That the Council approve the resolution accepting Grant Deeds in fee for public street and underground utilities purposes from Shawn F. Schellhase.

Documentation: Resolution 19-2005

Disposition: Approved.

8. **AIRPORT HANGAR PURCHASE**

Recommendation: That the Council:

1. Authorize staff to submit a loan request for $118,000;
2. Adopt the resolution;
3. Authorize the Mayor to sign any and all forms necessary for the execution of the loan agreement; and
4. Authorize staff to accept the loan, if the interest rate is such that the Caltrans program requirements can still be achieved.

Documentation: Resolution 20-2005

Disposition: Approved.

9. **AUTHORIZE THE PUBLIC WORKS DIRECTOR TO APPROVE RIGHT OF WAY TAKES OF $1,000 OR LESS**

Recommendation: That the City Council:

1. Give the authority to the Public Works Director to approve right of way takes of $1,000 or less; and
2. Approve the Policy for Right of Way Takes of $1,000.00 or less.

Documentation: M.O. 06-021505

Disposition: Approved.

11. **APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE IRIS FESTIVAL, APRIL 23, 2005**

Recommendation: That the Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in the application, agreement and Exhibit A of the Community Civic Event forms.
12a. AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN, EMPLOYEE BENEFIT TRUST FUND, AND THE PERSONNEL SYSTEM RULES AND REGULATIONS

Recommendation: That the City Council adopt the attached resolution amending the Employee Pay and Benefit Plan for Fiscal Years 2004-2005, the Employee Benefit Trust Fund, and the Personnel System Rules and Regulations, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

Documentation: Resolution 21-2005
Disposition: Approved.

12b. VACANCIES ON THE PARKS & LEISURE SERVICES COMMISSION

Recommendation: That the City Council continue this Item until March 15, 2005.

Documentation: M.O. 08-021505
Disposition: Continued.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Irish that the Council approve Items 1 through 4, 6 through 9, 11, 12a and 12b. The motion carried unanimously.

5. AWARD CONTRACT: 75-FOOT QUINT AERIAL LADDER TRUCK

Recommendation: That the Council award the contract for a 75-foot Quint Aerial Ladder Truck to Central States Fire Apparatus of Lyons, South Dakota, in the amount of $510,456.38 and authorize progress payments as required, during satisfactory construction of that equipment.

City Manager John Longley presented the item.

Council Member Stadtherr indicated that a staff report would not be necessary, rather he merely had been impressed with this vehicle and requested that Fire Chief Guyton describe its functions in greater detail.

Fire Chief Guyton then explained the various functions of the Quint Aerial Ladder Truck.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Irish that the Council award the contract for a 75-foot Quint Aerial Ladder Truck to Central States Fire Apparatus of Lyons, South Dakota, in the amount of $510,456.38 and authorize progress payments as required, during satisfactory construction of that equipment. The motion carried unanimously.

Disposition: Approved.

10. ISLAND ANNEXATION PROGRAM UPDATE

Recommendation: That the Council review and select a preference for considering public hearings for island annexations from the following options:
1. Hold Individual Public Hearings for Each Project;
2. Hold a Single Public Hearing for Projects 1 Through 4a; or

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report. Mr. Dunlap then summarized the three different options:

**Option No. 1 - Hold Individual Public Hearings for Each Project:**
This would be the most typical approach. As each project is completed, Staff would set a public hearing for consideration of that project. Notice would be sent to the property owners and residents of the affected island(s), as well as property owners within 300 feet of the boundary of the annexation area. City Council would consider adoption of an environmental document, prezoning, and adoption of a resolution of application for an annexation.

This method has the advantage of allowing the City Council to bring individualized attention to each proposed annexation area and also allows for the most conservative approach to expenditures for the island annexation project. However, several of the public information meeting attendees expressed a desire to be present during the consideration of any of the island annexation projects. Such an approach also has the potential to significantly impact a number of City Council agendas over a period of several months.

**Option 2 – Hold a Single Public Hearing for Projects 1 Through 4a:**
Each of the projects for which funding is clearly available could be presented to City Council at a single meeting. A venue would need to be found to ensure that there is adequate seating for the likely participants. This method would allow the Council to consider a large portion of the Island Annexation program at a single purpose meeting. Of course, substantial information would be presented for each individual project, as well as for the program as a whole. Comments from the audience could be solicited in terms of their support or opposition to the overall program as well as to any individual island.

Adequate funding is clearly available to bring each of these projects through to completion if they are authorized by City Council.

**Option 3 – Hold a Single Public Hearing for Projects 1 Through 6:**
As with Option 2, this allows the Council and the community to consider the island annexation program at both a City wide, and an individual neighborhood scale. Including Annexations 5 and 6 in a single public hearing would match Council action to the approach initiated by Staff for the public informational meetings. Unfortunately, funding availability for Annexations 5 and 6 is not guaranteed. If the lower estimate of $12,000 per project is accurate, no additional appropriation would be required. However, if the higher estimate of $15,000 per project is accurate, an additional $21,000 may be needed in order to bring the final two projects to LAFCO and to pay their State Board of Equalization filing fees.

Council Member Hamilton moved to approve Option No. 3, and Council Member Stadtherr seconded the motion.

Linda Morton, 617 South Plano, came forward and clarified with Council that prior to the approval of the annexations, a public hearing would take place. Ms. Morton then voiced opposition to the proposed annexations.
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council approve Option No. 3. The motion carried unanimously.

M.O. 10-021505

Disposition: Approved.

12. TULARE COUNTY INDIAN GAMING INITIATIVE/SCHOOL RESOURCE OFFICER

Recommendation: That the Council:
1. Continue support for and fund the added School Resource Officer position in Fiscal Year 2005-2006; and
2. Approve the grant application seeking funding for a “Gang Officer” from the Tulare County Indian Gaming Local Community Benefit Committee.

Council Member Hamilton indicated that he had requested that Item 12 be pulled from Consent Calendar as he believed a conflict of interest might exist. After a discussion with the City Attorney, it was determined that Council Member Hamilton and Mayor Pro Tem Irish had no conflict of interest regarding Item 12.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council continue support for and fund the added School Resource Officer position in Fiscal Year 2005-2006 and approve the grant application seeking funding for a “Gang Officer” from the Tulare County Indian Gaming Local Community Benefit Committee. The motion carried unanimously.

M.O. 11-021505

Disposition: Approved.

PUBLIC HEARINGS

13. SKATEBOARD REGULATIONS

Recommendation: That the Council hold a public hearing, review and consider the proposed regulations and in particular, the effective date, and consider giving first reading to the ordinance.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

The public hearing opened at 8:59 p.m.

Jeff Keele, 73 North Carmelita, came forward as both a member of the Parks and Leisure Commission and as a Porterville citizen to voice opposition to the proposed ordinance, asserting that the ordinance was unnecessary. He questioned the reference to “morals” in Section 18-60 and pointed out that several sections of the ordinance contained typographical areas, including: 1) Section 18-63 (A) - “are” should be “area”; 2) Section 18-63 (B) - he stated that the last sentence was a fragment; and 3) Section 18-68 (C) - on the fourth line, “of” should be “or”. He requested that the Council reject the proposed ordinance.

A discussion ensued as to whether staff and Council received the same copies of the Ordinance, as some appeared to be correct and others did not. It was then clarified that two copies of the proposed ordinance were attached to the staff report: one of which was marked “draft.” It was determined that the “draft” ordinance had no typographical errors, while the other ordinance had contained errors.

Dick Eckhoff, 197 North Main Street, voiced support for the ordinance and commented that unlike bicycles, skateboards “squirted” upon impact, which thereby posed a greater risk of injury to bystanders and/or property.
Devon Capshaw, 35880 Alta Drive, commented that he agreed with both of the previous speakers and warned of creating unnecessary heartache by enacting an ordinance regulating skateboarding activities prior to opening up the Park. He then voiced concern with charging violators of the ordinance with a misdemeanor, particularly kids.

The public hearing closed at 9:10 p.m.

Mayor Pro Tem Irish commented that the need for the ordinance had been brought forward in contemplation of increased numbers of skateboarders and skateboarding activity due to the opening of the Skateboard Park. He stated that the ordinance would address safety concerns raised by the business community and would somewhat confine the skateboarding to the Park. He pointed out that the proposed ordinance would not be implemented until such time as the Park opened, and not before. He then voiced concern with the possible limitations of the ordinance in that restrictions appeared to be confined to the Downtown Area.

Council Member Hamilton first thanked Mr. Keele for his comments and then stated that with regard to Section 18-60 - Purpose and Intent, he believed the reference to “...public peace, morals, safety, and general welfare...” was absolutely appropriate. He pointed out that currently, the City had areas in which signs were posted prohibiting skateboarding, but those signs were often ignored. He suggested that if the City allowed that type of abuse without any consequences, a bad moral precedent would be set for its youth. He then agreed with Mayor Pro Tem Irish’s concerns that the proposed ordinance was not broad enough in its scope in terms of the area to be regulated. He then stated that it appeared that many people had not understood the staff report in that, pursuant to Council’s direction, the ordinance would not take effect until the Park opened. Council Member Hamilton then commented that he believed that any delay in the Skateboard Park Project was attributed to improving the project rather than intentionally stalling it. He commented that he and other Council Members had visited other cities’ skateboard parks and were aware of numerous problems that had subsequently arisen, such as vandalism and graffiti. He stated that in order to address those issues, Council had requested that an ordinance be prepared. He then recommended that the Council pass the ordinance.

Council Member Stadtherr stated he would like to see Section 18-60 modified as he believed the reference to “morals” was unnecessary, stating for him it was more of a safety issue. He added that Section 18-68 (A) which stated that “[a] person who violates Section 18-3(A) shall be guilty of a misdemeanor” might be too strong. He suggested that this Section should be modified to “a person over the age of 18,” commenting that he did not wish to saddle a child with a misdemeanor charge. Council Member Stadtherr explained that for him, safety was the primary concern, citing for example the danger of skateboarders on sidewalks being struck by vehicles coming out of alleyways. He then voiced support for the proposed prohibition of skateboarding in the area bounded by Morton Avenue, Olive Avenue, D Street and Second Street and indicated that he would like to see the Skateboard Park opened as soon as possible.

In response to Mayor Pro Tem Irish’s question, City Attorney Julia Lew explained that “public peace, morals, safety, and general welfare of persons” was a term of art that generally explained the City’s police powers and authority to enact various regulations. She stated that if the Council took specific issue with that language, the phrase could be modified.

Mayor Pro Tem Irish stated that he did not have a problem with the word “morals” being included, as he felt it was appropriate.

Council Member Stadtherr responded that if the word “morals” was left in the ordinance, it seemed to imply that skateboarding itself was immoral.

In response to Mayor Martinez’s question, Police Chief Silver Rodriguez explained that the Police Department did not track statistics relating to accidents involving skateboarders, as generally these types of
accidents would not require police response. He indicated, however, that the Police Department would have documentation if an accident had involved a vehicle. He added that the Police Department currently handled skateboarding complaints by speaking with the individuals and counseling them. He stated that because speaking with the individuals generally worked, the Department rarely issued citations.

Council Member West commented that the ordinance seemed very restrictive, however he agreed that some type of regulations were needed. He then pointed out that the staff report indicated that enforcing the proposed ordinance would take considerable staff time and effort. He questioned Chief Rodriguez whether the resources were currently available to handle such demand.

Chief Rodriguez explained that the one of the primary duties of the Police Department was to enforce all federal, state and local regulations. He stated that during times that the Department was overwhelmed, it handled calls on a priority basis.

Council Member Hamilton stated that he believed the ordinance was intentionally drafted to be restrictive so as to force skateboarding activity into the Skateboard Park.

In response to Mayor Martinez’s question, staff clarified that the proposed area for prohibition bounded by Olive Avenue, Morton Avenue, Second Street and D Street included some residences, but primarily consisted of commercial and office buildings.

A discussion then ensued as to viable surfaces for skateboarding during which it was suggested that fairly smooth surfaces were needed.

At Mayor Martinez’s request, City Attorney Julia Lew elaborated on the proposed language set out in Section 18-68 regarding a misdemeanor violation. She stated that the Section was drafted in such a way to allow the City the flexibility to be weaker or stronger. Ms. Lew pointed out that this language could be revised if the Council so desired.

Mayor Pro Tem Irish suggested that such changes could be made at a later date as the ordinance would not take effect until the opening of the Skateboard Park. He then moved that the Council approve the Ordinance, as amended to strike the word “morals” from Section 18-60. Mayor Pro Tem Irish’s motion failed when nobody seconded his motion.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish that the Council approve the Ordinance as drafted.

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

Mayor Martinez noted that the motion had failed and commented that he would like to see the ordinance revised. He stated that Council Member Stadherr had offered some valid comments.

 Council Member Stadherr suggested that “a person” in Section 18-68(A) could be changed to “an adult” or other similar language as deemed appropriate by the City Attorney. He then commented that since the term “morals” was not actionable, he did not have a problem with it.

City Attorney Julia Lew suggested that “a person” could be changed to “a person over the age of 18.”
It was confirmed that this change did not affect the City’s ability to confiscate a violator’s skateboard.

At Council’s request, Ms. Lew clarified for the record that Section 18-68(A) would read, “A person over the age of 18 who violates Section 18-63 shall be guilty of a misdemeanor.”

COUNCIL ACTION: MOVED by Council Member Stadherr, SECONDED by Council Member West that the Council adopt the ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DELETING SECTION 20-1.1 OF CHAPTER 20, OF ARTICLE 1, OF THE PORTERVILLE MUNICIPAL CODE, AND ADDING CHAPTER 18, ARTICLE IV, CONCERNING THE USE OF SKATEBOARDS, as amended to revise Section 18-68(A) to read, “A person over the age of 18 who violates Section 18-63 shall be guilty of a misdemeanor.” The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

M.O. 12-021505 MOVED by Council Member West, Seconded by Council Member Hamilton to waive further reading of the Ordinance. The motion carried unanimously.

M.O. 13-021505 MOVED by Council Member Stadherr, SECONDED by Council Member Hamilton to order the Ordinance to print. The motion carried unanimously.

Disposition: Approved.

14. CONDITIONAL USE PERMIT 1-2005 TO UPGRADE AN EXISTING TYPE 20, BEER AND WINE OFF-SALE LICENSE TO A TYPE 21, BEER, WINE AND DISTILLED SPIRITS OFF-SALE LICENSE AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR AN EXISTING MINI-MART LOCATED AT 809 EAST PUTNAM AVENUE (MOUNIB DAKHIL)

Recommendation: That the City Council:
1. Adopt the draft resolution conditionally approving Conditional Use Permit 1-2005; and
2. Authorize the Mayor to sign a Letter of Public Convenience or Necessity.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

The public hearing opened at 9:36 p.m.

Linda Morton, 617 South Plano Street, came forward and asked whether the subject property was located near Murry Park and if it had been the location of a recent shooting.

Police Chief Silver Rodriguez advised the Council that a shooting incident had occurred several months prior at that location, however, that particular incident had in no way been caused by the business. He stated that in his Department’s assessment of that location, a records search had been conducted as to the number of calls and/or activities that had been addressed at the store. He stated an assessment had then been made as to whether those calls should be attributed to management, or not. He stated that his Department’s recommendations to the Planning Department had been based on those assessments.

The public hearing closed at 9:38 p.m.
Mayor Pro Tem Irish questioned the purpose of the Census Tract if the maximum licenses identified in the particular track had already been exceeded.

City Attorney Julia Lew explained that the limits were the State’s thresholds, which when exceeded triggered the additional requirement of a Letter of Public Necessity or Convenience. She explained that “creation of an undue concentration” simply triggered that additional step, and that it was at the Council’s discretion as to whether that additional step should be taken.

Council Member West commented that he agreed with Mayor Pro Tem Irish’s concerns regarding exceeding the maximum number of locations within that Census Tract. He added that the area in question was sensitive due to its proximity to the golf course, Murry Park and the swimming pool which was often used by children.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council deny the draft resolution conditionally approving Conditional Use Permit 1-2005 and do not authorize the Mayor to sign a Letter of Public Convenience or Necessity. The motion carried unanimously.

Disposition: Denied.

15. ORDINANCE PERTAINING TO DOOR-TO-DOOR SALES

Recommendation: That the Council hold the public hearing, consider the proposed regulations, and give first reading to the Ordinance.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

The public hearing opened at 9:42 p.m.

Dick Eckhoff, Chairman of Downtown Porterville Association, 180 North Main, Suite A, came forward and thanked Council and staff for moving forward with the ordinance. He requested that the Council make the application fees in an amount comparable to that for regular City licenses and sufficient to cover the costs of operating the program. He also suggested requiring payment of an additional fee to operate in the Business Incentive Zone, as was required of other businesses in that Zone. As to Section 8-14(B), Mr. Eckhoff commented that a time frame should be set so that those individuals who chose to operate without a license could not simply cure that violation by immediately applying for one. Instead, he suggested, violators should be prohibited from applying for a license for a set period of time.

Russell “Buck” Fletcher, 1662 West Morton Avenue, questioned how the City would enforce the ordinance and voiced concern with enacting ordinances that would never be enforced.

The public hearing closed at 9:45 p.m.

In response to Mayor Pro Tem Irish’s question, Ms. Lew indicated that as currently written, if an individual had been caught operating without a license, the City could refuse to issue a license to that applicant. She stated that such action was not mandatory, but rather the ordinance was written to be permissive thereby allowing flexibility for consideration on a case by case basis.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Stadtherr that the Council adopt the ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING CHAPTER 8 OF
Ordinance 1662

THE PORTERVILLE MUNICIPAL CODE IN ITS ENTIRETY AND REPLACING IT WITH NEW PROVISIONS OF CHAPTER 8 CONCERNING PEDDLERS, SOLICITORS AND CANVASSERS (DOOR-TO-DOOR SALES). The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

M.O. 15-021505 MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council waive further reading of the Ordinance.

M.O. 16-021505 MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council order the Ordinance to print.

Disposition: Approved.

16. CONDITIONAL USE PERMIT 2-2005 (NATE WOBROCK)

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 2-2005.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

The public hearing opened at 9:50 p.m.

Nate Wobrock, the applicant, 1451 Median Court, came forward and thanked the Council and the Planning Department for their support on this project.

The public hearing closed at 9:51 closed when nobody else came forward.

Council Member Hamilton commented that he appreciated the fact that someone in the community had the vision to build this preschool, as there were not enough in the area. He then questioned if the ratio of the proposed number of employees to students met State guidelines.

Mr. Wobrock responded that the State required one employee to every twelve students and indicated that Hoops Preschool was projected to have one employee to every ten students.

In response to Council Member West’s question regarding the proximity of the subject project to businesses that sold alcohol, Community Development Director Brad Dunlap explained that the proposed use was a sensitive use, and was adjacent to Zalud Park. He stated that the businesses located across Henderson Avenue that currently sold alcohol would not be in jeopardy with the proposed development of a preschool. However, he stated, if the alcohol licenses were discontinued in the future, a new user would need to re-apply.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Hamilton that the Council adopt the resolution approving Conditional Use Permit 2-2005. The motion carried unanimously.

Disposition: Approved.

The Council recessed for five minutes.
17. PARKING COMMERCIAL VEHICLES IN RESIDENTIAL AREAS

Recommendation: That the Council:

1. Approve the proposed Ordinance amendment;
2. Give first reading to the Ordinance amending Chapter 17, Article XI, Section 17-11.7, Parking - Commercial Vehicles in Residential Districts, in the City Code; and
3. Direct the City Engineer to make the appropriate changes in the posted signs when the ordinance becomes effective.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing opened at 10:06 p.m. and closed at 10:07 p.m. when nobody came forward.

In response to Council Member West’s question, it was estimated that a standard pick-up truck weighed approximately 6,000 pounds or less.

Mayor Pro Tem Irish made a motion to approve Conditional Use Permit 2-2005. Council Member Hamilton seconded the motion, after which it was noted that Mayor Pro Tem Irish had inadvertently moved to approve the wrong item.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West that the Council adopt the ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 17, ARTICLE XI, SECTION 17-11.7, PARKING - COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS, OF THE CODE OF THE CITY OF PORTERVILLE. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

M.O. 17-021505 MOVED by Council Member West, SECONDED by Mayor Pro Tem Irish that the Council waive further reading and order the Ordinance to print. The motion carried unanimously.

M.O. 18-021505 MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish that the Council direct the City Engineer to make the appropriate changes in the posted signs when the Ordinance becomes effective. The motion carried unanimously.

Disposition: Approved.

SCHEDULED MATTERS

18. AD ZONE SITE REVIEW 1-2005

Recommendation: That the City Council:

1. Adopt the draft resolution with findings and conditions approving AD Zone Site Review 1-2005; and
2. Authorize the Mayor to sign the right of entry or other document to facilitate construction while the property is in escrow as recommended by the City Attorney.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

In response to Council Member Hamilton’s question, Mr. Dunlap confirmed that the property was currently in escrow.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish that the Council adopt the draft resolution with findings and conditions approving AD Zone Site Review 1-2005 and authorize the Mayor to sign the right of entry or other documents to facilitate construction while the property is in escrow as recommended by the City Attorney. The motion carried unanimously.

Disposition: Approved.

19. REQUEST TO SCHEDULE A STUDY SESSION TO DISCUSS VARIOUS PENDING GENERAL PLAN AMENDMENTS

Recommendation: That the City Council set a study session to discuss the processing of proposed General Plan Amendments.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

A discussion ensued as to dates on which the Council Members might be available for the study session. It was determined that the Council Members needed to first review their calendars to determine whether any conflicts existed with their schedules.

Mayor Martinez directed Mr. Longley to have staff coordinate the study session date with the Council and set the study session accordingly.

Disposition: Direction provided to staff.

20. REQUEST FOR SPECIAL FIREWORKS PERMIT

Recommendation: That the City Council approve the request for a special fireworks permit to the Exchange Club of Porterville for Calendar Year 2005, give first reading to the draft Ordinance, and order it to print.

City Manager John Longley presented the item, and Fire Chief Frank Guyton presented the staff report.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council adopt the ordinance, being AN ORDINANCE OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, ARTICLE II, FIREWORKS, OF THE PORTERVILLE MUNICIPAL CODE.
AYES: West, Hamilton, Stadtherr, Martinez
NOES: None
ABSTAIN: Irish
ABSENT: None

City Manager John Longley read the Ordinance by title only.

M.O. 19-021505 MOVED by Council Member West, Seconded by Mayor Martinez that the Council waive further reading and order the Ordinance to print.

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

Disposition: Approved.

21. DISCUSSION ON INTERSECTION DESIGN STANDARDS

Recommendation: As directed by Council.

City Manager John Longley presented the item and indicated that a Member of the Council had requested that this item be placed on the agenda.

Council Member Stadtherr identified himself as being the requesting Council Member. He voiced concerns with dangerous conditions for bicyclists at certain intersections, noting the difficulty of cyclists crossing through traffic lights when vehicles had not triggered a green light. He stated that he was not currently requesting any action, however he wished to inform Council that he would be investigating options available to the City to address these concerns.

Disposition: No action requested.

22. UPDATE AND MODIFICATION ON BAT HOUSE PROJECT

Recommendation: For Council information only.

City Manager John Longley presented the item, indicating it was for informational purposes only.

In response to Council Member West’s question, Council Member Stadtherr explained that the proposed locations for the bat houses had been identified on a map included in the Memorandum provided to Council. Council Member Stadtherr commented that since the Memorandum had been drafted, he had been approached by a local high school Principal who had evinced interest in the school’s Agricultural Department becoming involved in the project in the future. He stated that the Council had achieved its objective of creating a spark of interest in the program for a small amount of money. He added that Southern California Edison was still committed to donating 16 utility poles.

Mayor Martinez commented that he had understood that staff would not have any involvement in the process.
City Manager clarified that the language included in the staff report had actually been excerpted from a transcript of the Council Meeting of January 18, 2005. He stated that staff had been directed to coordinate the $1,000 contribution to Porterville Sheltered Workshop, which actually involved the Deputy City Manager writing a letter to Porterville Sheltered Workshop informing it of Council’s direction. He then acknowledged that Council had directed that there not be significant staff involvement in the process, and that staff had adhered to that direction.

Council Member Stadtherr commented that the only staff involvement would be to access City property. He stated that he understood that Edison would install the poles, just as they would any other utility pole.

In response to Mayor Pro Tem Irish’s question, Council Member Stadtherr indicated that he had plans to meet with the County Health Department on Thursday, February 17th. He stated that since the Letter to the Editor by the County Health Department Official had appeared in the newspaper, he had obtained Rabies statistics from the California Department of Health Services. He stated that pursuant to this source, there were 7 cases of Rabies in California during a 10 year period, none of which had occurred in the San Joaquin Valley. He continued that he had also obtained information on West Nile Virus from the California Department of Health Services. He stated that the Department maintained a website which was updated on a weekly basis for California statistics on West Nile Virus. According to this website, in 2004, West Nile Virus had been detected in all counties within California and that there were 828 human infections of West Nile Virus in 23 counties in California. He stated that 27 of those infections were fatal, occurring in the Counties of Los Angeles, Kern, Orange, Riverside, San Bernardino and Tahoma. He concluded that West Nile Virus posed a much greater risk to humans than did Rabies.

Mayor Martinez questioned if there was a particular set standard for the installation of the poles.

Public Works Director Baldo Rodriguez responded that utilizing an Edison power pole was overkill. He stated that staff would follow the procedure set forth in Chapter 18 of the Uniform Building Code for installation and add that because of the girth of the poles, they generally required a “direct bury.” He stated they were typically buried very deep which eliminated the need for use of a concrete base.

City Manager John Longley clarified that since the bat houses would be installed on City property, inspections would be necessary for liability purposes. He stated that he understood Council’s desire to limit staff’s participation in the project and indicated that minimum staff time would be involved.

Mayor Martinez questioned who would be in charge of ensuring that the bat houses were made to the specifications necessary for inhabitation.

Council Member Stadtherr responded that the bat houses were being build according to the recommendations from Bat Conservation International, which he asserted was fairly authoritative in its field. He then confirmed that in addition to his involvement with the project, the Porterville Breakfast Lions was the lead organization on the project. He stated that the Lions had passed a resolution last month naming the bat house program an official Lions Club Community Service Project, and would be reported to the Lions International as such. He then stated that the Leadership Porterville Class of 2005 had also adopted the program as an official project. Council Member Stadtherr stated that David Hillman from California Department of Forestry Explorer Scouts had also expressed an interest, but nothing formally had yet occurred. Lastly, he stated, Hoagies had signed on as a vendor and would be providing a complimentary lunch for those who participated on Saturday.

Mayor Pro Tem Irish requested that Council Member Stadtherr advise Council on the outcome of the upcoming meeting with Tulare County Health Department.
City Manager John Longley confirmed that he would also be in attendance at the meeting with the County and would take extensive notes.

Disposition: No action requested.

**ORAL COMMUNICATIONS**

- Dick Eckhoff, 197 North Main Street, thanked Council for passing the Ordinance regulating solicitors and voiced support for regulations on fixed-location vendors. He then requested that Council handle the Oral Communications segment differently so as to ensure that individuals wishing to speak on specific agenda items be afforded the opportunity to do so, rather than allowing one particular topic to dominate that designated time.

- Russell "Buck" Fletcher, 1662 West Morton Avenue, came forward on behalf of his mother to voice concern with Item No. 10 and the proposed annexations. He suggested that the City proceed with caution as to the annexations. He then offered his agricultural expertise to Council should it ever be needed, such as with the Bat House Program.

- Linda Morton, 617 South Plano, spoke against the proposed annexations and questioned whether the City had addressed the graffiti on the bridge at Plano Street and the Tule River.

- Felipe Martinez, 195 West Putnam, came forward on behalf of Porterville Exchange Club and thanked the Council for approving the Fireworks Permit. He then informed Council, staff, and audience members of a Crime Prevention Dinner to be held on March 11, 2005.

**OTHER MATTERS**

- Council Member Hamilton requested in light of the recent activity, that the issue of sectarian prayer versus non-sectarian prayer during invocations be placed on the next agenda, with options provided by staff.

- Council Member Stadtherr questioned the amount of staff time involved in estimating the cost of bike lanes, where appropriate, along Morton Avenue from Westwood Street to Granite Hills High School. After staff indicated that less than two hours of staff time would be involved, Council Member Stadtherr requested that staff provide that estimate.

- Council Member Stadtherr then requested that the Council consider hiring an energy consultant to advise on how the City could maximize energy efficiency. It was suggested that the item be considered in the future.

**ADJOURNMENT**

The Council adjourned at 10:45 p.m. to the meeting of March 1, 2005 at 6:00 p.m.

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Patrice Hildreth, Deputy City Clerk

Pedro R. Martinez, Mayor
SUBJECT: BUDGET ADJUSTMENTS FOR THE 2004-05 FISCAL YEAR

SOURCE: Administrative Services

COMMENT: During the course of the fiscal year, additional budget information becomes available that more accurately identifies revenue projections and project costs. Once known, budget modifications are necessary to complete projects and record revenues. To address budget adjustments in an orderly fashion, all adjustments will be presented as one agenda item for Council’s consideration.

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

Item No. 2

Dir. Appro./
Funded
## CITY OF PORTERVILLE

### BUDGET ADJUSTMENTS

<table>
<thead>
<tr>
<th>FUND</th>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FUNDING SOURCE</th>
<th>DOLLAR AMOUNT</th>
<th>REVISED EOY FUND CASH BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>34</td>
<td>Increase the revenue estimate in the General Fund to account for a donation received from Breakfast Rotary for Centennial Park.</td>
<td>Porterville Breakfast Rotary Club</td>
<td>$2,000</td>
<td>$1,120,838</td>
</tr>
<tr>
<td>General Fund</td>
<td>35</td>
<td>Increase the appropriation in the General Fund to allow for the expenditure of donations from Breakfast Rotary for Centennial Park.</td>
<td>Porterville Breakfast Rotary Club</td>
<td>$2,000</td>
<td>$1,118,838</td>
</tr>
<tr>
<td>General Fund</td>
<td>36</td>
<td>Increase the revenue estimate in the General Fund to account for the grant award of the Fire Act Grant 2004.</td>
<td>Homeland Security/FEMA</td>
<td>$176,494</td>
<td>$1,295,332</td>
</tr>
<tr>
<td>General Fund</td>
<td>37</td>
<td>Increase the appropriation in the Fire Budget to allow for the expenditure of the Fire Act Grant 2004 for Breathing apparatus.</td>
<td>Homeland Security/FEMA</td>
<td>$176,494</td>
<td>$1,118,838</td>
</tr>
</tbody>
</table>

Modification No: 07-04-05
SUBJECT: AUTHORIZATION TO NEGOTIATE A CONTRACT FOR ENGINEERING DESIGN SERVICES - JAYE STREET/TULE RIVER BRIDGE PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On February 17, 2005, five engineering firms were interviewed to evaluate each firm’s capability to provide design services to rehabilitate and widen the Jaye Street/Tule River Bridge. The project is 80% funded by a Highway Bridge Rehabilitation & Replacement (HBRR) federal grant with a 20% local match.

The interview panel consisted of the Public Works Director, City Engineer, senior engineers from the City of Tulare and Tulare County, and an engineer from Caltrans Division of Structures, Sacramento.

The firms were ranked based on the City's Consultant Selection Rating form and Imbsen & Associates, Sacramento, was ranked No. 1. The complete list of firms and their respective ranking are as follows:

Rank: Firm:
1. Imbsen & Associates, Sacramento, CA
2. WILLDAN & Associates, Visalia/Orange County, CA
3. Nolte & Associates, Sacramento, CA
4. MRO Engineers, Rocklin, CA
5. Biggs Cardosa, Engineers, Fresno, CA

The HBRR grant is administered by Caltrans and the process requires that the design effort be divided into two phases. In the first phase, Caltrans authorizes the expenditure of up to $25,000 for the top rated firm to meet with City and Caltrans staff to prepare a “scope” of needed work.

After Caltrans Division of Structures reviews and approves the scope and associated fee, the City is given the opportunity to negotiate the complete design contract with the consultant. Upon successful negotiations between the City and the consultant, the consultant will be directed to complete the necessary “Authorization to Proceed” documents that authorizes the consultant to complete the design work. The City's local match is funded by Certificates of Participation.

Dir Appropriated/Funded CM Item No. 3
RECOMMENDATION: That City Council:

1. Authorize staff to negotiate a contract with Imbsen & Associates, for design services to rehabilitate and widen the Jaye Street/Tule River Bridge;

2. Authorize staff to negotiate a contract with the 2nd or 3rd ranked firms if staff is unable to negotiate an acceptable contract with Imbsen & Associates;

3. Authorize the Mayor to sign all contract documents; and

4. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

ATTACHMENT: Locator Map

P:\pub\work\Engineering\Council Items\Authorization to Negotiate a Contract - Jaye Street Bridge Widening.wpd
SUBJECT: ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN NO. 261-080-037 – ALEJANDRO AND TERESA BENAVIDEZ – DATE AVENUE RECONSTRUCTION PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: Alejandro and Teresa Benavidez, owners of property located at APN No. 261-080-037, have accepted the appraised value of $12,900.00 for the 1,961 sq. ft. of right-of-way needed for the Date Avenue Reconstruction project. Included in the appraisal is the value for three (3) stucco pillars, two (2) palm trees, 4’ slatted chain link fence, and concrete curbing improvements which are in the area of the take.

The City recently had the property appraised by Michael C. Burger, MAI, a Certified General Real Estate Appraiser. The appraisal came in at $12,900.00 for the 1,961 sq. ft. of property needed for the project and improvements. This appraisal is available in the Community Development Department for your review.

RECOMMENDATION: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Alejandro and Teresa Benavidez, owners of property in the amount of $12,900.00, 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

DD: Appropriated/Funded CM: ITEM NO. 4
PROPERTY ACQUISITION MAP

C ST

DATE AVE

NORTH
SCALE 1"=30'

20 RODS

POB

14.38

8 RODS

15.22

NW 4 OF SW4 OF SEC 36-21/27

1,961 S.F. PROPERTY ACQUISITION
261-080-037

40 RODS

8 RODS

LEGEND

PROPERTY ACQUISITION

ATTACHMENT ITEM NO. /
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 ALEJANDRO BENAVIDEZ AND TERESA BENAVIDEZ

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 Alejandro Benavidez and Teresa Benavidez, husband and wife, as joint tenants, for public street and underground utility purposes, in the City of Porterville, County of Tulare, State of California, to-wit:

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

BE IT FURTHER RESOLVED that the purchase price of $12,900 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.

__________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By: Georgia Hawley, Deputy
That portion of the Northwest quarter of the Southwest 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, described as follows:

BEGINNING AT a point in the north line of the Southwest quarter of said Section 36, said point lying 20 rods East of the northwest corner of said Southwest quarter;

THENCE, East, along the north line of said Southwest quarter, 8 rods;

THENCE, South, parallel with the west line of said Southwest quarter, 40 rods;

THENCE, West, 8 rods;

THENCE, North, 40 rods, to the POINT OF BEGINNING.

EXCEPTING THEREFROM that portion lying Southerly of a line being 14.38 feet South of the northwest corner and 15.22 feet South of the northeast corner of the parcel described herein.

CONTAINING 1,961 square feet more or less.

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: [Signature]
Licensed Land Surveyor

Date: 9/27/04
SUBJECT: ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 261-080-038 – JOE LAMBArena – DATE AVENUE RECONSTRUCTION PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: Joe Lambarena, owner of property located at APN 261-080-038, has accepted the appraised value of $9,200.00 for the 1,245 sq. ft. of right-of-way needed for the Date Avenue Reconstruction project. Included in the appraisal is the value for wood fence, post/lion heads, miscellaneous trees, wrought iron fence, concrete curbing, improvements that are in the area of the take.

The City recently had the property appraised by Michael C. Burger, MAI, a Certified General Real Estate Appraiser. The appraisal came in at $9,200.00 for the 1,245 sq. ft. of property needed for the project and improvements. This appraisal is available in the Community Development Department for your review.

RECOMMENDATION: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Joe Lambarena owner of property in the amount of $9,200.00, 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

DD  appropriated/funded CM  ITEM NO. 5
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 JOE LAMBARENA

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 Joe F. Lambarena, an unmarried man, for public street and underground utility purposes, in the City of Porterville, County of Tulare, State of California, to-wit:

See Exhibits "A" and "B" attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the purchase price of $9,200 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.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By: Georgia Hawley, Deputy
Exhibit “A”

That portion of the Southwest 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, according to the official plat thereof, described as follows:

BEGINNING AT a point on the north line of said Southwest quarter, 562 feet East of the Northwest corner of said Southwest quarter, said Point of Beginning being the northeast corner of the land conveyed by John T. Gerhardt and wife to Monroe B. Gibson, by Deed dated February 26, 1915, recorded in Book 228, page 189 of Deeds;

THENCE, East, along the north line of said Southwest quarter, 77 feet, to a point in the west line of the land conveyed by R. J. Wigley to Frank A. Doty, by Deed dated February 2, 1910, recorded in Book 170, page 317 of Deeds;

THENCE, South, along the west line of said land conveyed to Doty, 16.41 feet

THENCE, West, 77 feet, to a point in the east line of said land conveyed to Gibson;

THENCE, North, along said east line, 15.92 feet to the POINT OF BEGINNING.

CONTAINING 1,245 square feet more or less.

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: 9/27/04

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: Mario A. Lambarena, a widower and Cristal R. Lambarena-Millon as joint tenants, owners of property located at APN 261-080-039, have accepted the appraised value of $7,200.00 for the 1,458 sq. ft. of right-of-way needed for the Date Avenue Reconstruction project. Included in the appraisal is the value for chain link fence and miscellaneous trees, improvements that are in the area of the take.

The City recently had the property appraised by Michael C. Burger, MAI, a Certified General Real Estate Appraiser. The appraisal came in at $7,200.00 for the 1,458 sq. ft. of property needed for the project and improvements. This appraisal is available in the Community Development Department for your review.

RECOMMENDATION: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Mario A. Lambarena and Cristal R. Lambarena-Millon owners of property in the amount of $7,200.00, 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:

1.1 Right-Of-Way Take Map
1.2 Resolution

DD  Appropriated/Funded  CM  ITEM NO. 6
PROPERTY ACQUISITION MAP

NORTH
SCALE 1"=30'

DATE AVE

639'

POB

NW 4 OF SW4 OF
SEC 36-21/27

1,458 S.F. PROPERTY
ACQUISITION
261-080-039

40 RODS

87'

87.00'

16.46'

87.00'

17.05'

LEGEND

PROPERTY ACQUISITION

ATTACHMENT
ITEM NO.
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 MARIO A. LAMBARENA AND CRISTAL R. LAMBARENA-MILLON

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 Mario A. Lambarena, a widower and Cristal R. Millon, who acquired title as Cristal R. Lambarena, a single woman, as joint tenants, for public street and underground utility purposes, in the City of Porterville, County of Tulare, State of California, to-wit:

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

BE IT FURTHER RESOLVED that the purchase price of $7,200 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.

_________________________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By: Georgia Hawley, Deputy
APN 261-080-039

Exhibit "A"

That portion of the Northwest quarter of the Southwest 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, according to the Official Plat thereof, described as follows:

BEGINNING AT a point in the north line of said Southwest quarter, 639 feet East of the northwest corner of said Southwest quarter;

THENCE, East, along the north line of said Southwest quarter, 87 feet;

THENCE, South, 40 rods;

THENCE, West, 87 feet;

THENCE, North, 40 rods, to the POINT OF BEGINNING.

EXCEPTING THEREFROM that portion lying Southerly of a line being 16.46 feet South of the northwest corner and 17.05 feet South of the northeast corner of the parcel described herein.

CONTAINING 1,458 square feet more or less.

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: [Signature]
Licensed Land Surveyor

Date: 9/27/04
EXHIBIT B
PROPERTY ACQUISITION MAP

NORTH
SCALE 1"=30'

B ST

DATE AVE

639'

POB

16.46'

87.00'

17.05'

NW 4 OF SW4 OF
SEC 36-21/27

1,458 S.F. PROPERTY
ACQUISITION
261-080-039

40 RODS

40 RODS

87'

LEGEND

PROPERTY ACQUISITION
SUBJECT: SUBSTITUTION OF SECURITY FOR REQUIRED CONSTRUCTION WARRANTY FOR THE ST. JAMES PLACE PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Pursuant to the Contract for construction of the St. James place project, a secured warranty is required in order to ensure that the Project is protected for a year after the Completion Date of the Project. The Developer, on the Contractor’s behalf, submitted cash ($50,000) in lieu of a Bond or Letter of Credit. The Developer has now requested it be able to provide a Letter of Credit as a substitute for the cash security. The approximate cost of a Letter of Credit is $1,250 and the Developer is requesting that the City pay for the Letter of Credit due to the cost of the overruns on the Project, a change in the implementation of the original contract from a Prime Contract to a “Design Build” contract, and the parties’ joint responsibility for the Project.

RECOMMENDATION: That the City Council:

1. Approve the substitution of a Letter of Credit for the $50,000 Certificate of Deposit for the warranty security for the St. James Place Project; and

2. Approve that the City, utilizing Redevelopment Low and Moderate Income Housing Funds, pay for the cost of the Letter of Credit of approximately $1,250, but not to exceed $3,000.
SUBJECT: WORKFORCE HOUSING INCENTIVE GRANT PROGRAM

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The Workforce Housing Incentive Grant Program (WFH) is an innovative new program designed to encourage cities and counties to approve new residential housing affordable to lower income households. The WFH Program, funded through the passage of Proposition 46 (Chapter 482, Statutes of 2002), provides grant funds to eligible local governments for every qualifying unit permitted beginning calendar year 2004. Grant awards can be used to fund any capital asset project, such as transportation or park improvements.

The Department of Housing and Community Development (HCD) has issued the application for these grant funds which is due March 23, 2005. WFH Program funds will be awarded based on the number of bedrooms in newly constructed housing units affordable to very low-and low-income households with final land use approval and building permits issued between January 1, 2004 and December 31, 2004.

All applicants must meet the following WFH Program threshold requirements to be eligible for funding:

- Housing Element adopted and found in compliance by HCD by December 31, 2004
- Submittal of the Annual Progress Report for 2003 to HCD by December 31, 2004
- Final land use approvals and building permits for affordable units issued on or after January 1, 2004 through December 31, 2004

The City has met these threshold requirements with several phases of the Casas Buena Vista subdivision and therefore is in the position to submit an application to the State for these grant funds.

The City anticipates receiving approximately $100,000 for the first year of the program. The planned uses for these funds include: $30,000 for the Skateboard Park, $10,000 for Centennial Plaza, and $60,000 for Murry Park. Anything above $100,000 would be used for Traffic Signal #8 at Plano and Mulberry. The $30,000 for the Skateboard Park would be added to $6,000 in donations and $110,000 remaining from Housing Bond funds to make up the $146,000 needed for match for the Skateboard Park.
As typical with this type of state contract, the Mayor is authorized to sign the application, the standard agreement and all other participation documents, while the Community Development Director is authorized to execute all drawdown requests and other administrative documents for the program.

RECOMMENDATION: That the City Council:

1. Authorize the application submittal to the Department of Housing and Community Development for the Workforce Housing Incentive Grant Program, and

2. Approve the draft resolution authorizing the execution of the standard agreement and any other documents necessary to secure a Workforce Housing Incentive Grant from the State of California.

3. Authorize the Mayor to sign the application, the standard agreement and all other participation documents and the Community Development Director to sign all drawdown requests and other administrative documents required for the Workforce Housing Incentive Grant Program.

ATTACHMENT: Draft Resolution
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE EXECUTION OF A STANDARD AGREEMENT
AND ANY AMENDMENTS THERETO, AND ANY OTHER DOCUMENTS NECESSARY
TO SECURE A WORKFORCE HOUSING INCENTIVE GRANT FROM THE STATE OF
CALIFORNIA, DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

WHEREAS: The City of Porterville, a city within the State of California, applied for and
will submit the Application Package released December 2004 by the Department for the
Workforce Housing Incentive Grant Program (WFH). Funding for WFH has been made
available pursuant to the Housing and Emergency Shelter Trust Fund of 2002 (Proposition 46);
and

WHEREAS: Pursuant to the statute, the Department is authorized to approve funding
allocations for the program, subject to the term and conditions of the NOFA and Program
Guidelines, Application Package and Standard Agreement.

NOW, THEREFORE BE IT RESOLVED: That the City of Porterville shall be subject to
the terms and conditions as specified in the standard agreement (Contract). Funds are to be used
for allowable capital asset project expenditures to be identified in Attachment A of the Contract.
The application in full is incorporated as part of the Contract and any and all activities funded,
information provided, and timelines represented in the application are enforceable through the
Contract. The City of Porterville hereby agrees to use the funds for eligible capital asset(s) in the
manner presented in the application as approved by the Department and in accordance with the
NOFA and Program Guidelines and Application package. The City of Porterville also may
execute any and all instruments required by the Department for participation in the WFH
Program.

BE IT FURTHER RESOLVED: The City of Porterville authorizes the Mayor and/or their
designee to execute in the name of the City of Porterville the Application package, the Standard
Agreement, and all other documents required by the Department for participation in the WFH,
and any amendments thereto. That the City of Porterville authorizes the Community
Development Director to execute in the name of the City of Porterville grant drawdown requests,
and all other administrative documents required by the California Department of Housing and
Community Development for administration of the WFH program.

________________________________________
Pedro R. Martinez, Mayor

Attest:

John Longley, City Clerk

By ________________________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: CONDITIONAL USE PERMIT 1-2005 - RESOLUTION OF DENIAL TO UPGRADE AN EXISTING TYPE 20, BEER AND WINE OFF-SALE LICENSE TO A TYPE 21, BEER, WINE AND DISTILLED SPIRITS OFF-SALE LICENSE AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR AN EXISTING MINI-MART LOCATED AT 809 EAST PUTNAM AVENUE (MOUNIB DAKHIL)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The City Council of the City of Porterville, at its regularly scheduled meeting of February 15, 2005, conducted a public hearing to consider Conditional Use Permit 1-2005, being a request to allow the upgrade of an existing Type 20, beer and wine license to a Type 21, beer, wine and distilled spirits off-sale license and a Letter of Public Conveni ence or Necessity for an existing mini-mart located at 809 East Putnam Avenue.

At the conclusion of that hearing, the Porterville City Council found that due to the present undue concentration existing in Census Tract No. 30.01, the closeness of the existing residential subdivision to the south and M urry Park to the west, Conditional Use Permit No. 1-2005 was unanimously denied.

RECOMMENDATION: Staff recommends that the City Council:

1. Adopt the attached resolution containing findings for denial of Conditional Use Permit 1-2005.

ATTACHMENT:

1. Resolution of denial
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS FOR DENIAL OF CONDITIONAL USE PERMIT 1-2005 TO
ALLOW THE UPGRADE OF AN EXISTING TYPE 20, BEER AND WINE OFF-SALE
LICENSE TO A TYPE 21, BEER, WINE AND DISTILLED SPIRITS OFF-SALE LICENSE
AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR AN EXISTING MINI-
MART LOCATED AT
809 EAST PUTNAM AVENUE

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting
of February 15, 2005, conducted a public hearing to consider Conditional Use Permit 1-2005, being
a request to allow the upgrade of an existing Type 20, beer and wine license to a Type 21, beer, wine
and distilled spirits off-sale license and a Letter of Public Convenience or Necessity for an existing
mini-mart located at 809 East Putnam Avenue; and

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

WHEREAS: The City Council made the following findings:

1. This project is Categorically Exempt pursuant to “General Rule” Exception - 14 Ca.
   Admin. Code 15061 (b) (3) - Permit regulating operation of an existing mini-mart.
   Under the Permit Streamlining Act (Section 65950 of the Government Code), the
   City has 60 days from the date the project was accepted as complete to reach a
determination regarding this project.

2. Section 2100 D of the Porterville Zoning Ordinance states the following:

   Any use involving the sale of alcoholic beverages under an off-sale
   license within 600 linear feet of the nearest property line of any
   sensitive use as defined in this article shall be subject to obtaining
   approval of a Conditional Use Permit.

   Any duly licensed off-sale liquor establishment in operation on July
   20, 2004 shall be subject to the provisions of Article 25, of the
   ordinance.

3. State Law requires that if a license location is changed or the type of license is
   upgraded or downgraded (to increase or decrease privileges), a Letter of Public
   Convenience or Necessity is required.
4. The subject site is located in Census Tract 30.01 which allows a maximum of eight (8) off-sale alcohol licenses. Currently there are 10 (to include the existing off-sale of beer and wine license at 809 E. Putnam Avenue). The majority of the licenses are located in the commercial areas along Plano Street and Date Avenue. Two (2) of those businesses are licensed to sell distilled spirits, as is the Big “D” Liquor Store on the east side of Plano Street located in Census Tract 41.01.

5. Under the regulations of the Business and Professions Code, whenever the ratio of off-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. In such circumstances, no additional licenses may be granted by the ABC unless the City Council determines that there is a public convenience or necessity in the community for the (subject) alcoholic beverage licensed establishment.

6. That due to the nature of the request to upgrade the existing Type 20 off-sale (beer and wine) license to a Type 21 off-sale (beer, wine and distilled spirits) license, the City Council finds that granting the proposed intensification of use would result in an undesirable effect on the community by establishing a City wide precedent allowing other convenience stores to seek similar intensifications thereby impacting the health, safety and general welfare of citizens residing in the community.

7. That due to the existing over concentration of off-sale licenses in Census Tract No. 30.01, approval of the Conditional Use Permit would further facilitate a precedence of allowing future Conditional Use Permits for alcoholic beverages in this Census Tract.

8. That due to the aforementioned, the proposed Conditional Use Permit would encourage potential of an environment of unstable, and undesirable conditions not suitable for the character of a site in the vicinity of the closeness of the existing residential subdivision to the south and Murry Park to the west.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby deny Conditional Use Permit 1-2005.

________________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ________________________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: SPRING CLEAN UP EVENT

SOURCE: Public Works Department - Field Services Division

COMMENT: Spring is traditionally a time to clean up yards and improve the appearance of properties. Tulare County is offering half price dumping at their county disposal sites for the week of April 18, 2005. The City of Porterville would like to offer its residential customers the opportunity to bring trash, litter and yard prunings to the City’s Corporation Yard on April 23, 2005 for free disposal.

This event has been a yearly tradition offered by other cities in Tulare County. Based on events in other cities, four to five hundred people will be served with staff estimating City disposal costs to be approximately $3,000 funded through the Solid Waste Operating Budget.

RECOMMENDATION: That City Council:

1. Declare April 23, 2005, City of Porterville’s “Spring Clean Up Day”;

2. Encourage all residents to clean up their properties and take advantage of this special opportunity offered by the City; and

3. Authorize the City to accept trash, litter and yard prunings brought to its Corporation Yard for free disposal on April 23, 2005.
SUBJECT: LIGHTED PEDESTRIAN CROSSINGS UPDATE

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the installation of lighted pedestrian crossings where the Rails to Trails Project intersects Olive Avenue, Putnam Avenue, Morton Avenue and Henderson Avenue. The trail alignment follows the old Tulare Valley Railroad between Henrahan Street and Fourth Street.

Originally, staff prepared a specification that appeared to be the best solar powered product available. The system used LED flashing yellow lights installed in the pavement at intervals not exceeding eight (8) feet along each side of the painted crosswalk. Staff observed two recent installations in the City of Lemoore and one in the City of Paso Robles. Several lights showed extreme material degradation, lacked brightness and some light fixtures did not work at all. The lighted pedestrian crossings in the City of Lemoore are less than one year old.

Staff has since researched alternative solar products and discovered that the manufacturer of the quartz light fixtures installed in the City of Lindsay, which are extremely bright, recently designed an LED flashing yellow light fixture. The LED light provides the same illumination as a quartz light which was proven during a recent meeting with the manufacturer. LED lighting is the key issue when specifying a solar powered system. Quartz light fixtures consume a fair amount of energy, more than can be operated from a solar power controller.

Staff has modified the specifications to accommodate the newer product. The Plans and Project Manual are available for review in the Public Works Department - Engineering Division.

Staff has modified the Estimate of Probable Cost and simplified the Bid Proposal to include one Base Bid Proposal with one add alternate (Putnam Avenue). Staff has eliminated the fully automatic activation system previously specified. This automatic feature can be installed later as part of the Rails to Trails Project.

The reason for this change is because the auto-activation system used on the new lighted pedestrian crosswalks product utilizes a detection system that is installed underneath the concrete disable ramps. Concrete disable ramps are included in the Rails to Trails Project. The Estimate of Probable Cost for the new product is $107,100. The Estimate of Probable Cost for Add Alternate “A” (Putnam Avenue) is $27,300.
RECOMMENDATION: That City Council:

1. Approve the changes to the Plans, Project Manual and Estimate of Probable Cost; and

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

ATTACHMENTS: Locator Map
Revised Estimate of Probable Cost
<table>
<thead>
<tr>
<th>ITEM</th>
<th>QTY.</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>MARKUP</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>L.S.</td>
<td>Installation of Solar Powered Pedestrian Crossing including striping, signs and all other incidental items of work shown on the construction plans @ Henerson Ave. (Manuel Push Button)</td>
<td>$25,500.00</td>
<td>1.4</td>
<td>$35,700.00</td>
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<td>2</td>
<td>1</td>
<td>L.S.</td>
<td>Installation of Solar Powered Pedestrian Crossing including striping, signs and all other incidental items of work shown on the construction plans @ Morton Ave. (Manuel Push Button)</td>
<td>$25,500.00</td>
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<td>$35,700.00</td>
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<td>3</td>
<td>1</td>
<td>L.S.</td>
<td>Installation of Solar Powered Pedestrian Crossing including striping, signs and all other incidental items of work shown on the construction plans @ Olive Ave. (Manuel Push Button)</td>
<td>$25,500.00</td>
<td>1.4</td>
<td>$35,700.00</td>
</tr>
</tbody>
</table>

**TOTAL** |       |       |             |            |        | **$107,100.00** |

CERTIFICATION:

Michael R. Reed 3/8/05  
Project Manager  
Date  

By Rodrigo 3/7/05  
Public Works Dir.  
Date  

City Manager  3/10/05  
Date
# Lighted Pedestrian Crossings

## Estimate of Probable Cost

**Alternate Bid "A"**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>QTY.</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>MARKUP</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
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<td>1</td>
<td>L.S.</td>
<td>Installation of Solar Powered Pedestrian Crossing including striping, signs and all other incidental items of work shown on the construction plans @ Putnam Ave. (Manuel Push Button)</td>
<td>$19,500.00</td>
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**A-1 Alternate Bid Total** | **$27,300.00**

---

**Certification:**

*Project Manager:*

- *Signed:* Michael [Signature] 3/16/05
- *Date:* 3/16/05

*Public Works Dir.:

- *Signed:* [Signature] 3/16/05
- *Date:* 3/16/05

*City Manager:

- *Signed:* [Signature] 3/10/05
- *Date:* 3/10/05
SUBJECT: INTENT TO SET A PUBLIC HEARING FOR REIMBURSEMENT AGREEMENTS FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY - GRANITE HILLS STREETS PROJECT, PHASE TWO AND MILO STREET RECONSTRUCTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The concrete improvements for the Granite Hills Streets Project, Phase Two and Milo Street Reconstruction Project are complete. City Council has accepted these projects during prior meetings. Section 20-40.1 of the Municipal Code stipulates that these improvements, once constructed, shall be reimbursed to the City of Porterville upon the issuance of a new building permit. Section 20-40.2 of the Municipal Code also stipulates that remodeling permits exceeding a $15,000 valuation will also trigger the reimbursement.

The City has complied with Section 20-40.8 of the Municipal Code on the Milo Street Project by notifying affected property owners and holding Public Hearings addressing the City's intentions to seek reimbursement for the concrete improvements constructed by this project. Section 20-40.8 requires that City Council hold at least one additional Public Hearing prior to the establishment of a fee. Once the fee is established, the City will record a general notice of "reimbursement fee" with the office of the Tulare County Recorder. The recorded document will officially notify the current owner and potential buyers that the property is subject to a concrete reimbursement fee.

No Public Hearing was held notifying property owners of the City's intention to seek reimbursement for City installed concrete improvements on the Granite Hills Streets Project, Phase Two. This project was substantially underway when the City attorney and Staff formulated the criteria specific to Section 20-40.8 of the Municipal Code. Staff seeks Council's approval to proceed with the Public Hearing to establish the concrete reimbursement fee on the Granite Hills, Phase II project which would be the identical process implemented on all previous projects prior to codification of Section 20-40.8.

Staff has calculated the cost of the concrete improvements constructed along the frontages of undeveloped properties and/or developed properties that lacked these public improvements for the two projects. The calculations are based on actual costs incurred by the City. A map of the affected property owners and the associated concrete reimbursement fee is attached for Council's reference.

RECOMMENDATION: That the City Council:

1. Set a Public Hearing for April 19, 2005, according to the Mitigation Fee Act, for the establishment of the concrete reimbursement fee; and

2. Authorize staff to notify all affected property owners of the Public Hearing, via certified mail, including the concrete reimbursement amount.

ATTACHMENTS: Locator Maps
### Milo Street Reconstruction Project
#### Reimbursement for City Installed Improvements

<table>
<thead>
<tr>
<th>APN</th>
<th>OWNER</th>
<th>Owner Address</th>
<th>Curb\Gutter</th>
<th>Sidewalk</th>
<th>Driveway</th>
<th>Total</th>
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<tbody>
<tr>
<td>246070006</td>
<td>GERDON, LESTER L</td>
<td>414 SO MAGNOLIA AVE BREA, CA 92621</td>
<td>$1,930.50</td>
<td>$1,447.87</td>
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<td>246070028</td>
<td>MILLER, WILLIE S</td>
<td>15302 RD 208 PORTERVILLE, CA 93257</td>
<td>$1,336.50</td>
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<td>246070035</td>
<td>FLORES, JAVIER &amp; MARIA T</td>
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<td>$833.25</td>
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<td>DAVIDSON, RONALD E</td>
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<td>$3,217.50</td>
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<th>Driveway</th>
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<td>$98.10</td>
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<td>1486 E OLIVE</td>
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<td>$599.31</td>
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<tr>
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<tr>
<td>C/O JOHN SNAVLEY</td>
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<td>$0.00</td>
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<td>$1,413.22</td>
<td>$0.00</td>
<td>$90.00</td>
<td>$1,493.22</td>
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**Total:** $57,309.23

**Total:** $15,584.55

**Total:** $1,033.86

**Total:** $73,927.66
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
CITY OF PORTERVILLE PARKS & LEISURE SERVICES DEPARTMENT
"SPRING EGG HUNT", AT VETERANS PARK, MARCH 25, 2005.

SOURCE: Administrative Services - Finance Division

COMMENT: City of Porterville Parks & Leisure Services Department is requesting approval to hold its annual "Spring Egg Hunt" on Friday, March 25, 2005, from 9:00 a.m. to 1:30 p.m. The south end of parking lot is to be closed for registration.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the application, agreement and Exhibit "A," and a map indicating the desired street closures is included.

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the City of Porterville Parks & Leisure Services Department, subject to the stated requirements contained in Exhibit "A."


DD  
Appropriated/Funded  

item No. 13
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 2/17/05  Event date: 3/25/05

Name of Event: City of Porterville Spring Egg Hunt

Sponsoring organization: City of Porterville Parks & Leisure  PHONE # 782-7461
Address: 291 N. main Street, Porterville, CA 93257

Authorized representative: Jim Perrine, Director  PHONE # 782-7461
Address: 291 N. main Street, Porterville, CA 93257

Event chairperson: Jeannie Greenwood  PHONE # 782-7522

Location of event (location map must be attached): Veterans Park
1501 W. Henderson Avenue, Porterville

Type of event/method of operation: Annual Egg Hunt

Nonprofit status determination: Municipality

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

<table>
<thead>
<tr>
<th>Service</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>Barricades (quantity)</td>
<td></td>
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<tr>
<td>Police protection</td>
<td></td>
<td></td>
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<tr>
<td>Refuse pickup</td>
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<td>Parking enforcement</td>
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</table>

Parks facility application required: Yes  No
Assembly permit required: Yes  No

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

<table>
<thead>
<tr>
<th>Approve</th>
<th>Deny</th>
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Bus Lic Spvr
Pub Works Dir
Comm Dev Dir
Field Svcs Mgr
Fire Chief
Parks Dir
Police Chief
Risk Manager
CITY OF PORTERVILLE

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

Authorization: This permit must be submitted 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:

- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A."

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event.

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

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind of character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of the kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

City of Porterville Parks & Leisure

(Name of organization) (Signature) (Date)
CITY OF PORTERVILLE

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

Name of event: City of Porterville Spring Egg Hunt

Sponsoring organization: City of Porterville Parks & Leisure Services Department

Location: Veterans Park, Porterville

Event date: Friday, March 25, 2005

List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL ISSUED WITHOUT THIS INFORMATION.** This form should be completed at the time of application, but must be submitted one week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
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CITY OF PORTERVILLE

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

Name of event: City of Porterville Spring Egg Hunt

Sponsoring organization: City of Porterville Parks & Leisure Services Department

Event date: Friday, March 25, 2005

Hours: 0900 - 1300

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

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<thead>
<tr>
<th>Street Name</th>
<th>Closed From</th>
<th>Closed To</th>
<th>Activity</th>
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</thead>
<tbody>
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<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
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<th>Activity</th>
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<tbody>
<tr>
<td>South end of Parking Lot</td>
<td>Veteran's Park</td>
<td>Registration</td>
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REQUIREMENTS FOR COMMUNITY CIVIC EVENT
CITY OF PORTERVILLE PARKS & LEISURE SERVICES DEPARTMENT
“SPRING EGG HUNT”
MARCH 25, 2005

Business License Supervisor:  
S. Perkins  
No requirements.

Public Works Director:  
B. Rodriguez  
No comment.

Community Development Director:  
B. Dunlap  
No comment.

Field Services Manager:  
B. Styles  
No comment.

Fire Chief:  
F. Guyton  
No comment.

Parks and Leisure Services Director:  
M. Stowe, Acting  
No comment.

Police Chief:  
S. Rodriguez  
Urge/Direct attendees to cross streets at intersection crosswalk versus middle of streets.

Risk Manager:  
D. Pyle  
Self insured.
CITY OF PORTERVILLE
PARKS & LEISURE SERVICES DEPARTMENT
REQUEST FOR USE OF FACILITIES

PLEASE PRINT CLEARLY - PRESS HARD

FACILITY REQUESTED:
☐ Murry Park  ☐ Community Center  ☐ Sports Complex  ☐ Burton Ballfields
☒ Veterans Park  ☐ Library  ☐ Hayes Fields  ☐ Zalud Garden
☐ Zalud Park  ☐ Municipal Ballpark  ☐ College Ballfields  ☐ Other
Area/Room: #1  #2  #3

Nature of Event: Annual Egg Hunt  Are fees being charged? Yes
Date of Event: Friday, March 25, 2005  Time: 08:00  To: 18:00
Amplified Equipment/Music: ☑ Yes  ☐ No
Bounce House: ☐ Yes  ☒ No  Bounce House Company: N/A
Attendance: 400 - 500
Will food or drink be served: ☐ Yes  ☒ No
Will Alcohol be Served: ☐ Yes  ☒ No  Number of Drinking Adults ($2 per person): 
Requested Requirements: will coordinate w/ Parks Division

Organization: Parks & Leisure
Name: Jannie Greenwood
Mailing and/or Billing Address: 291 N. Main Street
Phone: Day/Work: 7522  Cell No.: 333-3346  Evening/Home:

Applicant hereby agrees to hold the City of Porterville, their employees, agents and officers free and harmless from any loss, damage, liability, cost or expense that may arise during or be caused in any way by such use or occupancy of said facilities. The applicant agrees to furnish such liability or other insurance for the protection of the public and the City as the City shall require. Applicant agrees to leave the facility in the same condition as found before use. Any damage, misuse or destruction of City property or equipment is the responsibility of the applicant. Applicant agrees to reimburse City for all charges. The CITY OF PORTERVILLE does not provide accident, medical, liability or any other insurance for facility users. In the event staff is taking photos of the park and/or the recreational activities it affords on the day of my event, I give my permission for the City to use said photos in promotional materials. I have read, understand and agree to the rules and regulations that are listed on the back of this form.

SIGNATURE: Jannie Greenwood  Date: 3/16/05

*** FOR OFFICE USE ONLY ***

APPROVED: Signed  DATE: 3/16/05

POLICE DEPT.:  
RENTAL CHARGE:  
Date Paid:  Received By:
ALCOHOL PERMIT CHARGE:  
SECURITY/KEY DEPOSIT:  
Date Paid:  Received By:
ENTERTAINMENT CHARGE:  
INSURANCE REQUIRED:  
SPECIAL DEPARTMENT NOTATIONS:  

DATE:
DATE:
DATE:

PARK IN DESIGNATED AREAS ONLY

Distribution: Original - Dept.; Green - Parks; Blue - Police; Yellow - Applicant
291 NORTH MAIN STREET, PORTERVILLE, CA 93257, PHONE (559) 782-7461
FAX (559) 791-7854, Park/facility information available at www.ci.porterville.ca.us

SEE BACK PAGE FOR RULES, REGULATIONS AND POLICIES
This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this permit is issued.

Name and home address of applicant:

Jeannie Greenwood  Phone: (559) 782-7622
291 N. Main Street, Porterville, CA 93257

Address/location where amplification equipment is to be used:

Veterans Park  Phone:

Name and phone numbers of persons using or operating the amplification:

Parks & Leisure Services Staff

Equipment/Type: Public Address System / music.

Type of event: Annual Egg Hunt

Date/hours of operation: Friday, March 25, 2005, 0900 - 1300

I hereby certify that all statements and answers on this application form are true and correct.

Jeannie Greenwood  2/7/05
Applicant

Date

Chief of Police

Date

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND GOOD ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OR THE PERMIT. WILFULLY DISTURRING THE PEACE OF ANOTHER PERSON WITH LOUD NOISE IS A CRIME AND CAN RESULT IN ARREST AND PROSECUTION.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE BREAKFAST ROTARY CANCER RUN, MAY 7, 2005

SOURCE: Administrative Services - Finance Division, Business Tax Section

COMMENT: Porterville Breakfast Rotary is requesting approval to hold a 5K Cancer Run on Saturday, May 7, 2005, from 6:00 a.m. to 11 a.m. The 5K run will start at Tulsa Street and Putnam Avenue, head south to Olive Avenue, turn west on Olive Avenue, turn north on Crestview Street, then east on Morton Avenue, turn south on Conner Street, and turn east on Putnam to finish at Tulsa Street. No street closures are requested. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

The application has been routed according to the ordinance regulations and reviewed by all of the departments involved. All requirements are listed on the attached Exhibit “A.” The application, Exhibit “A,” the agreement, request for street usage, and a map showing the streets to be used are attached.

RECOMMENDATION: That Council approve the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, subject to the Restrictions and Requirements contained in application, agreement and exhibit “A” of the Community Civic Event application form.

ATTACHMENT: Community civic event application and agreement, vendor list, request for street, sidewalk and parking lot closure/usage, map, exhibit A, outside amplifier permit.

D.D. Appropriated/Funded C.M. Item No. 14
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 1-26-2005  Event date: 5-7-2005

Name of Event: Porterville Breakfast Rotary 5K Cancer Run

Sponsoring organization: Porterville Breakfast Rotary  PHONE # 781-10617
Address: 189 N Villa  Porterville, CA 93257

Authorized representative: Jackie Witzel  PHONE # 781-9050
Address: 934 W Scranton  Porterville, CA 93257

Event chairperson: Marty Lalanne  PHONE # 781-10617

Location of event (location map must be attached): Granite Hills High School

Type of event/method of operation: (5K Run)

Nonprofit status determination:

City services requested (any fees associated with these services will be billed separately): n/a

Barricades (quantity): ______________  Street sweeping  Yes  No

Police protection  Yes  No  Refuse pickup  Yes  No

Other: ___________________________________________________________

Parks facility application required: Yes  No

Assembly permit required: Yes  No

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

Approve  Deny

———  ———  Bus Lic Spvr

———  ———  Pub Works Dir

———  ———  Comm Dev Dir

———  ———  Field Svcs Mgr

———  ———  Fire Chief

———  ———  Parks Dir

———  ———  Police Chief  SEE ATTACHED CONDITIONS.

———  ———  Risk Manager
CITY OF PORTERVILLE

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

Authorization: This permit must be submitted 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:

At least 48” must remain clear on sidewalks for pedestrian traffic.
Do not block any entrance to or exit from buildings.
Area must be accessible to emergency and safety personnel and vehicles.
Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A."

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event.

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

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind of character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of the kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

[Signature]
(Name of organization)

(Date)

1-26-2005
CITY OF PORTERVILLE

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

Name of event: **Porterville Breakfast Rotary 5K Run**

Sponsoring organization: **Porterville Breakfast Rotary**

Location: **Granite Hill School**  
Event date: **5-7-2005**

List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL ISSUED WITHOUT THIS INFORMATION.** This form should be completed at the time of application, but must be submitted one week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Porterville Breakfast Rotary</td>
<td></td>
<td>781-60017</td>
<td>Running Event</td>
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CITY OF PORTERVILLE

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

Name of event: **Porterville Breakfast Rotary 5K Run**

Sponsoring organization: **Porterville Breakfast Rotary**

Event date: **3-17-2005** Hours: **6:00 am - 11:00 am**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Putnam Ave</td>
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<td>Olive Ave</td>
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<td>Crestview St</td>
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<td>Morlan Ave</td>
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<td>Comer St</td>
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<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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</thead>
<tbody>
<tr>
<td>Putnam Ave</td>
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<td>Comer St</td>
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Parking lots and spaces

<table>
<thead>
<tr>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Granite Hills High School</td>
<td>participant parking</td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE BREAKFAST ROTARY
CANCER RUN
MAY 7, 2005

Business License Supervisor:  S. Perkins  No requirements.

Public Works Director:  B. Rodriguez  No comments.

Community Development Director:  B. Dunlap  Obtain council approval for use of public right of way.

Field Services Manager:  B. Styles  No comments.

Fire Chief:  F. Guyton  No comments.

Parks and Leisure Services Director:  J. Perrine  Pick up debris caused by aid stations/race along the roadside.

Police Chief:  S. Rodriguez  Aid stations/check points must be out of roadway and not in a position to interfere with traffic and must have means of communication to summon assistance in event of emergency. Event staff must be clearly identified.

Risk Manager:  D. Pyle  See exhibit "A", page 2

EXHIBIT "A," Page 1
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Breakfast Rotary
Event: 5 K Cancer Run
Event Chairman: Marty Lalanne
Location: Granite Hills High School
Date of Event: May 7, 2005
Time of Event: 6:00 a.m. to 11:00 a.m.

RISK MANAGEMENT: Conditions of Approval

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

a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

b. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an "admitted" insurer in the State of California.

Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.
CITY OF PORTERVILLE

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

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

1. Name and home address of the applicant:
   
   Hardy Latanne
   1345 N. Lomas Way
   Porterville
   Phone # 781-66617

2. Address where amplification equipment is to be used:
   
   Granite Hills High School
   Phone # 359-9815

3. Names and addresses of all persons who will use or operate the amplification equipment:
   
   John Lollis

4. Type of event for which amplification equipment will be used:
   
   5K Run

5. Dates and hours of operation of amplification equipment:
   
   6:00am - 11am

6. A general description of the sound amplifying equipment to be used:
   
   Announcement of Run from 8:00am to 11am
I hereby certify that all statements and answers on this registration form are true and correct.

[Signature]
Applicant

[Signature]
Chief of Police

1-27-2005
Date

FEB. 1, 2005
Date

Section 18-14 City Ordinance Outside Amplifiers; permit required.
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud-speaker or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, without having first procured a permit from the Chief of Police.

Section 18-9 City Ordinance, Radios, record players, etc.
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, juke box, record player, loudspeaker musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort of the occupants of nearby residences.

California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

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

cc: 


3/27/01
SUBJECT: Airport Lease – Lot 34E
SOURCE: Fire Department / Airport Division
COMMENT: Charles F. Hutchins and Marilyn J. Hutchins currently own a hangar on lot 34E at the Porterville Municipal Airport. They have extended a purchase option of their private hangar to Glenn Ricketson. Mr. Ricketson is requesting Council authorization to assume the existing lease between the City of Porterville and Charles and Marilyn Hutchins dated June 1, 1999.

RECOMMENDATION:

That the City Council approve the assigning of the lease agreement between the City of Porterville and Charles F. Hutchins and Marilyn J. Hutchins to Glenn Ricketson.

Attachment: 1) Locator Map
2) Assignment of Lease Agreement
3) Lessor's Consent to Assignment of Lease Agreement
4) Request to Transfer Letter from the Hutchins
5) Request to Transfer Letter from Mr. Ricketson
ASSIGNMENT OF LEASE
(PORTERVILLE MUNICIPAL AIRPORT)

THIS AGREEMENT, made this 15th day of March, 2005, by and between Charles F. Hutchins and Marilyn J. Hutchins, 110 J. J. Junction, Pagosa Springs, Colorado, owners of the hangar on lot 34E at the Porterville Municipal Airport, as the Assignors, and Glenn Ricketson, 81 W. Mulberry Ave., Porterville, California, as the Assignee.

In consideration of the mutual covenants herein contained, each act to be performed hereunder, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Effective March 15, 2005, Assignor hereby assigns, transfers and conveys to Assignee all of their right, title, and interest as Lessee, in, to and under a certain Lease Agreement dated June 1, 1999 (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Charles F. and Marilyn J. Hutchins, as Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

   An airport hangar known as No. 34E, and containing a total area of approximately 2,350 square feet, and establishing an original Lease terminating May 31, 2009.

2. Effective March 15, 2005, Assignee hereby accepts and assumes all of the obligations, responsibilities and liabilities of Assignor under said Lease, and agrees to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignee understands and agrees that Landlord makes no warranty or representation that either Assignor or Assignee would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignor and/or Assignee, except as provided in the Lease.

3. Upon execution of this Assignment of Lease and Landlord's consent hereto, Assignee's Noticed Address and Assignee's Billing Address shall be as set forth herein above.

4. Assignor hereby covenants said Lease as valid and existing and Landlord is not default as of the date of this Assignment.

5. This Assignment shall be binding upon and shall inure to the benefit of the respective parties, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of Lease as of the date first above written.

ASSIGNOR:               ASSIGNOR:               ASSIGNEE:

BY:_________________________  BY:_________________________  BY:_________________________
Charles F. Hutchins  Marilyn J. Hutchins  Glenn Ricketson
LESSOR'S CONSENT TO ASSIGNMENT OF LEASE AGREEMENT
(PORTERVILLE MUNICIPAL AIRPORT)

The City of Porterville, a municipal corporation of the State of California, being the Landlord under the Lease described in the foregoing Assignment, hereby consents to the foregoing Assignment of Lease upon the expressed condition, however, that there shall be no further assignment without the prior written consent of the Landlord.

Dated this 15th day of March, 2005.

City of Porterville

By: ________________________________
Pedro R. Martinez
Mayor, City of Porterville

"LESSOR"

Attest: ______________________________
John Longley, City Clerk

Approved as to Form:

By: ________________________________
Julia Lew, City Attorney
Frank and Marilyn Hutchins
110 J. J. Junction
Pagosa Springs, CO 81147
February 14, 2005

City of Porterville
Frank Guyton, Airport Manager
40 W. Cleveland Ave.
Porterville, CA 93257

Ref: Sale of Hangar, Lot 34E

Please be advised that we have sold our hangar as of January 1, 2005 to:

Glenn Ricketson
81 W. Mulberry Ave.
Porterville, CA 93257

(559) 333.6600

We understand that there is a fee of $150 to process this transaction. Our check is enclosed. The Statement for land lease has been forwarded to Mr. Ricketson.

If you have any questions you may contact us at the above address or (970)731-9414.

Yours truly,

Frank Hutchins
Marilyn Hutchins

CC: Jim McDonald
    Airport Operations Manager
To: City of Porterville  
    Airport Manager  

Feb. 9, 2005

This letter shall be notification that I have purchased Hangar 34E from Frank Hutchins. I initially did a Lease-Purchase agreement on Sept. 30, 2003 and opted to purchase effective on January 1, 2005. 
I am requesting that the Lease Agreement between Mr. Hutchins be transferred to myself. I have already paid for the full year lease on the land on February 8, 2005. The City already has a copy of my insurance naming the City as first insured.

Thank you very much for your consideration.

Glenn Ricketson  
81 W. Mulberry Ave.  
Porterville, Ca. 93257  
Phone: (559) 333-6600

Office: Sierra Wireless  
1168 W. Henderson Ave.  
Porterville, Ca. 93257  
(559) 781-6600
SUBJECT: Request Approval of Land Lease at Porterville Municipal Airport - Donald M. Matthews and Marjorie E. Matthews, Lot 46E

SOURCE: Fire Department / Airport Division

COMMENT: The City has received a request from Donald M. Matthews and Marjorie E. Matthews to lease Lot 46E at the Porterville Municipal Airport for a term of fifteen (15) years.

This lot is 3,220 square feet and will rent at a rate of $0.231 per square foot for an annual cost of $743.82. On January 1 of each year the lease will have an annual adjustment according to the change in the Consumer Price Index.

This lease agreement has two points which differ from previous lease agreements. Staff is recommending all new leases include these two proposed changes:

1. The lease is for 15 years. (Prior leases were 10 years with a 5 year option.)

2. Insurance issues will be reviewed every year. (Prior leases were every five years.)

RECOMMENDATION:

That City Council:

1. Approve the Lease for Lot 46E at the Porterville Municipal Airport to Donald M. Matthews and Marjorie E. Matthews; and

2. Authorize the Mayor to sign on behalf of the City.

ATTACHMENTS: 1. Locator Map (Exhibit A)

2. A copy of the Lease Agreement has been delivered to Council under separate cover and a copy is available for public review in the City Clerk’s Office.
SUBJECT: PROPOSED REVISION OF TAXICAB/VEHICLE FOR HIRE ORDINANCE

SOURCE: Police Department

COMMENT: For several years, the community of Porterville was served by one taxicab. In the past year, a new taxicab company with a fleet of vehicles began serving the Porterville area. Additionally, three limousine companies are providing transportation services in Porterville. During the process of licensing and issuing permits to the business and drivers, it became evident that the current city ordinance pertaining to taxicabs/vehicles for hire was lacking in several areas. The current ordinance was adopted in 1980. The ordinance is ambiguous in terms of how to ensure the taxicabs or vehicles for hire would be safe and on the issuance of permits to drivers who would be transporting the citizenry. Clearly there is a need to update the ordinance, which regulates this activity in Porterville.

City staff has worked in cooperation with the City Attorney to develop an ordinance that would be effective in regulating these services, with the goal of ensuring the safety of persons relying on these companies for their transportation needs. In developing the new ordinance, staff has surveyed small and large municipalities to determine the industry standard as it relates to regulating taxicabs and vehicles for hire. The department will also be requesting an increase in the service fee for processing the permit applications of drivers. This increase is necessary to cover costs associated with the fingerprinting and processing the permit application.

A draft ordinance is being provided to seek direction, input and intent of the Council.

RECOMMENDATION: 1) That the Council offer directions or suggestions for the draft ordinance, and
2) That the Council set the date of April 5, 2005 as the date for the public hearing required to establish the ordinance, set the administrative fee and to receive input from persons interested in this matter.

Attachment: Revised Chapter 23 of Porterville Municipal Code
Taxi Driver/Operator Application & Vehicle Inspection Form
TAXICABS AND OTHER VEHICLES FOR HIRE

ARTICLE I. IN GENERAL

Sec. 23-1. Definitions.
For the purposes of this chapter, the following terms shall have the meanings respectively set forth in this section:

*Automobile for hire.* The term "automobile for hire" as used in this chapter shall include every automobile or motor propelled vehicle by means of which passengers are transported for hire upon any public street in the city and not over a regular or defined route and irrespective of whether the operations extend beyond the boundaries of the city or not, excepting vehicle of highway contract carriers as defined in this section.

*Highway contract carrier.* The term "highway contract carrier" as used in this chapter means every highway common carrier subject to the regulations as such by the railroad commission under the public utilities act of the state.

*Taxicab.* The term "taxicab" as used in this chapter, shall include every automobile or motor-propelled vehicle by means of which passengers are transported for hire upon any public street in the city and not over a regular or defined route and irrespective of whether the operations extend beyond the boundary limits of the city or not and where a charge for such transportation is measured by the distance traveled or by the time required for such transportation, or both, or where any other goods are received or charged for such transportation excepting vehicles of "highway contract carriers" as defined in this section.

Sec. 23-2. Compliance with chapter provisions.
The rules and regulations in this chapter shall be observed by all persons operating taxicabs or automobiles for hire, and it shall be unlawful to operate such taxicab or automobile for hire in violation of any of the rules in this chapter.

Sec. 23-3. Identification card.
Any person operating a vehicle for hire or a taxicab shall have the taxi driver identification card issued by the city and displayed in the cab while said person is operating the cab. The identification card shall be affixed to the visor in the driver's area or if no such visor exists attached to the top of the cab in that area.

Sec. 23-4. Persons not eligible to operate/drive vehicle.
No taxicab or automobile for hire shall be operated by any person under the age of eighteen (18) years; or by any person who does not possess a valid California driver’s license; or by any person who does not possess a valid taxicab driver permit; or by any person who is known to be habitually under the influence of intoxicating drugs, liquors or combination of both.

Sec. 23-5. Use of intoxicating liquors or medications prohibited during hours of duty.
The driver of any automobile for hire or taxicab in the City of Porterville shall refrain from drinking spirituous, malt, vinous or intoxicating liquors of any kind or character, or the taking of any type of medication that manifests a narcotic tranquilizing effect, during the period of time that such person is
on duty or prior to going on duty when the effects of such liquor or medication would still be in effect on the driver, or when the subject driver is subject to call in the operation of such automobile for hire or taxicab.

Sec. 23-6. Parking.
No automobile for hire or taxicab shall remain standing upon any portion of any public street within the city, except for loading and unloading passengers and then not for a period of more than five (5) minutes, excepting at such stand as may be designated and described in the permit. This section shall not apply to any automobile for hire or taxicab while the same is engaged by or being paid for by a passenger. During operating hours, taxicabs shall not be parked in residential areas unless during the course of business. During non-operating hours the taxicabs shall be parked at the business location.

Sec. 23-7. Reserved.

Sec. 23-8. Operator to take most direct route.
The operator of any taxicab shall carry any passenger engaging the same safely and expeditiously to his destination by the most direct and accessible route.

Sec. 23-9. Mechanical and sanitary condition of vehicle.
All automobiles for hire and taxicabs shall be kept in good mechanical condition.

No automobile for hire or taxicab shall be operated unless the passenger compartment be kept clean and in a sanitary condition.

Sec. 23-9.1 Mechanical Inspection.
All vehicles permitted to be operated under a permit issued pursuant to this chapter shall be in safe operating condition and shall be inspected semiannually annually by the city or its duly authorized representative a qualified mechanic certified by the State of California Department of Consumer Affairs. The police department shall provide inspection forms, which the mechanic shall complete and certify. The permit holder shall submit the completed inspection form to the police department.

In the event said vehicle is found to be unsafe because of defective brakes, lights, or other operating defect, said vehicle shall not be permitted to be used as a taxicab or vehicle for hire until such defect has been corrected. The cost of said inspection shall be at the expense of the permit holder taxicab/automobile for hire company.

In the event the permit holder fails to produce a vehicle for inspection at the time requested, said vehicle shall not be permitted to be used as a taxicab or other vehicle for hire within the City of Porterville until the provisions of this section have been complied with.

Sec. 23-9.2 Taximeters; condition, operation.
Every taxicab shall be equipped with a single tariff taximeter or other measuring instrument. The use of any inaccurate taximeter or other measuring instrument for the purpose of gauging or indicating distance traveled, or waiting time for the purpose of fixing rates to be collected from the public, is hereby prohibited. It shall be the duty of the owner using any taximeter or other measuring instrument to keep said taximeter or measuring instrument in an accurate condition.
The permit holder shall provide proof that each vehicle’s taximeter is inspected a minimum of once a year, and immediately upon a change effecting the meter rate, by the Tulare County Department of Weights and Measures. The taximeter shall be subject to inspection at any time by the Tulare County Department of Weights and Measures.

Every taximeter or other measuring instrument used for the purpose of gauging or indicating distance traveled, or waiting time, or for the purpose of computing fares to be collected from the public, shall be of a type approved and subjected to inspection at any times by the Chief of Police or his designee. A police officer who receives a complaint from any person that the rate charged is more than the legal rate shall report such fact to the Chief of Police, who shall cause such taximeter or other measuring instrument to be inspected at once.

The taximeter shall be so placed in a taxicab that the reading dial showing the amount to be charged shall be well lighted and readily discernible by the passenger riding in such taxicab, unless such taxicab is equipped and operated as a receipt-printing taximeter.

All drivers of taxicabs, upon payment of the fare, shall give a receipt when requested for the fare paid.

The driver of a taxicab shall not throw the flag of the taximeter in a recording position when such taxicab is not actually employed.

All taxicab drivers shall cause the taximeter to be in the non-recording position at the termination of each service.

The driver of a taxicab, while carrying passengers or under employment, shall not display the flag affixed to such taximeter cause the taximeter to be in such position as to denote that such taxicab is not employed, or in such position as to denote that he is employed at a rate or fare different than that to which he is entitled.

The meter flag shall be of a size not less than three (3) inches by six (6) inches and installed in a position which is clearly visible to any party standing outside the taxicab when said taxicab is being used by a fare.

**Sec. 23-9.3 Authority of Police Department to Inspect Taxicabs**

The Chief of Police or his designee, under his/her direction, shall have the right at any time, when a taxicab or vehicle for hire is not transporting a customer and after displaying proper identification, to enter into that vehicle for the purpose of ascertaining whether or not any of the provisions set forth in this chapter are being violated.

Such inspection may occur when a customer is present and the Chief of Police of his/her designee has probable cause to believe a violation is present.

**Sec. 23-10. Rates.**

The operator or owner of a taxicab shall post charges and rates in both the front and rear passenger sections of said vehicle and in a manner so that the same shall be clearly visible to passengers. The chief of police is hereby authorized to designate place or places in said vehicles where charges and rates shall be posted.
The city council shall have the power and right at all times for the duration of the taxi license to regulate and establish reasonable rates and charges. The taxi company licensee shall submit a list of all proposed rates increases to the city no less than thirty (30) days prior to the proposed increase taking effect. If the licensee does not receive any notification from the city, they may presume that there are no objections on the part of the city to the rate increase. The establishment of rates and charges shall be discretionary with the city council.

Sec. 23-11. Soliciting patronage.
No owner or operator of any automobile for hire or taxicab shall solicit patronage for the same from the vehicle or within one hundred (100) yards there from upon any public street, save and except at railroad and interurban depots and within the boundaries of the space to be designated by the chief of police for such purposes.

Sec. 23-12. Exclusive use of persons engaging vehicle.
No operator or owner of any automobile for hire or taxicab shall solicit or take on or carry any passenger after such automobile for hire or taxicab shall have been engaged or while in use for another passenger, without the consent of the passenger first engaging the same, having been first obtained. A passenger engaging such automobile shall have the exclusive right to full and free use of the passenger compartment and the whole thereof if he desires the same.

Sec. 23-13. Automobile for hire not to be advertised as taxi or taxicab.
No automobile for hire shall be designated as a “taxi” or “taxicab,” or by word or phrase using the words “taxi” or “taxicab” in any sign or advertising matter.

Sec. 23-13.1 Out of service taxicabs.
When a taxicab is not in service but is being operated on public streets, a sign shall be affixed on each side of the vehicle, clearly identifying the vehicle as being “Out of Service.”

ARTICLE II. OPERATING/DRIVER PERMIT

Sec. 23.14 Operating/driver permit required.
It shall be unlawful to operate or cause to be operated, an automobile for hire, or a taxicab upon any public street within the city without first having obtained a permit to do so in accordance with the provisions hereof, and without complying or having complied with all the provisions of this chapter as well as those applicable sections of chapter 15.

No company shall operate a taxicab or vehicle for hire business within the City of Porterville without having first obtained a business license and an operating permit from the City of Porterville. No person shall be allowed to drive a taxicab or vehicle for hire without having first obtained a driver’s permit from the City of Porterville.

Sec. 23-15. Limit of one permit to each person.
No person shall be entitled to hold more than one (1) permit at a time, either as individual, member of a copartnership, stockholder or officer of a corporation, or under fictitious name, or otherwise.
Sec. 23-16. Application – Contents; fee.
Any person desiring to obtain the permit required by section 23-14 shall pay a fee, as fixed by resolution of the city council, to the city clerk, and shall make application for such permit to the chief of police. An operator’s permit application shall set forth:

(α) The name and address of the applicant, and if the same be a corporation, the names of its principal officers, or if the same be a partnership, association or fictitious company, the names of the partners or persons comprising the association or company, with the address of each.

(β a) A statement as to whether the permit is desired for an automobile for hire, or a taxicab.

(β b) The description of every motor vehicle which the applicant proposes to use, giving:
   a. Trade name;
   b. Motor and serial number;
   c. State license number;
   d. Seating capacity;
   e. Body style.

(β c) The street number and exact location where the applicant proposes to stand each automobile.

(β d) Proposed schedule of rates or fares to be charged for carrying of passengers in such automobile.

(β e) The distinctive color scheme, name, monogram, or insignia, which shall be used on such automobile, along with an identifying vehicle number.

A driver’s permit application shall set forth:

1. The name, date of birth, physical description, address, and phone number of the applicant.

2. The applicant’s California Driver’s license number, status, and driving history.

3. Place of employment with contact address and phone number.

4. Listing of all previous arrests and convictions.

5. Other information as deemed pertinent by the Chief of Police.

Secs. 23-17, 23-18. Reserved.

Sec. 23-19. Grounds for denial of permit.
The following reasons shall be sufficient denial of such permit as required in section 23-14.
(a) That the application is not in the form, and does not contain the information required to be contained therein by this chapter.
(b) That the vehicle or vehicles described therein are inadequate or unsafe for the purposes for which they are to be used.

(c) That the color scheme, name, monogram or insignia to be used upon such automobile, shall be in conflict with or imitate any color scheme, name, monogram or insignia used by any person in such manner as to be misleading or tend to deceive, or defraud the public.

(d) That the applicant has, at some prior time, had a permit for the operation of automobile for hire, or taxicab revoked for reason.

Sec. 23-19.1. Appeal to city council re: denial of permit.
In the event the chief of police, for any reason, denies the application of any applicant or refuses to issue the applicant a permit for the operation of an automobile for hire or taxicab, such applicant may, on or before the fifteenth day following said denial, file with the city clerk a written notice of protest of the decision of the chief of police and a request that the city council issue the permit requested. Within thirty (30) days following the receipt of applicant's written notice the same shall be considered by the city council at a regular or special meeting. The city council shall have full power and authority to grant or deny the permit for the causes set forth in section 23.19.

Sec. 23-20. License fee prerequisite to issuance.
Before any permit as required in section 23-14 shall be issued a license fee shall be paid to the city at a rate as fixed by the city council and failure to pay such license fee aforesaid shall automatically revoke any permit issued under this article.

Sec. 23-21. Deposit of insurance policy prerequisite to issuance of operators permit.
Before an operator's permit required in section 23-14 shall be issued by the chief of police, the applicant shall deliver to the city clerk a policy of insurance, executed by a company duly authorized under the laws of the state to do an insurance business, by the provisions of which policy the company promises and undertakes to pay in full all claims for damages to persons or property resulting from the operation of the automobile referred to in such application; provided, that the minimum amount for which liability shall be assumed for injury to or death of one person in any one accident shall be fifty thousand dollars ($50,000.00), one hundred thousand dollars ($100,000.00) to more than one person on any one accident, and the minimum amount for which liability shall be assumed for destruction of property in any one accident shall be twenty-five thousand dollars ($25,000.00).

Sec. 23-22. Photograph; fingerprints.
Before any permit required in section 23-14 shall be issued for the operation of an automobile for hire or taxicab, the operator thereof, together with all chauffeur's licensed, shall file with the chief of police, a photograph, size two inches by two (2) and three-fourths (2 3/4) inches, and shall have their fingerprints taken by the chief of police or any authorized deputy.

Sec. 23-23. Revocation; hearing; notice.
Any permit granted under the provisions of this article may be revoked by the city council either as a whole or as to any or all cars described therein or as to the right to use any distinctive color, monogram or insignia after five (5) days' notice to the permit holder, requiring him to appear at a certain time and place to show cause why such permit should not be revoked for any of the reasons enumerated in section 23-24.
Sec. 23-24. Grounds for revocation.

Grounds for revocation of a permit by the city council shall be for any of the following reasons:

(a) For the nonpayment of any license fee.

(b) For failure to observe any of the rules and regulations or provisions set out in this chapter.

(c) For the violation of any of the laws of the state or ordinances of the city by any permit holder, operator or driver of an automobile for hire or taxicab.

(d) For failure to maintain satisfactory service to the public by means of any of the vehicle described in the permit, or for failure to keep any car described in the permit in use for any unreasonable length of time, or for failure to use the distinctive color, monogram or insignia described in the application.

(e) For any cause which in the opinion of the city council makes it contrary to the public interest, convenience and necessity for the permit to be continued.

(f) The undertaking provided for in section 23-21, has not been given or has been withdrawn or lapsed for nonpayment, of premium, or is not in force for any reason.

Sec. 23-25. Transferability.

No permit issued under the terms of this article shall be transferable either by contract or operation of law without the permission of the chief of police having been first obtained, and any such attempted transfer shall be sufficient cause for revocation thereof.

Sec. 23-26. Applications for changes of name, substitution of vehicle, etc.

In the event that any permit holder desires to change his color scheme, name, monogram or insignia used on such automobile for hire, or taxicab, or to substitute any vehicle for and in place of the vehicle described in the application for permit, or to increase or decrease the number of vehicles used by him as automobiles for hire or taxicabs, he shall make application for permission to do so from the chief of police which permission shall be granted, if in the discretion of the chief of police, he deems the public interest, necessity and convenience will be served by such change, and if the permit holder has complied with all provisions of this chapter.

Sec. 23-27. Appeal to city council re: denial of application for changes, etc.

In the event the chief of police shall refuse to permit any change specified in section 23-26, the permit holder may protest the decision of the chief of police in the time and in the manner set forth in section 23-19.1 and the city council shall consider and act on said protest in the time and in the manner set forth in section 23-19.1 and shall deny the change requested if the council fails to find that the public interest and convenience will be served by such change or if the permit holder has failed to comply with the provisions of this chapter.

Sec. 23-28. Permit validity period.

A permit required by this article shall be valid for no longer than a period of one (1) year and expire on the date of issuance. Renewal permits must be completed during the month of January each year.
SUBJECT: ALTERNATE STAFFING FOR THE POLICE DEPARTMENT

SOURCE: Administrative Services

COMMENT: At the Council Meeting of February 1, 2005, information was provided to the Council regarding the status of the hiring freeze. At that time, Council authorized staff to fill the existing vacancies after a review of each vacancy has taken place.

Such a review has taken place regarding two vacant positions within the Police Department. One vacant Records Clerk position and one vacant Clerical Assistant II position have been reviewed. In lieu of filling the positions as allocated, Police Management have drafted a plan to use the budget resources allocated to these two positions to fund a new Property and Evidence Technician position. The individual hired in this capacity will be responsible for the maintenance and operation of the evidence and property room at the Police Department. These tasks are currently handled by a sworn Police Officer, who would be available to return to policing and law enforcement duties.

At present, the needs of maximizing the number of sworn Officers available for law enforcement activities outweigh the needs for additional clerical support.

To effect this change, the attached resolution has been prepared for consideration. The draft job description for this position has also been provided for consideration.

RECOMMENDATION: That the Council approve the attached Resolution providing for the reorganization of staffing within the Police Department and approve the attached job description.

ATTACHMENTS: (1) Resolution providing for the reorganization of staffing within the Police Department;
(2) Job Description for Property and Evidence Technician.
RESOLUTION NO. ____ - 2005

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE PROVIDING FOR THE
REORGANIZATION OF STAFFING WITHIN THE
POLICE DEPARTMENT

Whereas, the City Council has acted to provide for the reorganization of the Police Department, effective March 15, 2005; and

Whereas, the reorganization of City departments is periodically beneficial to enhance the economy and efficiency of City operations; and

Whereas, the City Manager has considered the current organization of the Police Department staff, and in consultation with the Department Director has defined an organizational structure that will enhance organizational integration and effectiveness; and

Whereas, this structure has been recommended to the City Council for consideration and adoption to be implemented.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan and the Classification Plan of the City, is hereby amended as follows:

1. Establish the class of Property and Evidence Technician at Salary Range 125 ($2,285 - $2,787), effective March 15, 2005, and amend the Pay and Benefit Plan to reflect this allocation. The position shall be designated as non-sworn and included in the General Series Group for purposes of representation.

2. Amend Section II, Position Allocation Schedule and Position Pay Plan of the Pay and Benefit Plan to reflect the deletion of one Records Clerk position and one Clerical Assistant II position in the Police Department.

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

Pedro R. Martinez, Mayor

Attest:

Georgia Hawley, Chief Deputy City Clerk
PROPERTY AND EVIDENCE TECHNICIAN

DEFINITION
Under general direction, identifies, collects, secures, processes, photographs and preserves physical evidence for investigation and prosecution of criminal and civil cases; performs related duties as required.

REPRESENTATIVE DUTIES
The duties listed below are examples of the work typically performed by the employee in this class. Not all assigned duties may be listed and some assigned duties may not be listed below. Marginal duties (shown in italics) are those which are least likely to be essential functions for this class.

1. Photographs crime and accident scenes, autopsies, assault victims and suspects to record the condition and appearance of evidence as found.

2. Locates, identifies, collects, photographs and preserves evidence such as blood, body fluids, hair and fibers, firearms and narcotics for laboratory testing.

3. Searches for, develops and preserves latent prints at crime scenes and in the laboratory.

4. Photographs and fingerprints suspects, victims, witnesses and applicants.

5. Produces plastic castings of tool marks and other impressions.

6. Searches for, retrieves and provides security information on fingerprint cards and mug shots for law enforcement personnel and authorized agencies.

7. Establishes and maintains records to ensure proper chain of custody of physical evidence.

8. Offers technical testimony in criminal and civil cases.

9. Instructs law enforcement personnel in crime and accident scene photography and the collection and preservation of evidence and latent fingerprinting processes.

10. Assists in retention, processing, transporting, retrieving and disposal of evidence.

11. Compares manually latent print impressions with known finger and palm prints.

EMPLOYMENT STANDARDS

Education and/or Experience
Any combination of training and experience that provides the desired knowledge and abilities.
Knowledge of:
procedures for processing and preserving crime scenes and evidence; photographic
techniques and methods including the use of a variety of film, lighting, filtration and
alternative light sources, digital photography and related printing and storage of images;
standard techniques for development of fingerprints using powders and chemicals;
standard techniques for recording and classifying fingerprints; procedures of personal
safety when handling evidence; hazards and safety precautions related to chemicals
and equipment used in processing evidence; rules of evidence, court methods and
procedures, basic computer operation.

Ability to:
read, understand and apply laws, regulations, department policies, rules and
procedures; identify problems and determine solutions; communicate effectively with
individuals in a variety of emotional states from a variety of different backgrounds and
with different educational and mental capabilities; rapidly shift among communications
styles; observe and recall details of incidents; understand and follow verbal and written
directions; write clear, concise and accurate reports; use and care of photographic
equipment, including digital cameras, still and video cameras and flash equipment; work
independently and demonstrate initiative; communicate effectively, both verbally and in
writing and by any form of communications device; maintain confidentiality; establish
and maintain effective relationships with superiors, peer, subordinates and the general
public; operate a computer terminal; collect, secure and process evidence.

Special Requirements
Possession of or ability to obtain a valid California Driver's License may be required.

Possess ability to pass an extensive background investigation.

Physical Demands
Strength, stamina, coordination and balance to stand and walk for long periods, bend
and reach to collect evidence, take photographs, carry equipment and supplies; vision to
see details in low light; coordination, occasionally lift objects weighing in excess of 50
lbs.; strength to move the weight of an adult human body.

WORKING CONDITIONS
Shift work with periodic change in shift, work in confined spaces; stress of working with
detainees, persons under the influence of alcohol and drugs, emotional individuals, and
resistive and combative persons; stress of exposure to personally dangerous individuals
and circumstances including dead, injured and sick individuals; exposure to individuals
with communicable diseases; exposure to blood borne pathogens and hazardous
materials.

Date Adopted:
SUBJECT: EMPLOYMENT AGREEMENT - CITY MANAGER

SOURCE: CITY ATTORNEY

COMMENT: Per direction from the City Council, attached is a Modified Employment Agreement for the City Manager. This Agreement modifies and replaces the prior Agreement and Amendments. In addition to adding new, mutually agreed upon provisions, language from the prior contract that had become obsolete was eliminated.

RECOMMENDATION: The City Attorney and staff make the following recommendations:

1) That the Council review and approve the Employment Agreement.

Attachment: 1) Modified Employment Agreement Between the City of Porterville and John R. Longley, Jr.
EMPLOYMENT AGREEMENT

MODIFIED EMPLOYMENT AGREEMENT BETWEEN
THE CITY OF PORTERVILLE AND JOHN R. LONGLEY, JR.

WHEREAS, the City of Porterville, hereafter referred to as “City”, and John R. Longley, Jr., hereinafter referred to as “City Manager,” have previously entered into an employment agreement dated January 14, 2002; and

WHEREAS, said employment agreement was amended on August 19, 2003;

WHEREAS, the City of Porterville, hereafter referred to as “City”, desires to continue to employ the services of John R. Longley, Jr., hereinafter referred to as “City Manager”, as City Manager of the City of Porterville as provided by Section 17 of the Charter of the City of Porterville;

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment and to set working conditions of the City Manager; and

WHEREAS, it is the desire of the City Council to:

1. Secure and retain the services of the City Manager and provide inducement for him to remain in such employment;

2. To make possible full work productivity by assuring the City Manager's morale and peace of mind with respect to future security; and

3. To provide a just means for terminating the City Manager's services at such time as he may be unable to discharge his duties or when the City may desire to otherwise terminate his employ.

Page 1 of 9
NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree to enter into this Modified Employment Agreement, as follows:

Section 1. Compensation

Commencing January 1, 2005, and thereafter, City agrees to employ and pay the City Manager at the rate of the sum of $10,167.00 per month as compensation for the retention of the above mentioned services, and such compensation thereafter as the City Council may, from time to time, determine; provided that, at a minimum, after the first year of this Agreement, the City Manager shall receive an annual percentage increase equal to the average cost of living adjustment awarded to other City employees for the preceding year; and provided further that City Manager may additionally request, on or about December 1 of each year (commencing on December 1, 2005), a performance based salary increase not to exceed five percent (5%) which the City Council may approve in whole or part within thirty (30) days of receipt of such request, after first conducting a written evaluation of City Manager’s work performance of the prior year. Said compensation shall be paid at the same times and in the same manner as other employees of the City are paid.

Section 2. Term of Service

The City Manager’s term of employment shall be through June 30, 2008.

Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of the City Manager at any time, provided that such termination shall be subject to the provisions of Section 3 hereinbelow. The City Manager may be removed by a four fifths (4/5) vote of the total City Council members.
Before voluntarily resigning his position, the City Manager agrees to give the City Council at least three (3) months notice in writing of his intention to resign stating the reasons therefore. It is specifically noted and agreed that City Manager’s employment with the City is in an “at will” capacity and as such, he may be terminated at any time, with or without cause. Any termination of City Manager shall be made by giving him written notice thirty (30) days in advance. Upon receipt of such notice, City Manager shall have the right to request the reasons for such termination be specified in writing and shall further have the right, if he so requests, to address the City Council, in a closed session, regarding his termination. Any such written explanation of the reasons provided for termination shall be a confidential communication between employer and employee and shall not be disclosed to third parties.

**Section 3. Severance Pay**

In the event of involuntary separation of the City Manager, he shall be entitled to receive a lump sum payment as and for severance pay in an amount equal to six (6) months salary. In addition to any such salary, the City Manager shall be paid any other monies which would be due to a City employee upon termination of employment with the City.

Notwithstanding the above provisions of this Section, in the event the City Manager is terminated and a court of competent jurisdiction finds and determines that he is guilty of an illegal act involving moral turpitude or personal gain, then, in that event, City shall have no obligation to pay the aggregate severance sum designated hereinabove in this Section.
Section 4. Dues, Travel and Conferences

The City hereby agrees to annually budget and allocate sufficient funds to pay for the dues and expenses of the City Manager’s necessary travel and living while representing the City at the Annual International City/County Management Association Conference, the Annual League of California Cities Conference, conferences of the City Manager’s Department of the League of California Cities and conferences or meetings of state committees or commissions upon which the Manager serves as a member, said membership on said committees or commissions being subject to the approval of the Council, and for such other official conferences, meetings and/or travel as are reasonably necessary for the City Manager to carry out his professional responsibilities as the appointed executive of the City. The City Manager is specifically authorized to participate in the Sister City La Barca visit currently scheduled for 2005, and is further authorized to utilize aircraft traveler mileage.

Section 5. Regular Benefits

All provisions of the City Charter and Code and Rules and Regulations of the City relating to vacation, sick leave, retirement and pension system contributions, holidays and other fringe benefits and working conditions as they now exist or hereafter may be amended shall apply to the City Manager as they would to other management employees of the City, in addition to any other benefits enumerated herein specifically for the benefit of the City Manager, except as otherwise provided in this Agreement.

Section 6. Supplemental Benefits

In addition to the regular benefit provided for in Section 5 hereinabove, the City Manager shall be entitled to the following supplemental benefits:
a. He shall immediately receive credit for accumulated sick leave in the amount of thirty (30) days upon commencement of his employment (January 14, 2002);
b. He shall be enrolled in the PERS retirement system and the City shall pay both the employer’s and the employee’s required contributions to said Program;
c. If eligible and authorized by PERS, he shall be eligible to receive up to four (4) years credit for prior military service under the PERS system and City shall pay the cost of acquiring said years of credit, up to a maximum of Five Thousand Dollars ($5,000.00) per year up to a maximum of Twenty Thousand Dollars ($20,000.00); provided that any additional cost beyond this contribution shall be the responsibility of the City Manager personally;
d. He shall be entitled to participate in the University of Virginia’s Senior Executive Institute Advisory Committee. The City Manager is also authorized to enroll in a second tier continuing education program through the University of Virginia in 2006, subject to budgetary approval by the City Council.
e. He shall be entitled to participate in Civil Air Patrol activities, to the extent that said participation does not impair his ability to perform his job duties. Said participation shall be deemed not job related activities. In addition to other leave, he shall be authorized to use a 40 hour leave provision for Civil Air Patrol response and training.
f. He shall be provided, at City expense, a pager and a cellular telephone; provided that he shall be available and accessible to City Council
members by means of these communication devices seven (7) days a week, twenty four (24) hours a day, unless he has first otherwise notified the Council of his unavailability for an approved reason or basis;

h. The City Manager shall be entitled to receive an annual physical from the Sansum Institute, paid by the City.

i. The City Manager shall be entitled to receive a laptop computer for City use, provided a program is developed for the provision of such computers (with internet and e-mail capabilities and systems) to City Council Members and other appointed or designated officials, for City use. The costs for the laptops will be amortized over the remaining term of the official’s contract or the terms for the elected Council Members. If the official resigns, leaves or is otherwise removed from employment/office, for any reason, and wishes to retain the laptop, he will be responsible for paying the balance owed for the remainder of his contract/term.

Section 7. General Expenses

The City recognizes that certain expenses of a non-personal job related nature will be incurred by the City Manager while on City business. Such expenses include, but are not limited to, meals with potential tenants, developers, representatives of businesses interested in locating in the City, or already located in the City, and other federal, state and local agency officials. City agrees to reimburse or to pay said general expenses and the Finance Director is hereby authorized to disperse such money upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits. Such receipts and supporting documentation shall be made available to the Mayor and City
Council, and the City Council may designate one of its members or another individual to audit the City Manager’s expenses.

Section 8. Automobile

The City Manager's duties require that he shall have at all times during his employment with the City, an automobile for his use, personal and business. The City agrees to provide the City Manager with an automobile and fuel for said vehicle together with maintenance, repair and replacement of such an automobile at City expense, until the particular vehicle being used is no longer functional. At that time, the City Manager shall receive a vehicle allowance in the amount of $400.00 per month. This allowance shall not be considered part of City Manager's salary for the purposes of PERS final compensation.

Section 9. Civic Club Membership

The City recognizes the desirability of representation in and before local civic and other organizations and the City Manager is authorized to become a member of such club(s) and organization(s). City shall pay related and reasonable expenses thereto and allow City Manager to participate on City time.

Section 10. Other Terms and Conditions of Employment

The parties shall, by amendment to this Agreement, fix such other terms and conditions of employment from time to time as may be determined relating to the performance of the City Manager of the City, provided such terms and conditions are not inconsistent or in conflict with the provisions of this Agreement or City Charter.
Section 11. Annual Evaluation

The City Manager’s performance and compensation shall be evaluated on an annual basis on or about the month of December by the City Council. Said evaluation process shall include written goals and objectives for the City Manager being set for the next year by the City Council.

Section 12. Special Review of Issues

The City Manager is authorized to engage and supervise a consultant, for an amount not to exceed $15,000.00, to review the status of management team development within the City organization. The process will involve a review through meetings, interviews and possible testing. A analysis will be prepared with recommendations copied to the City Council, and training may be required.

Section 13. Residency

The City Manager shall be permitted to specify and maintain 848 So. Chess Terrace as his residence. City Manager shall pay continue to pay $250.00 per month until the estimated amount needed for annexation has been collected ($6,000.00). If the City Manager is terminated prior to January 31, 2007, the time estimated for the commencement of annexation proceedings, the $6,000.00 paid by the City Manager shall be refunded to City Manager. If City Manager voluntarily resigns his position, he shall not be entitled to a refund of the funds paid.


This Agreement modifies and replaces the Employment Agreement dated January 14, 2002, and any Amendments thereto executed and/or approved prior to January 1, 2005. If a provision or any portion thereof contained in this Agreement is held to be
unconstitutional, invalid or unenforceable, the remainder of this Agreement or portion thereof shall be deemed to be severable, shall not be affected and shall remain in full force and effect.

DATED this _____ day of March, 2005.

"CITY"

____________________________________
MAYOR of the City of Porterville

"CITY MANAGER"

____________________________________
JOHN R. LONGLEY, JR.

ATTEST: ______________________________________
City Clerk and Clerk of the
Council of the City of Porterville

APPROVED AS TO FORM:

____________________________________
City Attorney
COUNCIL AGENDA - MARCH 15, 2005

SUBJECT: SECOND READING - ORDINANCE NO. 1665, ZONE CHANGE NO. 7-2004 (ENNIS)

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1665 approved Zone Change No. 7-2004. It was a change of zone from City R-1 (One Family Residential) to City R-2 (Four Family Residential) with a Design Review Overlay and R-1 (One Family Residential) to R-3 (Multiple Family Residential) with a Design Review Overlay for the vacant 21.05± acre site located generally at the southwest corner of Henderson Avenue and Newcomb Street. The Ordinance was given a First Reading on March 1, 2005, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1665, waive further reading, and adopt said ordinance.

ATTACHMENT: Ordinance No. 1665

Item No. 20
ORDINANCE NO. 1665

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING ZONE CHANGE 7-2004 BEING A CHANGE
OF ZONE FROM R-1 (ONE FAMILY RESIDENTIAL) TO R-2 (FOUR FAMILY
RESIDENTIAL) WITH A DESIGN REVIEW OVERLAY AND R-1 (ONE FAMILY
RESIDENTIAL) TO R-3 (MULTIPLE FAMILY RESIDENTIAL) WITH A DESIGN
REVIEW OVERLAY FOR THE VACANT 21.05± ACRE SITE LOCATED
GENERALLY AT THE SOUTHWEST CORNER OF HENDERSON AVENUE
AND NEWCOMB STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of March 1, 2005, conducted a public hearing to consider Zone Change 7-2004,
being a change of zone from R-1 (One Family Residential) to R-2 (Four Family) and R-
1 (One Family Residential) to R-3 (Multiple Family) for the vacant 21.05± acre site
located generally at the southwest corner of Henderson Avenue and Newcomb Street; and

WHEREAS: On September 2, 1986, the Porterville City Council approved
General Plan Amendment 2-86 by City Council Resolution 100-86. This amendment to
the Land Use and Circulation Element of the General Plan changed the designation for
ten (10) different areas. The subject site was part of this amendment which changed the
previous General Plan Designation of the site from Low Density Residential to its present
designation of Medium Density Residential and High Density Residential designations.

WHEREAS: Zone Change 7-2004 proposes to change the northerly portion of
the 21.05± acre site from R-1 (One Family Residential) Zone to R-3 (Multiple Family)
Zone. The northerly portion of the vacant site (approximately 10± acres) is located on
the south side of Henderson Avenue approximately 518± feet west of Newcomb Street
and extends west 906.92± feet and south approximately 485± feet; and

WHEREAS: Zone Change 7-2004 also proposes to change the southerly portion
of the 21.05± acre site from R-1 (One Family Residential) Zone to R-2 (Four Family)
Zone. The southerly portion of the vacant site (approximately 11± acres) is located on
the west side of Newcomb Street approximately 370± feet south of Henderson Avenue
and extends west 1210.13± feet and north approximately 308± feet; 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 7-2004; and
WHEREAS: The City Council made the following findings in support of the approval of Zone Change 7-2004:

1. The Land Use Element of the General Plan designates the northerly portion of the site fronting on Henderson Avenue as High Density Residential. The southerly portion of the site is designated as Medium Density Residential.

2. That the proposed zoning to R-2 (Four Family) and to R-3 (Multiple Family) for the vacant 21.05± acre site is consistent with the General Plan.

3. That all uses listed in Article 2, Article 3 and Article 4 of the Porterville Zoning Ordinance will be allowed in the R-2 (Four Family) and to R-3 (Multiple Family) Zone.

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 designations 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 7-2004, is hereby re-zoned from R-1(One Family Residential) to R-2 (Four Family) with a Design Review Overlay and R-1(One Family Residential) to R-3 (Multiple Family) with a Design Review Overlay for the vacant 21.05± acre site located generally at the southwest corner of Henderson Avenue and Newcomb Street, 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 re-zoned from R-1(One Family Residential) to R-2 (Four Family) and R-1(One Family Residential) to R-3 (Multiple Family) for the vacant 21.05± acre site located generally at the southwest corner of Henderson Avenue and Newcomb Street; and
Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

______________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By: ___________________________
    Georgia Hawley, Chief Deputy City Clerk
ZONE CHANGE
7–2004

PROPOSED CHANGE

= R–1 to R–2 (D)

= R–1 to R–3 (D)

CITY COUNCIL
ORDINANCE NO. 1665

EXHIBIT "A"
SUBJECT: APPROVAL TO MARKET BUILDING LOCATED AT 301 N. HOCKETT STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the April 3, 2001 City Council meeting, Council approved the purchase of the property located at 301 N. Hockett Street for future proposed parking. The two-story building located on the property has been vacant since prior to the acquisition and, upon cursory inspection, is not suitable for occupancy without substantial rehabilitation.

Current funding to construct parking on this site, and the two adjacent Redevelopment-owned sites, is not available. In an effort to eliminate a vacant and deteriorating building in the downtown area, staff recommends the City actively market or demolish the structure while retaining the parcel for future parking. Several approaches may be taken to remove the structure from the site.

- Demolish the building.
  - Funding has not been identified for this activity.
- Utilize the building for fire training.
  - Activity would result in the demolition of the structure.
  - Funding for clearing of the lot has not been identified.
- Sell the building for relocation.
  - Advertise for sale at a set price.
  - Advertise for sale utilizing a sealed bid procedure.

Staff believes that the best approach for removal of the building is that the structure be placed for sale via the sealed bid procedure with the buyer to remove the structure within six months of time of sale. Additionally, the buyer would be required to clear and level the lot upon removal of the structure. Should the buyer not remove the structure in the time period allotted, ownership of the building would revert back to the City.

Should Council desire to move forward with marketing of the building, it is recommended that the Purchasing Department handle the transaction, as they have prior experience with disposing of property in this manner.

RECOMMENDATION: That City Council authorize the Purchasing Department to advertise for sale by sealed bid the building located at 301 N. Hockett Street for relocation by the buyer.

ATTACHMENT: Locator Map
COUNCIL AGENDA: March 15, 2005

SUBJECT: APPOINTMENT OF MEMBERS TO THE PARKS & LEISURE SERVICES COMMISSION

SOURCE: Department of Parks & Leisure Services

COMMENTS: Pursuant to the direction of the City Council at their February 1, 2005 meeting, directing announcement of the vacancies on the Parks and Leisure Services Commission, staff has been searching for individuals with dedication and a willingness to serve. To date we have had five people indicate interest by contacting City staff, and providing a written statement of their interest. The Mayor and City Council members may be aware of other persons willing to serve. Staff is attaching a statement of willingness to serve from Mrs. Grace Munoz-Rios, 345 West Bellevue, Mr. John Hardin, 454 Balmoral, Mr. Greg Shelton, 888 N. Williford Drive and Mr. George Luna, 1221 N. Lotas Way. All five candidates live within the City limits and qualify to serve.

The openings available on the Commission are for the remaining terms of three Commissioners. Two of the vacancies have terms which will expire in October 2007, and the third vacancy has a term expiring in October 2005. Incumbents could subsequently request reappointment for a full four year term at the expiration of the terms to which they are appointed.

RECOMMENDATION: That the City Council appoint, at their discretion, two of the interested individuals as Commissioners to serve the remaining two vacancies with terms ending in October 2007, and a third person to the remaining vacancy which will expire in October of 2005.

ATTACHMENTS: Grace Munoz-Ruiz/Statement of Interest
John Hardin/Statement of Interest
Greg Shelton/Statement of Interest
George Luna/Statement of Interest

Larry Sullivan/Statement of Interest received 3/10/05

ITEM NO.: 29

[Signatures]
Subject: Parks & Leisure Advisory Committee
From: "" <gmrios@ocsnet.net>
Date: Sun, 13 Feb 2005 20:10:29 -0800
To: jperrine@ci.porterville.ca.us

This is to confirm our conversation regarding my agreement to be considered for a vacancy on the City of Porterville Parks & Leisure Advisory Committee. As a longtime resident of Porterville, I have always been very interested in what services and opportunities are available to our community. Particularly, my focus has been services for our youth. As a small town, it is important to have safe activities for our youth so that they don't fall into the bad influences that seem to have permeated our community, ie, gangs, driving to other towns. Although the schools offer activities, some come at a cost that would be prohibitive to a family that has several children in the system. If I can be of assistance on this committee in seeking opportunities and funding to make more activities available to all our communities' children, low income or otherwise, we know they will want to stay here.

Some of my other clubs and organizations that I have been involved in include, 4-H, Girls Scouts, American Youth Soccer Organization, St. Anne's Catechism Instructor - Deaf & Jr. High level, Leadership Porterville Alumni, City of Porterville CDBG Advisory Committee, Porterville Area Coordinating Council Advisory Board, Comision Honorifica Mexicana-Americana Executive Board Member, Deaf & Hard of Hearing Service Center Advisory Board.

As I indicated to you, I will be on vacation from February 17-25, 2005. I will touch base with you after I return. Thanks for the invitation.

Grace Munoz-Rios
Subject: Parks & Rec Board
From: John Hardin <jshardin@ocsnet.net>
To: jperrine@ci.porterville.ca.us

Jim
I would be interested in serving on your Parks & Rec. Board. Officially put my name in the hat.
Thanks
John Hardin
I request to be considered for the vacant position of the City of Porterville Parks and Leisure Services Commission.

Thank you,

Greg Shelton
888 W. Williford Dr.
Porterville, CA 93257

Phone # (559) 784-7809
E-Mail: greg-shelton@globalnet.com

RECEIVED
MAR 0 8 2005
CITY OF PORTERVILLE
DEPUTY CITY CLERK
Subject: Applicant - P&L Services Commission  
Date: Tue, 08 Mar 2005 13:03:30 -0800  
From: "Georgia Hawley" <ghawley@ci.porterville.ca.us>  
Organization: City of Porterville  
To: Jim Perrine <jperrine@ci.porterville.ca.us>, John Longley <jlongley@ci.porterville.ca.us>  
CC: Lee Waggle <lwaggle@ci.porterville.ca.us>  

At the Mayor's direction, George Luna called me a few minutes ago to request that his name be considered for a vacancy on the Parks and Leisure Services Commission. His information is as follows:

George Luna  
1221 N. Lotas Way  
Porterville, CA 93257  
784-9269

--  
Georgia Hawley  
Chief Deputy City Clerk  
City of Porterville  
291 N. Main St  
Porterville, CA 93257  
(559) 782-7442  
FAX 661-362-4009
Subject: Park Commission Vacancy  
Date: Thu, 10 Mar 2005 11:25:13 -0800  
From: "Larry Sullivan" <LSullivan.PDCPO.PDCDMN@PDC.DDS.CA.GOV>  
To: lwaggle@ci.porterville.ca.us  
CC: lsullivan1709@charter.net

Recent articles in the Porterville Recorder indicate that vacancies may exist on the Park and Leisure Services Commission.

I would like to take this opportunity to submit my application for consideration. My experience in this area includes two previous appointments to the Commission, with my last term expiring in October of 2001. I believe that the 4 years off of the Commission would qualify me to serve again.

Additionally, I frequently volunteer in various city recreational events, the last being the 2005 Sweetheart Run on February 12th. I also served as a member of the City Charter Review Advisory Committee.

My current address is:  
2515 W. White Chapel Avenue  
Porterville, CA 93257

Phone: 781-1709

E-Mail: lsullivan1709@charter.net
CONSIDERATION OF ADVERTISING PROGRAM BEING ESTABLISHED FOR CITY TRANSIT BUSES

There has been some interest expressed in the possibility of advertising on City buses. This has been discussed in the past but never pursued since the funding received from the advertising was not needed for the operation of the system. However, now that the City is required to maintain a 20% farebox ratio, increasing costs of providing services could warrant another revenue source to contribute towards meeting those costs without jeopardizing the farebox ratio.

The City of Visalia has had a program and policy in place for several years for advertising on City buses. They contract with a consultant to operate the advertising program, they have a policy in place as to what types of advertising would be acceptable, and the consultant is directly responsible for working with those individuals or businesses desiring to sponsor ads. We understand this can be a complex matter since bus ads are relatively new to our area, and many businesses are not fully proficient in how to proceed. The consultant works directly with them providing the necessary expertise and assists them with the artwork. The consultant receives a percentage of the revenue generated through the ads, with the balance of the revenue returning to the City. Currently, Visalia generates close to $100,000 per year in ad revenue. All revenue generated is deposited in the transit account and used to fund the City of Visalia trolley program.

The City of Porterville currently has funding available for the purchase of a trolley, and negotiations are underway for the procurement of the vehicle. If this is a program the Council would like to pursue, Staff is ready to proceed with obtaining the necessary information and will return with a policy for Council review, as well as potential consultants who may be interested in contracting with the City to provide the service. Any funds generated could be used for general operations of the transit system, or specifically earmarked for operational expenses necessary for the new trolley.

RECOMMENDATION: To be determined by the City Council.

ATTACHMENTS: Visalia City Coach Policy for Advertising
VISALIA CITY COACH

POLICY FOR ADVERTISING ON VCC TRANSIT SYSTEM

PURPOSE

It is the primary purpose and function of Visalia City Coach ("VCC") to provide public transportation. Consistent with that purpose and function, VCC hereby makes available to Advertiser guidelines for the sale of advertising space and acceptability of the advertising display which is to be displayed on VCC buses.

POLICY

It is the policy of VCC to accept and display advertising messages on the exterior and interior of VCC buses in accordance with the following guidelines:

1. The advertising space available is limited to the designated areas of the interior and exterior of VCC buses. The limited advertising space made available by VCC minimizes the chances of abuse, the appearance of favoritism and the risk of imposing upon a captive audience. Spaces shall be available for commercial advertising on a first paid, first served basis. No refunds will be made on payments received.

2. All non-profit organizations and governmental agencies may, on a space available basis only, use advertisement spaces located in the interior of the VCC buses for public service announcements. Non-profit organizations and governmental agencies can also purchase, on a space available basis only, advertising space at 25% off the standard rate schedule.

3. Advertisers are responsible for design, production, production cost, and delivery of signs to VCC at a specified time and location.

4. Advertisements involving competitive products or services shall not be displayed on the same bus.

5. Advertisers competing for the same bus, or for the same specific panel(s), shall submit written proposals to VCC. Proposals will be reviewed by the VCC Advertising Review Team. Proposals will be rated based on design, benefit to the community, benefit to VCC, and how payment will be made to VCC. If all proposals are determined to be equal, then the City of Visalia reserves the right to accept bids for the advertising space.

6. VCC reserves the right to reasonably reject any advertisement proposed by Advertiser to be displayed on or in the VCC buses. It is VCC's policy to only accept advertising related to the sales of goods and services. VCC's right to reasonably reject any proposed advertisement is based upon VCC's desire to protect the safety and personal feelings of its passengers. In exercising this right, VCC intends to avoid consequences that may discourage, rather than enhance ridership, may result in either reduced
subsidies, increased fares or diminished services, and/or may promote conduct otherwise legal, but not permitted on the VCC buses.

Following includes, but is not limited to, the types of advertisements VCC shall not accept for display on its buses because VCC believes they may reasonably interfere with the ridership, services, and/or the privacy rights of VCC's passengers:

(a) VCC shall not display any advertising matter or signs of any nature advertising or implying a position, for or against, any political purpose, position, candidate or subject;

(b) VCC shall not display any advertising matter or signs of any nature advertising, promoting or implying conduct otherwise legal if such conduct is not permitted on the VCC buses;

(c) VCC shall not display any advertising matter or signs of any nature advertising, promoting or implying conduct or activity which is illegal in the City of Visalia and/or County of Tulare;

(d) VCC shall not display any advertising matter or signs of any nature advertising, promoting or implying any religious beliefs, behavior, affiliation or activities or any religious matter in general; and

(e) VCC shall not display any advertising matter or signs of any nature that VCC, in its sole discretion, determines to be controversial, designed to encourage public reaction or public uproar or designed to invoke anger or a hostile response.

Advertisement text and illustrations shall be subject to final approval of VCC. VCC requires that the advertisement conform with community standards of appropriateness, decency, dignity, and accuracy.

Prior to rejecting the proposed advertisement, VCC will give written notice to Advertiser of any perceived problems with any proposed advertisement. Advertiser will be given an opportunity to revise, at Advertiser's sole expense, the unacceptable advertisement. If the proposed advertisement is not revised by the Advertiser, then VCC shall reject the proposed advertisement in writing.

VCC's rejection of any proposed advertisement may be appealed by Advertiser to the VCC Advertising Review Team. The VCC Advertising Review Team consists of the VCC Transit Advisory Committee.

7. Advertisers paying the full amount of advertising fees due under the Contract in advance are eligible for a 5% discount for advertising placed with VCC.

8. All advertising displayed on the VCC system shall be authorized by a fully executed "Visalia City Coach Transit Advertising Contract,” by and between the City of Visalia (VCC) and the Advertiser.
SUBJECT: ANNUAL REPORT ON SENIOR COUNCIL UTILITY STIPEND

SOURCE: Parks and Leisure Services Department

COMMENT: In December 2003, the Council approved a request to provide the Porterville Senior Council with a $500 per month stipend. This payment is to assist with utility service costs for operating the Santa Fe Depot for senior programs and activities. As part of the approval, Council directed that each year during either March or April, a status report be provided to compare the stipend paid by the City to the actual cost for utilities at the Santa Fe Depot. This is the first full-year report, and it covers the period from March 2004 through February 2005. Last April a report was provided for the January 2004 through April 2004 term.

The total stipend paid by the City to the Senior Council during the current report period was $6,000. The total charges for utility services at the Santa Fe Depot during the report period was $6,623.79. Costs for services considered are telephone, electrical power, natural gas, water, sewer, and refuse.

RECOMMENDATION: Receive and file this annual report.
CITY COUNCIL AGENDA

March 15, 2005

SUBJECT: Review of Draft Tulare County Association of Governments Financial Feasibility Independence (Autonomy) Study

SOURCE: CITY MANAGER

On February 28th, representatives of the cities and the County met in Visalia to perform an initial review of the 2005 Draft Tulare County Association of Governments Financial Feasibility Independence (Autonomy) Study. The purpose of the meeting was to determine whether to continue with the development of information for a decision whether an independent association providing council of governments and local agency formation commission services (among other areas) would be better suited to deal with issues.

Representatives from Tulare, Visalia and Dinuba spoke in support of an independent agency, while a couple of the Board of Supervisors members spoke against the concept. George Finney, the Executive Secretary of TCAG supported the concept of an autonomous, independent agency, because of management and staffing considerations.

It has been estimated an autonomous TCAG would increase annual costs by $110,000 and would require about $35,000 to set up. The attached study indicates that the cost increases in the first few years would likely be funded with carry-over funding; However, after 3 to 5 years other sources would have to be defined to carry the additional cost. This additional cost could be recovered from dues or potentially from an increased allocation of TDA monies. For Porterville, the additional cost is estimated to be an annual $10,857 if the overall increase in cost was $100,000 per year.

City representatives represented the value of an independent TCAG (and LAFCO) is that potentially it could be more pro-active in addressing the region’s issues because it would not be organizationally co-located with one government. In addition, the representation issue was discussed and the perception that an independent TCAG (and LAFCO) would be better able to build solutions and generate confidence among governments, because all the agencies would have an improved feeling of partnership.

Others spoke against the concept. One member of the TCAG Board asked if it isn’t broken, why fix it.

Those present were asked if the investigation of the matter should be continued. The vote was to

CM  
Appropriation & DCM  
Item No. 25
continue the investigation of the pros and cons regarding an autonomous TCAG possibly associated with LAFCO. An aspect of this investigation will be to contact other autonomous LAFCOs and obtain feedback on how well they work.

Options on this matter are:

• Receive the report and consider it fully after more information has been provided.
• Approve and support the concept of an autonomous TCAG and LAFCO.
• Do not support the concept of an autonomous TCAG and LAFCO.

RECOMMENDATION

Provide direction to the staff and TCAG Board member regarding the consideration of an autonomous TCAG and LAFCO. The City Manager suggests that further information should be gathered before the Council takes a final position. A more proactive organization that is broadly representative of local agencies in Tulare County (and possibly Kings County) would likely be beneficial to the City of Porterville. At this time, unequivocal support for the concept may be difficult because of the additional cost and the City’s constrained budget. Therefore, the ability to recover the cost through other than General Fund resources is an important consideration.
TCAG and LAFCO Board Chair

c/o Mr. George Finney
Tulare County Association of Governments
5961 S. Mooney Blvd.
Visalia, California 93277

Dear Mr. Finney:

It is my understanding that Tulare County Association of Governments (TCAG) has funded a “Financial Independence Study” to consider the financial impact of an independently operated TCAG and LAFCO agency. Although this study examines the financial impact of an independent TCAG/LAFCO operation it does not necessarily evaluate the benefits, costs, and implementation strategies for establishing and operating an independent TCAG/LAFCO agency. With the significant growth and change that has come to our county these past years, it is becoming more and more evident that we are reaching a point where our shared and separate interests may be better served by an independent umbrella Agency that could effectively provide the services now carried out by TCAG and LAFCO. The changes brought on by growth and development have led to greater regulatory complexity, and is making clearer to our community the potential value of an independent TCAG/LAFCO Agency.

The Dinuba City Council generally feels a jurisdictionally independent umbrella agency such as TCAG could be better suited to deal with normal TCAG/LAFCO issues. An independent Agency could also be in a better position to deal with a broader range of services including land use policy implementation, transportation planning and resource allocation, management of our solid waste, and services designed to help promote regional economic development. Additionally staff would be responsible to one entity providing better representation to all served by TCAG/LAFCO staff and the Board. There would also be the opportunity to consolidate related committees and commissions under the umbrella of an independent TCAG/LAFCO agency allowing the more efficient use of our elected official’s time. If the TCAG/LAFCO Boards feel the “Independent Agency” approach has merit then we would ask that the next steps they consider include recommending a city/county study be carried out to:
2005

Draft Tulare County Association of Governments
Financial Feasibility Independence (Autonomy) Study

Prepared by the

Butcher, Chambers, Cook & Pressley LLP

and

Tulare County Association of Governments

Draft
February 28, 2005

Tulare County Association of Governments
Tulare County Government Plaza
5961 South Mooney Boulevard
Visalia, California 93277

phone: (559) 733-6291
fax: (559) 733-6720
Website: www.tularecog.org
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Butcher, Chambers, Cook & Pressley LLP and the Tulare County Association of Governments (TCAG) staff have prepared the 2005 Financial Independence (autonomy) Feasibility Study. The study was authorized as part of the 04/05 Overall Work Program.

The information provided in this report does not represent a recommendation by either the Accounting firm or TCAG Staff. The report is provided for discussion purposes and to be used as a tool by the TCAG Board to provide direction regarding further activities related to independence.

Summary

In September 2004, staff from Butcher, Chambers, Cook & Pressley and TCAG initiated work on the TCAG financial feasibility study. A cooperative effort occurred to facilitate research of projected expenses and discussions with other Metropolitan Planning Organizations (MPO) in California. Table 1 summarizes the results of the independence study. The table shows the projected 04/05 expenditures if TCAG was an independent agency.

An overall increase to the annual budget of $143,000 is projected if TCAG was an independent agency. Table 1 also summarizes the potential increase if LAFCO was independent with TCAG. The net increase to the TCAG budget would be reduced to approximately $48,000. The primary source of the budget increase would be related to the increased staffing requirements. An increase would also be anticipated for rent & related utilities. Finally, there would be a onetime set-up fee for moving, computer, and phone expenses.

The report is divided into the following sections:

- Revenue descriptions
- Expense descriptions (No expected change with Independence)
- Expense descriptions (Expected change with Independence)
- TCAG Staffing Requirements
- Independence Status of other MPOs
### Table 1
Financial Independence Summary

<table>
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<th>TCAG Adopted Budget (04/05)</th>
<th>TCAG Changes</th>
<th>TCAG Independent Share</th>
<th>LAFCO Share</th>
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<td>(1,584)</td>
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<td>6,000</td>
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<td>36,145</td>
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<td>Consultant projects</td>
<td>367,100</td>
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<td>County - Indirect Charges</td>
<td>55,260</td>
<td>(56,260)</td>
<td>-</td>
<td></td>
<td>-</td>
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<tr>
<td>County GIS</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td>-</td>
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<tr>
<td>Access charge</td>
<td>12,000</td>
<td>12,000</td>
<td>12,000</td>
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<tr>
<td>Consulting service</td>
<td>21,000</td>
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<td>Other (RMA admin staff)</td>
<td>104,894</td>
<td>(104,894)</td>
<td>-</td>
<td></td>
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<td>One time set-up fees</td>
<td>-</td>
<td>34,000</td>
<td>34,000</td>
<td>(8,500)</td>
<td>25,500</td>
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<td><strong>Subtotal</strong></td>
<td><strong>1,049,943</strong></td>
<td><strong>103,918</strong></td>
<td><strong>946,025</strong></td>
<td><strong>(24,528)</strong></td>
<td><strong>921,498</strong></td>
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<td><strong>Total expenditures</strong></td>
<td><strong>1,668,243</strong></td>
<td><strong>143,132</strong></td>
<td><strong>1,811,375</strong></td>
<td><strong>(94,726)</strong></td>
<td><strong>1,716,648</strong></td>
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Revenues

The Tulare County Association of Governments (TCAG) receives funding from a variety of sources. Following is a description of the various revenue sources and a discussion of potential future funding.

Federal Highway Administration Planning funds (PL)

Federal Highway Administration Planning funds (PL) are the primary source of funding for transportation related planning activities conducted by TCAG. PL funding accounts for no fewer than 33% of the overall TCAG budget in a given year. The annual PL allocation for TCAG has increased from $100,000 in 1981 to $570,000 in 2004. PL funding is based on population for urban areas and requires an approximate 12% match. The match is provided primarily with TDA funding. TDA funding is discussed below.

In the 1990’s, TCAG did not fully expend the annual allocation of PL funding. This created a “carry-over” balance. The balance in 1998 reached approximately $975,000. Over the past six years, the carry-over balance has been reduced to $529,000. Approximately, $100,000 - $150,000 is expended each year. The carry-over balance is expected to reach $0 in four years.

PL funding is a reimbursement program that requires expenditure with reimbursement provided through an invoice process. Currently, TCAG staff invoices Caltrans quarterly. As TCAG staffing increases, invoicing will likely occur on a monthly basis.

Planning activities that qualify for reimbursement include: preparation of the Regional Transportation Plan (RTP), regional transportation planning activities, air quality planning, travel forecast related expenses, transportation feasibility studies, training related to transportation planning, transit planning, and expenses related to conducting transportation planning such as travel and copying.

Outlook

Congressional proposals for reauthorization include a major increase for transportation planning. If approved by Congress and the Senate, annual TCAG funding could potentially increase from $586,000 to approximately $850,000. Once more information is made available regarding the reauthorization, a revised PL funding estimate will be prepared. The funding would still be restricted to transportation related planning activities. If TCAG becomes an independent agency, carry-over funds would be expended at an accelerated rate prior to the use of other funding.

Federal Transit Administration 5303 (FTA – 5303)

Federal Transit Administration 5303 funds (FTA 5303) are used for transit planning by the Cities of Visalia and Porterville. 5303 is the primary source of transit planning for Tulare County’s major cities. Due to the PL carry-over balance discussed above, 5303 funds have not been expended for transit planning purposes. When the PL carry-over balance is expended in approximately four years, TCAG Staff would use $10,000 annually for transit planning activities. The annual 5303 allocation for TCAG is approximately $71,000 a year.

Outlook

Congressional proposals for reauthorization will likely result in similar funding. In 2010, when the City of Tulare is projected to have a population in excess of 50,000, additional funding will be received. The increase is projected to be $20,000 - $30,000.

If TCAG became an independent agency, the use of 5303 funding would be approximately $10,000 a year. This would reduce the annual amount available for large city transit planning.
Membership Dues

Membership dues are provided by member agencies to fund general planning and other non-transportation activities. Examples include: Mitigation banking program, Regional Housing Needs Plan, storm water outreach, preparation of a "boiler-plate" air quality element, tourism promotion, certain travel expenses, and other non-transportation items. Membership dues are usually provided from a member agency's general fund. In the past, the Technical Advisory Committee (TAC) has requested TCAG to minimize increases to membership dues.

Outlook

Membership dues will likely increase each year due to inflation and non-transportation tasks that are requested of TCAG to complete. If TCAG becomes an independent agency, increased membership dues would be one alternative for increased funding. Based on prior TAC recommendations and Board actions, other funding sources could be used prior to increasing membership dues.

Transit Development Act (TDA) funding

There are three components to the Transportation Development Act (TDA) funding. The first component is Administration. Administration funding is provided to TCAG at the beginning of the year to fund administrative related to transit planning, audit services, and other activities. The administrative funding is provided prior to any transit claims being funded. The funding at the beginning of the fiscal year allows TCAG to manage cash flow and prevent the need for "borrowing". In the late 1990s, TCAG for short periods of time (2-4 months) had a negative cash balance due to the timing of cash receipts. The shortage resulted in borrowing for a short-term, funds from other County agency sources. While the funding was paid back, there was an interest charge.

The second component of TDA funding is "Planning contributions". Planning contributions are used to provide the “match” for the use of federal activities that use PL or 5303 funding. Planning contributions are funded when each member agency requests transit and streets/roads claims through out the year. Planning contributions are also used for activities that exceed PL funding.

Member agencies periodically request special studies to be conducted. PL funding is used to finance most of those studies. A local match is still required. For special studies and activities related only to member agencies, Special Planning funds are collected. Special planning funds could also be collected for activities where a member agency contributes more than usual 12% match. Examples include the match for: signal timing studies, local transit planning, traffic counts, and other special studies.

Outlook

TDA Funding could likely increase each year due to inflation and transportation tasks that are requested of TCAG to complete. If TCAG becomes an independent agency, planning contributions would be the likely source for a majority of the funding increase.

Reserve funding

Over the past ten years, TCAG has slowly accumulated reserve funding from prior years membership dues and TDA funding. Reserves are critical to help prevent cash flow problems. A small amount of reserves have been used during the past three years to minimize increases to the membership dues funding. Additionally, reserve funding has been used for emergency situations such as the supplemental funding of Road 80 environmental studies.

Reserve funding differs from the PL Carry-over balance. Reserve funding is cash that TCAG has already received and is "in the bank". Carryover PL is funding available, but has not received.
Outlook

TCAG reserves will likely remain the same over the next four years unless there is major change in the tasks conducted by TCAG Staff. If the PL carry over amount is fully expended, then potential spending from the reserves will become an option. If TCAG becomes an independent agency, the use of reserve funding would be an option for three years. However, without a reserve, cash flow problems may occur as discussed above.

State Transportation Improvement Program (STIP) Planning, Programming and Monitoring (PPM)

The STIP guidelines allow for programming of Planning, Programming, and Monitoring (PPM) funds for up to .5% of the estimated fund amount for a given county. Due to the PL reserve, TCAG has not used PPM funds. The use of PPM funds reduces the amount available for major project funding. During the recent budget crisis, the full amount of PPM was not available to local agencies. The California Transportation Commission (CTC) allowed TCAG to add three signal projects during the 2004 STIP process because we did not utilize PPM funds. Tulare County was one of the few counties allowed to add new projects prior to 2008.

Outlook

PPM will likely remain available in some form (The state is currently reviewing potential new procedures). As long as other funding sources are available, PPM should not be used. If other transportation funding sources are reduced in the future, TCAG may need to use PPM funding.
Funding for TCAG independence

The prior sections are summarized to include the potential cost increases due to TCAG independence. The cost increase would likely be funded first with PL carry-over funding. The carry-over funding would likely last for three to five years. After five years, planning contributions would have to be increased. The approximate cost per agency of TCAG independence is summarized in Table 2 below. An alternative would be to use PPM funding discussed in the previous section. The use of PPM funding could significantly reduce funding from other sources.

Table 2
TCAG Independence funding requirements

<table>
<thead>
<tr>
<th>Agency</th>
<th>Population January 2003</th>
<th>Percentage</th>
<th>Various funding levels</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$25,000</td>
<td>$50,000</td>
<td>$100,000</td>
</tr>
<tr>
<td>Dinuba</td>
<td>17,725</td>
<td>4.59%</td>
<td>$1,146.96</td>
</tr>
<tr>
<td>Exeter</td>
<td>9,606</td>
<td>2.49%</td>
<td>$621.59</td>
</tr>
<tr>
<td>Farmersville</td>
<td>9,242</td>
<td>2.39%</td>
<td>$598.04</td>
</tr>
<tr>
<td>Lindsay</td>
<td>10,528</td>
<td>2.73%</td>
<td>$681.25</td>
</tr>
<tr>
<td>Porterville</td>
<td>41,945</td>
<td>10.86%</td>
<td>$2,714.21</td>
</tr>
<tr>
<td>Tulare</td>
<td>46,270</td>
<td>11.98%</td>
<td>$2,994.08</td>
</tr>
<tr>
<td>Visalia</td>
<td>98,975</td>
<td>25.62%</td>
<td>$6,404.56</td>
</tr>
<tr>
<td>Woodlake</td>
<td>6,927</td>
<td>1.79%</td>
<td>$448.24</td>
</tr>
<tr>
<td>County</td>
<td>145,128</td>
<td>37.56%</td>
<td>$9,391.06</td>
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</tbody>
</table>
Expense Descriptions (No expected change with TCAG independence)

**Consultant Projects**

A significant portion of the TCAG budget is for projects and tasks conducted by consultants. Consultants are used due to technical requirements, short-term staffing needs, and special projects. Examples of on-going consultant projects include: auditor services, monitoring efforts, public relation support activities, special studies, technical modeling support, and technical air quality support.

**Outlook**
Consultant projects may fluctuate due to agency support needs and Federal planning requirements. However, it is not likely that consultant projects would increase or decrease with TCAG as an independent agency.

**City/County expenditures**

Member agencies receive funding from TCAG to conduct various tasks. Tasks include traffic counting, transportation training, special studies, signal timing studies, transit planning, tourism promotion, and rideshare administration. The Cities and the County projects are programmed each year based on agency requests and annual programs that are funded through TCAG.

**Outlook**
City/County expenditures may fluctuate due to agency support needs and Federal planning requirements. However, it is not likely that City/County projects would increase or decrease with TCAG as an independent agency.

**County GIS**

TCAG staff use GIS as a planning tool especially for travel forecast modeling purposes. The County charges TCAG a GIS database access fee of approximately $12,000. Also, TCAG pays up to $21,000 annually for GIS consulting services conducted by the County. Consulting services could include: assistance with a major project, modeling assistance, and unique agency requests.

**Outlook**
Based on a review of the past three years of GIS expenses, GIS consulting services will likely not increase. The GIS access charge assessed by the County of Tulare is subject to change and may increase in the future. It is unlikely that the GIS charges would increase or decrease due to TCAG independence.

**Training, Travel, and Motor pool**

Due to various regional, state, and federal requirements, TCAG attends numerous meetings, workshops, and training sessions. The motor pool portion of the budget is used for gas and automobile repairs and maintenance. Also, $1,000 is provided annually to each member agency for transportation related training. There is one car at the County owned by TCAG.

**Outlook**
Training and travel may fluctuate due to state and federal meeting and training requirements. However, it is not likely that training and travel costs would have a net increase or decrease with TCAG as an independent agency. Further study may be required to determine the cost of vehicle maintenance from outside Tulare County.
Memberships and Subscriptions

TCAG is a member of the California Council of Governments (CALCOG) and the National Association of Regional Councils (NARC). CALCOG provides a statewide forum for discussion of issues and cooperative effort for resolving transportation and other issues. TCAG is also a member of two, Chamber of Commerce’s in Tulare County. The planning efforts of TCAG require the subscription of various newspapers and periodicals.

Outlook
Membership dues will likely increase over time due to inflation and special projects conducted. Subscription expenses will also likely increase due to inflation. It is unlikely that the membership dues and subscriptions charges would increase or decrease due to TCAG independence.

County Counsel, Auditor, and Payroll Administration

The Tulare County Counsel provides legal services for TCAG. Services include: contract review, legal opinions, and annual affirmations as part of the Federal and State funding process. The County of Tulare Auditor’s office manages the distribution of Transportation Development Act (TDA) funding for TCAG member agencies. The Auditor’s office also assists TCAG with other funding programs. Additionally, TCAG pays its fair share for payroll administration.

Outlook
County Counsel and Auditor fees will likely increase over time due to inflation. County Counsel fees may increase due to increased statewide air quality and transportation litigation.

If TCAG becomes an independent agency, further analysis will be required to determine the cost of legal counsel. For analysis purposes, the amount for legal counsel was assumed to be the same as a new outside counsel. This assumption was made based on a review of prior year projects conducted by County counsel. There may be a one-time charge for legal counsel to assist with creating a revised Joint Powers Agreement if TCAG becomes an autonomous agency. Auditor fees were not adjusted for TCAG as an independent agency. The County auditor will be required to administer the TDA transit funds even if TCAG is independent. There may be a minor decrease, but in order to be conservative, there is no decrease shown.

Office Expense, Printing, and Postage

Examples of office expenses for TCAG include: computer equipment, high-speed printer, traffic counters and hardware, modeling software upgrade, misc. supplies, and office partitions & furniture. In order to provide traffic modeling services, a new high-speed computer is generally ordered every two years. Should TCAG become independent most of the equipment would already be owned. Table 1 shows a separate line item/section for “one time set-up” charges if TCAG becomes independent. There would likely be no increase to the office expense budget.

Print services are conducted by the Tulare County RMA print shop. The print shop is available to any public agency. If TCAG became independent, the print shop could be utilized at the same low rates. Postal expenses are based on actual expenses incurred by TCAG. Overnight services used by the County would be available to TCAG if independence occurred.

Outlook
Office expense, printing, and postage fees will likely increase over time due to inflation. It is unlikely that office expenses, printing, and postage charges would increase or decrease due to TCAG independence.
Equipment Maintenance and Equipment fair-share expenses

For office copies TCAG is assessed a per copy charge. The charge includes a fair share amount for the copier lease amount. The Resource Management Agency (RMA) office has multiple copiers available for use. The per-copy charge is determined based on entering a code for TCAG when copies are made. If TCAG became independent, a lease for a copier would be required.

TCAG also pays a fair-share amount for computer, printer, and plotter maintenance. If TCAG became independent, a computer maintenance company would need to be procured. Further research is required to determine the actual costs.

Outlook

Equipment maintenance and fair share office copy expense, will likely increase due to inflation.

If TCAG became an independent agency, further analysis will be required to determine the actual cost of equipment maintenance and equipment leases. For analysis purposes, the amount for equipment maintenance and equipment leases was assumed to be the same as the current budget. This assumption is made until actual lease amounts and general computer consulting fees are known.

Contingency Fees

The Overall Work Program (OWP) for TCAG includes a $15,000 contingency fund. The contingency funds are expended as authorized by the TCAG Director. Contingency expenditures in the past have principally been used for year-end adjustments for work elements that exceeded estimated budgets. Contingency funds have also been used for minor expenses that were not budgeted.

Outlook

Contingency fees may increase (or decrease) depending on the need to have funding available for non-budgeted items. The contingency amount has not changed for over eight years and a change is not proposed with the upcoming draft 2005/06 budget.
Expense Descriptions (Expected change with TCAG independence)

**County Indirect Charges**

Each year, TCAG pays a “fair-share” amount for County services that indirectly benefit TCAG or are called “indirect costs”. First, TCAG pays for a fair-share of costs for the County of Tulare Resource Management Agency (RMA) administration. RMA indirect charges include a proportional share cost for: fiscal personnel, general clerical, general administration, utilities, rent and other expenses related to administration.

TCAG also receives an annual charge for indirect services from the County called the Countywide Cost Allocation Plan (COWCAP). COWCAP, is a formalized set of methodologies used by the County and approved by the State Controller's Office for allocating indirect overhead and support service costs to County departments. As a State approved plan, COWCAP costs may be included as the costs of County departments for further allocation to federal grants and contracts (they are costs which are eligible for reimbursement).

The indirect costs are services that have been rendered to departments, but not billed and include services from the Auditor-Controller, County Administrative Officer, County Counsel, Purchasing, Personnel, Treasurer, Data Processing, RMA, Building Use Allowance, Equipment Use Allowance, annual audits, ADP and Horizon (payroll software). In summary, COWCAP charges are the difference between actual costs for services provided and what was billed to departments.

**Outlook**

County indirect charges may fluctuate due to actual expenses from the prior year and inflation. If TCAG becomes an independent agency, the County indirect charges would no longer be paid by TCAG.

**Other County Charges (RMA Administrative staff)**

The Tulare County Resource Management Agency (RMA) provides secretarial and accounting staff for TCAG activities. The accounting and clerical services are provided through a “pool” of employees (IE not one or two full-time dedicated staff). RMA administrative oversight is provided by RMA. The total budget for clerical, accounting, and RMA oversight is approximately $105,000.

The TCAG director is currently not a full-time position. However, the current expense for the TCAG director has been added to the TCAG salaries and is discussed in the next section.

**Outlook**

County administrative charges may fluctuate due to actual expenses and inflation. If TCAG becomes an independent agency, the County charges for RMA administration activities would no longer be paid by TCAG.

**TCAG salaries (full-time staff)**

TCAG is staffed by the Tulare County Resource Management Agency (RMA) with the following: seven full-time staff, one part-time person, and a part-time director. (The TCAG director is a full-time County employee, but has other County duties). The next section of the report provides a figure showing the current TCAG staff. There are three transportation engineers, two planners, an assistant director, and a planning technician. The approximate budget is $618,000.

If TCAG becomes an independent agency, four positions would likely be required to be added to conduct TCAG activities: a full-time director, two clerical positions, and an office manager/fiscal position. The result of adding the new staff would be an additional cost of $247,000. Figure 2 in the next section shows the staffing requirements for TCAG as an independent agency.
Another alternative would be the addition of the Local Agency Formation Commission (LAFCO) with TCAG. Two additional planners and an additional assistant director could be required to conduct the LAFCO activities. Figure 3 in the next section shows the staffing requirements for TCAG and LAFCO as a joint independent agency.

**Outlook**

Staffing charges for TCAG will likely increase due to inflation and continued new federal transportation and air quality regulations.

If TCAG becomes an independent agency, staff salaries would increase due to funding of the additional four positions. Further analysis is required to determine the full cost and/or benefit of a joint TCAG/LAFCO agency. The summary shown on Table 1 assumed a shared cost of 25% for the director, clerical staff, and the office manager. Actual fair-share amount may be different.

**Rent, Utilities, and Custodial costs**

Rent, utilities, and custodial costs (occupancy costs) for TCAG are currently paid to Tulare County on a fair-share basis. Approximately, $25,000 is paid annually for TCAG space in Government Plaza. TCAG staff occupy approximately 2,200 square feet of space. The TCAG space consists of 8 furnished cubicles, one office, a library, print area, and a small conference area. For Board meetings, the County of Tulare Board of Supervisors Room A & B are utilized.

Both the auditor and TCAG staff conducted a cursory review of potential office space and related costs for TCAG in a separate facility. The summary table on page 2 shows a projected annual cost increase of $23,000. The review of costs did not consider potential saving from a long-term lease. The cursory review was designed to provide a "ball-park" figure for calculating potential cost increases.

**Outlook**

Occupancy costs for TCAG will likely increase due to inflation.

If TCAG becomes an independent agency, the total occupancy costs are projected to increase by approximately $23,000. Further analysis is required to determine a more precise cost based on available office space and current market conditions. Further analysis is also required to determine the cost and/or benefit of a joint TCAG/LAFCO agency. The summary shown on Table 1 assumed a shared cost of 25%. Actual fair-share amounts may be different.

**Insurance**

TCAG currently has a general liability policy as separate agency in the amount of $3,500. TCAG also pays for fair share contribution of liability for RMA in the amount of $118 annually. Insurance for a MPO is not available from most insurance companies. Last year, TCAG received only one quote. Typically a company such as Lloyds of London insures an agency such as TCAG.

**Outlook**

Insurance costs for TCAG will likely increase due to inflation and the number of air quality lawsuits that occur in the valley and the State of California.

If TCAG becomes an independent agency, the fair share amount of $118 for RMA insurance would no longer be paid. Although TCAG currently pays for an insurance policy for TCAG as a separate agency, further analysis is required to determine if there would be a cost increase. Also, further analysis is required to determine the auto insurance expense for TCAG as a separate agency. There will likely be a cost increase to pay for auto insurance for TCAG as a separate agency.
One time set-up fees

One time set-up fees would only be required if TCAG became an independent agency and moved from Government Plaza. A total estimate of $34,000 is projected for computer setup, phone setup, and moving expenses. Although the set up fees are estimated based on other company set up charges, further analysis will be required if TCAG becomes an independent agency. Actual costs may vary.

Outlook

The set up fees are only required if TCAG becomes an independent agency and moves. As discussed above, further analysis will be required to determine actual costs. Also, a review of potential legal fees for creation of a new Joint Powers Agreement may be required.
TCAG Staffing Requirements

The following three figures illustrate the staffing requirements for TCAG. Figure 1 shows the current staffing requirements. TCAG staffing is provided by County of Tulare Resource Management Agency (RMA). Seven full-time employees are assigned to conduct TCAG activities. Clerical and accounting support are provided by the County of Tulare RMA. A secretarial pool is used for TCAG support. Also, administrative oversight is provided by County of Tulare (RMA).

Figure 2 illustrates staffing requirements if TCAG becomes an independent agency. An office account manager, two clerical positions, and a full-time director are added to operate TCAG as an independent agency.

Figure 3 illustrates the staffing requirements of a joint TCAG/LAFCO agency. With LAFCO, an additional assistant director and one planner would be added to conduct TCAG and LAFCO activities.

Figure 1

**TCAG Current**

- County of Tulare RMA Administration
  - TCAG Executive Secretary Part Time
    - Transportation Planning
      - Transportation Engineer III
      - Transportation Engineer I/II
      - Transportation Engineer I/II
      - County of Tulare RMA Clerical/Accounting Support
        - Trans Planning Technician
  - TCAG Assistant Secretary Full Time
    - General Association
      - Planner III
      - Planner III
Figure 2

TCAG Independent

TCAG Director

Transportation Planning

Transportation Engineer III

Transportation Engineer I/II

General Association

TCAG Assistant Director

Office Accountant Manager

Planner III

Clerical I/II

Planner III

Clerical I/II

Trans Planning Technician

New Position
Figure 3

**TCAG Independent with LAFCO**

[Diagram showing the structure of TCAG with relationships to LAFCO, including positions like Assistant Director, Office Accountant Manager, Planner III, and others.]
Independence Status of Other MPOs

There are eighteen Metropolitan Planning Organizations (MPO) in California. The following table summarizes the independence status and the annual Federal planning funding received in 2004/05. The Federal funding is based on population with an adjustment for air quality. Four MPO agencies are not independent.

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<th>MPO</th>
<th>PL funding (04/05)</th>
<th>Independent status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Southern California Association of Governments (SCAG)</td>
<td>$12,305,951</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Metropolitan Transportation Commission (MTC)</td>
<td>$4,955,107</td>
<td>Yes</td>
</tr>
<tr>
<td>3. San Diego Association of Governments (SANDAG)</td>
<td>$2,292,097</td>
<td>Yes</td>
</tr>
<tr>
<td>4. Sacramento Area Council of Governments (SACOG)</td>
<td>$1,691,516</td>
<td>Yes</td>
</tr>
<tr>
<td>5. Council of Fresno County Governments (COFCG)</td>
<td>$885,012</td>
<td>Yes</td>
</tr>
<tr>
<td>6. Kern Council of Governments (KCOG)</td>
<td>$791,757</td>
<td>Yes</td>
</tr>
<tr>
<td>7. Association of Monterey Bay Area Governments (AMBAG)</td>
<td>$775,798</td>
<td>Yes</td>
</tr>
<tr>
<td>8. San Joaquin Council of Governments (SJCOG)</td>
<td>$730,302</td>
<td>Yes</td>
</tr>
<tr>
<td>9. Stanislaus Area Association of Governments (Stan COG)</td>
<td>$630,349</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>10. Tulare County Association of Governments (TCAG)</strong></td>
<td><strong>$559,766</strong></td>
<td><strong>No</strong></td>
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<tr>
<td>11. Santa Barbara County Association of Governments (SBCAG)</td>
<td>$566,684</td>
<td>Yes</td>
</tr>
<tr>
<td>12. Merced County Association of Governments (MCAG)</td>
<td>$453,997</td>
<td>Yes</td>
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<tr>
<td>13. San Luis Obispo Council of Governments (SLOCOG)</td>
<td>$452,567</td>
<td>Yes</td>
</tr>
<tr>
<td>14. Butte County Association of Governments (BCAG)</td>
<td>$434,169</td>
<td>Yes</td>
</tr>
<tr>
<td>15. Shasta County Regional Transportation Planning Agency (SHASTA)</td>
<td>$398,679</td>
<td>No</td>
</tr>
<tr>
<td>16. Kings County Association of Governments</td>
<td>$396,433</td>
<td>No</td>
</tr>
<tr>
<td>17. Madera Council of Governments</td>
<td>$394,152</td>
<td>Yes</td>
</tr>
<tr>
<td>18. Tahoe Metropolitan Planning Organization (TMPO)</td>
<td>$331,837</td>
<td>Yes</td>
</tr>
</tbody>
</table>
APPENDIX

Abbreviated Glossary of Terms
GLOSSARY OF TERMS AND DEFINITIONS

Allocation
The distribution of funds to a specific project or group of projects, or statutory distribution based on formula.

CTC (California Transportation Commission)
The body established by AB 402 to advise and assist the Secretary of the Business, Transportation and Housing Agency and the Legislature in formulating and evaluating State policies and plans for transportation Programs.

Escalation Factors
Factors provided by the Department of Finance to reflect the increase or decrease of future capital and non-capital transportation costs used for STIP and SHOPP programming. Also called "inflation factors".

Federal Highway Administration Planning (FHWA-PL)
Source of funds used by Tulare County Association of Governments to fund regional planning efforts.

Fiscal Year (FY)
For California, the FY is the accounting period beginning July 1 and ending June 30. For the Federal budget and accounting purposes the FY period begins October 1 and ends September 30.

Matching Funds
The share of funds provided by the State or local applicant to supplement the Federal share of funds to finance a Federal project. Match does not imply a 50/50 share.

MPO (Metropolitan Planning Organizations)
An organization designated by the Governor as a forum for cooperative decision making by principal elected officials of a general-purpose local government. Federal provisions require an MPO in urbanized areas.

Obligation
A commitment by the Federal government to reimburse the States the Federal share of Federal-Aid projects. Obligation occurs when FHWA has approved the PS&E for a project prior to advertisement of the construction contract.

Obligation Authority (OA)
Obligation Authority is the ceiling Congress places on all commitments of apportionments for any given year. Individual States receive OA in proportion to their apportionments and allocations. From a fund estimate point of view, OA is the prime determinant of usable Federal funds. OA is only available for the current year. Typically, Congress provides the OA limits at less than ISTEA’s total annual apportionment level.

TDA (Transportation Development Act)
An act which specifies how the 1/4 percent of local sales tax for transportation purposes is distributed. It created the TP&D account. TDA is codified in Sections 29530-29536 of the Government Code and Sections 99200-99408 of the Public Utilities Code.
CITY COUNCIL AND REDEVELOPMENT AGENCY
AGENDA: MARCH 15, 2005

JOINT MEETING

SUBJECT: RATIFICATION OF SUBORDINATION AGREEMENTS FOR ST. JAMES PLACE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On or about January 25, 2005, the City and the Redevelopment Agency each executed a Subordination Agreement with regard to the St. James Project (in addition to the original subordination documents executed at the time of commencement of the Project). The developer of the project refinanced the original construction and rolled it into a permanent loan, and due to cost overruns the developer's principal loan amount has increased (from $200,000 to $440,000). The City loan is due and payable in thirty (30) years, with annual payment to the City of all residual receipts over $5,000, while the Redevelopment loan is a forgivable loan over the thirty year period, so no repayment is expected.

Under the HOME program, the City is required to subordinate its loan; however an ambiguity exists with regard to the authority granted for the Project approvals under the initial Resolutions adopted by the City Council and the Redevelopment Agency for this Project. Therefore, the City Council is asked to ratify and/or approve the execution of all documents related to the Subordination needed for the refinancing, to ensure that clear authority has been granted for the proceedings.

RECOMMENDATION: That the City Council:

Approve the ratification of the documents needed from the City to effect subordination of the City loan to the Bank of Sierra for the St. James Place Project; and

That the Redevelopment Agency:

Approve the ratification of the documents needed from the Redevelopment Agency to effect the subordination of the Agency loan to the Bank of Sierra for the St. James Place Project.

[Signatures]
SUBJECT: PAYMENT FOR SECURITY FOR REQUIRED CONSTRUCTION WARRANTY FOR THE ST. JAMES PLACE PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Pursuant to the Contract for construction of the St. James place project, a secured warranty is required in order to ensure that the Project is protected for a year after the Completion Date of the Project. The Developer, on the Contractor’s behalf, submitted cash ($50,000) in lieu of a Bond or Letter of Credit. The Developer has now requested it be able to provide a Letter of Credit as a substitute for the cash security. The approximate cost of a Letter of Credit is $1,250 and the Developer is requesting that the City/Agency pay for the Letter of Credit due to the cost of the overruns on the Project, a change in the implementation of the original contract from a Prime Contract to a “Design Build” contract, and the parties’ joint responsibility for the Project.

RECOMMENDATION: That the Redevelopment Agency approve the expenditure of Redevelopment Low and Moderate Income Housing Funds for the cost of the Letter of Credit for the St. James Place Project of approximately $1,250, but not to exceed $3,000.
SUBJECT: USE OF REDEVELOPMENT AGENCY FIRST TIME LOW INCOME HOMEBUYER PROGRAM INCOME

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Over the last year, there have been two Redevelopment Agency First Time Low Income Homebuyer Program (FTHB) assisted homes that have either sold or been refinanced and the Agency received the balance owed plus, if applicable, an equity share amount. These Redevelopment loans, because of the nature of the bond funds used for the assistance, are forgivable loans, so a portion of the loan was forgiven for each year that the homeowner stayed in the house. According to the program terms, if the house sells to a income ineligible homebuyer, then the Agency, by an established formula, shares in the equity revenue realized. This authority to allow sales in excess of that permitted by the affordability covenant is conditioned on the agency spending the money received by it and making affordable an equal number of housing units at the same income level as the number of units sold within three years from the date of the sale of the affordable units. Only five houses were assisted with the Redevelopment FTHB Program.

Since the Agency does not have an established policy for the reuse of these funds, it was assumed that they would be used for the continuation of the FTHB Program. However, at this point in time, all of the Redevelopment FTHB funds have been allocated to provide assistance to buyers in the Casas Buena Vista subdivision. Since these funds are quickly being depleted with the success of Casas Buena Vista, staff is recommending that the Redevelopment Agency approve the allocation of the program income funds to the Redevelopment homebuyer assistance program for the Casas Buena Vista subdivision.

RECOMMENDATION: That the Redevelopment Agency authorize the use of the program income funds generated by the sale or refinancing of homes assisted with Redevelopment FTHB funds for the Redevelopment homebuyer assistance in the Casas Buena Vista subdivision.

D.D. Appropriated/Funded. C.M. Item No. PRA-3