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:

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation

PROCLAMATIONS

PRESENTATION
Pedro Martinez, Recognition as Mayor
Deputy City Manager Web Site Demonstration

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. Award Contract: Solar Powered Lighted Pedestrian Crossing Warning System
   Re: Awarding bid to Traffic Safety Corporation of Fairfield, California in the amount of $101,720.17.

2. Award of Contract - Henderson Avenue Reconstruction Project
   Re: Awarding bid to Halopoff and Sons, Inc. in the amount of $2,279,015.70.

3. Approval of Relocation Plan for Property Located at APN 261-080-011 - Owner Manuel Francisco Lambarena - Date Avenue Street Project
4. Authorization to Approve Success Dam Seismic Remediation Joint Powers Agreement
   Re: Approving agreement committing the City to contribute an amount not to exceed $7,500 per year for joint retention of engineers and lobbyist to represent JPA to ensure appropriate federal allocation of funds necessary for the project.

5. Intent to Vacate Public Sanitary Sewer Pipelines, Domestic Water Pipelines, Storm Drain Pipelines and Public Street Access Easements Related to the Development of Meadow Breeze, Phase Two Subdivision (Nicholson & Smee, LLC)

6. Intent to Abandon a Portion of Cleveland Avenue and an Alley Within the Morton Gardens Subdivision - Set for Public Hearing (Sierra View District Hospital)
   Re: Considering Resolution of Intent to abandon improved segments of Cleveland Avenue and a northerly-connecting alley between Pearson Drive and Villa Street, and setting July 19, 2005 for public hearing.

7. Amendment to Traffic Resolution No. 10-2001 - Intersection Safety Improvement - Designation of Olive Avenue and Mathew Street as a 4-Way Stop Intersection
   Re: Amending Traffic Resolution to designate the intersection of Olive Avenue and Mathew Street as a 4-Way Stop Intersection.

8. Update on Certificates of Participation Projects
   Re: Informational report reflecting status of COP Streets and Bridges Schedule, including column reflecting original cost estimates for the projects.

9. Economic Development Update

10. Announcing Vacancy on the Parks and Leisure Services Commission
    Re: Announcing vacancy due to the resignation of Commission Neil Smith and setting July 19, 2005 as the time for Council’s appointment of a new Commissioner.

11. Approval of the Annual Report of the Business Improvement Area Advisory Board and Setting of a Public Hearing
    Re: Approving annual report; adopting resolution of intent to levy an annual assessment for Fiscal Year 2005/2006; and setting public hearing for July 5, 2005.

12. Annual Review of City of Porterville/Chamber of Commerce Agreement
    Re: Review of Chamber Activity Report and Financial Statements and consideration of funding.
13. Approval of Indian Gaming Local Community Benefit Committee Agreement for School Resource Officer and Gang Deterrence Officer  
Re: Authorizing the 46th sworn police position; and authorizing the Mayor to execute the Agreement for the grant in the amount of $115,978.

14. Airport Lease - Lot 47  
Re: Approving assignment of Lease Agreement between the City of Porterville and Dr. Westel Creager to James Costa.

15. Consideration of a Statement of Support for the Guard and Reserve  
Re: Approving policy regarding certain employment-related pledges for employees serving in the National Guard or Reserve.

16. Fixed Route Holiday Parade Ridership  
Re: Continuing operation of fixed route service during major holiday parades and directing staff and Sierra Management to develop and post a “Parade Routing Schedule” highlighting changes to the affected bus routes.

17. Ratify Use of Search Firm for Associate Planner and Associate Civil Engineer  
Re: Authorizing staff to negotiate professional service agreements with the firm of Bob Murray and Associates for professional recruitment services in an amount not to exceed $40,000.

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

PUBLIC HEARING

18. Budget Adoption for the 2005-06 Fiscal Year  
Re: Adoption of proposed 2005/2006 Fiscal Year Budget for both General Fund and Enterprise and Internal Service Funds.

19. Consideration of Proposed Solid Waste Service Fees  
Re: Approving refuse residential rate increase from $15.00 per month to $16.95 per month, a commercial rate increase from $5.46 per cubic yard to $6.20 per cubic yard, and a roll off service increase from $143.26 per haul to $162.00 per haul.

20. Zone Variance 1-2005 Tentative Parcel Map 3-2005 (Ron Clifford)  
Re: Approval of variance to allow two parcels to have lot widths of 52.50 feet, rather than the required 60 foot minimum, for 2 parcels located on the west side of South Villa Street, approximately 850± feet south of Olive Avenue in the R-1 (One Family Residential) Zone.

Re: Approval for proposed 38,907 sq. ft., 3 story building utilized as a Holiday Inn consisting of 69 rooms for rent, and miscellaneous rooms on the ground floor, generally located on the northeast corner of South Jaye Street and Montgomery Avenue.
22. **Conditional Use Permit 4-2005 - Proposed Family Arcade to be Located at 841 W. Henderson Avenue (Porterville Plaza Shopping Center)**
Re: Approval for proposed 6,240± sq. ft. building utilized for a family arcade to be located at 841 West Henderson Avenue in the Porterville Plaza Shopping Center.

**SECOND READINGS**
23. **Ordinance 1669, Charitable Car Wash Ordinance**
Re: Adopting the Ordinance regulating charitable car washes.

**SCHEDULED MATTERS**
24. **Consideration of Process for the Selection of Mayor**
Re: Considering continuing current selection process, approving rotational process, or submitting to the electorate a measure for a directly-elected Mayor.

25. **Authorization to Contract for General Plan Update with Expanded Scope**
Re: Approving revised scope of services with Consultant to expand scope, for cost efficiencies, to include the entire General Plan, rather than only Land Use and Circulation Element as previously planned.

26. **Parks & Leisure Services Commission Ex-officio Member Ordinance**
Re: Approving Ordinance modifying Section 19-5 of Municipal Code to provide for all elementary, high school, or unified school districts with jurisdictional areas within the City corporate boundary to be given the opportunity to annual appoint an ex-officio member to the Commission.

27. **Acceptance of Office of Traffic Safety Grant**
Re: Accepting grant award in the amount of $144,600 to hire additional police officer, with grant funding 100% during the first year, 50% during the second year, and thereafter the City assuming full funding responsibility.

28. **Consider Porterville College Ballfield Wooden Poles and Light Fixture Removal and Relocation to the OHV Park, or Declare Surplus and Dispose In-Place**
Re: Consideration of removing light fixtures for use at OHV Park, or declaring the light fixture as surplus.

29. **Registration and Facility Reservation Software Program Upgrade for Parks and Leisure Services Department**
Re: Approving purchase of software upgrade in the amount of $41,714.84 from budget savings.

30. **Outdoor Warning Siren**
Re: Request from American Legion to consider outdoor warning siren for use during Veterans’ Day Parade, and consideration of alternative options due to cost restraints.

Adjourn to a Meeting of the Porterville Redevelopment Agency.
PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

SCHEDULED MATTER
PRA-1. Redevelopment Agency 2005-2006 Budget


Adjourn the Redevelopment Agency Meeting.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

Any Closed Session Items not completed prior to 7:00 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of July 5, 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.
SUBJECT: AWARD CONTRACT: SOLAR POWERED LIGHTED PEDESTRIAN CROSSING WARNING SYSTEM

SOURCE: ADMINISTRATIVE SERVICES/PURCHASING

COMMENT: Staff solicited bids for a solar powered lighted pedestrian crossing warning system to be installed at selected “Rails to Trails” intersections. In response to solicitation, only one (1) bid was received as follows:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic Safety Corp.</td>
<td>$101,720.19</td>
</tr>
<tr>
<td>Fairfield, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has thoroughly reviewed the bid and the detailed specifications and has determined that the bid submitted by Traffic Safety Corp. meets the City’s specifications. Funds for this equipment are provided by a non-matching Pedestrian Safety Program Grant. Installation of the equipment will be accomplished with the City’s force account.

RECOMMENDATION: That Council award the contract to Traffic Safety Corp., of Fairfield, CA, in the amount of $101,720.19, for a solar powered lighted pedestrian crossing warning system to be installed at intersections along the “Rails to Trails” project. Further, that Council authorize payment upon satisfactory delivery of the equipment.

D.D. [ ] Appropriated/Funded [ ] C.M. [ ] Item No. [ ]
SUBJECT: AWARD OF CONTRACT - HENDERSON AVENUE RECONSTRUCTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On June 9, 2005, staff received one (1) bid for the Henderson Avenue Reconstruction Project. The project calls for the reconstruction of Henderson Avenue between Newcomb Street and Westwood Street. The project consists of the construction of two lanes of traffic in each direction, the installation of curbs, gutters, sidewalks, curb returns, street lighting, sewer, water and storm drain. It also includes the demolition of the existing bridge crossing at the Porter Slough channel and construction of a new box culvert bridge crossing. The Engineer’s Estimate of Probable Cost is $2,110,637 which is within 7.98% of the sole bid. The sole bid is as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Halopoff &amp; Sons, Inc.</td>
<td>$2,279,015.70</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

On May 3, 2005 City Council authorized $2,447,202.73 of available funds for the Henderson Avenue Reconstruction Project after appropriations from various funding sources. Those appropriations were as follows:

- From Certificate of Participation $1,400,000.00
- From Sewer Revolving Fund $133,544.90
- From Storm Drain Development Fund $276,478.96
- From Water Replacement Fund $395,053.87
- From Transportation Development Fund $115,000.00
- From Local Transportation Fund $127,125.00

$2,447,202.73

The March 30th, 2005 Revenue and Expenditure Report was the basis for the COP allocation. Since the March 2005 report, the City has purchased additional properties for the street widening and has incurred relocation costs associated with the parcel needed for a Municipal Water Well Site.

Dir ___ Appropriated/Funded ___ CM ___ Item No. 2
An appropriation in the amount of $400,000 was approved in the 04/05 budget for Water Master Plan Payback and could be utilized for the purchase of the Municipal Water Well Lot. As previously stated, COP funding was utilized for purchasing said lot. Actual acquisition and relocation costs equate to $124,900. This amount could be transferred from the Water Developer Fees to COPs to assist in financing the deficit.

Now that the City has an actual bid and costs associated with the Municipal Water Well Lot, the available funding should be modified as follows:

From Certificate of Participation $1,345,670.00 **
From Sewer Revolving Fund $ 296,751.87 •
From Storm Drain Development Fund $ 201,198.12 •
From Water Replacement Development Fund $ 382,567.98 •
From Transportation Development Fund $ 115,000.00
From Local Transportation Fund $ 127,125.00
$2,468,342.97

** COP balance with May 2005 expenditures and transfer of $124,900 from Water Developer Fees to COPs.
• The Sewer, Storm Drain and Water Fund appropriations should be modified to reflect the actual Henderson Avenue Reconstruction bid.

In summary, $2,632,355 is required to fully fund the project, leaving the project $164,012.03 shy of full funding. The amount includes a ten (10) percent contingency, expenditures for street lights, staff time and quality control testing.

Council may wish to consider removing the following items from the project:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCE street lights</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>Staff time</td>
<td>$ 40,436</td>
</tr>
<tr>
<td>Quality Control Testing</td>
<td>$ 35,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$125,436</strong></td>
</tr>
</tbody>
</table>

Street light conduits are part of the reconstruction project. Therefore, budgeting for street lights could be postponed to a later fiscal year, if funding is available. The General Engineering Budget can fund our staff time and quality control testing, due to staff shortages.

Under this scenario, $2,506,919 is necessary to finance the project, again shy by $38,576.03. Should Council consider awarding the project with the available funds ($2,468,342.97), staff feels comfortable managing the project with an 8.31% contingency.
RECOMMENDATION: That City Council:

1. Approve the herein described financing scenario;

2. Award the Henderson Avenue Reconstruction Project to Halopoff & Sons, Inc. in the amount of $2,279,015.70;

3. Authorize progress payments up to 90% of the contract amount; and

4. Authorize a 8.31% contingency to cover unforeseen construction costs.

ATTACHMENT: Locator Map

P:\manager\Agenda Items\2005_06_21 CC Agenda\2005_06_21 Item 02.wpd
SUBJECT: APPROVAL OF RELOCATION PLAN FOR PROPERTY LOCATED AT APN 261-080-011 – OWNER MANUEL FRANCISCO LAMBARENA – DATE AVENUE STREET PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: To complete the purchase of right of way for property located at APN 261-080-011, a relocation plan was required. Paragon Partners, Ltd., the City’s relocation consultant, completed the relocation plan and copies were distributed for comments to the Mayor, City Council Members, City Manager, City Attorney, Community Development Department, and Public Works Department. A copy of the relocation plan was also provided to the property owner and copies were made available to the public for review and comment.

The required 30-day Public Notice period began on May 19, 2005, and ended on June 19, 2005. As of this date, no comments have been received.

For Council’s information, excerpts of the relocation plan are attached. A copy of the full relocation plan is in the City Clerk’s office for review.

RECOMMENDATION: That City Council:

1. Approve the relocation plan for property located at APN 261-080-011.

ATTACHMENTS: 1. Locator Map
2. Excerpts of the Relocation Plan

DD_____ APPROPRIATED/FUNDED______ CM______
ITEM NO. 3
Exhibit "A"
Page 2

PROPERTY ACQUISITION MAP

A ST.

APN: 261-080-01
PROPERTY ACQUISITION = 7,500 S.F.

LEGEND

PROPERTY ACQUISITION

NORTH

SCALE: 1"=30'

DATE AVE.
DATE AVENUE RECONSTRUCTION PROJECT
CITY OF PORTERVILLE, CALIFORNIA

Prepared For

THE CITY OF PORTERVILLE

Prepared By

Paragon Partners Ltd.

May 2005
1.0 INTRODUCTION

The City of Porterville ("Agency") has identified the need to improve a portion of Date Avenue within the city limits. The project includes widening a portion of Date Avenue between Main Street and "A" Street to a standard 60-foot right-of-way with one lane in each direction, except where greater improvements already exist, with curbs, gutters, sidewalks and curb returns with ramps to be installed as needed (the "Project"). The purpose and need of the Project is consistent with the City of Porterville’s General Plan, Amendment 1-2004 (Circulation Element) to redesignate a portion of Date Avenue from an Arterial Street (84 feet wide) to a Collector Street (60 feet wide) primarily carrying neighborhood traffic. Improvement of Date Avenue between Main Street and "A" Street will meet the precise alignment plan adopted in 1979.

The Project will require the acquisition of additional right-of-way. As a result, some housing will be affected and one household will have to be permanently displaced for this Project to go forward. The household is located on Project Parcel 6, County Assessor’s Number 261-080-011.

Paragon Partners Ltd. has prepared and will administer this Relocation Plan (this "Plan"), under the direction of or involvement with the City of Porterville. This Plan provides the results of a needs assessment survey, a housing resource study and details of Agency’s proposed relocation program. This Plan sets forth policies and procedures necessary to conform with statutes and regulations established by the California Relocation Assistance Law, California Government Code section 7260 et seq. (the "CRAL") and the California Relocation Assistance and Real Property Acquisition Guidelines, Title 25, California Code of Regulations, chapter 6, section 6000 et seq. (the "Guidelines"). No displacement activities will take place prior to the required reviews and approval of this Plan.

2.0 PROJECT AREA

2.1 Regional Location (See Exhibit "A")

The Project Regional Area is Southwestern Tulare County, East of State Route 99. Tulare County is one of the largest counties in the fertile San Joaquin Valley, encompassing 4,863 square miles and a growing population of 360,000. Geographically it is situated at the center of California. The southwestern area of the county is a level and fertile plain. This extensively cultivated plain has allowed Tulare County to become the second-leading producer of agricultural commodities in the United States and the largest agricultural-producing county in the world. In addition to substantial packing and shipping operations, light and
medium manufacturing plants are increasing in number and are becoming an important factor in the County's total economic picture.

The City of Porterville is situated along the Tule River in Southwestern Tulare County. It covers an area of 14.8 square miles and has a population of 43,150. Porterville, lying along the foothills of the Sierra Mountains at an elevation of 455 feet, is located at the intersection of State Route 65 and State Route 190, which connect with State Route 99 traveling to Los Angeles and San Francisco. The City has a strategic central location to major markets and a ready access to major transportation routes.

The City of Porterville is the center of a large farming area noted especially for citrus and livestock. Agriculture supplemented by the Central Valley Water Project has been the major source of economic growth in the area. Additionally, industry has become a significant factor in the development of the community and several large public facilities also are located in Porterville.

The City of Porterville's logo is "The Good Life" and the City is proud to maintain a quality of life valued by its residents. The City's unique vitality thrives in its pursuit of industrial diversity for a sound economic base, active community support of youth, education from preschool through Community College levels, careful land use planning through a comprehensive General Plan, and consolidation of the urban area through annexation.

Overall, the economic trend in Porterville is relatively stable. Demand for housing is on the rise. The City of Porterville embraces a wide spectrum of housing types including single-family homes, cluster housing, apartments, and mobile home spaces. New home building permit activity has increased over the last several years.

2.2 Project Area Description (See Exhibit "B")

The segment of Date Avenue the Agency proposes to improve is approximately 950 feet in length and is located in the southern area of the City of Porterville. The portion of Date Avenue to be reconstructed connects Main Street, which is a central artery through the City of Porterville, and the new Casas Buena Vista subdivision East of "A" Street. The improvement is required to conform Date Avenue to the Agency's Alignment Plan adopted in 1979 and will conform the Project area to existing improvements on Date Avenue east of "A" Street and to existing improvements on Main Street.

The Project site is in a primarily residential neighborhood zoned multi-family residential (R-2 and R-4), with some M-1, Light Manufacture zoning. One parcel, on the northeast corner of Date Avenue and Main Street, is zoned C-3, Heavy
Commercial. The residences fronting Date Avenue are predominantly single-family structures with one multi-unit apartment building. There is one commercial property at the southwestern corner of Date Avenue and Main Street and a vacant lot on the southwestern corner of Date Avenue and "A" Street.

Schools, shopping, and services are within reasonable proximity to the Project area. Neighborhood shopping is in downtown Porterville, two miles north of the Project area. Commercial businesses are located primarily in the downtown central business district, along the Henderson Ave./Hwy. 65 intersection and on Olive Avenue. City services and the majority of governmental offices are in the downtown, central business district.

3.0 ASSESSMENT OF RELOCATION NEEDS

Interviews were conducted with the affected owner and tenants during February 2005. Occupants were encouraged to respond to ensure that their comments would be included in this Relocation Plan. Interviews were conducted in English and in Spanish when appropriate. General survey questions included existing conditions, type of occupancy, mortgage/rent and income information, family composition, and relocation needs (i.e. preferences to school, shopping, & transportation).

The displacees expressed a preference for purchasing replacement housing rather than renting. They prefer to remain in the City of Porterville in an area convenient to shopping and near to friends and relatives. No special needs were identified.

3.1 Field Survey Data

A. Residential: One (1) residential tenant-household has been identified as affected as a result of Project acquisitions.

B. Business: No business displacements have been identified or proposed.

The following table identifies the characteristics of the subject occupants:
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>2000</td>
<td>1 Adult Male 1 Adult Female 2 Male Children 1 Female Infant</td>
<td>2 Br/1 bath</td>
<td>2 Br/1 bath</td>
<td>$578</td>
<td>$3250</td>
</tr>
</tbody>
</table>

### 4.0 RELOCATION RESOURCES

Paragon Partners Ltd. staff conducted an inspection of each potentially impacted residential unit in the Project area to assess the potential needs for a replacement location. Additionally, Paragon Partners staff engaged in preliminary investigations through Internet searches, review of classified advertisements, and communication with local real estate brokers to determine the general availability of rental and sale listings in the City of Porterville.

#### 4.1 Residential Property

**For Sale Properties:** The survey identified residential replacement sites for sale. The listing prices range between $99,950 - $149,000 for comparable dwellings. The sample taken is representative of the housing market for the City of Porterville; however, there is more evidence of available housing in the relocation consultant's files.

**Price for Properties for Sale**

<table>
<thead>
<tr>
<th>Size</th>
<th>No. of Units Identified</th>
<th>Price</th>
<th>Average (Price)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Bedroom/1 Bath</td>
<td>6</td>
<td>$120,000 - $149,000</td>
<td>$135,250</td>
</tr>
</tbody>
</table>

*Information researched April 19, 2005- See Exhibit “D”*

**For Rent Properties:** The survey identified replacement residential home sites for rent. The rents vary between $525 - $765 for 2 bedroom/1 bath dwellings. The sample taken is representative of the rental housing market for the City of Porterville, however, there is more evidence of available housing for rent in the relocation consultant's files.
Price for Properties for Rent

<table>
<thead>
<tr>
<th>Size</th>
<th>No. Comparable Units Identified</th>
<th>Rent/Mo.</th>
<th>Average (Rent/Mo.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Bedroom/ 1 Bath</td>
<td>6</td>
<td>$550 - $765</td>
<td>$644</td>
</tr>
</tbody>
</table>

Information researched April 19, 2005-See Exhibit “E”

4.2 Results of Survey

The investigation indicated, based on the current housing market, comparable housing for residential occupants is not available within the statutory $5,250 payment limits for 90-day occupants. As a result, the Agency will have to resort to the administrative process of Last Resort Housing (See Exhibit “C,” Section 3, “Last Resort Housing”).

Within those parameters, there are an adequate number of replacement units available to accommodate the needs of the displaced residential occupants in the Project area. Based on the results of this survey, it appears feasible that the displaced tenants in the Project area will have an adequate supply of available replacement units from which to select. There is no anticipated need for temporary housing; however, should such a need arise, the Agency will respond appropriately and in conformance with all applicable laws and requirements.

5.0 RELOCATION ASSISTANCE SERVICE

The Agency will implement its Relocation Assistance Program in compliance with the standards and provisions of California Government Code Section 7260 et seq. and Title 25, Chapter 6 of the California Code of Regulations. Relocation resources will be available to all displacees without discrimination (See Exhibit “C”).

5.1 Program Assurances, Standards and Objectives

Pursuant to applicable guidelines, program objectives will be as follows:

1. To fully inform eligible Project area occupants of the nature of and procedures for obtaining relocation assistance and benefits.

2. To determine the needs of each business and non-profit organization displacee eligible for assistance.
3. To provide an adequate number of referrals to comparable residential sites within a reasonable time prior to displacement and assure that no occupant will be required to move without a minimum of 90 days written notice to vacate.

4. To provide current and updated information concerning residential listings.

5. To provide whatever assistance is required to ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status or other arbitrary circumstances.

6. To supply information concerning federal and state residential housing programs and other governmental programs providing assistance to displaced persons.

7. To assist each eligible person to complete claims for payments and benefits.

8. To make relocation benefit payments in accordance with all aforementioned guidelines, as applicable.

9. To inform all eligible persons subject to displacement of Agency’s policies with regard to eviction and property management.

10. To establish and maintain a formal grievance procedure for use by displaced persons seeking administrative review of Agency’s decisions with respect to relocation assistance.

11. To assist eligible persons to become established in residential housing.

12. To provide other advisory assistance to eligible displaced persons in order to minimize the hardship of relocation.

In addition, before displaced occupants are required to move, they will receive: 1) all required information regarding the Agency’s Relocation Assistance Program at least ninety days prior to the date they must move, and 2) ninety days written notice prior to the date they must move.

5.2 Citizen Participation

This Plan will be provided to each displaced household, neighborhood groups in the affected neighborhood, if any, and will be made available to the public for the mandatory
30-day review period, and interested parties will be invited to submit written or oral comments and objections.

Additionally, the Agency will provide full and timely access to all documents relevant to the Relocation Assistance Program and technical assistance necessary to interpret elements of the Relocation Plan and other pertinent materials.

Upon expiration of the 30-day review period and receipt of public comments, the Agency will present the Relocation Plan for adoption by the City of Porterville City Council. Comments to this Plan will be included as a Plan addendum prior to submission for approval before the City of Porterville City Council.

5.3 Relocation Advisory Assistance

An important element of the relocation assistance program is to provide all potential displaceses with technical and advisory assistance. The following specific activities will be undertaken:

1. Each potentially displaced residential household will be interviewed personally to gather appropriate information to determine needs and preferences with regard to residential locations.

   Inquiries made of residential needs by relocation personnel will focus on family composition, requirements and needs. See Exhibit “G” for a Sample Personal Interview Residential Questionnaire form.

2. A “Notice of Eligibility” letter will be delivered to each of the displaced households. Signed acknowledgements will be obtained to verify receipt of this material.

3. Transportation will be provided, if necessary, for any displaced occupant to inspect replacement housing within the local area.

4. Eligible residential owners and tenants will receive referrals to replacement sites that match, as closely as possible, the requirements and preferences of each family with regard to size, cost, and location.

5. Relocation staff will assist residential occupants in preparing for the physical move of personal property and act as a liaison with appropriate agencies.

6. Assistance will be offered to all displacees in connection with arrangements for the purchase of real property, the filing of claim forms to request relocation benefits from the Agency, and to obtain services from other public agencies.
7. For the purposes of scheduled meetings with occupants of the Project, Agency offices will be made available at displacee request or Agency Office located at Porterville City Hall, 291 N. Main St., Porterville, California 93257.

5.4 General Information on Payment of Relocation Benefits

Relocation benefit payments will be made in a timely manner following the submission of appropriate claims. Claims and supporting documentation for claims must be filed with the Agency within eighteen (18) months from: the date the claimant moves from the acquired property or the date on which final payment for the acquisition of real property is made, whichever is later.

The procedure for the preparation and filing of claims and the processing and delivery of payments will be as follows:

1. Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance and payments.

2. Assistance amounts will be determined and required claim forms prepared by relocation staff in consultation with claimant(s).

3. Original signed claims supported by appropriate documentation and Relocation staff recommendation will be submitted to the Agency.

4. The Agency will review and approve claims for payment.

5. The Agency warrants will be prepared and issued to Relocation staff for distribution.

6. Payments will be delivered personally by Relocation staff unless circumstances dictate otherwise. When payments cannot be personally delivered, they will be sent by certified mail, return receipt requested.

7. Receipts of payment will be obtained by Relocation staff and maintained in the case file.

8. Unless otherwise instructed by the Agency, Relocation staff will not deliver final payments until the Project area premises of the claimant(s) have been vacated. Before issuance of final payments, actual occupancy at new quarters must be verified.

9. The appeals policy will follow the standards described in the Guidelines. The displaced household will have the right to ask for review when there is
a complaint regarding any of its rights to relocation and relocation assistance, such as a determination as to eligibility, the amount of payment, or the failure to provide a comparable replacement housing referral.

5.5 Relocation Tax Consequences

In general, relocation payments are not considered income for tax purposes. Benefit payments are made subject to the provisions of Title 24 of the Code of Federal Regulations and Chapter 16 of the California Government Code. The above statements on tax consequences are not intended to be tax advice by the Agency. Displacees are encouraged to consult with the Tulare County Tax Assessor’s Office concerning Claims for Base Year Value Transfer – Acquisition by Public Entity and to consult their own tax advisors concerning the tax consequences of relocation payments.

5.6 Eviction Policy

Under State guidelines, eviction is permissible only as a last resort. Relocation records must be documented to reflect the specific circumstances surrounding the eviction.

Eviction shall be undertaken only for one or more of the following reasons:

1. Failure to pay rent, except in those cases where the failure to pay is due to the lessor's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;

2. Performance of a dangerous, illegal act in the unit;

3. Material breach of the rental agreement and failure to correct breach within 30 days of notice;

4. Maintenance of a nuisance and failure to abate within a reasonable time following notice; or

5. The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the public entity.

Those who remain in the Project area will be obliged to honor the terms and conditions of rental agreements provided by the Agency. Failure to abide by the terms of the rental agreement may result in eviction.
5.7 Projected Dates of Displacement

The Agency has entered into an agreement to acquire the subject property and escrow is expected to close in May 2005. The Agency plans to take possession of the property at the end of the third quarter of 2005. The displaced households will receive a 90-day notice to vacate before they are required to move.

5.8 Estimated Relocation Costs

The total budget estimate for relocation assistance payments for the subject relocation is $12,000.00.

6.0 SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

In summary, the Data Sheet and Relocation Summary (Exhibit “F”) reflects the total number of eligible displaced households. Each residential household in the Project area was personally interviewed. Based on the information obtained from interviews and site inspections, it appears that all occupants of the subject property are eligible for relocation assistance due displaced residential owners and tenants.

The displacement period is projected to begin at the end of the third quarter of 2005. Therefore, reasonable and adequate time is being allowed for proper planning of the relocation program and notification to the affected households.

At this time the Agency does intend to re-rent the subject property back to the current occupant.

Due to the limited number of affected residential occupants being displaced by the Project and due to the fact that the Agency has offices within a reasonable distance from the Project area, a site office will not be required for this Project.

The Agency has not received a request for consideration of a hardship acquisition as of the date of this report.

According to a survey of available and suitable replacement units in and adjacent to the Porterville area, there appears to be an adequate number of replacement properties available to accommodate the displaced residential tenants and homeowners in the Project area.
SUBJECT: AUTHORIZATION TO APPROVE SUCCESS DAM SEISMIC REMEDIATION JOINT POWERS AGREEMENT

SOURCE: Public Works Department - Engineering Division

COMMENT: On May 17, 2005, staff prepared a report recommending that:
1) the Mayor execute the attached Success Dam Remediation Joint Powers Agreement (JPA);
2) that the Public Works Director be appointed as the City’s representative on the Remediation Committee;
3) authorize the Mayor to release the FY 2004/2005 $6,250 installment payment; and
4) authorize the City Manager to approve future yearly payments not to exceed $7,500.

Council declined approving the joint powers agreement on May 17th because Council felt that Porterville’s share of the budget should be approved by Council and not by the committee representative as stated in the JPA agreement. The agreement states that the budget will not exceed $50,000 ($6,250 City share) in the first year (2004/2005) and will not exceed $60,000 ($7,500 City share) the following two years.

Council asked that the City Attorney introduce language in the agreement that made it clear that Council, not the committee representative, would approve the budget. Staff discussed Council’s concern with the Chairman of the Seismic Committee and were informed by the Chairman that all committee members need authorization approval from their respective governing bodies prior to the committee approving the yearly budget.

The Chairman of the Seismic Committee assured staff that the seismic committee will meet at least two months before the end of each fiscal year to discuss the next fiscal year budget. Each committee member will have plenty of time to prepare and discuss the proposed budget and receive budget approval authorization from their respective Council or Board.

To summarize once again, the key points of the JPA Success Dam Seismic Remediation Project Agreement are:

1. Agreement good for 3 years beginning 7/01/04.
2. Each agency appoints one member to the Seismic REMEDIATION Committee.
3. Meetings will be held quarterly.
4. Project budget shall be adopted on an annual basis by the Seismic Committee.
5. Porterville’s cost reimbursement is 12.5% of the adopted budget and the adopted budget shall not exceed $60,000.

6. The Lower Tule River Irrigation District (LTRID) will manage the project for the JPA.

RECOMMENDATION: That the City Council:

1. Direct the Mayor to execute the “Tule River Improvement Joint Powers Project Agreement for the Success Dam Seismic REMEDIATION Project”;

2. Appoint the Public Works Director as the City of Porterville’s representative on the Seismic REMEDIATION Committee;

3. Authorize the City Manager to release the first payment installment in the amount of $6,250 from the Water Operating Fund to the Seismic REMEDIATION Committee to cover the City’s 2004/2005 share of expenses related to the Success Dam REMEDIATION Project; and

4. Authorize the City Manager to approve future payments, not to exceed $7,500, from the Water Operating Fund to the Seismic REMEDIATION Committee for fiscal years 2005/2006 & 2006/2007.

ATTACHMENT: Project Agreement for the Success Dam Seismic REMEDIATION Project
TULE RIVER IMPROVEMENT JOINT POWERS
PROJECT AGREEMENT FOR THE
SUCCESS DAM SEISMIC REMEDIATION PROJECT

This Project Agreement is entered into this ___ day of ________________
2005 between the Lower Tule River Irrigation District (hereinafter the “LTRID”),
the Tulare County Flood Control District (hereinafter the “TCFCD”), the County of
Kings (hereinafter the “County”), the Tulare Lake Basin Water Storage District
(hereinafter the “TLBWSD”) and the City of Porterville (hereinafter “Porterville”),
all hereinafter sometimes collectively referred to as the "Parties". With the
exception of LTRID, the parties to this Project Agreement are parties to the Tule
River Improvement Joint Powers Agreement (“JPA”), a joint powers agreement
entered into on February 17, 1998.

RECITALS

WHEREAS, the Tule River Improvement Joint Powers Agreement was
executed on February 17, 1998; and

WHEREAS, the LTRID is an irrigation district duly organized under the
provisions of Division 11 of the California Water Code; and

WHEREAS, the TCFCD is organized pursuant to Division 5 of the
California Water Code, and is a party to the JPA; and

WHEREAS, the County is a political subdivision of the State of California,
and a party to the JPA; and

WHEREAS, the TLBWSD is organized under the provisions of Division 14
of the California Water Code, and is a party to the JPA; and

WHEREAS, Porterville is a charter city organized under the laws of the State
of California, and a party to the JPA; and

WHEREAS, Article 3 of the JPA authorizes the Parties to exercise their
powers in common to acquire, manage, maintain, protect and enhance facilities
necessary to provide flood protection and water conservation; contract with public
agencies and private entities or parties to achieve such objectives; and to promote cooperation and preliminary planning among the Parties under agreements for implementation of specific projects, as appropriate, to improve flood protection along the Tule River and to perform all acts necessary or proper to carry out fully the purposes of the flood control objectives of Success Dam and of this Project Agreement; and,

WHEREAS, Article 8 of the JPA provides the mechanism for parties to enter into project agreements to accomplish these purposes; and

WHEREAS, during the course of implementation of the Success Reservoir Enlargement Project (hereinafter the “SREP”) it became apparent that seismic remediation measures for Success Dam were necessary to be completed prior to completion of the SREP; and

WHEREAS, it is the Parties’ desire to assist in coordinating and furthering the development and implementation of such seismic remediation measures, which measures have become known as the Success Dam Seismic Remediation Project (hereinafter the "SDSRP"), and to enter into this Project Agreement to ensure the success of both the SREP and the SDSRP.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions hereinafter set forth, it is agreed by and among the parties as follows:

1. PROJECT. The parties enter into this Project Agreement for the purposes of financing the costs for coordination, administration and meetings with the United States Army Corps of Engineers (hereinafter the “Corps”) for expediting the design and construction of the Success Dam Seismic Remediation Project and with the United States Congress in the budgeting and appropriation of funds for the Corps design and construction of the SDSRP. This local coordination effort with the Corps and the Congress for the SDSRP will hereinafter be referred to as the “Project”. For the purposes of this Project Agreement, the Parties do not assume
responsibility for financial obligations for the SDSRP itself.

2. TERM. This Project Agreement shall commence on July 1, 2004 and shall continue for a term of three (3) years, terminating on June 30, 2007. The Parties may agree to extend the term of this Project Agreement subject to the provisions set forth in Paragraph 9 hereof.

3. PROJECT AGREEMENT STATUS/ADOPTION OF JPA AGREEMENT. It is the purpose of the Parties to enter this Project Agreement under the provisions of the JPA. For the purposes of this Project Agreement, the terms, conditions and provisions of the JPA, except to the extent that they may be inconsistent with the express provisions hereof, are hereby referred to and incorporated herein as though set forth herein at length, and the Parties to this Project Agreement agree to be bound thereby.

4. COMMITTEE/MEETINGS. Each of the Parties to this Project Agreement shall appoint one representative to the Project committee (hereinafter the “Seismic Committee”). The Seismic Committee shall meet at least quarterly for the dissemination of information pertaining to the Project and the SDSRP, for the evaluation of the activities and effectiveness of the Project and for determination of assessments and adoption of an annual budget for implementation of the Project.

5. PROJECT IMPLEMENTATION. Implementation and management of the Project, as developed and agreed upon by the Parties to this Project Agreement, shall be conducted by LTRID on behalf of the Parties. LTRID agrees to provide, or contract with consultants and other parties as may be required to provide, the services necessary to implement the purposes of the Project in a timely and efficient manner, subject to the limitations set forth herein and in the Project Budget. The Project Budget shall be adopted on an annual basis by the Seismic Committee under the provisions of Section 5.04 of the JPA.

6. PARTICIPATION AND COST REIMBURSEMENT. Each of the
Parties hereto agrees to be responsible for the Project costs as incurred by LTRID, pursuant to the terms of this Project Agreement, which shall be shared by the following percentages:

| LTRID                                      | 60.0% |
| Tulare County Flood Control District       | 12.5% |
| County of Kings                           | 2.5%  |
| Tulare Lake Basin Water Storage District   | 12.5% |
| City of Porterville                       | 12.5% |

LTRID shall conduct the Project, and each of the other Parties shall each be obligated to reimburse LTRID all costs incurred for implementing the Project as set forth hereinabove. Such reimbursement shall be made no more than 30 days after receipt of an invoice for costs incurred by LTRID.

Unless approved in advance by unanimous approval of the Seismic Committee during a Committee meeting, total expenditures by LTRID in the first year of this Project Agreement shall not exceed $50,000.00, and total expenditures by LTRID in the second and third years, and in each year thereafter for which this Project Agreement may be extended, shall not exceed $60,000.00.

7. OTHER COSTS AND EXPENSES. None of the Parties to this Project Agreement shall be responsible for reimbursement or payment of any costs or expenses which are voluntarily incurred in the furtherance of this Project Agreement which are not a part of implementation of the Project unless there is a prior written agreement by the Parties to incur such expenses.

8. LIABILITY. The parties to this Project Agreement recognize that all assets, rights, benefits, debts, liabilities, obligations and indebtedness incurred in the furtherance of this Project Agreement are and shall remain, those of the Parties to this Project Agreement and shall not become the assets, rights, benefits, debts, liabilities, obligations and indebtedness of any other party to the JPA who is not a
party to this Project Agreement.

9. AMENDMENT. This Project Agreement may be amended only by an agreement approved by all the Parties.

10. NOTICES. Notices authorized or required to be given pursuant to this Project Agreement shall be in writing and shall be deemed to have been given when mailed, postage prepaid, or delivered during working hours to the following addresses:

Lower Tule River Irrigation District
357 E. Olive Ave.
Tipton, CA 93272

Tulare County Flood Control District
5961 South Mooney Blvd.
Visalia, CA 93277

City of Porterville
Community Development and Services
291 North Main Street
P. O. Box 432
Porterville, CA 93258

County of Kings
Public Works Department
Kings County Government Center
1400 W. Lacey Blvd.
Hanford, CA 93230

Tulare Lake Basin Water Storage District
1001 Chase Ave.
Corcoran, CA 93212

11. APPLICABLE LAW AND VENUE. This Project Agreement shall be governed by the laws of the State of California, and venue of any action to enforce the provisions hereof shall be in the Superior Court of the County of Tulare.

IN WITNESS WHEREOF, the parties have caused this Project Agreement to be executed as of the date and year first above written.

Date: _______________  LOWER TULE RIVER IRRIGATION DISTRICT

BY: ________________________
Date: ______________

TULARE COUNTY FLOOD CONTROL DISTRICT

BY: ______________________________

ATTEST: Tulare County Administrative Officer/Clerk of the Board of Supervisors of the County of Tulare

By: ______________________________

Date: ______________

COUNTY OF KINGS

BY: ______________________________

Approved as to form:
County Counsel

By: ______________________________

Date: 3 May 05

TULARE LAKE BASIN WATER STORAGE DISTRICT

BY: ______________________________

Date: ______________

CITY OF PORTERVILLE

BY: ______________________________

ATTEST: City Clerk:

By: ______________________________
SUBJECT: INTENT TO VACATE PUBLIC SANITARY SEWER PIPELINES, DOMESTIC WATER PIPELINES, STORM DRAIN PIPELINES AND PUBLIC STREET ACCESS EASEMENTS RELATED TO THE DEVELOPMENT OF MEADOW BREEZE, PHASE TWO SUBDIVISION (Nicholson & Smee, LLC)

SOURCE: Public Works Department - Engineering Division

COMMENT: The City has received a request to vacate sanitary sewer pipeline, domestic water pipeline, storm drain pipeline and public street easements described in Document No. 2000-0037339, recorded June 14, 2000 and Document No. 2002-0069651, recorded September 13, 2002, in the Office of the Tulare County Recorder. These easements were necessary for the orderly development of Castle Wood, Phase 2 Subdivision and Orchard Ridge, Phase 9 Subdivision, which are next to the easterly and southerly boundary of the subject development. These easements are no longer needed due to the construction of the public improvements for Meadow Breeze, Phase Two Subdivision, currently under construction. The City has authority to vacate these easements under Section 8320, Part 3, Division 9 of the Streets and Highways Code of the State of California.

Staff believes that there are no problems with any reversionary rights since these easements are in favor of the City of Porterville. Abandonment of these easements do not affect other agencies or other utility companies. The need for additional public utility easements will be addressed during the processing of the Final Map for Meadow Breeze, Phase Two Subdivision.

RECOMMENDATION: That City Council:

1. Pass a Resolution of Intent to Vacate easements dedicated to the City of Porterville as Parcel C of Document No. 2000-0037339, recorded June 14, 2000 and Document No. 2002-0069651, recorded September 13, 2002, in the Office of the Tulare County Recorder; and

2. Set the Council Meeting of July 5, 2005, or as soon thereafter, as the time and place for a public hearing.

ATTACHMENT: Resolution Document No. 2000-0037339 Document No. 2002-0069651 Locator Map
RESOLUTION NO. _________-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE, EASEMENTS
DEDICATED AS PARCEL C OF DOCUMENT No. 2000-0037339 AND DOCUMENT
No. 2002-0069651

SECTION 1: The Council of the City of Porterville, California, pursuant to
Division 9, Part 3, Section 8320, of Streets and Highways Code of the State of
California, does hereby resolve as follows, to-wit:

That it is the intention of the Council of the City of Porterville to vacate, abandon,
and close to public use those certain sanitary sewer pipelines, domestic water
pipelines, storm drain pipelines and public street easements in the City of Porterville,
County of Tulare, State of California, and known generally as easements no longer
necessary due to the orderly development Meadow Breeze, Phase Two Subdivision, of
which easements are generally located within the proposed Brian Avenue public right
of way between Salisbury Street and Mathew Street.

SECTION 2: A map or plan of said public easements intended to be vacated,
abandoned and closed to public use is on file in the office of the City Clerk of the City
of Porterville, reference to which is hereby made.

SECTION 3: That the public convenience and necessity requires the
reservation of easements and rights of way for structures enumerated, if any, in Section
8340 of the California Streets and Highways Code.

SECTION 4: Notice is further given that on Tuesday, the 5th day of July, 2005,
at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chambers
in the City Hall in the City of Porterville, at 291 North Main Street, is hereby fixed for the
time and place for hearing any objections to the vacation, abandonment and closing to
public use of said easements way.

Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By: Georgia Hawley, Chief Deputy City Clerk
Grant of Easement

THE Undersigned Grantor(s) Declare(s) DOCUMENTARY TRANSFER TAX IS $______

[ ] unincorporated area  [ ] City of ____________________________
[ ] Parcel No. ____________________________
[ ] computed on full value of interest or property conveyed, or [ ] computed on full value less value of items or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, WALL FAMILY PROPERTIES, a California General Partnership hereby GRANTS to CITY OF PORTERVILLE, a Municipal Corporation the following described real property in the City of Porterville County of Tulare, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART THEREOF.

WALL FAMILY PROPERTIES, A CALIFORNIA GENERAL PARTNERSHIP

Dated: May 25, 2000

STATE OF CALIFORNIA COUNTY OF Tulare ) S.S.

on May 25, 2000 before me, JefferieL. Wall a Notary Public in and for said County and State, personally appeared JefferieL. Wall Ed. David Wall personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal,

Signature DAWN A. MCMASTERS (This area for official notarial use)

Name:  Dawn A. McLanahan
Street Address:  
City & State:  

Description: Tulare,CA Document-Year.DocID 2000.37339 Page: 1 of 8
Order: 3 Comment:
EXHIBIT “A”

PARCEL A

An easement, 10 feet in width, for the construction, use, maintenance, repair and replacement of a sanitary sewer pipeline and necessary or convenient appurtenances, over, across, through and within that portion of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, the West and North lines of said 10-foot strip being described as follows:

Commencing at the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 454.69 feet to the TRUE POINT OF BEGINNING;

Thence, continuing South 00°12'46" East, 96.04 feet;

Thence, North 89°47'26" West, 37.95 feet;

Thence, Westerly along a curve concave to the North, having a radius of 290 feet, through a central angle of 20°16'32", an arc distance of 102.62 feet;

Thence, Westerly along a reverse curve concave to the South, having a radius of 310 feet, through a central angle of 20°12'56", an arc distance of 109.38 feet;

Thence, North 89°43'50" West, parallel with the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, a distance of 1119.72 feet;

Thence, South 00°13'54" East, 140.00 feet to a point in the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, said point being South 89°43'50" East, 130.01 feet from the Northwest corner of the South half of the Northwest quarter of the Northeast quarter of said Section 21, and said point being the terminus of the line being described.

Said 10 foot strip being bounded on the South by the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21.
PARCEL B

A temporary easement for vehicular access and for storm water runoff over and across that portion of the North half of the Northeast quarter of Section 21, 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:

Commencing at the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 454.69 feet to the TRUE POINT OF BEGINNING;

Thence, North 89°47'14" East, 60.00 feet;

Thence, South 00°12'46" East, 96.48 feet;

Thence, North 89°47'26" West, 97.95 feet;

Thence, Westerly along a curve, concave to the North, having a radius of 290.00 feet, through a central angle of 20°16'32", an arc distance of 102.62 feet;

Thence, Westerly along a reverse curve, concave to the South, having a radius of 310.00 feet, through a central angle of 06°41'04", an arc distance of 36.17 feet;

Thence, North 13°48'01" East, 20.00 feet to the beginning of a non-tangent curve, through which a radial line bears North 13°48'01" East;

Thence, Easterly along said curve, concave to the South, having a radius of 330.00 feet, through a central angle of 06°41'04", an arc distance of 38.50 feet;

Thence, Easterly along a reverse curve, concave to the North, having a radius of 270.00 feet, through a central angle of 15°33'31", an arc distance of 73.32 feet;

Thence, North 00°12'46" West, 75.00 feet;

Thence, South 89°36'32" East, 30.00 feet;

Thence, North 89°47'14" East, 30.00 feet to the TRUE POINT OF BEGINNING.
PARCEL C

A temporary easement, 60 feet wide, for storm water retention over and across that portion of the North half of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, the center line of said easement being described as follows:

Commencing the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31"West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 560.72 feet;

Thence, North 89°47'26" West, 38.02 feet;

Thence, Westerly along a curve, concave to the North, having a radius of 300.00 feet, through a central angle of 20°16'32", an arc distance of 106.16 feet;

Thence, Westerly along a reverse curve, concave to the South, having a radius of 300.00 feet, through a central angle of 06°41'04", an arc distance of 35.00 feet to the TRUE POINT OF BEGINNING;

Thence, continuing Westerly along said curve, through a central angle of 13°31'51", an arc distance of 70.85 feet;

Thence, North 89°43'50" West, parallel with the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, a distance of 1080.00 feet to the terminus of the line being described.

Said 60 foot strip being bounded on the West by a line bearing North 00°16'10" East.
RESOLUTION NO. 57-2000

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A GRANT DEED OF EASEMENT FROM WALL FAMILY PROPERTIES

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Grant Deed of easement from Wall Family Properties, a California General Partnership, in the City of Porterville, County of Tulare, State of California, described as follows:

See Exhibit "A" Attached Hereto and Made a Part Thereof.

BE IT FURTHER RESOLVED that said deed be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

ATTEST:

C. G. Huffaker, City Clerk

STATE OF CALIFORNIA) (SS
COUNTY OF TULARE )

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville, do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council regularly called and held on the 6th day of June, 2000.

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

AYES: COUNCILMEN: Irish, Wilson, Leavitt
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: Woods, Gurrola
ABSTAIN: COUNCILMEN: None

C. G. HUFFAKER, City Clerk

By, Georgia Hailey, Deputy City Clerk
EXHIBIT "A"

PARCEL A

An easement, 10 feet in width, for the construction, use, maintenance, repair and replacement of a sanitary sewer pipeline and necessary or convenient appurtenances, over, across, through and within that portion of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, the West and North lines of said 10-foot strip being described as follows:

Commencing at the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 454.69 feet to the TRUE POINT OF BEGINNING;

Thence, continuing South 00°12'46" East, 96.04 feet;

Thence, North 89°47'26" West, 37.95 feet;

Thence, Westerly along a curve concave to the North, having a radius of 290 feet, through a central angle of 20°16'32", an arc distance of 102.62 feet;

Thence, Westerly along a reverse curve concave to the South, having a radius of 310 feet, through a central angle of 20°12'56", an arc distance of 109.38 feet;

Thence, North 89°43'50" West, parallel with the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, a distance of 1119.72 feet;

Thence, South 00°13'54" East, 140.00 feet to a point in the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, said point being South 89°43'50" East, 130.01 feet from the Northwest corner of the South half of the Northwest quarter of the Northeast quarter of said Section 21, and said point being the terminus of the line being described.

Said 10 foot strip being bounded on the South by the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21.
PARCEL B

A temporary easement for vehicular access and for storm water runoff over and across that portion of the North half of the Northeast quarter of Section 21, 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:

Commencing at the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 454.69 feet to the TRUE POINT OF BEGINNING;

Thence, North 89°47'14" East, 60.00 feet;

Thence, South 00°12'46" East, 96.48 feet;

Thence, North 89°47'26" West, 97.95 feet;

Thence, Westerly along a curve, concave to the North, having a radius of 290.00 feet, through a central angle of 20°18'32", an arc distance of 102.62 feet;

Thence, Westerly along a reverse curve, concave to the South, having a radius of 310.00 feet, through a central angle of 06°41'04", an arc distance of 36.17 feet;

Thence, North 13°48'01" East, 20.00 feet to the beginning of a non-tangent curve, through which a radial line bears North 13°48'01" East;

Thence, Easterly along said curve, concave to the South, having a radius of 330.00 feet, through a central angle of 06°41'04", an arc distance of 38.50 feet;

Thence, Easterly along a reverse curve, concave to the North, having a radius of 270.00 feet, through a central angle of 15°33'31", an arc distance of 73.32 feet;

Thence, North 00°12'46" West, 75.00 feet;

Thence, South 89°36'32" East, 30.00 feet;

Thence, North 89°47'14" East, 30.00 feet to the TRUE POINT OF BEGINNING.
PARCEL C

A temporary easement, 60 feet wide, for storm water retention over and across that portion of the North half of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, the center line of said easement being described as follows:

Commencing the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 560.72 feet;

Thence, North 89°47'26" West, 38.02 feet;

Thence, Westerly along a curve, concave to the North, having a radius of 300.00 feet, through a central angle of 20°16'32", an arc distance of 106.16 feet;

Thence, Westerly along a reverse curve, concave to the South, having a radius of 300.00 feet, through a central angle of 06°41'04", an arc distance of 35.00 feet to the TRUE POINT OF BEGINNING;

Thence, continuing Westerly along said curve, through a central angle of 13°31'51", an arc distance of 70.85 feet;

Thence, North 89°43'50" West, parallel with the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, a distance of 1080.00 feet to the terminus of the line being described.

Said 60 foot strip being bounded on the West by a line bearing North 00°16'10" East.
Dedication of Easement

APN 245-010-004

The undersigned grantor declares that the Documentary Transfer Tax is $None-easement only
X Incorporated Area of the City of Porterville
Comptued on full value of the interest or property conveyed, or is
Comptued on the full value less the value of liens or encumbrances remaining at the time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

WALL FAMILY PROPERTIES, a California general partnership

Hereby GRANT (S) to

CITY OF PORTERVILLE

The following described real property in the County of Tulare, State of California.

An easement as described in Exhibit "A" attached hereto and made a part hereof.

Dated July 8, 2002

STATE OF CALIFORNIA
COUNTY OF TULARE

On July 9, 2002, before me,
The undersigned, a Notary Public in and for said County and State. Personally appeared
Jeff C. Wall and Fred D. Wall
Personally known to me (or proved to me on the basis of Satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of Which the person(s) acted executed the instrument

WITNESS my hand and official seal.

Signature of Notary

WALL FAMILY PROPERTIES, a California general partnership

By: ____________________________

By: ____________________________

JAYNE WILLIS
COMM. 1260019
NOTARY PUBLIC - CALIFORNIA
TULARE COUNTY
My Comm. Expires Nov 8, 2004
EXHIBIT "A"

An easement for the construction, installation, operation, maintenance, repair and replacement of a public street, sanitary sewer pipe line, domestic water pipeline and stormdrain pipe line and necessary or convenient appurtenances, over, across, through and within that portion of the North ½ of the Northwest ¼ of the Northeast ¼ of Section 21, 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 South line of the North ½ of the Northwest ¼ of the Northeast ¼ of said Section 21, said point being S 89°43'54" E 100.00 feet of the Southwest corner of said North ½;

Thence, N 00°14'31" W, 25.00 feet;

Thence, S 89°43'54" E, 60.00 feet;

Thence, S 00°14'31" E, 25.00 feet to a point in the South line of said North ½;

Thence, N 89°43'54" W, 60.00 feet to the point of beginning.
RESOLUTION NO. 143-2002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A DEDICATION OF EASEMENT FROM WALL FAMILY PROPERTIES

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Dedication of Easement Deed from Wall Family Properties, a California general partnership, for real property located in the City of Porterville, County of Tulare, State of California, as described in Exhibit "A" attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that said deed be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

Gordon T. Woods, Mayor

ATTEST:

John Longley, City Clerk

STATE OF CALIFORNIA)
COUNTY OF TULARE

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville, do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council regularly called and held on the 3rd day of September, 2002.

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

AYES: COUNCILMEN: West, Joyner, Gurrola, Hamilton, Woods
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: None
ABSTAIN: COUNCILMEN: None

JOHN LONGLEY, City Clerk

By Georgia Hawley, Deputy City Clerk
EXHIBIT "A"

An easement for the construction, installation, operation, maintenance, repair and replacement of a public street, sanitary sewer pipe line, domestic water pipeline and storm drain pipe line and necessary or convenient appurtenances, over, across, through and within that portion of the North ½ of the Northwest ¼ of the Northeast ¼ of Section 21, 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 South line of the North ½ of the Northwest ¼ of the Northeast ¼ of said Section 21, said point being S 89°43'54" E 100.00 feet of the Southwest corner of said North ½;

Thence, N 00°14'31" W, 25.00 feet;

Thence, S 89°43'54" E, 60.00 feet;

Thence, S 00°14'31" E, 25.00 feet to a point in the South line of said North ½;

Thence, N 89°43'54" W, 60.00 feet to the point of beginning.
SUBJECT EASEMENT ABANDONMENT
PARCEL 'A'
FOR SANITARY SEWER CONSTRUCTION,
REPLACEMENT & REPAIR

SUBJECT EASEMENT ABANDONMENT
FOR STREET, SANITARY SEWER, STORM DRAIN
AND WATER MAIN CONSTRUCTION

NORTH
SUBJECT: INTENT TO ABANDON A PORTION OF CLEVELAND AVENUE AND AN ALLEY WITHIN THE MORTON GARDENS SUBDIVISION - SET FOR PUBLIC HEARING (Sierra View District Hospital)

SOURCE: Public Works Department - Engineering Division

COMMENT: The City has received a request to vacate improved segments of Cleveland Avenue and a northerly connecting alley between Pearson Drive and Villa Street. Attached is a locator map that clearly illustrates the location of these public streets. Cleveland Avenue and the alley were dedicated for public highways as a part of the Morton Gardens Subdivision, recorded April 26, 1942. The City has authority to vacate these street segments under Section 8320 & Section 8331, Part 3, Division 9 of the Streets and Highways Code of the State of California.

Sierra View District Hospital has sole proprietary interest to the property fronting Cleveland Avenue and the alley, and they are also the requesting party. Staff believes that there are no problems with any other reversionary rights. The street vacations are necessary for the proposed orderly development of the proposed Dialysis Center and the existing Medical Complex at the intersection of Cleveland Avenue and Pearson Drive.

All fees have been paid, and after Council takes action, the utility companies will be notified of the intent to vacate the unimproved alley. An easement will be retained for utilities, if any, that may exist within the unimproved alley.

RECOMMENDATION: That City Council:

1. Pass a resolution of intent to abandon a portion of Cleveland Avenue and a northerly connecting alley between Pearson Drive and Villa Street; and

2. Set the Council meeting of July 19, 2005, as the time and place for the Public Hearing.

ATTACHMENT: Resolution
Locator Map

Dir _____ Appropriated/Funded _____ CM _____ Item No. 6
RESOLUTION NO. __________-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE
AN IMPROVED SEGMENT OF CLEVELAND AVENUE AND A NORTHERLY
CONNECTING ALLEY BETWEEN PEARSON DRIVE AND VILLA STREET

SECTION 1: The Council of the City of Porterville, California, pursuant to
Division 9, Part 3, Section 8320, of Streets and Highways Code of the State of
California, does hereby resolve as follows, to-wit:

That it is the intention of the Council of the City of Porterville to abandon and
close to public use that certain public right of way located in the City of Porterville,
County of Tulare, State of California, and known generally as improved segments of
Cleveland Avenue and a northerly connecting alley between Pearson Drive and Villa
Street.

SECTION 2: A map or plan of said public rights of way intended to be vacated,
abandoned and closed to public use is on file in the office of the City Clerk of the City
of Porterville, reference to which is hereby made.

SECTION 3: That the public convenience and necessity requires the
reservation of easements and rights of way for structures enumerated in Section 8330
of the California Streets and Highways Code.

SECTION 4: The City of Porterville, in the abandonment of said public rights of
way to public use, reserves and excepts from the vacation the permanent easement
and right at any time, or from time to time to construct, maintain, operate, replace,
remove and renew sanitary sewers, water lines, and storm drains and appurtenant
structures in, upon, over, and across said street or part thereof proposed to be vacated
and pursuant to any existing franchises or renewals thereof, or otherwise, to construct,
maintain, operate, replace, remove, renew and enlarge lines of pipes, conduits, cables,
poles and other convenient structures, equipment and fixtures for the operation
of gas pipe lines, telegraph and telephone lines, railroad lines, and from the
transportation or distribution of electric energy, petroleum and its products, ammonia,
water and incidental purposes, including the access and the right to keep the property
free from flammable materials and wood growth, and otherwise protect the same from all hazards in, upon and over the street or part thereof herein proposed to be vacated.

SECTION 5: Notice is further given that on Tuesday, the 19<sup>th</sup> day of July, 2005, at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chambers at City Hall in the City of Porterville, at 291 North Main Street, is hereby fixed for the time and place for hearing any objections to the vacation, abandonment and closing to public use of said public rights of way.

____________________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By: Georgia Hawley, Chief Deputy City Clerk
SUBJECT: AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 - INTERSECTION SAFETY IMPROVEMENT - DESIGNATION OF OLIVE AVENUE AND MATHEW STREET AS A 4-WAY STOP INTERSECTION

SOURCE: Public Works Department - Engineering Division

COMMENT: Article IV, Section 17-4 of the City’s Traffic Ordinance No. 1162 authorizes the City Engineer to place and maintain or cause to be placed and maintained traffic control devices as he may deem necessary or proper to regulate traffic. The Traffic Engineer must make such determination based on traffic engineering principals and traffic investigations. Section 17-4 stipulates that the public must be notified of the application of a traffic control device so as to be effective when the traffic control device is installed. Article VII, Section 17-7 of the Traffic Ordinance states that a resolution must be effected prior to the installation of the traffic control device.

The City Engineer, after careful consideration and review of field conditions, has determined that the intersection of Olive Avenue and Mathew Street warrants the placement of stop signs for north, south, east and west bound traffic. Taken under consideration was the fact that the south leg of Mathew Street is only 24 feet wide, that the south leg of Mathew Street does not align with the north leg of Mathew Street, that north and south bound Mathew will experience significant increases in vehicular and pedestrian traffic when Summit Charter Academy School opens this summer, and the concern raised by the Police Department regarding speeds along Olive Avenue in the vicinity of this intersection.

Traffic Ordinance No. 1162, Traffic Resolution No. 10-2001 defines and establishes certain streets and parts of streets as one way streets, through streets, stop intersections, no parking areas, diagonal parking zones, no parking zones, truck routes and commercial vehicles prohibited streets. An amendment to Traffic Resolution No. 10-2001 is necessary for Olive Avenue and Mathew Street to be designated as a 4-way stop intersection.

RECOMMENDATION: That City Council:

1. Pass a resolution amending Traffic Resolution No. 10-2001, designating Olive Avenue and Mathew Street as a 4-way stop intersection;

Dir ___ Appropriated/Funded ___ CM ___ Item No. 7___
2. Authorize the City Engineer to notify the public, by any effective means, of the application of a traffic control device, namely a 4-way stop, at the intersection of Olive Avenue and Mathew Street; and

3. Authorize the City Engineer to install traffic control devices, namely 4-way stop signs, at the intersection of Olive Avenue and Mathew Street.

ATTACHMENT: Resolution

P:\manager\Agenda Items\2005_06_21 CC Agenda\2005_06_21 Item 07.wpd
RESOLUTION NO. ___

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE
AMENDING TRAFFIC RESOLUTION NO. 10-2001

WHEREAS, per Traffic Ordinance No. 1162, Traffic Resolution No. 10-2001 defines and establishes certain streets and parts of streets in the City of Porterville as one way streets, through streets, stop intersections, no parking areas, diagonal parking zones, no parking zones, truck routes and commercial vehicles prohibited streets; and

WHEREAS, the Traffic Resolution needs to be amended;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the following change be made to Section 21 of Traffic Resolution No. 10-2001:

A. Section 21. Through Streets and Stop Intersections. Add to Section 21 the following:

21-143. The intersection of Olive Avenue and Mathew Street.

__________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

_____________________________________
By: Georgia Hawley, Chief Deputy City Clerk
SUBJECT: UPDATE OF CERTIFICATES OF PARTICIPATION PROJECTS

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: During the May 17, 2005 City Council meeting, staff was directed to bring the Certificates of Participation (COP) schedule back to council and include the original cost estimate for the projects. Attached for Council’s review is the COP Streets and Bridges Schedule through the month of May 2005.

Please note the addition of the fourth column which shows the original cost estimate as adopted by Council on July 29, 1998.

RECOMMENDATION: Information only

ATTACHMENTS: 1. COP – Streets and Bridges
## C.O.P.—STREETS & BRIDGES

**Updated as of May 2005**

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<th>Priority</th>
<th>ACCOUNT NUMBER</th>
<th>PROJECT DESCRIPTION</th>
<th>ORIGINAL COST</th>
<th>EXPENDED TO DATE</th>
<th>COP SHARE</th>
<th>ESTIMATED COP SHARE</th>
<th>DISC + INT</th>
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<th>DECLINING DISCRETIONARY BALANCE</th>
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**CASH**

| TOTAL     | $19,847,421   | $1,000,000 |

**INTEREST**

| $3,347,421 | $0 |

**TOTAL**

| $21,194,842 | $1,000,000 |

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Subtotals:

- $20,100,000
- $17,619,579
- $21,044,568
- $115,455
- $21,160,023

**NOTE:**

- **Jaye - 190 to Springville project budget $1,655,000.** Transportation Impact Fees funding $514,500 leaving a balance of $540,500 which is funded by COP City's 20% match for the design and cost of the bridge is $235,000.
- **Indiana - Putnam to Thurman is funded through Local Transportation Funds ($270,000 diverted from Date Ave. Project) remaining COP balance is for ROW acquisition, etc.**
- Olive to Putnam proposed funding is LTF

Completed Projects

Projects In Progress
SUBJECT: ECONOMIC DEVELOPMENT UPDATE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The Economic Development Division is a division of the Community Development Department, which also houses Planning, Community Development Block Grant, and Redevelopment. The “Porterville Jobs Plan,” approved by the City Council in 1999, provides the economic development strategies for business retention, expansion, marketing, and attraction used by the Division.

Since 1999, the Economic Development Division has been successful in implementing the four action plans detailed in the “Jobs Plan.” Those action plans are Stakeholders, Partners Network, Business Retention and Expansion, and Marketing and Business Attraction.

**Stakeholders** – The “Jobs Plan” identifies the Stakeholders as those residents, organizations, employers, leaders, and volunteers who have invested in Porterville and Porterville’s future. The Stakeholders group consisted of 100 individuals, who throughout the preparation of the “Jobs Plan”, provided comment, insight, and suggestions regarding the local economy and job creation. From 1999 through 2003, the Stakeholders met on a semi-annual basis to review implementation of the Jobs Plan and to provide feedback to the plan or activities. During the evaluation of committee meetings in 2004, it was noted that participants of the Stakeholders group were also participants in other committees (Chamber of Commerce Economic Development Committee, Porterville Futures Group, Redevelopment Advisory Committee, etc.) having similar input on economic development; therefore, being respectful of the participants time, the Stakeholders group was discontinued.

**Partners Network** – The Partners Network is a working partnership of workforce preparation, education, and economic development professionals collaborating to encourage economic growth and job creation. The Partners Network continues to meet on a regular basis to discuss the business climate, reduce duplication of efforts, and increase efficiency in providing services to local business. During the meetings, organizations discuss the needs of local employers, as well as the needs of unemployed clients, review labor market assessments, and network to develop strong relationships between organizations. The relationships fostered during the meetings allow the City to quickly identify and contact service providers that can meet the needs of existing and potential businesses. Due to budget constraints during the 2004-05 fiscal year, the
Workforce Investment Department began hosting the meetings while the Economic Development Division continued to be the lead for meeting agendas.

**Retention and Expansion** – The existing businesses of Porterville that have contributed to the community’s economic health and quality of life over the long term are the City’s first priority. The “Jobs Plan” outlines three major components for business retention and expansion – a Business Call Program, Promotion and Marketing, and Business Recognition.

The Business Call Program provides for active “calls” from the City’s management on business owners/managers. During the calls, the business owners/managers are more open about issues that are affecting their business. Time constraints have limited the Business Call program; however, the Economic Development staff is working to restructure the program to allow for additional management staff to assist with personal visitations.

Promotion and marketing of the economic development programs are accomplished utilizing the City newsletter to promote the City’s economic development projects and services available. The newsletter, published 3 times per year, is distributed to the community as an insert in the local newspaper and placed in establishments throughout the City. Additionally, the newsletter is mailed to prospective businesses, site selectors, and real estate brokers and is placed on the City’s website. Workshops and seminars for business are promoted through press releases, public service announcements, and direct mail. The Plant Managers meetings continue on a quarterly basis, providing a forum for managers to advise the City on manufacturing and distribution issues. In 2004, Staff began putting a personal face on business concerns by forwarding the concerns of local businesses to State and local legislators for their information and action.

In 2004, the “Outstanding Business Recognition” program was redesigned to recognize local businesses for their contributions to the local economy. Three times per year, names of potential honorees are submitted to the Chamber of Commerce’s Economic Development Committee for selection and selected companies are recognized during a City Council meeting and during the Chamber’s First Friday Coffee venue at the end of each calendar year. Additionally, the selected businesses are highlighted in the City’s newsletter and on the City’s website.

In addition to the activities outlined in the “Jobs Plan,” the Economic Development Division conducts a semi-annual survey from a sampling of local employers to track employment levels. Recent data shows an increase of 216 jobs over the 1-year period beginning in 2004. The increase was noted in financial, education, food processing, and retail segments of the community.
Marketing and Business Attraction – The Economic Development Division relies on the Tulare County Economic Development Corporation (TCEDC) for the majority of the marketing and attraction efforts. In fiscal year 2004-05, TCEDC efforts resulted in twenty Requests for Proposals (RFP), with the Economic Development Division responding to fifteen RFPs. Five site visitations were conducted as a result of the fifteen responses. The City was on the “short-list” for three locations, and is currently negotiating with one of the three. The five RFPs not responded to were requests for sites either of a larger size or requests for amenities, such as rail service and existing buildings that the City could not provide.

The Economic Development Division responded to thirteen Requests for Proposals directly from businesses seeking to locate or expand within the community, with two site visitations from out-of-area companies. Of the thirteen responses, the City was pleased to be selected as the site for the relocation of the Sequoia National Forestry Headquarters and for a yet to be announced hotel. Staff has continued to be in contact with a manufacturer seeking to locate in Porterville once they have investors committed to the project.

During 2004-2005, over 147 letters were mailed by the Economic Development Division to market Porterville via letters of introduction to those companies that have been identified as looking to expand. An additional 270 letters were mailed to exhibitors of the World Ag Expo inviting vendors to look at Porterville for business expansion opportunities. These direct marketing efforts have not been undertaken in prior years.

Other activities of the Economic Development Division during 2004-2005 include responding to 66 inquiries regarding business location, climate, or incentives, development and hosting two workshops for small businesses and co-sponsoring of six workshops in cooperation with the Chamber of Commerce, the Employers Advisory Council, and the Employment Development Department. Staff, in a cooperative effort with the Porterville Chamber of Commerce and Downtown Porterville Association, developed a new tourism brochure to promote the community to visitors and potential new business.

Over the course of this prior year, staff has identified a number of constraints to new business development. Constraints to economic development include a lack of industrial buildings and land inventory, lack of a four-lane highway, absentee landowners, and limitations to incentives offered to new companies.
Of the RFPs received, seven companies were seeking existing buildings in the 10,000 – 40,000 square foot range and eight companies were seeking vacant land between 10 and 100 acres. Staff is currently meeting with owners of available land to determine the readiness of the property for development projects.

A visiting site selector noted the lack of a four-lane highway into the City as a constraint to new development. Staff is working with the Chamber Economic Development Committee to keep the widening of Highways 65 and 190 in the forefront of highway projects being considered by Tulare and Kern counties.

Absentee landowners present challenges, as they may not be aware of the Porterville’s economic climate regarding land values and/or condition of their property. Additionally, unlike local property owners, absentee landowners do not share a commitment to the community’s economic interests. Staff is identifying absentee landowners and making contact to discuss development opportunities.

Lastly, in prior years cities would provide financial incentives, in the form of land cost reduction or construction/equipment assistance, to entice a business to locate within their community. New legislation subjects a project to prevailing wage if certain forms of assistance are offered. Staff is cautious to offer financial incentives as the cost of a prevailing-wage project may be 25-30% higher than non-prevailing wage. One incentive that has been well received by local businesses, as well as new businesses, is the Development Fee Payment Plan (DFPP). The DFPP allows for the payment of development fees to be paid over a five- or ten-year period at 0% interest. During 2004-05, 5 DFPPs were processed for over $300,000. Projects ranged from construction of small, start-up companies to expansion projects. Staff continues to seek alternative incentives that do not subject a project to prevailing wage.

The Economic Development Division is currently working with Planning, Public Works, and the Fire Department to determine the infrastructure needs for 70-acres of vacant, City-owned, land located west of the Airport along West Road to ready the site for development.

The Economic Development Division continues to study location and operating requirements of business to leverage Porterville’s success in attracting those companies seeking to expand or relocate. Staff anticipates that through the General Plan update process, adequate industrial and commercial land, along with associated infrastructure, will be identified to allow Porterville to be more competitive in locating companies within community.

RECOMMENDATION: Report is informational only.
COUNCIL AGENDA: June 21, 2005

SUBJECT: ANNOUNCING VACANCY ON THE PARKS & LEISURE SERVICES COMMISSION

SOURCE: Department of Parks & Leisure Services

COMMENTS: The Parks and Leisure Services Commission has one vacancy with the recent resignation of Mr. Neil Smith. Mr. Smith has expressed that it is not currently possible for him to function in a comfortable manner on the Commission. His term expires in October of this year.

RECOMMENDATION: Announce the vacancy on the Parks & Leisure Services Commission and set July 19, 2005 as the time for Council appointment to fill the position.

ITEM NO.: 10
SUBJECT: APPROVAL OF THE ANNUAL REPORT OF THE BUSINESS IMPROVEMENT AREA ADVISORY BOARD AND SETTING OF A PUBLIC HEARING

SOURCE: Administrative Services, Finance Division

COMMENT: In accordance with SB 1424, a law updating the Parking and Business Improvement Area Law of 1979, the Advisory Board of the Business Improvement Area of the City of Porterville is submitting their report for the fiscal year 2005/2006. The Downtown Porterville Association Board of Directors, serving as the Advisory Board, is not proposing any changes to the boundaries of the improvement area or to the method and basis of levying the Business Improvement District assessment. The report includes a list of achievement and activities completed during 2004/2005, goals and planned events for 2005/2006, and the proposed budget for the upcoming 2005/2006 fiscal year.

The City Council may approve this report as filed by the Advisory Board or may modify any particular item contained in the report and approve it as modified.

According to Chapter 3, Section 36534 of the California Streets and Highways Code, after approving the report, the City Council shall adopt a resolution of intention to levy an annual assessment for that fiscal year which shall include setting a time and place for a public hearing.

RECOMMENDATION: That the City Council:
1. Approve the report of the Business Improvement Advisory Board;
2. Adopt a resolution of intention to levy an annual assessment for the fiscal year 2005/2006; and

2. Resolution of Intention
RESOLUTION NO. ______


BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE:

Section 1. Name. The name of the business improvement area is the “Business Improvement Area of the City of Porterville,” hereinafter referred to as the “Area.”

Section 2. Levy of Assessment and Charge in Addition to Business Operations Tax for the Fiscal Year 2005/2006. It is proposed that an assessment and/or charge be imposed which is in addition to the business operations tax as it is or may be imposed pursuant to Chapter 15 (Licenses) of the Porterville City Code. Such additional assessment and/or charge to be imposed at the rates hereinafter set forth for the specified business classifications.

Section 3. Classification of Businesses and Charges Imposed. It is proposed that the business conducted in the Area be classified as follows so as to promote the equitable imposition of the additional assessment/charge hereunder in relation to the relative benefits to be derived. The proposed assessment/charge over and above the business operations tax imposed on each business within the Area shall be calculated based on the following formula:

Assessment and charges totaling an amount (not to exceed $500.00 semi-annually) equal to 100% of the amount paid to the City of Porterville for a business license shall be paid by each business having a business license within the Area of Benefit.

The determination of the type or class of business or businesses an assessment/charge payer is engaged in or about to engage in shall be an administrative function of the Purchasing Agent or designee of the City of Porterville in accordance with Chapter 15 of the Code of the City of Porterville.

Section 4. Authorized Use. The proposed authorized uses to which the proposed revenue shall be put are as follows:

(a) The acquisition, construction, or maintenance of parking facilities for the benefit of the Area;
(b) Decoration of any public place in the Area;
(c) Promotion of public events which are to take place on or in public places in the Area;
(d) Furnishing of music in any public place in the Area; and
(e) The general promotion of business activities in the Area.
Section 5. Area and Benefit Zone. A description of the Area is as follows:

All property within the boundaries of the following described lines:

Beginning at the intersection of the north right of way line of Olive Avenue with the east line of the Southern Pacific Railroad property, said line being 50 feet east of the center of the main track; thence northerly along said line and parallel to said main track 2,780 feet, more or less, to its intersection with the south right of way line of Morton Avenue; thence easterly along the south right of way line of Morton Avenue 1,067 feet, more or less, to its intersection with the south right of way line of Cleveland Avenue; thence easterly along said south right of way, 170 feet, more or less to the west line of an alley; thence southerly along the west line of the alley 1,890 feet, more or less, to its intersection with the north right of way line of Olive Avenue; thence west along said right of way line, 1,230 feet, more or less, back to the point of beginning.

Section 6. Report from the Area Advisory Board. In accordance with Chapter 3, Section 36533 of the Parking and Business Improvement Area Law of 1989, the Advisory Board has filed a report with the City Clerk with a full and detailed description of the improvements and activities to be provided for the fiscal year 2005/2006 and the proposed cost of providing such improvements and activities.

Section 7. Time and Place of Hearing. Notice. Notice is hereby given that the 5th day of July, 2005, at a regular meeting of the City Council to commence at or about 7:00 p.m., in the Council Chambers of the City Hall at 291 North Main Street, Porterville, California, is the time and place fixed for the hearing on this Resolution of Intention for the levy and collection of assessments within the parking and business improvement area for the fiscal year 2005/2006.

At such public hearing, written and oral protests may be made. The form and manner of protests shall comply with Sections 36524 and 36525 of the California Streets and Highways Code.

Section 8. Publication and Mailing of Notice. The City Clerk shall cause this Resolution of Intention to be published at least once in the official newspaper of the City of Porterville, the first publication to be at least ten (10) days prior to the date of said hearing.

______________________________
Kelly E. West, Mayor

ATTEST:

______________________________
John Longley, City Clerk
Downtown Porterville Association, Inc.

ACHIEVEMENTS FOR 2004-05

Downtown Porterville Association, Inc. has formulated the following list of achievements for fiscal year 2004/05. There are many things the DPA accomplished in the last fiscal year. Some items may not be tangible, but they are important just the same.

ORGANIZATION

OFFICE ORGANIZATION

In 2005, the DPA updated its computer system. Office Staff can now keep track of more events with much better efficiency. DPA also purchased tables and chairs for Board Meetings as well as to use at community events.

COMMUNICATION

Staff Hours: 15
Volunteer Hours: 24

To facilitate communications, DPA has continued to liaison with the Chamber of Commerce, the City of Porterville, and other organizations. To further this cooperation, the Chamber has been approached to provide a representative to attend DPA meetings to help the Board plan with and around the Chamber of Commerce events. Also, each organization received the DPA monthly newsletter as well as copies of our agenda. This has improved the quality of our joint efforts and helped minimize conflicting dates as well as kept the City and the Chamber apprised of what has been happening in the BID on a regular basis. The monthly mixers instituted have increased communications between not only the membership, and also other organizations in the community. A website has begun development to further allow our members and the public information on Downtown and its activities.

DPA has acted as a liaison between the BID membership and the City of Porterville. Members periodically approach the Board to assist them in finding answers to questions they have regarding their business, property, or signage, and to help them resolve problems with the city. DPA assisted the membership in finding answers to their questions or put them in touch with someone whom could help them.

MONTHLY MIXERS

COST $ 536.91
Staff Hours: 36

In an ongoing effort to create a friendly neighborhood ideal for the downtown area, DPA began holding monthly mixers. The mixers are an informal "business mixer" type gathering held at a different business each month. BID members are all invited by mail prior to the event and are given the opportunity to network and chat in a stress free environment in an effort to enhance creative ideas for the downtown area. Sponsorship of the mixers is voluntary for BID members and the calendar of events is booked well into 2006. BID members who would not normally have the opportunity to become involved in downtown events can sidestep time constraints by partnering with another business for mutual benefit.
and achievement. New businesses are introduced and a support system is set in motion that would not normally have occurred. Attendance at these mixers has increased and support to host them continues.

**ANNUAL MEETING**

**COST:** $44.40  
**Staff Hours:** 6  
**Volunteer Hrs:** 4

The Annual Meeting was held June 30, 2004. The membership was offered several informational papers. These included a sign up sheet for committees, a copy of the annual report, and contact information for the Board. There was discussion about the direction of the BID. This meeting offered members a chance to speak up regarding issues they felt were important.

**NEWSLETTER**

**COST:** $532.80  
**Staff Hours:** 48  
**Volunteer Hrs:** 10

A major goal of the DPA in the past year was to concentrate on the improvement of communication in the downtown area. A monthly newsletter compiled by the Administrative Assistant was mailed monthly following the Board meeting. The newsletter contained articles about improving the downtown area, a calendar of events, Board member contact info and results of promotional events etc. It contains topics of interest to all BID members and articles of interest can be submitted for publication. The newsletter continues to be refined and is an invaluable tool for communication for all BID members.

**PROPERTY DATABASE**

**COST:** $0.00  
**Staff Hours:** 80  
**Volunteer Hrs:** 12

The DPA has begun the compilation of a property database for the BID. A contact information form was sent to all business owners Downtown. The updates are coming in. This database currently contains the unchecked addresses and status of every address in the BID. This information will be merged to facilitate tracking of changes in the District. When completed, this database will also contain full contact information on business and property owners in the BID, and will be a starting point for several projects.

- It will simplify the updating of our Downtown Directory  
- It will allow DPA and the City to more efficiently market vacant locations.  
- It will help track trends  
- It will allow DPA to keep track of the number of employees working downtown  
- It will help track businesses that are out of compliance with city licensing requirements  
- It will facilitate communication with our DPA membership

DPA will work closely with the City to monitor changes in business and property ownership as well as vacancies in the BID.

**WELCOME PROJECT**

**COST:** $15.00  
**Staff Hrs:** 2  
**Volunteer Hrs:** 4

A Welcome Committee has been created to greet new members in the BID. This committee is headed by a Board Member, and includes 2-4 BID members. This committee is responsible for putting together a welcoming package for new businesses downtown. The welcome package includes information on the
BID, a copy of the latest newsletter, Board Member information including contact information, information on mixers, and a welcome gift. The Welcome Committee encouraged new business owners to attend the next mixer to be introduced to their business neighbors. This has included a write up in the monthly newsletter.

**DESIGN**

**CHRISTMAS LIGHTS**  
Cost: $3,500  
Staff Hours: 12  
Volunteer Hrs: 30

The new Christmas tree lighting on Main Street this last season was a major improvement. Several compliments were received from residents about how nice the lights looked. This year, DPA invited members to become involved with the Christmas lights. The cost of installation of the lighting was approximately $7,000.00. The City pledged $3,500.00 towards the cost of the lighting. DPA recruited sponsors for the remaining amount. DPA received several sponsorships totaling approximately $750 to offset the costs of the lights.

**CHRISTMAS ORNAMENT LOANS**

DPA had many Christmas decorations in storage. However, these were spread out over several different locations. In an effort to consolidate our storage, DPA set out all the decorations and invited the BID members to come and borrow what they liked. These items were returned to the DPA in January, and stored in one location. In doing so, an inventory of DPA belongings was accomplished.

**SIGNAGE**  
Cost: $0.00  
Staff Hrs: 12  
Volunteer Hrs: 36

The City staff has proceeded in the updating of the existing signage ordinance. Downtown Porterville has been extremely interested in this project, and has taken an active role in the discussions. The past ordinance was sadly outdated. New technologies, such as low cost banners, the need for small businesses to be able to more prominently sign their premises, and the proliferation of excessive, unkempt, unsafe, aesthetically un pleasing and obstructive signage called for rectification. DPA has been an active participant in those meetings and stayed closely involved in this process.

**YELLOW BOW REPLACEMENT PROJECT**

DPA met with a representative of the US Army in an attempt to coordinate the replacement of the yellow ribbons on Main Street. The idea was brought forward to replace the yellow ribbons with yellow banners that include names of veterans and new recruits together. This would honor those who have served as well as those who are about to serve.

**MARKETING**

**DISCOVER PORTERVILLE BROCHURE**  
Cost: $0.00  
Staff Hours: 0  
Volunteer hrs: 30

The Downtown Porterville Association, Inc. Board actively participated in the development of the new "Discover Porterville" tourism brochure. In association with the City of Porterville and the Porterville
Chamber of Commerce a new glossy pamphlet describing the wonderful activities Porterville and especially the downtown area have to offer. The brochure should increase the interest of visitors by visually illustrating the beauty of the downtown retail corridor.

**STORYTIME**

**COST:** $160.00  
Staff Hours: 60  
Volunteer hrs: 10  

Storytime has been continued. Four of these events were held this year. These readings have continued to be themed to the season, special events or promotions. This event brought families downtown, recalling the family atmosphere historically a part of Downtown Porterville. Parents have requested they be notified of any more events like this to be held Downtown. The response has been tremendous.

**HOLIDAY PICTURES**

**PROFIT:** $375.00  
Staff Hours: 14  
Volunteer Hrs: 12  

DPA has continued marketing downtown to families with “Pictures with the Easter Bunny” and “Pictures with Santa”. These events market downtown as a place that is good to bring the family, which will only enhance the overall image of Porterville. The BID has profited from a new image as a place for the family to come. These picture sessions were also a fundraiser for DPA. This event cost approximately $2.50 per picture with a profit of $5.00 per picture. Seventy-five pictures were sold at the last two events. This has led to a small profit of $375.00. “Bunny Bucks” and “Santa Bucks” have been offered as a means to draw people into Downtown business establishments. These “bucks” allow anyone who made a purchase at a participating business to save $1.00 per picture. This did not cost any additional money, and allowed the businesses to use our photos in their advertising.

**RETAIL PROMOTIONS**

**COST:** $2,000.00  
Staff Hours: 60  

DPA was involved in marketing downtown in other ways as well. Retail promotions have long been a major part of the DPA. This year a variety of promotions were offered to the local residents to encourage them to shop downtown. These events included special sales, drawings, and giveaways in conjunction with holidays throughout the year. For example, Mother’s Day offered a drawing for three large prizes. The total value of all three prizes was approximately $800.00. Our number of entries into these promotions has increased over past years. Our most recent drawing – for Valentine’s Day, brought in over 200 entries over a period of one week.

**ADVERTISING**

DPA has continued working closely with the Porterville Recorder to develop advertising for the downtown area. This was evidenced by banners in the paper, downtown rates, and ads for downtown businesses being grouped together. DPA has met with the Recorder to form a Downtown Tab that will be published bimonthly. This tab will include stories on Downtown businesses, Advertisements, and of course, a community calendar to spell out the events happening downtown.

DPA has also broadened its advertising power. The Weekly Messenger in Springville has carried our ads for businesses and events. There have also been TV commercials on many cable channels for events and businesses.
CIVIC AND COMMUNITY EVENTS

DPA holds a firm belief that downtown is not only a link to Porterville’s historical past but that it’s holding hands with the community of the future. Supporting and implementing programs such as the Children’s Christmas Parade, and the quarterly Storytime hours, builds a respect and a wealth of memories for the generation that will become civic leaders and business people of the future. They will always remember the warm memories of their hometown, the time they spent on Mainstreet with Santa or the Easter Bunny and bring their families here generation after generation perpetuating the support the downtown area needs to thrive. DPA also strongly and financially supported the Centennial Park installation, providing a lush and beautiful addition to the downtown area, not only for merchants who traverse the area daily but the citizens who felt that a park was just the thing downtown needed. The Annual Tree-Lighting and Caroling Event held each winter now has a beautiful new area to enjoy.

FUNDRAISERS

CAR SHOWS

Downtown Porterville Association, Inc. sponsored the Main Street Car Show, and supported the Nuestro Pride Car Show in Downtown Porterville. The Nuestro Pride Car Show created no cost or profit for the DPA, however it did bring people to the downtown area. The Main Street Car Show, however, has always proven to be a profitable event for DPA. This car show raised approximately $3,000.00 for the DPA last year.

COVERLETS

In order to raise more funds for downtown, DPA has gone back to a fundraiser that has worked in the past. DPA ordered thirty-six “Beautiful Historic Porterville” commemorative coverlets at $30 each. These coverlets feature scenes that represent Porterville in a tapestry. The coverlets sell for $60.00 each. Several businesses have offered them through their facilities, and DPA also offers these at events such as the Iris Festival and the Homecoming Festival.

OTHER PROJECTS

Mobile vendors have had many advantages over fixed site businesses. They have had no rent or overhead, and could do business only during peak buying days and hours. In a free society, they have the same right to do business in Downtown Porterville as anyone. However, they should not be allowed an unfair competitive edge, such as working without a city or state business license. Nor should they be allowed to create a nuisance by setting up on sidewalks, interfering with our employees or using our paid for shops as a location to sell to the public. Due in large part to efforts by Downtown Porterville, mobile vendors are now required to have a business license that can be seen, and a photo ID in their possession. DPA has continued to work with the City to clarify the City Ordinance regarding mobile vendors, to put mobile, generally out-of-town vendors on equal footing with local, established merchants. This is a very important step for our BID.
MEASUREMENTS OF SUCCESS OF ACTIVITIES

Like most advertising, many of our promotions do not provide immediate financial realization. To get some idea of the success of our promotions, Downtown Porterville Association, Inc. has started a mailing list created by all the entries received during the promotions. It has been noted that participation in the Downtown Promotions has increased over the past year.
Downtown Porterville Association, Inc.
GOALS FOR 2005-06

Downtown Porterville Association, Inc. has formulated the following list of goals for fiscal year 2005/06. This list will be presented at our Annual Meeting held on June 30, 2005. This list of goals will be modified during the fiscal year as necessitated by circumstances.

ORGANIZATION

COMMUNICATION

Organizational communication between Downtown Porterville Association, Inc., the Porterville Chamber of Commerce, and the City of Porterville is imperative for the revitalization of downtown. To facilitate this, DPA will continue to liaison with these organizations. Also, each organization will receive the DPA monthly newsletter as well as copies of our agenda. This will improve the quality of our joint efforts and help minimize conflicting dates as well as keep the City and the Chamber apprised of what is happening in the BID on a regular basis. DPA would like to have a member of the Chamber Board attend future DPA meetings to assist in planning. This will help in communication and participation.

DPA will continue to act as a liaison between the BID membership and the City of Porterville. Members periodically approach the Board to assist them in finding answers to questions they have regarding their business, property, or signage, and to help them resolve problems with the city. DPA will continue assisting the membership in finding answers to their questions or putting them in touch with someone who can help them.

MONTHLY MIXERS

In its ongoing thrust to create cohesion between the business owners in Downtown Porterville, DPA will continue monthly meetings for the BID members, giving increased opportunities for business owners to get together and share their ideas for the development of downtown. These mixers will allow members to come together for a common purpose in a relaxed environment, and give them the chance to get to know each other better, and acquaint themselves with the other businesses in Downtown Porterville, as well as with the DPA itself. Attendance has grown at each consecutive mixer, and the goal is to refine the format until this mixer is of the most benefit to all.

ANNUAL MEETING

The Annual Meeting will continue to serve as a means to keep the general membership directly involved in preparing the visions and goals of Downtown Porterville. Our goal is to increase the involvement of the membership in this important gathering, making it the prime event for the guidance of the Board and the planning of the future of Downtown Porterville.
BYLAWS UPDATE

Cost: $0.00
Staff Hrs: 12
Volunteer Hrs: 80

The current bylaws need to be changed to better reflect the growth that has occurred, and to clarify the renewed emphasis to be placed on non-retail members. This will happen with the guidance of our BID members. These business owners will assist the Board in creating an up to date version of the bylaws one section at a time.

NEWSLETTER

Cost: $600.00
Staff Hours: 48
Volunteer Hrs: 10

A major goal is to continue the circulation and refinement of our newsletter to our membership. The newsletter is being sent to the membership on a monthly basis, immediately after the regular Board meeting. This newsletter will bring the entire membership up to date on what is going on in the BID. It contains a calendar of upcoming events, a list of Board Members and their contact information and the next meeting date, as well as some commentary as to what is happening in the community. We also ask for ideas from the membership on how to improve the newsletter. The Goal is to use this tool to communicate more effectively with the BID members and other organizations.

QUARTERLY TAB INSERT

Cost: $4500.00
Staff Hours: 48
Volunteer Hrs: 10

In a continuing effort to revitalize the downtown experience, the DPA is going to offer a quarterly newspaper tab insert in the Porterville Recorder. This insert will communicate to the city all the amazing opportunities taking place in the downtown area. Introductions to new business’s, calendar updates, contest information and informational editorials will be presented along with games and other entertaining activities to encourage residents to visit downtown. This insert will also include editorials highlighting vacant buildings, their history and their potential for success to continue the DPA’s development of the downtown area.

DATABASE DEVELOPMENT

Cost: $1000.00
Staff Hours: 20
Volunteer Hrs: 50

Downtown Porterville Association, Inc. intends to coordinate with the local school systems and business academies to develop a concise and solid database of the BID area. This database will be assembled as a class project by students in the local school systems. Any cost incurred will be in the administration of the project and by supplies. DPA intends to develop a long lasting adaptable set of information based not on what business is there but the building they are located in, tracking the changing environment by its only stable point. The opportunities to adjust the database will create a tool that will continue to work for years to come, enhancing the communication efforts the DPA holds in such high priority. With the completion of this project a published directory is made possible that will be easy to adjust and reproduce on an annual basis.

PUBLISHED DIRECTORY

Cost: $1500.00
Staff Hours: 48
Volunteer Hrs: 10
With the completion of the Database Project the DPA will publish an easy to use directory of the downtown area. Businesses in the area will be listed by category for ease of use and the directory will serve as a tool to enhance the shopping experience downtown.

**PROPERTY DATABASE PROJECT**

**COST:** $0.00  
Staff Hours: 80  
Volunteer Hrs: 12

The Board of Directors, with the assistance of the Administrative Assistant, has begun the compilation of a property database for the BID. This database currently contains the unchecked addresses and status of every address in the BID. This information will be merged to facilitate tracking of changes in the District. When completed, this database will also contain full contact information on business and property owners in the BID, and will be a starting point for several projects.

- It will simplify the updating of our Downtown Directory  
- It will allow DPA and the City to more efficiently market vacant locations.  
- It will help track trends  
- It will allow DPA to keep track of the number of employees working downtown  
- It will help track businesses that are out of compliance with city licensing requirements  
- It will facilitate communication with our DPA membership

DPA will work closely with the City to monitor changes in business and property ownership as well as vacancies in the BID. Our goal is to have the Downtown Directory updated and printed this fiscal year.

**WELCOME PROJECT**

**COST:** $200.00  
Staff Hrs: 36  
Volunteer Hrs: 48

A Welcome Committee will greet new members in the BID. This committee is headed by a Board Member, and includes 2-4 BID members. This committee is responsible for putting together a welcoming package for new businesses downtown. The welcome package includes information on the BID, a copy of the latest newsletter, Board Member information including contact information, a copy of the local directory, information on mixers, etc. The Welcome Committee also offers a way for established businesses to offer an introduction to new business owners. This includes a write up in the monthly newsletter and a welcome gift provided by DPA. This committee will help increase understanding of, and involvement in, the BID.

**WEBSITE**

**Cost:** $400.00  
Staff Hrs: 24  
Volunteer Hrs: 48

A website will allow Downtown Porterville Association, Inc. to even more widely advertise downtown. The website will include links to Downtown businesses and their websites and/or email addresses, the latest newsletter, a list of downtown businesses, upcoming events, contact information, vacant properties, etc. It will also provide more public awareness of the DPA and its programs by offering the current Board meeting agenda and past minutes and will be updated as information is provided. The website will contain a link to building availability and information. This website will be a useful tool in communication and marketing.
DESIGN

CHRISTMAS LIGHTS

Cost: $7,000.00
Staff Hours: 12
Volunteer Hrs: 30

Several compliments were received from residents about how nice the lights looked. This year, DPA will invite even more residents to become involved with the Christmas lights. The cost of installation of the new lighting will be approximately $7,000.00. DPA is looking into expanding sponsorships this year to offset the cost. This will allow the DPA to better utilize its limited funds on other projects to improve Downtown Porterville.

SIGNAGE

Cost: $0.00
Staff Hrs: 12
Volunteer Hrs: 36

Downtown Porterville is extremely interested in the continued refinement of the signage ordinance, and will continue to take an active role in the discussions. The existing ordinance is sadly outdated. New technologies, such as low cost banners, the need for small businesses to be able to more prominently sign their premises, and the proliferation of excessive, unkempt, unsafe, aesthetically unpleasing and obstructive signage calls for rectification. An effective ordinance will address these issues as well as the length of time “temporary” signs will be allowed to stay up. A new signage ordinance will improve the overall image of the Downtown Porterville. Cost will be measured only in staff and volunteer time, but the overall benefits will be vast. DPA has been and will continue to be an active participant in discussions and will stay closely involved in this process.

YELLOW BOW REPLACEMENT PROJECT

COST: undetermined
Staff Hrs: 24
Volunteer Hrs: 50

DPA met with a representative of the US Army in an attempt to coordinate the replacement of the yellow ribbons on Main Street. The idea was brought forward to replace the yellow ribbons with yellow banners that include names of veterans and new recruits together. This would honor those who have served as well as those who are about to serve. DPA plans to work closely with the US Army recruiter’s Office to see that this is done.

MURAL LIGHTING

COST: $750.00
Staff: 12 hrs
Volunteer: 5 hrs

Last year the DPA was told a business owner was intent on putting up lighting for the new mural in Downtown. Since that has not yet happened, DPA will pursue having the lighting installed. Donations will be accepted to offset the minimal cost of installing the lights with Bob Ruffa Electric.

MARKETING

Downtown Marketing reminds residents of our community that this is the place to be. Downtown Porterville needs to express itself not only as the “Heart of Porterville”, but as the family center of the community. The Veterans’ Day parade, Children’s Christmas parade, Tree Lighting ceremony and
caroling have all naturally gravitated to Downtown. The “Centennial Park” will be a major asset. In keeping with this, DPA has planned many events this year to market downtown to families of all walks of life in Porterville.

**STORYTIME**

**COST:** $300.00  
Staff Hours: 60  
Volunteer hrs: 10

Storytime will be continued. Our goal is to hold 4 – 6 of these during the coming year. These readings will continue to be themed to the season, special events or promotions. This event brings families downtown, recalling the family atmosphere historically a part of Downtown Porterville. Storytime brings the leaders of the community together with the leaders of tomorrow in a setting that is non-threatening and fun for the children. Storytime costs approximately $75.00 each to advertise and brings approximately 80 children and their families to the area within a four-hour period. Sponsorships help alleviate some of the cost.

**HOLIDAY PICTURES**

**PROFIT:** $400.00  
Staff Hours: 14  
Volunteer Hrs: 12

DPA will continue marketing downtown to families with “Pictures with the Easter Bunny” and “Pictures with Santa”. These events market downtown as a place that is good to bring the family, which will only enhance the overall image of Porterville. The BID will profit from a new image as a place for the family to come. These picture sessions are also a fundraiser for DPA. This event costs approximately $2.50 per picture with a profit of $5.00 per picture. Seventy-five pictures were sold at the last two events. This has led to a small profit of $375.00. This figure should increase this year with continuing advertisements and word of mouth. “Bunny Bucks” and “Santa Bucks” have been instituted as a means to draw people into Downtown business establishments.

**RETAIL PROMOTIONS**

**COST:** $2,000.00  
Staff Hours: 60

DPA will be involved in marketing downtown in other ways as well. Retail promotions have long been a major part of the DPA. This year a variety of promotions will be offered to the local residents to encourage them to shop downtown. These events will include special sales, drawings, and giveaways in conjunction with holidays throughout the year. These promotions also include Customer and Employee Appreciation days around the holiday season. These events are designed to thank customers and employees of downtown for their loyalty and to introduce new persons to Porterville to the downtown area. Several shops offer discounts on these days. An Open House is also held around the winter holidays. For this promotion stores stay open late to offer extended shopping hours. Each business is also encouraged to offer light refreshments in their establishments.

DPA will continue working closely with the Porterville Recorder to develop advertising for the downtown area. This will be evidence by banners in the paper, downtown rates, and ads for downtown businesses being grouped together. This will help promote the downtown area as a whole as well as the individual businesses. Discussions have begun regarding instituting a Downtown Tab as well. This tab is planned to include Advertisements, an event calendar, as well as features on our members.

**CIVIC AND COMMUNITY EVENTS**

**Cost:** $0.00  
Staff Hours: 30  
Volunteer Hrs: 60
Civic and Community events are an important part of Downtown Porterville. Downtown Porterville Association, Inc. will continue its involvement in events put on by the City of Porterville, the Chamber of Commerce, and Rotary Club such as the Iris Festival and Children’s Christmas Parade. It is also a goal to become more involved in other community events such as Flag Day Ceremonies, THE Homecoming Festival and the Cinco de Mayo Parade that are put on by other community organizations. DPA also plans on being involved in the continuing development of Centennial Park.

**FUNDRAISERS**

**CAR SHOWS**

<table>
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<th>PROFIT:</th>
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</table>

Downtown Porterville Association, Inc. sponsors the Main Street Car Show each year, and supports the Nuestro Pride Car Show in Downtown Porterville. The Nuestro Pride Car Show creates no cost or profit for the DPA, however it does bring people to the downtown area. The Main Street Car Show, however, has always proven to be a profitable event for DPA. This car show raised approximately $3,000.00 for the DPA last year. Our goal is to increase the profit this year to $3,500.00.

**OTHER PROJECTS**

Due in large part to efforts by Downtown Porterville, mobile vendors are now required to have a business license that can be seen, and a photo ID in their possession. DPA will continue to work with the City to clarify the City Ordinance regarding mobile vendors, to put mobile, generally out-of-town vendors on equal footing with local, established merchants. This is a very important step for our BID.

**MEASUREMENTS OF SUCCESS OF ACTIVITIES**

Like most advertising, many of our promotions do not provide immediate financial realization. To get some idea of the success of our promotions, Downtown Porterville Association, Inc. is developing a plan to continue to quantify the results of each of the marketing tools and promotions listed above. This plan will investigate the equating of foot traffic with advertising value or potential dollars earned by the downtown businesses. DPA will benefit by being able to focus on promotions that produce the greatest benefit for as many business as possible in the BID. The membership will benefit as well by having access to this information.

Our overall goal is to keep Downtown Porterville alive, healthy and strong. By drawing people to Downtown, we increase their knowledge of the Downtown area and of the businesses that are located here. A healthy, active and prosperous Downtown benefits all businesses located within its boundaries. No one wants to visit a business in the middle of an area of vacant, vandalized buildings, trashy storefronts or weed-grown empty lots. No one wants to locate a business in such an area. With input and sponsorship by an informed membership and with the support of City staff and the City Council, Downtown will recover and grow.

All the goals listed above are for the benefit of the entire Business Improvement District. Each goal is attainable. Fiscal year 2005/06 promises great change for Downtown Porterville. The implementation of these goals will greatly improve the downtown area and reactivate it as the Heart of Porterville.
# DOWNTOWN PORTERVILLE ASSOCIATION, INC.
Budget for Fiscal Year 2005/2006

## INCOME

<table>
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<tr>
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**GROSS INCOME**

$ 37,200.00

## EXPENSES

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<td>Welcome Project</td>
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## DOWNTOWN PORTERVILLE ASSOCIATION, INC.

Budget for Fiscal Year 2005/2006

### MARKETING

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**Total Marketing Expenses:** $8,300.00

### MARKETING/PROMOTIONS

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**Total Marketing/Promotions Expenses:** $3,500.00

**Total Expenses:** $44,671.00

**Net Income:** $(7,471.00)
SUBJECT: Annual Review of City of Porterville/Chamber of Commerce Agreement

SOURCE: Administration

COMMENT: On August 21, 1990, the City of Porterville entered into an Agreement with the Porterville Chamber of Commerce for the purpose of having the Chamber provide contributing support in conducting and maintaining certain Chamber programs and activities which best achieve the community promotion objectives of the City. Under the terms of the Agreement, the Chamber is compensated by the City for actively promoting civic, social, and cultural events and activities; disseminating information relative to promoting the advantages of Porterville; and, for asserting positive community values.

Section V of the Agreement requires the Agreement to be reviewed annually to determine whether it should be amended to increase or decrease the scope of services contracted for and the base amount allotted and payable to the Chamber under the terms thereof. This provision was intended to prevent an automatic and obligatory annual commitment of municipal funds in times of limited revenues, and to validate charges for services actually provided or expected. Information required to be provided the City by the Chamber prior to the Council’s annual review of the Agreement includes: (1) Annual Chamber Activity Report; and, (2) Current Financial Statements. The required Activity Report and Financial Statements were received from the Chamber on June 14, 2005, and are attached hereto for the Council’s annual review.

In accordance with the Agreement, the Chamber has requested an annual performance allotment of $20,000.00 for FY 2005-06 (i.e., from November 1, 2004 through October 31, 2005). Unless the Agreement is amended following an annual review, payments of $20,000.00 can be made annually to the Chamber by the City on or before September 1st of each year (in this instance, 09/01/05), but in no event earlier than City Council receipt, and acceptance, of the requisite Chamber Reports.

During the first two years of the Agreement, i.e., FY 1990-91 and FY 1991-92, no changes were made in the Agreement and the City’s allotment to the Chamber was $20,000.00 each year. The Agreement was modified for FY 1992-93, and compensation paid the Chamber by the City was reduced to $18,000.00. In FY 1993-94, the City’s allotment to the Chamber was restored to $20,000.00, and in FY 1994-95, the base allotment of $20,000.00 was supplemented by an additional $9,500.00 for the purpose of promoting All-America City activities. In FY 1995-96, and in each of the following years through FY 2000-01, the City’s allotment remained constant at $20,000.00. In FY 2001-02, the base allotment of $20,000.00 was supplemented by an additional $25,000.00 to help fund Centennial Activities marking the 100th Anniversary of the incorporation of the City of Porterville.
Subsequent to Council review and acceptance of the Chamber’s Activity Report and current Financial Statements, no action is required to maintain the level of services rendered, or the base compensation to be received, as set forth in the Agreement. However, should the Council decide to increase or decrease either services or compensation for FY 2004-05, such a modification requires affirmative Council Action, and a written amendment to the agreement which must be executed by a representative of both the City and the Chamber. Included in the Community Promotion Budget for FY 2004-05 was $20,000.00 to maintain the City/Chamber Agreement without amendment.

RECOMMENDATION: That the City Council accept the Chamber of Commerce Activity Report and Financial Statements.

ATTACHMENTS: 1. City/Chamber Agreement
2. Business License Tax Revenue History
3. Chamber Activity Report
4. Chamber Financial Statements
The Honorable Kelly West  
Mayor, City of Porterville  
291 N. Main Street  
Porterville, CA 93257

June 1, 2005

Dear Mayor West and Members of the Council:

The Porterville Chamber of Commerce completed an exciting 2004 year which included the introduction of new projects and enhancement of existing programs, while effectively serving Porterville businesses and the community. During our 2004 Fiscal Year, we were pleased to see continued increases in the number of individuals visiting our area for tourism activities. Likewise, we maintained our pattern of an annual increase in the amount of individuals contacting our office for referrals and for community inquiries for relocation purposes.

The Chamber was proud to coordinate another very successful Iris Festival event to celebrate our city’s flower and provide an opportunity for tourism traffic and local family involvement. The 6th Annual event achieved a milestone with an estimated 20,000 attendees and a record 185 booths which required a block extension for event expansion! The Iris Festival was again successful in bringing tourists and their dollars to our community, while providing a wonderful, collaborative effort for local family entertainment. This event was widely publicized through various media, tourism publications, and the internet. With the festival, we also welcomed to Porterville 500 guests visiting with the American Iris Society Annual Convention.

Our organization was fortunate to have had the opportunity to take on the coordination of the Porterville All America City 10-Year Anniversary Celebration, in addition to the All America City Conference. We were appreciative of the privilege of partnering with the City, and numerous other organizations, to orchestrate the presentation of these activities. In 2004, the Chamber also introduced the Sierra Business Conference—a educational, informational and motivational venue for business people of southeastern Tulare County. This first time event was attended by over 225 business representatives and received very positive response from attendees. It was exciting for the Chamber to provide such a venue in our community and welcome very acclaimed speakers to Porterville. Additionally, the Chamber jointly presented employer workshops with the City and other partners to keep our businesses aware of various critical issues, and assist with business retention and expansion.

Enclosed, please find our 2004 Fiscal Year activity report including City Agreement (and other) activities and our year-end Balance Sheet. Both are for your review and presented in accordance with the “Agreement Between the City of Porterville and the Porterville Chamber of Commerce,” dated August 21, 1990. This letter also serves as our official request for the City’s budgeted 2004/2005 allotment to the Porterville Chamber of Commerce of $20,000.

The Chamber sincerely appreciates the partnership support that the City Council and City staff provided in FY2004. We are pleased to continue in this cooperative effort of promoting our community and tourism while working to create a stronger local economy. As our theme relayed, it was a year of ‘Pursuing Positive Healthy Growth.’

Sincerely,

Susie Hamlin, Board Chair  
Donnette Silva Carter, President/CEO
Annual Report
to the Porterville City Council
City of Porterville

2004 Fiscal Year

Porterville Chamber of Commerce
In compliance with the agreement between the City of Porterville and the Porterville Chamber of Commerce, the Chamber has met and exceeded its obligation to provide tourism promotion, relocation and visitor assistance, and community promotion. These and other accomplishments for the Chamber’s Fiscal Year 2004 are outlined below:

1. The Chamber sponsored the 6th Annual Iris Festival to again provide a spring event for family entertainment, tourism, and the celebration of our city’s official flower, the purple iris. This event was widely advertised locally, regionally and statewide and included in some national publications. The 2004 Iris Festival again saw the Chamber involved in collaborative efforts with various other local groups and area activities held that day including Porterville Celebrates Reading, the Gleaners Pancake Breakfast and the Springville Rodeo. The attendance was at its best with a record crowd of 20,000. We had another increase in the number of vendor booths, this time requiring a last minute one block expansion of the event. The increase also saw more vendors traveling from out of state and utilizing our local lodging and camping facilities. This year’s event welcomed 500 members attending the Annual America Iris Society Convention as well as additional visitors from outside of California. Numerous downtown merchants reported that their sales were up on the day of this event.

2. Served as the community’s active visitor information bureau by providing community information on recreational activities, entertainment, special events, available lodging, restaurants, etc. to an average of over 300 phone and walk-in contacts per month.

3. Partnered with the City of Porterville, and others, to coordinate and administratively support the All America City 10-Year Anniversary Street Party Celebration. This activity welcomed a cross-section of residents to observe this momentous occasion in the true spirit of the All America City designation in June 1994.

4. Collaborated with the City of Porterville and numerous organizations and agencies to present Porterville’s first All America City Conference. The goal was to provide an informational forum to address the community issues of gang violence, teen pregnancy, and domestic violence. Over 125 people participated in the conference. Action plans were established to address each issue item, with the responsibility for such spread amongst various partners.

5. Supported the City of Porterville in its economic development efforts by maintaining our collaborative Economic Development Committee and by providing information to City staff on those businesses who contact the Chamber with an interest in locating in Porterville. The Chamber fulfills the requests from interested parties for information about community demographics, real estate availability, the retail industry, community events, and recreational opportunities. The Chamber also researched potential industrial and service business recruitment candidates, from target areas, the information of which will be utilized for future business recruitment by the City and the Chamber.

6. Promoted tourism in Porterville and the surrounding area in recognition of the economic impact tourism has on the community. We continued our presence in the Land of the Giants tourism publication which is distributed nationally and internationally at tourism trade shows. Tourism advertising was also included in the Discover magazine.

7. Maintained our partnership and participation in the Tulare County Workforce Investment Department Employment Connection for the promotion of workforce resources for our residents and the providing of services to businesses through the Business Resource Center.
8. Provided information and referral (and other requested) support for established and new community projects such as the Porterville Fair, Jackass Mail Run, Veteran’s Day Parade, Nuestro Pride Car Show, Sierra Winter Classic, Downtown Porterville Car Show, Pow Wow, Outdoor Adventure Expo, City of Hope Spectacular, Cinco de Mayo Celebration, Flag Day Ceremony, Rollin Relics Car Show, Porterville Museum Motorcycle Show, and Lamb Slam.

9. The Chamber fulfilled requests from individuals researching or planning a relocation to Porterville. On the average, we received 20-40 requests per month. Additionally, over 300 special relocation packets were prepared for employers involved in employee hiring campaigns and materials were provided to employers preparing their own packets.

10. Constructed Porterville community booths at the Tulare County and Porterville Fairs with the purpose of highlighting the offerings of our community.

11. Continued the sponsorship the Highway 190 Committee which seeks to secure funding for the expansion of the highway to provide enhanced connectivity to the greater Porterville area. The Chamber cooperated with the City to engage the services of a lobbyist to assist with this process.

12. Over 1500 community visitor packets were distributed at special events, professional conferences and club activities. The materials in these packets provide information about our community and promote our local businesses. Some of those events were: Sierra Winter Classic - 150, the Lamb Slam - 150, and the American Iris Society - 500.

13. Maintained a world wide web page through which we receive daily requests for information about the community from individuals and businesses. Requests are received from throughout the United States and many foreign countries as well.

14. Provided information to various location scouts inquiring about filming in and around Porterville.

15. The Chamber maintained membership in the Sequoia Regional Visitor’s Council which promotes tourism for Tulare County. Our participation in this effort included supporting our President/CEO’s leadership role as Vice President of this organization.

16. Participated in the International Ag Expo Visitor Center to provide information and referral to visitors from around the world. Materials on Porterville were distributed as well as the inclusion of Porterville lodging and restaurant sites in a newly developed Tulare County guide prepared for the Expo.

17. Co-sponsored with the EDD, City of Porterville, and Employer Advisory Council, valuable and low cost employer seminars to keep local businesses up-to-date on important issues which impact their operation i.e. employee retention and expansion, employer laws, etc.

18. Provided support to the American Iris Society’s National Convention coordination and participated in media promotion efforts during their visit. The conference was held in April and brought visitors to Porterville and the region.

19. Introduced a new business networking monthly function - First Friday Coffee. This event also hosted the State of the City address presented by then Mayor Pedro “Pete” Martinez.
19. Presented the annual Children’s Christmas Parade in cooperation with the Rotary Club of Porterville, Downtown Porterville Association, and the City of Porterville.

22. Coordinated the “Administrator for a Day” project whereby local business and community leaders were placed into school sites. This project provides a unique opportunity to strengthen the relationship between business and education in our community; create a greater awareness of the educational process in Porterville; and, increase the knowledge of our educators as to the training and education necessary to secure employment in our local workforce. It is the hope of the Chamber that the insights gained by both educators and business leaders will be invaluable as schools reshape education to meet the challenges of preparing the future workforce.

23. Maintained an active Government Affairs Committee charged with the responsibility of advocating on behalf of business in our community. The committee continued it’s membership in the regional Business, Industry & Government coalition and they sponsored a community Legislative Forum.

23. Supported the efforts of many community organizations by serving as an information center for over 150 social, cultural, business and miscellaneous events.

25. Sponsored six local community blood drives.

26. Continued to support the Leadership Porterville program, a valuable project which promotes civic leadership by training and educating emerging community leaders.

27. Presented an expanded and sold-out Business Showcase trade show event to promote business to business marketing in Porterville.

28. Co-sponsored, with the Tulare County Office of Education and Porterville Unified School District, Porterville’s first COOL Night South Middle School College & Career Expo. This exciting new program provides a local venue for middle school students and their parents to learn about career/vocation options, colleges and financial support, and local high schools and their campus activities. The goal is to provide students with education about and motivation to attend high school as the first step toward workforce preparedness, while also introducing them to careers and college.

29. The Chamber formed a partnership with the Service Corps of Retired Executives (SCORE) program to bring the services to our office to make them more accessible to Porterville area businesses. This entrepreneurial counseling is a valuable business establishment/growth/retention tool and is provided free of charge.

30. Participated in the City of Porterville Partners Network.

31. Continued active support of the community Mural Project Committee and celebrated the completion of Porterville first mural – The Centennial Mural. This project contributes to community beautification, downtown redevelopment, and tourism attraction.

32. Hosted local ground breaking and ribbon cutting events in the community.
33. Presented the first Sierra Business Conference – an informational, educational and motivational event for business people in our area. The conference included acclaimed speakers sharing information on business management, Valley economics, legislative issues impacting business, and more.

34. In partnership with the Porterville Police Department, continued the Anti-Graffiti Rewards Program and Graffiti hotline. Two rewards were issued.

35. Held 12 monthly mixers for business networking in Porterville.

# Chamber of Commerce of Porterville

**Balance Sheet**

As of October 31, 2004

## ASSETS

### Current Assets

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**TOTAL ASSETS**

603,604.29

## LIABILITIES & EQUITY

### Liabilities

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<td>Accounts Payable</td>
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<td><strong>Total Accounts Payable</strong></td>
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<tr>
<td>Credit Cards</td>
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<tr>
<td>Visa</td>
<td>1,192.89</td>
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<td><strong>Total Credit Cards</strong></td>
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<tr>
<td>Other Current Liabilities</td>
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<tr>
<td>Deferred Income</td>
<td>40,592.46</td>
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<tr>
<td>Payroll Liabilities</td>
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<tr>
<td>Fed Unempl Payable</td>
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<td>FICA Payable</td>
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<td>FIT Payable</td>
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<td>Medicare Payable</td>
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<td>SDI Payable</td>
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<td>Payroll Liabilities - Other</td>
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<td><strong>Total Payroll Liabilities</strong></td>
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<td>Sales Tax-Payable</td>
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<td><strong>Total Other Current Liabilities</strong></td>
<td>42,083.82</td>
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<td><strong>Total Current Liabilities</strong></td>
<td>43,437.92</td>
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## Chamber of Commerce of Porterville Balance Sheet
### As of October 31, 2004

<table>
<thead>
<tr>
<th></th>
<th>Oct 31, 04</th>
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<tr>
<td><strong>Long Term Liabilities</strong></td>
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<tr>
<td>Construction of Building Loan</td>
<td>342,949.83</td>
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<td>Total Long Term Liabilities</td>
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<tr>
<td><strong>Total Liabilities</strong></td>
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<tr>
<td><strong>Equity</strong></td>
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<td>Ambassadors</td>
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<td>Member Equity</td>
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<td>Retained Earnings</td>
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<tr>
<td>Net Income</td>
<td>14,765.84</td>
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<tr>
<td><strong>Total Equity</strong></td>
<td>217,216.54</td>
</tr>
<tr>
<td><strong>TOTAL LIABILITIES &amp; EQUITY</strong></td>
<td>603,604.29</td>
</tr>
</tbody>
</table>
SUBJECT: Approval of Indian Gaming Local Community Benefit Committee Agreement for School Resource Officer and Gang Deterrence Officer

SOURCE: CITY MANAGER

In 2004, the City received a grant from the Indian Gaming Local Community Benefit Committee to pay a portion of the cost for the purchase of a new ladder truck and to retain a police officer. The City has implemented the agreement. The ladder truck is under order and the second school resource officer has been retained. The grant’s portion of the school resource officer is $30,000 per year. Additional costs have been covered by the Porterville Unified School District and the Burton School District by an agreement.

This year the City applied for monies to continue the school resource officer and to also hire sworn personnel to address gangs in the community. The City’s application was for a total of $130,000 and was allocated $30,000 to school resources and $100,000 to gang deterrence.

The Indian Gaming Local Community Benefit Committee after considering applications allocated a total of $115,978 to the City for this purpose. If the $30,000 is allocated out for the School Resources Officer, $85,978 remains for the Gang Deterrence Officer. The full cost of an officer in the first year, hiring at “C” step and including vehicle and equipment cost is about $124,000. Therefore, the allocated sum would cover about 8.5 months at full cost. Additional time could be added if an officer is hired at a lower step, vehicle expense is reduced through some economy or if Police Department funds are used for supplementation. At the latest, an officer would be hired for the function in October and possibly earlier depending on other factors.

This position will bring the force to 46 sworn position. If the sales tax measure is not successful and if monies are not available in future years from grant funds, monies are not apparent based upon the 2005/06 Fiscal Year budget structure to support the position. Therefore, to continue the position in future years, program monies will have to be reallocated within the Police Department, or other City programs will be modified, reduced or eliminated to continue the program for the 46th sworn police position.

As a matter of information, though the agreement has not been signed, the City has already received the monies from the State of California.
The availability of the Indian Gaming grant monies has been of great assistance for both the Porterville Police and Fire departments. The money has allowed the replacement of essential apparatus in the Fire Department that otherwise would have been very difficult to accomplish and has been a catalyst to increasing police staffing for the 2004/05 FY and 2005/06 FY.

City management wishes to express its great appreciation for the grants received to the Tule River Tribal Council and the Tulare County Indian Gaming Local Community Benefit Committee.

Recommendation:

- Authorize the 46th police sworn position;
- Authorize the Mayor to execute the Tulare County Indian Gaming Local Community Benefit Committee (CBC) Agreement for the grant of $115,978.
TULARE COUNTY
INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE (CBC)
AGREEMENT
GRANT OF FUNDS - 2005/2006

RECIPIENT: City of Porterville

The local jurisdiction designated above ("Recipient") is approved for a grant of funds in an amount not to exceed (amounts $115,978.00). This grant is affirmatively sponsored by Tule River Tribe and certified by the Tulare County Indian Gaming Local Community Benefit Committee ("Committee"), pursuant to California 2003 Senate Bill 621 Chapter 858 ("SB 621"). This grant is made to provide services as set forth in Attachment A (attachment includes the Application Form for fiscal year 2005/06), incorporated by reference, subject to the following terms and conditions.

IN WITNESS WHEREOF, Committee and Recipient have executed this Agreement.

<table>
<thead>
<tr>
<th>Authorized Signature for Committee:</th>
<th>Authorized Signature for Recipient:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Printed Name of Person Signing:
CAMERON HAMILTON
Title:
Committee Chairperson
Date:

Printed Name of Person Signing:
Title:

Date:
1. NOTICES

All correspondence and notices required or contemplated by this grant shall be delivered to the respective parties at the addresses set forth below. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid. Notice personally delivered is effective when delivered. Notice sent by facsimile transmission is deemed to be received upon successful transmission. Notice sent by first class mail shall be deemed received on the fifth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

Committee:
Cameron Hamilton,
Chairman
C/O County Administrative Office
2800 W. Burrel Ave.
Visalia, California 93291

Recipient:
John Longley
291 N. Main Street
Porterville, CA 93257

2. SOURCE AND SCOPE OF FUNDING

A. This grant award ("Agreement") is valid and enforceable only if sufficient funds are available to the Committee from the California State’s Indian Gaming Special Distribution Fund for the purposes of this program and are released by the State Controller’s Office. In addition, this Agreement is subject to any additional restrictions, limitations, or conditions enacted or otherwise imposed by the State of California, which may affect the provisions, terms, or funding of this Agreement in any manner.

B. It is mutually agreed that if the State does not appropriate or distribute sufficient funds for the program, this Agreement shall be amended to reflect a proportionate reduction in funds.

C. The Committee retains the option to amend this Agreement to reflect any reduction of funds.

D. The grant funds shall be disbursed directly to the Recipient by the State Controller’s Office.

3. TERM

The term of this Agreement shall be from July 1, 2005, to and including June 30, 2006. This Agreement shall be subject to termination by the Committee immediately upon notice to the Recipient. Funds shall not be automatically renewed by the Committee upon or after the term of the Agreement except by either formal amendment or certified grants on multiyear basis as expressly approved by the Committee.

4. TERMINATION

1) Termination for cause:
   a. Due to Default or Breach of Agreement. Upon default by the Recipient in the performance of this Agreement or material breach of any of its provisions, Committee may, at the Committee’s sole option, terminate this Agreement by written notice, which shall be effective upon deemed receipt by Recipient.
b. **Due to State’s Non-Appropriation.** Termination may occur if no funds or insufficient funds are available for payments. Termination shall be effective immediately upon written notice to Recipient of decrease or elimination of funds.

2) Suspension of Performance: Independent of any right to terminate this Agreement, the authorized representation of the Committee may immediately suspend performance by Recipient, in whole or in part, in response to health, safety or financial emergency, or a failure or refusal by Recipient to comply with provisions of this Agreement, until such time as the cause for suspension is resolved, or a notice of termination becomes effective.

5. **DEFINITIONS**

“Recipient” means any city, county, or special district to which an Agreement is awarded and which shall be accountable to the Committee for the use of funds provided.

6. **SCOPE OF WORK/PERFORMANCE AND REQUIREMENTS OF RECIPIENT**

A. **Incorporation by Reference of the Application Submission of Recipient.** The application submission of Recipient is hereby incorporated by reference to the extent that the application has not been altered or amended by the provisions of Attachment A hereto.

B. **Requirements per S.B. 621.**

(1) Recipient shall not use any part of this grant money for any purpose that would support or fund, directly or indirectly, any effort related to opposition or challenge to Indian gaming in the state, and, to the extent any awarded grant is utilized for any prohibited purpose by any local government, upon notice given to the Local Community Benefit Committee by the Tule River Tribe from whose Individual Tribal Casino Account the awarded grant went toward that prohibited use, the grant shall terminate immediately, and any monies not yet used shall again be made available for qualified nexus grants.

(2) Recipient shall provide notice to the public, either through a slogan, signage, or other mechanism, which states that the local government project has received funding from the Indian Gaming Special Distribution Fund and which further identifies the Tule River Tribal Casino Account from which the grant derives.

7. **REIMBURSEMENT OF FUNDS**

Notwithstanding any other provision, Recipient agrees to reimburse, in full, any and all funds received from the State Controller’s Office, upon request of the Committee, where such funds as determined by the Committee are not, or have not been utilized by Recipient for their purpose as intended by SB 621 and this grant MOU. The terms and conditions of reimbursement shall be at the sole discretion of the Committee and/or the state.

8. **FISCAL AUDIT, REPORT AND RECORDS**

A. Every Recipient of funds shall provide a copy of their annual financial audit to the Committee covering the fiscal year that funds are received or services provided pursuant to this Agreement. Such audit shall be performed by an independent auditor, using generally accepted accounting principles.
B. Every Recipient of funds shall provide a report of service performed as related to the use of grant moneys to the Committee on an annual basis. Such report shall contain all information required to enable the Committee to perform its duties.

C. Such financial audits and reports of service performed shall be submitted to the Committee Chairperson, or designee, on or before February 15, 2006.

D. The Committee reserves the right to conduct its own audit regarding the use of grant moneys by the Recipient.

E. Every three years the State Auditor shall conduct an audit regarding the allotment and use of moneys from the Indian Gaming Special Distribution Fund by the Recipient of the grant moneys. Recipient shall fully cooperate with this audit and shall provide all requested information and/or documentation.

F. Recipient shall retain such reports, and all records associated with this Agreement for at least five (5) years following the close of the fiscal year in which this Agreement is in effect or until any county, state or federal audit are completed, whichever is later. This obligation is not terminated upon termination of this Agreement, whether by recession or otherwise. Recipient agrees to require any subcontractors to retain all records associated with the Agreement for the same time period.

G. Books and records shall be maintained in accordance with general accounting standards for books and record keeping and shall be made available upon request by the Committee in either Tulare or Sacramento counties.

9. PUBLIC DISCLOSURE OF DOCUMENTS

Recipient acknowledges and agrees that information, communications, and documents given by or to the Committee, and meetings involving Committee members, or staff may be subject to applicable law on public disclosures and/or public meetings. Recipient shall use its best efforts to cooperate with the Committee in order that it may fully comply with the requirements of such laws and regulations.

10. GOVERNING LAW AND VENUE

A. This Agreement, and its construction and interpretation as to validity, performance and breach shall be construed under the laws of the State of California. In the event any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

B. The provision of the Government Claims Act (Government Code Section 900 et seq.) must be followed first for any disputes under this Agreement.

C. All actions and proceedings arising in connection with this Agreement shall be tried and litigated exclusively in state or federal (if permitted by law and a party elects to file an action in federal court) courts located in the County of Tulare, State of California. Recipient waives the removal provisions of California Code of Civil Procedure section 394.

11. SUBCONTRACTOR FOR WORK OR SERVICES

A. Committee does not recognize subcontractors under this Agreement. Committee holds Recipient solely responsible for the performance of all duties and obligations under this Agreement. Recipient agrees and understands that Committee does not enter into, or assume any legal relationship with any subcontractor of Recipient for performance under this Agreement. Recipient agrees to remedy any and all breaches of any agreements with any
subcontractor, and further agrees that Recipient may not look to Committee for any payment, liability, or assistance in the remedy of any actual or alleged breach.

B. Any and all subcontractor(s) shall conform to all requirements of the Committee and any Agreement between the Recipient and Committee. Copies of subcontractor agreements between participating third parties, if any, and Recipient, shall be submitted to the Committee within 30 calendar days from the start date of the Agreement.

C. An organizational chart should be provided by Recipient for any new Agreement term illustrating the roles and responsibilities of each subcontractor. Copies of all subcontractor permits, employee licenses or business, state and/or clinic licenses shall be on file with the Recipient in order for the subcontractor to perform the proposed services. Subcontractor agreements shall be updated each Agreement term.

12. INDEPENDENT CONTRACTOR

It is understood and agreed that Recipient is an independent contractor and that no relationship of employer-employee exists between the Recipient and Committee. Neither Recipient, nor Recipients’ officers, agents, employees, or subcontractors shall be entitled to any benefits payable to employees of Committee, including Worker’s Compensation. Recipient agrees to indemnify and hold harmless the Committee for any cost or expense the Committee may incur as a result of any claim wherein the claimant alleges any employee / employer relationship exists between the Claimant and the Committee.

13. INDEMNIFICATION

Recipient shall defend, indemnify and hold harmless the Committee from any liability whatsoever, including but not limited to, property damage, bodily injury, or death, based or asserted upon any services of Recipient, its officers, employees, subcontractors, agents or representatives arising out of or in any way relating to this Agreement and Recipient shall defend at its sole expense and pay all costs and fees, including but not limited to, attorney fees, cost of investigation, defense and settlements or awards, on behalf of the Committee in any claim or action based upon such liability.

With respect to any action or claim subject to indemnification herein by Recipient, Recipient shall, at their sole cost, have the right to use counsel of their choice and shall have the right to adjust, settle, or compromise any such action or claim without the prior consent of Committee; provided, however, that any such adjustment, settlement or compromise in no manner whatsoever limits or circumscribes Recipient’s indemnification to the Committee as set forth herein.

Recipient’s obligation hereunder shall be satisfied when Recipient has provided Committee the appropriate form of dismissal relieving the Committee from any liability for the action or claim involved.

The specified insurance limits required in this Agreement shall in no way limit or circumscribe Recipient’s obligations to defend, indemnify and hold harmless the Committee herein from third party claims.

In the event there is conflict between this clause and California Civil Code Section 2782, this clause shall be interpreted to comply with Civil Code 2782. Such interpretation shall not relieve the Recipient from indemnifying the Committee to the fullest extent allowed by law.
14. INSURANCE

Without limiting or diminishing the Recipient’s obligation to indemnify or hold the Committee harmless, Recipient shall procure and maintain or cause to be maintained, at its sole cost and expense, the following insurance coverage’s during the term of this Agreement.

A. Workers’ Compensation:

If the Recipient has employees as defined by the State of California, the Recipient shall maintain statutory Workers’ Compensation Insurance (Coverage A) as prescribed by the laws of the State of California. Policy shall include Employers’ Liability (Coverage B) including Occupational Disease with limits not less than $1,000,000 per person per accident. The policy shall be endorsed to waive subrogation in favor of the Committee, and, if applicable, to provide a Borrowed Servant/Alternate Employer Endorsement.

B. Commercial General Liability:

Commercial General Liability insurance coverage, including but not limited to, premises liability, contractual liability, products and completed operations liability, personal and advertising injury, cross liability coverage and employment practices liability, covering claims which may arise from or out of Recipient’s performance of its obligations hereunder. Policy shall name the Committee as an Additional Insured. Policy’s limit of liability shall not be less than $1,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this agreement or be no less than two (2) times the occurrence limit.

C. Vehicle Liability:

If Recipient’s vehicles or mobile equipment are used in the performance of the obligations under this Agreement, then Recipient shall maintain liability insurance for all owned, non-owned or hired vehicles so used in an amount not less than $1,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this agreement or be no less than two (2) times the occurrence limit. Policy shall name the Committee as an Additional Insured.

D. General Insurance Provisions - All lines:

1) Any insurance carrier providing insurance coverage hereunder shall be admitted to the State of California and have an A M BEST rating of not less than A: VIII (A:8) unless such requirements are waived, in writing, by Tulare County Risk Manager. If the County’s Risk Manager waives a requirement for a particular insurer such waiver is only valid for that specific insurer and only for one policy term.

2) The Recipient’s insurance carrier(s) must declare its insurance deductibles or self-insured retentions. If such deductibles or self-insured retentions exceed $100,000 per occurrence such deductibles and/or retentions shall have the prior written consent of the County of Tulare’s Risk Manager before the commencement of operations under this Agreement. Upon notification of deductibles or self insured retention’s unacceptable to the Committee, and at the election of the County’s Risk Manager, Recipient’s carriers shall either; 1) reduce or eliminate such deductibles or self-insured retention’s as respects this Agreement with the Committee, or 2) procure a bond
which guarantees payment of losses and related investigations, claims administration, and defense costs and expenses.

3) Recipient shall cause Recipient’s insurance carrier(s) to furnish the County of Tulare with either 1) a properly executed original Certificate(s) of Insurance and certified original copies of Endorsements effecting coverage as required herein, and 2) if requested to do so orally or in writing by the County Risk Manager, provide original Certified copies of policies including all Endorsements and all attachments thereto, showing such insurance is in full force and effect. Further, said Certificate(s) and policies of insurance shall contain the covenant of the insurance carrier(s) that thirty (30) days written notice shall be given to the County of Tulare prior to any material modification, cancellation, expiration or reduction in coverage of such insurance. In the event of a material modification, cancellation, expiration, or reduction in coverage, this Agreement shall terminate forthwith, unless the Committee receives, prior to such effective date, another properly executed original Certificate of Insurance and original copies of endorsements or certified original policies, including all endorsements and attachments thereto evidencing coverage’s set forth herein and the insurance required herein is in full force and effect. Recipient shall not commence operations until the Committee has been furnished original Certificate(s) of Insurance and certified original copies of endorsements and if requested, certified original policies of insurance including all endorsements and any and all other attachments as required in this Section. An individual authorized by the insurance carrier to do so on its behalf shall sign the original endorsements for each policy and the Certificate of Insurance.

4) It is understood and agreed to by the parties hereto and the insurance company(s), that the Certificate(s) of Insurance and policies shall so covenant and shall be construed as primary insurance, and the Committee’s insurance and/or deductibles and/or self-insured retention’s or self-insured programs shall not be construed as contributory.

5) The provisions of this Agreement shall to construed to apply to all subcontractors working for Recipient pursuant to this grant. Subcontractors shall not commence operations until they have complied with the provisions of paragraph 3) above.

6) The insurance requirements contained in this Agreement may be met with a program(s) of self-insurance acceptable to the Committee.

7) Recipient agrees to notify Committee of any claim by a third party or any incident or event that may give rise to a claim arising from the performance of this Agreement.

15. ASSIGNMENT

This Agreement shall not be assigned by Recipient, either in whole or in part, without prior written consent of Committee, as approved and authorized by formal action of the Committee.

16. ALTERATION AND/OR AMENDMENT

No alteration, amendment, or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein shall be binding on any of the parties hereto. Only the Committee, by formal action, may authorize any alteration or revision to this Agreement on behalf of the Committee. The parties
expressly recognize that individual Committee members, advisory committee members, or staff to the Committee is without authorization to either change or waive any requirements of this Agreement without formal action of the Committee.

The parties recognize that the project, as proposed in the grant application, may not be able to be constructed without additional funding from another source, such as federal funding. In the event additional funds are delayed or denied, Recipient shall have discretion to apply the funds received from this grant to begin construction of the project. In the event additional funds are unavailable, Recipient shall have discretion to apply the funds received from this grant to fulfill or complete part of the proposed project. Recipient shall provide the Committee, in Attachment A, with a description of the work to be completed based on the actual award of funds.

17. WAIVER AND SEVERABILITY

Any waiver by Committee of any breach of any one (1) or more terms of this Agreement shall not be construed to be a waiver of any subsequent or other breach of the same term of any other term herein. In the event any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

18. OFFICIAL DOCUMENTS

Upon the Agreement approval by the Committee, one (1) completed set of this document will be sent to the Recipient. Such copy shall be the officially approved Agreement for the conduct of the approved project.

19. CONFLICT OF INTEREST

Recipient agrees at all times in performance of this Agreement to comply with the law of the State of California regarding conflicts of interests or appearance of conflicts of interests, including, but not limited to Government Code Section 1090 et seq., and the Political Reform Act, Government Code Section 81000 et seq. and regulations promulgated pursuant thereto by the California Fair Political Practices Commission. The statutes, regulations and laws previously referenced include, but are not limited to, prohibitions against any public officer or employee, including Recipient for this purpose, from the making of any decision on behalf of the Committee in which such officer, employee or consultant has a direct or indirect financial interest. A violation can occur if the public officer, employee or consultant participates in or influences any Committee decision which has the potential to confer any pecuniary benefit on Recipient or any business firm in which Recipient has an interest, with certain narrow exceptions.

Recipient agrees that if any facts come to it’s attention which raise any questions as to the applicability of conflicts of interests laws, it will immediately inform the Committee designated representative and provide all information needed for resolution of this question.

20. CERTIFICATION OF AUTHORITY TO EXECUTE THIS AGREEMENT
Recipient certifies that the individual signing herein has authority to execute this Agreement on behalf of Recipient, and may legally bind Recipient to the terms and conditions of this Agreement, and any attachments hereto.

21. COMPLIANCE WITH LAW

Recipient shall, at its sole cost and expense, comply with all County, State, and Federal law now in force or which may hereafter be in force with regard to this Agreement. The judgment of any court of competent jurisdiction, or the admission of Recipient in any action against Recipient, whether Committee be a party thereto or not, that Recipient has violated any such ordinance or statute, shall be conclusive of that fact as between Recipient and Committee.

22. CONFLICTS IN INTERPRETATION

In the event of conflict in interpretation by the parties of the provisions contained in the numbered sections of this Agreement and the provisions contained in the Attachments hereto, the provisions of the numbered sections of this Agreement shall prevail over those in Attachments hereto.

23. ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement between the parties hereto with respect to the subject matter hereof and all prior or contemporaneous Agreements of any kind of nature relating to the same shall be deemed to be merged herein. Any modifications to the terms of this Agreement shall be by the provisions of the section entitled “Alteration and/or amendment” herein.
ATTACHMENT A:

SCOPE OF WORK/PERFORMANCE TARGET OUTLINE

Application attached.

/jlangley/SB 621/Recipient MOU/amended 6-2-05
TULARE COUNTY INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE
Application For FY 2005-2006 Grant

A. Name of Jurisdiction: City of Porterville

B. Name of Project: Addition of Gang Deterrence Officer -- Police Department

C. Impacts associated with Eagle Mountain casino? See attached application
   (On a separate sheet(s) of paper, describe the impact(s) associated with the Tribal casino and/or gaming. Please include historical data if available)

D. Type of grant for which you are applying: (60% Nexus or 20% non-Nexus)
   60% Nexus Grant  

Please circle the letters that apply: (A minimum of two criteria must be met.)
   a. Local Government Jurisdiction borders the tribal land on all sides;
   b. Local Government Jurisdiction partially borders tribal land;
   c. Local Government Jurisdiction maintains a highway or road that is the predominant access to a casino that is located within 4 miles;
   d. All or part of the Local Government Jurisdiction is located within 4 miles of the casino.
      • 50% awarded (on a pro-rata basis) to jurisdictions meeting all four Nexus criteria
      o 30% awarded to jurisdictions meeting three of the Nexus criteria
      o 20% awarded to jurisdictions meeting two of the Nexus criteria
      (Please check the appropriate circle above)

20% Non-Nexus Grant

These 20% Non-Nexus Grants are intended for local jurisdictions impacted by casinos of tribes paying into the Special Distribution Fund.

20% Non-Nexus Grant

Grants awarded in this category are discretionary and are limited to addressing service-oriented impacts and providing assistance with one-time large capital projects related to Indian gaming impacts.
The following uses are the priorities for the receipt of grant money. Please check the priorities the project satisfies:

<table>
<thead>
<tr>
<th>Priority</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Law enforcement</td>
<td>x</td>
</tr>
<tr>
<td>Mitigate Environmental Impacts</td>
<td></td>
</tr>
<tr>
<td>Waste Disposal</td>
<td></td>
</tr>
<tr>
<td>Fire Services</td>
<td></td>
</tr>
<tr>
<td>Emergency Medical Services</td>
<td></td>
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<tr>
<td>Water Supplies</td>
<td></td>
</tr>
<tr>
<td>Behavioral Health</td>
<td></td>
</tr>
<tr>
<td>Recreational &amp; Youth Programs</td>
<td></td>
</tr>
<tr>
<td>Public Health</td>
<td></td>
</tr>
<tr>
<td>Child Care Programs</td>
<td></td>
</tr>
<tr>
<td>Planning &amp; Adjacent Land Uses</td>
<td></td>
</tr>
<tr>
<td>Roads</td>
<td></td>
</tr>
<tr>
<td>Other (Briefly describe)</td>
<td></td>
</tr>
</tbody>
</table>

E. On a separate sheet of paper, please provide the following:

1. A complete description of the project;
2. A discussion of the impacts on your jurisdiction associated with the Eagle Mountain Casino; and,
3. An explanation of how the proposed project will mitigate impacts of the casino.
4. Amount of funding requested through this application: $130,000

F. What will be the total cost of the project? $170,000

G. Name other sources of funding, if any, that will be contributed to the project and the amount provided by each source: See attached application

H. Will the project be competitively bid? ______ Yes _______ x _ No Not applicable.

I. Is the project subject to Public Works requirements? _____ Yes ______ x No

J. What is the project time frame? See attached application

K. Is the Tribal sponsorship letter attached? _____ Yes ____ x _ No
   (To be considered for funding this application must include a Letter of Support from the Tribal Chairman or designated authority)

L. Legal address of jurisdiction (or applicant): 291 N. Main Street, Porterville, California, 93257.

M. Federal Tax ID #: 94-6000398

N. Contact Person: Name: John Longley, City Manager
   Phone: (559) 782-7466 Fax(661) 362-4008 Email Address: jlongley@ci.porterville.ca.us
C. Impacts Associated with Eagle Mountain Casino:

The Eagle Mountain Casino operation consists of two separate facilities. The main Casino visited by patrons is located on the grounds of the Tule River Indian Reservation, approximately 17 miles east of the City of Porterville. However, vital operations are also conducted at the Tule River Economic Development Corporation (TREDC) Industrial Park located within the City of Porterville. As the nearest substantially-sized community, and as the site of a major operational facility, the Tule River Indian Tribe and the Eagle Mountain Casino are inextricably linked to the City of Porterville with a wide variety of direct and indirect impacts on service delivery. Those impacts include the following:

1. Law Enforcement to Warehouse and Maintenance Facility.

The City of Porterville Police Department is the primary law enforcement agency for the Eagle Mountain Casino warehouse and maintenance facility located within the TREDC Industrial Park. Services include periodic patrols and response to calls for service and response to alarms. The TREDC facility is located at the Porterville Municipal Airport that is separated from the developed portions of the City by approximately four miles, most of which is outside the jurisdiction of the City. This presents a challenge to the Police Department because patrols of the area require taking a vehicle outside of the more concentrated portions of the City and outside of the City boundary for a substantial period of time.

Police Department records indicate there have been 16 calls for service to the TREDC Industrial Park over the most recent one-year period. This site is unique in the City of Porterville, which makes comparisons to other industrial locations difficult. The calls included a substantial number of traffic and parking concerns, and also included several burglar alarm responses, suspicious activity reports, and other miscellaneous incidents.

2. Law Enforcement to Casino.

The main Casino facility is located on the Tule River Indian Reservation and receives law enforcement protection from the Tulare County Sheriff’s Department. The City of Porterville participates in a mutual aid agreement with the Sheriff’s Department that requires the City to provide backup law enforcement, if possible. Due to the number of patrons using the Casino, especially during special promotional events, any moderately-sized disturbance or incident is likely to require such backup assistance. Furthermore, the City of Porterville periodically participates in joint enforcement task forces and similar activities that may, at some time, include a connection to the Casino’s patrons or employees.
In addition, the Eagle Mountain Casino operates two shuttle bus routes within the City of Porterville, serving four bus stops -- the Porterville Best Western Inn, the Santa Fe Depot Senior Center, Wal-Mart and the City Transit Center. The concentration of patrons at the bus stops, particularly at the Porterville Best Western Inn, presents a potential law enforcement concern that requires periodic patrols of the various locations.

3. **Traffic Enforcement Related to Casino.**

The Porterville Police Department provides traffic enforcement related to nearly all traffic associated with the Eagle Mountain Casino. Approximately 350 employees per day drive on City streets to the warehouse and maintenance facility at the TRED Industrial Park. Employees park on the public street and ride shuttle buses to the main Casino facility. Shuttles run every two hours, twenty-four hours per day, seven days per week. In addition, the Casino operates two shuttle bus routes serving a total of four stops within the City, with service running seven to eight times per day, depending upon demand. Finally, nearly all traffic to the Casino, both individual vehicles and shuttle buses, utilize State Highway 190 through the City of Porterville. The Police Department has primary responsibility for traffic enforcement along this roadway. A representative of the Eagle Mountain Casino conservatively estimated that the facility serves approximately 1,000 patrons per day, the substantial majority of whom arrive by personal vehicle and the majority of those are believed to originate within the City of Porterville.

4. **All Other Services to Warehouse and Maintenance Facility.**

In addition to the specific impacts to public safety identified above, the City provides a complete range of services to the Eagle Mountain Casino warehouse and maintenance facility. Such services include, but are not limited to, the following:

- Domestic Water Service
- Sanitary Sewer Service
- Road Maintenance
- Land Use Planning
- Recreation (for employees and their families)
- Refuse
- Economic Development
- Street Sweeping
- Fire Protection Services

5. **Indirect Service Impacts.**

The presence of the Eagle Mountain Casino (including both the main facility and the warehouse and maintenance facility) creates a variety of indirect demands for services related to the presence of employees and tribal members within the City, the effects of the Tribe’s Casino-funded economic development activities, and “multiplier” effects.
According to their representatives, the Eagle Mountain Casino employs approximately 600 people. Based on their shuttle service records and other information, these representatives estimated approximately 450 employees reside within the City of Porterville. Census records indicate approximately 680 Native Americans reside in Porterville. Based on that information and conversations with tribal representatives, it is estimated that up to 200 tribal members may reside within the City of Porterville. All tribal members have at least an indirect connection to the impacts and benefits of the Casino. Including employees’ families, as much as 3% of the entire population of Porterville has a real connection to the Casino and its economic success. In addition, the entire Tule River Indian Reservation, and most of those employees not residing within the City of Porterville, are within Porterville’s market area, indicating that the majority of residents and employees travel to Porterville to shop and conduct other business. These employees and their families and the tribal members generate demands on all municipal services.

The Tule River Indian Tribe has also committed a portion of their gaming revenues to economic development activities, some of which occur within the City of Porterville. In particular, the Tribe has founded Tule Aero Industries, at the Porterville Municipal Airport. This facility employs approximately 15 people to retrofit private aircraft. While the City of Porterville is strongly supportive of such efforts, to the extent that Casino revenues are used to fund similar projects, there will be ongoing demands for services for these industries, as well as those more directly related to gaming.

Finally, the economic activity related to the Eagle Mountain Casino creates spin-off effects (multipliers) as each employee or firm doing business with the Casino purchases additional goods and services and helps support additional firms within the City. As a rule of thumb, each new service industry job can be expected to create an additional two to three jobs throughout the local economy. Of course, each such business also generates both revenues to the City and demand for the entire scope of City services.
60% Nexus Grant

D. The Eagle Mountain Casino operation consists of two separate facilities. The main Casino visited by patrons is located on the grounds of the Tule River Indian Reservation, approximately 17 miles east of the City of Porterville. However, vital operations are also conducted at the Tule River Economic Development Corporation (TREDC) Industrial Park located within the City of Porterville. The TREDC Industrial Park is owned by the Tribe and is operated by the Tule River Economic Development Corporation. An application has been submitted to the U. S. Department of the Interior to accept the Industrial Park as Federal Trust Land. The Casino leases a 10,000 square foot building from the TREDC for uses including warehousing, Casino offices, employee parking (with shuttle service), employee and patron shuttle bus parking and maintenance, equipment repair and maintenance, and a variety of other activities. These activities are thoroughly integrated into the Casino operations and are considered by both the City and the Tribe to be a part of the Eagle Mountain Casino. Throughout the remainder of the application, these operations will be referred to as the Eagle Mountain Casino warehouse and maintenance facilities.

a. Local Government Jurisdiction borders the tribal (Indian) land on all sides: The Eagle Mountain Casino warehouse and maintenance facilities are located on the north side of Yowlumne Avenue, east of West Road, within the TREDC Industrial Park. The entire Industrial Park is surrounded on four sides by land within the Porterville City Boundary (see map).

b. Local Government Jurisdiction partially borders tribal (Indian) land: The Eagle Mountain Casino warehouse and maintenance facilities are located on the north side of Yowlumne Avenue, east of West Road, within the TREDC Industrial Park. The entire Industrial Park is surrounded on four sides by land within the Porterville City Boundary (see map).

c. Local Government Jurisdiction maintains a highway or road that is the predominant access to a casino that is located within 4 miles: All of the main roads serving the Eagle Mountain Casino warehouse and maintenance facilities are maintained by the City of Porterville. Such roads include the streets internal to the TREDC Industrial Park (Yowlumne Avenue, Yaudanchi Road, and Wukchumni Avenue) as well as West Road, which is the sole access road leading to the Industrial Park, and Scranton Avenue, which is one of two main roads leading to West Road. Scranton Avenue has not been annexed into the City of Porterville but is maintained by the City under an agreement with the County of Tulare.

d. All or part of the Local Government Jurisdiction is located within 4 miles of the casino. The warehouse and maintenance facilities of the Eagle Mountain Casino are located on the north side of Yowlumne Avenue, east of West Road within the TREDC Industrial Park. The entire Industrial Park is surrounded on four sides by land within the Porterville City Boundary (see map).
E:
1. A complete description of the project:

In Fiscal Year 2004/2005, the Tulare County Indian Gaming Local Community Benefit Committee awarded grant funds to the City of Porterville for the purchase of a Fire Department ladder truck and to partially fund the hiring of a police officer. The City used the $30,000 grant awarded to the Police Department to hire a School Resource Officer, who also provides service to the TREDIC site. The City was able to do this through a cost-sharing agreement with the two local school districts in Porterville. The addition of a second School Resource Officer has contributed to a quicker response time to calls for police services at Porterville schools. The officers deal with crime issues, fights, gangs, and other incidents occurring on school campuses. Clearly, this program will contribute to a safer learning environment at our local schools. Services provided by the officer at the TREDIC site improves and facilitates public safety to this facility.

In Fiscal Year 2005/2006, the City of Porterville requests $30,000 to continue funding for the School Resource Officer. This program has proven its value and goes far in improving the safety of children in our schools.

The City of Porterville is also seeking to hire and retain one police officer that will serve in a primary role as a Gang Deterrence Officer. As the community of Porterville is experiencing growth, with this growth has come some “big city” problems such as gangs. The gang situation in Porterville has grown considerably over the past few years. A rise in gang activity and violence is creating a significant challenge to the Police Department and raising the fear of residents. The addition of a Gang Deterrence Officer would go far in combating the growing gang problem. If granted, a supplemental duty of this officer would be to provide law enforcement services directly to Indian lands and associated Casino operations within or near the City of Porterville. The Gang Deterrence Officer may also be assigned to assist the law enforcement activities of a primary local mutual aid agency within Southeastern Tulare County. The southeastern quadrant of Tulare County includes the entire Tule River Indian Reservation, both major Casino facilities (on the Reservation and within the City of Porterville), and all streets and highways with a significant amount of Casino-related traffic.

The City of Porterville is additionally requesting grant funds in the amount of $100,000 for the personnel costs (salary and benefits), equipment costs, and associated costs of the police officer position. The primary duties and responsibilities of the Gang Deterrence Officer would include, but not be limited to:

- Monitoring and tracking gang members and their activities;
- Coordinating the Police Department’s enforcement efforts in combating gangs;
- Serving as representative and liaison to the Tulare County Gang Task Force;
- Raising community awareness and providing training on gang issues;
- Assisting the community in response/action to deal with gangs;
- Working with youth in prevention efforts.

This program will be of great value, as youth ranging in age from 14 to 22 years are targeted for gang
membership. Recent research studies reveal that gangs have reached the youth living on Indian Reservations.

2. A discussion of the impacts on your jurisdiction associated with the Eagle Mountain Casino:

- Law Enforcement to warehouse and maintenance facility.

  The City of Porterville Police Department is the primary law enforcement agency for the Eagle Mountain Casino warehouse and maintenance facility located within the TREDIC Industrial Park. Services include periodic patrols and response to calls for service and response to alarms. The TREDIC facility is located at the Porterville Municipal Airport that is separated from the developed portions of the City by approximately four miles, most of which is outside the jurisdiction of the City. This presents a challenge to the Police Department because patrols of the area require taking a vehicle outside of the more concentrated portions of the City and outside of the City boundary for a substantial period of time.

  Police Department records indicate there have been 16 calls for service to the TREDIC Industrial Park over the most recent one-year period. This site is unique in the City of Porterville, which makes comparisons to other industrial locations difficult. The calls included a number of traffic and parking concerns, and also included several burglar alarm responses, suspicious activity reports, and other miscellaneous incidents.

- Law Enforcement to Casino.

  The main Casino facility is located on the Tule River Indian Reservation and receives law enforcement protection from the Tulare County Sheriff’s Department. The City of Porterville participates in a mutual aid agreement with the Sheriff’s Department that requires the City of Porterville to provide backup law enforcement, if possible. Due to the number of patrons using the Casino, especially during special promotional events, any moderately-sized disturbance or incident is likely to require such backup assistance. Furthermore, the City of Porterville periodically participates in joint enforcement task forces and similar activities that may, at some time, include a connection to the Casino’s patrons or employees.

  In addition, the Eagle Mountain Casino operates two shuttle bus routes within the City of Porterville, serving four bus stops – the Porterville Best Western Inn, the Santa Fe Depot Senior Center, Wal-Mart, and the City Transit Center.) The concentration of patrons at the bus stops, particularly at the Porterville Best Western Inn, presents a potential law enforcement concern that requires periodic patrols of the various locations.

- Traffic Enforcement Related to Casino.

  The Porterville Police Department provides traffic enforcement related to nearly all traffic associated with the Eagle Mountain Casino. Approximately 350 employees per day drive on City streets to the warehouse and maintenance facility at the TREDIC Industrial Park.
Employees park on the public street and ride shuttle buses to the main Casino facility. Shuttles run every two hours, twenty-four hours per day, seven days per week. In addition, the Casino operates two shuttle bus routes serving a total of four stops within the City, with service running seven to eight times per day, depending upon demand. Finally, nearly all traffic to the Casino, both individual vehicles and shuttle buses, utilize State Highway 190 through the City of Porterville. The Police Department has primary responsibility for traffic enforcement along this roadway. A representative of the Eagle Mountain Casino conservatively estimated that the facility serves approximately 1,000 patrons per day, the substantial majority of whom arrive by personal vehicle and the majority of those are believed to originate within the City of Porterville.

- **All Other Services to Warehouse and Maintenance Facility.**

In addition to the specific impacts to public safety identified above, the City provides a complete range of services to the Eagle Mountain Casino warehouse and maintenance facility. Such services include, but are not limited to, the following:

1. Domestic Water Service
2. Sanitary Sewer Service
3. Road Maintenance
4. Land Use Planning
5. Recreation (for employees and their families)
6. Refuse
7. Economic Development
8. Street Sweeping
9. Fire Protection Services

- **Indirect Service Impacts.**

The presence of the Eagle Mountain Casino (including both the main facility and the warehouse and maintenance facility) creates a variety of indirect demands for services related to the presence of employees and tribal members within the City, the effects of the Tribe’s Casino-funded economic development activities, and “multiplier” effects.

According to their representatives, the Eagle Mountain Casino employs approximately 600 people. Based on their shuttle service records and other information, these representatives estimated approximately 450 employees reside within the City of Porterville. Census records indicate approximately 680 Native Americans reside in Porterville. Based on that information and conversations with tribal representatives, it is estimated that up to 200 tribal members may reside within the City of Porterville. All tribal members have at least an indirect connection to the impacts and benefits of the Casino. Including employees’ families, as much as 3% of the entire population of Porterville has a real connection to the Casino and its economic success. In addition, the entire Tule River Indian Reservation, and most of those employees not residing within the City of Porterville, are within Porterville’s market area, indicating that the majority of residents and employees travel to Porterville to shop and
conduct other business. These employees and their families and the tribal members generate demands on all municipal services.

The Tule River Indian Tribe has also committed a portion of their gaming revenues to economic development activities, some of which occur within the City of Porterville. In particular, the Tribe has founded Tule Aero Industries, at the Porterville Municipal Airport. This facility employs approximately 15 people to retrofit private aircraft. While the City of Porterville is strongly supportive of such efforts, to the extent that Casino revenues are used to fund similar projects, there will be ongoing demands for services for these industries, as well as those more directly related to gaming.

Finally, the economic activity related to the Eagle Mountain Casino creates spin-off effects (multipliers) as each employee or firm doing business with the Casino purchases additional goods and services and helps support additional firms within the City. As a rule of thumb, each new service industry job can be expected to create an additional two to three jobs throughout the local economy. Of course, each such business also generates both revenues to the City and demand for the entire scope of City services.

3. **An explanation of how the proposed project will mitigate impacts of the Casino:**

In addition to duties as School Resource Officer and Gang Deterrence Officer, these additional officers will help to ensure that sufficient staffing is available to enhance patrols to the Eagle Mountain Casino warehouse and maintenance facility. The additional resources will also allow for adequate traffic enforcement on roadways serving the Eagle Mountain Casino. Finally, the additional officer would ensure continuity of law enforcement coverage in the event the Sheriff’s Department finds it necessary to invoke the existing mutual aid agreement.
G. Name other sources of funding, if any, that will be contributed to the project and the amount provided by each source:

The School Resource Officer is funded through a cost-sharing agreement as follows:

- City of Porterville $ 30,000
- Porterville Unified School District $ 28,000
- Burton School District $ 12,000

J. What is the project time frame?

The Gang Deterrence Officer will be hired within six months of authorization of funding. The intent is to continue and maintain the School Resource Officer position added in 2005.
SUBJECT: Airport Lease – Lot 47

SOURCE: Fire Department / Airport Division

COMMENT: Dr. Westel Creager currently owns a hangar on lot 47 at the Porterville Municipal Airport. He has extended a purchase option of his private hangar to James Costa. Mr. Costa is requesting Council authorization to assume the existing lease between the City of Porterville and Dr. Westel Creager dated August 1, 2001.

RECOMMENDATION:

That the City Council approve the assigning of the lease agreement between the City of Porterville and Dr. Westel Creager to James Costa.

Attachment:
1) Locator Map
2) Assignment of Lease Agreement
3) Lessor’s Consent to Assignment of Lease Agreement
4) Request to Transfer Letter from Dr. Creager
5) Request to Transfer Letter from Mr. Costa.

Dir. C. M. Approp. Item No. 14
ASSIGNMENT OF LEASE  
(PORTERVILLE MUNICIPAL AIRPORT)

THIS AGREEMENT, made this 21st day of June, 2005, by and between Dr. Westel Creager, 33232 Tule Oak Drive, Springville, California, owner of the hangar on lot 47 at the Porterville Municipal Airport, as the Assignor, and James Costa, 18250 Road 152, Tulare, 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 June 21, 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 August 1, 2001 (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and James Costa, 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. 47, and containing a total area of approximately 6,271.4 square feet, and establishing an original Lease terminating July 31, 2011.

2. Effective June 21, 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.

6. There is a $150 transfer/assumption fee.

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

ASSIGNOR: 

ASSIGNEE:

BY: ________________________
Dr. Westel Creager

BY: ________________________
James Costa
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 21st day of June 2005.

City of Porterville

By: ______________________________________
   Kelly E. West
   Mayor, City of Porterville

   “LESSOR”

Attest: _____________________________________
   John Longley, City Clerk

Approved as to Form:

By: ______________________________________
   Julia Lew, City Attorney
June 1, 2003

Mr. Frank Guyton
Porterville Airport Manager
40 West Cleveland Avenue
Porterville, Ca. 93257

Dear Frank,

I am in the process of selling my hanger on Lot 47 at the Porterville Airport.

The new owner and his address is,

    James Costa
    18250 Road 152
    Tulare, Ca. 93274

He will be assuming my lease with the Council’s approval at the next regular meeting.

Thank you,

Sincerely,

Wes Creager, M.D.
Frank Guyton  
Porterville Airport Manager  
Porterville, Ca. 93265

Dear Frank,

I have purchased the Hanger on Lot 47 at Porterville Airport. As per the Lease Agreement I would like to assume the land lease between the City of Porterville, and Dr. Wes Creager. Please put this on the next Council Agenda.

Thank you.

James Costa
SUBJECT: Consideration of A Statement of support for The Guard and Reserve

SOURCE: CITY MANAGER

The City has received from the Office of the Secretary of Defense a "Statement of Support for the Guard and Reserve." The policy appears to be consistent with City policy and has specific pledges by the City:

1. Employment will not be denied because of service in the Guard or Reserve;
2. Employee job and career opportunities will not be limited or reduced because of service in the Guard or Reserve;
3. Employees will be granted leaves of absence for military service in the Guard or Reserve, consistent with existing laws, without sacrifice of vacation; and
4. This agreement and its resultant policies will be made known throughout our organization.

Recommendation: Approve the policy as presented
Greetings from the Office of the Assistant Secretary of Defense for Reserve Affairs:

By employing members of the National Guard and Reserve, you join a patriotic group of American employers who willingly share our greatest national resource – the men and women who voluntarily and devotedly serve our nation. We are as proud of you as we are of them.

Enclosed with this letter is a Statement of Support. Thousands of employers across the country have signed this document to signify their support for our men and women who serve in the Guard and Reserve. We ask that you sign and display this Statement of Support, and that you fill out the employer registration card and return it in the postage-paid envelope.

Your response will enable us to provide you with useful information and updates that will help you better manage your employees who serve in the Guard and Reserve. We will also list your organization on the Employer Support of the Guard and Reserve (ESGR) website at www.esgr.mil as a 1-Star level supporter. The ESGR website provides downloadable resources pertaining to the Uniformed Services Employment and Reemployment Rights Act (USERRA).

For more information, please contact Captain Edward K. Hooks of the National Committee for Employer Support of the Guard and Reserve (ESGR) at (800)-336-4590, extension 636 or visit our website at www.esgr.mil.

Sincerely,

Bob Hollingsworth
Executive Director
STATEMENT OF SUPPORT
FOR THE GUARD AND RESERVE

CITY OF PORTERVILLE

We recognize the National Guard and Reserve as essential to the strength of our nation and the well-being of our communities.

In the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They train to respond to their community and their country in time of need. They deserve the support of every segment of our society.

If these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security. Their members must have the cooperation of all American employers in encouraging employee participation in Guard and Reserve.

Therefore, we join other employers in pledging that:

1. Employment will not be denied because of service in the Guard or Reserve;
2. Employee job and career opportunities will not be limited or reduced because of service in the Guard or Reserve;
3. Employees will be granted leaves of absence for military service in the Guard or Reserve, consistent with existing laws, without sacrifice of vacation; and
4. This agreement and its resultant policies will be made known throughout our organization.

Certifying for the Employer

Print Name

Date

Chairman
National Committee for Employer Support of the Guard and Reserve

Secretary of Defense

ESGR

EMPLOYER SUPPORT OF THE GUARD AND RESERVE
Join Thousands of Other American Employers...

Earn Five Star Recognition for your support of the men and women now serving proudly in America's National Guard and Armed Forces Reserve. Your state's Employer Support of the Guard and Reserve Committee can and will work with you to provide you with assistance and guidance in keeping your Guard and Reserve member employees on the job and in the ranks.

You can earn the recognition you deserve by providing demonstrated support for the volunteers who serve our nation:

1. Sign a Statement of Support and tell your community that you stand behind our troops — your employees — in peace; in crisis and in war.

2. Review your Human Resource Policies to ensure that your policies comply with the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA, Title 38, US Code, Public Law 103-353). ESGR can assist you.

3. Train your Managers and Supervisors and give them the tools they need to effectively manage your Guard and Reserve member employees — ask your ESGR volunteers for training assistance.

4. Adopt 'Over and Above' Policies in your company that provide your Guard and Reserve member employees with more support than that required by law. Your ESGR volunteers can tell you about the best practices adopted by thousands of other employers across the nation.

5. Support ESGR. YOU can make a difference with your time, energy, effort and contributions. Ask your ESGR volunteer how you can get involved in your state ESGR Committee and how you can reach out to other employers.

NCESGR Form 15B-200405-1
COUNCIL AGENDA: June 21, 2005

SUBJECT: FIXED ROUTE HOLIDAY PARADE RIDERSHIP

SOURCE: Administration (Transit)

COMMENT: At the City Council’s direction, this year the City’s Fixed Route Bus System continued to operate during two major holiday parades – Veterans’ Day on November 11, 2004, and Cinco de Mayo on April 30, 2005. Operating during parade hours does require rather extensive modifications to the routes, but Sierra Management has done an excellent job in informing the riding public, and it did not appear to create any major difficulties.

Ridership was light on Veterans’ Day, contributing to only an eight percent (8%) farebox ratio; however, ridership during the Cinco de Mayo parade day was relatively normal and attained a 20% farebox ratio. Detailed statistics are attached highlighting the two days in question.

If the City Council should decide to continue operating Fixed Route during major parades, staff and Sierra Management will develop and post a “Parade Routing Schedule” highlighting the necessary changes to the affected bus routes. This Schedule will be posted at the City’s Transit Center, together with a list of holidays when the schedule will be in effect.

RECOMMENDATION: That the City Council direct:

1. That the City of Porterville Fixed Route Bus System continue to operate during major holiday parades; and

2. That staff and Sierra Management develop and post a “Parade Routing Schedule” highlighting the necessary changes to the affected bus routes.

ATTACHMENT: 1. Fixed Route Ridership Analysis

DD Appropriated/Funded CM

Item No. 16
**Fixed Route Ridership Analysis** –

**Veterans’ Day (November 11, 2004)**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
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<tbody>
<tr>
<td>No. of Operating Days in November</td>
<td>25 days</td>
</tr>
<tr>
<td>Total ridership for November</td>
<td>33,337 riders</td>
</tr>
<tr>
<td>Average ridership per day</td>
<td>1,371 riders</td>
</tr>
<tr>
<td>Ridership on November 11</td>
<td>424 riders</td>
</tr>
<tr>
<td>Operating Cost for November</td>
<td>$59,756.42</td>
</tr>
<tr>
<td>Operating Cost/Day</td>
<td>$2,390.25</td>
</tr>
<tr>
<td>Revenue Received Nov. 11</td>
<td>$191.95</td>
</tr>
<tr>
<td>Farebox Ratio (Nov. 11)</td>
<td>8%</td>
</tr>
</tbody>
</table>

**Cinco de Mayo (April 30, 2005)**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
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<tbody>
<tr>
<td>No. of Operating Days in April</td>
<td>26 days</td>
</tr>
<tr>
<td>Total ridership for April</td>
<td>39,814 riders</td>
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<tr>
<td>Average ridership per day</td>
<td>1,536 riders</td>
</tr>
<tr>
<td>Ridership on April 30</td>
<td>1,418 riders</td>
</tr>
<tr>
<td>Operating Cost for April</td>
<td>$69,752.71</td>
</tr>
<tr>
<td>Operating Cost/Day</td>
<td>$2,682.79</td>
</tr>
<tr>
<td>Revenue Received April 30</td>
<td>$548.50</td>
</tr>
<tr>
<td>Farebox Ratio (April 30)</td>
<td>20%</td>
</tr>
</tbody>
</table>
SUBJECT: RATIFY USE OF SEARCH FIRM FOR ASSOCIATE PLANNER AND ASSOCIATE CIVIL ENGINEER

SOURCE: Administrative Services

COMMENT: During the June 10, 2005 budget study session, the City Council directed staff to procure the services of a search firm to locate qualified candidates for the critical positions of Associate Planner and Associate Civil Engineer. In prior such efforts, the City retained the firm of DMG Maximus. After a recent reorganization in the firm, those services are now being conducted by Mr. Murray, previously employed by Maximus.

Mr. Murray was contacted to obtain a quote for the aforementioned services. Mr. Murray indicated that the market in those professions is currently saturated with vacant positions, with few qualified candidates available. Based on these market conditions, competition for professionals has become fierce. The fee for each recruitment would be $17,500, plus expenses. Based on the lack of response in earlier recruitment efforts conducted by the City, including recruitment visits to the Schools of Engineering and Planning at both the California Poly-technical Universities at Pomona, and San Luis Obispo, staff recommends the use of a professional search firm to secure professionals in these fields.

RECOMMENDATION: (1) That the Council authorize staff to negotiate professional service agreements with the firm of Murray for professional recruitment services.

(2) Authorize the Mayor to sign the agreements when finalized.

ATTACHMENTS Job Flyers for Associate Civil Engineer and Associate Planner.

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<th>Dir.</th>
<th>Appro./ Funded</th>
<th>CM</th>
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Item No. 17
PUBLIC HEARING

SUBJECT: BUDGET ADOPTION FOR THE 2005-06 FISCAL YEAR

SOURCE: Administrative Services

COMMENT: On June 10, 2005, the City Council conducted a study session to review the proposed 2005-06 budget. At the study session, staff presented the budget message which is attached to this report. The budget message contained specific information regarding the assumptions upon which the document was created.

The message describes the deficit budget status in the 2005-2006 fiscal year, and the anticipated rebound and balanced budget in out years, baring any additional state take-a-ways. Also highlighted in the budget message is the focus on the growing demands for public safety services. With substantial growth in population based several annexations and new development, staffing levels in public safety are being challenged. The message describes the fact that the City Council is considering placing a Public Safety Sales Tax Measure on the November 2005 ballot to address these challenges. The impact on the budget to meet the challenges without the additional funding is also reflected.

Additional features in the 2005-06 draft document are departmental narratives and work efforts reports. These documents highlight the challenges facing all departments in 2005-06, and outline where staff efforts will be focused.

At the study session, Council directed staff to notice this date as a Public Hearing at which time public comment could be received.

RECOMMENDATION:

(1) That the Council conduct a public hearing to receive comment on the proposed 2005-06 fiscal year budgets for both the General Fund and Enterprise and Internal Service Funds.

(2) That Council approve the attached resolution adopting the 2005-06 fiscal year budgets, as modified by the City Council.

ATTACHMENTS: Draft Budget Document

<table>
<thead>
<tr>
<th>Dir.</th>
<th>Appro./ Funded</th>
<th>CM</th>
<th>Item No. 18</th>
</tr>
</thead>
</table>
PUBLIC HEARING

SUBJECT: CONSIDERATION OF PROPOSED SOLID WASTE SERVICE FEES

SOURCE: Public Works Department - Field Services Division

COMMENT: As outlined in this year’s budget message, an increase in the solid waste rate structure is necessary due to growth, increased operational costs including a franchise fee increase in FY 03/04 and 04/05, increased costs in the Graffiti program and new California Air Resources Board requirements for the collection fleet. The City of Porterville’s Solid Waste Fund projected cash balance as of June 30, 2005 will have a deficit of ($170,831). Without a rate increase, the available fund balance at the end of fiscal year 05/06 is projected at a deficit of ($410,037).

The proposed increase for typical residential service (a 90 gallon refuse container and a 90 gallon green waste container) is $1.95 from $15.00 monthly to $16.95 monthly. The proposed increase for commercial bin service is $0.74 from $5.46 per cubic yard to $6.20 per cubic yard. The proposed increase for roll off service is $18.74 from $143.26 per haul to $162.00 per haul.

RECOMMENDATION: That the City Council:

1) Conduct a public hearing to receive public comment;
2) Approve the refuse rate increase;
3) Adopt the attached draft resolution; and
4) Authorize the new rate structure to become effective July 1, 2005.

ATTACHMENT: Resolution
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE ESTABLISHING FEES,
CHARGES AND FREQUENCY FOR SOLID WASTE
COLLECTION AND DISPOSAL SERVICES

WHEREAS, Ordinance No. ______ of the City of Porterville specifies that the City Council shall fix fees, charges and frequency for the collection and disposal of solid wastes, and

WHEREAS, the City provides several types of solid waste collection services which are defined as follows:

Type A Service: Collection from City-furnished bulk containers of one to six cubic yards in size.

Type B Service: Collection from City or customer-furnished bulk container of 15 cubic yards or 30 cubic yards.

Type C Service: Collection of tires from City-furnished bulk containers of 15 cubic yards or 30 cubic yards.

Type D Service: Collection of compacted refuse from City or customer-furnished bulk containers of one to six cubic yards in size.

Type E Service: Collection from City-furnished bulk containers of construction or clean up refuse.

Type F Service: Automated collection for all single family, multiple family, and mobile home parks; motels/hotels and commercial/professional offices where commercial bin service is unavailable:

Option 1: Limited to multiple family residence/mobile home parks and Commercial/Professional Offices:

Collection from one (1) 35-gallon City-furnished container for garbage/rubbish; one time collection each week. No yard waste container provided.
Option 2: For all customer types:

Collection from two (2) City-furnished containers; one (1) 35-gallon container for garbage/rubbish and one (1) 60-gallon container for yard waste only; One time collection each week for yard waste container and one time collection each week for garbage/rubbish container.

Option 3: For all customer types:

Collection from two (2) City-furnished containers; one (1) 35-gallon container for garbage/rubbish and one (1) 90-gallon container for yard waste only; One time collection each week for yard waste container and one time collection each week for garbage/rubbish container.

Option 4: Limited to multiple family residence/mobile home parks, hotel/motel, and commercial/professional offices:

Collection from one (1) 60-gallon City-furnished container for garbage/rubbish; one time collection each week. No yard waste allowed

Option 5: For all customer types:

Collection from two (2) City-furnished containers; one (1) 60-gallon container for garbage/rubbish and one (1) 60-gallon container for yard waste only; one time collection each week for yard waste container and one time collection each week for garbage/rubbish container.

Option 6: For all customer types:

Collection from two (2) City-furnished containers; one (1) 60-gallon container for garbage/rubbish and one (1) 90-gallon container for yard waste only; One time collection each week for yard waste container and one time collection each week for garbage/rubbish container.
Option 7: Limited to multiple family residence/mobile home parks, hotels/motels, and commercial/professional offices:

Collection from one (1) 90-gallon City-Furnished container for garbage/rubbish; One time collection each week. No yard waste allowed.

Option 8: For all customer types:

Collection from two (2) City-furnished containers; one (1) 90-gallon container for garbage/rubbish and one (1) 60-gallon container for yard waste only; one time collection each week for yard waste container and one time collection each week for garbage/rubbish container.

Option 9: For all customer types:

Collection from two (2) City-furnished containers; one (1) 90-gallon container for garbage/rubbish and one (1) 90-gallon container for yard waste only; one time collection each week for yard waste container and one time collection each week for garbage/rubbish container.

Option 10: For all customer types:

Collection from one (1) City-furnished container for garbage/rubbish container; One time collection each week for one (1) 35-gallon, one (1) 60-gallon, OR one (1) 90-gallon black container in addition to existing service.

Option 11: For all customer types:

Collection from one (1) City-furnished yard waste container; one time collection each week for one (1) 60-gallon, OR one (1) 90-gallon green container in addition to existing service.

Type G Service: Collection from City-furnished bulk containers of one to six cubic yards in size of clean source separated recyclable materials to include cardboard, newspaper, mixed paper, and other recyclables, in addition to Services Type A through D.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville as follows:

(1) The City shall provide collection from all units in the City.

(2) All persons occupying or in possession of any dwelling or premises shall place roll-out cart(s) at curb edge or in alley and shall remove roll-out cart(s) in accordance with time schedules to be determined by the City Manager, or his designee. When such routes and days are established or changed, the Manager shall give such notice thereof as he may deem advisable.

(3) The fees and charges for collection and disposal of solid wastes are fixed as follows:
CITY OF PORTERVILLE
SOLID WASTE COLLECTION FEE SCHEDULE

EFFECTIVE JULY 1, 2005

COMMERCIAL/INDUSTRIAL ROLL-OFF AND BIN SERVICE

<table>
<thead>
<tr>
<th>Customer</th>
<th>Type of Service</th>
<th>Fee Current Fee</th>
<th>July 1, 2005 Proposed Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple Family Dwelling and Mobile Home Parks</td>
<td>A</td>
<td>$5.46 per cubic yard per collection (Bin)</td>
<td>$6.20 per cubic yard per collection (Bin)</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>$143.26 + landfill fees per collection (Roll-off)</td>
<td>$162.00 + landfill fees per collection (Roll-off)</td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>A</td>
<td>$5.46 per cubic yard per collection (Bin)</td>
<td>$6.20 per cubic yard per collection (Bin)</td>
</tr>
<tr>
<td>Commercial and Industrial</td>
<td>A</td>
<td>$5.46 per cubic yard per collection (Bin)</td>
<td>$6.20 per cubic yard per collection (Bin)</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>$143.26 + landfill fees per collection (Roll-off)</td>
<td>$162.00 + landfill fees per collection (Roll-off)</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>$143.26 + landfill fees per collection (Roll-off)</td>
<td>$162.00 + landfill fees per collection (Roll-off)</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>$9.47 per cubic yard per collection (Bin)</td>
<td>$10.70 per cubic yard per collection (Bin)</td>
</tr>
<tr>
<td></td>
<td>E</td>
<td>$9.47 per cubic yard per collection (Bin)</td>
<td>$10.70 per cubic yard per collection (Bin)</td>
</tr>
<tr>
<td></td>
<td>F</td>
<td>See residential schedule</td>
<td>See residential schedule</td>
</tr>
<tr>
<td></td>
<td>G</td>
<td>None</td>
<td>$4.65 per cubic yard per collection (Bin)</td>
</tr>
</tbody>
</table>

Special Conditions:
1. A monthly service charge of $30.00 will be applied to temporary bin or roll-off service if no pickups within 30 days.
2. The fees and charges for specialized and undefined services shall be established by the City Manager.
CITY OF PORTERVILLE  
SOLID WASTE COLLECTION FEE SCHEDULE  
EFFECTIVE JULY 1, 2005  

AUTOMATED RESIDENTIAL SERVICE  

<table>
<thead>
<tr>
<th>Customer Type</th>
<th>Service Levels</th>
<th>Weekly Frequency</th>
<th>Rate CURRENT</th>
<th>July 1, 2005 Rate PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Multiple Family/Mobile Home (per unit):</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Option 1  35 Gallon</td>
<td>-0-</td>
<td>1/0</td>
<td>$10.13</td>
<td>$11.45</td>
</tr>
<tr>
<td>Option 2  35 Gallon</td>
<td>60 Gallon</td>
<td>1/1</td>
<td>$11.18</td>
<td>$12.63</td>
</tr>
<tr>
<td>Option 3  35 Gallon</td>
<td>90 Gallon</td>
<td>1/1</td>
<td>$11.38</td>
<td>$12.86</td>
</tr>
<tr>
<td>Option 4  60 Gallon</td>
<td>-0-</td>
<td>1/0</td>
<td>$13.28</td>
<td>$15.01</td>
</tr>
<tr>
<td>Option 5  60 Gallon</td>
<td>60 Gallon</td>
<td>1/1</td>
<td>$14.33</td>
<td>$16.19</td>
</tr>
<tr>
<td>Option 6  60 Gallon</td>
<td>90 Gallon</td>
<td>1/1</td>
<td>$14.53</td>
<td>$16.42</td>
</tr>
<tr>
<td>Option 7  90 Gallon</td>
<td>-0-</td>
<td>1/0</td>
<td>$13.75</td>
<td>$15.54</td>
</tr>
<tr>
<td>Option 8  90 Gallon</td>
<td>60 Gallon</td>
<td>1/1</td>
<td>$14.80</td>
<td>$16.72</td>
</tr>
<tr>
<td>Option 9  90 Gallon</td>
<td>90 Gallon</td>
<td>1/1</td>
<td>$15.00</td>
<td>$16.95</td>
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<tr>
<td><strong>Single Family:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Option 2  35 Gallon</td>
<td>60 Gallon</td>
<td>1/1</td>
<td>$11.18</td>
<td>$12.63</td>
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<tr>
<td>Option 3  35 Gallon</td>
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<td>$16.95</td>
</tr>
<tr>
<td><strong>Hotels/Motels:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Option 1  35 Gallon</td>
<td>-0-</td>
<td>1/0</td>
<td>$10.13</td>
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<td>Option 4  60 Gallon</td>
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<td>$13.28</td>
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<td>$14.33</td>
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<tr>
<td>Option 6  60 Gallon</td>
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<td>1/1</td>
<td>$14.53</td>
<td>$16.42</td>
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<tr>
<td>Option 7  90 Gallon</td>
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<td>1/0</td>
<td>$13.75</td>
<td>$15.54</td>
</tr>
<tr>
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<td>$14.80</td>
<td>$16.72</td>
</tr>
<tr>
<td>Option 9  90 Gallon</td>
<td>90 Gallon</td>
<td>1/1</td>
<td>$15.00</td>
<td>$16.95</td>
</tr>
<tr>
<td><strong>Commercial/Professional Offices:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Option 1  35 Gallon</td>
<td>-0-</td>
<td>1/0</td>
<td>$10.13</td>
<td>$11.45</td>
</tr>
<tr>
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<td>1/1</td>
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</tr>
<tr>
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<td>90 Gallon</td>
<td>1/1</td>
<td>$15.00</td>
<td>$16.95</td>
</tr>
<tr>
<td><strong>Additional Containers (all Customer Types):</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Option 10  35, 60 Gallon or 90 Gallon</td>
<td>-0-</td>
<td>1/0</td>
<td>$9.24</td>
<td>$10.00</td>
</tr>
<tr>
<td>Option 11  60 or 90 Gallon</td>
<td>0/1</td>
<td></td>
<td>$5.76</td>
<td>$6.25</td>
</tr>
</tbody>
</table>

Containers to be provided by the City. Additional solid waste generated above the indicated service levels will be charged at Special Pickup rate of $30.00 per hour plus landfill fees per collection.
The Fees and charges as described above shall be effective on all billings as of July 1, 2005.

Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By: Georgia Hawley, Chief Deputy City Clerk
CITY COUNCIL AGENDA: JUNE 21, 2005

PUBLIC HEARING - STAFF REPORT

TITLE: ZONE VARIANCE 1-2005 TENTATIVE PARCEL MAP 3-2005 (RON CLIFFORD)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

PROJECT LOCATION: West side of South Villa Street, approximately 850± feet south of Olive Avenue in the R-1 (One Family Residential) Zone.

SPECIFIC REQUEST: The applicant is requesting approval of a zone variance to allow for a reduction of the required 60 foot minimum lot width for two (2) proposed parcels and approval of Tentative Parcel Map 3-2005. The proposed reduction would allow both proposed parcels to have a lot width of 52.50 feet.

PROJECT DETAILS: The subject site contains two (2) single family dwellings. In conjunction with Zone Variance 1-2005, Tentative Parcel Map 3-2005 proposes to divide the existing 14,175± square foot lot into two (2) parcels. Parcel 1 - 7,087 square feet and Parcel 2 - 7,087 square feet.

Section 238 A of the Porterville Zoning Ordinance requires a minimum lot size of 6,000 square feet.

Section 238 B of the Porterville Zoning Ordinance requires a minimum frontage of 60 feet.

Pursuant to Section 15305 Class 5 (Minor alterations in land use limitations) of CEQA, the project is Categorically Exempt.

In order for the City Council to approve a zone variance request, three (3) findings must be made as outlined in the Staff Report. Based on the required findings, Staff is recommending approval of Zone Variance 1-2005 and Tentative Parcel Map 3-2005.

RECOMMENDATION: That the City Council:
1. Adopt the draft resolution approving Zone Variance 1-2005; and

ATTACHMENTS:
1. Complete Staff Report

DD_____ APPROPRIATED/FUNDED_____ CM_____ ITEM NO. 20
PUBLIC HEARING - STAFF REPORT

TITLE:  ZONE VARIANCE 1-2005 TENTATIVE PARCEL MAP 3-2005 (RON CLIFFORD)

SOURCE:  COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT:  Ron Clifford
833 N. Main Street
Porterville, CA 93257

APPLICANTS AGENT:  Roberts Engineering
P.O. Box 908
Porterville, CA 93258

PROJECT LOCATION:  West side of South Villa Street, approximately 850± feet south of Olive Avenue in the R-1 (One Family Residential) Zone.

SPECIFIC REQUEST:  The applicant is requesting approval of a zone variance to allow for a reduction of the required 60 foot minimum lot width for two (2) proposed parcels and approval of Tentative Parcel Map 3-2005. The proposed reduction would allow both proposed parcels to have a lot width of 52.50 square feet.

PROJECT DETAILS:  The subject site contains two (2) single family dwellings. In conjunction with Zone Variance 1-2005, Tentative Parcel Map 3-2005 proposes to divide the existing 14,175± square foot lot into two (2) parcels. Parcel 1 - 7,087 square feet and Parcel 2 - 7,087 square feet.

Section 238 A of the Porterville Zoning Ordinance requires a minimum lot size of 6,000 square feet.

Section 238 B of the Porterville Zoning Ordinance requires a minimum frontage of 60 feet.

Pursuant to Section 15305 Class 5 (Minor alterations in land use limitations) of CEQA, the project is Categorically Exempt.
Pursuant to Section 2801 of the Zoning Ordinance, before a variance may be granted the City Council must make the following findings:

1. That because of special circumstances applicable to the subject development, including size, shape, location or surrounding, the strict application of this ordinance deprives said development of privileges enjoyed by other such developments in the vicinity and under identical zone classification; and

2. That granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is located; and

3. That the granting of such variance will not adversely affect the General Plan or the purposes of the Zoning Ordinance.

Project specific findings for Zone Variance 1-2005

1. The neighborhood in which the site is located consists of older development patterns and standards which includes lot configurations inconsistent with current City requirements. Additionally, there are two (2) existing single family residential dwellings on this lot. Nearly all lots in the vicinity contain just one (1) single family residential dwelling. As such, existing area conditions lend support to this proposal.

2. Of the sixty (60) lots along both sides of South Villa Street and along the easterly side of Chess Terrace Street located to the west of the subject site, twenty (27) lots are less than 60 feet wide. The two (2) proposed lots would exactly match the lots immediately to the west of the subject site.

3. The General Plan designation for this site is Low Density Residential. The R-1 (One Family Residential) Zoning is consistent with the General Plan. Article Two of the Porterville Zoning Ordinance allows for one (1) single family dwelling unit per lot. The proposed zone variance in conjunction with the proposed tentative parcel map will bring the site into conformance with the General Plan and Zoning Ordinance.

GENERAL PLAN DESIGNATION:  Low Density Residential

SUBJECT SITE ZONING:  Existing - City R-1 (One Family Residential) Zone

SURROUNDING ZONING AND LAND USES:

North: City - Single family residential dwellings.
South: City - Single family residential dwellings.
East: City - South Villa Street and single family residential dwellings.
West: City - Single family residential dwellings and Chess Terrace Street.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:
1. No Project. Denial of the proposed zone variance would negate the approval of the tentative parcel map and result in the subject site having two (2) single family residential dwellings on one lot resulting in a legal non-conforming use of the site.

2. Approve the Project. Approval of the zone variance will allow for conditional approval of the tentative parcel map. Approval of the parcel map will bring the subject site into conformance with the R-1 Zoning.

ENVIRONMENTAL: The project is Categorically Exempt pursuant to Section 15305 Class 5 (Minor alterations in land use limitations), of the CEQA Guidelines. 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.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: February 23, 2005.

DATE ACCEPTED AS COMPLETE: April 29, 2005.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Zone Variance 1-2005; and

ATTACHMENTS:

1. Locator map
2. Zone Variance application
3. Tentative Parcel Map
4. Notice of Exemption
5. Draft Resolution approving Zone Variance 1-2005
6. Draft Resolution approving Tentative Parcel Map 3-2005
APPLICATION FOR ZONE VARIANCE

ZONE VARIANCE NO. ___________

TO THE CITY OF PORTERVILLE CITY COUNCIL:

The applicant(s) Ron Clifford is/are the owner(s)/lessee/agent of property located at 135 and 143 South Villa Street between West Olive Avenue/Street and Union Avenue/Street.

Exact legal description of said property being (if necessary, use separate sheet): See legal description attached.

A plot plan, 300 foot radius map, and property owners’ list are attached and made a part of this application (see instruction sheet attached).

1. Above-described property is owned by: Ron Clifford

Date Acquired: May, 2004 (see title report attached)

2. If applicant is the lessee, give date property was leased: N/A

3. Attach the original deed restrictions, if any, that were placed on the property which pertain to the type of improvements permitted. Underline the restrictions which control the type and class of permitted uses. No deed restrictions.

Give date said restrictions expire:

4. Request: The applicant requests a variance on the above-described property for the following purpose:

The City of Porterville City Council is required by law to make a written finding of facts to show that beyond a reasonable doubt, the following conditions apply. Explain in detail (attach additional sheet) how your request conforms to the following conditions:

1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this ordinance deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

A variance is required to allow the division of the property into 2 parcels with frontage less than 60 feet. The property is in an old developed area where a minimum of lot frontage used to be 50 feet. The single parcel contains 2 dwelling units; however, a majority of the parcels in the area contain single dwelling units. The parceling as proposed is consistent with the development and uses in the immediate vicinity.

ATTACHMENT ITEM NO. 2
2. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is located.

As stated in 1 above, the proposed parceling is consistent with the immediate area.

3. That the granting of such variance will not adversely affect the General Plan or the purposes of the ordinance.

As stated in 1 above, the proposed parceling is consistent with the development in the immediate vicinity.

I/We declare and say that I am (we are) the owner(s) (lessee or agent) of property involved in this application and that I (we) have completed this application and all other documents and maps required hereby to the best of my (our) ability and that the statements and information above referred to are, in all respects, true and correct except as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Porterville, CA, this 5th day of April, 2005.

[Signature]

Mailing Address and Telephone Number:
Roberts Engineering
P. O. Box 908
Porterville, CA 93258

559-784-6326

This is to certify that the foregoing application has been inspected by me and has been found to be thorough and complete in every particular and to conform to the rules and regulations of the Porterville City Council governing the filing of such application.

By: ________________________________

Date Received: _______________________
NOTICE OF EXEMPTION

TO: Office of Planning and Research
   1400 Tenth Street, Room 121
   Sacramento, CA 95814

Tulare County Clerk
   County Civic Center
   Visalia, CA 93291

FROM: City of Porterville
   291 N. Main Street
   Porterville, California 93257

Ron Clifford
   833 N. Main Street
   Porterville, CA 93257

Zone Variance 1-2005 and Tentative Parcel Map 3-2005

Project Title

West side of south Villa Street, approximately 850+ feet south of Olive Avenue

Project Location (Specific)

City of Porterville
   Tulare

Project Location (City)

Project Location (County)

A zone variance to allow a reduction of the 60 foot minimum lot width required in the R-1 Zone and consideration of a tentative parcel map to divide a 14,175 square foot lot into two (2) parcels for that site located on the west side of South Villa Street, approximately 850+ feet south of Olive Avenue.

Parcel 1 - 7,087+ square feet, consists of an existing single family residential dwelling. Parcel 2 - 7,087+ square feet, consists of an existing single family residential dwelling.

Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville

Name of Public Agency Approving Project

Ron Clifford, 833 N. Main Street, Porterville, CA 93257

Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

_______ Ministerial (Section 15073)

_______ Declared Emergency (Section 15071 (a))

_______ Emergency Project (Section 15071 (b) and (c))

X Categorical Exemption. State type and section number: 15305 Class 5

Minor alterations in land use limitations.

Reasons why project is exempt

Bradley D. Dunlap, Community Development Director

Contact Person

If Filed by Applicant:

1. Attached certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the projected?
   Yes: No:

Date Received for filing:

Signature

Community Development Director

Title

ATTACHMENT

ITEM NO. 4
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT
OF APPROVAL OF PROPOSED ZONE VARIANCE 1-2005 FOR THAT SITE LOCATED
ON THE WEST SIDE OF SOUTH VILLA STREET, APPROXIMATELY 850± FEET
SOUTH OF OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 21, 2005, conducted a public hearing to consider Zone Variance 1-2005 to allow for a reduction of the 60 foot minimum lot width required in the R-1 Zone for that site located on the west side of South Villa Street, approximately 850± feet south of Olive Avenue; and

WHEREAS: The proposed reduction would allow both proposed parcels to have a lot width of 52.50 feet each; and

WHEREAS: In conjunction with Zone Variance 1-2005, the City Council of the City of Porterville also reviewed Tentative Parcel Map 3-2005 for the same site to allow for the division of a 14,175 square foot lot into two (2) parcels consisting of 7,087± square foot each

WHEREAS: The project is Categorically Exempt pursuant to Section 15305 Class 5 (Minor alterations in land use limitations), of the CEQA Guidelines; and

WHEREAS: Pursuant to Section 2801 of the Zoning Ordinance, before a variance may be granted the City Council must make the following findings:

1. That because of special circumstances applicable to the subject development, including size, shape, location or surrounding, the strict application of this ordinance deprives said development of privileges enjoyed by other such developments in the vicinity and under identical zone classification; and

2. That granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is located; and

3. That the granting of such variance will not adversely affect the General Plan or the purposes of the Zoning Ordinance.
Project specific findings for Zone Variance 1-2005

1. The neighborhood in which the site is located consists of older development patterns and standards which includes lot configurations inconsistent with current City requirements. Additionally, there are two (2) existing single family residential dwellings on this lot. Nearly all lots in the vicinity contain just one (1) single family residential dwelling. As such, existing area conditions lend support to this proposal.

2. Of the sixty (60) lots along both sides of South Villa Street and along the easterly side of Chess Terrace Street located to the west of the subject site, twenty (27) lots are less than 60 feet wide. The two (2) proposed lots would exactly match the lots immediately to the west of the subject site.

3. The General Plan designation for this site is Low Density Residential. The R-1 (One Family Residential) Zoning is consistent with the General Plan. Article Two of the Porterville Zoning Ordinance allows for one (1) single family dwelling unit per lot. The proposed zone variance in conjunction with the proposed tentative parcel map will bring the site into conformance with the General Plan and Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED THAT: The City Council does hereby approve Zone Variance 1-2005.

_________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By ______________________________
Georgia Hawley, Chief Deputy City Clerk
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT
OF APPROVAL OF PROPOSED TENTATIVE PARCEL MAP 3-2005 FOR THAT SITE
LOCATED ON THE WEST SIDE OF SOUTH VILLA STREET, APPROXIMATELY 850±
FEET SOUTH OF OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 21, 2005, conducted a public hearing to consider Tentative Parcel Map 3-2005 to allow for the division of a 14,175 square foot lot into two (2) parcels consisting of 7,087± square feet each for that site located on the west side of South Villa Street, approximately 850± feet south of Olive Avenue in the R-1 Zone; and

WHEREAS: In conjunction with Tentative Parcel Map 3-2005, the City Council of the City of Porterville at its regularly scheduled meeting of June 21, 2005, conducted a public hearing to consider Zone Variance 1-2005 to allow for a reduction of the 60 foot minimum lot width required in the R-1 Zone for that site located on the west side of South Villa Street, approximately 850± feet south of Olive Avenue; and

WHEREAS: The proposed reduction would allow both proposed parcels to have a lot width of 52.50 square feet; and

WHEREAS: The Parcel Map Committee received testimony from all interested parties relative to the tentative parcel map; and

WHEREAS: The City Council of the City of Porterville made the following findings in its review of the proposed tentative parcel map:

1. The project is Categorically Exempt pursuant to Section 15305 Class 5 (Minor alterations in land use limitations), of the CEQA Guidelines; and

2. That the proposed parcelization conforms to the land use designation of the General Plan.

The General Plan designates the subject site for Low Density Residential uses. The existing R-1 (One Family Residential) Zone is supported by the General Plan.

3. That the design or improvements of the proposed project is consistent with the General Plan.

The Land Use Element of the General Plan designates the site for Low Density Residential development. The proposed parcel map will allow the two (2) existing dwellings to be located on one (1) parcel each, which will bring the existing use into conformance with the Porterville Zoning Ordinance.
4. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The General Plan designates the site for Low Density Residential uses. The site is surrounded by developed single family residential dwellings on all sides. Conditions of approval are included to ensure adequate development standards are met.

5. That the City Council is the decision-making body.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Tentative Parcel Map 3-2005, creating two (2) separate parcels subject to the following conditions:

1. Approval of the Tentative Parcel Map is contingent upon the Council’s approval of Zon Variance 1-2005

2. Prior to approval of the final map, a two (2) car garage or carport will be required for each parcel. Fees associated with building permit(s) will be required on approval of the building permit(s).

3. Both existing sheds on Parcel 2 shall be a minimum of four (4) feet from the side property line.

4. The developer/applicant shall provide a minimum of one (1) tree for each lot, or payment in lieu.


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

7. At the time of approval of the Final Map the developer/applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or that established by the City Council. Villa Street requires the dedication of an additional five (5) feet in the area of this proposed land division.

8. Prior to recording the final map, the developer/applicant shall provide improvements by the method indicated below:
a. Construct or provide surety for construction of curb, gutter, connecting pavement (half street, if necessary to match grade), sidewalk, wheelchair ramp(s), water, sewer, storm drain, etc. along the full frontage of all proposed parcels except where they exist to City standards and are in good condition in the opinion of the City Engineer.

9. Prior to recordation of the final map, the developer/applicant shall have constructed, or pay fees for, street lights on Marbelite poles complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

__________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By ______________________________
Georgia Hawley, Chief Deputy City Clerk
PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 3-2005 (NEIL PATEL-HOLIDAY INN EXPRESS)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of Conditional Use Permit 3-2005 to allow for the construction of a 38,907 square foot building to be utilized for a proposed three (3) story Holiday Inn consisting of 69 rooms for rental and miscellaneous rooms on the bottom floor. The 1.62 acre vacant site is generally located on the northeast corner of South Jaye Street and Montgomery Avenue.

The vacant site is rectangular in design with a sweeping curve extending west and northwest from Montgomery Avenue to South Jaye Street located on the south and west side of the subject site. Montgomery Avenue is a divided four (4) lane Collector Street (developed to 80 feet wide). Access to the site is from a mutual ingress and egress driveway located on the east side of South Jaye Street at the northwest corner of the subject site shared with Burger King. South Jaye Street is a designated Arterial Street (84 foot wide planned right-of-way). South Jaye Street extending south of the intersection of State Highway 190 allows for access to Montgomery Avenue to the east and extends south to a dead end at the Poplar Ditch. This portion of South Jaye Street allows access to the existing residential uses to the south of the subject site.

The main entrance to the building will have a porte-cochere which will face the parking area to the north. A covered area will also be attached to the entrance/exit at the east and west ends of the building. The top floor will consist of 27 guest rooms, the second floor will consist of 27 guest rooms and the main floor will consist of 15 guest rooms, fitness room, offices and meeting rooms. The roof will be covered with concrete roof tiles with metal dormer vents. The finish on the building will be constructed of cement plaster. The eves will have a decorative cap molding. The color of the trim will be white, tile roof gray, and the remaining portion of the building will consist of grays and greens.

Section 800 A- 20 of the Porterville Zoning Ordinance allows for hotels and apartment hotels up to two (2) stories. Third story and above is subject to obtaining approval of a Conditional Use Permit.

DD____ APPROPRIATED/FUNDED_____ CM________________________ITEM NO. 21
ENVIRONMENTAL: On May 17, 2005, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from May 21, 2005 to June 11, 2005. At the end of the review period, the only agencies that responded were the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the Department of Transportation. The SJVAPCD comments have been incorporated into the Mitigation Monitoring Program Attachment “A” of the draft environmental resolution. CalTrans comments appear to be excessive for the scale of development. They have been noted and where appropriated, added as conditions of approval.

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for Conditional Use Permit 3-2005; and

(2) Adopt the draft resolution approving Conditional Use Permit 3-2005.

ATTACHMENT:

1. Complete Staff Report
PUBLIC HEARING - STAFF REPORT

TITLE: Conditional Use Permit 3-2005

APPLICANT: Neil Patel
805 S. Kaweah Avenue
Exeter, CA 93221

APPLICANT’S AGENT: Lee Gage & Associates, Inc.
7636 N. Ingram, Suite 107
Fresno, CA 93711

PROJECT LOCATION: Generally the northeast corner of South Jaye Street and Montgomery Avenue.

SPECIFIC REQUEST: The applicant is requesting approval of Conditional Use Permit 3-2005 to allow for the construction of a 38,907 square foot building to be utilized for a proposed three (3) story Holiday Inn consisting of 69 rooms for rental and miscellaneous rooms on the bottom floor. The 1.62 acre vacant site is generally located on the northeast corner of South Jaye Street and Montgomery Avenue.

PROJECT DETAILS: The main entrance to the building will have a porte-cochere which will face the parking area to the north. A covered area will also be attached to the entrance/exist at the east and west ends of the building. The top floor will consist of 27 guest rooms, the second floor will consist of 27 guest rooms and the main floor will consist of 15 guest rooms, fitness room, offices and meeting rooms. The roof will be covered with concrete roof tiles with metal dormer vents. The finish on the building will be constructed of cement plaster. The eves will have a decorative cap molding. The color of the trim will be white, tile roof gray, and the remaining portion of the building will consist of grays and greens.

The vacant site is rectangular in design with a sweeping curve extending west and northwest from Montgomery Avenue to South Jaye Street located on the south and west side of the subject site. Montgomery Avenue is a divided four (4) lane Collector Street (developed to 80 feet wide). Access to the site is from a mutual ingress and egress located on the east side of South Jaye Street at the northeast corner of the subject site shared with Burger King. South Jaye Street is a designated Arterial Street (84 foot wide planned right-of-way). South Jaye Street extending south of the intersection of State Highway 190 allows for access to Montgomery Avenue to the east and extends south to a dead end at the Poplar Ditch. This portion of South Jaye Street allows access to the existing residential uses to the south of the subject site.
STAFF ANALYSIS:

That Section 800 A- 20 of the Porterville Zoning Ordinance allows for hotels and apartment hotels up to two (2) stories. Third story and above is subject to obtaining approval of a Conditional Use Permit.

GENERAL PLAN LAND USE DESIGNATION: Heavy Commercial

EXISTING ZONING: C-3 (Heavy Commercial).

SURROUNDING AREA ZONING AND LAND USE:

North: City - Burger King and at the intersection of South Jaye Street and State Highway 190. South: City - Montgomery Avenue, vacant land and the Wal Mart Distribution Center. East: City - Vacant parcel and Best Western Motel. West: City - South Jaye Street and a County developed single family residential subdivision.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. Denial of the proposed project would prohibit the use of the site as proposed to include the site remaining vacant.

2. Approval of the conditional use permit would allow for the existing vacant site to be developed as proposed.

ENVIRONMENTAL: On May 17, 2005, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from May 21, 2005 to June 11, 2005. At the end of the review period, the only agencies that responded was from the San Joaquin Valley Air Pollution Control District and the Department of Transportation. Those comments have been incorporated into the Mitigation Monitoring Program Attachment A of the draft environmental resolution.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: January 5, 2005

DATE ACCEPTED AS COMPLETE: May 17, 2005

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for Conditional Use Permit 3-2005; and

(2) Adopt the draft resolution approving Conditional Use Permit 3-2005.
ATTACHMENTS:

1. Site Plan, landscape plan, main floor plans and elevation plans
2. Conditional Use Permit Application
3. Letter dated June 7, 2005 from the San Joaquin Valley Air Pollution Control District
4. Letter dated June 8, 2005 from the Department of Transportation
5. Environmental Initial Study
6. Draft Environmental Resolution
7. Draft Resolution of approving Conditional Use Permit 3-2005 to include Exhibit “A”- Site plan, landscape plan, main floor plans and elevation plans
APPLICATION FOR CONDITIONAL USE PERMIT
(See Page 3 of this form for information on preparing and filing this application)

The Applicant(s) **NEIL PATEL OR AN Assignee** is/are the owner(s) or tenant(s) of property situated at **SOUTH OF BURGER KING-JAYE ST.**
between **JAYE** Street/Avenue and **MONTGOMERY** Street/Avenue. Exact legal description of said property being **(Use separate sheet if necessary)**

As applicable, a Plot Plan and 300' radius property owners map, and corresponding mailing list are hereto attached and made a part of this application (See detailed instructions on Page 3 of this form).

(A) Above described property is owned by **NEIL PATEL**
Date acquired **JANUARY 2004**

(B) If applicant is the lessee, give date property was leased:

(C) List below the original deed restrictions, if any, that were placed on the property which pertain to the type of improvements permitted.
Give date said restrictions expire **(You may attach copy of original printed restrictions in answer to this question after property underlining those features controlling the type and class of uses permitted thereby).**

(D) REQUEST: The applicant requests a Conditional Use Permit to USE the above described property for the following purposes:
(Use this space ONLY to state exactly what is intended to be done, on or with the property).

**3 STOREY LIMITED SERVICE HOTEL.**
**HOLIDAY INN EXPRESS**
NOTE: The basic purpose of the Conditional Use Permit Article of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

1. State how the proposed use will not be materially detrimental to the public welfare or injurious to property or improvements in such vicinity and zone in which the use is proposed to be located.

   **PARCEL IS ZONED C-3. PROPOSED HOTEL IS NOT DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO ANY ONE.**

2. Principal requirements of intended use (Please answer the following statements, if applicable):

   (a) Total number of people that the building (or grounds if the use is not conducted in a building) can accommodate at one time (Seating Capacity).

      **68-69 UNITS APPROXIMATELY. 1-2 PERSON PER UNIT.**

   (b) Total number of employees that will work on the property.

      **10-18. DEPENDING ON TIME OF DAY-NIGHT.**

   (c) Total number of off-street parking spaces provided or planned.

      **-**

   (d) Maximum height of buildings or structures.

      **41-42 FT**

   If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.

      **TILL CONSTRUCTION.**

   **C-3 ZONE ALLOWS HOTEL-MOTEL ON SITE.**
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the facts stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED (Add additional sheets where necessary. These signatures are desirable but not required).

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**APPLICANT'S DECLARATION**

STATE OF CALIFORNIA  
COUNTY OF TULARE  

I [we], **NEIL PATEL** being duly sworn, declare and say that I am (we are) the owner (lessee or agent) of property involved in this application and that I (we) have completed this application and all other documents and maps required hereby to the best of my (our) ability and that the statements and information above referred to are, in all respects, true and correct, except, as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at **EXETER, CALIFORNIA** this 24 day of **FEBRUARY**, 2005.

Telephone No. **559-799-0298**

Signature: ________________________________

Mailing Address: **805 S. KAWeah AVE, EXETER CA 93221**

This is to certify that the foregoing application has been inspected by me and has been found to be thorough and complete in every particular and to conform to the rules and regulations of the City of Porterville governing the filing of such application.

By ________________________________

Date Received ________________________
1. The Conditional Use Application form must be filled out with full answers to every statement and question. The application must be signed by owner or authorized agent under penalty of perjury in the space provided on Page 3.

2. The 300-Foot Radius Map accompanying the application must be a clear tracing to a suitable scale and must be correctly prepared. It must show each parcel within 300 feet of the exterior boundaries of property involved with the uses of each parcel or present type of occupancy, such as single-family residence, duplex, apartment house, business building or type of industrial use, or if vacant. The various zones surrounding the subject property must also be shown. Each parcel must be consecutively numbered to correspond to owner's name on Property Owners' List (as explained below).

3. The Property Owners' List should be typewritten or legibly printed on a form to be obtained from the City (or directly on sheets of mailing labels), and must include the owner's name and mailing address. Each owner's name on this list must be numbered to correspond with the numbering placed on the aforesaid Map (Names of owners must be secured from County Assessor's Office at County Courthouse or from any title company). (One copy).

4. The Plot Plan, if applicable, must be a clear and accurate tracing of suitable size showing the parcel dimensions, its location with respect to adjacent streets, and the location of all existing and proposed buildings, structures or other improvements, with their distances from the parcel lines clearly shown. Drawings of proposed buildings on a scale large enough to illustrate the subjects under discussion are suggested as exhibits with this application. Photographs of structures are also helpful (8 copies initially with additional copies to be submitted prior to public hearing).

When above requirements are met, file Application, Plot Plan, if applicable, and Property Owners' List with the Planning Division, City Hall, Porterville, California. The application must be complete in every respect, with all questions and demands answered, before the City Planner can receive and certify the petition.

This application is not a permit. A public hearing will be held on your application.
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Tulare ss.

On Feb 24, 2005, before me, Violet M. Putman, Notary Public
personally appeared Neil Patal

Name(s) of Signer(s)

☐ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public
VIOLET M. PUTMAN
Commission # 1521832
Notary Public - California
Tulare County

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document
Title or Type of Document: Application for Correction Use Permit
Document Date: 2/24/05 Number of Pages: 5

Signer(s) Other Than Named Above: 

Capacity(ies) Claimed by Signer
Signer's Name: ________________

☐ Individual
☐ Corporate Officer — Title(s): __________________________
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: __________________________

Signer is Representing: __________________________
June 4, 2005

Bradley D. Dunlap
Community Development Director
City of Porterville
291 N. Main Street
Porterville, CA 93257

Reference No. C20050409

JUN - 7 2005

Subject: IS and MND for CUP 3-2005 (Holiday Inn hotel)

Dear Mr. Dunlap,

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

The entire San Joaquin Valley Air Basin is classified non-attainment for ozone and fine particulate matter (PM10). This project will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. This project may generate significant air emissions and it will reduce the air quality in the San Joaquin Valley. The project will make it more difficult to meet mandated emission reductions and air quality standards. A concerted effort should be made to reduce project-related emissions as outlined below:

Attachment A, Regulation VIII Control Measures for Construction Emissions of PM10, of the IS/MND contains a limited discussion of Regulation VIII requirements. In order to avoid District compliance action, it would behoove the applicant to thoroughly comprehend the full extent of Regulation VIII requirements. Also, any contractor involved in future construction in the project area should also have a thorough understanding of Regulation VIII. In many instances requirements of Regulation VIII have been paraphrased in Attachment A and do not fully convey the minimal requirements of the rules. For example, one mitigation states "Within urban areas, carryout shall be immediately removed when it extends 50 feet or more from the site and at the end of each workday" whereas Rule 8041, section 5.42 states "Within urban areas, an owner/operator shall prevent carryout and trackout, or immediately remove carryout and trackout when it extends 50 feet or more from the nearest unpaved surface exit point of the site." Sections 5.8 and 5.9 of Rule 8041 specify techniques that prevent or mitigate carryout and trackout. Another mitigation states "Any site with 150 or more vehicle trips shall prevent carryout and trackout." whereas Rule 8041, section 5.2 states "...any site with ... 20 or more vehicle trips per day by vehicles with three or more axles shall take the actions for carryout and trackout as specified in section 5.8 (of Rule 8041). Also, a glaring omission is the requirement for a Dust Control Plan. Rule 8021, section 6.3 Dust Control Plans, essential requires a non-residential project 5.0 or more acres in area to submit a Dust Control Plan as specified in Section 6.3.1 of Rule 8021. If a non-residential site is 1.0 to less than 5.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities (see section 6.4.2). A template of the District's Dust Control Plan is available at:

Based on the information provided, the proposed project will be subject to the following District rules. The following items are rules that have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. Current District rules can be found at:
Regulation VIII (Fugitive PM10 Prohibitions)- Regulation VIII (Rules 8011-8081) is a series of rules designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction, road construction, bulk materials storage, landfill operations, etc. If a residential project is 10.0 or more acres in area, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. If a residential site is 1.0 to less than 10.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities (see section 6.4.1). A template of the District's Dust Control Plan is available at: http://www.valleymnd.org/busind/comply/PM10/forms/DCP-Form%20-%2010-14-2004.pdf

Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

Rule 4601 (Architectural Coatings) limits volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) and Rule 4902 (Residential Water Heaters) limit the emissions of PM10 and NOx in residential developments. Construction plans for residential developments may be affected by section 5.3, specifically:

5.3.1 No person shall install a wood burning fireplace in a new residential development with a density greater than two (2) dwelling units per acre.

5.3.2 No person shall install more than two (2) EPA Phase II Certified wood burning heaters per acre in any new residential development with a density equal to or greater than three (3) dwelling units per acre.

5.3.3 No person shall install more than one (1) wood burning fireplace or wood burning heater per dwelling unit in any new residential development with a density equal to or less than two (2) dwelling units per acre.

More information about Rule 4901 can be found at our website - www.valleymnd.org. For compliance assistance, please contact Mr. Wayne Clarke, Air Quality Compliance Manager, at 230-5968.

The District encourages innovation in measures to reduce air quality impacts. There are a number of features that could be incorporated into the design/operation of this project to provide additional reductions of the overall level of emissions. (Note: Some of the measures may already exist as City development standards. Any measure selected should be implemented to the fullest extent possible.) The suggestions listed below should not be considered all-inclusive and remain options that land-use authority should consider:

- Trees should be carefully selected and located to protect the building(s) from energy consuming environmental conditions, and to shade paved areas. Trees should be selected to shade paved areas that will shade 50% of the area within 15 years. Structural soil should be used under paved areas to improve tree growth. A brochure has been included for the applicant. For Structural Soil see http://www.hort.cornell.edu/uh/i/outreach/cscf, for Tree Selection see http://www.uefi.org/, for Urban Forestry see http://www.coolcommunities.org, http://wcfrce.ucdavis.edu, http://www.lgc.org/bookstore/energy/downloads/siv_tree_guidelines.pdf
- If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, easements should be reserved to provide for future improvements such as bus turnouts, loading areas, route signs and shade structures.
- Sidewalks and bikeways should be installed throughout as much of the project as possible and should be connected to any nearby existing and planned open space areas, parks, schools, residential areas, commercial areas, etc., to encourage walking and bicycling.
- As many energy-conserving and emission reducing features as possible should be included in the project. Energy conservation measures include both energy conservation through design and operational energy conservation. Examples include (but are not limited to):
- Increased energy efficiency (above California Title 24 Requirements), See http://www.energy.ca.gov/title24/, energy efficient widows (double pane and/or Low-E),
- Use Low and No-VOC coatings and paints. See South Coast’s site for No-VOC Coatings at http://www.aqmd.gov/business/brochures/zerovoc.html,
- High-albedo (reflecting) roofing material. See http://eebd.lbl.gov/coolroof/,
- Energy efficient lighting, appliances, heating and cooling systems. See http://www.energystar.gov/
- Install solar water-heating system(s), photovoltaic cells, programmable thermostat(s) for all heating and cooling systems, awnings or other shading mechanism for windows, porch, patio and walkway overhangs, ceiling fans, and/or whole house fans
- Utilize passive solar cooling and heating designs. (e.g. natural convection, thermal flywheels) See http://www.eere.energy.gov/RE/solar_passive.html
- Utilize daylighting (natural lighting) systems such as skylights, light shelves, interior transom windows etc. See http://www.advancedbuildings.org
- Electrical outlets around the exterior of the unit(s) to encourage use of electric landscape maintenance equipment, pre-wire the unit(s) with high speed modem connections/DSL and extra phone lines
- Natural gas for fireplaces (instead of wood-burning heaters) and (if available to this area) electrical outlets in backyard or patio areas to encourage the use of gas and/or electric barbecues
- Low or non-polluting incentives items should be provided with each residential unit (such items could include electric lawn mowers, reel mowers, leaf vacuums, gas or electric barbecues, etc.)

- Construction activity mitigation measures include:
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent, limit area subject to excavation, grading, and other construction activity at any one time, use catalyst equipped diesel construction equipment,
  - minimize idling time (e.g. 10 minute maximum), limit the hours of operation of heavy duty equipment and/or the amount of equipment in use, replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set), off road trucks should be equipped with on-road engines when possible, and use Light Duty Cars and Trucks should be alternative fueled or hybrids.
  - Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways, and “Spare the Air Days” declared by the District.
  - During the smog season (May through October), lengthen the construction period to minimize the number of vehicles and equipment operating at the same time.
  - Construction equipment should have engines that are Tier I or Tier II (if available, as certified by the Air Resources Board). Engines built after 1998 are cleaner Tier II engines. Tier I and Tier II (2.5 gram) engines have a significantly less PM and NOx emissions compared to uncontrolled engines. To find engines certified by the Air Resources Board, see http://www.arb.ca.gov/msprog/offroad/cert/cert.php. This site lists engines by type, then manufacturer. For more information on heavy-duty engines, please contact Mr. Kevin McCaffrey, Air Quality Specialist, at (559) 230-5831.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-5820 and provide the reference number at the top of this letter.

Sincerely,

Hector R. Guerra
Senior Air Quality Planner
Central Region

c: file
June 7, 2005

Mr. Brad Dunlap, Community Development Director
City of Porterville
291 N. Main Street
Porterville, California 93257

Dear Mr. Dunlap:

Thank you for the opportunity to review Conditional Use Permit Number 3-2005 application proposing to construct a 69-room Holiday Inn motel. The proposed building also includes a great room, lobby, meeting room, maintenance and storage rooms, bathrooms and three offices. The project site is located in the southeast quadrant of State Route (SR) 190 and Jaye Street. Caltrans has the following comments:

It is anticipated that this proposed development will have a minor impact to State facilities. However, queuing on the northbound through lane and left-turn movements are expected at the SR 190/Jaye Street intersection due to a large number of truck trips from the Wal-Mart distribution center south of the project. The intersection operates at a LOS D. The Department endeavors to maintain a target LOS at the transition between LOS C and LOS D (i.e. not worse than LOS C) on State highway facilities. In some cases, the Department acknowledges that the target LOS may not be feasible and recommends that the lead agency consult with the Department to determine the appropriate target LOS. Since the existing State highway facility is currently operating at less than the appropriate target LOS, then the existing LOS should be maintained.

The Riverwalk project will address the opening day requirements for the hotel project if the hotel occurs subsequent to that project. We have recommended dual left-turn lanes and an exclusive right-turn lane for the northbound approach of Jaye Street at SR 190. The north leg of Jaye Street will need to be widened to a minimum cross-section of ten lanes. The south leg will therefore need to be widened significantly to line up with the north leg, and the subject parcel may be affected.

It is recommended that the City of Porterville conduct a corridor study for SR 190, which will ultimately have a combination of full interchanges, partial interchanges, and at-grade intersections. The City will have the full financial responsibility for the future widening of SR 190 and making improvement improvements to the SR 190 at Jaye Street intersection to maintain existing LOS levels or to obtain a minimum LOS C for the intersection.

Alternative transportation policies should be applied to this development. An assessment of multi-modal facilities should be conducted. This assessment should be used to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused.
by the project and related development in this area of the City. The assessment should include the following:

1. Pedestrian walkways should link this retail complex to an internal project area walkway, transit facilities, as well as other walkways in the surrounding area.

2. The project should develop a Transportation Management Plan (TMP). The TMP should go beyond offering transit options. Car pooling, Van pooling, and other options should be included. The goal of the TMP is to reduce overall trips and the impact of those trips on transportation/air quality.

3. A Transportation Management Agency (TMA) and a TMA coordinator should be designated for the entire development area. The responsible TMP coordinator for this project should be assigned and directed to work with the TMA coordinator.

4. If transit is not available within ¼-mile of the site, transit should be extended to provide services to what will be a high activity center.

5. The consideration of bicycles as an alternative needs more attention. The project TMP should offer internal amenities to encourage bicycle use. These include parking, security, lockers and showers. However, internal bicycle paths should be coordinated with local and regional pathways to further encourage the use of bicycles for commuter and recreational purposes.

Local roads in the vicinity of the SR 190/Jaye Street intersection are experiencing severe queuing resulting in peak-period congestion that has the potential to exacerbate local (spot) as well as regional air quality concerns. This raises concerns pertaining to the cumulatively significant impact this project will have on air quality.

The citywide Traffic Impact Fee Program (TIFP) allows for the city to establish a pro-rata fair share fee structure that collects mitigation fees based on project development impacts and provides needed funds for improvements to the State and local road systems in an equitable and efficient manner. It is recommended that the City collect mitigation fees from this project for the necessary improvements at the SR 190/Jaye Street intersection. These are developer driven improvements and should be constructed with developer funds by the City.

Please send a response to our comments and a copy of the City Council resolution related to the proposed project. If you have any questions, please call me at (559) 488-7306.

Sincerely,

AL DIAS
Office of Transportation Planning
District 6

C: Mr. Ted Smalley, TCAG Staff

"Caltrans improves mobility across California"
INITIAL STUDY
AND
MITIGATED NEGATIVE DECLARATION

for the

City of Porterville
Conditional Use Permit 3-2005

Submitted by
Quad Knopf
5110 West Cypress Avenue
P.O. Box 3699
Visalia, California 93278
(559) 733-0440

May 2005
INITIAL STUDY
and
MITIGATED NEGATIVE DECLARATION

CITY OF PORTERVILLE
CONDITIONAL USE PERMIT 3-2005

May 2005

Lead Agency: City of Porterville
c/o Bradley Dunlap, AICP
Community Development Director
291 N. Main Street
Porterville, CA 93257

Consultant: Quad Knopf, Inc.
P. O. Box 3699
Visalia, CA 93278

Contact Person: Stephen J. Peck, AICP
Phone: (559) 733-0440
Fax: (559) 733-7821
NOTICE OF INTENT TO ADOPT
A MITIGATED NEGATIVE DECLARATION
NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

To:

(Agency)

(Address)

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration

Lead Agency:
City of Porterville
City Hall, 291 N. Main Street
Porterville, CA 93257
Bradley D. Dunlap, AICP
Community Development Director

Consulting Firm (if applicable):
Quad Knopf, Inc.
5110 W. Cypress Avenue
Visalia, CA 93277
Stephen J. Peck, AICP
Principal Planner

The City of Porterville will be the Lead Agency and will prepare a Mitigated Negative Declaration for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the Negative Declaration prepared by our agency when considering permits or other approvals for the project.

The project description, location and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (X is ☐ is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 20 days after receipt of this notice.

Opportunity for Comments: This Notice of Intent and Initial Study will be circulated for a period of 20 days starting on May 21, 2005 and ending on June 11, 2005.

The Porterville City Council will consider this matter at a public meeting on Tuesday, June 21 in the council chambers at City Hall.

Please send your response to Bradley D. Dunlap, Community Development Director at the address shown above. We will need the name for a contact person in your agency.

Project Title: Conditional Use Permit 3-2005

Project Location: City of Porterville Tulare County
(City-nearest) (County)

Project Description: (brief)

The proposed Conditional Use Permit would allow construction and operation of a three (3) story Holiday Inn consisting of 69 rooms for rental and miscellaneous building area.

Date May 17, 2005

Signature

Title

Telephone
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Title                                                                 Page No.

Notice of Intent to Adopt a Negative Declaration

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   Determination ..................................................................................................5
   Evaluation of Environmental Impacts ............................................................6
   Environmental Checklist.................................................................................7

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LIST OF ATTACHMENTS

Attachment A  Regulation VIII Control Measures for Construction Emissions of PM₁₀
INITIAL STUDY
Introduction

This Initial Study has been prepared under the direction of the City of Porterville (City), the lead agency under the California Environmental Quality Act (CEQA), to analyze the potential effects of constructing and operating a three (3) story Holiday Inn hotel consisting of 69 rooms for rental and miscellaneous building area.

Project Description

The proposed project is located in the City of Porterville in Tulare County (Figure 1). The project would permit construction of a three (3) story Holiday Inn hotel. In addition to 69 rooms for rental, the building would include a great room, lobby, meeting room, maintenance and storage rooms, bathrooms and three offices.

The project area is currently a vacant lot, generally rectangular in shape at the northeast corner of South Jaye Street and Montgomery Avenue (Figure 2). Adjacent uses include a Burger King restaurant to the north, another vacant parcel and a Best Western motel to the east, the Wal-Mart Distribution Center to the south, and a County island, including a developed single family subdivision, to the west.

South Jaye Street, which borders the west of the project area, is designated an Arterial street (84 foot planned right-of-way). Montgomery Avenue, which borders the southern edge of the project, is a divided four (4) lane Collector Street (80 foot planned right-of-way). Access to the site is from an ingress/egress shared with Burger King.
Environmental Factors Potentially Affected

The attached environmental checklist and description indicates that there will be no impact, the following environmental impacts will have a less than significant impact or impacts will be mitigated to be less than significant for reasons provided in the checklist narrative:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems

Mitigation measures are required to reduce the following impacts to less than significant:

- Air Quality – Follow Regulation VIII Enhanced and Additional Control measures
- Cultural Resources – Monitoring in the event of a discovery
- Water Quality – Compliance with terms of the NPDES Permit
- Noise – limited hours of construction, use of equipment mufflers

These measures are defined in greater detail in the Environmental Checklist.

In compliance with the California Environmental Quality Act, appropriate environmental regulations will be met. The following list provides reference to some of these regulations.

**Air Quality:** 42 U.S.C. 7401 40 CFR, 6, 51, 93, CAA §176 c) d), 17 CCR § 90700; and San Joaquin Valley Air Pollution Control District regulations

**Cultural Resources:** 14 CCR § 4852, 36 CFR 800

**Water Quality:** Clean Water Act § 101a), § 303, § 401, § 510; Clean Water Counsel, Division 7, Chapter 4, Article 3, § 13247; Clean Water Counsel § 13000, The Porter-Cologne Act, 23 CCR § 640

**Biology:** 14 CCR 6 § 2050-2116, 50 CFR 402
Opportunity for Comments

This Notice of Intent to Adopt a Negative Declaration will be circulated for a period of 30 days starting on May 18, 2005 and ending on June 18, 2005. Comments on the Notice of Intent and Initial Study should be made in writing to the following:

Bradley Dunlap, AICP  
Community Development Director  
City of Porterville  
291 N. Main Street  
Porterville, CA 93257  
Fax (559) 784-4569

Determination

I find that the proposed will not have a significant effect(s) on the environment, and a Mitigated Negative Declaration will be prepared.

Signature

Name: Stephen J. Peck, AICP  
Date: May 18, 2005  
For: Quad Knopf, Inc.  
Consultants to the City of Porterville
Evaluation of Environmental Impacts

An Environmental Evaluation and checklist is attached. A brief explanation is included for all answers except “No Impact” answers that are adequately supported by the information sources cited. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer is explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Earlier analyses have been used where, pursuant to tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or other environmental document prepared pursuant to CEQA.
ENVIRONMENTAL CHECKLIST

1. Project title:
   Conditional Use Permit 3-2005

2. Lead agency name and address:
   City of Porterville
   291 North Main Street
   Porterville, CA 93257

3. Contact person and phone number:
   Bradley Dunlap, AICP
   Community Development Director
   (559) 782-7460

4. Project location:
   The proposed project is located at the northeast corner of South Jaye Street and
   Montgomery Avenue in the City of Porterville in Tulare County as shown in Figure 2.

5. Project sponsor's name and address:
   Lee Gage & Associates, Inc.  Anil Patel
   7636 N. Ingram, Suite 107  805 S. Kaweah Avenue
   Fresno, California 93711  Exeter, California 93221

6. General plan designation:
   Current General Plan designation is Heavy Commercial.

7. Zoning:
   Existing zoning for the project area is C-3 (Heavy Commercial).

8. Description of Project:
   The proposed Conditional Use Permit would allow construction and operation of a three (3) story
   Holiday Inn consisting of 69 rooms for rental and miscellaneous building area.

9. Other public agencies whose approval is required (e.g., permits, financing approval,
    or participation agreement.)
   
<table>
<thead>
<tr>
<th>Agency</th>
<th>Coordination Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Water Resources Control Board</td>
<td>NPDES Permit, SWPPP</td>
</tr>
<tr>
<td>San Joaquin Valley Air Pollution Control District</td>
<td>Authority to Construct</td>
</tr>
</tbody>
</table>

10. Sources and previous Environmental Documents relied upon:
    City of Porterville Land Use, Open Space, Conservation and Safety Elements of the
    General Plan, 1998
    Porterville General Plan Amendment 1-89 Environmental Impact Report, 1990
    City of Porterville Water System Master Plan, 2001
    Federal Emergency Management Agency, Flood Boundary and Floodway Map,
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below could be potentially affected by this project. However, mitigation measures for each factor as indicated by the narrative within the checklist on the following pages will result in a less than significant impact.

|☐| Aesthetics |☐| Agriculture Resources |☒| Air Quality |
|☐| Biological Resources |☒| Cultural Resources |☐| Geology /Soils |
|☐| Hazards & Hazardous Materials |☒| Hydrology / Water Quality |☐| Land Use / Planning |
|☐| Mineral Resources |☒| Noise |☐| Population / Housing |
|☐| Public Services |☐| Recreation |☐| Transportation / Traffic |
|☐| Utilities / Service Systems |☐| Mandatory Findings of Significance |

City of Porterville
Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration

May 2005
DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

[Signature]

Date 5/17/05

[Signature]

Date
I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?  
   [ ] Potentially Significant Impact
   [ ] Less Than Significant with Mitigation Incorporation
   [ ] Less Than Significant Impact
   [ ] No Impact

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?  
   [ ] Potentially Significant Impact
   [ ] Less Than Significant with Mitigation Incorporation
   [ ] Less Than Significant Impact
   [ ] No Impact

c) Substantially degrade the existing visual character or quality of the site and its surroundings?  
   [ ] Potentially Significant Impact
   [ ] Less Than Significant with Mitigation Incorporation
   [ ] Less Than Significant Impact
   [ ] No Impact

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?  
   [ ] Potentially Significant Impact
   [ ] Less Than Significant with Mitigation Incorporation
   [ ] Less Than Significant Impact
   [ ] No Impact

Response:

a), b) There are no scenic vistas within the vicinity of the project site. The project is within one-quarter mile of State Route 190, which is eligible as a scenic highway from State Route 65 to the Nevada state line. However, no trees, historic buildings, or other scenic resources are on the project site, and the project would not have any impact on such resources.

c), d) The project would construct a 3-story hotel on a currently vacant lot. The project would include structural and parking lot lighting. Although the existing visual character of the site will be altered, in comparison to the adjacent land use, the project would create a less than significant visual impact. The project would create a new source of lighting, but the increase of ambient light in the project area will be less than significant.
II. AGRICULTURE RESOURCES --
Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Response:

a), b), c) Development of the project will result in no direct or indirect conversion of farmland. The project site is small and has not been used for crop production for many years. The project is not within or adjacent to an area currently used for farmland, and would not induce growth, creating a change that would result in conversion of other farmland.
III. AIR QUALITY -- Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>□</td>
<td>✗</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td>□</td>
<td>✗</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td>□</td>
<td>✗</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>✗</td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>✗</td>
</tr>
</tbody>
</table>

Response:

a), b), c) The Project site is located in the San Joaquin Valley Air Pollution Control District. This portion of the Valley is designated as a non-attainment area for Particulate Matter smaller than 10 microns in diameter (PM$_{10}$) and Ozone. Ozone precursors include Oxides of Nitrogen (NOx) and Reactive Organic Compounds (ROC). The primary contributor to such emissions are indirect activities such as vehicle trips. The proposed project is less than significant because it does not exceed the small project analysis level established by the SJVAPCD.

Construction related activities have the potential to result in a significant impact due to PM$_{10}$ emissions. To mitigate the impacts to air quality to less than significant, the contractor must implement not only the San Joaquin Valley Air Pollution Control District's Regulation VIII Control Measures, but also the Enhanced and Additional Control Measures and construction equipment mitigation measures (Tables 6-3 and 6-4, respectively, of the SJVAPCD’s Guide for Assessing and Mitigating Air Quality Impacts). These measures are listed in Attachment A.

Air quality impacts resulting from overall community growth will be addressed through compliance with State and Federal regulations governing the generation of pollutants. Air quality impacts resulting from City build out within the Urban Development Boundary...
<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

have been addressed through adoption of General Plan Amendment 1-89 and the Final EIR approved for said action, and the subsequent adoption of General Plan Amendment 1-95 and the final EIR approved for said action. The project is in compliance with the Final EIR.

d) The proposed project will not generate substantial pollutant concentrations. The mitigation measures listed in Attachment A will provide adequate mitigation for any additional pollutants during the construction phases.

e) The project, as proposed, will not create any objectionable odors.
IV. BIOLOGICAL RESOURCES --
Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?
<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

Response:

a), b), c), d) Surveys completed by City Staff identified no special status plant or animal species in the area surrounding any of the proposed improvements. No wetlands or riparian habitat are within the proposed project area, and none of the project sites serve as migratory wildlife corridors. No avoidance measures are necessary.

e) The City of Porterville does not have a policy regarding tree preservation.

f) Presently, there are no Habitat Conservation Plans (HCP) adopted in the City. The project does not conflict with any other habitat conservation plan.
V. CULTURAL RESOURCES – Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

Response:

*a), b), c), d) There are no known historic or archaeological resources on site and it is unlikely that such will be discovered at the time of construction. However, in the event that any as-yet undetected (i.e., buried) cultural resources are encountered on this property at a future time, work shall cease within a 50-foot area of the find, and a qualified archaeologist should be contacted to evaluate any such discoveries. The archaeologist and the City would determine the next appropriate step to mitigate any impact to less than significant.*
VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

   i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

   □ □ □ ☒

   ii) Strong seismic ground shaking?

   □ □ □ ☒

   iii) Seismic-related ground failure, including liquefaction?

   □ □ □ ☒

   iv) Landslides?

   □ □ □ ☒

b) Result in substantial soil erosion or the loss of topsoil?

   □ □ ☒ □

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

   □ □ □ ☒

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

   □ □ □ ☒

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

   □ □ □ ☒
<table>
<thead>
<tr>
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<th>Mitigation Incorporation</th>
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<th>No Impact</th>
</tr>
</thead>
</table>

Response:

a)  
i), ii), iii), iv) The proposed Project site is located in a relatively seismically quiet area of California. Neither the City of Porterville nor Tulare County are affected by Alquist-Priolo Earthquake Fault Zones. No faults are known to exist within the Project area, and the proposed project structures will be reinforced in accordance with State and local building codes and ordinances. The Project will not expose people or structures to the adverse effects of earthquakes, seismic ground shaking, seismic ground failure, or landslides.

b) The site is flat and there will be slow surface runoff and the hazard of erosion is slight (USDA NRCS Soil Survey, Tulare County, California, Central Part). The project area is currently flat and will require only minor grading.

c), d) The soils of the project area are not currently, now would they become as a result of the project, unstable or expansive.

e) The Project does not include the use of septic tanks or alternate wastewater disposal systems.
<table>
<thead>
<tr>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Response:

a), b), c) No hazards are associated with the proposed hotel development. No hazardous materials would be used on site.

d) The proposed improvement sites are not listed on the hazardous materials sites list indicated above.

e), f) The proposed project sites are not located in the vicinity of an airport or a private airstrip. (Porterville Municipal Airport Master Plan Report, 1990.)

g) Movement of emergency vehicles and pedestrians will not be affected by construction of the project.

h) No significant risks of wildfire are anticipated in the Project area.

The 2 fully staffed fire stations in the City of Porterville have been strategically located to provide response times of 5 minutes, or less, to all areas of the City. Growth and population will be monitored to ensure that the number of stations in Porterville is sufficient to maintain acceptable standards of fire suppression and control. Reserve firefighters assist full time firefighters on routine grass and structural calls. Fire dispatch is handled by the City Police Department by 9-1-1 calls (Safety Element of the General Plan, 1998, P.6-6).
<table>
<thead>
<tr>
<th>Issues</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>VIII HYDROLOGY/WATER QUALITY – Would the project:</td>
<td></td>
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<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Issues</td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporation</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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<tr>
<td>-----------------------------------------------------------------------</td>
<td>-------------------------------</td>
<td>-------------------------------------------------</td>
<td>----------------------------</td>
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</tr>
<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Response:

a), f) The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Consequently, the storm water generated from future development of the site has been anticipated by the plan. Water quality could be affected by chemicals (oil based residues) conveyed by storm water runoff from streets, driveways and other impervious surfaces. Demands on the City’s water supply from the unconfined aquifer will be commensurate with the magnitude and type of development as proposed.

Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).

b) The site is within the boundaries of the City of Porterville’s Water Master Plan. Development of the site was anticipated and adequate water supplies have been identified.

Development of the site is not anticipated to significantly deplete groundwater supplies or reduce public water supply from the City’s unconfined groundwater aquifer, therefore, the impact is less than significant.

c) The Project will not alter drainage patterns in such a way that substantial erosion or siltation occurs.

d), e) The Project will not result in a significant increase in the rate of surface runoff. The curbs, gutters, and sidewalks needed to accommodate the runoff from additional paved surfaces are already in place and have capacity for the project.

g), h), i) FIRM flood map 060407 0010D indicates the project site is in Zone C, an area of minimal flooding. No part of the project area is located within the 100-year floodplain, and no structures would impede or redirect flood flows.

j) The Project area is not within an area subject to these hazards.
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>IX. LAND USE AND PLANNING - Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Physically divide an established community?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>d) Would the project result in impacts to other commercial land uses within the meaning of Section 15131 of the CEQA guidelines; more specifically, will the project cause substantial physical impact on existing commercial districts including excessive vacancies, blight, relocation of existing anchor tenants to the project?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Response:

a) The Project, as proposed, will not disrupt or divide the physical arrangement of the community in this area.

b) The proposed Project does not conflict with any applicable land use plan, including the City of Porterville General Plan. (Porterville General Plan, July 1998).

c) Currently there is no Habitat Conservation or Natural Community Conservation Plan in the City. (See Response IV-f). Further, the Project will not conflict with any applicable environmental plans or policies adopted by agencies with jurisdiction over the project.

d) Potential socio-economic impacts will not result from development of the project.
X. MINERAL RESOURCES -- Would the project:

<table>
<thead>
<tr>
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</tr>
</thead>
</table>

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

   | ☐ | ☐ | ☐ | ☒ |

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

   | ☐ | ☐ | ☐ | ☒ |

Response:

a), b) No mineral resources are known to exist at the proposed project site.
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>XL NOISE -- Would the project result in:</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Response:

a), d) *With the exception of constructing the proposed hotel, there will be minimal noise created from operation. Construction noise will be mitigated by scheduling activities during daytime hours (between 7:00 a.m. and 7:00 p.m. Monday through Friday, and between 9:00 a.m. and 6:00 p.m. Saturday and Sunday), and use of equipment mufflers.*

b) *No groundborne vibrations or noise levels will result from the construction or operation of the proposed project.*

c) *The project will not contribute significant volumes of traffic to local roadways. No perceptable increase in noise will occur due to the additional traffic generated by the*
hotel.

e), f) The Project is not located within 2 miles of an airport or a private airstrip. (Porterville Municipal Airport Master Plan Report, 1990)
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<tbody>
<tr>
<td><strong>XII. POPULATION AND HOUSING -- Would the project:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Induce substantial population growth in an area, either directly</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[✓]</td>
</tr>
<tr>
<td>(for example, by proposing new homes and businesses) or indirectly</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(for example, through extension of roads or other infrastructure)?</td>
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<tr>
<td>b) Displace substantial numbers of existing housing, necessitating</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[✓]</td>
</tr>
<tr>
<td>the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>c) Displace substantial numbers of people, necessitating the</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[✓]</td>
</tr>
<tr>
<td>construction of replacement housing elsewhere?</td>
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<tr>
<td><strong>Response:</strong></td>
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</tr>
<tr>
<td>a)  <em>Population growth will not be induced by the proposed project.</em></td>
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<tr>
<td><em>No infrastructure needs will result from approval of the project, as all necessary roads and utilities currently extend to the project area. The project does not include construction of new homes, and the project would not result in an increase in employment that could not be accommodated by the existing market of available unemployed residents.</em></td>
<td></td>
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</tr>
<tr>
<td>b), c)  <em>No displacement of persons or housing will occur as the result of proposed project.</em></td>
<td></td>
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</table>

*City of Porterville  May 2005  Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration*
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<tbody>
<tr>
<td>XIII. PUBLIC SERVICES -- Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios for any of the public services:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire protection?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Police protection?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Schools?</td>
<td>☐</td>
<td>☐</td>
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<td>☒</td>
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<tr>
<td>Parks?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Other public facilities?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Response:**

*a) The project will not result in an increased demand on public services beyond what is planned for in the City's General Plan. Current capacity of public services is sufficient to accommodate the project.*
XIV. RECREATION -- Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

   □   □   □   ☒

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

   □   □   □   ☒

Response:

   a), b) Development of the hotel will not have a direct impact on recreation opportunities or facilities.
<table>
<thead>
<tr>
<th>Issues</th>
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</thead>
<tbody>
<tr>
<td>XV. TRANSPORTATION/TRAFFIC – Would the project:</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>the existing traffic load and capacity of the street system (i.e.,</td>
<td></td>
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<tr>
<td>result in a substantial increase in either the number of vehicle</td>
<td></td>
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<tr>
<td>trips, the volume to capacity ratio on roads, or congestion at</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>intersections)?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>standard established by the county congestion management agency for</td>
<td></td>
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<tr>
<td>designated roads or highways?</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>increase in traffic levels or a change in location that results in</td>
<td></td>
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<td></td>
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<tr>
<td>substantial safety risks?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g.,</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>sharp curves or dangerous intersections) or incompatible uses (e.g.,</td>
<td></td>
<td></td>
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<tr>
<td>farm equipment)?</td>
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<td></td>
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<tr>
<td>e) Result in inadequate emergency access?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
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<tr>
<td>alternative transportation (e.g., bus turnouts, bicycle racks)?</td>
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</tr>
</tbody>
</table>

Response:

a), b) Eventual development of the hotel with 69 guest rooms is anticipated to result in additional daily trips. The Institute of Transportation Engineers Trip Generate Manual indicates the following trips generated for each occupied guest room:

- Weekday — average trips per room at the peak hour between 7 a.m. and 9 a.m. generated 0.67 trips.
- Weekday — average trips per room at the peak hour between 4 p.m. and 6 p.m. generated 0.71 trips.
<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation Impact</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Weekend</strong> (Saturday) — average trips per room at the peak hour generated 0.87 trips.</td>
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<tr>
<td><strong>Weekend</strong> (Sunday) — average trips per room at the peak hour generated 0.75 trips.</td>
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</tbody>
</table>

Weekday/PM peak hour trips generated for the project is estimated to be 32 trips. The project is based on an average weekday occupancy rate of 75 percent. During full occupancy, the trip generated rate is estimated to be 42 trips in the pm peak hour. The project does not exceed the City's or Caltran's thresholds (more than 50 peak hour trips are LOS C or D roadways) and is therefore less than significant. The project will pay traffic impact fees.

Jay Street is a designated Arterial street with a planned 84 foot right-of-way width. Street design and environmental review have been completed for a project to widen Jaye Street to four lanes and extend the roadway south to meet Gibbons Avenue.

c). The proposed project would have no impact on air traffic patterns.

d), e), f), g) The proposed project would not increase hazards due to design features, nor would it result in inadequate emergency access or parking capacity. The project will not conflict with any adopted policies or plans.
<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>XVI. UTILITIES/SERVICE SYSTEMS - Would the project:</td>
<td></td>
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</tr>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Response:

a), b), c), d), e), f), g)

*The Project site is currently served by existing facilities and would not result in a need for new systems or substantial alterations to water or wastewater facilities (City Staff, Bubba Frasher).*
### XVII. MANDATORY FINDINGS OF SIGNIFICANCE -- Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Does the project have the potential to: substantially degrade the</td>
<td>□</td>
<td>x</td>
<td>□</td>
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<tr>
<td>quality of the environment; substantially reduce the habitat of a</td>
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<td>fish or wildlife species; cause a fish or wildlife population to drop</td>
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<tr>
<td>below self-sustaining levels; threaten to eliminate a plant or animal</td>
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<tr>
<td>community; reduce the number or restrict the range of an endangered,</td>
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<tr>
<td>rare, or threatened plant or animal species; or eliminate important</td>
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<tr>
<td>examples of the major periods of California history or prehistory?</td>
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<tr>
<td>b) Does the project have impacts that are individually limited, but</td>
<td>□</td>
<td>□</td>
<td>x</td>
<td>□</td>
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<tr>
<td>cumulatively considerable? (&quot;Cumulatively considerable&quot; means that</td>
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<tr>
<td>the incremental effects of a project are significant when viewed in</td>
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<tr>
<td>connection with the effects of past projects, the effects of other</td>
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<tr>
<td>current projects, and the effects of probable future projects).</td>
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<tr>
<td>c) Does the project have environmental effects which will cause</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>x</td>
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<tr>
<td>substantial adverse effects on human beings, either directly or</td>
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<tr>
<td>indirectly?</td>
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<tr>
<td>d) Does the project have the potential to achieve short-term</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>x</td>
</tr>
<tr>
<td>environmental goals to the disadvantage of long-term environmental</td>
<td></td>
<td></td>
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<tr>
<td>goals?</td>
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<td></td>
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</tr>
</tbody>
</table>
Attachment A

Regulation VIII Control Measures for Construction Emissions of PM\textsubscript{10}
Attachment A

Regulation VIII Control Measures for Construction Emissions of PM$_{10}$

Regulation VIII Control Measures – The following controls are required to be implemented at all construction sites:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.)* *(Use of blower devices is expressly forbidden.)*

- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

- With urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

Enhanced Control Measures – The following controls should be implemented at a construction site when required to mitigate significant PM$_{10}$ impacts:

- Limit traffic speeds on unpaved roads to 15 mph.

- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
Additional Control Measures – The following controls are strongly encouraged at construction sites that warrant additional emissions reductions:

- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
- Install wind breaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds exceed 20 mps.
- Limit area subject to excavation, grading, and other construction activity at any one time.

*Regardless of wind speed, an owner/operator must comply with Regulation VIII’s 20 percent opacity limitation.

Construction Equipment Mitigation Measures:

<table>
<thead>
<tr>
<th>Emission Source</th>
<th>Mitigation Measures</th>
</tr>
</thead>
</table>
| Heavy duty equipment (scrapers, graders, trenchers, earth movers, etc.) | - Use of alternative fueled or catalyst equipped diesel construction equipment.  
- Minimize idling time (e.g., 10 minute maximum)  
- Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use.  
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).  
- Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways.  
- Implement activity management (e.g. rescheduling activities to reduce short-term impacts). |
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR CONDITIONAL USE PERMIT 3-2005 TO ALLOW FOR THE CONSTRUCTION OF A THREE (3) STORY HOLIDAY INN IN A C-3 (HEAVY COMMERCIAL) ZONE TO BE LOCATED ON A 1.62 ACRE VACANT SITE GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH JAYE STREET AND MONTGOMERY AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 21, 2005, conducted a public hearing to consider approval of Conditional Use Permit 3-2005 to allow for the construction of a three (3) story Holiday Inn in a C-3 (Heavy Commercial) Zone generally located on the northeast corner of South Jaye Street and Montgomery Avenue;

WHEREAS: Section 800 A-20 of the Porterville Zoning Ordinance allows for hotels and apartment hotels up to two (2) stories. Third story and above is subject to obtaining approval of a Conditional Use Permit.

WHEREAS: On May 17, 2005, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

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

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

2. That the Negative Declaration prepared for this project was made available for public review and comment. The 20 day review period was from May 21, 2005 to June 11, 2005. At the end of the review period, the only agencies that responded was from the San Joaquin Valley Air Pollution Control District and the Department of Transportation. Those comments have been incorporated into the Mitigation Monitoring Program Attachment A of the draft environmental resolution.

3. That the proposed project will not create adverse environmental impacts.

The proposed Negative Declaration was evaluated in light of the prepared environmental initial study, comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level through the implementation of the attached mitigation measures.

ATTACHMENT ITEM NO. 6
4. That the City Council is the decision-making body for the project.

5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A and included as Condition 39 in the proposed resolution of approval for Conditional Use Permit 3-2005.

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

City staff conducted an on-site inspection. The site is vacant and has been regularly discsed for weed control. No natural habitat was observed. As such, no endangered, threatened or rare species or habits exist and no impact will occur.

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

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

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration for Conditional Use Permit 3-2005 as described herein.

__________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By ________________________
Georgia Hawley, Chief Deputy City Clerk
### Summary of Potential Impacts, Mitigation Measures, and Mitigation Monitoring Program

#### III. AIR QUALITY

<table>
<thead>
<tr>
<th>Impact No.</th>
<th>Impact Description</th>
<th>Page Number</th>
<th>Mitigation Number</th>
<th>Mitigation Measure</th>
<th>Level of Significance After Mitigation</th>
<th>Monitoring Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>a, b, c</td>
<td>Violation of Air Quality Standards</td>
<td>12-13</td>
<td>a, b, c</td>
<td>PM$<em>{10}$ and PM$</em>{2.5}$ air quality impacts will be mitigated with implementation of the applicable Regulation VIII procedures of the SJVAPCD. These provisions are:</td>
<td>Less than Significant</td>
<td>City of Porterville</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/ suppressants, covered with a tarp or other similar cover, or vegetative ground cover.</td>
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<td></td>
<td>2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer suppressant.</td>
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<td>3. All land clearing, grubbing, scraping, excavating, land leveling, grading, demolition and cut and fill activities shall be effectively controlled to minimize fugitive dust emissions utilizing application of water or by pre-soaking.</td>
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<td>4. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from top of the container shall be maintained.</td>
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<td>5. All operations shall limit the use of, or expeditiously remove the accumulation of mud or dirt from, adjacent public streets at the end of each workday when operations are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit visible dust emissions; use of blower devices is expressly forbidden).</td>
<td></td>
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</tr>
<tr>
<td>Impact No.</td>
<td>Impact</td>
<td>Page Number in Initial Study</td>
<td>Mitigation Number</td>
<td>Mitigation Measure</td>
<td></td>
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<td>6.</td>
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<td>Following the addition of materials to, or the removal of materials from, the</td>
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<td></td>
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<td>surface of outdoor storage piles, said piles shall be effectively stabilized of</td>
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<td></td>
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<td></td>
<td>fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.</td>
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<td></td>
<td>The following measures are appropriately enhanced and additional dust control</td>
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<td>strategies that are to be implemented beyond the requirements of SJVAPCD</td>
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<td></td>
<td>Regulation VIII:</td>
<td></td>
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<tr>
<td>7.</td>
<td></td>
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<td>Limit construction traffic speeds on unpaved roads to 15 mph.</td>
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<tr>
<td>8.</td>
<td></td>
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<td>Suspend excavation and grading activities when winds exceed 20 mph.</td>
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<td>9.</td>
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<td>Limit area subject to excavation, grading or other construction activity at</td>
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<td>any one time.</td>
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<td>10.</td>
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<td>Install wheel washers for all exiting trucks or wash off all trucks and equipment</td>
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<td>leaving the site.</td>
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</tbody>
</table>

V. CULTURAL RESOURCES

| a, b    | Cultural and Historic Resources | 16 | a, b   | In the event that any as-yet undetected (i.e., buried) cultural resources are     |
|---------|---------------------------------|----|--------| encountered on this property at a future time, work shall cease within a 50-foot |
|         |                                 |    |        | area of the find, and a qualified archaeologist should be contacted to evaluate    |
|         |                                 |    |        | any such discoveries. The archaeologist and the City would determine the next     |
|         |                                 |    |        | appropriate step to mitigate any impact to less than significant.                 |
|         |                                 |    |        | Less than Significant | City of Porterville |

City of Porterville
City of Porterville Conditional Use Permit 3-2005

June 2005
<table>
<thead>
<tr>
<th>Impact No.</th>
<th>Impact Number in Initial Study</th>
<th>Mitigation Measure</th>
<th>Level of Significance After Mitigation</th>
<th>Monitoring Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>VIII. HYDROLOGY AND WATER QUALITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>Violation of Water Quality Standards or Waste Discharge Requirements</td>
<td>21-22</td>
<td>a</td>
<td>Less than Significant</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Consequently, the storm water generated from future development of the site has been anticipated by the plan. Water quality could be affected by chemicals (oil based residues) conveyed by storm water runoff from streets, driveways and other impervious surfaces. Demands on the City’s water supply from the unconfined aquifer will be commensurate with the magnitude and type of development as proposed. Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
</tr>
<tr>
<td>XI. NOISE</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a, d</td>
<td>Exceedance of Applicable Noise Standards</td>
<td>25</td>
<td>a, d</td>
<td>Less than Significant</td>
</tr>
<tr>
<td></td>
<td></td>
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<td>With the exception of constructing the proposed hotel, there will be minimal noise created from operation. Construction noise will be mitigated by scheduling activities during daytime hours (between 7:00 a.m. and 7:00 p.m. Monday through Friday, and between 9:00 a.m. and 6:00 p.m. Saturday and Sunday), and use of equipment mufflers.</td>
</tr>
</tbody>
</table>
RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR CONDITIONAL USE PERMIT 3-2005 TO ALLOW FOR THE CONSTRUCTION OF A THREE (3) STORY HOLIDAY INN IN A C-3 (HEAVY COMMERCIAL) ZONE TO BE LOCATED ON A 1.62 ACRE VACANT SITE GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH JAYE STREET AND MONTGOMERY AVENUE

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3. That the proposed project will not create adverse environmental impacts.

The proposed Negative Declaration was evaluated in light of the prepared environmental initial study, comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level through the implementation of the attached mitigation measures.

4. That the City Council is the decision-making body for the project.
5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A and included as Condition 39 in the proposed resolution of approval for Conditional Use Permit 3-2005.

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

City staff conducted an on-site inspection. The site is vacant and has been regularly disced for weed control. No natural habitat was observed. As such, no endangered, threatened or rare species or habits exist and no impact will occur.

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

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

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration for Conditional Use Permit 3-2005 as described herein.

____________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
Georgia Hawley, Chief Deputy City Clerk
RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT 3-2005 TO ALLOW FOR THE CONSTRUCTION OF A THREE (3) STORY HOLIDAY INN IN A C-3 (HEAVY COMMERCIAL) ZONE TO BE LOCATED ON A 1.62 ACRE VACANT SITE GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH JAYE STREET AND MONTGOMERY AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 21, 2005, conducted a public hearing to consider approval of Conditional Use Permit 3-2005 to allow for a three (3) story Holiday Inn in a C-3 (Heavy Commercial) Zone generally located on the northeast corner of South Jaye Street and Montgomery Avenue; and

WHEREAS: Section 800 A- 20 of the Porterville Zoning Ordinance allows for hotels and apartment hotels up to two (2) stories. Third story and above is subject to obtaining approval of a Conditional Use Permit; and

Whereas: That the Negative Declaration prepared for this project was made available for public review and comment. The 20 day review period was from May 21, 2005 to June 11, 2005. At the end of the review period, the only agencies that responded was from the San Joaquin Valley Air Pollution Control District and the Department of Transportation. Those comments have been incorporated into the Mitigation Monitoring Program Attachment A of the draft environmental resolution.

WHEREAS: The City Council made the following findings with respect to the subject project:

1. The General Plan designates the subject site as Heavy Commercial.
   The subject site is zoned C-3 (Heavy Commercial) which is supported by the General Plan. The proposed use is allowed pursuant to approval of a Conditional Use Permit.

2. That the site is physically suitable for the type of development proposed.
   The site is generally level. The soil is not highly expansive and therefore will not create any barriers to conversion of the existing single family dwelling to a church.

3. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.
   The subject site is vacant and absent of any vegetation due to weed control. An on-site inspection was conducted by staff. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.
4. That the proposed location of the project and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. Conditions of approval are included to ensure adequate development standards are met.

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

6. The project as proposed complies with all design standards of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 3-2005, subject to the following conditions:

1. Although precise calculations have not yet been made, the developer/applicant should be aware that traffic impact fees will apply to this project. Preliminary fee estimates have been transmitted under a separate cover. All development impact fees may be financed for five years at 0% interest at the option of the developer/applicant.

2. A minimum of one (1) tree for every thirty-five (35) linear feet of street frontage along the Jaye Street and Montgomery Avenue property line(s), to include an automatic irrigation system for all landscaping.

3. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 of the Zoning Ordinance.

4. It is recommended that the fence around the pool and spa be designed to provide visual screening for the privacy of patrons.

5. Roof mounted equipment will be required to be screened from view from adjacent streets.

6. Free-standing signage shall be architecturally compatible with the proposed building, as determined by the Zoning Administrator.

7. Provide loading space(s) in accordance with Section 2400 and 2401 of the Zoning Ordinance.


9. The developer/applicant shall pay all applicable fees according to the Municipal Code and
State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

10. The developer/applicant shall follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

11. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).

12. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306).

13. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).

14. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

15. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.

16. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

a. Wastewater Discharge Permit Application, Part “A”; and

b. If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

c. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental
Health. The developer/applicant shall provide proof of compliance with County requirements before issuance of a certificate of occupancy.

17. The developer/applicant shall install a refuse container enclosure according to City standards. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

18. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.

19. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

20. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.

21. The developer/applicant shall comply with the site access and development requirements which were conditions of approval of Tentative Parcel Map 3-2003 (Parcel Map No. 4593). These conditions are summarized as follows:

   a. The developer/applicant shall provide an easement for mutual ingress and egress that provides traffic circulation from the existing access easement shown on Parcel Map No. 4494 to the existing common access easement created by Lot Line Adjustment 9-97, recorded as Document No. 97-068134, O.R. (75' square easement next to and east of the southeasterly portion of proposed Parcel 2). The easement shall be shown on the final map and be a minimum of 25 feet in width. These easements are shown on Parcel Map No. 4593.

   b. The developer/applicant shall construct an asphalt concrete (AC) access drive that is a minimum of 25 feet in width. Six (6) inch AC dikes, or equivalent barriers, shall be constructed along each side of the access drive, excluding drainage openings, if in the opinion of the City Engineer it is necessary to prevent traffic from existing the access drive. The structural section of the AC access drive shall be in conformance with Zoning Ordinance Section 2206 and completed with the development of proposed Parcel 1 or 2, whichever occurs first. This condition and order of construction is reiterated in the Improvement Certificate on Parcel Map No 4593.

   c. The developer/applicant shall maintain the formal agreement regarding maintenance of the various access easements serving the subject site and the easterly parcel, recorded in conjunction with the Parcel Map No 4593.

   d. The developer/applicant shall provide, easements, permits, calculations, etc., if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing
of the development (e.g., water, sewer, drainage, etc.).

e. The developer applicant shall extend sewer and water mains along Montgomery Avenue from the Jaye Street/Montgomery Avenue intersection to the east line of proposed Parcel 2 (contingent upon the failure to acquire an easement across Parcel 2 of Parcel Map No. 4494 for sewer and water services). The sewer and water mains in Jaye Street may be utilized to serve proposed Parcel 1.

22. The following shall apply upon application for building permit.

a. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include three (3) sets of energy calculations and structural calculations.

b. Compliance with access laws (both State and Federal) is required.

c. Compliance with all applicable codes is required.

d. Plan check fees are required at the time of building permit submittal.

e. Soils compaction test will be required.

f. School Development fees and all other City fees are due at the time of building permit issuance.

g. Approval from the Tulare County Health Department prior to issuance of the swimming pool permit which is a separate permit.

h. Signs require a separate permit.

i. The developer/applicant shall pay all applicable fees according to the Municipal Code and State Law.

23. Based on the occupancy classification, a fire sprinkler and/or fire alarm will be required.

24. When a fire sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:

a. Twenty or more in Group I, Divisions 1.1 and 1.2 Occupancies.

b. One hundred or more in all other occupancies.

25. Submit 2 complete sets of sprinkler and/or fire alarm plans to Fire Department for review prior to installation.

26. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the
required flow.

27. Depending on the location of the existing fire hydrant(s), additional fire hydrants will be required.

28. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

29. Fire hydrants spacing shall be as follows: In Residential development, one (1) hydrant shall be installed at every 500 feet intervals. In Commercial development, one (1) hydrant shall be installed at every 300 feet intervals.

30. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

31. All dead-end access roads in excess of 150 feet must be provided with a approved turn-around complying with City Standards.

32. Project must meet minimum fire flow requirements per table in appendix III-A & III-B of the California Fire Code. Fire flow for this project as submitted would be 3500 GPM a reduction of 50% may be granted if approved by the Fire Chief. A minimum of four (4) hydrants would be required.

33. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Sec. 22500.1.

34. A Knox box may be required. Application may be obtained from the Fire Department.

35. Additional requirements for compliance with the Uniform Fire Code may be added at the time of building permit review when more information regarding the building type and use are provided.

36. A grease trap or grease interceptor is required.

37. At all times, the facility shall be constructed, operated and maintained to comply with State Law, the City of Porterville Municipal Code, adopted Building Codes and all other applicable laws and ordinances.

38. That the subject site will be developed in accordance with the site plan and elevation plans labeled EXHIBIT “A”.

39. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. Prior to recording the final map, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.
40. The Conditional Use Permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year.

___________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By _________________________
Georgia Hawley, Chief Deputy City Clerk
PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 4-2005 - PROPOSED FAMILY ARCADE TO BE LOCATED AT 841 WEST HENDERSON AVENUE (PORTERVILLE PLAZA SHOPPING CENTER)

SOURCE: COMMUNITY DEVELOPMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit to allow for a family arcade to be located at 841 West Henderson Avenue in a 6,240± square foot building located in the Porterville Plaza Shopping Center which is zoned PD (C).

The building will have approximately 17± pool tables, 10± video games, 8± computers and a team room for private parties. No kitchen facility is proposed, however, sodas and snacks will be available for sale. The proposed hours of operation will be 12:00 p.m to 2:00 a.m., seven (7) days a week with an attendant to be on the premises during the hours of operation. No alcohol will be allowed.

Section 800 A35 of the Porterville Zoning Ordinance states the following:

“Commercial recreation, including but not limited to arcades, is subject to obtaining approval of a Conditional Use Permit”.

Pursuant to “General Rule” Exemption - 14 CA. Admin. Code 15061 (b) (3), the proposed project is categorically exempt form the CEQA Guidelines (The activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment).

RECOMMENDATION: It is recommended that the City Council adopt the draft resolution approving Conditional Use Permit 4-2005.

ATTACHMENT:

1. Complete Staff Report
PUBLIC HEARING - STAFF REPORT

TITLE: CONDITIONAL USE PERMIT 4-2005

APPLICANT: Earnesto Cerda
640 Boxwood Ct.
Ontario, CA 91761

SPECIFIC REQUEST: The applicant is requesting approval of a Conditional Use Permit to allow for a family arcade to be located at 841 West Henderson Avenue in a 6,240± square foot building located in the Porterville Plaza Shopping Center which is zoned PD (C).

PROJECT DETAILS: The building will have approximately 17± pool tables, 10± video games, 8± computers and a team room for private parties. No kitchen facility is proposed, however, sodas and snacks will be available for sale. The proposed hours of operation will be 12:00 p.m to 2:00 a.m., seven (7) days a week with an attendant to be on the premises during the hours of operation. No alcohol will be allowed.

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GENERAL PLAN AND LAND USE/ZONING DESIGNATION:

The site is designated for General Commercial uses and is zoned PD (C)- (Planed Development- (Central).

SURROUNDING AREA ZONING AND LAND USE:

NORTH: City PD (C) - Commercial business
SOUTH: City PD (C) - Commercial business, parking and the Galaxy 9 Theater
EAST: City PD (C) - Paved parking and Indiana Street
WEST: City PD (C) - Paved parking for the Porterville Plaza Shopping Center.
STAFF ANALYSIS: On April 13, 2005, the Project Review Committee reviewed the application request to ensure compliance with City codes. In addition, the Police Department reviewed the application to determine whether special conditions were necessary. In response, no special conditions were imposed on the design or operation. Section 800 A35 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for arcades.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed use permit would prohibit the applicant to establish an arcade at this location. Additionally, the building would remain vacant.

2. Approve the project. Approval of the request would allow the applicant to establish an arcade at this location.

ENVIRONMENTAL: Pursuant to “General Rule” Exemption - 14 CA. Admin. Code 15061 (b) (3), the proposed project is exempt form the CEQA Guidelines (The activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment). 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.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: April 13, 2005

DATE ACCEPTED AS COMPLETE: May 13, 2005

RECOMMENDATION: It is recommended that the City Council approve the application for Conditional Use Permit 4-2005.

ATTACHMENTS:

1. Locator/Site Map and interior layout of the arcade
2. Application
3. Notice of Exemption
4. Draft Resolution
<table>
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<th>No.</th>
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<tr>
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<td>897</td>
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**TOTAL G.I.A. (Sq. Ft.) = 158,215**

**HENDERSON AVENUE**

**INDIANA STREET**

**Traffic Count:**
Approximately 35,000 Cars Daily

*Site Plan Not to Scale. Information obtained by agent. As accuracy has not been verified, it is not guaranteed. (Rev. 12/16/04)*

**ATTACHMENT**

**ITEM NO. 1**
APPLICATION FOR CONDITIONAL USE PERMIT

(See Page 3 of this form for information on preparing and filing this application)

The Applicant(s) __________ Ernesto Cerda _________ is/are the owner(s) or tenant(s) of property situated at ___________ 841 W. Henderson Porterville, CA _________ between _______ Porter _________ Street/Avenue and _______ Indiana _________ Street/Avenue. Exact legal description of said property being [(Use separate sheet if necessary)]

________________________________________

See Attached

________________________________________

As applicable, a Plot Plan and 300' radius property owners map, and corresponding mailing list are hereto attached and made a part of this application (See detailed instructions on Page 3 of this form).

(A) Above described property is owned by __________ Ballenbacher&Kelton Inc. ________ Date acquired _________ 3/15/2005 _________

(B) If applicant is the lessee, give date property was leased: _________ 01/13/2005 _________

(C) List below the original deed restrictions, if any, that were placed on the property which pertain to the type of improvements permitted.

Give date said restrictions expire _________ N/A _________

(You may attach copy of original printed restrictions in answer to this question after property underlining those features controlling the type and class of uses permitted thereby).

(D) REQUEST: The applicant requests a Conditional Use Permit to USE the above described property for the following purposes:

(Use this space ONLY to state exactly what is intended to be done, on or, with the property).

A billiard room which will house approximately 17 pool tables, more than 10 video games, and 8 computers.

Hours of operation requested: 12:00 p.m. - 2:00 a.m, 7 days a week.
NOTE: The basic purpose of the Conditional Use Permit Article of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

1. State how the proposed use will not be materially detrimental to the public welfare or injurious to property or improvements in such vicinity and zone in which the use is proposed to be located.

   There will not be any amounts of solid waste or litter, no dust, ash, fumes, smoke, or odors. No hazardous materials such as toxic substances, flammables, or explosives. No alcohol will be served.

2. Principal requirements of intended use (Please answer the following statements, if applicable):

   (a) Total number of people that the building (or grounds if the use is not conducted in a building) can accommodate at one time (Seating Capacity).

      299 would be the total number of people that the building can accommodate at one time.

   (b) Total number of employees that will work on the property.

      There will be be a total of four employees working on the property.

   (c) Total number of off-street parking spaces provided or planned.

      Existing developer shopping center parking lot.

   (d) Maximum height of buildings or structures.

      N/A

   (e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.

      N/A
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the facts stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED (Add additional sheets where necessary. These signatures are desirable but not required).

<table>
<thead>
<tr>
<th>No. on Map</th>
<th>Name</th>
<th>Address</th>
<th>Lot</th>
<th>Block</th>
<th>Tract</th>
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<tbody>
<tr>
<td></td>
<td>only one (1) owner of entire property within 300ft. of subject site</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Ballenbacher&amp;Kelton Inc. 2716 ocean park blvd. 9 251 22 suit 3006 Santa Monica, CA</td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

APPLICANT'S DECLARATION

STATE OF CALIFORNIA )
COUNTY OF TULARE   ) ss.)

I (WE), ____________, being duly sworn, declare and say that I am (we are) the owner (lessee or agent) of property involved in this application and that I (we) have completed this application and all other documents and maps required hereby to the best of my (our) ability and that the statements and information above referred to are, in all respects, true and correct, except, as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at ___________ this _______ day of May, 2005

Telephone No. (626) 252-3515

Signature

640 BOXWOOD ST ONTARIO
Mailing Address CA 91761

This is to certify that the foregoing application has been inspected by me and has been found to be thorough and complete in every particular and to conform to the rules and regulations of the City of Porterville governing the filing of such application.

By ____________________________

Date Received ____________________
REQUIREMENTS FOR FILING APPLICATION FOR CONDITIONAL USE PERMIT

1. Conditional Use Permit Application Form
2. 300-Foot Radius Map
3. Property Owners' List
4. Plot Plan, Drawings or Photographs
5. Filing fee $700.00

1. The Conditional Use Application form must be filled out with full answers to every statement and question. The application must be signed by owner or authorized agent under penalty of perjury in the space provided on Page 3.

2. The 300-Foot Radius Map accompanying the application must be a clear tracing to a suitable scale and must be correctly prepared. It must show each parcel within 300 feet of the exterior boundaries of property involved with the uses of each parcel or present type of occupancy, such as single-family residence, duplex, apartment house, business building or type of industrial use, or if vacant. The various zones surrounding the subject property must also be shown. Each parcel must be consecutively numbered to correspond to owner's name on Property Owners' List (as explained below).

3. The Property Owners' List should be typewritten or legibly printed on a form to be obtained from the City (or directly on sheets of mailing labels), and must include the owner's name and mailing address. Each owner's name on this list must be numbered to correspond with the numbering placed on the aforesaid Map (Names of owners must be secured from County Assessor's Office at County Courthouse or from any title company). (One copy).

4. The Plot Plan, if applicable, must be a clear and accurate tracing of suitable size showing the parcel dimensions, its location with respect to adjacent streets, and the location of all existing and proposed buildings, structures or other improvements, with their distances from the parcel lines clearly shown. Drawings of proposed buildings on a scale large enough to illustrate the subjects under discussion are suggested as exhibits with this application. Photographs of structures are also helpful (8 copies initially with additional copies to be submitted prior to public hearing).

When above requirements are met, file Application, Plot Plan, if applicable, and Property Owners' List with the Planning Division, City Hall, Porterville, California. The application must be complete in every respect, with all questions and demands answered, before the City Planner can receive and certify the petition.

This application is not a permit. A public hearing will be held on your application.
NOTICE OF EXEMPTION

TO: Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

FROM: City of Porterville  
291 N. Main Street  
Porterville, California 93257

X Tulare County Clerk  
County Civic Center  
Visalia, CA 93291

Fiesta Family Billiard  
15842 E. Main St.  
La Puente, CA 91744

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Conditional Use Permit 4-2005
Project Title

841 W. Henderson Avenue
Project Location (Specific)

City of Porterville  
Tulare
Project Location (City)  
Project Location (County)

A Conditional Use Permit to allow for an arcade in an existing building in a developed shopping center.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Fiesta Family Billiard, 15842 E. Main St., La Puente, CA 91744
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

______ Ministerial (Section 15073)
______ Declared Emergency (Section 15071 (a))
______ Emergency Project (Section 15071 (b) and (c))
______ Categorical Exemption. State type and section number: 15332 Class 32
______ "General Rule" Exemption - 14 Ca. Admin. Code 15061 (b) (3)

The activity is covered by the general rule that CEQA applies only to projects that which have the potential for causing a significant effect on the environment.
Reasons why project is exempt

Bradley D. Dunlap, Community Development Director
Contact Person
If Filed by Applicant:
1. Attached certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the projected?  
   Yes:_______  
   No:_______

Date Received for filing:_______

Signature
Community Development Director
Title

ATTACHMENT
ITEM NO. 3
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR CONDITIONAL USE PERMIT 4-2005 TO ALLOW FOR A FAMILY ARCADE TO BE LOCATED AT 841 WEST HENDERSON AVENUE LOCATED IN THE PORTERVILLE PLAZA SHOPPING CENTER

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 21, 2005, conducted a public hearing to consider Conditional Use Permit 4-2005, being a request to allow for a family arcade to be located at 841 West Henderson Avenue in a 6,240± square foot building located in the Porterville Plaza Shopping Center which is zoned PD (C); 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. Pursuant to “General Rule” Exemption - 14 CA. Admin. Code 15061 (b) (3), the proposed project is exempt from the CEQA Guidelines (The activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment).

2. Section 800 A35 of the Porterville Zoning Ordinance states the following:

“Commercial recreation, including but not limited to arcades, is subject to obtaining approval of a Conditional Use Permit”.

3. That the proposed project is consistent with the General Plan.

The Land Use Element of the General Plan designates the subject site as General Commercial. The PD(C) zoning is supported by the General Plan designation.

4. That the design and operation of the proposed project are consistent with the General Plan.

The uses allowed in the C-2 (Central Commercial) Zone are allowed in areas designated General Commercial in the City’s general plan.

5. That the proposed use is not likely to cause substantial environmental damage.
6. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

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

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 4-2005 subject to the following conditions:

1. The proposed FAMILY BILLIARDS is considered an A-3 occupancy. Upon submittal of a building permit the following will be required:
   a. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.
   b. Compliance with access laws (both State and Federal) is required.
   c. Compliance with all applicable codes is required.
   d. Plan check fees are required at the time of building permit submittal.
   e. Approval from the Tulare County Health Department prior to issuance of the building permit.
   f. Restrooms and main entrance must comply with disabled access laws.

2. Signs require a separate permit.

3. The developer/applicant shall pay all applicable fees according to the Municipal Code and State Law.

4. When a fire sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:
   a. Twenty or more in Group I, Divisions 1.1 and 1.2 Occupancies.
   b. One hundred or more in all other occupancies.
5. Submit two (2) complete sets of sprinkler and/or fire alarm plans to Fire Department for review prior to installation.

6. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required flow.

7. Project must meet minimum fire flow requirements per table in appendix III-A & III-B of the California Fire Code.

8. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Sec. 22500.1.

9. Knox box will be required. Any locked access gates must also be fitted with a Fire Dept. access device. Application may be obtained from the Fire Department.

10. Any future change in operation which substantially alters the condition or nature of the subject business will require approval by the City Council.

11. The Conditional Use Permit shall become null and void if not under taken and actively and continuously pursued within one (1) year.

12. The construction and operation of the arcade shall comply with all Local, State, and Federal rules and regulations.

___________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By ___________________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: SECOND READING - ORDINANCE 1669, CHARITABLE CAR WASHES

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1669, adding Article VI, Sections 15-70 through 15-170 to Chapter 15, entitled “Charitable Car Wash Permit Procedure,” was given First Reading on June 7, 2005, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1669 and waiving further reading, and adopt said ordinance.

Attachment: Ordinance No. 1669
ORDINANCE NO. 1669

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE ADDING ARTICLE VI, SECTIONS 15-70
THROUGH 15-170 TO CHAPTER 15, ENTITLED
“CHARITABLE CAR WASH PERMIT PROCEDURE”

WHEREAS, the City Council of the City of Porterville has determined that there has been a proliferation of charitable car washes within the City; and

WHEREAS, due to the lack of regulation, these operations have had a detrimental effect on the city’s environment due to the wastewater run-off, and on commercial car wash operations that must abide by City regulatory wastewater discharge requirements;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PORTERVILLE, AS FOLLOWS, TO WIT:

SECTION 1. That Article VI is hereby added to Chapter 15 of Porterville Municipal Code, as follows:

Chapter 15
Article VI

CHARITABLE CAR WASH PERMIT PROCEDURE

Sections:

15-70 Definitions.
15-80 Permit required for charitable car wash.
15-90 Applications for permits.
15-100 Issuance and form of permits.
15-110 Term of permits.
15-120 Nontransferability of permits.
15-130 Manner of car wash.
15-140 Fund raising as a business.
15-150 Revocation of permit.
15-160 Violations.
15-170 Car washing as a business.

15-70 Definitions.

For purposes of this chapter, the following definitions shall apply:

“Applicant” means a member of a charitable organization who applies for a car wash permit on behalf of the charitable organization.

“Charitable Car wash,” for the purposes of this Article, shall mean a temporary vehicle washing operation conducted by members of a charitable organization for organization fundraising purposes. It shall not be deemed to include the operation of an authorized permanent vehicle
washing business or service station authorized to wash vehicles on its premises, although a car wash, as defined above, may be conducted on such premises.

“Charitable” means benevolent, civil, religious, educational, fraternal, patriotic, political, philanthropic or other similar purposes.

“Charitable organization” means and includes an organization which is a duly organized governmental or not-for-profit charitable, religious, civic, patriotic or community service organization; and the organization must have a Tax-exempt Identification number assigned to it.

“Permit holder” means the charitable organization who has been granted a permit pursuant to this chapter for the purpose of conducting a charitable car wash.

“Person” means any individual, firm, partnership, corporation, company, association, society, organization, church, congregation, assembly or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

“Religious” or “religion” has the meaning established by the Supreme Court of the state or the Supreme Court of the United States.

“Residential property” means a building designed for or occupied by one or more families as a residence including single-family residences, duplexes and apartments.

15-80 Permit required for charitable car wash.

A. It is unlawful for any person to engage, directly or indirectly, in a charitable car wash without first obtaining a valid charitable car wash permit pursuant to the provisions of this chapter.

B. The permit application shall include a written application to sponsor the charitable car wash by the owner or lessee of the property upon which the car wash is to be held.

C. The car wash permit issued under this chapter to a charitable organization must be prominently displayed at the location where the car wash is conducted and shall be removed at the completion of the car wash.

15-90 Applications for permits.

A. Applications for charitable car wash permits shall be made to the finance department upon forms prescribed by the city. The application shall be declared to under penalty of perjury and filed with the finance department not less than five consecutive business days prior to the time at which the applicant wishes to conduct said car wash.

B. A nonrefundable application fee an amount to be set by resolution shall be paid by the applicant. The application fee shall be based solely upon the administrative costs in processing the application and issuing the permits.

C. Such applications shall contain the following information and documentation:

1. The full name, mailing address, principal business and telephone number of the charitable organization or institution, the names and addresses of the organization’s or institution’s principal officers and executives, and the address of the national, state and local headquarters, if any;

2. The name and address of the sponsor, with a statement by the sponsor that he/she is the owner or lessee of the property where the car wash is to be held or is an employee
or agent of the owner or lessee who has been delegated control of the premises by the owner or lessee, and that the sponsor assumes all liability regarding the car wash.

3. The full name and address of the person or persons who will be in charge of conducting the car wash. The names and addresses of each individual who will actually be engaged in the car wash shall be on file at the agency/organization conducting the car wash and shall be made available to the city police department upon request at any time;

4. The time when such car wash will be held, including preferred date and hours of the day for commencement and termination of the car wash;

5. A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement of the charitable organization by the city or any department or officer thereof;

6. Proof evidencing that the permit holder is a bonafide charitable organization;

7. The number of car washes that have been held by the charitable organization in that particular calendar year, and the number of car washes that have been held at that particular location in that particular calendar year;

8. Such supplemental information requested by the finance department as the finance department may require. The finance department may require that such information be updated during the time the permit is in force if changes occur subsequent to filing of the application in the planned dates and locations for the charitable car wash.

D. If, while the application is pending or during the term of any permit granted, there is a change in fact, policy or method that would alter the information to be given on the application, the applicant shall notify the finance director in writing thereof prior to five p.m. the day before such change.

E. The application documents shall be available for public inspection.

15-100 Issuance and form of permits.

A. The finance department shall issue the permit, unless it finds that:

1. Any statement made in the application is factually incorrect, and the applicant fails to correct the application after being requested to do so;

2. The applicant has not provided the information required by this chapter and fails to provide the missing information after being requested to do so;

3. The application indicates that the proposed car wash will violate any of the requirements of this chapter and the applicant fails to amend the application to indicate compliance with said section after being requested to do so.

4. The number of charitable car washes by the charitable organization applying for said permit exceeds four in a calendar year, or the number of charitable car washes held at a particular location exceeds four per calendar year. The location requirement shall not pertain to licensed commercial car washes.

5. The applicant has violated any of the provisions of this Article within one year of the date the application is submitted, resulting in the imposition of a fine or the revocation of a prior permit.
B. Nothing set forth in this chapter shall be construed as granting to the finance department or any other person the authority to grant, deny, suspend, revoke or renew any permit by reason of disapproval or agreement with the philosophy, opinion or belief of the applicant, permit holder or person soliciting therefor, or for any other reason not specifically provided for in this section.

C. The finance department shall either issue or deny the requested permit within two consecutive business days after the date the application is made. In the event of denial, the finance department shall give the applicant a written notice which states with specificity the reasons therefor. In the event the finance department fails to act within the time prescribed, the permit shall be deemed issued.

D. The permit, if issued, shall include the following information:

1. The name and address of the permit holder;
2. The date for which the permit is valid;
3. A statement that the permit does not constitute an endorsement by the city, or any of its departments, officers or employees, of the purpose of the car wash;
4. A permit number; and
5. The signature of the finance director or his/her designee.

15-110 Term of permits.

Permits issued under this chapter shall be valid only for the date specified in the application for the car wash and as stated on the permit.

15-120 Nontransferability of permits.

No permit issued under this chapter shall be transferred or assigned, and any attempt at assignment or transfer shall be void.

15-130 Manner of car wash.

A. Car washes held pursuant to permits under this chapter:

1. Shall take place between the hours of eight a.m. and six p.m.;
2. Shall be conducted for a one-day period only;
3. Shall not be conducted by any person under the age of sixteen years, unless supervised by an adult;
4. Shall not be conducted at any house, apartment or other dwelling nor an area zoned for residential use only;
5. Shall be conducted in an area zoned for commercial uses; and such location shall have a means of collecting the wash water and shall discharge the water to the City sewer collection system.
6. Shall use biodegradable soaps or detergents, and shall not violate any of the provisions of Chapter 25, concerning wastewater discharge requirements;
7. Shall have a means in place to limit waste water or runoff such as pistol grip nozzle or similar apparatus affixed to each garden hose or water source;
8. Shall not allow any person to solicit cars or other contributions from a position in or on any public right-of-way, including but not limited to sidewalks, traffic islands, driveways or the like as to endanger that individual or others;

9. Shall not be conducted at any commercial property which has held 4 prior car washes in the calendar year (excluding licensed commercial car wash locations);

10. Shall take place at a distance of more than 25 feet from the street curb, or from the near edge of the travel lane or lanes of any uncurbed street or road.

11. Shall utilize temporary signs, if any signs are utilized, in compliance with the City’s applicable regulations concerning temporary signs.

12. Shall not be conducted by a charitable organization which has held 4 prior car washes in the calendar year. Four applications per Tax-exempt Identification Number, and four permits per Tax-exempt Identification Number, will be allowed in the calendar year.

B. It is unlawful for a permit holder, as defined herein, to:

1. Refuse to provide their name and a copy of the permit issued under this chapter, if requested by City representatives;

2. Misrepresent their identity or the identity of the charitable organization conducting the charitable car wash for which he or she is an agent;

3. Misrepresent that the charitable car wash permit issued under this chapter is an endorsement by the city, or any department or employee thereof of the charitable car wash.

15-140 Fund raising as a business.

An organization in the business of fund raising (seeking a profit and paying its solicitors), even if engaged by a nonprofit organization, must comply with this code. If such an organization is soliciting on behalf of a nonprofit organization, the nonprofit organization shall obtain a permit pursuant to this Article.

15-150 Revocation of permit.

Any violation of this chapter by applicant or permit holder shall be cause for revocation of a permit issued pursuant to this chapter. Upon determination by an authorized representative of the City that a car wash is being conducted without a valid permit or in violation of the requirements of this Article, said unlawful activity shall cease immediately, and all person associated with said car wash shall be dispersed within one hour after the giving of said notice. Failure or refusal by the charitable organization and/or the owner/sponsor to cause a car wash in violation of these regulations to cease operations, after receiving such notification from the City official, shall constitute a separate violation of this article. Furthermore, any organization that violates this Article shall be ineligible for the issuance of a permit for a period of one year.

15-160 Violations.

Every person who, for himself or herself, or as the agent of another, commences, engages in or conducts car wash as provided in this chapter without procuring the permit as required under this Article or who fails to comply with the conditions of this Article shall be guilty of an infraction punishable by:

1. A fine not exceeding one hundred dollars for a first violation;
2. A fine not exceeding two hundred dollars for a second violation within one year; and

3. A fine not exceeding five hundred dollars for each additional violation within one year.

15-170 Car washing as a business.

This chapter is expressly limited to charitable car washes. Any person, corporation, business or other entity who wishes to hold impromptu or temporary car washes on a for-profit basis, must comply with all city, county and state licensing or permitting requirements and do not fall within this chapter.

SECTION 2. This ordinance shall be in full force and effect thirty (30) days after its passage, adoption and approval.

ADOPTED, SIGNED AND APPROVED this ______ day of ___________ , 2005.

President of the Council and
Mayor of the City of Porterville

ATTEST:

Chief Deputy City Clerk and Clerk
of the Council of the City of Porterville
SUBJECT: Consideration of Process for the Selection of Mayor

SOURCE: CITY MANAGER

At an earlier Council Meeting, the City Manager was directed to place an item before the Council regarding the selection of the office of Mayor. Essentially, the options are presented as follows:

- **Continue the Current Process**
- **Approve a Rotational Process**
- **Submit to the Electorate A Measure for A Directly Elected Mayor**

**Current Process:** The current process is described in Section 9 of the City Charter. This section specifies:

> The council shall reorganize at its next meeting following each municipal election and shall choose one of their number to serve as president of the council to be known as mayor. At this time the council shall also choose one of their number to serve as vice-president, and he/she shall act as mayor pro tempore in case of the absence, sickness or other disability of the mayor. The mayor and mayor pro tempore shall serve a two year term, but either may be removed at any time by a majority vote of the council. If the council removes the mayor prior to the expiration of his/her term pursuant to this provision, the council shall choose one of their number to serve as mayor until the next organizational meeting.

This provision was approved by the electorate at the March 4, 2003 election. Another measure was on the ballot that required four votes to remove between reorganizations. It also passed, but by a smaller majority. The results of the election were:

Measure F - Remove Mayor/Mayor Pro Tem with 4/5 Vote –
Yes = 1276 (53%)  No = 1122

Measure G - Remove Mayor/Mayor Pro Tem with 2/3 Vote –
Yes = 1381 (58%)  No = 1010
Over the past 15 years, Mayors have served various terms. Below is a summary of terms served by Porterville Mayors:

Mayor Theodore Ensslin 3/13/89 - 3/11/91 (2 years)
Mayor Boyd Leavitt 3/11/91 - 3/08/93 (2 years)
Mayor Daryl Nicholson 3/08/93 - 3/15/94 (1 year)
Mayor Judith Gibbons 3/15/94 - 3/13/95 (1 year)
Mayor William Clark 3/13/95 - 3/19/96 (1 year)
Mayor Jay Coleman 3/19/96 - 9/06/96 (< 1 year)
Mayor Virginia Gurrola 9/17/96 - 9/02/97 (1 year)
Mayor Judith Gibbons 9/02/97 - 3/08/99 (1.5 years)
Mayor Virginia Gurrola 3/08/99 - 3/12/01 (2 years)
Mayor Gordon Woods 3/12/01 - 3/10/03 (2 years)
Mayor Richard Stadtherr 3/10/03 - 3/02/04 (1 year)
Mayor Pedro Martinez 3/02/04 - 5/17/05 (> 1 year)
Mayor Kelly West 5/17/05 - (incumbent)

As a matter of summary, over the past 15 years the length of service has been in four instances, 2 years; five instances, 1 year; and in three instances, some other period of time.

To provide additional background, the City Clerk’s office contacted 11 cities in Tulare and Kings Counties. In each of the cities, the selection of mayor is by the City Council and in each of the cities, except Hanford, the selection is normally for a non-reorganized two (2) year term. In Hanford, the office is rotated annually on December 1st.

**Establish a Rotational Basis for Mayor:** If the Council determined that the Mayor should as a matter of policy rotate each year, the result may be achieved by ordinance or by Charter amendment.

An ordinance, of course, cannot overcome the requirements of the Charter. It could, however, provide a requirement that the City Clerk at the first meeting in June of each year that there is not a municipal election, shall place on the agenda an item to reorganize the City Council. With three affirmative votes at the Council Meeting, the reorganization would be considered by the City Council.

The ordinance could further provide that the senior member of the Council who has not served in the office of Mayor shall by action of law be nominated for the position. The Council could with a motion and second make further nominations and a vote could be taken beginning with the senior member. A similar procedure could apply to the office of Mayor Pro Tem. Other rules and procedures, implementing the Charter provision could be specified in the ordinance.

The Council could, of course, place a Charter provision before the electorate defining a revised basis for the selection of Mayor by the City Council. Time remains to place this on the ballot for the November election.
Directly Elected Mayor: In 1959 the General Laws regarding Cities in the State of California were modified to provide for the direct election of Mayor. Section 34900 of the Government Code provides:

At any general municipal election, or at a special election held for that purpose, the city council may submit to the electors the question of whether electors shall thereafter elect a mayor and four city councilmen, and whether the mayor shall serve a two-year or four-year term. In cities presently having elected mayors, the city council may also submit to the electors the question of whether the mayor shall thereafter serve a two-year or a four-year term.

The general law approach is only a single method to directly elected Mayors. There are other approaches including a provision where the candidate with the greatest number of votes is seated as Mayor for a two year term. The Mayor Pro Tem could be selected by this process (second in votes) or by the appointment of the City Council.

The City of Porterville is a Charter City, so in areas where the Charter is specific, the general laws are not guiding. They do introduce, however, a suggestion how the question of directly elected mayor may be addressed. In the case of the General Laws, the mayor would not obtain the administrative powers of the City unless the Charter was so modified to define their exercise by the mayor rather than the city manager.

Commentary & Analysis: The Council has requested that the matter of the selection of the Mayor be placed on the agenda for consideration. Options have been provided above which include

- Maintaining the current process
- Rotational Mayor by ordinance
- Rotational Mayor by Charter
- Directly elected Mayor by Charter

It would be presumptuous to define the issue before the Council. Therefore, a very generic consideration is provided below regarding the various options.

Current process: It may be maintained that the current process has served the City for more than one-hundred years through many municipal trials. It, therefore, has the weight and authority of traditional procedures and processes.

Rotational Mayor by ordinance: The City Attorney would prepare an ordinance implementing the Charter provision. It has the merit of economy and immediately addressing an issue. An ordinance cannot modify but only interpret the Charter. It could in this way establish a process for the consideration of rotation in each year while leaving the specific decision to the Council seated at that time. The main issue is that the annual reorganization, though appearing on the Agenda, would only be undertaken by three votes of the City Council. There would not, however, be an issue regarding whether the option is presented for Council consideration. The ordinance adopted by the Council could be modified at any time by future Councils to implement...
the intent of the Charter. Therefore, if the Council determines to pursue this approach, there will need to be a finding that the ordinance implements the intent of the Charter provision.

**Rotational Mayor by Charter:** If the Council feels that this is a major item for consideration, it can be placed before the electorate. There have been relatively few modifications to the Charter since it is essentially the “constitution” of the City. The benefit of this approach is that it would be considered by the electorate. The downside is that the Electorate may not approve it or it may consume organizational focus over matters the Council considers more important. If the electorate did not approve, then the Council would not be provided with specific guidance how the voters wish to proceed.

**Directly elected Mayor:** The Council may submit to the electorate an issue to establish a directly elected Mayor. This could be for a two or four year term. Many cities have under the General Laws established this form in California, though the form has not been applied in Tulare and Kings Counties to date. It provides for the community’s direct action telling who serves as Mayor. There are trade-offs regarding this. The community may feel more connected to the office, but the Council could feel less connected. In theory the Council appointed Mayor provides a consensus on leadership from among the member. The Council appointed Mayor on a rotational basis de-emphasizes the selection of Mayor and focuses on the Council as a body. The directly elected Mayor emphasizes direct voter selection of the presiding officer.

It is suggested, in the end no form is necessarily superior. If the goal is to work as a Council to achieve a common result - theoretically a Council selection process would appear beneficial. If, however, the purpose is to establish a sense of community connection with the office of Mayor, the directly elected form may be superior.

**RECOMMENDATION:**

The staff analysis is provided to support the agenda item requested by the City Council.
SUBJECT: AUTHORIZATION TO CONTRACT FOR GENERAL PLAN UPDATE WITH EXPANDED SCOPE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On February 1, 2005, the City Council appointed a Consultant Selection Committee to interview and evaluate prospective consultants to undertake the City’s General Plan Update. On April 5, 2005, the City Council authorized Staff to negotiate with Dyett and Bhatia for the General Plan Update. Initially, the scope of the effort was focused on the Land Use and Circulation Elements of the General Plan. However, during the course of the interviews and the subsequent negotiations with Dyett and Bhatia, it became clear that substantial cost efficiencies could be realized by undertaking an update to the entire General Plan, which includes the Land Use, Circulation, Noise, Open Space, Conservation, Parks and Recreation, Public Safety, and Economic Development Elements. The consultant will also prepare the corresponding Environmental Impact Report for the project.

The Selection Committee is recommending that the Council approve the scope of the comprehensive General Plan update. This would require carrying over the $250,000 already appropriated in the 2004/05 Fiscal Year, approving an additional $250,000 in the 2005/06 Fiscal Year as recommended in the proposed budget, and appropriating an additional $100,000 in the 2006/07 Fiscal Year to complete the effort. Based on when the project will commence and the fact that it will require 18 to 24 months to complete, the consultant has identified a breakdown in expenditures that coincides with the fiscal year funding allocations.

RECOMMENDATION: That the City Council:

1. Approve the Revised Scope of Services and Authorize the preparation of a comprehensive General Plan Update as outlined in the above text.

2. Authorize the Mayor to sign all documents and any revisions to complete the work effort as outlined above.

ATTACHMENTS:

1. General Plan Consultant Service Agreement
GENERAL PLAN CONSULTANT
SERVICE AGREEMENT

DATE:       June 10, 2005

PARTIES:    City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and Dyett and Bhatia, a California corporation, hereinafter referred to as "CONSULTANT".

RECITALS:   CITY has undertaken a project on which it is seeking assistance from CONSULTANT. Said project which will hereinafter be referred to as "project" is described as follows:

Project Name: General Plan Update

Description of Project: The project consists of the preparation of comprehensive updates to the Land Use, Circulation, Noise, Open Space, Parks and Recreation, Conservation and Safety Elements of the General Plan and an Economic Analysis that will lead into the development of an Economic Development Element of the General Plan, and the preparation of a Program Environmental Impact Report for the project.

AGREEMENTS:

IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER set forth the parties hereto do contract and agree as follows:

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described in Exhibit “A”, Scope of Services, in connection with the above described project.

ADDITIONAL SERVICES: It is understood and agreed by CITY and CONSULTANT that CITY might request CONSULTANT to render additional professional services during the life of the project beyond the responsibilities identified in Exhibit “A”. Any work requested of CONSULTANT by CITY beyond that identified in Exhibit “A” shall constitute additional services. Additional work may include, but shall not be limited to, the following:

1. Meeting attendance in addition to that specified in Exhibit “A”.
2. Unusual or unanticipated data collection, search, or analysis, or revision of the data base or base maps after sources and reference points have been agreed upon.
4. Redesign and reformatting for publication of the Draft Elements or the Draft EIR after the basic format and layout has been approved by CITY.
5. Subsequent revisions of documents that are requested by CITY after comments on each of the administrative drafts are submitted to CONSULTANT. The Scope of Work envisions a single iteration of review of each draft followed by one consolidated set of comments; subsequent iterations are considered Additional Work. Correction of CONSULTANT's errors shall not be considered additional work. It shall be noted, however, that if the CONSULTANT submits incomplete drafts for review, additional iterations shall not be considered Additional Work until after a complete draft has been provided and reviewed.

SECTION 2. PAYMENT: In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis, not to exceed five hundred twenty-nine thousand, two hundred and thirty-two dollars ($529,232). Authorization to work on Tasks 4 through 6 and Task 7, as described in Exhibit “A”, Scope of Services, is dependent on the City’s approval of funding for this project in subsequent fiscal year budgets.

TIME OF PAYMENT: Progress payment requests shall be submitted by the 25th of each month. CONSULTANT should receive payment within 30 days of the date the bill is received.

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will be commenced upon execution of this agreement and all “work directives” shall be completed by December 31, 2006 unless extensions are mutually agreed upon by the CITY and CONSULTANT in advance. The parties agree that time is of the essence under this contract.

SECTION 4. FAMILIARITY WITH PROJECT: CONSULTANT certifies and agrees that it is fully familiar with all of the details of the project required to perform its services. CONSULTANT agrees it will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information.

SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood that CONSULTANT is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONSULTANT specifically warrants that it will have in full force and effect, valid insurance covering:

(i) Full liability under worker's compensation laws of the State of California; and
(ii) Bodily injury and property damage insurance in the amount not less than Five Hundred Thousand Dollars ($500,000) per occurrence; and

(iii) Errors and Omissions insurance of Five Hundred Thousand Dollars ($500,000) minimum per occurrence, if deductible for Errors and Omissions insurance is Fifty Thousand Dollars ($50,000) or more, the City may require a Surety Bond for the deductible; and

(iv) Automotive liability in the amount not less than Five Hundred Thousand Dollars ($500,000) per occurrence; fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all claims arising from the negligence of CONSULTANT and any injuries to third parties, including employees of CITY and CONSULTANT. CONSULTANT agrees to indemnify, defend (at CITY’S election), and hold harmless the CITY against any claims, actions or demands against CITY, and against any damages, liabilities for personal injury or death or for loss or damage to property, or any of them arising out of negligence of CONSULTANT or any of its employees or agents.

SECTION 6. WORKMANSHIP AND MATERIALS: Every part of the work herein described shall be executed in a professional manner with competent, experienced personnel. Finished or unfinished material prepared under the agreement, prepared by CONSULTANT, shall become property of CITY. CONSULTANT hereby warrants that any materials prepared under this agreement shall be fit for the intended use contemplated by the parties.

SECTION 7. ASSIGNMENT OF CONTRACT: It is acknowledged by the parties that CITY has entered into this contract with the express understanding that all work will be performed by CONSULTANT. No changes in the consulting team (including sub-consultants) as outlined in Exhibit “A” shall be made without the prior written approval by CITY. CONSULTANT shall not, without the written consent of CITY, assign, transfer or sublet any portion or part of this work, nor assign any payments to others.

SECTION 8. AFFIRMATIVE ACTION. CONSULTANT will not discriminate against any employee, or applicant for employment because of race, color, religion, gender, marital status, or national origin.
SECTION 9. CONFLICT OF INTEREST CODE: CONSULTANT agrees to comply with the regulations of CITY’S “Conflict of Interest Code”. Said code is in accordance with the requirements of the Political Reform Act of 1974. CONSULTANT covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder. The term "conflict" shall include, as a minimum, the definition of a "conflict of interest" under the California Fair Political Practices Act and the City of Porterville Conflict of Interest Code, as that term is applied to consultants.

SECTION 10. TERMINATION: This contract may be terminated by either party for just cause by giving seven (7) days written notice to the other party. Upon termination by CITY, CITY shall be relieved of any obligation to pay for work not completed including profit and overhead. CONSULTANT may be entitled to just and equitable compensation for satisfactory work completed.

SECTION 11. ENTIRE CONTRACT: It is understood and agreed that this Service Agreement represents the entire Agreement between the parties. Should it be necessary to institute legal proceedings to enforce any and all of the covenants and conditions of this Agreement, the prevailing party shall be entitled to recover attorneys’ fees and costs.

SECTION 12. DISPUTES; VENUE: If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

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

\[\text{CITY OF PORTERVILLE} \quad \text{CONSULTANT}\]

By ________________________________  By ________________________________
Kelly E. West, Mayor                                Michael V. Dyett, Principal

Date ________________________________  Date ________________________________
Exhibit A: Scope of Services

The work program, presented on the following pages, includes seven tasks for completing the Porterville General Plan Update, including revisions to all required elements except the Housing Element, revision of the Parks and Recreation Element, and preparation of an Economic Development Element for the General Plan. For each task, the objective is first overviewed in italicized text, followed by sub-task descriptions and associated meetings and products. Also noted are travel assumptions associated with public meetings. When possible, CONSULTANT will conduct more than one meeting per trip to make most efficient use of the City’s budget resources.

CONSULTANT’S work will be directed by Michael Dyett, FAICP who will be the Principal in Charge and Joan Isaacson, AICP, who will be the Deputy Project Manager. CONSULTANT’S subcontractors and their responsibilities are as follows.

- **Environmental Science Associates (ESA)** will provide technical expertise on biological resources, geotechnical issues, air quality and hazardous materials as they have done on 10 General Plan updates. Ray Weiss and Niall McCarten, Ph.D. will lead ESA’s work.

- **Mundie Associates, Economic Consultants (M&A)** will lead the technical work on economic analysis for the Land Use Element and the Economic Development Element. Roberta Mundie and Suzanne Lampert will lead M&A’s work.

- **Omni-Means, Transportation Planners and Engineers (O-M)** will lead technical work on transportation for the Circulation Element and the EIR, and will also assist with infrastructure capacity issues. Martin Inouye will be the Principal in Charge, and Gary Mills will be the Project Manager.

- **Charles Salter Associates, Noise Consultants (CSA)** will lead technical work on existing noise measurements and preparation of maps showing existing and projected noise contours. Jack Freytag will direct CSA’s work.

- **Land Use Associates (LUA)** will be responsible for the water supply analysis, building on concurrent work for the Tulare County General Plan update. Bruce O’Neal will be in charge of LUA’s work.

The City formed a General Plan Advisory Committee (GPAC) to act in an advisory capacity for the update. If the GPAC is not used as envisioned in the Scope of Services, CONSULTANT will hold community meetings and/or workshops with the City Council, and these meetings will substitute for the GPAC meetings listed in the scope of work on a one-for-one basis.

**TASK 1: START UP, DATA COLLECTION, AND MAPPING**

The objective of this first task is to accomplish introductory and organizational tasks, and to initiate work on base and resource maps showing key planning factors (e.g. existing land use, traffic conditions, environmental constraints, mineral resources, noise exposure, and major projects).

A. **Kick-off Meeting.** CONSULTANT will initiate the project with a kick-off meeting with the project team and City staff to review a detailed schedule, communications protocol, and logistics for completing the first several tasks. At this meeting, CONSULTANT will also define the planning area
boundaries around the City to be included in the assessment of development opportunities and constraints, and discuss the coordination with the County General Plan Update. After the kickoff meeting, CONSULTANT will do a tour of the City’s neighborhood, shopping and business districts, and growth area, to see first-hand planning issues and to take photographs for use in subsequent meetings and presentations.

B. Background Information. At the kick-off meeting, CONSULTANT will coordinate with planning and other technical City staff to obtain existing plans, aerial photography, documents, and other information needed for the General Plan Update. CONSULTANT will assemble and review current information, such as water, sewer, transportation, and other facility plans, school and park plans, emergency response plans, existing land use database, current and proposed development plans and recent EIRs, and regional land use and resource plans. A service providers questionnaire also will be prepared to obtain information not in published reports. Mundie Associates (M&A) will gather data on economic conditions and Charles Salter Associates (CSA) will do 24-hour noise monitoring at three locations and short-term monitoring as seven locations, as determined in consultation with City staff. Locations will be selected to best characterize the noise environment in the area. City staff will be responsible for providing a map and a table listing major development projects that have been approved or are under review.

C. Obtain City/County Base Maps, Current Digital Orthophotos, and Available Environmental Information. Using the City’s existing digital base map information and other available digital data (e.g. topography), CONSULTANT will prepare a computerized base map for the display of planning data using a symbology appropriate for overlays and synthesis of information. A planning area boundary will be established, all streets will be included, a typology layer will be created, but parcel lines may not be shown on published maps. Other available digital photography and environmental information also will be obtained and reviewed.

D. Stakeholder Interviews. On the day following the kickoff meeting, individual or small group interviews will be conducted with key stakeholders (approximately 20-24) identified by City staff in order to gain an understanding of their perspectives in an informal setting. Stakeholders should represent diverse interests of the community, including neighborhood representatives, business owners, property owners, community leaders, and others. As an option, some of the interview time could be spent with individual City Council members. Major themes from the interviews (without attributions to any one person or group) will be included in the Working Paper #2: Community Input on Planning Issues and Vision to be prepared in Task 2. Stakeholder interviews also will provide input to M&A’s work on the Economic Development Element.

Meetings:  
Kick-off Meeting and City Tour  
Stakeholder Interviews  
(1 Combined Trip for Above; includes M&A staff)

Products:  
Detailed Project Schedule  
Field Trip Photographs

**TASK 2: ISSUE IDENTIFICATION AND VISIONING**

Task 2 represents the project launch with the public, as part of the first major project effort of identifying planning issues and establishing the vision for the future. This process will be informed by the project team’s research on existing conditions and development constraints, and will lead to analysis of opportunities and challenges for addressing the issues and vision ideas contributed by community members.
A. Newsletter #1. Prepare newsletter in English and Spanish that provides an overview of the project and explains the importance of the General Plan update to the City’s future. Project timeline, participation opportunities, and background information about General Plans will all be included in the first newsletter. It will also serve as an invitation to the first workshop.

B. Map Atlas. Using information provided by City staff and available through compiled resources, CONSULTANT will prepare Working Paper #2: Map Atlas. It will include a series of maps, tables and summary text documenting existing land uses, major development projects, public facilities, schools, parks and recreation facilities, farmland values, environmental conditions, geologic and seismic hazards, flood hazards, existing noise, and regional policy considerations within the planning area. The City’s biological resource survey would be updated as part of this task, including integration of recent data compiled for the Valley Elderberry Longhorn Beetle Habitat Conservation Plan. CSA will prepare noise exposure contours in electronic (AutoCAD, dwg or dxf) format as an overlay to an electronic map. These contours will be developed from traffic data for the existing condition provided by OMNI-MEANS.

An essential component of the Map Atlas is identification of areas inappropriate for future development due to environmental or infrastructure constraints and enable an educated discussion of possible alternative land use concepts. For all significant resources—particularly biological and farmland—CONSULTANT will identify areas to avoid development, areas appropriate for limited use, and buffers. Conversely, CONSULTANT will also highlight opportunity sites with the least constraints in undeveloped areas as opportunities sites on the east side that are underutilized, vacant, and/or have redevelopment potential.

C. Economic Development (M&A; D&B support). The current characteristics of Porterville’s economy will be described narratively and, consistent with data availability, quantitatively. M&A will look back 20 years to allow consideration of the evolution of the local economy and assess its current strengths and weaknesses. Sources of growth will be identified; opportunities missed (if any) will be reviewed. Available growth projections from the Tulare County Association of Governments (TCAG), state agencies and other sources (such as the Great Valley Center) will be reviewed. The community’s level of satisfaction with economy growth to date (type, scale, location, and rate) will also be described based on stakeholder interviews. The information gathered in this task, and the analysis completed, will provide support for decisions about the amounts and locations of land to be designated for different types of uses in the plan alternatives (See Task 3). Key issues identified in the stakeholder interviews will be selected for additional examination. This further examination will consider the implications of alternative policy directions and economic strategies on the City’s growth and sustainability. In effect, this paper will provide an early analysis of the economic choices the City can make to support land us and transportation concepts. This analysis will inform the development of plan alternatives in Task 3 and subsequent policy work in Task 5.

D. Existing Transportation Conditions. A substantial transportation database will be compiled and summarized in the Map Atlas. The following data will be collected within the planning area to establish and fully define the transportation baseline of circulation network and travel characteristics:

- Transportation Corridor Data. Available transportation corridor data will be obtained from all available sources, including the City, County and Caltrans files. This information will include:
  - Right-of-way widths
- Pavement width
- Travel lanes
- Travel speed (85% or posted speed)
- Grades
- Planned improvement projects

**Traffic Counts and Evaluation:** Existing daily and peak hour traffic counts will be obtained from both the City and Caltrans. In addition, up to 30 daily counts on critical roadways, and 15 peak hour turning movement counts at key intersections have been budgeted. If additional daily or peak hour counts are required as determined by City staff and/or the Project Development Team (PDT), OMNI-MEANS will provide a budget and request authorization for this as additional services (unit costs are $150 for a daily count and $250 for AM/PM counts for each location). The counts will be used to comprehensively assess the capacity and operations of the City’s street network, including identification of deficiencies and violations of acceptable levels of service.

**Accident Data.** OMNI-MEANS will also work with the City and Caltrans to obtain recent 3-year accident data local interchanges. This information would include both TASAS Table B, which provides both the actual and average accident rates, and the Table B Accident Records, which provide the detail on types and cause of each accident.

**Obtain AutoCAD Digital Image (Mapping) Files.** OMNI-MEANS will obtain from the City available AutoCAD mapping of the study area in digital format. These files will be used to create base mapping for presentation purposes of analyses, findings and improvement recommendations.

E. **GPAC Meeting #1.** Following completion of the Map Atlas and the analysis of development prospects, the first meeting of the General Plan Advisory Committee will be held. At this meeting CONSULTANT will introduce committee members to the project, discuss the step-by-step approach, review the committee charge. The majority of the meeting will focus on presentation of the Map Atlas conclusions and discussion about the vision for Porterville.

F. **Water Supply Study Background Research (LUA).** Research for the water supply study required under the California Environmental Quality Act will be initiated in Task 2 so that any potentially significant issues can be proactively addressed during the planning process. Information regarding hydrology and water quality will be drawn primarily from the State Water Plan, the Central Valley Regional Water Quality Control Board Basin Plan, Porterville urban water management information, and other master plans as available. This information will be supplemented with data and information available from the current general plan, EIRs, and other regional studies. The background research will address effects of land use changes and future development on water resources both in terms of quantity (consumption of groundwater) and quality (the potential to release contaminants to surface and groundwater). Information used in the Plan and the EIR will also originate from the consultation process involving water agencies, and the adequacy of long-term water supplies will be addressed in this process. For most water quality issues, mitigation measures are present in regulatory and review programs already in place. The background research will identify these programs and the point at which they apply to different types of projects, and this information will be incorporated into the Plan (see Task 5) and the EIR (see Task 6). Availability of groundwater in the Porterville planning area will be assessed by:
• Review and analysis of the adopted Water Master Plan and Master Plans of surrounding communities and/or water districts;

• Review of the State Water Plan prepared by the Department of Water Resources;

• Discussions with Public Works and Planning staff of Porterville and Tulare County;

• Analysis of pumping information from existing municipal wells, including quantity and quality, and peak load information related to firefighting needs, and the identification of any specific water problem areas;

• Review of water well information from surrounding agricultural and rural areas available from the Department of Water Resources and Tulare/Kern Counties; and

• Review of surface water providers and any existing/proposed recharge programs.

G. LAFCo Land Use Analysis. The supply of land for future development will be determined, pursuant to LAFCo requirements. An inventory of existing land use and remaining vacant land, by land use type, will be prepared using the GIS. CONSULTANT will then identify residential land supplies (ten-year horizon) and commercial and industrial land supplies (20-year horizon).

H. Public Workshop #1. The first public workshop will give community members the opportunity to learn more about the General Plan Update, including what a General Plan is and why it is important for the City. CONSULTANT will present some of the major conclusions from the Map Atlas and lead activities designed to stimulate discussion about planning issues and people’s aspirations for the future of their City. Working Paper #2: Community Input on Planning Issues and Vision will highlight major discussion themes, and include a set of guiding principles for the planning alternatives process.

I. GPAC Meeting #2: At this meeting, CONSULTANT will review the workshop discussion and major themes, and ask the committee for input on the guiding themes included in Working Paper #2.

Meetings:

- GPAC Meeting #1
- Public Workshop #1
  (1 Combined Trip for Above)
- GPAC Meeting #2

Products:

- Newsletter #1 (a bilingual newsletter)
- Working Paper #1: Map Atlas
- Working Paper #3: Economic Issues

TASK 3: PLANNING ALTERNATIVES

This task builds on the identified issues, opportunities, and constraints identified in Task 2. CONSULTANT will work with the GPAC to evaluate various alternative land use and circulation patterns for the Planning Area, and engage the public in dialogue on the alternatives in a second series of community workshops for feedback.

A. Alternative Plans. CONSULTANT will develop three alternatives. These may include a baseline or "trends" alternative reflecting current policies and two (2) potential land use/transportation
alternatives or three distinction alternatives. The alternatives will be designed for discussion of key policy choices by the GPAC and community at large. The alternatives will focus on changes at identified opportunity sites and also evaluate options for directive growth. They will be sensitive to the issues and constraints identified in Task 2, and will offer real choices. (For example, none of the alternatives may show development on locations that have been conclusively identified as inappropriate because of slope or other environmental hazards, sensitive habitats, or other constraints.) A hands-on workshop with City staff will be held to review preliminary concepts for planning alternatives which will then be refined for transportation analysis.

B. Traffic Modeling. For this project, OMNI-MEANS will create the City’s first traffic model. Currently, traffic forecasts are provided by the Tulare County Association of Governments (TCAG) regional travel demand forecast model. However, this model is mainly used to address regional air quality and vehicle miles traveled (VMT) concerns. The current County-wide travel demand forecast model contains approximately 1,000 traffic analysis zones (TAZs), which provide information pertaining to housing and employment data. The model proposed for Porterville will contain up to 400 TAZs that will enable it to forecast future transportation impacts at a much higher level of accuracy. OMNI-MEANS is proposing to utilize TP+/Viper software, which is consistent with TCAG’s current model. Communication among City, Caltrans, TCAG, and the project team will be essential to a successful citywide traffic model and understanding of current and future transportation related impacts. The modeling effort, which will provide the basis for existing and future traffic volume forecasts, will proceed as follows:

- **Refine Existing and Proposed Future Roadway Data.** Existing and future roadway system information as obtained in Task 1 will be refined and documented to form the basis for the traffic model roadway network.

- **Obtain Existing and Future Land Use Data.** Existing and future land use data and projections will be provided by D&B to OMNI-MEANS. This data and projections will be divided into separate categories for use in determining land use trip generation characteristics. OMNI-MEANS will work closely with D&B in the format and organization of the land use data and projections.

- **Prepare and Calibrate Existing Conditions Traffic Model.** A TP+/Viper traffic model will then be prepared to simulate daily and non-directional peak hour conditions. The traffic model roadway network will include all significant existing and currently planned roadway facilities, with separate coding for planned facilities, which can be changed as they are brought on-line. The existing land use data will be divided into an appropriate number of Traffic Area Zones (TAZ’s). These zones will be connected to the network to realistically simulate vehicular traffic loading. Based upon the existing traffic volume counts obtained in Task 1, the Existing Conditions Traffic Model will be calibrated to match these volumes. The accuracy of these calibrations will match the standards set forth by Caltrans.

- **Prepare 2030 Daily and Non-Directional Peak Hour Traffic Projections.** Based upon the calibrated traffic model, OMNI-MEANS will project 2030 daily and peak hour (non-directional) traffic projections over the Citywide transportation network. The existing General Plan Land use Plan will be modeled for comparison and use as the No Project alternative in the Draft EIR (see Task 6). From these daily and peak hour traffic projections, overall circulation capacity needs can be projected such that needed changes to the City’s circulation system can be identified. This daily model will incorporate anticipated changes to the City’s circulation system through the year 2030.
Following validation and calibration of Porterville’s existing model, three future (year 2030) alternative land use and circulation alternatives will be “tested” in order to determine potential impacts. This is extremely important as the City of Porterville plans for future infrastructure and corridor needs within its sphere of influence. Based on the model outputs OMNI-MEANS will identify system issues and strategies for improved transportation conditions. Once the Preferred Plan is confirmed (see Task 4), it will be modeled, with the results integrated into the new Circulation Element.

C. Alternatives Working Paper. CONSULTANT will prepare Working Paper #4: Alternative Plans. The working paper will evaluate land use distribution, housing and population projections, and resources conservation, the initial assessment of transportation impacts, and qualitative comparison of infrastructure implications. It also will include an analysis of the implications of the alternatives on the economic issues identified by stakeholders in Task 1 and analyzed in Task 2.

D. Newsletter #2. Widespread outreach on the planning alternatives will be initiated with the second bilingual newsletter, which will contain the alternative plan and comparison of salient features and buildout data. The newsletter will also invite community members to participate in the discussion on alternatives’ relative merits at the second workshop, with place and time information included.

E. Alternative Plans Public Workshop. CONSULTANT will assess the relative merits and disadvantages of the alternatives during a second community workshop. Following a presentation of the Alternative Plans, which will use Scenario 350 to illustrate key differences, CONSULTANT may conduct small-group discussions about the pros and cons of each, or have stations focusing on individual alternatives where people can contribute their ideas on comment cards.

F. GPAC Meeting #3: This meeting will allow the project team to review the alternatives with the GPAC following the public workshop, and give ample opportunities for questions in a small setting. Scenario 360 can be used to show the effects of some key changes in land use designations or density assumptions based on community comments. The results of the GPAC meeting and the workshop results will be summarized in short report.

Meetings: City Staff Workshop on Preliminary Alternatives (Separate Trip)
GPAC Meeting #3
Public Workshop #2 (1 Combined Trip for Above)

Products: Newsletter #2 (a bilingual newsletter)
Working Paper #4: Planning Alternatives
Alternatives Comment Summary

TASK 4: PREFERRED PLAN FORMULATION

The objective of Task 4 is to create a land use and circulation plan based on the public feedback and GPAC comments on the alternatives and to begin identifying new policy initiatives to implement the Preferred Plan concept. Depending on the input, this Preferred Plan may represent a hybrid of the alternatives, closely reflect a single alternative, or integrate new ideas generated by the public process. There are no additional costs if the preferred plan is a hybrid, rather than a single alternative.

A. Preferred Plan. Following the workshop, a preliminary Draft Preferred Plan map and corresponding data on land use, population, and employment changes will be prepared for City staff review. After confirming the Preferred Plan with staff (or modifying it based on staff comments), CONSULTANT will prepare Working Paper #4: Draft Preferred Plan, which will
include the Draft Preferred Plan map, a development vision statement, and a series of objectives that will guide detailed policy development.

B. Newsletter #3. Communication with the community will continue with Newsletter #3, which will highlight the Draft Preferred Plan, explain how it reflects the community’s input, and invite people to a community workshop to share their opinions.

C. GPAC Workshop on Preferred Plan. At the third public workshop CONSULTANT will present the Draft Preferred Plan and policy implications, and provide feedback on comments received at prior meetings. The GPAC will meet the next day to discuss the public comments on the Preferred Plan concept and give additional input to the project team on both the Draft Preferred Plan and new policy.

CONSULTANT will have Scenario 360 available for use at this GPAC meeting to refine the Preferred Plan in an interactive workshop, so that buildout calculations and assessments occur in real time.

D. City Council Workshop. The major features of the revised Draft Preferred Plan will be presented to the City Council, accompanied with information about the community’s response. CONSULTANT can utilize Scenario 360 with the City Council as well to further refine the Plan. CONSULTANT will carefully show how the Preferred Plan responds to public discussion throughout the process. Obtaining feedback on the Draft Preferred Plan from the City Council at this stage is important before moving into the actual preparation of the draft elements.

Meetings: GPAC Meeting #4
Public Workshop #3 (1 Combined Trip for Above)
City Council Workshop (Separate Trip)

Products: Working Paper #4: Draft Preferred Plan; Newsletter #3 (bilingual)

**TASK 5: DRAFT PLAN ELEMENTS**

When drafting the new Economic Development, Land Use, Circulation, Noise, Open Space, Parks and Recreation, Conservation, and Safety elements (the "Plan Elements"), CONSULTANT will strive for brevity and clarity to enable all interested persons to tell easily what commitments Porterville is making, what it hopes to accomplish, and whether a proposed project is consistent with the vision of the General Plan.

A. Outline. CONSULTANT will prepare an outline of these General Plan elements, including a list of figures and diagrams and a recommended format for discussion with City staff. Topics to be covered in each element will be identified, and a "mock-up" section will be prepared to illustrate the look of the new elements.

B. Administrative Draft Elements. The Plan Elements will include background information, goals and policies, and monitoring and evaluation requirements. CONSULTANT will submit one unbound copy of the Administrative Draft Elements to City staff; and receive one consolidated set of comments in return which will be incorporated into the Draft Elements. A preliminary list of topics follows below.

- **Economic Development Element.** Building on Working Paper #1, Economic Issues and the economic analysis of the Alternatives Plans, the Economic Development Element will
include growth forecasts and policies and programs, including near-term actions to support economic development in Porterville.

- **Land Use Element.** The Land Use Element will establish a system of land use classifications and identify the location and intensity of uses, and provide policies that would result in development that is appropriate to the character and setting of Porterville. It also will show the general location of proposed schools and neighborhood and community parks. (Some but not necessarily all neighborhood parks will be shown in order to allow for flexibility in the design of new neighborhoods.) Topics in the section would include: City Limit Line, Urban Development Boundary/Sphere of Influence, and 20-year Urban Area Boundary. The element also will address:
  - Zoning consistency with land use classifications;
  - Density/intensity standards;
  - Specific geographic areas, such as growth areas, East Side and Main Street;
  - City function and form; and
  - Opportunity sites (if separately defined).

- **Circulation Element.** The Circulation Element will address existing and future conditions for all modes: driving, bicycle, pedestrian, transit, rail, and air. It will also include a thorough discussion of the transportation system in the Central Area. The following topics will be addressed:
  - Roadway system;
  - Levels of service;
  - Transit services;
  - Pedestrian network;
  - Bicycle network;
  - Scenic roadways;
  - Railways; and
  - Aviation facilities.

- **Noise Element.** Standards for noise exposure for the different land uses will be included. Future noise contours will be mapped based on General Plan traffic forecasts and any adopted plans or projects that would be expected to result in noise-generating land uses. Policies and implementation actions will address thresholds of significance for evaluating noise impacts and how to mitigate noise exposure.

- **Open Space and Conservation Element.** These combined elements will address provision of open space and recreation within the community and conservation of natural resources. Topics to be addressed include:
  - Locations for parks and recreation facilities (not policies or standards, which will be in the Park and Recreation Element);
– Open space system, including types of open space and their functional relationships and an open space action program;
– Habitat and biological resources;
– Soil resources; erosion and reclamation of land;
– Water resources (wetlands, groundwater aquifers and water quality);
– Water supply and conservation; and
– Mineral resources.

• Parks and Recreation. This element will address policies and standards for parks and recreation facilities. It will be coordinated with and support the Land Use Element and the Open Space and Conservation Element.

• Safety Element. This element will address protecting the community from unreasonable risks associated with geologic and seismic hazards, flooding, and wildland and urban fires. Other topics to be addressed in this element include:
  – Potential risks associated with dam failure
  – Emergency response capabilities and evacuation routes and signage;
  – Peakload water supply requirements;
  – Minimum road widths and turnouts; and
  – Clearances around structures.

C. GPAC Meeting #5. After the Draft Elements have been prepared, they will be distributed to the GPAC. At the fifth and final meeting, before public review begins, CONSULTANT will ask the GPAC to endorse the Draft Elements or identify specific refinements they would like included prior to releasing these drafts for Public Review. Substantive changes then will be made in consultation with City Staff, and a Public Review Draft will be prepared.

Meetings:  GPAC Meeting #5 (Separate Trip)

Products:  Administrative Draft Elements
Draft Elements for GPAC Review
Draft Elements for Public Review

TASK 6: DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

The objective of this task is to complete a programmatic environmental assessment of the Draft Elements, pursuant to the California Environmental Quality Act (CEQA). Necessary noticing and scoping will occur during Tasks 1 and 2 of the project, and a Program EIR will be conducted in parallel with preparation of the Draft Elements. Potentially significant impact issues will be identified early in the process so that appropriate mitigation policies can be developed and incorporated into the new elements, resulting in a “self-mitigating” policy structure to the extent possible.

A. Notice of Preparation and Scoping Meeting. Concurrent with Task 1 and Task 2, CONSULTANT will prepare a Notice of Preparation (NOP) for the Draft EIR, accompanied by appropriate information on the “project” to enable informed review and comments that will be useful for
scoping and initial data collection. CEQA does not require an Initial Study if it is a foregone conclusion that an EIR is required. Furthermore, CONSULTANT will have a broad understanding of the topics to address in the EIR as a result of the intensive planning process. City staff will be responsible for distributing the NOP to the appropriate agencies. The Scoping Meeting will be held early in the planning process, perhaps on the same day as Public Workshop #1.

B. **Environmental Setting and Impact Analysis.** The Map Atlas prepared in Task 2 will serve as the starting point for the environmental setting information in the Draft EIR. Additional data will be gathered from available sources, such as previous EIRs, facility plans, and regional programs. CONSULTANT will then analyze how policies in the Draft Elements will affect the environment, identify significant impacts, and recommend measures to mitigate those impacts. The impact analysis will be comprehensive in scope, covering all CEQA requirements. Significance criteria will be identified for each impact topic, based upon thresholds of significance established in consultation with City staff.

Impacts and mitigation measures will be organized and discussed by topic. As required by CEQA Guidelines, the effects of the project will be defined as changes from the environmental setting that are attributable to the project, under full buildout of the Draft Land Use Element. Maps, graphics, tables, and charts will be used to depict clearly the location and nature of any potential significant impacts identified in the EIR, and any other relevant information. Specific topic areas to be addressed in the EIR are summarized below:

- **Land Use.** Analyze sites where land use changes would occur under the project. Identify potential conflicts between existing and proposed uses, and determine alternative or supplementary policy mitigation measures that could minimize impacts.

- **Parks, Open Space, and Recreation Facilities.** Using level of service standards as significance criteria, assess the impacts of buildout conditions on use of existing parks, open space, and recreation facilities. Assess impacts of proposed additions to the City’s Parks and Open Space System.

- **Public Facilities and Services.** Assess the impact of proposed changes in the Land Use and Circulation Elements on public services, including public schools, police and fire protection. Water, wastewater, emergency response, and storm drain impacts will also be studied. The water supply study, described in Task 2F, will be incorporated into this section and will address effects of land use changes and future development on water resources both in terms of quantity (consumption of groundwater), quality (the potential to release contaminants to surface and groundwater), and peak load capacity. Information used in the EIR will also originate from the consultation process involving water agencies discussed in Task 2F. The adequacy of long-term water supplies also will be specifically assessed, and if shortfalls are identified, specific mitigation measures, including additional water conservation requirements as well as additional sources of water, will be identified. This section of the EIR will be closely coordinated with the overall General Plan update program, taking into consideration water supply relative to General Plan needs, including population growth projections, spatial allocation of land uses, and water demand estimates of residential, commercial, institutional, open space, and industrial uses. The 20-year assessment of water availability will look not only at well data, historical pumping, and depth to groundwater, but also at long-term aquifer capacity relative to future water demands and rainfall patterns. LUA will investigate the City’s surface water rights and whether this water could be used for recharge and/or blending surface water with water from wells with poor quality. Finally, this section of EIR will include recommendations on water conservation including, but not
limited to, outdoor watering restrictions, landscaping requirements, indoor conservation measures, water recycling and reclamation, and metering alternatives if Plan policies do not adequately incorporate these measures.

- **Traffic and Transportation.** Evaluate the change in traffic that would be generated by land uses under the Draft Land Use Element, comparing the added or lessened traffic to the available capacity, and noting locations of capacity shortages. Evaluate improvements recommended in the Circulation Element in terms of physical impacts as well as effects on traffic-carrying capacity and level of service.

- **Biological Resources.** Assess the potential for impacts to special status species at buildout. Describe the potential impacts to biological resources related to land uses that may permanently impair or preclude resource development. Identify alternative or supplementary policy mitigation measures that could minimize impacts to biological resources.

- **Agricultural and Mineral Resources.** Analyze the impact of Land Use and Circulation Element changes and other Plan Elements on agricultural and mineral resources in and near Porterville. Consistency of the Draft Elements with farmland classification policies will be identified, as well as compatibility issues.

- **Fire Hazards.** Identify and characterize areas at the urban fringe that are particularly vulnerable to the threat of fire. Identify fuel reduction methods and techniques consistent with protection of special status species and habitats. Identify any restrictions on land uses and intensities appropriate for areas identified as susceptible to fire hazard.

- **Air Quality.** Describe the types of emissions sources that would be associated with development under the General Plan Update. Assess the consistency of the Draft Elements with the regional Clean Air Plan with reference to population and employment forecasts as well as trends in vehicle miles traveled (VMT). Qualitatively assess the capability of policies of the Draft Elements to prevent exposure of people to substantial sources of construction dust, toxic air contaminants, or odorous emissions.

- **Noise.** Establish noise contours for the City based on updated information related to traffic, aircraft, trains, and industrial facilities. Describe the types of noise sources that would be associated with development under the Draft Elements. Assess the adequacy of the policies to avoid future noise incompatibility for existing and future land uses.

- **Energy.** Describe the types of energy that would be consumed by development under the project. Assess the consistency of the General Plan Update with state and national energy goals and programs. Based on information from the provider, evaluate the capability of the existing utility infrastructure to meet future demand for electricity and natural gas.

- **Seismic, Soil, and Landslide Hazards.** Based on existing information, describe geological characteristics of regional and site-specific soils, including composition and erosion potential. Identify and describe the major earthquake fault systems in the region and their distance to the City, and update their general potential to affect the City. Update and characterize the general nature of the geologic and seismic hazards, including potential for ground shaking, peak ground acceleration and secondary effects (including liquefaction). Identify capacities of the City’s emergency preparedness and response program to deal with a
major earthquake scenario. Evaluate how the Draft Elements Update will affect exposure to potential hazards and/or increase risk of a hazard event.

- **Hydrology.** Discuss the hydrological setting of the City, including position within the regional watershed system. Describe urban water pollutant types and their sources. Discuss potential flooding hazards, general management practices, and mitigation measures to reduce the effects of stormwater runoff. Using information from the water supply analysis conducted in Task 2, summarize general groundwater conditions in the Plan area. Discuss use of groundwater, trends and general aquifer conditions. Assess the manner in which land use and development under the Draft Elements may affect groundwater conditions and uses of the resource. (This analysis to be coordinated with the water supply analysis in “Public Facilities and Services” described above to avoid duplication, with the focus in this section on water quality.)

- **Hazardous Materials.** Review available information on location and transport of hazardous materials. Discuss the general constraints that contaminated soils and groundwater may pose to development and regulations of the state with regard to contamination management and clean up.

- **Cultural Resources.** Evaluate how the General Plan Elements Update will affect or disrupt the preservation of historic, cultural, and archaeological resources. Information on these resources will be obtained from Dr. Robert Yohe, Coordinator, Southern Joaquin Valley Information Center, California State University, Bakersfield and other known sources of cultural resource data. CONSULTANT also will consult with Native American groups, such as the Tule River Indian Tribe.

- **Visual Quality.** Apply significance criteria that have been derived from CEQA Guidelines, which include view obstruction, or degradation, creation of an aesthetically offensive site, impairment of an object having aesthetic significance, conflict with adopted environmental plans and goals, or production of new light or glare. Assess how future development under the Draft Elements may affect city view sheds, particularly views from public viewpoints (roads, parks, etc.).

C. **Mitigation Measures.** During impact analysis, CONSULTANT will identify practical, feasible mitigation measures to reduce the environmental impacts of implementation of the Draft Elements. CONSULTANT also will evaluate whether mitigation measures would reduce impacts below a level of significance, identify the parties who would be responsible for implementing each measure, and incorporate them as policies into the new elements. Recommendations for Mitigation Monitoring and Reporting also will be prepared. (Rather than having a separate report, it may make sense to incorporate mitigation monitoring and reporting into an annual General Plan Report.)

D. **CEQA-Required Impact Analysis.** As required by CEQA Guidelines, the following types of impacts need to be assessed, in addition to the detailed analysis of impacts, by topic area:

- Growth-Inducing Impacts (potential for the project to cause additional population or job growth or housing demand);

- Significant Environmental Effects of the Proposed Project (including significant unavoidable effects);

- Significant Irreversible Environmental Changes; and
Effects Found Not to Be Significant.

E. Project Alternatives. The alternatives considered in preparation of the Draft Elements will be the basis for this section. It will also include analysis of the No Project Alternative. The relative merits and disadvantages of the alternatives will be assessed and compared with the proposed Elements, and an "environmentally superior" alternative will be identified. The alternatives analysis, as discussed in the CEQA Guidelines, may be less detailed than the analysis of the proposed project.

F. Administrative Draft and Draft EIR. CONSULTANT will submit one unbound copy of the Administrative Draft EIR for City staff review, and receive one consolidated set of comments in return. After a final screen check review by City staff, a final production version of the Draft EIR will be provided to the City for distribution. The City will be responsible for printing and distributing the Draft EIR.

G. Notice of Completion. CONSULTANT will prepare a Notice of Completion (NOC) for the Draft EIR. City staff will be responsible for distributing the NOC to the appropriate agencies.

Meetings: Scoping Meeting (see Task 2)

Products: Notice of Preparation
               Administrative Draft EIR
               Draft EIR
               Notice of Completion

TASK 7: COMMUNITY REVIEW AND ADOPTION

The objective of this task will be to conduct the public review and successfully take the Draft Elements and Program EIR through the public hearing and EIR Certification/Plan adoption process. The Draft Elements will be revised after adoption to reflect the Council’s decision.

A. Newsletter #4. Public review of the Draft Elements and the Draft EIR will be publicized by the fourth newsletter. This bilingual newsletter will contain information about the Draft Elements and show how the policy recommendations respond to the community input. Information about the public hearings also will be provided.

B. Public Hearings. Following the community workshop, CONSULTANT will present the Draft Elements along with a summary of public comments at two City Council hearings. CONSULTANT also will present the major findings of the Draft EIR at these hearings.

C. Final EIR. Following the 45-day public review period, CONSULTANT will prepare responses to comments. The Comments and Responses together with the Draft EIR will constitute the Final EIR. This work program assumes that the changes needed to respond to public comments will not require a complete revision of the Draft EIR. One unbound copy of the Administrative Draft of the Final: Comments and Responses will be provided for City staff review, and the Final EIR then will be prepared based on one set of consolidate staff comments. The City will be responsible for printing and distributing the Final EIR. CONSULTANT will also prepare a Notice of Determination for the Final EIR, which City staff will be responsible for distributing. Finally, CONSULTANT will prepare Findings and Facts in Support of Findings, Statement of Overriding Consideration (if necessary), and a Mitigation Monitoring program (if needed), or prescribe how mitigation monitoring is to be addressed in the annual General Plan report.
D. Adopted Elements. Following adoption by the City Council, CONSULTANT will revise the Draft Elements to incorporate specific text and diagram changes made by the City Council as part of adoption. After a final screen check review by City staff, a final production version of the Adopted Elements will be provided to the City for distribution.

*Meetings: Two City Council Hearings

*Products: Administrative Final EIR; Final EIR
  Newsletter #4 (bilingual)
  Notice of Determination
  Findings and Facts in Support of Findings
  Statement of Overriding Considerations (if necessary)
  Mitigation Monitoring Program (if needed)
  Administrative Draft of Elements as Adopted
  Adopted Elements

1.1 MEETINGS AND PRODUCTS SUMMARY

MEETINGS

The following meetings are anticipated in our scope of work. Our budget assumes that many of these meetings would be combined in a single day or occur back-to-back, as noted in Section 4.2, Work Program:

- Kick-off Meeting and City Tour
- Stakeholder Interviews (1 day)
- Scoping Meeting
- GPAC Meetings (5)
- Public Workshops (3)
- City Staff Workshop on Preliminary Alternatives
- City Council Workshop
- City Council Hearings (2)

PRODUCTS

All products will be provided to the City in electronic form, using Microsoft Word and Office software, Macromedia Freehand (a graphics program) or ArcGIS 9.0 or later versions, as appropriate. (GIS data also can provided in ArcView compatible format.) Documents that combine graphics and text may be assembled in PDF format using Adobe Acrobat.

- Detailed Project Schedule
- Field Trip Photographs
- Newsletter #1, #2, #3, and #4 (bilingual)
- Working Paper #1: Map Atlas
- Working Paper #3: Economic Issues
- Working Paper #4: Planning Alternatives
- Working Paper #4: Draft Preferred Plan
- Alternatives Comment Summary
- Administrative Draft Elements (9 copies)
- Draft Elements for GPAC Review
- Draft Elements for Public Review
- Administrative Draft of Elements as Adopted
- Adopted Elements (50 copies plus camera ready copy)
- GIS files of all Plan diagrams and figures
- Notice of Preparation; Notice of Preparation
- Notice of Determination
- Administrative Draft EIR (9 copies)
- Draft EIR
- Administrative Final EIR
- Final EIR (50 copies plus camera ready copy)
- Findings and Facts in Support of Findings; Statement of Overriding Considerations (if necessary)
- Mitigation Monitoring Program

**SCHEDULE**

The sequence of work is shown in the schedule below. This schedule may be amended by mutual agreement to provide more time for data collection and analysis, policy formulation, Plan design, or CITY review, public review or decision-making.

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The Parks and Leisure Services Commission recently reviewed and discussed Chapter 19 of the Municipal Code. As a result of their review a modification to Section 19-5 has been recommended to the City Council.

The Commission observed that the Code has not been updated since adoption in 1977, and that changes in the status of local school districts have evolved over the intervening period. When the code was written, Porterville Elementary School District and Porterville High School District served the entirety of the City corporate boundary. These districts have since unified into the current Porterville Unified School District. In addition, the City corporate boundary now extends into the jurisdictional area of Burton School District and the Alta Vista School District. The Commission feels that the intent of the Section 19-5 was to provide the opportunity for each school district to have an ex-officio representative to the Parks and Leisure Services Commission. The Commission specifically recommends the modification of Section 19-5 to provide for ex-officio member status for both the Porterville Unified School District and the Burton School District. At the time of the Commission meeting, the boundary of Alta Vista School District was simply overlooked. Staff recommends that the City Council consider more generic language within Section 19-5 for each elementary, high school, or unified school district to be provided the opportunity to appoint an ex-officio member, without specifying the districts by name.

Some Commission discussion also occurred in regard to the roles and duties of the Commission, as defined in Section 19-8, versus the authority of individual members serving on the Commission. By majority vote, the Commission indicated their interpretation of Section 19-8 to mean the powers of the Commission as a body and not the authority of individual members. The Commission has requested that their interpretation of Section 19-8 be forwarded to the City Council along with the recommendation to modify Section 19-5.

The City Attorney has provided a memorandum addressing the points discussed by the Commission. The City Attorney’s opinion appears to be consistent with the majority interpretation of the Commission regarding Section 19-8.
RECOMMENDATION: Approve first reading of an Ordinance modifying Section 19-5 of the Municipal Code to provide for all elementary, high school, or unified school districts with jurisdiction areas within the City corporate boundary to be given the opportunity to annually appoint an ex-officio member to the Parks and Leisure Services Commission.

ATTACHMENTS: Draft Ordinance  
June 15, 2005 City Attorney Memorandum  
Municipal Code Sections 19-1 through 19-8
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ARTICLE I, SECTION 19-5 OF CHAPTER 19, ENTITLED “EX OFFICIO MEMBERS” (OF THE PARKS AND LEISURE SERVICES COMMISSION)

WHEREAS, Section 19-5 of Article 1, Chapter 19 of the City of Porterville Municipal Code currently provides that there shall be one representative from the elementary school board and one representative from the high school board (the two boards in existence at the time the regulations were adopted in 1977), appointed by their respective agencies to serve as ex officio, non-voting members of the Parks and Leisure services commission; and

WHEREAS, since the adoption of these regulations the elementary school district and the high school district have been combined to form Porterville Unified School District, and two other (elementary/high school) school districts with schools within the jurisdictional limits of the City have been created.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PORTERVILLE, AS FOLLOWS, TO WIT:

SECTION 1. That Chapter 19, Article 1, Section 19-5 of the Porterville Municipal Code is hereby amended as follows:

19-5 Ex Officio Members.

One representative from the board of trustees of each school district (elementary, high school, and/or unified) within the jurisdictional boundaries of the City shall be selected annually by their respective agencies to serve as ex officio, non-voting, members of the commission.

SECTION 2. This ordinance shall be in full force and effect thirty (30) days after its passage, adoption and approval.

ADOPTED, SIGNED AND APPROVED this ______ day of ____________, 2005.

__________________________
President of the Council and
Mayor of the City of Porterville

ATTEST:

__________________________
Chief Deputy City Clerk and Clerk
of the Council of the City of Porterville
TO: Porterville City Council

FROM: Julia M. Lew

DATE: June 15, 2005

SUBJECT: Issues Raised Concerning the Regulations Governing the Parks and Leisure Services Commission

This is prepared in response to a request for an opinion from this office concerning interpretation of the City’s regulations governing the Parks and Leisure Services Commission regulations due to issues that arose at the most recent Commission meeting.

**Role of Parks and Leisure Services Commission and the roles of the individual members of the Commission.** It is my understanding that there was some confusion with regard to the roles and responsibilities of the Commission. Under Chapter 19 of the Municipal Code, the Commission is made up of seven voting members that are selected by the Mayor with the consent of the City Council. Ex officio (non-voting) members from the elementary and high school districts are also selected by the district boards to serve annually. The Commission serves in an advisory capacity to the City Council, meaning that the body’s decisions become recommendations to the City Council, and the advisory body does not have the power to enact legislation or make determinations that are within the City Council’s powers. However, the Commission does have explicit power under Section 19(g) to “take initiative in planning for future park and leisure areas and facilities” and to take initiative in bringing existing areas up to standard. The Commission can also, per section 19-8(l), recommend policy concerning the Parks and Leisure to the city council, and under section 19-8(j), define objectives and goals of the Parks and Leisure Services Department.

At the most recent Commission meeting, there was apparently some debate concerning who has the powers enumerated in Chapter 19 (whether it is the Commission, acting as a body, or the individual members themselves). Consequently the Parks and Leisure Services Director and the Commission have requested clarification under the existing regulations. Absent any explicit powers enumerated in the regulations given to the individual members, the powers belong to the Commission itself. The body takes action and makes decisions (consistent with the powers granted to the Commission by the regulations) by a majority vote of a quorum of the body. It is each commissioner’s prerogative and responsibility to present his or her opinions on matters presided over by the body, however those opinions and views do not become the Commission’s recommendation unless affirmed by a majority vote of the body. This is consistent with the powers of the City Council as a body, as opposed to the individual City Council members, as well as the role of a Corporate Board of Directors, versus action by the Corporation.
Roles of Ex Officio Members Appointed by the School Districts. The Commission and Department Director also requested clarification concerning the roles of the ex officio members of the Commission appointed by the school districts. Under the existing code provisions, the ex officio members are appointed annually by the school district boards. They are not voting members of the commission, as set forth pursuant to Section 19-2 (which references that the 7 voting members of the commission are selected by the Mayor with consent of the Council) and Section 19-7 which notes that 4 members constitute a quorum. As there seemed to be some confusion with the role of the ex officio members, the non-voting status is clarified in the proposed modifications to Section 19-5.

A copy of Municipal Code Sections 19-1 through 19-8 is attached for your reference.
§ 19-1 PARKS

ARTICLE I. IN GENERAL

Editor's note—Sections A and B of Ord. No. 1114, enacted August 5, 1977, repealed former §§ 19-1—19-21, regulating the use of the parks generally, and enacted in lieu thereof the provisions set out in §§ 19-1—19-8. Said former sections were derived from Ord. Code §§ 3412.1—3412.21. With permission from the city former §§ 19-22—19-22.2 have been redesignated § 19-9.

Sec. 19-1. Definitions.
For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Commission: The word “commission” refers to the parks and leisure services commission.

Department: The word “department” refers to the parks and leisure services department.

Director: The word “director” refers to the director of parks and leisure services. (Ord. No. 1114, § B, 8-5-77)

Sec. 19-2. Parks and leisure services commission created; composition; function.
There is hereby created a park and leisure services commission, and shall be composed of seven (7) members, who shall be residents of the City of Porterville. The park and leisure services commission shall serve in an advisory capacity to the city council. (Ord. No. 1114, § B, 8-5-77)

Sec. 19-3. Appointment.
Said commission members shall be appointed by the mayor with the consent of a majority of the city council. (Ord. No. 1114, § B, 8-5-77)

Sec. 19-4. Term of office and compensation.
Terms for all commissioners shall be four (4) years, excepting the terms for the first appointees to the commission shall be as follows: Four (4) commissioners shall be appointed to four-year terms and three (3) commissioners shall be appointed to two-year terms commencing July 1, 1977. The terms of commissioners first appointed shall be determined by lot at an organizational meeting of the commission, to be held and conducted within a reasonable time after said appointments. Commissioners shall serve at the pleasure of the city council and may be removed by a majority vote of the city council at any time and for any reason. Members of the commission shall serve without compensation. No member of the commission shall serve more than two (2) consecutive four-year terms. (Ord. No. 1114, § B, 8-5-77)

Sec. 19-5. Ex officio members.
One representative of the elementary school board of trustees and one representative of the high school board of trustees shall be selected annually by their respective agencies [to serve as ex officio members of the commission]. (Ord. No. 1114, § B, 8-5-77)

Sec. 19-6. Vacancies.
Vacancies occurring otherwise than by expiration of terms shall be filled by appointment as in the first instance, such appointees to serve for the unexpired term of the vacant office. (Ord. No. 1114, § B, 8-5-77)

Sec. 19-7. Meetings; records; quorum.
The commission shall hold meetings regularly and shall designate the time and place thereof. It shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings and records of the commission shall be public. Four (4) members shall constitute a quorum for the transaction of business. (Ord. No. 1114, § B, 8-5-77)

Sec. 19-8. General powers and duties of commission.
The commission:

(a) Shall advise the city council and the director on the management and control of parks, parkways and public grounds except as otherwise provided;
§ 19-8

(b) May establish all reasonable rules and regulations for the protection of rights and property vested in the city and under control of the parks and leisure services department for the use, care and management of all parks, squares, avenues, grounds or recreation centers, and for the governing, use and enjoyment of any building, structure, equipment, apparatus or appliances therein; which rules and regulations shall be posted in some conspicuous place in the park, square, avenue, grounds or recreation center, or in or near the building, structure, equipment, apparatus or appliance to which the rule or regulation applies;

(c) May call upon the police department to assist in enforcing all ordinances, rules and regulations governing parks, squares, avenues, grounds or recreation centers as have been or may hereafter be established;

(d) Shall recommend schedules of charges for the golf course, swimming pools and all special services;

(e) Shall give due attention and study to park and leisure services as they affect the welfare of the people;

(f) Shall interpret the leisure and park services of the department to the community;

(g) Shall take initiative in planning for future park and leisure areas and facilities, as well as determining means of bringing present areas and facilities up to an acceptable standard;

(h) Shall serve as a sounding board against which the director and staff may test their plans and ideas;

(i) Shall recommend policy to the city council keeping in mind that the adoption of policy is the prerogative of the city council and that the director must have a free hand to carry on the work of the department within the framework of these policies;

(j) Shall define the objectives and goals of the department. (Ord. No. 1114, § B, 8-5-77)

Sec. 19-9. Driving automobile, golf cart, etc., within confines of golf course.

(a) Restricted. It shall be unlawful for any person, other than a person engaged in the performance of his duties as a municipal employee, or a person who has hired from the Porterville Golf Course manager or golf professional a golf cart, to operate or drive any motorcycle, automobile, golf cart or other vehicle within the confines or upon the Porterville Municipal Golf Course excepting therefrom that portion of said golf course designed and utilized for public parking.

(b) “Golf cart” defined. For purposes of this section a “golf cart” is any vehicle, electric or gasoline propelled, that is customarily utilized in the playing of the game of golf.

(c) Penalty. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed five hundred dollars ($500.00), imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment. (Ord. No. 1093, § A, 6-15-76)

Sec. 19-10. Presence upon golf course when closed to public declared unlawful.

(a) It shall be unlawful for any person to enter upon the Porterville Municipal Golf Course for the purpose of playing or practicing the game of golf or to play or practice the game of golf on any day when said golf course is closed to play to the general public.
SUBJECT: ACCEPTANCE OF OFFICE OF TRAFFIC SAFETY GRANT

SOURCE: Police Department

COMMENT: The City of Porterville has received tentative approval of a grant award in the amount of $144,600, from the California Office of Traffic Safety.

The purpose of the Office of Traffic Safety Grant is to provide local jurisdictions with opportunities to improve public safety through the use of the grant funds for a variety of traffic-related activities, from increasing personnel and equipment resources, to developing and supporting programs to provide increased traffic enforcement. The primary goals and objectives developed by the Police Department for this grant is to increase DUI enforcement, increase compliance in the areas of use of seatbelts and child restraint devices, reduce the number of collisions in Porterville through increased and directed traffic enforcement. This position would increase the sworn force to forty-seven officers. This is up from forty-four in 2003.

This grant will span a period of two years. During the first year, the Office of Traffic Safety pays 100 percent of the additional officer's salary and benefits. During the second year, the grant pays for fifty percent of the officer's salary and benefits, and the City would be expected to cover the remaining fifty percent. After this two-year grant period, it is expected that the City would retain this position.

This grant will also provide funds for overtime costs incurred during DUI Checkpoints, Saturation Patrols, and Occupant Safety Checkpoints. Funds are also provided for additional equipment, such as a laser radar device and a laptop computer.

Based on the proposed 2005/2006 Fiscal Year draft budget, currently the City does not have monies to cover second year and beyond costs for this position. They could be covered by a successful sales tax measure. If this money is not available, then it is likely that another program in Police, or another City department, will have to be curtailed to fund this position consistent with the agreement.

RECOMMENDATION: That City Council:

1) Accept the terms of the Office of Traffic Safety Grant;
2) Authorize the Mayor to sign all necessary documents pertaining to the grant; and
3) Authorize an increase in the allocation of police officer positions from forty-six to forty-seven.
COUNCIL AGENDA: June 21, 2005

SUBJECT: CONSIDER PORTERVILLE COLLEGE BALLFIELD WOODEN POLES AND LIGHT FIXTURE REMOVAL AND RELOCATION TO THE OHV PARK, OR DECLARE SURPLUS AND DISPOSE IN-PLACE

SOURCE: Department of Parks and Leisure Services

COMMENT: At the request of the City Council, staff researched the removal of the lights at Porterville College and installing them at the Off Highway Vehicle Park.

It was discovered that existing wooden poles and fixtures would cost approximately $3,000 to be extracted. The poles themselves are of no value to be used as light poles, simply because the safety of the poles is questionable for future use following the extraction procedure.

The 38 fixtures are estimated to be valued at approximately $300 each, equivalent to $11,400. However, these fixtures are more than 25 years old, and the risk of the ballast burning out at a moment’s notice is more than likely to happen. To replace the ballast in the older fixtures could start at $350 per fixture.

Staff contacted Mr. Bob Ruffa, proprietor of Ruffa Electric located in Porterville, regarding the cost of the metal poles and mounting of the fixtures previously removed from the West Diamond at Porterville College Softball Field. The installation at the OHV facility, is estimated to cost $25,000 at a minimum. It is difficult to provide an actual cost, because the amount of underground work that is necessary for electrical connection is uncertain.

Staff also contacted Mr. Tony Plagenza, Planner for Southern California Edison, to inquire about the cost to obtain electrical service to provide power for the lighting project. Mr. Plagenza advised staff that the existing electrical panel to provide service for the Sports Complex irrigation booster pump is more than sufficient to accommodate the service for the lights at the OHV Park and the booster pump.

Staff sought the expertise of Mr. Bob Crookham, Sports Lighting Specialist of Musco Sports Lighting, Inc., to determine the proper amount of lighting to make a facility of our size safe for moonlight riding. Mr. Crookham suggested we follow the recommended lighting level for OHV facilities which is 20 foot-candle. His recommendation to reach this level of lighting would include twenty 40' poles and 48 fixtures at 1,000 watts each. The estimated cost of this equipment is $130,000. The fixtures that we currently own provide a light level at approximately 10 to 15 foot-candle.
The lighting at the OHV Park would qualify for Southern California Edison LS-1 Midnight Service rates (0.01766 per kWh for delivery service, plus 0.07981 per kWh for general services). An estimated 60 hours per month is the average amount of light usage. Converting from Edison’s kilowatt formula, the existing fixtures compute to $1,446.72 per month, or $24.12 per hour to operate, and the new energy efficient fixtures compute to $913.72 per month, or $15.28 per hour.

Staff does not recommend salvage of the remaining light fixtures or wood poles from Porterville College due to the low, and possibly negative, economic value for reuse. Staff also does not recommend the use of the former ballfield lights for the OHV track due to the safety risk in not properly designing an adequate level of lighting, and because of the economic disadvantage in energy efficiency.

**RECOMMENDATION:** Declare the remaining lights and wooden poles at Porterville College as surplus, and direct the purchasing agent to dispose of the surplus property through a bid process.
SUBJECT: REGISTRATION AND FACILITY RESERVATION SOFTWARE PROGRAM UPGRADE FOR PARKS AND LEISURE SERVICES DEPARTMENT

SOURCE: Parks and Leisure Services Department

COMMENT: The Parks and Leisure Services Department has been using RecWare, a registration and facility reservation software program designed specifically for recreation agencies, since September 1995. This multi-site database program is an integral part of providing high-quality customer service and accurate record keeping for the department. Staff has witnessed that the program is a valuable tool to the department; unfortunately, it has become outdated and needs to be replaced.

RecWare is based on FoxPro, a computer database that is quickly becoming obsolete and incompatible with the City’s computer system. In addition to the rapid changes in technology, the Department has added many new programs and facilities in the past ten years, thereby increasing the number of registrations/reservations processed. Consequently, the demand on the RecWare program continues to grow, and the current version of the program no longer meets the Department’s needs for an efficient and reliable software program.

Data entered in RecWare has been corrupted several times in the past three years, largely because of the outdated software not functioning properly within the network. Staff is unable to process any new activity registrations or facility reservations during these outages, causing difficulties for the public, not to mention how costly it is in terms of staff time.

As a result of the instability of the current RecWare system, staff has been evaluating new registration/facility reservation software packages. Staff has determined that Class Software will best meet the needs of the department.

Class Software is owned by The Active Network, a California company that purchased the RecWare product several years ago. Class Software is an upgrade to the current RecWare program. Management Information Systems supports this choice and has indicated that Class is compatible with the City’s current computer environment and the future migration to the Windows XP desktop platform.

The advanced technology of Class will allow for the expansion of department programs and facilities and give us the option of new components that will enhance customer service and result in cost savings through reduced requirements of staff time. The new options include the ability to access customized financial reports; sports league scheduling; and online registration and payment for customers who prefer to register through the Internet.

ITEM NO.: 29
On line registration will allow the Department the option to minimize hiring additional staff to help with City Hall and Heritage Community Center front counter reception.

The cost of the software upgrade will be $41,714.84. This price includes all software components, user licenses, implementation and support services (training), and the first year of the annual maintenance fee for ongoing technical support, patches and upgrades. It is requested that this purchase be authorized from current year budget savings within the Parks and Leisure Services Department.

RECOMMENDATION: Authorize the purchase of software upgrade for the Parks and Leisure Services Department in the amount of $41,714.84 from budget savings.
SUBJECT: OUTDOOR WARNING SIREN

SOURCE: Fire Department

COMMENT: Staff received a request to cost out an outdoor warning siren to be used during the Veteran’s Day Parade. Ed Flory indicated the American Legion was going to budget $1,000 towards the purchase and installation of a new system.

Before the invention of pagers and portable radios, the Fire Department used an air actuated siren, located on a 40’ tower behind Fire Station #1 to alert firefighters in the event of an emergency. When the system became obsolete, it was used to alert people along the Veteran’s Day Parade route to begin a moment of silence. In the mid-1990’s the siren became non-repairable and was dismantled.

Every year following its dismantle, the Fire Department has staged fire apparatus strategically along the Veteran’s Day Parade route to activate their sirens at 11:00 a.m.

Each year following the parade, someone asks City staff about installing a new outdoor warning siren.

Staff contacted the two main manufacturers of sirens and determined the hardware cost to be between $4,500 for a 109 db unit at 100’ to $6,312 for a 112 db unit at 100’. Both manufacturers could not guarantee the majority of people along the parade route would be able to hear it.

Because of the high start-up energy demands of both units, the cost to install either unit would require replacing a large electrical panel at the Fire Department, upgrading some wiring and conduit, and rental of a crane to install the siren on top of the tower. Installation (hardware and labor) is estimated between $3,000 to $4,000.

Staff did not request specific bids from electrical contractors as the estimated costs for the project exceeded the amount staff had originally considered for inclusion in the 2005/2006 Fire Department budget.
The total estimated cost for an outdoor warning system would be between $7,500 to $8,500 for the least expensive model and $9,312 to $10,312 for the 112 db unit. (The total does not include the $1,000 offer from the American Legion.)

REQUEST FOR COUNCIL ACTION:

1. That the Council direct staff not to proceed with the project.

ATTACHMENTS: 1- Sentry Siren #3V8-H advertisement
2- Sentry Siren #7V8 advertisement
Important Facts to Consider:

- **Electro-Mechanical Warning Siren.** No speakers or amplifiers here, just real, honest, big-time, worry free sound.
- **100% Maintenance Free.** Not just a part of the siren, the whole system!!
- **NON-ROTATING.** Forget about the worries of rotating sirens, this unit only has two moving parts!!
- **Mechanically produced sound - stronger and further reaching than electronically produced sound.**
- **Compatibility,** this siren will integrate seamlessly with 99% of existing siren systems.
- **Lifetime Tech Support** is included with every siren. No matter how old your siren is, we will help you through any problems.
- **FIVE YEAR WARRANTY** so you can rest assured your siren will be functional at all times.**

---

**Designed for small towns or Volunteer Fire Departments, the 3V8-H combines large siren functions with cost effectiveness. Utilizing the same effective design and construction as its brother the 3V8, the 3V8-H uses projectors to distribute and organize sound. Rated at 109 dB at 100 feet, the Model 3V8-H is an OMNI-DIRECTIONAL siren which produces continuous 360° coverage.**

**The 3V8-H is available in either single or three phase power. The Model 3V8-H is a single tone siren, producing 460 cycles per second. All exposed siren components are of zinc plated steel construction, which are “Powder Coated” for the most durable finish available. The fan and housing are made of non-corrosive cast aluminum.**

**Maximum diameter of the Model 3V8-H shall be 34”, maximum height of 34”, and maximum mounting base of 19” square. Shipping weight of the siren alone is 250 lbs.**

**Perfect For Volunteer Fire Departments or Small Communities !!!**
Power Specifications

112 dB. at 100 ft.*

Three Phase Motor:
7 1/2 hp. 208/230/460V, 60 Hz.
Starting Amps: 90
Running Amps: 18

Single Phase Motor:
7 1/2 hp. 230 Volt 60 Hz.
Starting Amps: 185
Running Amps: 37

Battery Powered Version available (7V8-B):
DC Primary
72 VDC, 8 Hp Motor
93 Running Amps

Accessories Available

Siren Control Centers
Push button controls with up to 5 functions including test and cancel. Reliable and field adjustable, now you can customize your siren's functions anytime.

Magnetic Motor Starter
Available in "Lightning Proof" versions and also weather-proof or NEMA 4X (Fistic).

Radio Control Equipment
Hand-helds, desk mounts, and receivers available with up to four functions. Solid state and built to last!

Utility pole mounting bracket
No more searching for a pole to fit the bracket. We build it to fit your pole.

- Don't forget to ask about our financing options.
Take delivery of your siren system today, and pay over time.

Want your siren in a different color? Above are the standard color choices, or call and we can match any color in the spectrum!!

*Sentry Siren, Inc.
2812 N. 9th St.
Canon City, CO 81212

1-866-4-A-SIREN
Fax: 719-269-3397
www.SentrySiren.com

¢ 649.95
500.95
773.95
387.95
$6,312.80
REDEVELOPMENT AGENCY MEETING AGENDA: JUNE 21, 2005

SUBJECT: REDEVELOPMENT AGENCY 2005-2006 BUDGET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Section 33606 of the California Health and Safety Code requires the Redevelopment Agency to adopt an annual budget which contains the following information: proposed expenditures of the agency, proposed indebtedness to be incurred by the agency, the anticipated revenues of the agency, the work program and goals for the coming year, and an examination of the previous year's achievements and a comparison of the achievements with the goals of the previous year's work program. The annual budget for 2005-2006 has been prepared in accordance with Section 33606 and is provided as an attachment for Agency review and adoption.

The 2005-2006 RDA budget reflects the following:

a. General project administration
b. Housing administration
c. Estimate of County's participation in tax increment in accordance with the City/County agreement
d. Estimate of Redevelopment Fund Balances

RECOMMENDATION: That the Agency Board adopt the attached 2005-2006 Redevelopment Agency budget.

ATTACHMENTS: 1. Draft Resolution adopting the 2005-2006 Redevelopment Budget  
2. Proposed 2005-2006 Redevelopment Budget

DD_____ APPROPRIATED/FUNDED______ CM______ ITEM NO. PRA-1
RESOLUTION NO. ________________________

A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE 2005-2006 BUDGET
PURSUANT TO HEALTH AND SAFETY CODE SECTION 33606

WHEREAS, by Ordinance No. 1227 adopted February 17, 1981, the City Council of the City of Porterville (the “City Council”) activated the Porterville Redevelopment Agency (the “Agency”) and declared itself to constitute the Agency; and

WHEREAS, by Resolution No. PRA 81-3 adopted April 7, 1981, the Agency approved a Cooperative Agreement by and between the City Council and the Agency wherein the City agreed to establish an “Agency General Fund” with money appropriated by the City Council to pay for the Agency’s administrative expenses as authorized by Health and Safety Code Section 33610; and

WHEREAS, by Ordinance No. 1436 adopted July 10, 1990, the City Council approved the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1 (the “Plan”); and

WHEREAS, Health and Safety Code Section 33606 requires that the Agency adopt an annual budget; and

WHEREAS, for the purpose of fulfilling its obligations to effectuate the Plan and conduct redevelopment activities pursuant thereto, the Agency has estimated its 2005-2006 fiscal year expenditures, indebtedness, anticipated revenues and proposed work program to be as provided in the budget hereinafter referred to as the “Redevelopment Agency Budget” attached hereto as Attachment “A” and incorporated herein by reference; and

WHEREAS, the Agency is required to determine annually that the planning and administrative expenses in the Low and Moderate Income Housing Fund are necessary for the production, improvement, or preservation of low and moderate-income housing.

NOW, THEREFORE, BE IT RESOLVED by the Porterville Redevelopment Agency that the Agency approves and adopts the Redevelopment Agency Budget for the 2005-2006 fiscal year in conformance with Health and Safety Code Section 33606, determines that the planning and administrative expenses in the Low and Moderate Income Housing Fund are necessary for the production, improvement, or preservation of low and moderate-income housing, and authorizes and directs the Executive Director to submit said Budget to the City Council pursuant to Health and Safety Code Section 33611.

Porterville Redevelopment Agency

By: _____________________________________________
Kelly E. West, Chairperson

ATTEST:

By: ____________________________
John Longley, Executive Secretary
PORTERVILLE
REDEVELOPMENT AGENCY
PORTERVILLE, CALIFORNIA

2005-2006 BUDGET

ST. JAMES PLACE RENOVATION PROJECT
CONTENTS

I. PREFACE
II. FINANCIAL SUMMARY
III. WORK PROGRAM 2005-2006
IV. PREVIOUS YEAR’S ACTIVITIES
I. PREFACE

The Redevelopment Agency is administered by the Community Development Department. The Agency was created pursuant to California Health and Safety Code Community Redevelopment Law. Redevelopment revitalizes targeted areas of blight and deterioration through several methods of Agency participation.

Porterville’s Redevelopment Project Area No. 1, implemented in August 1990, originally encompassed approximately 471 acres. During 2004-2005, the process to remove 2 parcels (26 acres) from the project area was completed, leaving approximately 445 acres in Project Area No. 1. The area is primarily commercially and industrially zoned.

Projects noted in the 2005-2006 budget will be limited due to funding constraints.

This budget has been prepared in accordance with California Health and Safety Code Section 33606, which requires each agency to adopt an annual budget.
II. FINANCIAL SUMMARY

<table>
<thead>
<tr>
<th>AGENCY DEBT</th>
<th>AS OF 6-30-04</th>
<th>A. AS OF 6-30-05</th>
<th>B. PROPOSED INDEBTEDNES S 2005-2006</th>
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<tr>
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<td>Incurred 1981</td>
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<td>Principal plus interest</td>
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<td>Agreement #2</td>
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<tr>
<td>Incurred 1998</td>
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<tr>
<td>Principal plus interest</td>
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<tr>
<td>California Housing Finance Agency</td>
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<td>Housing Enabled by Local Partnerships (HELP)</td>
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<td>Principal only</td>
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<td>TOTAL DEBT INCURRED</td>
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<td>As of 06-30-06</td>
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NOTES: As of June 2004, the REDIP Reserve Account had accumulated $22,500 in interest. This amount was withdrawn from the Reserve Account in the 2004-05 fiscal year for payment of the REDIP loan. The withdrawal was made in accordance with the REDIP funding agreement.
California Housing Finance Agency HELP Loan due in 2012, principal and interest. Interest accrues at 3% annually; balance due at loan end date of 2012.
ANTICIPATED REVENUES 2005-2006 – REDEVELOPMENT FUND

Income:
- Gross Tax increment Revenue $665,478
- Lease of Redevelopment Property\(^1\) $15,600
- Interest $1,000

Less:
- Pass Through to other Agencies $117,781
- 20% Housing Set-Aside
  - County Allocation $12,822
  - City Allocation $102,175
- County Administration Fee $24,000

\[\text{NET REVENUE} \quad $425,300\]

A. PROPOSED EXPENDITURES 2005-2006 – REDEVELOPMENT FUND

Debt Service:
- Bond Payments $389,374
- REDIP Loan\(^2\) $27,872
- County Loan $10,000
- Bond Administration $3,140
- Agency Administration $23,050
- Education Revenue Augmentation Fund\(^3\) $65,000

\[\text{TOTAL PROPOSED EXPENDITURES} \quad $518,436\]

Transfer to (From) Reserves ($93,136)

Estimated Redevelopment Fund Reserve Balances:

<table>
<thead>
<tr>
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<th>06/30/04</th>
<th>06/30/05</th>
<th>06/30/06</th>
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<tbody>
<tr>
<td></td>
<td>$215,819</td>
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</table>

Notes:
\(^1\) Income from the lease of the Stout building is included in the budget estimates. Income from a 12-month lease results in an increase in revenues of $15,600 in the 2005-06 fiscal year.

\(^2\) As of June 2004, the REDIP Reserve Account had accumulated $22,500 in interest. This amount was withdrawn from the Reserve Account in the 2004-05 fiscal year for payment of the REDIP loan. The 2005-6 Budget reflects a withdrawal from the REDIP reserve in the amount of $10,360. The withdrawal was made in accordance with the REDIP funding agreement.

\(^3\) Education Revenue Augmentation Fund (ERAF) diversions are anticipated to be suspended after the 2005-06 fiscal year. Net result would be a decrease in expenditures of $60,000 in upcoming fiscal years.
B. ANTICIPATED REVENUES 2005-2006 – HOUSING FUND

Tax Increment Revenue 2005-2006:
- County Allocation $12,822
- City Allocation $102,175
- Interest $2,500

TOTAL ANTICIPATED REVENUE $117,497

C. PROPOSED EXPENDITURES 2005-2006 – HOUSING FUND

Administration and Debt Service:
- Agency Administration $4,800
- Bond Payments $97,344
- Bond Administration $770

Capital Projects ¹
- First Time Home Buyer $216,411
- Escrow Fees $2,500

Casas Buena Vista – CalHFA HELP² $707,000

TOTAL PROPOSED EXPENDITURES $1,028,825

Transfer to (from) Fund Balances ($911,328)

Estimated Housing Fund Balances:
- As of 06/30/05 $1,206,768
- As of 06/30/06 $295,440

NOTES:

¹ Capital expenditure projects have funds committed through agreements or Agency action.

² Fund balances inclusive of land values and/or CalHFA HELP loan for Casa Buena Vista development. CalHFA HELP proceeds utilized for Casas Buena Vista project.
IV. WORK PROGRAM

The work program for 2005-06 is based on the continued implementation of both the Redevelopment Strategic Plan adopted in 1992 and the Five-Year Implementation Plan adopted in 2004. The general redevelopment priority projects established for the expenditure of the Agency’s first bond issue have been completed to the extent of available funding. The Agency will be managing and monitoring the Redevelopment projects that have been completed and planning ahead for future projects when funding becomes available. The Agency will also be focused on the continued efforts to implement the low and moderate-income housing projects and the funding strategies approved in 2003-04. Therefore, the work program for 2005-06 is as follows:

1. Implementation Plan

   A. Continue implementation of the 2005-2009 Redevelopment Implementation Plan for the Redevelopment Agency that contains the specific goals and objectives of the Agency for the project area, the specific programs, including potential projects, and estimated expenditures proposed to be made during the five-year period beginning 2005.

2. Housing Strategic Plan Implementation

   A. Continue implementation of the Housing Strategic Plan and continue implementation of the policies adopted by the Agency for the expenditure of the low and moderate-income housing funds.

   B. In 2002-03 the Agency pledged the remaining $378,000 available for the First Time Home Buyer Program and reallocated the $186,000 from the Multi Family Program to assist families desiring to purchase dwellings within the Casas Buena Vista subdivision. It is anticipated that the remainder of these funds will be expended in the 2005-06 fiscal year.

   C. Continue to administer all agreements for the development of the Casas Buena Vista subdivision, including the California Housing Finance Agency (CHFA) HELP loan, the Disposition and Development Agreement with Perris 40 Corporation (Casas Buena Vista Housing Group, LLC), and the individual homebuyer assistance loans for acquisition of the houses which will incorporate affordability covenants. Evaluate a proposal to further expand affordable housing and commercial opportunities within the vicinity of the Casas Buena Vista Planned Unit Development.

   D. Continue to monitor the Date Avenue Apartment rental project for compliance with the terms of the Affordable Housing Agreement between the Agency and 148 E. Date Avenue, L.P. and Corporation for Better Housing.
E. Continue to monitor the St. James Places historical renovation project for compliance with the terms of the Regulation Agreements and HOME requirements.

3. Financing Strategy

Request City Council to reduce the interest rate to 0% per annum on the Fund Advance Agreement No. 2 with the City of Porterville. Fund Advance Agreement No. 2 provided for the advance of $110,000 from the City’s Risk Management Agency for payment of expenses incurred by the Agency associated with the improvement of certain storm drain facilities located within Project Area #1. Interest accrues at the Local Agency Investment Fund (LAIF) rate as of June 30 each year and is estimated to be 2%, or $2,826, for the 2004-05 fiscal year.

4. Building Façade Rehabilitation

Continue monitoring the building façade renovation grant program.

5. Public Parking

A. Monitor and maintain all Agency owned parking lots.

B. Continue monitoring requirements as outlined in the Central Valley Infrastructure Grant, which was utilized for the reconstruction of the parking lot located at Hockett and Oak.

C. Continue pursuing the formation of Parking District #3 in the North Main Street Area (Cleveland Avenue to Morton Avenue, Main Street to the Union Pacific Railroad.)

6. Public Street and Streetscape Improvements

A. Continue to monitor the Main Street streetscape improvements.

B. Continue to pursue funding for required traffic circulation improvements, replacement or installation of sidewalks, crosswalks, curb, gutters, storm drains, street lighting, and landscaping to improve their functioning and attractiveness.

7. Downtown Revitalization

A. Centennial Plaza – Work with local developer to construct a retail/professional office building, which will offer amenities to the patrons of the adjacent Centennial Park.

B. Porterville Hotel – Explore options regarding future utilization of the Porterville Hotel site, including funding sources and replacement housing required to meet the needs of the project.
C. Continue to coordinate with Downtown Porterville Association, Inc. (DPA) to encourage downtown revitalization. As part of this effort, the City and DPA will place an emphasis on filling vacant and underutilized buildings within the downtown area between Morton Avenue and Olive Avenue.

8. Porterville Heritage Center

Continue coordination in the construction of the Porterville Heritage Center (previously known as the Neighborhood Community Center) in conjunction with the Community Development Block Grant (CDBG) program utilizing Section 108 funding.

9. Public Improvement Projects

Coordinate with the City Engineering Division on the planning and reconstruction of the Plano Street Bridge in the Redevelopment Project Area. The project is funded through the Federal Highway Association (FHWA) and Certificates of Participation.

10. Tule River Parkway and Rails to Trails Projects

Coordinate with the City Engineering Division and the Parks and Leisure Services Department on the planning and construction of the phases of the Tule River Parkway and the Rails to Trails projects that are within the Redevelopment Area.

11. Annexation and General Plan Land Use

Support annexation of additional industrial land and circulation improvements in the south/southeast area of the City in accordance with the General Plan Circulation Element.
V. PREVIOUS YEAR’S ACHIEVEMENTS

In reviewing the activities of the Redevelopment Agency in 2004-05 significant progress was made in accomplishing the goals of the work program established in last year’s budget. Following are the elements of that work program and a description of the progress made in each area:

1. Implementation Plan

   Goal: Begin implementation of the 2005-2009 Redevelopment Implementation Plan for the Redevelopment Agency that contains the specific goals and objectives of the Agency for the project area, the specific programs, including potential projects, and estimated expenditures proposed to be made during the five-year period beginning 2005.

   Action: The Redevelopment Agency, through the actions discussed below, has begun implementation of the 2005-2009 Implementation Plan for the Redevelopment Agency.

2. Housing Strategic Plan Implementation

   Goal: Continue implementation of the Housing Strategic Plan and the 2005-2009 Redevelopment Implementation Plan, and continue implementation of the policies adopted by the Agency for the expenditure of the low and moderate-income housing funds.

   Action: The Agency continued the implementation of the agreements for low and moderate-income housing projects that were executed in previous years, including Casas Buena Vista, Date Avenue Family Apartments, St. James Place, and First Time Low Income Homebuyers programs.

   Goal: In 2002-03 the Agency pledged the remaining $378,000 available for the First Time Home Buyer program to assist families desiring to purchase dwellings within the Casas Buena Vista (previously Casas del Rio) subdivision. It is anticipated that the remainder of these funds will be expended in the 2004-2005 fiscal year.

   Action: Phase 5 is currently under construction in the Casas Buena Vista subdivision and to date 57 homes have been sold or are under contract to be purchased. The Redevelopment Low and Moderate Housing Fund has provided assistance to 16 families. As other down payment assistance funding sources have been available, the developer is reserving the remainder of the Redevelopment assistance for homes in the latter phases, but all funds should be expended in the 05/06 fiscal year.

   Goal: Continue to administer all agreements for the development of the Casas Buena Vista subdivision, including the California Housing
Finance Agency (CHFA) HELP loan, the Disposition and Development Agreement with Perris 40 Corporation (Casas Buena Vista Housing Group, LLC), and the individual homebuyer assistance loans for acquisition of the houses which will incorporate affordability covenants.

Action: The Agency has been administering all of the agreements and working through problems and/or revisions as they arise. As stated above, Casas Buena Vista has been selling extremely well with many of the homebuyers taking advantage of the homebuyer assistance available. Affordability covenants recorded on the properties were revised to make all the units affordable for at least 20 years which makes the units eligible for state Workforce Housing Rebate Grant funds to be utilized for public improvements.

Goal: Continue to monitor the Date Avenue Apartment rental project for compliance with the terms of the Affordable Housing Agreement between the Agency and 148 Date Avenue, LP and Corporation for Better Housing.

Action: The initial income certifications for occupancy were received by the Agency with 88% of the households being below 50% of Area Median Income (only 41% was required by the agreement).

Goal: Begin to monitor the St. James Place historical renovation project on Main Street for compliance with the terms of the Regulation Agreements and HOME requirements.

Action: The St. James Place apartments opened in February and the income and other statistical data on the initial residents has been received by the Agency and reports are being filed with the California Department of Housing and Community Development.

3. Building Façade Rehabilitation

Goal: Continue monitoring of the building façade renovation grant program.

Action: Staff continues to monitor and evaluate the completed facades for compliance with the façade easement maintenance agreement and notifies the owners of any items that need attention.
4. Parking Lots

Goal: During 2001-02, the City applied for and was awarded a Central Valley Infrastructure Grant (CVIG) for the reconstruction and expansion of the parking lot located at Hockett and Oak. The project is scheduled to be complete late 2003-2004. As part of the project the existing building was purchased with CVIG funds; however, the funding was not sufficient to remove the building. Demolition of the building and expansion of the parking lot has been programmed under another funding source and is scheduled for late 2005.

Action: The reconstruction of the parking lot was completed in Fall 2004. Monitoring for job creation is underway and is anticipated to be complete during the 2005-2006 fiscal year.

Goal: Monitor and maintain all Agency owned parking lots.

Action: Staff continues to monitor and maintain the Redevelopment parking lots, coordinating with Parks and Leisure Services on any landscape maintenance items and Southern California Edison on any light standard issues.

Goal: Continue pursuing the formation of Parking District #3 in the North Main Street Area (Cleveland Avenue to Morton Avenue, Main Street to the Union Pacific Railroad).

Action: Staff continues to seek funding for the acquisition of additional property and for the construction of parking lots within the area that would be necessary for the formation of a district in the North Main Street Area.

5. Public Street and Streetscape Improvements

Goal: Continue to monitor the Main Street streetscape improvements.

Action: Staff continues to monitor the Main Street streetscape improvements.

Goal: Continue to pursue funding for required traffic circulation improvements, replacement of installation of sidewalks, crosswalks, curb, gutters, storm drains, street lighting, and landscaping to improve their functioning and attractiveness.

Action: Staff continues to pursue funding sources to meet the traffic circulation, infrastructure, and streetscape issues for areas within the Project Area.

6. Downtown Porterville Association, Inc.
Goal: Coordinate with Downtown Porterville Association, Inc. (DPA) to encourage downtown revitalization. As part of this effort, the City and DPA will promote and utilize various financial incentive programs to recruit and assist businesses in locating within the Redevelopment Area, with an emphasis on filling vacant and underutilized buildings within the downtown area between Morton Avenue and Olive Avenue.

Action: Staff continues to work cooperatively with Downtown Porterville Association, Inc. on projects and recruitment efforts. Staff keeps a current inventory of properties available downtown in order to assist prospective businesses in selecting a location.

7. Neighborhood Community Center

Goal: Continue participation in the construction of the Neighborhood Community Center in conjunction with the Community Development Block Grant (CDBG) program utilizing Section 108 funding.

Action: Construction on the Neighborhood Community Center (formally named the Porterville Heritage Center) began early 2004 and is expected to be complete mid-2005. Staff continues to coordinate construction activities and monitor expenditures of the CDBG Section 108 funds.

8. Public Improvement Projects

Goal: Streets and Bridges – Coordinate with the City Engineering Division on the planning and reconstruction of the Plano Street Bridge and Orange Avenue funded, wholly or in part, by Certificates of Participation within the Redevelopment Project Area.

Action: The Redevelopment Strategic Plan and the adopted Streetscape Design for the Redevelopment Area were used extensively in the planning and design of both the Plano Street Bridge project and the Orange Avenue Reconstruction project. The Plano Street Bridge project is scheduled to begin construction Spring/Summer 2006 and Orange Avenue Project was completed early 2005.

9. Tule River Parkway and Rails to Trails Projects

Goal: Coordinate with the City Engineering Division and the Parks and Leisure Services Department on the planning and construction of the phases of the Tule River Parkway and the Rails to Trails projects that are within the Redevelopment Area.

Action: Staff has participated in the planning and coordination of both of these projects that are within the Redevelopment Area.
10. Annexation and General Plan Land Use

Goal: Support annexation of additional industrial land and circulation improvements in the south/southeast area of the City in accordance with the General Plan and Circulation Element.

Action: Utilizing Certificates of Participation, the City will be improving and extending streets in the southern area of the City.

11. Financing Strategies

During the 2002-03 fiscal year, staff prepared several financing strategies to reduce the financial impacts of reassessment of properties within the Project Area, a stagnant real estate market, increased operating expenses, and institution of mandated legislative actions (including an Education Revenue Augmentation Fund (ERAF)). Strategies approved by the Agency are:

Goal: Strategy 1: Removal all salaries from the Redevelopment budget.

Action: All salaries have been removed from the Redevelopment budget.

Goal: Strategy 2: Remove Agency/City owned properties from the Base Year calculations.

Action: Staff continues to monitor the Base Year calculation for assurance that Agency/City properties have been removed.

Goal: Strategy 3: Remove two industrial properties from the Project Area.

Action: When the Redevelopment Plan was originally adopted, the assessed value of these two industrial properties was substantial and represented a large percentage of the base year value for the Project Area as a whole. During recent years these properties were sold and, though each of these facilities have been re-occupied, their assessed property values are now significantly lower. Removal of these two properties from the Project Area in 2004-2005 will potentially increase Agency revenues by $2.9 million, assuming a modest 2% growth rate, over the remaining 36-year life of the Plan. Utilizing the same assumption, the potential increase in Agency revenues over a 10-year span will be $964,000. This increase is a result from a lower base year value resulting in a larger tax increment when subtracted from current assessed valuation.

Goal: Strategy 4: Successfully petition the State to eliminate proposed ERAF diversions in the current and forthcoming fiscal years.

Goal: Strategy 5: Eliminate the remaining property on Fourth Street and promote private development on vacant/underutilized Agency/City owned properties.

Action: During 2004-2005, staff entered into discussions with a local developer for the acquisition and development of a commercial use on the northerly portion of the lot adjacent to the new Centennial Park. Staff also was successful in locating a tenant for the Stout building that was vacated by the Literacy Program during the 2003-04 fiscal year due to funding limitations. Prior to actively marketing the remaining property on Fourth Street, Staff is evaluating potential uses that may best serve the City and the Agency.