CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
AUGUST 15, 2006, 5:30 P.M.

Call to Order
Roll Call

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

CLOSED SESSION:
A. Closed Session Pursuant to:
1- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Two Cases.
2- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: Two Cases.

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

Pledge of Allegiance Led by Council Member Richard Stadtherr
Invocation

PROCLAMATION
“Kelly C. Morgan Day” - September 5, 2006

PRESENTATION
Employee of the Month - Paula David
Outstanding Business Presentation - Sprague's Outdoor Power Center
City Manager’s Featured Projects for August 2006

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

CONSENT CALENDAR
All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.
1. Approval of City Council Minutes of July 18, 2006 and August 1, 2006

2. Claims - David Dina Leon; Kimberly Lona; Miguel Leon; and Augustin Leon
   Re: Consideration to reject claims for injuries and damages, in an amount exceeding $25,000 in the jurisdiction of Tulare County Superior Court, allegedly sustained when claimants’ vehicle struck a water line compartment cover thereby allegedly causing loss of control of the vehicle.

3. Addendum to the Mitigated Negative Declaration for the Airport Water Inter-tie and Well System Improvements Project
   Re: Considering addendum to permit the extension of sewer lines along the same route and at the same time as the project’s water lines.

4. Authorization to Advertise for Bids - Airport Water Inter-tie Project
   Re: Approving plans and project manual, and authorizing staff to advertise for bids for project to extend the water mains to interconnect the City’s Central Pressure Zone to the Airport Water System.

5. Authorization to Advertise for Bids - Municipal Pool Complex Water Slide Project
   Re: Approving plans and project manual, and authorizing staff to advertise for bids to install a 140 foot flume length water slide, and related equipment.

6. Authorization to Advertise for Bids - Miscellaneous Concrete Improvements Project
   Re: Approving plans and project manual, and authorizing staff to advertise for bids to provide concrete repair/replacement services at various locations throughout the City for a 12 month period, with annual renewal option by the City.

7. Acceptance of CMAQ Project - Hybrid Vehicle
   Re: Accepting the project as complete; authorizing the completion of all reimbursement documents and transmission to Caltrans for reimbursement in the amount of $19,744.78 for the purchase of a 2006 Honda Civic Hybrid vehicle in the amount of $22,302.92.

8. Porterville Heritage Center Playground Acceptance
   Re: Accepting project as complete from Sierra Range Construction for the project, and authorizing the recording of the Notice of Completion.

9. Acceptance of the Bicycle Storage Facilities Project
   Re: Accepting project as complete from Bicycle Storage Company for installation of bicycle lockers at the City’s Field Services Facilities; the City parking lot on Hockett Street and Cleveland Avenue; the Transit Center; and the Park & Ride lot west of Jaye Street near Springville Avenue; and authorizing the recording of the Notice of Completion.

10. Acquisition of Right of Way - Property Located at Apn 254-010-036 – Owner Carlos A. Marques, Jr. and Ann Michele Marques, Co-Successor Trustees of the Marques Living Trust – Granite Hills Street Project
    Re: Authorizing purchase of real property in the amount of $75,000.
11. **Acceptance of Appraised Value of Right of Way for Property Located at APN 261-280-002 - Kandra Paulette Ellsworth - Plano Street Bridge Widening**
   Re: Authorizing the purchase of approximately 4,886 square feet of right of way in the amount of $27,500.

12. **Annual Reclamation Area Report**
   Re: Informational annual report on the budget and cost analysis of the City’s reclamation area.

13. **Extending Reimbursement Period on CIEDB Sewer Loan**
   Re: Authorizing 9 month extension of time to enable completion of various projects identified and deemed necessary by the Regional Water Quality Control Board, pursuant to the terms of the loan.

14. **Reimbursement Agreement for Installation of a Regional Sewer Improvement Project North of North Grand Avenue**
   Re: Establishing that property owners benefitting from improvements be required to remit proportionate share of costs for work prior to being permitted to develop, for reimbursement to parties contributing funds toward the project, in a total amount not to exceed $12,049.50.

15. **Reimbursement for Underground Improvements Along Pioneer Avenue by Smee Builders, Inc. - Meadowood, Phase Three Subdivision**
   Re: Establishing that property owners benefitting from improvements be required to remit proportionate share of costs for work prior to being permitted to develop, for reimbursement to parties contributing funds toward the project, in a total amount not to exceed $9,035.72.

16. **Extension of Time for “Sierra Estate,” Formerly “Northgate Estates” Tentative Subdivision Map**
   Re: Considering a two-year extension to allow developer to keep the map active and fulfill the development requirements for Phases Two and Three, for development generally located on the northeast corner of Grand Avenue and Leggett Street.

17. **General Plan Update 2006 - Request for Approval of Additional Services**
   Re: Authorizing additional services by consultant Dyett & Bhatia to include an Urban Water Management Plan, an Airport Land Use Plan and the development of policies for areas of interest outside of the Planning Area, specifically related to the Lake Success area, for a combined cost of $59,790.

18. **Approval for Community Civic Event - Tule River Indian Tribal Council Porterville PowWow 2006 - September 8-10, 2006**
   Re: Approving civic event to be held at the Porterville Fairgrounds, pursuant to the terms and conditions as stated in the application documents.

19. **Set a Public Hearing for Consideration of Police Fees, Other Fees and Adjustments**
   Re: Setting a public hearing for September 5, 2006 to consider fee revisions.

20. **Transaction and Use Tax Oversight Committee**
    Re: Status report from the Transaction and Use Tax Oversight Committee.
21. **City of Porterville Conflict of Interest Code - Biennial Report and Amendment**  
   Re: Report indicating need to amend the City’s Conflict of Interest Code, pursuant to Government Code Section 87306.5, to account for new positions, including consultants; revisions to titles of existing positions; and revisions to disclosure categories.

22. **Authorization to Roll Weed Abatement Balances to the Property Tax Rolls**  
   Re: Consideration to adopt resolution authorizing the County Auditor to place delinquent weed abatement charges on property tax rolls.

23. **Status of Health Insurance Fund for FY 2005-2006**  
   Re: Accepting the annual report on the status of the Health Insurance Fund.

24. This item has been removed.

25. **Authorization to Subdivision Airport Lot 31-C into Six Parcels**  
   Re: Considering request by Dr. Creager to subdivide Lot 31 at the Porterville Municipal Airport, at no cost to the City.

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

**PUBLIC HEARINGS**

26. **Riverwalk Marketplace Commercial Center Project; A Request for Approval of Conditional Use Permit 4-2006 Within the Viejo Robles Planned Development Generally Located at the Northwest Corner of Jaye Street and State Route 190**  
   Re: Opening the public hearing and continuing it to the City Council Meeting of September 5, 2006.

27. **Conditional Use Permit 5-2006 - Wireless Communications Tower (James Strachan)**  
   Re: Considering approval of a CUP to allow the construction of communications tower and accessories at the southeast corner of Olive Avenue and Mathew Street within the All American Mini Storage area.

28. **Reimbursement Agreement for Concrete Improvements Constructed by the City - Henderson Avenue Reconstruction Project**  
   Re: Considering resolution to implement development charges for the construction of curbs, gutters, sidewalks and drive approaches for work completed in the Henderson Avenue Reconstruction Project, and authorizing staff to record general notice of reimbursement fee.

29. **Water Conservation Phase II, Water System Status**  
   Re: Considering remaining in Phase II of the City’s Water Conservation Plan.

**SECOND READING**

30. **Ordinance No. 1702, Disestablishment of the Business Improvement Area of Porterville**  
   Re: Giving second reading to Ordinance 1702 disestablishing the Business Improvement Area of the City of Porterville, waiving further reading, and adopting said ordinance.
SCHEDULED MATTERS

31. Design Overlay Site Review 3-2006
   Re: Considering request for approval of three office buildings totaling approximately 30,013 square feet to be located at the northeast corner of Morton Avenue and Prospect Street.

32. Consideration of Revised Agreement with the Chamber of Commerce
   Re: Considering agreement between the City and the Porterville Chamber of Commerce to include modifications to annual fee and City and Chamber responsibilities.

33. Farm Management and Farmland Lease Agreement RFP
   Re: Consideration to authorize staff to advertise for a farm consultant for the purpose of preparing a Farm Management RFP and to assist the City Attorney and staff in the preparation of a Farm Lease Agreement.

34. Budget Adjustment and Allocation of Funds for the Porterville Community Center Non-Use Maintenance Expenditures
   Re: Consideration to cancel the Tule River Parkway Phase III Land Acquisition Project and reallocate budgeted monies to the Porterville Community Center for non-use maintenance expenditures; and to establish process for determining the future use of the Center.

35. Amendment to Traffic Resolution No. 10-2001 - Intersection Safety Improvement - Designation of North Grand Avenue and Newcomb Street as a 4-Way (All-Way) Stop Intersection
   Re: Consideration to amend Traffic Resolution No. 10-2001 designating North Grand as a 4-way stop; authorizing notification to the public of same; and approving installation of stop signs.

36. Council Member Request to Reconsider Porterville Commercial Center
   Re: Reconsideration of the Porterville Commercial Center at the corner of Jaye Street and Highway 190.

37. Engineer’s Estimate of Probable Cost - Olive Avenue
   Re: Informational report of estimated costs to reconstruct or repair Olive Avenue from Main Street to State Route 65.

38. Request by Council Member - Discussion of Drafting Ordinance Prohibiting Sexual Offenders Moving to the Community
   Re: Discussion and consideration of legal options for prohibiting relocation of sexual offenders into Porterville.

39. Preliminary Proposal for Infrastructure and Operational Enhancements
   Re: Considering authorization for staff to complete an agreement with Johnson Controls to include infrastructural enhancements to City facilities for energy saving purposes; and authorizing staff to investigate the water meter system.

ORAL COMMUNICATIONS

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

ADJOURNMENT - to the meeting of September 5, 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.
CITY MANAGER’S FEATURED PROJECT FOR
AUGUST 2006

1. Heritage Center Tot Lot Playground Project
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
JULY 18, 2006, 6:00 P.M.

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

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   5- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Two Cases.
   6- Government Code Section 54957 - Public Employment - Title: Auditor.

7:05 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
No action was reported.

Pledge of Allegiance Led by Mayor Pro Tem Felipe Martinez
Invocation - a moment of silence was observed.

PRESENTATION
City Manager’s Featured Projects for July 2006
• Casas Buena Vista

ORAL COMMUNICATIONS
• Joyce Cranford, 300 E. Heatherwood, came forward with approximately 300 signatures from people who felt that there were dangerous road that needed repair. Miss Cranford spoke regarding the problems caused by potholes on major streets, and presented photographs to the
Deputy City Manager. She stated that the roads were in bad shape and they would like them to be fixed. Miss Cranford stated that she and ten class members and her teacher, Mr. Coleman, were present from the Monache Summer School Civics and Economics Class.

- Charles Reeder, President of Perris 40 Corporation, came forward and thanked the Council for standing behind Casas Buena Vista during the last three years. Mr. Reeder also recognized his brother Steven Reeder and Richard Hart for their diligence in working on the project. Mr. Reeder also thanked the Porterville Redevelopment Agency for the success that this was, and more specifically, Brad Dunlap, Susan Duke, Jose Ortiz, and Fabian Uresti for their work on this project, and especially thanked Denise Marchant for making the project the success it was. Mr. Reeder stated that they planning on building low income housing for many more years, here and in other cities.

- Sidney Pedraza, 1125 W. Glenn Court, came forward with the idea of abandoning some of the alleys in the City to cut maintenance and repair costs to the City, and to provide additional safety to adjacent property owners.

- Dennis Wilson, 761 Balmayne, came forward on behalf of flag football and youth sports and asked to speak to Item 25. He also asked if Item 25 could be moved up on the agenda.

Council Member Pedro Martinez addressed the class present and advised them to take advantage of the City website and email capabilities to contact the Council, and staff, at any time. He stated that they could also send any pictures that way also.

**CONSENT CALENDAR**

Items 1, 5 and 6 were removed for further discussion. Item 28 was added to the Consent Calendar.

**2. ADDITION OF POLICE RADIO FREQUENCY**

**Recommendation:** That Council authorize the Purchasing Agent to proceed with the acquisition of another police radio channel and pertinent equipment through MD Communications at a cost of $9,116.46.

**Documentation:** M.O. 01-061806

**Disposition:** Approved.

**3. NEGOTIATED PURCHASE - TELEMETRY SYSTEM UPGRADE**

**Recommendation:** That the City Council:
1. Authorize the purchase of the equipment outlined in the attached quotation; and
2. Authorize a budget adjustment to the Equipment Replacement expenditures for FY 06/07 in the amount of $36,349.00.

**Documentation:** M.O. 02-061806

**Disposition:** Approved.
4. HGAC COOPERATIVE PURCHASING AGREEMENT

Recommendation: That the City Council authorize the Mayor to sign the agreement.

Documentation: M.O. 03-061806
Disposition: Approved.

7. ACCEPTANCE OF THE HENDERSON AVENUE RECONSTRUCTION PROJECT

Recommendation: That City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion;
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed; and
4. Authorize staff to further evaluate the intersection of Morton Avenue and Mathew Street prior to removing the temporary 4-way stop.

Documentation: M.O. 04-061806
Disposition: Approved.

8. ACCEPTANCE OF IMPROVEMENTS - NEW EXPRESSIONS, PHASE 4 SUBDIVISION ENNIS HOMES, INC. BRIAN ENNIS)

Recommendation: That City Council:
1. Accept the public improvements of New Expressions, Phase Four Subdivision for maintenance;
2. Authorize the filing of the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 05-061806
Disposition: Approved.

9. WATER CONSERVATION PHASE II - WATER SYSTEM STATUS

Recommendation: That the City Council:
1. Continue with Phase II of the Water Conservation Plan; and
2. Continue to the Public Hearing that is scheduled for the August 15, 2006 Council meeting to consider moving into Phase III of the Water Conservation Plan.

Documentation: M.O. 06-061806
Disposition: Approved.

10. REIMBURSEMENTS FOR STREET IMPROVEMENTS ALONG MATHEW STREET BY BURTON SCHOOL DISTRICT
Recommendation: That City Council:
1. Accept the Mathew Street off-site public improvements constructed by Burton School District; and
2. Establish, by resolution, that before benefiting/adjacent properties are permitted to develop, their proportionate share of the reimbursement amount shall be collected and reimbursed to the Burton School District. The total reimbursement amount to be collected shall not exceed $146,848.36.

Documentation: M.O. 07-061806 / Resolution 89-2006
Disposition: Approved.

11. STATE DEPARTMENT OF FINANCE - POPULATION AND HOUSING ESTIMATES

Recommendation: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville January 1, 2006, population of 45,220.

Documentation: M.O. 08-061806
Disposition: Approved.

12. ORANGE BELT STAGES LEASE

Recommendation: That the City Council:
1. Approve the request of Orange Belt Stages to enter into a month-to-month tenancy of the City Transit Center;
2. Authorize staff to prepare the lease under the same terms and conditions as the original one-year lease, however, provide for the month-to-month tenancy provisions with a 60-day notice to terminate requirement; and
3. Authorize staff to negotiate with Sierra Management for the use of the additional office space now occupied by Orange Belt Stages, if and when Orange Belt Stages chooses to activate the termination provisions.

Documentation: M.O. 09-061806
Disposition: Approved.

13. SELECTION OF CITY VOTING DELEGATE TO LEAGUE OF CALIFORNIA CITIES MEETING

Recommendation: That Council select the Mayor as the voting delegate and the Mayor Pro Tem as the voting alternate to represent the City at the League of California Cities’ Meeting, September 9, 2006, authorize the City Manager to attest to same, and direct staff to notify the League.

Documentation: M.O. 10-061806
Disposition: Approved.
14. **TULARE COUNTY’S PROPOSED EXPENDITURE PLAN FOR THE HALF-CENT SALES TAX MEASURE**

Recommendation: That the City Council approve the County of Tulare’s request to include the attached expenditure plan in the ballot initiative.

Documentation: M.O. 11-061806

Disposition: Approved.

28. **FARM MANAGEMENT/FARMLAND LEASE AGREEMENT AND GRAND JURY RESPONSE**

Recommendation: Information only.

Documentation: None.

Disposition: Report received by the Council.

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem F. Martinez that the Council approve Item Nos. 2 through 4, 7 through 14 and 28. The motion carried unanimously.

1. **CITY COUNCIL MINUTES OF JUNE 20, 2006 AND JUNE 27, 2006**

Recommendation: That the City Council approve the City Council Minutes of June 20, 2006 and June 27, 2006.

Council Member McCracken abstained from voting on the June 20 minutes, and Mayor Hamilton corrected the minutes of June 27 in that his Grandfather was not in attendance.

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council approve the City Council Minutes of June 20, 2006 and June 27, 2006, as corrected.

M.O. 12-061806

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<tr>
<th>AYES:</th>
<th>P. Martinez, F. Martinez, Stadtherr, Hamilton</th>
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<tbody>
<tr>
<td>NOES:</td>
<td>None</td>
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<td>ABSTAIN:</td>
<td>McCracken</td>
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Disposition: Approved with correction to June 27, 2006.

5. **AUTHORIZATION TO ADVERTISE FOR BIDS - CLASS II (BIKE LANE) AND CLASS III (BIKE ROUTE) BIKEWAY PROJECT**

Recommendation: That the City Council:

1. Direct Staff to prepare a budget adjustment in the amount of $50,000 and approve said amount in the 2006/2007 FY budget;
2. Approve the Plans and Project Manual for the Class II and Class III Bikeway Project;
3. Authorize staff to advertise for bids;
4. Authorize the Public Works Director to sign and transmit the attached six month extension agreement between the City and the San Joaquin Valley Air Pollution Control District; and
5. Direct staff to prepare the final construction plans and present to Council for review and approval.

Council Member Martinez clarified that the loss of parking spaces was a consideration in this project.

COUNCIL ACTION: MOVED by Council Member P. Martinez, SECONDED by Council Member Stadtherr that the Council approve Item No. 5 as recommended. The motion M.O. 13-061806 carried unanimously.

Disposition: Approved.

6. AUTHORIZATION TO ADVERTISE FOR BIDS - DATE AVENUE RECONSTRUCTION PROJECT

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

Council Member P. Martinez clarified that the mistake of closing the entire road at one time would not be done on this project, and that one lane would be open at all times.

COUNCIL ACTION: MOVED by Council Member P. Martinez, SECONDED by Mayor Pro Tem F. Martinez that the Council approve Item No. 6 as recommended. The motion M.O. 14-061806 carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS


Recommendation: It is requested that the City Council proceed as follows:
1. Hold the public hearing concerning the Ordinance to Disestablish the Business Improvement Area of the City of Porterville.
2. If a majority of the assessed businesses have not protested the disestablishment, the Council may approve and give first reading to the attached Ordinance Disestablishing the Business Improvement Area of the City of Porterville, Proposing to Dispose of Assets Acquired with the Revenues of Assessments Levied within the Business Improvement District, and Repealing Chapter 15, Article IV, “Business Improvement Area,” Sections 15-31 through 15-39, in their Entirety; OR

3. If a majority of the assessed businesses have not protested the disestablishment, notwithstanding this the Council may opt to continue the assessments and keep the District in place or direct that other modifications be initiated, OR

4. If a majority of the assessed businesses do protest the disestablishment, the City Council should take no further action on the proposed disestablishment.

Deputy City Manager Frank Guyton presented the item and staff report.

Mayor Hamilton opened the public hearing at 7:29 p.m. and asked those in favor of the disestablishment to come forward.

- Robert Vanderhorst, 288 N. “D” Street, spoke in favor of disestablishing the Business Improvement District.
- Greg Shelton, 888 N. Williford Drive, spoke in favor of disestablishing the Business Improvement District.
- Clayton Taylor, 1350 W. Jean, spoke in favor of disestablishing the Business Improvement District.

Mayor Hamilton asked those in opposition to the disestablishment to come forward.

- Dick Eckhoff, Downtown Porterville Association, presented handouts to the Council, and spoke in favor of maintaining the Business Improvement District, and asked Council to arrange for the Redevelopment Advisory Committee to administer the funds if necessary, or approve Option 3 of the recommendation.
- Jim Cone, Jim’s Auto Parts, spoke in favor of maintaining the Business Improvement District.
- Renee Sprague, 75 N. “D” Street, spoke in favor of maintaining the Business Improvement District.
- Robert Garcia, 202 N. Main Street, spoke in favor of maintaining the Business Improvement District.
- Casey Bolling Rangle, Main Street Coffee, 178 W. Main Street, spoke in favor of maintaining the Business Improvement District.
- Pam Hughes, 20522 Avenue 164, spoke in favor of disestablishing the Business Improvement District.

The Mayor closed the public hearing at 7:57 p.m.
The City Attorney and Mayor noted for the record that the City Clerk had received 64 petitions in favor of disestablishment.

Council discussed the number of responses received and the problem at hand. Council concurred on continuing the public hearing until a vote could be taken by the BID membership so the Council would know what the majority wanted.

The City Attorney recommended that the public hearing be continued to a date certain, and that the vote be an advisory vote, with the ballots being taken until to close of the continued public hearing.

The Chief Deputy City Clerk stated that the next meeting would allow sufficient time to get out the ballots.

**COUNCIL ACTION:** MOTION by Council Member McCracken, SECONDED by Council Member P. Martinez to continue the public hearing until August 1, 2006, with advisory ballots available to the members of the BID, with the acceptance of votes until the close of the public hearing on August 1.

**AYES:** McCracken, P. Martinez, F. Martinez, Stadtherr, Hamilton
**NOES:** None
**ABSTAIN:** None
**ABSENT:** None

Disposition: Approved.

16. **PUBLIC TRANSIT SYSTEM MODIFICATIONS**

Recommendation: That the City Council:

1. Hold the required Public Hearing, and after consideration of any comments regarding these matters, direct staff to implement the modifications to the City’s Public Transit System as follows:
   A. Convert the Dial-A-COLT (COLT) System to Senior and American with Disabilities Act – only service, effective August 1, 2006, and operate the service from 7:00 a.m. to 8:00 p.m., Monday through Friday, and from 9:00 a.m. to 6:00 p.m. on Saturday;
   B. Expand Fixed Route Service by one bus in FY 2008/09;
   C. Increase Marketing and Promotion Efforts to increase ridership;
   D. Increase Transit Service fares to $1.00 and implement a $36 monthly pass for frequent riders of the service, effective August 1, 2006; and
   E. Implement the Capital Acquisition Program as outlined in the Short Range Transit Plan.

Deputy City Manager Frank Guyton presented the item, and Linda Clark, Administrative Analyst, gave the staff report.
The public hearing opened at 8:14 p.m. No one came forward in favor, and the Mayor asked for those in opposition.

- Ruben Chavez, representing Family Healthcare Network, 117 W. Poplar Avenue, came forward in opposition to the provision for converting the Dial-A-COLT System to Senior and ADA only.

The public hearing closed at 8:16 p.m.

The Council questioned Ms. Clark about a County-wide bus pass. Ms. Clark spoke about the ridership and current and proposed routes.

Mr. Chavez spoke on the ridership for the Healthcare Clinic.

Council Member Stadtherr abstained from the vote due to his employer.

COUNCIL ACTION: MOVED by Council Member P. Martinez, SECONDED by Mayor Pro Tem F. Martinez that the City Council approve the staff recommendation as presented.

M.O. 16-061806

AYES: McCracken, P. Martinez, F. Martinez, Hamilton,
NOES: None
ABSTAIN: Stadtherr
ABSENT: None

Disposition: Approved.

17. ANNUAL ENGINEER’S REPORT AND ASSESSMENTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS

Recommendation: That the City Council:
1. Open the public hearing on the 2006-2007 Assessments for the Landscape and Lighting Maintenance Districts to take comments or receive protests on the proposed assessments; and
2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer’s Report and Assessments for the 2006-2007 Fiscal Year.

Deputy City Manager Frank Guyton presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report. Mr. Perrine stated that staff was asking Council for an additional year to address any deficits and/or surplus in the individual districts, and possible consolidations and ways to redo some of the districts.

The public hearing opened at 8:32 p.m.
• Steve Tree, 2514 Memory Lane, Westwood Estates Annexation #5, asked how much of an increase would be assessed to each of the property owners in his district.

Mr. Perrine stated that it would be about $3.50 per property owner.

The public hearing closed at 8:34 p.m.

Council discussed the number of districts and the subsidization of the various districts. Council also questioned the management of the districts and the proper assessment of the districts. Council concurred that the number of districts needed to be reduced, and they needed to have better accounting for the districts.

COUNCIL ACTION: MOVED by Council Member P. Martinez, SECONDED by Council Member Stadtherr that the City Council adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer’s Report and Assessments for the 2006-2007 Fiscal Resolution 90-2006 Year. The motion carried unanimously.

Mayor Hamilton stated that the landscape maintenance district program had gotten so large that perhaps another position was needed in Mr. Perrine’s Department to oversee the program.

Mr. Guyton stated that staff would be bringing back an item for Council consideration very soon on reorganizing that Department, including an analyst position.

Disposition: Approved.

18. ROYAL OAKS VIEW VESTING TENTATIVE SUBDIVISION MAP (ENNIS HOMES, PACIFIC HOLT CORPORATION, LANDMARK)

Recommendation: That the City Council open the public hearing and continue the public hearing to the August 1, 2006 City Council meeting.

Deputy City Manager Frank Guyton presented the item, and Community Development Director Brad Dunlap presented the staff report.

The public hearing was opened at 8:46 p.m. and continued until August 1, 2006.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member P. Martinez that the City Council continue the public hearing to the August M.O. 17-061806 1, 2006 City Council meeting. The motion carried unanimously.

Disposition: Approved.
SECOND READING
The City Attorney and Council Member P. Martinez left the room due to a conflict on the next item.

19. SECOND READING - ORDINANCE NO. 1701, APPROVING ZONE CHANGE 4-2006 (PRE-ZONING) AND ANNEXATION 464

Recommendation: That Council give Second Reading to Ordinance No. 1701, waive further reading, and adopt said Ordinance.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the City Council adopt Ordinance 1701, and waive further reading of the ordinance, being 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.

AYES: McCracken, F. Martinez, Stadtherr, Hamilton
NOES: None
ABSTAIN: P. Martinez
ABSENT: None

Disposition: Approved.

The Council took a recess from 8:48 p.m. to 8:57 p.m.

SCHEDULED MATTERS

20. TRANSIT AGREEMENT WITH SIERRA MANAGEMENT

Recommendation: That the City Council:
1. Approve the Agreement between the City of Porterville and Sierra Management for operational and management services for the City’s public transportation service; and
2. Authorize the Mayor to execute the Agreement on the City’s behalf.

Deputy City Manager Frank Guyton presented the item, and Linda Clark presented the staff report.

COUNCIL ACTION: MOVED by Council Member P. Martinez, SECONDED by Mayor Pro Tem F. Martinez that the Council accept the staff recommendation for this item.
M.O. 18-071806 The motion carried unanimously.
Mayor Hamilton stated that Item 25 would be taken out of order.

25. SPORTS COMPLEX YOUTH EVENT FEES

Recommendation: That the City Council adopt the Resolution approving an adjustment to Sports Complex youth event field-use game fees.

Deputy City Manager Frank Guyton presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report.

Dennis Wilson, Porterville Flag Football, 764 Balmayne, came forward and spoke about the parking fees and its effect on his League, with 214 kids, which would have an adverse impact, and they asked that the fee be left at $1.00. He stated that if Porterville got another hotel, they would host a State tournament, which would mean 1200 kids at the complex, which would bring revenue to the City. He stated that if they were forced to leave, it would just be another park to mow.

Luis Medina, 1204 W. Date, stated that he was in the same boat with 800 kids. He stated that they would have another $8,000 in fees, on top of the $6,000 for parking, to the City if these fees were passed. He stated that they would have to move if that happened, and the schools had already agreed to allow them to play there. He stated that they already paid parking fees for the families.

Council asked about the ‘good old boy agreement’ for the fees, but no one knew who made the agreement.

Don Ramirez, 554 W. Morton, out-going Commissioner for AYSO, and a parent involved in AYSO, stated that the children shouldn’t have to pay to park and then pay to play on the grass. He stated that they paid concession stand fees before, but they had not been billed this year. He stated that the concession stand was the only fund raising mechanism they had, and the funds were used to enable the children to play. Mr. Ramirez stated that many families could not participate with the additional fees.

Mr. Medina stated that they were not arguing the parking fees, they were fine with that and could go from $12 to $15, the problem was adding the $1 per family. Mr. Median and Mr. Ramirez spoke about their concession earnings funding scholarships for their players, and stated that the $1 use fee per player per game would be the largest expense they had.

Council Member McCracken stated that they had two problems–how much of a burden did they place on the kids, and the player fee was on the books and would have to be changed if not enforced.

Council Member Stadtherr stated that this was another problem in the same department. He stated that the Parks and Leisure Services Commission recommendation was that the parking fee be charged and the participant fee be phased in after this year. He recommended eliminating the participant
game fee, go on with the parking fee as in the past, and refer this matter to the internal audit committee to see how they were keeping records, or lack there of.

Mayor Pro Tem F. Martinez spoke on the importance of sports programs. He stated that they needed to get rid of the participant fee, maintain the parking fee and increase it by increments.

Council discussed the costs to maintain the sports complex, and it was agreed that sports activities were important. Council Member McCracken questioned how many other things had been approved and not charged. Mayor Hamilton asked Mr Ruiz to comment on the Parks and Leisure Services recommendation.

Joe Ruiz, Jr., 1385 N. Lotas Way, stated that the sports complex was a business that the City was into. He stated that the Parks and Leisure Services Commission looked at the fees and they made an appropriate recommendation. He stated that the parents paid for children to participate in programs, as they always have, and the Council was there to address a business decision. Mr. Ruiz stated that internally the Parks and Leisure Services Department made a mistake and it needed to be rectified, and that was the biggest problem to face that evening. If the fees had been waived for one organization, then they had to be waived for all. He stated that whatever had been done, a business decision had to be made, whether someone was overcharged or undercharged or not.

Council concurred that further review was needed, and a solution found based on hard facts. Mayor Hamilton stated that they would vote on the motion tonight, then Mr. Perrine needed to come back with some strong, hard facts, possibly with the aid of a consultant. It was clarified that the revised fee would apply to everyone.

The City Attorney stated that any additional changes and resolutions would be brought back to the next meeting. The City Attorney clarified that the proposed resolution remains as is with the last three lines removed.

COUNCIL ACTION: MOVED by Mayor Pro Tem F. Martinez, SECONDED by Council Member P. Martinez that the Council leave the parking fee at $1.00 and increase by .25 increments over the next two years to $1.50, and eliminate the participation fee. The motion carried unanimously.

Mayor Hamilton stated that Council would revisit this matter when they had different figures. He stated that they would get with Mr. Perrine when they had their questions formulated.

Disposition: Approved.

21. CITY FLAG DESIGN

Recommendation: That the City Council:
1. Award the design of a City flag to Mel Gosage Optigraphics for the total proposal cost of $2,450.00;
2. Appoint two Council Members and two staff members to work with Mr. Gosage in the creation of the flag design; and
3. Direct staff to bring the completed design back to the entire Council for final approval before production commences.

Deputy City Manager Frank Guyton presented the item and Linda Clark presented the staff report.

COUNCIL ACTION: MOVED by Council Member P. Martinez, SECONDED by Mayor Pro Tem F. Martinez that the Council approve the staff recommendation and appoint Council Member Stadtherr, Council Member McCracken and Linda Clark M.O. 19-071806 to the committee, with the City Manager to appoint one other staff member for the committee. The motion carried unanimously.

Disposition: Approved.

22. CGI COMMUNICATION, INC. – COMMUNITY VIDEO AND STREET BANNER BRANDING PROGRAM

Recommendation: That the City Council approve the following recommendations of the committee:
1. That the City Council approve one of the four options presented for the banner proof to be provided to CGI Communications, Inc.;
2. That the sponsor information portion of the banner consist of a white background, with specific colors for sponsor name, logo or telephone number to be designated by sponsor and vendor;
3. Sponsor information may consist of any combination of the following: Business name, logo, telephone number; and
4. That the City Council approve the banner placement locations provided by CGI Communications, Inc., a map of which is presented for further reference.

Deputy City Manager Frank Guyton presented the item and Linda Clark presented the staff report.

COUNCIL ACTION: MOVED by Council Member P. Martinez, SECONDED by Council Member Stadtherr that the Council accept the recommendation, with the selection of M.O. 20-071806 Banner No. 3. The motion carried unanimously.

Disposition: Approved.

23. “D” OVERLAY SITE REVIEW 2-2006 (EBAUGH)

RECOMMENDATION: That the City Council adopt the draft resolution containing findings and conditions in support of approval for “D” Overlay Site Review 2-2006
Deputy City Manager Frank Guyton presented the item, and Community Development Director Brad Dunlap presented the staff report.

Mayor Hamilton abstained and left the room.

**COUNCIL ACTION:** MOVED by Council Member P. Martinez, SECONDED by Council Member Stadtherr that the City Council adopt the draft resolution containing findings and conditions in support of approval for “D” Overlay Site Review 2-2006.

- **AYES:** McCracken, P. Martinez, F. Martinez, Stadtherr
- **NOES:** None
- **ABSTAIN:** Hamilton
- **ABSENT:** None

Disposition: Approved.

**24. WORK PROGRAM FOR $200,000 ALLOCATION TO THE PORTERVILLE COMMUNITY CENTER**

RECOMMENDATION: That the City Council approve the 2006/2007 work program for the Porterville Community Center.

Deputy City Manager Frank Guyton presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report.

Council Member P. Martinez stated that he wanted the community involved in doing some of this, and would like to see civic organizations approached to help. He stated that perhaps recognition plaques could be done.

Mayor Hamilton questioned why any of the funds were budgeted for staffing, supplies, maintenance, etc. He stated that the money should be for renovation only, with the building left empty until it was done. Council concurred that they were looking at renovating the main stage, patio and chapel areas. Mayor Hamilton stated that this should be brought back for a decision on activities, and what those are would determine further improvements.

Council Member McCracken recommended that they proceed with the roof immediately.

Mayor Hamilton stated that any suggestions for the community center should be given to Mr. Perrine.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Council Member P. Martinez that the Council approve the polyurethane roof system, and continue the remaining $95,000 to August 15, 2006. The motion carried unanimously.

Disposition: Approved.
26. SPORTS COMPLEX TRANSPORTATION

Recommendation: That the City Council receive the report from the Parks and Leisure Services Commission related to the Sports Complex transportation.

Deputy City Manager Frank Guyton presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report.

Joe Ruiz, Jr., 1385 N. Lotas Way, stated that as Chair of the Parks and Leisure Services Commission stated that there was no viable, cost effective solution to getting transportation out to the complex.

Council Member P. Martinez thanked the Commission for their work. He stated that he felt the sports complex did not meet the needs of part of the community due to its location. He stated that he would like to see a smaller sports complex in town in a different area. He stated that even at the present sports complex there was not enough room for all the kids that wanted to participate. He stated that there used to be after school sports programs, and that might be an alternative that should be considered. The main concern was getting kids to participate in positive activities.

Disposition: Report received.

27. GRASS PARKING LOT OPTION

RECOMMENDATION: That City Council:

1) Make the determination as to whether the grass parking lot option is a viable option; and

2) If determined to be a viable option, direct Public Works to prepare the necessary changes to the City Ordinance to allow Grasspave2 or similar method of parking lot construction.

Deputy City Manager Frank Guyton presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

Council Member McCracken stated that he thought this was a viable alternative, although it shouldn’t be mandated, on areas such as the fairgrounds or church areas. He stated that lots used everyday would create problems, such as oil runoff.

Council Member Stadtherr stated that he had primarily been looking at something for church parking lots for overflow—it was certainly not for in front of Walmart. He understood the reasons for asphalt parking lots, but he thought maybe this was an alternative where they could bring back the regulations a little, let the players, developers, and commercial property owners out there go with it and see where it goes.
Council and staff discussed the issues of parking on non-asphalt areas, and Council Member Stadtherr clarified that he was speaking of commercial areas.

Staff stated that it could be an option available to developers. The City Attorney stated that it could be looked at in areas based on frequency of use. She stated that no ordinance was in front of the Council, but direction could be to review the matter and develop an ordinance.

Council discussed the issue and concluded that they would like to see an area with such a system in place. Someone in the audience stated that there was a parking lot at Lowe’s in Sunnyvale. It was also stated that the Heritage Center had porous paver blocks to support driving over for emergency use.

Council concurred that this matter should be brought back at the second meeting in October, October 17, for further discussion.

Disposition: Continued to October 17, 2006.

The Council adjourned to a meeting of the Porterville Redevelopment Agency at 10:28 p.m.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
July 18, 2006

Roll Call: Agency Member Pete McCracken, Agency Member Pedro Martinez, Vice-Chairman Felipe Martinez, Agency Member Richard Stadtherr, Chairman Cameron Hamilton

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTERS

PRA-1. AUTHORIZATION TO ALLOCATE ADDITIONAL REDEVELOPMENT LOW AND MODERATE INCOME HOUSING FUNDS TO COMPLETE THE STREET SLURRY AT CASAS BUENA VISTA SUBDIVISION

Recommendation: That the Redevelopment Agency authorize the expenditure of up to an additional $26,000 from the Redevelopment Low and Moderate Income Housing Fund for the completion of the slurry seal on the streets in the Casas Buena Vista subdivision by Field Services personnel.

Deputy City Manager Frank Guyton presented the item, and Community Development Director Brad Dunlap presented the staff report.
AGENCY ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Stadtherr that the Porterville Redevelopment Agency authorize the expenditure of up to an additional $26,000 from the Redevelopment Low and Moderate M.O. PRA 01 Income Housing Fund for the completion of the slurry seal on the streets in the Casas Buena Vista subdivision by Field Services personnel. The motion carried unanimously.

Disposition: Approved.

The Porterville Redevelopment Agency adjourned to a meeting of the City Council at 10:30 p.m.

ORAL COMMUNICATIONS
• Greg Shelton, 888 N. Williford Drive, stated that he just wanted to illustrate for the Council what it’s like at a Parks and Leisure meeting. He invited the Council to attend their meetings. Mr. Shelton stated that regarding transportation to the sports center—although it wasn’t on the list, it had been his recommendation that they either get into the lock box, or take some of the money that the City was losing on the farming operation and buy a bus and send it to the sports park.

OTHER MATTERS
• Council Member Pedro Martinez asked staff to set up Council outreach meetings on off Tuesdays for the newly annexed County Island areas. He stated that they should be vector meetings like they did last time.

• Council Member Richard Stadtherr stated they were set to bring back the traffic enforcement issue on August 15, but all the response he had already received was negative, so he had his answer. He stated that the item shouldn’t be brought back. Council concurred, and the Mayor stated that the matter would be dropped.

ADJOURNMENT
The Council adjourned at 10:34 p.m. to the meeting of August 1, 2006.

Georgia Hawley, Chief Deputy City Clerk

ATTEST:

Cameron Hamilton, Mayor
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
AUGUST 1, 2006, 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pete Martinez, Mayor Pro Tem Felipe Martinez, Mayor Hamilton
Absent: Council Member Stadtherr

ORAL COMMUNICATIONS
None

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

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


City Attorney Julia Lew reported that the Council approved the Addendum to Memorandum of Repurchase Option regarding the real property identified as APN 302-390-016.

Documentation: Resolution 93-2006
Disposition: Approved.

Pledge of Allegiance Led by Mayor Cameron Hamilton
Invocation - a moment of silence was observed.

PROCLAMATION
Kelly Morgan - the presentation was continued until the Meeting of September 15, 2006.

PRESENTATION
Leadership Porterville Class of 2006
• The class members introduced themselves and informed everyone of their upcoming Blood and Bone Marrow Drive, “A Pint for a Pint,” to be scheduled in September; and of their Fund Raising Event, “Family Movie Extravaganza” presenting the Wizard of Oz and other activities, to take place on September 23, 2006 at 3:30 p.m. at the Galaxy Theater.

**ORAL COMMUNICATIONS**

• Greg Shelton, 888 North Williford Drive, spoke against Item 16, asserting that the timeline outlined in the City’s response to the Grand Jury was problematic. He spoke against the modifications to the Farm Management Agreement, suggesting they were merely a “band-aid,” and spoke in favor of immediately pursuing an RFP.

• Dick Eckhoff, Downtown Porterville Association, 118 North Main Street, spoke in favor of the Council’s approval of the Civic Event proposed in Item 11.

• Cory Hoover, a Hanford resident, spoke favorably of the process in opening his new business in Porterville, thanked staff for their assistance, complimented the Council on its decision to proceed with the Skateboard Park, and offered his help should the need arise.

• John Miller, a Ducor resident, inquired whether the Council had received his correspondence related to the issue of the development activity on Corona Drive. The City Manager informed Mr. Miller that the letter had been received and that a response had been mailed that day.

**CONSENT CALENDAR**

Item Nos. 11 and 14 were removed for further discussion.

1. CITY COUNCIL MINUTES OF JULY 5, 2006

   Recommendation: That the City Council approve the City Council Minutes of July 5, 2006.

   Documentation: M.O. 01-080106

   Disposition: Approved.

2. TRANSIT ACCOUNT BUDGET ADJUSTMENT

   Recommendation: That the City Council approve the budget adjustments to decrease Demand Response, Account No. 20-1180-25 from $560,000 to $410,549; and to increase Fixed Route, Account No. 20-1190-25 from $400,000 to $524,694.

   Documentation: M.O. 02-080106

   Disposition: Approved.

3. PURCHASE OF LIVE SCAN FINGERPRINT SYSTEM

   Recommendation: That the City Council:
   1. Authorize the purchasing agent to procure an Identix Live Scan Fingerprint System for use in the Police Department;
   2. Authorize staff to submit invoices to Tulare County RAN Board to request reimbursement of funds; and
3. Authorize that when reimbursement is received from the RAN Board, the funds be credited back to the Federal Asset Forfeiture Account (07-2243).

Documentation: M.O. 03-080106
Disposition: Approved.

4. PURCHASE OF SPECIALIZED EQUIPMENT

Recommendation: That the City Council authorize the purchase by negotiation of the specialized equipment itemized in the staff report, and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 04-080106
Disposition: Approved.

5. AUTHORIZATION TO ADVERTISE FOR BIDS - SINGER BUILDING DEMOLITION PROJECT

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

Documentation: M.O. 05-080106
Disposition: Approved.

6. AWARD OF CONTRACT - INDIANA STREET RECONSTRUCTION PROJECT (PUTNAM AVENUE TO OLIVE AVENUE)

Recommendation: That the City Council:
1. Award the Indiana Street Reconstruction Project, Putnam Avenue to Olive Avenue, to Mitch Brown Construction, Inc. in the amount of $850,001.73;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 06-080106
Disposition: Approved.

7. AWARD OF CONTRACT FOR ADMINISTRATIVE SUBCONTRACTOR FOR HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) GRANT FOR THE SEQUOIA VILLAGE AT RIVER’S EDGE PROJECT

Recommendation: That the City Council:
1. Authorize staff to negotiate a contract with M.E. Shay & Co., the highest rated company, for Administrative Subcontractor services for the 2005 HOME Grant for Sequoia Village at River’s Edge; and if an agreement cannot be negotiated, to allow staff to negotiate with Real Estate Associates for a contract for those services;
2. Authorize the Mayor to sign said contract and any future amendments to
the contract; and
3. Authorize staff to make payments, upon satisfactory completion of the
contracted work, up to 100%.

Documentation: M.O. 07-080106
Disposition: Approved.

8. HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) APPLICATION

Recommendation: That the City Council:
1. Approve the submittal of a HOME Investment Partnership Program
(HOME) funding application for an amount not to exceed $800,000
($600,000 for the First Time Homebuyer Program, $100,000 for the
Owner Occupied Housing Rehabilitation Program, and $100,000 for
Tenant Based Rental Assistance Program) to the California Department
of Housing and Community Development;
2. Authorize the Mayor or his designee to execute all documents pertaining
to the HOME program; and
3. Authorize the Community Development Director or his designee to
execute, in the name of the City of Porterville, project drawdown
requests, and all other administrative documents required by the
California Department of Housing and Community Development or the
U.S. Department of Housing and Urban Development for administration
of the HOME program.

Documentation: Resolution 94-2006
Disposition: Approved.

9. INTENT TO SET A PUBLIC HEARING FOR REIMBURSEMENT AGREEMENTS
FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY -
HENDERSON AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Set a Public Hearing for August 15, 2006 according to the Mitigation Fee
Act, for the establishment of the concrete reimbursement fee; and
2. Authorize staff to notify all affected property owners of the Public
Hearing, via certified mail, including the concrete reimbursement
amount.

Documentation: M.O. 08-080106
Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT - AMERICAN CANCER SOCIETY
- RELAY FOR LIFE BANNER SIGNING

Recommendation: That the City Council approve the Community Civic Event Application and
Agreement from the American Cancer Society, subject to the Restrictions and
Requirements contained in document.
12. ADOPTION OF ANNUAL APPROPRIATION LIMIT

Recommendation: That the City Council approve the draft resolution adopting the appropriation limit of $36,981,571 for the 2006/2007 Fiscal Year.

Documentation: Resolution 95-2006
Disposition: Approved.

13. PARKS AND LEISURE SERVICES DEPARTMENT REORGANIZATION PLAN AND STAFFING ALLOCATION

Recommendation: That the City Council:
1. Approve the Parks & Leisure Services Department Reorganization Plan; and
2. Approve the draft resolution authorizing the position allocation adjustments for the department.

Documentation: Resolution 96-2006
Disposition: Approved.

15. THIS ITEM WAS REMOVED FROM THE AGENDA.

16. RESPONSE TO GRAND JURY REPORT

Recommendation: That the City Council:
1. Review and approve staff’s response to each of the Grand Jury’s findings and recommendations; and
2. Direct the City Manager to sign and transmit the City’s response to each of the Grand Jury findings and recommendations.

Documentation: M.O. 10-080106
Disposition: Approved.

17. RESPONSE TO GRAND JURY REPORT – VICIOUS ANIMAL POLICIES

Recommendation: That the City Council:
1. Review and approve staff’s response to each of the Grand Jury’s findings and recommendations; and
2. Direct the City Manager to sign and transmit the City’s response to each of the Grand Jury’s findings and recommendations.

Documentation: M.O. 11-080106
Disposition: Approved.
COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pete Martinez that the Council approve Item Nos 1 through 10, 12, 13, and 16 through 17.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Stadtherr

11. APPROVAL FOR COMMUNITY CIVIC EVENT - DOWNTOWN PORTERVILLE ASSOCIATION - PORTERVILLE MAIN EVENT - RIDES & WHEELS AND SIDEWALK SALE - SEPT. 30, 2006

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Downtown Porterville Association, subject to the stated requirements contained in said document.

At the request of Council Member McCracken, staff offered clarification as to the location of the proposed beer garden.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Community Civic Event M.O. 12-080106 Application and Agreement submitted by the Downtown Porterville Association, subject to the stated requirements contained in said document.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Stadtherr

Disposition: Approved.

14. RESOLUTION ADJUSTING SPORTS COMPLEX SEASONAL PARKING PERMIT FEES AND GENERAL FUND BUDGET REVENUE ESTIMATE

Recommendation: That the City Council adopt the draft resolution adjusting the Sports Complex Seasonal Parking Permit Fees and General Fund Budget Revenue Estimate.

Council Member Pete Martinez voiced opposition to charging a parking fee at the Sports Complex, asserting that the City did not charge a parking fee at any other City facility. He noted that he did see a need to establish a revenue source to payoff the facility, but that it should not come from parking fees.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council adopt the draft resolution adjusting the Resolution 97-2006 Sports Complex Seasonal Parking Permit Fees and General Fund Budget Revenue Estimate.
AYES: McCracken, F. Martinez, Hamilton
NOES: P. Martinez
ABSTAIN: None
ABSENT: Stadtherr

Mayor Hamilton indicated that if Council Member Pete Martinez would like to revisit the item in the future, he was open to that.

Disposition: Approved.

PUBLIC HEARINGS


Recommendation: That the City Council:

1. Hold a public hearing concerning the Ordinance to Disestablish the Business Improvement Area of the City of Porterville;

2. If a majority of the assessed businesses have not protested the disestablishment, the Council may approve and give first reading to the draft Ordinance Disestablishing the Business Improvement Area of the City of Porterville, Proposing to Dispose of Assets Acquired with the Revenues of Assessments Levied within the Business Improvement District, and Repealing Chapter 15, Article IV, “Business Improvement Area,” Sections 15-31 through 15-39, in their Entirety; OR

3. If a majority of the assessed businesses have not protested the disestablishment, notwithstanding this the Council may opt to continue the assessments and keep the District in place or direct that other modifications be initiated; OR

4. If a majority of the assessed businesses do protest the disestablishment, the City Council should take no further action on the proposed disestablishment.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report. Ms. Lew reported that as of 5:30 p.m. that day, of the total 179 businesses within the District, 75 ballots had been returned to the Clerk’s Office, which equated to 41.9% voter turnout. She stated that 57 businesses voted in favor of disestablishment, which represented 76% of those ballots returned; and 18 votes were received against disestablishment, or approximately 24% of those ballots returned. In terms of total membership, Ms. Lew indicated that 31.8% voted in favor of disestablishment, and 10.06% voted against disestablishment. She noted that this was not the final count, and that the opportunity still existed for additional ballots to be turned in prior to the close of the public hearing. She informed everyone that in the event a business owner within the District who had not yet cast a vote was present and wished to weigh in, ballots were available. Ms. Lew then recommended that at the close of the public hearing, the Council recess so as to provide time for the City Clerk and herself to update the data prior to deliberation by the Council.
The continued public hearing re-opened at 7:19 p.m.

- Robert Vanderhorst, business address of 288 North D Street, thanked the Council and staff for their attention and work on the issue. He spoke in favor of disestablishment and commented on the high turnout on the advisory ballot.
- Chris Lewis, Porterville Physical Therapy at 112 North D Street, provided staff with an additional ballot from Dr. Mark Tindall, and spoke in favor of disestablishment of the District.
- Clayton Taylor, Wendy’s Antiques at 32 West Mill Street, spoke in favor of disestablishment and suggested a low voter turnout due to the issue being dragged on.
- Dick Eckhoff, Sierra Trophies at 197 N. Main Street, and Chairman of Downtown Porterville Association, came forward against disestablishment and provided copies of his statement to the Council. He suggested that any discontent in the District was caused by a handful of individuals, and asserted the District should only be disestablished with a petition by the majority of the District.

The public hearing closed at 7:25 p.m.

City Attorney Julia Lew noted that a recess was unnecessary, and that the figures were being updated at that moment to reflect the one additional vote received.

Council Member McCracken spoke of a fifth option, which he indicated was to suspend the BID which would keep infrastructure in place and allow the Council to suspend the assessments until such time as the business owners desired to reinstate them.

Mayor Pro Tem Felipe Martinez commented that the business owners had the opportunity to be heard, and those who wished to be heard were.

Council Member Pete Martinez spoke favorably of efforts of the Downtown Porterville Association and the District. He commented that he understood that only a few businesses carried the financial load for the whole group and suggested that a more fair assessment method should be found. He then agreed with Council Member McCracken’s suggestion to suspend the assessment for a period of time, while keeping the structure of the District in place.

Mayor Hamilton stated that he believed in representative government, and that the people had spoken. He then requested the updated information from the City Attorney.

Ms. Lew reported that the final count consisted of 76 ballots returned out of a possible total of 179 businesses in the District, which she stated comprised a 42.46% voter turnout. Of the 76 ballots, 58 voted in favor of disestablishment, or 77.31% of the ballots returned; and 18 voted against disestablishment, or 23.68% of the ballots returned. In terms of total membership, 32.4% voted in favor of disestablishment, and 10.06% voted against disestablishment.

Mayor Hamilton commented that he could comfortably make a decision that evening with the information provided.

Council Member Pete Martinez suggested that the matter should be held over until a full Council was available.
Mayor Pro Tem Felipe Martinez moved that the Council approve the draft ordinance disestablishing the Business Improvement Area.

Mayor Hamilton stated that normally he would agree that a full Council should be present for consideration of such a significant issue, however he noted that the issue had been known prior to Council Member Stadther’s vacation. He spoke in favor of moving forward with the item that evening, unless the remaining Council Members felt otherwise.

Council Member McCracken commented that he did not see an advantage to postponing the Council’s consideration.

Mayor Hamilton seconded Mayor Pro Tem Felipe Martinez’s motion.

A discussion ensued as to Council Member McCracken’s proposed alternative to disestablishment which would suspend the assessment while maintaining the infrastructure. Council Member Pete Martinez reiterated his agreement with the suspension of the assessment. Council Member McCracken commented that he did not feel comfortable with disestablishing the District when only 1/3 of the businesses responded to the ballot. He suggested that the main intent of those in favor of disestablishment was to eliminate the tax, not the structure.

Mayor Pro Tem Felipe Martinez commented that he believed that the people had spoken, and noted that the voter turnout on the advisory ballot was better than the voter turnout for the June 6th City Council election. He pointed out that if one used Council Member McCracken’s line of reasoning, two of the Council Members would not be sitting on the dias that evening.

City Attorney Julia Lew clarified that if the Council decided to move forward with the proposed alternative course of action, she recommended that the assessment remain in place, however collection could be waived for a set amount of time. She stated that an Ordinance could be brought back for the Council’s consideration, but that another public hearing would not be required. Ms. Lew then reviewed the process that would be required for the various options before the Council.

Mayor Hamilton commented that he had heard what the people said, and felt comfortable with making a decision that evening. He then suggested, and the Council concurred, that the public hearing be re-opened to hear commentary on the suggested alternative to disestablishment.

The public hearing re-opened at 7:43 p.m.

- Greg Shelton, address on record, spoke in favor of disestablishment and against suspending collection of the assessment, noting that an overwhelming majority voted to disestablish the District.
- Robert Vanderhorst, address on record, spoke in favor of the Council taking action on the item that evening, and noted that the turnout on the advisory ballot was better than that of the City Council’s election in June. Mr. Vanderhorst spoke against Council Member McCracken’s proposed alternative, and requested that the Council vote to disestablish that evening, pointing out that the assessment that had just been collected would then be returned.
• Chris Lewis, Porterville Physical Therapy, address on record, requested that the Council vote to disestablish the District, noting the lengthy duration and contention of the issue.

• Dick Eckhoff, Chairman of the Downtown Porterville Association, address on record, voiced support for Council Member McCracken’s suggested alternative, and confirmed with staff that the fees that had just been collected would be refunded in the event the Council chose to suspend the District’s collection of the assessment. Mr. Eckhoff spoke of the difficulty in re-establishing the District in the future, and the ease at which a suspended District would be un-suspended. He suggested many business owners were not familiar with the District, nor its benefits, and warned of the consequences on the Downtown area if it was disestablished. Mr. Eckhoff then stated that while the Council should consider what the people has said, it should also consider what was best for the future of the community.

• Clayton Taylor, Wendy’s Antiques, address on record, spoke in favor of disestablishment of the District, and questioned why City staff needed to be involved in the matter. He suggested that if the business owners so chose, they could pursue another organization such as “The Heart of Porterville” as it had in the past.

• John Miller, a Ducor resident, questioned whether the establishment of the District allowed the City to qualify for certain grants. Mr. Miller was informed that no grants had been received and that all funds were self-generated. He then commented that if there was no other benefit for the District, the decision should be up to the business owners.

The public hearing closed at 8:00 p.m.

A discussion ensued as to the impetus of the District, during which Mr. Longley indicated that it was initially a Main Street Porterville program.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Mayor Hamilton that the City Council approve the draft Ordinance Disestablishing the Business Improvement Area of the City of Porterville, give first reading, and order the Ordinance to print, being, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DISESTABLISHING THE BUSINESS IMPROVEMENT AREA OF THE CITY OF PORTERVILLE, PROPOSING TO DISPOSE OF ASSETS ACQUIRE WITH THE REVENUES OF ASSESSMENTS LEVIED WITHIN THE BUSINESS IMPROVEMENT DISTRICT, AND REPEALING CHAPTER 15, ARTICLE IV, “BUSINESS IMPROVEMENT AREA,” SECTIONS 15-31 THROUGH 15-39, IN THEIR ENTIRETY.

AYES: P. Martinez, F. Martinez, Hamilton
NOES: McCracken
ABSTAIN: None
ABSENT: Stadtherr

City Manager read the Ordinance by title only.

Disposition: Approved.
Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 3-2006.

Mayor Hamilton noted a conflict of interest, recused himself from the discussion, and left the Council Chambers.

Council Member McCracken clarified with staff that his residence was outside of the 300 foot radius and therefore he need not recuse himself.

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

The public hearing opened at 8:10 p.m.

- Donna Shamley, Roberts Engineering at 342 N. 2nd Street, came forward on behalf of the applicant and requested that the Council approve the item.

The public hearing closed at 8:11 p.m.

Council Member McCracken noted that with only three Council Members remaining on the dias, the item would require a unanimous vote for approval. He suggested that the applicant be given the opportunity to continue the item until Council Member Stadtherr was available.

- Ms. Shamley came forward and indicated the applicant’s desire to proceed that evening.

City Attorney Julia Lew clarified that in the event three affirmative votes were not received on the item, it would technically fail. She indicated that the item would need to be brought back for Council’s consideration through the standard reconsideration procedure.

Council Member Pete Martinez spoke of the need for promoting more outside family activities, and questioned whether amenities for children had been included. A discussion ensued, during which Mr. Dunlap pointed out that the plan provided for a few open space areas, which exceeded the City’s requirement. Council Member Martinez spoke in favor of the inclusion of a picnic area or playground, and suggested that bicycle racks should also be considered. He then inquired as to why the disabled parking lacked covering, while other spaces provided for it.

- Ms. Shamley came forward and indicated that the covered parking had been provided pursuant to City standards, and that the disabled spaces could also be covered. She noted, however, that because covering the spaces required additional square footage, a space might be lost. Ms. Shamley pointed out that even if a disabled space was eliminated, the project would still meet the required amount.

Council Member McCracken voiced support for Council Member Pete Martinez’s suggestions, noting that while he would like to also see playground equipment, the maintenance on such equipment would be burdensome for the owner.
Council Member Pete Martinez moved that the Council approve the draft resolution approving Conditional Use Permit 3-2006, as amended to require the installation of bicycle racks, a picnic table, and covered disabled parking. Council Member Martinez then clarified that staff would decide how many bicycle racks would be sufficient.

Mr. Dunlap clarified that the revised conditions in the resolution would read as follows:

Condition No. 34. That the two 3,200 square foot areas be landscaped to provide for play areas for children to include bicycle racks and picnic table to be approved by the Community Development Director.

Condition No. 37. That carport structures over all disabled parking spaces be provided.

COUNCIL ACTION: MOVED by Council Member Pete Martinez, SECONDED by Council Member McCracken that the Council adopt the draft resolution approving Resolution 98-2006 Conditional Use Permit 3-2006, as amended to require bicycle racks and picnic table in play areas, to be approved by staff, and carport structures over all disabled parking spaces.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Stadtherr

Disposition: Approved, as amended.

The Council recessed for ten minutes.

20. ROYAL OAKS VIEW VESTING TENTATIVE SUBDIVISION MAP (ENNIS HOMES, PACIFIC HOLT CORPORATION, LANDMARK)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for Royal Oaks View Vesting Tentative Subdivision Map; and
2. Adopt the draft resolution approving Royal Oaks View Vesting 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 8:42 p.m.

- Ken Valley, Landmark Engineering of Bakersfield, came forward on behalf of the applicant and spoke in favor of the Council’s approval.
• Sue Lafferty, Ennis Development at 643 N. Westwood Street, thanked staff for their assistance with the item, voiced agreement with staff’s recommended conditions, and requested that the Council approve the requested Vesting Tentative Subdivision Map.

• John Miller, a Ducor resident, spoke against the proposed Map, citing environmental concerns, specifically air quality impacts. He also suggested that the proposed pocket park was too small and voiced concern with the impact on local roads.

The public hearing closed at 8:50 p.m.

A brief discussion ensued as to the difference between a typical Tentative Subdivision Map and a Vesting Tentative Subdivision Map. Standards for trees and mailboxes were also discussed.

COUNCIL ACTION: MOVED by Council Member Pete Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft resolution approving Resolution 99-2006 the Negative Declaration for Royal Oaks View Vesting Tentative Resolution 100-2006 Subdivision Map; and adopt the draft resolution approving Royal Oaks View Vesting Tentative Subdivision Map.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Stadtherr

Disposition: Approved.

21. RIVERWALK MARKETPLACE COMMERCIAL CENTER PROJECT; CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT

Recommendation: That the City Council:
1. Adopt the draft resolution certifying the Final EIR; and
2. Continue the public hearing to consider adoption of the draft resolution approving CUP 4-2006 to amend the Specific Plan for the Viejo Robles Planned Development as proposed, permit construction of an indoor building materials retailer, and to permit the sale of alcoholic beverages under an on-sale license at a restaurant with separate bar area to the date of August 15, 2006.

City Manager John Longley noted that he resided within 300 feet of the subject property, and excused himself from the Council Chambers.

Deputy City Manager Frank Guyton presented the item, and Community Development Director Brad Dunlap presented the staff report.

The public hearing opened at 9:02 p.m.

• Shatik Salamor, CEI Engineering Associates, Inc. of Fresno, thanked staff for their assistance in the process, and spoke in favor of certification of the EIR that evening.
• John Miller, a Ducor resident, presented correspondence to the Council, and spoke against approval of the item, citing concerns with traffic, particularly related to the Jaye Street bridge, and the associated costs of widening said bridge. Mr. Miller also voiced concerns with safety issues related to children, noise issues, tenanting issues, and the depletion of farm land in the City. Staff elaborated on the timeline for the widening project and indicated that Federal grant monies would fund the majority of the project.

The public hearing closed at 9:11 p.m.

COUNCIL ACTION: MOVED by Council Member Pete Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft resolution certifying the Final EIR; and continue the public hearing to consider adoption of the draft resolution approving CUP 4-2006 to amend the Specific Plan for the Viejo Robles Planned Development as proposed, permit construction of an indoor building materials retailer, and to permit the sale of alcoholic beverages under an on-sale license at a restaurant with separate bar area to the date of August 15, 2006.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Stadtherr

Disposition: Approved, with public hearing continued to August 15, 2006.

22. ENVIRONMENTAL REVIEW OF THE CITY OF PORTERVILLE BUS MAINTENANCE FACILITY EXPANSION PROJECT

Recommendation: That the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the City of Porterville Bus Maintenance Facility Expansion Project.

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

The public hearing opened at 9:17 p.m. and closed at 9:18 p.m. when nobody came forward.

Mayor Hamilton confirmed with staff that the design was likely solar compatible in the event the City wished to move in that direction in the future.

COUNCIL ACTION: MOVED by Council Member Pete Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft resolution approving the Mitigated Negative Declaration for the City of Porterville Bus Maintenance Facility Expansion Project.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Stadtherr
SCHEDULED MATTERS

23. CONSIDERATION OF DONATING AUTOMOBILES REPLACED BY GRANT FUNDED HYBRIDS TO LA BARCA, MEXICO (PORTERVILLE’S SISTER CITY)

Recommendation: That the City Council provide direction to staff.

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

Council Member Pete Martinez spoke of La Barca’s need, particularly in law enforcement, for the vehicles.

In response to a question posed by Mayor Hamilton, staff indicated that vehicles of the Building Official and City Manager were due to be replaced with Hybrid vehicles, along with a totaled police vehicle.

Mr. Longley clarified that the staff recommendation was to approve a program for donating every vehicle replaced by grant funded hybrids to La Barca, Mexico.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pete Martinez that the Council authorize the donations of surplus staff automobiles replaced by grant funded hybrids to La Barca, Mexico, contingent on staff receiving written documentation that said donation will not violate the terms of any applicable grants.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Stadtherr

Disposition: Approved.

24. CONSIDERATION OF QUARTERLY IMPROVEMENT AWARDS

Recommendation: That the City Council provide direction to staff.

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

Mayor Hamilton indicated that he had brought the item forward and spoke of his desire to award local individuals for improving their properties. A discussion ensued as to guidelines, during which it was decided to seek sample policies from other cities.

Council Member Pete Martinez spoke in favor of pursuing the item. It was decided to refer the matter to the Parks & Leisure Services Commission to establish some guidelines for the program.

Disposition: Referred to the Parks & Leisure Services Commission.

It was decided to present Item Nos. 25 and 26 concurrently.
25. QUARTERLY PORTFOLIO SUMMARY

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

26. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the Interim Financial Status Reports as presented.

City Manager John Longley presented the items, and Administrative Services Manager John Lollis presented the staff reports.

Mayor Hamilton noted that the Certificate of Deposit appeared to offer a better return, and questioned why so much of the funds were in the Federal Home Loan Bank. Mr. Longley indicated that at the time of investment, the Federal Home Loan Bank was the best instrument. He noted that the rates appeared to be catching up and that a cancellation policy likely existed. Mr. Longley indicated that an analysis and memorandum would be provided to the Council.

Mr. Lollis added that a Certificate of Deposit was recently purchased at 6%, although the market was beginning to come down. A brief discussion ensued as to various funds.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pete Martinez that the City Council accept the Quarterly Portfolio Summary in accordance with SB 564 and SB 866; and accept the Interim Financial Status Reports as presented.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Stadtherr

Disposition: Approved.

ORAL COMMUNICATIONS

- Greg Shelton, address on record, 1) spoke in favor of the P&L Services Commission’s involvement in Item 24; and 2) voiced concern with the status quo of the Farming Operation and requested the Council’s immediate action toward pursuing an RFP.

OTHER MATTERS

- Council Member McCracken inquired whether a report on the Council’s recent trip to Monterey was necessary. City Attorney Julia Lew confirmed that pursuant to the new regulations, a report should be provided.
- John Longley reported that he and four of the Council Members attended the “Mayors and Council Members’ Academy” held in Monterey on July 26th through July 28th. He spoke of the Academy’s curriculum, which he stated included training in AB1234, the new State legislation pertaining to ethics.
- Mayor Hamilton voiced an interest in the Council taking a position on Proposition 90.
• Council Member Pete Martinez spoke of the upcoming reception for the Sister City Association to take place in Porterville in August.
• Mayor Pro Tem Felipe Martinez requested that staff prepare an item for the next Agenda to consider re-paving/reconstructing Olive Avenue from Main Street to Route 65.

ADJOURNMENT
The Council adjourned at 9:42 p.m. to the meeting of August 8, 2006.

__________________________
Patrice Hildreth, Deputy City Clerk

ATTEST:

__________________________
Cameron Hamilton, Mayor
SUBJECT: CLAIMS - DAVID DINA LEON; KIMBERLY LONA; MIGUEL LEON; AND AUGUSTIN LEON

SOURCE: Administration

COMMENT: The claimants have filed a claim against the City for damages and injuries allegedly sustained when the vehicle in which the claimants were traveling struck a metal cover to a City of Porterville water line compartment. The compartment, located on Grand Avenue, allegedly opened on impact thereby causing the claimant driver to lose control of the vehicle. The incident occurred on May 24, 2006 in the vicinity of 708 East Grand.

The amount being claimed as of the date of this claim is in excess of $25,000 and within the jurisdiction of the Tulare County Superior Court, Unlimited Jurisdiction.

RECOMMENDATION: That the Council reject said claims; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the claimants proper notification.
RECEIVED
JUN 12 2006
CITY OF PORTERVILLE
CITY OF PORTERVILLE
DEPUTY CITY CLERK

CLAIM AGAINST CITY OF PORTERVILLE

Claimant's name: Miguel Leon
SS#: [redacted]
Claimant's Telephone No.: 559-781-2962
DOB: [redacted]
Claimant's address: [redacted] Porterville, CA 93257

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

Date of incident/accident: 5/24/06
Date injuries, damages, or losses were discovered: 5/24/06
Location of incident/accident: [redacted]

What did entity or employee do to cause this loss, damage, or injury? The bottom of the vehicle was caught onto the rear metal door of the city of Porterville worksite located at:
[redacted]

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

What specific injuries, damages, or losses did claimant receive? Back tip of tongue, back pain

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)].
UNLIMITED SUPERIOR COURT IN EXCESS OF $25,000.00

How was this amount calculated (please itemize)? No basis to date

Date Signed: 6/7/06
Signature: Miguel Leon

If signed by representative:

Representative's Name: EDWARDS & ASSOCIATES
ATTORNEYS AT LAW
Address: 12361 LEWIS STREET
SUITE 201
GARDEN GROVE, CA 92840
Telephone #: 714-557-1819
Relationship to Claimant: Attorney of Record
CLAIM AGAINST CITY OF PORTERVILLE

Claimant's name: Agustin Leon
SS#: [redacted]
Claimant's Telephone No.: 559-781-2960
DOB: [redacted]
Claimant's address: [redacted]
Address where notices about claim are to be sent, if different from above: 40 William K. Edwards 12361 Lewis St. #201 Garden Grove, CA 92840
Date of incident/accident: 5/24/06
Date injuries, damages, or losses were discovered: 5/24/06
Location of incident/accident: Brand Ave.

What did entity or employee do to cause this loss, damage, or injury? The bottom of the vehicle came

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

Unknown

What specific injuries, damages, or losses did claimant receive? Spinal cord fracture

How was this amount calculated (please itemize)? No bill to date

Date Signed: 6/17/06 Signature: Agustin Leon

If signed by representative:
Representative's Name: EDWARDS & ASSOCIATES
ATTORNEYS AT LAW
Address: 12361 LEWIS STREET
SUITE 201
GARDEN GROVE, CA 92840
Telephone #: 714-557-1818
Relationship to Claimant: Attorney of record
Claim Against: CITY OF PORTERVILLE

Claimant's name: David Dine Leon  SS#: 212013104
Claimant's telephone No.: 559-781-2960  DOB: 1/0/1969
Claimant's address: 201 S Garden Ave, CA 93257

Address where notices about claim are to be sent, if different from above: 201 S Garden Ave, CA 93257

Date of incident/accident: 5/24/06
Date injuries, damages, or losses were discovered: 5/24/06

Location of incident/accident: S Garden Ave

What did entity or employee do to cause this loss, damage, or injury? The bottom of the vehicleente got caught onto the wet metal door of the City of Porterville truck, located in the roadway.

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

What specific injuries, damages, or losses did claimant receive? Neck, back, and neck strain, seat belt, damage to bottom of vehicle

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)] Unlimited Super Court in excess of $25,000

How was this amount calculated (please itemize)? No bills to date

Date Signed: 6/7/06  Signature: David Dine Leon

If signed by representative:

Representative's Name: 201 S Garden Ave, CA 93257
Address: 201 S Garden Ave, CA 93257
Telephone #: 714-557-1818
Relationship to Claimant: Attorney of record
CLAIM AGAINST

CITY OF PORTERVILLE

Claimant's name: Kimberly Ann Loe
SS#: [Redacted]
Claimant's Telephone No.: 559-761-2962
DOB: [Redacted]
Claimant's address: [Redacted] Porterville, CA 93257
Address where notices about claim are to be sent, if different from above: JF O'William R. Edmonds
12361 Lewis St., Ste. 201, Garden Grove, CA 92840
Date of incident/accident: 5/24/06
Date injuries, damages, or losses were discovered: 5/24/06
Location of incident/accident: Frank Ave.

What did entity or employee do to cause this loss, damage, or injury? The bottom of the vehicle came hard on caught onto the rear metal door of the city of Porterville water lines located in the roadway.

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

What specific injuries, damages, or losses did claimant receive? Both burn on neck, bruise to left & right pelvic area.

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)] Unlimited Superior Court in excess of $25,000.

How was this amount calculated (please itemize)? No bills to date

Date Signed: 6/7/06

If signed by representative:

Representative's Name: [Redacted]
Address: [Redacted]
Telephone #: 714-557-1118
Relationship to Claimant: Attorney of Record
**CRIME REPORT**

**DATE / TIME OF REPORT:**
- 5/24/06 15:27

**LOCATION OF ARREST / INCIDENT:**
- 708 E - GRAND

**SUSPECT NO.**
- OF

**NAME (Last First Middle):**
- A.K.A.

**RESIDENCE ADDRESS:**
- CITY:
- ZIP CODE:
- RESIDENCE PHONE:

**D.O.B.**
- SEX:
- RACE:
- HEIGHT:
- WEIGHT:
- HAIR:
- EYES:

**DRIVERS LICENSE NUMBER:**
- STATE:
- STATUS:
- SOCIAL SECURITY NUMBER:
- ARREST NUMBER:

**EMPLOYER:**
- TATTOOS / SCARS / MARKS:

**NOTIFICATION (When, How, Where):**
- EXPLAIN IN NARRATIVE:
- NOTIFIED BY:

**SUSPECT VEHICLE**

**LICENSE / VIN NUMBER**
- STATE:
- YEAR:
- VEHICLE WAS:
- PARKED:
- RELEASED:
- STORED:
- IMPounded:

**VEH. YEAR**
- MAKE:
- MODEL:
- BODY:
- COLOR:
- OTHER IDENTIFIERS:

**ADDRESS OF REGISTERED OWNER:**
- SAME AS SUSPECT:

**NAME:**
- DAVID DINA LEON

**RESIDENCE ADDRESS:**
- CITY:
- ZIP CODE:
- RESIDENCE PHONE:

**BUSINESS ADDRESS:**
- CITY:
- ZIP CODE:
- BUSINESS PHONE:

**NAME:**
- KIMBERLY LONA

**RESIDENCE ADDRESS:**
- CITY:
- ZIP CODE:
- RESIDENCE PHONE:

**BUSINESS ADDRESS:**
- CITY:
- ZIP CODE:
- BUSINESS PHONE:

**VICTIM VEHICLE**

**LICENSE / VIN NUMBER**
- STATE:
- YEAR:
- MAKE:
- MODEL:
- BODY STYLE:
- COLOR:

**WITNESS / RP**

**NAME**
- D.O.B.:
- AGE:
- SEX:
- RACE:
- OCCUPATION:

**RESIDENCE ADDRESS:**
- CITY:
- ZIP CODE:
- RESIDENCE PHONE:

**BUSINESS ADDRESS:**
- CITY:
- ZIP CODE:
- BUSINESS PHONE:

**NAME**
- D.O.B.:
- AGE:
- SEX:
- RACE:
- OCCUPATION:

**RESIDENCE ADDRESS:**
- CITY:
- ZIP CODE:
- RESIDENCE PHONE:

**BUSINESS ADDRESS:**
- CITY:
- ZIP CODE:
- BUSINESS PHONE:

**ARRESTING / INVESTIGATING OFFICER**
- (Print Name / Rank):
- I.D. NUMBER:

**REVIEWED BY**
- (Print Name / Rank):
- I.D. NUMBER:

**DATE:**
- 5-24-06

**COPIES TO:**
- COURT:
- DA:
- CHP:
- DET:
- ENG:
- T-BOLT:
- TRAF:
- PROB:
- BRFNG:
- OTHER:

**MATERIAL RISK MANAGEMENT**
Narrative:
On 5-24-06 at about 1527 hours I responded to the area of 708 E. Grand in regards to an injury traffic collision.

Upon arrival I had dispatch confirm jurisdiction and they advised this was a county location. Dispatch was advised to contact C.H.P and they later arrived at my location. At that time, Imperial Ambulance transported all parties involved to Sierra View Hospital. C.H.P Officer Walker later responded to this location and he took over the investigation. Officer Walker stated no case number would be issued for this collision until it gets completed. He was able to provide a log number for reference (Log# L518).

I was then advised by Sgt. Rodriguez to take an incident report due to City of Porterville property being involved. The bottom of the vehicle somehow got caught onto the west metal door (about 3’x 4”) of the City of Porterville water line compartment, which is located in the roadway at this location. I then photographed the scene and the photos were later booked into evidence. Refer to attached copies of photos.

I later responded to Sierra View Hospital for statements of all persons involved. David Dina Leon was the driver of the sole vehicle (Buick) that was involved in the collision. David said she was traveling westbound on Grand and all she remembers, is hearing as she ran over something that sounded like metal. David said the next thing she knew, she swerved to the right and her vehicle ended up on the open field area next to 708 E. Grand. David said she did not see any type of hazard in the roadway as she was driving. David sustained a visible seatbelt abrasion across the left side of her neck. She sustained no other visible injuries.

Passenger-1, Kimberly Lona (8-6-84) said she was sitting in the front passenger seat of David’s vehicle when the collision occurred. Kimberly said they were traveling westbound on Grand and the only thing she remembers after that is she was looking at the roof of the vehicle. Kimberly sustained a visible seatbelt abrasion across the right side of her neck and she complained of pain to her chest and also to her right hip area.

Passenger-2, Agustina Leon (7-27-85) said she was sitting on the back seat behind Kimberly and all she remembers is they all jumped up and her sister, Kimberly began to call for her mom. Agustina sustained no visible injuries but she complained of pain to her lower back area. She also stated she was wearing her seatbelt at the time of this collision.

Passenger-3, Miguel Leon (7-2-96) said he does not remember anything about the collision. He said he was sitting in the middle area of the back seat and he was not wearing a seat belt when the collision occurred. Miguel complained of back pain and he sustained a small cut on the tip of his tongue. Miguel said the impact of this collision caused him to bite his tongue.

Investigation revealed one of the doors in the roadway popped open as the vehicle was crossing over and it caught equipment on the bottom portion of the vehicle.

No additional information at this time. David was provided with this case number.
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</thead>
<tbody>
<tr>
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</table>
SUBJECT: ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION FOR THE AIRPORT WATER INTER-TIE AND WELL SYSTEM IMPROVEMENTS PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: On December 6, 2005, the Porterville City Council adopted Resolution 174-2005 approving a Mitigated Negative Declaration for the Airport Water Inter-tie project. The Initial Study and Mitigated Negative Declaration evaluated the impacts of extending the City's water system into the vicinity of the Porterville Municipal Airport, including construction of a number of wells.

The Public Works Department intends to request authorization to advertise for bids for the Airport Water Inter-tie project, and has incorporated as part of that project the installation of sewer mains along the same route. As the original Mitigated Negative Declaration evaluated impacts related to water mains, the Community Development Department has reviewed potential environmental impacts of this project change.

The purpose of this addendum is to evaluate the proposed project change, which would permit the extension of sewer lines along the same route at the same time as the construction of the water line. No new impacts are anticipated with the proposed minor project modification. No other changes to the previously approved project are proposed.

RECOMMENDATION: That the City Council consider and approve the addendum to the Mitigated Negative Declaration for the Airport Inter-tie project.

ATTACHMENTS:

1. Addendum to the Mitigated Negative Declaration for the Airport Inter-tie project.
2. Location Map
ADDENDUM - AIRPORT WATER INTER-TIE AND WELL SYSTEM IMPROVEMENTS PROJECT

INTRODUCTION

On December 6, 2005, the Porterville City Council adopted Resolution 174-2005 approving a Mitigated Negative Declaration for the Airport Water Inter-tie project. The Initial Study and Mitigated Negative Declaration evaluated the impacts of extending the City’s water system into the vicinity of the Porterville Municipal Airport, including construction of a number of wells.

The purpose of this addendum is to evaluate a proposed change to the project, which would permit the extension of sewer lines along the same route at the same time as the construction of the water line. No other changes to the previously approved project are proposed.

STATUTORY BACKGROUND

Under the California Environmental Quality Act (CEQA), an addendum to a certified Environmental Impact Report (EIR) or a Negative Declaration is needed if minor technical changes or modifications to the proposed project occur (CEQA Guidelines § 15164). An addendum is appropriate only if these minor technical changes or modifications do not result in any new significant impacts or a substantial increase in severity of previously identified significant impacts. The addendum need not be circulated for public review (CEQA Guidelines § 15164[c]); however, an addendum is to be considered along by the decision-making body prior to making a decision on the project (CEQA Guidelines § 15164[d]).

This Mitigated Negative Declaration Addendum demonstrates that the environmental analysis, impacts, and mitigation requirements identified in the Airport Inter-tie Mitigated Negative Declaration remain substantially unchanged by the situation described herein, and supports the finding that the proposed project does not raise any new issues and does not exceed the level of impacts identified in the previous Mitigated Negative Declaration.

ENVIRONMENTAL ANALYSIS

The proposed minor project modification, the placement of sewer mains along the same route as water mains, will result in no substantive change of impacts from those evaluated previously. The infrastructure improvements would be placed concurrently, and the impacts associated with constructing water mains will not be significantly increased by constructing sewer mains within the same right of way along the same route. Impacts associated with placement of the sewer main, such as construction related noise, will not increase and were evaluated in the Initial Study completed in October 2005.
CEQA FINDINGS

The proposed project meets the criteria established in Public Resources Code Sections 15162 and 15164 of the CEQA Guidelines for an addendum to a Negative Declaration. Based on substantial evidence in light of the whole record, it is determined that:

1. No substantial changes are proposed which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. No substantial changes occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. There is no new information of substantial importance, which was not shown or could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted as complete that shows that:
   a. The project will have one or more significant effects not discussed in the previous Negative Declaration.
   b. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

Based on the discussion provided above, no subsequent changes are proposed or would occur that necessitate the preparation of a subsequent negative declaration.
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – AIRPORT WATER INTER-TIE PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Airport Water Inter-Tie Project. The purpose of the project is to extend water mains that will interconnect the City’s Central Pressure Zone to the City’s isolated Airport Water System. In addition, the project shall include the extension of sewer mains in order to incorporate the Sewer Master Plan for this area. There is a base bid and two add alternates to the project. The installation of water mains and sewer mains in the base bid and the two add alternates are as follows:

Base Bid
- Indiana Street between Gibbons Avenue and Scranton Avenue (16" water main and 10" sewer main)
- Scranton Avenue between Indiana Street and Newcomb Street and along Scranton Avenue 3900 feet East of the Newcomb Street/Scranton Avenue Intersection. (12" water main)
- Scranton Avenue between Indiana Street and Highway 65. (10" sewer main)
- Scranton Avenue between Newcomb Street and Highway 65. (18" and 15" sewer main)
- West Street between Tea Pot Dome Avenue and an Easement located 1300 feet North of the West Street/Tea Pot Dome Avenue intersection. (12" water main)
- Easement between West Street and existing well AP-2. (12" water main)
- Teapot Dome Avenue between West Street and Newcomb Street. (12" water main)
- Newcomb Street between Tea Pot Dome Avenue and 1500 feet North of the Tea Pot Dome Avenue/Newcomb street Intersection. (12" water main)
- Newcomb Street between the Tule River and 800 feet North of the Hope Avenue/Newcomb Street intersection. (12" water main)
Add Alternate “A”
- West Street between Scranton Avenue and an Easement located 1300 feet North of the West Street/Tea Pot Dome Avenue intersection (12” water main)
- Scranton Avenue between West Street and an existing water line located 1500 feet East of the Scranton Avenue/West Street intersection. (12” Water Main)

Add Alternate “B”
- Gibbons Avenue between Jaye Street and F Street. (16” Water Main)

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

The estimated probable cost for the Base Bid project is $3,065,381 with an additional $306,538 required for the construction contingency (10%). An additional $153,269 is required for construction management, quality control, and inspection. The total estimated cost associated with the project is $3,525,188. An engineer’s estimated cost summary is attached for Council’s review.

Funding for this project will be provided through the Water Developer Fund and the Sewer Revolving Fund as approved during the 06/07 fiscal year budget process. Staff will seek Council’s authorization to award the base bid, plus one or both of the “add alternates,” as funding permits.

RECOMMENDATION: That City Council:

1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

ATTACHMENTS: Locater Map
Estimate of Probable Cost
## City of Porterville
### Airport Inter-Tie Estimate

**Newcomb Street, Scranton Avenue, Teapot Dome Avenue, West Street, and Indiana Street Water Project**

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
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<tr>
<td>1</td>
<td>Mobilization/Demobilization</td>
<td>LS</td>
<td>1</td>
<td>$120,000.00</td>
<td>$120,000.00</td>
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<tr>
<td>2</td>
<td>Sheeted and Shoring</td>
<td>LS</td>
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<td>$10,000.00</td>
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<tr>
<td>3</td>
<td>Traffic Control</td>
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<td>$45,000.00</td>
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<td>1296</td>
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<td>$3,000.00</td>
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<td>$2,000.00</td>
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<tr>
<td>9</td>
<td>16&quot;x16&quot;x12&quot; Tee</td>
<td>EA</td>
<td>1</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>10</td>
<td>12&quot; Tee</td>
<td>EA</td>
<td>3</td>
<td>$1,500.00</td>
<td>$4,500.00</td>
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<td>11</td>
<td>12&quot; Cross</td>
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<tr>
<td>12</td>
<td>18&quot; 45 degree Bend</td>
<td>EA</td>
<td>2</td>
<td>$1,000.00</td>
<td>$2,000.00</td>
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<tr>
<td>13</td>
<td>12&quot; 45 degree Bend</td>
<td>EA</td>
<td>18</td>
<td>$700.00</td>
<td>$12,600.00</td>
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<tr>
<td>14</td>
<td>12&quot; 90 degree Bend (ellbow)</td>
<td>EA</td>
<td>3</td>
<td>$800.00</td>
<td>$2,400.00</td>
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<tr>
<td>15</td>
<td>12&quot; Tapping Sleeve and Valve, including Hot Tap</td>
<td>EA</td>
<td>1</td>
<td>$7,000.00</td>
<td>$7,000.00</td>
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<td>16</td>
<td>10&quot; Tapping Sleeve and Valve, including Hot Tap</td>
<td>EA</td>
<td>2</td>
<td>$5,500.00</td>
<td>$11,000.00</td>
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<td>17</td>
<td>Remove Plug and Join Existing 12&quot; Water Pipe With all appropriate fittings and appurtenances</td>
<td>EA</td>
<td>2</td>
<td>$2,000.00</td>
<td>$4,000.00</td>
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<tr>
<td>18</td>
<td>Temporary Blow Offs and Testing Points</td>
<td>EA</td>
<td>28</td>
<td>$2,500.00</td>
<td>$70,000.00</td>
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<tr>
<td>19</td>
<td>Install Permanent Blow Offs with Valve and all appropriate fittings and appurtenances</td>
<td>EA</td>
<td>4</td>
<td>$7,000.00</td>
<td>$28,000.00</td>
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<td>20</td>
<td>Steel Casings/Boring</td>
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<td>246</td>
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<td>3100</td>
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<td>23</td>
<td>All Other Appurtenant Construction Items Shown on Plans and not Included in Bid Items</td>
<td>LS</td>
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<td>$10,000.00</td>
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<td>24</td>
<td>10&quot; PVC Sewer Line (SDR 35)</td>
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<td>2200</td>
<td>$85.00</td>
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<td>1000</td>
<td>$100.00</td>
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<td>26</td>
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<td>2645</td>
<td>$110.00</td>
<td>$290,950.00</td>
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<td>27</td>
<td>48&quot; Sewer Manhole Max height 10&quot;</td>
<td>EA</td>
<td>1</td>
<td>$7,000.00</td>
<td>$7,000.00</td>
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<tr>
<td>28</td>
<td>48&quot; Sewer Manhole Max height 15&quot;</td>
<td>EA</td>
<td>8</td>
<td>$9,500.00</td>
<td>$76,000.00</td>
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<tr>
<td>29</td>
<td>48&quot; Sewer Manhole Max height 20&quot;</td>
<td>EA</td>
<td>5</td>
<td>$10,000.00</td>
<td>$50,000.00</td>
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<tr>
<td>30</td>
<td>Remove Plug and Join to Existing 10&quot; Sewer Stub Out with all appropriate fittings and appurtenances</td>
<td>EA</td>
<td>1</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
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<tr>
<td>31</td>
<td>Join to Existing 18&quot; Sewer Line with all appropriate fittings and appurtenances</td>
<td>EA</td>
<td>1</td>
<td>$2,200.00</td>
<td>$2,200.00</td>
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**Subtotal** $2,789,710.00  
10% Estimating Contingency $278,671.00 
**Total Base Bid** $3,065,381.00
### ALTERNATE "A"

**WEST STREET BETWEEN THE EASEMENT AND SCRANTON AVENUE AND ALONG SCRANTON AVENUE 1500 FEET EAST OF THE SCRANTON AVENUE/WEST STREET INTERSECTION**

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<tr>
<td>32</td>
<td>8&quot; Class 150 PVC (AWWA C-900) or Class 50 Ductile Iron Pipe, including Tracing Wire</td>
<td>LF</td>
<td>40</td>
<td>$ 45.00</td>
<td>$ 1,800.00</td>
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<td>12&quot; Class 150 PVC (AWWA C-900) or Class 50 Ductile Iron Pipe, including Tracing Wire</td>
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<td>5410</td>
<td>$ 50.00</td>
<td>$ 270,500.00</td>
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<td>34</td>
<td>12&quot;x12&quot;x8&quot; Tee</td>
<td>EA</td>
<td>2</td>
<td>$ 1,500.00</td>
<td>$ 3,000.00</td>
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<tr>
<td>35</td>
<td>12&quot; Tee</td>
<td>EA</td>
<td>1</td>
<td>$ 1,500.00</td>
<td>$ 1,500.00</td>
</tr>
<tr>
<td>36</td>
<td>8&quot; 90 degree bend (elbow)</td>
<td>EA</td>
<td>2</td>
<td>$ 500.00</td>
<td>$ 1,000.00</td>
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<tr>
<td>37</td>
<td>12&quot; 45 degree bend</td>
<td>EA</td>
<td>2</td>
<td>$ 700.00</td>
<td>$ 1,400.00</td>
</tr>
<tr>
<td>38</td>
<td>6&quot; Gate Valve</td>
<td>EA</td>
<td>2</td>
<td>$ 1,200.00</td>
<td>$ 2,400.00</td>
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<tr>
<td>39</td>
<td>12&quot; Gate Valve</td>
<td>EA</td>
<td>6</td>
<td>$ 1,500.00</td>
<td>$ 9,000.00</td>
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<td>40</td>
<td>Remove Plug and Join Existing 6&quot; Pipe With all Appropriate fittings and appurtenances</td>
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<td>$ 1,500.00</td>
<td>$ 3,000.00</td>
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<td>Remove Plug and Join Existing 12&quot; Pipe With all Appropriate fittings and appurtenances</td>
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<td>$ 4,000.00</td>
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<tr>
<td>42</td>
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<td>5</td>
<td>$ 2,500.00</td>
<td>$ 12,500.00</td>
</tr>
<tr>
<td>43</td>
<td>Install Permanent Blow Offs With All appropriate fittings and Appurtenances</td>
<td>EA</td>
<td>1</td>
<td>$ 7,000.00</td>
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<tr>
<td>44</td>
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<td>LF</td>
<td>5450</td>
<td>$ 15.00</td>
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Subtotal $ 388,850.00

10% Estimating Contingency $ 38,885.00

**Total Alternate "A"** $ 438,735.00

### ALTERNATE "B"

**GIBBONS AVENUE BETWEEN JAYE STREET AND F STREET**

<table>
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<th>ITEM NO.</th>
<th>DESCRIPTION</th>
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<th>TOTAL PRICE</th>
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<td>1550</td>
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<td>$ 93,000.00</td>
</tr>
<tr>
<td>46</td>
<td>16&quot; 45 degree bend</td>
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<td>2</td>
<td>$ 1,000.00</td>
<td>$ 2,000.00</td>
</tr>
<tr>
<td>47</td>
<td>Remove Plug and Join Existing 16&quot; Pipe With all Appropriate fittings and appurtenances</td>
<td>EA</td>
<td>1</td>
<td>$ 2,500.00</td>
<td>$ 2,500.00</td>
</tr>
<tr>
<td>48</td>
<td>Temporary Blow Offs and Testing Points</td>
<td>EA</td>
<td>2</td>
<td>$ 2,500.00</td>
<td>$ 5,000.00</td>
</tr>
<tr>
<td>49</td>
<td>Water Line A.C. Trench Patch (0'-2' wide)</td>
<td>LF</td>
<td>1415</td>
<td>$ 6.00</td>
<td>$ 8,490.00</td>
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<td>50</td>
<td>Water Line A.C. Trench Patch (2'-4' wide)</td>
<td>LF</td>
<td>135</td>
<td>$ 15.00</td>
<td>$ 2,025.00</td>
</tr>
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</table>

Subtotal $ 113,915.00

10% Estimating Contingency $ 11,391.50

**Total Alternate "B"** $ 124,316.50

**TOTAL BASE BID + ALTERNATE "A" + ALTERNATE "B" =** $ 3,628,432.50

---

**Signatures:**
- [Signature] 8-8-06  
  **Project Manager**
- [Signature] 8/3/06  
  **City Manager**
- [Signature] 8/9/06  
  **Public Works Director**
SUBJECT: AUTHORIZE ADVERTISE FOR BIDS – MUNICIPAL POOL COMPLEX WATER SLIDE PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Municipal Pool Complex Water Slide Project. The project consists of the installation of a 140-foot flume length water slide, related mechanical equipment and electrical. The water slide will be installed on the existing pool deck at the Municipal Pool Complex. The renovation of the complex was completed in 2004.

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

The Engineer's Estimate for the project is $162,078 and is attached for review.

Funding for this project is approved through Community Development Block Grant and Murry Park Capital Improvement Project.

RECOMMENDATION: That City Council:

1. Approve the Plans and Project Manual; and

2. Authorize staff to advertise for bids.

ATTACHMENTS: Locator Map
Engineer's Estimate

P:\pubworks\Engineering\Council Items\Authorization to Advertise for Bids-Municipal Pool Complex Water Slide Project.doc

Dir BSJ Appropriated/Funded CM Item No. 5
## MUNICIPAL POOL COMPLEX WATER SLIDE PROJECT
### ENGINEERS ESTIMATE

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QNTY</th>
<th>UNITS</th>
<th>UNIT COST</th>
<th>SUB TOTAL</th>
<th>DIVISION TOTAL</th>
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<td><strong>13 - SPECIAL CONSTRUCTION</strong></td>
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<tr>
<td>Deck removal &amp; replacement</td>
<td>1</td>
<td>LS</td>
<td>$462.00</td>
<td>$462</td>
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</tr>
<tr>
<td>Water slide - 140' flume</td>
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<td>EA</td>
<td>$102,232.70</td>
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<td>Circulation pump &amp; pad</td>
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<td>$5,163.50</td>
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<td>Circ pump strainer - 8&quot;</td>
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<td>$2,853.15</td>
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<td>Flow meter, sensor &amp; saddle - 8&quot;</td>
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<td>Gauge</td>
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<td>Pipe - 8&quot; sch 80</td>
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<td>LF</td>
<td>$59.49</td>
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<td>Valve - 8&quot; butterfly</td>
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<td>EA</td>
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<td>EA</td>
<td>$1,315.50</td>
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<td><strong>16 - ELECTRICAL</strong></td>
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<td>3/4&quot; conduit, EMT</td>
<td>30</td>
<td>FT</td>
<td>$6.15</td>
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<td>#10 conductors</td>
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<td>#14 conductors</td>
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<td>Remote transmitter</td>
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<td>$920.00</td>
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<td>Motor Starter</td>
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**ESTIMATE CERTIFIED**

<table>
<thead>
<tr>
<th>Project Manager</th>
<th>Date</th>
<th>City Engineer</th>
<th>Date</th>
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<tbody>
<tr>
<td></td>
<td>8/9/06</td>
<td>Michael Reed</td>
<td>8/9/06</td>
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<table>
<thead>
<tr>
<th>Public Works Director</th>
<th>Date</th>
<th>City Manager</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>8/9/06</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – MISCELLANEOUS CONCRETE IMPROVEMENTS PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Miscellaneous Concrete Improvements Project. The project consists of requesting bids for an annual contract to provide concrete repair/replacement services at various locations throughout the City. The initial contract shall be for a twelve (12) month period and shall, at the City’s option and upon mutually agreeable terms, be renewable annually thereafter for four (4) consecutive one-year periods.

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

The Engineer’s Estimate for the project is $24,667.50 and is attached for review.

Funding for this project was approved in the 2006/2007 Annual Budget using Local Transportation Funds.

RECOMMENDATION: That the City Council:

1. Approve the Plans and Project Manual; and

2. Authorize staff to advertise for bids.

ATTACHMENT: Engineer’s Estimate

P:\pubworks\Engineering\Council Items\Authorization to Advertise for Bids-Miscellaneous Concrete Improvements Project 8-15-06.doc
## MISCELLANEOUS CONCRETE IMPROVEMENTS PROJECT – ENGINEER’S ESTIMATE

August 8, 2006

<table>
<thead>
<tr>
<th>ITEM</th>
<th>QTY.</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
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<tr>
<td>1.</td>
<td>25</td>
<td>L.F.</td>
<td>Remove &amp; Replace Curb &amp; Gutter or Roll Curb on 16” of Non-Expansive Material</td>
<td>$32.00</td>
<td>$800.00</td>
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<tr>
<td>2.</td>
<td>25</td>
<td>L.F.</td>
<td>Remove &amp; Replace Curb &amp; Gutter or Roll Curb on 8” of Non-Expansive Material</td>
<td>$30.00</td>
<td>$750.00</td>
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<td>3.</td>
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<td>L.F.</td>
<td>Remove &amp; Replace Curb &amp; Gutter or Roll Curb on Existing Material</td>
<td>$28.00</td>
<td>$700.00</td>
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<td>4.</td>
<td>100</td>
<td>S.F.</td>
<td>Remove &amp; Replace Sidewalk on 16” of Non-Expansive Material</td>
<td>$6.00</td>
<td>$600.00</td>
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<td>5.</td>
<td>100</td>
<td>S.F.</td>
<td>Remove &amp; Replace Sidewalk on 8” of Non-Expansive Material</td>
<td>$5.50</td>
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<td>6.</td>
<td>150</td>
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<td>Remove &amp; Replace Sidewalk on Existing Material</td>
<td>$5.00</td>
<td>$750.00</td>
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<td>7.</td>
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<td>Remove &amp; Replace Drive Approaches on 16” of Non-Expansive Material</td>
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<td>S.F.</td>
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<td>$650.00</td>
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<tr>
<td>9.</td>
<td>150</td>
<td>S.F.</td>
<td>Remove &amp; Replace Drive Approaches on Existing Material</td>
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<td>$900.00</td>
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<tr>
<td>10.</td>
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<td>L.F.</td>
<td>Remove &amp; Replace Barrier Curb on 16” of Non-Expansive Material</td>
<td>$30.00</td>
<td>$750.00</td>
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<tr>
<td>11.</td>
<td>25</td>
<td>L.F.</td>
<td>Remove &amp; Replace Barrier Curb on 8” of Non-Expansive Material</td>
<td>$28.00</td>
<td>$700.00</td>
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<tr>
<td>12.</td>
<td>25</td>
<td>L.F.</td>
<td>Remove &amp; Replace Barrier Curb on Existing Material</td>
<td>$26.00</td>
<td>$650.00</td>
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<tr>
<td>13.</td>
<td>100</td>
<td>S.F.</td>
<td>Remove &amp; Replace Curb return, Excluding Curb &amp; Gutter, on 16” of Non-Expansive Material</td>
<td>$7.00</td>
<td>$700.00</td>
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<tr>
<td>14.</td>
<td>100</td>
<td>S.F.</td>
<td>Remove &amp; Replace Curb return, Excluding Curb &amp; Gutter, on 8” of Non-Expansive Material</td>
<td>$6.50</td>
<td>$650.00</td>
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<tr>
<td>15.</td>
<td>150</td>
<td>S.F.</td>
<td>Remove &amp; Replace Curb return, Excluding Curb &amp; Gutter, on Existing Material</td>
<td>$6.00</td>
<td>$900.00</td>
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<tr>
<td>16.</td>
<td>100</td>
<td>S.F.</td>
<td>Remove &amp; Replace Cross Gutter on 16” of Class 2 Aggregate base (includes Spandrels)</td>
<td>$10.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>---</td>
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<td></td>
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<tr>
<td>17.</td>
<td>100 S.F.</td>
<td>Remove &amp; Replace Cross Gutter on 8&quot; of Class 2 Aggregate base (includes Spandrels)</td>
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<td>$900.00</td>
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<td>18.</td>
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<td>Remove &amp; Replace Cross Gutter on 6&quot; of Class 2 Aggregate base (includes Spandrels)</td>
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<td>19.</td>
<td>25 L.F.</td>
<td>Remove &amp; Replace 2' Wide &quot;V&quot; Gutter on 16&quot; of Class 2 Aggregate Base</td>
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<td>20.</td>
<td>25 L.F.</td>
<td>Remove &amp; Replace 2' Wide &quot;V&quot; Gutter on 8&quot; of Class 2 Aggregate Base</td>
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<td>$625.00</td>
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<td>25 L.F.</td>
<td>Remove &amp; Replace 2' Wide &quot;V&quot; Gutter on 6&quot; of Class 2 Aggregate Base</td>
<td>$23.00</td>
<td>$575.00</td>
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<td>22.</td>
<td>5 EA.</td>
<td>Tree &amp; Stump Removal</td>
<td>$500.00</td>
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<td>23.</td>
<td>5 EA</td>
<td>Tree Root Pruning</td>
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<td>24.</td>
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<td>Paveout - 3” Asphalt concrete over 6” Class 2 Aggregate Base over 10” Non-Expansive Material</td>
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<td>25.</td>
<td>250 S.F.</td>
<td>Paveout - 3” Asphalt Concrete over 6” Class 2 Aggregate Base</td>
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<td>$1,500.00</td>
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</table>

**Total** | **$22,425.00**

10% Estimating Contingency | **$2,242.50**

**Total** | **$24,667.50**

---

**ESTIMATE CERTIFIED**

Project Manager: [Signature] 3/3/06  
Date: [Signature] 3/9/06  
Public Works Director: [Signature] 3/9/06  
City Engineer: [Signature] 3/9/06  
City Manager: [Signature] 3/9/06  
Date: [Signature] 3/9/06
COUNCIL AGENDA: AUGUST 15, 2006

SUBJECT: ACCEPTANCE OF CMAQ PROJECT - HYBRID VEHICLE.

SOURCE: Public Works Department - Engineering Division

COMMENT: In 2005, the City was successful in securing CMAQ funds for the purpose of purchasing a hybrid vehicle. In May 2006, the City purchased and received a 2006 Honda Civic Hybrid at a cost of $22,302.92. The CMAQ grant will pay $19,744.78 (88.53%) of the purchase price with the balance paid from the Equipment Replacement Fund as part of the City's local match.

The Honda Civic is currently used as the "pool" vehicle for Community Development Department and Public Works' Engineering Division. The vehicle must be accepted by City Council before the City can request reimbursement.

RECOMMENDATION: That the City Council:

1. Accept the project as complete;

2. Direct the Public Works Director to complete all reimbursement documents and transmit to Caltrans District 6 for reimbursement in the amount of $19,744.78

P:\pubworks\Engineering\Council Itens\Acceptance of Honda Civic Hybrid 8-15-06.doc

Dir BR Appropriated/Funded CM Item No. 7
SUBJECT: PORTERVILLE HERITAGE CENTER PLAYGROUND ACCEPTANCE

SOURCE: Parks and Leisure Services Department

COMMENT: Sierra Range Construction has completed construction of the Porterville Heritage Center Tiny Tot Playground per plans and specifications. The project consisted of the construction of a tiny tot playground, and installation of gates and landscaping at the Porterville Heritage Center.

The City Council authorized expenditure of $65,751.55. Final construction cost is $65,751.55. Staff has reviewed the construction work and found it acceptable. The contract specifies a 30-day maintenance period for the landscaping. The contractor is performing this work during the period between July 21, 2006 and August 19, 2006.

Sierra Range Construction, requests that the City accept the project as complete, subject to Staff's determination that the contractor has adequately performed the landscape maintenance.

RECOMMENDATION: That City Council:

1. Accept the project as complete, subject to Staff determination of adequate performance of the landscape maintenance;

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

3. Authorize the release of the 10% retention thirty-five (35) days after recordation, less any funds that may be due to the City as part of a settlement agreement, and provided no stop notices have been filed.

Director Appropriated/Funded City Manager

ITEM NO.: 8
SUBJECT: ACCEPTANCE OF THE BICYCLE STORAGE FACILITIES PROJECT

SOURCE: Community Development Department/Public Works Department – Engineering Division

COMMENT: American Bicycle Security Company has completed the installation of the bicycle storage facilities at four locations in the city per plans and specifications. Andy Macias Construction installed cement pads needed at two of the locations. Three sets of double lockers were installed at the City's Field Services Facilities; adjacent to the City parking lot on Hockett Street and Cleveland Avenue to serve the City's Civic Center Complex; and in the Park and Ride lot west of Jaye Street near Springville Avenue. Six sets of double lockers were installed at the Transit Center.

City Council authorized expenditure of $45,000 with $36,500 from Transportation Enhancement Activity Funds and the local match of $5,400 from Local Transportation Funds. Final construction cost is $35,756.72 plus $3,000 for the concrete pads.

The Community Development Department in conjunction with the Public Works Department requests that the Council accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That the City Council:

1. Accept the project as complete; and

2. Authorize the filing of the Notice of Completion.
SUBJECT:  ACQUISITION OF RIGHT OF WAY - PROPERTY LOCATED AT APN 254-010-036 – OWNER CARLOS A. MARQUES, JR. AND ANN MICHELE MARQUES, CO-SUCCESSOR TRUSTEES OF THE MARQUES LIVING TRUST – GRANITE HILLS STREET PROJECT

SOURCE:  COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT:  During the July 18, 2006, Closed Session Council meeting Council approved the purchase of right of way, in the amount of $75,000 from Carlos A. Marques Jr. and Ann Michele Marques, Co-Successor Trustees of the Marques Living Trust for property located at APN 254-010-036.

Staff has received the signed Purchase Contract from the property owners and is now asking Council to adopt the attached Resolution and direct staff to begin escrow.

RECOMMENDATION:  That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Carlos A. Marques Jr. and Ann Michele Marques, Co-Successor Trustees of the Marques Living Trust in the amount of $75,000, after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS:

1. Right-Of-Way Take Map
2. Resolution
RESOLUTION NO. ________


BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Grant Deed in fee from Carlos S. Marques, Jr., and Ann Michele Marques, Co-Successor Trustees of the Marques Living Trust 2001, for public street and underground utility purposes, in the City of Porterville, County of Tulare, State of California, to-wit:

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

BE IT FURTHER RESOLVED that the purchase price of $75,000 is hereby approved with the City to open escrow account, pay the normal and customary escrow fees, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

________________________________________
Cameron J. Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By: Georgia Hawley, Chief Deputy City Clerk
EXHIBIT "A"

Marques

That portion of Parcel 1 of Parcel Map No. 1029 per map recorded in Book 11, page 30, of Parcel Maps, in the office of the Tulare County Recorder and that portion of Morton Avenue abandoned by Porterville City Council Resolution No. 9381 recorded in Volume 3748, page 978, of Official Records of Tulare County, State of California, described as follows:

Beginning at the Southwest corner of said Parcel 1;

Thence, North 0°19'59" West, 26.15 feet along the West line of said Parcel 1;

Thence, South 52°49'02" East, 18.27 feet;

Thence, North 74°41'54" East, 138.65 feet;

Thence, Easterly along a tangent 600 foot radius curve, concave to the South, through a central angle of 24°14'49", an arc distance of 253.91 feet to a point of compound curve;

Thence, Easterly along a 390 foot radius curve, concave to the South, through a central angle of 10°39'37", an arc distance of 72.56 feet to a point in the East line of said Parcel 1;

Thence, South 16°29'02" West, 55.96 feet along the East line of said Parcel 1 and the Southerly prolongation thereof to a point in the South line of said Morton Avenue abandonment;

Thence, South 89°28'41" West, 454.07 feet along the South line of said abandonment to a point in the Southerly prolongation of the West line of said Parcel 1;

Thence, North 0°19'59" West, 10.00 feet to the point of beginning.
Exhibit B

CARLOS MARQUES
A.P.N. 254-010-036
AREA=29,118.00 SQ. FT.

MORTON AVE.

LEGGETT ST.

SUNWOOD

BELLEVUE AVE

MORON AVE.

LEGGETT ST.

SUBJECT LOCATION

NORTH
SUBJECT: ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR
PROPERTY LOCATED AT APN NO. 261-280-002 – KANDRA PAULETTE
ELLSWORTH – PLANO BRIDGE WIDENING PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: Kandra Paulette Ellsworth, owner of property located at APN 261-280-002, has
accepted the appraised value of $27,500.00 for the 4,886 square feet of right-of-
way needed for the Plano Bridge Widening project.

The City recently had the property appraised by Richard W. Hopper, MAI, a
Certified General Real Estate Appraiser. The appraisal came in at $27,500.00 for
the 4,886 square of property needed for the project and improvements. This
appraisal is available in the Community Development Department for your
review.

RECOMMENDATION: That City Council:

1. Authorize staff to begin escrow, with the City paying
   escrow fees;
2. Authorize staff to make payment to Kandra Paulette
   Ellsworth in the amount of $27,500.00 after completion of
   escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County
   Recorder.

ATTACHMENTS:

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

[Signature]

ITEM NO. 11
RESOLUTION NO. ________

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

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

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

BE IT FURTHER RESOLVED that the purchase price of $27,500 is hereby approved, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

______________________________
Cameron J. Hamilton, Mayor

ATTEST:

John Longley, City Clerk

______________________________
By: Georgia Hawley, Deputy
NORTHWEST CORNER
SOUTHWEST 1/4
SOUTHEAST 1/4
SECTION 36-21/27

137.67' S 87°28'10" W

28.71' S 03°23'41" W
10.00' N 86°36'19" W

50'

12.42' N 71°44'26" W

40'

207.30' S 03°23'41" W

232.82' N 2325'

22.00' S 86°36'19" E

AREA 4,886 SF

PLANO STREET

APN 261-280-002

CITY OF PORTERVILLE
RIGHT OF WAY
PLAT

ELLSWORTH
APN: 261-280-002
Exhibit "A"

SCALE: 1" = 60'
Ellsworth  
APN 261-280-002

That portion of the Southwest quarter of the Southeast quarter of Section 36, Township 21 South,  
Range 27 East, Mount Diablo Base and Meridian, County of Tulare, State of California,  
described as follows:

Commencing at the intersection of the North line of said Southwest quarter with the East  
line of Plano Street as conveyed to the County of Tulare by deeds recorded July 5, 1951  
in Book 1530, page 80 and 81 of Official Records, said point being South 87°28'10" East,  
137.67 feet of the Northwest corner of said Southwest quarter;

Thence, South 03°23'41" West, 61.50 feet along said east line of Plano Street to the  
TRUE POINT OF BEGINNING of the parcel to be described;

Thence, continuing along the East line of Plano Street as conveyed to the County of  
Tulare by deed recorded September 11, 1951 in Book 1541, page 304 of Official Records,  
South 03°23'41" West, 28.71 feet;

Thence, North 86°36'19" West, 10.00 feet;

Thence, South 03°23'41" West, 207.30 feet;

Thence, departing said East line of Plano Street, South 86°36'19" East, 22.00 feet;

Thence, North 03°23'41" East, 232.82 feet;

Thence, North 71°44'26" West, 12.42 feet to the TRUE POINT OF BEGINNING.
SUBJECT: ANNUAL RECLAMATION AREA REPORT

SOURCE: Public Works Department – Field Services Division

COMMENT: The City of Porterville Sewer Enterprise operates a reclamation area program to dispose of up to 5.3 million gallons of treated wastewater each day. As part of this program, the City’s contracted farm manager, Robert C. Nuckols, manages farming operations consisting of 481 irrigated acres. The farm manager, Agricultural Consultant Karol Aure Flynn, and City Staff developed the attached Annual report.

The farming operation showed a $74,857 profit, with revenues of $402,615 and farming-only expenses of $327,758. Overall reclamation area expenses, which includes non-crop and percolation pond expenses were $450,857 for an overall program cost of $48,242 to dispose of 4,376 acre feet of water.

RECOMMENDATION: Information Only

ATTACHMENT: Reclamation Area Annual Report

P:\pubworks\Engineering\Council Items\Annual Reclamation Area Report 8-15-05.doc


Item No. 12
SUMMARY

The City of Porterville Farming Operations, as part of the Reclamation program, posted $234,978\(^1\) in revenue on 481 acres of irrigated farmland during the 05-06 fiscal year. Total revenues for the 05-06 crops were $402,615\(^2\); all crops are sold and there is no remaining inventory. Total expenses were $450,857, with $1,721\(^3\) in material inventory residual from 05-06 purchases. The overall program outperformed budget expectations by 174K, costing $48,243\(^4\) to dispose of 4,376 acre feet of effluent. Non-crop program operating costs represent 19.6% of total program costs. With non-crop expenses excluded, farming-only net profit was $74,856.

DESCRIPTION

2005-2006 results reflect weather and market conditions that presented both opportunities and challenges. Good commodity prices yielded 139% of budgeted revenues. Late spring storms created an urgent issue with rising groundwater threatening contamination of the County landfill. By request, the City enhanced the strained percolation pond system by pumping water to newly acquired property. While the pumps were being delivered, the farm manager implemented emergency measures of flooding more than 80 acres of farmland to relieve the percolation pond area. As a result, the irrigated oat crops suffered an undetermined amount of damage due to over-irrigation. Disruptive spring weather conditions increased the costs for road maintenance and non-crop area weed control. The City and Nuckols Farming completed a renegotiation of the existing farming agreement and pricing schedule for work activities as of July 1, 2006. In addition, the City has restructured the annual budget for the reclamation area into three separate functions: a) Farming b) Non Crop c) Percolation Pond operations and maintenance.

OBSERVATIONS

The Farming portion of the Reclamation program is now entering its fourth year. The large up-front costs of program development and capital improvements have been completed. 05-06 Crop Year included $8300 of laser leveling costs; these minimal capital projects

\[\begin{array}{|c|c|c|c|}
\hline
\text{INVENTORY} & \text{item} & \text{qty} & \text{price} & \text{total} \\
\hline
\text{twine} & 23 & 25.95 & 596.85 \\
\text{oil} & 50 & 6.73 & 336.5 \\
\text{hydraulic oil} & 40 & 6.55 & 262 \\
\text{Round Up} & 2.5 & 25 & 62.5 \\
\text{Goal} & 2.5 & 85 & 212.5 \\
\text{diesel} & 65 & 2.9 & 188.5 \\
\text{gas} & 20 & 3.12 & 62.4 \\
\hline
\end{array}\]

\[\text{\$1,721}\]

\(^1\) From City of Porterville Dept of Finance reports
\(^2\) Receipts of sales completed, but not yet collected, are listed as Accounts Receivable (A/R) in the table.
\(^3\) This is represented as ($48,243) net loss or overall program costs including Accounts Receivable.

Prepared by Karol Aure Flynn
Budget & Cost Analysis Farming Operations Summary 8-15-06
Page 1 of 2
BUDGET AND COST ANALYSIS
FARMING OPERATIONS / WASTEWATER MGT – CITY OF PORTERVILLE
YEAR 2005 – 2006

contributed to overall profitability. Program growth to accommodate changing community
needs will be included in future budgetary discussions, including the acquisition of
property through lease and/or purchase, and the expansion of the percolation system. The
quick response to the groundwater contamination threat highlights the benefits of close
City oversight and control of the reclamation area. It should also be noted that all financial
reports have been derived from Dept of Finance records, and are subject to any
reconciliation, review, and audit still in process.

<table>
<thead>
<tr>
<th>INCOME</th>
<th>05-06 Budget</th>
<th>Year End 6/30/06</th>
<th>Non Crop Expense Q1-Q3</th>
<th>Non Crop Expense Q4</th>
<th>Farming Expenses Only as of 6/30/06</th>
<th>% of budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfalfa</td>
<td>189,540</td>
<td>158,766</td>
<td></td>
<td></td>
<td></td>
<td>84%</td>
</tr>
<tr>
<td>Wheat</td>
<td>7,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0%</td>
</tr>
<tr>
<td>Oat Hay, dry land</td>
<td>53,550</td>
<td>2,772</td>
<td></td>
<td></td>
<td></td>
<td>5%</td>
</tr>
<tr>
<td>Oat Hay, irrigated</td>
<td>22,260</td>
<td>47,965</td>
<td></td>
<td></td>
<td></td>
<td>215%</td>
</tr>
<tr>
<td>Sudan Grass</td>
<td>17,200</td>
<td>25,475</td>
<td></td>
<td></td>
<td></td>
<td>148%</td>
</tr>
<tr>
<td>Subtotal</td>
<td>290,050</td>
<td>234,978</td>
<td></td>
<td></td>
<td></td>
<td>81%</td>
</tr>
<tr>
<td>A/R (Accounts Receivable)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>05-06 Sold Alfalfa</td>
<td></td>
<td>135,455</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A/R (Accounts Receivable)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>05-06 Sold Oats</td>
<td></td>
<td>32,182</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL INCOME 05-06 CROP</td>
<td>290,050</td>
<td>402,615</td>
<td></td>
<td></td>
<td></td>
<td>139%</td>
</tr>
</tbody>
</table>

EXPENSES

| _23 Professional Services          | 361,744      | 297,764          |                        |                     | 233,078                            | 82%         |
| _23 Non Crop Field Prep            |              |                  |                        |                     | 21,159                             | 14,591      |
| _23 Weed Abatement Labor per WDR   |              |                  |                        |                     | 21,384                             | 1,601       |
| Percolation Pond Maintenance        |              |                  |                        |                     | 5,189                              | 762         |
| _26 Rent of Property & Equipment   | 56,861       | 52,362           | 39,219                 | 13,143              | 0                                  | 92%         |
| _34 Maintenance & Repair Materials | 88,823       | 94,369           |                        |                     | 88,318                             | 106%        |
| _34 Weed Abatement materials per WDR|            |                  |                        |                     | 1,629                              | 917         |
| _34 Perc Pond Materials            |              |                  |                        | 3,505               |                                     |             |
| _42 Utilities                      | 5,000        | 6,362            |                        |                     | 6,362                              | 127%        |
| _19 Other Equipment Maintenance    | 150          | 0                |                        |                     | 0                                  | 0%          |
| TOTAL EXPENSES 05-06               | 512,578      | 450,857          | 88,580                 | 34,519              | 327,758                            | 88%         |

PROGRAM Net Profit 2005-2006 (Cash)  $(215,879)
PROGRAM Net Profit including A/R  $(48,242)

FARMING only Net Profit less Non-Crop Expenses (Cash)  $(92,780)
FARMING Net Profit including A/R less Non-Crop Expenses  $74,857
SUBJECT: EXTENDING REIMBURSEMENT PERIOD ON CIEDB SEWER LOAN

SOURCE: Public Works Department - Engineering Division

COMMENT: On September 1, 2004, the City of Porterville entered into a loan agreement with the California Infrastructure and Economic Development Bank (CIEDB) and borrowed $5,365,000. The loan was secured for the purpose of constructing various projects at the Wastewater Treatment Facility and throughout the reclamation area. The projects in question were identified and deemed necessary by the Regional Water Quality Control Board (RWQCB) to allow the City to continue receiving and treating approximately 5.3 million gallons of wastewater per day.

The loan conditions dictated that the projects identified by the RWQCB be completed and reimbursement requests submitted to the CIEDB by February 17, 2007. Regrettably, this timetable cannot be met. Staff contacted the CIEDB and respectfully requested and received a 9-month extension. A copy of the “First Amendment To Enterprise Fund Installment Sale Agreement” is attached for Council's full review. Staff seeks Council’s approval authorizing the City Manager to execute the amendment on behalf of the City of Porterville.

To date, the City has spent or has committed to the expenditure of $3,600,000. Staff is confident that the 9-month extension will be enough time to complete all projects and submit for reimbursement.

RECOMMENDATION: That the City Council:

1. Authorize the City Manager to execute the “First Amendment To Enterprise Fund Installment Sale Agreement; and

2. Direct the City Clerk to attest to the signature and transmit the executed amendment to the CIEDB.

ATTACHMENT: First Amendment to Enterprise Fund Installment Sale Agreement
FIRST AMENDMENT TO
ENTERPRISE FUND INSTALLMENT SALE AGREEMENT

by and between the

CITY OF PORTERVILLE,
as Purchaser

and the

CALIFORNIA INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BANK,
as Seller

__________________

Dated as of July 1, 2006
Agreement No. CIEDB B04-053
THIS FIRST AMENDMENT TO THE ENTERPRISE FUND INSTALLMENT SALE AGREEMENT (the "First Amendment") is made and entered into as of July 1, 2006, by and between the City of Porterville, a public body, corporate and politic duly organized and existing under the laws of the State of California, as Purchaser (the "Purchaser"), and the California Infrastructure and Economic Development Bank (the "CIEDB"), duly organized and validly existing pursuant to the Bergeson-Peace Infrastructure and Economic Development Bank Act, constituting Division 1 of Title 6.7 of the California Government Code (commencing at section 63000 thereof) as now in effect and as it may from time to time hereafter be amended (the "Act"), as seller.

WITNESSETH

WHEREAS, the Purchaser and the CIEDB entered into that certain ENTERPRISE FUND INSTALLMENT SALE AGREEMENT dated as of September 1, 2004 (the "Installment Sale Agreement");

WHEREAS, the Purchaser and the CIEDB desire to amend certain terms of the Installment Sale Agreement;

WHEREAS, all acts and proceedings required by law necessary to make this First Amendment, when executed by the Purchaser and the CIEDB, the valid, legal and binding obligation of the Purchaser and the CIEDB, and to constitute this First Amendment a legal, valid, and binding agreement for the uses and purposes herein set forth in accordance with its terms, have been done and taken, and the execution of this First Amendment has been in all respects duly authorized; and

WHEREAS, all capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Installment Sale Agreement;

NOW, THEREFORE, in consideration of the premises and the mutual agreements herein contained, the parties hereto do hereby agree as follows:

Section 1. The following definition is added to Section 1.01 of the Installment Sale Agreement:

"Bond Date" means March 18, 2004, (date of applicable ISRF Bonds issuance) the date when the Installment Payments and this Agreement are pledged as security for Bonds under an Indenture.

Section 2. Section 2.04(c) of the Installment Sale Agreement is hereby deleted and replaced with the following:

(c) Purchaser must both: (1) begin Project construction no later than twelve months after March 29, 2004 and (2) submit invoices to the CIEDB for the entire
amount of the Project Funds no later than November 17, 2007. If the Purchaser fails to meet either of these conditions, the CIEDB may unencumber any and all undisbursed Project Funds and the unencumbered amounts shall henceforth not be available to the Purchaser. If the Purchaser fails to meet the November 17, 2007 requirement, the CIEDB may elect to hold any or all undisbursed funds and apply such funds to the optional redemption of Bonds in accordance with the Indenture (in which event the principal amount of the Purchase Price shall be reduced by the principal amount of Bonds so redeemed).

Section 3. Section 5.03(b) of the Installment Sale Agreement is hereby deleted and replaced with the following:

(b) The Purchaser will prepare and file with the CIEDB annually as soon as practicable, but in any event not later than two hundred ten (210) days after the close of each Fiscal Year, so long as this Agreement has not been discharged by the CIEDB, an audited financial statement of the Purchaser relating to the Enterprise, Gross Revenues, Net Revenues, and the Enterprise Fund for the preceding Fiscal Year, prepared by an Independent Accountant; provided, however, that in the event that such audited financial statement is not available by the above-referenced filing date, an unaudited financial statement may be substituted therefore. In the event an unaudited financial statement is submitted, the Purchaser shall file the audited financial statement with the CIEDB as soon as it becomes available. The Purchaser will furnish to the CIEDB such reasonable number of copies of such financial statements as may be required by the CIEDB for distribution (at the expense of the Purchaser).

Section 4. All other terms and conditions of the Installment Sale Agreement shall remain in full force and effect.

[The balance of this page is intentionally left blank.]
IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be signed by the respective officers, all as of the day and year first above written.

CALIFORNIA INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BANK, as seller

By______________________________

Stanton C. Hazelroth
Executive Director

ATTEST

By______________________________

Roma Cristia-Plant
Secretary

CITY OF PORTERVILLE, as Purchaser

By______________________________

John Longley
City Manager

ATTEST

By______________________________

Georgia Hawley
Chief Deputy City Clerk
SUBJECT: REIMBURSEMENT AGREEMENT FOR INSTALLATION OF A REGIONAL SEWER IMPROVEMENT PROJECT NORTH OF NORTH GRAND AVENUE

SOURCE: Public Works Department - Engineering Division

COMMENT: Paul McDonald, Jr. Company has installed approximately 554 lineal feet of sanitary sewer pipe along a private drive north of North Grand Avenue between Beverly Street and Wilson Place. The underground improvements were installed as part of an agreement between the City and the home owners located at 1322, 1328 and 1340 W. North Grand Avenue. Council approved the construction of this regional facility during the May 2, 2006 meeting due to the fact that City funds were involved. In accordance with the Municipal Code these improvements will become reimbursable once the benefiting/adjacent lands develop.

The following is the lineal foot cost and total reimbursable cost associated with the construction of said sewer pipeline:

554 If of 6" Sewer Pipe @ $43.50 / ft = $24,099.00

Both the City of Porterville and the property owners on the west side of the private drive financed the pipeline. A map is attached for City Council’s reference. The following is a breakdown of the parties involved and the reimbursable contributing amount:

<table>
<thead>
<tr>
<th>Owner</th>
<th>Address</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Porterville</td>
<td>291 N. Main Street</td>
<td>$7,395.00</td>
</tr>
<tr>
<td>Santiago Cervantes</td>
<td>1328 W. North Grand Ave.</td>
<td>$7,482.00</td>
</tr>
<tr>
<td>Maria Oseguera</td>
<td>1340 W. North Grand Ave.</td>
<td>$4,350.00</td>
</tr>
<tr>
<td>Adel Nagi</td>
<td>1344 W. North Grand Ave.</td>
<td>$4,872.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$24,099.00</strong></td>
</tr>
</tbody>
</table>

Staff has inspected the improvements and found them to be acceptable.

In accordance with Section 25-54 of the Municipal Code, “In no case shall any owner of property benefiting by the sewer construction pursuant to this division or other person in possession or control of such real property be permitted to connect thereto without first paying, or by written agreement to pay, the prorated charges placed against the property by the Public Works Director or designee.”
In the case of this project, there is one (1) benefiting property adjacent to this regional sewer project. The benefiting parcel and proportionate share of the construction costs are shown below:

<table>
<thead>
<tr>
<th>Assessor Parcel</th>
<th>Sewer Pipe L.F. (A)</th>
<th>$ / Ft (B)</th>
<th>Reimbursement Amount (A) x (B) x .5</th>
</tr>
</thead>
<tbody>
<tr>
<td>APN 243-240-014</td>
<td>554 feet</td>
<td>$43.50</td>
<td>$12,049.50</td>
</tr>
</tbody>
</table>

Before the present owner(s) or future owner(s) of the above listed property will be issued a permit or other grant of approval for development of the parcel, they must pay their proportionate share. The owners contributing funds to the project shall be reimbursed their proportional share as shown below:

<table>
<thead>
<tr>
<th>Owner/Developer</th>
<th>Address</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Porterville</td>
<td>291 N. Main Street</td>
<td>$3,697.50</td>
</tr>
<tr>
<td>Santiago Cervantes</td>
<td>1328 W. North Grand Ave.</td>
<td>$3,741.00</td>
</tr>
<tr>
<td>Maria Oseguera</td>
<td>1340 W. North Grand Ave.</td>
<td>$2,175.00</td>
</tr>
<tr>
<td>Adel Nagi</td>
<td>1344 W. North Grand Ave.</td>
<td>$2,436.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$12,049.50</strong></td>
</tr>
</tbody>
</table>

RECOMMENDATION: That the City Council establish, by resolution, that before benefiting/adjacent properties are permitted to develop, their proportionate share of the reimbursement amount shall be collected and reimbursed to the owners listed above. The total reimbursement amount to be collected shall not exceed $12,049.50.

ATTACHMENTS: Locator Map
Resolution w/ Exhibits
NORTH

BEVERLY ST.

APN 243-240-035

APN 243-240-034

APN 243-240-022

20' WIDE UTILITY EASEMENT

554' L.F. SEWER MAIN

243-240-014

NORTH GRAND AVE.

WILSON PL.

REIMBURSEMENT FOR SANITARY SEWER LINE EXTENDED NORTH FROM NORTH GRAND AVE.

BY:

CERVANTES SANTIAGO & HORTENCIA
1328 W. NORTH GRAND
APN 243-240-035

OSEGUERA MARIA ANGELA
1340 W. NORTH GRAND
APN 243-240-034

NAGI ADEL
1344 W. NORTH GRAND
APN 243-240-022
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING UNDERGROUND IMPROVEMENTS AND REQUIRING REAL PROPERTY BENEFITED BY THE INSTALLATION TO PAY PROPER PROPORTIONAL SHARE OF THE EXPENSE BEFORE BEING PERMITTED TO UTILIZE REGIONAL SEWER FACILITIES

WHEREAS, the owners listed in Exhibit "B", hereinafter referred to as "Developer," has an interest in the property located between Beverly Street and Wilson Place and north of North Grand Avenue, has installed regional sewer facility (i.e. sanitary sewer main) to serve properties along a private drive north of North Grand Avenue between Beverly Street and Wilson Place, in the County of Tulare, State of California, as shown on the locator map, Exhibit "A," attached hereto and hereby made a part hereof; and

WHEREAS, Developer has paid the entire cost of the construction of said underground improvements as shown in the tabulation contained in Exhibit "B," which is attached hereto and hereby made a part hereof; and

WHEREAS, said underground improvements have been constructed and completed in conformity with all agreements, laws, regulations and ordinances of the City of Porterville and the same has been constructed and completed in such a manner that the same will serve the present and future owners of the property adjacent to said underground improvements as indicated on Exhibit "A," in the County of Tulare, State of California; and

WHEREAS, the property owner benefits from the improvements constructed across the frontage of his/her property; and

WHEREAS, equitable distribution of the costs of constructing said underground improvements can only be obtained if the owner pays for the construction of the improvements that benefit his/her property; and

WHEREAS, the owners of adjacent property have not paid, assumed or discharged any of the costs in connection with the construction of the underground improvements listed on Exhibit "B."

NOW THEREFORE BE IT RESOLVED, that before any of the present owners or occupants, or the future owners or occupants, of said property listed on Exhibit "B" will be issued a permit or other grant of approval for development of the parcel, they must pay the cost listed in Exhibit "B."

AND, BE IT FURTHER RESOLVED, that upon deposit with the City of Porterville of said payment by said property owner, that when said money is received and paid to the City of Porterville, the same be refunded to the Developer over and during a period of ten (10) years from August 15, 2006 without interest.
BE IT FURTHER RESOLVED that the Director of Finance, on receipt of said monies or funds, is hereby authorized and instructed to reimburse the Developer in the amount of said deposits without interest.

ADOPTED this ____ day of ___________, 2006

_________________________________________________________________

Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

_________________________________________________________________

By Georgia Hawley, Chief Deputy City Clerk
REIMBURSEMENT FOR SANITARY SEWER LINE EXTENDED NORTH FROM NORTH GRAND AVE.

BY:
CERVANTES SANTIAGO & HORTENCIA
1328 W. NORTH GRAND
APN 243-240-035
OSEGUERA MARIA ANGELA
1340 W. NORTH GRAND
APN 243-240-034
NAGI ADEL
1344 W. NORTH GRAND
APN 243-240-002
EXHIBIT “B”

North Grand Avenue Reimbursement Agreement – Regional Sewer Facility

<table>
<thead>
<tr>
<th>Assessor Parcel</th>
<th>Sewer Pipe L.F. (A)</th>
<th>$ / Ft (B)</th>
<th>Reimbursement Amount (A) x (B) x .5</th>
</tr>
</thead>
<tbody>
<tr>
<td>APN 243-240-014</td>
<td>554 feet</td>
<td>$43.50</td>
<td>$12,049.50</td>
</tr>
</tbody>
</table>

Before the present owner(s) or future owner(s) of the above listed property will be issued a permit or other grant of approval for development of the parcel, they must pay their proportionate share. The owners (Developers) contributing funds to the project shall be reimbursed their proportional share as shown below:

<table>
<thead>
<tr>
<th>Owner/Developers</th>
<th>Address</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Porterville</td>
<td>291 N. Main Street</td>
<td>$3,697.50</td>
</tr>
<tr>
<td>Santiago Cervantes</td>
<td>1328 W. North Grand Ave.</td>
<td>$3,741.00</td>
</tr>
<tr>
<td>Maria Oseguera</td>
<td>1340 W. North Grand Ave.</td>
<td>$2,175.00</td>
</tr>
<tr>
<td>Adel Nagi</td>
<td>1344 W. North Grand Ave.</td>
<td>$2,436.00</td>
</tr>
</tbody>
</table>
SUBJECT: REIMBURSEMENT FOR UNDERGROUND IMPROVEMENTS ALONG PIONEER AVENUE BY SMEE BUILDERS, INC. – MEADOWOOD, PHASE THREE SUBDIVISION

SOURCE: Public Works Department - Engineering Division

COMMENT: Smee Builders, Inc. has installed approximately 686 feet of sanitary sewer pipeline and water pipeline in the Pioneer Avenue right-of-way between Salisbury Street and Newcomb Street. The underground improvements were a requirement of the Meadowood, Phase Three Subdivision and were considered off-site improvements. In accordance with the Municipal Code these improvements will become reimbursable once the benefiting/adjacent lands develop.

The following are the costs associated with the sewer and water mains constructed in Pioneer Avenue as part of Meadowood, Phase Three Subdivision and the calculations necessary to establish a lineal foot cost:

**Water Line**

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>8” Water</td>
<td>686 l.f.</td>
<td>@ 18.00</td>
<td>$12,348.00</td>
</tr>
<tr>
<td>8” Gate Valve</td>
<td>1 ea.</td>
<td>@ 750.00</td>
<td>$750.00</td>
</tr>
<tr>
<td>8” Cross</td>
<td>1 ea.</td>
<td>@ 250.00</td>
<td>$250.00</td>
</tr>
<tr>
<td>Tie-ins</td>
<td>2 ea.</td>
<td>@ 1,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td><strong>Total Water</strong></td>
<td></td>
<td></td>
<td><strong>$15,348.00</strong></td>
</tr>
</tbody>
</table>

**Cost / Ft = 15,348.00 / 686 = $22.37**

**Sewer Line**

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>8” Sewer</td>
<td>685 l.f.</td>
<td>@ 16.00</td>
<td>$10,960.00</td>
</tr>
<tr>
<td>Manhole</td>
<td>2 ea.</td>
<td>@ 1,850.00</td>
<td>$3,700.00</td>
</tr>
<tr>
<td><strong>Total Sewer</strong></td>
<td></td>
<td></td>
<td><strong>$14,660.00</strong></td>
</tr>
</tbody>
</table>

**Cost / Ft = 14,660.00 / 685 = $21.40**

These improvements and laterals, both sewer and water, were constructed in conjunction with said subdivision and were necessary for the orderly development of the area. City Council accepted these improvements during a prior meeting.

In accordance with Section 21-23 and Section 21-52 of the Municipal Code, off-site and/or supplemental improvements may be required and in those cases where neighboring properties benefit from the construction, City Council has the discretion to reimburse the developer by one of the following methods:

1) “Immediately reimburse the developer for the entire cost of oversizing and thereafter levy a charge upon the real property benefited thereby.”

2) “Collect a reasonable use charge for the account of the developer’s from persons not within the subdivision/development using the oversized improvements.”

Dir [Signature] Appropriated/Funded [Signature] Item No. 15
In the case of this project, there is one (1) benefited property adjacent to the Pioneer Avenue project. The benefiting parcel and proportionate share of the construction costs are shown below:

<table>
<thead>
<tr>
<th>Assessor Parcel</th>
<th>Lot Frontage (A)</th>
<th>$ / Ft (B)</th>
<th>(A) x (B) x .5</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>APN 245-540-014</td>
<td>385 feet</td>
<td>(Water) $22.37</td>
<td>$4,306.22</td>
<td>$4,656.22</td>
</tr>
<tr>
<td></td>
<td></td>
<td>+ 1 service @ 350.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>APN 245-540-014</td>
<td>385 feet</td>
<td>(Sewer) $21.40</td>
<td>$4,119.50</td>
<td>$4,379.50</td>
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<tr>
<td></td>
<td></td>
<td>+ 1 lateral @ 260.00</td>
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Before the present owner or future owner of the above listed property will be issued a permit or other grant of approval for development of the parcel, they must pay their proportionate share.

RECOMMENDATION: That the City Council;

1. Establish, by resolution, that before benefiting/adjacent properties are permitted to develop, their proportionate share of the reimbursement amount shall be collected and reimbursed to Smee Builders, Inc. The total reimbursement amount to be collected shall not exceed $9,035.72.

ATTACHMENTS: Locator Map
             Resolution w/ Exhibits

EXHIBIT “B”
RESOLUTION NO. _______

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ACCEPTING UNDERGROUND IMPROVEMENTS AND REQUIRING
REAL PROPERTY BENEFITED BY THE INSTALLATION TO PAY PROPER
PROPORTIONAL SHARE OF THE EXPENSE BEFORE BEING PERMITTED TO UTILIZE
STREET IMPROVEMENTS

WHEREAS, Smee Builders, Inc., hereinafter referred to as "Developer," has an interest
in the property located on Pioneer Avenue, approximately 100 feet east of Salisbury Street,
known as the Meadowood, Phase Three Subdivision, has installed underground street
improvements (i.e. sanitary sewer pipeline and water pipeline) to serve properties along Pioneer
Avenue between Salisbury Street and Newcomb Street, in the City of Porterville, County of
Tulare, State of California, as shown on the locator map (Exhibit "A") attached hereto and
hereby made a part hereof; and

WHEREAS, Developer has paid the entire cost of the construction of said street
improvements as shown in the tabulation contained in Exhibit "B," which is attached hereto and
hereby made a part hereof; and

WHEREAS, said underground improvements have been constructed and completed in
conformity with all agreements, laws, regulations and ordinances of the City of Porterville and
the same has been constructed and completed in such a manner that the same will serve the
present and future owners of the property adjacent to said underground improvements as
indicated on Exhibit "A", in the City of Porterville, County of Tulare, State of California; and

WHEREAS, the property owner benefits from the improvements constructed across the
frontage of his/her property; and

WHEREAS, equitable distribution of the costs of constructing said underground
improvements can only be obtained if the owner pays for the construction of the improvements
that benefit his/her property; and

WHEREAS, the owners of adjacent property have not paid, assumed or discharged any
of the costs in connection with the construction of the underground improvements listed on
Exhibit "B."

NOW THEREFORE BE IT RESOLVED, that before any of the present owners or
occupants, or future owners or occupants, of said property listed on Exhibit "B" will be
issued a permit or other grant of approval for development of the parcel, they must pay the cost
listed in Exhibit "B."

AND, BE IT FURTHER RESOLVED, that upon deposit with the City of Porterville of said
payment by said property owner, that when said money is received and paid to the City of
Porterville, the same be refunded to the Developer over and during a period of ten (10) years
from August 15, 2006 without interest.
BE IT FURTHER RESOLVED, that Director of Finance, on receipt of said monies or funds, is hereby authorized and instructed to reimburse the Developer in the amount of said deposits without interest.

ADOPTED this _____ day of ____________, 2006

____________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

____________________________
By Georgia Hawley, Chief Deputy City Clerk
REIMBURSEMENT FOR SANITARY SEWER & WATER LINES ALONG PIONEER AVE.
BY SMEE BUILDERS, INC.
EXHIBIT “B”

Pioneer Avenue Reimbursement Agreement
Off-site Street Improvements – Smee Builders, Inc.

<table>
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<tr>
<th>Assessor Parcel</th>
<th>Lot Frontage (A)</th>
<th>Total Water (B)</th>
<th>Total Sewer (C)</th>
<th>Total Cost (B+C)</th>
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CITY COUNCIL AGENDA: AUGUST 15, 2006

STAFF REPORT

SUBJECT: EXTENSION OF TIME FOR “SIERRA ESTATES,” FORMERLY “NORTHGATE ESTATES” TENTATIVE SUBDIVISION MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Nova Sayadian
1012 10th Street
Modesto, CA 95354

PROJECT LOCATION: The site is generally located on the northeast corner of Grand Avenue and Leggett Street.

SPECIFIC REQUEST: The applicant is requesting approval of a two (2) year extension of time for the tentative subdivision map.

ORDINANCE CHARACTERISTICS: Section 66452.6 (d) of the California Subdivision Map Act allows the City Council to grant extensions of time for tentative maps (both subdivisions and parcel maps) for a period not to exceed a total of five (5) years.

HISTORY: The subject tentative subdivision map, under the name of North Gate Estates, was originally approved on August 17, 2004. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for Phases two and three of the subdivision.

RECOMMENDATION: That the City Council

1. Adopt the draft resolution approving a two (2) year extension of time for “NORTHGATE ESTATES” Tentative Subdivision.

ATTACHMENT:

1. Tentative Subdivision Map
2. Letter requesting the Extension of Time
3. City Council Resolution 115-2004 (tentative map approval)
4. Draft Resolution approving the extension of time

DEPT APPROPRIATED/FUNDED CM ITEM NO. 16
Ken Fregerson  
City of Porterville  
Porterville CA

Rg; Final Map Extension request for Sierra Estates Subdivisions

Dear Mr. Fregerson,

As per our conversation two weeks ago this is a request to have our Final Map approval extended for this year. As you might be aware that we have had some issues with the Irrigation line in our sub division and are working on resolving them and that has added to our delay of getting the final map approved by Council. Attached is a check that you had requested for the amount of $316.00 for the City of Porterville for application fees for extension of the final map. Please extend our application as deemed necessary by the city ordinance.

If there is anything else I could do for you please don't hesitate to contact me at the 209-277-2400 cell number. Thank you in advance for your help and understanding in this matter of great importance to both parties.

Sincerely,

[Signature]

Nova Sayadian  
Director of Construction Southern Division

ATTACHMENT  
ITEM NO. 2
RESOLUTION NO. 115-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
NORTH GATE ESTATES PHASES 2 & 3 TENTATIVE SUBDIVISION MAP FOR THAT
13.05± ACRE VACANT SITE GENERALLY LOCATED ON THE NORTHEAST CORNER
OF GRAND AVENUE AND LEGGETT STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of August 17, 2004, conducted a public hearing to consider approval of North Gate Estates Phases
2 & 3, being a division (in two phases) of a 13.05± acre vacant parcel into a 53 lot single family
residential subdivision for that site generally located on the northeast corner of Grand Avenue and
Leggett Street; and

WHEREAS: On July 7, 2004, the Environmental Review Committee accepted as complete
a Negative Declaration for the proposed tentative subdivision; and

WHEREAS: The Subdivision Review Committee on August 4, 2004, reviewed and
discussed concerns and conditions that should be addressed before the City Council. Conditions
developed as a result of this meeting and subsequent staff review have been discussed with the
applicant’s agent and incorporated into the draft resolution of approval; and

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

WHEREAS: The City Council made the following findings:

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

   The Land Use Element of the General Plan designates the site for Low Density
   Residential development (2-7 d.u./acre). The proposed subdivision will be developed
to a density of 4.06 d.u./acre.

   Both Grand Avenue and Leggett Street are designated collector streets. Traffic
generated within this subdivision can exit onto the intersection of Grand Avenue and
Leggett Street, or onto Leggett Street by two (2) other internal streets. Grand Avenue
leading west of the subdivision intersects with Plano Street (a four (4) lane divided
arterial street). Traffic generated from the site can also use Leggett Street extending
south of the subject site to the intersection of Morton Avenue (a two (2) lane arterial
street).
2. That the site is physically suitable for the type and density of the proposed development.

The subject site is located on a gently sloping hill extending east and west which has natural drainage to the west. The proposed parcel layout includes approximately 15 parcels with a grade change of approximately 10 feet across a lot depth of 120 to 130 feet. Such slopes will require substantial grading to create individual house pads. A conceptual grading plan has been submitted for lot 63-76 which proposes grading to create a bench for all houses along the east side of Maurer Street. This will require moderate cuts at the front property line and substantial excavation along the rear of each lot. This will create a slope up to 10 feet in height at a maximum grade of 1-1/2:1. Steeper slopes provide less absorption and create additional storm run-off. Appropriate conditions of approval will be applied to the project to ensure suitable development.

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

4. That the design of the project, or proposed improvements, are not likely to cause substantial environmental damage. Condition 35 of this resolution requires the developer/applicant to comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to the resolution.

5. The Initial Study prepared for this project indicates that all potential impacts will be mitigated to less than significant levels. Through the implementation of the mitigation measures contained in the Mitigation Monitoring Program, the result in impacts addressed will be less than significant.

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

The General Plan designates the site for Low Density Residential uses. The site is surrounded by developed single family residential subdivisions to the west and south of the subject site. Conditions of approval are included to ensure adequate development standards are met.

7. That the standards of population density, site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
The proposed project complies with all the requirements of the Subdivision Ordinance with a single exception for lot depth. The development standards of the R-1 (One Family Residential) Zone including lot sizes, site coverage, parking, etc., will apply to the site.

8. The property line that separates Parcels 62 and 63 does not conform to the maximum lot depth of 180 feet pursuant to Section 21-7b of the Subdivision Ordinance.

9. Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided that the City Council find the following facts with respect thereto:

a. That there are special circumstances or conditions affecting such property.

Response: Due to topography, the irregular shape of the 13.05± acre parcel and layout of the streets and proposed lots, the excessive lot depth for the property line that separates Parcels 62 and 63 can not be avoided.

b. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

Response: The modification is requested to allow the property to be subdivided pursuant to all other City design standards.

c. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

Response: The exception will allow the property line that separates Parcels 62 and 63 to have a lot depth of 72 feet more than the allowed maximum of 180 feet.

The affected lots are at the terminus of a cul-de-sac. As a result, the excessive lot depth will not be noticeable to neighboring property owners.

d. That the granting of the exception is in accordance with the purposes prescribed in Section 21-1.1 of this Chapter and the Subdivision Map Act.

Response: The modification will allow for the subject site to be developed insuring that pursuant to Section 21-1.1 (Purpose and Scope) of the Subdivision Ordinance the objectives in this section are achieved.
e. That the granting of the exception is consistent with the General Plan. Any exception may be granted subject to any reasonable conditions which are deemed necessary to effectuate the purposes of this Chapter.

Response: The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance (with the exception of lot depth) and is consistent with the density allowed by the General Plan.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve North Gate Estates Phases 2 & 3 Tentative Subdivision Map subject to the following conditions:

1. Prior to recording the final map, the developer/applicant shall place on deposit an in lieu tree planting fee sufficient to provide a minimum of one tree for every lot and an additional tree for every corner lot. Upon verification that the developer/applicant has planted the tree(s), the deposit will be refunded. If planting is not carried out by the developer/applicant, the City of Porterville will plant the tree(s) and the deposit will be retained.


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

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

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

6. The developer/applicant shall dedicate a one foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.
7. Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (1) Lighting, (2) Public Landscaping, (3) Public walls, (4) Temporary on-site drainage reservoir, etc. The rear of Lots 38-41 shall provide a 5 foot wide easement to accommodate for a 6 foot high masonry wall and landscaping.

8. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:

   a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133).

   b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans.

   c. Reports in accordance with Chapter 18 of the California Building Code.

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

10. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.

11. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615 for all wells that will remain in service.
12. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use.

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

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

15. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).

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

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

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

   a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing.
   b. The water system is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.).
c. Street base rock for accessibility by the public safety officials and building inspectors.

d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommendations contained in the Preliminary Soils Report.

e. Lot corners are marked.

f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

19. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system.

20. The developer/applicant shall expand and improve the existing master plan Drainage Reservoir No. 14 to City standards. The price paid for land and construction, to expand, must have prior City approval in order to qualify for reimbursement. In the event the developer/applicant is unable to obtain said land, after being shown proof of a satisfactory effort by the developer/applicant, the City Council may invoke its power of eminent domain to acquire said land.

21. The developer/applicant shall have a hydrology study done of the properties up slope from the subject property. Said study shall define the runoff from the 10-year and 100-year storms. Developer/applicant shall construct the drainage facilities and provide the easements necessary to convey runoff safely to the City drainage system.

22. Prior to excavation and grading of the subject site, the developer/applicant shall cure any leaks in the irrigation line along the east side of the property line of the subdivision and shall construct retaining walls, drainage swales, etc., to ensure that storm water drainage from off-site, uphill parcels is diverted so that it does not sheet flow over the excavated slope. Vegetation, to include trees, shrubs, groundcover and/or other slope stabilization to the satisfaction of the City engineer shall be installed prior to the issuance of a certificate of occupancy for each residence. The method of curing leaks shall be coordinated with Pioneer Water Company.

23. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS0000002 for discharge of Storm Water associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare
a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

24. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.

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

26. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.

27. The developer/applicant shall construct two City standard barricades at the end of all dead end streets.

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

29. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 DSA) or provide surety in lieu of (Section 2616.1 of the Zoning Ordinance).

30. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.
31. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.

32. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.

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

34. The developer/applicant shall stub sewer and water lines to the east boundary of the subdivision along a 20 foot easement necessary to serve the two adjacent properties. The City will pay the full cost of said water and sewer stub out as “oversizing.”

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

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Deputy
STATE OF CALIFORNIA  )
CITY OF PORTERVILLE  )  SS
COUNTY OF TULARE  )

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 17th day of August, 2004.

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

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<th>HAMILTON</th>
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JOHN LONGLEY, City Clerk

by Georgia Hawley, Chief Deputy City Clerk
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE 
CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL 
OF A TWO (2) YEAR EXTENSION OF TIME FOR "NORTHGATE ESTATES" 
TENTATIVE SUBDIVISION GENERALLY LOCATED ON THE NORTHEAST CORNER 
OF GRAND AVENUE AND LEGGETT STREET 

WHEREAS: The Porterville City Council at its regularly scheduled meeting of August 15, 2006, considered a two (2) year extension of time request for "Northgate Estates" Tentative Subdivision Map, generally located on the northeast corner of Grand Avenue and Legget Street; and 

WHEREAS: The subject tentative subdivision map was originally approved on August 17, 2004, and 

WHEREAS: The Council made the following findings: 

1. That the proposed project is consistent with the California Subdivision Map Act. 

2. That the site is physically suitable for the type of development proposed. 

3. That a Negative Declaration was approved for the project. 

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

5. That the design of the project or the proposed improvements are not likely to cause health problems. 

6. Section 66452.6 (d) of the California Subdivision Map Act allows the City Council to grant extensions of time for tentative maps (both subdivisions and parcel maps) for a period not to exceed a total of five (5) years. 

7. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the last phase of the subdivision.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a two (2) year extension of time for "Northgate Estates" Tentative Subdivision Map and that the conditions specified in City Council Resolution 115-2004 shall remain in full force and effect. Said extension of time shall commence August 15, 2006, and shall expire on August 15, 2008.

______________________________
Cameron J. Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _____________________________
Georgia Hawley, Deputy
STAFF REPORT

TITLE: GENERAL PLAN UPDATE 2006- REQUEST FOR APPROVAL OF ADDITIONAL SERVICES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION

SPECIFIC REQUEST: The Community Development Department is administering a contract with Dyett and Bhatia Planning Consultants to complete a comprehensive General Plan Update for the City. Through this process the City will achieve a thorough review and consideration of General Plan policies, plans, and goals. As a part of this process, it is efficient and sensible to update plans or adopt new plans that relate to the implementation of the General Plan. Specifically, two components include the Urban Water Management Plan, and the Airport Land Use Plan. The City has not adopted an Urban Water Management Plan, and the City recently approved a revised Airport Layout Plan, which necessitates the modification to the Airport Land Use Plan, which was last updated in 1990. In addition to goals and policies, the definition of Planning Area boundaries are a critical component of the General Plan Update.

State law requires an Urban Water Management Plan and an Airport Land Use Plan, but staffing issues have limited the City’s ability to create or maintain a plan that adequately reflects the City’s goals. The General Plan Consultant, Dyett and Bhatia, has the expertise to prepare plans such as these, and can incorporate the preparation into the General Plan Update.

At the outset of the General Plan Update process, $100,000 was allocated to the effort from the Water Fund. Approximately $35,000 was allocated for the Water Supply Study in the original contract, which resulted in a remainder of $65,000. $55,000 of that amount would be appropriated for this effort.

During the Update process, a significant amount of discussion has focused on the Planning Area Boundary. There was a recommended change by the Advisory Committee, to develop policies for areas of interest outside the Planning Area as it was originally defined. This specifically relates to the Lake Success area. The cost to incorporate this into the General Plan effort is approximately $4,090. Funds are available for this effort remaining from the funds appropriated for the General Plan Update.

The additional cost for addressing the updated Airport Layout Plan in the Airport Land Use Plan will cost approximately $5,700. Staff is recommending that this cost be paid for out of proceeds from the sale of
airport property for industrial development. Staff is currently in negotiations for the sale of airport property.

The consultant can complete all three of these tasks as outlined, with no significant effect to the overall timeline, for a combined cost of $59,790.

RECOMMENDATION: That the City Council:

1. Authorize the changed scope of services, to be paid for from the above referenced sources.
2. Authorize the Mayor to sign an addendum to the original contract for services with Dyett and Bhatia.

ATTACHMENTS: Additional Services Proposal for Porterville General Plan Update
Additional Services Proposal for Urban Water Management for Porterville General Plan Update

*Prepared by Dyett & Bhatia, March 8, 2006*

The following is an additional services proposal prepared in response to a City staff request to include preparation of an Urban Water Management Plan in the General Plan Update. Dyett & Bhatia (DB) will have overall responsibility for this work; the technical effort will be subcontracted to Land Use Associates who will team with Provost & Pritchard Engineering Group, Inc. (P&P), one of the leading water engineering firms in the Central Valley. P&P maintains offices in Fresno, Visalia, and Bakersfield and is available to start the work right away.

These tasks would be an additional service under our agreement with the City for the General Plan Update because they involve a change in planning area boundaries established for the Map Atlas, an expanded definition of the “project” for CEQA purposes, and a revision of the database for land planning, transportation modeling and EIR analysis.

**TASK DESCRIPTIONS**

For this additional work, the following tasks will be undertaken:


In order to prepare the UWMP in the required format, critical information is required from the City. It is assumed that the City will provide the following required information to facilitate preparation of the UWMP:

- Copies of any relevant plans the City may have, knows about, or participated in, such as an Integrated Regional Water Management Plan, Groundwater Management Plan, regional Water Efficiency Programs, Water Transfers and Exchanges, Regional Water Plan, or Cooperative Agreements.

- Description of any existing and planned surface water supplies, including recycled, and demands met or projected to be met by surface supplies.

- Current well locations (if different from those shown in the *Map Atlas*) and pumping records for the last 10 years.
• Groundwater contours of the region for the last 10 years, and/or a report that details groundwater conditions within the region.

• Past 5-years of water use summarized by land use designation.

• Quantification of any water meter readings, and/or plans for any water meters.

• Information regarding any City effort consistent with the fourteen Demand Management Measures (DMMs) as described in the California Water Code for UWMPs, and determination of how DMMs are and will be monitored. (We can provide background information on the DMMs and provide an evaluation checklist or review for discussion in a workshop with City staff.)

• Ordinances or policies that are related to water conservation and management.

• Estimate of current and future wastewater generation within the City.

It is also assumed that the City will:

• Be responsible for notifications to required agencies and stakeholders;

• Be responsible for any and all required public noticing

Land Use Associates and P&P will attend a project kickoff meeting with the City to gather the required data and information to prepare a draft UWMP. A public “scoping” meeting also will be scheduled and a newsletter prepared, that explains what a UMWP is and how public comment will be received. D&B then will work with Land Use Associates and P&P on preparation of an administrative draft UWMP for review by the City. Once an administrative draft is prepared, the consultant team will conduct a working meeting with appropriate City staff to review the draft UWMP. Following this meeting and receipt of a consolidated set of any follow-up comments on the administrative draft review, the report will be modified based on the City’s comments. Once modifications are complete, we will provide the City with eight copies of the Public Review Draft of the UMWP for the City to submit to appropriate agencies for review and consideration. Following receipt of comments from other agencies, the working Draft will be modified, and eight copies of the Final Draft provided to the City.

Successful preparation of this type of plan requires access to appropriate data from the City, as well as considerations by the City staff regarding future water supply and conservation programs. It is our understanding that the State requires agencies preparing a plan to identify programs and measures that many Central Valley agencies have not considered or implemented. With this in mind, we will need to work closely with City staff to identify the scope and timing of potential DMMs and other programs that the City will consider for implementation.

If the City authorizes this work by July 1, 2006 and provides the information listed above by July 15, the UWMP will be completed prior to the end of 2006.
BUDGET FOR ADDITIONAL SERVICES

The budget for these additional services is $50,000. This includes all D&B costs and subcontractors' costs.
Additional Services Proposal for Porterville General Plan Update: Technical Studies and Expanded Scope for Enterprise Zone EIR

Prepared by Dyett & Bhatia, July 14, 2006

The following is an additional services proposal prepared in response to City staff requests for additional technical work, including preparation of a Planning Area “Area of Interest” diagram including the City’s proposed Enterprise Zone in the General Plan ER and incorporating Airport Land Use Plan modifications into the General Plan. Work on the Enterprise Zone Program would involve an expanded definition of the “project” for CEQA purposes, and a revision of the database for the EIR analysis to include a 15-year time horizon and additional details, consistent with the requirements of the California Enterprise Zone Program and its application requirements, as established by the State Department of Housing and Community Development.

BACKGROUND

Area of Interest

As part of planning for the Lake Success environs, it has become apparent that the City’s potential “Area of Interest” extends beyond the Planning Area as currently defined. As an alternative to undertaking the extensive mapping which would be required to bring this area into the General Plan Planning Area, it would be appropriate to develop policies and a related diagram for a potential “Area of Interest”, which would be in less detail than proposals for the Planning Area itself. This area does include foothill land designated by the County General Plan for rural and open space uses. The idea would be to facilitate planning for the resort-residential areas with other areas through new policy initiatives.

Enterprise Zone Program

The City has had a success Enterprise Zone Program since the 1980s when Porterville’s zone was one of the first designated in California. The current designation will expire in October 2006, and the City seeks a new designation that would run for an additional 15 years. The State Department of Housing and Community Development (HCD) is responsible for the designation process and program oversight. The City intends to submit an application for a renewed designation by early September. HCD would issue a conditional designation by October 27th and then an EIR would be required before a designation would be finalized. As part of the application, a Notice of Preparation (NOP) will need to be submitted. A draft EIR

---

1 We referred specifically to Part IV, CEQA Requirements of HCD’s 2006 Enterprise Zone Application materials, published on HCD’s website.
and final EIR then will be required to be submitted to HCD before the Final Designation will be approved.

Because the City’s Enterprise Zone incorporates a substantial area of the City, analysis of potential impacts, alternatives and mitigation measures could be done efficiently by incorporating this work into work underway on the General Plan EIR. The EIR Project Description would be modified to add the Enterprise Zone Program and explain how it would work, an Enterprise Zone (EZ) impact area would need to be defined, and an additional 15-year time horizon added so that the impacts attributable to the EZ can be isolated from other, longer-term impacts. The General Plan NOP would have to be revised and re-circulated to inform public agencies of this change in the scope of the EIR and their comments incorporated into the analysis. To meet the early September submittal deadline, the revised NOP should be issued by mid-July.

**Airport Land Use Plan Modifications**

The January 2006 Airport Layout Plan, prepared for the City by Aries Consultants, includes specific proposals for Airport development. These would involve some runway relocations and associated changes in approach zones, runway protection zones and airport access and parking. The General Plan Land Use Diagram and the General Plan Circulation Element will be revised to reflect these recommendations and any modifications requested by City staff.

**TASK DESCRIPTIONS**

For this additional work, the following tasks will be undertaken:

**TASK 1: PLANNING AREA “AREA OF INTEREST” DIAGRAM**

We will work with City staff and the General Plan Update Advisory Committee on policies for area(s) of interest outside the planning area as currently defined and include a diagram in the General Plan to depict/support these policies. As specific land use designations are not likely to be proposed, there will be no buildout calculations or buildout assumptions, nor will this “area of interest” be analyzed in any detail in the EIR. Rather it would be intended as a future study area/cooperative planning area in consultation with the County and property owners.

**TASK 2: ENTERPRISE ZONE INCLUDED IN GENERAL PLAN AND EIR**

The Economic Element will include policies and implementation for the City’s Enterprise Zone, and the Enterprise Zone (EZ) will be shown on General Plan diagrams, as appropriate. A new “project description” will be prepared for a revised Notice of Preparation for the General Plan update EIR, to be circulated to responsible agencies and others on the City’s CEQA mailing list. We also recommend that the City staff hold a second scoping meeting to receive comments on the revised NOP. This could be scheduled concurrently with a trip to Porterville for a General Plan Update Advisory Committee meeting or City staff could host the meeting on their own. Following the scoping meeting and receipt of comments on the revised NOP, we will confer with City staff on implications for the EIR. The EIR scope of work will be expanded to include analysis of development potential within the Enterprise
Zone with the proposed 15-year time extension. This will include a new traffic model run for 2020 and related analysis of 2020 impacts attributable to the EZ on air quality and noise, and possibly hazardous sites (resulting in more clean-up – a beneficial effect). Potential effects on land use, visual quality and demand for public services and utilities also will need to be investigated. Impacts that may not be significant could include effects on biological resources, flood hazards and geotechnical hazards because the EZ in itself will not extend urbanization beyond the limits to be set in the new General Plan.

Concurrent with other trips to Porterville, an initial meeting with City staff will be held to review Enterprise Zone implementation programs and the potential effects on future unemployment and job growth rates. These effects will be used to define 2020 population, housing, and non-residential development opportunities related to implementation of the EZ. Revisions to the TAZ database and assumptions about external traffic also will be reviewed to ensure the transportation model will work for analysis of the EZ. Alternatives to the proposed EZ, including different geographic boundaries and an “environmentally preferred” alternative will need to be established. We also will have to do an analysis of the “no project” alternative as it relates to the EZ. Finally, we will need to respond to comments on the EZ impact analysis as part of preparation of the Final EIR: Comments and Responses.

TASK 3: AIRPORT LAND USE PLAN MODIFICATIONS

Additional work will include defining and mapping changes recommended in the 2006 Airport Layout Plan Narrative report on the General Plan Land Use Diagram and then evaluating how the Preferred Plan Concept will need to be modified to reflect these recommendations. Omni Means will evaluate the recommendations in relation to the traffic model assumptions and street/roadway improvements currently being developed for the General Plan.

BUDGET FOR ADDITIONAL SERVICES

The budget for these additional services is shown below.

Estimated Costs

<table>
<thead>
<tr>
<th>Budget for Additional Work for Technical Studies for the Porterville General Plan Update</th>
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<tbody>
<tr>
<td><strong>Hourly Rate</strong></td>
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<tr>
<td>Dyett &amp; Bhatia:</td>
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<tr>
<td>Michael Dyett, FAICP, Principal</td>
</tr>
<tr>
<td>Senior Planner</td>
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<tr>
<td>Planner/Urban Designer</td>
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<tr>
<td>GIS &amp; Graphics Manager</td>
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<tr>
<td>Research / Support</td>
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<tr>
<td>Direct Costs</td>
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<tr>
<td><strong>Subtotal</strong></td>
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</table>

**Subcontractors**

| **ESA** | **2,250** | **$3,500** |
| **Omni Means** | **2,000** | **$2,000** |
| **Subcontractor Subtotal** | **4,250** | **$5,500** |
| **TOTAL** | **$25,000** | **$36,040** |
COUNCIL AGENDA: AUGUST 15, 2006

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - TULE RIVER INDIAN TRIBAL COUNCIL PORTERVILLE Powwow 2006
  SEPTEMBER 8 - 10, 2006

SOURCE: Administrative Services - Finance Division

COMMENT: The Tule River Tribal Council is requesting approval to hold the Porterville Powwow 2006 at the Porterville Fairgrounds on Friday, September 8, 2006, through Sunday, September 10, 2006. The event consists of arts and crafts, information, and food booths, cultural events, and Native American dancing and drum groups competition. No street closures are requested, however, the exclusive use of the parking lot south of the fairgrounds, west of the shopping center, is requested for recreational vehicle use. Overnight camping has been requested in the horse arena.

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

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

ATTACHMENT: Community Civic Event Application, Agreement, Request for street, sidewalk and parking lot closure/usage, Vendor list, Exhibit "A", Map, Outside amplifier permit.

DD Appropriated/Funded C.M. Item No. 18
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 7/19/06  Event date: September 8,9,10, 2006

Name of Event:  Porterville Powwow
Sponsoring organization:  Tule River Tribal Council
  PHONE #559-781-4271
Address:  P.O. Box 589, Porterville, CA 93258
Authorized representative:  Neil Pevron  PHONE #559-781-4271
  Address:  P.O. Box 589, Porterville, CA 93258
Event chairperson:  Harold Santos  PHONE #559-782-1619

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

Type of event/method of operation:  Powwow--A social gathering of Native Americans

Nonprofit status determination:  Yes.

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

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<tr>
<th>Barricades (quantity):</th>
<th>N/A</th>
<th>Street sweeping</th>
<th>Yes</th>
<th>No</th>
<th>Police protection</th>
<th>Yes</th>
<th>No XX</th>
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<td>Refuse pickup</td>
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<td>Other:</td>
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Parks facility application required:  Yes XX No ____
Assembly permit required:  Yes ____ No XX

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

Approve  Deny
______  ______  Bus Lic Spvr  
______  ______  Pub Works Dir  
______  ______  Comm Dev Dir  
______  ______  Field Svcs Mgr  
______  ______  Chief Fire Oper.  
______  ______  Parks Dir  
______  ______  Police Chief  
______  ______  Deputy City Mgr  

1 of 4
CITY OF PORTERVILLE

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

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

City Code requirements:

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

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

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

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

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

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

Tule River Tribal Council  

(TableName  

(Signature)  

(Date)  

2 of 4
CITY OF PORTERVILLE

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

Name of event: Porterville Powwow

Sponsoring organization: Tule River Tribal Council

Event date: September 8, 9, 10, 2006

Hours: 9/08: 8am-11pm; 9/09: 8am-11pm

9/10: 8am-8pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

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<th>Street Name</th>
<th>From</th>
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<th>Activity</th>
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<th>Sidewalks</th>
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<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
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<tbody>
<tr>
<td>South Fair Lot (PUSD)</td>
<td>South of Fairgrounds entrance</td>
<td>Parking/RV Parking</td>
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4 of 4
CITY OF PORTERVILLE

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

Name of event: Porterville Powwow

Sponsoring organization: Tule River Tribal Council

Location: Porterville Fairgrounds  Event date: September 8, 9, 10, 2006

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

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<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
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<tbody>
<tr>
<td>We will submit a list of vendors 1-week prior to the Powwow.</td>
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REQUIREMENTS FOR COMMUNITY CIVIC EVENT
TUPE RIVER INDIAN TRIBAL COUNCIL
PORTERVILLE POWWOW 2006
SEPTEMBER 8 - 10, 2006

Business License Supervisor: S. Perkins
Vendor list required prior to event.

Public Works Director: B. Rodriguez
Provide traffic control for pedestrian safety. Submit plan to Public Works Department one week prior to event.

Community Development Director: B. Dunlap
Comply with City noise standards.

Field Services Manager: B. Styles
Traffic cones/barricades no longer available at Corporation Yard.

Chief of Fire Operations: M.G. Garcia
Maintain fire apparatus access roads. Meet with Fire Department at least one week prior to discuss access.

Parks and Leisure Services Director: J. Perrine
Ballpark reservation and fee required, unless event is co-sponsored.

Interim Police Chief: C. McMillan
Comply with 10:00 PM noise ordinance.

Deputy City Manager: F. Guyton
Requirements are the same as last year's Porterville Powwow.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Tule River Indian Tribal Council
Event: Porterville Powwow 2006
Event Chairman: Harold Santos
Location: Porterville Fairgrounds
Date of Event: September 8 - 10, 2006

RISK MANAGEMENT: Conditions of Approval

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

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

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an “admitted” insurer in the State of California.
This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:

   Tule River Tribal Council Phone # 559-781-4271
   P.O. Box 589, Porterville, CA 93258

2. Address where amplification equipment is to be used:

   Porterville Fairgrounds, 300 Olive Ave. Phone #

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

   Rio Productions staff, 1406 E. Sierra Ave., Tulare, CA 93274

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

   Powwow

5. Dates and hours of operation of amplification equipment:

   9/8 8am-12pm & 7-11pm; 9/9: 11am-11pm; 9/10: 11am-6pm

6. A general description of the sound amplifying equipment to be used:

   Speakers and microphones
I hereby certify that all statements and answers on this registration form are true and correct.

[Signature]

Applicant

7/18/06

Date

Chief of Police

Date

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

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

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

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

cc: 


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

PLEASE PRINT CLEARLY - PRESS HARD

FACILITY REQUESTED:
☐ Murry Park ☐ Community Center ☐ Sports Complex ☐ Burton Ballfields ☐ Zalud Garden
☐ Veterans Park ☐ Library ☐ Hayes Fields ☐ Heritage Cnty. Center ☐ Other
☐ Zalud Park ☒ Municipal Ballpark ☐ Pool ☐ Centennial Plaza

Area/Room: North Municipal Park (Horse Arena)

Nature of Use: Overnight camping Are fees being charged? No
Date of Event: September 8, 9, 10, 2006 Time: evening To: morning
Amplified Equipment/Music: ☐ Yes ☐ No
Bounce House: ☐ Yes ☒ No Bounce House Company: ____________________________ Set-Up Time: __________________
Attendance: ____________________________

Will Alcohol be Served: ☐ Yes ☒ No Number of Drinking Adults ($2 per person):

Requested Requirements: We are requesting use of the park for camping for our vendors, dancers, and drum groups. We will designate an area for filling generators and no vehicle or RV parking will be allowed.

Organization: Tule River Tribal Council
Name: Neil Peyron, James Diaz, or Charmaine McFarment
Mailing and/or Billing Address: P.O. Box 589, Porterville, CA 93258
Phone: Day/Work: 781-4271 Cell No.: 310-3961 Evening/Home: 782-1619 Email: legal2@tulivertribe nsn.gov

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

SIGNATURE: ____________________________ Date: 7-18-06

***FOR OFFICE USE ONLY***

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

PARK IN DESIGNATED AREAS ONLY

Distribution: Original - Dept; Green - Parks; Blue - Police; Yellow - Applicant
291 NORTH MAIN STREET, PORTERVILLE, CA 93257, PHONE (559) 782-7461
FAX (559) 782-4053, Park/facility information available @ www.ci.porterville.ca.us
SEE BACK PAGE FOR RULES, REGULATIONS AND POLICIES

07/15/05 Rev.
1. Rental $33.00 per use, non-refundable. If cancellation is due to natural causes, a credit form will be issued.
2. No alcoholic beverages are allowed in the parks without a permit issued by Parks and Leisure Services and the Police Department. Those who wish alcohol must apply at least ten (10) working days prior to the event. Alcohol beverage tags - $2.00 per tag. Permits only issued to those who rent pavilions or special areas. Alcohol tags are to be picked up at City Hall, 291 N Main Street.
3. Park hours: 7:00 a.m. to 10:00 p.m.
4. Restroom hours: October - March 7 a.m. to 4 p.m.; April - September 7 a.m. to 8 p.m. If additional hours are requested, a $10/hour supervisor fee will be charged.
5. Rental time includes set-up, take-down, and clean-up.
6. Bounce Houses are an additional $27.00. Company must have an insurance policy naming the City as additional insured on file. See #4 under Athletic Facilities.
7. Vehicles are to be parked in paved designated areas only. Vehicle access to unload and load is permitted with a parking permit; however, there is no parking allowed in the park except in special circumstances. Vehicles parking in the park outside of the designated paved parking areas will be cited by the Police Department.
8. Amplified equipment must receive approval from the Police Department, application must be submitted ten (10) working days prior to the event. In the event you are in the park using amplified equipment without a permit, you may be charged a penalty.
9. Please call the Police Department at 782-7400 if you need any assistance or if you have any problems.

ATHLETIC FACILITIES

1. Fees for use of lights: Municipal Ball Park Adults $31.00/use; Youth - $15.00/use. Field maintenance $30.00 per day. Commercial use - $50.00 per hour (Plus light charges) Tournament and other uses without lights $10.00 per hour. Supervision $15.00 per hour. A deposit of $25.00 - $300.00 is required if bases and/or chalker are requested.
3. Sports Complex - Adults $2.00 per person; Youth $1.00 per person/per game. Practice - Youth $5.00; Adults per team $10.00. Event Parking $2.00 per car; $5.00 per bus.
4. Insurance: An insurance certificate must be on file at the Parks and Leisure Services office naming the City of Porterville as an additional insured for up to Two Million Dollars ($2,000,000) for all uses, including liquor and food liability, if sold on City premises with ABC License.
5. No alcoholic beverages allowed on premises, without special permission.

BUILDING RESERVATIONS (COMMUNITY CENTER, LIBRARY)

1. Fees and Charges; Non-Profit organizations - Large room $20/hour, Small room $15/hour, Patio $12/hr. Profit organizations - Large rooms $40/hour Small room $30/hour, Patio $25/hour. Commercial use $75/hour, small room $50/hour, patio $40/hour (A business license is required). Kitchen $10/hour. A $25 - $300 cleaning deposit is required (Pending the type of use of the building). Ten dollars per hour fee for a maintenance supervisor.
2. No alcoholic beverages allowed on premises; no smoking allowed in buildings; no balloons allowed in building.
3. Applicants are responsible for their own set-up, take down and clean up. (Included in reserved time)
4. City furniture or property may not be removed or displaced by any permittee without permission from authorized personnel.
5. Library rental hours: Mon. - Thurs. 10 a.m. - 8:00 p.m.

ZALUD HOUSE

1. $75 Deposit required, non-refundable if customer cancels. Fees: Garden - $50/hour. If activity is during non-scheduled hours, fee is $65/hour. A $25 - $300 cleaning deposit is required (pending type of use). Two hour minimum rental for weddings.
2. Wine and champagne in small amounts are the only alcoholic beverages allowed on premises. Rice or bird seed is not permitted in Zalud House and Garden area.
3. City furniture or property may not be removed or displaced by permittee without permission from authorized personnel.
4. Applicants are responsible for their own set-up and clean-up. Rental time includes set-up, takedown and clean-up.
5. Zalud House hours: Wed. - Sat. 10 am to 4 pm, Sunday 2 pm to 4 pm.

MUNICIPAL POOL RENTAL

1. Fees: (1-100 people), $65/hour - (101-200 people), $75/hour - (201-280 people), $85/hour.
2. Bottles or glass containers are not allowed within pool area. No cutoffs allowed as bathing suits.
3. Alcoholic beverages are not allowed, smoking is not permitted in pool area.

FACILITY INFORMATION

1. Rental time includes set-up, take down and clean up.
2. At no time shall there be more people admitted to the facility than the legal seating capacity will accommodate.
3. Flammable decorations including scenery shall be fire resistant or flame proofed in accordance with the requirements of the City Fire Department.
4. No device which produces flame, sparks, smoke or explosions shall be used in any facility without the approval of the Fire Department.
5. Reservations are accepted no more than one year in advance.
6. Credit forms are available. No refunds are given.

Three dollar ($3) administrative fee per transaction for any change
SUBJECT: SET A PUBLIC HEARING FOR CONSIDERATION OF POLICE FEES, OTHER FEES AND ADJUSTMENTS

SOURCE: Administration

COMMENT: On March 21, 2006, the Council adopted Resolution No. 43-2006 for Police Fee-11, Fingerprinting, and Police Fee-14, Police Accident/Crime Reports. At that meeting Council also adopted Resolution 46-2006 adopting the remaining Police fees, with the exception of Police Fee-15, Police False Alarm Fees. At the meeting of March 7, 2006 the City Council continued Police Fee-15 until July 2006.

Staff proposes to adopt a new false alarm fee and reduce two other fees.

1. The Police False Alarm Fees (Police – 15) has prompted much review and analysis. The fee was $16.00 for the third false alarm response in a six-month period, which is preceded by a letter to the property owner explaining the ordinance and the potential for a fee. The property owner is sent a second letter at the time of billing, highlighting the ordinance and the dates and times of the Police Department’s response to their property. It appears the ordinance defines this False Alarm Service Fee as a penalty or fine against the persons or businesses who experience an excessive number of false alarms that necessitate a police response. It is believed the intent of the ordinance was to encourage or move persons or businesses to have properly functioning alarms that are activated upon the true need for a police response.

During fiscal year 2004/2005, officers of the Police Department responded to 2,138 burglary alarm calls, 1,685 of which were determined to be erroneous or false in nature. The Maximus schedule recommends raising the fee to $112; however, the Police Department feels this is excessive as a penalty and recommends an adjustment to $50.00 for the third false alarm response.

2. Statutory Registration Fees, Police Fee –21, was approved at $68.00. This fee is specifically for sex, drug, gang, and arson registrants that are statutorily or court ordered to register with the Police Department; we average 200-250 of these registrations annually. Currently, the State of California does not allow agencies to charge a registration fee for sex and arson registrants, which accounts for approximately 90 registrations a year. The remaining 100–150 registrations

DCM \[\underline{\text{Appropriated/Funded}}\] CM 

Item No. 19
annually provide a potential revenue source of several thousand dollars; however, staff believes the information gathered and emphasis on compliance on those individuals mandated to register outweighs the minimal potential financial gain. Staff recommends that this fee be eliminated and the number of applicants be forwarded to the City’s SB90 contractor for potential reimbursement of State mandated programs.

3. Vehicle Repossession Fee, Police Fee – 28, is regulated by the California Vehicle Code with the current maximum charge allowed being $15.00. Staff recommends that the fee be amended from $47 to the maximum allowed by statute, and that these numbers also be turned over to the City’s SB90 contractor for potential reimbursement.

OTHER FEES

Staff will also be submitting a list of current and proposed fees for such things as copy fees, personal use of cell phones, excess public research fees, deposit forfeiture fees for the Parks Department, and vehicle over-wide permit fees with the agenda for September 5, 2006.

1. The Miscellaneous Fee schedule will identify the current and proposed charges for making copies of items for the general public.

2. Currently, City Employees who are assigned a cell phone reimburse the City for their personal calls at a rate of three cents per local call and 100% for any long distance calls. As some of the phone plans include various free minutes, staff is recommending Council approve a policy whereby employees with issued cell phones pay a flat rate of $5 per month for personal use and 100% of any excess above the basic plan rate which was incurred by their personal usage.

3. In the Planning Division, all requests for detailed research are charged after the first half hour at a rate of $79. This rate should be more clearly defined as $79 per hour.

4. Staff is also recommending Council establish a “forfeiture rate” for people who sign up for a leisure services activity (like swimming lessons) and do not show up.

5. Maximus also recommended an “overwide permit” to be $617 per year. However, the California Vehicle Code limits this fee to $16 per permit issuance.

**RECOMMENDATION:** That the Council set a public hearing for September 5, 2006 to consider the proposed fee revisions.

**Attachment:** None
SUBJECT: TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE

SOURCE: Administration

COMMENT: On July 20, 2006, the Transactions and Use Tax Oversight Committee had their first meeting in compliance with City Council Resolution No. 24-2006. At the June 20 meeting the group indicated that the City was spending Measure H funds as allowed by Ballot Measure H.

ATTACHMENT: Letter from Gregory Gillett, Chairperson Measure H Committee.
Transactions and Use Tax Oversight Committee

July 25, 2006

City Council
City of Porterville
291 N. Main Street
Porterville, CA 93257

RE: Approval of Transactions and Use Tax

Mr. Mayor and Distinguished Council:

The first regular meeting of the Transactions and Use Tax Oversight Committee adjourned on 20 July, 2006 at 6:00pm in the Mikkabi Conference Room of Porterville’s City Hall. At said meeting and in compliance with resolution #24-2006 and the obligations set forth therein, the committee approved the expenditures of Measure H as presented by Deputy City Manager Guyton and City Staff.

The committee will meet quarterly and promptly report to the council soon thereafter. If you have any questions, please do not hesitate to contact me at (559)781-9980.

In Service,

[Signature]

Gregory Francisco Gillett, Esq.
Chairperson

GFG/td

cc: Committee members.
SUBJECT: CITY OF PORTERVILLE CONFLICT OF INTEREST CODE - BIENNIAL REPORT AND AMENDMENT

SOURCE: Administration

COMMENT: Government Code Section 87306.5 requires local agencies to submit to their code reviewing body a biennial report identifying changes in its code, or a statement that their code is not in need of amendment. Such reports are to be submitted no later than October 1 of each even-numbered year. If it is determined that amendment of the code is necessary, the amendments or revisions shall be submitted to the code reviewing body within 90 days.

The City Council is the code reviewing body for the City of Porterville. The City Manager, as Administrative Supervisor of the Conflicts and Disclosure Monitor Agency, has reviewed the City’s Conflict of Interest Code and has prepared the attached report.

Any necessary amendments to the code will be submitted to the Council after approval by the City Attorney.

RECOMMENDATION: That the City Council accept the Conflicts and Disclosure Monitor Agency 2006 Biennial Report.

Attachment: Conflict of Interest Code Report.

Item No. 21
CONFLICTS AND DISCLOSURE MONITOR AGENCY
2002 BIENNIAL REPORT

FOR

THE CITY OF PORTERVILLE

This Agency has reviewed its Conflict of Interest Code and has determined that:

☒ The Agency's Code needs to be amended and the following amendments are necessary:

☒ Include new positions (including consultants) which must be designated.

☒ Revise the titles of existing positions.

☐ Delete the titles of positions that have been abolished.

☐ Delete the positions that manage public investments.

☒ Revise disclosure categories.

☐ Other ________________________________

☐ No amendments are necessary. Our Agency's Code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions; and the Code includes all other provisions required by Government Code Section 87302.

John Longley, Administrative Supervisor

August 10, 2006
Date
SUBJECT: AUTHORIZATION TO ROLL WEED ABATEMENT BALANCES TO THE PROPERTY TAX ROLLS

SOURCE: Administrative Services

COMMENT: Staff has prepared a draft Resolution for Council consideration, which will authorize the County Auditor to place uncollected weed abatement charges on the property tax rolls. Authorization to utilize this collection method is identified in the City Code in sections 12.3.4 through 12.3.12.

RECOMMENDATION: That the City Council adopt the attached draft Resolution authorizing the County Auditor to place these items on the property tax rolls for collection.

ATTACHMENT: Draft Resolution
RESOLUTION NO.__-2006


WHEREAS, City of Porterville City Charter Section 12.3.4, Nuisance and Authority to abate, sets forth the procedure for all weed, nuisance and hazard abatements in the City of Porterville, with Porterville City Code Section 12.3.12, Collection on tax roll, thereafter setting forth the procedure for placement of delinquent assessments on the Tulare County Tax Rolls; and

WHEREAS, the Porterville City Council, having duly received and considered evidence and documentation concerning the delinquent accounts proposed to be placed on the Fiscal Year 2006/2007 County of Tulare Tax Rolls concerning the necessity for the placement of the contemplated tax liens.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the public interest and convenience require the submittal of the following liens, attached hereto as Exhibit “A”, to the Tulare County Auditor for placement on the property tax rolls for collection.

APPROVED AND ADOPTED this 15th day of August, 2006.

_________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: _______________________
Georgia Hawley, Chief Deputy City Clerk
WEED/HAZARD ABATEMENT
Roll-over for FY2006-2007
(from FY05-06 balances)

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SUBJECT: STATUS OF HEALTH INSURANCE FUND FOR FY 2005-2006

SOURCE: Administrative Services

COMMENT: City staff have recently received the final health insurance claim detail for the 2005-2006 fiscal year. Of particular interest is to note that in the period of time in the last four (4) years, the health insurance fund has dramatically decreased from operating at a $560,000 deficit to an approximate $35,000 deficit. Staff will continue to monitor claim history and amounts for opportunities to advance toward balancing the health insurance fund.

RECOMMENDATION: That the City Council accept the staff report providing the status of the health insurance fund for the 2005-2006 fiscal year.

ATTACHMENT: Health Insurance Fund Costs and Reimbursements
CITY OF PORTERVILLE
Health Insurance Fund Costs and Reimbursements

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CITY COUNCIL AGENDA - AUGUST 15, 2006

THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

Item No. 24
SUBJECT: AUTHORIZATION TO SUBDIVIDE AIRPORT LOT 31-C INTO SIX PARCELS

SOURCE: Administration

COMMENT: Dr. Creager, the current lease holder of Lot 31-C at the Porterville Municipal Airport, is requesting permission to split the lot into six separate parcels. He has six separate hangars on Lot 31-C and would like to sell each hangar separately. As the City no longer supports hangar leases by non-owner occupied tenants, this would be in the best interest of the City. The costs involved to split the lot and modify the lease will be borne by Dr. Creager.

RECOMMENDATION: That the Council approve the request to split Lot 31-C into six parcels with Dr. Creager paying for all associated costs.

ATTACHMENT: None
CITY COUNCIL AGENDA: AUGUST 15, 2006

PUBLIC HEARING
STAFF REPORT

TITLE: RIVERWALK MARKETPLACE COMMERCIAL CENTER PROJECT; A REQUEST FOR APPROVAL OF CONDITIONAL USE PERMIT 4-2006 WITHIN THE VIEJO ROBLES PLANNED DEVELOPMENT GENERALLY LOCATED AT THE NORTHWEST CORNER OF JAYE STREET AND STATE ROUTE 190

APPLICANT: ENNIS COMMERCIAL PROPERTIES
643 NORTH WESTWOOD AVENUE
PORTERVILLE, CA 93257

AGENT: CEI ENGINEERING ASSOCIATES, INC.
4237 WEST SWIFT AVENUE
FRESNO, CA 93722

LOCATIONS: The project is generally located at the northwest corner of Jaye Street and State Route 190.

SPECIFIC REQUEST: The applicant is requesting approval of Conditional Use Permit 4-2006 to amend the Conceptual Development Plan for the commercial development and adopt Specific Plan for the Viejo Robles Planned Development, and to allow the development of an approximately 360,000 square foot commercial shopping center (Riverwalk Marketplace) on a 40 acre site within the Viejo Robles Planned Development, allow for the indoor sales of building materials, and to permit the on-site sale of alcohol in a restaurant with a separate bar area.

This item was scheduled and noticed for a public hearing on August 1, 2006. At that time the Council certified the Environmental Impact Report and continued Conditional Use Permit 4-2006 to the meeting of August 15, 2006 to allow the applicant time to submit necessary plans for Council consideration. Staff is requesting a second continuance to allow time for the applicant to submit the necessary plans for staff review and Council approval.

RECOMMENDATION: That the City Council open the public hearing and continue Conditional Use Permit 4-2006 to the City Council meeting of September 5, 2006.
CONDITIONAL USE PERMIT 5-2006
WIRELESS COMMUNICATIONS TOWER (JAMES STRACHAN)

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

Conditional Use Permit 5-2006 proposes to allow the construction of a wireless communications tower and accessories related to operation. The subject site is located at the southeast corner of Olive Avenue and Mathew Street within the All American Mini Storage area in a C-3 (Heavy Commercial) Zone. The tower will stand approximately 90 feet tall. The base of the tower will measure approximately three feet by four feet and will be placed on a four foot by four-foot concrete pad. Adjacent to the tower, a larger concrete pad (150 square feet) will be constructed to allow for the placement of four (4) small cabinets to house the electrical system. The subject lease site is approximately 400 square feet in size and will be enclosed by a six-foot (6') high cyclone fence around the perimeter. The design of the tower will allow for flush mounted antennas and three (3) additional carriers. However, the applicant has stated that only two additional carriers are proposed at this time.

On June 20, 2006, the Porterville City Council amended Zoning Ordinance 2626, by Ordinance 1700. In brief, wireless communications towers to be located in a commercial zone cannot be any higher than 100 feet and no closer than 300 feet to a residentially zoned area. Attached is an aerial that locates the placement of the tower to a point 300.80± feet away from a point zoned R-3 (D) (Multiple Family Residential with a “D” Overlay Site Review). Staff has determined that the project meets the distance criteria defined by the recently adopted Wireless Tower Ordinance.

Section 2103 A-9 of the Porterville Zoning Ordinance allows for radio or television transmitters and receivers subject to a Conditional Use Permit.

RECOMMENDATION: That the City Council:

1. Adopt the Draft Resolution conditionally approving Conditional Use Permit 6-2005 subject to conditions of approval.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: AUGUST 15, 2006

PUBLIC HEARING - STAFF REPORT

TITLE: CONDITIONAL USE PERMIT 6-2005

APPLICANT: Mr. James Strachan
6399 W. Shields Avenue
Fresno, CA 93722

SPECIFIC REQUEST: Conditional Use Permit 5-2006 proposes to allow the construction of a wireless communications tower.

PROJECT DETAILS: Conditional Use Permit 5-2006 proposes to allow the construction of a wireless communications tower and accessories related to operation. The subject site is located at the southeast corner of Olive Avenue and Mathew Street within the All American Mini Storage area in a C-3 (Heavy Commercial) Zone. The tower will stand approximately 90 feet tall. The base of the tower will measure approximately three feet by four feet and will be placed on a four foot by four-foot concrete pad. Adjacent to the tower, a larger concrete pad (150 square feet) will be constructed to allow for the placement of four (4) small cabinets to house the electrical system. The subject lease site is approximately 396 square feet (12’ x 33’) in size and will be enclosed by a six-foot (6’) high cyclone fence around the perimeter. The design of the tower will allow for flush mounted antennas and three (3) additional carriers. However, the applicant as stated that only two additional carriers are proposed at this time.

On June 20, 2006, the Porterville City Council amended Zoning Ordinance 2626, by Ordinance 1700. In brief, wireless communications towers to be located in a commercial zone cannot be any higher than 100 feet tall, nor can they be closer than 300 feet from a residentially zoned area. Attached is an aerial that locates the placement of the tower to a point 300.80± feet away from a point zoned R-3 (D) (Multiple Family Residential with a “D” Overlay Site Review). Staff has determined that the project meets the distance criteria defined by the recently adopted Wireless Communications Tower Ordinance.

Section 2103 A-9 of the Porterville Zoning Ordinance allows for radio or television transmitters and receivers subject to a Conditional Use Permit.

GENERAL PLAN AND ZONING: The General Plan designates the site as Heavy Commercial. The subject site is zoned City C-3 (Heavy Commercial).

SURROUNDING ZONING AND LAND USE:
North: City C-3- Northerly portion of the mini storage area and Olive Avenue.
South: City C-3- Southerly portion of the mini storage area and multiple family residential uses.
East: City C-3- New and used car sale lot and North Main Street.
West: City C-3- Mathew Street, single-family residential dwelling and vacant land.
STAFF ANALYSIS: The electrical cabinets will be enclosed behind a cyclone fence and will not be visible to public view. Slats or other approved view obscuring material will be incorporated within the fence. As the tower is located in a heavy commercial zone, the placement of the tower is less obtrusive than it would be if it were placed in a residentially zoned area. The pole and all associated flush mounted antennas shall be non-reflective, with a treatment color designed to diminish the visual impact on the skyline.

Staff has discussed the option of removing the existing flagpole located approximately seven (7) feet east of the concrete pad and replacing the flag on the tower. The applicant states that due to the future antennas being mounted on the tower, this option may not be feasible.

Section 2103 A-8 of the Porterville Zoning Ordinance allows for radio or television transmitters and receivers subject to a Conditional Use Permit. Staff has also determined that the project meets the distance criteria defined by the recently adopted Wireless Tower Ordinance.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed use permit would not allow the applicant to construct the tower at this location.
2. Approve the project. Approval of the request would result in the applicant being conditionally allowed to construct the tower and associated equipment on this site.

ENVIRONMENTAL: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines - construction of in-fill development. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: October 26, 2006

DATE ACCEPTED AS COMPLETE: August 1, 2006

RECOMMENDATION: That the City Council:

1. Adopt the Draft Resolution approving Conditional Use Permit 5-2006 subject to conditions of approval.

ATTACHMENTS:
1. Zoning, land use and general plan map
2. Aerial photo and photos of the proposed location
3. Ordinance 1700- An Ordinance to regulate construction, operation, and maintenance of wireless communications towers.
4. Application for Conditional Use Permit
5. Notice of Exemption
6. Draft Resolution conditionally approving Conditional Use Permit 5-2006 and tower layout and elevation plans (Exhibit “A”)
ZONING

R-1 — One family residential
R-2 — Four family residential
R-4(D) — Multiple family residential
"D" overlay site review
C-3 — Heavy commercial

LAND USE

V = VETERANS BUILDING

MINI

Approximate location of 12' x 33' lease site

STORAGE COMPLEX

CB

BURTON ELEMENTARY SCHOOL

= LOW DENSITY RESIDENTIAL
= MEDIUM DENSITY RESIDENTIAL
= HIGH DENSITY RESIDENTIAL
= HEAVY COMMERCIAL

ATTACHMENT NO. 1
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:
MISSION CITY ORDINANCE

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 camouflaging 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 one thousand foot (1,000') 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 on 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/componeney 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 5th day of July, 2006.

_________________________
Cameron J. Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
Patrice Hildreth, Deputy City Clerk
STATE OF CALIFORNIA  
CITY OF PORTERVILLE  ) (SS)  
COUNTY OF TULARE  

I, JOHN LONGLEY, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1700, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 5th day of July, 2006, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective on August 4, 2006, at which time said ordinance is deemed to be in full force and effect.

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

<table>
<thead>
<tr>
<th>COUNCIL:</th>
<th>McCracken</th>
<th>P. Martinez</th>
<th>F. Martinez</th>
<th>Stadtherr</th>
<th>Hamilton</th>
</tr>
</thead>
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<tr>
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JOHN LONGLEY, City Clerk

By: Patrice Hildreth, Deputy City Clerk
APPLICATION FOR CONDITIONAL USE PERMIT

(See Page 3 of this form for information on preparing and filing this application)

The Applicant(s) __________________________________ is/are the owner(s) or tenant(s) of property situated at ________________________________________________________________ between _______ Street/Avenue and _______ Street/Avenue. Exact legal description of said property being __________________________________ ____________________________

TULARE COUNTY APN: 259-050-0477048

As applicable, a Plot Plan and 300' radius property owners map, and corresponding mailing list are hereto attached and made a part of this application (See detailed instructions on Page 3 of this form).

(A) Above described property is owned by ________________________________

Date acquired _______ Oct. 1, 1990 _______

(B) If applicant is the lessee, give date property was leased:

______ 8/31/05 _______

(C) List below the original deed restrictions, if any, that were placed on the property which pertain to the type of improvements permitted.

Give date said restrictions expire _______ N/A _______

(You may attach copy of original printed restrictions in answer to this question after property underlining those features controlling the type and class of uses permitted thereby).

(D) REQUEST: The applicant requests a Conditional Use Permit to USE the above described property for the following purposes:

__________________________________________

(Use this space ONLY to state exactly what is intended to be done, on or with the property).

UBQUITEL IS PROPOSING THE CONSTRUCTION OF A WIRELESS COMMUNICATIONS FACILITY TOGETHER WITH A 101' MONO POLE AND 3 RADIO EQUIPMENT CABINETS WITHIN A 600 SQ. FT LEASE AREA. THE PROPOSED MONO POLE WILL ACCOMMODATE UP TO TWO ADDITIONAL EXACTORS.
LEGAL DESCRIPTION

Real property in the City of Porterville, County of Tulare, State of California, described as follows:

PARCEL 1

PARCEL 1 AS SHOWN ON LOT LINE ADJUSTMENT NO. 5-98, AS EVIDENCED BY DOCUMENT
RECORDED APRIL 9, 1998 AS INSTRUMENT NO. 98-25093 OF OFFICIAL RECORDS, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1 AND THE WEST 60 FEET OF PARCEL 2 OF PARCEL MAP NO. 4192, IN THE CITY OF
PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, AS RECORDED IN BOOK 42 OF
PARCEL MAPS, PAGE 96, IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

PARCEL 2

PARCEL 2 AS SHOWN ON LOT LINE ADJUSTMENT NO. 5-98, AS EVIDENCED BY DOCUMENT
RECORDED APRIL 9, 1998 AS INSTRUMENT NO. 98-25093 OF OFFICIAL RECORDS, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 2 OF PARCEL MAP NO. 4192, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE,
STATE OF CALIFORNIA, AS RECORDED IN BOOK 47 OF PARCEL MAPS, PAGE 96, IN THE OFFICE
OF THE RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THE WEST 60 FEET THEREOF.

APN: 259-050-047 and 259-050-048
1. State how the proposed use will not be materially detrimental to the public welfare or injurious to property or improvements in such vicinity and zone in which the use is proposed to be located.
   The proposed wireless facility is within an improved parcel. The use is storage, the proposed wireless facility will not require sewer, water, fire or police protection. I will not generate waste, as proposed the wireless facility will be unmanned and will not impact current traffic circulation.

2. Principal requirements of intended use (Please answer the following statements, if applicable):
   (a) Total number of people that the building (or grounds if the use is not conducted in a building) can accommodate at one time (Seating Capacity).
   Unmanned Facility

   (b) Total number of employees that will work on the property.
   The site will be visited by a technician once a month or as may be required to maintain the facility.

   (c) Total number of off-street parking spaces provided or planned.
   The proposed facility will exist in existing parking during visits by the technician.

   (d) Maximum height of buildings or structures.
   Proposed 90' mono pole 6' tall equipment cabinets.

   (e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.
   N/A
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the facts stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED (Add additional sheets where necessary. These signatures are desirable but not required).

<table>
<thead>
<tr>
<th>No. on Map</th>
<th>Name</th>
<th>Address</th>
<th>Lot</th>
<th>Block</th>
<th>Tract</th>
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<tr>
<td>259-050-19</td>
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<td>264 N. Westwood St.</td>
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<tr>
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<td>Burton School District</td>
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<tr>
<td>259-050-32</td>
<td>Nicholson &amp; Smith Ltd.</td>
<td>10233 Bishop St., Visalia, CA</td>
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<tr>
<td>259-050-40</td>
<td>Dennis &amp; Allen Watson</td>
<td>17771 Rd. 224, Porterville</td>
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<tr>
<td>245-293-011</td>
<td>Russ B. Gomez</td>
<td>2030 W. Della Ave., Porterville</td>
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<tr>
<td>245-293-D72</td>
<td>Julie A. Rusk</td>
<td>2040 W. Della Ave., Porterville</td>
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<tr>
<td>245-294-005</td>
<td>Robert E. St. Kroneck</td>
<td>1171 Sandale Ave., Porterville</td>
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<tr>
<td>245-294-007</td>
<td>Jesus Otherron Fermin, Jr.</td>
<td>321 W. Garden Ln., Porterville</td>
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</table>

APPLICANT'S DECLARATION

STATE OF CALIFORNIA )
COUNTY OF TULARE )

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

I declare under penalty of perjury that the foregoing is true and correct, executed at Porterville this ______ day of November, 2020.

Telephone No. (559) 308-3555

Signature

6399 W. Shields Ave., Visalia, CA 93272

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

By ____________________________

Date Received ____________________
NOTICE OF EXEMPTION

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

Tulare County Clerk
County Civic Center
Visalia, CA 93291

FROM: City of Porterville
291 N. Main Street
Porterville, California 93258

Jamie Strachan
UbiquiTel, Inc.
6781 North Palm, Ste#200
Fresno, CA 93704-1000

Conditional Use Permit 5-2006
Project Title

Southeast corner of West Olive Avenue and Mathew Street in an existing mini storage complex.
Project Location (Specific)

City of Porterville
Tulare County
Project Location (City)
Project Location (County)

Conditional Use Permit 5-2006 proposes to allow for the placement of a 90-foot high wireless communication tower. Pursuant to Section 2103 A-9 of the Zoning Ordinance, radio or television transmitters and receivers are allowed subject to a conditional use permit.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Jamie Strachan, 6781 North Palm, Ste#200, Fresno, CA 93704-1000
Person or Agency Carrying Out Project

Exempt Status: (Check One)

Ministerial (Section 15073)
Declared Emergency (Section 15071 (a))
Emergency Project (Section 15071 (b) and (c))
X Categorical Exemption. State type and section number: 15332, Class 32

In-fill development – Less than 5 acres.
Reasons why project is exempt

Bradley D. Dunlap, AICP, Community Development Director
Contact Person

If Filed by Applicant:

1. Attached certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?
   Yes:_______ No:_______

Date Received for filing:_________________ Signature ____________________
Community Development Director
Title

ATTACHMENT ITEM NO. S
RESOLUTION NO.____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT 5-2006 TO ALLOW THE CONSTRUCTION OF A 90 FOOT HIGH WIRELESS COMMUNICATIONS TOWER AND RELATED EQUIPMENT IN THE C-3 (HEAVY COMMERCIAL) ZONE FOR THAT SITE LOCATED ON THE SOUTHEAST CORNER OF OLIVE AVENUE AND MATHEW STREET IN THE ALL AMERICAN MINI STORAGE SITE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 15, 2006, conducted a public hearing to consider Conditional Use Permit 5-2006, being a request to allow the construction of a 90 foot high wireless communications tower and related equipment in the C-3 (Heavy Commercial) Zone for that site located on the southeast corner of Olive Avenue and Mathew Street in the all American Mini Storage site; and

WHEREAS: On June 20, 2006, the Porterville City Council amended Zoning Ordinance 2626, by Ordinance1700. In brief, wireless communications towers to be located in a commercial zone cannot be any higher than 100 feet or no closer than 300 feet of a residential zone area. Attached is an aerial that locates the placement of the tower to a point 300.80± feet away from a point zoned R-3 (D) (Multiple Family Residential with a “D” Overlay Site Review). Staff has determined that the project meets the distance criteria defined by the recently adopted Wireless Tower Ordinance.

WHEREAS: The City Council made the following findings with respect to the subject project:

1. The General Plan designates the subject site as Heavy Commercial.

   The subject site is zoned C-3 (Heavy Commercial) which is supported by the General Plan. The proposed use is allowed pursuant to approval of a Conditional Use Permit.

2. That the site is physically suitable for the type of development proposed.

   The 400 square foot lease site has soil that is not highly expansive and therefore will not create any barriers to the project as proposed.

3. That the designs of the project or the proposed improvements are not likely to cause substantial environmental damage.

   The location of the tower is situated within the mini storage area. The entire site is developed with improved parking, driveway isles and storage buildings. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.
4. That the proposed location of the project and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The proposed facility will not generate any liquid or solid wastes and there is no need for water or sewage services at the site. No goods are to be sold and materials or supplies will be stored on the site.

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

Section 2103 A-9 of the Porterville Zoning Ordinance allows for radio or television transmitters and receivers subject to a Conditional Use Permit. Additionally, conditions of approval will ensure adequate development standards are met.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 5-2006, subject to the following conditions:

1. Upon submittal of a building permit the following will be required:

   a. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include structural calculations.

   b. Compliance with all applicable codes is required.

   c. Plan check fees are required at the time of building permit issuance.

   d. Pay all other fees at time of permit issuance.

   e. A soils compaction test may be required.

   f. School Development fees and all other City fees are due at the time of building permit issuance.

   g. Signs require a separate permit.

2. The electrical cabinets will be required to be enclosed behind a view obscuring cyclone fence and may not be visible to public view. Slats or other approved view obscuring material will be incorporated with the fence.

3. The pole and all associated flush mounted antennas shall be non-reflective, with a treatment color designed to diminish the visual impact on the skyline.
4. An FAA clearance form will be required to be submitted at the time of building permit submittal.

5. A signed letter by the property owner authorizing the placement and location of the proposed structure will be required at time of building permit submittal.

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

7. The developer/applicant shall provide an easement for access to the proposed lease parcel.

8. The development of the proposed antenna and related improvements shall conform to the approved plans (EXHIBIT “A”).

9. At all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

10. The Conditional Use Permit shall become null and void at the expiration of the term thereof, or if not undertaken and actively and continuously pursued within the time specified in the permit or within one (1) year if no time is specified therein.

_______________________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ________________________________
Georgia Hawley, Deputy City Clerk
NOTE:
All fencing and related assemblies shall be galvanized zinc finish
(Bare wire—ASTM A122 Fabric—ASTM A362-B4 Frame work—ASTM F207-81
Adhering to Table II, 1-C.)

FENCE & GATE DETAIL

1" = 2" (for 11" x 17" Plot)
1" = 1" (for 22" x 34" Plot)
PUBLIC HEARING

SUBJECT: REIMBURSEMENT AGREEMENT FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY – HENDERSON AVENUE RECONSTRUCTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place for a Public Hearing to discuss the establishment of a reimbursement fee for the construction of concrete improvements by the City during the Henderson Avenue Reconstruction Project. The concrete improvements include curbs, gutters, sidewalks and drive approaches in front of undeveloped properties and/or developed properties that lack these public improvements.

Section 20-40.1 of the Municipal Code stipulates that concrete improvements, once constructed, shall be reimbursed to the City of Porterville upon the issuance of a new building permit. Section 20-40.2 of the Municipal Code allows the City to recover the cost of the concrete improvements when the owner pulls a building permit(s) from the City and said permit(s) has a valuation of $15,000 or more within a two (2) year period.

Section 20-40.8 of the Municipal Code requires that each property owner affected by the project be notified of this Public Hearing. The owners have been notified of this meeting and made aware of the reimbursement amount due upon development of their property in accordance with Section 20-40.2 of the Municipal Code.

Upon approval of the attached Resolution, the City will record a general notice of “reimbursement fee” with the office of the Tulare County Recorder. The recorded document will officially notify the current owner and potential buyers that the property is subject to a concrete reimbursement fee.

Staff has calculated the cost of the concrete improvements constructed as a part of these two projects. The calculations are based on actual costs incurred by the City. A map of the affected property owners and the associated concrete reimbursement fee is attached for Council’s reference.
RECOMMENDATION: That the City Council:

1. Open the Public Hearing, take public comments, concerns and questions;

2. Approve the resolution Implementing Development Charges for Construction of Curbs, Gutters, Sidewalks and Drive Approaches; and

3. Authorize staff to record a general notice of “Reimbursement Fee” with the office of the Tulare County Clerk-Recorder.

ATTACHMENTS: Resolution
Locator Map
Reimbursement Spreadsheet
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE IMPLEMENTING
DEVELOPMENT CHARGES FOR
CONSTRUCTION OF CURB, GUTTER, SIDEWALK
AND DRIVE APPROACH IMPROVEMENTS
IN CONNECTION WITH THE HENDERSON AVENUE RECONSTRUCTION PROJECT

WHEREAS, the City of Porterville ("City") has installed street improvements (i.e., sidewalk, curb, gutter and driveways) to serve properties with the Henderson Avenue Reconstruction Project, shown on the locator map (Exhibit "A") attached hereto and hereby made a part hereof; and

WHEREAS, City has paid the entire cost of the construction of said street improvements as shown in the tabulation contained in Exhibit "B", which is attached and made a part hereof; and

WHEREAS, construction of said street improvements, including curb, gutter, sidewalk and drive approaches, was necessary to properly finish the street; and

WHEREAS, the property owner benefits from the improvements constructed across the frontage of his/her property; and

WHEREAS, equitable distribution of the cost of constructing said street improvements can only be obtained if the owner pays for the portion of construction of the improvements that benefit his/her property; and

WHEREAS, the owners of adjacent property have not paid, assumed or discharged any of the costs in connection with the construction of the street improvements listed on Exhibit "B"; and

WHEREAS, the described charges are a one-time charge and shall be used to reimburse the City and pay the City's obligations with regard to the Certificates of Participation Fund and Local Transportation Fund used to fund the Henderson Avenue Reconstruction Project; and

WHEREAS, the City Council has held a duly noticed public hearing concerning these charges;
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES RESOLVE AS FOLLOWS:

1. The fees as set forth in Exhibit “B” will be required as a condition of development with regard to the properties listed. “Development” shall include building permits for substantial modifications in conformity with Porterville Municipal Code Section 20-40.2 or any other grants of approval for development of the parcel.

2. City shall deposit, invest, account for, and expend the fees, pursuant to the Mitigation Fee Act.

3. For existing single-family residences subject to the charge, property owners may, at the time reimbursement is required, enter into a contract with the City for payment of the costs over a five-year period.

4. At the time of Development, at the request of the property owner, the City shall verify the costs to the owner by field measurements to ensure the accuracy of the charge.

5. If the Development by the owner requires removal of any portion of the city installed improvements, the cost of such portion of improvements shall be deducted from the cost to be reimbursed by the owner.

6. Upon adoption of this Resolution, City shall record abstracts notifying property owners of the imposition of the charges with the Tulare County Recorder’s Office.

7. The fees shall go into effect in accordance with California law and the specific conditions of approval established concerning the applicable permits and applications.

   ADOPTED this ____ day of _____________, 2006.

   ____________________________
   Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

_____________________
Georgia Hawley, Chief Deputy City Clerk

PUBLIC HEARING

SUBJECT: WATER CONSERVATION PHASE II, WATER SYSTEM STATUS

SOURCE: Public Works Department - Field Services Division

COMMENT: Phase II water conservation efforts for 2006 began in May. The City promoted May as water awareness month and provided water conservation information and water saving kits to the public during the Porterville Fair. A media campaign began in late May with newspaper and radio messages and website information provided. Letters were mailed to restaurants requesting that water only be served upon request, and local landscapers requesting reduced landscape watering and avoid watering between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m.

The water system status is marginally improved from last year. Mild weather in May and June reduced water demands as compared to prior years. The extended 100+ degree-days in July affected the water system, particularly in the early evening hours, with the system showing increased water demands as compared to recent years. Water usage in the numerous construction projects doubled from the month of June to July.

Production capabilities are stable, and the peak consumption appears to have occurred in July, where in previous years August has shown to be the peak consumption month. Even though August is off to a mild start, Porterville residents are encouraged to continue their conservation efforts.

This Public Hearing has been continued for several meetings for the consideration of moving into Phase III. Phase III of the water conservation plan provides for a 20% rate increase on residential and landscape accounts to encourage conservation during times of severe water supply shortage. Staff is not recommending Phase III at this time and does not anticipate the need for further Phase III consideration this year. Staff will prepare a summer water report for the September 19, 2006 Council meeting.

RECOMMENDATION: That City Council:


ATTACHMENT: Production Graph

[Signature]

Item No. 29
Monthly Production 2004 - 2006
(Primary Water System)
SUBJECT: SECOND READING - ORDINANCE NO. 1702, DISESTABLISHING THE BUSINESS IMPROVEMENT AREA OF THE CITY OF PORTERVILLE

SOURCE: City Clerk Division

COMMENT: Ordinance No. 1702, disestablishing the Business Improvement Area of the City of Porterville, was given First Reading on August 1, 2006, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1702, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1702
ORDINANCE NO. 1702


WHEREAS, the Business Improvement Area of Porterville was established in 1987, in accordance with the Parking and Business Improvement Area Law of 1979, for the purposes of promotion of business activities in the District area, promotion of public events to take place on or in public places in the area, decoration of public places within the area, and the furnishment of music in public places in the area; and

WHEREAS, over the years, various business owners who are located within the District and pay assessments have voiced concerns with regard to the effectiveness of the Business Improvement Area/District; and

WHEREAS, disestablishment of the Business Improvement Area/District is governed by local City regulations and California Streets and Highways Code Sections 36515, 36550, and 36551; and

WHEREAS, in accordance with applicable law, on June 20, 2006, the City Council adopted Resolution No. 84-2006, a Resolution of the City Council of the City of Porterville Resolving the Intent to Disestablish the Business Improvement Area of the City of Porterville and Proposing to Dispose of Assets Acquired with the Revenues of Assessments Levied within the Business Improvement District, and said Resolution set the public hearing for consideration of an ordinance disestablishing the District, to be held during the regularly scheduled City Council Meeting on Tuesday, July 18, 2006, 7:00 p.m. or as soon thereafter as the matter can be heard; and

WHEREAS, the above-referenced public hearing was duly noticed and held, and continued to and concluded on August 1, 2006; and

WHEREAS, at the hearing the City Council heard all protests and received evidence for and against the proposed action and ruled upon all protests, and at the conclusion of the public hearing no majority protest was received opposing the disestablishment of the District;

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

SECTION 1. That the Porterville Business Area and District is hereby disestablished. Any assets that have been acquired with the revenues of the assessments levied within the Business Improvement District Area shall be disposed of in accordance with the City’s surplus property procedures. Any remaining revenues, or proceeds of any sales of the assets shall be refunded to the assessed business owners in the same manner as the assessments are calculated.

SECTION 3. Pursuant to California Streets and Highways Code Section 36551, Notice of disestablishment of the area shall be published once in a newspaper of general circulation in the City, not later than 15 days after the ordinance disestablishing the area is adopted.

SECTION 4. This ordinance shall be in full force and effect thirty (30) days after its passage, adoption and approval.

ADOPTED, SIGNED AND APPROVED this 15th day of August, 2006.

_______________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: Georgia Hawley, Chief Deputy City Clerk
ARTICLE IV. BUSINESS IMPROVEMENT AREA

Sec. 15-31. Authority.

This article is adopted pursuant to the “Parking and Business Improvements Area Law of 1979,” being Section 36500 et seq. of the California Streets and Highways Code, and Resolution of Intention No. 51-87, adopted by the city council on May 19, 1987, and titled “A Resolution of the City Council of the City of Porterville, California, Declaring its Intentions To Establish a Business Improvement Area in the Central Business District Area of the City of Porterville, To Provide for the Levying of Assessments and Charges on Specified Business Conducted Within Such Area, Classifying Various Businesses for Such Purposes, Describing the Boundaries of the Proposed Area, the Authorized Uses To Which the Proposed Revenues Shall Be Put, the Rate of Such Charges, Fixing the Time and Place of a Hearing To Be Held by the City Council To Consider the Establishment of Such an Area, and Directing the Giving of Notice of Such Hearing.” Such resolution was published and mailed as provided by law, and hearings thereon were held by the city council at its regular meeting on June 16, 1987, at which time all persons desiring to be heard, and all objections made or filed, were fully heard. The city council duly concluded the hearing on June 16, 1987, and determined that protests-objecting to the formation of the area have not been made by a majority of the businesses within the area and that such protests are overruled and denied. The city council hereby finds that the businesses and improvement area, in the opinion of the city council, will be benefitted by the expenditure of the funds raised by the charges proposed to be levied. (Ord. No. 1383, § 1(1), 7-7-87)

Sec. 15-32. Area established; description.

(a) There is hereby established a business improvement area which shall be known as the “Business Improvement Area of the City of Porterville,” herein referred to as the “area” for brevity and convenience. The description of the area is as follows:

All that property within the boundaries of the following described lines:

Beginning at the intersection of the north right-of-way line of Olive Avenue with the east line of the Southern Pacific Railroad property, said line being fifty (50) feet east of the center of the main track; thence northerly along said line parallel to said main track two thousand seven hundred eighty (2,780) feet more or less to its intersection with the south right-of-way line of Morton Avenue; thence easterly along the south right-of-way of Morton one thousand sixty (1,060) feet more or less to its intersection with the west right-of-way line of Second Street; thence southerly nine hundred (900) feet more or less to its intersection with the south right of-way line of Cleveland Avenue; thence easterly along said south right-of-way line, one hundred seventy (170) feet more or less to the west line of an alley; thence southerly along the west line of the alley one thousand eight hundred ninety (1,890) feet more or less to its intersection with the north right-of-way line of Olive Avenue; thence west along said right-of-way line, one thousand two hundred thirty (1,230) feet more or less back to the point of beginning.
(b) The businesses located in the area shall be subject to any future amendments to the “Parking and Business Improvement Area Law of 1979” (commencing with Section 36500 of the Streets and Highways Code). (Ord. No. 1383, § 1(2), 7-7-87)

Sec. 15-33. Authorized uses of additional revenue.
The authorized uses to which the additional revenue shall be put are as follows:

(1) The general promotion of business activities in the area.

(2) Promotion of public events which are to take place on or in public places in the area.

(3) Decoration of any public place in the area.

(4) Furnishing of music in any public place in the area. (Ord. No. 1383, § 1(3), 7-7-87)

Sec. 15-34. Levy of charge in addition to business license tax.
There is hereby imposed a charge for the purposes authorized in section 15-33, which charge is in addition to the ordinary business license tax as it is imposed upon businesses conducting their activities within the area by chapter 15 of the Porterville City Code. Such additional charge is imposed at the rates set forth in section 15-35 for the specified business classifications regardless of whether the business is taxed upon a flat rate or other basis under the provisions of chapter 15 of the Porterville City Code. (Ord. No. 1383, § 1(4), 7-7-87)

Sec. 15-35. Classification of businesses and charges imposed.
(a) Businesses classified; determination of charge. The businesses conducted in the area are classified as follows so as to promote the equitable imposition of the additional charge hereunder in relation to the relative benefits to be derived. The charge shall be as follows: Charges totaling an amount (not to exceed five hundred dollars ($500.00) semi-annually) equal to one hundred (100) percent of the amount paid to the city for a business license shall be paid by each business having a business license within the area of benefit.

(b) Determination of type or class of business to be made by purchasing agent. The determination of the type or class of business or businesses a charge payer is engaged in or about to engage in shall be an administrative function of the purchasing agent or designee of the city in accordance with chapter 15 of the Code of the city.

(c) Change in classification; investigation. In cases where a charge payer believes he is placed in the wrong business or class of business or businesses, he may apply in writing to the purchasing agent for a change in his classification, setting forth in full his reason for requesting such change. The purchasing agent shall conduct an investigation and shall thereupon render his decision in writing as to the proper classification or classifications.

(d) Appeal to Administrative Services Manager or designee by charge payer. If the charge payer is aggrieved by the purchasing agent's decision, he shall have the right to appeal to the Administrative Services Manager or designee. The appeal shall be filed with the Administrative Services Manager or designee within ten (10) days of the date of the purchasing agent's decision,
and shall be heard by the Administrative Services Manager or designee within thirty (30) days thereafter. The charge payer shall be given at least seven (7) days' notice of the hearing by the Administrative Services Manager or designee. (Ord. No. 1383, § 1(5), 7-7-87; Ord. No. 1614, § 1, 9-17-02)

Sec. 15-36. Exemption; voluntary contribution.

Any business, person or institution located in the area, which is exempt from the payment of the ordinary business operations tax of the city by reason of the provisions of the laws of the United States or the city or by reason of the provisions of the United States or California Constitution, is not to be charged under this proceeding but may make a voluntary contribution to the city. Such contribution shall be used for the purposes provided in this article. (Ord. No. 1383, § 1(6), 7-7-87)

Cross reference—Exemptions to license tax, § 15-6.

Sec. 15-37. Modification or disestablishment of area.

(a) Generally; resolution. The city council, by ordinance, may modify the provisions of this article hereby proposed, and may disestablish the area, after adopting a resolution of intention to such effect. Such resolution shall describe the proposed change or changes, or indicate that it is proposed to disestablish the area, and shall state the time and the place of a hearing to be held by the city council to consider the proposed action.

(b) Petition by majority of businesses; filing date. If a majority of the businesses in the area file a petition with the city clerk requesting the council to adopt a resolution of intention to modify or disestablish the area, the council shall adopt such resolution and act upon it as hereinafter provided. Signatures on such petitions shall be those of a duly authorized representative of businesses in the area; and the petition shall be filed with the city clerk within six (6) weeks of the date on which the first signature was affixed.

(c) Publication and mailing of resolution. The city clerk shall cause such resolution to be published at least once in the official newspaper of the city, and shall also mail a complete copy thereof, postage prepaid, to each business in the area, or, if it is proposed to enlarge the boundaries of the area, to each business in the area as it is proposed to be enlarged, such publication and mailing shall be completed at least fifteen (15) days prior to the date of the hearing.

(d) Modification of article provisions, protest by area businesses. In the event the resolution proposes to modify any of the provisions of this article, including changes in the existing charges or in the existing boundaries of the area, such proceedings shall terminate if protest is made by a majority of the businesses in the area, or in the area as it is proposed to be enlarged, provided that the city council may modify the boundaries or charges as specified in Streets and Highways Code Sections 36526 through 36540.

(e) Disestablishment procedures. In the event the resolution proposes disestablishment of the area, the city council shall disestablish the area in accordance with provisions of the Parking and Business Improvement Area Law of 1979, unless at such hearing, protest against disestablishment is made by a majority of the businesses in the area.

(f) Hearing by council. At the hearing, the city council shall hear all protests and receive evidence for and against the proposed action and shall rule upon all protests. The council's determination in this regard shall be final. The council may continue the hearing from time to time. (Ord. No. 1383, § 1(7), 7-7-87; Ord. 1537, § B52, 8-6-96)

Sec. 15-38. Administration.

The council may provide for the administration of the area's activities by entering into a contract with
an entity that, in the opinion of the city council, will have the capability of representing the interests of the businesses in the area, whose general objectives will be consistent with the purposes of this article, and who will provide the resources to effectively achieve those objectives. However, in such event the city council shall reserve onto itself sole discretion as to how the revenue derived from the charges hereunder shall be used within the scope of the authorized purposes. (Ord. No. 1383, § 1(8), 7-7-87)

Sec. 15-39. Payment of charge; effective date; fund.
   (a) Generally. The collection of the charges imposed hereunder shall be at the same time and in the same manner as the general business license tax under chapter 15 of the City's Code commencing January 1, 1988.

   (b) Business improvement area fund created. A special fund is hereby created, known as the "business improvement area fund," and the charges imposed by this article shall be deposited in such fund. (Ord. No. 1383, § 1(9), 7-7-87)
TITLE: DESIGN OVERLAY SITE REVIEW 3-2006

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of three (3) office buildings totaling 30,013± square feet to be located at the northeast corner of Morton Avenue and Prospect Street. The subject site is within the PO(D) (Professional Office - Design Review Overlay) Zone. The three buildings are approximately 10,615 square feet, 10,869 square feet, and 8,529 square feet.

The 10,615 square foot building will front on Morton Avenue, and will be designed to allow for three (3) different office spaces. This building will be built as a shell and will have the interior remodeled at a later date to suit the tenant’s needs. The 10,869 square foot building will front onto Prospect Street and will be constructed to allow for one professional office use. The two larger buildings are aligned near the corner of the lot to create a pathway and courtyard area between the two buildings nearest the intersection of Morton Avenue and Prospect Street.

The proposed 8,529± square foot building will front onto Prospect Street in the northwest portion of the site and will be designed to allow for three (3) different office spaces. This building will be built as a shell and will have the interior remodeled at a later date to suit the tenant’s needs.

Parking area ingress and egress will be located near the northern property line from Prospect Street. The office complex will also share a drive approach with the Porterville Convalescent Hospital located just east of the subject site. The tenants of the three (3) buildings will share all parking.

Pursuant to the City Zoning Ordinance, Professional Office parking is calculated at the ratio of one (1) parking space for every 300 square feet of gross floor area for non-medical or financial uses, and one for every 200 square feet for non-restricted office uses. The total square footage of all buildings equates to 30,013± square feet, which requires a total of 150 parking spaces if medical or financial uses may occupy the buildings; the site plan provides for 150 spaces and is compliant with the parking requirement and no restrictions of medical or financial type tenants would be enforced.

ENVIRONMENTAL: The project as proposed is Categorically Exempt pursuant to Section 15332, Class 32 of the CEQA Guidelines - (In-fill Development Projects).

[Signature] Appropriated/Funded ______ CM_______ Item No. 31
RECOMMENDATION: That the City Council:

1. Adopt the draft resolution containing findings and conditions in support of approval of Design Overlay Site Review 3-2006.

ATTACHMENTS:

1. Complete Staff Report.
STAFF REPORT

TITLE: DESIGN OVERLAY SITE REVIEW 3-2006

APPLICANT: Blue Sky Central Land Company
704 Melinda Avenue
Porterville, CA 93257

REPRESENTATIVE: Townsend Architectural Group
633 N. Westwood Street, Suite A
Porterville, CA 93257

SPECIFIC REQUEST:

The applicant is requesting approval of a Design Overlay for three (3) office buildings totaling 30,013 square feet to be located at the northeast corner of Morton Avenue and Prospect Street. The subject site is within the PO(D) (Professional Office - Design Review Overlay) Zone. The three buildings are approximately 10,615 square feet, 10,869 square feet, and 8,529 square feet.

PROJECT DETAILS:

The 10,615 square foot building will front on Morton Avenue, and will be designed to allow for three (3) different office spaces with five (5) door entrances from the north side of the building, and one (1) entrance from the south side of the building. This building will be built as a shell and will have the interior remodeled at a later date to suit the tenant’s needs. The 10,869 square foot building will front onto Prospect Street and will be constructed to allow for one professional office use. The two larger buildings are aligned near the corner of the lot to create a pathway and courtyard area between the two buildings nearest the intersection of Morton Avenue and Prospect Street.

The proposed 8,529 square foot building will front onto Prospect Street in the northwest portion of the site and will be designed to allow for three (3) different office spaces with three (3) door entrances from the east side of the building, one (1) entrance from the north side of the building and one (1) entrance from the west side of the building. This building will be built as a shell and will have the interior remodeled at a later date to suit the tenant’s needs.

The building exterior, including doors and windows, are aesthetically enhanced with arches, shutters, pillars, and varied roof heights. Walkways and courtyards will feature concrete flatwork, which would include patterns and tinted concrete to complement the buildings. A trellis covered courtyard and fountain will be located at the immediate northeast corner of Prospect and Morton with a paseo extending northeast between the two larger buildings to a covered structure. A similar paseo and covered structure will extend between the two (2) buildings fronting on Prospect Street.
As represented in the materials board, all buildings will be finished of stucco with a light dash finish, earth tone in color. Portions of the buildings with outside covered areas will incorporate an earth tone cultured stone. Roof tiles, light brown in color, will complement the other building materials. Windows and glass doors will be treated with a bronze solar glaze to reduce glare. A six-foot high masonry fence is proposed along the full length of the north and east property boundaries.

Parking area ingress and egress will be located near the northern property line from Prospect Street. The office complex will also shared a drive approach with the Porterville Convalescent Hospital located just east of the subject site. The tenants of the three (3) buildings will share all parking.

Pursuant to the City Zoning Ordinance, Professional Office parking is calculated at the ratio of one (1) parking space for every 300 square feet of gross floor area for non-medical or financial uses, and one for every 200 square feet for non-restricted office uses. The total square footage of all buildings equates to 30,013± square feet, which requires a total of 150 parking spaces if medical or financial uses may occupy the buildings; the site plan provides for 150 spaces and is compliant with the parking requirement and no restrictions of medical or financial type tenants would be enforced.

GENERAL PLAN AND ZONING: The project is consistent with the current General Plan land use designation and zoning. The General Plan designates the site as Professional Office; the site is zoned PO(D) (Professional Office - Design Review Overlay) Zone.

SURROUNDING ZONING AND LAND USE:

North: City – Multiple and single family residential uses
South: City – Morton Avenue and single family residential uses
East: City – Convalescent home
West: City – Prospect Street and Veterans Park

STAFF ANALYSIS:

The project meets the requirements of the Porterville Municipal Code for a project of this type. In line with the intent of the Design Overlay Site Review process, the buildings as proposed maintain a unified architectural theme. In addition, the project landscaping and other site improvements would be an attractive addition to the streetscape.

Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.
ALTERNATIVES TO THE PROJECT AND THEIR EFFECT.

1. No project. Denial of the proposed use permit would not allow the applicants to construct the professional office complex as it is proposed.

2. Approve the project. Approval of the request would result in the applicant being conditionally allowed to construct the professional office complex as proposed subject to approval of “D” Overlay Site Review 3-2006.

ENVIRONMENTAL: This project is Categorically Exempt pursuant to Section 15332 Class 32 of the CEQA Guidelines - In-fill Development projects.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: April 5, 2006

DATE ACCEPTED AS COMPLETE: July 17, 2006

ATTACHMENTS:

1. Zoning, Land Use and General Plan designation map
2. Notice of Exemption
3. Draft Resolution containing findings and conditions in support of “D” Overlay Site Review 3-2006 (Includes site plan and elevations - Exhibit “A”)
"D" OVERLAY
SITE REVIEW
NO# 3-2006

NORTH

GENERAL PLAN

LAND USE

ATTRACHMENT 1
NOTICE OF EXEMPTION

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

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

Tulare County Clerk
County Civic Center
Visalia, CA 93291

Blue Sky Central Land Company
704 Melinda Avenue
Porterville, CA 93257

"D" Overlay Site Review 3-2006
Project Title

Generally the northeast corner of Morton Avenue and Prospect Street.
Project Location (Specific)

City of Porterville
Tulare
Project Location (City) Project Location (County)

"D" Overlay to allow for the construction of three (3) office buildings totaling 30,013 square feet in the PO (D) (Professional Office "D" Overlay Site Review) Zone.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Blue Sky Central Land Company, 704 Melinda Avenue, Porterville, CA 93257
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

______ Ministerial (Section 15073)
______ Declared Emergency (Section 15071 (a) )
______ Emergency Project (Section 15071 (b) and (c) )
______ X Categorical Exemption. State type and section number: 15332 Class 32

In-fill development.
Reasons why project is exempt

Bradley D. Dunlap, AICP, Community Development Director
Contact Person
If Filed by Applicant:

1. Attached certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the Project? Yes:

Date Received for filing: __________

Signature
Community Development Director
Title

U/NoticeExempt"D"overlay3-2006

ATTACHMENT
ITEM NO. 2
RESOLUTION NO _________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF “D” OVERLAY SITE
REVIEW 3-2006 TO ALLOW FOR THE CONSTRUCTION OF THREE (3) OFFICE
BUILDINGS TO BE LOCATED AT THE NORTHEAST CORNER OF
MORTON AVENUE AND PROSPECT STREET IN THE
PO(D) (PROFESSIONAL OFFICE - “D” OVERLAY SITE REVIEW) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of
August 15, 2006, reviewed and considered “D” Overlay Site Review 3-2006, to allow for the
construction of three (3) office buildings to be located at the northeast corner of Morton Avenue and
Prospect Street in the PO(D) (Professional Office – “D” Overlay Site Review) Zone; and

WHEREAS: The three buildings are approximately 10,615 square feet, 10,869 square feet,
and 8,529 square feet in size as represented in Exhibit A; and

WHEREAS: The 10,615± square foot building will front on Morton Avenue, and will be
designed to allow for three (3) different office spaces to be built as shell and will have the interior
remodeled at a later date to suit the tenant’s needs. The 10,869± square foot building will front onto
Prospect Street and will be constructed to allow for one professional office use. The two larger
buildings are aligned near the corner of the lot to create a pathway and courtyard area between the
two buildings nearest the intersection of Morton Avenue and Prospect Street; and

WHEREAS: The proposed 8,529± square foot building will front onto Prospect Street in
the northwest portion of the site and will be designed to allow for three (3) different office spaces.
This building will also be built as a shell and will have the interior remodeled at a later date to suit the
tenant’s needs. Future tenant occupancy will require an interior remodeling permit and will not
require additional review by the City Council; and

WHEREAS: Pursuant to the City Zoning Ordinance, Professional Office parking is
calculated at the ratio of one (1) parking space for every 300 square feet of gross floor area for non-
medical or financial uses, and one for every 200 square feet for non-restricted office uses. The total
square footage of all buildings equates to 30,013± square feet, which requires a total of 150 parking
spaces if medical or financial uses may occupy the buildings; the site plan provides for 150 spaces and
is compliant with the parking requirement and no restrictions of medical or financial type tenants
would be enforced, and

WHEREAS: The City Council received testimony from all interested parties relative to said
Design Overlay Site Review; and

WHEREAS: The City Council made the following findings:

1. This project is Categorically Exempt pursuant to Section 15332 Class 32 of the
CEQA Guidelines - In-fill Development projects.

ATTACHMENT
ITEM NO. 3
2. That the proposed project is consistent with the General Plan.

The General Plan designates the subject site for Professional Office uses. The existing PO (D) zoning and proposed use is consistent with the General Plan.

3. That the design and operation of the proposed project are consistent with the existing zoning.

Pursuant to Article Six (6) of the Porterville Zoning Ordinance, only Professional Office uses as defined by the Ordinance are allowed in this zone. The proposed use is consistent with those uses allowed in this zone.

4. That the proposed use is not likely to cause substantial environmental damage.

The subject site is flat. City staff conducted an on-site inspection. The subject site is vacant and has been regularly disked for weed control. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve “D” Overlay Site Review 3-2006 subject to the following conditions:

1. The six (6) foot masonry block wall proposed along the full length of the north and east property boundary is required to match one of the colors in the color palette approved by the City Council and maintained by the Community Development Director.

2. Roof mounted mechanical equipment shall be screened from all ground level views in a manner that is architecturally compatible with the development.

3. No wall-mounted equipment is allowed that is visible from the street and parking lots.

4. Three (3) complete sets of plans, signed by a licensed Architect or Engineer to include two (2) sets of energy calculations and structural calculations are required for building permit submittal.

5. Compliance with access laws (both State and Federal) is required.

6. School Development fees and all other City fees are due at the time of building permit issuance.

7. Compliance with all applicable codes is required.

8. The developer/applicant shall pay all applicable fees according to the Municipal Code and State Law.
9. A soils compaction test will be required.

10. Plan check fees are required at the time of building permit submittal.

11. Signs require a separate permit. Signage must be architecturally compatible with the proposed development, and have a consistently themed treatment for the office complex. Signs are subject to the Community Development Director approval.


13. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

14. The developer/applicant shall follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

15. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).

16. The developer/applicant shall reimburse the City for street sidewalk improvements constructed as part of the Prospect Street Reconstruction Project ($3,780.00) in accordance with Resolution No. 133-2003.

17. The developer/applicant shall provide a site with the property lines described by Lot Line Adjustment No. 2-94, recorded February 16, 2004 as Document No. 94-012104.

18. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306).

19. The developer/applicant shall utilize the existing common ingress and egress access easement as the point of access on Morton Avenue.

20. Easements shall be in place that allows for mutual ingress, egress and maintenance of the parking lot, if applicable.
21. Easements shall be in place that allow for mutual maintenance of sewer and water, if applicable.

22. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).

23. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.

24. The developer/applicant shall install masonry wall along the east and north property lines in accordance with Section 2617 of the Zoning Ordinance.

25. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

26. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.

27. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit a Wastewater Discharge Permit Application, Part “A”.

28. If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

29. The developer/applicant shall install a refuse container enclosure according to City Standards. Enclosure location is to be approved by the City prior to issuance of building permit. Enclosure should be oriented for direct stab pickup. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

30. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.

31. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.
32. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.

33. The owner/applicant is to install trees, approved as City Street Trees, along the Morton Avenue and Prospect Street frontages of the property. These trees are to be planted at spacing equivalent to a minimum of one tree per 35 feet of roadway frontage. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks.

34. The parking lot and driveway areas are to be shaded with trees planted on the property at a minimum ratio of one tree per 8 parking spaces. Parking lot tree wells are recommended to be a minimum of twenty (20) square-feet in size.

35. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including street trees. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and clean appearance.

36. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers is:

   a. Twenty or more in Group I Divisions 1.1 and 1.2 Occupancies
   b. One hundred or more in all other occupancies.

37. Submit two (2) complete sets of sprinkler and/or fire alarm plans to the Fire Department for review prior to installation.

38. For automatic sprinkler systems, underground plans must be submitted and approved prior to submittal of the above ground. A hydrant will be required within 50’ of the Fire Department Connection.

39. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required.

40. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

41. Fire hydrant spacing shall be as follows: In **Commercial development**, one hydrant shall be installed at 300-foot intervals.

42. Project must meet minimum fire flow requirements per table in Appendix III-A & III-B of the California Fire Code.
43. Areas identified as "Fire Lanes" must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Sec. 22500.1.

44. A knox box will be required. An application may be obtained from the Fire Department.

45. That the subject site shall be developed in accordance with the site plan and elevation plans labeled EXHIBIT "A". Any change in the color scheme or architecture as proposed for the office buildings shown on Exhibit "A" will require the approval of the Community Development Director.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: Consideration of Revised Agreement with The Chamber of Commerce

SOURCE: City Manager

Mayor Hamilton and City Manager Longley recently met with representatives of the Chamber of Commerce regarding a proposed revision to the agreement. The primary subjects of discussion were the additional duties of coordinating some Centennial Plaza activities and coordinating the activities for Porterville’s Community Festival.

The discussion was to prepare a modification to the agreement which specified the $30,000 annual fee and provided that new duties of coordinating the Community Festival in October and Friday events in Centennial Park during April, May and June except for Fair and Iris Festival weekends.

Mayor Hamilton asked both the Chamber and the City staff representatives to provide estimates of cost for these activities.

Attached are a revision to the agreement, a specification of City responsibilities for both the Centennial Park Friday Night events and the Centennial Festival, and both Chamber and City budgets.

The City Manager and Park and Leisure Services Director met with the Chamber President to finalize the staff report. It appears matters are close to agreement. The Chamber is concerned that of the proposed $10,000 increase in the contract amount, $8,000 will be consumed with cost for new duties. It would be appropriate for the Council to consider this concern at the time it reviews the contract for approval.

The City’s additional cost for logistical support is $5,300. This will have to be reallocated from current Park and Leisure Services programs or requested by supplemental appropriation.

RECOMMENDATION: Approve the agreement as presented with an appropriate level of compensation to the Chamber of Commerce.

Item No. 32

City Manager Longley
AGREEMENT BETWEEN
THE CITY OF PORTERVILLE AND
THE PORTERVILLE CHAMBER OF COMMERCE

This agreement is made and entered into on the ____ day of _____________, 2006, by and between the CITY OF PORTERVILLE, hereinafter referred to as “City”, and the PORTERVILLE CHAMBER OF COMMERCE, hereinafter referred to as “Chamber,” both of whom understand and agree as follows:

WHEREAS, the City is desirous of maintaining and asserting positive community values, of disseminating information relative to promoting the advantages of Porterville, and of supporting public interest activities; and

WHEREAS, Section 37110 of the Government Code of the State of California authorizes the expenditure of not more than five percent (5%) of monies accruing to the General Fund in any one fiscal year for music and promotional activities, including promotion of sister city and town affiliation programs; and

WHEREAS, the Chamber is actively engaged in promoting civic, social, and cultural events and activities, and is therefore believed to be organized, equipped, and capable of conducting promotional activities on behalf of the City; and

WHEREAS, it is not the intent of the City to fully underwrite, subsidize, or sponsor any particular program or activity, but to provide contributing support towards the maintenance and continuance of certain existing programs and activities of the
Chamber, which best achieve the promotional objectives of the City.

**NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:**

I. **Chamber Responsibilities.** The Chamber shall:

   A. Continue to carry on programs and promotional activities that include:

      1. Mail solicitations, information pool, referral services, and the visitor information bureau.

      2. Holiday advertising campaigns, and the design and construction of the Porterville booth for the Tulare County Fair.

      3. Printing and distribution of informational pamphlets and brochures.

   B. Assume all duties and responsibilities relating to the following:

      1. Locating, scheduling, coordinating, and programming for Centennial Park’s Friday night activities for April, May, and June except for Fair and Iris Festival weekends. The City will provide logistical support.

      2. Planning and coordinating the Annual Community Festival, at Centennial Park, in October. The City will provide logistical support.

      3. Providing any other assistance as may be mutually agreed upon from time to time during the period of this Agreement.

   C. By May 15 of each year, furnish an annual activity report to the City covering the prior year’s promotional programs and activities for the reporting period from May 1 through April 30, with specific emphasis on sufficient relevant information to satisfy the terms and intent of this Agreement as heretofore enumerated. The Chamber shall also furnish the City with copies of its annual financial reports within thirty (30) days after they are prepared.

II. **Payment By City.** As consideration for the above-mentioned responsibilities, the
City shall, during the term of this agreement, pay the Chamber the sum of Thirty Thousand Dollars ($30,000.00) per year. Such annual payments shall be made on or before September 1 of each year, commencing in 2006. However, such annual payments shall not be made until the City receives and reviews the annual activity report referred to in paragraph I(C) for the proceeding reporting period (May 1 through April 30).

III. Term. This agreement shall be in effect commencing date of execution of this Agreement and shall continue in effect until June 31, 2007, and thereafter on a year-to-year basis, beginning on July 1 of each year, until terminated according to paragraph IV of this Agreement.

IV. Unilateral Termination. This Agreement may be terminated by either party, and for any reason, providing thirty (30) days written notice to the other. This Agreement shall terminate forthwith thirty (30) days following the date such notice is received by the non-terminating party.

V. Annual Review. This Agreement shall be reviewed annually to determine whether it should be amended to increase or decrease the amount of consideration required of either party, including the amount payable to the Chamber. Subject to City budgetary limitations, any increases or decreases shall be based on services provided and expected to be provided during the then current and next fiscal years by the Chamber, and the expected tax revenues to the City from business activities during the then current and next fiscal years.

VI. Amendment. This Agreement may be amended or modified only by a writing signed by both parties. Failure on the part of either party to enforce any provision of this Agreement shall not be construed as a waiver of the right to compel enforcement of such provisions.

VII. Annual Review. This Agreement shall not be assigned by the Chamber without the written consent of the City, and such consent may be withheld for any reason.

VIII. Notices. All notices required by the Agreement shall be in writing and delivered in person or sent by registered mail, postage prepaid.
IX. Relationship of Parties. It is understood that the contractual relationship of the Chamber to the City is that of an independent contractor.

CITY:

_________________________________________
Cameron Hamilton, Mayor

ATTEST
John Longley

By: ________________________________
      John Longley, City Clerk

CHAMBER:

________________________________________
Donnette Silva Carter
President/CEO

ATTEST

By: ________________________________
      Mimi Stoneburner, Chair
      Chamber Board of Directors

APPROVED AS TO FORM:

____________________________
Julia Lew, City Attorney
City of Porterville Responsibilities

Centennial Park Friday Night Events

Sound equipment
Porta-potties
Trash - cans and refuse bins

Logistics - City Staff Support
Set-up Chairs - 3 dozen, but optional if we want to advertise to bring their own

Staff person to greet entertainer(s) and be present during the event, introduce the group

Chamber must be named as additional insured on City insurance

Community Festival

Sound equipment
Porta-potties
Trash - cans and refuse bins

Logistics - City Staff Support
Street closure sign posting prior to event
Set-up 4 dozen chairs in stage area
Transport and set-up second stage if desired
Set-up fencing if used
Set-up street closure barricades
Set-up canopies/EZ-Ups
Takedown of all of the above
Centennial Park Activities

Insurance - not needed if Chamber only provides administration and not req’d to be present
Staff time - allocation of 20 hours per month for 4 months
    Scheduling, Researching, Publicity, Coordinating with City, etc
$1416

Community Festival

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<th>Item</th>
<th>Cost</th>
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<tbody>
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<td>Insurance</td>
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<td>Advertising</td>
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<tr>
<td>Health Dept Fee</td>
<td>$100</td>
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<tr>
<td>Printing - flyers, posters, forms</td>
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<td>Supplies</td>
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<td>Mailing</td>
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<td>Flyer insert cost</td>
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<tr>
<td>Staffing, pre-event and day-of</td>
<td>$517</td>
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<tr>
<td></td>
<td>$2618 pre-event</td>
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Total for both $7841
**LOGISTICAL SUPPORT BUDGET ESTIMATE**  
**CENTENNIAL PLAZA EVENTS**

**Friday events (total of 11)**

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<tr>
<th>Description</th>
<th>Hours</th>
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<td>Maintenance Aide</td>
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<tr>
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<td>$825.00</td>
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<td>rental equipment contingency</td>
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Subtotal Friday events $2,300.00

**Community Festival (4 hour duration)**

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<th>Hours</th>
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<tr>
<td>advertising</td>
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<tr>
<td>misc. equipment use</td>
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<td>portable toilets</td>
<td>4 each</td>
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<td>refuse bin</td>
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<tr>
<td>vendor electricity</td>
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</table>

Subtotal Festival event $3,000.00

**TOTAL LOGISTICAL SUPPORT** $5,300.00
SUBJECT: FARM MANAGEMENT AND FARMLAND LEASE AGREEMENT RFP

SOURCE: Public Works Department - Engineering Division

COMMENT: The City of Porterville is engaged in the operation of a Reclamation Enterprise for the purpose of disposing of approximately 5.3 million gallons per day of treated effluent. The method of disposal consists of two different operations.

The primary method is the spreading of treated effluent uniformly over approximately 481 acres of leveled farmland. The secondary method is the discharge of effluent to City owned percolation ponds with the caveat that a maximum of 50% of the treated effluent is disposed of in this manner.

The choice of crops and rate of effluent application has been predetermined by the Waste Discharge Requirements (WDR) 5-01-103 and Cease & Desist Order (CDO) 5-01-104 promulgated by the Regional Water Quality Control Board (RWQCB). In essence, the RWQCB has directed the City to dispose of its 5.3 million gallon per day effluent in a manner that minimizes groundwater degradation to the area, does not adversely affect the Teapot Dome Landfill, and must be of disposed in an environmentally sound manner.

At the December 20, 2005 Council meeting, Staff presented a detailed staff report describing the farming operation along with financial and historical background information. The staff report included comment on the City’s relationship with the Regional Water Quality Control Board (RWQCB) and provided an explanation on the Cease & Desist Orders currently in affect as promulgated by the RWQCB.

At the conclusion of the December 20, 2005 Council meeting, Staff was directed to incorporate modifications to the original “Farm Management” agreement between the City and Robert Nuckols. The purpose of the modifications was to structure the agreement such that work performed by the farmer could be readily assessed.

Dir Appropriated/Funded A CM Item No. 33
Specifically, the following modifications were incorporated into the farm management agreement and are currently being implemented:

1. Eliminate dry farm operations.
2. Development of new land, pipeline extensions and percolation pond expansion are categorized as “Capital Improvement” projects.
3. Development of Table 1 outlining pay rate for all farming operations. Rates based on a per acre calculation, not an hourly rate.
4. Twine purchase farm manager’s responsibility.
5. Bale weights are guaranteed to be a minimum of 115 lbs.
6. Irrigation rate based on per acre basis not hourly rate and separated from the management fee.

The significant issue discussed at the December 20, 2005 meeting was whether the City should continue with the farm management agreement as currently structured, modify the agreement further but continue with the same City/Farm Manager format, or change the agreement to a “Farmland Lease” agreement. After considerable discussion, Staff was directed to prepare a “Request for Proposals” for a farm manager agreement and also for a farmland lease agreement.

In preparing the RFP for the Farming Enterprise, there are essentially two major areas of complexity. The first is the nature of the interest the City holds in the property; and second, the purpose of the expenditure. It is important, both to the City and to the interested farm managers, that the RFP clarify that the management contract will be different for each of the following categories of property:

1. **30-Acre Flow Easement.** This property does not belong to the City and is not included in the lease/purchase agreement. The flow easement between the City and Mr. Robert Nuckols is in perpetuity, but Mr. Nuckols can deny the City the right to lease this property to another farmer. Further, Mr. Nuckols has the right to accept less treated effluent on his 30 acres than is currently being used. The significance of this point is that the City may be forced to purchase additional property to supplement the 30 acres.

2. **169 Acres - Lease/Purchase Agreement.** This property is currently under a lease/purchase agreement and will belong to the City in approximately 17 years. Until the lease expires, Mr. Nuckols has the right to deny the subleasing of this property. The City opines however, that Mr. Nuckols does not have the right to prevent the City from contracting with another farm manager to operate the City’s farming enterprise. The City has the option of accelerating the outright
purchase of the 169 acres thus eliminating any issues that Mr. Nuckols may raise with regard to a new farm manager or new farmland lease agreement.

3. **324 Acres Purchased with Non-Sewer Funds.** 160 acres belongs to the Airport and 74 acres was purchased with "General Fund" monies. Airport property cannot be leased for periods greater than 3 years and any activity proposed at the airport may be subject to the review and approval of the City Airport Manager and/or the FAA. Including the Airport property in a farmland lease agreement will necessarily limit the lease to a maximum 3-year term. It should also be noted that the farming operation would always be subordinate to the airport's interest.

The City owned 74 acres is subject to sale at any given moment. The City is actively marketing this property and therefore, of all the properties in the reclamation area, the 74 acres should not be considered in any farm management or farmland lease agreement equation.

4. **48 Acres Purchased with Sewer Revolving Funds.** This property was purchased with sewer revolving funds and therefore, there are no restrictions on this property whether the City develops a farm manager agreement or a farmland lease agreement.

5. **320 Acres - Future Farmland.** Over the last 4 years, the City purchased approximately 320 acres using Sewer Revolving Funds. There will be no restrictions on this property whether the City develops a farm manager agreement or a farmland lease agreement. The property is currently undulating and not ready for farming. Staff anticipates leveling and extending irrigation pipelines to this property in 8 to 12 months. 50 of the 320 acres are dedicated for the percolation pond development and this work is currently under construction.

The Farm Management RFP will cover three basic components. These components are 1) Farming Operations; 2) Non-Crop Operations; and 3) Percolation Pond Maintenance.

A. **Farming Operations Component:** The following prime directives will guide the selected consultant in preparing the "Farming Operations" component of the RFP:

1. Utilize City generated wastewater for the purpose of irrigating pre-selected crops in lieu of using ground water; and

2. Dispose of wastewater in a manner consistent and compliant with the requirements of WDR 5-01-103 and CDO 5-01-104
such that the City's operation does not degrade the area
groundwater beyond the Tule Basin Plan.

The Farming Operations component will consist of three basic
tasks. These tasks are:

1. Cultivation
2. Harvesting
3. General Crop Management

In addition to the basic tasks, the RFP will provide comment and
direction to the future farm manager clearly outlining his duties,
responsibilities and will alert the farm manager to those issues that
make this management operation unique. Some, but not all, of the
issues that will be addressed are:

1. Crop selection.
2. Requirement to utilize all wastewater generated by the WWTF.
3. Restrictions on irrigation application rates.
5. Crop rotation/restrictions/elimination requirements.
6. Compensation for services rendered based on a per acre
   formula.
7. Farm revenues belong to City.
8. Crop marketing farm manager's responsibility.
9. Farm manager responsible for managing irrigation on and
   across City owned property, farm lease property and private
   property (flow easement).
10. Assist in the preparation of RWQCB reports & documentation.
11. Perform emergency water management as needed.
12. Operate and maintain all wells and return pumps and their
    facilities including utilities and repairs or replacement of
    equipment.

B. **Non-Crop Component of RFP**: The RFP will provide comment
   and direction to the future farm manager clearly outlining his duties
   and responsibilities on all aspects of the reclamation area upkeep.
   Specifically, the following tasks will be identified in the RFP
   requiring the farm manager's attention:

1. Maintenance of all internal and peripheral roadways in and
   adjacent to the farm area.
2. Maintenance of all drainage and irrigation channels throughout
   the farming area.
3. Weed abatement throughout the farming area.
5. Bio-solid and gypsum application and soil amendments.
6. Soil testing and reporting.

It should be noted that major pipeline installation, land leveling of any significant scale as well as tasks that can be considered as “capital improvement projects” will be designed and bid separately under formal capital improvement project “Rules and Protocol”. The cost of these “capital improvement projects” will be assigned to the “non-crop” category.

C. **Percolation Pond Maintenance & Water Management:** The RFP will provide comment and direction to the future farm manager clearly outlining his duties and responsibilities on all aspects of percolation pond maintenance and management of all effluent discharged to the percolation ponds. Specifically, the following tasks will be identified in the RFP requiring the farm manager’s attention:

1. Wastewater discharged to the percolation ponds shall be properly and efficiently distributed to the ponds.
2. Maintain all ponds against erosion, squirrel or other rodent intrusion.
3. Maintain and sustain percolation rates by periodically ripping, clearing or otherwise to insure maximum percolation, as directed by the City.
4. Weed abatement adjacent to and including within pond areas.
5. Pond peripheral road maintenance.
6. Maintenance of existing pipeline, valves, totalizer meter, overflows, etc., adjacent to and throughout the percolation pond area.
7. Emergency water management as needed.

**The Farmland Lease Agreement RFP** will be structured as a “Farmland Lease” agreement with a maximum 3-year life. The RFP will be developed between the consultant, the City Attorney and Senior Staff. The RFP will provide comment and direction to the future farmer clearly outlining his duties and responsibilities on all aspects of the lease agreement. Specifically, the farmland lease agreement RFP will address the following key issues:

1. Utilize at least 50% of all wastewater delivered to the “farm” area.
2. Utilize all wastewater under emergency situations.
3. Leave fallow a predetermined amount of acreage for the purpose of spreading bio-solids.
4. Maximize nitrogen uptake by planting and harvesting crops selected by the City.
5. Provide documentation and prepare reports supporting nitrogen uptake results.

Farm Management and Farmland Lease Agreement Timeline:

1. Authorization to advertise for RFP consultant services: 8/15/06
2. Award RFP consultant contract: 10/3/06
3. Consultant completes “Farm Manager” RFP: 12/29/06
4. Consultant, City Attorney and Senior Staff complete Farmland Lease Agreement RFP: 2/9/07
5. Council authorization to advertise for bids: 2/20/07
6. Notice of termination delivered to Robert Nuckols: 2/20/07
7. Pre-qualifications received and evaluated: 3/20/07
8. Receive and evaluate bid proposals: 4/20/07
9. Council awards farm management or lease agreement: 6/5/07
10. New farm manager or lease agreement begins: 7/1/07

Public hearing testimony was received stating that the development and implementation of a new farm management or farmland lease agreement is relatively simple and straightforward. Senior Staff respectfully disagrees with this assessment. The timeline offered above is appropriate to insure that the RFP is comprehensive and that all affected agencies are given the opportunity to comment on the City’s proposal.

In particular, the RWQCB must be given ample time to review and approve any new agreements that the City undertakes. Senior Staff anticipates that the RWQCB review will be cursory and their comments routine. However, City Council should be aware that the RWQCB could take this opportunity to add additional conditions to the City’s Cease & Desist Order because of the change in scope or operation. The RFP consultant will work with Staff to convince the RWQCB that any changes to the existing CDO should be minor.

RECOMMENDATION: That the City Council:

1. Authorize Staff to advertise for a farm consultant for the purpose of preparing a Farm Management RFP and assist the City Attorney and Staff in preparing a Farmland Lease Agreement.
SUBJECT: BUDGET ADJUSTMENT AND ALLOCATION OF FUNDS FOR THE PORTERVILLE COMMUNITY CENTER AND RE-USE VISION PROCESS

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: BUILDING MAINTENANCE DURING NON-USE
At the July 18, 2006 City Council meeting the City Council directed that the $200,000 allocation of reserve (‘lock box”) funds to the budget for the Porterville Community Center be utilized for renovations and repairs. The direction specified that the funds not be utilized for operations and maintenance activities, and that use of the building not be permitted.

Staff had proposed that basic operations and maintenance of the building for rental use by the public would require an annual allocation of approximately $95,000. In creating this budget estimate, the assumption of staff was that the building would be made available to the public on a reservation basis for meetings, parties, dances, etc. The Council direction of July 18, 2006 precludes making the building available to the public, however, does not address the ongoing cost for maintenance of the facility without use.

This matter is brought back to the Council for further clarification, with information on the ongoing maintenance cost of the building, while use is still excluded. Following is the budget estimate necessary to perform grounds maintenance, provide remedial repairs, monitor the building condition, continue utility services, and meet risk management obligations.

<p>| | |</p>
<table>
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<tbody>
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<td>Staffing</td>
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<td>Supplies, maintenance &amp; services</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$30,000</strong></td>
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</table>

OPTIONS TO FUND BUILDING MAINTENANCE
1) Direct the City Manager and Parks and Leisure Services Director to reallocate funds from other Parks and Leisure Services Department activities and programs to provide the $30,000 of funding necessary to maintain the facility without allowing for use, while the building renovation and repair work is conducted. Cancellation of the Tule River Parkway Phase III Land Acquisition Project would provide $32,000 of general fund monies. The $250,000 grant associated with acquiring lands between Main and Plano would need to be released if the matching funds are reallocated.

2) Authorize a $30,000 budget adjustment from the general fund reserve account for the ongoing maintenance services of the Community Center, until a use of the facility is identified. This would increase the amount of reserves used for this purpose to $230,000.

Director  Appropriated/Funded  City Manager

ITEM NO.: 34
VISION FOR BUILDING RE-USE

So that renovations of the building can be conducted more effectively, it would be beneficial to identify a vision for the future utilization of the building. The City Council is requested to provide direction to staff on the process by which the vision will be determined.

Several organizations and churches have expressed interest in working with the City to assist with the building renovation work in exchange for the ability to utilize the facility. Preservation of the chapel and the adjoining large activity room seem to be a focus of interest for these organizations. A vision would determine the need to retain the smaller rooms for uses such as classrooms, offices, or small meeting rooms, or convert these areas into larger spaces. If cooking of foods is anticipated by the vision, then the extent of kitchen renovation and other building improvements will need to accommodate the increased fire and health code requirements.

Return of the facility to primarily a senior center would require different renovations. Doorways, hallways, building access, and restrooms would need to be renovated to more fully accommodate this primary use. Supporting two senior center facilities five blocks apart should be considered under this vision. The benefits of retaining a single centralized senior facility near the public senior housing and downtown commercial core should also be weighed.

Another concept is for creation of a community arts and cultural center. Exploration of grant funding and partnerships with other organizations to accomplish such a vision would need to be undertaken. The facility could host cultural celebrations, and provide for youth education and training programs in various performing and creative arts. These of out-of-school time youth programs could reach youth either not interested, or without ability to participate in the current youth sport leagues. Reinforcing and expanding upon the strong music and arts programs within the schools would assist with marketing Porterville as a creative community.

RECOMMENDATION: City Council consideration to:

1) Authorize the cancellation of the Tule River Parkway Phase III Land Acquisition Project, and direct a budget adjustment of the general fund monies remaining in that project for allocation to the Porterville Community Center non-use maintenance expenditures, and

2) Establishing a process for determining the Council’s vision for the future use of the Porterville Community Center.
SUBJECT: AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 - INTERSECTION SAFETY IMPROVEMENT - DESIGNATION OF NORTH GRAND AVENUE AND NEWCOMB STREET AS A 4-WAY (ALL-WAY) STOP INTERSECTION

SOURCE: Public Works Department - Engineering Division

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

The City Engineer, after careful consideration and review of field conditions, has determined that the intersection of North Grand Avenue and Newcomb Street warrants the placement of stop signs for north, south, east and west bound traffic. Taken under consideration was the fact that the intersection meets the "Volume Warrants" and "Visibility Warrants".

VOLUME WARRANT

Over 300 vehicles per hour are entering the intersection during a given 8-hour period and the minor street is experiencing more than 1/3 the total volume entering the intersection during the same 8-hour period.

VISIBILITY WARRANT

Straight line of site distance is an issue for northbound Newcomb Street traffic due to existing power poles located on the south side of North Grand Avenue. These poles are creating a potential traffic conflict between eastbound North Grand Avenue and northbound Newcomb Street vehicles.
The intersection conditions have changed dramatically between February 2004 and May 2006. Contributing to the conditions is the normal growth within the City, growth of the surrounding area and the opening of Holy Cross Church. Staff normally monitors intersections for a 24-hour period. However, in this case, the intersection was monitored a continuous 7-days. The City Engineer determined that warrant requirements for a 4-way (all-way) stop intersection were consistent for all 7-days.

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

RECOMMENDATION: That City Council:

1. Pass a resolution amending Traffic Resolution No. 10-2001, designating North Grand Avenue and Newcomb Street as a 4-way (all-way) stop intersection;

2. Authorize the City Engineer to notify the public, by any effective means, of the application of a traffic control device, namely a 4-way (all-way) stop, at the intersection of North Grand Avenue and Newcomb Street; and

3. Authorize the City Engineer to install traffic control devices, namely 4-way (all-way) stop signs, at the intersection of North Grand Avenue and Newcomb Street.

ATTACHMENTS: Resolution
Locator Map
RESOLUTION NO.

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

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

WHEREAS, the Traffic Resolution needs to be amended;

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

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

21-145. The intersection of North Grand Avenue and Newcomb Street.

__________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

__________________________________________
By: Georgia Hawley, Chief Deputy City Clerk
SUBJECT: COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM - RECONSIDERATION OF THE PORTERVILLE COMMERCIAL CENTER

SOURCE: Administration

COMMENT: A Council member has requested the above subject matter be added to the agenda for consideration under Scheduled Matters.

RECOMMENDATION: None

ATTACHMENT: None
SUBJECT: ENGINEER'S ESTIMATE OF PROBABLE COST – OLIVE AVENUE

SOURCE: Public Works Department - Engineering Division

COMMENT: A Councilmember asked staff to prepare an engineer's estimate of probable cost to reconstruct or otherwise make repairs to Olive Avenue from Main Street to Porter Road. Staff's estimates of probable cost for three different construction scenarios are as follows:

1. Complete Reconstruction $2,100,000
2. 2" Overlay $400,000
3. Chip Seal $200,000

In the City Engineer's and Public Works Director's judgment, Olive Avenue is not a good candidate for an overlay or chip seal. There is sufficient damage along Olive Avenue that suggests the structural integrity of Olive Avenue is questionable. Questionable structural integrity indicates that the street will have to be removed and the base material augmented or replaced and re-compacted.

The $2,100,000 noted above includes the cost to raise manholes, water valves, traffic control, signing & striping and mobilization/demobilization. The $2,100,000 does not include the cost to repair damaged curb, gutter or sidewalk and does not include the cost to add streetlights or otherwise make improvements not associated with typical street reconstruction.

The City has a process whereby projects are listed, prioritized and funding is allocated to complete the selected projects. The program is known as the 10-year Capital Improvement Program (CIP). Projects are evaluated at the beginning of each fiscal year and can be re-prioritized, dropped or modified at Council's direction. As an example, Olive Avenue from "E" Street to Highway 65 is identified in the 10-year CIP for "dig-out" and repair work at a cost of approximately $585,000. This work is proposed for FY 2007/2008. The dig out and repair work along Olive Avenue is proposed because of the significant cost to reconstruct Olive Avenue.

Dig-out and repair work is typically limited to small areas but the damage along Olive Avenue is large and therefore, the dig out and repair process will resemble a reconstruction project. After the dig out and repair work is completed, Staff will propose that an overlay be performed when funds are available.

Dir Appropriated/Funded CM  Item No. 31
Public Works was recently notified that $315,000 of Proposition 42 funds has become available for street work. Staff is preparing a comprehensive street list that identifies the specific streets, project limits, anticipated treatment and cost to implement said treatment. Staff will bring this report for Council's consideration at the September 5, 2006 Council meeting.

RECOMMENDATION: Information only.
CITY COUNCIL AGENDA: AUGUST 15, 2006

SUBJECT: REQUEST BY COUNCIL MEMBER—DISCUSSION OF DRAFTING AN ORDINANCE PROHIBITING SEXUAL OFFENDERS MOVING TO THE COMMUNITY

COMMENT: A request has been made to add the above subject matter to this agenda for discussion and potential referral to staff for further action.

RECOMMENDATION: None

Item No. 38
SUBJECT: PRELIMINARY PROPOSAL FOR INFRASTRUCTURE AND OPERATIONAL ENHANCEMENTS

SOURCE: Administrative Services

COMMENT: Johnson Controls conducted a preliminary energy use analysis of the City's infrastructure systems in August 2005, the results of which led Johnson Controls to project the opportunity to achieve between $303,000 and $853,000 annually in combination of energy savings and increased revenue potential for the City, which would arise from measures implemented at the Wastewater Treatment Plant, Water Pumping Stations, Street and Safety Lighting Retrofit, Water Meter Upgrade, Indoor Lighting Retrofit, HVAC Improvements, HVAC Controls Improvements, and Renewable Energy Supplemental Power Systems.

The results of the preliminary energy analysis precipitate four (4) options of action for the Council's consideration and direction:

(1) The City contracts with Johnson Controls to facilitate infrastructural modifications to achieve energy savings, to include or not to include a water meter system upgrade for revenue enhancement.

Johnson Controls specializes in such projects and should efficiently manage the project with its experience and resources, guaranteeing that the City will experience a reduction in units of energy utilized which will establish a an annual baseline formula that would currently generate $110,000 in energy savings. Johnson Controls would be efficient in completing the project given the incentive they cannot share in the City's energy savings until the project is complete, and would limit interruption to City staff resources from other work projects. Johnson Controls may also possess competitive advantages through volume discounts with major manufacturers, coordinating with City staff in the selection of contractors for the project in giving consideration to locality and cost effectiveness. Should the City contract with Johnson Controls to perform the project and later decide not to proceed with the project, the City would be liable to Johnson Controls for either $62,000 (non-water meter contract) or $192,000 (contract including water meters).
(2) The City self-performs infrastructural modifications to achieve energy savings with the assistance of its energy utility (Southern California Edison), to include or not include a water meter system upgrade for revenue enhancement.

The City could self-perform the project with its own staff resources and the expertise of Southern California Edison, which would allow the City to retain all energy savings—Southern California Edison does not currently charge for their assistance. The City would retain complete project control and execution.

(3) The City contracts with Johnson Controls to facilitate infrastructural modifications to achieve energy savings, and self-performs a water meter system upgrade for revenue enhancement.

Combining elements of action options (1) and (2) above, the City exercises the advantages of contracting with Johnson Controls for energy savings, and maintains project and cost control in an upgrade of the City’s water meter system.

(4) The City maintains the status quo and does not pursue either infrastructural modifications or upgrades to the water meter system.

The Johnson Controls cursory analysis led to the projection for at least $124,000 annually in energy savings due to infrastructural enhancements, facilitating their guarantee of at least $110,000 annually in energy savings. Southern California Edison has confirmed that the City should experience significant energy savings with this proposed project. **Johnson Controls projects that the infrastructure enhancements project would cost approximately $1.1 million.** Given a term of fifteen (15) years and a current prospective financing rate of 4.35%, the City would incur an annual payment schedule of approximately $101,000. Though potentially "cash neutral" in the first year or two of the project (performance contracting), the anticipated energy savings would increase as the cost per unit of electricity increases and the financing rate remains fixed.

The cursory analysis conducted by Johnson Controls in August 2005 of the City’s water distribution and metering system revealed in a preliminary determination that of the roughly 4 billion gallons of
water annually supplied to the City distribution system, 3.87 billion
gallons (approximately 95%) is actually delivered to customers for
billing purposes. This preliminary determination indicates that the
City is experiencing remarkable accuracy in the water distribution
and meter system, in comparison to the typical experience of cities
which expect 85% to 90% efficiency. In addition, most of the City’s
approximate 13,500 meters are more than twenty (20) years old,
which should not provide such accuracy. It is proposed by Johnson
Controls that the City engage in a more thorough evaluation of the
water meter system, suggesting that if the current meter reporting
is accurate, then a systemic replacement of water meters would be
essentially unwarranted due to limited revenue potential resulting
from installing new water meters. Johnson Controls additionally
recommends the review of automatic meter reading technologies,
which would provide savings in the redirection of water meter
reader employees and vehicles to other City services.

According to the preliminary analysis conducted by Johnson
Controls, the systemic replacement of the City’s approximate
13,500 water meters to the latest technology in automatic
meter reading technologies would cost approximately $8.74
million. Given a term of fifteen (15) years and a current
prospective financing rate of 4.35%, the City would incur an annual
payment schedule of approximately $806,000. The City could
control the project expense by focusing water meter replacements
efforts on the oldest meters currently in use or that are not as
accurate.

Renewable energy supplemental power systems have not been a
subject of extensive discussion to this point in the consideration of
this potential project. Johnson Controls proposes that photovoltaic
systems are expected to be the most cost effective renewable
energy systems for the City, due to our being located in an area of
consistently high numbers of sunlight hours. The concept of
renewable energy systems would be a subject for lengthier
discussion in consideration of the City’s long-term energy strategy.

RECOMMENDATION: That the City Council authorize staff to complete the
Performance Development Agreement with Johnson
Controls for the project to include only the infrastructural
enhancements for energy savings purposes. Additionally,
authorize staff to independently investigate further the water
meter system and potential for self-performing its upgrade.

ATTACHMENT: Preliminary Proposal for Infrastructure and Operational
Enhancements – Johnson Controls
Addendum to Preliminary Proposal for Infrastructure and
Operational Enhancements – Johnson Controls
City of Porterville

Preliminary Proposal For:
Infrastructure and Operational
Enhancements

Prepared by:
Johnson Controls
August 2005

Account Executive:
Ralph Tyrell
TABLE OF CONTENTS

EXECUTIVE SUMMARY 3
BACKGROUND AND OBJECTIVE 4
PROJECT RESOURCES 5
CURRENT UTILITY EXPENSES 6
OVERVIEW OF CITY FACILITIES 7
EXPENSE REDUCTION AND CONSERVATION OPPORTUNITIES 13
POTENTIAL PROJECT IMPACT 16
CONCLUSION 17

PROPRIETARY INFORMATION
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Executive Summary

Johnson Controls improves today's City Government operations by improving the physical environments of employees and constituents while lowering the operating costs of government agencies. We understand the regulatory, legislative and business environment in the City Government market. We understand the importance of working closely with all levels of the government, from policy makers to department leaders to facility operators. We help determine what to do, how to do it, and how to fund it. We ensure that all improvements to your buildings, infrastructure, and operations will help to facilitate the goals of effective government.

Today’s City Government challenge requires doing more with less, being good stewards of the environment and spending taxpayer dollars wisely. We understand that comfort and appearance of city facilities are important to the image of a city and that community safety is critical. We know that well maintained and operated city facilities are vitally important. This is how Johnson Controls can help. The following proposal addresses the long-range question of how to optimize the aging city infrastructure, improve public perception, enhance revenue and lower operating costs.

A recent energy savings Preliminary Analysis has been completed to improve energy efficiency within City buildings. Johnson Controls has focused specifically on the remaining city infrastructure and has made several recommendations for improved operations outside of the facilities already addressed. The following table illustrates the recommended program highlights:

<table>
<thead>
<tr>
<th>Potential City Infrastructure Improvement Measures</th>
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<tbody>
<tr>
<td>□ Wastewater Treatment Plant</td>
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<tr>
<td>□ Water Pumping Stations</td>
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<tr>
<td>□ Street and Safety Lighting Retrofit</td>
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<tr>
<td>□ Water Meter Upgrade with Automatic Meter Reading Capabilities</td>
</tr>
<tr>
<td>□ Indoor Lighting Retrofit</td>
</tr>
<tr>
<td>□ HVAC Improvements</td>
</tr>
<tr>
<td>□ HVAC Controls Enhancements</td>
</tr>
<tr>
<td>□ Renewable Energy Supplemental Power Systems</td>
</tr>
</tbody>
</table>

Johnson Controls expects to achieve between $303,000 to $853,000 annually in energy savings and increased revenue potential for the City of Porterville.

The attached report adheres to Johnson Controls commitment to the City of Porterville to provide a preliminary efficiency report on the city infrastructure at no cost to you.
Background and Objective

With the intention of identifying cost efficiency improvement opportunities at the City of Porterville, Johnson Controls has conducted a preliminary energy use analysis of the infrastructure systems of the City. Our goal in presenting this report is to communicate to you the opportunities to optimize the cost/benefit of your expense dollar, yielding the following benefits:

- Operating cost reduction
- Future operating cost containment
- Improved leverage of utility dollars spent
- Environmental Stewardship
- Infrastructure Renewal
- Increased Revenues

This report has been generated through preliminary analysis of your existing utility costs, water production and revenue, a walk-through survey of your wastewater treatment facilities, their energy consuming systems, and a review of your operational requirements. Interviews with various department heads and facility operators were also conducted.

Estimates of the installation costs, utility cost savings, and potential increased revenue have been provided, and your decision to move forward with a project would be based on the projected return (savings plus revenue) on investment (capital expenditure).

Some of the recommended projects include capital renewal measures that do not yield significant operational savings. These projects are unable to fund themselves independently but when coupled with other energy saving measures, the overall project will fund with guaranteed savings and projected revenue enhancements. In reality, the installed cost could be much higher than expected or the energy savings could be much lower than expected. Johnson Controls works to reduce this risk in the detailed engineering study completed as the next phase (Project Development Agreement, PDA) of the performance contract.
Project Resources

The various improvement measures identified can be implemented by the City through one of several financial resources:

- Performance Contracts – project of facility improvement measures which generate energy and operational savings dollars which cover the project cost (including dept service financing) based upon Johnson Controls guaranteed energy and maintenance savings. For the purposes of this preliminary report, energy cost savings have been estimated as indicated for each recommended improvement measure.

- Capital Projects - using existing planned financial resources combined with Johnson Controls guaranteed savings can leverage facility and infrastructure enhancement projects which on their own would not provide sufficient savings to warrant implementation e.g. cyclic maintenance costs, ventilation upgrades, light fixture/ceiling renewal, etc.

- Grants, Incentives, and Rebates – Johnson Controls will work on behalf of the City to identify and procure any applicable grants, incentives, and rebates to offset the costs of this project.
Current Utility Expenses

A detailed, thorough review of the City’s utility billing history has not been completed for this report. We have limited our review to energy consumption of the extended infrastructure systems only. Utility cost summaries have been provided by the City.

Electricity – Electricity is provided by Southern California Edison (SCE). Service is provided through multiple meters at a variety of rates and most are billed separately. Rate classifications include:

- Schedule GS-1: General Service Non-Demand
- Schedule GS-2: General Service - Demand
- Schedule PA-1: Power - Agricultural and Pumping, Connected Load Basis
- Schedule PA-2: Power - Agricultural and Pumping, Demand Metered
- Schedule TOU-PA: Time-of-Use, Agricultural and Pumping
- Schedule TOU-PA-5: Time-of-Use, Agricultural and Pumping, Demand Metered
- Schedule LS-1: Lighting - Street and Highway, Company-Owned System
- Schedule LS-2: Lighting - Street and Highway, Customer-Owned Installation, Unmetered Service
- Schedule LS-3: Lighting - Street and Highway, Customer-Owned Installation, Metered Service

Natural Gas – Natural Gas is provided by Southern California Gas Company (SoCalGas). Service is provided through multiple meters at a variety of rates and most are billed separately. Rate classifications include:

- Schedule GN-10, Core Svc for Small Commercial/Industrial
- Schedule G-EN, Core Gas Engine Svc for Water Pumping

Water & Sewer – Water and sewer services are provided by the City of Porterville. Service is provided through individual meters and most are billed separately. Water rates are $0.72 per hundred cubic feet (ccf) for all customers. Sewer rates are based on whether the customer is considered residential or commercial. Residential customers are charged a flat rate; commercial customers’ charges are based on consumption, but with a minimum monthly charge.

Prior to moving forward with a detailed study it will be necessary to compile actual utility bills for all affected facilities and systems.
Overview of City Facilities

The following is a brief overview of the mechanical and electrical systems observed during our preliminary energy audit of the primary infrastructure.

- Waste Water Treatment Plant & Collection System
- Water Pumping and Distribution System
- Sewer Lift Stations
- Street, Safety, and Traffic Lighting Systems
- Water Utility Meters
- City Hall
- Porterville Sports Complex
- Airport
- Veteran’s Memorial Park
- Fire Station Number Two
- Zalud Park
- Murray Park
- Municipal Golf Course
- Zalud House Museum
- Police Department
- Library
- City Corporation Yard

Waste Water Treatment Plant & Collection System – The Porterville plant is unique in that it has four parallel wastewater treatment processes. Plants 1 and 2 are similar, based on Dorr Oliver package plants, with the inner ring used as a primary clarifier. Plants 3 and 4 are similar, share one primary clarifier, and share a common return activated sludge (RAS) line. Plants 3 and 4 have traditional aeration tanks with separate secondary clarifiers.

Buildings on the site include: Administration Building; a four-bay Blower Building; Maintenance Building; Chlorination Building; Digester Control Building; and four smaller Electrical Buildings (air conditioned).

The plant has a design capacity of 8 million gallons per day (MGD). The real capacity is more likely 7.2 MGD, or about 90% of design. Average daily flows are 4.9 MGD. This plant has sufficient capacity to handle “fill-in” development associated with the City of Porterville and
surrounding areas. Wastewater flows from new development will likely be treated by constructing a new plant west of town.

Evaluation of Porterville’s wastewater treatment plant by Johnson Controls’ in-house expert revealed that the City is currently doing a commendable job of running this facility. Many energy and process related efficiency measures have already been implemented, have been considered, or are being proposed by the plant staff. Among improvements already implemented, we noted the following:

- Bar Screen: equipped with variable frequency drive (VFD).
- Wastewater Pumps: four at 75-HP; three have VFDs, with only one being constant speed.
- Plants 1 & 2 are package plants, with the interior tank acting as a primary clarifier. There is an external tank for a secondary clarifier. The RAS pump at Plant 2 is 10-HP. There are two 30-HP pumps at Plant 2 for experimenting with biological nutrient removal. Both plants have been converted to fine bubble diffusers. The aeration basins are 11-ft side water depth (SWD).
- Plants 3 & 4 have one 10-HP waste activated sludge pump, and three 10-HP return activated sludge pumps, one of which was operating at time of audit. Plant 3 has a 3-HP scum pump. The aeration basins are 17-ft SWD.
- The aeration blowers are powered by engines fueled by digester gas (backed up by natural gas). The plant operates up to two engines, 18-to-20 hours per day, with digester gas. The aeration blowers are all one common system.
- The two aerated grit chambers are supplied air by the aeration blowers; grit collection drives: two at 1.5-HP.
- Effluent pump station: four 125-HP pumps; 1 VFD. One pump used during night operations; two during the daytime hours.
- Dissolved air flotation thickeners (two): Moyno feed pump. Recirculation pump in well.
- Thickened waste activated sludge pumps (two at 10-HP)
- Anaerobic sludge digestion (four digestion tanks): Each has a 15-HP recirculation pump. There are two sludge recirculation pumps for the sludge heaters.
- The plant has ponds at the airport in which they store treated effluent. The goal is that all water be reclaimed for irrigation.

The City underwent an initial proposal during the early part of 2002 to determine feasibility of installing a cogeneration plant at the WWTP. Johnson Controls evaluated this option as well, and concurs with the previous report. Average daily power demand can only support about 150 to 200 kilowatts. Additional detailed analysis is necessary to determine how plant power requirements may have changed since 2002. However, based on average utility rates of $0.095 per kilowatt-hour, and $0.70 per therm, a cogeneration engine would save the City about $50,000 annually. This assumes that sufficient waste heat from the engine can be redirected to WWTP purposes to meet combined heating and power regulatory requirements.
A project undergoing evaluation by plant operators is retrofitting the existing engine-driven aerator compressors with automatic air/fuel ratio controllers. Engines can be configured to control NOx under lean conditions but typically require automatic air/fuel ratio controllers to do so without requiring turbochargers or pre-combustion chambers. Air/Fuel ratio controllers are designed to improve performance of natural-gas-fired, four cycle, lean-burn reciprocating engines by optimizing and stabilizing the air/fuel ratio over a range of engine operating conditions.

Benefits are projected to be 10 percent greater use of waste gas. At present the operator indicates that two engine driven blowers are operated 18-to-20 hours per day. Improving the efficiency of digester gas by 10 percent could allow an additional two hours of operation on the same volumetric flow of digester gas. This would reduce the period of operation with natural gas from 4-6 hours per day to 2-4 hours per day, a reduction of 33% to 50% in natural gas consumption for the blowers. Observation of sample natural gas bills indicates monthly charges of $6,000 to $10,000. Assuming that 75% of this is for powering aeration blowers, then 0.35 x 0.75 x $8,000 = $1,980, or about $2,000 in savings per month. This corresponds to an annual savings of $12,000.

The Porterville Wastewater Treatment Plant process for handling biosolids includes two (2) dissolved air flotation (DAF) thickeners that thicken the waste biosolids before processing in the digestion process. The DAF units were state of the art in the 1960's.

Johnson Controls also investigated replacing Porterville WWTP’s two dissolved air floatation (DAF) sludge thickeners with newer technology Gravity Belt Thickeners (GBT). They have low energy requirements, are relatively easy to operate, and require limited attention following start-up. Solids are concentrated as free water drains by gravity through a porous horizontal belt. The belt is continuously moving around two rollers, similar to a conveyor belt, providing a clean surface to new solids entering the thickener. Potential savings for this technology, however, did not justify inclusion in the project.

Additional savings potential may exist at the WWTP. Johnson Controls will work closely with the City of Porterville during the DES (Detailed Energy Study) phase, to integrate the City’s long-term wastewater treatment and energy plans.

**Water Pumping and Distribution System** – Potable water is provided by numerous City-owned wells. It is expected that one-to-two additional wells will be required each year to supply ever-increasing community water needs. The water table is diminishing, as evidenced by wells that are pumping less as time passes. One of the existing well pumps previously supplied 1,500 gpm, but is now down to about 500 gpm. Existing well-pump motors are typically in the 200-HP range. Spot checking of these motors revealed efficiencies in the range of 95%, which is close to premium-efficiency standards. Most potable wells are equipped with chlorination systems. Many of the well pumps are equipped with VFDs, and are controlled via an individual Remote Telemetry Unit (RTU). Analog telephone communication systems monitor all well pumps for pressure, flow and pump status. The telemetry system is 40 years old. Winter months are
known to cause communications problems due to wet phone lines, actual well problems, and the internal computer system. Water meters on the production wells are in need of calibration. There are currently three water storage tanks, one 50,000-gallon tank, and two 3-million gallon tanks. A new 3-million gallon tank is under consideration by the City.

There is no leak detection system for the distribution piping currently in place. However, the City’s utility (SCE) typically performs hydraulic tests on these wells about every two-to-three years. This allows the City to monitor well performance and proactively act on wells that are the worst performers. This helps the City to forecast which pumps or motors are most likely to fail, allowing time to prepare for repair or replacement. Johnson Controls estimates that there is considerable savings potential for these pumping systems. Savings will come from combinations of resizing pumps and motors, additional VSD installations, gas-engine drive trains and other possible system modifications and control system enhancements.

**Sewer Lift Stations** – There are currently 21 sewer lift stations. These stations are controlled via a communication signal over a single twisted wire pair. A signal is received only if a problem occurs such as high water level or power failure. This communication system does not provide any monitoring capabilities. Every lift station is equipped with two pumps. The depth of water triggers individual pump activation. Most of the lift station pumps are less than 10-HP. Savings potential for these systems is limited due to small motor sizes.

**Street, Safety, and Traffic Lighting Systems** – Existing street and safety Lights owned by the City are primarily 200-Watt high-pressure sodium (HPS) units with poor color rendering properties. Total City-owned fixture count is on the order of 156 units, located in intersections. All other streetlights are owned by SCE. In addition, there are approximately 30 parking lot lights with 200- and 400-W HPS lamps, controlled by photocells.

The city operates multiple traffic intersections. All red and green traffic signal lamps have been retrofit to LED technology. Amber and white signal lights remain as incandescent lamps and were not retrofit due to long payback periods. Incremental savings are available by converting the remaining white and amber lamps to LED. Savings potential and payback will be determined during the DES phase, and will depend on the latest energy rates and installation costs.

**Water Utility Meters** – Water is delivered to approximately 13,500 customers, primarily residential. Meters are manually read using three City employees and three transportation vehicles. Meters are tested approximately every 20 years. Data obtained from the City for 2002 and 2003 indicate that, on average, 4,084 million gallons are annually supplied to the water distribution system. Of that, 3,870 gallons, or about 94.8%, are actually delivered to customers for billing purposes. This represents a remarkable level of “tightness” in the system, both for leakage and meter accuracy. Cities typically lose in the range of 12-15%, or substantially more, to leakage and meter inaccuracies. If a mere 2% is applied to possible system leakage, the overall 5.2% differential implies that on average, all City of Porterville meters are reading at
about 96.8% accuracy. Unless all meters were recently replaced, this is unlikely, particularly for meter sizes of two inches or larger.

Johnson Controls proposes that the City’s water meter system be further evaluated during the Detailed Energy Study phase. If the 5.2% loss is truly representative, potential revenue increases are at about $120,000 annually; if system losses are more like 20% total, revenue potential increases to about $670,000. Additionally, Johnson Controls typically recommends automatic meter reading technologies that free up City employees for other duties. This would improve savings dramatically by directing manpower to more needed City services. Automatic meter reading systems, at least for the latest technologies, offer single-point meter reading and data collection. This capability provides for streamlined and more efficient customer billing. Furthermore, these systems can be expanded to include meter reading and data accumulation for electric, parking, and other meters.

**City Buildings** – Following are descriptive summaries of buildings and other facilities that were audited during Johnson Controls’ site visits. Each building has some potential for energy savings, which fall under the categories of HVAC upgrades, control system enhancements, and interior lighting upgrades. Some buildings have aging air-cooled packaged heating and cooling systems. Savings potential for these results from installing new higher-efficiency units, as well as employing temperature setback or unit shut down during unoccupied hours. Many City of Porterville buildings still have older technology T-12 linear fluorescent lighting systems. There are also potential lighting improvements possible for high-bay areas at the City Corporate Yard.

**City Hall** – This facility is a single-story concrete/stucco building with steel frame windows and single-pane windows. Fenestration is about 20% of total wall area. The main entrance consists of a high-bay glass enclosed entry. The building has a flat roof design. Interior lighting consists of T12 linear fluorescent fixtures, with some compact fluorescents and incandescent lighting systems. Exit signs are incandescent type. Individual temperature control zones are equipped with regular analog thermostats. A master timer shuts off equipment during unoccupied hours.

**Porterville Sports Complex** – This state-of-the-art facility features 11 soccer fields, three football fields, two softball fields, concession stand, restroom facilities and parking for over 300 vehicles. The maintenance shop is equipped with T12 linear fluorescent fixtures, but these are rarely used. The restroom facility has been retrofit to T8 fluorescent fixtures. Outdoor lights are controlled by photosensors.

The Sports Complex’s pumping system serves the park and adjacent airport’s grass area. The airport has two wells that provide water to the park. The well’s pump runs continuously to maintain system pressure. Pump speed is controlled by a variable frequency drive (VFD). There are actually three pumps in the pump enclosure, one being the main system pump. The Complex grounds are equipped with an extensive irrigation system. However, moisture sensors are not used for controlling irrigation. The sprinkler system covers approximately 70-75 acres of grass.
Airport - The airport is owned by the City of Porterville. Some portions of the land are farmed and irrigated by reclaimed water, provided to the fields from Porterville’s WWTP.

Veteran’s Memorial Park - This park includes three pavilions, a children’s playground and restrooms. The men’s and women’s restrooms are equipped with high-pressure sodium light fixtures. Most of these fixtures are controlled via timeclocks. The park is equipped with two well pumping stations. A pop-up sprinkler system provides irrigation.

Fire Station Number Two - Interior lighting is a combination of T12 linear fluorescent and incandescent fixtures. Outside lights are incandescent.

Zalud Park - This park is situated on a 15-acre site, and has a rose garden. The parking lot is equipped with 400-W HPS lights. The basketball courts have four HPS fixtures controlled by a timer (off at 10:00 pm). The tennis courts have sixteen 1,000-W fixtures controlled by a timer (off at 10:00 pm). There are four 50-W HPS lights for public safety. The men’s & women’s restrooms have six 50-W HPS fixtures of which four are on timers, with two on continuously. In addition, there are four other outdoor lights consisting of two 250-W and two 200-W HPS fixtures.

Murray Park - This 20-acre community park includes family picnic areas, pavilions, barbecue pits, sinks, tables and benches, a fishing pond and street, two children's play areas and restrooms. The outdoor lights were installed in 1962. There are approximately thirty-three 400-W mercury vapor fixtures with aluminum wiring; ten on the “west” loop and 23 on the “east” loop. The restrooms have six 50-W HPS fixtures which are scheduled from 6:00 am to 10:00 pm. There are also 50-W HPS fixtures in the open areas, for public safety. The maintenance shed has T12 linear fluorescent lamps. The shed uses evaporative cooling during summer and electrical heat during winter. The pavilion is equipped with four 50-W HPS fixtures controlled by photocell. The park is equipped with a full sprinkler system, with booster pump. The pool is covered during the winter months, and is sometimes heated, depending on outdoor temperatures. The pump room was recently updated with new motors and a new boiler. A 20-HP premium efficiency pump motor circulates pool water.

Municipal Golf Course - The golf course is owned by the City. This challenging 9-hole course rests in the rolling foothills of Porterville and is one of the oldest courses in the Central Valley. The golf course includes PGA instruction, pro shop, golf and hand carts, snack bar, and a driving range. Lighting in the maintenance shed consists of T12 linear fluorescent fixtures. Outside lights at the maintenance shed are 50-W HPS controlled by photocells. A pop-up sprinkler system is installed on the golf course. A pump house maintains system pressure for the golf course, and uses a 15-HP VFD-controlled pump. An existing 15-HP booster pump was observed to be leaking.

Zalud House Museum - The Zalud House Museum is listed in the National Historical Registry of Old Houses and in the National Register of Historic Places. Built in 1891, it is one of the few houses of that era in the Porterville area that has not undergone remodeling. It has mansard roof
construction, which makes the house unique in its architectural style. There is no mechanical cooling serving this facility; heat is provided by floor-mounted units in the dining/kitchen area. There are four 50-W HPS outside security lights controlled by photocells. The City has expressed concern over deterioration of interior décor and paintings due to heat and humidity conditions in the house. Retrofitting of this building to include cooling is problematic due to its historical status. Any solution to this problem must be coordinated with appropriate historical organizations, and will undoubtedly add to the City’s overall energy consumption.

**Police Department** – This facility is equipped with a 60-ton rooftop unit for cooling purposes, and a hot water boiler for heat. The control system appears to be operating such that there is substantial simultaneous heating and cooling occurring. The rooftop unit consists of an air-cooled direct expansion (DX) cooling section. Hot water reheat is used to temper cooled air at each zone. Individual zone temperature control is achieved via pneumatic thermostats, which may not be functioning accurately. The communications room has a backup air conditioning unit. Lighting in the police department is mostly T12 linear fluorescent fixtures. Some areas have motion sensors for lighting control. Exit signs are equipped with incandescent bulbs. The parking lot lighting is controlled by timers and/or photocells.

**Library** – The library has undergone a lighting retrofit which includes T8 linear fluorescent lamps, and LED exit signs. Most of the building is a single-story concrete block structure, with a two-story central section. Windows are metal frame and are original. Four rooftop units with DX cooling and gas heat condition the building. These units are controlled via programmable thermostats.

**City Corporate Yard** – The City Yard serves as a warehouse and storage facility. There are several mechanical shops (carpentry, HVAC) and a large open area for vehicle service. Artificial lighting systems consist of twelve 400-W MH fixtures and 4- and 8-foot T12 2-lamp pendant-mounted linear fluorescent fixtures. Natural lighting systems includes fiberglass skylights along side walls and on the roof.

**Expense Reduction and Conservation Opportunities**

Overall, the City of Porterville is doing a commendable job of energy conservation considering the age of many of its buildings and infrastructure. There are, however, many areas ripe for additional improvement. Areas representing the primary energy savings potential are as follows:

- Wastewater Treatment Plant
- Water Pumping Stations
- Street and Safety Lighting Retrofit
- Water Meter Upgrade with Automatic Meter Reading Capabilities
- Indoor Lighting Retrofit
- HVAC Improvements
- HVAC Controls Enhancements
- Renewable Energy Supplemental Power Systems (see below)

These opportunities will result in substantial energy and cost savings. Other measures were considered, but are not recommended due to low energy savings, high installation costs, or ongoing operation concerns.
Renewable Energy Supplemental Power Systems

The local electric utility provider, Southern California Edison, offers financial incentives for renewable energy systems. Additionally, there are a variety of grants available from other sources to cities for the installation of renewable energy systems. Also, net metering rates are also typically available, which allow the selling of excess power when on-site generation exceeds the current load. Each of these factors contributes to the overall attractiveness of on-site renewable energy systems.

Photovoltaic systems are expected to be the most cost effective renewable energy systems for the City of Porterville. The insolation chart provided below indicates that Porterville is located in an area of consistently high numbers of sunlight hours.

Systems should be considered wherever there is adequate space available such as open fields or rooftops and where there is an existing electrical load. Systems can be stand-alone arrays or integrated roofing materials. Systems now exist capable of powering large water pumps. We have not considered specific pumping applications pending review of pump locations and available land in the surrounding areas.

Johnson Controls will evaluate renewable energy alternatives during the DES phase. Inclusion of this technology must account for the City's long-term energy strategy. For this reason, these technologies were not evaluated during this initial proposal.
Potential Project Impact

All of the improvement measures identified in this report can be implemented with no up-front capital budget if desired. The savings achieved over a period of time will offset the project costs. The net result is an operating expense decrease, without capital budget increase.

The City will reduce its risk of catastrophic system failure and optimize system performance. In addition, by reducing energy consumption, the City of Porterville will be doing its part to contribute to a cleaner environment through less power plant pollution.

Environmental

Reduced energy consumption yields a favorable environmental impact in the form of reduced atmospheric discharge. Every kilowatt hour of unused electricity or gallon of diesel fuel prevents the emission of carbon dioxide (the most important greenhouse gas), sulfur dioxide (a principal component of acid rain), and nitrous oxides (precursor to both acid rain and smog), as well as the pollution attendant upon mining and transporting power-plant wastes.

Our preliminary study shows that the City of Porterville can save substantial kilowatt-hours of electricity annually through the implementation of our proposed program.
Conclusion

The City of Porterville has clearly demonstrated a commitment to its residents to operate in the most efficient and safe manor while still providing the many services resident’s value and rely upon. While the City has already taken significant steps to reduce energy consumption in facilities, there are many opportunities remaining in the extended City infrastructure to reduce energy consumption, reduce operating costs, enhance revenue, and improve public perception through a guaranteed energy savings performance contract with Johnson Controls. We look forward to partnering with the City of Porterville to help achieve these goals.

Potential savings for this project range from $303,000 to $853,000, depending on assumptions made during the analysis. Please note that these values are estimates only and that a detailed analysis is necessary to determine final pricing and guaranteed savings values.

We thank you for allowing us the opportunity to learn more about your city and look forward to a long and successful partnership improving the infrastructure and operations of the City of Porterville.
City of Porterville

Addendum To Preliminary Proposal For:
Infrastructure and Operational Enhancements

Prepared by:
Johnson Controls
August 2006

Account Executive:
Ralph Tyrell
Addendum to Johnson Controls, Inc. Preliminary Report:

This document serves as an addendum to the Preliminary Proposal For: Infrastructure and Operational Enhancements (August 2005) and is in response to the City of Porterville request for additional information. The financial data to include the Hypothetical Business Case presented herein are estimates, and are not intended to replace a detailed Rate Study or actual Business Case. Both the Rate Study and Business Case, are among the Project Development phase deliverables.

Contents:

1) Performance Contracting Procurement Process

2) Revised Project Development Agreement(s)
   a. Full project
   b. Option w/o Water Meters

3) Hypothetical Business Cases:
   Hypothetical Business Case #1: Performance Contracting Project
   Hypothetical Business Case #2: Performance Contracting Project with Water Meters
1) Performance Contracting Procurement Process

Preliminary Assessment:
Initiated by the signing of an Memorandum of Understanding (MOU), the Preliminary Assessment is a cursory fact finding effort by Johnson Controls and the City of Porterville to determine if energy savings opportunities exist. The Preliminary Assessment is typically completed over a period of 30 to 90 days depending various factors to include number of facilities surveyed, Energy Conservation Measures (ECMs) considered, and availability of energy data. Johnson Controls completed a Preliminary Assessment for City of Porterville in August 2005.

Project Development Phase:
The Project Development phase is initiated by Johnson Controls and the City of Porterville after both mutually agree, in writing, to the broad goals of the project. The three major elements of the Project
Development Phase are: 1) The Kick off Meeting, 2) Project Development, 3) Performance Contracting Workshops.

1) The Kick off Meeting
   Outcome: Agreement and understanding of project participants and process

2) Project Development:
   - Detailed Surveys
   - Baseline Validation
   - Scope Development for Cost Estimates
   - Subcontractor walk-through and Price Quotations
   - Savings calculations finalized
   - M&V development and refinement
   - Economic analysis
   - Final Proposal completion
   - Final Proposal Submission
   - Final proposal review & comments by the government
   - Responses to comments by Johnson Controls & closure on comments
   - Final revisions to the Final Proposal comments

3) Performance Contracting Workshops:
   a. Baseline Energy
   b. Energy Conservation Measure Bundle
   c. Measurement and Verification (M&V) Plan
   d. Water Meter Selection
   e. Construction
   f. Financial

Project Development Cost
While the cost of the Project Development Phase is stated in the PDA, there is no upfront cost to the City of Porterville.

Once Johnson Controls 1) invests pre-engineering costs and resources and, 2) develops a project, jointly with the City of Porterville, that meets the financial criteria and terms of the PDA., if the City chooses not to proceed with the project, the City pays a predetermined price as stated in the Performance Development Agreement.

The Project Development Phase normally lasts 90 to 120 days.

Negotiation and Final Proposal:
The principal goal of the Project Development Phase is development of a final proposal. Additional workshops, verifications, and negotiations are held to ensure agreement. According to the PDA, the Final Proposal phase lasts approximately 60 days.
2) Project Development Agreement(s)
Performance Development Agreement

Full Project
(Water Meters Inclusive)
PROJECT DEVELOPMENT AGREEMENT

BETWEEN

The City of Porterville
291 N. Main St.
Porterville, CA 93257

AND

Johnson Controls, Inc.
12393 Slauson Ave
Whittier, CA 90606

The purpose of this Project Development Agreement (PDA) is to confirm the intent of Johnson Controls, Inc. and the City of Porterville (Customer) to develop a City-wide Energy Retrofit/Revenue Enhancement Performance Contracting Program. This agreement serves as the basis for the PDA scope, the obligations of parties, the financial metrics to be met, the intended outcomes and timeline.

1. Scope of Work

It is the Parties' mutual understanding that this Project Development Agreement will:

- Provide for the development of Facility improvements at all of the Customer's facilities that will fund themselves out of energy and operational savings and/or projected revenue increases over a period not to exceed 15 years.
  
  Attachment 1 includes a preliminary list of those Improvements that will be developed.

- Provide a final financial Project pro forma wherein Johnson Controls will deliver the following results using mutually agreed upon economic assumptions from this assessment.

  Required Financial Criteria:
  
  A. Financing provided to support full capital requirements
  
  B. As a base option, the Project Developed under this agreement will pay for itself in 15-years with annual savings greater than or equal to $110,000 per year.
  
  C. Procurement and financing consistent with requirements of Government Code 4217

2. Guarantee

Johnson Controls, Inc. will guarantee units of energy saved. Johnson Controls and the City of Porterville will mutually agree upon the base cost per utility and whether to apply an annual escalation factor over the term of the contract. If there is a energy savings shortfall, subject to the Customer's instruction, Johnson Controls will offer a variety of options: install additional measures equal to the shortfall amount, upgrade existing measures, write a check to the customer, or provide services-in-kind for the mutually agreed upon shortfall amount.

3. Records and Data

During the Study, Customer will furnish to Johnson Controls, upon its request, accurate and complete data concerning current costs, budgets, facilities requirements, future projected loads, facility operating requirements, etc. Johnson Controls will provide a separate document with the required information and Customer shall make every effort to provide that information within seven (7) work days of request.

4. Preparation of Implementation Contract

Along with the other Scope of Work required under this Agreement, Johnson Controls will develop the framework of the subsequent Implementation Agreement. This Agreement shall be co-developed by Johnson Controls and Customer during the PDA. This document will vary dependant on the Customer desired structure, but where possible shall be standardized Johnson Controls document for most expedient delivery.

This document is proprietary and confidential to Johnson Controls, Inc.
5. **Price and Payment Terms**

In consideration of engineering services, Customer agrees to pay to Johnson Controls the sum of $192,000 within 60 days after the delivery to the Customer of the documentation described under paragraph 1 of this Agreement. However, Customer will have no obligation to pay this amount if:

1. Johnson Controls and the Customer enter into the Implementation Agreement (outlined in Section 3) within 60 days after the delivery to the Customer of the documentation described under paragraph 1 of this Agreement. Costs for the Study will be transferred to the total cost of the implementation Contract and will be subject to the payment terms outlined in the Contract.
2. The project fails to meet the Financial Criteria as described in Section 1.

6. **Indemnity**

Johnson Controls and the Customer agree that Johnson Controls shall be responsible only for such injury, loss, or damage caused by the intentional misconduct or the negligent act or omission of Johnson Controls. Johnson Controls and the Customer agree that the Customer shall be responsible only for such injury, loss, or damage caused by the intentional misconduct or the negligent act or omission of the Customer. To the extent permitted by law, Johnson Controls and the Customer agree to indemnify and to hold each other, including their officers, agents, directors, and employees, harmless from all claims, demands, or suits of any kind, including all legal costs and attorney's fees, resulting from the intentional misconduct of their employees or any negligent act or omission by their employees or agents. Neither Johnson Controls nor the Customer will be responsible to the other for any special, indirect, or consequential damages.

7. **Confidentiality**

To the extent allowed by law, this agreement creates a confidential relationship between Johnson Controls and the Customer. Both parties acknowledge that while performing this Agreement, each will have access to confidential information, including but not limited to systems, services or planned services, suppliers, data, financial information, computer software, processes, methods, knowledge, ideas, marketing promotions, current or planned activities, research, development, and other information relating to the other party ("Proprietary Information"). Except as authorized in writing both parties agree to keep all Proprietary Information confidential. Johnson Controls may only make copies of Proprietary Information necessary for performing its services. Upon cessation of services, termination, or expiration of this Agreement, or upon either party's request, whichever is earlier, both parties will return all such information and all documents, data and other materials in their control that contain or relate to such Proprietary Information.

8. **Timeline**

It is the intent and commitment of all parties identified in this Agreement to work diligently, and cause others under their direction to work diligently toward meeting the following timeline:

- Signed Project Development Agreement (PDA): 09/01/06
- Johnson Controls completes Project Development, and provides firm costs and savings: 11/01/06
- Finalize Agreements and begin Implementation: 02/01/07
- Anticipated Completion and System Operation initiated: Approximately 12 to 18 months from actual implementation

This document represents the business intent of both parties and should be executed by the parties who would ultimately be signatory to a final agreement.

<table>
<thead>
<tr>
<th>JOHNSON CONTROLS, INC.</th>
<th>CITY OF PORTERVILLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>By:</td>
<td>By:</td>
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<tr>
<td>Signature:</td>
<td>Signature:</td>
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<tr>
<td>Title:</td>
<td>Title:</td>
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<td>Date:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

This document is proprietary and confidential to Johnson Controls, Inc.
This Project Development Agreement will provide a detailed analysis to include Preliminary Design Engineering and Guaranteed Savings / Revenue Enhancement Strategies, for the following eight (8) improvement measures as identified in the preliminary analysis presented on May 22, 2006, and others as may be identified in the detailed analysis:

**Base Option: Scope items 1-7**

1. Waste Treatment Plant -  
   *Scope of Work:*  
   - Retrofit selected existing lighting systems  
   - Performance monitoring and reporting

2. Water Pumping Stations-  
   *Scope of Work:*  
   - Design and Engineering  
   - Supply and install all lighting systems  
   - Commissioning of all systems.  
   - Performance monitoring and reporting.

3. Street, Safety, and Recreational Park Lighting Retrofit-  
   *Scope of Work:*  
   - Implement leading technology for Street lighting offering significant savings  
   - Implement leading technology for Park lighting offering significant savings

4. Indoor Lighting Retrofit-  
   *Scope of Work:*  
   - Replacement of all existing T12 fluorescent fixtures with T8 lighting  
   - Magnetic ballasts will be replaced with electronic units  
   - Installation of compact fluorescent lamps  
   - Installation of occupancy sensors where applicable

5. HVAC Retrofits Improvements-  
   *Scope of Work:*  
   - Design and Engineering  
   - Supply and install all lighting systems.  
   - Commissioning of all systems.  
   - Performance monitoring and reporting.
6. HVAC Controls Enhancements-
   **Scope of Work:**
   - Provide and install new DDC controls
   - Provide two classes of training for two people as selected by owner, to be conducted at the Johnson Controls Training Institute in Cypress, CA.
   - Provide all required startup, testing, checkout, commissioning for a complete and proper operational system. Provide on-site training for engineering staff on systems and controls.

7. Renewable Energy Supplemental Power Systems
   **Scope of Work:**
   - Develop self generation capabilities for the City to include Photovoltaic (Solar) capabilities.

**Non-base Option:**

8. Water Meter Upgrade with Automatic Meter Reading Capabilities and Leak Detection Monitoring System-
   **Scope of Work:**
   - Replacement of all residential and commercial water meters and installation of AMR
   - Leak Detection Monitoring
   - Increased revenue and reduced operating costs
   - Reduced billing error potential
   - Ongoing proactive meter calibration and maintenance
Performance Development Agreement

Without Water Meter Option
PROJECT DEVELOPMENT AGREEMENT

BETWEEN

The City of Porterville
291 N. Main St.
Porterville, CA 93257

AND

Johnson Controls, Inc.
12393 Slauson Ave.
Whittier, CA 90606

The purpose of this Project Development Agreement (PDA) is to confirm the intent of Johnson Controls, Inc. and the City of Porterville (Customer) to develop a City-wide Energy Retrofit/Revenue Enhancement Performance Contracting Program. This agreement serves as the basis for the PDA scope, the obligations of parties, the financial metrics to be met, the intended outcomes and timeline.

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It is the Parties’ mutual understanding that this Project Development Agreement will:

- Provide for the development of Facility improvements at all of the Customer’s facilities that will fund themselves out of energy and operational savings and/or projected revenue increases over a period not to exceed 15 years.
  
  Attachment 1 includes a preliminary list of those improvements that will be developed.

- Provide a final financial Project pro forma wherein Johnson Controls will deliver the following results using mutually agreed upon economic assumptions from this assessment.

  Required Financial Criteria:
  
  A.  Financing provided to support full capital requirements
  
  B.  As a base option, the Project Developed under this agreement will pay for itself in 15-years with annual savings greater than or equal to $110,000 per year.
  
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2. Guarantee

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4. Preparation of Implementation Contract

Along with the other Scope of Work required under this Agreement, Johnson Controls will develop the framework of the subsequent Implementation Agreement. This Agreement shall be co-developed by Johnson Controls and Customer during the PDA. This document will vary dependant on the Customer desired structure, but where possible shall be standardized Johnson Controls document for most expedient delivery.

This document is proprietary and confidential to Johnson Controls, Inc.
5. Price and Payment Terms

In consideration of engineering services, Customer agrees to pay to Johnson Controls the sum of $62,000 within 60 days after the delivery to the Customer of the documentation described under paragraph 1 of this Agreement. However, Customer will have no obligation to pay this amount if:

1. Johnson Controls and the Customer enter into the Implementation Agreement (outlined in Section 3) within 60 days after the delivery to the Customer of the documentation described under paragraph 1 of this Agreement. Costs for the Study will be transferred to the total cost of the implementation Contract and will be subject to the payment terms outlined in the Contract.
2. The project fails to meet the Financial Criteria as described in Section 1.

6. Indemnity

Johnson Controls and the Customer agree that Johnson Controls shall be responsible only for such injury, loss, or damage caused by the intentional misconduct or the negligent act or omission of Johnson Controls. Johnson Controls and the Customer agree that the Customer shall be responsible only for such injury, loss, or damage caused by the intentional misconduct or the negligent act or omission of the Customer. To the extent permitted by law, Johnson Controls and the Customer agree to indemnify and to hold each other, including their officers, agents, directors, and employees, harmless from all claims, demands, or suits of any kind, including all legal costs and attorney's fees, resulting from the intentional misconduct of their employees or any negligent act or omission by their employees or agents. Neither Johnson Controls nor the Customer will be responsible to the other for any special, indirect, or consequential damages.

7. Confidentiality

To the extent allowed by law, this agreement creates a confidential relationship between Johnson Controls and the Customer. Both parties acknowledge that while performing this Agreement, each will have access to confidential information, including but not limited to systems, services or planned services, suppliers, data, financial information, computer software, processes, methods, knowledge, ideas, marketing promotions, current or planned activities, research, development, and other information relating to the other party ("Proprietary Information"). Except as authorized in writing both parties agree to keep all Proprietary Information confidential. Johnson Controls may only make copies of Proprietary Information necessary for performing its services. Upon cessation of services, termination, or expiration of this Agreement, or upon either party's request, whichever is earlier, both parties will return all such information and all documents, data and other materials in their control that contain or relate to such Proprietary Information.

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- Anticipated Completion and System Operation initiated: Approximately 12 to 18 months from actual implementation

This document represents the business intent of both parties and should be executed by the parties who would ultimately be signatory to a final agreement.

JOHNSON CONTROLS, INC.

By: ____________________________
Signature: ______________________
Title: __________________________
Date: __________________________

CITY OF PORTERVILLE

By: ____________________________
Signature: ______________________
Title: __________________________
Date: __________________________
This Project Development Agreement will provide a detailed analysis to include Preliminary Design Engineering and Guaranteed Savings / Revenue Enhancement Strategies, for the following seven (7) improvement measures as identified in the preliminary analysis presented on May 22, 2006, and others as may be identified in the detailed analysis:

**Base Option:**

1. **Waste Treatment Plant -**  
   **Scope of Work:**  
   - Retrofit selected existing lighting systems.  
   - Performance monitoring and reporting.

2. **Water Pumping Stations-**  
   **Scope of Work:**  
   - Design and Engineering  
   - Supply and install all lighting systems  
   - Commissioning of all systems  
   - Performance monitoring and reporting

3. **Street, Safety, and Recreational Park Lighting Retrofit-**  
   **Scope of Work:**  
   - Implement leading technology for Street lighting offering significant savings  
   - Implement leading technology for Park lighting offering significant savings

4. **Indoor Lighting Retrofit-**  
   **Scope of Work:**  
   - Replacement of all existing T12 fluorescent fixtures with T8 lighting  
   - Magnetic ballasts will be replaced with electronic units  
   - Installation of compact fluorescent lamps  
   - Installation of occupancy sensors where applicable

5. **HVAC Retrofits Improvements-**  
   **Scope of Work:**  
   - Design and Engineering  
   - Supply and install all lighting systems.  
   - Commissioning of all systems.  
   - Performance monitoring and reporting.
6. HVAC Controls Enhancements

Scope of Work:
- Provide and install new DDC controls
- Provide two classes of training for two people as selected by owner, to be conducted at the Johnson Controls Training Institute in Cypress, CA.
- Provide all required startup, testing, checkout, commissioning for a complete and proper operational system. Provide on-site training for engineering staff on systems and controls.

7. Renewable Energy Supplemental Power Systems

Scope of Work:
- Develop self generation capabilities for the City to include Photovoltaic (Solar) capabilities.
3. Hypothetical Business Case
City of Porterville - Performance Contracting Project (AMR/Water Meters Included)

Financial Model - July 5, 2006

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<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>$9,842,000 Project Cost</td>
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<td>$ - Initial Capital Contribution</td>
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<tr>
<td>$ 50,000 Rebate</td>
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<tr>
<td>$192,000 PPA</td>
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<tr>
<td>$9,894,000 Net to Finance</td>
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<tr>
<td>15 Financing Term (years)</td>
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<tr>
<td>4.30% Rate (Note: This is an effective rate, including all placement costs, etc.)</td>
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<td>($837,365) Annual Payment</td>
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<td>($112,425) First Year Savings from Current Project</td>
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<tr>
<td>($724,942) Total First Year Savings (see cashflow for yearly savings)</td>
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<td>$40,000 Annual Measurement &amp; Verification Cost</td>
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<td>0 Annual Service Agreement</td>
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<td>4.00% Inflation Rate (applied to utility savings, material savings, and M&amp;V costs)</td>
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<td>14.4 Project Simple Payback</td>
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<td>15 Financial Analysis Term (years)</td>
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Savings Categories:
- Include:
  - Brings Savings
  - Water Savings
  - Potential Savings
  - Material
  - Operational
- Total Savings

Interest Rates:
- 10 3.80%
- 12 4.00%
- 15 4.35%

Sample Cash Flow

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Net Cumulative Value: $664,190
Average Annual Impact: $37,813

Net Present Value: $199,764

* NEW installations meters that do not exist, to comply with AB 614
* Negatives in first 7 years, can be smoothed out with financing

Hypothetical

Cash FlowRetract List and Pre verification Porterville July 5 07/12/2005

Page 1 of 2

Proprietary and confidential intellectual property of Johnson Controls, Inc.
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(1) VFDs and Motors  
(2) Included in model  
(4) Water meters (vehicles, fuel and salary)  

Based on amount is required to give a positive NPV  
*300k will be meter accuracy or rate enhancements  
each 5% increase in accuracy = $120,000  
additional revenue might be generated through revenue enhancements

Hypothetical
City of Porterville - Performance Contracting Project

Sample Financial Model - July 5, 2006

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Hypothetical
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(1) VFD’s and Motors  
(3) Not include in this model  
(4) Water meters

*Typically, $20k could generate $9k in savings