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(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   2. Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Porterville Citizens for Responsible Hillside Development v. City of Porterville.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member McCracken

Invocation

PRESENTATION

Employee of the Month - Debbie Salter

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.


2. Authorization to Dispose of Surplus Vehicles
   Re: Approving the surplus of equipment itemized in the staff report and authorizing that said equipment be sent to auction in accordance with the City’s surplus property policy.

3. Award of Contract - Percolation Pond Expansion and Effluent Pipeline Extension Project
   Re: Awarding project to Nicholas Construction for construction of three percolation ponds, outfall delivery pipelines and other appurtenances, in the amount of $1,301,198.

4. Acceptance of Project - Demolition Project - Two Date Avenue Residential Units
   Re: Accepting the project as complete from Bowen Engineering and Environmental for the demolition of units at 387 S. “B” Street and 129 E. Date Avenue.
5. Joint Funding Agreement with Tulare County for Thunderbolt Probation Officer
Re: Extending the current Agreement for the period of July 1, 2006 to June 30, 2007, in the amount of $30,708, for the juvenile delinquency prevention program.

6. Charter Communications Non-Disclosure Agreement
Re: Approving a Non-Disclosure Agreement with Charter Communications, and authorizing the Mayor to sign same.

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

**Public Hearings**

7. Zone Change 4-2006 and Annexation 464 (Lime Street & Mulberry Avenue)- Cont.
Re: Consideration of annexation of 215± acres generally south of Reid Avenue, north of Mulberry Avenue, east of Scenic Drive and west of Plano Street, and re-zoning to R-1 Single Family Residential, continued from the meeting of June 6, 2006.

**Second Reading**

8. Ordinance No. 1700, Regulating Wireless Communications Towers
Re: Giving Second Reading to Ordinance No. 1700, establishing provisions for the construction and operation and maintenance of wireless telecommunications towers and antennas.

**Scheduled Matters**

9. City Council Appointments
Re: Review of current vacancies on various committees and boards, appointing Council Members to fill said vacancies, and/or changing appointments as deemed appropriate by the Council.

10. Consideration of Ratification of the City Budget
Re: Consideration to ratify the FY 2006/2007 Budget approved at the June 20, 2006 City Council Meeting.

11. CGI Communications, Inc. - Community Video & Street Banner Branding Program
Re: Considering approval of banner design, or appointment of ad hoc committee comprised of two Council Members to design a new banner, and locations as proposed by CGI.

12. Review of Limits for City Expenditures, Indebtedness, and Revolving Cash Fund
Re: Considering limit changes, pursuant to the provisions of Section 48 of the City Charter, and directing staff to prepare a draft ordinance amending Chapter II, Article VII of the Code if changes are made.

13. Consideration of Half-Cent Sales Tax County Transportation Measure
Re: Considering whether the City should support placing a one-half cent Transportation Sales Tax on the Ballot in November, 2006, as proposed by Tulare County Association of Governments.

14. Discussion on Water Conservation Practices
Re: Considering appointment of two Council Members to open roundtable discussions with the development community to investigate ways to reduce water demand.
15. **Consideration of Goal and Priority Setting**
   Re: Considering appointment of ad hoc subcommittee to work with the City Manager to coordinate date, structure and facilitator for goal and priority setting activities, if deemed appropriate by the Council.

16. **Consideration of the City Council Procedural Handbook**
   Re: Setting a date and time to review the modifications to the City Council Handbook.

17. **Potential Ballot Measure**
   Re: Discussion on whether the City should put forth an Advisory Measure for citizens on the November 2006 ballot to consider photographic enforcement of traffic signals and/or speed zones.

Adjourn to a Meeting of the Porterville Redevelopment Agency

**PORTERVILLE REDEVELOPMENT AGENCY AGENDA**

*July 5, 2006*

Roll Call

**WRITTEN COMMUNICATIONS**

**ORAL COMMUNICATIONS**

This is the opportunity to address the Agency on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time.

**SCHEDULED MATTERS**

PRA-1. Redevelopment Agency 2006-2007 Budget
   Re: Consideration to ratify the FY 2006/2007 Redevelopment Agency Budget approved at the Meeting of June 20, 2006.

Adjourn the Redevelopment Agency Meeting to a meeting of the City Council.

**ORAL COMMUNICATIONS**

**OTHER MATTERS**

**CLOSED SESSION**

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

**ADJOURNMENT** - to the meeting of July 18, 2006

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 Chief Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING - MAY 30, 2006
COUNCIL CHAMBERS – 291 N. MAIN ST.
6:00 P.M.

Roll Call: Council Member Irish, Council Member West, Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor Martinez (arrived late)

It was announced that the Mayor would be arriving late. In the Mayor’s absence, Mayor Pro Tem Hamilton opened the Meeting.

Pledge of Allegiance Led by Council Member Stadtherr
Invocation - a moment of silence was observed

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
1. 2006/07 ANNUAL BUDGET - PRELIMINARY REVIEW

Recommendation: That the City Council review the City’s 2006/2007 Annual Budget and schedule a public hearing to consider and adopt the final Budget.

City Manager John Longley presented the item and the proposed Budget. Mr. Longley indicated that the booklet that had been distributed to the Council provided a general overview as to what was proposed in the Budget and how it related to previous years. Mr. Longley then proceeded to review the following areas, each of which were depicted by graphs:

• Revenues and Expenditures - All City Funds (historical and projected Fiscal Year 2005/2006 and 2006/0007)

Mr. Longley noted that staff was proposing a Budget that was significantly increased over the prior year, which he attributed primarily to increased proposed capital expenditures. He stated that funding for said capital expenditures had generally been obtained through loans or grants, or had been compiled from development fees, particularly with regard to the water and sewer funds.

• Fiscal Year 2006/2007 Net Increase (Decrease) in Fund Balance

It was stated that a significant imbalance existed in some of the funds, particularly Water Replacement, Sewer Revolving, General, Special Gas Tax, Transportation Development, and Storm Drain Development. Mr. Longley attributed the net decrease in fund balance in Water Replacement and Sewer Revolving to major capital projects. He noted that every dollar that would be spent was covered by cash that had accumulated over time, or by cash that would be received through special grant funds or loan funds through CIEDB. Mr. Longley stated that in the event loan monies were not forthcoming in the Water Replacement Fund through CIEDB, staff would return to the Council with a modified strategy. With regard to the General Fund, Mr. Longley stated that cash was available to cover every dollar of expenditure, and that recurring expenditures were covered by
revenues. He indicated that monies not covered by specific revenues largely represented carry-over monies proposed to be used for various projects. He added that with regard to Transportation and Storm Drain, the monies were generally accumulated funds or grants that had been received in prior years. Mr. Longley attributed the net decrease in the Transit Fund to a bus that had been budgeted in the previous year and had been proposed for expenditure in the current year. As to the Building Construction, Mr. Longley indicated that the small net decrease in funds was due to capital costs. He then summarized that the other funds were basically balanced.

Mayor Pro Tem Hamilton pointed to the deficit in the Landscape Maintenance District Fund and questioned the reason. Jim Perrine, Director of Parks and Leisure Services, indicated that while assessments were placed on properties, people did not always pay the assessments. He stated that the deficit represented such delinquencies.

In response to questions posed by Council Member Irish, a discussion ensued as to delinquent Landscape Maintenance Districts and how assessments were handled. Mr. Perrine confirmed that staff would provide the Council with a list identifying those Landscape Maintenance Districts with deficits, and that said list would also identify those Districts with CPI adjustments. Council Member Irish voiced support for holding District elections to allow either increases in assessments or to discontinue those Districts that were not paying for themselves.

Mayor Pro Tem Hamilton clarified with staff that Federal 5307 monies had funded the purchase of one CNG bus in the amount of $350,000, and that said funds were carry-over from the prior year. A discussion next ensued as to the Water Replacement Fund, during which Mr. Longley clarified that $6.7 million represented CIEDB projects, $5.6 million were projects that were covered by developer fees, and $887,956 covered capital projects.

- Revenues and Expenditures - Other City Funds (historical and projected Fiscal year 2005/2006 and 2006/2007)

Mr. Longley pointed to the increase reflected in Fiscal Year 2006/2007 expenditures (other than General Fund) and attributed the spike to the major capital projects that the Council had identified as priorities, particularly in the Water Replacement and Sewer, as had just been discussed. With regard to Revenues, Mr. Longley noted the increase was not as large, primarily due to the anticipated revenues from CIEDB for both Water and Sewer, and some CMAQ funds.


The City Manager next reviewed the Major Fund Expenditures, noting the projected increase across the board.


As to the General Fund, Mr. Longley stated that the Revenues and Expenditures were somewhat more symmetrical in the General Fund, and pointed to the projected increase in both, which he primarily attributed to the tax measure.
• **Major General Fund Tax Revenues and Other Revenues (historical and projected Fiscal Year 2005/2006 and 2006 and 2007)**

As to Major Tax Revenues, Mr. Longley indicated that the graph reflected the relationship of Property Tax, Franchise Tax, Utility Users Tax, and Sales Tax Revenues. He pointed to the increase in Property Tax Revenue, which he attributed to the City receiving a larger portion of the Property Taxes. With regard to Sales Tax Revenue, Mr. Longley indicated that while the City was down as a result of the triple flip, the projection for 2006/2007 was higher, primarily due to Measure H. He then commented on the consistent growth of the Utility Users Tax, and the flat movement of Franchise Tax Revenue.

In response to a question posed by Council Member Irish, Mr. Longley indicated that past increases in User Utility Tax Revenue could be attributed, to some extent, to a growth in the economy. He stated that the projected increase for Fiscal Year 2006/2007 was primarily due to the annexations, adding that growth in the community and increasing costs were also factors. A discussion ensued as to what the User Utility Tax encompassed, and the current legislation. Council Member Irish questioned the idea of favoring a tax on cable television, but opposing a change because of the possibility of losing revenue. He commented that he did not believe that approach to be fair and consist with all communications. A discussion ensued as to what was being proposed.

With regard to Other Major General Fund Revenues, Mr. Longley indicated that the graph reflected the relationship between Licenses and Permits, Intergovernmental Revenues, and Charges for Services. He pointed to the spike for Intergovernmental Revenues in FY 2002/2003, a significant portion of which he suggested was due to Vehicle License Fees (“VLF”), and possibly grant monies. He then noted the decrease in Intergovernmental Revenue in subsequent years, which he attributed to the shift in revenue from VLF to property taxes. Mr. Longley next addressed Revenue from Charges for Services.

• **Full Time Employees (Fiscal Year 2001/2002 through projected Fiscal Year 2006/2007)**

Mr. Longley indicated that the data reflected on the graph included filled positions, and noted the dip in Fiscal Years 2003/2004 and 2004/2005. A discussion ensued as to projected staffing levels for FY 2006/2007, during which it was stated that there were actually 175 miscellaneous positions and that 14 were currently vacant.

Upon the arrival of Mayor Martinez, Mayor Pro Tem Hamilton requested a brief synopsis of the information covered thus far, which City Manager John Longley provided. A discussion ensued as to the Landscape and Lighting Maintenance Districts, during which Council Member Irish reiterated his desire to hold District elections.

• **Actions and Policies, City of Porterville, Proposed Draft Budget Fiscal Year 2006/2007**

Mr. Longley proceeded to review each of the items detailed under Actions & Policies of the proposed Budget. In response to a question posed by Council Member Irish, Mr. Longley elaborated on the budgeting concept of “structural deficit.” With regard to the Zalud House, Parks & Leisure...
Services Director Jim Perrine came forward to address an inquiry from Council Member Irish. Mr. Perrine indicated that staff proposed to initiate a Master Plan for the Zalud House and the adjacent property, the expense of which made the budget for the Zalud House out of balance. He estimated that approximately $25,000 of General Fund monies were budgeted to support the Zalud House, adding that funds would be drawn equally from the Zalud Trust and carryover to support the Master Plan. A discussion ensued as to the length of term left on the Zalud Trust funds and what could be done in terms of funding options.

Council Member Irish voiced concern with keeping the status quo on the Zalud House and spoke of the necessity to find a solution.

With regard to increases in staffing levels for Police and Fire, Mayor Martinez inquired where the City stood in comparison with other cities of like size. A discussion ensued as to the number of sworn officers added to the Police Department and whether it included the five additional officers proposed to be hired with UUT monies. City Manager John Longley indicated that the ten additional officers reflected in the budget was consistent with the plan. He then confirmed that a comparative analysis of Porterville staffing levels to other local cities of similar size would be provided to the Council.

A discussion next ensued as to what constituted a “major service ramp-up.” It was stated that police, fire, development, and parks and leisure (i.e. street trees) services were involved in the ramp-up.

Pertaining to the expansion of library hours, Parks & Leisure Services Director Jim Perrine elaborated on the planned addition of hours at the Heritage Center.

Street maintenance was discussed next, during which Mayor Martinez mentioned a machine to repair potholes that the County was currently utilizing, and questioned whether such a machine might be beneficial to Porterville. A discussion ensued as to how the City currently handled pothole repair, the equipment utilized by the County, and how much roadway could be repaired with the proposed $175,000, which staff estimated would be approximately ½ mile.

Council Member Irish voiced concern that not enough money had been budgeted for street maintenance and asserted that something needed to be done.

Mayor Pro Tem Hamilton noted that the turn around time for the delivery of the street repair machine that the County was utilizing was significant and that if the Council chose to go in that direction, it should keep that in mind.

Mayor Martinez voiced support for looking into the purchase of said equipment.

With regard to initiating master plans for a new primary library facility, Mr. Longley offered further elaboration. He indicated that the foundation of the existing library was problematic, and noted the need for upgrading and expanding the collection for City growth. He pointed out that the project would be lengthy, and stated that the City should begin the process. The changing services of libraries in general was then discussed.
In response to concerns raised by Council Member West regarding the deteriorated condition of Henderson Avenue between Indiana Street and Main Street, Public Works Director Baldo Rodriguez informed the Council of the status of work. He stated that the City had submitted a grant application and was being considered for funding for the design of the project.

Council Member Irish recalled that monies had been previously budgeted for the project, but that the Council at that time had redirected those monies.

Mayor Pro Tem Hamilton inquired as to whether any plans for improvements to G Street north of Henderson Avenue had been made. Mr. Rodriguez stated that there were drainage concerns there, that design work had been started, and that the work was budgeted for FY 2007/2008.

Mr. Longley proposed that adoption of the budget be placed as a public hearing on the next agenda, with the new Council having an opportunity for ratification.

Mayor Pro Tem Hamilton voiced interest in obtaining more information on the equipment utilized by Tulare County for pothole repairs.

Council Member Stadtherr proposed purchasing the equipment in partnership with another city, perhaps through a JPA.

Council Member Irish voiced support for putting the $175,000 towards the purchase of said equipment rather than repairing ½ mile of road.

Mayor Martinez agreed with the comments made by Council Member Irish, yet noted that some repairs were needed immediately.

Mr. Longley indicated that staff would prepare an issue paper addressing pothole repair generally; information on the equipment, including purchase price, and costs of operating and maintenance; and historical per capita expenditures for road repairs. A discussion ensued as to material costs and labor costs. Mr. Rodriguez clarified that the estimated ½ mile of repairs pertained to applying a ½ inch overlay, not merely pothole repair.

Mayor Martinez confirmed with staff that the increased water costs were reflected in the proposed budget for Parks & Leisure Services.

In response to questions posed by Mayor Pro Tem Hamilton, Deputy City Manager Frank Guyton elaborated on the proposed budget for the Porterville Municipal Airport. Mayor Pro Tem Hamilton voiced concern with security issues in the event farm land was leased to a private farmer. Mr. Guyton indicated that security measures in general aviation did not constitute a “secured facility.” A brief discussion ensued.

Mayor Martinez then inquired as to the possible allocation of discretionary funds for Council Members. City Attorney Julia Lew indicated that she believed other cities did have such funds, but warned that the Council would need to be careful to utilize the funds for public purposes consistent with the powers of the City. Ms. Lew stated that she could research the issue for the Council.
Mayor Martinez next discussed the activities at the Sports Complex and the inability of many children to access the activities due to lack of transportation. He questioned whether the City could purchase a vehicle to provide transportation for the kids to the facility. Parks & Leisure Services Director Jim Perrine indicated that staff could investigate various possibilities for the Council.

In response to Council Member Irish, Mr. Perrine indicated that he was aware of approximately 6 complaints per year on the issue, but that he would need to verify that figure with staff.

Mayor Pro Tem Hamilton suggested that there were likely more kids not participating due to lack of transportation than those who called to complain.

At the Mayor’s request, Administrative Analyst Linda Clark came forward to discuss the potential use of the City’s transit system. Ms. Clark indicated that the transit buses would not be appropriate, pointing out that servicing only a select few would constitute a charter service. She did however note that as buses were replaced, there might be an opportunity for purchasing surplused vehicles.

A discussion ensued as to liability issues, during which Mayor Martinez suggested the City employees were transporting participants to the facility in their own personal vehicles.

Council Member Irish stated that he would like staff to assess whether the need existed before it expended much work on the item.

Mayor Martinez disagreed with Council Member Irish’s suggestion, stating that many children likely did not participate because of transportation issues. He indicated that he would like staff to research options. Mr. Longley confirmed that staff would prepare an issue paper on the viability of and options for transporting sports participants from the Heritage Center to the Sports Complex, and bring an agenda item to the Council at the 2nd meeting in June.

Council Member Stadtherr moved to adjourn the meeting.

Council Member West seconded the motion.

City Manager John Longley summarized what he understood the Council’s direction to be:

That staff provide the following to the Council:
1) A list identifying those Landscape Maintenance Districts with deficits and those including CPI adjustments;
2) Data comparing Porterville police and fire staffing levels to local cities of comparable size;
3) Issue paper on street repairs, purchasing equipment, and associated costs;
4) An Issue paper on discretionary funds for Council Members; and
5) As a separate item, an issue paper on the viability of and options for transporting sports participants from Heritage Center to Sports Complex. This item will be brought to the Council as an agenda item at the 2nd meeting in June.
It was noted that no vote was necessary to adjourn.

**ADJOURNMENT**
The Council adjourned at 7:15 p.m. to the meeting of June 6, 2006 at 6:00 p.m.

_________________________________________
Patrice Hildreth, Deputy City Clerk

ATTEST:

_________________________________________
Pedro R. Martinez, Mayor
Call to Order at 6:00 p.m.
Roll Call: Council Member Irish (arrived late), Council Member West, Mayor Pro Tem Hamilton,
Council Member Stadtherr, Mayor Martinez

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   1 - Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation:
      Porterville Citizens for Responsible Hillside Development v. City of Porterville.
   2- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation:
      City of Porterville v. County of Tulare
   3- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated
      Litigation: One Case.
   4- Government Code Section 54956.8 - Conference with Real Property Negotiators/Property:
      280 N. Fourth Street, APN 253-141-004. Agency Negotiator: Jim Perrine. Negotiating Parties:
      City of Porterville, Porterville Senior Council, Kings/Tulare Area Agency on Aging, and
      Housing Authority of Tulare County. Under Negotiations: Terms and Price.
   5- Government Code Section 54956.8 - Conference with Real Property Negotiators/Property:
      Parties: City of Porterville and Charles R. Reeder and Carol Odom, Trustees of Carol A. Odom
   6- Government Code Section 54956.8 - Conference with Real Property Negotiators/Property:
   7- Government Code Sec. 54957 - Public Employee Performance Evaluation - Title: City
      Attorney.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported the following action:

5- Government Code Section 54956.8 - Conference with Real Property Negotiators/Property:
   Parties: City of Porterville and Charles R. Reeder and Carol Odom, Trustees of Carol A. Odom

Ms. Lew reported that the City Council approved an agreement pertaining to the Plano Street
Bridge Widening Project for the purchase of real property, APNs 261-020-011 and 261-322-068, in the
amount of $54,500. She stated that a fee for the temporary easement in the amount of $21,100 for the
first year, and $5,000, plus $2,300 per month, for each month in the second year, was also approved.
 Documentation: Resolution 64-2006  
Disposition: Approved.


Ms. Lew reported that the City Council approved the sale of the real property located at 129 East Date Avenue, APN 261-080-011 at the appraised value of $36,000.

Documentation: Resolution 65-2006  
Disposition: Approved.

Pledge of Allegiance Led by Renato Garza  
Invocation - a moment of silence was observed.

PROCLAMATIONS
“Teresa de la Rosa Day”
“Dakota Smith Day”

PRESENTATIONS
Employee of the Month - Carl Jordan  
Plaque for Sgt. Major Jason Hillman  
Renato Garza - Certificate of Recognition

Mayor Martinez recognized Mr. Hank Handelsman in the audience and thanked him for the positive influence he had on his life.

Deputy City Manager/Fire Chief Frank Guyton introduced seven new firefighters hired with the Measure H funds.

The Council recessed for ten minutes.

ORAL COMMUNICATIONS
• Muriel Anderson, 221 S. Corona Dr., spoke of the hardship of installing a sidewalk, per the City requirements, which she attributed to cost associated with hard bedrock foundation, and requested relief from the Council. Ms. Anderson then commended the Porterville Fire Department on their quick action to extinguish a grass fire that had occurred in close proximity to her residence. City Manager John Longley indicated that staff would assess the situation and report back to the Council.
• Greg Shelton, 888 N. Williford Dr., voiced agreement with staff’s recommendation for Item 30, and suggested that a local designer be sought. Mr. Shelton then noted Tulare County’s deferment plan for improvements, suggesting something similar might be helpful in Ms. Anderson’s case.
• Harold Landsford, 231 S. Williams Dr., requested that he have the opportunity to speak when the Council discussed Item 32.
• David Prestage, 225 S. Westwood St., came forward on behalf of the Optimist Club of Porterville, thanked the City, particularly Mr. Jim Perrine of Parks & Leisure Services, for the support of their upcoming Camp Country Jamboree event to benefit children with cancer. He then informed everyone that June was Cancer Awareness Month and of the efforts by the Optimist Club.

• Donnette Silva-Carter, Porterville Chamber of Commerce, came forward and requested the Council’s inaction on Item 23, noting recent meetings with Kern County and the EDC during which, due to Kern County’s likely inaction with regard to widening Highway 65, a strategy was developed to shift focus to prioritizing Highway 190.

CONSENT CALENDAR

Item 23 was removed for further discussion.

1. CLAIM - COUNTY OF TULARE

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

Documentation: M.O. 01-060606
Disposition: Approved.

2. CLAIM - JOSEPH WITTMAN

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

Documentation: M.O. 02-060606
Disposition: Approved.

3. REPAIRS TO TRANSIT VEHICLE

Recommendation: That the City Council:
1. Accept the check from California Transit Insurance Pool and direct it to be deposited in Account No. 50-1170-54;
2. Authorize the payment of $6,917.36 from Account No. 50-1170-54; and
3. Direct staff to take the appropriate actions to recover the repair costs from the “at fault” party, including the filing of a small claims action, if needed.

Documentation: M.O. 03-060606
Disposition: Approved.

4. NEGOTIATED PURCHASE - CHLORINE GENERATION EQUIPMENT

Recommendation: That the City Council authorize the purchase of the equipment outlined in the quotation provided by Severn Trent Water Purification, Inc. as described in the staff report.
5. **AUTHORIZATION TO ADVERTISE FOR BIDS - INDIANA STREET RECONSTRUCTION PROJECT, PUTNAM AVENUE TO OLIVE AVENUE**

Recommendation: That the City Council:
1. Approve the Plans and Project Manual for the Indiana Street Reconstruction Project, from Putnam Avenue to Olive Avenue; and
2. Authorize staff to advertise for bids.

Documentation: M.O. 04-060606
Disposition: Approved.

6. **AUTHORIZATION TO NEGOTIATE A CONTRACT - CONSULTING SERVICES FOR VARIOUS CMAQ PROJECTS**

Recommendation: That the City Council authorize the Mayor to sign and execute a $10,000 service agreement, as amended, to secure the services of Adrianus Resources for the purpose of writing two proposals for matching funds relative to recent CMAQ grant projects and to advise senior staff on future alternative fuel options.

Documentation: M.O. 05-060606
Disposition: Approved.

7. **AUTHORIZATION TO DESIGN A SEWER MAIN EAST OF RIVER AVENUE AND “G” STREET INTERSECTION**

Recommendation: That the City Council:
1. Authorize staff to design the sewer main extension west of the intersection of River Avenue and G Street;
2. Authorize the City Engineer to record the easements in accordance with Resolution 1590; and
3. Authorize staff to generate a Payback Agreement at the appropriate time.

Documentation: M.O. 06-060606
Disposition: Approved.

8. **AUTHORIZATION TO AWARD ENVIRONMENTAL SERVICES - COMPLIANCE ANALYSIS**

Recommendation: That the City Council authorize issuing a purchase order to Vector Environmental, Inc. to prepare Authority to Construct permit applications, as required by the Air Pollution Control District, for two new IC engines and the modification of three existing IC engines.
9. AWARD CONTRACT - PNEUMATIC RUBBER TIRE ROLLER

Recommendation: That the City Council award the contract for one (1) Pneumatic Rubber Tire Roller to Pape Machinery of Fowler, California, in the amount of $54,952.50. Further, that the Council authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 09-060606
Disposition: Approved.

10. ACCEPTANCE OF THE SKATEBOARD PARK PARKING LOT

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 10-060606
Disposition: Approved.

11. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN # 261-280-003 - POPLAR IRRIGATION COMPANY, A CORPORATION - PLANO BRIDGE WIDENING PROJECT

Recommendation: That the City Council:
1. Authorize staff to make payment to Poplar Irrigation Company, owner of the subject property, in the amount of $1,000;
2. Authorize the Mayor to sign all necessary documents; and
3. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 66-2006
Disposition: Approved.

12. ACCEPTANCE OF COUNTER OFFER FOR RIGHT OF WAY LOCATED AT APN 261-094-008 – ROGELIO N. AND JOANDREW ZELENY ORTIZ – DATE AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Authorize staff to begin escrow, with the City paying the escrow fees;
2. Authorize staff to make payment to Regelio N. And Joandrew Zeleny Ortiz, owners of the subject property, in the amount of $36,070, after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 67-2006
Disposition: Approved.

13. AUTHORIZATION TO SUBMIT AN ECONOMIC DEVELOPMENT ADMINISTRATION APPLICATION FOR AN AIRPORT LAND USE FEASIBILITY STUDY

Recommendation: That the City Council:
1. Adopt a resolution authorizing a grant application to the Economic Development Administration for the preparation of an airport land use feasibility study; and
2. Authorize staff to proceed with all necessary preparations, including the pre-application.

Documentation: Resolution 68-2006
Disposition: Approved.

14. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - PURCHASE OF TWO HYBRID VEHICLES

Recommendation: That the City Council:
1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct staff to return the signed program supplement to Caltrans.

Documentation: Resolution 69-2006
Disposition: Approved.

15. BICYCLE LANE PROJECT UPDATE

Recommendation: Informational item only.

Documentation: None.
Disposition: Report received by the Council.

16. AFFIRM CITY OF PORTERVILLE POLICY FOR LAND ACQUISITION FOR STATE AND FEDERALLY FUNDED PROJECTS

Recommendation: That the City Council affirm by resolution the City of Porterville Policy for Land Acquisition for State and Federally Funded Projects.

Documentation: Resolution 70-2006
Disposition: Approved.
17. APPROVAL OF AN ENCROACHMENT AGREEMENT WITH FIRST MISSIONARY BAPTIST CHURCH

Recommendation: That the City Council approve the terms of the Encroachment Agreement, as amended, and authorize the Mayor to execute the Agreement.

Documentation: M.O. 11-060606
Disposition: Approved.

18. AUTHORIZE EVENT CO-SPONSORSHIP AND LOAN OF CITY EQUIPMENT FOR OPTIMIST CLUB CAMP COUNTRY JAMBOREEE

Recommendation: That the City Council authorize the City Manager to provide co-sponsorship of the Optimist Club Camp Country Jamboree Event, and make arrangements for the loan of portable badminton equipment, volleyball game equipment, and portable generators for the 2006 event.

Documentation: M.O. 12-060606
Disposition: Approved.

19. AMENDMENT TO ADOPTED INVESTMENT POLICY

Recommendation: That the City Council adopt the draft resolution amending the Statement of Investment Policy as presented to the Council.

Documentation: Resolution 71-2006
Disposition: Approved.

20. UPDATE ON THE PRELIMINARY PROPOSAL FOR INFRASTRUCTURE AND OPERATIONAL ENHANCEMENTS

Recommendation: Informational item only.

Documentation: None.
Disposition: Report received by the Council.

21. AGREEMENT WITH SHELTERED WORKSHOP FOR GRAFFITI REMOVAL SERVICES

Recommendation: That the City Council approve the Agreement for Graffiti Removal Services with Porterville Sheltered Workshop, and authorize the Mayor to sign the agreement.

Documentation: M.O. 13-060606
Disposition: Approved.
22. TRANSIT CENTER LEASE WITH SIERRA MANAGEMENT

Recommendation: That the City Council:
1. Approve the draft Lease with Sierra Management; and
2. Authorize the Mayor and the City Clerk to execute the Lease, which will become effective July 1, 2006.

Documentation: M.O. 14-060606
Disposition: Approved.

24. RESOLUTION OF SUPPORT FOR PROPOSITION 1A

Recommendation: That the City Council approve the draft Resolution in Support of Proposition 1A on the November 7, 2006 Statewide Ballot.

Documentation: Resolution 72-2006
Disposition: Approved.

24A. AUTHORIZATION TO SURPLUS BAT BOXES

Recommendation: That the City Council authorize the surplus of thirty (30) bat boxes under the City’s surplus property policy and procedures.

Documentation: M.O. 15-060606
Disposition: Approved.

Council Member Stadtherr moved that the Council approve Item Nos. 1 through 22, and 24 through 24A.

Council Member West seconded the motion.

City Manager John Longley requested that staff be allowed to offer clarifications on Item Nos. 6 and 17.

Regarding Item No. 6 - Authorization to Negotiate a Contract - Consulting Services for Various CMAQ Projects, City Engineer Mike Reed indicated that the City Attorney had recommended revisions to the agreement proposed by Consulting Firm Adrianus Resources, Inc. He then requested that Ms. Lew review said changes with the Council.

Ms. Lew indicated that the following changes should be made to the Agreement:

Under Paragraph 10 (Conflict of Interest), the following language should be added:

“Consultant agrees to comply with the regulations of City’s “Conflict of Interest Code.” Said Code is in accordance with the requirements of the
Political Reform Act of 1974. Consultant covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder. The term “conflict” shall include, as a minimum, the definition of a “conflict of interest” under the California Fair Practices Act and the City of Porterville Conflict of Interest Code, as that term is applied to consultants.”

New paragraph:

Disputes; Venue. If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. Consultant hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedures, Section 394.

New paragraph:

Attorneys’ Fees. If any litigation is commenced between the parties to this Agreement concerning the Agreement or the rights and duties of either in relation to the Agreement, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted in the litigation, to a reasonable sum as and for its attorneys’ fees in the litigation, which shall be determined by the Court in that litigation or in a separate action brought for that purpose.

Regarding Item No. 17, Parks & Leisure Services Director Jim Perrine indicated that the Paragraph No. 4 of the proposed Encroachment Agreement - Rails to Trails 2006-1 had been slightly modified to more clearly define the cooperative relationship between the church and the City, and the placement of signs regarding parking regulations. He added that the revised agreement had been distributed to the Council.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council approve Item Nos. 1 through 22, and 24 through 24A, including the modifications as stated to Item Nos. 6 and 17. The motion carried unanimously.

23. RESOLUTION OF SUPPORT FOR HIGHWAY 65, PORTERVILLE TO BAKERSFIELD

Recommendation: That the City Council approve the draft Resolution of Support for Highway 65, Porterville to Bakersfield.

Council Member Stadtherr acknowledged the Chamber of Commerce’s efforts to date and involvement in pursuing the widening of State Route 65. He noted the Chamber’s request that evening to reconsider moving forward with the item and requested that it be continued until the next meeting so as to allow time to look into the matter further.
Council Member Irish indicated that he could wait until the next meeting, and noted a potential glimmer of hope that Kern County might actually decide to proceed with the widening project on their end. He attributed the likely change of heart to the recent development of ranchettes along Highway 65.

The Council concurred with Council Member Stadtherr’s request to continue the item until the meeting of June 20th.

Disposition: Continued to June 20, 2006.

PUBLIC HEARINGS

25. CONSIDERATION OF SOLID WASTE SERVICE FEES

Recommendation: That the City Council:
1. Conduct a public hearing to receive public comments;
2. Approve the proposed refuse rate increase;
3. Adopt the draft resolution establishing fees, charges, and frequency for solid waste collection and disposal services; and
4. Authorize the new rate structure to become effective July 1, 2006.

City Manager John Longley presented the item, and called on City Engineer Mike Reed for the staff report. Mr. Reed referred the presentation to the Field Services Division, after which Administrative Analyst Juliann Owens provided the report.

The public hearing opened at 7:53 p.m. and closed at 7:54 p.m. when nobody came forward.

Council Member Irish voiced concern with language in the staff report that referred to a negative impact due to the recent annexations and questioned the validity of such a statement. Mr. Longley indicated that until such time as the City acquired the entire annexed area for services, the level of efficiency would be negatively impacted. He elaborated on state requirements which allowed the previous service provider to continue offering services for a period of time.

In response to a inquiry regarding graffiti, City Attorney provided an update on the prosecutions of graffiti offenders.

Mayor Martinez voiced concern with increasing yet another fee.

City Manager John Longley clarified that the fee was actually for the addition of another service, being the curbside recycling. He added that the $.90 increase was exactly what had been proposed in the RFP, and that choices existed for customers which had the potential to favorably impact their rates. A discussion ensued as to how Porterville’s refuse rate structure compared to other cities in the region, during which it was stated that Porterville was third from the bottom.
Council Member Irish requested that the rate be brought back to the Council for review in one year. City Manager John Longley confirmed that staff would schedule to bring the item back at the first meeting in June 2007.

Council Member Stadtherr moved that the Council approve staff’s recommendation, and direct staff to bring the rate back to the Council for review at the first meeting in June 2007.

Council Member West voiced concern with already increasing the rate when the Council had just approved the recycling program. The City Manager clarified that the rate adjustment had been a part of the proposal process for the curbside recycling program. He stated that the City was successful in the RFP process, due to this proposed rate of $.90.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council approve the proposed refuse rate increase; adopt the draft resolution establishing fees, charges, and frequency for solid waste collection and disposal services; authorize the new rate structure to become effective July 1, 2006; and direct staff to bring the rate back to the Council for review at the first meeting of June 2007.

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

Disposition: Approved.

26. ZONE CHANGE 4-2006 AND ANNEXATION 464 (LIME STREET & MULBERRY AVENUE)

Recommendation: That the City Council adopt the draft resolution approving the Negative Declaration for Zone Change 4-2006 and Annexation 464.

City Attorney Julia Lew noted a conflict of interest, recused herself from the discussion, and left the Council Chambers.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report. Mr. Dunlap then noted correspondence that had not been included in the agenda packets from Mr. Hank Handelsman, a resident in subject annexation area. He summarized and addressed the concerns raised by Mr. Handelsman as being environmental impacts, specifically to the kit fox habitat, and noise impacts associated with the development of the annexed area.

The public hearing opened at 8:09 p.m.

• Jim Winton, business address at 150 W. Morton Avenue, came forward on behalf of the applicant and spoke in favor of the Council’s approval of both the annexation and the
zone change. Mr. Winton noted the east side location of the project and the infrastructure, in terms of City sewer and water, already in place.

- Greg Shelton, 888 N. Williford Drive, spoke in favor of the annexation, as long as the City did not mandate connection to City sewer if the residents’ wells were properly functioning.
- Hank Handelsman, 1382 N. Lime Street, spoke against the proposed development, citing concerns with the proposed density and associated impacts with regard to noise levels.
- Paul Puitt, 1561 N. Plano Street, spoke against the proposed annexation, citing concerns primarily with traffic and roads. He then voiced opposition to the Environmental Impact Report and voiced concern with the current status of roads, specifically citing Main Street north of Henderson as an example. Mr. Puitt then suggested that the City would create more islands if it proceeded with the annexation.
- John Richardson, came forward and identified himself as a property owner on Plano Street. He voiced concern with drainage and runoff issues, noting that the subject property had been designated as a flood plain by the County.
- Ralph Howard, 1018 N. Lime Street, spoke against the proposed development, voicing concerns with increased noise and drainage issues due to the local topography. Mr. Howard then commented on potential drug abuse at a property near his residence. Staff informed him that he would need to contact the Sheriff’s Department, as the subject property was currently outside of the City’s jurisdiction.
- Kevin Puitt, a Plano Street resident, spoke against the proposed development, noting problems with drainage and traffic issues. Mr. Puitt then contended that the City’s sewer system currently in place was inadequate to handle the proposed development and questioned who would fund the necessary upgrades.
- Joe Velasquez, a Plano Street resident, spoke against the proposed development, citing concerns with density, increased noise levels, safety issues due to increased traffic, and environmental impacts.
- Shirley Hughes, 1382 N. Lime Street, voiced opposition to the proposed development, voicing concern with the proposed density of the project, drainage issues and the negative impact on wildlife, particularly the kit fox. Ms. Hughes then questioned the necessity of voting on the annexation and zone change together.
- Jane Caves, 1394 N. Lime Street, voiced opposition to the proposed development, noting concerns with drainage issues and problematic soil for development.
- Bob Kimbrall, 1401 N. Lime Street, spoke against the proposed development, voicing concerns with the proposed density and drainage issues caused by the local topography.

- The public hearing closed at 8:35 p.m.

The Council recessed for ten minutes.

Mayor Martinez indicated that he had consulted with City Attorney during the recess, and because he had conducted business with several property owners in the subject area, a potential conflict of interest existed. He stated that he would therefore recuse himself from discussion on the item. Mayor Martinez then left the Council Chambers.
Council Member Irish noted the need to move cautiously and voiced support for directing staff to schedule a meeting to involve the developer, staff and the concerned residents so as to address some of the issues raised that evening. He then suggested that the concerned residents appoint a spokesperson or spokespeople to represent them.

Council Member Stadtherr agreed and suggested that the issues be condensed into a “frequently asked questions” type of format.

Council Member West agreed with Council Members Irish and Stadtherr’s comments.

Mayor Pro Tem Hamilton questioned whether a meeting would change anything. He then noted that the City’s focus had been on in-fill, and voiced concern with whether the proposed annexation had been a part of the General Plan. Staff confirmed that the annexation was in the current General Plan, as well as the developing General Plan, and fell within the Urban Development Boundary of the City. Mayor Pro Tem Hamilton then pointed out that the County would gladly hand over maintenance of the roads in the subject area.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West that the City Council continue the item until the meeting of July 5, 2006.

M.O. 16-060606

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

Mayor Pro Tem Hamilton requested that concerned residents follow Senior Planner Julie Boyle out into the hallway so they could provide contact information.

Disposition: Continued to July 5, 2006.

Mayor Martinez returned to the Council Chambers.

27. ALEX PLACE TENTATIVE SUBDIVISION MAP (LEONARDO NAVARRETE)

Recommendation: That the City Council adopt the draft resolution approving Alex Place Tentative Subdivision Map.

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

The public hearing opened at 8:55 p.m.

• Jim Winton, business address of 150 West Morton, came forward on behalf of the applicant and spoke in favor of the proposed map, pointing out that the proposal was an in-fill project.
The public hearing closed at 8:57 p.m.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the City Council adopt the draft resolution approving Alex Resolution 74-2006 Place Tentative Subdivision Map. The motion carried unanimously.

Disposition: Approved.

Mayor Martinez noted that there had been a request to move Item No. 32 up on the Agenda, and requested that item be presented next.

SCHEDULED MATTERS
32. REQUEST TO CONSIDER MANUFACTURED HOUSING AS AN ASPECT OF CITY HILLSIDE DEVELOPMENT

Recommendation: That the Council provide direction to staff.

City Manager John Longley presented the item and the staff report.

Council Member Irish suggested that the issue be referred to the Hillside Development Committee for review. He then questioned whether the process could be slowed until such time as a recommendation was made.

Mayor Martinez agreed with Council Member Irish’s suggestion.

Mayor Pro Tem Hamilton also concurred.

A discussion ensued as to the status of the Hillside Ordinance, during which staff advised that according to the consultant, draft policies were to be forthcoming in the very near future. Community Development Director Brad Dunlap stated that the ordinance would not be to the Council for action for at least several months. He elaborated that as currently written, the interim ordinance only regulated subdivisions, and not individual lots. Mr. Dunlap indicated that regulating individual hillside lot development would entail developing standards for architecture, either in the form of square footage of residences, or architectural treatments. He then emphasized that state law prohibited the preclusion of manufactured homes.

City Attorney Julia Lew indicated that she believed the consultant had previously indicated there were design review issues to be discussed.

Community Development Director Brad Dunlap confirmed that he would speak with the consultant regarding the issue and report back to the Council via memorandum.

It was noted that Mr. Harold Landsford had evinced an interest in speaking on Item No. 32 when the Council discussed the matter.
Harold Landsford, 231 S. Williams Drive, spoke of the petition signed by residents in the Corona Heights area that had been provided to the City Manager’s office. He voiced concern with the devaluation of real property values in the Corona Heights area due to the recent placement of a manufactured home on the hillside behind the Barn Theater. Mr. Landsford commented that he believed the interim ordinance to be vaguely written and voiced concern with what he believed was inaccurate boundaries identifying “hillside” areas. He then spoke of the subject manufactured home and alleged sub-standard construction as to both the placement of the home and of an outbuilding on the site. Mr. Landsford requested the Council’s assistance in protecting their investments, and invited all those in attendance that evening on the matter to stand. (Approximately 6 to 8 audience members stood.)

City Manager John Longley confirmed that staff would discuss the addition of design review elements in the ordinance and report back to the Council via memorandum.

Disposition: Direction provided to staff.


Recommendation: That the City Council adopt the draft resolution containing findings and conditions in support of approval for “D” Overlay Site Review 1-2006.

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

Council Member West moved to approve staff’s recommendation.

Ben Ennis, 643 Westwood Street, developer of the project, came forward and spoke in favor of the item. Mr. Ennis pointed out that the exterior elevations shown in the presentation were inadvertently from another project in Fresno, and clarified that the rock would be changed to cobblestone to match the name of the subject project. He added that the exterior would slightly change to enhance its aesthetics.

Council Member Irish spoke of the consistent quality of Mr. Ennis’ projects.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution containing findings and conditions in support of approval for “D” Overlay Site Review 1-2006. The motion carried unanimously.

Disposition: Approved.

29. RESOLUTION OF AMBIGUITY - PROJECT REVIEW COMMITTEE SUBMITTAL REQUIREMENTS

Recommendation: That the City Council interpret Zoning Ordinance Section 2619 as it relates to information submitted to the Project Review Committee.
City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

COUNCIL ACTION: MOVED by Hamilton, SECONDED by Council Member Irish that the City Council interpret Zoning Ordinance Section 2619 as proposed as it relates to information submitted to the Project Review Committee. The motion carried unanimously.

Disposition: Approved.

30. CONSIDER SERVICE AGREEMENT WITH KTU+ A PLANNING AND LANDSCAPE ARCHITECTURE FOR REDESIGN OF BALLFIELDS ADJACENT TO THE HERITAGE CENTER

Recommendation: That the City Council direct the distribution of a design services Request for Proposals for phased implementation of two full-size lighted baseball fields.

City Manager John Longley presented the item, and Parks & Leisure Services Director Jim Perrine presented the staff report.

Mayor Pro Tem Hamilton suggested that at least one of the Commission Members, such as John Hardin, be assigned to the project.

Council Member Irish voiced concern with appointing a Commission Member to the project, and instead suggested that the Commissioner should appoint a member.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the City Council direct staff to distribute a design services Request for Proposals for phased implementation of two full-size lighted baseball fields; and direct the Parks & Leisure Services Commission to appoint a member to the project. The motion carried unanimously.

Disposition: Approved.

31. DEBARMENT PROCEDURES – CITY PUBLIC WORKS CONTRACTORS

Recommendation: That the City Council direct the City Attorney, in conjunction with the Public Works Department, to develop an ordinance setting forth grounds and procedures for contractor debarment, utilizing the sample ordinances provided in the staff report; and provide additional direction as the Council deems appropriate.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.
COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the Council direct the City Attorney, in conjunction with the Public Works Department, to develop an ordinance setting forth grounds and procedures for contractor debarment, utilizing the sample ordinances provided in the staff report; and provide additional direction as the Council deems appropriate. Direction was further given to bring the item back to the Council when the ordinance was ready. The motion carried unanimously.

Disposition: Approved.

ORAL COMMUNICATIONS
• Greg Shelton, address on record, voiced support for Mr. Hardin’s contributions with respect to Item 30; and requested that single family dwellings be excluded from requirements discussed in Item 29.

OTHER MATTERS
• Mayor Martinez addressed an unidentified individual, noted his frequent attendance of late and thanked him for his interest in the issues facing the City.

ADJOURNMENT
The Council adjourned at 9:36 p.m. to the meeting of June 13, 2006.

Patrice Hildreth, Deputy City Clerk

ATTEST:

Pedro R. Martinez, Mayor
Call to Order at 6:34 p.m.
Roll Call: Council Member Irish, Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor Martinez
Absent: Council Member West

Pledge of Allegiance Led by Council Member Irish
Invocation - a moment of silence was observed.

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
1. RIVERWALK MARKETPLACE SHOPPING CENTER DRAFT ENVIRONMENTAL IMPACT REPORT

Recommendation: For the Council’s information only and to allow the public to have comments included into the record.

Deputy City Manager/Fire Chief Frank Guyton presented the item, and Community Development Director Brad Dunlap presented the staff report. Mr. Dunlap noted that the Exhibit contained in the Environmental Impact Report (“EIR”) inaccurately depicted the size of the commercial area in that it showed the boundaries of the project extending beyond the commercial boundary and into the multiple family residential. He presented a corrected Exhibit and proceeded to review the staff report and offered a general overview of the EIR.

Mayor Martinez opened the floor up for questions from the audience.

• Ben Ennis, 643 N. Westwood Street, came forward and commented on the effort of Council Member Stadtherr with regard to roundabouts. He noted their positive attributes and indicated his intention to name the roundabout in Riverwalk Marketplace “Stadtherr Circle.”

Mayor Martinez questioned the position of the bus stop in the proposed development. Mr. Dunlap indicated that the bus stop would likely be located internally and not on Jaye Street as was currently reflected.
Mr. Dunlap then spoke of the plan to incorporate rails to trails access to encourage safe pedestrian and bicycle travel to the center.

In response to concerns raised by Mayor Martinez with regard to potential impacts on child safety due to the increased traffic and street widening, Mr. Dunlap indicated that the proposed development would actually improve the current condition of the area, with the addition of fully-lit sidewalks along Jaye Street and with pedestrian crossings upon the completion of the bridge.

Mayor Martinez invited commentary from the audience, in which nobody partook.

Mr. Dunlap clarified the likely time frame for bringing the item back to the Council for approval, which he estimated to be August 1, 2006. He then elaborated on the process involved.

Council Member Irish commented that he believed that the process to date had taken an exceptionally long time. He requested that staff find out how long the Tulare Lowes took in its development, from application to opening. Mr. Guyton confirmed that a memorandum would be provided to the Council.

ADJOURNMENT
The Council adjourned at 7:01 p.m. to the meeting of June 20, 2006 at 6:00 p.m.

ATTEST:

Patrice Hildreth, Deputy City Clerk

Pedro R. Martinez, Mayor
SUBJECT: AUTHORIZATION TO DISPOSE OF SURPLUS VEHICLES

SOURCE: Administrative Services/Purchasing

COMMENT: Staff has declared the following equipment surplus and requests authority to send the equipment to auction in accordance with the City’s surplus property policy:

Unit #2110, 1970 Van Pelt Fire Pumper
Unit #2119, 1955 REO Fire Pumper, 6-wheel drive
Unit #8010, 1999 Cadillac Escalade
Unit #3208, 1999 Mercury Sable assigned to Special Investigations
Unit #3189, 1997 Ford Taurus, assigned to Special Investigations
Unit #4101, 1999 Ford Crown Victoria Police Patrol Vehicle

Staff received authorization to surplus 30 bat boxes on June 6 and will include them in the next auction also.

RECOMMENDATION: That Council authorize the surplus of the above equipment under the City’s surplus property policy and procedures.
SUBJECT: AWARD OF CONTRACT – PERCOLATION POND EXPANSION AND EFFLUENT PIPELINE EXTENSION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On June 15, 2006, staff received (4) bids for the Percolation Pond Expansion and Effluent Pipeline Extension Project. This project consists of the construction of three (3) percolation ponds, outfall delivery pipelines and other appurtenances in the base bid, with an additional three (3) percolation ponds and appurtenances in the add alternate bids. This project is required under the City’s Cease and Desist order issued by the Regional Water Quality Control Board.

The estimated probable cost for the base bid was $1,465,790 and an estimated probable cost of $2,143,543 for all six (6) ponds. Funding is from the Wastewater Treatment Facility Capital Reserve approved in the 2005/2006 Annual Budget and will be reimbursed through the CIEDB loan.

The bids, including Add Alternate 3, for all six (6) ponds are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Nicholas Construction Bakersfield, CA</td>
<td>$1,301,198</td>
</tr>
<tr>
<td>2. HPS Mechanical, Inc. Bakersfield, CA</td>
<td>$1,519,375</td>
</tr>
<tr>
<td>3. Kaweah Construction Co. Fresno, CA</td>
<td>$2,302,982</td>
</tr>
<tr>
<td>4. Mitch Brown Construction, Inc. Porterville, CA</td>
<td>Unable to Determine</td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Percolation Pond Expansion and Effluent Pipeline Extension Project to Nicholas Construction in the amount of $1,301,198;

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

3. Authorize a 10% contingency to cover unforeseen construction costs.
SUBJECT: ACCEPTANCE OF PROJECT – DEMOLITION PROJECT – TWO DATE AVENUE RESIDENTIAL UNITS

SOURCE: Public Works Department - Engineering Division

COMMENT: Bowen Engineering and Environmental has completed the Demolition Project per plans and specifications. The project consisted of the demolition of two (2) single-family residences, one at 387 S. “B” Street and the other at 129 E. Date Avenue. The City purchased the homes during right-of-way acquisition for the Date Avenue Reconstruction Project. The homes were in conflict with the proposed public improvements.

City Council authorized expenditure of $25,410. Final construction cost is $23,100. Local Transportation Funds are being used to fund this project.

Bowen Engineering and Environmental requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;

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

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

ATTACHMENT: Locator Map

P:\pub\work\Engineering\Council Items\Acceptance of Project - Demolition Project - Two Date Avenue Residential Units 7-5-06.doc

Item No. 4
SUBJECT: JOINT FUNDING AGREEMENT WITH TULARE COUNTY FOR THUNDERBOLT PROBATION OFFICER

SOURCE: Police Department

COMMENT: The City of Porterville and the County of Tulare have had a long-standing agreement wherein they provide the Thunderbolt Delinquency Prevention Program to the community. The City provides office space in the police facility and pays the County for 50% of the Probation Officer’s total yearly cost. The current agreement is set to expire on June 30, 2006. The cost of funding Porterville’s portion of the program in the upcoming fiscal year has been determined to be $30,708. Funds to cover this expense have been allocated in the Police 2006/2007 budget.

The Thunderbolt Delinquency Prevention Program has been a vital component in dealing with juvenile crime in Porterville for almost twenty-two years. This is a “diversion type” program for minors who are first time offenders and/or considered “at risk.” These minors are dealt with through an informal probation process that includes supervision, restitution, community service, and counseling. This program has been very successful in combating delinquency in our community. Without this program, a vast number of these minors would fall through the cracks, and receive no substantial consequences for their violations of law.

RECOMMENDATION: That the City Council:
1) Extend the current Agreement for joint funding of the Thunderbolt Probation Officer for the period of July 1, 2006 to June 30, 2007 in the amount of $30,708; and

2) Authorize the Mayor to execute the Agreement on behalf of the City of Porterville.

Attachment: Agreement
AMENDMENT TO AGREEMENT

THIS AMENDMENT TO AGREEMENT, is entered into as of ___________, 2006, between the COUNTY OF TULARE, referred to as the COUNTY, and CITY OF PORTERVILLE, referred to as the CITY, with reference to the following:

A. The parties entered into an Agreement as of June 24, 2003, (Tulare County Agreement No. 21658) to obtain the services of a Probation Officer employed by the COUNTY for its Thunderbolt Delinquency Prevention Program:

B. Tulare County Agreement No. 21658 was subsequently amended by Tulare County Agreement Nos. 21658-A and 21658-B.

C. The parties now desire to extend said agreement for one additional year.

ACCORDINGLY, IT IS AGREED:

A. Paragraph 17 of said Agreement is hereby amended to read as follows:

17. TERM: This Agreement shall become effective July 1, 2003, and shall terminate on June 30, 2007, unless otherwise terminated as provided in the Agreement.

B. Except for the amended paragraph of said Agreement, all other terms and conditions of said Agreement shall remain in full force and effect.

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TULARE COUNTY AGREEMENT NO. ________
THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signature below:

COUNTY OF TULARE

Date: ____________________________  By ____________________________
Chairman, Board of Supervisors

“County”

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

By ____________________________
Deputy Clerk

CITY OF PORTERVILLE

Date: ____________________________  By ____________________________

Title ____________________________

“CITY”

ATTEST:

________________________________
City Clerk

Approved as to Form
County Counsel

By ____________________________
Deputy

Date: 03/14/2004

SMC/2006331/
COUNCIL AGENDA: JULY 5, 2006

SUBJECT: CHARTER COMMUNICATIONS
NON-DISCLOSURE AGREEMENT

SOURCE: ADMINISTRATION

COMMENT:

The City of Porterville has retained the Communications Support Group Inc. to conduct a review of franchise fees paid by Charter Communication to the City. In order to proceed, Charter Communications is requesting the City sign a Non-Disclosure Agreement. The City Attorney has reviewed the agreement and recommends approval.

RECOMMENDATION: That the City Council:

- Approve the attached Non-Disclosure Agreement
- Authorize the Mayor to sign the document

ATTACHMENTS:
- Non-Disclosure Agreement

Dir.  Funded  C/M  Item No. 60
Approp.
NON-DISCLOSURE AGREEMENT

CHARTER COMMUNICATIONS PROPERTIES LLC. (hereinafter "Charter"), the CITY OF PORTERVILLE (hereinafter "City"), BILL MORGAN, DIEHL, EVANS & COMPANY, LLP and JOHN RISK, COMMUNICATIONS SUPPORT GROUP, INC. (collectively the "Parties"), hereby enter into this non-disclosure agreement effective as of the last of the three signature dates set forth below (hereinafter "Agreement").

1. PURPOSE.

The purpose of this Non-Disclosure Agreement is to provide protection from disclosure to Confidential Information, as defined in Paragraph 2 herein, submitted by Charter to the City and/or CSG as part of an audit of Charter’s franchise fee payments.

2. CONFIDENTIAL INFORMATION.

The Confidential Information protected by this Agreement relates to Charter’s financial information or other business and/or technical information, in whatever form submitted, and all copies and derivatives containing such Confidential Information, which Charter considers proprietary or confidential. All Confidential Information shall be prominently identified as such by proper label and shall not be deemed Confidential Information unless so identified.

3. CONFIDENTIAL PERIOD.

This Agreement shall expire three (3) years after the last disclosure of such Confidential Information.

4 CONSULTANTS.

Solely for purposes of this Agreement, City consultants shall be treated in the same manner as employees of the City. They will sign this agreement and it will be binding on them individually.

5 TITLE.

All materials furnished by Charter shall remain the property of Charter and shall be destroyed by the City or returned to Charter promptly upon conclusion of the franchise fee audit for which the Confidential Information was provided, or at Charter’s written request, together with any copies thereof. Charter’s disclosure of Confidential Information does not confer upon the City any license, interest or right of any kind in or to the Confidential Information.

6 NON-USE AND NON-DISCLOSURE.

Except as otherwise provided in this Agreement, City agrees not to disclose any Confidential Information to third parties or to City employees, except City consultants or employees who are required to have the information for the City’s franchise audit purposes.
consultants or employees who are required to have the information for the City's franchise audit purposes.

7 MAINTENANCE OF CONFIDENTIALITY.

City shall take at least those measures that it takes to protect its own confidential information, but in no case less than reasonable care, and shall ensure that its employees or Consultants who have access to Confidential Information have signed a non-use and non-disclosure agreement in content substantially similar to the provisions hereof, prior to receipt of Confidential Information.

8. EXCLUSIONS.

The Agreement imposes no obligations upon the City with respect to information that: (a) was in City's possession free of obligation of confidence before receipt; (b) is or becomes a matter of public knowledge through no fault of City; (c) is rightfully received by City from a third party without a duty of confidentiality to City; (d) is disclosed by Charter to a third party without a duty of confidentiality on the third party; (e) is independently developed by City without reference to any information of Charter; (f) is disclosed under operation of law; (g) is disclosed with Charter's prior written approval; or (h) is not identified as Confidential Information in the manner provided in Section 2 hereof. To the maximum extent permitted by law, City shall hold the Confidential Information in strict confidence and shall not reveal the same except for any information generally available to or known to the public or otherwise required by law to be disclosed. This Agreement shall not require the City to file or defend a lawsuit to protect Confidential Information. City shall provide reasonable advance notice to Charter before releasing any information provided to City by Charter which is required to be released under the California Public Records Act or similar law applicable to governmental entities.

9. GENERAL.

A. This Agreement does not create any agency or partnership relationship.

B. All additions or modifications to this Agreement must be made in writing and must be signed by an authorized officer of each party.

C. Charter represents that the Confidential Information which it provides to City hereunder is accurate and complete. If Charter provides Confidential Information that it knows or has reason to know is incomplete, it shall notify City of such at the time said information is provided or when said it becomes aware that such information is incomplete, whichever occurs first.

D. Neither party will assign or transfer any rights or obligations under this Agreement, without the prior written consent of the other party.

E. This Agreement shall be construed in accordance with the laws of the State of California, without giving effect to principles of conflict of laws. Any suit under this Agreement will be brought solely in the federal or state courts in the Central District of California.
F. This Agreement constitutes the entire agreement with respect to Confidential Information disclosed hereunder and supersedes all prior or contemporaneous oral or written agreements concerning such Confidential Information. Any failure to enforce any provision of this Agreement shall not constitute a waiver thereof or of any other provision of this Agreement.

DATED:  

CHARTER COMMUNICATIONS PROPERTIES LLC

By ____________________________

______________________________  (Title)

______________________________  (Print Name)

DATED:  

CITY OF PORTERVILLE

By ____________________________

______________________________  (Title)

______________________________  (Print Name)

DATED:  

JOHN RISK, COMMUNICATIONS SUPPORT GROUP, INC

By ____________________________

______________________________  (Title)

______________________________  (Print Name)

DATED:  

BILL MORGAN, DIEHL, EVANS & COMPANY, LLP

By ____________________________

______________________________  (Title)

______________________________  (Print Name)
PUBLIC HEARING- CONTINUED

TITLE: ZONE CHANGE 4-2006 AND ANNEXATION 464 (LIME STREET & MULBERRY AVE)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: During the scheduled public hearing of June 6, 2006, the City Council heard comments from a number of property owners in the area surrounding the proposed annexation. In an effort to better understand and resolve concerns, the Council called for a continuation of the public hearing to the meeting of July 5. Council also directed staff to meet with interested parties and address the concerns; a meeting was held the evening of June 12 to discuss the interested parties' concerns. The comments related primarily to the potential development density of the area to be annexed, noise related issues, the drainage and soils of the project area, road improvements, and biological issues.

Density of future development:
The General Plan diagram (completed in 1989) shows the project area is designated Low Density Residential land (2-7 dwelling units per acre). Further, the General Plan diagram of 1980 showed the same General Plan designation for the project area. The proposed annexation is consistent with the current General Plan land use designation as well as General Plan policies and goals that state the City's commitment to preservation of farmland by focusing development to the north and east; this annexation is consistent with the long established goals of the City.

Noise generation and attenuation:
The General Plan EIR evaluated the development potential of this area, and when the City Council adopted the General Plan EIR, findings of overriding consideration were made regarding noise and development of rural areas. Noise generated by residential uses would not be considered significant so long as the noise levels do not exceed those outlined in the City's Noise Element of the General Plan.

Drainage and soils:
Drainage and soils related issues are unquestionably an important concern, but are more appropriately considered in light of a development application. At this time, no maps have been approved, and any consideration of a subdivision or construction of housing would be subject to evaluation of the hydrologic patterns and geology of a project area. Improvements, when approved and constructed, will be designed to accommodate the expansive soils and drainage will be designed to direct runoff to drainage facilities designed in compliance with local, state and federal regulations.
Kit Fox:
The presence of kit fox was not confirmed in a biological survey completed in the project area. No signs of habitat, including dens, scat, or tracks were evident in the project area. A U.S. Fish and Wildlife Service biologist visited the project area approximately two years ago, and at that time, no evidence could be found to identify kit fox or kit fox habitat in the northeast area of the Porterville Urban Development Boundary. Photographs presented to the Service biologist were reviewed and determined to be grey fox, which have distinct characteristics to lead to a positive identification.

Traffic issues:
Generally, the greatest concerns voiced in regards to this issue focused on road improvements. Upon annexation, the project area would be added to the maintenance schedule for road improvements. Although funds are currently limited, potholes would be patched on a more aggressive schedule in the city than could be provided by the County. Overall reconstruction of roads would be completed as funding becomes available, most likely through collection of transportation impact fees as projects are approved, or through grants. One commenter referenced the intersection of Reid Avenue and North Main Street as an intersection that needed immediate attention and was in major disrepair. As the area of that intersection is already within the City of Porterville, that intersection has recently been patched, and those concerns have been addressed.

Recreational areas:
One comment was made at the Council meeting regarding availability of recreation space for residents of the future homes built in the annexation area. As development plans are submitted, the Project Review Committee will address the provision of recreation on a project-by-project basis. Potential solutions include the inclusion of a pocket park and payment of recreation impact fees to be used for the construction of a neighborhood park.

City-wide development opportunities:
At the Council meeting of June 6, Councilmember Hamilton raised the question of how many approved lots are available for development within the City of Porterville. Currently, approximately 1279 lots have been approved through the Tentative Subdivision Map stage. Of these, only 143 lots have Final Maps recorded. At present, the average number of building permits for residential development, per year, is 280. The LAFCO generally recommends a supply of subdivided lots and residentially zoned land for a ten-year period. Currently within City limits there are approximately 640 acres of land available for residential development. Estimating an average development potential of four units per acre, this area could provide approximately 2,560 single-family lots. It should be noted, however, that a portion of this acreage is in the hillside area, decreasing developable density. The 1,279 lots already tentatively approved in addition to the 2,560± lots potential from properly
designated acreage, results in approximately 3,839 potentially developable lots. Considering an average permit issuance of 280 permits per year, the City could maintain a number of subdivided lots up to 2800. This is not to say that the City is under served with housing development opportunities. Approval of the proposed annexation would not adversely affect the supply of buildable lots or flood the market. Actually, although a joint environmental document was filed to more wholly evaluate potential environmental impacts in the area, approval of the annexation does not immediately approve the proposed subdivision on a portion of the project area. A Tentative Subdivision Map approval would still be required to move forward with any development options.

The original staff report, less attachments, is attached for reference and action.
TITLE: ZONE CHANGE 4-2006 AND ANNEXATION 464 (LIME STREET & MULBERRY AVE) 

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION 

COMMENT: Annexation 464 proposes the incorporation of 215± acres of land into the City of Porterville. The annexation is generally south of Reid Avenue, north of Mulberry Avenue, east of Scenic Drive and west of Plano Street, but does not include all lands within these boundaries. Details of the project area are defined graphically in the Staff Report.

In addition to the annexation, this project includes a 147-lot single-family residential subdivision on 30± acres. At this time, no maps have been approved, but the City has received an application and considered the conceptual drawings during this evaluation. The land is currently within the County, and is zoned Exclusive Agricultural (AE-20) Zone and Rural Residential (R-A-217) Zone. Upon annexation, all undeveloped areas will be zoned R-1, Single Family Residential zoning, which is consistent with the Low-Density Residential Land Use Designation of the General Plan. This would allow a density of 2-7 dwelling units per acre. Currently six single-family homes are located in the project area. The environmental documents evaluate the large-scale impacts of development consistent with the proposed zoning, but defers detailed study of future subdivisions to such time as applications are filed. Of the 215± acres of land, approximately 143± acres are potentially developable. All development projects will be subject to the Project Review process.

ENVIRONMENTAL: The Environmental Coordinator, on May 4, 2006, made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review. As of this date, comments have been received from San Joaquin Valley Air Pollution Control District.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Zone Change 4-2006 and Annexation 464.
2. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

3. Approve the Draft Ordinance approving Zone Change 4-2006, waive further reading and order the Ordinance to print.

ATTACHMENT:

1. Complete Staff Report
PUBLIC HEARING - STAFF REPORT

TITLE: ZONE CHANGE 4-2006 AND ANNEXATION 464

APPLICANT(s): City of Porterville  
               291 N. Main Street  
               Porterville, CA 93257  
               Cecil Salas  
               3120 Glenvyille Ave  
               Madera, Ca 93637  
               Jim Smith  
               P.O. Box 271  
               Atascadero, CA 93423  
               Brad Gilton  
               4204 S. University  
               Visalia, CA 93277

PROJECT LOCATION: In northern Porterville, generally south of Reid Ave., north of Mulberry Ave., east of Scenic Drive, and west of Plano Street.

SPECIFIC REQUEST: The applicants have requested annexation and a zone change from County AE-20 and R-A-217 to City R-1 for that site generally located east of Scenic Drive, west of Plano Street, south of Reid Avenue, and north of Mulberry Avenue. The pre-zoning will become effective upon consummation of Annexation 464.

PROJECT DETAILS: Annexation 464 proposes the incorporation of 215± acres of land into the City of Porterville. The annexation is generally south of Reid Avenue, north of Mulberry Avenue, east of Scenic Drive and west of Plano Street, but does not include all lands within these boundaries. Details of the project area are defined graphically in the attachment 1. In addition to the annexation, this project includes a 147-lot single family residential subdivision on 30± acres. At this time, no maps have been approved, but the City has received an application and considered the conceptual drawings during this evaluation. Upon annexation, all undeveloped areas will be zoned R-1, Single Family Residential zoning consistent with the Land Use Designation of the General Plan Amendment. The environmental documents evaluate the large-scale impacts of development consistent with the proposed zoning, but defers detailed study of future subdivisions to such time as applications are filed. Of the 215± acres of land, approximately 143± acres are potentially developable. All development projects will be subject to the Project Review process.

The Porterville General Plan designates this site for Low Density Residential uses. Upon annexation, the subject site will be zoned City R-1 (One-Family Residential) Zone pursuant to Section 110A-4 of the Porterville Zoning Ordinance and in support of the General Plan. Consents to annex have been received by three of the property owners, owning approximately 142.6 acres of land. An additional 38.75± acres is owned by the County who supports the annexation.
STAFF ANALYSIS: Approval of the annexation would incorporate 212± acres of land into the City of Porterville. 72 acres are currently developed and approximately 143± acres are potentially developable. The annexation proposed includes the development of 30 acres into 147 single-family residential lots. The current estimated population of the project area is 20 persons. Based on the Department of Finance population estimates the area has potential, fully developed with R-1 uses, to have a population of approximately 2070 persons, of that, approximately 441 persons are estimated to populate the proposed subdivision.

Upon annexation, approximately 6750 lineal feet of Lime Street, Plano Street, Reid Avenue, Road 246 and La Vida Avenue will be added to the City’s maintenance schedule. Development impact fees will supplement the funding necessary to provide street maintenance. Likewise, development impact fees and school and park impact fees will supplement the funding necessary to provide those services.

GENERAL PLAN LAND USE DESIGNATION: Low Density Residential

SURROUNDING AREA ZONING AND LAND USE:

North: County – Reid Avenue and orchards.
South: City – Developed single-family residential subdivision.
East: County – Orchard and rural residential uses.
West: County – Rural residential uses.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No Project. Denial of proposed Lime Street Annexation No. 464 would preclude the subject site from being incorporated into the City

2. Approval of the proposed zoned change to City R-1 and annexation would allow for future development of the site to be in conformance with the General Plan and proposed zoning.

ENVIRONMENTAL: The Environmental Coordinator on May 4, 2006 made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review. Comments were received from the San Joaquin Valley Air Pollution Control District.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Zone Change 4-2006, and

2. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.
3. Approve the draft ordinance approving Zone Change 4-2006, waive further reading and order the Ordinance to print.

ATTACHMENTS:

Previously provided
1. Subject Site and Land Use Map
2. Negative Declaration and Initial Study
3. Mitigation Monitoring Plan
4. Draft Resolution approving Negative Declaration for Zone Change 4-2006 and Annexation
464
5. Draft Resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.
6. Draft Ordinance approving Zone Change 4-2006
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE
DECLARATION OF ENVIRONMENTAL IMPACT FOR ZONE CHANGE 4-2006
ANNEXATION 464.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of June 6, 2006, conducted a public hearing to consider changing the existing County AE-20
(Exclusive Agriculture 20 Acre Minimum) Zone and the Rural-Residential (Single Family R-A-217)
Zone to City R-1 (One Family Residential) consistent with the General Plan designation in northern
Porterville, generally south of Reid Ave., north of Mulberry Ave., east of Scenic Drive, and west of
Plano Street; and

WHEREAS: Annexation 464 proposes the incorporation of 215± acres of land into
the City of Porterville. The annexation is generally south of Reid Avenue, north of Mulberry Avenue,
east of Scenic Drive and west of Plano Street, but does not include all lands within these boundaries.
Details of the project area are defined graphically in the subject site map attached hereto as Exhibit
“A” locator maps.

WHEREAS: In addition to the annexation, this project includes a 147-lot single
family residential subdivision on 30± acres. At this time, no maps have been approved, but the City
has received an application and considered the conceptual drawings during this evaluation. Upon
annexation, all undeveloped areas will be zoned R-1, Single Family Residential zoning.

WHEREAS: The environmental documents evaluate the large-scale impacts of
development consistent with the proposed zoning, but defers detailed study of future subdivisions to
such time as applications are filed. Of the 215± acres of land, approximately 143± acres are
potentially developable.

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. The Environmental Coordinator has found that although the proposed project could
   have a significant effect on the environment, there will not be a significant effect in
   this case because revisions in the project have been made by or agreed to by the
   project proponent as defined in the environmental document and Mitigation
   Monitoring Plan.

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, for a period of 20 days, as prescribed by State law. The San Joaquin Valley Air Pollution Control District provided comment, and those comments have been addressed as appropriate and added to the record. In addition, one member of the public made comments, and those comments have been addressed and added to the record.

5. That review of the environmental circumstances regarding this project indicates that no significant 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 Zone Change 4-2006 and Annexation 464 and adopts the Mitigation Monitoring Report attached hereto as Exhibit “B”

______________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By______________________________
Georgia Hawley, Deputy
RESOLUTION NO ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA MAKING APPLICATION FOR CHANGE OF ORGANIZATION OF TERRITORY KNOWN AS ANNEXATION NO. 464

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services, and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:
   
   A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.
   
   B. The nature of the proposal is a change of organization as follows:

   A description of the exterior boundaries of the territory to be annexed is attached hereto and marked Exhibit “A” and made a part hereof by reference as though set forth herein.

   C. The reasons for this proposal are as follows:

   To provide municipal services including sanitary sewer, water, and storm
drainage services, increased police and fire protection, and other municipal services as so required. To provide proper control, orderly development, and logical growth in accordance with the City of Porterville General Plan, LAFCo’s Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.

D. In accordance with the City Council Resolution No. 6956, adopted on April 3, 1973, and as subsequently modified, the Environmental Coordinator of the City of Porterville on May 4, 2006, accepted and found to be adequate under the provisions of the California Environmental Quality Act of 1970, as amended, an environmental assessment finding that said annexation will not have a significant effect on the environment, and the City Council of the City of Porterville, does hereby approve a Mitigated Negative Declaration for the project in accordance with the California Environmental Quality Act.

E. That the environmental assessment and analysis prepared for Annexation No. 464 supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

F. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the project will not have a negative impact on the environment.

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

H. That the subject site consists of 215± acres.

I. In conjunction with the annexation, Zone Change 4-2006 proposes to change existing zoning from County AE-20 and R-A-217 to City R-1.

J. The subject site is located within Porterville’s Urban Development Boundary and Sphere of Influence Boundary.

K. Porterville’s General Plan designates the site for Low Density Residential use.

L. In addition to the annexation, this project includes a conceptual design for a 147-lot single-family residential subdivision on 30± acres. At this time, no maps have been approved, but the City has received an application and considered the conceptual drawings during this evaluation. Upon annexation, all undeveloped areas will be zoned R-1, Single Family Residential zoning consistent with the Land Use Designation in the General Plan.

M. 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.

N. It is hereby requested that proceedings be taken for the change of organization proposed herein.

2. The City Clerk (or other official) of the City of Porterville is hereby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.

________________________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By
Georgia Hawley, Deputy
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 4-2006 (PRE-ZONING) CONSISTING OF 215± ACRES AND
ANNEXATION 464 IN NORTHERN PORTERVILLE, GENERALLY SOUTH OF REID
AVENUE, NORTH OF MULBERRY AVENUE, EAST OF SCENIC DRIVE, AND WEST OF
PLANO STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of
June 6, 2006 conducted a public hearing to consider Zone Change 4-2006 (Pre-Zoning), being a
change from County AE-20 (Exclusive Agriculture-20-Acre Minimum), R-A-217 (Rural Residential-5
Acre Minimum) to City R-1 (One Family Residential) consistent with the Land Use Designation
consistent with the General Plan, and

WHEREAS: In conjunction with Zone Change 4-2006, Annexation 4640, proposes to annex a
single unincorporated island located in Northern Porterville, generally south of Reid Ave., north of
Mulberry Ave., east of Scenic Drive, and west of Plano Street; and

WHEREAS: The City Council of the City of Porterville, after conducting a duly noticed
public hearing, as prescribed by Ordinance 1198 of the City of Porterville, and the laws of the State of
California, has determined that the public interest would best be served by approval of the proposed
pre-zoning from County AE-20 and R-A-217 Zone to R-1 zoning for the area located in Northern
Porterville, generally south of Reid Ave., north of Mulberry Ave., east of Scenic Drive, and west of
Plano Street, and consisting of 215± acres of land into the City of Porterville as shown in Exhibit A
attached hereto; and

WHEREAS: The City Council made the following findings in support of the approval of Zone
Change 4-2006.

1. That the proposed zoning will conform with the land use designation of the General
   Plan; and,

2. That a Negative Declaration was approved for this project in accordance with the
   California Environmental Quality Act based on findings of the environmental studies
   indicating that the project will not have a negative impact on the environment; and,

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

4. That this zoning classification will allow for the logical establishment of future Low
   Density Residential use as supported by the City of Porterville General Plan Land Use
   Element for the 215± acre site; and,

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

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 4-2006, is hereby pre-zoned from County AE-20 and R-A-217 Zone to R-1 zoning for the area in Northern Porterville, generally south of Reid Ave., north of Mulberry Ave., east of Scenic Drive, and west of Plano Street, and more particularly shown on the attached map, incorporated herein by this reference as “Exhibit A”.

Section 2: It is further ordained that upon consummation of Annexation No. 464, all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from County AE-20 and R-A-217 Zone to R-1 Zoning.

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage and upon consummation of Annexation No. 464.

____________________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By: Georgia Hawley, Deputy
SUBJECT: SECOND READING - ORDINANCE NO. 1700, REGULATING WIRELESS COMMUNICATIONS TOWERS

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1700, establishing provisions for the construction and operation and maintenance of wireless telecommunications towers and antennas, was given First Reading on June 20, 2006, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1700 and waiving further reading, and adopt said ordinance.

Attachment: Ordinance No. 1700

Item No. 3
ORDINANCE NO. 1700

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ORDINANCE TO REGULATE CONSTRUCTION, OPERATION
AND MAINTENANCE OF WIRELESS COMMUNICATIONS TOWERS

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of June 20, 2006, conducted a public hearing to consider a General Amendment
of Zoning Ordinance 2626 adding provisions to Articles 26 of the Zoning Ordinance of the
City of Porterville; and

WHEREAS: The proposed General Amendment of the Zoning Ordinance will
establish provisions for the construction and operation and maintenance of wireless
telecommunications towers and antennas.

WHEREAS: The City of Porterville (the “City”) has received or expects to receive
requests to site wireless telecommunications towers and antennas within the City; and

WHEREAS: The Porterville City Council finds that it is in the public interest to permit
the siting of wireless telecommunications towers and antennas within the City’s boundaries; and

WHEREAS: It is the intent of the City Council to protect and promote the public
health, safety, general welfare and quality of life within the City by regulating the siting of
wireless telecommunications towers and antennas, while preserving the rights of wireless
telecommunications providers; and

WHEREAS: It is the intent of the City Council to establish guidelines for the
governance of wireless telecommunications facilities which recognize the unique land use
distribution, topography, and aesthetics of the community; and

WHEREAS: Public Hearings have been held before the City Council, pursuant to the
Planning and Zoning Law of the State of California and the Municipal Code of the City; and

WHEREAS: Development of wireless telecommunications facilities is consistent with
the goals, objectives, and strategies of the General Plan because they promote a balance
of public facilities and the provision of services and amenities to the community; and

WHEREAS: Pursuant to State and local environmental regulations, it has been
determined that the regulations encompassed in this Ordinance are exempt from the
California Environmental Quality Act, and as a general rule, a Notice of Exemption is filed.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of
Porterville does hereby adopt Ordinance No. 1700 amending Zoning Ordinance Section
2626 as follows:
SECTION 2626: Article 26 is hereby amended as follows:

ARTICLE TWENTY-SIX

SECTION 2626: Construction, Operation and Maintenance of New Towers for Wireless Communications

A. Purpose and Intent

1. To permit the siting, construction, operation and maintenance of wireless telecommunications towers and antennas within the City’s boundaries.

2. To protect and promote the public health, safety, general welfare and quality of life within the City by regulating the siting of wireless telecommunications towers and antennas, while preserving the rights of wireless telecommunications providers.

3. To establish guidelines for the governance of wireless telecommunications facilities which recognize the unique land use distribution, topography, and aesthetics of the community.

B. Definitions.

The words used in this ordinance have the meaning set forth below:

1. "Alternative tower structure" means man-made trees, water towers, clock towers, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

2. "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other commercial signals. "Antenna" shall not include any non-commercial satellite dish antenna utilized for amateur radio, citizens band radio, television, AM/FM, public safety broadcasting, or short-wave radio reception purposes.

3. "Backhaul network" means the lines that connect a provider’s towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

4. "Building-mounted" means an antenna mounted to the side or facade of a building, or to the side of another structure such as a water tank, church steeple, freestanding sign, utility tower, light pole, similar structure, or penthouse but not to include the roof of any structure.

5. "Cellular" means analog or digital wireless telecommunication technology that is based on a system of interconnected neighboring cell sites.

6. "Co-located" means the locating of wireless telecommunication equipment from more than one provider on a particular telecommunication facility.
7. "FAA" means the Federal Aviation Administration.


9. "Ground-mounted" means equipment mounted to a pole, monopole, tower, or other freestanding structure specifically constructed for the purpose of supporting an antenna.

10. "Height" means, when referring to a tower or other related structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

11. "Major wireless telecommunication facility" means a wireless telecommunication that is ground- or roof-mounted or mounted in or on any public property including the public right of way.

12. "Monopole" means a structure composed of a single spire, pole, or tower used to support antennas or related equipment.

13. "Mounted" means to be attached or supported.


15. "Penthouse" An architectural feature or structure not exceeding 14 feet in height designed to compliment and locate on the roof of a building used for the purpose of sheltering mechanical equipment or telecommunications facilities.

16. "Personal communication service" means digital low-power, high frequency commercial wireless radio communication technology that has the capacity for multiple communication services and the routing of calls to individuals, regardless of location.

17. "Pre-existing towers and pre-existing antenna" means any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

18. "Roof-mounted" means to be mounted above the eave line or parapet of a building.

19. "Stealth facility" means any wireless telecommunication facility which is designed to blend into the surrounding environment, typically one that is located architecturally within a building or other concealing structure, and shall include any concealed antenna.

20. "Temporary wireless telecommunication facility" means a wireless telecommunication facility that is kept portable or mobile and deployed while a permanent facility is under construction.
21. "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers (excluding telephone poles). The term includes radio and television towers, alternative towers structures, and the like. The term includes the structure and any support thereof.

22. "Wireless telecommunication facility" means a facility consisting of any commercial antenna, monopole, microwave dish, and or other related equipment necessary to the transmission and/or reception of cellular, personal communication service, and/or data radio communications, and which has been granted a Certificate of Public Convenience and Necessity, or a wireless registration number by the California Public Utilities Commission, or otherwise provides wireless communication services to the public.

C. Design Standards of “Wireless Telecommunications Facilities”:

The purpose of this Section is to establish general guidelines for the siting of wireless telecommunications towers and antennas as follows:

1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;

2. Encourage the location of towers in non-residential areas;

3. Minimize the total number of towers throughout the community;

4. Encourage the joint use of new and existing tower sites as a primary option rather than construction of single-use towers;

5. Encourage users of towers and antennas to locate them, to the extent possible in areas where the overall impact on the community is minimal, now and in the future; to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflageing techniques;

6. Enhance the ability of providers of wireless telecommunications services to provide such services to the community quickly, effectively and efficiently;

7. Consider the public health and safety of wireless telecommunication towers;

8. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures;

9. Retain local control and responsibility over the use of the public right of way to protect citizens and enhance the quality of their lives;

10. Create and preserve telecommunication facilities that will serve as an important and effective part of the City’s emergency response network;
11. Promote fair and effective wireless telecommunication services and ensure that a broad range of competitive telecommunications services with high quality telecommunications infrastructure are available to serve the community.

D. Applicability.

1. New Towers and Antennas: All new towers or antennas shall be subject to Section 2626, except as provided herein.

2. Consistent with Applicable Laws: This Section shall apply, to the fullest extent allowed by and consistent with applicable Federal, State, and California Public Utility laws and regulations, to all new wireless towers and facilities, including towers and antennas proposed to be located on private or public property, as well as proposed to be located in, along, or across the public right of way.

3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Community Development Director an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the City limits or urban area boundary (UAB), including specific information about the location, height, and design of each tower. The Community Development Director may share such information with other applicants applying for administrative approvals or Conditional Use Permits under this Section or other organizations seeking to locate antennas within the jurisdiction of the City, provided, however, that the Community Development Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. Amateur Radio Station Operators/Receive Only Antennas: This Section shall not govern any tower, or the installation of any antenna, that is under the height limitation of the relevant zone and is owned and operated by a federally-licensed amateur radio station operator, or is used exclusively for receive only antennas.

5. Pre-existing Towers or Antennas: Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this Section.

E. General Requirements

1. State or Federal Requirements. All towers and antennas must meet or exceed current standards and regulations of the FCC, the FAA, and any other agency of the State or Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers and antennas into compliance with such revised standards
and regulations shall constitute grounds for the removal of the tower or antenna at the owner’s expense.

2. **Building Codes and Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitute a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner’s expense.

3. **Measurement.** For the purposes of this Section, all distances shall be measured in a straight line without regard to intervening structures, from the nearest point of the proposed major wireless telecommunication facility to the nearest point of another major wireless telecommunication facility. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and County jurisdictional boundaries.

4. **Not Essential Services.** Towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

5. **Franchises:** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless telecommunication system in the City have been obtained and shall file a copy of all required franchises with the Community Development Director.

6. **Public Notice:** For purposes of this Section, any permitted use, Conditional Use Permit request, variance request, or appeal of an administratively approved use or special use shall require public notice to all a property owners of properties that are located within a 300 foot radius around the project site, in addition to any notice otherwise required by state law or the Municipal Code.

7. **Multiple Antenna/Tower Plan:** The City encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for multiple sites shall be given priority in the review process, in compliance with the Permit Streamlining Act.

### F. General Screening and Site Selection Guidelines

1. Stealth facilities and concealed antennas are preferred and shall be approved administratively by the Zoning Administrator. Facilities that are not stealth must be approved through the Conditional Use Permit process by City Council. To receive administrative approval a tower must show
concealment elements to the satisfaction of the Zoning Administrator. Facilities that are not stealth must close mount all panel antennas.

2. Wireless telecommunication facilities shall be located where the existing topography, vegetation, building or other structures provide the greatest amount of screening. Where insufficient screening exists, applicants shall provide screening satisfactory to the Community Development Director, or as otherwise required through the approval of a CUP or Variance.

3. Ground-mounted wireless telecommunication facilities shall be located only in close proximity to existing above-ground utilities, such as permanent electrical towers, light poles, trees of comparable heights, and in areas where they will not detract from the appearance of the City.

4. Wireless telecommunication facilities shall be located in the following order of preference:
   a. Integrated into building/structure design (stealth sites) co-located with other major wireless telecommunication facilities;
   b. On existing structures such as buildings, communication towers, or utility facilities not subject to the City's franchise agreements;
   c. On existing signal, power, light or similar kinds of permanent poles;
   d. In industrial land use districts (at least 300' from Residentially Zoned Property).
   e. In commercial land use districts (at least 300' from Residentially Zoned Property).
   f. Not permitted on residentially zoned property or within a three hundred (300') foot radius of any residentially zoned property.

G. General Development Requirements:

The following standards apply to all telecommunications facilities:

1. Maximum height. No antenna shall exceed one hundred feet (100') in height.

2. Setbacks.
   a. Telecommunications facilities and accessory structures in compliance with height restrictions shall comply with the required building setbacks for the zoning district in which the facility is located, however, in no instance shall the facility (including antennae and equipment) be located closer than five (5') feet of any property line.
   b. Antennae exceeding the maximum height limit will require a variance.
   c. Telecommunications facilities shall not be located within the required front-yard area of any parcel.
3. Required separation.
   a. A facility shall not be located within a three hundred (300') foot radius of any residentially zoned property unless designed as a stealth facility (i.e. penthouse, attached accessory building) and approved by the zoning administrator. See attached map.
   
   b. A facility shall not be located within a twelve hundred foot (1,200') radius of any other co-locatable telecommunications facility, measured from the base of tower to base of tower. Inability to co-locate must be proven by applicant based on credible information. See attached map.
   
   c. Reduction in required facility separation. A reduction in the required separation between telecommunications facilities may be granted as a part of the Conditional Use Permit approval where technical evidence has been provided to substantiate the following findings:
      
      i. The granting of the reduction will not substantially impair the intent and purpose of this title or the goals, policies, and objectives of the adopted General Plan; and
      
      ii. The reduction is not requested exclusively on the basis of economic hardship to the applicant; and
      
      iii. The reduction is necessary and essential to providing the applicant’s wireless service based on the technical constraints and the lack of other available appropriately zoned land outside the radius; and
      
      iv. Evidence has been submitted to the satisfaction of the City demonstrating that co-location of existing tower structures is not available or is not technically feasible. Evidence may include a written statement from the service provider with the existing facility that collocation is not feasible.

4. Design criteria.

All Telecommunications Facilities shall:
   
   a. Utilize state of the art stealth technology as appropriate to the site and type of facility. Where no stealth technology is proposed for the site, a detailed analysis as to why stealth technology is physically and technically infeasible for the project shall be submitted with the application.
   
   b. Antennae and support structures, where utilized, must be monopole type.
   
   c. Monopole support structures shall not exceed four (4') feet in diameter unless technical evidence is provided showing that a larger diameter is necessary to attain the proposed tower height and that the proposed tower height is necessary.
d. Wireless telecommunications facility support structures and antennae must be painted a non-glossy color so as to minimize visual impacts from surrounding properties. Specific color is subject to City review based on a visual analysis of the particular site.

e. Accessory structures must be designed and screened accordingly and shall be subject to City review based on a visual analysis of the particular site and surrounding properties.

f. Support structures and site area for wireless telecommunications antennae shall be designed and of adequate size to allow at least one additional wireless service provider to co-locate on the structure.

g. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. All objects affecting navigable airspace must comply with Federal Aviation Regulation Section 77 and must be in conformance with the current land use designations for land within one mile of the runway.

h. For the protection of emergency response personnel, each telecommunications facility shall have an on-site emergency "kill switch" to de-energize all RF-related circuitry/componetry at the site. For collocation facilities, a single "kill switch" shall be installed that will de-energize all carriers at the facility in the event of an emergency.

i. All proposed fencing shall be decorative and compatible with the adjacent buildings and properties within the surrounding area and shall be designed to limit graffiti.

5. Signage.

A permanent, weather-proof identification sign, approximately sixteen inches (16") by thirty-two inches (32") in size, must be placed on the gate of the fence surrounding the facility or, if there is no fence, on the facility itself. The sign must identify the facility operator(s), provide the operator's address, and specify a twenty-four (24) hour telephone number at which the operator can be reached so as to facilitate emergency services.


a. Landscaping must be provided to screen the facility from surrounding properties or right-of-ways.

b. All landscaping shall be installed with an irrigation system equipped with an automatic timer.

c. Street trees and other landscaping may be required for telecommunications facilities proposed on parcels lacking street frontage landscaping.

d. Landscaping must include re-vegetation of any cut or fill slopes.

e. Where possible, existing plants and trees should be used to the full extent possible for screening of the facility.
f. Where deemed appropriate by the Community Development Director, a landscape plan shall be required for the entire parcel and lease area.

   a. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 a.m. and 7:00 p.m.
   b. Traffic shall be limited to no more than one round-trip per day on an average annual basis once construction is complete, except for emergency maintenance.

H. Severability

If any section, subsection, subdivision, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

I. Repealer

Any ordinance(s) or part(s) thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Effective Date and Publication.

This Ordinance shall take effect thirty (30) days following its adoption and shall, prior to expiration of fifteen (15) days after its adoption, be published in the manner prescribed by law and/or posted in at least three (3) public places as designated by resolution of the City Council.

PASSED, APPROVED, AND ADOPTED this ___ day of July, 2006.

Mayor

ATTEST:
John Longley, City Clerk

By
Georgia Hawley, Chief Deputy
Wireless Ordinance
300 foot buffer

- 300 foot buffer
- Permissible siting location
Wireless Ordinance
Interim Urgency Boundaries
1200 foot buffer

- 1200 foot buffer
- Permissible siting locations
SUBJECT: CITY COUNCIL APPOINTMENTS

SOURCE: Administration/City Clerk

COMMENT: With the change in the composition of the City Council, vacancies have occurred on various committees and boards on which selected Council Members serve. Attached is a list of the current appointments, including any vacancies which need to be filled by Council appointment.

RECOMMENDATION: That the City Council appoint Council members to fill any existing vacancies, or change appointments, at the discretion of the Council.

Attachment: Memo/Appointment List dated June 8, 2006
DATE: June 8, 2006

TO: MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Georgia Hawley, Deputy City Clerk

SUBJECT: APPOINTMENT OF COUNCIL MEMBERS TO VARIOUS COMMITTEES

Certain City and Joint City/County Committees require the appointment of a Council Member or Members. The positions currently filled are as follows:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Member/Alternate</th>
<th>Appt.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tulare County Association of Governments/</td>
<td>Cameron Hamilton - Member</td>
<td>03/04/03</td>
</tr>
<tr>
<td>Transportation Planning Agency:</td>
<td>Vacant - Alternate</td>
<td></td>
</tr>
<tr>
<td>Tulare County E.D.C.:</td>
<td>Vacant - Member</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Alternate not applicable</td>
<td></td>
</tr>
<tr>
<td>Business Incentive Zone Council</td>
<td>Vacant - Member</td>
<td></td>
</tr>
<tr>
<td></td>
<td>John Longley - Alternate</td>
<td></td>
</tr>
<tr>
<td>Tule River Improvement JPA</td>
<td>Vacant - Member</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Baldo Rodriguez - Alternate</td>
<td></td>
</tr>
<tr>
<td>Subdivision Review Committee:</td>
<td>Vacant - Member</td>
<td></td>
</tr>
<tr>
<td>Consolidated Waste Management Authority:</td>
<td>Richard Stadtherr - Member</td>
<td>03/18/03</td>
</tr>
<tr>
<td></td>
<td>Pedro Martinez - Alternate</td>
<td>04/04/06</td>
</tr>
<tr>
<td>Professional Services Selection Committee:</td>
<td>Members will rotate, with two Council Members serving on the Committee each time.</td>
<td></td>
</tr>
<tr>
<td>Hillside Development Ord. Committee</td>
<td>Vacant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vacant</td>
<td></td>
</tr>
<tr>
<td>Southeastern Tulare County Intergovernmental</td>
<td>Cameron Hamilton</td>
<td>07/02/02</td>
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<td>Coordinating Committee</td>
<td>Vacant</td>
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</tr>
<tr>
<td>Committee</td>
<td>Name</td>
<td>Date</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-----------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Indian Gaming Local Community Benefit Comm.</td>
<td>Cameron Hamilton</td>
<td>03/02/04</td>
</tr>
<tr>
<td>Joint City/School Committee</td>
<td>Mayor/Mayor Pro Tem</td>
<td>04/06/04</td>
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<tr>
<td>PDC Advisory Board</td>
<td>John Longley - Member</td>
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<tr>
<td></td>
<td>Mayor - Alternate</td>
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<tr>
<td>Tulare County City Selection Committee</td>
<td>Mayor - City Member</td>
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</tr>
<tr>
<td></td>
<td>Vacant - Alternate</td>
<td></td>
</tr>
</tbody>
</table>

The appointments to fill the current vacancies, and any appointments to redistribute the currently filled positions, shall be determined by the City Council.

/gh

(Noted vacancies were filled by either Councilman Irish or Councilman West)
SUBJECT: Consideration of Ratification of The City Budget

SOURCE: City Manager

At the June 20, 2006 City Council meeting, the 2006-07 FY Budget was adopted, subject to the future ratification of the newly seated City Council. The matter was to be presented for consideration at the July 5, 2006 meeting.

Attached is a copy of the budget message and the accompanying department director summaries. In narrative, these fairly define the scope of the budget, its programs, projects, and limitations.

It appears, a series of options are available for City Council action. These include:

- Ratify the budget as presented and adopted on June 20, 2006.
- Schedule a study session of the Council and staff to review the budget before action is taken.
- Modify the budget and direct that a resolution adopting a revised budget be placed on the next meeting of the City Council.

The City Manager is expending only routine sums at this point, until direction is provided regarding how to proceed. Specific project expense is being submitted as necessary and projects previously approved and underway are being completed.

RECOMMENDATION:

Ratify the budget as presented and schedule a quarterly review of the Budget for the regular meeting of 17 October 2006.
## CITY OF PORTERVILLE
### ANNUAL BUDGET
### SUMMARY OF ALL FUNDS

<table>
<thead>
<tr>
<th>FUND</th>
<th>ESTIMATED BALANCE 07/01/2006</th>
<th>ESTIMATED REVENUES</th>
<th>TRANSFERS</th>
<th>NET APPROPRIATIONS</th>
<th>OPERATING APPROPRIATIONS</th>
<th>CAPITAL PROJECTS</th>
<th>DEBT SERVICE</th>
<th>ESTIMATED BALANCE 06/30/2007</th>
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<tr>
<td>GENERAL</td>
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<td>(155,941)</td>
<td>(2,522,618)</td>
<td>(119,000)</td>
<td>181,821</td>
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<td>TRANSIT</td>
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<td>SPECIAL SAFETY GRANTS</td>
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<td>SEWER OPERATING</td>
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<td>SOLID WASTE</td>
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<td>GOLF COURSE</td>
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<td>312,430</td>
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<td>WATER OPERATING</td>
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<td>RISK MANAGEMENT</td>
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<td>(35,000)</td>
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<td>(1,891,707)</td>
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<td>LANDSCAPE MAINTENANCE DISTRICT</td>
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<td>162,000</td>
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<td>(203,207)</td>
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<td>88,133</td>
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<td>WATER REPLACEMENT</td>
<td>5,633,455</td>
<td>7,241,840</td>
<td>427,193</td>
<td>- (13,263,954)</td>
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<td>SOLID WASTE CAPITAL RESERVE</td>
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<td>SEWER REVOLVING</td>
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<td>45,000</td>
<td>- (1,914,095)</td>
<td>-</td>
<td>-</td>
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<td>TRANSPORTATION DEVELOPMENT</td>
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<td>(500,000)</td>
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<td>PARK DEVELOPMENT</td>
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<td>WASTEWATER TREATMENT FACILITY RESERVE</td>
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<td>3,244,297</td>
<td>(45,000)</td>
<td>- (2,479,297)</td>
<td>-</td>
<td>4,348,488</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>STORM DRAIN DEVELOPMENT</td>
<td>922,373</td>
<td>265,000</td>
<td>-</td>
<td>- (758,479)</td>
<td>-</td>
<td>428,894</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>BUILDING CONSTRUCTION</td>
<td>1,852,604</td>
<td>50,000</td>
<td>-</td>
<td>- (115,000)</td>
<td>(65,000)</td>
<td>1,722,604</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL ALL FUNDS</strong></td>
<td><strong>25,642,064</strong></td>
<td><strong>72,044,427</strong></td>
<td><strong>315,000</strong></td>
<td><strong>(45,112,821)</strong></td>
<td><strong>(34,720,096)</strong></td>
<td><strong>(3,633,299)</strong></td>
<td><strong>14,535,275</strong></td>
<td></td>
</tr>
</tbody>
</table>


**General Fund Deficit:** The proposed General Fund Cash Deficit for 06/07 FY is equivalent to 6.1% of anticipated General Fund Revenues. Nearly all of this deficit is non-recurring. The projected General Fund Structural Deficit for the 06/07 FY is estimated to be ($31,550) which is less than 1%.

**Budgetary Allocation of General Fund Monies:** Because of specific accounting principles, the Consolidated Financial Report does not specifically allocate cash within the General Fund. For many years, however, the budget has defined cash allocations. Based upon ending FY 2005/06 monies, the following allocations of General Fund cash are defined (rounded to the nearest thousand).

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lock Box (Rainy Day) Cash</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Debt Service Lock Box</td>
<td>$459,000</td>
</tr>
<tr>
<td>Equipment Replacement Funds</td>
<td>$3,810,000</td>
</tr>
<tr>
<td>Carry-Over Monies</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Grants/Success Reservoir</td>
<td>$282,000</td>
</tr>
<tr>
<td>High/Low Month Cash Cover</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Non-Allocated Cash</td>
<td>($418,000)</td>
</tr>
<tr>
<td><strong>Total Cash</strong></td>
<td><strong>$9,133,000</strong></td>
</tr>
</tbody>
</table>

**Allocation of General Government Appropriations:** A major feature of the proposed 2006/07 FY Budget is the allocation of monies for specific programs and projects. These allocations are defined as both appropriations for new activities and re-appropriations for activities which have been carried forward from other years.

**General Government Appropriations**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Skateboard Park</td>
<td>$412,636</td>
</tr>
<tr>
<td>Tule River Parkway</td>
<td>$250,000</td>
</tr>
<tr>
<td>Rails to Trails</td>
<td>$455,000</td>
</tr>
<tr>
<td>Library RFID (Partial)</td>
<td>$80,000</td>
</tr>
<tr>
<td>Tule River/Porter Slough Clean-Up</td>
<td>$10,000</td>
</tr>
<tr>
<td>Success Lake JPA</td>
<td>$7,500</td>
</tr>
<tr>
<td>Tule River JPA Administration</td>
<td>$8,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,223,136</strong></td>
</tr>
</tbody>
</table>

**General Government Re-Appropriations**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan/Water Study/Biological Study</td>
<td>$250,000</td>
</tr>
<tr>
<td>Success Lake Reservoir Enlargement</td>
<td>$253,925</td>
</tr>
<tr>
<td>Eldeberry Mitigation Monitoring</td>
<td>$40,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$543,925</strong></td>
</tr>
</tbody>
</table>
be a relatively large additional cost for debt service in fiscal year 2006/07, while the enhanced retirement programs will add some cost for employee compensation into the future. Both of these actions have positive effects in that Jaye Street improvements will support important new commercial development in the area, while the enhanced retirement program meets a continuing stated compensation priority by City employees.

**Budgetary Objectives:** In the previous budget, a series of objectives were stated. Below is a summary of how the objectives were addressed in the 2005/06 FY and additional actions contemplated for the 2006/07 FY.

- Increase police officer staffing to 46 employees and then 52 employees: It is projected that by the end of 2006, the Police Department will have 56 sworn officers.

- Increase fire sworn staffing to 36 fire fighters: It is projected that by the end of 2006, the Fire Department will have 36 fire fighters and officers.

- The proposed 2006/07 FY Budget will retain a full-time code enforcement officer in the Fire Department. A system to coordinate with police, community development, and finance departments will be established to assure full coordination and communications.

- Restore funding to assure the Library is open: With the passage of Measure H additional monies have been allocated to assure that Library hours will be re-established and important programs relating to literacy will be undertaken. Planning is beginning to consider the feasibility of undertaking the development of a new Library facility.

- The General Plan update has been expanded to include a hillside ordinance and the expected completion date will be in December, 2006 or early 2007.

- The City has completed Well number 28 and will complete in the 2005/06 FY the Henderson project. The skateboard parking lot has been completed. Additional sludge drying beds have been completed. The lighted street crossing project was completed by force account. For Fiscal Year 2006/07, the skateboard project has been awarded as a construction project and funding is proposed for the completion of Indiana to Olive Avenue and the Date Street reconstruction. The Eastside/Hillside Reservoir and Martin Hill Reservoir projects should be designed and bid. Monies are being proposed in the 2006/07 FY Budget for the Rail to Trail project and Tule River Parkway property purchase.

- Work is proceeding on the completion of the Murry Park Master Plan.

- The Council reviewed and acted upon City of Porterville service charges. This action allowed the City Manager to submit a budget which fully funds allocations for equipment replacement.
This would increase the General Fund structural deficit 2006/2007 from $31,550 to $43,500.

In conclusion, the proposed budget reflects a comprehensive and pro-active approach to the priorities of the City as directed by the City Council. This three-year plan and one-year budget is the result of an extensive analysis of the City’s revenues, expenditures, and priorities. Three items with a significant impact on this year’s process were the passage of Measure H, the implementation of the Maximus cost recovery program, and the island annexations. Another key component of the methodology used was to adjust each department’s budget to cover anticipated cost increases in labor, fuel, electricity, natural gas, risk management, and equipment replacement.

We have defined the major fund summaries and budgetary objects. We have also listed specific special allocations under General Government Re-Appropriations and Carry-Over, which will be used to complete projects identified or appropriated in prior years.

Staff will diligently monitor the economic and political landscape over the next fiscal year and its implications to the City’s financial stability. As the fiscal year progresses, staff will make any necessary corrections to the budget to achieve the goals and objectives set by Council which is a key element in the continued delivery of “The Good Life.”

Sincerely,

John R. Longley, Jr.
City Manager

S. Frank Guyton
Deputy City Manager / Fire Chief

Susan J. Slayton
Chief Financial Officer

Maria L. Bemis
Accountant II
jeopardy and the Council should consider system modifications to ensure that the fare box factor is met.

**Sewer Funds:** The Sewer Funds are in order and appear stable. Significant project work should be completed during the 2006/07 Fiscal Year to address cease-and-desist order issues. The City has modified the agreement for the Farming Operation and will begin in January, 2007 the development of an RFP for the Farming operation services and management.

**Solid Waste Funds:** With the implementation of the curbside recycling program, the City’s solid waste operations will expand. The proposed fund balance shows a positive balance, which is consistent with the Fund’s financial plan. To cover the cost of the recycling program, the City will present a $.90 rate increase, consistent with the City’s RFP.

**Airport Operating:** During the 2005/06 Fiscal Year, the Airport has not posted a strong return. This is because there was no major fire in the area during the year and the level of gas sales decides the stability of the Fund. Also, gas prices have increased which means less general aviation flying overall. In future years, monies may be reduced from lower lease returns on Airport lands that are farmed. There will be some reduction in the overall balance of the Fund because of match monies paid for a slurry project at the Airport.

**Golf Course Operations:** With the reorganization of the Golf Course operation, the goal is to enhance returns on the enterprise. The proposed Budget projects a stable year financially. Over the past year, play was up at the golf course and resultantly revenue has been up. There are some additional expenditure as a result of enhanced maintenance of the facility.

**Water Funds:** The Budget defines a major drawdown of water fund monies. This is because the City will undertake during 2006/07 FY important projects including Eastside tank sites and the inter-tie with the Porterville Airport. The City is seeking loan monies to cover these costs through the CIEDB. Last year, the City lost monies because of the effectiveness of its water conservation program. This will probably be repeated in FY 2006/07, which places pressure on rate levels. The City will continue to develop supply by drilling Well #29. The City remains in negotiation to purchase a well near the Airport (Well #30).

**Risk Management Fund:** The City has experienced some cost increases from liability, which are being allocated to the Departments. The health care program still requires an annual subsidy of around $160,000, but this is greatly reduced from the $550,000 loss in 2003.

**Building Construction Fund:** With the receipt of funds from the sale of property at Thurman and Main Street, monies will be used from the Building Construction Fund to
MEMORANDUM

TO: Honorable Mayor And Councilmembers

FROM: John Longley, City Manager

DATE: May 22, 2006

RE: Budgetary Message Information

Attached is an analysis of the electronic payment for utility bills. We have not included it in the budget because we did not define a favorable cost-benefit relationship. Nevertheless, the matter was recently discussed and we felt it important to present it to the City Council for consideration.

An implementation could occur in a future fiscal year, or in this year. The payment could be taken from existing enterprise and general fund monies or a special administrative charge could be considered by the Council before implementation to cover the cost.
Customer Relationship Management
Information Systems Proposal

Utility Billing Online

Prepared for

City of Porterville
Paula David

291 N Main Street
Porterville, CA 93257
Phone: 559.782.7437
FAX: 559.784.4569
p.david@ci.porterville.ca.us

INITIAL COST $15,920

BANK ANALYSIS FEE

APRIL COST FOR ELECTRONIC

CREDITS = 12¢ EACH

$7,500 A YEAR

# Cust 14,167

# OF ELECTRONIC PMTS

APPROX. 500

3.5%
<table>
<thead>
<tr>
<th>Service</th>
<th>QTY</th>
<th>Charges</th>
<th>Initial Year</th>
<th>Annual Fee</th>
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<tbody>
<tr>
<td><strong>INCODE InSite Web Publishing Component</strong></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>One Time Setup Fee</td>
<td>1</td>
<td>400</td>
<td>400</td>
<td></td>
</tr>
<tr>
<td>- Hardware Configuration</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- DNS registration</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design and Customization</td>
<td>(Hours)</td>
<td>4</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>- Color and Graphics</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Training on how to manage site</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Training on uploading and publishing documents</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Training on using the calendar control</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Establishment of MSMO for File Transfer (estimated at between 4 and 16 hours)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monthly fee to support and host Web site</td>
<td>50</td>
<td></td>
<td>600</td>
<td>600</td>
</tr>
<tr>
<td><strong>INCODE Utility Billing On-Line Component</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility Billing Online (4 cents per bill, per month)</td>
<td>14,500</td>
<td>0.04</td>
<td>6,960</td>
<td>6,960</td>
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<tr>
<td>- Data extraction and storage</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Display of:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Current status (late, cut off etc)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Action needed to avoid penalty</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Current Balance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Deposits on file (optional)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Last payment date</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Last payment amount</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Payment arrangements on file</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Last bill amount</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>- Last bill date</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Bill due date</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Contracts on file and status</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Transaction history</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Address information including</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Mapping</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Legal description*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Precinct*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- School district*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Services at address</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Subject to data availability</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Consumption history by service, including graphs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Request for service (optional)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Information change request (optional)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Security - SSL (Secure Socket Layer)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Online Payments**
- Payment packet is created to be imported to Utility System

**NOTE:** Customer pays $1.00 fee per transaction for payment on-line.

**Total**

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8,360</td>
<td></td>
<td>7,560</td>
<td></td>
</tr>
</tbody>
</table>
Bill Concentration

Expedite receiving and reporting of payments. Bill concentration reduces clerical costs, eliminates paperwork, reduces float, and minimizes the possibility of errors associated with manual data entry.

### Bill Concentration

<table>
<thead>
<tr>
<th>What It Does</th>
<th>How It Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streamline procedures</td>
<td>Your customers' payments and remittance details are automated to reduce</td>
</tr>
<tr>
<td></td>
<td>- Paperwork</td>
</tr>
<tr>
<td></td>
<td>- In-house processing time</td>
</tr>
<tr>
<td></td>
<td>- Clerical costs</td>
</tr>
<tr>
<td></td>
<td>- Manual data entry</td>
</tr>
<tr>
<td>Reduce float</td>
<td>Union Bank of California credits your designated accounts electronically, delivering good funds to you on the settlement day</td>
</tr>
<tr>
<td>Reduce returns for unidentified payments</td>
<td>Customer account information is prescreened to ensure your accounts receivable numbers are valid</td>
</tr>
<tr>
<td>Reduce &quot;check and list&quot; items and payments received without coupons</td>
<td>Remittance detail is transmitted in an ACH-CIE, EDI 820, or other mutually acceptable format</td>
</tr>
</tbody>
</table>

© 2006 Union Bank of California, N.A. All rights reserved. Member FDIC. Equal Housing Lender ©
The 2006/2007 Fire Department budget is sufficient to staff the Fire Department at the level authorized by Council in 1992. However, there are two adjustments in this budget document that will reflect the increase of seven new personnel to the Fire Department as a result of the passage of Measure H and the utilization of Measure H monies designated to Public Safety. Payroll for the seven new firefighters will be in account #04. Also, at the request of Council, we will hire a “Code Enforcement Officer.” The costs for the new position are shared between the Fire Department and the General Fund.

The Fire Department was instrumental in obtaining partial funding for a Public Education Officer through Indian Gaming Grant monies. The amount of $55,551 will fund a part-time position. This allocated fund is a one-time source of revenue. The Pub Ed Officer, will provide fire and life-safety programs to the community and may assist the Tule River Indian Council with disaster planning and public education programs.

As a result of Measure H, and approved by Council, the staffing level will increase to 36 full-time firefighters. The City’s population in 1992 was 31,547 residents living within 11.9 square miles. On April 3, 2006, the City officially annexed six county islands and it is projected our population will exceed 50,000 residents living within 16 square miles. Emergency calls have steadily increased from 905 in 1992 to 3,379 calls in 2005, and will continue to increase as the City of Porterville continues to grow.

With the recent annexed property, it is anticipated that an increase in operating costs, code enforcement efforts, and an increase in service demands for this area will occur. Currently the Department is experiencing an increase of call-stacking where firefighters are unable to respond to some medical aid requests. However, with the implementation of Measure H, call-stacking should be lessened or eliminated.

With the increase of seven firefighters, this will facilitate our Department’s ability to implement the OSHA 2-in/2-out mandate in an acceptable time frame. The increase in personnel will allow the Department to continue to maintain, as well as expand the public service programs to the community in the fire prevention and public education fields.

With the creation of a new Tulare County Fire Department, it’s anticipated our Department will continue to provide Mutual and Automatic Aid as previously approved by Council.

In summary, these are exciting times for the Fire Department with the implementation of Measure H appropriations, growth of the City, and increased service demands; this Department will be innovative in administrating its resources, assisting in the development of the Public Safety element of the General Plan, and will continue providing the best possible level of service available under current budget conditions.
Service Summary

Community Development Department – Economic Development Division

The Economic Development Division is contained within the Community Development Department, which also includes Planning, Community Development Block Grant (CDBG), and the Redevelopment Agency. The proposed budgets are a result of removing some personnel salaries from the CDBG budget and transferring them into Planning, Economic Development, and Redevelopment budgets. Due to the financial strain on CDBG, this shift is not anticipated to be reversed anytime in the near future.

The Economic Development budget was balanced while maintaining existing levels of service. In light of other funding challenges within the Community Development Department, additional shifts to cover shortfalls in the respective divisions may be necessary to maintain overall staffing levels.

The Economic Development division continues with specific activities as outlined in the City’s Economic Development strategic plan, including the City’s newsletter, business recognition program and business call program. As part of business attraction the Division responds to Requests for Information from Tulare County Economic Development Corporation, as well as direct inquiries from companies looking to locate in the Central Valley.

The Division works closely with Planning to identify land for future industrial development and continues to work with the Engineering Division on the Airport Industrial area water inter-tie project, which will provide water to the areas near the Airport.
The budget requested for the Engineering Division is sufficient to retain services for the new Building Inspector and the two new Assistant Engineers who replaced one Assistant Engineer and one Associate Engineer.

The subdivision plan check process improved dramatically with the addition of the new Assistant Engineer. In the past, the City Engineer was the only staff member providing subdivision plan check services. The workload in this area continues to increase substantially but our assessment at this time indicates that the City will respond positively to the increased workload.

Engineering anticipates approximately 1.4 million dollars in capital project works in FY 2006/2007. Further, the City received written confirmation that it was successful in securing 5.1 million dollars in new grant funds. Approximately 1.7 million dollars of the 5.1 million dollars is allocated for a Compressed Natural Gas (CNG) facility scheduled for FY 2006/2007. There are three basic components to this project that include environmental, design and construction. Budget constraints will not allow Engineering to budget for the entire project. However, Engineering opines that the environmental phase can be covered in this year’s budget.

As stated above, Engineering anticipates that 1.4 million dollars will be available for capital projects. The City Engineer will assess the division’s workload and will determine if “contract engineers” are needed to complete all tasks. Contract Engineers, if hired, will charge 100% of their time to specific capital projects that have design and project management funds allocated to the project.

The Building Division continues to see greater demands on its resources. Other Cities of comparable size have two to three field inspectors and one Building Official. In the latter part of FY 2005/2006, the City hired a full time, provisional building inspector. The provisional inspector has provided needed relief to the Building Division and allowed the Building Official to spend more time researching the latest changes to the California Building Code (CBC) and implement procedures that better serve the City and its clientele. Through the Building Official’s careful review of the existing building fees, the City was able to demonstrate that the current building fees were outdated and inadequate. This effort may not have been successful had the provisional employee not been on board.

There is much work to be done in the area of code enforcement. Significant non-permitted activity such as re-roofing, garage conversion, patio construction and heating/ventilation work is occurring every day. The provisional building inspector has been charged with finding and citing violators and this in fact is occurring on a limited basis. Discussions on recruiting a Code Enforcement Officer (CEO) have been undertaken by senior staff. It is not clear at this time whether the CEO’s responsibilities would include finding and resolving the violations or, if the CEO’s responsibilities end once the violation is discovered. Under the latter scenario, the Building Official opines that plan review and inspection duties would suffer because of the time commitment needed to respond and resolve violations.

As stated earlier, priority capital projects and CMAQ funded projects have been identified for FY 2006/2007. Engineering staffing is below 1986 levels and therefore, projects undertaken by engineering must be confined to the priority and CMAQ funded projects. Because other
STREETS, SIGNALS/SIGNING AND STRIPING, STREET LIGHTING AND PARKING LOTS
Annual Budget 2006/2007

The Public Works Department administers these collections of general fund budgets.

The Street maintenance budget for 2006/2007 has increased by $16,441 from the prior year budget to $391,143. The Signals, Signing and Marking budget was increased by $10,387 to $313,782. The Street Lighting budget was increased by $15,431 to $323,798. The Parking Lot budget was reduced by $3,312 to $37,390. The overall increase for these general fund accounts amounts to $38,947

These budgets will continue to experience difficulties as the City expands with annexations, new streets to maintain, striping, curb markings, signs, additional street lighting, and new signalized intersections.

The increase in appropriations for these budgets is due to the direction to reestablish full equipment replacement depreciation and an appropriation for the PERS increased cost.

With positions being filled that have remained vacant the ability to provide improved levels of street maintenance has been increased.
Overview
The budget for the 2006/2007 fiscal year provides for expansion of services in response to new facilities and additional program sites. A few facilities are proposed to be closed in response to replacement facilities being made available, and for expenditure control. Anticipated increased expenditures for motor vehicle fuel, building utilities, equipment replacement, risk management, and personnel benefits have been programmed into the budget. The organization of the department will be evaluated during the first quarter of the year to determine the best manner in which vacated positions will be filled or reclassified for enhancements in the delivery of services. Revenues are expected to remain relatively the same from the previous year, with the exception of the golf course, which is projected to see an increase resulting from recently adopted fee adjustments. In aggregate, one-third of all operating costs for the department will be recovered through fees, grants and reimbursements. Park Impact fees will be increased by the annual construction index adjustment, with the approximate $4,500 generated from the adjustment dedicated to the new baseball fields project.

Parks & Facilities
The Rails to Trails Project, the Skatepark and two new baseball fields will be completed, with maintenance activities commenced during the year. In addition, the Heritage Center, which opened in December 2005, will have its first complete year of maintenance needs addressed. The budget anticipates no maintenance activity for the Porterville Community Center, or Lime Street Park. These facilities will remain closed to the public. In accordance with an existing agreement, the Municipal Ballpark will also be transferred to the care and custody of the Porterville Fair Board upon completion of new illuminated baseball field(s), or sooner. During the year staff will initiate the preparation of a new use agreement with the Fair Board towards providing continued access to the current Municipal Ballpark for the arena soccer league and other department activities, as well as the use of their parking area for the new baseball fields.

The Tule River Parkway maintenance contract will be suspended. Transformation of the parkway to more of a nature trail will be the goal. Maintenance staff will ensure adequate irrigation; perform weed control services and the more intensive effort of plant establishment along the newest segment of the parkway between Jaye and Main streets. Street tree trimming services will also be minimized, with maintenance staff attending to other facility maintenance needs. Street tree trimming will be minimized, and contract services will rely upon allocation of carry-over funds for special and limited trimming.

One custodial position will be left unfilled pending an organizational review. Financial support of the Porterville Senior Council related to the Senior Nutrition Program is provided only to October 1, the remainder of the current agreement. Provisions have been made for increased equipment replacement allocation, increased motor vehicle fuel prices, facility risk management increases, and utility service rate hikes. Workers compensation and personnel benefit cost increases have also been factored into the budget.

The OHV Park will receive no state grant operations and maintenance assistance during the year. New riding days and vehicle types are being evaluated to stimulate use and revenues. The facility’s availability will be curtailed by 25% to 50% unless the ridership activity can be enhanced sufficiently to support a mid-year budget adjustment authorization.
SEWER OPERATING FUND
Annual Budget 2006/2007

The fund was established to account for the revenues and expenditures incurred in the sewer collection, wastewater treatment facility and wastewater effluent disposal.

This fund is a self supporting enterprise fund wherein revenues should be sufficient to cover all costs. This operating fund budget of $5,501,281 represents a 1% increase for the 2006/2007 fiscal year. Improvements at the wastewater treatment facility, the expansion of effluent disposal area and increased disposal operations account for most of the activity in this fund. For the last four years transfers from reserves have been required to cover operational expenses.

The Regional Water Quality Control Board is requiring improvements at the Waste Water Treatment Facility and at the City’s reclamation area to protect the ground water. The improvements include reclamation area expenses, land acquisition, construction of new percolation ponds, effluent irrigation pipelines and land leveling, sludge drying bed and stockpile area construction, removal of sludge at the waste water treatment facility, and a Best Practicable Treatment and Control (BPTC) study. A likely outcome of the BPTC study will have the City upgrade the Waste Water Treatment Facility to include removal of nitrogen from the wastewater through a process called nitrification/denitrification. Additionally, the City’s Waste Water Treatment Facility requires equipment upgrades this year at an estimated cost of $1.4 million dollars. The required improvements at the waste water treatment facility and further expansion of the effluent disposal area will be financed by a $5.3 million dollar California Infrastructure and Economic Development Bank loan.
WATER DISTRIBUTION FUND
Annual Budget 2006/2007

The fund was established to account for the revenues and expenditures incurred in the production, disinfection and distribution of potable water.

This fund is a self supporting enterprise fund wherein revenues should be sufficient to cover all costs. The water operating fund budget of $4,520,290 reflects an increase in expenses of 6% for the 2006/2007 fiscal year.

Cash reserves from the operating fund are transferred into the water replacement fund at each fiscal year end. The funds in the water replacement fund are used for water system replacements and master plan improvements. Over the last six years available cash reserves to transfer into the replacement fund have been declining.

The City’s water system is in need of additional water supplies and for several years has experienced significant difficulty in meeting the high water demands of the summer. One new well is proposed in the 2006/2007 budget at a cost of $1 million dollars.

The last water user rate increase took affect January 1, 1995. With the decline in available cash reserves indications are that water related rates will need to be evaluated in fiscal year 2006/2007. Rate increases will likely be required to build adequate reserves for capital improvement projects such as additional wells, the Martin Hill 3 million gallon reservoir and water well rehabilitation projects.
SUBJECT: CGI COMMUNICATIONS, INC. – Community Video & Street Banner Branding Program

SOURCE: Administration

COMMENTS: On November 15, 2005, the City Council approved a Community Video & Street Banner Branding Program offered through CGI Communications, Inc., through their partnership with the U. S. Conference of Mayors and eight League of Cities. Staff was directed to proceed with the implementation of the program which would be effective for three years.

The video footage has been taken and CGI Communications staff are currently approaching local businesses on a sponsorship program for Street Banners. Businesses are allowed to showcase their name and logo on the lower 25% of the banner, and the more businesses they obtain, the more banners they will have to install in our community. CGI Communications provides all brackets and necessary hardware, and they are responsible for the installation and maintenance of the banners. The remaining portion of the banner will be branded with the City’s website address to increase awareness and potentially drive traffic to the City’s website by our residents, visitors and daily commuters. The banners will be in color, and be custom-designed on a vinyl background material. The banners are two-sided and are 2 ½ feet by 6 feet in size. According to the contract, a minimum of 25 banners would be installed, and additional banners depending on the number of sponsors obtained.

Attached for Council approval are:

1. Banner Proof for two designs prepared by CGI Communications;
2. Samples of Banner Designs prepared for various cities;
3. Banner Pricing Guide;
4. First Year Plot Map for banner locations prepared by CGI Communications.

Dir. Funded/Appropriated C/M Item No. 11
Since over 100 locations are being considered for banner replacement, some of which are located in median islands, and locations are City-wide including Main Street, Henderson Avenue, Morton Avenue and Plano Street, staff has asked Mr. Rich Wheeler, Renewal Manager for CGI Communications, Inc. to be present to answer any questions the Council may have relating to the banners.

RECOMMENDATION: That the City Council:

1. Approve the attached Banner Design for the City of Porterville, or appoint an ad hoc committee comprised of two Council Members to design a new Banner; and

2. Approve the banner locations proposed by CGI Communications, Inc.
Below is a copy of the proposed City Banner design. Please note that the clarity and colors of the printed banners may vary slightly from those shown on this proof due to the difference in materials. You must Fax or Mail in your approval, as we need your signature on the proof before we can print.

If any changes are needed please call Jennifer Prusak ext.224

Signature: ___________________________ Date: ___________________________

Artwork APPROVED without alterations
BANNER SAMPLES

Corporate Headquarters
130 East Main Street
Rochester, NY 14604
Tel: (585) 427-0020 • Fax: (505) 427-0075
Toll Free: (800) 398-3029 Ext. 228

Welcome to ALBERTVILLE
(cityofalbertville.com)

Welcome to IRONDALE
(cityofirondale.org)

Welcome to MUSTO

Families • Friends • Futures

All Paws Animal Clinic
Shoppes of Ridgeland Centre

Buckeye Plumbing

FMW Contractors
J.N. Walters & Son, Inc.

Advanced
LOCK & KEY

HUB OF SOUTHWEST ARKANSAS

TeXarkana

Home of the
Yellow Jackets

gf.federal-heights.co.uk

FEDERAL
HEIGHTS

Get Your
Kicks
in

Dairy Queen

GAL LUMBER & I

The City of Bridgton
(cityofbridgton.com)

Your relationship bank

Sun National Bank

Welcome to WEBSTER
(rocmon.coop)

Welcome to SAYRE

Fort Pierce

Nature's Country Cupboard

Welcome to Brockton
City of Champions
BROMER
REDEVELOPMENT AUTHORITY

Brockton
City of Champions

Down Hollywood

YONKERS
R.C. WAHL
JEWELERS

TOLEDO
CITY LINE

DERRY

Historic Downtown
CLOVIS

MERRIMAC

Clubs Community College

ROUTE 66
MAINSTREET

City of Grants

Valor Telecom

Since 2000

VINTAGE B-SIDE
Banner Pricing Guide

**STANDARD**

$495/ $445 w/ Full Payment

- Standard Print Style Sponsorship
- Year Established

**BRONZE**

$595/ $545 w/ Full Payment

- Customized Sponsorship
- Year Established
- Street Preference

*This design is a visual concept and may not be the chosen community design*

Community Banner Services, A Division of CGI Communications, Inc.
Corporate Headquarters
130 East Main Street • Rochester, NY 14604 • Tel: (585) 427-0020 • Fax: (585) 427-0075 • Toll Free: (800) 398-3029
PLATINUM
$3750/ $3375 w/ Full Payment
- Gateway Entrance Banner - **FULL COLOR LOGO**
- 5 Additional Street Banners
- 7 Total Premium Pole Sites
- Customized Logo with "Home Of" Utilized
- Year Established

GOLD
$1895/ $1795 w/ Full Payment
- Customized Sponsorship
- Year Established
- Preferred Pole Sites

SILVER
$1395/ $1295 w/ Full Payment
- Customized Sponsorship
- Year Established
- Preferred Pole Sites

*This design is a visual concept and may not be the chosen community design*
Community Banner Services, A Division of CGI Communications, Inc.
Corporate Headquarters
130 East Main Street • Rochester, NY 14604 • Tel: (585) 427-0020 • Fax: (585) 427-0075 • Toll Free: (800) 398-3029
SUBJECT: REVIEW OF LIMITS FOR CITY EXPENDITURES, INDEBTEDNESS, AND REVOLVING CASH FUND

Source: Administration/City Clerk

COMMENT: The last comprehensive amendments to the City's Charter were ratified March 4, 2003, and became effective in May 2003. This included Section 48 of the Charter, whereby the City Council may set limits for expenditures and indebtedness by the City that can take place without specific prior Council approval. Section 48 gives the Council the ability to set these limits by an ordinance adopted by a four fifths vote effective January 1, 2004, and then following every Council election thereafter. On November 18, 2003, Council adopted Ordinance No. 1642 which set out the limits for expenditures and indebtedness as Chapter 2, Administration, Article VII, Expenditures, Indebtedness, and Revolving Cash Fund. As June 6, 2006, was the first Municipal Election since 2003, this will be the first review of the established expenditures and indebtedness limits.

The current limit for expenditures is $5,000.00, the limit for indebtedness is $5,000.00, and the limit for the revolving cash fund is $1,000.00. Should Council choose to increase any of these limits, or make any changes, such as an annual CPI increase, they should direct staff to prepare an ordinance amending the City Code to be brought back for consideration.

RECOMMENDATION: That the City Council consider the limits, and if changes are approved, direct staff to prepare an ordinance amending Chapter II, Article VII in accordance with Section 48 of the City's Charter.

Attachment: 1) Section 48 of the City Charter
2) Chapter 2, Article VII of the City Code
CITY CHARTER
Sec. 48. Payment of city money; expenditures and indebtedness; presentation of demands; warrants on treasury.

No money shall be expended and no indebtedness shall be incurred on behalf of the city, for any purpose, unless and until the same shall have been authorized by ordinance by four-fifths (4/5) majority vote of the Council; provided that effective January 1, 2004, and following every Council election thereafter, the City Council may, by a four-fifths majority vote, adjust the amount of money that may be expended, or the indebtedness that may be incurred, on behalf of the City, without prior specific Council authorization. (3-4-03)

The City Council, by ordinance approved by 4/5th majority vote of the Council, shall establish the maximum amount of money to be expended and/or indebtedness incurred on behalf of the City without first requiring specific Council authorization, except as otherwise provided for in this Charter; provided further that said maximum amount once established by ordinance shall not be adjusted until after each general Council election, commencing with the first such election occurring after January 1, 2004, and then only by a 4/5th majority vote. (3-4-03)

All demands against the city shall, before being paid, be presented to and approved by the proper board, commission or officer, as herein provided. Demands for which no appropriation has been made shall be presented to the city manager, provided, that any person dissatisfied with the refusal of the city manager to approve any demand, in whole or in part, may present the same to the council, and the approval of such demand by the council shall have the same effect as its approval by the city manager; and provided further, that if the council shall provide for other boards or commissions, it may make provision for the presentation to and approval by any such board or commission of demands for liabilities incurred by them.

The council may provide for a revolving cash fund as authorized by ordinance by four-fifths majority vote of the Council; provided that effective January 1, 2004, and following every Council election thereafter, the City Council may, by a four-fifths majority vote, adjust the revolving cash fund. The amount shall be paid to the city manager, and used by him/her for the payment in cash, of expenditures provided for in the budgets that cannot conveniently be paid otherwise. He or she shall account to the council for all payments by him or her out of said fund when making demand for the replenishment of the same, and at such other times as the council may require, and they shall thereupon be charged against the proper appropriations. (3-4-03)

All demands approved by the proper board, commission or officer shall be presented to the director of finance, who shall examine the same, and if the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he/she shall approve such demand and draw and sign his warrant on the treasurer therefor, payable out of the proper fund. Objections of the director of finance to any demand may be overruled by the council, and the director of finance shall thereupon draw his warrant as directed by the council. Such warrants, when presented to the treasurer, shall be paid by him/her out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefor; all such registered warrants shall bear interest at the rate of six percent (6%) per annum. The director of finance shall draw his/her warrants for payment of municipal or other bonds payable out of the funds in the treasury upon presentation and surrender of the proper bonds or coupons without approval of anybody or officer. The council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the city. (3-4-03)
PORTERVILLE CITY CODE
CHAPTER 2 - ADMINISTRATION

ARTICLE VII. EXPENDITURES, INDEBTEDNESS, AND REVOLVING
CASH FUND

Sec. 2-35. Expenditures.

Any expenditure or purchase of less than $5,000.00 shall not require specific council
authorization. Any expenditure or purchase of $5,000.00 or more shall first require specific council
authorization as provided by Section 48 of the Charter.

Sec. 2-36. Indebtedness.

Any indebtedness to be incurred by the City of less than $5,000.00 shall not require specific
council authorization. Any indebtedness to be incurred by the City of $5,000.00 or more shall first
require specific council authorization as provided by Section 48 of the Charter.

Sec. 2-37. Revolving Cash Fund.

A revolving cash fund in the amount of not more than $1,000.00 is hereby established
pursuant to Section 48 of the Charter.
(Ord. 1642, §1, 11-18-03)
SUBJECT: Consideration of Half-Cent Sales Tax County Transportation Measure

SOURCE: City Manager

On June 26, 2006 the Tulare County Association of Government’s Board of Directors determined to submit to Tulare County City Councils and the County Board of Supervisors a proposal to create a one-half cent sales tax for transportation purposes.

If the County Board of Supervisors and more than one-half the cities with more than one-half the population approve the measure, it will go on the November, 2006 ballot. The other factors relating to the measure are:

- The allocations would be 50% to regional projects, 35% to discretionary projects based on a formula defined by a steering committee, 14% to other projects and 1% to administration.
- Regional projects would be the 2004 RTP listing (This will be updated in 2007)
- Tier 2 projects would be specified using current criteria or as amended.
- The current TCAG JPA would be modified for the sub-component of elected officials on the Board
- There would be a citizen advisory committee
- The formula for allocation based on population, maintained road miles, daily vehicle miles would be adjusted annually.

The Council’s determination on this matter should be returned to TCAG by July 17, 2006. Relative to the proposed transportation sales tax there are various pros and cons, including:

PRO

- There is significant need for street repair within Porterville – It is a common theme for City action from residents
• By passing a sales tax, it will allow the County and its cities to be pro-active as a self-help county. This will provide additional funding opportunities from State government.

• As a result of polling by TCAG, the time is appropriate to present a street sales tax measure to the electorate

CON

• For Porterville, the City’s Electorate recently passed Measure H and fees have been increased – Another measure at this time may be too much, too soon.

• A false impression may be created defining what and when projects can be accomplished. This may create a difficult expectation that a significant portion of the work will be completed over a short time frame. The City would receive about $636,000 a year, while the ten-year plan for reconstruction and maintenance is $30.8 Million. The projected need for street reconstruction and maintenance, however, is greater than that defined in the City’s Plan. The minimum “sunset” date on the sales tax would be 20 years and during this 20 year period, approximately $128 million (2006 dollars) will be needed to reconstruct the City’s 185 miles of streets. The sales tax could then provide funding for only about 10% of the projected need. This $128 million is strictly street reconstruction costs and does not include costs associated with concrete improvements nor does it include bridge reconstruction costs.

• Placing the measure on in November may deny the Electorate a full opportunity to consider and understand the measure. A tremendous non-governmental campaign will need to be ramped up and explanations will have to be presented over a very short time frame.

Attached is information provided by TCAG on the measure. This includes a memorandum from Phil Cox, the Chair of the TCAG Sales Tax Subcommittee. The Subcommittee recommended that the sales tax measure be implemented “after November 2006.” The TCAG Board did not approve this recommendation.

RECOMMENDATION:

Determine whether the City of Porterville should support placing a one-half cent Transportation Sales Tax on the Ballot in November, 2006.
For discussion only
This worksheet does not constitute a recommendation

Summary of Potential **Transportation Program** expenditures 6/22/06
(There is NO growth per year on the numbers below)

<table>
<thead>
<tr>
<th>Fund Amount</th>
<th>Annual</th>
<th>Ten year</th>
<th>Twenty year</th>
<th>Thirty year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$21,760,606</td>
<td>$217,606,064</td>
<td>$435,212,128</td>
<td>$652,818,192</td>
</tr>
<tr>
<td>Programs (off the top)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- &quot;Discretionary&quot;</td>
<td>$7,616,212</td>
<td>$76,162,122</td>
<td>$152,324,245</td>
<td>$228,486,367</td>
</tr>
<tr>
<td>- Transit/Light Rail/</td>
<td>$3,046,485</td>
<td>$30,464,849</td>
<td>$60,929,698</td>
<td>$91,394,547</td>
</tr>
<tr>
<td>Bike/peds/environmental</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Administration</td>
<td>$217,606</td>
<td>$2,176,061</td>
<td>$4,352,121</td>
<td>$6,528,182</td>
</tr>
<tr>
<td>Subtotal special programs</td>
<td>$10,880,303</td>
<td>$108,803,032</td>
<td>$217,606,064</td>
<td>$326,409,096</td>
</tr>
<tr>
<td>Remaining for Regional</td>
<td>$10,880,303</td>
<td>$108,803,032</td>
<td>$217,606,064</td>
<td>$326,409,096</td>
</tr>
<tr>
<td>Projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project</td>
<td>Limits</td>
<td>Component(s)</td>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------------------</td>
<td>---------------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>V SR-63</td>
<td>Packwood to SR-198</td>
<td>Con</td>
<td>$19,000,000</td>
<td></td>
</tr>
<tr>
<td>V Road 60</td>
<td>Avenue 304 to Avenue 340</td>
<td>Con</td>
<td>$16,000,000</td>
<td></td>
</tr>
<tr>
<td>V Road 108</td>
<td>phase 1/ Tulare limits</td>
<td>Con</td>
<td>$4,000,000</td>
<td></td>
</tr>
<tr>
<td>V Plaza Drive</td>
<td>SR-198 to Ave 304</td>
<td>PS&amp;E, ROW, CON</td>
<td>$14,000,000</td>
<td></td>
</tr>
<tr>
<td>D Avenue 416</td>
<td>Road 56 signal</td>
<td>PS&amp;E, ROW, CON</td>
<td>$1,300,000</td>
<td></td>
</tr>
<tr>
<td>D Euclid to Snyder</td>
<td>PS&amp;E, ROW, CON</td>
<td>$9,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D Road 64 to Road 72</td>
<td>PS&amp;E, ROW, CON</td>
<td>$11,400,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D Road 52 to Road 64</td>
<td>PS&amp;E, ROW, CON</td>
<td>$30,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R Kings River Bridge</td>
<td>PS&amp;E, ROW, CON</td>
<td>$10,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P SR-65</td>
<td>Phase 1/ Ave 96 to SR-198</td>
<td>ROW, Con</td>
<td>$36,500,000</td>
<td></td>
</tr>
<tr>
<td>P Phase 2/ Ave 56 to Ave 96</td>
<td>ROW, Con</td>
<td>$20,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P Phase 3/ C line to Ave 56</td>
<td>ROW, Con</td>
<td>$36,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R SR-56 (Spruce)</td>
<td>SR-137 to SR-198</td>
<td>PS&amp;E, ROW, CON</td>
<td>$100,000,000</td>
<td></td>
</tr>
<tr>
<td>P Scranton/Indiana</td>
<td>Scranton/Indiana</td>
<td>PS&amp;E, ROW, CON</td>
<td>$3,000,000</td>
<td></td>
</tr>
<tr>
<td>V/C Caldwell Ave</td>
<td>SR-99 to Shady Lane</td>
<td>PS&amp;E, ROW, CON</td>
<td>$15,000,000</td>
<td></td>
</tr>
<tr>
<td>V/C/E Santa Fe to Orange Ave</td>
<td>PS&amp;E, ROW, CON</td>
<td>$40,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>V SR-216 (Houston)</td>
<td>Lovers Lane to Ave 152</td>
<td>PS&amp;E, ROW, CON</td>
<td>$15,000,000</td>
<td></td>
</tr>
<tr>
<td>V/C Betty Drive Widening</td>
<td>SR-99 to Road 80</td>
<td>CON</td>
<td>$7,000,000</td>
<td></td>
</tr>
</tbody>
</table>

Note: SR-137/SR-190 would potentially be funded from excess RTIP funding not assumed in Revenue assumptions

<table>
<thead>
<tr>
<th>Project</th>
<th>Limits</th>
<th>Component(s)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Future RTP Projects NOT initiated</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(These projects are all beyond 20 years for delivery if no sales tax)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project</th>
<th>Limits</th>
<th>Component(s)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>R SR-137</td>
<td>SR-99 to SR-65</td>
<td>all phases</td>
<td>$120,000,000</td>
</tr>
<tr>
<td>P SR-190</td>
<td>SR-99 to SR-65 (passing inc)</td>
<td>all phases</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>V/C Betty Drive/99</td>
<td>I/C improvements</td>
<td>all phases</td>
<td>$37,000,000</td>
</tr>
<tr>
<td>V Caldwell Ave/99</td>
<td>I/C improvements</td>
<td>all phases</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>T Cerrillo/99</td>
<td>I/C improvements</td>
<td>all phases</td>
<td>$87,000,000</td>
</tr>
<tr>
<td>R SR-99</td>
<td>widening (4 segments)</td>
<td>PS&amp;E, ROW, CON</td>
<td>$500,000,000</td>
</tr>
<tr>
<td>R SR-198</td>
<td>Hanford to SR-99</td>
<td>CON</td>
<td>$55,000,000</td>
</tr>
</tbody>
</table>

For SR-99 and SR-198, project funding is assumed through the IIP. No further RTIP/local funding is assumed NOT included in the totals below.

<table>
<thead>
<tr>
<th>Project</th>
<th>Limits</th>
<th>Component(s)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>V’ = Visalia</td>
<td></td>
<td></td>
<td>$181,000,000</td>
</tr>
<tr>
<td>T = Tulare</td>
<td></td>
<td></td>
<td>$120,000,000</td>
</tr>
<tr>
<td>C = County of Tulare</td>
<td></td>
<td></td>
<td>$56,000,000</td>
</tr>
<tr>
<td>D = Dinuba</td>
<td></td>
<td></td>
<td>$40,000,000</td>
</tr>
<tr>
<td>P = Porterville</td>
<td></td>
<td></td>
<td>$66,000,000</td>
</tr>
<tr>
<td>E = Exeter</td>
<td></td>
<td></td>
<td>$2,000,000</td>
</tr>
<tr>
<td>F = Farmersville</td>
<td></td>
<td></td>
<td>$17,941,000</td>
</tr>
<tr>
<td>R = Regional</td>
<td></td>
<td></td>
<td>$32,000,000</td>
</tr>
</tbody>
</table>

Subtotal Project costs: $666,300,000
Loss SR-137/SR-190: $130,000,000
Total: $536,300,000
Summary of Line-item Additional Potential Regional Projects for 30 years
Summary of Potential Transportation Program expenditures 6/22/06
The projects are not listed in priority order

<table>
<thead>
<tr>
<th>Project</th>
<th>Limits</th>
<th>Component(s)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visalia -</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>V Shirk Street</td>
<td>SR-198 to Riggin</td>
<td>all phases</td>
<td>$5,400,000</td>
</tr>
<tr>
<td>V Caldwell to Avenue 198</td>
<td>all phases</td>
<td>$5,000,000</td>
<td></td>
</tr>
<tr>
<td>V Riggin</td>
<td>SR-63 to SR-99</td>
<td>all phases</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>V Goshen bypass to Mill Creek</td>
<td>all phases</td>
<td>$4,000,000</td>
<td></td>
</tr>
<tr>
<td>Subtotal additional</td>
<td></td>
<td></td>
<td>$29,400,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Interchanges</th>
</tr>
</thead>
<tbody>
<tr>
<td>T Agr/Center/SR-99</td>
</tr>
<tr>
<td>T Paige/SR-99</td>
</tr>
<tr>
<td>C SR-99 (south county)</td>
</tr>
<tr>
<td>V Shirk Street/SR-198</td>
</tr>
<tr>
<td>V Akers Street/SR-198</td>
</tr>
<tr>
<td>V Visalia 198 corridor</td>
</tr>
<tr>
<td>V Lovers Lane/SR-198</td>
</tr>
<tr>
<td>V Ave 149/SR-198</td>
</tr>
<tr>
<td>F Farmersville Blvd/SR-198</td>
</tr>
<tr>
<td>P Main Street/SR-190</td>
</tr>
<tr>
<td>P N. Grand /SR-65</td>
</tr>
<tr>
<td>Subtotal Interchanges</td>
</tr>
<tr>
<td>C Avenue 96</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project</th>
<th>Limits</th>
<th>Component(s)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>R Synchronization</td>
<td>various locations</td>
<td>P&amp;S, ROW, CON</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>V Synchronization</td>
<td>various locations</td>
<td>P&amp;S, ROW, CON</td>
<td>$9,600,000</td>
</tr>
<tr>
<td>V Signals</td>
<td>various locations</td>
<td>P&amp;S, ROW, CON</td>
<td>$4,600,000</td>
</tr>
<tr>
<td>C Various</td>
<td>bridge improvements</td>
<td>all phases</td>
<td>$34,000,000</td>
</tr>
<tr>
<td>V McMaster/SR-196</td>
<td>over crossing</td>
<td>all phases</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>V Ben Maddox/SR-198</td>
<td>over crossing</td>
<td>all phases</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>V Santa Fe/SR-196</td>
<td>over crossing</td>
<td>all phases</td>
<td>$12,600,000</td>
</tr>
<tr>
<td>T Prosperity/RR</td>
<td>over crossing</td>
<td>all phases</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>VC Betty Drive/RR</td>
<td>over crossing</td>
<td>all phases</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>T Carlstynn/RR</td>
<td>over crossing</td>
<td>all phases</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>T J Street/RR</td>
<td>over crossing</td>
<td>all phases</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>T Bardsley/RR</td>
<td>over crossing</td>
<td>all phases</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>T Commercial/RR</td>
<td>over crossing</td>
<td>all phases</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>P Indiana Bridge/Tule River Bridge</td>
<td>all phases</td>
<td>$7,000,000</td>
<td></td>
</tr>
<tr>
<td>P Newcomb Bridge/Tule Bridge</td>
<td>all phases</td>
<td>$9,000,000</td>
<td></td>
</tr>
<tr>
<td>Subtotal Overcrossings/Bridges</td>
<td></td>
<td></td>
<td>$157,400,000</td>
</tr>
</tbody>
</table>

Revenue Assumptions:

- Preliminary Sales tax amount (priority projects only) $324,000,000
- Projected STIP funding $450,000,000
- Earmarks (SAFETEA-LU only) $1,100,000
- Local contributions (Dinuba Avenue 418) $1,800,000
- SHOPP $3,000,000
- Match for all sales tax funding (10% of preliminary sales tax amount) $32,400,000
- Add back in SR-63 funding $19,000,000
- Additional STIP funding (year 15-30) $75,000,000
- Bridge/overcrossing grants (10%) $15,000,000
- Other grant/match program or Earmarks $39,000,000

Subtotal: $129,000,000
Deficit: $60
Summary of Line-item Additional Potential Regional Projects for Tier 3
Summary of Potential Transportation Program expenditures 6/22/06
The projects are not listed in priority order

<table>
<thead>
<tr>
<th>Project</th>
<th>Limits</th>
<th>Component(s)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>SR-190</td>
<td>SR-99 to SR-65 to 4 lanes</td>
<td>all phases</td>
</tr>
<tr>
<td>D</td>
<td>Alta Avenue</td>
<td>Sequoia to Avenue 432</td>
<td>all phases</td>
</tr>
<tr>
<td>D</td>
<td>Kamm Avenue</td>
<td>Alta to Road 56</td>
<td>all phases</td>
</tr>
<tr>
<td>D</td>
<td>Kamm Avenue</td>
<td>College to Road 92</td>
<td>all phases</td>
</tr>
<tr>
<td>D</td>
<td>Nebraska Avenue</td>
<td>Viscaya to Eaton</td>
<td>all phases</td>
</tr>
<tr>
<td>D</td>
<td>Nebraska Avenue</td>
<td>Viscaya to Road 64</td>
<td>all phases</td>
</tr>
<tr>
<td>D</td>
<td>Saginaw</td>
<td>Alta to Road 72</td>
<td>all phases</td>
</tr>
<tr>
<td>D</td>
<td>Veltura RR crossing</td>
<td>crossing</td>
<td>all phases</td>
</tr>
<tr>
<td>D</td>
<td>Road 72</td>
<td>Kamm Ave to Ave 430</td>
<td>all phases</td>
</tr>
<tr>
<td>D</td>
<td>Crawford</td>
<td>Avenue 400 to Ave 432</td>
<td>all phases</td>
</tr>
<tr>
<td></td>
<td>Subtotal Dinuba</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Interchanges**

<table>
<thead>
<tr>
<th>Project</th>
<th>Limits</th>
<th>Component(s)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>V</td>
<td>Visalia</td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>T</td>
<td>Tulare</td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>C</td>
<td>County of Tulare</td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>D</td>
<td>Dinuba</td>
<td></td>
<td>$46,000,000</td>
</tr>
<tr>
<td>P</td>
<td>Porterville</td>
<td></td>
<td>$120,000,000</td>
</tr>
<tr>
<td>E</td>
<td>Exeter</td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>F</td>
<td>Farmersville</td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>R</td>
<td>Regional</td>
<td></td>
<td>$5,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$171,000,000</td>
</tr>
</tbody>
</table>

Subtotal Project costs: $171,000,000
# Summary of Line-item Additional Potential "Other" Projects for 30 years 6/22/06

Costs are current costs and the revenue assumptions are not escalated

The projects are not listed in priority order

<table>
<thead>
<tr>
<th>Project</th>
<th>Limits</th>
<th>Component(s)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transit (including Light Rail)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Porterville</td>
<td>CNG Buses (2)</td>
<td></td>
<td>$600,000</td>
</tr>
<tr>
<td>Dinuba</td>
<td>Route expansion (50k a year)</td>
<td></td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Visalia</td>
<td>Service expansion (684k a year)</td>
<td></td>
<td>$20,520,000</td>
</tr>
<tr>
<td>County</td>
<td>Service expansion (500k a year)</td>
<td></td>
<td>$15,000,000</td>
</tr>
<tr>
<td></td>
<td>CNG Buses (4)</td>
<td></td>
<td>$1,200,000</td>
</tr>
<tr>
<td>Tulare</td>
<td>Minor Transit improvements operations (100k a year)</td>
<td></td>
<td>$300,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$3,500,000</td>
</tr>
<tr>
<td>Farmersville</td>
<td>transit center (minor)</td>
<td></td>
<td>$250,000</td>
</tr>
<tr>
<td>Lindsay</td>
<td>Route expansion (100k a year)</td>
<td></td>
<td>$3,000,000</td>
</tr>
<tr>
<td></td>
<td>transit center (minor)</td>
<td></td>
<td>$250,000</td>
</tr>
<tr>
<td></td>
<td>CNG Buses (2)</td>
<td></td>
<td>$400,000</td>
</tr>
<tr>
<td>Woodlake</td>
<td>Route expansion (50k a year)</td>
<td></td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Exeter</td>
<td>(part of Visalia Urbanized Area)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farmersville</td>
<td>(part of Visalia Urbanized Area)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regional Light Rail ROW preservation</td>
<td></td>
<td></td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$58,520,000</td>
</tr>
</tbody>
</table>

### Bike/Pedestrian Projects

<table>
<thead>
<tr>
<th>Project</th>
<th>Limits</th>
<th>Component(s)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lindsay</td>
<td>Ped walkway/Bike</td>
<td>all phases</td>
<td>$3,900,000</td>
</tr>
<tr>
<td></td>
<td>Phase 3 Downtown</td>
<td>all phases</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>Tulare</td>
<td>Santa Fe Bike - lights</td>
<td>all phases</td>
<td>$2,000,000</td>
</tr>
<tr>
<td></td>
<td>Santa Fe Bike - trail head</td>
<td>all phases</td>
<td>$2,000,000</td>
</tr>
<tr>
<td></td>
<td>Bike Arterial crossings</td>
<td>all phases</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Visalia</td>
<td>St John’s River Path</td>
<td>all phases</td>
<td>$2,000,000</td>
</tr>
<tr>
<td></td>
<td>Cameron Creek path</td>
<td>all phases</td>
<td>$4,500,000</td>
</tr>
<tr>
<td></td>
<td>K Street Bike path</td>
<td>all phases</td>
<td>$1,500,000</td>
</tr>
<tr>
<td></td>
<td>Packwood Creek</td>
<td>all phases</td>
<td>$1,500,000</td>
</tr>
<tr>
<td></td>
<td>Modoc Creek</td>
<td>all phases</td>
<td>$1,500,000</td>
</tr>
<tr>
<td></td>
<td>Mill Creek</td>
<td>all phases</td>
<td>$5,000,000</td>
</tr>
<tr>
<td></td>
<td>Goshen Enhancement</td>
<td>all phases</td>
<td>$3,000,000</td>
</tr>
<tr>
<td></td>
<td>K Road along SJ rail line</td>
<td>all phases</td>
<td>$4,500,000</td>
</tr>
<tr>
<td></td>
<td>SJ river to Ave 272</td>
<td>all phases</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>County</td>
<td>Regional Bike Path improvements</td>
<td>all phases</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Exeter</td>
<td>Bike/ped improvements</td>
<td>all phases</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Porterville</td>
<td>Bike/ped improvements</td>
<td>all phases</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Tulare/Visalia</td>
<td>Santa Fe Gap Connection</td>
<td>all phases</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Regional</td>
<td>K Road to Exeter</td>
<td>all phases</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$71,200,000</td>
</tr>
</tbody>
</table>

### Environmental Projects

<table>
<thead>
<tr>
<th>Project</th>
<th>Limits</th>
<th>Component(s)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Mitigation Banking Program</td>
<td></td>
<td></td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Woodlake Area Mitigation banking program</td>
<td></td>
<td></td>
<td>$1,000,000</td>
</tr>
<tr>
<td>(results in $100,000 a year for environmental)</td>
<td></td>
<td></td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$3,000,000</td>
</tr>
</tbody>
</table>

### Subtotal Project costs:

$132,720,000

---

**Revenue Assumptions:**

- Preliminary Sales tax amount (Other) $91,600,000
- CMAQ $20,000,000
- TEA $15,000,000
- Earmarks (SAFETEA-LU only) $0
- Local contributions $0
- Other Bike Grants (10% on each) $7,100,000

Remaining $880,000

---

**Bike/ped** = may be eligible for other funding commitment as part of the sales tax (example assume TE/CMAQ)

Assumes 50% match for Bike/Ped from CMAQ TEA
For discussion only  
This worksheet does not constitute a recommendation  

Summary of potential Discretionary amounts  
(There is NO growth per year on the numbers below)  

<table>
<thead>
<tr>
<th></th>
<th>Total Annual</th>
<th>Total 10 years</th>
<th>Total 20 years</th>
<th>Total 30 years</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dinuba</td>
<td>$257,768</td>
<td>$2,577,684</td>
<td>$5,155,367</td>
<td>$7,733,051</td>
<td>3.38%</td>
</tr>
<tr>
<td>Exeter</td>
<td>$137,384</td>
<td>$1,373,839</td>
<td>$2,747,677</td>
<td>$4,121,516</td>
<td>1.80%</td>
</tr>
<tr>
<td>Farmersville</td>
<td>$128,098</td>
<td>$1,280,976</td>
<td>$2,561,951</td>
<td>$3,842,927</td>
<td>1.68%</td>
</tr>
<tr>
<td>Lindsay</td>
<td>$140,049</td>
<td>$1,400,486</td>
<td>$2,800,972</td>
<td>$4,201,459</td>
<td>1.84%</td>
</tr>
<tr>
<td>Porterville</td>
<td>$635,786</td>
<td>$6,357,863</td>
<td>$12,715,725</td>
<td>$19,073,588</td>
<td>8.35%</td>
</tr>
<tr>
<td>Tulare</td>
<td>$692,468</td>
<td>$6,924,677</td>
<td>$13,849,354</td>
<td>$20,774,031</td>
<td>9.09%</td>
</tr>
<tr>
<td>Visalia</td>
<td>$1,637,959</td>
<td>$16,379,586</td>
<td>$32,759,172</td>
<td>$49,138,758</td>
<td>21.51%</td>
</tr>
<tr>
<td>Woodlake</td>
<td>$82,343</td>
<td>$823,430</td>
<td>$1,646,861</td>
<td>$2,470,291</td>
<td>1.08%</td>
</tr>
<tr>
<td>Non-Incorp.</td>
<td>$3,904,358</td>
<td>$39,043,582</td>
<td>$78,087,164</td>
<td>$117,130,746</td>
<td>51.26%</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>$7,616,212</strong></td>
<td><strong>$76,162,122</strong></td>
<td><strong>$152,324,245</strong></td>
<td><strong>$228,486,367</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Discretionary %: 35% (of total sales tax)  

Population: 50%  

Maintained Miles: 25%  

Daily Vehicle Miles: 25%  

Other: 0%  

Totals: 100%
## Summary of Agency Regional & Discretionary funding

**Summary of Potential Transportation Program expenditures 6/22/06**

The projects are **not** listed in priority order.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Regional Project Funding</th>
<th>Discretionary (50/25/25 split)</th>
<th>Other (transit/Bike/peds/Env)</th>
<th>Total Funding Projects + Discretionary</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>D = Dinuba</td>
<td>RTP Projects: $43,300,000</td>
<td>Additional Projects: $0</td>
<td>Total: $43,300,000</td>
<td>$7,700,000</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>E = Exeter</td>
<td>$2,000,000</td>
<td>$0</td>
<td>$2,000,000</td>
<td>$4,100,000</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>F = Farmersville</td>
<td>$0</td>
<td>$30,000,000</td>
<td>$30,000,000</td>
<td>$3,800,000</td>
<td>$250,000</td>
</tr>
<tr>
<td>L = Lindsay</td>
<td>$95,500,000</td>
<td>$54,000,000</td>
<td>$149,500,000</td>
<td>$4,200,000</td>
<td>$10,350,000</td>
</tr>
<tr>
<td>P = Porterville</td>
<td>$29,000,000</td>
<td>$105,000,000</td>
<td>$134,000,000</td>
<td>$19,100,000</td>
<td>$5,600,000</td>
</tr>
<tr>
<td>T = Tulare</td>
<td>$131,900,000</td>
<td>$154,500,000</td>
<td>$286,400,000</td>
<td>$49,100,000</td>
<td>$52,500,000</td>
</tr>
<tr>
<td>V = Visalia</td>
<td>$2,500,000</td>
<td>$1,500,000</td>
<td>$4,000,000</td>
<td>$117,100,000</td>
<td>$21,200,000</td>
</tr>
<tr>
<td>W = Woodlake</td>
<td>$94,600,000</td>
<td>$75,500,000</td>
<td>$170,100,000</td>
<td>$117,100,000</td>
<td>$21,200,000</td>
</tr>
</tbody>
</table>

**Subtotal** | $536,300,000 | $424,000,000 | $960,300,000 | $228,400,000 | $103,720,000 | $1,292,420,000 | 100.0% |

---

**Does not include Tier III**

Regional
- $16,000,000
- $3,000,000
- $10,000,000

**Total**
- $132,720,000
TO: TCAG Board
    Interested parties

DATE: June 26, 2006

FROM: Phil Cox, Chair of TCAG Sales Tax Subcommittee

SUBJECT: Summary of Potential Sales Tax efforts conducted over the past month

Over the past several months considerable effort has been made to develop the key components that are necessary for a potential transportation sales tax. The City Managers and County RMA Director (along with senior staff) have met weekly. County of Tulare Legal Council has also worked hard on providing legal guidance in a very timely and professional manner. Additional "sub-committee" meetings also occurred. Staff from TCAG and other agencies worked on the sales tax almost daily. In summary, there was considerable effort by the member agencies to try and achieve the goal of developing the key components of a sales tax. Progress that usually takes several months to a year for other regions to complete was completed in a short amount of time by the sales tax subcommittee.

The Subcommittee for the proposed sales tax met late last week and concluded that we earnestly pursue our discussions regarding a County-wide transportation sales tax, and that we focus on a future election date rather than the November 2006 election.

In order for a sales tax proposition to be successful, every jurisdiction involved must fully understand and support the issue and be 100% behind the measure. After the TCAG meeting last week and in subsequent discussions, it has become clear that there are still many questions to be addressed and a great deal of education that needs to occur at the policy making level, in addition to the electorate at large.

The recent election results where all five of the proposed transportation measures in the state failed was certainly a wake up call; it heightened everyone’s awareness of the difficulty of the task before us, and the need to proceed very judiciously. We need to be clear and concise in developing an expenditure plan. As of today, the plan is still a work in progress, and some agencies have mentioned that they may still want to add and/or modify the plan. It is difficult to develop such a long range plan, crunch the numbers, and negotiate priorities, especially under such a tight timeline.
In addition, there are many issues that still need to be addressed including criteria for listing a project in the plan, prioritizing the projects within the plan, development of the contingency plan elements, and incentives for encouraging agencies to seek additional funding. There are many other matters, some that we have not even begun to discuss, that need to be sorted out before we can successfully ask the voters to pass a sales tax measure. Other issues that require resolution include management issues, environmental questions and the overall issue of educating the citizens about the need and the benefit of a sales tax to resolve our transportation needs.

Some of the key items that have been continually worked on over the past few months are: a draft expenditure plan, management development, Citizen Oversight Committee creation (documentation needed for expenditure plan), ballot language, and necessary environmental clearance. The following is a discussion of each of the key components and the work accomplished towards completing the tasks.

**Expenditure Plan**

Starting with only examples from other regions, four general categories of funding were created. The four categories are shown with the approximate percentage of the overall sales tax program:

- Regional Projects 50%
- Transit/bikes/environmental 14% “Other”
- Discretionary 35%
- Administration 1%

The Regional projects include, as a base, the regional projects identified in the 2004 Regional Transportation Plan (RTP). A “call for projects” was issued to all member agencies. Additional potential projects were then suggested by most of the member agencies. As of our June 22, 2006 meeting, projects exceeded the projected revenues by over $300 million. While there are aggressive revenue assumptions that could be used, there would still be a significant shortfall. As a result, the subcommittee recommends that the TCAG Technical Committee develop recommended criteria for the regional projects category.

In addition to the regional projects category, the “Other Category” was created for bikes, transit, environmental, and pedestrian projects. This category of projects has demonstrated to be critical for voter approval in other areas. Some of these categories received a high level of support from our survey. As with the regional projects, a “call for projects” was issued to all member agencies. With considerable TCAG funding projected from CMAQ and TE, the projects may be able to be accommodated. As a result, the subcommittee recommends that the TCAG Technical Committee develop recommended criteria for the “other” projects category.

The “Discretionary” category was created to give flexibility to member agencies for using funding. Each agency has different needs and requires funding flexibility to address local priorities. Various distribution formulas were considered including factors for population, maintained miles, and daily vehicle miles traveled. While the formula is probable within 5% of developing consensus, further definition of the use of the discretionary category is required. For example, one agency may use funds for road reconstruction and another agency a road widening project.
Management Development

There has been considerable discussion given about the management development for a potential sales tax. The potential for a new JPA has been reviewed and was the primary subject of discussion at the June 19, 2006 TCAG Board meeting. At the last subcommittee meeting, the potential for amending the current TCAG JPA was discussed and forwarded to County Council for review.

Citizen Oversight Creation (documentation/initial development)

A draft Citizen Oversight plan was developed. While still in draft form, the subcommittee has conducted a number of reviews and continued refinement of a Citizen Oversight plan. A review of prior sales tax initiatives demonstrates that the Citizen Oversight component is vital to receive voter approval.

Environmental Clearance

TCAG Staff is working with a number of technical consultants on creating an addendum to the 2004 Regional Transportation Plan (RTP) EIR. County Council will provide more information regarding environmental clearance during the closed session.

As a result of the subcommittee efforts, the following recommendations are provided to the TCAG Board.

Recommendations

1. Implement the sales tax initiative after November 2006
2. That the Subcommittee continue to meet and develop recommendations for the proposed expenditure plan, accountability document, and other aspects of the proposed ballot measure.
3. Request legal counsel to review the feasibility of amending the current TCAG JPA to create a section for administration of a potential sales tax.
4. That a Citizen’s Advisory Committee be formed to evaluate the plan and other aspects of the proposed ballot measure and to actively participate in the community education efforts. This Committee should be formed and begin meeting no later than Aug. 1, 2006. It has been recommended that each agency recommend one person for every 10,000 people that reside in their jurisdiction, and that the Committee represent the diversity of the jurisdiction.
5. Request the TCAG Technical Advisory Committee to develop technical criteria in regards to regional projects, bikes, and transit projects for assisting in project selection and ranking.
Gentlemen:

I did not see your names in the headings and felt you should see Mr. Smalley's summary of the Board meeting related to the tax sale.

Baldo r

----- Original Message -----  
From: Ted Smalley [mailto:TSmalley@co.tulare.ca.us]
Sent: Tuesday, June 27, 2006 7:22 AM
To: Felixexe@aol.com; Brad Dunlap; Baldo Rodriguez; dpyle@ci.tulare.ca.us;
    hedson@ci.tulare.ca.us; MMiller@ci.tulare.ca.us; LCaviglia@ci.visalia.ca.us;
    MOLMOS@ci.visalia.ca.us; ssaalomon@ci.visalia.ca.us; blewis@ci.woodlake.ca.us; Britt
    Fussel; Clinton Sims; Dennis Mills; George Finney; Henry Hash; Jean Brou; Phil Cox; Sharon
    Castellini; apeltzer@dhlaw.net; bbeltran@dinuba.ca.gov; dmeinert@dinuba.ca.gov;
    etodd@dinuba.ca.gov; paul@edctulare.com; dbucaroff@lindsay.ca.us;
    scotttownsend@lindsay.ca.us; TomM@quadknopf.com; chiefkrstic@sbcglobal.net;
    cparene@sbcglobal.net
Subject: yesterday's special TCAG meeting

In summary, the TCAG board voted to proceed with completing a draft Expenditure Plan with the desire to see if we can have a sales tax initiative on the November 06 ballot.

As a result, TCAG Staff will be sending out revised Expenditure plan summary sheets (spreadsheets we have been working with) based on the TCAG criteria (approved yesterday) discussed below. Our goal is to have a draft Expenditure Plan (with text) by Monday.

The TCAG Board has moved the next TCAG Meeting to July 24, 2006. The Board has asked all cities/County to take the Expenditure plan before your respective City Councils prior to the July 24, 2006 date. Based on the results of the respective individual agency votes, TCAG will decide rather to formally request the County to place on the November ballot.

Do to the short time frame, we are asking each member agency to provide either a summary of projects (or categories of projects) of how your agency would use the Discretionary funding. Again due to time constraints, TCAG Staff would need this by the end of Wednesday (5:00 PM).

TCAG approved the following criteria for the Expenditure plan and other items

1. Major categories
   Regional Projects 50%
   Discretionary 35%
   - 50% population
   - 25% maintained miles
   - 25% Vehicles miles traveled
   Other 14%
   Administration 1%

2. Only the approved 2004 RTP regional projects will be listed as a "Tier 1." All other project requests for "regional projects" would be listed as Tier II. Tier II projects will be considered in the future once the Tier 1 projects funded. Revenues from the STIP would only be assumed to the extent needed to cover the short fall of the sales tax dollars.

3. Work will begin/continue on modifying the TCAG JPA to have a new vote structure for
sales tax related items.

4. Create a Citizen's Advisory Committee

The time line is short. We appreciate everyone's assistance as we make the effort to move forward.

If you have any questions, please give me a call.
Ted Smalley
TCAG
(559) 733-6653 (ext. 4885)
SUBJECT: DISCUSSION ON WATER CONSERVATION PRACTICES

SOURCE: Public Works Department - Engineering Division

COMMENT: Residential water usage triples in the summertime over normal winter usage. Most of this increase is attributable to landscape watering and is a major contributor to the demand spike that occurs every summer.

Any effort to control this summer spike, and reduce the pressure to drill wells, will mean addressing landscape watering usage.

Before mandatory water-savings become necessary, such as those in place in Las Vegas and Phoenix, it would be prudent for the City to work together with local developers on voluntary measures to reduce water demand.

It is proposed that one or two Council members start roundtable discussions with members of the developer community to investigate ways to reduce water demand and bring a list of recommendations back to the full Council.

RECOMMENDATION: That the City Council:

1. Appoint two members of the Council to open roundtable discussions with the developer community to investigate ways to reduce water demand; and

2. Request that they bring a list of recommendations back to the full Council.
SUBJECT: Consideration of Goal And Priority Setting

SOURCE: City Manager

Newly formed City Councils often schedule and hold goal and priority setting sessions. These are public sessions where a facilitator works with the City Council to define common themes, articulate issues, establish goals, and set priorities.

This formulation is then used by the Council to evaluate program accomplishment. It is also a tasking document to the City Manager and City Staff in terms of program expectation.

If the Council decides to undertake a session to discuss and formulate goals and priorities, it should appoint a subcommittee to work with the City Manager to schedule the activity within Porterville. The subcommittee could evaluate potential facilitators and make a recommendation to the Council and also recommend an appropriate budget for the purpose.

RECOMMENDATION:

Determine to set Council goals and priorities and authorize the Mayor to appoint an ad hoc subcommittee to review the date, structure and facilitator for the activity and to suggest a budget for Council consideration and action.
SUBJECT: CONSIDERATION OF THE CITY COUNCIL PROCEDURAL HANDBOOK

SOURCE: City Clerk Division

COMMENT: As the Council is aware, the City Council Procedural Handbook is a document maintained by the City Clerk’s Office to aid current and future Council Members by having general Council procedures in a helpful booklet form. The City Council Procedural Handbook needs to be updated to keep it current with actual Council procedures.

Listed below are items approved since the last Handbook revision on May 17, 2005. It would be appropriate to include these items in the Council’s Handbook at the next modification.

VII. Travel and Meetings...
   B. Travel and Expense Form:
      A Travel and Expense Form will then be prepared for the Council Member which indicates the following:
      1) The amount of money to be issued to the traveler as per diem*; and
      2) Mileage reimbursement* (if a personal vehicle, or private aircraft, is used for travel).
   E. Reimbursement for Airplane Travel
      - Using Mapquest or a similar website, or using a pre-established mileage table, calculate the round-trip distance that would have been incurred had the trip been traveled by automobile. The number of miles, times the per-mile rate currently approved shall be allowed.
      - If the one-way travel distance exceeds 150 miles, it will be deemed that an overnight stay has been avoided (assuming the traveler returns the same day) and an additional stipend of $100 shall be made. This amount will be adjusted each January 1 based on the current CPI used by the airport for land leases.

The City Council Procedural Handbook has been revised to reflect these proposed changes and is attached for the Council’s review. All revisions are shown in bold.

With the new Council Members now seated, it would be appropriate for Council to review this document in depth so that they are familiar with the information

Item No. 160

[Signatures]
provided. Such a review would also give Council an opportunity to propose any amendments or recommendations that they feel are necessary for the uniform and consistent use of the City Council Procedural Handbook by Council and staff, for everyone’s benefit, including the public.

Items which have already been suggested for consideration are the changes required by AB 1234 in the areas of reimbursements and use of City funds, and setting policy on presentations by Council. The Handbook would also be reviewed to assure that all programs are consistent with the law.

RECOMMENDATION: That the Council set a date and time to review the current modifications to the City Council Procedural Handbook.

Attachment: 1) Revised City Council Procedural Handbook
# CITY COUNCIL PROCEDURAL HANDBOOK

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I. MEETINGS OF COUNCIL

The Council shall provide by ordinance the time and place of holding regular meetings and the manner in which special meetings may be called. Public interest and convenience shall be primary consideration when decisions are made as to time, location and frequency.

Except as otherwise provided by law, all meetings of the Council shall be open to the public.

The City Manager shall compile the agenda for each meeting and shall include as agenda items, business in the normal course of City affairs, including but not limited to staff proposals to improve services, support the economy and land use, and enhance the efficiency and effectiveness of the City organization, items relating to current, past, and proposed City contracts, leases, franchises, agreements and similar documents, and matters affecting future or proposed City equipment and property, items relating to City employees, agents and contractors, and such other matters as are defined in this handbook or otherwise directed by the City Council.

A. REGULAR MEETINGS

1. Regular meetings shall be held the first and third Tuesday of each month beginning at 6:00 p.m. Closed Session Items shall be considered at 6:00 p.m., with open session to commence at 7:00 p.m. In the event that a regular meeting of the Council shall fall on a legal holiday, that regular meeting shall be held at the same place and time on the next succeeding working day, or as determined by Council.

2. Regular meetings shall be held in the Council Chambers, 291 North Main Street, in the City of Porterville.

3. Regular meeting open sessions shall be between the hours of 7:00 p.m. - 11:00 p.m. It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour. Following the mid-meeting break (around 9:00 p.m.) the Mayor, with assistance from the City Manager, will review the balance of the agenda with Council to discuss how it can be handled in the allowed time. If it is necessary to continue any items, it will be announced at that time.

B. ADJOURNED MEETINGS/STUDY SESSIONS (Open to the public)

1. The purpose of these meetings shall be for informal discussions between staff, advisory bodies or consultants and the City Council regarding specific programs, projects or policies. If noticed, formal action may be taken at such a meeting.
MEETINGS OF COUNCIL - Continued

2. Adjourned Meetings/Study Sessions will be held at a time and place convenient to Council and advantageous for public participation.

3. Participation of the public shall be at the discretion of the Presiding Officer, upon consensus of the Council.

C. SPECIAL MEETINGS

1. Special meetings may be called by the Mayor or three members of the City Council. (GC § 54956) Written notice of each special meeting must be given not less than twenty-four (24) hours before such meeting to each member of the City Council not joining the call.

2. Written notice must be given to the City Council and to the media 24 hours prior to each meeting. (GC § 54956)

3. A supplemental telephone call shall be made if necessary to notify each Council Member.

4. No business other than that announced shall be discussed.

5. Any special meeting held at a place other than City Hall shall be open to the public. Notice requirements of the Brown Act shall be complied with for any such meetings; regular minutes shall be taken by the City Clerk and shall be available for public inspection.

D. ORDER OF BUSINESS

The Order of Business is set forth by Resolution No. 72-2005 adopted on May 17, 2005, a copy of which is attached hereto as Appendix A.

E. CONSENT ITEMS

Consent items are the first items on the open session portion of the agenda (items that are routine, have been discussed before, relate to implementation of approved budget items, or to City operations or item to be later set for public hearing).
II. MEETING PROCEDURES

A. PRESIDING OFFICER

1. The Mayor is the Presiding Officer and acts as Chair at Council meetings.

2. In the absence or incapacity of the Mayor, the Mayor Pro Tempore will serve as Presiding Officer.

3. Seating arrangement of the Council:

   The Mayor Pro Tempore shall always be seated immediately next to the Mayor.

4. Signing of City Documents:

   The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager, or his or her designee, has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore’s signature may be used.

B. QUORUM

A majority of the Council Members shall constitute a quorum for the transaction of business. (Charter)

C. DISCUSSION RULES

1. Obtaining the floor:

   a. A member of the City Council or staff shall first address the Presiding Officer and gain recognition.

   b. Comments and questions should be limited to the issue before Council.

   c. Cross-exchange between Council Members and public should be avoided.

   d. Any citizen may arise and address the City Council on any business specially concerning them or affecting their interests, but preference will be given to those who have first presented matters in the form of a written communication or who have personally notified the presiding officer of their desire to speak.
e. Any member or other person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, who refuses to be seated or keep quiet when ordered to do so by the Mayor or Mayor Pro Tem of the City Council, shall be guilty of a misdemeanor. It shall be the duty of the Chief of Police, upon order of the presiding officer, to eject any such member or person from the council room. (Ord. 1537)

2. Questions to staff:

A Council Member shall, after recognition by the Presiding Officer, address questions to duly designated staff members through the City Manager.

3. Interruptions:

   a. Once recognized, a Council Member shall not be interrupted while speaking except to make a point of order or personal privilege.

   b. If a Council Member is called to order while speaking, the individual shall cease speaking until the question of order is determined.

   c. Upon being recognized by the Presiding Officer, members of staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.
III. COUNCIL REQUESTS FROM THE PUBLIC

A. Letters:

Periodically Council Members receive letters requesting their response. If a Council Member wishes to answer the letter, the matter can be handled in either of three ways:

1. The Council Member can give the letter to the City Manager's Secretary along with direction on how they wish their response to be worded. The City Manager's staff will then prepare the letter on City Council stationery and forward it to the appropriate Council Member for approval and signature. Copies of both letters are kept on file in the City Manager's Office, and copies are available upon request.

2. If the letter requires specific information or details only available from another City Department, the City Manager may refer the letter to the appropriate Department Head for response by them or their designee. Copies of the letters will then be forwarded to the City Manager's Office for filing.

3. If the Council Member wishes to answer their own correspondence, City stationery is available upon request from the City Manager's secretary. If the Council Member wishes to have a copy of the letters in their file, they should submit a copy to the City Manager’s staff for filing.

If a Council Member receives an informational item and wants a copy to be given to the other Council Members and the City Manager or other Directors, the item should be given to the City Manager’s staff and copies will be made and sent out.

B. Referrals to Council agenda:

Periodically Council Members receive correspondence or verbal requests for items to be acted upon, or considered, by the City Council. If a Council Member wishes to respond to the request, the matter should be referred to the City Manager. The request can then be handled as follows:

1. The Council Member may request the City Manager to place the item on the Council agenda as a written communication*; or

2. Upon research, the request may be determined to be a violation of City, State or Federal law, policy, or previous Council determination, in which case an appropriate response as to why the matter cannot be heard will be provided to the requesting party.
COUNCIL REQUESTS FROM THE PUBLIC - Continued

Correspondence requesting that an item be acted upon, or considered, by the City Council, which is received directly by the City Manager, is handled in either of two ways:

1. The City Manager shall place any routine and/or legitimate written request under written communications*, or have a staff report prepared if time permits, for the next City Council agenda; or

2. The City Manager shall place any request which has already been acted upon by Council, cannot legally be accomplished, or which has a potential for litigation, in the Administrative Memorandum.

*The “Request” must be stated on the agenda face sheet for Council to be able to act on it at the meeting.

C. Telephone Calls:

Citizens attempting to communicate with the City Council often call the offices at City Hall. Such calls are referred to the City Manager's Office. The City Manager's staff will take a message and refer it to the appropriate Council Member, or give the caller the telephone number of the City Council Member so they may call them directly, according to instructions given by the Council Member [see VII-C(1)].

D. Personal Meetings:

Council Members who wish to meet with their constituents may use various rooms at City Hall. The Council Member should call the City Manager's Secretary as soon as they know a room is needed so that it can be reserved for their use. No more than two Council Members may attend a meeting to discuss City matters without the meeting becoming a public meeting and therefore falling under the requirements of the Brown Act Open Meeting Laws.
IV. COUNCIL MEMBER REQUESTS TO STAFF

A. General Information

All City Council Member requests for information or documents shall be referred through the City Manager. Any Department Head who receives a direct request from a Council Member shall submit the request, including the name of the requesting Council Member, to the City Manager.

B. Research

All City Council Member requests for information or documents which require extensive research shall be referred through the City Manager to the Council for direction. The City Manager will discuss the matter with the appropriate department and relay the approximate time table for completion to the City Council for discussion and action at the next available meeting of the City Council. If the request is approved by the Council, upon completion of the research, the item will be forwarded to the City Council Members by the City Manager.

C. Items for inclusion in Council Agenda

All City Council Member requests for an item to be placed on the Council agenda should be referred to the City Manager. Pursuant to Minute Order No. 11-022096, such request shall be submitted prior to Monday noon of the week before the Council meeting in order to be placed on the next regularly scheduled meeting.

The City Manager will refer any routine items to the appropriate department for a staff report. If necessary, items will be referred to the City Attorney for a determination on legality. If an item is determined to be a legitimate request, the item will be referred for a staff report. Items having already been acted upon by the Council previously will be deferred to the Mayor for approval before being placed on the agenda.
V. COUNCIL AGENDA

A. Preparation:

Each Department Head submits agenda items regarding their Department to the City Manager for approval. Upon the City Manager's approval, the items are returned to the appropriate department for copying and collation.

The City Council meeting agendas are prepared on the Thursday prior to the Tuesday meeting.

Any questions regarding whether items have been scheduled for consideration at a particular meeting may be directed to the Chief Deputy City Clerk and/or Deputy City Clerk.

B. Deadlines:

The deadlines for the agenda are the Monday preceding the Thursday preparation day. Public hearing items, scheduled matter items, Consent calendar items, and written communications must be submitted by the Monday deadline. The deadline for a Council member request for any item shall be Monday noon preceding the Thursday preparation day.

C. Delivery:

Agendas will be delivered to Council on the Thursday prior to the Tuesday meeting.

Council agendas shall be delivered to the Council Member's home or business, as requested. If no one is available to receive the agenda, the agenda shall be left in the Council Member's mail box, unless other arrangements have been previously made with the City Clerk's staff [see IX-C(1)(2)].

The agendas for staff and the news media are available after Council receives their agendas, usually on Friday.
VI. THE BROWN ACT

The Ralph M. Brown Act (Gov. Code, § 54950 et seq. known as "the Act") governs meetings conducted by local legislative bodies such as city councils, boards of supervisors, special districts, and school boards. The Act represents the State Legislature's determination of how the balance should be struck between the public access to meetings of multi-member public bodies on one hand, and the need for confidential candor, debate, and information gathering on the other.

The Act contains specific exceptions from the open meeting requirements where government has a demonstrated need for confidentiality. Where matters are not subject to a closed meeting exception, the Act has been interpreted to mean that all of the deliberative processes by legislative bodies, including discussion, debate and the acquisition of information, be open and available for public scrutiny.

Meetings are defined as any gathering of a quorum of a legislative body (which includes newly elected but unsworn members of the body) to discuss or transact business under the body's jurisdiction, and serial meetings are prohibited. Exemptions are individual contacts between board members and others which do not constitute serial meetings, attendance at conferences and meetings which are open to the public so long as legislative bodies do not discuss amongst themselves business of a specific nature under the body's jurisdiction, and attendance at social or ceremonial events where no business of the body is discussed.

The Act requires that notices of regular meetings must be posted at least seventy-two (72) hours prior to the meeting, and twenty-four (24) hour notice must be provided to members of the legislative body and media outlets for special meetings.

A user's guide to the Ralph M. Brown Act is provided to Council Members for their information. If a Council Member has a specific question which does not seem to be covered in the guide, the Council Member should contact the City Attorney for a legal opinion.
VII. TRAVEL AND MEETINGS

The City Manager, or his staff, will notify the City Council Members about any League of California Cities' Conferences, Redevelopment Conferences, Committee meetings, and/or local meetings that may be of interest to the Council. If a Council Member is interested in attending any such meeting, the following procedures should be followed:

A. Requests for Reservations:

When a City Council Member wishes to attend a conference or meeting, he/she should contact the City Manager's office and indicate the following:

1) The date(s) of the conference or meeting;
2) If the Council Member will be accompanied by anyone else, i.e. spouse, child;
3) Any personal preferences for hotel reservations, such as smoking or non-smoking, king or double beds, etc.; and
4) Whether special travel arrangements need to be made, i.e. airplane tickets, ride-sharing, etc.

A disbursement will then be prepared and the payment for the conference or meeting will be forwarded, and, if applicable, the hotel will be contacted to make the appropriate reservations. When making hotel reservations to attend a conference or meeting, a request for a room sales tax waiver shall be made on behalf of the applicable Council member. If a prior room reservation request is not made, the Council member shall request a room sales tax waiver prior to payment for a room.

B. Travel and Expense Form:

A Travel and Expense Form will then be prepared for the Council Member which indicates the following:

1) The amount of money to be issued to the traveler as per diem*; and
2) Mileage reimbursement* (if a personal vehicle, or private aircraft, is used for travel).

* Amount set in Administrative Policy Manual Sec. II-E-1, Travel &Conference Expenses.

The Council Member will then be issued a packet of materials several days prior to the meeting which contains the following:

1) A check for per diem and mileage;
2) Confirmation notification and informational materials regarding the conference;
VII. TRAVEL AND MEETINGS - Continued

3) Confirmation notification for any hotel reservations; and
4) A City credit card to pay for the room charges at the end of the meeting.

C. Receipts:

The Council Member shall then bring the receipt for the hotel charges to the City Manager's staff upon his/her return, together with the credit card, and any refund due the City. The Council Member shall sign the original Travel and Expense Form at that time, which shall then be filed with the Finance Department for final processing.

If a refund is due the Council Member, a check will be issued by the Finance Department and then distributed to the Council Member.

D. Eligibility:

The City shall pay for any Council Member to attend any meetings or conferences of their choice. When accompanied by a spouse or child, the Council Member shall pay for expenses incurred above that which would otherwise have been paid for the Council Member. Any charge placed on a City credit card for someone other than a Council Member shall also be considered a refund due the City, payable within 10 days of the receipt of the charges.

E. Reimbursement for Airplane Travel

– Using Mapquest or a similar website, or using a pre-established mileage table, calculate the round-trip distance that would have been incurred had the trip been traveled by automobile. The number of miles, times the per-mile rate currently approved shall be allowed.

– If the one-way travel distance exceeds 150 miles, it will be deemed that an overnight stay has been avoided (assuming the traveler returns the same day) and an additional stipend of $100 shall be made. This amount will be adjusted each January 1 based on the current CPI used by the airport for land leases.
VIII. CONFLICT OF INTEREST

A. City Council Members Filing Requirements

City Council Members are under the provisions of the Political Reform Act (Gov. Code, § 81000 et seq. known as "the Act") as enforced by the Fair Political Practices Commission. The Act applies to campaign contributions requirements, as well as matters of conflict of interest while in office.

1) Disclosure of Economic Interests

City Council Members must file assuming office and leaving office statements, as well as annual statements while in office. The statements basically require the disclosure of the following information:

- Investments or interests in real property and its fair market value;

- Income, and the name and address of each source of income aggregating five hundred dollars ($500) or more, or fifty ($50) or more if a gift, and a general description of the business activity, if any of each source;

- Interests in real property held by a business entity or trust;

- Loans, and its annual interest rate and the security, if any, given for the loan;

2) Disqualification of Participation (Conflict of Interest)

A Council Member shall not make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. This might include decisions which affect property within up to 500 feet of the subject property in which the Council Member has an interest.

A financial interest in a decision, within the meaning of Section 87100 of the Act, is if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the Council Member or:

- A member of his or her immediate family;

- A business entity in which the Council Member has a direct or indirect investment worth $2000 or more;

- Any real property in which the Council Member has a direct or indirect interest worth $2,000 or more;
VIII. CONFLICT OF INTEREST - Continued

- Any source of income, other than gifts or commercial lending institutes loans, aggregating $500 or more received or promised to the City Council Member within twelve months prior to the time when the decision is made;

- Any business entity in which the City Council Member is a director, partner, trustee, employee, or holds any position of management;

- Any donor, or any intermediary or agent for a donor, or a gift or gifts aggregating $360 or more in value provided to, received by, or promised to the City Council Member within 12 months prior to the time when the decision is made.

Indirect investment or interest means any investments or interest owned by the spouse or dependent child of a City Council Member, by an agent on behalf of a Council Member, or by a business entity or trust in which the Council Member, the Council Member's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10% interest or greater.

Section 87100 of the Act does not prevent any Council Member from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that a Council Member's vote is needed to break a tie does not make his participation legally required for purposes of this section.

B. Other Agencies

Whenever a Council Member is required to file a Statement of Economic Interest for an outside agency, the Deputy City Clerk will provide the correct form, and using the Statement of Economic Interest Form 700 filed in the City Clerk’s Office for the City of Porterville, prepare a duplicate statement for signature, and forward the appropriate form to the requesting agency.

C. Redevelopment Agency Filing Requirements

Upon assuming office, a City Council Member will also serve as a Redevelopment Agency Member. As an Agency Member, they must file a Conflict of Interest statement for the Porterville Redevelopment Project area. After assuming office, an Agency Member may not acquire any property within the Redevelopment Project area. If prior interests exist within the Project area, the Agency Member must disqualify themselves from any action taken which would constitute a benefit to them.
VIII. CONFLICT OF INTEREST - Continued

D. City of Porterville Conflict of Interest Code

Certain designated City employees are also required to file conflict of interest forms under the provisions of the Political Reform Act Code, § 87100-87500 et seq. The City of Porterville Conflict of Interest Code was adopted by the City Council and is reviewed biennially to make sure it is kept current.

If Council Members have a question on whether an interest they have is sufficient for disqualification, they should contact the Fair Political Practices Commission at (866) 275-3772, or http://www.fppc.ca.gov, for a ruling or opinion.
IX. GENERAL ITEMS

A. Different Hats

Members of the City Council also serve as the governing bodies for the following local agencies:

1. Redevelopment Agency
2. Industrial Development Authority
3. Public Financing Authority
4. Public Improvement Corporation
5. Planning Commission
6. Conflicts and Disclosure Monitor Agency

B. Compensation

As stated in the City Charter, Section 9, City Council Members shall receive $20 per Council meeting, $25 per Council meeting for the Mayor, with a maximum of seven paid Council meetings per month.

Redevelopment Agency Members shall receive $30 per Redevelopment meeting.

Council Members receive no benefits other than the amounts per meeting stated above.

C. Direction to Support Staff:

Upon assuming office, Council Members should notify the City Manager's staff regarding the following items:

1. Where to deliver Council agendas and Administrative Reports and Memorandums, i.e. home or business.

2. Where to leave Council agendas if the business is closed and/or if no one is home, i.e. City Manager’s Office Council mail box, front porch, back door, etc.

3. How to direct citizens who wish to speak to Council Members, i.e. take a message, give out home telephone numbers, give out business telephone numbers, etc.
IX. GENERAL ITEMS - Continued

D. City Attorney

The City Attorney is the legal advisor of the City Council, and all other City officials. The City Attorney shall prosecute all violations of City ordinances and shall draft all contracts and other legal documents and instruments, required by the Council or the City Manager. The City Attorney shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members or by the Mayor.

The types of questions referred to the City Attorney are as follows:

1) Generally whether a conflict of interest exists for a Council Member and whether they should abstain from voting on a specific matter.

   Please note: Any advice received from the City Attorney relating to Conflicts of Interests is informal only and not binding; the Council Member must seek and obtain a formal written opinion from the FPPC in order to be afforded any statutory immunities.

2) Whether an issue has a legal standing, and what type of action would be appropriate.

3) Legal recommendations for matters of litigation.

E. Annual City Manager/City Attorney Evaluations

The City Council shall provide for annual evaluations for the City Manager and the City Attorney. A standardized evaluation form shall be used which shall address the areas of importance as set forth by the City Council. Said evaluation form shall be included as Appendix B upon completion and approval by the City Council.

F. Response to President/Governor Directives

Directives issued by the President of the United States and/or Governor of the State of California shall not be considered a mandatory directive to the City of Porterville except as authorized and/or approved by the City Council. The one exception to this rule is that flags on City buildings shall be flown at half mast upon orders by the President, Governor and/or Mayor, or by majority approval of the City Council.

Appendix-Sec:  

A - I-D: Resolution 72-2005 (Order of Business)  
B - IX-G: Annual Evaluation Form for City Manager and City Attorney  
(to be attached upon completion of the standardized form)

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Appendix B

ANNUAL EVALUATION FORM FOR CITY MANAGER AND CITY ATTORNEY
(to be attached upon completion of the standardized form)
SUBJECT: POTENTIAL BALLOT MEASURES

SOURCE: Administration/City Clerk

COMMENT: This item was placed on the June 20, 2006 agenda to initiate discussions regarding potential ballot measures for the upcoming November 7, 2006 Election. It was continued to this date so that any deliberations would include the two new members of the Council, but it is felt that time is of the essence should Council consider the submission of such a measure.

At the June 20 Council meeting, it was suggested that Council consider an Advisory Measure for the citizens and voters of Porterville asking if they wanted the City Council to consider photographic enforcement of traffic signals and/or speed zones in the City of Porterville. The two areas initially recommended for such enforcement were Porter Road at Henderson Avenue, and Morton Avenue, between Kessing and “E” Street.

Election Code Sec. 9603 allows a City to hold, at its discretion, an advisory election on any date on which that jurisdiction is currently permitted to hold a regular or special election for the purpose of allowing voters within the jurisdiction, or a portion thereof, to voice their opinions on substantive issues, or to indicate to the local legislative body approval or disapproval of the ballot proposal. An "advisory vote" means an indication of general voter opinion regarding the ballot proposal. The results of an advisory vote will in no manner be controlling on the sponsoring legislative body.

Any measures proposed for submittal to the County of Tulare for consideration on the General Election ballot are recommended to be approved by the City Council and provided to the County by July 18. This date is recommended in order to meet the time requirements for the review periods, translations and preparation for submittal to a printer. It would allow for any corrections that may be necessary. Although the July 18, 2006 (112 days) date is recommended, the legal deadline to call an election for a measure is August 11 (88 days.) The Council should also be aware that Election Code Sec. 9603 further states that an advisory election shall not be consolidated with an election if the ballot's capacity will be exceeded because of the addition of the advisory election.
Staff has provided a draft resolution for calling an election for an advisory measure at the November 7, 2006 General Election. The resolution would require final revision prior adoption. Should the Council concur on the submittal of a measure for the November 7, 2006 ballot, they may wish to hold an adjourned meeting prior to July 18, so that should another meeting be required, it could be finalized at the July 18, 2006 Council meeting and delivered to the County immediately.

For Council information, the cost for the ballot measure submitted to the County for the November 8, 2005, General Election was approximately $18,000.

RECOMMENDATION: Direction to be given by Council.

Attachment: Draft Resolutions
RESOLUTION NO. ____-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ORDERING THE SUBMISSION OF AN ADVISORY MEASURE FOR THE CITIZENS OF PORTERVILLE, CALIFORNIA AT A SPECIAL ELECTION TO BE HELD FOR THAT PURPOSE, REQUESTING CONSOLIDATION WITH THE GENERAL COUNTY ELECTION TO BE HELD ON NOVEMBER 7, 2006, AND AUTHORIZING THE FILING OF AN IMPARTIAL ANALYSIS AND WRITTEN ARGUMENTS

WHEREAS, pursuant to Porterville City Charter Section 5, and California State Elections Code Section 9603, the City of Porterville may hold, at its discretion, an advisory election on any date on which that jurisdiction is currently permitted to hold a regular or special election for the purpose of allowing voters within the jurisdiction, or a portion thereof, to voice their opinions on substantive issues, or to indicate to the local legislative body approval or disapproval of the ballot proposal; and

WHEREAS, the City Council of the City of Porterville, on its own motion, desires to submit an advisory ballot measure to the qualified electors of the City of Porterville at a Special Municipal Election to be held in the City on November 7, 2006, regarding whether they would support the placement and installation of equipment for the photographic enforcement of traffic signals and/or speed zones within the City of Porterville; and

WHEREAS, the California Elections Code authorizes the filing of an impartial analysis and the filing of arguments for or against any ballot proposition and rebuttal arguments;

NOW, THEREFORE, BE IT RESOLVED, as follows:
A. The City Council of the City of Porterville, on its own motion, hereby proposes to the electors of the City of Porterville, the following question—“Shall the City of Porterville undertake the placement and installation of equipment for the photographic enforcement if traffic signals and/or speed zones within the City of Porterville?”

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

1. A special municipal election is hereby called and ordered to be held in the City on November 7, 2006, at which election there shall be submitted to the qualified voters the advisory ballot measure set forth below.

2. Said advisory ballot measure shall appear on the ballot for said special municipal election in the following form:

   “Shall the City of Porterville undertake the placement and installation of equipment for the photographic enforcement if of traffic signals and/or speed zones within the City of Porterville?”

3. The City Clerk is hereby directed to cause notice of the measure to be published in the designated newspaper of general circulation at least one time not later than one week before the election pursuant to Section 12111 of the Elections Code.

5. The advisory ballot measure shall be submitted to the voters of Porterville as required by State Statute Election Code Sec. 9603, et. sec.

6. The polls for an election shall be open on the day of said election in accordance with the California Elections Code.
7. The special municipal election hereby called for November 7, 2006, shall be and is hereby ordered consolidated with the general election to be held within the City on said date, and within the territory affected by the consolidation. The election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted, and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the election as specified herein. The Board of Supervisors of Tulare County, and the Tulare County Registrar of Voters, are hereby requested to order the consolidation of the special municipal election hereby called with the general election to be held within the City on said date, and within the territory affected by the consolidation, and the Board and the Registrar of Voters are hereby authorized to canvass the returns of said special municipal election, and said municipal election shall be held in all respects as if there were only one election and the form of ballot shall be as provided for the general election. The County shall certify results of the canvass of the returns of said special municipal election to the City Council which shall thereafter declare the results thereof. The measure submitted by the Resolution shall be designated on each ballot by a letter printed on the left margin of the square containing the description of the measure as provided by the California Elections Code.

8. All persons qualified to vote at special municipal elections in the City upon the date of the election herein provided shall be qualified to vote upon the advisory ballot measure submitted at said special election.
9. Ballots for the election shall be provided in the form and in the number provided by law. On said ballots, in addition to any other printed matter which may be required by law, two voting squares shall be set off to the right of the proposition submitted at the election, one having the word “YES” printed before it, and the other having the word “NO” printed before it.

10. Each voter to vote for the advisory ballot measure shall stamp or write a cross, or indicate by hole punch, or other means, in the blank space opposite the work “YES” on the ballot to the right of the measure, and each voter to vote against the measure and against the advisory ballot measure shall stamp or write a cross, or indicate by hole punch, or other means, in the blank space opposite the work “NO” on the ballot to the right of the measure.

11. The Clerk is hereby authorized and directed to publish this resolution or any required notice as required by law and to transmit, for receipt no later than August 11, 2006, a certified copy of this resolution to the Tulare County Clerk, Elections Division, and to any other appropriate office of Tulare County.

12. The City Attorney is hereby authorized and directed to prepare an impartial analysis of the proposition specified in this resolution showing the effect and operation of the measure. The analysis is to be submitted by the City Attorney to the Tulare Registrar of Voters, or other appropriate official for printing as required by law. The analysis shall not exceed 500 words in length.

13. The City Council hereby authorizes the filing of a ballot argument in favor of the advisory ballot measure to be submitted to the voters at the special election. Said written argument for the advisory ballot measure shall not exceed 300 words in length. If any person
submits an argument against said measure, the City Council authorizes the submittal of a rebuttal argument not exceeding 250 words. The argument and rebuttal shall otherwise conform to an comply with all applicable provisions of the California Elections Code. The deadline for submittal of the arguments, in favor or in opposition, shall be as required by the Tulare County Registrar of Voters, or other appropriate County official.

D. That the City Clerk of the City of Porterville be, and is hereby authorized and instructed to, publish said proposed advisory ballot measure in the Porterville Recorder, a newspaper of general circulation, as required by the provisions of Elections Code Section 12114 and Government Code Section 6066.

PASSED, ADOPTED AND APPROVED this _______ day of _______, 2006.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

______________________________
Georgia Hawley, Chief Deputy City Clerk
REDEVELOPMENT AGENCY MEETING AGENDA: July 5, 2006

SUBJECT: REDEVELOPMENT AGENCY 2006-2007 BUDGET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On June 20, 2006, the City Council approved the 2006-07 Redevelopment Agency Budget with the provision that the budget be brought back to the City Council for ratification after the new Councilmembers took their seats. This item is presented to the Council for ratification.

RECOMMENDATION: That the City Council ratify the approval of the 2006-07 Redevelopment Agency Budget.