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:
   1- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Patrick Greene v. City of Porterville.
   2- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   3- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Four Cases.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Mayor Kelly West
Invocation

PRESENTATION
City Manager’s Featured Projects for August, 2005

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. **Claim - Salvador Ledesma**  
Re: A claim against the City for property damage caused by a pothole in the roadway on Henderson Avenue at Fourth Street. Mr. Ledesma is claiming his tires were damaged on July 10, 2005. The amount being claimed is $3,000.62.

2. **Claim - Desiree Logan**  
Re: A claim against the City for property damage and personal injury caused by sewage backflow on May 29, 2005, from a blocked City sewer main. Ms. Logan is claiming damages caused by sewage, and the resulting parasites contracted by her son. The amount being claimed as of the date of the claim is $777.50.

3. **Claim - Ismael Talavera**  
Re: A claim against the City for property damage caused by a pothole in the roadway at Jean Avenue and Lindale Street. Mr. Talavera is claiming his tire was damaged on June 24, 2005. The amount being claimed is $305.09.

4. **Claim - Samuel Wyatt**  
Re: A claim against the City for property damage caused by a pothole in the roadway on Gibbons Avenue, west of North Kessing Street. Mr. Wyatt is claiming his tires were damaged on March 21, 2005. The amount being claimed is $635.36.

5. **Claim - Salvador Gurrola**  
Re: A claim against the City for property damage caused by a dip in the roadway at Villa Avenue and Belleview Street. Mr. Gurrola is claiming his vehicle, tires, rims and alignment were damaged on June 26, 2005. The amount being claimed is $2,618.77.

6. **Claim - Nelida Cordero**  
Re: A claim against the City for personal injury caused by the wrongful death of the claimant’s son on February 12, 2005. Ms. Cordero is claiming that the Porterville Police and Tulare County Deputies conspired in her son’s death, which was determined a suicide. The amount being claimed as of the date of the claim is within the jurisdiction of the Superior Court.

7. **Claim - Porterville Unified School District**  
Re: A claim against the City for property damage caused by a City sewer line break on January 31, 2005, at Roche Avenue School. The District is claiming sewage damage to several classrooms, and the resulting repairs and cleanup. The amount being claimed as of the date of the claim is within the jurisdiction of the Superior Court.

8. **Budget Adjustments for the 2005/06 Fiscal Year; Consideration of Adopted City Council Budget Strategy and Early Repayment of State of California VLF Gap Loan**  
Re: Consideration of receiving the Gap Loan monies as revenue, recognizing the Budget as balanced by the 2005/06 Fiscal Year, and revising the projected available (exclusive of “Lock Box”) General Fund Balance to be $1,420,070 (equivalent to 6.8% of General Fund spending).

9. **Authorization to Reject all Bids and Re-Advertise Scenic Heights Waterline Relocation Project**  
Re: Rejecting the bid of $54,040.00 from Dawson-Mauldin, Selma, and going back out to bid the project again.
10. Acceptance of Final Subdivision Map - New Expressions, Phase Four Subdivision (Ennis Land Development, LLC)  
Re: Accepting the map for a single family residential project located east of State Highway 65, west of Indiana Street, north of McIntire Avenue and south of Swearingen Avenue

11. Approval of Relocation Plan for Property Located at APN 261-093-019 - Owner Joe M and Evalina B Cruz - Date Avenue Street Project  
Re: Approving a relocation plan to complete a purchase of right of way by the City.

12. Clerical Modifications for Resolutions Approving Negative Declarations and Annexations (Ratification)  
Re: Ratifying approval of six individual resolutions derived from one combined resolution presented at the August 2, 2005 Council meeting.

13. Sunrise Villa Phase 2&3, Tentative Subdivision Map  
Re: Notification that the public hearing scheduled for this meeting is rescheduled for September 6, 2005.

14. Proposed Community Development Fee Adjustments  
Re: Setting the date of September 6, 2005, for the public hearing to consider modifications to the fee schedule as it relates to fees associated with the Department of Community Development.

15. Intent to Vacate Portions of Scranton Avenue and Holcomb Street with the Porterville Developmental Center (State of California)  
Re: Approving a Resolution of Intent, and setting the date of September 6, 2005, for the public hearing to consider this vacation.

16. Change in the Table of Organization–Public Works Department/Field Services Division  
Re: Approving a change in the Water Section of Field Services to reflect 24 Field Services Worker II and seven Field Services Worker III positions, and modifying the Employee Pay and Benefit Plan Position Allocation Schedule to show that change.

Re: Approving this event at the Porterville Fairgrounds without street closure.

18. Porterville Air Attack Base Jettison Area  
Re: Approving an agreement with the State Dept. of Forestry and Fire Protection to jettison fire retardant prior to landing in a designated area at the Porterville Municipal Airport.

19. Special Assessment Authorization, Compliance Certification and Hold Harmless Statement  
Re: Authorizing the City Manager to sign the Tulare County Auditor-Controller Special Assessment Change Authorization Sheet, Compliance Certification and Hold Harmless Statement on behalf of the City in order for the County to collect 2005/2006 assessments.
20. Approval of Annual Transportation Agreement with Tulare County
   Re: Approval of Agreement for transit services to County residents within the designated area
   for Fiscal Year 2005-2006, and for authorization for Mayor to sign said Agreement.

21. Selection of City Voting Delegate to League of California Cities Meeting
   Re: Selecting the Mayor as the voting delegate, and Mayor Pro Tem as the voting alternate, to
   represent the City at the League of California Cities Meeting on October 8, 2005.

22. Hiring Freeze Update
   Re: Consideration of authorizing the City Manager to fill current previously frozen vacant
   positions, and maintain the freeze for future vacancies, and bring back an update on the status
   of the hiring freeze in the month of November.

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

PUBLIC HEARING

23. Annual Landscape and Lighting Maintenance District Assessments
   Re: Continuing the maintenance of all Landscape and Lighting Maintenance Districts in the
   City.

24. Establishment of an Application Fee for Charitable Car Wash Permits
   Re: Consideration of a $25.00 non-refundable application fee for processing Charitable Car
   Wash Permits.

25. Conditional Use Permit 5-2005 (Terry Shuler)
   Re: Consideration to allow for the construction of a seven (7) unit apartment complex on a
   27,228± square foot vacant lot extending east and west located on the west side of Plano
   Street, approximately 210± feet south of Kanai Avenue.

26. Zoning Ordinance Amendment 1-2005 - Requiring Masonry Fences next to residential uses
   Re: Consideration of a General Zoning Ordinance Amendment to require the construction of a
   masonry block wall between residential and non-residential uses

27. Zoning Ordinance Amendment 2-2005
   Re: Consideration of a Zoning Ordinance Amendment to conditionally allow “indoor building
   material sales” as an allowable use in the C-2 Zone, Central Commercial District, with a
   Conditional Use Permit.

28. Vacate Public Temporary Turn Around, Concrete Truck Wash out Area and Storm Drain
   Pipeline Easements Related to the Development of New Expressions, Phase 4 Subdivision
   (Ennis Land Development, LLC)
   Re: Consideration of vacating temporary easements dedicated for New Expressions, Phase 3
   Subdivision, which are no longer necessary for Phase 4, located on Cloverleaf just north of
   McIntire Avenue.

29. Water Conservation Phase II, Water System Status
   Re: Accepting public testimony on remaining in Phase II of the Water Conservation Plan, and
   continuing the Public Hearing to September 20, 2005.
30. Canyon Springs Estates Tentative Subdivision Map (Contour Development Inc.)  
   Re: Continuation of this hearing to September 6, 2005.

**SCHEDULED MATTERS**

31. 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 the Traffic Resolution to allow for the placement of four stop signs at Olive Avenue and Mathew Street.

32. Main Street and Henderson Avenue Median Landscape Renovation  
   Re: Accepting a proposal from Grass Creations to renovate the Main Street/Henderson Avenue median utilizing artificial turf.

33. Consideration of a Request for Legislation to Extend the Period for Processing Island Annexations Beyond January 1, 2007  
   Re: Consideration of requesting Legislation to extend the period for processing Island Annexations beyond January 1, 2007 for the seventeen remaining islands in the City.

34. Schedule Study Session - Model Construction and Demolition Recycling Ordinance  
   Re: Consideration of scheduling September 13, 2005 as a study session date.

35. Schedule Study Session Regarding Golf Course Management Options  
   Re: Setting a study session to review options for operational management or conversion of the Municipal Golf Course, and requesting the Parks and Leisure Services Commission to participate.

**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 September 6, 2005

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
CITY MANAGER’S FEATURED PROJECTS FOR AUGUST, 2005

1. Neighborhood Community Center/Heritage Center Construction - Completion

2. Hiring of Consultant for the General Plan Update

3. Traffic Signal No. 7 Project, Putnam/Villa - Completion

4. Sludge Bed Expansion Project - Completion

5. Putnam Avenue Reconstruction - Completion

6. Reorganize Special Investigation Unit/Gang Officer
COUNCIL AGENDA - AUGUST 16, 2005

SUBJECT: CLAIM - SALVADOR LEDESMA

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Salvador Ledesma has filed a claim against the City for vehicle damage. Mr. Ledesma is claiming that on July 10, 2005, his vehicle sustained damage to its tires the vehicle struck a pothole on Henderson Avenue at Fourth Street. The amount being claimed as of the date of this claim is $3,000.62.

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

Attachment: Claim Form
CLAIM AGAINST

Claimant’s name: Salvador Lechesma 
Claimant’s Telephone No.: 920 0406 (SS9) 
Claimant’s address: 203 Olivewood Cir., Porterville CA 93257

Date of incident/accident: 7-10-05
Date injuries, damages, or losses were discovered: 7-10-05
Location of incident/accident: Henderson on 4th

What did entity or employee do to cause this loss, damage, or injury? Lack of Road Maintenance

What are the names of the entity’s employees who caused this injury, damage, or loss (if known)?

What specific injuries, damages, or losses did claimant receive? Tires Blow and Rims damage

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a “limited civil case” [see Government Code 910(b)] 1480.3 1x .8

How was this amount calculated (please itemize)? Attached 4 Tires and 4 Rims $4000.00

Date Signed: 7-12-05 Signature: Salvador Lechesma

If signed by representative:

Representative’s Name
Address
Telephone #
Relationship to Claimant
Because they don't have only two of the same brand.
**INCIDENT INQUIRY**  
**MON, JUL 11, 2005, 4:36 PM**  
**FOR: 805**  
**Page: 1**

**Recv:** 071005 2155  
**Type:** P/THAZ TRAFFIC HAZARD  
**Beat:** 2  
**How Recev:** P  
**Priority:** 2  
**Disp:** 02  
**Address:** HENDERSON / 4TH  
**City:** PV  
**Ref:** PACIFIC TIRE  
**Map Guide:**  
**Census:** 107.37  
**Reporting Party's:** CYNTHIA VALENZUELA  
**Address:** 303 E. OLIVEWOOD  
**Phone:** 9206612

**Time Stamps:**  
- **Received:** 21:55  
- **Dispatch:** 21:56 :00:23  
- **Enroute:** :03:27  
- **At Scene:** 21:59 :08:40  
- **Close:** 22:04 :05:13

**Comments:**  
2155/ INCIDENT NUMBER: 5PV0035590  
2155/ POT HOLES IN FRONT OF PACIFIC TIRE FLATTENED 2 OF RP'S TIRES  
2155/ CONTACT RP AT HENDERSON AND 4TH  
2156/ RP IS WAITING FOR A TOW TRUCK  
2203/ MADE CONTACT W/RP INFO GIVEN  
2203/ MESSAGE LEFT FOR FLDSVC EB #2LANE HENDERSON/DIVISION  
2203/ POT HOLE NEEDS TO BE FILLED  
2204/ CLOSED DISPO: HANDLED BY OFFICER  
1223/ INFORMATION WAS GIVEN TO BERT WITH FIELD SERVICES

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*Your Account Stated to Date - If Error is Found, Return at Once*
CLAIM - DESIREE LOGAN

Administrative Services Department/City Clerk Division

Desiree Logan has filed a claim against the City for property damage and personal injury. Ms. Logan is alleging that on May 29, 2005, a sewage backflow in her backyard resulted in property damage and her son contracting parasites. The amount being claimed as of the date of this claim is $777.50.

RECOMMENDATION: That the Council reject said claim, refer the matter to the City's insurance adjustor, and direct the City Clerk to give the Claimant proper notification.

Attachment: Claim Form
CITY OF PORTERVILLE
CLAIM FORM

FORM B
(please type or print)

CLAIM AGAINST CITY OF PORTERVILLE

Claimant's name: Desiree Logan
SS#: [redacted]
Claimant’s Telephone No.: 559-250-9109
DOB: [redacted]
Claimant’s address: 310 W. School Ave Porterville (A 93257)

Address where notices about claim are to be sent, if different from above:

Date of incident/accident: 5/29/05

Date injuries, damages, or losses were discovered:

Location of incident/accident: backyard underneath home. sewage
from city sewer line infiltrated my property.
What did entity or employee do to cause this loss, damage, or injury? City of Porterville employee - Richard Mulvihill has details

What are the names of the entity’s employees who caused this injury, damage, or loss (if known)?

What specific injuries, damages, or losses did claimant receive? Son was seen for illness (private) due to being exposed to sewage in backyard where he played. patio set and furniture exposed to sewage.

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a “limited civil case” [see Government Code 910(f)] $567.55

How was this amount calculated (please itemize)? Recovered from money that lime paid out of pocket. Also patio set receipt attached.

Date Signed: 6/2/05 Signature: Desiree Logan

If signed by representative:
Representative's Name ____________________________
Address ________________________________________
Telephone # _____________________________________
Relationship to Claimant __________________________
Raymond played in backyard while I (Deseree) BBQ and was exposed to sewage water at the time. We thought it was our fault and our pipes were clogged until plumber came out and showed pipe.
SUBJECT: CLAIM - ISMAEL TALAVERA

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ismael Talavera has filed a claim against the City for damages to his vehicle. Mr. Talavera is claiming that on June 24, 2005, his vehicle sustained a flat tire when it struck a pot hole at the intersection of Jean Avenue and Lindale Street. The amount being claimed as of the date of this claim is $305.09.

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

Attachment: Claim Form

Item No. 3
CLAIM AGAINST

Claimant's name: Ismael Talavera
Claimant's Telephone No. (SSN) 920-7694
Claimant's address: PO Box 10783 Teter Bella CA 93220

Address where notices about claim are to be sent, if different from above:

Date of incident/accident: 6/24/05
Date injuries, damages, or losses were discovered: 6/24/05
Location of incident/accident: Lindale and gean

What did entity or employee do to cause this loss, damage, or injury? hole in street
corner of Lindale and gean

What are the names of the entity's employees who caused this injury, damage, or loss (if known)?

What specific injuries, damages, or losses did claimant receive? tire got flat

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)] 305.09

How was this amount calculated (please itemize)? 305.09

Date Signed: 6/28/05 Signature: 

If signed by representative:
Representative's Name
Address

Telephone #
Relationship to Claimant
**Parts & Others**

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**Labor**

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I hereby accept the initial estimate and agree to the terms and conditions herein set forth and hereby authorize the service and repair and/or installation work to be done along with the necessary materials and hereby grant you and your employees and/or designees or sub-contractors for the purpose of further inspection herein authorized the use of the vehicle at the rate of $ per day beginning on ___ day after repairs are completed. An express warranty on this vehicle is hereby granted effective from the amount of towing, damage and/or repairs. You will not be held responsible for loss or damage to vehicle or accessories or amount left on vehicle in case of fire, theft, vandalism, accident, or any other cause beyond your control. In the event legal action is necessary to enforce this contract, I will pay reasonable attorney’s fees and court costs.

Authorized by X

Owner's Manual Recommendations

Cash Amount: 
Check Amount: 
Check No.: 
C.C. Amount: 
C.C. Type: 
C.C. Approval Code: 
On Account: 
Thank you!
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KEEP THIS SLIP FOR REFERENCE
DUPPLICATE
265/35R22

PIRELLI
SCORPION
ZERO
ASYMMETRICO

279.93
250
1500
175
200
20.48
321.66
SUBJECT: CLAIM - SAMUEL WYATT

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Samuel Wyatt has filed a claim against the City for damages to his vehicle. Mr. Wyatt is claiming that on approximately March 21, 2005, his vehicle sustained two (2) flat tires when it struck a pot hole on Gibbons Avenue, west of South Kessing Street. The amount being claimed as of the date of this claim is $635.36.

RECOMMENDATION: That the Council reject said claim, refer the matter to the City's insurance adjustor, and direct the City Clerk to give the Claimant proper notification.

Attachment: Claim Form
CITY OF PORTERVILLE
CLAIM FORM

FORM B
(ach Please Type Or Print)

RECEIVED
JUN 13 2005
CITY OF PORTERVILLE
DEPUTY CITY CLERK

CLAIM AGAINST CITY OF PORTERVILLE

Claimant's name: SAMUEL WYATT
SS#: ____________
Claimant’s Telephone No.: 559-784-1227
DOB: _________
Claimant's address: 1587 S. KESSING, PORTERVILLE
Address where notices about claim are to be sent, if different from above: ____________

Date of incident/accident: 3/11/2005 (APPROX)
Date injuries, damages, or losses were discovered: 3/22/2005 (APPROX)
Location of incident/accident: 400 BLOCK WEST GIBBONS (OUR)
(Use back of this form or attach Diagram if necessary to answer this question in detail)

What did entity or employee do to cause this loss, damage, or injury? DRIVING DOWN STREET DURING STORM TO GET HOME (OUR)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? ____________

What specific injuries, damages, or losses did claimant receive? DAMAGED TIRES, CAUSING TIRES TO BLOW OUT DUE TO POHOLIES

(Use back of this form or separate sheet if necessary to answer this question in detail)

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a “limited civil case” [see Government Code 910(f)] $ 635.36

How was this amount calculated (please itemize)? COPES OF BILLS ATTACHED

(Use back of this form or separate sheet if necessary to answer this question in detail)

Date Signed: 6/9/05 Signature: ____________

If signed by representative:

Representative's Name
Address

Telephone #
Relationship to Claimant
Potholes in street repeatedly fill and asphalt never would stick.

S. Kissing

Approx. 3 1/2 feet west of S. Kissing.

Pothole

EAST

SOUTH

WEST

See attached pictures.
**Thank You! We appreciate your business.**

<table>
<thead>
<tr>
<th>VEN PART</th>
<th>DESC</th>
<th>QTY</th>
<th>LIST</th>
<th>SELL</th>
<th>XSELL</th>
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<tr>
<td>FMC YS4Z1007FA</td>
<td>#WHEELS 1</td>
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<td>205.00</td>
<td>205.00</td>
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**SUBTOTAL**

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<tr>
<td>TOTAL LINES</td>
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</table>

**TOTAL LINES 1**

**INVOICE TOTAL**

<p>| | |</p>
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<tr>
<td>PARTS THAT ALMOST FIT ALMOST WORK! ACCEPT NOTHING LESS THAN GENUINE FACTORY FORD PARTS!!!</td>
<td></td>
</tr>
</tbody>
</table>

**PAGE 001 OF 001 YOUR ORDER WAS FILLED BY DARRIN LANDERS**

**NO RETURNS ON ELECTRICAL OR SPECIAL ORDERED PARTS.** 100% DEPOSIT ON ALL SPECIAL ORDERED PARTS. 20% HANDLING CHARGE ON ALL ACCEPTABLE RETURN PARTS. NO REFUNDS AFTER 10 DAYS AND NO REFUNDS WITHOUT THIS INVOICE. RETURN GOODS MUST BE IN ORIGINAL RETURNABLE CONTAINER AND MUST MEET MANUFACTURERS PACKAGING STANDARDS.

---

**SOLD TO:**

SAM WYATT

SPECIAL ORDERS ARE NOT RETURNABLE!

ELECTRICAL PARTS ARE NOT RETURNABLE

SELL SPO !!!!!!!! CA 1111

PHONE: (559) 784-1227 INV# 001658

CASH

NAD# 0000C1 M11 50 CP 00

MPS16/191 004 05/23/05

A18 09:18:19
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<td>20550R16REE</td>
<td>DM1</td>
<td>20550R16 REM ESSENZA 210/TYPE R</td>
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<td>307.80</td>
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<tr>
<td>4</td>
<td>V</td>
<td>DM1</td>
<td>RUBBER VALVE STEMB</td>
<td>1.95</td>
<td>7.80</td>
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<tr>
<td>4</td>
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<td>DM1</td>
<td>COMPARTMENT SPIN BALANCE</td>
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<tr>
<td>4</td>
<td>TD</td>
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<tr>
<td>4</td>
<td>CAT</td>
<td>DM1</td>
<td>CAL. TAX WASTE TIRE RECYCLING FEE</td>
<td>1.75</td>
<td>7.00</td>
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<td></td>
<td>#FREE ROTATION EVERY 5,000 MILES #</td>
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<td></td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>4</td>
<td>RHIN</td>
<td>DM1</td>
<td>ROAD HAZARD NOT AVAILABLE</td>
<td>0.00</td>
<td>0.00</td>
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</table>

ALIGNMENTS ON SALE. LET US CK YOUR SHOCKS OR STRUTS TODAY. THANKS FOR YOUR BUSINESS....!

Cash: 400.00  TENDER: 400.00

TERMS: CASH UNLESS ARRANGEMENTS MADE. ALL PARTS NEW UNLESS OTHERWISE INDICATED. ALL SALES FINAL. NO CASH REFUN

CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY HEREOF: SIGNED

TO AVOID ADDITIONAL CHARGES, PAY BY CLOSING DATE OF THE MONTH 544997
SUBJECT: CLAIM - SALVADOR GURROLA

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Salvador Gurrola has filed a claim against the City for vehicle damage. Mr. Gurrola is claiming that on June 26, 2005, his vehicle sustained damage to its front end, tires and alignment when the vehicle struck a dip at Villa Street and Belleview Avenue. The amount being claimed as of the date of this claim is $2,618.77.

RECOMMENDATION: That the Council reject said claim, refer the matter to the City's insurance adjustor, and direct the City Clerk to give the Claimant proper notification.

Attachment: Claim Form

Item No. 5
CITY OF PORTERVILLE
CLAIM FORM

FORM B
(Please Type Or Print)

CLAIM AGAINST CITY OF PORTERVILLE

Claimant’s name: Salvador Guerola SS#:
Claimant’s Telephone No.: (559) 781-2704 DOB:
Claimant’s address: 719 N. EL GRANITO

Address where notices about claim are to be sent, if different from above:

Date of incident/accident: 6-26-05
Date injuries, damages, or losses were discovered: 6-26-05
Location of incident/accident: Bellevue and Villa

What did entity or employee do to cause this loss, damage, or injury? gutter across street

What are the names of the entity’s employees who caused this injury, damage, or loss (if known)?

What specific injuries, damages, or losses did claimant receive? damaged car - see Attachment

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a “limited civil case” [see Government Code 910(f)] $26,187.77

How was this amount calculated (please itemize)? See estimate

Date Signed: 6-30-05 Signature: [Signature]

If signed by representative:

Representative’s Name
Address

Telephone #
Relationship to Claimant
City of Porterville:

On Sunday June 26, 2005 I bottomed out my car on a dip at Villa and Belleview. This caused the tire of my 2004 CTS Cadillac to blow out causing damage to the front end, alignment, and tires.

I am requesting that the city cover the expense for the damage to my car due to a faulty street problem. I would recommend that the area be repaired or a sign posted that a dip exist on this street.

Thank you

Salvador Gurrola
### Estimate of Repairs

**Name:** Virginia Gurrola  
**Yr:** 2004  
**Make:** Cadillac  
**Model:** CTS  
**Claim #:** Adjuster  
**Name:** Insurance  
**Repair:** FRONT END DAMAGE  
**Vin #:** 1G6DM577X40135033

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<th>Part #</th>
<th>Price</th>
<th>Time</th>
<th>Labor</th>
<th>Sublet</th>
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<td>$514.70</td>
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<td>RIGHT FRONT SPINDAL</td>
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<td>$243.09</td>
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<td></td>
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<td>$80.00</td>
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<td></td>
<td></td>
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<tr>
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<td>$298.00</td>
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<td></td>
<td></td>
<td>$298.00</td>
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</table>

**TOTAL LABOR**  
$369.00

**TOTAL PARTS**  
$2,023.10

**TOTAL SUBLET**  
$80.00

**SUB TOTAL**  
$2,472.10

**TAX**  
$146.67

**GRAND TOTAL**  
$2,618.77

---

*Serving the Valley Since 1957*  
**MERLE STONE**  
**CHEVROLET Cadillac**  
800 West Henderson, Porterville, CA 93257 Phone (559) 781-8355
SUBJECT: CLAIM - NELIDA CORDERO AND FAMILY

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Nelida Cordero and family has filed a claim against the City alleging City liability for the wrongful death of Claimant's son, Faustino Coronado. Claimant alleges that on February 12, 2005, at the intersection of Maston Street and Putnam Avenue, Porterville Police Officers conspired with Tulare County Deputies to make Mr. Coronado's death appear to be a suicide, when in fact he was killed by peace officers at the scene. The amount being claimed as of the date of this claim exceeds $10,000 and is within the jurisdiction of Tulare County Superior Court.

RECOMMENDATION: That the Council reject said claim, refer the matter to the City's insurance adjustor, and direct the City Clerk to give the Claimant proper notification.

Attachment: Claim Form

Item No. 6
CITY OF PORTERVILLE
CLAIM FORM

FORM B
(Please Type Or Print)

CLAIM AGAINST CITY OF PORTERVILLE / PORTERVILLE POLICE DEPARTMENT

Claimant's name: Neida Cordero, & Famile

Claimant’s Telephone No.: (559) 784-1110

Claimant’s address: 1040 W. Cleveland, Porerville, CA 93257

Address where notices about claim are to be sent, if different from above: The Rann Law Firm, LLP

4910 Birch Street, Suite 100, Newport Beach, CA 92660

Date of incident/accident: 2/12/05

Date injuries, damages, or losses were discovered: 2/12/05

Location of incident/accident: Intersection of Maston Street & Putmann Ave.

(Use back of this form or attach Diagram if necessary to answer this question in detail.)

What did entity or employee do to cause this loss, damage, or injury? Actions resulting in the wrongful death claimant’s son, Faustino Coronado- SEE ATTACHED.

(Use back of this form or separate sheet if necessary to answer this question in detail.)

What are the names of the entity’s employees who caused this injury, damage, or loss (if known)? Porterville PD, Officers Vasquez, Maniss, Benas, Sergeant Castello, Detective Powers, Sergeant Blain

What specific injuries, damages, or losses did claimant receive? Wrongful death of claimant’s son, Faustino Coronado

(Use back of this form or separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)] Tulare County Superior Porterville Court House (Unlimited civil action case)

How was this amount calculated (please itemize)?

(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 7/25/05

Signature: [Signature]

If signed by representative:

Representative’s Name Nigel Burns, Esq.

Address The Rann Law Firm, LLP

4910 Birch Street, Suite 100, Newport Beach, CA 92660

Telephone # (949) 955-3900

Relationship to Claimant Attorney of Record
ATTACHMENT:

Cordero/Coronado Summary:

For resubmission to the County of Tulare and the City of Porterville:

The Sheriff’s department and or the Porterville police department are believed to be responsible for decedent’s wrongful death and are believed to have conspired together to make it appear as if it was a suicide when in fact the evidence suggests that it was not Faustino Coronado who killed himself but rather the police/sheriffs who were on the scene and participated in the pursuit and investigation on the day of the incident.
SUBJECT: CLAIM - PORTERVILLE UNIFIED SCHOOL DISTRICT

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: The Porterville Unified School District has filed a claim against the City for property damage. The District is claiming that on January 31, 2005, a City sewer line broke at the Roche Avenue School. They are alleging that the breakage caused the backup of the sewer into several rooms causing the relocation of students and classroom teachers during the repair and clean-up process. The amount being claimed as of the date of this claim is within the jurisdiction of the Superior Court as an unlimited civil case.

RECOMMENDATION: That the Council reject said claim, refer the matter to the City's insurance adjustor, and direct the City Clerk to give the Claimant proper notification.

Attachment: Claim Form
CLAIM FORM

(Please Type Or Print)

CLAIM AGAINST: City of Porterville
Claimant’s name: Porterville Unified School District
DOB: n/a
Claimant’s address: 600 W. Grand Ave., Porterville, CA 93257

Address where notices about claim are to be sent, if different from above:

Date of incident/accident: January 31, 2005
Date injuries, damages, or losses were discovered: February 1, 2005
Location of incident/accident: Roche Avenue School, 388 N. Roche St., Porterville, CA 93257
What did entity or employee do to cause this loss, damage, or injury? City of Porterville sewer line breakage/backup

(Use back of this form or separate sheet if necessary to answer this question in detail)

What are the names of the entity’s employees who caused this injury, damage, or loss (if known)? n/a

What specific injuries, damages, or losses did claimant receive? see attachment

(Use back of this form or separate sheet if necessary to answer this question in detail)

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a “limited civil case” [see Government Code 910(f)].

Superior Court - Unlimited

How was this amount calculated (please itemize)? Itemized expenses attached

(Use back of this form or separate sheet if necessary to answer this question in detail)

Date Signed: 8/1/05
Signature: [Signature]

If signed by representative:

Representative’s Name: Ken Gibbs, Ed. D., Assistant Superintendent Business Services
Address: 600 W. Grand Ave., Porterville, CA 93257
Telephone #: (559) 793-2450
Relationship to Claimant: Assistant District Superintendent
Attachment to City of Porterville Claim Form

What specific injuries, damages, or losses did claimant receive?

Sewer backed up into several rooms at Roche Avenue School causing relocation of the students and classroom teachers during the repair and clean-up process. This process involved removal and replacement of classroom walls, removal and replacement of floor covering, removal and replacement of cabinets, replacement of instructional materials, safety testing services, and professional cleaning/restoration services.
Porterville Unified School District
600 W. Grand Ave.
Porterville, CA 93257
(559) 793-2426

BILL TO
City of Porterville
291 N. Main St.
Porterville, CA 93257

<table>
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<th>DATE</th>
<th>DESCRIPTION</th>
<th>AMOUNT</th>
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<tr>
<td>5/3/2005</td>
<td>Reimbursable Expenses - City sewer line breakage/back up at Roche Ave. School</td>
<td>27,799</td>
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<tr>
<td></td>
<td>010-81500-0-00000-81101-22000-111-0514-4631</td>
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</tr>
</tbody>
</table>

Please make check payable to Porterville Unified School District

Total $27,795
April 26, 2005

City of Porterville
Baldomero Rodriguez,
Public Works Director
291 N. Main Street
Porterville, CA 93257

Dear Mr. Rodriguez:

As you are aware, Roche Avenue School has incurred damages and expenses due to a recent City of Porterville sewer breakage/backup. We appreciate your prompt response to the problem as your efforts assisted in minimizing the damage. As you are aware, sewage backed up into the site at Roche Avenue Elementary School. It was necessary to remove classroom walls, remove flooring, remove cabinets, do safety testing and relocate teachers and students during the repairs. Our facility staff has indicated that the city has agreed to accept responsibility for the damage.

A summary of the expenses are as follows:

Certificated Salaries (Substitutes) $ 240.00
Certificated Benefits $ 22.02
Classified Salaries (Supervision) $ 230.65
Classified Salaries (Custodial) $ 492.20
Classified Benefits $ 236.10
Instructional Supply Replacement $ 1,294.51
Material/Supplies – Damage Repair $ 3,318.92
Labor – Damage Repair $10,360.00
Testing Services $ 4,594.00
Cleaning Services $ 7,011.16

Total $27,799.56

Thank you for your help.

Sincerely,

Ken Gibbs
Assistant Superintendent, Business Services
<table>
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<tr>
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<th>Amount</th>
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</thead>
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<td>$4,594.00</td>
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<tr>
<td>Cleaning Services</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$27,893.55</strong></td>
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### Labor Charges - Roche Ave. School Sewer Clean Up (Custodial)

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<th># Hours</th>
<th>Salary Cost</th>
<th>$PERS</th>
<th>FICA</th>
<th>Medicare</th>
<th>SH/W</th>
<th>SUI</th>
<th>W/Comp</th>
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<td>Steelex Company Inc</td>
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<td>T. Brooks &amp; Associates</td>
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<td>Thompson's Floor Covering</td>
<td>Floor Covering Replacement</td>
<td>21812</td>
<td>$1,897.00</td>
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<tr>
<td>Thompson's Floor Covering</td>
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<td>21814</td>
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Total: $23,673.38
SUBJECT: Budget Adjustments for The 2005/06 Fiscal Year; Consideration of Adopted City Council Budget Strategy and Early Repayment of State of California VLF Gap Loan

SOURCE: City Manager's Office

As a result of action by the California Legislature and the Governor, the City of Porterville has received a loan repayment in the amount of $711,273.50. With this payment, the City is not in projected General Fund deficit for FY 2005/06.

Without the additional final cost of employee meet-and-confer settlements, the City had projected a deficit of $550,392 for the 2005/06 Fiscal Year. With the receipt of the monies, the deficit is now a projected 2005/06 FY cash surplus of $160,881. This surplus does not include any additional cost from employee meet-and-confer settlements. In terms of General Fund revenues, this surplus is equivalent to 0.8% (eight tenths of one percent).

City Council Budget Strategy: The City Council's adopted budget strategy was to carry a deficit for two years and then to recover in FY 2006/07. In that year, the borrowing period related to Proposition 1A was to end and the State was to repay these monies, estimated to be $743,125. The payment of these additional monies has been crucial to balancing the City General Fund Budget in the 2006/07 Fiscal Year.

Representatives of the City have talked with members of the California Legislature. There is no certainty that the appropriation of the repayment will be made in-full for the 2006/07 Fiscal Year. If the appropriation is not made, then a balance can only be achieved through the adjustment of
service levels. The City Council will, however, have more flexibility than previously anticipated because of the payment made this fiscal year and would essentially be able to extend its service maintenance strategy for an additional year.

The projected City General Fund Reserve balance (exclusive of the “Lock Box”) before the repayment of the VLF monies was estimated to be a total of $708,797. This amount did not include any additional expenditure from projected employee settlements). With the repayment of the VLF monies, this balance is projected with the payment to be $1,420,070.

The three year Budget Strategy approved by the City Council anticipates a recovery next fiscal year. To remain consistent with the strategy, the City Manager recommends the Council hold the monies as revenue, maintain a balanced budget for this fiscal year, and then if there is not a repayment (or only a partial repayment) of Proposition 1A monies for next Fiscal Year, to use the remaining fund balance to maintain service levels for the City.

**Basis for Payment:** The payment for previous Vehicle License Fee reductions was from previous years. The explanation provided by the State on the payment document is “Motor Vehicle License Fee Repayment Of The Motor Vehicle License Fee Gap Loan”.¹

**Options for Action:** Recognizing the payment **is only for a single year and does not constitute recurring monies needed to hire personnel or enter into multi-year contract** and that the City’s General Fund balances are modest, the Council retains prudent options regarding the monies. For example, the Council may

- Use all or some of the monies to restore equipment replacement balances
- Use all or some of the monies to fund significant outstanding maintenance requirements
- Use all or some of the money to undertake special one-time expenditure projects.

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¹Revenue & Taxation Code Section 10754.11: On August 15, 2006, the Controller shall transfer from the General Fund to the Gap Repayment Fund, which is hereby created in the State Treasury, an amount equal to the total amount of offsets that were applied to new vehicle registrations before October 1, 2003, and that were applied to vehicle license fees with a due date before October 1, 2003 and were not transferred into the Motor Vehicle License Fee Account in the Transportation Tax Fund and the Local Revenue Fund due to the operation of Item 910102-001 of Section 2.0 of the Budget Act of 2003. ....
RECOMMENDATION: Consistent with the adopted Budget strategy, receive the gap loan monies as revenue, recognize the Budget as balanced by the 2005/06 Fiscal Year and revise the projected available (exclusive of “Lock Box”) General Fund Balance to be $1,420,070 (equivalent to 6.8% of General Fund spending).

The Council approve the attached budget adjustments and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.
<table>
<thead>
<tr>
<th>FUND</th>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FUNDING SOURCE</th>
<th>DOLLAR AMOUNT</th>
<th>REVISED E/OY FUND CASH BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>1</td>
<td>Increase the Reservation of Fund Balance in the General Fund to reflect the VLF Gap Loan Repayment received from the State of California.</td>
<td>State of California</td>
<td>$711,274</td>
<td>$1,420,071</td>
</tr>
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</table>
COUNCIL AGENDA: AUGUST 16, 2005

SUBJECT: AUTHORIZATION TO REJECT ALL BIDS AND RE-ADVERTISE SCENIC HEIGHTS WATERLINE RELOCATION PROJECT

SOURCE Public Works Department - Engineering Division

COMMENTS: On August 10, 2005, staff received one (1) bid for the Scenic Heights Waterline Relocation Project. The project consists of the relocation of an 8" waterline across 1081 Scenic Drive, APN 247-130-024. The existing waterline bisected said parcel and requires relocation in a 15 foot wide easement along the southerly property line. The existing waterline was abandoned and the easement has been secured by the City to allow for the orderly development of the parcel. The sole bid exceeds the $42,970.00 engineer's estimate by 25.7%.

The sole bid is as follows:

1. Dawson-Mauldin $54,040.00
   Selma, CA

Staff has found the sole bid to be unacceptable.

RECOMMENDATION: That City Council reject the sole bid for construction of the Scenic Heights Waterline Relocation Project. Further, that Council authorize staff to re-advertise for bids.

ATTACHMENT: Locator Map

Item No. 9
SUBJECT: ACCEPTANCE OF FINAL SUBDIVISION MAP - NEW EXPRESSIONS, PHASE FOUR SUBDIVISION (Ennis Land Development, LLC)

SOURCE: Public Works Department - Engineering Division

COMMENT: The developer, Ennis Land Development, LLC (Brian G. Ennis, Managing Member), has submitted the final map for the subject single family residential project. The developer is requesting Council approval of the final map in conformance with Section 21-27 of the Subdivision Ordinance, prior to completing the construction of the required public improvements.

The developer has submitted the required guarantee to the City to complete all necessary public improvements on the project. A subdivision agreement between the developer and the City has been signed by the developer, and all fees have been paid.

The final map is in conformance with the approved tentative map and City Council Resolution No 34-2001. The improvement plans, specifications, dedications, and the final map have been approved by the Public Works Director and City Engineer.

RECOMMENDATION: That City Council:

1. Approve the final map of New Expressions, Phase Four Subdivision;
2. Accept all offers of dedication and vacation shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

ATTACHMENT: Final Map

P:\pub\public\Public\Engineering\Council Items\Acceptance of Final Subdivision Map - New Expressions, Phase Four.wpd

Dir Appropriated/Funded CM

Item No. 10
CITY COUNCIL AGENDA: AUGUST 16, 2005

SUBJECT: APPROVAL OF RELOCATION PLAN FOR PROPERTY LOCATED AT APN 261-093-019 – OWNER JOE M AND EVALINA B CRUZ – DATE AVENUE STREET PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: To complete the purchase of right of way for property located at APN 261-093-019, a relocation plan was completed. 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 July 15, 2005 and ended on August 15, 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 261-093-019.

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

NORTH
SCALE 1"=30'

ALLEY

LOT 15
1,594 S.F. PROPERTY ACQUISITION

LOT 16

DATE AVE

B ST

POB

56'

10.26'

10.29'

140.25'

150.25'

261-093-019

14.14'

150'

6'

20.30'

56'

LEGEND

PROPERTY ACQUISITION

ATTACHMENT
DATE AVENUE RECONSTRUCTION PROJECT
CITY OF PORTERVILLE, CALIFORNIA

Prepared For

THE CITY OF PORTERVILLE

Prepared By

Paragon Partners Ltd.

July 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 10, County Assessor’s Number 261-093-019.

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

The affected tenant was interviewed during June 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 did not express a preference for the type of replacement housing but indicated they are agreeable to living in a mobile home. They prefer to remain in the City of Porterville in an area convenient to schools, shopping and their place of work. No special needs were identified.

3.1 Field Survey Data

A. Residential: This Relocation Plan addresses one (1) residential tenant-household which will be 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>
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</thead>
<tbody>
<tr>
<td>10</td>
<td>&gt; 90 days</td>
<td>3 Adult Males 1 Adult Female 2 Male Children</td>
<td>2 Br/1 bath</td>
<td>3 Br/1 bath</td>
<td>$350</td>
<td>$1200</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 agencies 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, which includes one trailer home. The sample taken is representative of the housing market for the City of Porterville; 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>
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</thead>
<tbody>
<tr>
<td>3 Bedroom/ 1 Bath</td>
<td>4</td>
<td>$125,000 - $149,000</td>
<td>$137,250</td>
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<tr>
<td>3 Bedroom/ 2 Bath</td>
<td>1</td>
<td>$99,950</td>
<td>$99,950</td>
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</table>

Information researched June 20, 2005- See Exhibit “D”

For Rent Properties: The survey identified replacement residential home sites for rent, with rents varying between $525 - $895, as well as 3-bedroom 2-bath apartments with rents varying between $563 and $750 per month. The sample taken is representative of the rental housing market for the City of Porterville, however, there is more information on available housing for rent in the relocation consultant’s files.

**Price for Properties for Rent**

**Single Family Residences**

<table>
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<tr>
<th>Size</th>
<th>No. Comparable Units Identified</th>
<th>Rent/Mo.</th>
<th>Average (Rent/Mo.)</th>
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</thead>
<tbody>
<tr>
<td>3 Bedroom/ 1 Bath</td>
<td>1</td>
<td>$895</td>
<td>$895</td>
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<tr>
<td>3 Bedroom/ 2 Bath</td>
<td>2</td>
<td>$525 - $895</td>
<td>$812</td>
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Information researched June 20, 2005-See Exhibit “E”
### Apartments

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<th>Average (Rent/Mo.)</th>
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</thead>
<tbody>
<tr>
<td>3 Bedroom/ 2 Bath</td>
<td>5</td>
<td>$563 - $750</td>
<td>$645</td>
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*Information researched July 6, 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 displaces 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 displacees 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 July 2005. The Agency plans to take possession of the property at the end of the fourth quarter of 2005. The displaced households will receive a 90-day notice to vacate before they are required to move which notice is expected to be issued on or about August 17, 2005.

5.8 Estimated Relocation Costs

The budget estimate for relocation assistance payments for the subject relocation is $23,300.00.

6.0 SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

In summary, the Data Sheet and Recommendation 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 fourth 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: CLERICAL MODIFICATIONS FOR RESOLUTIONS APPROVING NEGATIVE DECLARATIONS AND ANNEXATIONS (RATIFICATION)

SOURCE: CITY CLERK/CITY ATTORNEY

COMMENT: At the August 2, 2005, City Council Meeting, the City Council was asked to approve various documents necessary to initiate annexation proceedings. In order to ensure the full public participation, and also in order to ensure the entire City Council could participate in deliberations to the greatest extent possible with regard to each project area considered, the resolutions and ordinances were separated out by project area for consideration and action by the Council. Because of these differing degrees of participation by the Council as a result of a financial conflict of interest, and because voting also differed with regard to one project area, the Council in effect approved a separate Resolution approving a Negative Declaration of Environmental Impact for the zone changes and annexations for each project area. Since only one resolution, applying to all project areas being considered, was submitted with the agenda packet, the City Clerk has proceeded with the execution of separate resolutions for each area. These resolutions are substantially the same as the one that was included in the packet, differing only in the description of one project area for each instead of all six.

While the execution of these documents has already been approved by Council, to ensure that there are no procedural issues with regard to their adoption, the City Attorney and City Clerk recommend that execution of these resolutions be ratified by the City Council.


Attachment: 1) Resolution #111-2005, Negative Declaration for Annexation 446 and Zone Change 4-2005
2) Resolution #113-2005, Negative Declaration for Annexation 455 and Zone Change 5-2005
3) Resolution #115-2005, Negative Declaration for Annexation 456 and Zone Change 6-2005
4) Resolution #117-2005, Negative Declaration for Annexation 458 and Zone Change 8-2005
5) Resolution #119-2005, Negative Declaration for Annexation 459 and Zone Change 9-2005
6) Resolution #121-2005, Negative Declaration for Annexation 457 and Zone Change 7-2005
7) Original Proposed Resolution from August 2, 2005

Item No. 12

Appro./ DCM
Funded
RESOLUTION NO. 111-2005

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 ANNEXATION NO. 446 AND ZONE CHANGE 04-2005 CONSISTING OF A SINGLE UNINCORPORATED ISLAND OF 73.3 ± ACRES AND APPROXIMATELY 113 PARCELS LOCATED IN THE CITY OF PORTERVILLE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 2, 2005, conducted a public hearing to consider a program of six annexation projects affecting twelve separate areas.

WHEREAS: Annexation No. 446 and associated Zone Change 04-2005 consists of a single unincorporated island of 73.3± acres and approximately 113 parcels. The Land Use Element of the General Plan designates portions of the subject site for Medium Density Residential, High Density Residential, General Commercial and Industrial Land Uses. The subject site will be pre-zoned to R-2 (Four Family Residential), R-3 (Multiple Family Residential), C-2 (D) (General Commercial-Design Review Overlay) and M-1 (D)(Light Manufacturing - Design Review Overlay), in conformance with the General Plan.

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

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

2. That although the project could have a significant effect on the environment, all potentially significant effects a) have been analyzed adequately in an earlier EIR of Negative Declaration 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.

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

4. That the Negative Declaration prepared for this project was made available for public review and comment. As of this date, the San Joaquin Valley Air Pollution Control District is the only agency that commented on the proposal.

5. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.
6. 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 minimus impact" pursuant to Section 711.2 et. seq. of the Fish and Game Code.

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for Annexation No. 446 and associated Zone Change 04-2005 located in the City of Porterville.

Kelly West, Mayor

ATTEST:

John Longley, City Clerk

By: Georgia Hawley, Chief Deputy City Clerk
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 a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 2nd day of August, 2005.

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

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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO. 113-2005

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 ANNEXATION NO. 455 AND ZONE CHANGE 05-2005 CONSISTING OF TWO UNINCORPORATED ISLANDS CONSISTING OF 4.2± ACRES AND FOUR (4) PARCELS AND 141.0± ACRES AND APPROXIMATELY 293 PARCELS, RESPECTIVELY, LOCATED IN THE CITY OF PORTERVILLE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 2, 2005, conducted a public hearing to consider a program of six annexation projects affecting twelve separate areas.

WHEREAS: Annexation No. 455 and associated Zone Change 05-2005 consists of two (2) unincorporated islands of 4.2± acres and four (4) parcels and 141.0± acres and approximately 293 parcels, respectively. The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, and Public and Quasi-Public Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential), and OA (Open Area) in conformance with the General Plan.

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

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

2. That although the project could have a significant effect on the environment, all potentially significant effects a) have been analyzed adequately in an earlier EIR of Negative Declaration 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.

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

4. That the Negative Declaration prepared for this project was made available for public review and comment. As of this date, the San Joaquin Valley Air Pollution Control District is the only agency that commented on the proposal.

5. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.
6. 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 minimus impact” pursuant to Section 711.2 et. seq. of the Fish and Game Code.

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for Annexation No. 455 and associated Zone Change 05-2005 located in the City of Porterville.

Cameron Hamilton, Mayor Pro Tem

ATTEST:

John Longley, City Clerk

By: Georgia Hawley, Chief Deputy City Clerk
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 a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 2nd day of August, 2005.

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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO. 115-2005

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 ANNEXATION NO. 456 AND ZONE CHANGE 06-2005 CONSISTING OF THREE UNINCORPORATED ISLANDS CONSISTING OF 11.1± ACRES AND APPROXIMATELY 35 PARCELS; 25.7± ACRES AND APPROXIMATELY 41 PARCELS; AND 89.8± ACRES AND 211 PARCELS, RESPECTIVELY, LOCATED IN THE CITY OF PORTERVILLE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 2, 2005, conducted a public hearing to consider a program of six annexation projects affecting twelve separate areas.

WHEREAS: Annexation No. 456 and associated Zone Change 06-2005 consists of three (3) unincorporated islands of 11.1± acres and approximately 35 parcels; 25.7± acres and approximately 41 parcels; and 89.8± acres and 211 parcels, respectively. The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, Heavy Commercial, Recreation and Open Space Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential), C-3 (Heavy Commercial-Design Review Overlay) and OA (Open Area), in conformance with the General Plan.

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

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

2. That although the project could have a significant effect on the environment, all potentially significant effects a) have been analyzed adequately in an earlier EIR of Negative Declaration 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.

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

4. That the Negative Declaration prepared for this project was made available for public review and comment. As of this date, the San Joaquin Valley Air Pollution Control District is the only agency that commented on the proposal.

5. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.
6. 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 minimus impact” pursuant to Section 711.2 et. seq. of the Fish and Game Code.

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for Annexation No. 456 and associated Zone Change 06-2005 located in the City of Porterville.

Kelly West, Mayor

ATTEST:

John Longley, City Clerk

By: Georgia Hawley, Chief Deputy City Clerk
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 a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 2nd day of August, 2005.

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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO. 117-2005

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 ANNEXATION NO. 458 AND ZONE CHANGE 08-2005 CONSISTING OF TWO UNINCORPORATED ISLANDS CONSISTING OF 62.8 ± ACRES AND APPROXIMATELY 193 PARCELS AND 86.2± ACRES AND APPROXIMATELY 289 PARCELS, RESPECTIVELY, LOCATED IN THE CITY OF PORTERVILLE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 2, 2005, conducted a public hearing to consider a program of six annexation projects affecting twelve separate areas.

WHEREAS: Annexation No. 458 and associated Zone Change 08-2005 consists of two (2) unincorporated islands of 62.8± acres and approximately 193 parcels and 86.2± acres and approximately 289 parcels, respectively. The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential and Neighborhood Commercial Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential), C-1 (D) (Neighborhood Commercial-Design Review Overlay), in conformance with the General Plan.

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

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

2. That although the project could have a significant effect on the environment, all potentially significant effects a) have been analyzed adequately in an earlier EIR of Negative Declaration 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.

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

4. That the Negative Declaration prepared for this project was made available for public review and comment. As of this date, the San Joaquin Valley Air Pollution Control District is the only agency that commented on the proposal.

5. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.
6. 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 minimus impact” pursuant to Section 711.2 et. seq. of the Fish and Game Code.

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for Annexation No. 458 and associated Zone Change 08-2005 located in the City of Porterville.

Kelly West, Mayor

ATTEST:

John Longley, City Clerk

By: Georgia Hawley, Chief Deputy City Clerk
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 a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 2nd day of August, 2005.

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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO. 119-2005

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 ANNEXATION NO. 459 AND ZONE CHANGE 09-2005 CONSISTING OF THREE UNINCORPORATED ISLANDS CONSISTING OF 88.7± ACRES AND APPROXIMATELY 363 PARCELS; 1.2± ACRES AND ONE PARCEL; AND 9.0± ACRES AND APPROXIMATELY 33 PARCELS, RESPECTIVELY, LOCATED IN THE CITY OF PORTERVILLE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 2, 2005, conducted a public hearing to consider a program of six annexation projects affecting twelve separate areas.

WHEREAS: Annexation No. 459 and associated Zone Change 09-2005 consists of three (3) unincorporated islands of 88.7± acres and approximately 363 parcels; 1.2± acres and one parcel; and 9.0± acres and approximately 33 parcels, respectively. The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential and High Density Residential Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-3 (D) (Multiple Family Residential-Design Review Overlay), in conformance with the General Plan.

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

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

2. That although the project could have a significant effect on the environment, all potentially significant effects a) have been analyzed adequately in an earlier EIR of Negative Declaration 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.

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

4. That the Negative Declaration prepared for this project was made available for public review and comment. As of this date, the San Joaquin Valley Air Pollution Control District is the only agency that commented on the proposal.

5. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.
6. 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 minimus impact” pursuant to Section 711.2 et. seq. of the Fish and Game Code.

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for Annexation No. 459 and associated Zone Change 09-2005 located in the City of Porterville.

[Signature]
Kelly West, Mayor

ATTEST:

John Longley, City Clerk

[Signature]
By: Georgina Hawley, Chief Deputy City Clerk
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 a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 2nd day of August, 2005.

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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO. 121-2005

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 ANNEXATION NO. 457 AND ZONE CHANGE 07-2005 CONSISTING OF ONE UNINCORPORATED ISLAND CONSISTING OF 90.8 ± ACRES AND APPROXIMATELY 119 PARCELS LOCATED IN THE CITY OF PORTERVILLE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 2, 2005, conducted a public hearing to consider a program of six annexation projects affecting twelve separate areas.

WHEREAS: Annexation No. 457 and associated Zone Change 07-2005 consists of one (1) unincorporated island of 90.8± acres and approximately 119 parcels. The Land Use Element of the General Plan designates the entire subject site for Low Density Residential Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential) in conformance with the General Plan.

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

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

2. That although the project could have a significant effect on the environment, all potentially significant effects a) have been analyzed adequately in an earlier EIR of Negative Declaration 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.

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

4. That the Negative Declaration prepared for this project was made available for public review and comment. As of this date, the San Joaquin Valley Air Pollution Control District is the only agency that commented on the proposal.

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

6. 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 minimus impact” pursuant to Section 711.2 et. seq. of the Fish and Game Code.
7. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for Annexation No. 457 and associated Zone Change 07-2005 located in the City of Porterville.

[Signature]
Kelly West, Mayor

ATTEST:

[Signature]
Georgia Hawley, Chief Deputy City Clerk
STATE OF CALIFORNIA  
CITY OF PORTERVILLE    SS
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 a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 2nd day of August, 2005.

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

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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
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 A PROGRAM OF SIX ANNEXATIONS AND ASSOCIATED PRE-ZONING AFFECTING 684 ± ACRES AND 1,677 PARCELS LOCATED THROUGHOUT THE CITY OF PORTERVILLE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 2, 2005, conducted a public hearing to consider a program of six annexation projects affecting twelve separate areas.

WHEREAS: Annexation #446 and Zone Change 04-2005 consists of a single unincorporated island of 73.3± acres and approximately 113 parcels. The Land Use Element of the General Plan designates portions of the subject site for Medium Density Residential, High Density Residential, General Commercial and Industrial Land Uses. The subject site will be pre-zoned to R-2 (Four Family Residential), R-3 (Multiple Family Residential), C-2 (D) (General Commercial-Design Review Overlay) and M-1 (D) (Light Manufacturing-Design Review Overlay), in conformance with the General Plan.

WHEREAS: Annexation #455 and Zone Change 05-2005 consists of two unincorporated islands consisting of 4.2± acres and four (4) parcels and 141.0± acres and approximately 293 parcels respectively. The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, and Public and Quasi-Public Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential) and OA (Open Area) in conformance with the General Plan.

WHEREAS: Annexation #456 and Zone Change 06-2005 consists of three unincorporated islands consisting of: 11.1± acres and approximately 35 parcels; 25.7± acres and approximately 41 parcels; and 89.8± acres and 211 parcels respectively. The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, Heavy Commercial, Recreation and Open Space, Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential), C-3 (D) (Heavy Commercial-Design Review Overlay) and OA (Open Area), in conformance with the General Plan.

WHEREAS: Annexation #457 and Zone Change 07-2005 consists of one unincorporated island consisting of 90.8± acres and approximately 119 parcels. The Land Use Element of the General Plan designates the entire subject site for Low Density Residential Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential) in conformance with the General Plan.

WHEREAS: Annexation #458 and Zone Change 08-2005 consists of two unincorporated islands consisting of 62.8± acres and approximately 193 parcels and 86.2± acres and approximately 289 parcels respectively. The Land Use Element of the General Plan designates the subject site for Low Density Residential, Medium Density Residential and Neighborhood Commercial Land Uses. The subject site will be pre-zoned to R-1 (One...
Family Residential), R-2 (Four Family Residential) and C-1 (D) (Neighborhood Commercial-Design Review Overlay), in conformance with the General Plan.

WHEREAS: Annexation #459 and Zone Change 09-2005 consists of three unincorporated islands consisting of: 88.7± acres and approximately 363 parcels, respectively; 1.2± acres and one (1) parcel; and 9.0± acres and approximately 33 parcels. The Land Use Element of the General Plan designates the subject site for Low Density Residential and High Density Residential Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential) and R-3 (D) (Multiple Family Residential-Design Review Overlay), in conformance with the General Plan.

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

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

2. That although the project could have a significant effect on the environment, all potentially significant effects a) have been analyzed adequately in an earlier EIR of Negative Declaration 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.

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

4. That the Negative Declaration prepared for this project was made available for public review and comment. As of this date, the San Joaquin Valley Air Pollution Control District is the only agency that commented on the proposal.

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

6. 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.

7. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgment of the City of Porterville.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for a program of six annexations and associated pre-zonings located throughout the City of Porterville.

Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By
Georgia Hawley, Deputy
CITY COUNCIL AGENDA: AUGUST 16, 2005

STAFF REPORT

SUBJECT: SUNRISE VILLA PHASE 2 & 3

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On July 15, 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 individual property owners within 300 feet of the subject site. The twenty (20) day review period ran from July 19, 2005 to August 9, 2005.

The public hearing date for Sunrise Villa Phase 2 & 3 was scheduled before the City Council on August 16, 2005. It was brought to Staff’s attention, that one or more of the property owners were not notified due to an incomplete property owners list submitted to Staff. As a result, Staff has pulled the item to allow for re-noticing. A re-notice of the public hearing for a 20 day review period will be mailed to all property owners within 300 feet of the subject site informing them of the rescheduled public hearing before the City Council on September 6, 2005.

RECOMMENDATION: Receive and File

DD_____ APPROPRIATED/FUNDED______ CM _______ ITEM NO. 13
SUBJECT: PROPOSED COMMUNITY DEVELOPMENT FEE ADJUSTMENTS

SOURCE: Administrative Services

COMMENT: The City of Porterville recently completed a City-wide fee study. The purpose of the study was to review the current fee schedule, and determine its accuracy in the current environment. The last such study took place in 1988, and many of the fees established in 1988 had not changed since then.

The two largest components of the fee study focused on the Departments of Community Development and Public Works. The fee study was reviewed by the Council in a study session held on July 8, 2005. At that time, Council requested that staff bring back elements of the proposed fee schedule for consideration beginning in the month of August. The meeting of August 16 will not have a full Council, and the Building Industry Association has requested a fifteen day review period prior to the anticipated public hearing, at which time the Council could consider adopting modifications to the fee schedule.

With these elements taken into consideration, staff is requesting that the Council schedule a Public Hearing for Tuesday, September 6, 2005 to consider modifications to the fees associated with the functions of Community Development and Services.

RECOMMENDATION: That the Council set the date of Tuesday, September 6, 2005 as the date for a Public Hearing to consider modifications to the fee schedule as it relates to fees associated with the Department of Community Development.
SUBJECT: INTENT TO VACATE PORTIONS OF SCRANTON AVENUE AND HOLCOMB STREET WITHIN THE PORTERVILLE DEVELOPMENTAL CENTER (State of California)

SOURCE: Public Works Department - Engineering Division

COMMENT: The City has received a request to vacate a portion of Scranton Avenue and Holcomb Street, which are unimproved roads situated within the Porterville Developmental Center. These roads were dedicated for public highways as a part of the Mentz Second Subdivision, recorded December 6, 1909. The City has authority to vacate a portion of Scranton Avenue and Holcomb Street under Section 8320 & Section 8331, Part 3, Division 9 of the Streets and Highways Code of the State of California.

The State of California represents the proprietary interest to all the fronting property of the proposed road vacations and is the requesting party. Staff believes that there are no problems with any other reversionary rights. The vacation is necessary for the orderly development of the Porterville Developmental Center expansion project.

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

RECOMMENDATION: That the City Council:

1. Pass a resolution of intent to vacate a portion of Scranton Avenue and Holcomb Street; and

2. Set the Council meeting of September 6, 2005, as the time and place for a public hearing.

ATTACHMENTS: Resolution
Legal Descriptions
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
AN UNIMPROVED SEGMENT OF SCRANTON AVENUE
AND HOLCOMB 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 vacate, 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 unimproved segments of
Scranton Avenue and Holcomb Street within the Northeast quarter of Sections 7,
Township 22 South, Range 28 East, Mount Diablo Base and Meridian.

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,
wires, 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 6th day of September, 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
EXHIBIT "B"

Legal Description

Those portions of Scranton Avenue shown on Mentz Second Subdivision, in the City of Porterville, County of Tulare, State of California, per map filed in Volume 9 of Maps, at page 21 in the office of the County Recorder of said County, situated in Northeast quarter of Section 7, Township 22 South, Range 28 East, Mount Diablo Base and Meridian, more particularly described as follows:

That portion of the North 20 feet of the Northeast quarter of said Section 7, bounded by the northerly prolongation of west line of Lot 17 of said Mentz Second Subdivision and the East line of said Section 7.

END OF DESCRIPTION
EXHIBIT "A"

Legal Description

Those portions of Holcomb Street shown on Mentz Second Subdivision, in the City of Porterville, County of Tulare, State of California, per map filed in Volume 9 of Maps, at page 21 in the office of the County Recorder of said County, situated in Northeast quarter of Section 7, Township 22 South, Range 28 East, Mount Diablo Base and Meridian, more particularly described as follows:

That portion of the East 25 feet of the Northeast quarter of said Section 7, bounded by the easterly prolongation of north line of Lot 32 of said Mentz Second Subdivision and the easterly prolongation of the south line Lot 31 of said Mentz Second Subdivision.

END OF DESCRIPTION
SUBJECT:  CHANGE IN THE TABLE OF ORGANIZATION--PUBLIC WORKS DEPARTMENT/FIELD SERVICES DIVISION

SOURCE:  Administration/Human Resources

COMMENT: The Public Works Department is seeking City Council approval of a change in the Table of Organization in the Water Section of the Field Services Division. The action requested is to modify the Position Allocation Schedule in the Employee Pay and Benefit Plan by eliminating one Field Services Worker II position, and increasing the number of Field Services Worker III positions by one. The total number of allocated positions in the Field Services Division would not increase.

The newly created Field Services Worker III position would provide for backflow device annual testing and record maintenance, as well as, assist with the more typical Field Services Worker III duties. This position requires state certification for backflow device testing. Until recently, a backflow-certified Field Services Worker III from the Sewer Collection Section provided this duty for the Water Section; however, this employee has been promoted out of the Field Services Division. The two existing Field Services Worker III positions will continue to lead the crews required for water distribution operations. The fiscal impact will be $3,104.00 annually and can be absorbed within the existing 2005/2006 water fund.

RECOMMENDATION: That the City Council approve the change in the Table of Organization in the Water Section of the Field Services Division; and the modification to the Employee Pay and Benefit Plan Position Allocation Schedule to reflect 24 Field Services Worker II positions and seven Field Services Worker III positions.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - TULE RIVER INDIAN TRIBAL COUNCIL PORTERVILLE POWWOW 2005 SEPTEMBER 23 - 25, 2005

SOURCE: Administrative Services - Finance Division

COMMENT: The Tule River Tribal Council is requesting approval to hold the Porterville Powwow 2005 at the Porterville Fairgrounds on Friday, September 23, 2005, through Sunday, September 25, 2005. The event consists of arts and crafts, information, and food booths, cultural events, and Native American dancing and drum groups competition. No street closures are requested, however, the exclusive use of the parking lot south of the fairgrounds, west of the shopping center, is requested for recreational vehicle use. Overnight camping has been requested in the horse arena.

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

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Tule River Tribal Council, subject to the stated requirements contained in Application, Agreement, and Exhibit “A.”

ATTACHMENT: Community Civic Event Application, Agreement, Request for street, sidewalk and parking lot closure/usage, Vendor list, Exhibit “A”, Map, Outside amplifier permit.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
TULE RIVER INDIAN TRIBAL COUNCIL
PORTERVILLE POWWOW 2005
SEPTEMBER 23 - 25, 2005

Business License Supervisor:  S. Perkins
No requirements.

Public Works Director:  B. Rodriguez
No comments.

Community Development Director:  B. Dunlap
Comply with City noise standards on overnight camping activities.

Field Services Manager:  B. Styles
Fair Board handles refuse pickup.

Fire Chief:  F. Guyton
Meet with Fire Department personnel prior to event to discuss fire lanes and tent area layout.

Parks and Leisure Services Director:  J. Perrine
Clean premises following event, porta potties are necessary.

Police Chief:  S. Rodriguez
Implement measures to improve safety of participants walking to and from parking lot (crossing Olive Avenue)

Risk Manager:  D. Pyle
Requirements are the same as last year’s Porterville Powwow.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Tule River Indian Tribal Council
Event: Porterville Powwow 2005
Event Chairman: Charmaine McDarment
Location: Porterville Fairgrounds
Date of Event: September 23 - 25, 2005

RISK MANAGEMENT: Conditions of Approval

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

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

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VI, and the insurance company must be an "admitted" insurer in the State of California.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: June 28, 2005  Event date: September 23, 24, 25, 2005

Name of Event: Porterville Powwow 2005

Sponsoring organization: Tule River Tribal Council
Address: P.O. Box 589, Porterville, CA 93258

Authorized representative: Shawn Williams
Address: P.O. Box 589, Porterville, CA 93258

Event chairperson: Charmaine McDarment

Location of event (location map must be attached): Porterville Fairgrounds, 300 Olive Ave., Porterville, CA 93257—see attached map.

Type of event/method of operation: Powwow—a social gathering of Native American people.

Nonprofit status determination: Yes

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

<table>
<thead>
<tr>
<th>Service</th>
<th>Quantity</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>Barricades (quantity)</td>
<td>N/A</td>
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<tr>
<td>Police protection</td>
<td>Yes</td>
<td>No</td>
<td>XX</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street sweeping</td>
<td></td>
<td>Yes</td>
<td></td>
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<tr>
<td>Refuse pickup</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

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

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

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

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

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

City Code requirements:

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

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

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

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

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

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

Tule River Tribal Council
(Name of organization)

6-27-05
(Date)
CITY OF PORTERVILLE

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

Name of event: **Porterville Powwow 2005**

Sponsoring organization: **Tule River Tribal Council**

Location: **Porterville Fairgrounds**

Event date: **September 23, 24, 25, 2005**

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Owens Valley Career Dev't Center</td>
<td>191 W. Poplar Ave.</td>
<td>559-791-9271</td>
<td>Powwow Sponsor</td>
</tr>
<tr>
<td>2. Porterville Explorers</td>
<td>350 N. D Street</td>
<td>559-782-7400</td>
<td>Traffic Control</td>
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<tr>
<td>3. Yokuts Archaeological</td>
<td>P.O. Box 589</td>
<td>559-781-2955</td>
<td>Food Vendor</td>
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<td>Advisory Team</td>
<td>Porterville, CA 93258</td>
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<td>4. Don Pagh</td>
<td>465 Bellah Avenue</td>
<td>559-562-4632</td>
<td>Arts &amp; Crafts Vendor</td>
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<td></td>
<td>Lindsay, CA 93247</td>
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We will submit an updated form with additional vendors 1-week prior to the Powwow.
CITY OF PORTERVILLE

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

Name of event: Porterville Powwow 2005

Sponsoring organization: Tule River Tribal Council

Event date: September 23, 24, 25, 2005

Hours: 10/23: 8am-11pm; 10/24: 8am-11pm; 10/25: 8am-8pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

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<tr>
<th>Street Name</th>
<th>Closed</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
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<th>Sidewalks</th>
<th>From</th>
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<th>Activity</th>
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<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
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<tbody>
<tr>
<td>South Fair Lot (PUSD)</td>
<td>South of Fairgrounds entrance</td>
<td>Parking/RV Parking</td>
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This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:
   Tule River Tribal Council  Phone # 559-781-6271
   P.O. Box 589, Porterville, CA 93258

2. Address where amplification equipment is to be used:
   Porterville Fairgrounds, 300 Olive Ave.  Phone #

3. Names and addresses of all persons who will use or operate the amplification equipment:
   Rio Productions staff, 1406 E. Sierra Ave., Tulare, CA 93274

4. Type of event for which amplification equipment will be used:
   Powwow

5. Dates and hours of operation of amplification equipment:
   9/23  7-11pm; 9/24  11am-11pm; 9/25  11am-5pm
   Per Anita in Purchasing 7/24/05
   McDaniel

6. A general description of the sound amplifying equipment to be used:
   Speakers and microphones
I hereby certify that all statements and answers on this registration form are true and correct.

[Signature]
Applicant

6-22-05
Date

[Signature]
Chief of Police

7-25-2003
Date

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

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

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

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

cc: 
________________________

________________________

________________________

3/27/01
CITY OF PORTERVILLE
PARKS & LEISURE SERVICES DEPARTMENT
REQUEST FOR USE OF FACILITIES

PLEASE PRINT CLEARLY - PRESS HARD

FACILITY REQUESTED:
☐ Murry Park            ☐ Community Center        ☐ Sports Complex           ☐ Burton Ballfields
☐ Veterans Park         ☐ Library                  ☐ Hayes Fields             ☐ Zalud Garden
☐ Zalud Park            ☐ Municipal Ballpark      ☐ College Ballfields       ☐ Other
Area/Room: North Municipal Park (Horse Arena)

Nature of Use: Overnight camping  Are fees being charged? NO
Date of Event:  September 23, 24, 25, 2005  Time: evening  To: morning
Amplified Equipment/Music: ☑ Yes  ☐ No
Bounce House: ☐ Yes  ☑ No  Bounce House Company:
Attendance: __________________________  Will food or drink be served: ☑ Yes  ☐ No
Will Alcohol be Served: ☐ Yes  ☑ No  Number of Drinking Adults ($2 per person):
Requested Requirements: we are requesting use of the park for camping for our vendors, dancers, and
drum groups. We will designate an area for filling generators and no vehicle or RV parking
will be allowed.

***************

Organization: Tule River Tribal Council
Name: Neil Peyron, Phil Hunter, or Shawn Williams
Mailing and/or Billing Address: P.O. Box 589, Porterville, CA 93258
Phone: Day/Work: 781-4271  Cell No.: 310-3961  Evening/Home: 310-3961

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

SIGNATURE: ___________________________ Date: 6-27-05

** ** FOR OFFICE USE ONLY ** **

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

PARK IN DESIGNATED AREAS ONLY

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

SOURCE: Airport

COMMENT: The Porterville Air Attack Base is the center of air operations for the South Valley. The weight limitations for these aircraft require the pilot to either jettison the fire retardant at the fire scene, or, if the flight is canceled, jettison the retardant prior to landing. Firefighting aircraft cannot land with a full load of retardant as they would exceed their maximum landing weight allowed.

Over the years, the City has allowed the aircraft to jettison their load on airport property. Due to changing state policies, the California Department of Forestry and Fire Protection is requesting we formalize the approval of this process by signing the attached agreement.

As the agreement only formalizes our current practices, staff recommends Council approval.

REQUEST FOR COUNCIL ACTION:

Staff requests Council approve the attached agreement and authorize the Mayor to sign on behalf of the City.

ATTACHMENTS:

Proposed Agreement A-19
State of California
California Department of Forestry And Fire Protection

Project: Porterville Air Attack Base Jettison Area

THIS AGREEMENT, executed the 16th Day of August 2005, By and between

City of Porterville, Grantor

Hereinafter designated Grantor, and the State of California, hereinafter designated Grantee

WITNESSETH: The Grantor, in consideration of public services to be performed by Grantee, hereby grants to the Grantee:

Over the property managed by the Grantor in the County of Tulare, State of California, described as:

Porterville Air Attack Base, 2125 S. Newcomb St., Porterville
located at the Porterville Municipal Airport

Said Agreement on the above premises will be as follows:
The City of Porterville will provide a jettison area for Airtankers who need to jettison a portion of the load prior to landing. The jettison area is located on the airport grounds on the west side of runway 30 in the grass and prior to the cross taxiway and on the east end of runway 30. The state will insure the retardant jettisoned will be dispersed in the area in such a manner to avoid high concentrations.

This Agreement is accepted subject to the following:

1) To the extent that they can legally do so, both parties to this agreement agree to hold each other harmless against any and all claims for injury to the person or damage to the property, arising from the uses herein stated, except where such injury or damage is proximately caused by the negligent or willful acts of the others, it servants, agents, or employees.

2) The Grantee shall have the right to terminate this Agreement with 90 days written notice, and in event of and prior to such termination, reserves the right to remove any improvement erected by it upon the said premises.

WITNESS:

CDF WITNESS TO GRANTOR'S SIGNATURE

GRANTOR:

GRANTEE:
State of California
Department of Forestry and Fire Protection

By:
L.E. Luke Wilson, Real Property Manager

I hereby certify that all conditions for exemptions have been complied with and this agreement is exempt from the Department of General Services' Approval.
SUBJECT: SPECIAL ASSESSMENT AUTHORIZATION, COMPLIANCE CERTIFICATION AND HOLD HARMLESS STATEMENT

SOURCE: Department of Parks & Leisure Services

COMMENT: The Tulare County Auditor’s Office requires that each City using their services to collect assessments, sign a Compliance Certification and Hold Harmless Statement. The County does the collection of assessments for our Landscape and Lighting Maintenance Districts, Weed Abatement and other property assessments. The Compliance Certification refers to the City of Porterville’s knowledge of Article XIII C and XIII D of the State Constitution as revised by Proposition 218 and that the City is in compliance with the law.

The Hold Harmless statement refers to the City of Porterville holding the County harmless from any liability as a result of claims or refunds and related interest due, filed by a taxpayer against any assessments, fees, or charges or costs incurred related to such a claim. There is also a Special Assessment Change Authorization sheet required to designate individuals with authority to correct the City’s assessment roll.

RECOMMENDATION: That the City Council authorize the City Manager to sign the Tulare County Auditor-Controller Special Assessment Change Authorization sheet, as well as the Compliance Certification and Hold Harmless Statement on behalf of the City.

ATTACHMENT: 1. Special Assessment Change Authorization sheet
2. Compliance Certificate and Hold Harmless Statement

ITEM NO.: 19
TULARE COUNTY AUDITOR-CONTROLLER

AUTHORITY TO APPROVE SPECIAL (DIRECT) ASSESSMENT CHANGES

DISTRICT/AGENCY  City of Porterville

The following persons are authorized to approve changes to our Agency’s Special Assessments:

<table>
<thead>
<tr>
<th>TYPED NAME</th>
<th>SAMPLE SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Darrel Pyle</td>
<td></td>
</tr>
<tr>
<td>Jim Perrine</td>
<td></td>
</tr>
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<td></td>
</tr>
</tbody>
</table>

Agency Official  Date
City Manager
Compliance Certification and Hold Harmless Statement

The City of Porterville certifies the following:

I have read and am familiar with the requirements of Article XIII C of XIII D of the State Constitution as revised by Proposition 218, including the articles cited below, and believe that all of the taxes, assessments, levies and fees accompanying this submission to the County Auditor-Controller for inclusion on the secured property tax roll are in compliance with the law.

Article XIII C. Sec. 2 c. “Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of imposition, which election shall be held within two years of the effective date of this article in compliance with subdivision b.”

Article XIII D. Sec. 5, “...this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article.”

Article XIII D. Sec. 6 d. “Beginning July 1, 1997, all fees or charges shall comply with this section.”

In addition, the City agrees that it shall be solely liable and responsible, and will defend and hold the County harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessments, fees, charges or taxes placed on the roll for the City by the County; and

The City shall be solely liable and responsible, and will defend and hold the County and the County Auditor harmless from any and all legal fees or other costs incurred related to such a claim.

__________________________________________  ______________________________
City Manager  Date
COUNCIL AGENDA: August 16, 2005

SUBJECT: APPROVAL OF ANNUAL TRANSPORTATION AGREEMENT WITH TULARE COUNTY

SOURCE: Administration

COMMENT: Since 1983, the City of Porterville has maintained annual agreements with the County of Tulare to provide contract transit service to residents within the unincorporated but urban areas of the community, as currently depicted by the attached Service Area Boundary Map. The last Agreement expired June 30, 2005, and it is proposed the attached successor Agreement be approved and maintained for FY 2005-2006.

Traditionally, the County has shared in the net operating cost of the system, i.e., total costs less fare box revenues, in proportion to the ridership percentage from the unincorporated area as experienced over the previous Agreement year. However, calculations have been modified over the last three years due to the inclusion of the City of Porterville in the Federal Transit Administration (FTA) Section 5307 program. Last year, the County reimbursed the City at a rate of 39.6% of net operating costs for the Demand-Response System, and at the rate of 30% of net operating costs for the Fixed Route system. This year, the County rate of reimbursement is 37.6% and 30%, respectively. (The Demand-Response calculation was reduced based on the actual percentage of County ridership on the Demand-Response system for the FY 2004/2005 operating year.) The County contribution to City transit operations for the FY 2005-2006 Agreement year will be $310,166, up from last year’s compensation of $300,577. This total amount of compensation also takes into account a credit of $68,911, representing the City’s second annual credit to the County of Tulare over a 6-year period for prior years’ adjustments. These adjustments were agreed upon after a reconciliation by the two agencies based on “actual” amounts expended during this 6-year period which differed from “budgeted” amounts used to calculate the original compensation totals for the six years in question.

RECOMMENDATION: That the City Council enter into an Agreement with the County of Tulare for FY 2005-2006 to provide service to County residents within the Service Area Boundary Map, and authorize the Mayor to execute the Agreement on behalf of the City.

ATTACHMENTS: 1. City/County Transit Agreement
                2. Service Area Boundary Map
                3. Letter to Tulare County setting forth cost formula components

Item No. 20
AGREEMENT

THIS AGREEMENT, is entered into as of this ____ day of ________________, 2005, by and between the COUNTY OF TULARE, hereinafter referred to as the “County”, and the CITY OF PORTERVILLE, hereinafter referred to as the “City”.

WITNESSETH:

WHEREAS, the County and the City desire to coordinate their respective public transportation systems in the Porterville Urbanized area; and

WHEREAS, there are and will continue to be citizens of the County who can reasonably be served by the City's transit system and there are and will continue to be citizens of the City who can reasonably be served by the County's transit system; and

WHEREAS, the County and the City recognize the goals of providing a transportation system to the general public at a reasonable fare and that of providing coordinated public transportation service within the Porterville Urbanized area; and

WHEREAS, the County and the City desire to provide for the Joint Exercise of Powers for the purpose of providing and maintaining public transportation systems in the Porterville Urbanized area;

NOW, THEREFORE, County and City mutually agree as follows:

1. Scope of Work. The County and City shall each control, manage, and operate a separate transit system. The City and County shall furnish each other thirty (30) days prior written notice of any and all service level and fare level changes.

   (a) County. The County shall provide transit service to those residents of the City desiring to use the regularly scheduled service of the County transit system. The County shall establish bus stop location(s) within the City which will interface with the City bus stop locations and facilitate system transfers. The County stop(s) shall be established at locations acceptable to the City. Approval on behalf of the City shall be given by the City Transit Coordinator.

   (b) City. The City shall establish a series of bus stop locations within the County. The City stops shall be established at locations acceptable to the County. Approval on behalf of the County shall be given by the Director of Transportation. The City shall provide transit service to County residents desiring transit service within the urbanized service area as set forth in Exhibit “A” which is attached hereto and made a part hereof by this reference.

2. Management-County. The County shall manage the County transit system in an appropriate manner, insuring cost effective operation, including marketing the system in a professional manner and collecting fares from riders on the County transit system.
3. **Management-City.** The City shall manage the City transit system in an appropriate manner, insuring cost effective operation, including marketing the system in a professional manner and collecting fares from riders on the City transit system.

4. **Compensation.** The County shall compensate the City for service to County residents living in the herein agreed upon service area. Compensation shall be limited to a percentage of the operating costs of the City's Transit System. The term "operating cost" as used in this Agreement shall be defined as all costs in the operating expense object classes of the Uniform Systems of Accounts for Public Transit Operators adopted by the State Controller pursuant to Public Utilities Code Section 99243.

Compensation for the period July 1, 2005 through June 30, 2006, will be as follows:

<table>
<thead>
<tr>
<th></th>
<th>Demand Response</th>
<th>Route Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>County LTF (See Below)</td>
<td>$370,732</td>
<td>$287,764</td>
</tr>
<tr>
<td>FTA Section 5307 Credit</td>
<td>($113,041)</td>
<td>($80,168)</td>
</tr>
<tr>
<td>Fare Box Credit</td>
<td>($38,258)</td>
<td>($51,975)</td>
</tr>
<tr>
<td>Annual Credit Adjustment (Second of Six equal credits)</td>
<td>($68,911)</td>
<td></td>
</tr>
<tr>
<td>Depreciation</td>
<td>$1098</td>
<td>$2925</td>
</tr>
<tr>
<td><strong>Total Payment</strong></td>
<td><strong>$220,531</strong></td>
<td><strong>$89,635</strong></td>
</tr>
</tbody>
</table>

5. **Authorization of Payment.** FTA Section 5307 Funds will be claimed by the City on the County's behalf. The County by this Agreement authorizes the Tulare County Association of Governments to transfer $310,166 of State Transit Assistance Funds, and/or Local Transportation Funds from the County's 2005/06 Apportionment to the City of Porterville's Apportionment. The County further authorizes the City to claim said $310,166 as full payment for services under this Agreement. In case of termination of this Agreement prior to June 30, 2006, the County agrees to compensate the City for a proportional amount of the sum of $310,166 based upon the number of days the services were provided by the City during a 365 day period.

6. **FTA Funds.** Per the 2000 Census, the Porterville Urbanized Area has a population of 59,961; 39,615 (66.0%) of which are City residents, and 20,346 (34.0%) of which are County residents. The Porterville Urbanized Area is eligible to receive Federal Transit Administration (FTA) Funds from Section 5307. The City of Porterville will be the claimant of these funds. The City will, at the request of the County, claim and transmit up to 34% of said funds for use by the County for eligible purposes under FTA Section 5307. In no case shall the amount transmitted or credited to the County exceed 34% of the total available. Any Section 5307 Funds which are to be transmitted to the County shall be handled under a separate agreement.
7. **Renegotiation.** In the event a contract between the Federal Transit Administration and the City of Porterville is not executed by June 30, 2006 for the Section 5307 Funds specified in paragraphs 4, 5 and 6 or in the event that $193,209 exceeds 34% of the total FTA Section 5307 funds available to the Porterville urbanized area, this contract will be renegotiated to reflect this condition.

8. **Drivers.** The parties shall require that all transit drivers meet all licensing requirements of the State of California.

9. **Indemnification-City.** City shall hold harmless, defend and indemnify County, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, arising out of the activities of City or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against County by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

10. **Indemnification-County.** County shall hold harmless, defend and indemnify City, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, arising out of the activities of County or its agents, officers and employees under this Agreement, and any claims made against County alleging civil rights violations by City under Government Code section 12920 et seq. (California Fair Employment and Housing Act). This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

11. **Insurance-Liability.** The City and the County shall each provide comprehensive general public liability and comprehensive automotive liability insurance with single limit coverage of not less than $5,000,000 or equivalent self-insurance covering their activities under this Agreement. Prior to commencing operations, each party shall file with the Clerk of the other party certificates of insurance evidencing the coverage required herein and naming the other party, its officers, agents and employees as additional insureds. Such certificates shall state that the named additional insureds are not responsible for the payment of any premium or assessment and shall provide that in the event of a cancellation or material change of policy, the insurer shall give the named additional insureds no less than thirty (30) days advance written notice of such cancellation or change. Upon request,
each party shall provide the other with a complete copy of the insurance policy or policies 
or evidence and terms of self-insurance as required herein.

The parties agree, during the term of the Agreement, to maintain at their own expense 
(or require of their independent contractors) all necessary insurance for their respective 
officers, employees, and agents, including but not limited to workers' compensation, 
disability and unemployment insurance in accordance with state statutory requirements and 
to provide certificates of such insurance or other evidence of compliance to the other party 
upon request. The insurance, and evidence thereof, required by this Agreement may be 
provided either directly by the parties or, if a party contracts with an independent 
contractor/operator to provide the services required by this Agreement, by the operator of 
that party's system as deemed appropriate by such party.

12. Term of Agreement. This Agreement shall become effective July 1, 2005 and 
shall continue in full force and effect until June 30, 2006 unless terminated earlier, as 
herein provided.

13. Termination. The right to terminate this Agreement under this provision may be 
exercised without prejudice to any other right or remedy to which the terminating party may 
be entitled at law or under this Agreement.

(a) Without Cause. Either party shall have the right to terminate this 
Agreement without cause by giving the other party SIXTY (60) days prior written 
otice of its intention to terminate pursuant to this provision, specifying the date of 
termination.

(b) With Cause. This Agreement may be terminated by either party should the 
other party:

(i) be adjudged a bankrupt, or
(ii) become insolvent or have a receiver appointed, or
(iii) make a general assignment for the benefit of creditors, or
(iv) suffer any judgment which remains unsatisfied for 30 days, and which 
would substantively impair the ability of the judgment debtor to perform under 
this Agreement, or
(v) materially breach this Agreement.

For any of the occurrences except item (v), termination may be effected upon 
written notice by the terminating party specifying the date of the termination. Upon a 
material breach, the Agreement may be terminated following the failure of the 
defaulting party to remedy the breach to the satisfaction of the non-defaulting party 
within FIFTEEN (15) days of written notice specifying the breach. If the breach is
not remedied within that FIFTEEN (15) day period, the non-defaulting party may
terminate the Agreement on further written notice specifying the date of termination.

If the nature of the breach is such that it cannot be cured within a FIFTEEN (15)
day period, the defaulting party may, submit a written proposal within that period
which sets forth a specific means to resolve the default. If the non-defaulting party
consents to that proposal in writing, which consent shall not be unreasonably
withheld, the defaulting party shall immediately embark on its plan to cure. If the
default is not cured within the time agreed, the non-defaulting party may terminate
upon written notice specifying the date of termination.

(c) Effects of Termination. Termination of this Agreement shall not terminate
any obligations to indemnify, to maintain and make available any records pertaining
to the Agreement, to cooperate with any audit, to be subject to offset, or to make any
reports of pre-termination contract activities.

14. Notices. Any notices to be given shall be written and served either by personal
delivery or by first class mail, postage prepaid and addressed as follows:

County:  Director of Transportation
         Resource Management Agency
         5961 S. Mooney Blvd.
         Visalia, CA  93277

City:    Transit Coordinator
         City of Porterville
         291 N. Main Street
         Porterville, CA 93257

15. Integration. This Agreement constitutes the sole and only Agreement between
the parties hereto as to the services to be provided hereunder. Any prior agreements,
promises, negotiations or representations as to such services not expressly referred to herein
are of no force and effect.

16. Modification. The City and County shall furnish each other thirty (30) days prior
written notice of any and all recommended service level and fare level changes. The City
shall request and receive approval from the County Road Commissioner prior to any
changes in service levels or fare levels in unincorporated areas of the service area. Except
for said changes, this Agreement shall be modified or amended only with the prior written
consent of both parties.

17. Assignment. Neither party shall assign or transfer any of the rights or privileges
or any parts thereof of this Agreement without the other party's prior written consent.
18. **Records.** Each party agrees to maintain all books, records, documents, and other
evidence pertaining to this Agreement, any disputes surrounding the subject matter of this
Agreement, and any other related circumstances in accordance with generally accepted
accounting principles and practices. Each party shall allow the other party’s agents or
representatives access to such records for inspection, audit, and copying during normal
business hours. Each party shall provide further facilities for such access and inspection.

19. **Surveys.** Either the City or the County may conduct periodic ridership surveys.
Said surveys shall not interfere with the operation of the system.

20. **Legal Operation.** City and County each shall carry out its obligations under this
Agreement in full compliance with all applicable federal, state and local laws, ordinances,
rules and regulations.

21. **Construction.** This Agreement reflects the contributions of both parties and
accordingly the provisions of Civil Code section 1654 shall not apply to address and
interpret any uncertainty.

22. **Governing Law.** This Agreement shall be interpreted and governed under the
laws of the State of California without reference to California conflicts of law principles.
Any litigation arising out of this Agreement shall be brought in Tulare County California.
City waives the removal provisions of California Code of Civil Procedure Section 394.

23. **Conflict with Laws or Regulations/Severability.** This Agreement is subject to
all applicable laws and regulations. If any provision of this Agreement is found by any
court or other legal authority, or is agreed by the parties, to be in conflict with any code or
regulation governing its subject, the conflicting provision shall be considered null and void.
The remainder of the Agreement shall continue in full force and effect.

24. **Headings.** Section headings are provided for organizational purposes only and do
not in any manner affect the scope, meaning or intent of the provisions under the headings.

25. **No Third Party Beneficiaries.** Unless specifically set forth, the parties to this
Agreement do not intend to provide any other party with any benefit or enforceable legal or
equitable right or remedy.

26. **Waivers.** The failure of either party to insist on strict compliance with any
provision of this Agreement shall not be considered a waiver of any right to do so, whether
for that breach or any subsequent breach. The acceptance by either party of either
performance or payment shall not be considered to be a waiver of any preceding breach of
the Agreement by the other party.

27. **Exhibits and Recitals.** The Recitals and the Exhibits to this Agreement are fully
incorporated into and are integral parts of this Agreement. Each Exhibit shall be initialed
by both parties to this Agreement.
28. **Further Assurances.** Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to effect the purposes of this Agreement.

29. **Assurances of Non-Discrimination.** City and County expressly agrees that it will not discriminate in employment or the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.

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

**COUNTY OF TULARE**

By __________________________
Chairman, Board of Supervisors
“COUNTY”

ATTEST: C. BRIAN HADDIX,
County Administrative Officer/
Clerk of the Board of Supervisors.

By __________________________
Deputy

**CITY OF PORTERVILLE**

By __________________________
Kelly E. West, Mayor
“CITY”

ATTEST: Clerk of City of Porterville

By __________________________
Deputy

Approved as to Form, County Counsel

Approved as to Form, City Attorney

By __________________________
Deputy

By __________________________
City Attorney
July 21, 2005

Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

Attention: Dan Fox, Transit Coordinator

Formula for Fiscal Year 2005/06 Transit Agreement Between the City of Porterville and Tulare County

Dear Mr. Fox:

The following is a description of the cost formula components for the proposed FY 2005/06 transit agreement between our agencies.

**FY 2005/06 COLT/COUNTY SERVICE COST**
Compensation to the City for service to County residents is based on a percentage of the operating and capital costs of the transit system.

**OPERATING COST**
Operating Cost is defined as all costs in the operating expense categories of the Administrative, Demand-Response and Fixed Route components. In accordance with this definition, and the adopted City of Porterville Annual Budget for FY 2005/06, the COLT operating cost is $1,663,491.

The compensation formula requires that transit system operating costs be allocated between the two service modes, Demand-Response and Fixed Route. The City’s transit budget is prepared in three segments: Administration, Demand-Response and Fixed Route. The only segment based on the proportion of service hours to be operated in each mode is the Administration segment, which segment has been apportioned to Demand-Response and Fixed Route based on the following percentages. The balance of the expense allocation in each service mode represents actual budget projections for that service mode. (Service hours based on actual revenue hours for FY 2004/05.)

<table>
<thead>
<tr>
<th>Service Mode</th>
<th>Service Hrs.</th>
<th>% of Total</th>
<th>Expense Allocated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demand-Response</td>
<td>16,579</td>
<td>45.9%</td>
<td>$ 704,278</td>
</tr>
<tr>
<td>Fixed Route</td>
<td>19,536</td>
<td>54.1%</td>
<td>$ 959,213</td>
</tr>
<tr>
<td>Total</td>
<td>36,115</td>
<td>100%</td>
<td>$1,663,491</td>
</tr>
</tbody>
</table>
2005/06 FAREBOX REVENUE
The compensation formula includes a credit to the County for fares collected from County residents. It is therefore necessary to allocate farebox revenues between the two service modes. The City of Porterville FY 2005/06 farebox revenue is estimated to be $275,000. Of this amount, it is projected that $101,750 (37%) will be collected on the Demand-Response service, and $173,250 (63%) will be collected from Fixed Route system passengers. This allocation is based on the proportion of fares collected on each service mode during FY 2004/05.

COMPENSATION FOR DEMAND-RESPONSE
Based on actual ridership data reported by Sierra Management during FY 2004/05, County residents consumed 37.6% of the total Demand-Response passenger trips. (Demand-Response Trips totaled 48,037; County Trips totaled 18,064) This percentage will be used for this year’s calculations.

Based on FY 2003/04 passenger mile information, County residents travel on average 1.42 times as far as the average Porterville resident. Last year, it was proposed that this figure be rounded to a distance factor of 1.4, which was used in the compensation formula for FY 2004/05. The purpose of this factor is to adjust for the greater number of vehicle miles traveled to provide a trip to a County resident. We will, once again, use this factor for the purpose of completing this year’s calculations.

With the above data, the proposed FY 2005/06 compensation formula for Demand-Response is calculated as follows:

Demand-Response
$ 704,278 x 37.6% x 1.4 = $ 370,732
$ 370,732 Total Payment
- $38,258 Farebox Credit (37.6% x $101,750)
$ 332,474
- 113,041 FTA Section 5307 Credit
$ 219,433 COUNTY LTF

FIXED ROUTE COMPENSATION FORMULA
The current agreement between the City and the County is based on a projection of service supplied to and consumed by County residents who utilize the seven routes serving the unincorporated areas. For FY 2005/06, the same basis is proposed as in previous agreements, which is 30% of said operating cost being attributed to the County.

Based on the above, the proposed Fixed Route compensation formula is as follows:
Resource Management Agency
July 21, 2005
Page Three

Fixed Route
$ 959,213 x 30% = $ 287,764
$ 287,764 Total Payment
- 51,975 Farebox Credit (30% x $173,250)
$ 235,789
- 80,168 FTA Section 5307 Credit
$ 155,621 County LTF

CAPITAL COST
Capital cost is defined as all depreciation expense attributed to all active City of Porterville Fixed Route and Demand-Response capital expense using the straight line of depreciation.

To calculate depreciation expense attributed to County residents, it is proposed that we use the 37.6% factor from the Demand-Response operating expense calculation, and the 30% factor from the Fixed Route operating expense calculation. These factors can be applied to the total projected depreciation expense for the Demand-Response and Fixed Route capital as follows:

<table>
<thead>
<tr>
<th></th>
<th>Projected Depreciation</th>
<th>Operating Factor</th>
<th>County Depreciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Route</td>
<td>$ 48,747</td>
<td>30%</td>
<td>$ 14,624</td>
</tr>
<tr>
<td>Demand-Response</td>
<td>$ 14,601</td>
<td>37.6%</td>
<td>$ 5,490</td>
</tr>
<tr>
<td>Total</td>
<td>$ 63,348</td>
<td></td>
<td>$ 20,114</td>
</tr>
</tbody>
</table>

Based on the above, $20,114 is the proposed County share of projected depreciation expense. Eighty percent (80%) of capital expense is funded with FTA funds; therefore, only twenty percent (20%) needs to be funded through County LTF funds, being the sum of $ 4,023.

Total charge to County LTF is $379,077 ($219,433 + $155,621 + $4,023). Back-up documentation for each of the Demand-Response and Fixed Route formulas is available, upon request. From this total, and per agreement with the County of Tulare, the City shall deduct $68,911, representing the City’s second annual credit to the County of Tulare over a 6-year period for prior years’ adjustments. With this credit, the total charge for County LTF is $310,166.

If you should have any questions, or would like to meet to discuss the proposed compensation formula, please call me at 782-7448.

Very truly yours,

Linda Clark
Assistant to City Manager
BACK-UP DOCUMENTATION FOR TRANSIT AGREEMENT WITH TULARE COUNTY
FISCAL YEAR 2005/06

2004/05 Revenue Hours

- Demand-Response: 16,579
- Fixed Route: 19,536
- Total Revenue Hours: 36,115
- Demand-Response: 45.9% of Total Revenue Hours
- Fixed Route: 54.1% of Total Revenue Hours

2005/06 Budget

- Administration: $315,114 (Operating Costs)
- Demand-Response: $559,641 (Operating Costs)
- Fixed Route: $788,736 (Operating Costs)
- Total Operating Budget: $1,663,491

Administrative Costs divided between two systems

- Demand-Response (45.9%): $144,637
- Fixed Route (54.1%): $170,477
- Total: $315,114

Total Operating Costs

- Demand-Response: $704,278
- Fixed Route: $959,213
- Total: $1,663,491

FY 04/05 Farebox Revenue

- Demand-Response: $100,947 (37%)
- Fixed Route: $171,979 (63%)
- Total: $272,926

County Trips

Based on actual ridership data reported by Sierra Management, during FY 2004/05 County residents consumed 37.6% of the total Demand-Response passenger trips.

- Total Demand-Response Trips: 48,037
- Total County Trips: 18,064
- % of County Trips: 37.6%

Demand-Response

- $704,278 x 37.6% x 1.4 = $370,732
- $370,732 Total Payment
- - 38,258 Farebox Credit ($101,750 x 37.6%)
- $332,474
- - 113,041 FTA Section 5307 (34%)
- $219,433 COUNTY LTF

Fixed Route

- $959,213 x 30% = $287,764
- $287,764 Total Payment
- - 51,975 Farebox Credit ($173,250 x 30%)
- $235,789
- - 80,168 FTA Section 5307 Credit (34%)
- $155,621 COUNTY LTF

* 2000 Census Data
- Total Population: 59,961
- City Population: 66%
- County Population: 34%
SUBJECT: SELECTION OF CITY VOTING DELEGATE TO LEAGUE OF CALIFORNIA CITIES MEETING

SOURCE: City Manager

COMMENT: The League of California Cities bylaws state that any City official of a member city may be designated as the City's voting delegate, or alternate delegate, to any League meeting with the approval of the City Council.

It has been the practice in the past to designate the Mayor and Mayor Pro Tem to represent the City at League Meetings as delegate and alternate, respectively. This practice has worked well.

The League of California Cities will be having their Annual Business Meeting on October 8, 2005, and it is important that the City of Porterville have a voting representative present at the meeting to take action on conference resolutions that guide cities and the League in their efforts to improve the quality, responsiveness and vitality of local government in California.

RECOMMENDATION: That Council select the Mayor as the voting delegate and the Mayor Pro Tem as the voting alternate to represent the City at the League of California Cities' Meeting, October 8, 2005, authorize the City Manager to attest to same, and direct staff to notify the League.

Attachment: Letter from the League dated July 6, 2005
"Voting Delegate Form"

Item No. 21
July 6, 2005

To: The Honorable Mayor and City Council

From: Pat Eklund, League President, Council Member, Novato

Re: Designation of Voting Delegate for 2005 League Annual Conference

The League’s 2005 Annual Conference is scheduled for Thursday, October 6 through Saturday, October 8 in San Francisco. One very important aspect of the Annual Conference is the Annual Business Meeting where the membership takes action on conference resolutions. Annual conference resolutions guide cities and the League in our efforts to improve the quality, responsiveness and vitality of local government in California. It is important that all cities be represented at the Annual Business Meeting on Saturday, October 8th, at 10:30 a.m. at the San Francisco Moscone Convention Center West.

To expedite the conduct of business at this important policy-making meeting, each city council should designate a voting representative and an alternate who will be registered at the conference and present at the Annual Business Meeting. A voting card will be given to the city official that is designated and indicated on the enclosed "Voting Delegate Form."

Please complete and return the enclosed form to the League's Sacramento office at the earliest possible time (not later than Monday, September 6, 2005), so that proper records may be established for the conference.

The city’s designated voting delegate may pick up the city’s voting card at the Voting Card desk located in the League registration area. The Desk will be open on October 6, 7, and 8. Voting cards should be picked up before the Annual Business Meeting on October 8th.

The voting procedures to be followed at this conference are printed on the reverse side of this memo.

Your help in returning the attached "Voting Delegate Form" as soon as possible is appreciated. If you have any questions, please call Lorraine Okabe at (916) 658-8236.
2005 ANNUAL CONFERENCE
VOTING DELEGATE FORM

CITY: Porterville

1. VOTING DELEGATE:

   Kelly West
   (Name)
   Mayor
   (Title)

2. VOTING ALTERNATE:

   Cameron Hamilton
   (Name)
   Mayor Pro Tem
   (Title)

ATTEST: John Longley
       (Name)
       City Manager
       (Title)

PLEASE COMPLETE AND RETURN TO:

League of California Cities
Attn: Lorraine Okabe
1400 K Street
Sacramento, CA 95814

Fax: (916) 658-8240

Deadline: Monday, September 6, 2005
SUBJECT: HIRING FREEZE UPDATE

SOURCE: Administration

COMMENT: At the Council meeting of February 1, 2005, staff prepared a report updating the City Council on the status of the hiring freeze. Based on the fiscal condition of the City on that date, at staff’s request, Council authorized the filling of all previously frozen vacancies, and maintained the freeze in effect for future vacancies.

With the fiscal year 2004-2005 complete, and the majority of revenue and expenditure accrual activity complete, staff has determined that revenues and expenditures came in at or better than projections. Final June 30, 2005 numbers will be available in September of 2005, and should demonstrate that the fiscal controls in place are providing the desired effect.

The State of California has adopted its 2005-06 Fiscal Year budget without any additional negative impacts to local governments. Based on the fiscal condition of the City as of June 30, 2005, and the actions of the State of California, staff is recommending filling all currently frozen vacant positions. The freeze shall continue in effect until further action. Since February 2, 2005, twelve (12) vacancies have developed.

RECOMMENDATION: (1) That the Council authorize the City Manager to fill current previously frozen vacant positions, and maintain the freeze for future vacancies, and

(2) That the Council authorize the City Manager to bring back an update on the status of the hiring freeze in the month of November.
PUBLIC HEARING

SUBJECT: ANNUAL ENGINEERS REPORT AND ASSESSMENTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS

SOURCE: Parks and Leisure Services Department

COMMENT: The City has created twenty-nine Landscape and Lighting Maintenance Districts since 1989. The original District had nineteen annexed areas for new developments in addition to the original area. Since 1996 new Districts have been formed for each new development, representing Districts 2 through 29.

Annually, a process of evaluating maintenance needs and establishing an assessment for each LMD must be followed. At the August 2, 2005 meeting, the City Council preliminarily approved the annual Engineer’s Report, which indicates the proposed assessments for the 2005 – 2006 fiscal year. The assessments, once approved by the City Council, are placed upon the tax bill of property owners as a special assessment, and collected by the County of Tulare.

RECOMMENDATION: That the City Council:
1. Reopen the public hearing on the 2005-2006 Assessments for the Landscape and Lighting Maintenance Districts to take comments or receive protests on the proposed assessments; and
2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer’s Report and Assessments for the 2005-2006 fiscal year.

ATTACHMENTS:
1. Engineer’s Report for fiscal year 2005-2006 for the Landscape and Lighting Maintenance Districts
2. Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer’s Report and Assessments for the 2005-2006 fiscal year

ITEM NO.: 93
CITY OF PORTERVILLE, CALIFORNIA
ENGINEER’S REPORT FOR
LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS
2005-2006 FISCAL YEAR

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville, Resolution Number 102-2005. The report is in compliance with the requirements of Chapter 1, Article 4, and Chapter 3, Division 15 of the Streets and Highways Code, State of California (Landscaping and Lighting Act of 1972).

SECTION 2. General Description

The City Council has heretofore elected to place the permanent landscape area along Westwood Street of Westwood Estates, Unit 1, 2, and 3 subdivisions, into Landscape and Lighting Maintenance District No. 1 and to annex the permanent landscape areas along the perimeter streets of the following developments:

1. Annexation No. 1 = The Hope Drive, Newcomb Street, Thunderbolt Drive and Corsair Drive frontages of the Airport Industrial Park;

2. Annexation No. 2 = Hillcrest Street right-of-way, fire access road, Jasmine Drive entries; west perimeter including the parcel on which the water tank is located, viewpoint look-out parcel at the northwest corner of Jasmine Ranch Subdivision, and the pedestrian access to each cul-de-sac from Hillcrest Street;

3. Annexation No. 3 = Porter Creek Avenue right-of-way to the center line of the Porter Slough, median entry, 15' landscape area between Porter Creek Subdivision block wall to Westwood Street, the pedestrian access bridge over Porter Slough and all of the maintenance area to the center line of Porter Slough;

4. Annexation No. 4 = LaVida Park Subdivision green belt, east on Plum Way Street and the entries east along Beverly Street;

5. Annexation No. 5 = Westwood Estates #4 Subdivision, along the north and south entries adjacent to the block wall on Westwood Street and the median divider on White Chapel Lane including all trees in front yard planting strip;
6. Annexation No. 6 = Northpointe Subdivision includes subdivision lighting located south of Westfield Avenue and east of Mathew Street;

7. Annexation No. 7 = Quail Park Phase II Subdivision located on Lime Street;

8. Annexation No. 8 = Westwood Park Unit Three Subdivision located on Westwood Street adjacent to the Tule River;

9. Annexation No. 9 = Parcel Map No. 4132 located on the corner of Henderson Avenue and Westwood Street;

10. Annexation No. 10 = Westview Subdivision located on the corner of Westfield Avenue and Cobb Street;

11. Annexation No. 11 = New Horizons Phase One Subdivision and the remainder parcel located along Springville Ave. and Indiana Street;

12. Annexation No. 12 = Sunrise Estates Phase Six Subdivision located on the corner of Prospect Street and Orange Avenue;

13. Annexation No. 13 = Prospect Gardens formation withdrawn by developer;

14. Annexation No. 14 = Wisconsin Manor I Subdivision located on the corner of Wisconsin Way and Mulberry Avenue;

15. Annexation No. 15 = Northpointe Phase II Subdivision located on Mathew Street;

16. Annexation No. 16 = New Horizons Phase II located on the corner of Indiana Street and Springville Avenue;

17. Annexation No. 17 = TREDC Industrial Park located at West Street and Yow lumne Avenue (not formed);

18. Annexation No. 18 = Westwood Mobile Home Park Phase I Subdivision located on Westwood Street and Olive Avenue;

19. Annexation No. 19 = Castle Woods Phase I Subdivision located along Castle Avenue and Newcomb Street;

20. District No. 2 = North Creek Estates located on Westwood north of Westfield;
21. District No. 3 = New Expressions Phase I Subdivision located along Indiana Street between Springville Avenue and Cleo Avenue;

22. District No. 4 = River Springs Phase I Subdivision located along Newcomb Street;

23. District No. 5 = Castle Woods Phase II Subdivision located at Median Avenue and Salisbury.

24. District No. 6 = Creekview Estates located between Porter Creek Avenue and the property line in Porter Slough;

25. District No. 7 = Ford Estates located on the corner of Roby and Westwood Avenue;

26. District No. 8 = River Breeze located on Newcomb Street between Patsy and Spring Streets;

27. District No. 9 = Orchard Ridge Phase 3 located on Mathew Street between Nancy Avenue, Cheryll Avenue and Belmont Street;

28. District No. 10 = Orchard Ridge Phase 4 located on LaVida Court and Carmelo Street;

29. District No. 11 = Orchard Ridge Phase 5 located on Mathew Street between LaVida Avenue, Michael Street and Julieanne Avenue.

30. District No. 12 = Westwood Estates, Unit 5, Phase 2, located on Henderson Avenue and Brandy Way.

31. District No. 13 = River Ranch 3, located on Lloyd Avenue and Newcomb Street.

32. District No. 14 = River Springs, Phase Two Subdivision, located on River Avenue, Beverly Street, Date Avenue and River Springs Drive.

33. District No. 15 = Meadowood, Phase One Subdivision, located on Newcomb Street, Cheryl Avenue and York Street.

34. District No. 16 = New Expressions, Phase Two Subdivision, located on Lybarger Avenue Cul de Sac at the entry to the Tule River Parkway Trail.
35. District No. 17 = Orchard Ridge Phase 6 Subdivision located north of Westfield Avenue between Michael Street and Lombardi Street on Julieann Avenue and Michael Street.

36. District No. 18 = Ohio North Subdivision located on Ohio Way Street.

37. District No. 19 = Williams Ranch, Phase One located south of Westfield Avenue on Silver Maple Street, Wall Court and San Lucia Court.

38. District No. 20 = West View Place Subdivision located on Median Avenue.

39. District No. 21 = Orchard Ridge Phase Seven Subdivision located on Pioneer Avenue, Michael Street and Mathew Street.

40. District No. 22 = Meadowood Phase Two Subdivision located on Newcomb Street, Pioneer Avenue, Julieann Avenue, Greenfield Street, York Street and Birch Street.

41. District No. 23 = Riverview Estates Phase Three Subdivision located on Roby Avenue, Belmont Street, Orange Avenue and Parkwest Street.

42. District No. 24 = Orchard Ridge, Phase Eight Subdivision located on Mathew Street, Michael Street, Pamela Avenue and Santa Maria Avenue.

43. District No. 25 = Casas Del Rio Subdivision located on Date Street, Casas Del Rio Avenue, Presidio Avenue, Rio Bonito Street, Alamo Court, Camellia Street, Tule Court and Rio Vista Avenue.

44. District No. 26 = Orchard Ridge, Phase Nine Subdivision located on Belmont Street, Pamela, Santa Maria and Pioneer Avenues.

45. District No. 27 = New Expressions, Phase Three Subdivision located on Springville Avenue, Cleo Avenue and McIntire Avenue along Wisconsin Street.

46. District No. 28 = Meadowood, Phase Three Subdivision located on Westfield Avenue, Cheryl Avenue, Salisbury Street, Julieann Avenue and Pioneer Avenue.

47. District No. 29 = River Springs, Phase 3 Subdivision located on Date Avenue, River Springs Drive and Atkins Court.
SECTION 3. Plans and Specifications

The plans and specifications for the landscaping have been prepared by the developers' engineers and have been approved as part of the improvement plans for the various developments. The plans and specifications for the landscaping are in conformance with the requirements of the City Council's conditions of approval of said Parcel Maps and Subdivisions.

Reference is hereby made to said subdivision maps, parcel maps and assessment diagrams for the exact location of the landscape areas. The plans and specifications by reference are hereby made a part of this report to the same extent as if said plans and specifications were attached hereto.

SECTION 4. Improvements

Landscaping improvements will include landscaping the entry ways, medians and areas behind subdivision block wall.

SECTION 5. Estimated Maintenance Costs

Maintenance is currently being performed by City staff and contract services. Accordingly, the City's record-keeping will be required to be sufficiently accurate to detail the expenses incurred on behalf of each individual annexation so that these costs may be recaptured through assessments.

The City Finance Department presently maintains records of expenditures for each annexation. Because of the restrictions placed upon municipal budgets through the passage of Proposition No. 218 and the lag between the time assessments are made and revenues are collected by the City, it is appropriate that assessments be made in advance of the anticipated expenditures to provide working capital for the maintenance effort.

The assessments include costs accumulated to date and estimated costs for the 2005-2006 fiscal year for Landscape and Lighting District No. 1, including Annexations 1 through 19 and District 2 through 29.

SECTION 6. Assessment Diagram

Copies of the assessment diagrams were attached to each individual Engineer's Reports and were labeled "Exhibit A". An Index Map is attached to this report identifying the location of the original district and each annexation.
SECTION 7. Assessment

The City Council, in forming Landscape and Lighting Maintenance District No. 1 and in annexing territories to the district, has maintained the philosophy that the subdivider or developer is responsible for the plantings, irrigation system and the maintenance of the improvements until they become well established. The assessments for maintenance thus only include anticipated costs incurred subsequent to the acceptance of the system by the City Council on behalf of the Maintenance District.

An exception to this philosophy is at Annexation No. 1, Airport Industrial Park, where the owners and the City will share costs for the plantings and irrigation system and the maintenance of improvements.

The maintenance of the landscaping is vital for the protection of both economic and humanistic values of the development. The City Council has heretofore determined that for the preservation of values incorporated within developments adjacent to landscaped areas, the landscaped areas should be included in a maintenance district to ensure satisfactory levels of maintenance. The establishment of the assessment for each development must be on a unit by unit basis which will preserve the integrity of each project. There should be a review of each annexation and District to determine if there are changed conditions that effect the assessment.

The determination of benefit for the lots within the districts takes into consideration the facts for the original districts and all annexations thereto.

Following are estimated maintenance costs and assessments for each District and Annexation:
Landscape and Lighting Maintenance District #1 -
Westwood Estates Subdivision
(Original Formation)
2005-2006 Fiscal Year
Approved CPI 2000
( Adj. 2004/2005)

ESTIMATED MAINTENANCE COST

Maintenance
Landscaping: 13,650 sq. ft. of landscaped area @ $.4233275 per square foot per year $5,778.42
Water: $.36 per sq. ft. x 13,650 sq. ft. $4,914.00
Incidental Expenses
Project Management, 126 lots @ $8 per lot $1,008.00
Contingency $1,908.54

Estimated Cost Per Year $13,609.96
July 1, 2005 Fund Balance ($7,209.77)

C.P.I. Increase of 2.1% for Fiscal Year 2005-2006 applied to reduce deficit = 0.021 x $13,609.96 $285.81

2005-2006 Assessment $13,894.77

ASSESSMENT

1. The purpose of the landscaping is to provide an aesthetic impression for the area.
2. The maintained landscaping benefits all properties in the development.
3. Each lot benefits equally from the other's landscaped area and therefore each lot will share the combined costs equally.
4. The benefit to the lots in the landscaped annexed area benefit by the uniform maintenance and appearance. All lots benefit equally.
5. The landscaping on Westwood Avenue is oriented away from the units adjacent to the landscaped area.

FORMULA FOR ASSESSMENT

\[ A = \frac{T}{L} \]

A = Assessment per lot
L = Number of lots
T = Total annual cost
The 2005-2006 assessment will be spread based upon the total lots. Total lot count is 126 lots.

Estimated Assessment 2005 - 2006

\[
A = \frac{T}{L} = \frac{13,894.77}{126} = 110.28 \text{ per lot}
\]
Annexation No. 1 - Airport Industrial Park
2005-2006 Fiscal Year

**ESTIMATED MAINTENANCE COST**

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>$400.00</td>
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<tr>
<td>Maintenance</td>
<td></td>
</tr>
<tr>
<td>Labor/Utilities</td>
<td>$2,633.00</td>
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<tr>
<td>Vandalism and Sprinkler Repair</td>
<td>$100.00</td>
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<td>Incidental Expenses</td>
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<tr>
<td>Administration and Engineering</td>
<td>$500.00</td>
</tr>
<tr>
<td>Contingency</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

Estimated Cost Per Year $3,833.00

July 1, 2005 Fund Balance ($2,149.03)

2005-2006 Assessment $3,833.00

**ASSESSMENT**

1. The purpose of the landscaping is to provide an aesthetic impression for the area.
2. The maintained landscaping benefits all properties in the development.
3. The benefit to the lots not adjacent to the landscaped area benefit by the uniform maintenance and appearance. All lots not abutting the landscaped area benefit equally.
4. It is proposed that the assessment be divided among the property owners based on their lot size in the assessment area.
5. The area along the south side of Hope Avenue will be included for maintenance until such time that the adjacent property to the south is developed.
6. The following parcels are exempt from fees since they were sold and/or developed prior to annexation to Maintenance District No. 1.

   A. Parcel 1 on Parcel Map No. 3503
   B. Parcel 1 on Parcel Map No. 3684
   C. Parcels 1 and 4 on Parcel Map No. 3735

**Formula for Assessment:**

\[
\frac{\text{Total Landscape Maintenance Costs}}{\text{Total Net Assessable Square Feet}} = \text{Cost per Sq. Ft.}
\]
\[
\frac{\$3,833}{1,024,967 \text{ sq. ft.}} = \$0.00374 \text{ per sq. ft.}
\]

Assess \$0.00374\ per\ sq.\ ft.\ annual\ charge\ for\ landscape\ construction
and\ maintenance\ for\ 2005-2006\ fiscal\ year.

|Parcel 2 on P.M. No. 3813| = $156.82|
|Parcel 1 on P.M. No. 3503| = No Fee|
|Parcel 1 on P.M. No. 3641| = $261.47|
|Parcel 1 on P.M. No. 3648| = No Fee|
|Parcels 1 to 4 on P.M. No. 3735| = No Fee|
|Remaining property owner - COP| = $3,414.71|

Total = $3,833.00
ESTIMATED MAINTENANCE COST

Maintenance (Unit 1)
Labor, utilities, 22,100 sq. ft. @ $.3303167 per sq. ft. per year
(Turf: entries along Hillcrest)
Incidental Expenses
Project Management Costs, 22 lots @ $8 per lot
Contingency

$7,300.00
$176.00
$524.00

Estimated Cost Per Year

$8,000.00

July 1, 2005 Fund Balance

$4,573.80

2005-2006 Assessment

$8,000.00

ASSESSMENT

1. The purpose of the landscaping is to provide an aesthetic impression for the area.
2. The maintained landscaping benefits all properties in the development.
3. Each lot benefits equally from the other landscaped areas, therefore, each lot will share the combined cost equally.
4. The landscape and pedestrian easement is now abandoned and is eliminated from the Landscape and Lighting Maintenance District No. 1, Annexation #2, no other changes are proposed.

Formula for Assessment

\[ A = \text{Assessment per lot} = \frac{\text{Total Assessment} - F}{\text{Number of lots}} \]

The 2005-2006 assessment will be spread based upon the above formula. There are 22 lots in Unit One. The 47.89 acre remainder parcel is included on the final subdivision map and will be assessed 20% of the total estimated cost for landscaping maintenance until it is developed at which time it will be combined with the other completed units and assessed fully.

Estimated Assessment 2005 - 2006

\[ F = \$8,000 \times 0.20 = \$1,600.00 \text{ for remainder} \]

\[ A = \frac{8000 - 1600}{22} = \$290.92 \text{ per lot in Unit One} \]
ESTIMATED MAINTENANCE COST

Maintenance
Labor, utilities, 89,200 sq. ft. @ $.249187 $22,272.46
per sq. ft. per year includes Slough Clean Up
Incidental Expenses
Project Management Costs, 177 lots @ $8 per lot $1,416.00

Estimated Cost Per Year $23,643.46

July 1, 2005 Fund Balance $136.14

2005-2006 Assessment $23,643.46

ASSESSMENT

1. The purpose of the landscaping is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping benefits all properties in the development.
3. The lots not adjacent to the landscaped area benefit from the uniform appearance of the landscaping. All lots not adjacent to the landscaped area benefit equally.

Formula for Assessment

\[
A = \frac{T \times T}{L} = \frac{23,643.46}{177} = 133.58
\]

Estimated Assessment 2005 - 2006

\[A = 133.58\]
Annexation No. 4 - LaVida Park
2005-2006 Fiscal Year

ESTIMATED MAINTENANCE COST

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<td>Labor, utilities, 3,790 sq. ft. @ $0.615678 per sq. ft. per year</td>
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<th>Incidental Expenses</th>
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<tr>
<td>Project Management Costs, 17 lots @ $8 per lot</td>
<td>$136.00</td>
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<table>
<thead>
<tr>
<th>Estimated Cost Per Year</th>
<th></th>
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<tbody>
<tr>
<td></td>
<td>$2,469.42</td>
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<tr>
<th>July 1, 2005 Fund Balance</th>
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<tr>
<td></td>
<td>($2,227.81)</td>
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<th>2005-2006 Assessment</th>
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<td></td>
<td>$2,469.42</td>
</tr>
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</table>

ASSESSMENT

1. The purpose of the landscaping is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping benefits all properties in the development.
3. The lots not adjacent to the landscaped area benefit from the appearance of the landscaping. All lots not adjacent to the landscaping benefit equally.

Formula for Assessment

\[ A = \frac{T}{L} \]

\[ A = \frac{2,469.42}{17} = 145.26 \]

Estimated Assessment 2005 - 2006

\[ A = 145.26 \]
ESTIMATED MAINTENANCE COST

Maintenance
Labor, utilities, 14,700 sq. ft. @ $.3712503 per sq. ft. per year
$5,457.38

Incidental Expenses
Project Management Costs, 47 lots @ $8 per lot
$376.00

Estimated Cost Per Year
$5,833.38

July 1, 2005 Fund Balance
($9,665.71)

CPI Increase of 2.1% for Fiscal Year 2005-2006
applied to reduce deficit= 0.021% x $5,833.38
$122.50
2005-2006 Assessment
$5,955.88

ASSESSMENT

1. The purpose of the landscaping is to provide a favorable aesthetic appearance of the area.

2. Properly maintained landscaping benefits all properties in the development.

3. The lots not adjacent to the landscaped area benefit from the uniform appearance of the landscaping. All lots not adjacent to the landscaped area benefit equally. Trees in the front yard right-of-way are included in the District on White Chapel Avenue.

The cost of planting and installing improvements is to be paid by the developer and no assessment is to be made therefore.

It is proposed that Lots 1 through 34 be assessed for maintenance of the landscaped area. It has been determined that the relative benefit of developed lots as compared to the reminder parcel is as shown in the formula below.

Formula for Assessment

\[ A = \frac{L}{T} \]

A = Assessment per lot
L = Number of lots
T = Total annual cost
\[ A = \frac{5,955.88}{47} = 126.72 \]

Estimated Assessment 2005 - 2006

\[ A = 126.72 \]
ESTIMATED MAINTENANCE COST

Maintenance
Labor, utilities, lighting
11 ea., 5,800 lumen fixtures @ $30.20 per year $332.20
8 ea., 9,500 lumen fixtures @ $36.29 per year $290.32

Incidental Expenses
Project Management Costs, 81 lots @ $8 per lot $648.00
Contingency $452.00

2005-2006 Estimated Cost $1,722.52

July 1, 2005 Fund Balance $1,848.01

2005-2006 Assessment $1,722.52

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[ P = \frac{TA}{N} \]

\[ P = \frac{TA = \$1,722.52}{81} = \$21.28 \text{ per lot} \]

Estimated Assessment 2005-2006

\[ TA = \$1,722.52 \]
\[ N = 81 \text{ lots} \]

Estimated Assessment 2005-2006

\[ P = \$21.28 \]
ESTIMATED MAINTENANCE COST

Lighting
2 fixtures @ 5,800 lumens @ $30.20 per year $60.40

Incidental Expenses
Project Management Costs, 12 lots @ $8 per lot $96.00
Contingency $254.00

Estimated Cost Per Year $410.40

July 1, 2005 Fund Balance $1,040.46

2005-2006 Assessment $410.40

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{\$410.40}{12} = \$34.20 \text{ per lot per year}
\]

Estimated Assessment 2005-2006

\[
A = \$34.20
\]
Annexation No. 8 - Westwood Park Unit Three  
2005-2006 Fiscal Year  

ESTIMATED MAINTENANCE COST  

Maintenance (Unit Three)  
Labor for weed abatement, 28,460 sq. ft. @ $.0605411 per sq. ft. per year  
$1,723.00  

Lighting  
4 fixtures, 5,800 lumens @ $30.20 per year  
$120.80  
1 fixture, 16,000 lumens @ $47.47 per year  
$47.47  

Incidental Expenses  
Project Management Costs, 36 lots @ $8 per lot  
$288.00  
Contingency  
$302.00  
2005-2006 Estimated Cost  
$2,481.27  

July 1, 2005 Fund Balance  
$5,563.22  

2005-2006 Assessment  
$2,481.27  

ASSESSMENT  

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.  
2. Properly maintained landscaping and lighting benefits all properties in the development.  
3. All lots benefit equally from the landscaping and lighting.  

Formula for Assessment  

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{2,481.27}{36} = \$68.92 \text{ per lot, per year}
\]

Estimated Assessment 2005-2006  

\[
A = \$68.92
\]
ESTIMATED MAINTENANCE COST

Lighting
1 ea. 16,000 lumens @ $47.47 $47.47

Incidental Expenses
Administrative & Engineering $300.00
Contingency $49.00

Estimated Cost Per Year $396.47

July 1, 2005 Fund Balance $517.90

2005-2006 Assessment $396.47

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment
It has been determined that the relative benefit of Parcel 2 as compared to Parcel 1 (developed parcel) is as shown below.

\[ P_1 = \text{Portion to be assessed to Parcel 1 (developed parcel)} \]
\[ P_2 = \text{Portion to be assessed to Parcel 2} \]
\[ TA = \text{Total Assessment ($)} \]
\[ AE = \text{Administration and Engineering Cost} \]
\[ A_1 = \text{Area of Parcel 1 (acres)} \]
\[ L = \text{Lighting Cost} \]
\[ T = \text{Total area (acres)} \]

\[ P_2 = \frac{AE \times A_1}{T} = \frac{349 \times 4.81}{6.61} = 253.96 \]

\[ P_1 = AE - P_2 + L = 349 - 253.96 + 47.47 = 142.52 \]

Based on benefit in the district, the estimated 2005-2006 assessment will be spread based on the preceding formula.

Estimated Assessment 2005 - 2006

\[ P_2 = 253.96 \]
\[ P_1 = 142.52 \]
ESTIMATED MAINTENANCE COST

Maintenance
Labor & utilities for landscaping, 1,307 sq. ft. @ $0.8825554 sq. ft. per year $1,153.50
Lighting
4 ea. fixtures, 5,800 lumens @ $30.20 per year $120.80
Incidental Expenses
Project Management Costs, 16 lots @ $8 per lot $128.00
Contingency $422.00

Estimated Cost Per Year $1,824.30

July 1, 2005 Fund Balance $2,123.71
2005-2006 Assessment $1,824.30

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{\$1,824.30}{16} = \$114.02 \text{ per lot, per year}
\]

Estimated Assessment 2005 - 2006

\[
A = \$114.02
\]
ESTIMATED MAINTENANCE COST

<table>
<thead>
<tr>
<th>Lighting</th>
<th>Incidental Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 fixtures, 5,800 lumen @ $30.20 per year</td>
<td>Administration &amp; Engineering</td>
</tr>
<tr>
<td>2 fixtures, 16,000 lumen @ $47.47 per year</td>
<td>Contingency</td>
</tr>
<tr>
<td>11 fixtures, 9,800 lumen @ $36.29 per year</td>
<td></td>
</tr>
<tr>
<td>$181.20</td>
<td>$300.00</td>
</tr>
<tr>
<td>$94.94</td>
<td>$70.47</td>
</tr>
<tr>
<td>$399.19</td>
<td></td>
</tr>
</tbody>
</table>

Estimated Cost Per Year $1,045.80

July 1, 2005 Fund Balance $2,248.26

2005-2006 Assessment $1,045.80

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{\$1,045.80}{63} = \$16.60 \text{ per lot, per year}
\]

Estimated Assessment 2005-2006

\[
A = \$16.60
\]
Annexation No. 12 - Sunrise Estates Phase Six
2005-2006 Fiscal Year

**ESTIMATED MAINTENANCE COST**

**Landscaping**
2,840 sq. ft. @ $.3385915 sq. ft. $961.60

**Lighting**
7 fixtures, 5,800 lumens $30.20 per year $211.40

**Incidental Expenses**
Project Management Costs, 32 lots @ $8 per lot $256.00

Estimated Cost Per Year $1,429.00

July 1, 2005 Fund Balance ($110.08)

2005-2006 Assessment $1,429.00

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

**Formula for Assessment**

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{$1,429.00}{32} = \frac{\$44.66 \text{ per lot, per year}}{}
\]

Estimated Assessment 2005-2006

\[
A = $44.66
\]
Annexation No. 13 - Prospect Gardens

Owner delayed annexation.
ESTIMATED MAINTENANCE COST

Maintenance
Labor for landscaping and irrigation,

3,030 sq. ft. @ $.474947 per sq. ft. per year $1,439.09

Lighting
3 fixtures, 5,800 lumens @ $30.20 per year $90.60

Incidental Expenses
Project Management Costs, 8 lots @ $8 per lot $64.00
Contingency $231.00

Estimated Cost Per Year $1,824.69

July 1, 2005 Fund Balance ($1,061.03)

2005-2006 Assessment $1,824.69

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[A = \frac{1,824.69}{8} = 228.00 \text{ per lot, per year}\]

Estimated Assessment 2005-2006

\[A = 228.08\]
ESTIMATED MAINTENANCE COST

Maintenance
Labor for landscaping and irrigation, 3,600 sq. ft. @ $0.57 per sq. ft. per year $2,052.00

Lighting
5 fixtures, 5,800 lumens @ $30.20 per year $151.00
1 fixture, 9,500 lumens @ $36.29 per year $36.29

Incidental Expenses
Project Management Costs, 59 lots @ $8 per lot $472.00
Contingency $104.71

Estimated Cost Per Year $2,816.00

July 1, 2005 Fund Balance $3,619.93

2005-2006 Assessment $2,816.00

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[ \text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}} \]

\[ A = \frac{2,816.00}{59} = \$47.72 \text{ per lot, per year} \]

Estimated Assessment 2005-2006 \[ A = \$47.72 \]
Annexation No. 16 - New Horizon's Phase II Subdivision  
2005-2006 Fiscal Year

**ESTIMATED MAINTENANCE COST**

**Lighting**
- 8 fixtures, 5,800 lumens @ $30.20 per year  
  $241.60
- 8 fixtures, 9,500 lumens @ $36.29 per year  
  $290.32

**Incidental Expenses**
- Project Management Cost, 81 lots @ $8 per lot  
  $648.00
- Contingency  
  $623.42

**Estimated Cost Per Year** 
$1,803.34

**July 1, 2005 Fund Balance** 
$5,157.27

**2005-2006 Assessment** 
$1,803.34

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

**Formula for Assessment**

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{1,803.34}{81} = 22.26 \text{ per lot, per year}
\]

**Estimated Assessment 2005-2006**

\[
A = 22.26
\]
Formation failed.
Annexation No. 18 - Westwood Village Mobile Home Park, Phase I
2005-2006 Fiscal Year

ESTIMATED MAINTENANCE COST

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lighting</td>
<td>$237.35</td>
</tr>
<tr>
<td>5 fixtures, 16,000 lumens @ $47.47 per year</td>
<td></td>
</tr>
<tr>
<td>Incidental Expenses</td>
<td>$350.00</td>
</tr>
<tr>
<td>Administration and Engineering</td>
<td></td>
</tr>
<tr>
<td>Contingency</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

Estimated Cost Per Year: $787.35

July 1, 2005 Fund Balance: $767.16

2005-2006 Assessment: $787.35

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{$787.35}{1} = $787.35 \text{ per lot, per year}
\]

Estimated Assessment 2005-2006

\[
A = $787.34
\]
Annexation No. 19 - Castle Woods Phase I Subdivision
2005-2006 Fiscal Year

ESTIMATED MAINTENANCE COST

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lighting</td>
<td></td>
</tr>
<tr>
<td>1 fixture, 16,000 lumens @ $47.47 per year</td>
<td>$47.47</td>
</tr>
<tr>
<td>9 fixtures, 5,800 lumens @ $30.20 per year</td>
<td>$271.80</td>
</tr>
<tr>
<td>Incidental Expenses</td>
<td></td>
</tr>
<tr>
<td>Project Management Costs, 30 lots @ $8 per lot</td>
<td>$240.00</td>
</tr>
<tr>
<td>Contingency</td>
<td>$359.93</td>
</tr>
<tr>
<td>Estimated Costs Per Year</td>
<td>$919.20</td>
</tr>
</tbody>
</table>

July 1, 2005 Fund Balance                                            $904.75

2005-2006 Assessment                                                 $919.20

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{\$919.20}{30} = \$30.64 \text{ per lot, per year}
\]

Estimated Assessment 2005-2006

\[
A = \$30.64
\]
District No. 2 - North Creek Subdivision  
2005-2006  
CPI Approved 1998

ESTIMATED MAINTENANCE COST

Landscape & Irrigation
Landscaping 12,677 sq. ft. @ $4.462151 $5,656.67
Water, 12,677 sq. ft. @$0.35 per sq. ft. $4,436.95

Lighting
18 fixtures, 5,800 lumens @ $30.20 per year $543.60
2 fixtures, 9,500 lumens @ $36.29 per year $72.58
8 fixtures, 16,000 lumens @ $47.47 per year $379.76

Incidental Expenses
Project Management Costs, 104 lots @ $8 per lot $832.00
Contingency $689.48

2005-2006 Estimated Costs $12,611.05

July 1, 2005 Fund Balance $13,763.52

2005-2006 Assessment $12,611.04

ASSESSMENT

48. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
49. Properly maintained landscaping and lighting benefits all properties in the development.
50. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

Assessment (A) = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}

\begin{align*}
A &= \frac{12,611.04}{104} = 121.26 \text{ per lot} \\
\text{Estimated Assessment 2005-2006} \\
A &= 121.26
\end{align*}
District No. 3 - New Expressions, Phase 1
2005-2006
CPI Approved 1998

ESTIMATED MAINTENANCE COST

Lighting
10 fixtures, 5,800 lumen @ $33.47 $334.68

Incidental Expenses
Project Management Costs, 56 lots @ $8 per lot $448.00
Contingency $180.74

Estimated Costs Per Year $963.42

July 1, 2005 Fund Balance $1,531.96

2005-2006 Assessment $963.42

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots}}
\]

\[
A = \frac{\$963.42}{56} = \$17.20 \text{ per lot, per year}
\]

Estimated Assessment 2005-2006

\[
A = \$17.20
\]
District No. 4 - River Springs, Phase 1
2005-2006
CPI Approved 1998

ESTIMATED MAINTENANCE COST

Landscape & Irrigation
2,100 sq. ft. @ $0.83447 sq. ft. $1,752.39

Lighting
8 fixtures, 5,800 lumen @ $30.21 per year $241.68
2 fixtures, 16,000 lumen @ $47.47 per year $94.94

Incidental Expenses
Project Management Cost, 51 lots @ $8 per lot $408.00
Contingency $222.13

Estimated Costs Per Year $2,719.14

July 1, 2004 Fund Balance $1,689.88

2005-2006 Assessment $2,719.14

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

Assessment (A) = \frac{\text{Cost (C)}}{\text{Number of lots (L)}}

A = \frac{2,719.14}{51} = 53.32 \text{ per lot, per year}

Estimated Assessment 2005 - 2006

A = $53.32
ESTIMATED MAINTENANCE COST

Landscape and Irrigation
Shrubs, turf, trees, irrigation - 1,715 sq. ft. @ .40$ per sq. ft. = $686.00. Total lots Phase One; 30, Phase Two; 25; Total = 55 lots, phase Two cost; 25 lots @ $12.48 per lot

Lighting
8 fixtures 5,800 lumens @ $30.21 per year

Incidental Expenses
Project Management Costs, 25 lots @ $8 per lot
Reserve Fund

Estimated Costs Per Year

July 1, 2005 Fund Balance

2005-2006 Assessment

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of lots (L)}}
\]

\[
A = \frac{890.24}{19} = $46.85 \text{ per lot, per year}
\]

Estimated Assessment 2005-2006

\[
A = 46.84
\]
District No. 6 - Creek View
2005-2006
CPI Approved by vote 1999
(Adj. 2004/2005)

ESTIMATED MAINTENANCE COST

Landscape & Irrigation
Landscape 23,600 sq.ft. @ $1.427485 per sq. ft. $3,368.86
5 fixtures, 5,800 lumen @ $30.20 each $151.00
Incidental Expenses
Project Management cost, 19 lots @ $8 per lot $152.00
Contingency $569.10

Estimated cost Per Year $4,240.96
July 1, 2005 Fund Balance ($16,892.45)

CPI increase of 2.1% for Fiscal Year 2005-2006
Applied to reduce deficit =0.021% x 4,240.96 $89.06

2005-2006 Assessment 4,330.02

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of lots (L)}}
\]

\[
A = \frac{$4,330.02}{19} = $227.90 \text{ lot, per year}
\]

Estimated Assessment 2005-2006

\[
A = $227.90
\]
ESTIMATED MAINTENANCE COST

Landscape & Irrigation
Landscape 1,365 sq.ft. @$6396703 per sq. ft. $873.15
Water @ 1,365 sq. ft. @$35 per sq. ft. $477.75

Lighting
4 fixtures, 5,800 lumen @$30.21 per year $120.84
1 fixture, 16,000 lumen @$47.47 per year $47.47

Incidental Expenses
Project Management Costs, 20 lots @$8 per lot $160.00
Contingency $484.19

Estimated Cost Per Year $2,163.40

July 1, 2005 Fund Balance $2,605.38

2005-2006 Assessment $2,163.40

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

Unit Cost = \( \frac{\text{Cost (C)}}{\text{Number of front feet}} \)

Phase 1 = \( \frac{$2,163.40}{311.72 \text{ feet}} \) = $6.94 per foot

Ultimate cost to maintain entire Westwood Street frontage:
1,065.95 feet X $6.94 per foot = $7,397.69

Ultimate cost per lot to maintain entire Westwood Street frontage:

\( \frac{$7,397.69}{109 \text{ lots}} = $67.88 \text{ per lot} \)
Estimated Assessment 2005-2006

$2,163.40 - ($67.88 \times 20) = $805.80 = \text{remainder parcel assessment}

Phase 1 Assessment = $67.88 \text{ per lot}
Remainder Parcel Assessment = $805.80
District No. 8 - River Breeze
2005-2006
CPI Approved 1999

**ESTIMATED MAINTENANCE COST**

**Landscape & Irrigation**
Landscape 1,000 sq.ft. @$2.25 per sq. ft. $2,250.00
Water, 1,000 sq. ft. @$0.50871 per sq. ft. $508.71
Weed Abatement, Fire Break, 20x1,280=25,600 sq. ft.
25,600 sq. ft. @$0.02679 per sq. ft. $685.82

**Lighting**
8 fixtures, 5,800 lumen @$30.21 per year $242.00
1 fixture, 16,000 lumen @$47.47 per year $47.00

**Incidental Expenses**
Project Management Cost, 37 lots @$8 per lot $296.00
Contingency $345.40

**Estimated Cost Per Year** $4,374.93

July 1, 2005 Balance Fund $11,806.66

2005-2006 Assessment $4,374.93

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

**Formula for Assessment**

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{4,374.93}{37} = 118.24 \text{ per lot per year}
\]

Estimated Assessment 2005-2006

\[
A = 118.24
\]
ESTIMATED MAINTENANCE COST

Lighting
10 fixtures, 5,800 lumen @ $30.21 per year $302.10

Incidental Expenses
Project Management Costs, 56 lots @ $8 per lot $448.00
Contingency $234.93

Estimated Cost Per Year $985.03

July 1, 2005 Fund Balance $2,404.49
2005-2006 Assessment $985.03

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
Assessment \ (A) = \frac{Cost \ (C)}{Number \ of \ Lots}
\]

\[
A = \frac{985.03}{56} = 17.58 \ per \ lot, \ per \ year
\]

Estimated Assessment 2005-2006

\[
A = 17.58
\]
District No. 10 - Orchard Ridge, Phase 4
2005-2006
CPI Approved 1999

ESTIMATED MAINTENANCE COST

Lighting
4 fixtures, 5,800 lumen @ $31.89 per year $127.56

Incidental Expenses
Project Management Costs, 19 lots @ $8 per lot $152.00
Contingency $32.72

Estimated Cost Per Year $312.28

July 1, 2005 Fund Balance $65.17

2005-2006 Assessment $312.28

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

Assessment (A) - Cost (C) = Cost (C)
Number of Lots (L)

A = $312.28 = $16.44 per lot, per year
19

Estimated Assessment 2005-2006

A - $16.44
District No. 11 - Orchard Ridge, Phase 5
2005-2006
CPI Approved 1999

ESTIMATED MAINTENANCE COST

Lighting
14 fixtures, 5,800 lumen @$30.21 per year $422.94

Incidental Expenses
Project Management Costs, 76 lots @ $8 per lot $608.00
Contingency $120.98

Estimated Cost Per Year $1,151.92

July 1, 2005 Fund Balance $3,167.55

2005-2006 Assessment $1,151.92

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{1,151.92}{76} = \$15.16 \text{ per lot, per year}
\]

Estimated Assessment 2005-2006

\[
A = \$15.16
\]
District No. 12 - Westwood Estates, Unit 5, Phase 2
2005-2006
CPI Approved 1999

**ESTIMATED MAINTENANCE FEE**

**Landscaping & Irrigation**
Landscaping, 19,112 sq. ft. @ $3.319296 per sq. ft. $6,343.84

**Lighting**
12 fixtures, 5,800 lumen @ $30.21 per year $362.52
4 fixtures, 16,000 lumen @ $47.47 per year $189.88

**Incidental Expenses**
Project Management Costs, 34 lots @ $8 per lot $272.00
Contingency $200.00
Estimated Costs Per Year $7,368.24

July 1, 2005 Fund Balance $10,496.04

2005-2006 Assessment $7,368.84

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

**Formula for Assessment**

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{\$7,368.84}{34} = 216.72 \text{ per lot, per year}
\]

Estimated Assessment 2005-2006

\[
A = \$216.72
\]
district no. 13 - river ranch, #3
2005-2006
CPI approved 2000
(adj. 2003/2004)

estimated maintenance cost

landscaping & irrigation
shrubs area, 1,000 sq. ft. @ $0.97708 per sq. ft. $977.08
water, 1,000 sq. ft. @ $0.36 per sq. ft. $360.00

lighting & electricity
1 fixture, 16,000 lumens @ $47.47 per year $47.47
7 fixtures, 5,800 lumens @ $30.20 per year $211.40

incidental expenses
project management costs, 35 lots @ $8 per lot $280.00
15% reserve fund $274.45

estimated costs per year $2,150.40

July 1, 2005 Fund Balance $7,210.53

2005-2006 Assessment $2,150.40

assessment

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

formula for assessment

Assessment (A) = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}

A = \frac{2,150.40}{35} = \$61.44 \text{ per lot per year}

Estimated Assessment for 2005-2006

A = \$61.44
District No. 14 - River Springs, Phase Two Subdivision
2005 - 2006
CPI Approved 2000

ESTIMATED MAINTENANCE COST

Lighting & Electricity
11 Fixtures, 5,800 lumens @ $30.21 per year $332.31

Incidental Expenses
Project Management Costs, 50 lots @$8 per lot $400.00
Contingency $308.10

Estimated Costs Per Year $1,040.41
July 1, 2005 Fund Balance $2,382.54
2005-2006 Assessment $1,040.41

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
Assessment (A) = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{\$1,040.41}{50} = \$20.80 \text{ per lot per year}
\]

Estimated Assessment for 2005-2006

\[
A = \$20.80
\]
District No. 15 - Meadowood, Phase 1 Subdivision
2005 - 2006
CPI Approved 2001

ESTIMATED MAINTENANCE COST

Landscape & Irrigation

Landscape and Irrigation
Landscaping, 7,723 sq. ft. @ $.30483 per sq. ft. $2,354.20
Water, 7,723 sq. ft. @ $.35c per sq. ft. $2,703.05

Lighting & Electricity
3 fixtures, 16,000 lumens @ $47.47 per year $142.41
10 fixtures, 5,800 lumens @ $30.20 per year $302.00
1 fixture, 9,500 lumens @ $36.29 per year $36.29

Incidental Expenses
Project Management Costs, 48 lots @ $8 per lot $384.00
15% Reserve Fund $888.29

Estimated Cost Per Year $6,810.24

July 1, 2005 Fund Balance $20,171.50

2005-2006 Assessment $6,810.24

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

\[
\text{Assessment (A) = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}}
\]

\[
A = \frac{$6,810.24}{48} = $141.88 \text{ per lot per year}
\]

Estimated Assessment for 2005-2006

\[
A = $141.88
\]
District No. 16 - New Expressions, Phase 2  
2005 - 2006  
CPI Approved 2001

ESTIMATED MAINTENANCE COST

Landscape & Irrigation
Landscaping, 5,800 sq. ft. @ $.25 per sq. ft. $1,450.00  
Water, 5,800 sq. ft. @ $.35 per sq. ft. $2,030.00  
Playground Maintenance (30% of $1,825) $547.50  
30% paid by district of estimated maintenance cost of $1,825

Electricity & Lighting
13 fixtures, 5,800 lumens @$30.21 per year $392.73

Incidental Expenses
Project Management Costs, 54 lots @ $8 per lot $432.00
15% Reserve Fund $727.84

Estimated Cost Per Year $5,580.07

July 1, 2005 Fund Balance $17,283.85

2005 - 2006 Assessment $5,580.07

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[ \text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}} \]\n
\[ A = \frac{5,580.07}{54} = 103.34 \text{ per lot per year} \]

Estimated Assessment for 2005-2006

\[ A = 103.34 \]
ESTIMATED MAINTENANCE COST

Lighting
7 fixtures 5,800 lumens @ $30.21 per year $211.47

Incidental
Project Management Costs, 32 lots @ $8 per lot $256.00
Reserve Fund $81.94

Estimated Cost Per Year $549.81

July 1, 2005 Fund Balance ($408.92)

2005-2006 Assessment $549.41

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{549.41}{32} = 17.18 \text{ per lot, per year}
\]

Estimated Assessment for 2005-2006

\[
A = 17.18
\]
ESTIMATED MAINTENANCE COST

Lighting
2 fixtures 5,800 lumens @ $30.21 per year $60.42

Incidental Expenses
Project Management Costs, 10 lots @ $8 per lot $80.00
Reserve Fund $24.61

Estimated Cost Per Year $165.03

July 1, 2005 Fund Balance ($466.15)

2005-2006 Assessment $165.03

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[ \text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}} \]

\[ A = \frac{\$165.03}{10} = \$16.50 \text{ per lot, per year} \]

Estimated Assessment for 2005 - 2006

\[ A = \$16.50 \]
District No. 19 - Williams Ranch Phase 1
2005 - 2006
CPI Approved 2002

ESTIMATED MAINTENANCE COST

Landscape/Irrigation
Labor and utilities for landscaping, 13,910 sq. ft. At .32¢ $4,451.20

Lighting
2 fixtures 9,500 lumens @ $37.79 per year $75.58
11 fixtures 5,800 lumens @ $30.21 per year $332.31

Incidental Expenses
Project Management Costs, 41 lots @ $8 per lot $328.00
15% Reserve Fund $778.07

Estimated Cost Per Year $5,965.16

July 1, 2005 Fund Balance $3,689.81

2005-2006 Assessment $5,965.16

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[ \text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}} \]

\[ A = \frac{5,965.16}{41} = \$145.49 \text{ per lot, per year} \]

Estimated Assessment for 2005-2006

\[ A = \$145.48 \]
District No. 20 - West View Place
2005 - 2006
CPI Approved 2002

ESTIMATED MAINTENANCE COST

Lighting
3 fixtures 5,800 lumens @ $30.20 per year $90.60
1 fixture 9,500 lumens @ $36.29 per year 36.29

Incidental Expenses
Project Management Costs, 10 lots @ $8 per lot $80.00
Reserve Fund $36.26

Estimated Cost Per Year $243.15

July 1, 2005 Fund Balance ($146.64)

2005-2006 Assessment $243.15

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

A = $243.15 = $24.32
10

Total Assessment for 2005-2006

A = $24.32
District No. 21 - Orchard Ridge Phase 7  
2005 - 2006  
CPI Approved 2002  

**ESTIMATED MAINTENANCE COST**

**Landscape and Irrigation (District #21 and District #24)**
Turf, trees, shrubs and irrigation - 5,950 sq. ft. @ .3616 per sq. ft. = $2,151.92. There are 30 lots in District #21 and 44 lots in District #24
Cost for Dist. #21 = 30 x $2,151.92 = $872.40  
74

**Lighting**
6 fixtures 5,800 lumens @ $32.50 per year $195.00

**Incidental Expenses**
Project Management Costs, 30 lots @ $8 per lot $240.00
Reserve Fund $191.90

Estimated Cost Per Year $1,499.30

July 1, 2005 Fund Balance ($624.41)

2005-2006 Assessment $1,499.30

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

**Formula for Assessment**

\[ \text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}} \]

\[ A = \frac{1,499.30}{30} = 49.98 \]

Estimated Assessment for 2005-2006

\[ A - 49.98 \]
ESTIMATED MAINTENANCE COST

Landscape and Irrigation
Landscaping, Shrub area 4,940 sq. ft. @ .26¢ per sq. ft. $1,284.40
Trees, 7 each @ $15.50 per tree $108.50
Water 4,940 sq. ft. @ .36¢ per sq. ft. $1,778.40

Electricity and Lighting
2 fixtures, 16,000 lumens @ $47.47 per year $94.94
14 fixtures, 5,800 lumens @ $30.20 per year $422.80
3 fixtures, 9,500 lumens @ $36.29 per year $108.87

Incidental Expenses
Project Manager Costs, 55 lots @ $8 per lot $440.00
Reserve Fund $623.69

Estimated Cost Per Year $4,861.60

July 1, 2005 Fund Balance $6,372.23

2005-2006 Assessment $4,861.60

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{$4,861.60}{55} = $88.38 \text{ per lot, per year}
\]

Estimated Assessment for 2005-2006

\[
A = $88.38
\]
**District No. 23 - River View Estates Phase 3**  
**2005 - 2006**  
**CPI Approved 2002**

**ESTIMATED MAINTENANCE COST**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lighting</td>
<td></td>
</tr>
<tr>
<td>11 fixtures, 5,800 lumens @ $30.21 per year</td>
<td>$332.31</td>
</tr>
<tr>
<td><strong>Incidental Expenses</strong></td>
<td></td>
</tr>
<tr>
<td>Project Management Costs, 36 lots @ $8 per lot</td>
<td>$288.00</td>
</tr>
<tr>
<td>Reserve Fund</td>
<td>$93.05</td>
</tr>
<tr>
<td><strong>Estimated Cost Per Year</strong></td>
<td>$713.36</td>
</tr>
<tr>
<td>July 1, 2005 Fund Balance</td>
<td>$1,107.60</td>
</tr>
<tr>
<td>2005-2006 Assessment</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$713.36</td>
</tr>
</tbody>
</table>

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

**Formula for Assessment**

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{713.36}{36} = 19.82
\]

**Estimated Assessment for 2005-2006**

\[
A = 19.82
\]
District No. 24 - Orchard Ridge, Phase Eight
2005-2006
CPI Approved 2003

ESTIMATED MAINTENANCE COST

Landscape Area
Turf, trees, shrubs and irrigation - 5,950 sq. ft.
@.3616¢ per sq. ft. = $2,151.92. There are 30 lots
in District No. 21; and, 44 in District 24.
\[
\frac{44}{74} \times 2,151.92 = \$1,279.52
\]

Lighting
11 fixtures 5,800 lumens @ $30.20 per year

Incidental Expenses
Project Management Costs, 44 lots @ $8 per lot
Reserve Fund

Estimated Cost Per Year

July 1, 2005 Fund Balance

2005-2006 Assessment

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable
   aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in
   the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{\$2,259.41}{44} = \$51.36 \text{ per lot, per year}
\]

Estimated Assessment for 2005-2006

\[
A = \$51.36
\]
ESTIMATED MAINTENANCE COST

Landscape and Recreation Area Improvements
(turf, irrigation, and play equipment)
Turf, trees, shrubs and irrigation - 55,950 sq. ft.
X .33148 per sq. ft. 
Water Costs = $239 per month x 12 months
One time clean-up maintenance fee for entire area
Maintenance of basketball courts and playground
Incidental Expenses
Project Management Costs, 118 lots @ $8 per lot
Reserve Fund

$18,546.31
$2,868.00
$1,500.00
$1,200.00
$944.00
$3,666.02

Estimated Cost Per Year
$28,724.33

July 1, 2005 Fund Balance
$11,903.24

2005-2006 Assessment
$28,724.33

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{\$28,724.33}{118} = \$243.43 \text{ per lot, per year}
\]

Estimated Assessment for 2005-2006

\[A = $243.42\]
District No. 26 - Orchard Ridge, Phase Nine  
2005-2006  
CPI Approved 2004

**ESTIMATED MAINTENANCE COST**

**Lighting**  
10 fixtures 5,800 lumens @ $30.20 per year $302.10

**Incidental Expenses**  
Project Management Costs, 47 lots @ $8.20 per lot $385.40  
Reserve Fund $103.12

**Estimated Cost Per Year** $790.62

**July 1, 2005 Fund Balance** $573.79

**2005-2006 Assessment** $790.62

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

**Formula for Assessment**

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{\$790.62}{47} = \$16.82 \text{ per lot, per year}
\]

**Estimated Assessment for 2005-2006**

\[
A = \$16.82
\]
District No. 27 - New Expressions, Phase 3 Subdivision  
2005-2006  
CPI Approved 2004

**ESTIMATED MAINTENANCE COST**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Landscaped Area</strong></td>
<td></td>
</tr>
<tr>
<td>Berm and wall 748 LF. @ .42¢ per L.F.</td>
<td>$314.16</td>
</tr>
<tr>
<td>Playground (30% of $1,870.00)</td>
<td>$561.00</td>
</tr>
<tr>
<td><strong>Electricity/Lighting</strong></td>
<td></td>
</tr>
<tr>
<td>11 fixtures 5,800 lumens @ $30.21 per year</td>
<td>$332.31</td>
</tr>
<tr>
<td><strong>Incidental Expenses</strong></td>
<td></td>
</tr>
<tr>
<td>50 lots @ $8.20 per lot</td>
<td>$410.00</td>
</tr>
<tr>
<td>Reserve Fund</td>
<td>$242.62</td>
</tr>
<tr>
<td><strong>Estimated Cost Per Year</strong></td>
<td></td>
</tr>
<tr>
<td>July 1, 2005 Fund Balance</td>
<td>$1,633.52</td>
</tr>
<tr>
<td><strong>2005-2006 Assessment</strong></td>
<td>$1,860.09</td>
</tr>
</tbody>
</table>

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

**Formula for Assessment**

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{1,860.09}{50} = 37.20 \text{ per lot, per year}
\]

Estimated Assessment for 2005-2006

\[
A = 37.20
\]
**ESTIMATED MAINTENANCE COST**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost (C)</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Electricity/Lighting</em></td>
<td></td>
</tr>
<tr>
<td>17 fixtures, 5,800 lumens @ $30.21 per year</td>
<td>$531.57</td>
</tr>
<tr>
<td>6 fixtures, 9,500 lumens @ $36.30 per year</td>
<td>$217.80</td>
</tr>
<tr>
<td><em>Incidental Expenses</em></td>
<td></td>
</tr>
<tr>
<td>78 lots @ $8.20 per lot</td>
<td>$639.60</td>
</tr>
<tr>
<td>Reserve Fund</td>
<td>$205.64</td>
</tr>
<tr>
<td><em>Estimated Cost Per Year</em></td>
<td></td>
</tr>
<tr>
<td>July 1, 2004 Fund Balance</td>
<td>$1,196.20</td>
</tr>
<tr>
<td>2005-2006 Assessment</td>
<td>$1,576.61</td>
</tr>
</tbody>
</table>

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

**Formula for Assessment**

\[
Assessment (A) = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{1,576.61}{78} = 20.20 \text{ per lot, per year}
\]

**Estimated Assessment for 2005-2006**

\[
A = 20.20
\]
District No. 29 - River Springs, Phase 3 Subdivision
2005-2006
CPI Approved 2004

ESTIMATED MAINTENANCE COST

Electricity/Lighting
9 fixtures 5,800 lumens @ $30.21 per year $271.89

Project Management Costs
36 lots @ $8.20 per lot $295.20
Reserve Fund @ 15% $85.06

Estimated Cost Per Year
July 1, 2004 Fund Balance $652.15 ($281.00)

2005-2006 Assessment $652.15

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

Formula for Assessment

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{\$652.15}{36} = \$18.12 \text{ per lot, per year}
\]

Estimated Assessment for 2005-2006

\[
A = \$18.12
\]

This concludes the 2005-2006 Landscape and Lighting District Engineers Report.

James S. Winton, RCE 16094
RESOLUTION NO.: ____2005


WHEREAS, the City Council of the City of Porterville did on the 16th day of July, 2005, adopt its Resolution of Intention No. 103-2005 to order the therein described work in connection with the continuation of assessment procedures in Landscape and Lighting Maintenance Districts, which Resolution of Intention No. 103-2005 was duly and legally published in the time, form and manner as required by Law, shown by the Affidavit of Publication of said Resolution of Intention on file in the Office of the City Clerk; and

WHEREAS, said City Council having duly received and considered evidence, oral and documentary, concerning the jurisdiction facts in the proceeding and concerning the necessity for the contemplated work and the benefits to be derived therefrom, and said City Council having now acquired jurisdiction to order the proposed work;

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

SECTION 1. IT IS HEREBY RESOLVED by the City Council of the City of Porterville that the public interest and convenience require the continuation of assessment procedures for the district, and said City Council hereby orders that the work and assessment, as set forth and described in said Resolution of Intention No. 103-2005, be done and made; and
SECTION 2. **BE IT FURTHER RESOLVED** that the report filed by the Engineer is hereby finally approved;

SECTION 3. **BE IT FURTHER RESOLVED** that the assessments for fiscal year 2005-2006 and method of assessment in the Engineer's Report are hereby approved;

SECTION 4. **BE IT FINALLY RESOLVED** that the assessments are in compliance with California Code, that they are without regard to property valuation, and in compliance with Chapter 1, Article 4, and Chapter 3, Division 15 of the Streets and Highway Code allowing the placement of the charge on the tax roll for collection.

**APPROVED AND ADOPTED** this 16th day of August 2005.

____________________________
Kelly West, Mayor

ATTEST:

John Longley, City Clerk

By: _______________________
Georgia Hawley, Deputy City Clerk
PUBLIC HEARING

SUBJECT: ESTABLISHMENT OF AN APPLICATION FEE FOR CHARITABLE CAR WASH PERMITS

SOURCE: Administrative Services, Finance Division

COMMENT: This is the date and time set at the July 19, 2005, City Council meeting for the public hearing to consider the establishment of an application fee for processing Charitable Car Wash permits. The public hearing and proposed fee has been noticed.

The approval process for the Charitable Car Wash permit is similar to that used for Business License applications. Staff is required to hand out the application packet, route the completed form to various departments for review and approval, and track the car wash permit information in compliance with Ordinance No. 1669 which established the Charitable Car Wash Permit procedure. The minimum fee for processing a Business License application is $25, and based on the process similarity, staff is recommending that the charge for processing the Charitable Car Wash permit be set at $25.

RECOMMENDATION: That the City Council:
1. Conduct the public hearing and receive comments on the establishment of a $25 application fee for processing Charitable Car Wash permits; and
2. Adopt a resolution establishing that application fee.

ATTACHMENTS: Draft Resolution

DD _____ Appropriated/Funded _____ CM _____ Item No. 24
RESOLUTION NO. ___-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING AN APPLICATION FEE FOR CHARITABLE CAR WASH PERMITS WITHIN THE CITY OF PORTERVILLE

WHEREAS, on June 21, 2005, the City Council of the City of Porterville adopted Ordinance No. 1669 which added Chapter 15, Article VI, Charitable Car Wash Permit Procedure, to the Porterville Municipal Code; and

WHEREAS, Section 15-90(B) of Article VI states that a nonrefundable application fee, in an amount to be set by resolution shall, be paid by the applicant. The application fee is to be based solely upon the administrative costs in processing the application and issuing the permits; and

WHEREAS, on August 16, 2005, City Council conducted a public hearing for the consideration of establishing such a Charitable Car Wash Permit Fee.

NOW THEREFORE BE IT HEREBY RESOLVED by the City Council of the City of Porterville that a Charitable Car Wash Permit Application Fee in the amount of $25.00 is hereby established for the City of Porterville to become effective upon adoption.

Adopted this 16th day of August, 2005.

___________________________________
Kelly West, Mayor

ATTEST:

__________________________________
Georgia Hawley, Chief Deputy City Clerk
CITY COUNCIL AGENDA: AUGUST 16, 2005
PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 5-2005 (TERRY SCHULER)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of Conditional Use Permit 5-2005 to allow for the construction of a seven (7) unit apartment complex on a 27,228± square foot vacant lot extending east and west located on the west side of Plano Street, approximately 210± feet south of Kanai Avenue. Sewer, water, curb, gutter and sidewalk exists across the full frontage of the site.

Pursuant to Section 301 A-2 (R-2 Zoning) of the Porterville Zoning Ordinance, two (2) to four (4) family units per lot are allowed. Additional units may, subject to the approval of a Conditional Use Permit, be constructed provided the minimum lot area per family does not exceed one family unit per three thousand (3,000) square feet of site area. Based on the 27,228±, a total of nine (9) units would be allowed.

Four (4) units will be located along on the north side of property. Two (2) units (one of which is two story) will be located at the west end of the property. All units will have a two (2) car covered garage. The buildings will have a stucco finish (tan in color), and a composition roof (brown in color). A large landscape area consisting of 1,795± square feet will be located on the north portion of the frontage of the site. A landscape strip consisting of 2,370± square feet will extend along the south side of the site extending from Plano Street west towards the units on the rear of the property. A red curb will be required to prohibit parking along this area of the site. A six (6) foot wood fence will be constructed around the perimeter of the site. Additional landscaping and turn-around for fire trucks will be located in front of the two (2) story unit to be located on the southwest corner of the site.

ENVIRONMENTAL: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines - construction of in-fill development. 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.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit 5-2005

ATTACHMENT:

1. Complete Staff Report

ITEM NO. 25
PUBLIC HEARING - STAFF REPORT

TITLE:       Conditional Use Permit 5-2005

APPLICANT:   Terry Schuler
             P.O. Box 211
             Porterville, CA 93258

PROJECT LOCATION: West side of Plano Street, approximately 210± feet south of Kanai Avenue.

SPECIFIC REQUEST: The applicant is requesting approval of Conditional Use Permit 5-2005 to allow for the construction of a seven (7) unit apartment complex on a 27,228± square foot vacant lot extending east and west located on the west side of Plano Street, approximately 210± feet south of Kanai Avenue. Sewer, water, curb, gutter and sidewalk exists across the full frontage of the site.

Pursuant to Section 301 A-2 (R-2 Zoning) of the Porterville Zoning Ordinance, two (2) to four (4) family units per lot are allowed. Additional units may, subject to the approval of a Conditional Use Permit, be constructed provided the minimum lot area per family does not exceed one family unit per three thousand (3,000) square feet of site area. Based on the 27,228±, a total of nine (9) units would be allowed.

PROJECT DETAILS: Four (4) units will be located along on the north side of property. Two (2) units (one of which is two story) will be located at the west end of the property. All units will have a two (2) car covered garage. The buildings will have a stucco finish (tan in color), and a composition roof (brown in color). A large landscape area consisting of 1,795± square feet will be located on the north portion of the frontage of the site. A landscape strip consisting of 2,370± square feet will extend along the south side of the site extending from Plano Street west towards the units on the rear of the property. A red curb will be required to prohibit parking along this area of the site. A six (6) foot food fence will be constructed around the perimeter of the site. Additional landscaping and turn-around for fire trucks will be located in front of the two (2) story unit to be located on the southwest corner of the site.

STAFF ANALYSIS:

No recent traffic counts have been conducted on Plano Street in this area. Plano Street is designated Arterial street (84' wide) consisting of four (4) lanes. The Land Use and Circulation Element of the General Plan indicates that four (4) lane arterial streets have the capacity of 25,000 ADT. Multiple family residential uses generate 6.47 daily trips per unit. Based on the seven (7) units, 45.3 daily trips will be generated.
The maximum allowed density for R-2 zoned property can not exceed 40% of lot coverage. As proposed, 36% of the subject site will be covered with garages and residential units.

GENERAL PLAN LAND USE DESIGNATION: Medium Density Residential

EXISTING ZONING: R-2 (Four Family Residential)

SURROUNDING AREA ZONING AND LAND USE:

North: City - Single family dwelling and apartments.
South: City - Single family dwelling and church parking area.
East: City - Plano Street and vacant land located in the county.
West: City - Condominiums and Murry Street.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. Denial of the proposed project would prohibit the use of the site as proposed.

2. Approval of the conditional use permit would allow for the existing vacant site to be developed as proposed.

ENVIRONMENTAL: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines - construction of in-fill development. 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 ACCEPTED AS COMPLETE: June 20, 2005

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit 5-2005.

ATTACHMENTS:

1. Locator, zoning and general plan map
2. Conditional Use Permit Application
3. Notice of Exemption
4. Draft resolution approving Conditional Use Permit 5-2005 to include Exhibit “A” - Site Plan, 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) [NAME] is/are the owner(s) or tenant(s) of property situated at [ADDRESS] between [STREET1] Street/Avenue and [STREET2] Street/Avenue. Exact legal description of said property being [APN #]

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 [NAME] Date acquired [DATE]

(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 [DATE]

(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:

To CONSTRUCT A SEVEN UNIT APARTMENT BUILDING.
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.

   Project will fit in very well with this area. The block in which to project will be built in surrounded by approximately twelve other apartment houses.

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).

       *Approximately 30.*

   (b) Total number of employees that will work on the property.

       N/A

   (c) Total number of off-street parking spaces provided or planned.

       Four or five

   (d) Maximum height of buildings or structures.

       One two story approximately 25 in height.

   (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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APPLICANT'S DECLARATION

STATE OF CALIFORNIA )
COUNTY OF TULARE )

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 ___________.

Telephone No. 559-555-5824
559-783-3137 CEC

__________________________
Signature

P.O. Box 211
Porterville, CA. 93258
Mailing Address

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 ___________________
NOTICE OF EXEMPTION

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

X Tulare County Clerk
County Civic Center
Visalia, CA 93291

FROM: City of Porterville
291 North Main Street
Porterville, CA 93257

Terry Schuler
P.O. Box 211
Porterville, CA 93257

Conditional Use Permit 5-2005.
Project Title

West side of Plano Street, approximately 210 feet south of Kanai Avenue.
Project Location (Specific)

City of Porterville Tulare
Project Location (City) Project Location (County)

Approval of Conditional Use Permit 5-2005 to allow for seven (7) apartment units on a 27,228 square foot vacant lot. Sewer, water, curb, gutter and sidewalk exists across the full frontage of the site.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Sequoia National Forest Service, 900 W. Grand Avenue, 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: Section 15332

In-fill development.
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: 

Date Received for filing: __________

Signature

Community Development Director
Title

UNoticeExemptionCUP5-2005

ATTACHMENT
ITEM NO. 3
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT 5-2005 TO ALLOW THE CONSTRUCTION OF A SEVEN (7) UNIT APARTMENT COMPLEX ON A 27,228± SQUARE FOOT VACANT LOT FOR THAT SITE LOCATED ON THE WEST SIDE OF PLANO STREET, APPROXIMATELY 210± FEET SOUTH OF KANAI AVENUE.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 16, 2005, conducted a public hearing to consider Conditional Use Permit 5-2005, being a request to allow for the construction of a seven (7) unit apartment complex on a 27,228± square foot vacant lot extending east and west located on the west side of Plano Street, approximately 210± feet south of Kanai Avenue.

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines - construction of in-fill development. 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.

WHEREAS: The City Council made the following findings with respect to the subject project:

1. The General Plan designates the subject site as Medium Density Residential.

   The subject site is zoned R-2 (Four Family Residential) 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 the project as proposed.

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 5-2005, 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. The current rate for multiple family residential development is $3,542.00 per acre.

2. A minimum of one (1) street tree for every thirty-five (35) linear feet of street frontage along the Plano Street property line(s) will be required. Automatic irrigation systems for all landscaping will be required.

3. The following regulations of the San Joaquin Valley Air Pollution Control District (Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters) will apply to this project:

   a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.

   b. In new residential development with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two(2) EPA Phase II Certified wood burning heaters (wood-stove, pellet-stove, or wood-burning insert) per acre.

   c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.

   d. A new residential development is defined as any single or multi-family housing unit, for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed.

5. 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.

6. The developer/applicant shall comply with Appendix Chapter 33, “Excavation and Grading” of the California Building Code by providing a soils engineering report and a grading and drainage plan signed by a 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.

7. The developer/applicant shall construct street paving, curb, gutter, sidewalk, water, sewer, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer.

8. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council and property necessary for disabled ramp(s) (Ord. 1306).

9. 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).

10. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to the issuance of an occupancy permit (e.g., foundations, septic tanks, irrigation pipes, etc.).

11. The developer/applicant shall abandon existing wells, if any, after first obtaining an abandonment permit from the County Department of Environmental Health, and shall provide the City Engineer with proof of compliance with County regulations prior to performing any grading.

12. The developer/applicant shall design and improve the parking area/lot in conformance with Section 2206 of the Zoning Ordinance.
13. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance of the fire hydrants. Fire department will determine the necessity of a on-site fire hydrant.

14. The developer/applicant shall install all required refuse container enclosures 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 locations require refuse trucks to travel on the parking lot. Trash cans are an acceptable alternative.

15. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

16. 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.

17. The proposed apartments are considered R-1. 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 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. Signs require a separate permit.
   h. Engineered foundation as per soils report.
   i. Automatic fire sprinklers required for apartments houses with five (5) or more units.

18. Fire hydrant may be required.

19. Red curb, fire lane will be required, including the turnaround.

20. At all times, the apartment complex 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.
21. That the subject site will be developed in accordance with the site plan and elevation plans building materials and colors labeled EXHIBIT “A”.

22. The Conditional Use Permit shall become null and void if not under taken and actively and continuously pursued within one (1) year.

______________________________
Kelly West, Mayor

ATTEST:

John Longley, City Clerk

By _______________________________
Georgia Hawley, Chief Deputy City Clerk
CONTINUED PUBLIC HEARING

SUBJECT: ZONING ORDINANCE AMENDMENT 1-2005

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On January 18, 2005, the City Council directed staff to prepare a General Zoning Ordinance Amendment to require the construction of a masonry block wall between residential and non-residential uses. Further, the Code would specify the fencing requirement to be a masonry block wall. The amended zoning ordinance would provide Staff with clear direction in responding to proposed new developments when such development would place a non-residential use adjacent to a residential use regardless of whether either use exists at the time of approval and ultimate development.

The Porterville City Council, at its regularly scheduled meeting of May 3, 2005, conducted a public hearing to consider the proposed ordinance amendment. Due to concerns expressed by the Building Industry Association (BIA) late in the process, the City Council continued the public hearing to May 17, 2005, then again to June 7, 2005, and once again to July 19, 2005, each time directing City Staff to work out a compromised zoning ordinance amendment with the BIA for the requirement of a masonry block wall between residential and non-residential uses. On July 19, 2005, the City Council continued the public hearing to August 16, 2005, in order to provide Staff additional time to survey local cities to find out how their local zoning ordinances addressed fencing requirements between residential and non-residential uses and to give Staff and the BIA additional time to work out the final issues needed to develop an acceptable zoning ordinance amendment.

Staff last met with the BIA on Friday, August 5, 2005. This meeting resulted in a zoning ordinance amendment that met the needs of the BIA and addresses the interests of the City. In addition, a survey of five local cities was conducted and those findings can be found in Exhibit B, Survey of Local Cities.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration of Environmental Impact prepared for Zoning Ordinance Amendment 01-2005.
2. Approve the proposed Zoning Ordinance Amendment and give first reading to the draft ordinance.
3. Waive further reading of the draft ordinance approved Zoning Ordinance Amendment 1-2005 and order to print.

ITEM NO. 26
ATTACHMENT:

1. Exhibit A, Outlining proposed changes
2. Exhibit B, Local cities fencing requirements
3. Draft Ordinance
Exhibit A

SECTION 1: Article 33 is hereby amended as follows:

Section 3302: Definitions and Construction

A. The following definition shall be used to clarify terms and words used within the context of this Ordinance:

(67) Non-Residential Uses

Any building utilized for purposes other than a place of permanent residential habitation such as a family unit and those uses identified in Sections 600, 700, 800, 900, 1000, and 1100, 1200 (P-O, C-1, C-2, C-3, H-C, M-1 and M-2). For the purposes of this Code, non-residential includes institutional uses such as but not limited to, schools, convalescent homes, rest homes, nursing homes, sanitariums, independent living and assisted living care facilities. While primarily residential in nature, the aforementioned uses require auxiliary services and provide special needs to its residents/inhabitants. Any governmental entity not subject to purview by the City is exempt from this definition.

Numbers (67) through (95) are hereby renumbered (68) through (96).

SECTION 1: Article 22 is hereby amended as follows:

SECTION 2206: Design and Improvements; Parking Lots Generally.

A. Access: Each parking lot or area shall be provided with suitable drives or aisles, and safe exit and entrances to and from a public street or thoroughfare. Access to parking spaces from aisles or drives shall be such as not to interfere with the use of other required parking spaces on the lot and no parking area, except for residential uses normally permitted in R-1 and R-2 zoned districts, shall be located so as to require or encourage the backing of automobiles or other vehicles across any front or side lot line adjacent to a dedicated street to effect egress from the places of parking.

B. Surfacing: The parking area, aisles and access drives shall be surfaced with an asphalt concrete surfacing of 2" minimum thickness on a 4" untreated, compacted rock base. The subgrade shall be compacted to a minimum relative compaction of 95%. The minimum slope of asphalt paved surface in the direction of drainage shall be 1.5 feet per 100 feet and the minimum slope of concrete gutters shall be 0.20 feet per 100 feet. The 4" untreated compacted rock base may be modified on basis of an "R" value test of the existing soil. The test to be made with a traffic index of 5.0. Parking lot structural section designs shall be based on Caltrans criteria with a minimum traffic index of 4.0. On major developme
roads shall be designed to carry the traffic loads anticipated.

C. **Fences: Where any parking lot or area in an R-3, R-4, P-0, and all Commercial and Manufacturing Zoning abuts property in an R-A, R-E, R-1, R-1-8 or R-2 Zone, it shall be separated from such property by a screen fence or wall not less than six (6) feet high, provided that such be forty-two (42) inches high from the property line to a depth equal to the required front yard on the abutting R-A, R-E, R-1, R-1-8 or R-2 Zone. Where a non-residential use abuts residential use property, it shall be separated from such property by a masonry block wall not less than six (6) feet high, provided that the masonry block wall be forty-two (42) inches high from the property line to a depth equal to the required front yard setback on the abutting residential use.**

SECTION 2: Article 26 is hereby amended as follows:


A. **Rear Yard abutting and “R” zone, and where there is no alley a masonry wall six (6) feet in height shall be erected and maintained on the rear lot line. A masonry block wall six (6) feet in height shall be constructed and maintained on the side and/or rear lot line where a non-residential use abuts a residential use or zone where there is no alley. If the residential use develops prior to the non-residential use, a six (6) foot high wood fence may be constructed. The masonry wall footing, when constructed, shall comply with City Standard Plan B-1b. The narrow offset portion of the masonry wall footing shall abut the existing wood fence posts, or close thereto. The gap between the fence shall be sealed with a top rail approved by the City Engineer. A condition of approval may be imposed upon the developer of the non-residential use to work with the adjacent property owner to eliminate the abutting and parallel wood fence. Said wall shall be constructed concurrently with the non-residential development. Those uses subject to a CUP (Article 29 of this Ordinance) may be evaluated to determine applicability of the wall requirement.**

B. **Side yard abutting any “R” zone and where there is no alley a masonry wall six (6) feet in height shall be erected and maintained on the side lot line. In locations where a residential use is being developed adjacent to an existing non-residential development, the residential development shall construct a wall with the residential development if one does not already exist. The property line between residential and non-residential use shall be developed with a six (6) foot high masonry block wall. Subject masonry block wall shall step down to 26" 42" in
equal to the required front or side yard set back of the abutting residential use in order to provide for safe line of sight for vehicular traffic. The design of such improvements shall be approved by the City Engineer.

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

D. Wall height separating residential uses from non-residential uses and public rights-of-way may be increased in height to accommodate adequate sound attenuation as required through the findings of an acoustical analysis prepared by an licensed acoustical engineer professional. The design of such improvements shall be approved by the City Engineer.

E. Regardless of whether site design allows access to an alley, a block wall may be required based on the site design on the proposed parking lot, service area, or when other noise, light and glare generating uses are oriented toward a residential use. The wall design shall be approved as part of the project by the City Engineer to ensure that adequate line of sight distance is provided.

F. The City Engineer may approve new wall/fencing materials that become available in the future for use as an alternative to a masonry block wall based on its proven comparable properties for durability, sound, light, and glare attenuation. Topography, berming, and other alternative methods of mitigating noise and light might be considered at time of project review.

Note:
Existing Language to remain appears in normal print.
Proposed language to be added appears in underline print.
Existing language proposed to be removed is shown crossed out
Changes discussed by BIA members & Staff on 6/29/05 are in bold print.
Changes discussed by BIA members & Staff on 8/5/05 appears with double underline
## EXHIBIT B

**SURVEY OF LOCAL CITIES’ ZONING ORDINANCES PERTAINING TO WALLS BETWEEN RESIDENTIAL & NON-RESIDENTIAL**

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<th>CITY</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL/INDUSTRIAL</th>
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<tr>
<td>BAKERSFIELD</td>
<td>Residential lots adjacent to collector or arterial streets, and sharing common property line with office, commercial or industrial zoning, required installation of masonry wall. Residential lots abutting park sites, drilling site, canals, to require a separation by a masonry block wall. Comment: The Planning Commission or Council reserves right to require more or less restrictive standards than the municipal code to maintain health, safety &amp; general welfare of the community.</td>
<td>Masonry Wall required at time of Professional Office, Commercial and Industrial Development.</td>
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<tr>
<td>DINUBA</td>
<td>No requirements on residential development.</td>
<td>Solid Fence or Wall required at time of Commercial and Industrial Development</td>
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<tr>
<td>FRESNO</td>
<td>All areas required to provide a masonry wall to mitigate noise generated by vehicular traffic if abutting arterial streets, etc. A fence or wall shall be constructed at the perimeter of all areas considered by Council to be dangerous to the public health and safety. Comment: Discretionary development standards can be imposed if the agency feels it is of benefit to general welfare of the community.</td>
<td>Masonry Wall required at time of Commercial and Industrial Development</td>
</tr>
<tr>
<td>LINDSAY</td>
<td>No requirement on residential development.</td>
<td>Solid Fence or Wall required at time of Commercial and Industrial Development</td>
</tr>
</tbody>
</table>
| PORTERVILLE | *Proposed:* Non-residential use is defined in Zoning Ordinance to include any building utilized for purposes other than a place of permanent residential habitation such as a family unit.  
*Proposed:* When single family and multiple family develops adjacent to a proposed non-residential use, the residential development may construct a wood fence with a narrow offset footing to allow the later close-gap construction of a masonry block wall at time of non-residential development. | *Proposed:* Screened fence is redefined as masonry block wall.  
*Proposed:* Commercial/Industrial Development abutting residential will construct masonry block wall with offset footing to seal gap between wall and existing wood fence. Those uses subject to a CUP (Article 29 of this Ordinance) may be evaluated to determine applicability of the wall requirement. |
| TULARE      | Single Family Residential development requires “walls” and MultiFamily Residential requires block walls if determined wall will mitigate noise impacts identified in General Plan.                                                                 | Solid Wall required at time of Commercial and Industrial Development                   |
| VISALIA     | No requirement on residential development.                                                                                                                                                               | Wall required at time of Professional Office, Commercial and Industrial Development    |
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING THE ZONING ORDINANCE
PERTAINING TO BLOCK WALL REQUIREMENTS
SEPARATING RESIDENTIAL AND NON-RESIDENTIAL USES

WHEREAS, on January 18, 2005, the City Council of the City of Porterville requested Staff to prepare a General Zoning Ordinance Amendment requiring the construction of a masonry block wall between residential and non-residential uses and that the masonry wall; and

WHEREAS, the City Council of the City of Porterville at its regularly scheduled meeting of May 3, 2005, conducted a public hearing to consider General Zoning Ordinance Amendment 1-2005, but continued the hearing to May 17, 2005, in order to provide staff the time to meet with the Building Industry Association (BIA) and address their concerns regarding the proposed amendment; and

WHEREAS, the City Council of the City of Porterville at its regularly scheduled meeting of May 17, 2005, conducted a public hearing on Zoning Ordinance Amendment 1-2005, but continued the public hearing to June 7, 2005, to allow Staff time to adequately prepare a report to the Council on the suggestions of the BIA and possible solutions.

WHEREAS, the City Council of the City of Porterville at its regularly scheduled meeting of June 7, 2005, conducted a public hearing on Zoning Ordinance Amendment 1-2005, but continued the public hearing to July 19, 2005, to allow Staff additional time to adequately prepare a report to the Council after renewed discussions & recommendations from the BIA for possible solutions.

WHEREAS, the City Council of the City of Porterville at its regularly scheduled meeting of July 19, 2005, conducted a public hearing on Zoning Ordinance Amendment 1-2005, but continued the public hearing to August 16, 2005, to allow Staff additional time to adequately
prepare a report to the Council after working out the final concerns with the BIA and conducting a survey of local cities to determine how their zoning ordinance dealt with fencing requirements between residential and non-residential uses.

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Porterville does hereby amend Article 33 - Section 3302 and Article 22 – Section 2206, Article 26 - Section 2606 C, and Article 26, Section 2617 A, B, D, and E as follows:

SECTION 1: Article 33 is hereby amended as follows:

SECTION 3302: Definitions and Construction

A. The following definition shall be used to clarify terms and words used within the context of this Ordinance:

(67) Non-Residential Uses
Any building utilized for purposes other than a place of permanent residential habitation such as a family unit and those uses identified in Sections 600, 700, 800, 900, 1000, 1100 and 1200 (P-O, C-1, C-2, C-3, H-C, M-1 and M-2). For the purpose of this Code, non-residential includes institutional uses such as, but not limited to, convalescent homes, rest homes, nursing homes, sanitariums, independent living and assisted living care facilities. While primarily residential in nature, the aforementioned uses require auxiliary services and provide special needs to its residents/inhabitants. Any governmental entity not subject to purview by the City is exempt from this definition.

Numbers (67) through (95) are hereby renumbered (68) through (96).

SECTION 2: Article 22 is hereby amended as follows:

SECTION 2206: Design and Improvements; Parking Lots Generally.

A. Access: Each parking lot or area shall be provided with suitable drives or aisles, and safe exit and entrances to and from a public street or thoroughfare. Access to parking spaces from aisles or drives shall be such as not to interfere with the use of other required parking spaces on the lot and no parking area, except for residential uses normally permitted in R-1 and R-2 zoned districts, shall be located so as to require or encourage the backing of automobiles or other vehicles across any front or side lot line adjacent to a dedicated street to effect egress from the places of parking.

B. Surfacing: The parking area, aisles and access drives shall be surfaced with an asphalt concrete surfacing of 2" minimum thickness on a 4" untreated, compacted rock base. The subgrade shall be compacted to a minimum relative compaction of
95%. The minimum slope of asphalt-paved surface in the direction of drainage shall be 1.5 feet per 100 feet and the minimum slope of concrete gutters shall be 0.20 feet per 100 feet. Parking lot structural section designs shall be based on Caltrans’ criteria with a minimum traffic index of 4.0. On major developments, service roads shall be designed to carry the traffic loads anticipated.

SECTION 3: Article 26 is hereby amended as follows:

SECTION 2617: Fence Requirements for Separation of Residential Uses from Non-residential Uses.

A. A masonry block wall six (6) feet in height shall be constructed and maintained on the side and/or rear lot line where a non-residential use abuts a residential use or zone where there is no alley. If the residential use develops prior to the non-residential use, a six (6) foot high wood fence may be constructed. The masonry wall footing, when constructed, shall comply with City Standard Plan B-1b. The narrow offset portion of the masonry wall footing shall abut the existing wood fence posts, or close thereto. The gap between the fence shall be sealed with a top rail approved by the City Engineer. A condition of approval may be imposed upon the developer of the non-residential use to work with the adjacent property owner to eliminate the abutting and parallel wood fence. Said wall shall be constructed concurrently with the non-residential development. Those uses subject to a CUP (Article 29 of this Ordinance) may be evaluated to determine applicability of the wall requirement.

B. In locations where a residential use is being developed adjacent to an existing non-residential development, the residential development shall construct a wall with the residential development if one does not already exist. The property line between residential and non-residential use shall be developed with a six (6) foot high masonry block wall. Subject masonry block wall shall step down to 42" in height from the side property line intersecting the front property line to a depth equal to the required front or side yard set back of the abutting residential use in order to provide for safe line of sight for vehicular traffic. The design of such improvements shall be approved by the City Engineer.

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

D. Wall height separating residential uses from non-residential uses and public right-of-ways may be increased in height to accommodate adequate sound attenuation
as required through the findings of an acoustical analysis prepared by an acoustical professional. The design of such improvements shall be approved by the City Engineer.

E. Regardless of whether site design allows access to an alley, a block wall may be required based on the site design of the proposed parking lot, service area, or when other noise, light and glare generating uses are oriented toward a residential use. The wall design shall be approved as part of the project by the City Engineer to ensure that adequate line of sight distance is provided.

F. The City Engineer may approve new wall/fencing materials that become available in the future for use as an alternative to a masonry block wall based on its proven comparable properties for durability, sound, light, and glare attenuation. Topography, berming, and other alternative methods of mitigating the nuisance of noise and light might be considered at time of project review.

SECTION 4: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

____________________
Kelly West, Mayor

ATTEST:

John Longley, City Clerk

By ______________________
Georgia Hawley, Deputy
COUNCIL AGENDA: AUGUST 16, 2005

PUBLIC HEARING

SUBJECT: ZONING ORDINANCE AMENDMENT 2-2005

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On June 29, 2005, CEI Engineering Associates, Inc. requested that the City consider a Zoning Ordinance Amendment to conditionally allow “indoor building material sales” as an allowable use in the C-2 Zone, Central Commercial District, with a Conditional Use Permit. The requested Code Amendment would allow some flexibility in the C-2 Zone for consideration of new types of retail and commercial activities that are emerging within the City but continue to remain compatible to the Central Commercial District environment.

After reviewing Section 801, in its entirety, City staff believes that it would benefit the City to re-evaluate all of the current allowable uses in the C-2 zone. Those uses which have the potential of having a greater impact on the commercial environment would be subject to review by the City Council under the Conditional Use Permit process. All other existing uses would remain the same.

Therefore, Staff recommends that a Zoning Ordinance Amendment be made to Section 801 Uses (C-2 Zone) to identify those uses that may be allowed in the C-2 zone without further review and those uses which may be allowed in the C-2 zone with a Conditional Use Permit.

The proposed code amendment is Categorically Exempt under CEQA pursuant to a General Rule Exemption.

RECOMMENDATION: That the City Council:

1. Approve the proposed Zoning Ordinance Amendment and give first reading to the draft ordinance.

3. Waive further reading of the draft ordinance, approve Zoning Ordinance Amendment 2-2005 and order to print.

ATTACHMENT:

1. Exhibit A, Outlining proposed changes
2. Draft Ordinance
EXHIBIT A

Section 801. Uses (C-2 Zone):

A. In a C-2 zone, the following uses only are permitted. Any such use involving an off-sale license for alcoholic beverages shall be subject to the provisions of subsections 2100C and D of this appendix.

(1) Any use permitted in the C-1 zone except that office, business and professional, is not limited to five thousand (5,000) square feet in size per lot or integrated commercial development.

(2) Accessory buildings and uses customarily incidental to any of the uses herein when located on the same or parcel of land.

(3) Antique stores.

(4) Auction yards or sales.

(5) Auto supply store.

(6) Automobile and motorcycle dealerships conducted wholly within a building enclosed on all sides including the display, storage, repair and reconditioning of vehicles, subject to approval of a conditional use permit and the provisions of article twenty-six of this appendix.

(7) Bar and nightclub, subject to approval of a conditional use permit pursuant to the provisions of subsection 2100B of this appendix.

(8) Billiard and pool hall, bowling lanes, subject to obtaining approval of a conditional use permit, and the provisions of subsection 2100B of this appendix.

(9) Bird or pet shop.

(10) Blueprinting and photocopying.

(11) Bus depot and taxi terminal, no repair or storage on site.

(12) Call centers, subject to obtaining approval of a conditional use permit.

(13) Christmas tree sales, provided all pertinent temporary and mobile structures are removed from the subject site by January 15 of each year.

(14) Churches, conducted wholly within a building enclosed on all sides, and subject to the requirements of article twenty-two, "Off Street Parking", of this appendix and other requirements of article twenty-one of this appendix.
(15) Commercial recreation, including, but not limited to, arcades, subject to obtaining approval of a conditional use permit. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of subsection 2100B of this appendix.

(16) Dancing instruction

(17) Department store.

(18) Drive-in restaurant or open air restaurant not serving alcoholic beverages

(19) Drive-in theater, subject to the approval of a conditional use permit.

(20) Dwellings, provided that no such use shall be on the ground floor of any structure.

(21) Electrical appliance store and incidental repairs.

(22) Electrical distribution substations, microwave facilities and communication equipment buildings.

(23) Furniture or household appliance store.

(24) Gymnasium.

(25) Hotels and apartment hotels up to two (2) stories. Third story and above subject to obtaining approval of a conditional use permit from the planning commission.

(26) Institutional buildings such as schools, colleges, hospitals, sanitariums, and buildings of an educational, charitable or philanthropic nature (but excluding veterinarian or animal hospital or shelter, penal, correctional or mental institutions or hospitals).

(27) Interior decorating shop.

(28) Meat, retail sales, no limitation on numbers of employees.

(29) Motel.

(30) Music or vocal instruction.

(31) Nursery, flower or plant, and commercial greenhouses; provided that fertilizer and soil conditioners shall be stored and sold in packaged form only.
(32) Printing shop and newspaper publishing.

(33) Public or private parking, subject to other provisions contained herein.

(34) Radio and television store and repair service.

(35) Radio or television studio.

(36) Restaurant or cafe, including dancing and/or entertainment. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of subsection 2100B of this appendix. Restaurant or cafe not providing dancing, entertainment, or alcoholic beverages.

(37) Secretarial services.

(38) Service stations, subject to obtaining approval of a conditional use permit from the planning commission.

(39) Signing, subject to the stipulations of article twenty of this appendix.

(40) Sporting goods.

(41) Supermarket.

(42) Temporary auto sales subject to approval by the zoning administrator as described in article thirty of this appendix.

(43) Theater or auditorium.

(44) Toy store.

B. For general provisions and exceptions, see article twenty six of this appendix. (Ord. 1198, 5-6-1980; Ord. 1273, 12-21-1982; Ord. 1363, §§ 4, 5, 8-19-1986; Ord. 1393, §§ 2C(1) - (5), 11-17-1987; Ord. 1400, § A(1), 5-19-1988; Ord. 1416, § 2B, 4-18-1989; Ord. 1486, §§ 2, 3, 2-16-1993; Ord. 1497, § 9, 5-17-1994; Ord. 1550, § 2, 10-7-1997; Ord. 1556, § 1, 5-5-1998; Ord. 1589, § 1, 1-16-2001; Ord. 1658, § 3, 9-7-2004)

Section 801.5 Uses Allowed with a Conditional Use Permit:

A. The following uses may be allowed upon approval of a Conditional Use Permit and the provisions of Section 2100B of this Ordinance:

(1) Automobile and motorcycle dealerships conducted wholly within a building enclosed on all sides including the display, storage, repair, and reconditioning of vehicles, subject to the provisions of Article 26 of this Ordinance.
(2) Auction yards or sales

(3) Bar and night club. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance.

(4) Billiard & Pool Hall, bowling lanes. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance.

(5) Bus depot and taxi terminal, no repair or storage on site

(6) Call Center

(7) Church

(8) Commercial recreation, including but not limited to arcades, Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance.

(9) Drive-In Theatre

(10) Gymnasium

(11) Hotel/Motel and apartment Hotel

(12) Institutional buildings such as schools, colleges, hospitals, sanitariums, and Buildings of an educational, charitable or philanthropic nature (but excluding Veterinarian or animal hospital or shelter, penal, correctional or mental institutions or hospitals).

(13) Large Retail over 50,000 sq. f

(14) Nursery, flower or plant and commercial greenhouses; provided that the fertilizer and soil conditioners shall be stored and sold in packaged form only.

(15) Restaurant or café, including dancing and/or entertainment. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance.

(16) Service Station

(17) Theater or auditorium

Section 802. Limitations On Uses (C-2 Zone):
A. No manufacturing or processing of any article or commodity shall be permitted, except as follows:

(1) Only where incidental to a permitted use; and

(2) Only where sold at retail on the premises; and

(3) Only where not more than five (5) persons are engaged in such manufacturing or processing; and

(4) Only where all such manufacturing or processing conducted on the premises is not obnoxious or offensive by reason of noise, odor, refuse, heat, glare, dust, smoke, vibration or other similar causes.

B. All uses shall be conducted wholly within a building enclosed on all sides, excepting:

(1) Advertising structures.

(2) Christmas tree sales.

(3) Commercial recreation.

(4) Drive-in restaurants.

(5) Electrical distribution substations.

(6) Plant nurseries.

(7) Public and private parking.

(8) Super service stations.

(9) Other similar uses customarily conducted in the open.

C. Wholesale sales and services shall not be conducted as the primary use under any circumstances.

D. No use shall be permitted in the C-2 zone, which may be obnoxious or offensive by reason of noise, odor, dust, smoke, vibrations, heat, glare, refuse or other similar causes.

E. Good standard practices generally observed with respect to the operation of the corresponding permitted uses specifically enumerated in Section 801 of this
article shall be referred to as a general standard in the interpretation of this section. (Ord. 1198, 5-6-1980)

Note:
Existing Language to remain appears in normal print.
Proposed language to be added appears in underline print.
Existing language proposed to be removed is shown crossed out.
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING THE ZONING ORDINANCE
PERTAINING TO C-2 USES IN THE CENTRAL COMMERCIAL DISTRICT

WHEREAS, on June 29, 2005, the Community Development Department was requested
by CEI Engineering Associates, Inc. to prepare a General Zoning Ordinance Amendment to
allow “indoor building material sales” under the C-2 Zone, Central Commercial District, with a
Conditional Use Permit.

WHEREAS, Staff reviewed Zoning Ordinance Section 801 Uses (C-2 Zone), in its
entirety, and believes that it would benefit the City to re-evaluate all of the current allowable
uses in the C-2 zone. This amendment would allow some flexibility in considering currently
allowed uses as well as new uses of retail and commercial activities emerging in the marketplace
today. Those uses which have the potential of having a greater impact on the central
commercial district environment would be subject to review by the City Council under the
Conditional Use Permit process. All other existing uses would remain the same.

WHEREAS, the City Council of the City of Porterville at its regularly scheduled meeting
of August 16, 2005, conducted a public hearing on Zoning Ordinance Amendment 2-2005 to
consider those uses that would continue to be allowed in a C-2 zone and those uses that would
be allowed in a C-2 zone with a Conditional Use Permit.

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of
Porterville does hereby amend Article 8, Section 801A 1-44, and Article 8, Section 801.5A
1-16 as follows:

SECTION 1: Article 8 is hereby amended as follows:

SECTION 801: Uses (C-2 Zone)

A. In a C-2 zone, the following uses only are permitted. Any such use involving an
off-sale license for alcoholic beverages shall be subject to the provisions of Section 2100 C and D of this Ordinance.

(1) Any use permitted in the C-1 Zone except that office, business and professional, is not limited to five thousand (5,000) square feet in size per lot or integrated commercial development.

(2) Accessory buildings and uses customarily incidental to any of the uses herein when located on the same or parcel of land.

(3) Antique store.

(4) Auto supply store.

(5) Bird or pet shop.

(6) Blueprinting and photocopying.

(7) Christmas tree sales, provided all pertinent temporary and mobile structures are removed from the subject site by January 15 of each year.

(8) Dancing instruction.

(9) Department store.

(10) Drive-in restaurant or open-air restaurant not serving alcoholic beverages.

(11) Dwellings, provided that no such use shall be on the ground floor of any Structure.

(12) Electrical appliance store and incidental repairs.

(13) Electrical distribution substations, microwave facilities and communication equipment buildings.

(14) Furniture or household appliance store.

(15) Interior decorating shop.

(16) Meat, retail sales, no limitation on number of employees.

(17) Music or vocal instruction.

(18) Printing shop and newspaper publishing.

(19) Public or private parking, subject to other provisions contained herein.

(20) Radio and television store and repair service.
(21) Radio or television studio.

(22) Restaurants or cafes which do not provide dancing, entertainment, or alcoholic beverages.

(23) Secretarial services.

(24) Signing, subject to the stipulations of article twenty of this appendix.

(25) Sporting goods.

(26) Supermarket.

(27) Temporary auto sales subject to approval by the Zoning Administrator as described in Article 33 of this appendix.

(28) Toy store.

SECTION 801.5 Uses Allowed in C-2 Zone with a Conditional Use Permit

A. The following uses may be allowed upon approval of a Conditional Use Permit and the provisions of Section 2100B of this Ordinance.

(1) Automobile and motorcycle dealerships conducted wholly within a building enclosed on all sides including the display, storage, repair, and reconditioning of vehicles, subject to the provisions of Article 26 of this Ordinance.

(2) Auction yards or sales.

(3) Bar and night club. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of 2100B of this Ordinance.

(4) Billiard & Pool Hall, bowling lanes. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance.

(5) Bus depot and taxi terminal, no repair or storage on site.

(6) Call Center.

(7) Church.

(8) Commercial recreation, including but not limited to arcades. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100 B of this Ordinance.
(9) Drive-In Theater.

(10) Gymnasium.

(11) Large Retail over 50,000 sq. ft.

(12) Nursery, flower or plant and commercial greenhouse; provided that the fertilizer and soil conditioners shall be stored and sold in packaged form only.

(13) Restaurant or café which includes dancing and/or entertainment. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance.

(14) Service Station.

(15) Theater or auditorium.

SECTION 4: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

__________________________
Kelly West, Mayor

ATTEST:

John Longley, City Clerk

By _________________________
Georgia Hawley, Deputy
PUBLIC HEARING

SUBJECT: VACATE PUBLIC TEMPORARY TURN AROUND, CONCRETE TRUCK WASH OUT AREA AND STORM DRAIN PIPELINE EASEMENTS RELATED TO THE DEVELOPMENT OF NEW EXPRESSIONS, PHASE FOUR SUBDIVISION (Ennis Land Development, LLC)

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place set for the hearing on the proposed vacation of temporary turn around, concrete truck wash out area and storm drain pipeline easements described in Document No. 2004-0005740, recorded January 21, 2004 in the Office of the Tulare County Recorder. The easements were necessary for the orderly development of the prior subdivision phase, New Expressions, Phase Three, which is next to the southerly boundary of the subject development. These easements are no longer needed due to the construction of the public improvements for New Expressions, Phase Four Subdivision. 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.

These easements are specifically in favor of the City of Porterville. Therefore, it is not necessary to notify the utility companies of the proposed easement vacations. Required utility company easements will be conveyed as a part of the Final Map for New Expressions, Phase Four Subdivision. If there are no objections to the proposed vacation, Section 66434(g) of the Subdivision Map Act allows the City Clerk, as directed by City Council, to officially record the vacation by stating so on the Final Map. The Final Map recordation, in effect, eliminates the need to record a Resolution of Vacation. The developer is requesting acceptance of the Final Map during Scheduled Matters of this City Council Meeting, August 16, 2005.

RECOMMENDATION: That the City Council:

1. Conduct a Public Hearing; and

2. Authorize the City Clerk to execute the vacation of easements dedicated to the City of Porterville described in Document No. 2004-0005740, recorded January 21, 2004, in the Office of the Tulare County Recorder, by signing the appropriate statement on the Final Map.

ATTACHMENTS: Resolution 99-2005
Document No. 2004-0005740 w/ Locator Map
RESOLUTION NO. ______ 99-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE, EASEMENTS
DEDICATED AS DESCRIBED IN DOCUMENT 2004-0005740

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 temporary turn around, concrete truck wash out
area and storm drain pipeline easements in the City of Porterville, County of Tulare,
State of California, and known as easements no longer necessary due to the orderly
development New Expressions, Phase Four Subdivision, of which easements are
generally located within the southwest quadrant of said proposed development.

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 16th day of August,
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
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 a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 19th day of July, 2005.

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

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JOHN LONGLEY, City Clerk

by Patrice Hildreth, Deputy City Clerk
GRANT EASEMENT

THE UNDERSIGNED GRANTOR(s) DECLARE(s)

DOCUMENTARY TRANSFER TAX IS $___.

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

ENNIS HOMES, INC. hereby GRANTS to the CITY OF PORTERVILLE

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

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

Dated 10/29/03

ENNIS HOMES, INC.

by:  

---Signature---

Brian Ennis, President

STATE OF CALIFORNIA  
COUNTY OF TULARE  

On October 29, 2003 before me, a Notary Public in and for said County and State, personally appeared Byron Ennis, who I know 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/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.

---Signature---

WITNESS my hand and official seal.

SUSAN LAFFERTY  
Commission # 1356260  
Notary Public - California  
Tulare County  
My Comm. Expires May 12, 2009

TAKE STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE IF NO PARTY SHOWN MAIL AS DIRECTED ABOVE
EXHIBIT "A"

An easement for the use, maintenance, repair and replacement of a temporary turn around, concrete truck washout area, and Storm Water Pipeline and appurtenances over, across, through and within that portion of the East half of the Southeast quarter of Section 34, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, City of Porterville, County of Tulare, State of California, described as follows:

Parcel 1

Commencing at a point in the East line of said Southeast quarter said point being North 00°09'03" East, 1950.04 feet of the Southeast corner of said Southeast quarter;

Thence, North 89°50'57" West, 861.00 feet of the TRUE POINT OF BEGINNING of the easement to be described;

Thence, North 00°09'03" East, 90.00 feet;

Thence, North 89°50'57" West, 158.00 feet;

Thence, South 00°09'03" West, 89.53 feet;

Thence, North 80°36'29" East, 78.03 feet;

Thence, South 80°27'10" East, 82.15 feet to the TRUE POINT OF BEGINNING.

Parcel 2

A strip of land 10 feet in width the centerline of said 10 feet strip being described as follows:

Beginning at a point in the West line of Parcel 1 described above, said point being South 00°09'03" West, 37.37 feet of the Northwest corner of said Parcel 1;

Thence, South 84°33'37" West, 125.85 feet to a point in the East right of way of State Highway 65 and the terminus of the center line being described.

9/14/03
RESOLUTION NO. 151-2003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A GRANT EASEMENT FROM ENNIS HOMES, INC.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Grant Easement Deed from Ennis Homes, Inc. 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.

Richard M. Stadtherr, Mayor

ATTEST:

John Longley, City Clerk

by Georgia Hawley, Deputy 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 18th day of November, 2003.

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

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

JOHN LONGLEY, City Clerk

By Georgia Hawley, Deputy City Clerk
An easement for the use, maintenance, repair and replacement of a temporary turn around, concrete truck washout area, and Storm Water Pipeline and appurtenances over, across, through and within that portion of the East half of the Southeast quarter of Section 34, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, City of Porterville, County of Tulare, State of California, described as follows:

Parcel 1

Commencing at a point in the East line of said Southeast quarter said point being North 00°09'03" East, 1950.04 feet of the Southeast corner of said Southeast quarter;

Thence, North 89°50'57" West, 861.00 feet of the TRUE POINT OF BEGINNING of the easement to be described;

Thence, North 00°09'03" East, 90.00 feet;

Thence, North 89°50'57" West, 158.00 feet;

Thence, South 00°09'03" West, 89.53 feet;

Thence, North 89°36'29" East, 78.03 feet;

Thence, South 50°27'10" East, 32.15 feet to the TRUE POINT OF BEGINNING.

Parcel 2

A strip of land 10 feet in width the centerline of said 10 feet strip being described as follows:

Beginning at a point in the West line of Parcel 1 described above, said point being South 00°09'03" West, 37.37 feet of the Northwest corner of said Parcel 1;

Thence, South 84°33'37" West, 125.35 feet to a point in the East right of way of State Highway 65 and the terminus of the center line being described.
Subject Easement Vacation for Exhibit "A", Parcel 1 for Maintenance, Repair and Replacement of a Temporary Turn Around, Concrete Truck Washout Area, and Storm Water Pipeline.

Subject Easement Vacation for Exhibit "A", Parcel 2 for Maintenance, Repair and Replacement of a Storm Water Pipeline.
PUBLIC HEARING

SUBJECT: WATER CONSERVATION PHASE II, WATER SYSTEM STATUS

SOURCE: Public Works Department - Field Services Division

COMMENT: Phase II water conservation efforts for 2005 began in May. In June, letters were mailed to restaurants requesting that water only be served upon request. Letters were also mailed to large apartment complexes urging conservation and to avoid watering landscape between 5 am to 10 am and 5 pm to 10 pm. Utility bill notices with conservation tips and avoid watering between 5 am to 10 am and 5 pm to 10 pm will also be delivered. The City promoted May as water awareness month and provided water conservation information and water saving kits to the public during the Porterville Fair. A media campaign began in late May with newspaper and radio messages and web site information provided. The water system status is marginally improved from last year. Mild weather in May & June reduced water demands as compared to prior years. Although the extended 100+ degree days in July have moderately affected the water system, particularly in the early evening hours, the system continues to show reduced water demands as compared to recent years. Water conservation awareness appears to be successful. Porterville residents are encouraged to continue their conservation efforts.

Phase III of the water conservation plan provides for a 20% rate increase on residential and landscape accounts to encourage conservation during times of severe water supply shortage.

RECOMMENDATION: That City Council:

1. Continue with Phase II of the Water Conservation Plan; and

2. Continue this Public Hearing to September 20, 2005, to consider moving into Phase III of the Water Conservation Plan.

ATTACHMENT: Production Graph

P:\pub\work\Engineering\Council Items\Water Conservation Phase II Status for 8-10-05.wpd

Dir Appropriated/Funded CM

Item No. 29
PUBLIC HEARING-STAFF REPORT

SUBJECT: CANYON SPRINGS ESTATES TENTATIVE SUBDIVISION MAP (CONTOUR DEVELOPMENT INC.)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The City Council of the City of Porterville at its regularly scheduled meeting of July 5, 2004, conducted a public hearing to consider approval of Canyon Springs Estates Tentative Subdivision Map. The map proposes to divide a 67.42± acre vacant parcel zoned City R-1 (One-Family Zone) into a 230± lot single family residential subdivision to be developed in two (2) phases. The site is located on the northeast corner of Morton Avenue and Hillcrest Street.

Due to concerns regarding the design of the proposed subdivision, the City Council requested that the developer/applicant work with Staff to redesign the proposed subdivision. In order to provide additional time for revisions, the applicant/agent is requesting that the public hearing be continued and brought back to the City Council on September 6, 2005.

RECOMMENDATION: That the City Council:

1. Continue the public hearing and reschedule this matter before the City Council on September 6, 2005.
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 determinations based on traffic engineering principles 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 does not align, nor will it upon full build out, 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;

Item No. 31
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, contingent upon the completion of the Mathew Street public improvements, south of Olive Avenue.

ATTACHMENTS: Resolution
Locator Map
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 West, Mayor

ATTEST:

John Longley, City Clerk

______________________________
By: Georgia Hawley, Chief Deputy City Clerk
SUBJECT: MAIN STREET AND HENDERSON AVENUE MEDIAN LANDSCAPE RENOVATION

SOURCE: Parks and Leisure Services Department

COMMENT: Pursuant to City Council’s request to aesthetically improve upon the median located at Main Street and Henderson Avenue utilizing artificial turf, staff has received a proposal from Grass Creations. Grass Creations is a local company, the same company that installed similar turf at the Municipal Pool.

The renovation of the area will include removal of the existing material and landscaping, installation of approximately 1300 square feet of Super Turf (artificial), 400 pounds of Red Brick Rubber Bark and 20 linear feet of custom curbing. Two olive trees and the boulders will remain and be incorporated into the new landscaping. The ground will be prepared with a fabric weed mat, and a 4" layer of compacted decomposed granite base. The renovation also entails the extension of the irrigation system along the north border of the median.

The Super Turf is warranted for eight years and has a life expectancy of more than twenty years. Grass Creations is a sole source provider for this material within the area.

The proposal for the Main Street and Henderson Avenue median improvements amounts to $9,500.00. Funding for the project is proposed from the Water Fund as a demonstration water conservation project.

RECOMMENDATION: That the City Council accepts the sole source proposal for the improvements of the median at Main Street and Henderson Avenue, authorize staff to proceed with the project, and schedule the necessary budget adjustment.

ATTACHMENTS: Copy of the proposal

ITEM NO.: 32
7-28-05

City of Porterville
Attn: Milt Stowe
291 N. Main
Porterville, CA 93257

RE: Main and Henderson Median Landscaping

Here is a list of the specifications and details of the median project on Main and Henderson.

Specifications:
1) Approximately 1300 sq. ft. of Super Turf.
2) Approximately 400 lbs of brick red rubber bark installed over a double layer of 5.1 oz weed mat on North side of Porterville sign.
3) Appx. 20 ln. ft. of custom curbing separating the north section.
4) Irrigation for trees and a hard line in north section for future use.

Details of Job:
1) Removal of existing material and Disposal, which includes approximately three trees.
2) A hard line irrigation to trees and water to the north side for future use.
3) Rocks will be left where they are.
4) A curb will be installed to separate north section
5) Double weed blanket in all areas to control the nutgrass.
6) Applying approximately 4" of decomposed granite in the area where the Super Turf will be installed along with mounding in areas to help with the aesthetics of the median area. This will also be applied for drainage purpose.
7) Installing the Super Turf and Rubber bark where specified on the drawing.

If there is any questions on this project please call. Thank you for the opportunity.
PROPOSAL

FROM: Grass Creations
22213 Ave 152
Porterville, CA 93257
559-359-1421 - 559-784-6509 fax

PROPOSAL SUBMITTED TO:

<table>
<thead>
<tr>
<th>NAME</th>
<th>PHONE</th>
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<tr>
<td>City of Porterville (Main &amp; Olive)</td>
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<tr>
<th>STREET</th>
<th>JOB NAME</th>
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<td>Main &amp; Olive</td>
<td>Median on Main &amp; Olive</td>
<td>7/5/2005</td>
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</table>

CITY Porterville

STATE CA, 93257

We hereby submit specifications and estimate for:

Approx. 1300 sq. ft. of Super Turf, approx. 400 lbs of brick red mulch, and 20 ln. ft. of custom curbing. Estimate is for complete installation of project which includes, removal of existing material, ground preparation, fabriscpe weed mat, decomposed granite base compacted, installation of approx. 1300 sq. ft. of Super turf, 400 lbs of rubber mulch and 20 ln. ft. of curbing. Also includes bringing water to north side of median. Super Turf is warranted for eight years with a life expectancy of over 20 years.

We hereby propose to furnish labor and materials—complete in accordance with the above specifications, for the sum of $9,500 with payment to be made as follows:

25% deposit upon acceptance of bid and remainder to be paid when job is completed to customers satisfaction.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accident, or delays beyond our control.

This proposal is subject to acceptance within 60 days and it is void thereafter at the option of the undersigned.

Authorized Signature
Trent Jones, President of Jones Enterprises, LLC & Grass Creations

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Accepted: ___________________________ Signature: ___________________________
Date: ___________________________ Signature: ___________________________
SPECIFICATIONS OF JOB

1. Approx 200 Sq. Ft. of Super turf.
2. Approx 200 lbs of Black Rock Rubble.
4. Irrigation for trees.

SCALE = \( \frac{1}{4} \)"
SUBJECT: Consideration of A Request for Legislation to Extend the Period for Processing Island Annexations beyond January 1, 2007.

SOURCE: City Manager’s Office

Because of recent legislation, the period for processing island annexations was extended until January 1, 2007. The City has recently considered 12 of the annexation areas. There are, however, 17 remaining islands which have been grouped into 5 projects for the Council’s consideration.

This consideration will take significant expense to be considered against other priorities in the course of the appropriation process.

A member of the City Council has asked that consideration be provided to request from the City’s legislators the introduction of a bill to extend the processing date beyond January 1, 2007.

A copy of the current code sections have been attached.
56375.3. (a) In addition to those powers enumerated in Section 56375, a commission shall do either of the following:

(1) Approve, after notice and hearing, the annexation to a city, and waive protest proceedings pursuant to Part 4 (commencing with Section 57000) entirely, if all of the following are true:

(A) The annexation is initiated on or after January 1, 2000, and before January 1, 2007.

(B) The annexation is proposed by resolution adopted by the affected city.

(C) The commission finds that the territory contained in the annexation proposal meets all of the requirements set forth in subdivision (b).

(2) Approve, after notice and hearing, the annexation to a city, subject to subdivision (a) of Section 57080, if all of the following are true:

(A) The annexation is initiated on or after January 1, 2007.

(B) The annexation is proposed by resolution adopted by the affected city.

(C) The commission finds that the territory contained in the annexation proposal meets all of the requirements set forth in subdivision (b).

(b) Subdivision (a) applies to territory that meets all of the following requirements:

1. It does not exceed 150 acres in area, and that area constitutes the entire island.

2. The territory constitutes an entire unincorporated island located within the limits of a city, or constitutes a reorganization containing a number of individual unincorporated islands.

3. It is surrounded in either of the following ways:

(A) Surrounded, or substantially surrounded, by the city to which annexation is proposed or by the city and a county boundary or the Pacific Ocean.

(B) Surrounded by the city to which annexation is proposed and adjacent cities.

(C) This subdivision shall not be construed to apply to any unincorporated island within a city that is a gated community where services are currently provided by a community services district.

(D) Notwithstanding any other provision of law, at the option of either the city or the county, a separate property tax transfer agreement may be agreed to between a city and a county pursuant to Section 99 of the Revenue and Taxation Code regarding an annexation subject to this subdivision without affecting any existing master tax sharing agreement between the city and county.

4. It is substantially developed or developing. The finding required by this subparagraph shall be based upon one or more factors, including, but not limited to, any of the following factors:
(A) The availability of public utility services.
(B) The presence of public improvements.
(C) The presence of physical improvements upon the parcel or parcels within the area.
(5) It is not prime agricultural land, as defined by Section 56064.
(6) It will benefit from the annexation or is receiving benefits from the annexing city.
(c) Notwithstanding any other provision of this subdivision, this subdivision shall not apply to all or any part of that portion of the development project area referenced in subdivision (e) of Section 33492.41 of the Health and Safety Code that as of January 1, 2000, meets all of the following requirements:

(1) Is unincorporated territory.
(2) Contains at least 100 acres.
(3) Is surrounded or substantially surrounded by incorporated territory.
(4) Contains at least 100 acres zoned for commercial or industrial uses or is designated on the applicable county general plan for commercial or industrial uses.

56375.4. Expiration of authority for proceedings
(a) The authority to initiate, conduct, and complete any proceeding pursuant to subdivision (a) of Section 56375.3 does not apply to any territory that, after January 1, 2000, became surrounded or substantially surrounded by the city to which annexation is proposed. The authority to initiate, conduct, and complete any proceeding pursuant to paragraph (1) of subdivision (a) of Section 56375.3 shall expire January 1, 2007. The period of time between January 1, 2000, and January 1, 2007, shall not include any period of time during which, in an action pending in any court, a local agency is enjoined from conducting proceedings pursuant to paragraph (1) of subdivision (a) of Section 56375.3. Upon final disposition of that case, the previously enjoined local agency may initiate, conduct, and complete proceedings pursuant to paragraph (1) of subdivision (a) of Section 56375.3 for the same period of time as was remaining under that seven-year limit at the time the injunction commenced. However, if the remaining time is less than six months, that authority shall continue for six months following final disposition of the action. (b) Between January 1, 2000, and January 1, 2007, no new proposal involving the same or substantially the same territory as a proposal initiated pursuant to paragraph (1) of subdivision (a) of Section 56375.3 after January 1, 2000, shall be initiated for two years after the date of adoption by the commission of a resolution terminating proceedings.

56375.5. Determinations; consistency with local agency influence
Every determination made by a commission regarding the matters provided for by subdivisions (a), (m), and (n) of Section 56375 and by subdivision (a) of Section 56375.3 shall be consistent with the spheres of influence of the local agencies affected by those determinations.
COUNCIL AGENDA: AUGUST 16, 2005

SUBJECT: SCHEDULE STUDY SESSION - MODEL CONSTRUCTION AND DEMOLITION RECYCLING ORDINANCE

SOURCE: Public Works Department

COMMENT: As a component of the SB1066 Time Extension recently granted by the California Integrated Waste Management Board, the Consolidated Waste Management Authority (CWMA) is developing a model Construction and Demolition (C&D) Recycling ordinance. Upon adoption, the CWMA Board will recommend adoption of the ordinance to each of its member agencies.

The purpose of a C&D ordinance is to increase the recycling and reuse of construction and demolition debris, consistent with the goals of the California Integrated Waste Management Act of 1989. Based on its substantial weight and volume, mandatory recycling of C&D waste can have a significant impact on the Authority’s waste disposal and diversion activities.

To allow Council ample opportunity to review the model ordinance and its potential impact, staff recommends a separate study session in September.

RECOMMENDATION: That City Council set a study session on Tuesday, September 13, to review the Consolidated Waste Management Authority’s model Construction and Demolition Recycling Ordinance.

P:\pub\work\Engineering\Council Items\Const Demo Recycling Study Session.wpd

Dir Appropriated/Funded ThE CM Item No. 34
SUBJECT: SCHEDULE STUDY SESSION REGARDING GOLF COURSE MANAGEMENT OPTIONS

SOURCE: Parks and Leisure Services Department

COMMENT: The Golf Pro, which has managed the operations of the Municipal Golf Course, under contract with the City, has provided notice that he intends to exercise an option to be released from the contract in mid October 2005. For several years there has been a variety of discussion regarding the need for the golf course as well as its operation and maintenance. Staff will need direction on whether to recruit for another golf pro, or take the course in another direction. Staff believe that a series of options are available to the City, and will prepare a report outlining the options. Recognizing the potential significance to the golf course in the consideration of options, staff suggest that the City Council schedule a study session for in depth discussion.

Staff recently addressed this matter before the Parks and Leisure Services Commission. The Commission felt that they need more detailed background and understanding of the golf course enterprise before they set a meeting to discuss the management or course options. They have now been supplied with previous City Council staff reports and budget data.

It is staff’s opinion that City Council direction is needed by no later than early September. It is staff’s suggestion that a study session be set for the week of August 29, 2005, and that the Parks and Leisure Services Commission be invited to attend and participate.

RECOMMENDATION: That the City Council set a study session to review options for operational management or conversion of the Municipal Golf Course, and request the Parks and Leisure Services Commission to participate.

ATTACHMENT: Letter from L. Dale Bartlett

ITEM NO.: 35
July 19, 2005

To: Milt Stowe, Recreation Superintendent  
Jim Perrine, Parks and Leisure Director  
John Longley, City Manager  
The Mayor and City Council Members

Upon evaluation of the situation at Porterville Municipal Golf Course, I feel, the changes and desires to improve the facility that brought me to Porterville have been neglected. The long and short term plans of improvement not being accomplished and the changes that were proposed have not implemented. The cost of doing business continues to increase with higher liability rates, increases in workman's compensation, minimum wage, license rates, and cost of living, with no substantial increase in revenues. As a result, I feel that is in my best interest to exercise the option in our agreement to terminate with a ninety day notification beginning July 19, 2005.

If a replacement is found prior to the conclusion of ninety days sufficient notice would be acceptable. All equipment involved to operate the pro-shop and restaurant, that is owned by myself, will also be available for sale to help make for a smooth turn-key transition if so desired.

I would like to express my appreciation to everyone concerned for allowing me to perform the duties of minister of golf operations at Porterville Municipal Golf Course.

Thank You,

L. Dale Bartlett  
PGA Professional