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:
   3- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   4- 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

Pledge of Allegiance Led by Council Member Eddie Hernandez
Invocation

PROCLAMATION
“Water Awareness Month” - May 2007
“Stamp Out Hunger Food Drive” - May 12, 2007

PRESENTATIONS
Porterville Historical Museum - Bill Scruggs and Wayne Foltz
Raul Pickett - Vita Program
Employee of the Month - Sonia Silva
Recognition of Service - K-9 “Emor”

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 December 19, 2006; February 23, 2007; and March 20, 2007

2. Budget Adjustments for the 2006/2007 Fiscal Year
   Re: Approving budget adjustment pertaining to the award of California Public Library Funds.

3. Authorization to Send Out Request for Qualifications for Negotiation/Relocation Services
   Re: Authorizing RFQ for ongoing negotiation/relocation services related to property acquisitions for various City projects.

4. Authorization to Advertise for Bids - Buried Sludge Removal Project
   Re: Approving plans and project manual in compliance with the Cease and Desist Order for removal of buried sludge.

5. Authorization to Advertise for Bids - Remodel of Fire Station No. 1 Restroom
   Re: Approving plans and project manual for remodel of restroom at City Fire Station No. 1 located at 40 West Cleveland Avenue.

6. Authorization to Execute a Cooperative Agreement to Provide Concrete Repair/Replacement Services
   Re: Authorizing the completion of documents and issuance of purchase order to Sierra Range Construction of Visalia for various concrete work.

7. Acceptance of Class II & III Bikeway Project
   Re: Accepting the project by Safety Striping Services, Inc. as complete, authorizing the filing of the Notice of Completion.

8. Loan Agreement Between City of Porterville and the Porterville Redevelopment Agency
   Re: Approving loan to RDA for the repayment of County of Tulare Loan Agreement No. 18584, and authorizing payment of $195,000 to the County for Loan Agreement No. 18584.

9. Approval of Investment Authorization
   Re: Approving resolution of authorization identifying City’s signing officer and financial institution for City investments, pursuant to City’s Investment Policy adopted and reaffirmed on April 18, 2006 via Resolution No. 53-2003.

10. Consideration of Authorities Signing of Farm Reconstitution Agreement for Airport Agricultural Properties
    Re: Authorizing the Mayor to sign USDA Agreement for $18 per acre subsidy pertaining to approximately 250 acres of dry farm land near the Municipal Airport.

11. Engineers Report and Setting of a Public Hearing for Establishing Lighting and Landscape Maintenance Districts and Tax Assessments for Parcels Within: Ranch Victoria Phase One
Subdivision, Williams Ranch Phase Four Subdivision, and Amalene Estates Subdivision
Re: Authorizing and approving a Resolution Ordering the Proceedings for Formation of Landscape and Lighting Maintenance District Nos. 38, 39 and 40, and Preparation of Engineer’s Reports; approving the Engineers Reports; and, setting a public hearing for May 15, 2007 to consider the establishment of these three Lighting and Landscape Maintenance Districts.

Re: Approving annual event to take place at the Porterville Fairgrounds, with various street closures as stated.

Re: Approving event consisting of aircraft and motorcycle exhibits to take place on Saturday, May 26, 2007 at the Tule Aero facility at 2780 Yow lumne Avenue, Porterville.

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

PUBLIC HEARINGS
14. Consideration of the Adoption of a Noise Ordinance
Re: Considering draft noise ordinance for first reading.

15. Adoption of the 2007/2008 Action Plan for Investment of Community Development Block Grant (CDBG) Entitlement Funds
Re: Review and consideration to adopt Action Plan for CDBG funded programs.

16. Compressed Natural Gas (CNG) Regional Fueling Facility Project
Re: Considering approval of Negative Declaration and Site Plan for project proposed at general location of south of the southwest corner of Grand Avenue and Prospect Street.

17. Ennis Estates Tentative Subdivision Map (Ennis Land Development, Inc.)
Re: Continuing the public hearing to the Meeting of May 15, 2007.

SECOND READING
18. Ordinance No. 1720, Code Enforcement Officer and an Administrative Code Enforcement Citation Program
Re: Giving Second Reading to Ordinance 1720, repealing and replacing Section 1-9 of Chapter 1, adding Article IV, Sections 2-26.1 through 2-26.4, and adding Article XIV, Sections 2-141 through 2-155, to Chapter 2 of the Porterville Municipal Code.

19. Ordinance No. 1721, Amending the Subdivision Ordinance
Re: Giving Second Reading to Ordinance 1721, amending Chapter 21 of the Porterville Municipal Code pertaining to Subdivision regulations.

SCHEDULED MATTERS
Re: Considering the declaration of properties, as identified, a public nuisance and authorizing the abatement by the City.

21. Animal Control Regulations Pertaining to Vicious Animals and “Repeat Offenders”
   Re: Considering modification to animal control regulations.

22. Interim Financial Status Reports and Grants Summary Report
   Re: Reviewing and accepting Interim Financial Status Reports and Grant Summary Report for the 3rd Fiscal Quarter.

23. Quarterly Portfolio Summary
   Re: Accepting the Quarterly Portfolio Summary for the 3rd Fiscal Quarter, in accordance with SB 564 and SB 866.

24. Request for Annual Contribution to the Business, Industry and Government (BIG) Coalition of the South San Joaquin Valley
   Re: Considering contribution of $1,000 for participation in coalition founded to lobby for valley issues.

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 April 27, 2007

   It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour.

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.
Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez (arrived at 6:07 p.m.), Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: John Hale et al. v. City of Porterville et al.
   4- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Three Cases.

The City Manager read the list of items and the Council adjourned at 6:02 p.m. to the La Barca Conference Room where Council Member P. Martinez joined them prior to the discussion on A-1.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia reported that action had been taken in Closed Session to approve a one year lease of industrial Airport property to Southern California Edison at $2,100 per month.

A-1. AUTHORIZATION OF LEASE OF AIRPORT INDUSTRIAL PROPERTY – A PORTION OF APN 302-110-071

Recommendation: That the City Council:
   1) Approve the lease of 10-acres of property located within the 74-acres along West Street, adjacent to the Municipal Airport, and
   2) Authorize the Mayor to sign all necessary documents to complete the transaction.

Documentation: M.O. 01-121906
Disposition: Approved.

Pledge of Allegiance Led by Council Member Pete McCracken
Invocation - One person participated

PROCLAMATION
"Mariachi Academy for the Performing Arts Foundation Day" - December 19, 2007

PRESENTATION
Veteran’s Homecoming Queen and Court Presentation
Katie Lopez, Miss Porterville
Sarah Clifford, Senior Princess
Savanna Murdock, Princess
Danielle Standridge, Princess
Leslie Keele, Princess

City Managers Featured Projects for December 2006
1. Award of HOME Monies
2. Launch of Police Volunteer Program
3. Date Avenue Housing Project

ORAL COMMUNICATIONS
• Mark Hillman, Home Building Design, 263 N. Third Street, asked to speak to Item 15.
• Jim Kusserow, Porterville High School Band Director, spoke regarding their participation in the Tournament of Roses Parade, and gave the Council Programs and pins developed for the High School.
• David McDowell, Sansome Pacific Properties, 500 Washington Street, San Francisco, asked to speak on Item 8.
• Greg Woodard, 1055 West Morton, Chairman of the Chamber of Commerce and Chairman of the Economic Development Committee of Chamber, asked to speak on Item 8.
• Dick Schaffer, 197 North Main, spoke on Porterville Panther Band and their being in the Rose Parade and being in the movie “The Elf.” He also requested approval of Item 20.
• Greg Shelton, 888 N. Williford, asked to speak on Item 8.
• Neil Smith, Smith Enterprises, 55 N. Hockett, asked to speak on Item 8.
• Donnette Silva-Carter, Porterville Chamber, spoke on the event being held down the street by the New Porterville Youth Foundation, Porterville PD, Chamber, KTIP, the AR Group, and private industry for local children to see Santa Claus and have their pictures taken. She also spoke on the recruitment video being shot for the Police Department

CONSENT CALENDAR
Items 6 and 8 were removed for further discussion.

1. CITY COUNCIL MINUTES OF SEPTEMBER 25, 2006

Recommendation: That the City Council approve the City Council Minutes of October 17, 2006.

Documentation: M.O. 02-121906
2. CLAIM - LEONA WARZEE

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

Documentation: M.O. 03-121906
Disposition: Approved.

3. REPLACEMENT OF ICE MAKER AT AIRPORT

Recommendation: That the City Council:
1. Approve the replacement of the ice maker at the airport; and
2. Authorize the expenditure from the Airport Replacement Fund.

Documentation: M.O. 04-121906
Disposition: Approved.

4. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 261-030-046 - SANDRA ANNE CANNELLA, SUCCESSOR TRUSTEE OF THE MAX LEROY YOUNG 1988 - PLANO BRIDGE WIDENING PROJECT

Recommendation: That the City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Sandra Anne Cannella in the amount of $7,250.00 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.

Documentation: Resolution 149-2006
Disposition: Approved.

5. PURCHASE OF AIRPORT PROPERTY BY GRIDLEY MACHINE

Recommendation: That the City Council:
1. Approve the sale of 422.4 square feet of land for a price of $658.95.
2. Authorize a lot line adjustment.
3. Authorize the Mayor to sign any and all documents necessary to execute the above.

Documentation: M.O. 05-121906
Disposition: Approved.

7. CONSIDERATION OF AMENDMENT TO SCOPE OF WORK OF FRANCHISE COMPLIANCE/RENEWAL CONSULTANT
Recommendation: That the City Council authorize the City to expand the fee audit by Communications Support Group, Inc., to include the period of January 1, 2003 to December 31, 2004, at an additional cost of $10,000, and authorize the execution of any and all documents necessary to affect an amendment to current scope of services, consistent with the terms of the prior agreement.

Documentation: M.O. 06-121906
Disposition: Approved.

9. EXTENSION OF LICENSE AGREEMENT TERM FOR SENIOR NUTRITION PROGRAM USE OF THE SANTA FE DEPOT

Recommendation: That the City Council:
1. Authorize and direct the Mayor to sign the Amendment to the License Agreement; and
2. Direct the preparation of a budget amendment for the $2,400 extension in financial support.

Documentation: M.O. 07-121906
Disposition: Approved.

10. REQUEST TO APPLY FOR OFFICE OF TRAFFIC SAFETY MINI GRANT

Recommendation: That City Council:
1. Authorize the filing of the grant application; and
2. Authorize the Mayor to sign all necessary documents as pertains to the grant.

Documentation: M.O. 08-121906
Disposition: Approved.

11. AMENDMENT TO THE SEASONAL AND PART-TIME PAY RATES

Recommendation: That the City Council adopt the Draft Resolution amending the City’s Employee Pay and Benefit Plan, Seasonal and Part-time Pay Rates for FY 2006-07.

Documentation: Resolution 150-2006
Disposition: Approved.

12. AMENDMENT TO THE EMPLOYEE PAY AND BENEFIT PLAN - FIRE CHIEF POSITION

Recommendation: That the City Council adopt the Draft Resolution amending the Position Allocation Schedule and Position Pay Plan of the City’s Employee Pay and Benefit Plan.

Documentation: Resolution 151-2006
13. DEPUTY CITY MANAGER RECRUITMENT

Recommendation: 1. Authorize the City Manager to retain Peckham and McKenney for a fee of $16,000, plus expenses, to recruit a Deputy City Manager.
2. Authorize the City Manager to execute any and all necessary documents related to the recruitment process.

Documentation: M.O. 09-121906
Disposition: Approved.

COUNCIL ACTION: MOVED by Mayor Pro Tem F. Martinez, SECONDED by Council Member P. Martinez that the Council approve Item Nos. 1 through 5, 7 and 9 through 13. The motion carried unanimously.

6. CONSIDERATION OF CONTRACTING PLANNING CONSULTANT SERVICES

Recommendation: That the City Council:
1. Authorize staff to negotiate a contract with Provost & Pritchard; and
2. Authorize the Mayor to sign all necessary documents.

Council Member Pedro Martinez stated that he wanted to make sure that no conflicts would occur with projects currently in the works.

The City Manager stated that they would not be working on projects that they had anything to do on the client side. They would not be the decision maker on any project in any event, but would only provide consultant advice to the staff.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize staff to negotiate a contract with Provost & Pritchard, and authorize the Mayor to sign all necessary documents. The motion carried unanimously.

Disposition: Approved.

8. INTENT TO ABANDON A PORTION OF “C” STREET (SALOME PACIFIC PROPERTIES, INC. - DAVID MCDOWELL)

Recommendation: That City Council:
1. Consider the resolution of intent to vacate the northern portion of “C” Street between Vine Avenue and Olive Avenue; and
2. Set the Council meeting of January 16, 2007 as the time and place for a public hearing, if Council consents to the developer’s proposal.

The City Manager presented the item and Public Works Director Baldo Rodriguez gave the staff report. At that time the Director corrected the draft resolution, Section 3, “...Section 8330” to “...Section
8340." The Director stated that the applicant, Mr. McDowell of Sansome Pacific Properties, had provided documents of support from the adjacent property owners for the abandonment of “C” Street. It was noted that Mr. McDowell asked that Council be made aware that these consent forms were not a prerequisite of Council’s approval of the resolution to vacate. Mr. McDowell also suggested that the resolution to vacate should be subject to, and effective, upon the final approval of the project and the issuance of a building permit. Public Works Director Baldo Rodriguez stated that staff felt this was a reasonable suggestion, and staff may want to place an additional consideration of construction of the project within twelve month period, or a period deemed acceptable by the City Council. The issue of most significance to Public Works was Section 8340(a), which is spelled out in the draft resolution. The key points are 1, the consultant feels should be 8340(c) in that the public entity would retain a right to maintain existing underground or overhead facilities and continue to operate those underground or overhead facilities, and replace in kind, of those underground or overhead facilities. The difference between Section A and Section C was that under Section A the City would be able to put in a larger main, whereas under Section C it could replace what was there. Mr. Rodriguez stated that staff did not see any Pros, as they would be unable to improve any underground facilities if needed. Mr. Rodriguez then presented the remainder of the staff report.

Mayor Hamilton stated that this was not a public hearing, but they had four people ask to speak.

David McDowell stated that affirmation and consent on the project from the neighbors was not a requirement, but was something they did anyway. He stated that as to 8340 A versus C, he was not hung up on it being “C,” what he had a problem with was that 8340 A would allow the City to reserve the right to put in any easement, so what he was asking was that the City work with them in the future, before they publish the resolution, to pare down the list to reasonable utilities that may be needed in the future. He stated that his client was aware that there was a water main up “C” Street, and other utilities may exist there, and they would be open to having them available for updating and improvements—they just didn’t want a railroad. The alignment was an error on their architect and engineer’s part. They would want the alignment so the signalization at the intersection of Second and Olive would line up with the ingress and egress from the site, and whatever details needed to be worked out, they would be happy to work with that. He stated that if there were methods to improve the circulation, that would be fine and they were open to looking at what that might be. Mr. McDowell stated that the point of their request was simply to move the project forward, as they needed to be able to report to the ultimate user that they could procure an abandonment upon the obtaining of a successful, approved site, and pulling building permits. He stated that was why he suggested to staff, and staff agreed that evening, that it would be appropriate to put a contingency in the resolution that said that this would only be effective once a project had been approved, and a building permit had been issued, and they would have up to one year in order to pull the permits and get the site plan details worked out with the City. Only at that time would the abandonment actually take place.

Mayor Hamilton questioned whether the electrical, gas, and water were running down the alleyways, so that it progressed right across “C” Street. Mr. Rodriguez stated that was usually the case, but he was not aware of any other utilities being present except for the water main on “C” Street.

Gregg Woodard, Chamber Economic Development Committee, stated that the Committee’s mission was committed to facilitating planned economic growth and education while preserving and improving the quality of life for the greater Porterville area. He stated that the project as presented was reviewed by the Chamber EDC on December 7, and they discussed the pros and cons, and felt that the
far outweighed the cons. He stated that this project meets two out of three of the Committee’s objectives—creation, retention and expansion of new and existing jobs and a business friendly environment. The EDC Committee voted unanimously to give their support to this project.

Gregg Shelton, 888 North Williford Drive, stated that he didn’t see streets as liabilities. He stated that what bothered him was what was the good reason for getting rid of “C” Street when the proponent could purchase additional parking to the east. But instead the proponent wanted the City to abandon the street and give him the property for free, thereby saving him money. Mr. Shelton stated that it was hard to get around downtown if the streets were closed, and the property couldn’t be regained. He stated that the proponent had alternatives, and the City shouldn’t subsidize him.

Neil Smith stated that when this came to the Chamber EDC he made it clear that he was not supporting that development, but was supporting the concept. He stated that the Council could make the decision that Porterville was business friendly. Mr. Smith stated that parking was always an issue downtown. He stated that the Council needed forward thinking concepts, and they could look at developing Main Street to the south.

Mayor Hamilton clarified that they were just setting the public hearing tonight for the abandonment. He questioned staff about traffic and ingress and egress into the proposed development.

Brad Dunlap, Community Development Director, spoke about the need for infrastructure and the intertie with the downtown area, and access issues. He stated that he needed to review the plan revisions.

Mayor Pro Tem F. Martinez stated that the staff has not reviewed the plans and this was just to set a public hearing, although Mr. McDowell had gone to everyone else but the people that needed to look at what he was doing, and that was what he paid the staff for, because they had the knowledge. He stated that it was important that this be done the correct way.

Council Member Hernandez agreed that there were still questions that needed to be answered by staff.

The City Manager stated that the Council was defining an order, and rather than focusing on this as a project, with the abandonment as a part of that, they were focusing on the abandonment before there was a project.

Mr. McDowell stated that this was not a decision to go ahead with the project, and that was why they offered from the onset the contingency that the abandonment would only be successful if and when permits were pulled. That gave them the opportunity to work with the staff on the details. He stated that if they couldn’t get to the point now where they know that, once they were successful with staff in creating a project and a site plan that’s workable, the project would not go forward, or take place at all.

Council Member Hernandez moved the staff recommendation. Mayor Hamilton seconded the motion and asked for discussion.

Mayor Hamilton clarified that the recommendation staff came up with had all the built in abilities to make sure that the project meets all the specifications that staff wishes to have.
The Public Works Director stated that what made this acceptable to them was an offer from Mr. McDowell that nothing becomes solid until the staff actually had the project before them, and that the conditions such as traffic signals, repair of the parking lot being used by the public not frequenting the other businesses, is worked out.

The City Attorney clarified that the resolution tonight didn’t contain those contingencies, but those items would be included in the actual resolution of abandonment presented at the public hearing, including the effective date and any conditions required for it to become effective.

The Community Development Director stated that, based on the current zoning, they did not have the ability to go in and review these with discretion. He stated that in a project such as this, it was one thing to meet the technical requirements of the Code, and it’s another to produce a project that is based on the need to abandon the street. There needs to be some ability to consider esthetics and optimum layouts, rather than just simply meeting the Code.

The Mayor clarified that they didn’t have the Code, but they had the fact that the proponents needed the abandonment, and that was their card.

The City Manager stated that Mr. Dunlap was saying that there was not much discretion in the review of the project, so there was not much ability to deny a project as long as it meets general guidelines. The real discretion was in the abandonment of the street, which was coming prior to the project.

Mayor Hamilton stated that it was all contingent upon the abandonment, and if the project didn’t meet their specifications, it would not be abandoned. The City Attorney clarified that the Mr. Longley was pointing out that the Council would be in the same position to make a decision on the approval of the resolution of abandonment unless a site plan was provided prior to that approval. She stated that the hearing could be continued until that side plan was provided.

Mr. Dunlap stated that was what Mr. McDowell was trying to get to in the condition of approval, was conditioning it upon the City’s approval of the plan for the development of the property and issuance of a building permit within a year. Secondly, the urgency for Mr. McDowell was that he needed to demonstrate site control to move forward with a tenant, and he needed to establish an intent to abandon. Thirdly, since there was an abandonment requirement, Mr. Dunlap didn’t if there was a way to require the project to come back for City Council approval.

The City Attorney stated that she would have to review if they could put conditions in the abandonment on the actual plan itself in order to get around the zoning. She stated that the Streets and Highways Code provides specific reasons for allowing abandonments. She stated that she could do that before the public hearing.

Mayor Pro Tem F. Martinez questioned the recommendation from staff which should have been reviewed by all the Directors.

The City Manager stated that the recommendation was pretty much presented as a pro forma deal to get it to the public hearing.
Mr. Lollis stated that this was brought by the staff in response to a request for consideration without a recommendation besides a request for Council consideration.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Hamilton that the Council approve the resolution of intent to vacate, as amended to Section 8340, the northern portion of “C” Street between Vine Avenue and Olive Avenue.

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

Disposition: Approved as amended.

PUBLIC HEARINGS
14. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)

Recommendation: That the City Council

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report, indicating that the applicant had again requested a continuance of the item.

Council Member McCracken spoke on the continuance of this item and the need to rescind previous action.

The City Attorney stated that a motion and approval of continuance would take care of the matter.

COUNCIL ACTION: MOVED by Mayor Pro Tem F. Martinez, SECONDED by Council Member Hernandez that the Council continue this item to the January 16, 2007 Council meeting.

Minute Order 11-121906

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

Disposition: Continued.

SCHEDULED MATTERS
15. RESOLUTION OF AMBIGUITY - DEVELOPER’S REQUEST FOR COUNCIL TO CLARIFY AND RECONSIDER STAFF’S INTERPRETATION OF OPEN SPACE REQUIREMENTS FOR PROPOSED APARTMENT COMPLEX CONSISTING OF 30 UNITS AT THE SOUTHWEST CORNER OF WILLOW AVENUE AND E STREET
Recommendation: That the City Council;
1. Review the Project Proponent’s challenge and interpret the current City Code as Council believes it should be interpreted; and
2. Direct Staff to revise and recommend amendment to the current City Ordinance if necessary as it pertains to Open Space in R-2 (three-family), R-3 (multifamily), and R-4 (multifamily) and Professional Office Zones to clarify any ambiguity.
3. Approve Draft Resolution

The City Manager presented the item. At this time Council Member Hernandez stated that he had a conflict as he had dealings with Mr. Pearson. Brad Dunlap, Director of Community Development, then presented the staff report.

Mayor Hamilton clarified that he was not within 300 feet of the project. He then declared a recess from 8:24 p.m. to 8:37 p.m.

Mark Hillman, 263 North Third Street, handed out a document with lots for Council to review. He stated that staff was trying to place additional constraints not in the ordinance. Mr. Hillman debated the number of occupants that would be within Mr. Pearson’s 29 unit development. Mr. Hillman then reviewed his document showing five different site plans: A. Morton Avenue (seven units), B. Morton Avenue (six unit), C. Date Avenue, D. Plano Street, and E. Garden and Third, and the use of the building overhang to achieve the footage needed. He stated that he understood that Mr. Dunlap would like to amend the Code, but they had to use what they had now. It’s not intent, it is what the Code says at this time. He stated that he would appreciate the Council looking into this and letting the ordinance go forward as written.

Mr. Pearson stated that the numbers were skewed by Brad.

Mr. Dunlap stated that he didn’t necessarily rebut the statements, just wanted to clarify that a serious issue with housing is overcrowding. He stated that the ordinance was written awkwardly and he admitted that it had not been well enforced. He stated that it was a matter of whether the Council wanted to accept the conditions they currently have, but better enforced to ensure they have a ten-foot dimension, or whether they wanted a conservative approach as outlined here, or go back and amend the Code.

Mr. Hillman stated that the 750 square feet contiguous was a lot of land and would not work on the five examples he discussed. It had never been asked for and, by asking for it, they were asking for it was an outrageous amount of land in the rear one-third of the lot. He stated that it was way too much. Mr. Hillman then read the Code and stated that it read exactly as it was used in his development.

The City Attorney stated that she agreed with staff’s interpretation, and did believe that it could be enforced as staff was recommending.

Council and staff discussed when Mr. Hillman was informed of the interpretation.
Mayor Pro Tem F. Martinez stated that the importance to him was when this came to the forefront. He stated that there was a big difference between an ethical issue and law. He stated that Mr. Dunlap was right, the Council was looking at more open space, as previous Councils have done, but intent was one thing and law was another.

Council Member McCracken agreed that they should support the Code, and if it hadn’t been enforced in the past, shame on them, but they should enforce it now as staff recommends. Council further discussed when this issue had been addressed in PRC with Mr. Hillman.

Council Member McCracken made a motion to accept the recommendation as supplied by staff. Council Member P. Martinez seconded the motion.

Mayor Hamilton asked for more time to review this matter.

Council Member McCracken and Council Member P. Martinez withdrew their motion and second.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem F. Martinez that the Council continue this item to the meeting of January 16, 2007

Minute Order 12-121906

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

Disposition: Continued.

17. PUBLIC IMPROVEMENTS AGREEMENT - RIVERWALK DEVELOPMENT

Recommendation: That the City Council:
1. Review and approve the “Agreement” and authorize the Mayor to execute the “Agreement”;
2. Recognize that the construction costs identified in Exhibit ‘C’ are “Estimates of Probable Cost” and that the City’s share and the Developer’s share of cost shall be determined by the actual construction costs; and
3. Direct the Public Works Director to bring this matter back before Council with actual construction costs for Council review and consideration.

The Public Works Director stated that the applicant, or person of interest, has requested that this item be continued to January 16, 2007.

The Council concurred.

Council Member Hernandez rejoined the Council at this time.

16. ORDINANCE EXTENDING NON-EXCLUSIVE CABLE TELEVISION FRANCHISE
Recommendation: That the City Council consider the proposed ordinance and give first reading to the Ordinance of the City Council of the City of Porterville Extending Ordinance No. 1544, as Transferred by Ordinance No. 1582, Being a Non-Exclusive Franchise to Construct, Operate, and Maintain a Cable Television System within the City of Porterville.

The City Manager presented the item and Julia Lew, the City Attorney, gave the staff report.

Council Member P. Martinez asked that the City enter into discussions with the Charter Company regarding an educational (PEG) channel for cable access for the Council meetings.

The City Manager stated that he and the City Attorney would meet with the cable company regarding this issue. He stated that they would respond back to Council as soon as possible.

COUNCIL ACTION: MOVED by Mayor Pro Tem F. Martinez, SECONDED by Council Member P. Martinez that the Council approve Ordinance 1710 and give first reading to the ordinance being An Ordinance of the City Council of the City of Porterville Extending Ordinance No. 1544, as Transferred by Ordinance No. 1582, Being a Non-Exclusive Franchise to Construct, Operate, and Maintain a Cable Television System within the City of Porterville. The motion carried unanimously.

The City Manager read the ordinance by title.

Disposition: Order to Print.

18. HERITAGE CENTER “WALL OF FAME” PLACEMENT PROCEDURE

Recommendation: That the City Council:
1. Adopt the Heritage Center “Wall of Fame” Placement Procedure; and,
2. Consider the nomination of Mrs. Carmen Martinez-Eoff for placement on the “Wall of Fame.”

The City Manager presented the item and Jim Perrine, Director of Parks and Leisure Services, gave the staff report.

Council discussed the item and the following items were recommended by Council:

• Mrs. Carmen Martinez-Eoff would be considered at the first meeting held in January 2007, along with any other nominees.
• The portrait to be placed on the “Wall of Fame” for five years and not three
• Nominations will be considered at the first regular meeting held in each calendar year.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member P. Martinez that Council accept the placement procedure as recommended by staff. The motion carried unanimously.
MOVED by Council Member Hernandez, SECONDED by Council Member P. Martinez that the Council amend the procedure to change the duration from three to five years.

M.O. 13-121906

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

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member P. Martinez that the Council accept the placement procedure as amended.

M. O. 14-121906 The motion carried unanimously.

Disposition: Approved as amended.

19. PROPERTY IMPROVEMENT AWARD PROGRAM

Recommendation: Provide direction for further development of a Property Improvement Award Program.

The City Manager presented the item and Jim Perrine, Director of Parks and Leisure Services, gave the staff report.

After a brief discussion the Mayor stated that he would come back with something for Council instead of ‘hashing’ it out that evening.

Disposition: Continued.

20. FRANK ‘BUCK’ SHAFFER CLOCK FOR CENTENNIAL PARK

Recommendation: That the City Council:
1. Receive the recommendation from the Parks and Leisure Services Commission that a clock not be installed in Centennial Plaza and instead be located in front of City Hall; and
2. Consider staff’s two suggestions for possible locations for a pole mounted clock in or adjacent to Centennial Plaza; and
3. Consider ‘Buck’ Schaffer’s stated desire to have a nostalgic clock located in Centennial Plaza; and
4. Provide direction and appropriate authorizations related to the installation of a clock and/or other memorial.

The City Manager presented the item and Jim Perrine, Director of Parks and Leisure Services, gave the staff report.

Mayor Pro Tem F. Martinez stated that Robert Roman, Jim Kusserow, and Alex Gonsales, and other band directors from the local high schools, have formed a committee to get this off the ground. He stated that what they would like from the City was either someone from the staff, perhaps Parks and
Leisure Services, in an advisory measure. He stated that they have begun to raise funds for the clock and to place benches in Centennial Park.

After discussion Council concurred the Mayor Pro Tem F. Martinez will be the liaison to the Committee, and Mr. Longley and Mr. Perrine will support him staff-wise. Mr. Longley stated that they would come back with a budget.

Disposition: Referred to Committee.

21. SET ADJOURNED MEETINGS

Recommendation: That the City Council select dates and times for the two Adjourned Meetings.

The Council set January 26, 2007, 12:30 p.m., for the Measure R meeting, and set February 16, 2007 at 12:00 noon, for the Meet and Confer meeting.

Disposition: Meetings set.

22. CONSIDERATION OF APPOINTMENT TO MEASURE R CITIZENS’ OVERSIGHT COMMITTEE

Recommendation: That the City Council:
   1. Consider the appointment of an individual to serve on the Measure R Citizens Oversight Committee; or
   2. Provide direction to staff in facilitating an application process for individuals to be considered for appointment.

The Deputy City Manager presented the staff report, and clarified that the individual had to be at least 18 years of age and not an elected official or employee of any city, county, or state agency.

Mayor Hamilton put forward the name of Wayne Harris for this appointment,

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem F. Martinez that Council accept the nomination of Wayne Harris for the Measure R Citizens Oversight Committee. The motion carried unanimously.

Disposition: Approved.

Mayor Hamilton directed staff to contact Mr. Harris about this appointment the next day.

23. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM - “DOG FECES ORDINANCE”

Recommendation: As directed by Council.

The City Manager presented the staff report.
Mayor Pro Tem F. Martinez stated that he would like it to be mandatory for individuals to carry items to clean up after their dogs in public. He stated that there were ordinances from other cities that they could piggy back off.

Council questioned the enforcability of such an ordinance.

The City Manager stated that the City Attorney could do a list serve and provide information to the Council on disk for their review. Mayor Pro Tem F. Martinez stated that he would be willing to look at this in the second quarter of the year.

24. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM - “CONSIDERATION OF $2,500 MURAL SPONSORSHIP”

Recommendation: As directed by Council. (If item is approved, please authorize appropriate budget adjustment)

The City Manager presented the staff report.

COUNCIL ACTION: MOVED by Council Member P. Martinez, SECONDED by Mayor Hamilton that Council authorize the $2,500 Mural Sponsorship and authorize the budget adjustment. The motion carried unanimously.

Disposition: Approved.

25. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM - “BUDGET ADJUSTMENT FOR IRIS BULB PLANTINGS”

Recommendation: As directed by Council. (If item is approved, please authorize appropriate budget adjustment)

Council discussed the planting of irises in all the City planters, as Suttons had offered free bulbs for that purpose. Council Member P. Martinez stated that this could be a part of the “Paint the Town” activity.

Mayor Pro Tem F. Martinez made a motion, and Council Member McCracken made a second, to accept staff recommendation to adjust the budget by $3,500 for Iris planting, including the Zalud House, if the bulbs are still available.

Mayor Pro Tem F. Martinez withdrew his motion after the discussion on the maintenance costs. It was agreed that it was the cost that was the problem.

After further discussion it was agreed that Council Member Hernandez would speak to the Boy Scouts; Mr. Perrine would speak to Suttons, the Garden Club and the horticulture classes at the high school and college regarding the planting.

Disposition: No action.
26. STREET LIGHTING ALONG VILLA STREET - OLIVE AVENUE TO UNION AVENUE

Recommendation: Informational only.

The City Manager presented the item and Mr. Rodriguez gave the staff report.

Disposition: Report Accepted.

ORAL COMMUNICATIONS
• Greg Shelton, 888 N. Williford, came forward and spoke regarding Item 19.
• Vidra McElfresh, Chairman of the Mural Committee, 772 E. Henderson, came forward and thanked the Council for their support.
• Dick Eckhoff came forward spoke on various items discussed that evening.

OTHER MATTERS
• Council Member P. Martinez spoke regarding the Sister City Association meeting in the Azusa area. He requested that the City follow up on an invitation to throw in our hat to be the host of the Mexico/California Conference.
• Council Member Hernandez spoke regarding the Wall of Fame and getting more nominations this next year.
• Mayor Pro Tem F. Martinez spoke on civic pride.
• Mayor Hamilton put forth the name of Buck Shaffer for the Wall of Fame.
• Council Member P. Martinez thanked the staff for their work his past year.

ADJOURNMENT
The Council adjourned at 10:50 p.m. to the meeting of January 5, 2007.

Georgia Hawley, Chief Deputy City Clerk

SEAL

Cameron Hamilton, Mayor
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING - FEBRUARY 23, 2007
CITY HALL COUNCIL CHAMBERS
291 NORTH MAIN STREET, PORTERVILLE
FRIDAY - 1:00 P.M.

Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

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

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
1. STUDY SESSION - NOISE ORDINANCE

Recommendation: That City Council review the proposed ordinance and give direction, if any, to staff and bring the ordinance back for final adoption at a future meeting.

Acting Deputy City Manager John Lollis presented the item, and Community Development Director Brad Dunlap presented the staff report. Mr. Dunlap then introduced Mr. Bob Brown of Brown-Buntin Associates Consultants in Acoustics of Visalia.

Mr. Brown produced a sound level meter, which was passed to the Council Members for their review and experimentation. Council Member Pedro Martinez inquired as to the cost of the meter, pointing out that the proposed ordinance required event sponsors to provide their own meter and regularly monitor sound levels during events. A discussion ensued during which staff indicated that sound level meters were available at a wide range of costs, depending on the devise’s sophistication, and that staff’s meters were in the $200 range.

Mr. Dunlap spoke of a shift in noise policy, noting that the ordinance before the Council that day was actually based on an antiquated State ordinance drafted in the late 1970s. He indicated that the new noise philosophy was more user-friendly and enforceable, and advised the Council that Mr. Brown could elaborate further on the topic. Mr. Brown briefly reviewed the difference between a Noise Element and a Noise Ordinance. He stated that a Noise Element was typically a planning document setting forth established policies in an attempt to prevent new and incompatible land uses from occurring in the future. A Noise Ordinance, Mr. Brown explained, was a remedy that occurred after the fact. He stated that a Noise Ordinance regulated existing uses and provided a framework by which the City could determine whether certain noises were excessive and in violation. He added that the Noise Ordinance must have a noise standard that was both reasonable and enforceable, as well as understandable. Mr. Brown spoke in favor of maintaining consistency between the Noise Element and Noise Ordinance within a city, as well as keeping in line with the
noise standards adopted by other agencies throughout the State and Country. Mr. Brown then stated, that while he would not say that the proposed language was antiquated, it was based on the Office of Noise Control’s model ordinance that was developed in the late 1970s. He stated that language addressing noise level/performance standards was fairly complex, and that his organization advocated a more simplified version of those standards for better understanding and easier enforcement. Mr. Brown then recommended that the Council stay with the levels proposed in the draft ordinance, yet that they be simplified. He then inquired whether the Council had any observations or questions with regard to the sound level meter.

Council Member Pedro Martinez noted that when he spoke while holding the devise, his voice registered approximately 67 to 72 decibels. He noted that the proposed maximum level was 95 decibels, and inquired whether the duration of the noise was also a factor. A discussion ensued, during which Mr. Brown clarified that the level of noise registered on the meter was dependent upon the distance from the noise source. He stated, as a frame of reference, that the type of noise level that might generate 95 decibels could be a lawn mower in close proximity. Mr. Brown then spoke of the difficulty with enforcing standards with regard to vehicles playing loud music. He stated that noise ordinances were helpful in resolving issues that neighbors could not resolve on their own, and protected both the individual producing the noise and the individual exposed to the noise.

Mayor Pro Tem Felipe Martinez inquired as to how noise produced from loud Harley Davidson motorcycles would be regulated and violations enforced. It was stated that the Vehicle Code governed noises emanating from motor vehicles, and that when manufactured, vehicles were required to meet certain noise standards. Mr. Brown pointed out that it was after-market exhaust systems put on Harleys and some vehicles that often made them louder and caused problems. He stated that a local noise ordinance would only address those sources of noise that were not preempted from local control by State or Federal control. He stated that a local noise ordinance would regulate such areas as commercial and industrial activities, sound trucks, concerts in the park, etc.

Council Member Pedro Martinez voiced concern with regulating noise issues that should be guided by common sense. He then inquired as to the City’s liability, if any, in a situation in which the City allowed noise to continue at a high level, and hearing loss was asserted. City Attorney Julia Lew stated that the City would likely be able to defend its action in the event its adopted standards were reasonable and the noise fell either at or below standards considered to be safe. OSHA standards were discussed, during which Mr. Brown pointed out that an OSHA standard was a time-weighted average exposure of 90 decibels for no more than eight hours, or 95 decibels for no more than four hours, and so on.

Parks & Leisure Services Director Jim Perrine produced a megaphone and sounded its horn as a test of noise level. It was stated that the sound registered 85 on the sound level meter. Mr. Perrine again sounded the megaphone, at a higher level, which was stated to have registered 95 on the sound level meter. Mr. Brown pointed out that a noise of 95 decibels was loud, not merely annoying. He stated that if an individual was exposed to a noise of that level for a long period of time, it would give the individual a temporary threshold shift. A discussion ensued as to the proposed posting requirement, during which Mr. Brown noted that the Council could choose to remove the requirement without jeopardizing the effectiveness of the ordinance itself.
Council Member Pedro Martinez voiced concern with requiring event sponsors to provide sound level meters. He commented that he believed the issue of noise should be handled on a neighborly basis, from a nuisance standpoint, and voiced concern with over regulation.

Mayor Hamilton agreed with Council Member Pedro Martinez’s comments with respect to being good neighbors, but stated that unfortunately, there were those individuals who were not reasonable and good neighbors.

Mr. Perrine again sounded the megaphone at a higher frequency to test noise levels. It was determined that the sound registered above 95 decibels on the meter, and that the noise was indeed loud and annoying. A discussion ensued regarding the need to identify explicit noise standards if the ordinance was to be enforced. Mr. Brown noted there was a nuisance aspect of the proposed ordinance, as well as a performance aspect. He then suggested that the Council simplify the standards set forth in Section 18-83 and 18-84 so as to make them easier to understand and enforce.

A brief discussion next ensued regarding motor vehicles playing loud music, and of the difficulty in enforcing the Vehicle Code regulating sound from vehicles. Mayor Pro Tem Felipe Martinez commented that loud music emanating from vehicles had been the reason that the item had been brought forth in the first place, yet the Ordinance would not even address the issue. It was stated that the subject ordinance had been brought to the Council because of noise emanating from the Fairgrounds, as well as because of the requirement per the City’s CEQA review. The Porterville Fair was briefly discussed, during which it was stated that the permit issued to the Fair operators contained noise standards.

With regard to the proposed Ordinance, Mr. Dunlap indicated that language had been included which provided for a relief permit process. He stated that the Council would have the authority to approve a permit of relief in situations of undue hardship. He noted that certain conditions could be placed on the permit, and proceeded to elaborate on various circumstances that could arise and the conditions which the Council could require. Mr. Dunlap then pointed out that the provision requiring event sponsors to provide sound level meters to monitor and measure the level of sound at an event would only apply to events that were in public parks or in City facilities.

Mr. Brown recommended that the standards adopted by the Council in the Ordinance be consistent, and that the City avoid using an “ambient plus five” type of standard, noting the difficulty in determining and proving the level of “ambient.” Mr. Brown also recommended that the City make all attempts to draft both the Noise Ordinance and the Noise Element of the General Plan in a consistent manner.

In response to questions posed by Mayor Pro Tem Felipe Martinez and Mayor Hamilton, Mr. Dunlap indicated that certain areas within the City could have a higher noise threshold, such as near the Sports Complex. He stated that in the event the Fair relocated, the uses surrounding the new site would determine the noise threshold. He stated that if the Fair was surrounded by industrial or commercial uses, the threshold could be higher. City Attorney Julia Lew added that as long as the basis for making the determination was clear, the City could legally have different noise thresholds.
Mr. Dunlap then elaborated on “right to operate” notices that could be required so as to notify residents and/or potential residents of increased levels of noise in the immediate area. He cited the Red Hawk Estates Subdivision’s proximity to a race track, and Foster Farms’ proximity to a residential neighborhood as examples. Mr. Brown added that such provisions were very common, citing neighborhoods near airports and the disclosures made to residents in those neighborhoods, as well as the requirements of homeowners with regard to granting authority to operate aircraft over their properties. He stated that homeowners near airports also waived the right to sue the airport over noise.

Council Member Pedro Martinez spoke in favor of an ordinance that was not so stringent that it impeded on individuals’ rights to enjoy their lives, that recognized that the difference between city life and country life, and had a balance between the rights of those with a livelier lifestyle and those more subdued.

Chief McMillan indicated that the Police Department on average issued approximately seven to ten permits per week for outside amplification for parties, etc. He stated that during the past year, the P.D. had not revoked any of those permits for non-compliance. He stated that the P.D. did receive calls for loud music in the evening, and that the majority of offenders complied when requested to do so. Chief McMillan indicated that the proposed ordinance would provide the Community Development Department the tool it needed, but that with regard to enforcement, the P.D. already had the ability to revoke permits. He then spoke of past noise problems with the Fairgrounds.

Mr. Dunlap indicated that the Police Department generally dealt with temporary events generating noise, while the Community Development Department typically dealt with long-term permanent uses generating noise. He then went on to elaborate on the rationale behind requiring event sponsors to provide noise meters for monitoring, which he stated was to have a noise meter on site so that in the event a complaint was made, the onus would not be on the Police Officer to gauge the sound, but would rather be on the sound generator. Mr. Dunlap suggested that Parks & Leisure Services Department could have them on hand and rent them out.

Mayor Pro Tem Felipe Martinez spoke in favor of the ordinance, without requiring event sponsors to provide a noise meter.

Council Member Pedro Martinez voiced concern with the penalties proposed in the ordinance, inquiring whether the penalties were consistent with other crimes. City Attorney Julia Lew stated that the language could be revised to make the offense a “wobbler.” She stated a wobbler violation was one that started out as a misdemeanor, but provided the discretion to reduce it to an infraction.

Council Member McCracken spoke of a situation in which a noise complaint had been made to the Police Department, and the responding officer indicated that in the event he was called out a third time, the subject sound equipment would be temporarily held as evidence. He commented on the effectiveness of the warning and inquired whether it should be considered. City Attorney Julia Lew indicated that the law already provided the ability for officers to take possession of
property for evidentiary purposes, yet suggested that it might not be feasible to do so. She stated that an administrative hearing might first need to take place prior to holding the property. A discussion ensued during which it was stated that taking possession of sound equipment should only be done in extreme cases. Ms. Lew indicated that she could add language in the ordinance explicitly authorizing the temporary seizure of sound equipment, but pointed out that the officers already had that authority per statute. It was requested to include language indicating that sound equipment “may” be held as evidence.

Council Member Hernandez spoke in favor of giving the ordinance some teeth.

A discussion next ensued as to the how acceptable noise levels varied between different times of day. Mr. Dunlap indicated that the ordinance currently identified “Daytime – 7:00 a.m. to 10:00 p.m.” as the more noise tolerable period; and “Nighttime – 10:00 p.m. to 7:00 a.m.” as the time during which acceptable noise levels were reduced. He noted there were exemptions to those stated standards in Section 18-85. Mr. Brown then elaborated on the history of the designation of “Daytime” and “Nighttime” time frames.

In response to a question with regard to the calibration of sound level meters, Mr. Brown indicated that he had never known of a situation in which a sound level meter had been intentionally manipulated to provide an inaccurate level.

A discussion ensued as to the requirement of event sponsors to provide a sound level meter. Ms. Lew recommended that, from an enforcement standpoint, either the event sponsor be designated as the individual required to provide the meter, or that said requirement be removed altogether. The Council concurred that the onus of providing a sound level meter should not be placed on the event sponsor, and directed staff to remove the requirement altogether.

Council Member Pedro Martinez inquired whether the pitch of the sound affected how the noise registered on the sound level meter. A discussion ensued, during which Mr. Brown elaborated on the technical nuances of how sound meters registered noise levels, indicating that pitch was taken into account. With regard to refuse vehicles and street sweepers, Mr. Dunlap clarified that those uses, as well as emergency vehicles, would be exempt from the noise ordinance. He noted that the timeframes for distinguishing acceptable noise levels for maintenance on residential properties was 6:00 a.m. to 9:00 p.m. on weekdays, and 7:00 a.m. to 9:00 p.m. on weekends. A brief discussion ensued as to how early City street sweepers and refuse vehicles began operating, and whether those City operations should be explicitly included in the exemptions. It was decided to add them as an exemption category of “utility maintenance,” which would include refuse collection and street sweeping.

Mayor Pro Tem Felipe Martinez again inquired as to policies for special disclosure requirements for noise producers located in close proximity to residential areas. Mr. Dunlap indicated that said policies would be addressed within the Noise Element of the General Plan.

Council Member Pedro Martinez noted that the language setting forth a standard based on “ambient plus five” should also be removed, as was recommended by Mr. Brown. The Council
agreed. A discussion ensued as to the Noise Level Standards as set forth in the proposed ordinance. In response to concerns of Council Member Martinez that the proposed sound level maximums were too low, Mr. Perrine again demonstrated sounding the megaphone from a greater distance. It was decided to take a ten minute recess so as to allow for a demonstration of the megaphone outside.

The Council recessed for ten minutes.

Mr. Brown acknowledged the concerns raised by Council Member Pedro Martinez with regard to the sound levels. He stated that the proposed levels were based on levels that had been adopted in many other cities, such as the City of Fresno, and stated that there was precedence as to the reasonable nature of the proposed levels. He stated that raising a base level by five decibels would triple the acoustic energy, noting that five decibels was likely a bigger change in noise than the Council might think it would be. He then cautioned over making significant changes to the levels, noting that the maximum levels were quite loud.

Mayor Pro Tem Felipe Martinez indicated that personally, he did not have a problem with the proposed standards, and that his concerns had been addressed.

Council Member Hernandez spoke in favor of the ordinance having teeth to deal with situations in which officers had to again return to a scene after one or two previous warnings. It was stated that staff had already been given the direction to include language in that regard.

A discussion ensued as to the standards as set forth in the proposed ordinance. Mr. Dunlap indicated that staff recommended eliminating the categories, and include only an average level and a maximum noise level. Council Member Pedro Martinez requested that the average level be increased by five decibels, making the average noise level 55 decibels in the Daytime, and 50 decibels in the Nighttime. The Council concurred.

The Council thanked Mr. Brown for his time.

2. COUNCILMAN HERNANDEZ TRIP TO MIAMI, FLORIDA FOR THE UNITED STATES CONFERENCE OF MAYORS SUMMIT ON AT-RISK YOUTH

Recommendation: That the Council authorize the travel of Council Member Hernandez to Miami, Florida, for the United States Conference of Mayor

Acting Deputy City Manager John Lollis presented the item and the staff report.

Mayor Hamilton spoke in favor and voiced his interest in obtaining information that could be implemented in Porterville.

Council Member Pedro Martinez suggested that Council Member Hernandez also be granted the authorization to purchase with the City credit card any materials he deemed beneficial to the City. A discussion ensued as to whether a maximum amount should be identified, during which the
Council decided give Council Member Hernandez the discretion to determine how much money needed to be spent.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council authorize the travel of Council Member Hernandez to Miami, Florida, for the United States Conference of Mayors, and to also authorize Council Member Hernandez to purchase materials he deems to be relevant.

**AYES:** McCracken, P. Martinez, F. Martinez, Hamilton

**NOES:** None

**ABSTAIN:** Hernandez

**ABSENT:** None

Disposition: Approved, as amended.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

- Mayor Pro Tem Felipe Martinez requested that the Council, in possible coordination with the schools, recognize the high school teams that had qualified for the play-offs. A brief discussion ensued during which the importance of recognizing those students was emphasized. It was decided that Mr. Lollis would research whether a presentation at an upcoming student assembly, or the like, would be possible. It was suggested that perhaps the bands also be recognized.

- Council Member Pedro Martinez stated that he had submitted some names of wrestlers from Alta Vista that qualified for the State Championships for which he would like Certificates of Accomplishments prepared.

- Council Member Hernandez indicated that he wished to re-visit the Farming Operation Contract. He stated that he still had some concerns over the item and that he would like to re-visit the contract awarded to Mr. Nuckols. He indicated that he would also like clarification as to the Cease and Desist Order, suggesting that perhaps the Contract should be extended to coincide with the Cease and Desist Order’s life. He requested further dialog take place on the item.

A discussion ensued, during which Mayor Hamilton suggested that information be provided to Council Member Hernandez prior to placing the item back on the Agenda. City Attorney Julia Lew clarified that there had not been an award of a contract, but that a current contract had been extended versus proceeding with a Request for Proposals. She stated that it was her understanding that there was still pending negotiations as to the terms of the extension. Council Member Hernandez reiterated his desire to obtain further information on the Cease and Desist Order and of his desire to adjust the contract to coincide with the life of the Order, and then proceed with an RFP after the expiration of that term. He stated that he wished he would have conveyed that sentiment during the deliberations of the item at the previous meeting. City Attorney indicated that
the item would be brought back to the Council anyway. A discussion ensued as to potential litigation surrounding the issue, during which the City Attorney clarified what would qualify as sufficient notice of potential litigation so as to move the discussion into Closed Session. It was determined that the item could be brought back for discussion under Closed Session.

Mayor Hamilton suggested that Council Member Hernandez meet with Ms. Lew to go over the Cease and Desist Order prior to bringing the item back on the Agenda. He then voiced his distress over the situation and indicated that he was currently compiling information that he would distribute to the Council.

Council Member McCracken clarified with the City Attorney that the Council could decide to reconsider an item up until such time as somebody had already relied upon the Council’s initial decision. Ms. Lew commented that Mr. Nuckols would likely not have any expectations related to the Council’s recent vote until his contract actually expired, which she recalled would occur near the year end. It was pointed out that the terms had not yet been negotiated on the contract extension. A brief discussion ensued as to certain provisions of the contract.

Mayor Hamilton requested that an objective review of the Cease and Desist Order take place with Council Member Hernandez. The Council concurred that Council Member Hernandez first meet with the City Attorney to review the Cease and Desist Order prior to the item being placed on the Agenda.

• Council Member Pedro Martinez requested that congratulatory letters be sent to the individuals who won awards the previous day.

ADJOURNMENT
The Council adjourned at 2:50 p.m. to the Council Meeting of March 6, 2007.

_________________________________________________________
Patrice Hildreth, Deputy City Clerk

SEAL

_________________________________________________________
Cameron Hamilton, Mayor
Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Mayor Hamilton
Absent: Council Member Hernandez

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action had been taken.

Pledge of Allegiance Led by Council Member McCracken
Invocation – one individual participated.

PRESENTATION
City Manager’s Featured Projects for March 2007
• Police Recruitment Video
• Completion of Percolation Ponds
• Hiring of Chief Financial Officer

ORAL COMMUNICATIONS
• Pastor John Eby came forward as President of Love, Inc., and Treasurer of the Porterville Salvation Army, and spoke in favor of Item Nos. 21 and 22, noting the need in the community created by the recent freeze.
• Donnette Silva Carter, President and CEO of the Porterville Chamber of Commerce, 93 North Main Street, spoke of the cooperative project with the City, “Music on Main Street,” to be held at Centennial Park on Friday evenings from 6:00 p.m. to 7:30 p.m., beginning in April. She then announced the April schedule as follows: April 6th - Monache High School Stage Band; April 13th - Granite Hills High School Jazz Band; April 20th - Burton Middle School Jazz Band; April 27th - Porterville College Concert Band. She invited Council Members on a rotating basis to introduce the entertainers.
Kim Herrera, came forward on behalf of Porterville Amateur Youth Softball Association (“PAYSA”), and voiced concern over the proposed License Agreement for Hayes Field Concessions – Item No. 10, specifically pertaining to the proposed hourly charge of $5.44. She spoke of the burden said fee would place on the organization and the parents, and requested that the City reconsider charging the fee. She contended that PAYSA had been told during its meetings with the City that they would not be charged a fee.

Philip Herrera, a representative of PAYSA, came forward and alleged that the work the City had committed to do had not been done.

Alice Jones, 1661 West Memory Lane, came forward and identified herself as the Treasurer for PAYSA, and requested that the Council reconsider charging the fee.

Mike Delussa, came forward as a representative of PAYSA, and inquired whether the fields could be fixed prior to March 26th, which he stated was the beginning of the season. He suggested that parents might be able to conduct the necessary work if so allowed, and voiced concern with the safety of the children if the work was not undertaken. Mayor Hamilton and Mr. Delussa agreed to meet at Hayes Field on Wednesday, March 21st at 9:30 a.m. to inspect the fields.

At the Mayor’s request, staff provided packets containing copies of the proposed Hayes Field Concessions Agreement and the Sport Complex Concessions Agreement dated September 3, 2002 to PAYSA representatives and the Council. Mayor Hamilton then played an audio tape of an unfavorable voicemail message left on his cell phone by a PAYSA representative. A lengthy discussion with PAYSA representatives ensued, after which the Council decided to pull Item No. 10 from the Agenda.

Dennis Coleman, Interim CEO of Sierra View District Hospital, came forward regarding the County’s proposed closure of the Porterville Clinic as discussed in Item No. 13. Mr. Coleman spoke of the profound negative effects such closure would have on the community, and noted the already over-extended emergency room at Sierra View District Hospital.

Martha Alcazar Flores, 249 South Indiana Street, voiced concern with the proposed closure of the Porterville Clinic by Tulare County. She implored the Council to work with the County to keep it open.

Dick Eckhoff, 197 North Main Street, spoke in favor of the joint effort between the Chamber of Commerce and the City for the Music on Main Street project, and inquired as to the timeline for the installation of the sound system, as had been discussed the prior year. Mr. Longley indicated that the Purchasing Agent was currently working on an RFP, and that he anticipated the project would be completed in the current Fiscal Year.

CONSENT CALENDAR

Item No. 10 was pulled from the Agenda.

1. CITY COUNCIL MINUTES OF FEBRUARY 9, 2007

Recommendation: That the Council approve the City Council Minutes of February 9, 2007.
2. CLAIM - BRANCH

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

Documentation: M.O. 02-032007
Disposition: Approved.

3. BUDGET ADJUSTMENTS FOR THE 2006-2007 FISCAL YEAR

Recommendation: That the City Council approve the proposed budget adjustments, and authorize staff to modify the revenue and expenditure estimates as described in the schedule attached to the staff report.

Documentation: M.O. 03-032007
Disposition: Approved.

4. AUTHORIZATION TO EXECUTE A SERVICE AGREEMENT – “C” STREET WATER MAIN PROJECT TOPOGRAPHY SURVEY

Recommendation: That the City Council:
1. Authorize the Public Works Director to execute a Service Agreement with James Winton & Associates in the amount of $5,930; and
2. Authorize staff to make payment upon satisfactory completion of work.

Documentation: M.O. 04-032007
Disposition: Approved.

5. AUTHORIZATION TO EXECUTE A SERVICE AGREEMENT – WEST STREET INDUSTRIAL PARK PRELIMINARY SOILS REPORT

Recommendation: That the City Council:
1. Authorize the Public Works Director to execute a Service Agreement with Consolidated Testing, Inc., in accordance with the City Council’s Policy and Procedures for Selecting Professional Service in the amount of $9,850; and
2. Authorize staff to make payment upon satisfactory completion of the work.

Documentation: M.O. 05-032007
Disposition: Approved.
6. AWARD OF CONTRACT - FIRE PREVENTION WEED ABATEMENT

Recommendation: That the City Council:
1. Award the Contract for Fire Prevention Weed Abatement Services to Alvin Smith Discing of Porterville, based on per lot prices and hourly rates quoted by the contractor;
2. Authorize staff to exercise contract renewals; and
3. Authorize payment for services after satisfactorily rendered.

Documentation: M.O. 06-032007
Disposition: Approved.

7. MINOR CORRECTIONS TO CITY CODE

Recommendation: Informational Only.

8. APPROVAL OF INVESTMENT AUTHORIZATION

Recommendation: That the City Council approve the draft resolution approving a Municipal Government, Public Funds Banking Resolution for a Deposit Account with Coast Bank of Florida.

Documentation: Resolution 15-2007
Disposition: Approved.

9. RESOLUTION OF AGREEMENT REGARDING THE PROPOSED AMENDMENT TO H.R. 24 – THE SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

Recommendation: That the City Council pass the draft resolution supporting the proposed amendment made by the Tulare County Board of Supervisors to H.R. 24 – The San Joaquin River Restoration Settlement Act.

Documentation: Resolution 16-2007
Disposition: Approved.

10. CONSIDERATION OF HAYES FIELD CONCESSION LICENSE AGREEMENT WITH THE PORTERVILLE AMATEUR YOUTH SOFTBALL ASSOCIATION

Recommendation: That the City Council approve the Hayes Field Concession License Agreement between the Porterville Amateur Youth Softball Association and the City of Porterville.

Disposition: Pulled from the Agenda.
COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve Item Nos. 1 through 9.

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

PUBLIC HEARINGS
11. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS LAND DEVELOPMENT, INC.)

Recommendation: That the City Council continue the item to the April 3, 2007 meeting.

City Manager John Longley presented the item.

Mayor Hamilton confirmed with staff that the applicant had again requested a continuance to the next regular meeting.


SECOND READING
12. ORDINANCE 1718, CARD ROOM REGULATIONS

Recommendation: That the Council give Second Reading to Ordinance No. 1718, waive further reading, and adopt said ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance No. 1718, waive further reading, and adopt said ordinance, being AN

Ordinance 1718

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPLACING ARTICLE I, SECTION 15-20, OF THE PORTERVILLE MUNICIPAL CODE, CONCERNING GAMBLING REGULATIONS.

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

Mr. Longley read the Ordinance by title only.

Disposition: Approved.
SCHEDULED MATTERS

13. PUBLIC COMMENT REGARDING THE POTENTIAL CLOSURE OF TULARE COUNTY’S PORTERVILLE CLINIC

Recommendation: That testimony be presented on behalf of the City Council on March 27th defining the outcomes from a clinic closure.

City Manager John Longley presented the item and the staff report. City Attorney Julia Lew then elaborated on the Health & Safety Code Section 1442.5, which she stated governed the County’s actions with the proposed closure of the clinic. At the City Manager’s request, Community Development Director Brad Dunlap briefly analyzed the provisions for determining whether a project qualified as a CEQA project, determining that the clinic closure did constitute such a project.

Mayor Hamilton noted the presence of Mr. Ray Bullick, Tulare County Director of Health Services, and requested that he come forward and address the Council.

- Ray Bullick, Tulare County Director of Health Services, came forward and spoke on the proposed closure of the clinic in Porterville. He stated that the item that would be going before the Board of Supervisors the following week would include three options, with clinic closure being only one of the those options. He confirmed that his recommendation was to close the clinic, and attributed his recommendation to budgetary constraints. He elaborated on his budgetary challenges – which he contended included a $3 million deficit – and of the burden of providing State-mandated services without reimbursement from the State.

Mayor Pro Tem Felipe Martinez requested that Mr. Bullick provide data on the County clinics, and inquired whether the geographical location of the clinics proposed to close had been taken under consideration. Mr. Bullick indicated that the analysis had included a number of variables, including the geographical location and accessibility of each clinic, as well as their financial viability. He noted that the Porterville clinic operated at a loss.

In response to questions posed by the Council, Mr. Bullick indicated that the Lindsay clinic did not offer the same services as was offered at Porterville. He clarified that the Lindsay clinic would not be able to handle all of the Porterville patients, but rather only those that the County was mandated to see. Mayor Hamilton commented that while he understood to term “mandate,” he found it offensive when speaking of individuals needing healthcare, noting that there were many more individuals needing access to healthcare than those “mandated.” A brief discussion ensued as to the figures in the County’s staff report. In response to a request for more information, Mr. Bullick indicated that he would reserve that information until the Thursday prior to the Public Hearing on Tuesday, March 27th.

Council Member Pedro Martinez voiced dismay with the proposed clinic closure, particularly when considering Porterville’s population base and the City’s geographical location. He then spoke of the offensiveness of “mandate,” noting that many more than the mandated 500 individuals would be negatively impacted. He questioned how the County reached the point of proposing closure; why the City had not been apprised of the situation sooner; and whether the County had exhausted all possible
alternative options. He then spoke of the efforts made by the Council to maintain a good working relationship with the County, and questioned where the communication had broken down. He then asserted that the statement by the County to redirect the clinic patients to Lindsay was disingenuous in that it was known that the Lindsay clinic could not handle that magnitude of patients. He then requested that Mr. Bullick not recommend closure of the clinic and instead provide other alternatives.

Council Member Pete McCracken inquired as to what would happen to the lease and equipment at the Porterville site and whether the County would incur a loss. Mr. Bullick indicated that while he could not directly speak to that, one option would be for another entity to take it over. Mr. Bullick then elaborated on the measures taken by the County to increase productivity and profitability at all its clinics, including Porterville. He then clarified that he had been wanting to have the discussion for quite some time and that the item had not been generated in response to budgetary direction by the Board of Supervisors. Mr. Bullick then briefly spoke in general of his department’s overall expenses and revenues.

Mr. Bullick indicated that he would provide a copy of his report to Mr. Longley on Thursday, who could then distribute it to the Council. Mr. Longley inquired as to the County’s “mandate.” Mr. Bullick indicated that there was a significant difference between the uninsured and the indigent. He stated that “indigent” was defined separately in each county, and that each county had its own parameters to determine eligibility. He stated in Tulare County it was the TCMS Program, which was tied to the Federal Poverty Level. He stated that the indigent were those patients identified in the medical indigent adult program of each county, and not the uninsured.

Mayor Hamilton thanked Mr. Bullick for his time, and commented that while the Council understood what he was up against budgetarily, he wished that a more collaborative process would have taken place. Mayor Hamilton then invited interested individuals to come forward and address the Council.

- Dick Eckhoff, 197 North Main Street, voiced concern with the proposed clinic’s closure, stating it was unacceptable. He commented that the clinic was likely solvent when it relocated from its Sierra View location to it current location, and questioned what happened financially since its relocation. He suggested that the County should hold a public hearing in the Porterville area, noting that many individuals who might be impacted by the clinic’s closure might have difficulty in getting to the hearing. Mr. Eckhoff added that requiring additional travel to Lindsay would negatively impact the patients needing care, the air quality from auto emissions, and County roads due to additional wear and tear.

Mayor Hamilton advised that the County’s hearing would take place in Visalia at 9:00 a.m. on Tuesday, March 27, 2007, and invited individuals to attend. He then confirmed that he and Mayor Pro Tem Felipe Martinez would attend, representing the Council.

The Council requested the Mr. Longley notify the stakeholders in the community of the hearing, and share the information provided by the County with those stakeholders.
Disposition: Commentary received.

The Council recessed for ten minutes.

14. CITY OF PORTERVILLE GANG SUPPRESSION

Recommendation: Informational only.

City Manager John Longley presented the item and called on Police Chief Charles McMillan for the staff report. At the Chief’s request, Police Captain Steve Schnars came forward and presented the report.

In response to questions posed by the Council, Captain Schnars and Chief McMillan elaborated on the School Resource Officer program and the coordinated efforts between the City and the schools. A brief discussion ensued as to police activities associated with graffiti abatement, the recent annexations, and the Skate Park. It was stated that Officer M. Morales was responsible for graffiti calls, and that Porterville was the only City in the area that had zero tolerance for graffiti.

Disposition: Informational item only.

15. STREETS MAINTENANCE PROGRAM

Recommendation: Informational only.

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

In response to questions posed by the Council, Mr. Styles briefly elaborated on the work accomplished to date.

Mayor Hamilton thanked the department for their efforts and commented that he would like to see pothole repairs occur more quickly.

Disposition: Informational item only.

16. PROPOSED MORATORIUM FOR USE OF CREDIT CARDS

Recommendation: That the City Council:
1. Approve a three (3) month moratorium on the use of credit cards effective April 1 through June 30, 2007; and
2. Provide staff direction as to either set a maximum payment amount that can be charged to credit cards, or suspend credit card charges entirely during the moratorium.
City Manager John Longley presented the item, and Acting Deputy City Manager John Lollis presented the staff report. Mr. Longley requested that in the event the Council approved the requested three month moratorium, that the Council direct that a $250 maximum payment be established.

Staff clarified that the recommendation before the Council was a staff recommendation, and that the staff had worked with the Audit Committee in the preparation of an RFP that would soon come to the Council for consideration.

In response to a question posed by Council, Mr. Lollis elaborated on the various charges imposed for credit card processing.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council approve a three (3) month moratorium on the use of credit cards effective April 1 through June 30, 2007; and direct staff to set a maximum allowed payment of $250 that could be charged to credit cards.

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

Disposition: Approved.

It was requested that Item 21 be taken next.

21. **ACCEPTANCE OF PROTEUS AND LOVE, INC. UTILITY VOUCHERS**

Recommendation: That the Council provide direction to staff in consideration of the acceptance of vouchers in payment of City utility bills.

City Manager John Longley presented the item, and Acting Deputy City Manager John Lollis presented the staff report.

Mayor Pro Tem Felipe Martinez moved that the Council approve the acceptance of vouchers for payment of City utility bills, as proposed, and contracting with each individual agency.

Council Member Pedro Martinez seconded the motion.

Mayor Hamilton inquired as to how the City could be assured that only those impacted by the freeze participated in the program.

- Martha Loya, a Lindsay resident, came forward as Office Supervisor for Proteus in Porterville, and spoke of the ways in which Proteus verified individuals’ eligibility for participation in the program.
Mayor Hamilton also clarified with Elva Beltran the verification methods employed by Love Inc.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve the acceptance of vouchers in payment of City utility bills, as proposed.

M.O. 08-032007

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

Staff confirmed that monthly reports would be provided to the Council and that the program would commence immediately.

Disposition: Approved.

It was stated that Item No. 22 would be presented next.

22. **COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM – “WORK ASSISTANCE PROGRAM FROM EMERGENCY RESERVE”**

Recommendation: That the City Council provide direction to staff in consideration of the work assistance program presented, authorizing both the work program and the necessary budget adjustment from emergency General Fund reserves.

City Manager John Longley presented the item, and Acting Deputy City Manager John Lollis presented the staff report.

- Martha Loya, a Lindsay resident, came forward on behalf of Proteus of Porterville. She thanked the City for its efforts, spoke in favor of the item, and elaborated on the proposed program and potential projects.

Mayor Pro Tem Felipe Martinez inquired whether the program would be able to assist with the Squatter Camp Clean-up Project, since private property was involved. City Attorney Julia Lew clarified that she was currently reviewing the issue, and that she believed it could be done since it was a public nuisance, and the proposed clean-up could be considered a public benefit.

A brief discussion ensued as to verifying eligibility and the timing of the implementation of the program. Ms. Loya elaborated on Proteus’s methods of verifying the eligibility of program participants, and indicated that the plan was to implement the program in April.

In response to questions posed by Council, Ms. Lew clarified that the benefit received by the program was to the City and that there was no problem with the proposed program. She also stated that
she did not believe it was an item that was required to go through the Meet and Confer process. In response to concerns raised by Council Member Pedro Martinez, Ms. Lew indicated that she did not believe it was a situation in which work was being taken away from City employees.

Ms. Loya stated that during the Freezes of 1990 and 1998, Proteus and the City of Porterville implemented similar programs, which she asserted, had no negative impact on City employees. Ms. Loya then indicated that through a grant received through the Tulare County Workforce Investment Department, Proteus had funds to place freeze-affected individuals with the Cities of Porterville and Lindsay. She stated there were approximately ten positions for ten forty-hour weeks, and requested that the Council also consider approving such job placements. City Attorney Julia Lew indicated that she believed the matter could be handled at staff level.

Mayor Pro Tem Felipe Martinez moved that the Council approve staff’s recommendation.

A discussion ensued as to how to identify the area from which the program participants would come. It was decided to allow individuals affected by the freeze who resided in the area covered by the Porterville Unified School District to participate in the program.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Mayor Hamilton that the Council approve the proposed Work Program, to commence on April 15, 2007, as amended to assist 60 total individuals (20 individuals per month for a three month period) who reside in the area covered by the Porterville Unified School District; authorize staff to sign all necessary agreements between the parties; and authorize the necessary budget adjustment from emergency reserves to account for the City’s $100,000 commitment.

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

Disposition: Approved.

17. REGULATIONS PERTAINING TO SQUATTER CAMPS

Recommendation: That the City Council:
1. Consider the draft ordinance;
2. Provide further direction; and

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.
Mayor Hamilton requested that language be added to include the unlawful occupancy of permanent vacant structures by squatters. Ms. Lew confirmed the Mayor’s request.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council direct staff to prepare the draft ordinance, as amended to add language pertaining to squatters in permanent structures; and to schedule a public hearing for consideration and first reading of the ordinance on April 3, 2007.

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

Disposition: Approved.

18. CONSIDERATION OF SENIOR CENTER SANTA FE DEPOT FACILITY 2006 UTILITY BILLS, AND AUTHORIZATION OF CONTRIBUTION AND BUDGET ADJUSTMENT TO SUPPORT SENIOR CITIZEN ACTIVITIES FOR THE 06/07 FISCAL YEAR

Recommendation: That the City Council authorize:
1. Three (3) monthly contributions of $500 to the Senior Council for support of senior citizen activities; and
2. A $1,500 budget adjustment from General Fund reserves to Account 5050-092-660 to facilitate the contribution for the 06/07 Fiscal Year Ending June 30, 2007.

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

In response to questions posed and concerns raised by Council, staff elaborated on the income and expense information provided, on the history of the subsidy provided to the Senior Council, and the organization’s co-sponsorship of the Senior Christmas Dinner. A lengthy discussion ensued as to the financial data provided, during which the Council questioned whether a subsidy was necessary. It was suggested that the Senior Council was likely bringing in significant revenue through bingo, and that such revenue information had not been provided.

Mr. Longley indicated that he had believed the staff report had been responsive to the Council’s direction, and that he would recommend that the information be reviewed by the Mayor first to determine its adequacy if the item was to be brought back to the Council. Council Member McCracken suggested that it might be beneficial to refer the item to the Audit Committee.

A brief discussion ensued as to the bingo license and the State requirement of the establishment of a separate fund for bingo revenue. Mr. Longley elaborated on what he understood to be the Senior
Council’s handling of its bingo fund. Mayor Hamilton voiced concern with not being provided information on its balance.

Mr. Longley stated that it was his understanding that the implication had not been that the Senior Council had insufficient funds to carry all costs, but rather that assistance from the City had been requested to support a senior program that benefitted residents.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member McCracken that the Council deny the proposed contributions to the Senior Council and related budget adjustment.

M.O. 11-032007

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

Disposition: Denied.

19. PROPOSAL FOR GASB 34 APPRAISAL AND INVENTORY OF CITY INFRASTRUCTURE

Recommendation: That the City Council authorize staff to utilize the solicitation of proposals conducted by the City of Tulare in the selection of a professional consultant to perform GASB 34 appraisal services, and proceed with the GASB 34 valuation in compliance with CAFR requirements, utilizing funds currently allocated to the Finance Division.

City Manager John Longley presented the item, and Acting Deputy City Manager presented the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize staff to utilize the solicitation of proposals conducted by the City of Tulare in the selection of a professional consultant to perform GASB 34 appraisal services, and proceed with the GASB 34 valuation in compliance with CAFR requirements, utilizing funds currently allocated to the Finance Division.

M.O. 12-032007

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

Disposition: Approved.
20. REQUEST FROM PORTERVILLE CHAMBER OF COMMERCE FOR A PARTNERSHIP FINANCIAL INVESTMENT OF $10,000

Recommendation: If the Council determines to approve the request, $10,000 should be budgeted from non-allocated reserve monies for the purpose.

Disposition: This item was pulled from the Agenda.

23. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM – “DISCUSSION OF CITY NEPOTISM RULE”

Recommendation: None

City Manager John Longley presented the item, and Acting Deputy City Manager John Lollis presented the staff report.

A brief discussion ensued as to the draft policy presented. Mr. Longley suggested that the item might fall under the requirement of Meet and Consult, and requested that the City Attorney to research the matter.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the draft Nepotism Policy as presented, and direct the City Attorney to research whether meet and consult was required.

M.O. 13-032007

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

Disposition: Approved.

ORAL COMMUNICATIONS

• Dick Eckhoff, address on record, requested clarification on the Nepotism Policy, which staff provided.

OTHER MATTERS

• Mayor Pro Tem Felipe Martinez spoke of sample permit/public counter checklists from the Cities of Visalia and Tulare, and inquired whether staff and Council had the opportunity to review the lists. Staff indicated that the City currently had checklists, but that they would review the samples. Mr. Longley indicated that the Council would be provided copies of the City’s checklist(s).

• Council Member Pedro Martinez noted the upcoming “Child Within” Cook-off to be held at Nuckol’s Ranch on March 31st, and confirmed that Council Member McCracken would be participating.
ADJOURNMENT:
The Council adjourned at 10:27 p.m. to the meeting of April 3, 2007.

Patrice Hildreth, Deputy City Clerk

SEAL

Cameron Hamilton, Mayor
COUNCIL AGENDA: MAY 1, 2007

SUBJECT: BUDGET ADJUSTMENTS FOR THE 2006-07 FISCAL YEAR

SOURCE: Administrative Services

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

There are two (2) adjustments proposed for tonight's Council meeting.

No. 1: California Public Library Funds Revenue
The Library Division of the Parks & Leisure Services Department has received the California Public Library Funds allocation of $26,106 for the current fiscal year, which is an increase of $11,106 over the current budget amount of $15,000. This budget adjustment codifies in the budget the revenue received.

No. 2: California Public Library Funds Expenditure
The Library Division of the Parks & Leisure Services Department has received the California Public Library Funds allocation for the current fiscal year. This budget adjustment codifies in the budget the expenditure of the funds.

RECOMMENDATION: That the Council approve the attached budget adjustments, and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.
CITY OF PORTERVILLE  
Budget Adjustments  

Date: May 1, 2007  

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Modification No: 7-06/07
AGENDA: MAY 1, 2007

SUBJECT:  AUTHORIZATION TO SEND OUT REQUEST FOR QUALIFICATIONS FOR NEGOTIATION/RELOCATION SERVICES

SOURCE:  PUBLIC WORKS DEPARTMENT

COMMENT: In an effort to expedite the purchase of right of way for City projects, the Public Works Department is currently looking at sending out Request for Qualifications for Negotiations/Relocations Specialist. Following is a list of some of the upcoming project that will require the acquisition of property:

1. Riverwalk Commercial Center
2. Well 30
3. Well 31
4. Bus Turn Outs
5. Rocky Hill Zone II
6. Olive and Jaye Signal
7. Jaye and Orange Signal

Currently a staff report is prepared for City Council’s authorization to negotiate with Paragon Partners for these services for each project. Staff is recommending we send out Request for Qualifications for on going Negotiation/Relocation Services.

RECOMMENDATION: That City Council:

1. Authorization staff to send out Request for Qualifications for Negotiations/Relocations Services;
2. Authorize staff to negotiate an agreement with the Number 1 consultant and if unsuccessful, negotiate with the second; and
3. Return to City Council for award of an agreement.

DD Appropriated/Funded  CM  ITEM NO. 3
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – BURIED SLUDGE REMOVAL PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Buried Sludge Removal Project. This project is one of the projects listed in the Cease & Desist Order and must be completed as a condition for lifting the order.

The Plans and Project Manual are available for review in Public Works Department - Engineering Division. There are many unknowns related to this project. The lack of history as to when the sludge was buried, the exact quantity and whether other debris is mixed with the buried sludge makes it very difficult to arrive at a precise construction cost estimate.

The Engineer's estimate of probable cost is $330,000 and is based on the best information available to staff and the consulting engineer. Funding is from the sewer CIEDB loan and was approved in the 2006/2007 Annual Budget.

RECOMMENDATION: That City Council:

1. Approve the Plans and Project Manual; and

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

ATTACHMENTS: Locator Map
Engineer's Estimate

P:\pubworks\Engineering\Council Items\Authorization To Advertise for Bids - Buried Sludge Project - 2007-05-01.doc
CITY OF PORTERVILLE

WWTF BURIED SLUDGE REMOVAL PROJECT

CERTIFIED ENGINEER’S ESTIMATE

April 25, 2007

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**TOTAL**

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Prepared by: Barry Hampson
Carollo Engineering

Reviewed by: Baldomero Rodriguez
Project Manager & Public Works Director

Reviewed by: John Longley
City Manager
COUNCIL AGENDA: MAY 1, 2007

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – REMODEL OF FIRE STATION No. 1 RESTROOM

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Fire Station No. 1 Restroom Remodel project. The existing restroom and shower area constructed in the early 1960’s is in dire need of repair. The wall tile and plaster is falling off and the plumbing leaks. Presently, there is one large changing area with lockers and a communal shower. When the remodeling is completed, there will be three separate changing rooms with lockers and individual showers.

The Plans and Project Manual are available for review in Public Works Department - Engineering Division. The estimated probable cost for this project is $65,000. Funding is from Fire Department “carry-over” and was approved in the 2006/2007 Annual Budget.

RECOMMENDATION: That City Council:

1. Approve the Plans and Project Manual; and

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

P:/pubworks/Engineering/Council items/Authorization to Advertise for Bids - Fire Station Restroom Remodel Project - 2007-05-01.doc

Dir BS R Appropriated/Funded CM Item No. 5
COUNCIL AGENDA: MAY 1, 2007

SUBJECT: AUTHORIZATION TO EXECUTE A COOPERATIVE AGREEMENT TO PROVIDE CONCRETE REPAIR/REPLACEMENT SERVICES

SOURCE: Public Works Department - Engineering Division

COMMENT: Staff is requesting authorization to execute a cooperative agreement to provide concrete repair/replacement services. The City of Visalia currently has an Annual Contract to Provide Concrete Repair/Replacement Services that states all California agencies may purchase off this agreement at the same prices, terms, conditions and specifications. Each agreement between a public agency and the contractor shall be found to be a separate and distinct legal and binding obligation of the contractor. This agreement will allow the City to expedite long-standing repairs to existing concrete improvements.

Staff contacted the contractor, Sierra Range Construction of Visalia, who has expressed interest in entering into an agreement with the City of Porterville. The contract bid prices for on-call work are as follows: (1) Curb and Gutter - $24.00 per lineal foot (2) Sidewalk - $18.00 per square foot and (3) Drive Approach - $22.00 per square foot. Staff has reviewed these prices and found them acceptable for small quantity jobs.

Funding for concrete repair/replacement services is approved in the 2006/2007 fiscal year budget from Local Transportation Fees under Miscellaneous City-owned Curb, Gutter and Sidewalk and Miscellaneous Curb and Gutter.

RECOMMENDATION: That the City Council:

1. Authorize the Purchasing Agent to complete the cooperative purchasing documentation and issue a purchase order to Sierra Range Construction; and

2. Authorize staff to make payment upon satisfactory completion of the work.

P:\pubworks\Engineering\Council Items\Authorization to Execute a Cooperative Agreement to Provide Concrete Repair-Replacement Services-2007-05-01.doc

Dir Bar Appropriated/Funded CM Item No. 6
SUBJECT: ACCEPTANCE OF THE CLASS II & CLASS III BIKEWAY PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Safety Striping Services, Inc. has completed construction of the Class II & Class III Bikeway Project per plans and specifications. The project consisted of the installation of bicycle signs, legends, symbols and lane lines for Class II and Class III routes within the City of Porterville.

City Council authorized expenditure of $89,232.88. Final construction cost is $82,052.40.

Safety Striping Service, Inc requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;

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

3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.
SUBJECT: LOAN AGREEMENT BETWEEN CITY OF PORTERVILLE AND THE PORTERVILLE REDEVELOPMENT AGENCY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the February 6, 2007 City Council meeting, Council approved a request from the Porterville Redevelopment Agency (Agency) for financial assistance in satisfying the debt owed by the Agency to the County of Tulare (County) for Loan Agreement No. 18584. The County loaned the Agency funds in 1997 for the development of two parking lots in close proximity to the County Civic Center in downtown Porterville.

Per the terms of the County agreement, the Agency is to repay the loan in annual installments of $10,000 until the agency issues bonds, obtains similar financing, or pays off the loan. In 2001, the Agency realized that tax increment revenues were unavailable for repayment of the debt by the September 1, 2002 term date and requested an extension of the loan from the County. The County amended Loan Agreement No. 18584 extending the repayment period for an additional five (5) years, until September 1, 2007. As indicated in the February 6, 2007 request to the City Council, the Agency believes that it will not have sufficient funds to pay the remaining principal amount of $195,000. Furthermore, the loan has accumulated approximately $121,000 in interest. Section 1(b) of the Amendment to Loan Agreement states, “...if Porterville shall exercise good faith in its efforts for refinancing of the loan and repays the loan as soon as financially feasible, but no later than September 1, 2007, any and all interest which has accumulated on the principal of the loan shall be waived by the County.” The Agency submitted a written request for the waiver of interest to the County on December 5, 2006. City Council ratified the request to the County for the waiver of interest during the February 6, 2007 meeting.

The loan agreement between the City and the Agency will have a term of five years, with a simple interest rate to be equivalent to the Local Agency Investment Fund rate as reported for the quarter ending March 31 each year. Annual payments will be in an amount equal to one-fifth of the principal and interest, if any, paid by the City to the County to satisfy Loan Agreement No. 18584. Additionally, interest accrued during the year as part of the City/Agency agreement shall be paid annually. Annual payments shall be due on May 1 each year, commencing May 1, 2008.

Item No. 8
RECOMMENDATION: That the City Council:

1) Adopt a Resolution to provide funds in the form of a loan to the Porterville Redevelopment Agency for the repayment of the County of Tulare Loan Agreement No. 18584, with a term of five (5) years and an interest rate to be equivalent to the local Agency Investment Fund rate as reported for the quarter ending March 31 of each year; and

2) Authorize disbursement from unallocated general fund money for payment of the principal balance of $195,000, and any interest that may be due, to the County of Tulare for Loan Agreement No. 18584.

ATTACHMENTS: 1) Draft Resolution Providing Funds to the Redevelopment Agency
2) February 6, 2007 City Council Agenda Item
RESOLUTION

A RESOLUTION OF THE CITY OF PORTERVILLE
TO PROVIDE FUNDS TO THE PORTERVILLE REDEVELOPMENT AGENCY
FOR THE REPAYMENT OF EXISTING DEBT

WHEREAS, The Porterville Redevelopment Agency adopted Resolution No. PRA 1-97 on May 6, 1997, making certain findings with respect to parking lot improvements (the "Improvements") on property owned by the Agency; and

WHEREAS, on July 1, 1997, the Agency entered into a loan agreement with the County of Tulare in the amount of $285,000, with a 6% interest rate per annum, for the development of the Improvements in close proximity to the County Civic Center in Downtown Porterville; and

WHEREAS, the Agency agreed to repay the loan in annual installments of $10,000 until other financing could be obtained, or payoff the loan balance on September 1, 2002, whichever came first;

WHEREAS, due to significant reassessment of properties within Redevelopment Project Area No. 1, the Agency realized a decrease in tax increment revenues available for repayment of the loan and on December 4, 2001, the Agency requested and was granted an amendment to the loan extending the term for an additional five years, until September 7, 2007; and

WHEREAS, during the joint City Council and Porterville Redevelopment Agency meeting held on February 6, 2007, the Agency requested assistance from the City of Porterville in meeting its financial obligation to the County; and

WHEREAS, the City Council approved the loan request by the Agency and authorized payment of the balance due to the County of Tulare, and ratified the request for wavier of interest on the loan as noted in Section 1(b) of the Amendment to loan Agreement No. 18584.

NOW THEREFORE, BE IT RESOLVED, that the Porterville City Council does approve the request by the Porterville Redevelopment Agency as follows:

1. That the City of Porterville pay the principal and interest, if any, to satisfy County of Tulare Loan Agreement No. 18584.

2. That the loan agreement between the City and the Agency have a term of five (5) years and a simple interest rate to be equivalent to the Local Agency Investment Fund rate as reported for the quarter ending March 31 each year. Annual payments will be in an amount equal to one-fifth of the principal and interest, if any, paid by the City to the County to satisfy
Loan Agreement No. 18584. Additionally, interest accrued during the year as part of the City/Agency agreement shall be paid annually.

3. That payments shall be due annually on May 1 each year, commencing May 1, 2008.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
Georgia Hawley, Deputy
AUTHORIZATION TO ENTER INTO A LOAN AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND THE PORTERVILLE REDEVELOPMENT AGENCY

COMMUNITY DEVELOPMENT DEPARTMENT

On July 1, 1997, the Porterville Redevelopment Agency entered into a loan agreement with the County of Tulare in the amount of $285,000, with a 6% interest rate per annum, for the development of two parking lots in close proximity to the County Civic Center in downtown Porterville. The subsequent construction of the parking lots allowed for the establishment of Parking District No. 2 and also provided parking to accommodate future expansion of the County Civic Center.

According to the terms of the loan agreement, the Redevelopment Agency agreed to repay the loan in annual installments of $10,000 until the Agency issued bonds (or obtained similar financing) or payoff the loan balance on September 1, 2002, whichever occurred first. Due to significant reassessment of properties within Redevelopment Project Area No. 1, the Agency realized a decrease in tax increment revenues available for repayment of debt and requested an extension of the loan from the County. On December 4, 2001, the County amended Loan Agreement No. 18584 extending the repayment period for an additional five (5) years, until September 1, 2007. The Agency has been making the annual $10,000 payments.

In 2003, factors including the institution of the Education Revenue Augmentation Fund (ERAF) diversion, re-valuation of significant property located within Project Area No. 1, and the removal of City/Agency owned properties from the tax rolls worsened the Agency’s financial situation, depleting the fund balance more rapidly than originally anticipated. However, based on budgetary projections, the fund balance shows an increase beginning in 2006 due to a rise in property valuations within Project Area No. 1, the elimination of two industrial properties from the Project Area, and the final ERAF payment in 2006. Based on these same projections, the final payment of the Loan Agreement on September 1, 2007, could limit opportunities for the Agency in revitalizing downtown. The amount owed to the County is $195,000 in principal and approximately $121,000 in interest. Section 1(b) of the Amendment to Loan Agreement states, “...if Porterville shall exercise good faith in its efforts for refinancing of the loan and repays the loan as soon as financially feasible, but no later than September 1, 2007, any and all
interest which has accumulated on the principal of the loan shall be waived by the County.” The Agency submitted a written request for the waiver of interest to the County on December 5, 2006.

To assist the Agency in meeting its financial obligation to the County, the Agency is requesting the following:

- Assistance from the City to repay the loan balance prior to the September 1, 2007 due date utilizing unallocated funds from the City’s general fund. (It is reasonable to assume that the County would waive the interest that has accumulated per the loan agreement, as stated in Section 1(b) of the Amendment to Loan Agreement.)
- The Agency would repay the City the full amount of the loan within five (5) years, with annual principal payments in the amount of $39,000 and any interest that accumulated during each year of the loan.
- Should interest be a part of the agreement between the City and the Agency, it is requested that the interest rate be equivalent to the Local Agency Investment Fund (LAIF) rate of 5.129% as reported for the quarter ending December 31, 2006.
- Costs for loan document preparation, including attorney fees, will be paid for from the Redevelopment Agency budget and are not a part of the funding request.

RECOMMENDATION: That the Porterville Redevelopment Agency:

1) Request a loan with the City of Porterville for the principal and interest, if any, paid to the County of Tulare to satisfy the debt due per Loan Agreement No. 18584; and
2) Authorize payment for loan document preparation, including attorney fees from the Redevelopment Agency budget; and

That the City Council:

1) Approve the Porterville Redevelopment Agency’s request for assistance to repay the County of Tulare Loan Agreement No. 18584, utilizing unallocated general fund money; and
2) Authorize payment of the principal balance of $195,000 to County of Tulare for Loan Agreement No. 18584 and ratify the request for waiver of interest on the loan as noted in Section 1(b) of the Amendment to Loan Agreement; and
3) Authorize a loan between the City of Porterville and the Porterville Redevelopment Agency for
principal and interest, if any, paid to the County of Tulare to satisfy Loan Agreement No. 18584, with a term of five (5) years and an interest rate to be equivalent to the Local Agency Investment Fund rate of 5.129% as reported for the quarter ending December 31, 2006.
SUBJECT: APPROVAL OF INVESTMENT AUTHORIZATION

SOURCE: Administrative Services

COMMENT: The City recently purchased a $99,000 3-Year CD at an interest rate of 5.50% through the Bank of Whittier NA. The City of Porterville Investment Policy adopted and reaffirmed April 18, 2006, by City Council Resolution No. 53-2003, sets forth guidelines for the portfolio management practices for the City on a year to year basis. In conjunction with that Policy, the Chief Financial Officer has signed the investment documentation as necessary, with the Chief Deputy City Clerk certifying and attesting as to the Chief Financial Officer signature. Increasingly, financial institutions utilized for the investment of City funds require that the City provide a resolution of authorization naming the signing officer(s) for the City and designating that financial institution as a depository of City funds. With more strict banking regulations and more scrutiny of banking activities, City staff believe that such resolution requests will become a routine banking practice in the future.

RECOMMENDATION: That the Council approve the draft resolution approving a Municipal Government, Public Funds Banking Resolution for a Deposit Account with Coast Bank of Florida.

ATTACHMENT: Resolution

Dir. Appropriated/Funded C/M Item No. 9
RESOLUTION NO. ___-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING A MUNICIPAL GOVERNMENT, PUBLIC FUNDS BANKING RESOLUTION FOR A DEPOSIT ACCOUNT WITH BANK OF WHITTIER N.A.

WHEREAS: The City of Porterville Investment Policy adopted and reaffirmed April 18, 2006, by City Council Resolution No. 53-2003, sets forth guidelines for the portfolio management practices; and

WHEREAS: Periodically certain financial institutions being utilized for the investment and or management of City funds require that the City provide a resolution of authorization naming the signing officer(s) for the City.

WHEREAS: The City of Porterville is organized, exists and is duly authorized to transact business under the laws of the State of California, and the City of Porterville is the complete and correct name of the Account Holder.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Porterville as follows for the following transactions:

Depositor: City of Porterville  
291 N Main St  
Porterville, CA 93257

Account No: 1005751

Financial Institution: Bank of Whittier N.A.  
15141 East Whittier Blvd.  
Whittier, CA 90603

RESOLVED, that the Financial Institution named above at any one or more of its offices or branches, be and it hereby is designated as a depository for the funds of this Entity, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies bearing the following appropriate number of signatures: Any one (1) of the following named officers or employees of this Entity ("Agents"), whose actual signatures are shown below:


Maria Bemis, Chief Financial Officer of City of Porterville

and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.
FURTHER RESOLVED, that the Financial Institution is hereby directed to accept and pay without further inquiry any item drawn against any of the Entity's accounts with the Financial Institution bearing the signature or signatures of Agents, as authorized above or otherwise, even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent's personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such item or the proceeds of the item.

FURTHER RESOLVED, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Entity for deposit with the Financial Institution, or for collection or discount by the Financial Institution; and to accept drafts and other items payable at the Financial Institution.

FURTHER RESOLVED, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks, or items of the Entity may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions. The other agreements and other acts may not be contrary to the provisions contained in this Resolution.

FURTHER RESOLVED, that the authority hereby conferred upon the above named Agents shall be and remain in 'full force and effect until written notice of any amendment or revocation thereof shall have been delivered to and received by the Financial Institution at each location where an account is maintained. Financial Institution shall be indemnified and held harmless from any loss suffered or any liability incurred by it in continuing to act in accordance with this resolution. Any such notice shall not affect any items in process at the time notice is given.

I FURTHER CERTIFY that the person(s) named above occupy the positions set forth opposite their respective names and signatures; that the foregoing Resolutions now stand of record on the books of the Entity; that they are in full force and effect and have not been modified in any manner whatsoever. And that the City of Porterville is organized, exists and is duly authorized to transact business under the laws of the state or jurisdiction where it is located.

ADOPTED this 1st day of May, 2007.

Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

Georgia Hawley, Chief Deputy City Clerk
I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 20th day of March, 2007.

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

COUNCIL: AYES:
COUNCIL: NOES:
COUNCIL: ABSTAIN:
COUNCIL: ABSENT:

I further attest that the signatures set opposite the names listed above are their genuine signatures.

JOHN LONGLEY, City Clerk

by Patrice Hildreth, Deputy City Clerk
SUBJECT: Consideration of Authorizing Signing of Farm Reconstitution Agreement for Airport Agricultural Properties

SOURCE: City Manager

The Council has authorized Mr. Jeff Sheets to farm about 386 gross acres of airport property. This is dry land farming which is conducted entirely to raise monies to support the Airport and maintain the property.

He has contacted the United States Department of Agriculture regarding the opportunity to enter into a farm reconstitution agreement for the site. In all, potentially 250 acres may be placed under this program.

The parameters of the program are that the government will pay about $18 per acre to support the farming of the site. The farmer should receive 70% of his revenue while the Airport would receive 30%.

The City Attorney has reviewed the agreement and has indicated to the City Manager that she has not found any difficulty with it.

The City Manager contacted USDA and he was advised that the program’s purpose is to stabilize the market place. For certain crops such as wheat, barley, and oats, farmers are paid on an established yield. This is in the current farm bill in its last year and we are advised that it may or may not change in the future.

RECOMMENDATION: Authorize the Mayor to sign the Farm Reconstitution Agreement for Airport Agricultural properties.
SUBJECT: ENGINEER’S REPORTS AND SETTING OF A PUBLIC HEARING FOR ESTABLISHING LIGHTING AND LANDSCAPE MAINTENANCE DISTRICTS AND TAX ASSESSMENTS FOR PARCELS WITHIN: RANCH VICTORIA PHASE ONE SUBDIVISION, WILLIAMS RANCH PHASE FOUR SUBDIVISION, AND AMALENE ESTATES SUBDIVISION

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: New subdivisions within the City are required to petition for the formation of a Maintenance Assessment District. The districts are formed to secure funding from parcels within the subdivisions for operational and maintenance expenses of public lighting and any public landscape areas. The City utilizes the authority governed by the 1972 Lighting and Landscape Assessment Act to create a district for each subdivision. Thereafter, every year a process must be followed of evaluating maintenance needs and establishing an assessment to be placed upon the tax rolls for every parcel within each district.

The Council has previously authorized the use of Willdan Engineers for assistance with various engineering services needed by the Parks and Leisure Services Department. Willdan has assisted city staff in the effort to organize these new districts. The attached Resolutions are necessary to initiate the process of creating new districts for eight subdivisions. The first Resolution is to order the formation of the new Districts, appoint Willdan’s San Joaquin Area Manager, Douglas Wilson, as the Engineer of Work, and order the preparation of Engineer’s Reports. The Engineer’s Reports accompany this staff report. The second Resolution is provided to give preliminary approval to the Reports as the basis for creation of proposed assessments. The last Resolution declares the intent to form the districts, levy and collect tax assessments, and sets May 15, 2007 for a Public Hearing.

RECOMMENDATION: That the City Council adopt:
1. A Resolution Ordering the Proceedings for Formation of Landscape and Lighting Maintenance District number 38, 39, and 40, and ordering the preparation of the Engineer’s Reports.
2. A Resolution Giving Preliminary Approval to the Engineer’s Reports
ATTACHMENT: Resolution Ordering the Proceedings for Formation of Landscape and Lighting Maintenance District Nos. 38, 39 and 40, and Preparation of Engineer’s Reports

Resolution Giving Preliminary Approval to the Engineer’s Reports

Resolution Declaring Intent to Form Districts, Levy and Collect Assessments, and Setting a Public Hearing for May 15, 2007

Locator Map

Engineer’s Reports for each Landscape and Lighting Maintenance District numbers 38, 39, and 40.
RESOLUTION NO. -2007


WHEREAS, it has been determined by the City Council of the City of Porterville that the public interest, convenience and necessity required the installation and planting of landscape materials, the installation and construction of irrigation systems, the installation of lighting and other facilities set forth in Section 22525 of the Streets and Highways Code, State of California; and

WHEREAS, the cost for operation and maintenance of the landscaping and lighting improvements is to be determined and considered for assessment to the benefiting properties; and

WHEREAS, Section 22622 requires that an Engineer’s Report be prepared to establish new Landscape and Lighting Maintenance Districts, and outlining the initial assessments to be levied against the properties within each assessment district.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Porterville as follows:

1. That the public interest, convenience and necessity required the formation of Landscape and Lighting Maintenance District numbers 38, 39, and 40 as authorized by Section 22525 of the Streets and Highways Code, State of California.

2. That proceedings are to be conducted for the formation of said Landscape and Lighting Maintenance Districts.

3. That the properties to be specifically charged for maintenance of landscaping and lighting improvements shall be located within the boundary of the proposed districts, and maps to illustrate said boundaries are hereby ordered to be prepared.

4. That Douglas Wilson be appointed as “Engineer of Work” with all applicable provisions of Article 4, Division 15 of the Landscape and Lighting Act of 1972 applied to said “Engineer of Work”.

5. That the cost of maintaining the landscape and lighting facilities in each of said Landscape and Lighting Maintenance Districts shall be borne by the property owners within the district, and said cost shall be assessed according to said 1972 Act.
6. That the Engineer of Work is hereby ordered to prepare a report for each District in accordance with Article 4, Division 15 of said 1972 Act.

APPROVED AND ADOPTED THIS 1st DAY OF MAY 2007

______________________________
Cameron J. Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: ____________________________
    Georgia Hawley, Deputy City Clerk
RESOLUTION NO. -2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, GIVING PRELIMINARY APPROVAL OF ENGINEER’S REPORTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS ENCOMPASSING RANCH VICTORIA, PHASE ONE SUBDIVISION; WILLIAMS RANCH, PHASE FOUR SUBDIVISION; AND AMALENE ESTATES SUBDIVISION

WHEREAS, on the 7th day of March, 2006 said City Council did direct by Resolution that the Engineer of Work was to make and file with the City Clerk of said City a report in writing for each subdivision as required by the Landscaping and Lighting Act of 1972; and

WHEREAS, said Engineer of Work has made and filed with the City Clerk of said City each report in writing as called for in said Resolution and under and pursuant to said Act, which reports have been presented to this Council for consideration; and

WHEREAS, said Council has duly considered said reports and each and every part thereof, and finds that each and every part of said reports is sufficient, and that said reports nor any part thereof, requires or should be modified; and

WHEREAS, reference is hereby made to said Engineer’s Reports for further, full and more particular description of proposed Assessment Districts, and the same Engineer’s Reports so on file, shall govern for all details as to the extent of said Assessment Districts.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Porterville as follows:

1. That the Engineer’s Estimate of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said reports be, and each of them are hereby preliminarily approved and confirmed.

2. That the diagram showing the Assessment District referred to and described in said reports, the boundaries of the subdivision of land within said Assessment District as the same existed at the time of passage of said Resolution, are hereby preliminarily approved and confirmed.

3. That the proposed assessments upon the subdivisions of land in each said Assessment District is in proportion to the estimated benefit to be received by said subdivisions, respectively, from said work and of the incidental expenses thereof, as contained in said report, is hereby preliminarily approved and confirmed.
4. That said reports shall stand as the Engineer’s Report for the purposes of all
subsequent proceedings pursuant to each of the proposed districts.

APPROVED AND ADOPTED THIS 1st DAY OF MAY 2007.

Cameron J. Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: ___________________________
   Georgia Hawley, Deputy City Clerk
RESOLUTION NO. -2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, DECLARING ITS INTENTION TO FORM ASSESSMENT DISTRICTS AND TO LEVY AND COLLECT ASSESSMENTS IN THE LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICTS; DECLARING THE WORK TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREAS WITHIN THE LANDSCAPE MAINTENANCE DISTRICTS, THE COST AND EXPENSE THEREOF, AND THE AMOUNT EACH PARCEL THEREIN IS INITIALLY TO BE ASSESSED; DESIGNATING SAID DISTRICTS AS LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS, DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO; WITH SAID PROCEEDINGS PERTAINING TO: RANCH VICTORIA PHASE ONE SUBDIVISION; WILLIAMS RANCH, PHASE FOUR SUBDIVISION; AND AMALENE ESTATES SUBDIVISION.

The City Council of the City of Porterville, pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California, does resolve as follows:

SECTION 1. DESCRIPTION OF WORK
That the public interest and convenience requires it is the intention of the City Council of the City of Porterville, California, to order the following work be done, to wit:

1. Maintenance and servicing of facilities and landscaping as authorized by Section 22424 of the Streets and Highways code.

2. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof.

SECTION 2. LOCATION OF WORK
The foregoing described work is to be located within the following areas:

1. Right-of-way, easements, and public lands within Ranch Victoria, Phase One Subdivision, more particularly described on maps which are on file in the City Clerk’s office entitled “Landscape and Lighting Maintenance District No. 38.”

2. Right-of-way, easements, and public lands within Williams Ranch Phase Four Subdivision, more particularly described on maps which are on file in the City Clerk’s office entitled “Landscape and Lighting Maintenance District No. 39.”
3. Right-of-way, easements, and public lands within Amalene Estates Subdivision, more particularly described on maps which are on file in the City Clerk’s office entitled “Landscape and Lighting Maintenance District No. 40.”

SECTION 3. DESCRIPTION OF ASSESSMENT DISTRICT
That the contemplated work is of more local than ordinary public benefit, and the expense of said work is chargeable upon districts, which districts are to be assessed to pay the cost and expenses thereof, and said districts are described as follows:

All that certain territory of the City of Porterville, included within the exterior boundary line shown upon respective Maps of Landscape and Lighting Maintenance District numbers 38, 39, and 40, which Maps are on file in the Office of the City Clerk of said City.

SECTION 4. REPORT OF ENGINEER
The City Council of said City by Resolution has approved the reports of the Engineer of Work, which reports indicate the amount of the proposed assessment, the district boundary, detailed description of improvements, and the method of assessment. The Engineer’s Reports for Landscape and Lighting Maintenance District No. 38, Landscape and Lighting Maintenance District No. 39, and Landscape and Lighting Maintenance District No. 40 are on file in the Office of the City Clerk of said City, and were prepared for the 2007-2008 fiscal year in accordance with the Landscaping and Lighting Act of 1972. Reference to said reports is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work.

SECTION 5. COLLECTION OF ASSESSMENTS
The assessment shall be collected at the time and in the same manner as County taxes are collected. The Engineer of Work shall file a report annually with the City Council of said City and said Council will annually conduct a hearing upon said report at a regular meeting held between March and June, at which time assessments for the next fiscal year will be determined.

SECTION 6. TIME AND PLACE OF HEARING
Notice is hereby given that on the 15th day of May 2007 at the hour of 7:00 p.m. in the city Council Chambers at 291 North Main Street, in the City of Porterville, any and all persons having any objections to the work or extent of the assessment districts may appear and show cause why said work should not be done or carried out in accordance with Resolution of Intention. The City Council will consider all oral and written protests.

SECTION 7. LANDSCAPING AND LIGHTING ACT OF 1972
All the work herein proposed shall be done and carried through in pursuance of an act of the legislature of the State of California designated the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California.

SECTION 8. PUBLICATION OF RESOLUTION OF INTENTION
Published notice shall be made pursuant to Section 6061 of the Government Code. The publication of the Notice of Hearing shall be completed at least 10 days prior to the date of hearing.

SECTION 9. CERTIFICATION
The City Clerk shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 1st DAY OF MAY 2007.

________________________________________
Cameron J. Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: ________________________________
Georgia Hawley, Deputy City Clerk
CITY OF PORTERVILLE
ENGINEER’S REPORT FOR LANDSCAPING AND LIGHTING
MAINTENANCE DISTRICT NO. 38

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution No. _________. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscape and Lighting Act of 1972).

SECTION 2. General Description

The City Council has elected to include lighting at Ranch Victoria, Phase One Subdivision into the Landscape and Lighting Maintenance District No. 38. The City Council has determined that the areas to be lighted will have an effect upon all parcels within the proposed boundaries of the District. The District includes lighting on Putnam Avenue as a part of the subdivision. Proposed areas for lighting are on the north side of the street located within the subdivision.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 2.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of Ranch Victoria, Phase One Subdivision.

SECTION 5. Estimated Costs
The construction cost will be borne by the developer and will not be assessed. The subdivision map has been filed for record and it is intended that the improvements will be constructed during or before the 2007 – 2008 fiscal year and certain lighting costs will be incurred during fiscal year 2007 –2008. It is appropriate that the assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort.

District 38 assessments during the 2007-2008 Fiscal Year are as follows.

**Electricity/Lighting***

2 fixtures, 5,800 lumens @ $30.21 per year $ 60.41

**Project Management Costs**

6 Lots @ $400.00 plus $3.00 per lot $ 418.00

Sub Total 2007-2008 $ 478.41

**Incidental Expenses**

5% Reserve Fund $ 23.92

Total 2007-2008 Initial Assessment $ 502.33

*Lighting costs are based on 29% benefit of total cost because lights are spaced closer together resulting in 40% more lights than the city standard outside the maintenance district.

After the 2007-2008 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year’s cost or the prior year’s estimated cost adjusted according to the annualized Consumer price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2008/2009 will refer back to the prior year’s CPI. In the event that the costs of services provided
do not increase to exceed the full amount of CPI from one year, such excess CPI percentage
shall be carried over from year to year and may be utilized to increase the amount of assessment
in future years.

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled “Landscape and Lighting
Maintenance District No. 38 is attached to this report and by reference is made part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The
improvement areas are established for the benefit of all properties within the proposed
Landscape and Lighting Maintenance District No. 38. The establishment and maintenance of the
improvements is a vital part of the development of Ranch Victoria, Phase One. The City Council
of Porterville has determined that to insure satisfactory levels of maintenance of street lighting at
Ranch Victoria, Phase One, it should become Landscape and Lighting Maintenance District No.
38. The lighting includes 2 street lights.

Landscape and Lighting Maintenance District No. 38 will consist of an area comprising
approximately 1.33 acres. A total of 6 lots are proposed to be developed in Ranch Victoria,
Phase One Subdivision. The improvements will consist of those improvements described in
Section 4 of this report. The maintenance of the improvements is a vital part of the development
for the protection or safety, economic and humanistic values. The City Council has determined
that, for the preservation of values incorporated within this development, all lots will receive
equal benefit from the landscaping and street lighting.

The determination of benefits takes into consideration the following facts:
1. The purpose of the improvements is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. The lots not adjacent to the landscaping and lighting facility improvements benefit for the maintenance equally to those lots adjacent to the improvements.

**Estimated 2007-2008 Assessment**

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

\[
A = \frac{502.33}{6} = 83.72 \text{ per lot for 6 lots}
\]

Total Assessment for 2007-2008 = $502.32

Total developed lot count is 6 lots.

**SECTION 8. Order of Events**

2. City Council Adopts Resolution of Preliminary Approval of Engineer’s Report.
3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 38 and determines the district.
5. Every year between April and June the Engineer of Work file a report with the City Council.
6. Every year between April and June, the City Council conducts a public hearing and approves, or modifies the individual assessments.
Douglas Wilson
Engineer of the Work
CITY OF PORTERVILLE
ENGINEER’S REPORT FOR LANDSCAPING AND LIGHTING
MAINTENANCE DISTRICT NO. 39

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution No. __________. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscape and Lighting Act of 1972).

SECTION 2. General Description

The City Council has elected to include lighting at Williams Ranch Phase 4 Subdivision into the Landscape and Lighting Maintenance District No. 39. The City Council has determined that the areas to be lighted will have an effect upon all parcels within the proposed boundaries of the District. The District includes lighting on Silver Maple Street, Red Oak Street, Theta Avenue, Bel-Aire Court and Terry Court as a part of the subdivision. Proposed areas for lighting are on both sides of the streets located within the subdivision.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total streetlights to be maintained are 17.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of Williams Ranch Phase 4 Subdivision.

SECTION 5. Estimated Costs
The construction cost will be borne by the developer and will not be assessed. The subdivision map has been filed for record and it is intended that the improvements will be constructed during or before the 2007 – 2008 fiscal year and certain lighting costs will be incurred during fiscal year 2007 –2008. It is appropriate that the assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. District 39 assessments during the 2007-2008 Fiscal Year are as follows.

**Electricity/Lighting***

17 fixtures, 5,800 lumens @ $30.21 per year  

$ 513.51

**Project Management Costs**

59 Lots @ $400.00 plus $3.00 per lot  

Sub Total 2007-2008  

$ 577.00  

$ 1,090.51

**Incidental Expenses**

5% Reserve Fund  

Total 2007-2008 Initial Assessment  

$ 54.53  

$ 1,145.04

*Lighting costs are based on 29% benefit of total cost because lights are spaced closer together resulting in 40% more lights than the city standard outside the maintenance district.

After the 2007-2008 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year’s cost or the prior year’s estimated cost adjusted according to the annualized Consumer price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year
2008/2009 will refer back to the prior year’s CPI. In the event that the costs of services provided do not increase to exceed the full amount of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6. **Assessment Diagram**

A copy of the proposed assessment diagram entitled “Landscape and Lighting Maintenance District No. 39 is attached to this report and by reference is made part thereof.

SECTION 7. **Assessment**

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed Landscape and Lighting Maintenance District No. 39. The establishment and maintenance of the improvements is a vital part of the development of Williams Ranch Phase 4 Subdivision. The City Council of Porterville has determined that to insure satisfactory levels of maintenance of street lighting at Williams Ranch Phase 4 Subdivision, it should become Landscape and Lighting Maintenance District No. 39. The lighting includes 17 streetlights.

Landscape and Lighting Maintenance District No. 39 will consist of an area comprising approximately 15.44 acres. A total of 59 lots are proposed to be developed in Williams Ranch Phase 4 Subdivision. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for the protection or safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.
The determination of benefits takes into consideration the following facts:

1. The purpose of the improvements is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. The lots not adjacent to the landscaping and lighting facility improvements benefit for the maintenance equally to those lots adjacent to the improvements.

**Estimated 2007-2008 Assessment**

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

\[
A = \frac{1,145.04}{59} = 19.40 \text{ per lot for 59}
\]

Total Assessment for 2007-2008 = $1,144.60
Total developed lot count is 59 lots.

**SECTION 8. Order of Events**

2. City Council Adopts Resolution of Preliminary Approval of Engineer’s Report.
3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 39 and determines the district.
5. Every year between April and June the Engineer of Work file a report with the City Council.
6. Every year between April and June, the City Council conducts a public hearing and approves, or modifies the individual assessments.
Douglas Wilson
Engineer of the Work
SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution No. __________. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscape and Lighting Act of 1972).

SECTION 2. General Description

The City Council has elected to include landscaping and lighting at Amalene Estates Subdivision into the Landscape and Lighting Maintenance District No. 40. The City Council has determined that the areas to be landscaped and lighted will have an effect upon all parcels within the proposed boundaries of the District. The areas for street lights are included on all the streets located within the subdivision. Proposed areas for lighting are on both sides of the streets located within the subdivision. The landscaping includes a masonry wall along the east and a portion of the north boundary. The wall maintenance includes: cleaning, repairing, painting and rodent control. A landscaped area was installed by the developer generally adjacent to the masonry walls. The landscaped area maintenance includes cleaning, weed control, maintenance of irrigation facilities, and control of the growth.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 17 (11 initially and 6 to be added when
the remainder is constructed). Total landscaped area to be maintained is 736 lineal feet of 6-foot masonry wall, and 5445 square feet of landscaped area.

Maintenance activities within the Landscape and Lighting Maintenance District No. 40 are to include landscape and lighting maintenance.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of Amalene Estates Subdivision.

SECTION 5. Estimated Costs

The construction cost will be borne by the developer and will not be assessed. The subdivision map has been filed for record and the improvements have been installed and certain maintenance on the areas will be necessary during fiscal year 2007-2008. It is appropriate that the assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. In this District assessments will be made during the 2007-2008 Fiscal Year.

**Landscaped Area**

- Masonry wall 736 L.F. @ $0.47 per L.F. $ 345.92
- 5445 sq ft landscaped area @ $0.60 per sq ft $3,267.00

**Electricity /Lighting**

- 16 fixtures, 5,800 lumens @ $30.21 per year $ 483.30
- 1 fixture, 16,000 lumens @ $47.47 per year $ 47.47

**Portion due Ford Estates District Number 7**

- 37.25 percent $3,038.80 $1,131.86

**Project Management Costs**
53 Lots (includes remainder) @ $1,000 plus $4 per lot $1,212.00

Sub Total 2007-2008 $6,487.55

15% Reserve Fund $973.13

Total 2007-2008 Initial Assessment $7,460.68

**Lighting costs are based on 29% benefit of total cost because lights are spaced closer together resulting in 40% more lights than the city standard outside the maintenance district.

After the 2007-2008 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year’s cost or the prior year’s estimated cost adjusted according to the annualized Consumer price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2008/2009 will refer back to the prior year’s CPI. In the event that the costs of services provided do not increase to exceed the full amount of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled “Landscape and Lighting Maintenance District No. 40 is attached to this report and by reference is made part thereof.
SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed Landscape and Lighting Maintenance District No. 40. The establishment and maintenance of the improvements is a vital part of the development of Amalene Estates Subdivision. The City Council of Porterville has determined that to insure satisfactory levels of maintenance for the landscape and lighting at Amalene Estates Subdivision, it should become Landscape and Lighting Maintenance District No. 40. The subdivision consists of 53 Lots (24 in Amalene Estates and 29 presently proposed for the remainder). The Landscape area, which benefits the 53 lots, is located along the easterly and a portion of the northerly boundary of the district.

Landscape and Lighting Maintenance District No. 40 will consist of an area comprising approximately 19.55 acres. A total of 24 lots and a remainder are proposed to be developed at this time. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for the protection or safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefits takes into consideration the following facts:

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

2. Properly maintained landscaping and lighting benefits all properties in the development.
3. The lots not adjacent to the landscaping and lighting facility improvements benefit for the maintenance equally to those lots adjacent to the improvements.

Estimated 2007-2008 Assessment

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

\[
A = \frac{\$7460.68}{53} = \$140.76 \text{ per lot for Amalene Estates Subdivision}
\]

Assessment of Remainder (AR) = \( A \times \text{Number Lots proposed Remainder (LR)} - \text{Number Lights proposed for Remainder} \times \$30.21 \)

\[
AR = 29 \times 140.76 - 6 \times 30.21 = \$3900.78
\]

Total Assessment for 2007-2008 = \$7,460.68

Total developed lot count is 24 lots plus a remainder.

SECTION 8. Order of Events


2. City Council Adopts Resolution of Preliminary Approval of Engineer’s Report.

3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 40 and determines the district.


5. Every year between April and June the Engineer of Work file a report with the City Council.
6. Every year between April and June, the City Council conducts a public hearing and approves, or modifies the individual assessments.

Douglas Wilson
Engineer of the Work
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
ANNUAL PORTERVILLE FAIR - MAY 16 - 20, 2007

SOURCE: Administrative Services - Finance Division, Business Tax Section

COMMENT: The Porterville Community Fair Board is requesting approval for its annual Fair to be held from Wednesday, May 16 to Sunday, May 20, 2007. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended. It has been routed according to the ordinance regulations and reviewed by all of the departments involved. All requirements are listed on the attached Exhibit “A.”

The following are the requested street closures during the Annual Porterville Fair, from May 16 to May 20, 2007:

<table>
<thead>
<tr>
<th>May 2007</th>
<th>Wednesday, 16th</th>
<th>Thursday, 17th</th>
<th>Friday, 18th</th>
<th>Saturday, 19th</th>
<th>Sunday, 20th</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olive Avenue - 3rd St. To Plano St.</td>
<td>7:00 a.m. to Midnight</td>
<td>7:00 a.m. to Midnight</td>
<td>7:00 a.m. to Midnight</td>
<td>7:00 a.m. to Midnight</td>
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<tr>
<td>Garden Avenue - Fig St. To Murry St.</td>
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<td>6:00 p.m. to 11:00 p.m.</td>
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<td>6:00 p.m. to 11:00 p.m.</td>
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<tr>
<td>Garden Avenue - Murry St. to Plano St.</td>
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<td>7:00 p.m. to 11:00 p.m.</td>
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<tr>
<td>Plano Street - Garden Ave. To Olive Ave. (Westerly lane only)</td>
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<td>8:30 p.m. to 11:00 p.m.</td>
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Street closures would be done with barricades and would not limit the access to the residents along the residential street frontages.

RECOMMENDATION: 1. That Council approve the Community Civic Event Application and Agreement from the Porterville Community Fair Board, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit “A,” and

2. That Council approve the use of the parking lot on the south side of Olive Avenue and bare ground south of that parking lot for fair patron parking and set up from May 16 - 20, 2007.

ATTACHMENT: Community Civic Event Application, Agreement, Vendor List, Exhibit “A,” request for street closures, outside amplifier permit.

D.D. Appropriated/Funded C.M. Item No. 12
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: April 16, 2007  Event date: May 16-30, 2007

Name of Event: PORTERVILLE FAIR

Sponsoring organization: PORTERVILLE FAIR
PHONE # 781-6589
Address: PO Box 369 - 300 E Olive Ave Porterville

Authorized representative: NANCY JORDI
PHONE # 781-6589
Address: PO Box 369 Porterville CA 93257

Event chairperson: JOHN CORRINS
PHONE # 784-5927

Location of event (location map must be attached): Porterville Fair Grounds,

Porterville Municipal Park

Type of event/method of operation: COMMUNITY FAIR

Request for street closures

Nonprofit status determination: 501 C 3

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

Barricades (quantity): Yes (?)  Street sweeping Yes  No  ✓
Police protection Yes  ✓  No  Refuse pickup Yes  ✓  No
Other: __________________________________________

Parks facility application required: Yes  ✓  No  _____
Assembly permit required: Yes  ✓  No  ✓  Ple PLS/Heritage copy attached

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

Approve Deny
__________________________ ________________  Bus Lic Spvr
__________________________ ________________  Pub Works Dir
__________________________ ________________  Comm Dev Dir
__________________________ ________________  Field Svcs Mgr
__________________________ ________________  Fire Chief
__________________________ ________________  Parks Dir
__________________________ ________________  Police Chief
__________________________ ________________  Risk Manager
CITY OF PORTERVILLE

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

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

City Code requirements:

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

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

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

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

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

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind 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.

Porterville Fair  Nancy Jordt  4/16/07
(Name of organization) (Signature) (Date)
CITY OF PORTERVILLE

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

Name of event: PORTERVILLE FAIR

Sponsoring organization: PORTERVILLE FAIR

Location: FAIRGROUNDS BALL PARK Event date: MAY 16-20, 2007

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

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

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

Name of event: **Porterville Fair**

Sponsoring organization: **Porterville Fair**

Event date: **May 16-20, 2007**  
Hours: **7:00 am - Midnight**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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</thead>
<tbody>
<tr>
<td>Olive Ave</td>
<td>Third St</td>
<td>Plano St</td>
<td>7:00am - 12:00am</td>
</tr>
<tr>
<td>Garden Ave</td>
<td>8th St</td>
<td>Murray St</td>
<td>6:00pm - 11:00pm</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plano St</td>
<td>Garden Ave</td>
<td>Murray St</td>
<td>West Trav</td>
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<tr>
<td>Garden Ave</td>
<td>Murray St</td>
<td>Plano St</td>
<td>Lane</td>
</tr>
<tr>
<td>Murray St</td>
<td>Garden Ave</td>
<td>South to Fair</td>
<td>7:20 pm to 11:00 pm</td>
</tr>
</tbody>
</table>

Parking lots and spaces  

Location  

Activity
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE COMMUNITY FAIR BOARD
ANNUAL PORTERVILLE FAIR
MAY 16-20, 2007

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

Public Works Director: B. Rodriguez

Community Development Director: B. Dunlap

Field Services Manager: B. Styles

Fire Chief: M.G. Garcia
Maintain all pre-designated fire apparatus access roads.

Parks and Leisure Services Director: J. Perrine
No comment.

Police Chief: C. McMillan

Interim Deputy City Manager: J.D. Lollis
See attached exhibit "A", page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Fair Board
Event: Annual Porterville Fair
Event Chairman: John Corkins
Location: Olive Avenue, Garden Avenue and Plano Street
Date of Event: May 16 - 20, 2007

RISK MANAGEMENT: Conditions of Approval

That the Porterville Fair Board provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $2,000,000 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; and a Certificate of Liquor 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 of a beer garden.

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

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than 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:
   
   PORTERVILLE FAIR        Phone # 781-6582
   P.O. Box 369 PORTERVILLE CA 93258

2. Address where amplification equipment is to be used:
   
   300 E OLIVE AVE        Phone # 781-6582

3. Names and addresses of all persons who will use or operate the amplification equipment:
   
   RIO Productions
   Tulare, CA

4. Type of event for which amplification equipment will be used:
   
   CONCERTS MUSIC @ Rotary Stage

5. Dates and hours of operation of amplification equipment:
   
   May 16-20, 2007 12PM - 11PM

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

Nancy Jordt  
Applicant  

April 16, 2007  
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
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: _____________________

Nature of Use: ☐ FAIR ☐ FUNDRAISER ☐ CONCERT ☐ GATHERING ☐ SPORTS EVENT ☐ OTHER ___________

Are fees being charged? ☐ Yes ☐ No

Date of Event: MAY 16-20, 2007

Time: 8:00 AM To: 12:00 PM

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: ☐ NOT IN BALLPARK

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

Organization: ___________________________

Name: ___________________________

Mailing and/or Billing Address: PO BOX 369 PORTERVILLE CA 93257

Phone: Dial/Work: 781-6582 Cell No: 357-1040 Evening/Home: ___________ Email: _______________________

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: ___________ 2007

*** 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 at www.ci.porterville.ca.us
SEE BACK PAGE FOR RULES, REGULATIONS AND POLICIES

07/15/05 Rev.
April 4, 2007

Mr. John Longley, City Manager
City of Porterville
291 N. Main
Porterville, CA 93257

Re: Exclusive license to occupy and use Parcel 1

Dear Mr. Longley:

The Tulare County Junior Livestock Show and Community Fair, Inc. is giving notice of its intention to exclusively occupy and use Parcel 1 for a period of 21 days as described in that certain License Agreement with the City of Porterville, for the 2007 Porterville Fair. The period of exclusive use had been determined to be May 7, 2007 through May 28, 2007 based on the Fair dates of May 16-20, 2007.

The Community Civic Event Permit request identifying street closures, hours of operation, and such other conditions as required will be submitted soon.

If you or your staff have any questions or comments, please communicate directly with me at the address above.

Sincerely,

[Signature]
Nancy Jordt
Executive Assistant
to the Board of Directors

cp: Jim Perrine, Parks and Leisure Department
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
"Plane Bikes" – May 26, 2007

SOURCE: Administration

COMMENT: The Tule River Economic Development Corporation (TREDC) is requesting approval for a community civic event, called “Plane Bikes” on Saturday, May 26, 2007. The “Plane Bikes” event is planned to include an invitation to the public to view airplanes and motorcycles on display in one location. Tule River Aero Industries will have a featured aircraft on display, and individual airplane and motorcycle owners will be invited to static display their vehicles at the event. TREDC is seeking approval for the use of City property to the front and side of the Tule Aero facility. No street closures or outside amplifier permits are requested for this event. Risk Management considerations for Certificates of Commercial General Liability Insurance Coverage would be required in conformance with City requirements for community civic events.

RECOMMENDATION: That Council approve the request for a community civic event “Plane Bikes,” allowing the use of City property to the front and side of the Tule Aero facility.

ATTACHMENT: Letter from Tule River Economic Development Corporation
April 13, 2007

Airport Manager
Porterville Municipal Airport
Porterville, CA 93257

RE: Request approval/permission for use of airport property for event. May 26, 2007

Dear Sirs,

I would like to respectfully request the use of the property in front of, and the side of the Tule River Aero Industries building for a community event. The event will be called “Plane Bikes”.

The purpose of the event is to invite the public to look at airplanes and motorcycles in one location, to generate interest in general aviation with our youth and for those just interested in seeing aircraft up close. Tule Aero will have a featured aircraft and, any individual with a motorcycle is invited to bring it for display. Individual aircraft owners will be encouraged to either fly in or, bring their aircraft to Tule aero as a static display.

One invitee is organizing a poker run that would eventually end at Tule Aero along with other motorcycle guests. Blue Sky aviation is a certified flight school that will be available to offer helicopter rides and, possibly Mazzei aviation also a certified flight school.

I am presently in the process of requesting a certificate of insurance listing the city of Porterville as the additionally insured.

If further information is needed, please don’t hesitate to call me at, (559) 783.8408 or 719.0775

Respectfully submitted

[Signature]

Dave Xenna, CEO
Tule River Economic Development Corp.
PUBLIC HEARING

SUBJECT: CONSIDERATION OF THE ADOPTION OF A NOISE ORDINANCE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: When the City Council adopted the Noise Element of the General Plan in 1987, it included a draft noise ordinance proposed for adoption. For reasons unknown to Staff, the draft ordinance was not adopted. In September 2006, Staff brought to Council a revised draft of this ordinance to be adopted, which included revisions recommended by Council members during consideration of previous drafts. In order to accommodate more detailed review of the draft ordinance, the Council scheduled a study session for February 23, 2007 and requested a presentation on the topic of noise by a professional in the field. Mr. Bob Brown of Brown Buntin and Associates attended the meeting, presented some technical information and responded to questions of the Council. In response to the meeting, Mr. Brown made comment on the draft ordinance and made some suggested edits. Those edits along with the Council’s input have been incorporated into the current draft ordinance.

The changes recommended by Mr. Brown simplify the ordinance, remove references to outdated standards, and will improve the City’s ability to enforce the new ordinance.

It should be noted that following adoption of the updated Noise Element to be completed with the comprehensive General Plan Update, revisions to the ordinance may be necessary.

RECOMMENDATION:

That the City Council:

1. Approve the proposed ordinance and give first reading to the draft ordinance.

2. Waive further reading and order the Ordinance to print.

ATTACHMENTS:

1. Complete Staff Report

Appropriated/Funded CM Item No. 14
PUBLIC HEARING – STAFF REPORT

SUBJECT: CONSIDERATION OF THE ADOPTION OF A NOISE ORDINANCE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: When the City Council adopted the Noise Element of the General Plan in 1987, it included a draft noise ordinance proposed for adoption. For reasons unknown to Staff, the draft ordinance was not adopted. In September 2006, Staff brought to Council a revised draft of this ordinance to be adopted, which included revisions recommended by Council members during consideration of previous drafts. The ordinance presented to Council tonight addresses additional comments made by Council members, and incorporates the suggestions of the City’s acoustic engineering consultant, Brown-Buntin Associates. It should be noted that upon development of the updated Noise Element to be completed with the comprehensive General Plan Update, revisions to the ordinance might be necessary.

The changes recommended by Bob Brown will improve the City’s ability to enforce the new ordinance, and remove references to outdated standards.

As noted when Council last reviewed this project, Staff reviewed the originally proposed draft ordinance and is recommending that the Council consider amending a few provisions prior to adoption. Following is a brief discussion of the issue areas that Staff believes should be addressed:

Section 18-82 Noise Measurements Criteria

The draft ordinance defines noise levels specifically by using decibel levels, which is certainly effective, but not always feasible. Staff, including police officers, may not always have at their disposal a noise measurement device, so it is recommended that additional, supplemental options for determining whether a violation exists be included in the Ordinance.

Section 18-85 Noise Source Exemptions

The draft ordinance includes a list of exemptions from the noise level standards as defined. The Council may want to consider whether the full extent of the exemptions outlined in this section will provide the desired level of control over noise sources. It is Staff’s understanding that the primary reason for exploring the adoption of the draft ordinance is a result of noise generated from public parks and other public facilities that could include the fairgrounds as provided for in subparagraph D.
Section 18-87 Waste and Garbage Collection Equipment

Staff has coordinated the operational timeframes and noise ratings associated with this section to operations of the Field Services Division.

Section 18-90 Variances

Staff is recommending deleting this paragraph due to the fact operational characteristics are more closely associated with the use and not an actual development standard. Variances generally apply to deviations from development standards not aspects of use; granting a use variance is not considered legal practice. If someone has a legitimate case for a variation from a noise development standard, the Zoning Ordinance is already set up to account for the variance process. However, this would generally require these standards to be codified within the Zoning Ordinance.

In addition to the draft ordinance provisions for regulating noise sources, there are a number of provisions currently in the municipal code and zoning ordinance. These existing provisions are attached in Attachment B for reference. It does not appear that the existing provisions cover all the potential noise sources to be regulated. Therefore, it would appear that a noise ordinance would be beneficial to the City to protect the community’s health, safety and general welfare against the establishment and proliferation of excessive noise sources.

ENVIRONMENTAL: The Environmental Coordinator on September 7, 2006 made a preliminary determination that a Notice of Exemption would be appropriate for the proposed project. The project is exempt as per section 15061(b)(3) of the California Environmental Quality Act (CEQA) statutes and guidelines.

ATTACHMENTS:

1. Exhibit A
2. Draft Noise Ordinance, with changes highlighted
3. Existing Code Provisions for Noise
ORDINANCE NO.____________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADDITION TO THE MUNICIPAL CODE CHAPTER 18, ARTICLE V
PERTAINING TO NOISE

WHEREAS: In 1987, the City Council adopted the Noise Element of the General Plan which included a draft noise ordinance proposed for adoption; and

WHEREAS: The City Council directed Staff to draft an item for review to determine a need for a Noise Ordinance; and

WHEREAS: Draft Ordinance section addition CHAPTER 18, Article V regulates excessive noise that may be detrimental to public health, safety and welfare; and

WHEREAS: the City Council has duly considered staff recommendations to add to the current Municipal Code CHAPTER 18, ARTICLE V to regulate noise that may be detrimental to public health, safety and welfare; and

WHEREAS: An increasing number of issues pertaining to noise have risen and enforcement has been problematic due to the lack of enforceable standards;

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby add Porterville Municipal Code Chapter 18, Article V as follows:

Section 1. Porterville Municipal Code Chapter 18, Article V is added as follows:

NOISE ORDINANCE

Chapter 18 Article V
Sections:
18-80 Purpose.
18-81 Definitions.
18-82 Noise Standards-General Provisions.
18-83 Exterior Noise Standards.
18-84 Residential Interior Noise Standards.
18-85 Noise Source Exemptions.
18-86 Residential Air Conditioning and Refrigeration Systems.
18-87 Waste and Garbage Collection Equipment.
18-88 Electrical Substations.
18-89 Warning signs in places of public entertainment.
18-90 Permit for relief.
18-91 Violations.
18-80 Purpose.

The City Council declares and finds that excessive noise levels are detrimental to the public health, safety and welfare and contrary to the public interest as follows:

A. By interfering with sleep, communication, relaxation and the full use of one’s property; and

B. By contributing to hearing impairment and a wide range of adverse physiological and psychological stress conditions; and

C. By adversely affecting the value of real property.

It is the intent of this chapter to protect persons from excessive levels of noise within or near a residence, school, church, hospital or public library and to warn persons of the hazards of excessive noise in places of public entertainment.

18-81 Definitions.

The following words, phrases and terms as used in this chapter shall have the following meanings:

A. "Ambient noise level" means the composite of noise from all sources excluding the alleged offensive noise. In this context it represents the normal or existing level of environmental noise at a given location for a specific time of the day or night.

B. "A-weighted sound level" means the sound level in decibels as measured with a sound level meter using the "A" weighted network (scale) at slow meter response. The unit of measurement is referred to herein as dBA.

C. "Construction" means construction, enlargement, alteration, conversion or movement of any building, structures or land together with any scientific surveys associated therewith.

D. "Cumulative period" means an additive period of time composed of individual time segments, which may be continuous or interrupted.

E. "Decibel" means a unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

F. "Emergency work" means the use of any machinery, equipment, vehicle, manpower or other activity in a short-term effort to protect, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.
G. “Fixed noise source” means a device, machine or combination thereof which creates sounds while fixed or stationary, including but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.

H. “Hospital” means any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons including rest homes and nursing homes.

I. “Impulsive noise” means a noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

J. “Intruding noise level” means the sound level created, caused, maintained or originating from an alleged offensive source, measured in decibels, at a specified location while the alleged offensive source is in operation.

K. “L_{eq}” means the equivalent sound level. The sound level containing the same total energy as a time varying signal over a given sample period. For purposes of this ordinance, the L_{eq} is measured over a one-hour sample period.

L. “Mobile noise source” means any source other than a fixed noise source.

M. “Noise disturbance” means any sound which violates the quantitative standards set forth in this chapter.

N. “Residential property” means a parcel of real property which is developed and used either in whole or in part for residential purposes.

O. “School” means public or private institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary or collegiate levels.

P. “Pure tone noise” means any noise which is distinctly audible as a single pitch (frequency) or set of pitches. For the purposes of this ordinance, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5dB for center frequencies of 500 Hz and above and by 8 dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

Q. “Sounding amplifying equipment” means any machine or device for the amplification of the human voice, music, or any other sound. Sound amplifying equipment shall not include standard automobile radios or tape players when heard only by the occupants of the vehicle in which the automobile radio is installed. Sound amplifying equipment as used in this chapter shall not include warning devices in authorized emergency vehicles, or horns or other warning devices in any vehicle, which are used only for traffic safety purposes.”
R. "Sound level meter" means an instrument meeting American National Standard Institute (ANSI) Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

S. "Sound truck" means any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon any sound amplifying equipment.

18-82 Noise Standards- General Provisions

The standards which shall be considered in determining whether a violation of Section 18-83 or 18-84 exists shall include but not be limited to the following:

a. The volume of the noises
b. The intensity of the noises
c. Whether the nature of the noise is usual or unusual
d. Whether the origin of the noise is natural or unnatural
e. The volume and intensity of the background noise, if any
f. The proximity of the noise to residential sleeping facilities
g. The nature and zoning of the area within which the noise emanates
h. The density of habitation of the area within which the noise emanates
i. The time of day or night the noise occurs
j. The duration of the noise
k. Whether the noise is recurrent, intermittent, or constant
l. Whether the noise is produced by a commercial or noncommercial activity

It is unlawful for any person to make, continue, allow, or cause to be made or emanate any excessively, unnecessarily, unnaturally, or unusually loud noise or sound from any radio, compact disk player, stereo, television or other mechanical, electrical, or electronic sound amplification device or instrument which annoys, disturbs, injures, or endangers the comfort, repose, quiet, health, peace, or safety of other persons in the city; such acts are hereby being declared a public nuisance. In interpreting and applying this section, the following shall apply:

A. Emanating noise or sound shall be defined for these purposes as excessively, unnecessarily, unnaturally, or unusually loud when it is plainly audible to a person at distances greater than 100 feet from the source of such noise or sound. Proof of same shall be prima facie evidence of a violation of this section.

B. Prima facie evidence that such noise or sound annoys, disturbs, injures, or endangers the comfort, repose, quiet, health, peace, business, or safety of other persons is shown by proof of subsection (A) of this section, or a complaint by a person or persons regarding such noise or sound. A complainant must have standing to file a complaint.
C. The distance from the source of such noise or sound shall be measured from the actual source itself except where the source is located on private property in which case the distance shall be measured from the property line.

D. Nothing in this section prohibits or declares unlawful or a nuisance:
   i. The operation of warning or amplification devices by emergency, fire, or law enforcement vehicles or personnel;
   ii. Lawful use of vehicle horns or backup warning devices;
   iii. Private or public warning equipment or systems;
   iv. The conduct of previously authorized and otherwise lawful public activity such as parades, speeches, lectures, ceremonies, entertainment, sports, music, or recreation events;
   v. The usual and customary operations of bells, gongs, buzzers, or similar mechanical, electrical or electronic sound amplification devices to mark time or call to attendance for an otherwise lawful use or purpose, except within public rights of way pursuant to Section 20-6 of the Municipal code.

E. Sound Amplification Devices (Refer to Advertising and Signs Code, Section 3-15): The use of sound trucks or any other vehicle in the city with sound amplifying equipment in operation shall be subject to the following regulations:
   i. The only sounds permitted are music
   ii. Operations of sound equipment shall be permitted during the hours of 9:00 am and 8:00 pm
   iii. Sound amplifying equipment shall not be operated unless the vehicle or sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when such vehicle is stopped or impeded by traffic. Where the vehicle is stopped, the sound amplifying equipment shall not be operated for longer than one (1) minute at each stop.
   iv. Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches, or courthouses.
   v. The music amplified shall not be profane, lewd, indecent, or slanderous.
   vi. The volume of sound shall be controlled so that it will not be plainly audible to a person at distances greater than one-hundred (100) feet from the vehicle or sound truck and so that such volume is not unreasonable, loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.

F. Public Park/City Facilities
   i. Sound or noise produced by amplification equipment used at all city parks and other city facilities shall not exceed eighty-five (85) dBA when measured at a distance of one-hundred (100) feet from the sound source within the city parks or facilities.
ii. It should be the event sponsor’s responsibility to insure that sound
levels are below the specified noise level standard. The sponsor
shall provide a sound level meter to accomplish this task.

iii. Failure of the event sponsor to enforce the sound limits may result
in any or all of the following:
   1. The forced curtailment of activities as ordered by the police
department
   2. Citation issued by the police department under the City’s
nuisance abatement ordinance
   3. Forfeiture of deposits placed with City by the sponsor for
use of the facility

Any noise measurement made pursuant to the provisions of this chapter shall be made with a
sound level meter using the “A” weighted network (scale) at slow meter response. Fast
meter response shall be used for impulsive type sounds. Calibration of the measurement
equipment utilizing an acoustical calibrator certified by its manufacturer to be in compliance
with National Institute of Standards and Technology (NIST) reference calibration levels shall
be performed immediately prior to recording noise level data. Where practical, the
microphone shall be positioned three to five feet above the ground and away from reflective
surfaces.

Interior noise levels shall be measured within the affected dwelling unit, at points at least
four feet from the wall, ceiling or floor nearest the noise source, with windows in the normal
seasonal configuration. Reported interior noise levels shall be determined by taking the
arithmetic average of the readings taken at the various microphone locations.

18-83 Exterior Noise Standards

A. It is unlawful for any person at any location within the incorporated areas of the City
to create any noise, or to allow the creation of any noise, on property owned, leased,
occupied or otherwise controlled by such person which causes the exterior noise level
when measured at any affected residence, school, hospital, church or public library to
exceed the noise level standards as set forth in the following table:

<table>
<thead>
<tr>
<th>Category</th>
<th>Daytime</th>
<th>Nighttime</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7 a.m. to</td>
<td>10 p.m. to</td>
</tr>
<tr>
<td></td>
<td>10 p.m.</td>
<td>7 a.m.</td>
</tr>
<tr>
<td>Hourly $L_{eq}$</td>
<td>50</td>
<td>45</td>
</tr>
<tr>
<td>Maximum Sound Level ($L_{MAX}$)</td>
<td>70</td>
<td>65</td>
</tr>
</tbody>
</table>

B. In the event the measured ambient noise level without the alleged offensive source in
operation exceeds an applicable noise level standard in any category above, the
applicable standard or standards shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by five dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level without the source can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards.

18-84 Residential Interior Noise Standards

A. It is unlawful for any person at any location within the incorporated areas of the City, to operate or cause to be operated within a dwelling unit, any source of sound or to allow the creation of any noise which causes the noise level when measured inside another dwelling unit to exceed the noise level standards as set forth in the following table:

<table>
<thead>
<tr>
<th>Category</th>
<th>Daytime</th>
<th>Nighttime</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7 a.m. to 10 p.m.</td>
<td>10 p.m. to 7 a.m.</td>
</tr>
<tr>
<td>Maximum Sound Level (L_{MAX})</td>
<td>55</td>
<td>45</td>
</tr>
</tbody>
</table>

B. Each of the noise level standards specified above shall be reduced by five dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

18-85 Noise Source Exemptions.

The following activities shall be exempted from the provisions of this chapter.

A. Noises from safety signals, warning devices, and emergency pressure relief valves.

B. Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.

C. Noises resulting from emergency work, including repair of public utilities.
D. Activities conducted in public parks, public playgrounds and public or private school grounds, including but not limited to school athletic and school entertainment events, except as otherwise noted in this ordinance.

E. Any mechanical device, apparatus or equipment used, related to, or connected with emergency activities or emergency work.

F. Noise sources associated with construction, whether private or public, within 500 feet of the uses mentioned in Section 18-83, paragraph A, provided such activities do not take place before 6:00 a.m. or after 9:00 p.m. on any day except Saturday or Sunday, or before 7:00 a.m. or after 5:00 p.m. on Saturday or Sunday.

G. Noise sources associated with the maintenance of residential property provided such activities take place between the hours of 6:00 a.m. and 9:00 p.m. on any day except Saturday or Sunday, or between the hours of 7:00 a.m. and 9:00 p.m. on Saturday or Sunday.

H. Noise sources associated with a lawful commercial or industrial property caused by mechanical devices or equipment, including air conditioning or refrigeration systems, installed prior to the effective date of this chapter; that this exemption shall expire 12 months after the effective date of this chapter.

I. Noise sources associated with the collection of waste or garbage from property devoted to commercial or industrial uses.

J. Noise sources associated with seasonal agricultural packing operations provided that noise levels produced by such operations do not exceed the exterior noise level standards set forth in Section 18-82 when measured as provided in Section 18-83 for a cumulative period of more than 90 days out of the year.

K. Any activity to the extent regulation thereof has been preempted by state or federal law.

18-86 Residential Air Conditioning and Refrigeration Systems.

Notwithstanding the provisions of Section 18-82 where the intruding noise source when measured as provided in Section 18-83 is an existing residential air conditioning or refrigeration system or associated equipment, the exterior noise level shall not exceed fifty-five (55) dBA. For residential air conditioning or refrigeration systems or associated equipment installed after the effective date of this chapter, the exterior noise level when measured as provided in Section 18-83 shall not exceed fifty (50) dBA.

18-87 Waste and Garbage Collection Equipment.

Notwithstanding the provisions of Section 18-82, the collection of waste or garbage from residential property by persons authorized to engage in such activity, and who are operating
truck-mounted loading or compacting equipment, shall not take place before 6:00 a.m. or after 7:00 p.m. The noise level created by such activities when measured at a distance of fifty (50) feet in an open area shall not exceed the following standards:

A. Eighty-five (85) dBA for equipment in use, purchased or leased prior to the effective date of this chapter;

B. Eighty (80) dBA for new equipment purchased or leased after the effective date of this chapter.

18-88 Electrical Substations.

Notwithstanding the provisions of Section 18-82, noise sources associated with the operation of electrical substations shall not exceed fifty (50) dBA when measured as provided in Section 18-83.

18-89 Warning signs in places of public entertainment.

It is unlawful for any person to operate or permit the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound for public entertainment within a building or structure wherein the noise level exceeds ninety-five (95) dBA as determined by using the slow response of a sound level meter at any point normally occupied by a customer, without a conspicuous and legible sign stating: “WARNING! SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT.”

18-90 Permit for relief

Applications for a permit relief from the noise level designated in this chapter on the basis of undue hardship and special events may be made to the City Manager or his duly authorized representative for recommendation to the City Council. Any permit granted by the City Council under this section shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The City Council may grant the relief as applied for if the Council finds:

A. That additional time is necessary for the applicant to alter or modify his/her activity or operation to comply with this chapter; or
B. The activity, operation, or noise source will be of temporary duration. The noise source cannot be done in a manner that would comply with this chapter; and
C. That no other reasonable alternative is available to the applicant; and
D. The City Council may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or surrounding neighborhood.
18-91 Violations.

Penalty.
Each violation of the provisions of this chapter shall be deemed a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding one thousand dollars ($1000), or both. Upon recommendation of the prosecuting attorney, the Court may reduce the charged offense from misdemeanor to an infraction, punishable under Chapter 1-9 of this Code.

Prosecution.
Violations of this chapter shall be prosecuted in the same manner as other misdemeanor violations of the City's Code; provided, however, that in the event of violation, a written notice of intention to prosecute will be given to the alleged violator not less than five calendar days prior to the issuance of a misdemeanor complaint. No complaint shall be issued in the event the cause of violation is removed, the condition abated or fully corrected within the five-day period. In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required in this section shall be deemed to be given upon mailing the notice by registered or certified mail to the alleged violator at his/her last known address or at the place where the violation occurred, in which event the five-day period shall commence at the date of the day following the mailing of the notice.

Section 2

This Ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 1st day of May, 2007.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
Georgia Hawley, Chief Deputy City Clerk
NOISE ORDINANCE

Chapter 18 Article V
Sections:
18-80 Purpose.
18-81 Definitions.
18-82 Noise Standards-General Provisions.
18-83 Exterior Noise Standards.
18-84 Residential Interior Noise Standards.
18-85 Noise Source Exemptions.
18-86 Residential Air Conditioning and Refrigeration Systems.
18-87 Waste and Garbage Collection Equipment.
18-88 Electrical Substations.
18-89 Warning signs in places of public entertainment.
18-90 Permit for relief.
18-91 Violations.

18-80 Purpose.

The City Council declares and finds that excessive noise levels are detrimental to the public health, safety and welfare and contrary to the public interest as follows:

A. By interfering with sleep, communication, relaxation and the full use of one’s property; and

B. By contributing to hearing impairment and a wide range of adverse physiological and psychological stress conditions; and

C. By adversely affecting the value of real property.

It is the intent of this chapter to protect persons from excessive levels of noise within or near a residence, school, church, hospital or public library and to warn persons of the hazards of excessive noise in places of public entertainment.

18-81 Definitions.

The following words, phrases and terms as used in this chapter shall have the following meanings:

A. “Ambient noise level” means the composite of noise from all sources excluding the alleged offensive noise. In this context it represents the normal or existing level of environmental noise at a given location for a specific time of the day or night.
B. "A-weighted sound level" means the sound level in decibels as measured with a sound level meter using the "A" weighted network (scale) at slow meter response. The unit of measurement is referred to herein as dBA.

C. "Construction" means construction, enlargement, alteration, conversion or movement of any building, structures or land together with any scientific surveys associated therewith.

D. "Cumulative period" means an additive period of time composed of individual time segments, which may be continuous or interrupted.

E. "Decibel" means a unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

F. "Emergency work" means the use of any machinery, equipment, vehicle, manpower or other activity in a short-term effort to protect, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.

G. "Fixed noise source" means a device, machine or combination thereof which creates sounds while fixed or stationary, including but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.

H. "Hospital" means any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons including rest homes and nursing homes.

I. "Impulsive noise" means a noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

J. "Intruding noise level" means the sound level created, caused, maintained or originating from an alleged offensive source, measured in decibels, at a specified location while the alleged offensive source is in operation.

K. "\(L_{eq}\)" means the equivalent sound level, which is the sound level containing the same total energy as a time varying signal over a given sample period. For purposes of this ordinance, the \(L_{eq}\) is measured over a one-hour sample period.

L. "Mobile noise source" means any source other than a fixed noise source.

M. "Noise disturbance" means any sound which violates the quantitative standards set forth in this chapter.

N. "Residential property" means a parcel of real property which is developed and used either in whole or in part for residential purposes.
O. “School” means public or private institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary or collegiate levels.

P. “Pure tone noise” means any noise which is distinctly audible as a single pitch (frequency) or set of pitches. For the purposes of this ordinance, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies of 500 Hz and above and by 8 dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

Q. “Sounding amplifying equipment” means any machine or device for the amplification of the human voice, music, or any other sound. Sound amplifying equipment shall not include standard automobile radios or tape players when heard only by the occupants of the vehicle in which the automobile radio is installed. Sound amplifying equipment as used in this chapter shall not include warning devices in authorized emergency vehicles, or horns or other warning devices in any vehicle, which are used only for traffic safety purposes.”

R. “Sound level meter” means an instrument meeting American National Standard Institute (ANSI) Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

S. “Sound truck” means any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon any sound amplifying equipment.


The standards which shall be considered in determining whether a violation of Section 18-83 or 18-84 exists shall include but not be limited to the following:

m. The volume of the noises
n. The intensity of the noises
o. Whether the nature of the noise is usual or unusual
p. Whether the origin of the noise is natural or unnatural
q. The volume and intensity of the background noise, if any
r. The proximity of the noise to residential sleeping facilities
s. The nature and zoning of the area within which the noise emanates
t. The density of inhabitation of the area within which the noise emanates
u. The time of day or night the noise occurs
v. The duration of the noise
w. Whether the noise is recurrent, intermittent, or constant
x. Whether the noise is produced by a commercial or noncommercial activity
It is unlawful for any person to make, continue, allow, or cause to be made or emanate any excessively, unnecessarily, unnaturally, or unusually loud noise or sound from any radio, compact disk player, stereo, television or other mechanical, electrical, or electronic sound amplification device or instrument which annoys, disturbs, injures, or endangers the comfort, repose, quiet, health, peace, or safety of other persons in the city; such acts are hereby being declared a public nuisance. In interpreting and applying this section, the following shall apply:

A. Emanating noise or sound shall be defined for these purposes as excessively, unnecessarily, unnaturally, or unusually loud when it is plainly audible to a person at a minimum distance of distances greater than 100 feet from the source of such noise or sound. Proof of same shall be prima facie evidence of a violation of this section.

B. Prima facie evidence that such noise or sound annoys, disturbs, injures, or endangers the comfort, repose, quiet, health, peace, business, or safety of other persons is shown by proof of subsections (A) and (D) of this section, or a complaint by a person or persons regarding such noise or sound. A complainant must have standing to file a complaint.

C. The distance from the source of such noise or sound shall be measured from the actual source itself except where the source is located on private property in which case the distance shall be measured from the property line.

D. Alternative prima facie evidence that such noise or sound is excessively, unnecessarily, unnaturally, or unusually loud is shown by a sound level exceeding the ambient sound level by more than five decibels measured at the property line or, in the case of common wall construction such as condominiums, apartments, or business facilities, measured within the adjoining occupied unit.

E. Nothing in this section prohibits or declares unlawful or a nuisance:
   i. The operation of warning or amplification devices by emergency, fire, or law enforcement vehicles or personnel;
   ii. Lawful use of vehicle horns or backup warning devices;
   iii. Private or public warning equipment or systems;
   iv. The conduct of previously authorized and otherwise lawful public activity such as parades, speeches, lectures, ceremonies, entertainment, sports, music, or recreation events;
   v. The usual and customary operations of bells, gongs, buzzers, or similar mechanical, electrical or electronic sound amplification devices to mark time or call to attendance for an otherwise lawful use or purpose, except within public rights of way pursuant to Section 20-6 of the Municipal code.

F. Sound Amplification Devices (Refer to Advertising and Signs Code, Section 3-15): The use of sound trucks or any other vehicle in the city with sound amplifying equipment in operation shall be subject to the following regulations:
   i. The only sounds permitted are music
ii. Operations of sound equipment shall be permitted during the hours of 9:00 am and 8:00 pm

iii. Sound amplifying equipment shall not be operated unless the vehicle or sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when such vehicle is stopped or impeded by traffic. Where the vehicle is stopped, the sound amplifying equipment shall not be operated for longer than one (1) minute at each stop.

iv. Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches, or courthouses.

v. The music amplified shall not be profane, lewd, indecent, or slanderous.

vi. The volume of sound shall be controlled so that it will not be audible for a distance in excess of fifty (50) feet plainly audible to a person at distances greater than one-hundred (100) feet from the vehicle or sound truck and so that such volume is not unreasonable, loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.

vii. No sound amplifying equipment shall be operated within excess of fifteen (15) watts of power in the last stage of amplification.

G. Public Park/City Facilities

i. Sound or noise produced by amplification equipment used at all city parks and other city facilities shall not exceed eighty-five (85) dBA when measured at a point(s) not greater than one hundred forty (140) feet from the sound source within the city parks or facilities and shall not exceed eighty-five (85) decibels.

ii. It should be the event sponsor’s responsibility to monitor and measure the sound at regular intervals of approximately thirty (30) minutes to insure that sound levels are below the specified noise level standard decibels. The sponsor shall provide a sound level meter to accomplish this task.

iii. Failure of the event sponsor to enforce the sound limits may result in any or all of the following:
   1. The forced curtailment of activities as ordered by the police department
   2. Citation issued by the police department under the City’s nuisance abatement ordinance
   3. Forfeiture of deposits placed with City by the sponsor for use of the facility

Any noise measurement made pursuant to the provisions of this chapter shall be made with a sound level meter using the “A” weighted network (scale) at slow meter response. Fast meter response shall be used for impulsive type sounds. Calibration of the measurement equipment utilizing an acoustical calibrator certified by its manufacturer to be in compliance
with National Institute of Standards and Technology (NIST) reference calibration levels shall be performed immediately prior to recording noise level data.

Exterior noise levels shall be measured from the nearest residential, school, hospital, church or public library property line to the noise source. Where practical, the microphone shall be positioned three to five feet above the ground and away from reflective surfaces.

Interior noise levels shall be measured within the affected dwelling unit, at points at least four feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration. Reported interior noise levels shall be determined by taking the arithmetic average of the readings taken at the various microphone locations.

18-83 Exterior Noise Standards

A. It is unlawful for any person at any location within the incorporated areas of the City to create any noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level when measured at any affected residence, school, hospital, church or public library to exceed the noise level standards as set forth in the following table:

<table>
<thead>
<tr>
<th>Category</th>
<th>Cumulative Number of minutes in any one-hour-time period</th>
<th>Daytime 7 a.m. to 10 p.m.</th>
<th>Nighttime 10 p.m. to 7 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>L_{eq}</td>
<td>30</td>
<td>50</td>
<td>45</td>
</tr>
<tr>
<td>2</td>
<td>15</td>
<td>5570</td>
<td>5065</td>
</tr>
<tr>
<td>3</td>
<td>5</td>
<td>60</td>
<td>55</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>65</td>
<td>60</td>
</tr>
<tr>
<td>5</td>
<td>0</td>
<td>70</td>
<td>65</td>
</tr>
</tbody>
</table>

B. In the event the measured ambient noise level without the alleged offensive source in operation exceeds an applicable noise level standard in any category above, the applicable standard or standards shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by five dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level without the source can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards.
18-84 Residential Interior Noise Standards

A. It is unlawful for any person at any location within the incorporated areas of the City, to operate or cause to be operated within a dwelling unit, any source of sound or to allow the creation of any noise which causes the noise level when measured inside another dwelling unit to exceed the noise level standards as set forth in the following table:

<table>
<thead>
<tr>
<th>Category</th>
<th>Cumulative-Number of minutes in any one-hour time period</th>
<th>Daytime 7 a.m. to 10 p.m.</th>
<th>Nighttime 10 p.m. to 7 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Sound Level ($L_{MAX}$)</td>
<td>5</td>
<td>4555</td>
<td>3545</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>3</td>
<td>0</td>
<td>55</td>
<td>45</td>
</tr>
</tbody>
</table>

B. In the event the measured ambient noise level without the alleged offensive source-in-operation exceeds the applicable noise level standard in any category above, the applicable standard or standards shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by five dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level without the source can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards.

18-85 Noise Source Exemptions.

The following activities shall be exempted from the provisions of this chapter.

A. Noises from safety signals, warning devices, and emergency pressure relief valves.

B. Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.

C. Noises resulting from emergency work, including repair of public utilities.
D. Activities conducted in public parks, public playgrounds and public or private school grounds, including but not limited to school athletic and school entertainment events, except as otherwise noted in this ordinance.

E. Any mechanical device, apparatus or equipment used, related to, or connected with emergency activities or emergency work.

F. Noise sources associated with construction, whether private or public, within 500 feet of the uses mentioned in Section 18-83, paragraph A, provided such activities do not take place before 6:00 a.m. or after 9:00 p.m. on any day except Saturday or Sunday, or before 7:00 a.m. or after 5:00 p.m. on Saturday or Sunday.

G. Noise sources associated with the maintenance of residential property provided such activities take place between the hours of 6:00 a.m. and 9:00 p.m. on any day except Saturday or Sunday, or between the hours of 7:00 a.m. and 9:00 p.m. on Saturday or Sunday.

H. Noise sources associated with a lawful commercial or industrial property caused by mechanical devices or equipment, including air conditioning or refrigeration systems, installed prior to the effective date of this chapter; that this exemption shall expire 12 months after the effective date of this chapter.

I. Noise sources associated with the collection of waste or garbage from property devoted to commercial or industrial uses.

J. Noise sources associated with seasonal agricultural packing operations provided that noise levels produced by such operations do not exceed the exterior noise level standards set forth in Section 18-82 when measured as provided in Section 18-83 for a cumulative period of more than 90 days out of the year.

K. Any activity to the extent regulation thereof has been preempted by state or federal law.

18-86 Residential Air Conditioning and Refrigeration Systems.

Notwithstanding the provisions of Section 18-82 where the intruding noise source when measured as provided in Section 18-83 is an existing residential air conditioning or refrigeration system or associated equipment, the exterior noise level shall not exceed fifty-five (55) dBA. For residential air conditioning or refrigeration systems or associated equipment installed after the effective date of this chapter, the exterior noise level when measured as provided in Section 18-83 shall not exceed fifty (50) dBA.

18-87 Waste and Garbage Collection Equipment.
Notwithstanding the provisions of Section 18-82, the collection of waste or garbage from residential property by persons authorized to engage in such activity, and who are operating truck-mounted loading or compacting equipment, shall not take place before 6:00 a.m. or after 7:00 p.m. The noise level created by such activities when measured at a distance of fifty (50) feet in an open area shall not exceed the following standards:

A. Eighty-five (85) dBA for equipment in use, purchased or leased prior to the effective date of this chapter;

B. Eighty (80) dBA for new equipment purchased or leased after the effective date of this chapter.

18-88 Electrical Substations.

Notwithstanding the provisions of Section 18-82, noise sources associated with the operation of electrical substations shall not exceed fifty (50) dBA when measured as provided in Section 18-83.

18-89 Warning signs in places of public entertainment.

It is unlawful for any person to operate or permit the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound for public entertainment within a building or structure wherein the noise level exceeds ninety-five (95) dBA as determined by using the slow response of a sound level meter at any point normally occupied by a customer, without a conspicuous and legible sign stating: “WARNING! SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT.”

18-90 Permit for relief

Applications for a permit relief from the noise level designated in this chapter on the basis of undue hardship and special events may be made to the City Manager or his duly authorized representative for recommendation to the City Council. Any permit granted by the City Council under this section shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The City Council may grant the relief as applied for if the Council finds:

E. That additional time is necessary for the applicant to alter or modify his/her activity or operation to comply with this chapter; or

F. The activity, operation, or noise source will be of temporary duration. The noise source cannot be done in a manner that would comply with this chapter; and

G. That no other reasonable alternative is available to the applicant; and

H. The City Council may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or surrounding neighborhood.
Violations.

Penalty.
Each violation of the provisions of this chapter shall be deemed a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding one thousand dollars ($1000), or both. Upon recommendation of the prosecuting attorney, the Court may reduce the charged offense from misdemeanor to an infraction, punishable under Chapter 1-9 of this Code.

Prosecution.
Violations of this chapter shall be prosecuted in the same manner as other misdemeanor violations of the City’s Code; provided, however, that in the event of violation, a written notice of intention to prosecute will be given to the alleged violator not less than five calendar days prior to the issuance of a misdemeanor complaint. No complaint shall be issued in the event the cause of violation is removed, the condition abated or fully corrected within the five-day period. In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required in this section shall be deemed to be given upon mailing the notice by registered or certified mail to the alleged violator at his/her last known address or at the place where the violation occurred, in which event the five-day period shall commence at the date of the day following the mailing of the notice.
Existing Code Provisions for Noise

Zoning Ordinance

Article 26, Section 2618. Performance Standards

[Noise ]

No use may generate noise that is in violation of the City's Noise Standards contained in the Noise Element of the General Plan or other standards as may be adopted by the City Council. (Ord. No. 1589, § 2, 1-16-01)

Municipal Code

Chapter 3, Article III, Section 3-12. Sound Trucks and Sound Amplifying Equipment Noncommercial use –

(a) No person shall use, or cause to be used, any vendor vehicle with its sound amplifying equipment in operation for any purpose in the city before filing a registration statement with the city police department in writing. Political sound trucks and special events approved by the city council as community events shall be exempt from this requirement but shall otherwise comply with the California Vehicle Code.

(b) This registration statement shall be filed in duplicate and shall state the following:

(1) Name and home address of the applicant.

(2) Address of place of business of applicant.

(3) License number and motor number of the sound truck to be used by applicant.

(4) Name and address of person who owns the vehicle or sound truck.

(5) Name and address of person having direct charge of vehicle or sound truck.

(6) Names and addresses of all persons who will use or operate the vehicle or sound truck.

(7) The purpose for which the vehicle or sound truck will be used.

(8) A general statement as to the section or sections of the city in which the vehicle or sound truck will be used.

(9) The proposed hours of operation of the sound amplifying equipment or sound truck.
(10) The number of days of proposed operation of the sound amplifying equipment or sound truck.

(11) A general description of the sound amplifying equipment which is to be used.

(12) The maximum sound producing power of the sound amplifying equipment to be used in or on the sound truck. State the following:

   a. The wattage to be used.

   b. The volume in decibels of the sound which will be produced.

   c. The approximate maximum distance for which sound will be thrown from the sound truck. (Ord. Code, § 7431.2; Ord. No. 1531, § B1, 6-18-96)

Chapter 4, Section 4-13. Noise

No person shall operate any aircraft in flight or on the ground in such a manner as to cause unnecessary noise as determined by applicable federal, state or local laws and regulations. (Ord. No. 1194)

Chapter 5, Section 5-4.4. Noisy dogs

It shall be unlawful for any person to keep upon any property within the City of Porterville under his ownership, occupation or control, other than in a lawful animal hospital, kennel or pet store any dog or other animal, which by continuous barking, whining, or other noise, unreasonably disturbs the peace, comfort or quiet of any other person within the City of Porterville. (Ord. No. 1015, § A, 3-7-72)

Chapter 18, Article I, Section 18-9. Radios, record players, etc. – used in such manner so as to disturb peace in neighborhood

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.

The operation of any such instrument, phonograph, juke box, machine or device in such manner as to be plainly audible at a distance of one hundred (100) feet from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code, § 6311)
Chapter 18, Article I, Section 18-14. 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, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loud-speaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code, § 6312)

Chapter 20, Article I, Section 20-6. Unnecessary Noise

It shall be unlawful for any person to sound or cause or permit to be used or sounded, in or upon any public street any bell, siren, chime, gong, horn, whistle or other alarm, except when necessary to give warning, or when authorized by permit from the chief of police to do so. (Ord. Code, § 9181)

Chapter 20, Article II, Section 20-35. Control of Noise, Dust and Debris

Each permittee shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and during the hours of 10:00 p.m. and 7:00 a.m. shall not use, except with the express written permission of the administrative authority, or in case of an emergency as otherwise provided in this article, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property. (Ord. No. 684, § 27)
CITY COUNCIL AGENDA: MAY 1, 2007

PUBLIC HEARING

SUBJECT: ADOPTION OF THE 2007/2008 ACTION PLAN FOR INVESTMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDS.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The U.S. Department of Housing and Urban development (HUD) requires all CDBG entitlement cities to prepare a three or five year Consolidated Plan. Porterville’s 2005 Five-Year Consolidated Plan was approved by the City Council and submitted to HUD in May 2005. This 2007/2008 Action Plan reflects the third year investment plan within the scope of the approved Consolidated Plan.

The Action Plan, provided as Attachment No. 2, identifies activities the City will undertake during the next year to address priority needs of lower income households and objectives identified in the Consolidated Plan. Proposed activities are designed to benefit lower income households by maintaining affordable housing, achieving public housing improvements, removing barriers to affordable housing, evaluating and reducing lead-based hazards, reducing the number of households with incomes below the poverty line, improving job availability, providing public facilities, enhancing the institutional structure to address the needs of lower income households, addressing obstacles to meet under served needs, and enhancing coordination between public and private housing and social service agencies.

The Action Plan presents ongoing and proposed CDBG funded programs for the Fiscal Year (FY) beginning July 1, 2007 through June 30, 2008. Implementation of the Action Plan includes administering $729,295 of 2007 CDBG Entitlement funds for a variety of programs and projects accompanied by program income generated by the First-Time Low-Income Homebuyer Program, the Owner Occupied Housing Rehabilitation Program, the Public Utility Loan Program, and the Business Assistance Rehabilitation Loan Program. This year’s entitlement reflects only a $412 reduction from last year’s allocation.

Providing ongoing youth activities is a high priority within the community. The City’s Parks & Leisure Services Department has been operating the City’s Youth Center since 1997 and last year moved it to its new home in the Heritage Center. Anticipated CDBG funding to the Parks & Leisure Services Department to administer the ongoing youth recreational program inclusive of new program elements within Census Tract 41 is $131,394 which represents the allowed 15% provided.
of the entitlement for a public service project plus an additional 15% of the previous year's program income as allowed by HUD. There are additional funds available in the Youth Center fund which will be carried over to the 08/09 budget.

For the 2007/08 program year, a proposed entitlement allocation of $30,000 for the Public Utility Loan Program and $90,035 for the Business Assistance Program is planned to supplement program income and current entitlement allocations in both funds.

In 2005/06, the City completed the construction of the Heritage Center building in Census Tract 41 utilizing Section 108 loan funds. Additional improvements, including the development of ball fields, will utilize the remaining loan funds. The entitlement allocation for debt payments on the Section 108 loan in 2007/08 will be $320,007 or nearly 44% of the entitlement allocation.

It is proposed that the continuation of the City’s ongoing Owner Occupied Housing Rehabilitation Loan Program (HRLP), the First-Time Low-Income Home Buyer Program (FTHB), the Homebuyer Education Program, and the Murry Park Improvement Program, be funded by previous years’ entitlement funds, program income, and other grant sources including HOME and CalHome funds.

In summary, the proposed expenditure of $729,295 in 07/08 Entitlement funds includes:

- Administration $155,859
- City-Operated Youth Center $133,394
- Public Utility Loan Program $30,000
- Business Assistance Program $90,035
- Section 108 Debt Service $320,007

The proposed Action Plan and accompanying program models are provided as Attachment No. 2.

On March 12, 2007, the CDBG Citizens’ Advisory and Housing Opportunity Committee held a public hearing to consider the proposed 2007/2008 Action Plan and subsequently unanimously recommended approval of the proposed Action Plan. A public notice was also published announcing the thirty day comment and review period for the proposed Action Plan which ended April 17, 2007. No written comments were received from the public.

The Annual Community Assessment for Program Year 2005/2006 is provided as Attachment No. 3. This is HUD’s review of the City’s performance in implementing its fiscal year objectives.
RECOMMENDATION: That the City Council:

1. Conduct a public hearing to solicit comments on the 2007/2008 Action Plan;

2. Adopt the 2007/2008 Action Plan resolution of approval; and

3. Authorize the City Manager to execute all necessary documents.

2. 2007/2008 Action Plan and Accompanying Program Models
3. 2005/2006 Program Year Annual Community Assessment
RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING THE 2007/2008 ACTION PLAN, ACCOMPANYING PROGRAM MODELS AND PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

BE IT HEREBY RESOLVED that the City Council of the City of Porterville does hereby approve the 2007/2008 Action Plan, accompanying Program Models, and proposed use of Community Development Block Grant Funds with a 2007 Program Year Entitlement Allocation as follows:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Administration</td>
<td>$155,859</td>
</tr>
<tr>
<td>City-Operated Youth Center</td>
<td>$133,394</td>
</tr>
<tr>
<td>Public Utility Loan Program</td>
<td>$ 30,000</td>
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<tr>
<td>Business Assistance Program</td>
<td>$ 90,035</td>
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<tr>
<td>Section 108 Debt Service</td>
<td>$320,007</td>
</tr>
<tr>
<td><strong>Total Funding</strong></td>
<td><strong>$729,295</strong></td>
</tr>
</tbody>
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Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________

Georgia Hawley, Deputy

ATTACHMENT NO. 1
CITY OF PORTERVILLE
COMMUNITY DEVELOPMENT BLOCK GRANT
2007/2008 ACTION PLAN
ENTITLEMENT APPLICATION

May 1, 2007

Contact: Community Development Department
Bradley D. Dunlap, AICP
Community Development Director
291 N. Main Street
Porterville, CA 93257
(559) 782-7460

ATTACHMENT NO. 2
Executive Summary

City of Porterville
Community Development Block Grant (CDBG)
2007/2008 Action Plan

The 2007/2008 Action Plan reflects the City’s third year investment plan within the scope of the Five-Year Consolidated Plan adopted May 2005. Community development and services remain a high priority for the City of Porterville. Carrying out this Action Plan includes Porterville’s plans for administering approximately $729,295 of CDBG funds based on anticipated Congressional budget approvals. These funds will be primarily spent on the Business Assistance Program, the Public Utility Loan Program, the continuation of the Community Youth Center Program, administration of all the CDBG programs, and debt service payments for the Section 108 loan which funded the construction of the Heritage Community Center.

The 2007/2008 Action Plan Investment Programs for the $729,295 Entitlement allocation are summarized as follows:*

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*The Owner Occupied Housing Rehabilitation Program and the Low-Income First-Time Home Buyer Assistance Program will be funded from other grant sources, unexpended entitlement funds and program income. The Murry Park Improvement Program, the Homebuyer Education Program, the Public Utility Loan Program, and the Business Assistance Program will also utilize unexpended entitlement funds from previous years’ allocations and program income.
INTRODUCTION

The U.S. Department of Housing and Urban Development (HUD) regulations require all Community Development Block Grant (CDBG) entitlement cities to prepare a three- or five-year "Consolidated Plan." In compliance with this requirement, the City of Porterville submitted a five-year vision for investing CDBG and other appropriate funds in May of 2005. This 2007/2008 Action Plan reflects the third investment plan within the scope of the Five-Year Consolidated Plan.

The 2007/2008 Action Plan reflects programs to address the high priority needs for the City of Porterville established in the Consolidated Plan. Community Development Department administration of CDBG programs, maintenance of the City’s Youth Center, residential connections to public utilities, assistance to businesses, and debt service payments for the Section 108 loan are designated to utilize the 2007/2008 Entitlement funds. The Action Plan also addresses programs that have funding available from previous entitlement funds and program income including, continued rehabilitation of the nearly 100 year old Murry Park and homebuyer education. In addition, with program income and other grant funding resources, the City plans to continue owner-occupied housing rehabilitation and low-income first-time home buyer assistance, both of which are successful programs and priorities for the City in meeting housing needs. With the construction of the Heritage Community Center with Section 108 funds, the debt service on the loan must be paid out of the CDBG Entitlement.

Porterville, located approximately 150 miles northeast of Los Angeles in Tulare County, is situated in one of the most productive agricultural regions in the world. Porterville’s economy is historically dominated by agriculture and agriculturally based industries. Citrus production and processing constitute a major segment of the local employment market. Being an agriculturally based economy also translates into high unemployment figures and relatively low median income. Essentially, the entire City meets the criteria of being at least 51% low and moderate income and thus eligible for the expenditure of CDBG funds. Several of the City’s programs, such as the First Time Low Income Homebuyer Program, the Owner Occupied Housing Rehabilitation Program, the Public Utility Assistance Loan Program, and the Business Assistance Program are available City wide while others such as Murry Park Improvement Project and the new Heritage Center where the Youth Center is located are project specific located within the City’s lowest income neighborhoods.

Priorities, objectives and activities to implement the City’s 2007/2008 Action Plan are outlined in the following paragraphs. These are in accordance with the Five Year Consolidated Plan. It is the City’s primary goal to sustain existing developments and public services, and promote new housing, job opportunities, and public services for its residents and employers.
Priority Needs (as established in the 2005 Consolidated Plan)

A. Housing

Housing needs were prioritized by income group based primarily on tenancy, cost burden and housing availability and affordability. Housing for small renter households with incomes less than 50% of the median will be met primarily by public housing, assisted housing and/or Section 8 certificates. As a result, the number of units to be assisted is relatively modest and priorities assigned are medium to low.

On the other hand, housing for large renter households is recognized as a high priority in most San Joaquin Valley communities, including Porterville, due to the large number of low-income minority households with high per household populations. Even with the development of the four low income housing tax credit projects, there is a shortage of affordable 3-4 bedroom rental units, both in public and private housing projects. As a result, the need is high for households with incomes of less than 50 percent of the median, however, with such limited resources to develop additional units, the City will be giving it a medium priority for CDBG funding. The City does and will continue to support projects applying for tax credits and other sources of funds, such as HOME funds, and will help in the streamlined permit processing. Other large households with greater than 50 percent of the median income can generally afford larger units to accommodate all members of the household.

The need for elderly renter assistance is assigned a medium priority in most income categories due to the decreasing senior population, the relatively small number of elderly who rent rather than own their units, and the existing supply of affordable units for seniors in the City of Porterville.

Owner needs fall primarily into two categories—those households in need of assistance for purchasing a home and those in need of rehabilitation and maintenance.

A high priority is assigned all income groups 31-80% of MFI who can most readily benefit from first-time homebuyer’s, self-help, and other homebuyer’s assistance programs. Owner-occupied units with physical defects are also assigned a high priority, as these households most often benefit from housing rehabilitation and neighborhood improvement programs.

B. Community Development Needs

1. Public Facility Needs

The highest priority need for public facilities in the five year Consolidated Plan is for parks and/or recreation facilities. The City is in the midst of a multi year improvement project for the nearly 100 year old Murry Park. Even though the Heritage Center structure has been completed and is serving this need, a high priority is assigned to senior centers, youth centers, and neighborhood facilities since the City will be paying debt service on the Section 108 loan that was utilized for the construction of the facility. In addition, the ball fields and parking lot adjacent to the Heritage Center are yet to be developed. Child care, health facilities, and other
public facilities are assigned a low priority as these are categories for which the City does not have resources and there are other agencies, such as the County, that provide these services. However, parking is designated as a high priority as public parking development can be a major issue in the implementation of downtown revitalization and economic development strategy.

2. **Infrastructure Improvement**

Although no expenditure of funds is planned for general neighborhood improvements, a medium priority is given to most of the infrastructure categories listed as they may also become issues in conjunction with other City improvement projects.

3. **Public Service Needs**

Public service needs are generally met by non-profit organizations funded by several public and private sources. Priorities have been assigned based on input from these organizations as well as input from public social services providers. The highest priorities are assigned to youth services and fair housing counseling, which are both programs funded by the City with CDBG funds. Transportation services that were a medium priority in the last Consolidated Plan have now become a low priority with the addition of the fixed route bus system and the new transportation center constructed downtown.

Other public services including senior services, handicapped services, substance abuse services, employment training, crime awareness, tenant/landlord counseling, child care services, health services, and other public service needs are designated as a low priority as these are all areas in which other agencies provide the services. The City will strive to work cooperatively with these agencies in any way to help their programs, but the lack of adequate resources prohibits the City from assisting them financially.

4. **Accessibility Needs**

Accessibility needs are assigned a medium priority based on an inventory of handicapped accessibility needs compiled by the City.

5. **Historic Preservation Needs**

Historic preservation needs for non-residential uses are given a medium priority based on the historic significance of commercial structures in the downtown area and the potential need to assist in preservation, possibly through the City’s CDBG Business Assistance Program. Residential historic preservation is also given a medium priority as efforts are made to address these issues in the Owner Occupied Housing Rehabilitation Program, and the First Time Low Income Homebuyer Program.
6. Economic Development

Economic development remains a high priority for the City as unemployment is still in the double digits in Porterville and job creation is the number one goal of the City, Chamber, and job development agencies. The City has formed a strong Partners Network with these agencies, organizations and businesses, a product of the adopted Economic Development Management Plan. These Partners meet on a regular basis. In light of the agriculture industry domination of the area, which can be very prone to economic down turns from natural disasters, it is desirable that the area strive for diversification of employment opportunities.

Economic development needs are highest for commercial-industrial infrastructure, other business and technical assistance, particularly as they relate to development within the City's Recycling Market Development Zone, the Business Incentive Zone (BIZ), and in the vicinity of the airport industrial park. Funds expended to meet these needs should be coordinated with redevelopment financing where practicable and industrial job creation within the designated zones identified above.

7. Other Community Development Needs

Because of the lack of resources available for sustainable funding, code enforcement is given a medium priority for other community development needs. If funding were to become available, this category would become a high priority for the community.

Energy efficiency and lead based Paint/Hazards are both given a medium priority as they may become issues in a housing rehabilitation project.

8. Planning

Planning and administration is given a high priority based on the identified need for specific planning for the Murry Park improvements and low and moderate income job creation within undeveloped industrial areas. There would be no successful CDBG projects without the careful planning and administration for those projects.
ACTIVITIES FOR THE NEXT YEAR

A. Local Objectives

Porterville’s intent is to utilize all available resources to provide services and programs that result in the greatest return to the community. As reflected in the City’s Consolidated Plan, the needs facing Porterville greatly exceed the resources available. The City must therefore define its objectives and initiate programs that will best serve the priority interests of the community. Additionally, the City needs to be flexible in its utilization of the funds and especially where Program Income from the revolving loan funds is concerned, to be able to reallocate funds between those accounts as needed. However, the City will follow the established policy for processing an amendment to the Consolidated Plan and Action Plan if the funds to be reallocated are considered to be substantial.

Objective 1

Ensure, to the extent available resources allow, the availability of decent, safe and affordable housing within the City of Porterville for low- and moderate-income families and individuals.

Programs to assist in meeting this objective include:

a. Owner Occupied Housing Rehabilitation Loan Program

This program involves the continuation of the revolving loan program to assist in the rehabilitation of low and moderate income owner occupied housing within the City of Porterville. This program will be funded utilizing CDBG Entitlement and Program Income and HOME grant and Program Income funds. The CDBG funded program will provide low interest deferred loans to low and moderate income homeowners with the proceeds from the loan paybacks being utilized to fund additional loans. It is anticipated that the City will be investing $200,000 in rehabilitating 10 homes during 2007/08. Four (4) of the households assisted are expected to be low income (less than 50% AMI) and six (6) will be moderate income (between 51 and 80% AMI).

Last year, the City revised the Program Guidelines to allow higher levels of assistance, up to $25,000, and incorporate lead based paint inspection and mitigation procedures so that older homes are eligible for greater assistance. The Five Year Consolidated Plan identifies physical defects of owner occupied units as a high priority need. The outcome/objective for this program is “affordability for the purpose of providing decent affordable housing”.

In addition to the City’s CDBG, HOME and RDA programs, Self-Help Enterprises conducts a weatherization program within the City limits utilizing Low-Income Home Energy and Department of Energy funds combined with private utility company contributions to assist lower income, owner occupied households in completing energy saving rehabilitation. Community Services and Training (C-SET) also sponsors a housing rehabilitation program that is available to residents in Porterville.
b. Public Utility Assistance Loan Program

The City will continue implementation of a revolving loan program to assist low and moderate income families in connecting to City sanitary sewer and water facilities, and where appropriate to connect to underground utilities installed by Southern California Edison. Such connection will be beneficial to the health of the families involved by improving their services. This program will be funded with CDBG Entitlement and Program Income funds estimated to be $30,500 for 2007/2008. This program has become more popular due to the annexation of several county islands into the city. Many of these households have shown a desire to connect to City services since they are now eligible for these assistance funds.

The funds will be loaned at reduced rates with the proceeds from the loan repayment being utilized to assist additional families. It is anticipated that this program will assist five (5) families over the year with the possibility of additional families being assisted as the loans are repaid.

c. Homebuyer Education Program

As a requirement of participating in the City’s homebuyer assistance programs, applicants must complete a nine hour course educating them on all aspects of homeownership and the process of becoming a homeowner. This class is presented in both English and Spanish on a monthly basis. It is anticipated that the City will expend approximately $7,000 during 2007/2008 on the homebuyer education classes with 20-30 participants monthly, translating into 10-15 households monthly. There are adequate entitlement funds currently in the program to meet the obligations for the 07/08 program year without allocating new entitlement funds.

d. First Time Low Income Homebuyers Loan Program

In order to facilitate homeownership opportunities, the City will continue its very successful First Time Low Income Homebuyer Program which provides down payment/closing cost assistance and "silent second mortgages". These mortgages will lower the initial downpayments that are required as well as reduce the monthly mortgage payments. The City will supplement CDBG funds with proceeds from State of California HOME grants, CalHome grants, BEGIN Program funds, Redevelopment Agency Low and Moderate Income Housing Set Aside funds, and Program Income to provide the loans for the program. With the dramatic increase in the cost of housing in the area, the City increased the assistance to a maximum $60,000 last year. Since the Casas Buena Vista subdivision was complete in 06/07 and those affordable homes are not available for purchase, the City will continue to monitor the program to see if it will be necessary to again raise the level of assistance in order to make the homes affordable to low income households. It is the goal of the program to assist eighteen (18) families in 2007/2008 with additional families assisted as the loans are paid back. It is anticipated that the City will provide approximately $800,000 for this program during 06/07. The outcome/objective for this program is “affordability for the purpose of providing decent affordable housing”.

7
e. Rental and Public Housing

The City of Porterville is committed to encouraging rental housing opportunities throughout the City. The City will continue to work cooperatively with the Housing Authority of Tulare County (HATC) as they are the main provider of public housing. HATC will provide direct rental assistance by provision of affordable project units (281 existing units in Porterville) and by administration of Section 8 vouchers and certificates for about 579 households (nearly $3 million to be provided in the Porterville area during FY 2007/2008). An additional 170 existing units are available from two nonprofit low-income unit providers. These 170 units are managed by the HATC. Additionally, four low income housing tax credit projects provide 319 units for low income, many 3-4 bedrooms. Finally, the Farmers Home Administration provide 167 existing low-income rental units at two project sites in Porterville. Cumulatively, rental assistance will be provided to about 1,500 households in FY2007/2008.

Seventy four (74) percent of Section 8 recipients and “households provided housing units at lower than market rate rents” are below 50 percent of AMI. Three hundred and thirty three (333) families are low-income large family households with four or more persons. A high priority need was assigned to addressing physical defects of units occupied by large renter households with incomes less than 50 percent of AMI.

The Housing Authority of Tulare County will spend about $190,000 during 07/08 in federal funds to rehabilitate existing HATC units, most of which are occupied by small families, through the Comprehensive Grant Program. These funds will be used for painting, flooring, counter tops, drapes, asphalt repair, landscaping, appliances, etc. Of the households residing in these units, most are of low-income status (below 50 percent of AMI). Addressing physical defects for small family, renter occupied households earning between 31 to 50 percent of AMI was identified as a medium priority by the City’s Consolidated Plan.

During the program year, it is the City’s intent to work with developers to assist in the development of additional multiple family housing opportunities within the City, especially concentrating on infill development. In 07/08, the construction of Sequoia Village at River’s Edge, the 64 unit HOME and tax credit funded apartment complex, should be completed which is located on the western edge of the Redevelopment Area.

f. Homelessness

Homeless Prevention

As discussed in the Consolidated Plan, there are a variety of organizations available to assist those threatened with homelessness. However, the greatest assistance that can be provided to any family or individuals threatened with homelessness is the availability of economic opportunities (jobs), safe affordable housing, and support services. Through its ongoing activities in housing rehabilitation and economic development, the City has created an environment conducive to the prevention of homelessness. However, there is still a need for those organizations that can provide support services to those threatened with homelessness and who have special needs. Being an active participant in the regional Kings/Tulare Continuum of Care, the City plays an
important part in the strategic planning for the organization and for applications for funding sources. The City will continue to support the efforts of the Continuum and will continue cooperating with the operators of the Central Valley Family Crisis Center, Red Cross, the PAAR Center, Porterville Area Coordinating Council, Daybell Brooks Men’s Shelter and other such facilities within the City in providing adequate facilities to meet the emergency and transitional housing needs of the homeless and those threatened with homelessness. In addition, the City will participate in HUD’s Take Ten Program to Help Homeless People by supplying the phone number of a local contact to HUD’s toll-free phone line. This local organization receives calls from persons that want to help local homeless program providers and/or supply direct assistance to homeless persons.

Although the Consolidated Plan establishes a low priority for CDBG funding for both categories of homeless families and individuals due to a lack of resources available to directly contribute to applicable programs, a high priority need for providing emergency shelters and transitional housing is prominent in the Continuum of Care Strategic Plan, along with substance abuse treatment, case management, mental health care, life skills training, etc. Besides providing new emergency shelters and transitional housing, the plan identifies other programs to deal with the homeless and potentially homeless, such as developing a linked service delivery system and outreach programs. During 07/08, the Continuum of Care will continue as the State Local Designated Board (DLB) for administering the State’s Emergency Housing Assistance Program (EHAP) for the Kings/Tulare region. The Continuum had to update the Local Emergency Strategy (LES) for the application which defines the Continuum’s priorities and goals for developing emergency housing. One of the objectives of the Continuum is to work cooperatively with service agencies to set up “Safe Havens” in the major communities of the two county area. These safe havens would provide a one stop center for the chronically homeless in order to have a place to take a shower, wash clothes, receive mail, receive medical counselling, and have other service agencies available for assistance along with some emergency beds. The first effort at developing some sort of Safe Haven has been concentrated in Visalia, and although the land that was possibly going to be donated for the site is no longer available, the committee of the Continuum is reorganizing and bringing all the major partners together to move forward on the project. It is the desire of the City of Porterville to take an active role in the implementation of the strategies identified in the adopted Strategic Plan and the LES for the Kings/Tulare County Continuum of Care. A City staff member is currently serving on the executive committee of the Continuum and is a member of the DLB. The City will also support applications of member organizations and agencies for other funding sources, including the HUD programs such as McKinney Act Funds and Emergency Shelter Grants.

**Objective No. 2**

The City will strive to maintain the integrity of its existing neighborhoods.

As part of this effort, improvements to public facilities within neighborhoods is crucial to maintaining the integrity of the neighborhood itself. The focus of the City during this time period will be on the continuation of the Murry Park Improvement Project.
a. Murry Park Improvement Project

The nearly 100 year old City owned Murry Park is located in the area of the greatest concentration of the City’s minority population and low and moderate income residents. The first phase of the improvements, the reconstruction of the community swimming pool, was completed in 2003/04, but additional improvements in accordance with the Master Plan for the park are proposed to be made with CDBG funds in subsequent phases. These improvements include, but are not limited to upgrading existing picnic shelters, bringing restroom facilities up to ADA standards, replacing the existing sewer lateral line, replacing an unsafe wooden bridge, installing a drainage pipe for erosion control, removing dead trees and pruning other trees, constructing a parking lot near the pool area, and installing an aerator and shoring-up edges of the duck pond. The City Council decided to not install the water slide at the pool as the cost for the slide has risen dramatically. There has been considerable delay in progressing with the other projects due to the wait for the completion of the cultural and environmental documents. The City plans to utilize the existing allocation of approximately $248,000 towards these efforts during FY07/08.

The outcome/objective for this program is “availability/accessibility for the purpose of creating a suitable living environment”.

b. Other Programs

Additionally, the Owner Occupied Housing Rehabilitation Program, the First Time Low Income Homebuyer Program, and the Public Utility Loan Program already discussed above all assist in achieving the objective of maintaining the integrity of the neighborhoods. Details of these programs are found in the Program Models (Attachment).

Objective No. 3

The City will encourage the location of commercial and industrial development within the City.

Commercial and industrial development within the City of Porterville contributes to stabilization and improvement of the local economy. Consequently, the City is interested in attracting new businesses and industry, as well as retaining existing businesses and industries, and encourages the expansion of existing businesses and industries. Growth in commercial and industrial enterprises supplies employment for low- and moderate-income individuals. In turn, if individuals are employed and earning income, then they are more likely to purchase private goods and services locally. Low- and moderate-income individuals, industrial and commercial enterprises and the community as a whole thereby benefit from the City’s extension of public services and commercial rehabilitation or new construction projects to attract and accommodate new or expanded industrial and commercial businesses.

Due to the high unemployment rate and the need to diversify the economy, the City of Porterville pursues a very aggressive Economic Development Program on an on-going basis. This effort has resulted most recently in the location of the ProDocumentSolutions printing facility in
Porterville. CDBG funds for site improvements were utilized to assist with the attraction of this company to fill a long-vacant facility. To date, over 75 full-time jobs have been created and the company continues to grow. This is a good example of the City utilizing CDBG funds for economic development and job creation.

Close coordination with the Tulare County Economic Development Corporation, the Business Incentive Zone coordinators, and the Tule River Economic Development Corporation is on-going and has been vital to the City's recent economic development accomplishments. The City is keeping pace with this rapid development pattern through on-going General Plan Land Use and Circulation Element amendments accompanied by an aggressive annexation program (10-15 new areas are typically brought into the City each year). Recent rezoning of large areas (200-300 acres total) has helped to maintain an appropriate balance of residential, industrial, and commercial lands to accommodate several new employers anticipated to locate in Porterville during the Consolidated Planning period. The City has been delayed in the process of updating the General Plan but it should be completed by December 2007. Naturally, reviewing all the land use issues and the growth patterns desired for the community are an integral part of this process.

The City's aggressive Economic Development Program has helped to create employment opportunities over the past five years while elevating many of the City's very low income households above poverty status as defined by the Census and helping in the prevention of homelessness. This program will continue during the coming five years.

a. Business Assistance Program

The City will provide assistance to commercial and industrial businesses in order to create jobs for low and moderate income persons and help eliminate blight. These funds will be used for the rehabilitation of commercial, commercial/residential, industrial, and professional office structures on a city-wide basis. Rehabilitation will include facelift and interior remodel of the buildings, addressing seismic retrofit, heating/cooling system upgrades, accessibility improvements for persons with disabilities, structural and facade renovations, infrastructure improvements, and electrical wiring upgrades. Parking lot development and facade improvements can also be assisted through this program. The City is carrying forward approximately $515,500 in previously allocated Entitlement funds and Program Income for the Business Assistance Program for FY2007/2008. With several large projects on the horizon, it is proposed to allocate an additional $90,035 in entitlement to this program this year. No new program income is anticipated since business loans have either been paid in full or are not yet due. The prevailing wage laws in California have made expenditure of these funds more challenging, but the BAP remains as one of the only incentives available to the City for business attraction. The City hopes to assist at least one business during FY07/08 expending approximately $100,000 and producing 10 jobs for low income individuals.
b. Parking Lot Improvements and Development

If available, business assistance funds may also be used to provide improvements to downtown public parking lots and construction of new public parking lots. Use of these funds will assist in enhancing the infrastructure needed to attract employers to currently vacant and underutilized buildings. The lots in need of reconstruction were originally constructed 30+ years ago, and they are currently in need of substantial reconstruction in order to adequately serve the surrounding commercial businesses. These lots are in the heart of downtown, and their deteriorated conditions have contributed substantially to the extensive and prolonged high vacancy rate of adjacent buildings. In conjunction with the CDBG Business Assistance Program, which will provide funding for improvements to the buildings, the reconstruction of the parking lots can eliminate blighted conditions and provide economic development opportunities. The downtown area serves the entire community and is the commercial activity center located immediately adjacent to the area’s two most economically disadvantaged census tracts (Census Tracts 39 and 41). As a result of developing the Porterville Redevelopment Agency Strategic Plan, it became evident that for downtown to thrive, improvements were necessary to increase pedestrian access and safety, and to promote downtown as a destination place to go to, not through. In these respects, sidewalks were improved, street lighting and streetscape designs developed, and one-way traffic was redirected to two-way traffic. Another major element of the Redevelopment Strategic Plan was the need for improvements to existing public parking lots and developing new public parking areas to assist in downtown revitalization. The City received an infrastructure grant from the State in 2002 that was used to reconstruct a strategic downtown parking lot which enhanced the area and, in conjunction with the Business Assistance Program, provides enticements for economic development in the downtown area. As part of the project, the City acquired a deteriorated building adjacent to the parking lot, but the funding was not sufficient in the infrastructure grant for demolition of the building and expansion of the parking lot. Recently with other funding secured, the City completed the demolition of the building and will soon be constructing the expansion of the parking lot. The funding for this project is eighty percent (80%) from Federal Transit Administration Section 5307 funds with the twenty percent (20%) local match from Local Transportation Funds. This project is strategically located to provide parking for the regional transportation center across the street as well as that area of the Central Business District.

Funds to improve parking lots in the Central Business District will compliment nearly $4 million in capital improvements completed toward implementing the Porterville Redevelopment Agency Strategic Plan. Additional improvements are necessary in order to entice businesses to locate within the core of the City’s central business district. Competition from commercial areas in surrounding communities, along with steadily increasing costs incurred in addressing the rehabilitation needs of the aging historical buildings, are just two of a number of factors which have led to a high vacancy rate along the City’s Main Street corridor.
These funds may also be used for construction of new parking improvements for commercial, professional office, or industrial use. Completion of newly constructed parking lot improvements, in conjunction with commercial, professional office, or industrial business development will generate employment opportunities for low-and moderate income persons and eliminate blighted conditions. This program will meet the CDBG National Objective for addressing slum and blight on an area basis, or in some cases on a spot basis (570.208 (b)(2)). This is an eligible activity by Federal Regulations 24 CFR Section 570.201(e).

The parking lot reconstruction and new construction projects will result in the creation of employment and economic opportunities for low- and moderate-income persons. The local community will be enhanced by removing blighted conditions thereby encouraging viable businesses to become established, expand, or relocate to the area. It will address factors contributing to the area’s blighted conditions, high unemployment rate, and low-income levels. The City will also ensure hiring of a sufficient number of low- and moderate-income persons to justify the use of CDBG funds or make the appropriate blight determination per CDBG regulations.

Commercial-industrial infrastructure and rehabilitation has been assigned a high priority in the Consolidated Plan and parking facilities has also been designated a high priority.

The outcome/objective for this program is “sustainability for the purpose of creating economic opportunities”.

Objective No. 4

The City will encourage the development of its youth.

a. Porterville Youth Center

The provision of ongoing youth activities is a high priority within the community. The City Parks and Leisure Services Department has been operating the Center and providing an ongoing youth counseling and activity program within the City for many years. The Youth Center is located in the new Heritage Center which will allow for the expansion of programs and an increase in youth attendance. It is anticipated that the City will utilize its 15% allowance for public services for the continuation of this program and part of the 15% of the previous years’ program income for a budget of $133,394 for FY 07/08. Daily attendance at the youth center in the new Heritage Center is expected to be 53 which adds up to over 15,000 visits to the center for the year. A detailed budget for the operation of the Youth Center is attached in the Program Models.

b. Heritage Community Center (Section 108 Loan)

To meet the need for permanent facilities within the community to provide broad based youth activities, the City received a $3.885 million Section 108 Loan guarantee to fund the construction of the Heritage Center in one of the lowest income areas of the City. The construction of the
building was completed in 05/06, but several ancillary areas still need to be developed. The project is a joint project with the Porterville School District’s newest elementary school which allows for joint use of both City and School facilities for library and recreation activities, thereby leveraging the resources available. The Porterville Youth Center is located at the Heritage Center along with other City programs. The loan was executed in late 2003/04 with repayments starting in the 04/05 program year. The debt payment for FY07/08 is $320,007, nearly 44% of the annual entitlement allocation.

Administration

One hundred fifty-five thousand, eight hundred fifty-nine dollars ($155,859) will be allocated for general administration of the CDBG Program, including ongoing fair housing and Continuum of Care activities, professional services (if required), equipment purchases, etc. This amount includes twenty percent of anticipated program income for the fiscal year.

BARRIERS TO AFFORDABLE HOUSING

As previously stated, governmental constraints to the production of housing are minimal in Porterville. In sum, the City’s land use regulations, expedited permit processing, and relatively low development fees serve to encourage the construction of lower-cost dwelling units compared to other Central Valley communities. This conclusion is supported by the following facts:

- The City allows for a broad range of residential densities, up to 43 dwelling units per acre, and in no way discourages proposals for higher density housing through burdensome permit processes or exactions.

- Permit processing times are relatively brief for typical development projects.

- City fees are relatively low, and there are few development exactions.

- Most residential zones allow for alternative housing types, including mobile homes, second dwelling units, and group homes.

- Zoning and parking standards are not overly restrictive; the minimum single family lot size is sufficient to induce homebuilders to construct single family dwelling units for low- and moderate-income first-time home buyers.

Since 1987, the City has expended $33.5 million in Certificates of Participation to provide new wells, major sewer and water trunk connections, and expansion of the Wastewater Treatment Facility to accommodate residential growth, and ensure maintenance of affordable housing, for the next 20 years. The 1987 Certificates of Participation also provided the City with a new west area fire station, a new police station, and the expansion and renovation of City Hall. Additionally, the City is currently expending the remainder of another $20 million in Certificates of Participation to provide funding for an extensive street improvement program throughout the City.
Notwithstanding this fact, the City will continue to evaluate its zoning ordinance and general plan policies to ensure no undue hardship is created in the development of low- and moderate-income housing. Specifically, the Housing Element adopted in 2004 establishes, as one of its action plan goals, “to reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to lower and moderate income households. To accomplish this goal, the following zoning ordinance revisions are recommended and are currently being processed for City Council action:

a. **Definition of Family Household**

The Porterville Zoning Ordinance defines a family as “an individual, or two or more persons who are related by blood or marriage, or a group of not more than five persons not necessarily related by blood or marriage. This definition is a potential constraint upon low income individuals whose financial circumstances may force them to live in shared living quarters. Specifically, inclusion of the definition of a “family” in the Zoning Ordinance presents misconceptions about enforcement that is beyond the authority of the Ordinance.

b. **Residential-Agricultural (R-A) District**

California law requires that farmworker housing for 12 or fewer employees be permitted by right in all agricultural zones. While Porterville’s General Plan includes an agricultural land use designation, no corresponding zoning district implements this land use designation. The R-A district is intended to accommodate only small-scale agricultural pursuits and include some properties with “hobby farms.” The district is not intended for commercial-scale farming operations that warrant the provision of farmworker housing.

c. **Density Bonus**

In accordance with State density bonus law, the City will adopt a local ordinance that provides for density and other incentives for the development of affordable housing. Specifically, a 25 percent density bonus and at least one regulatory concession or incentive will be granted if a developer agrees to any one of the following:

- 20 percent of the total units of a housing development for lower income households
- 10 percent of the total units of a housing development for very low income households
- 50 percent of the total units of a housing development for seniors
- 20 percent of the total units in a condominium project for moderate income households
d. Emergency Shelters and Transitional Housing

The City will amend the Zoning Ordinance to specify emergency shelters and transitional housing as institutional uses permitted in the R-3 and R-4 zones with a conditional use permit. City staff will work with nonprofit organizations to identify appropriate sites for such facilities. Process and procedures required for the development of transitional housing and emergency shelters will be similar to those established for similar uses in the same zones. In addition, the City participates in the countywide Continuum of Care Strategy to pursue funding to assist the homeless.

e. Compliance with ADA

The City will evaluate the Zoning Ordinance for compliance with ADA requirements, ensuring that development standards and permit procedures do not constrain the development and improvement of housing for persons with disabilities.

These zoning ordinance revisions are being reviewed as part of the General Plan Update process and will be scheduled for action within the year.

Moreover, through its First Time Low Income Home Buyers Assistance Program, the City has attempted to mitigate one of the single largest barriers to affordable housing, namely the need for a substantial down payment. It is the City’s intent to continue this program with current and new grant funds during 2006/2007.

Affirmatively Furthering Fair Housing

In addition to these programs, the City will also endeavor to provide decent, safe, and affordable housing by implementing the actions recommended in the Analysis of Impediments to Fair Housing Choice (AI). These actions are as follows:

- Expanding Affordable Housing Opportunities

The City will continue to provide homeownership opportunities in the community by promoting its First-Time Low Income Home Buyer Program, Mortgage Credit Certificate Program and Home Buyer Education classes. The City will focus outreach efforts towards lower income households, particularly to Hispanic households, since they have more difficulty obtaining financing. The City will continue to advertise the availability of home buyer assistance at public counters, the City website, and newsletter. The City will continue to provide first-time homebuyer workshops in both Spanish and English.

In addition, the City will expand its outreach efforts to the low income neighborhoods for the Owner Occupied Housing Rehabilitation Program, especially to the newly annexed county island areas. With the revision of the program guidelines to be more aggressive in rehabilitation of older homes with lead based paint issues, the City anticipates reaching many more low income households with this program.
- **Improving Access to Information**

The City will work to expand its website to provide additional links to housing services and resources, such as a link to the fair housing service provider and a link to the Fannie Mae Foundation that offers free guides and resources for first-time home buyers in English, Spanish, and other languages.

- **Revising Public Policies and Programs**

The Porterville Zoning Ordinance defines a family as “an individual, or two or more persons who are related by blood or marriage, or a group of not more than five persons not necessarily related by blood or marriage. This definition is a potential constraint upon low income individuals whose financial circumstances may force them to live in shared living quarters. Specifically, inclusion of the definition “family” in the Zoning Ordinance presents misconceptions about enforcement that is beyond the authority of the Ordinance. The City will amend the Zoning Ordinance to remove the definition of the word “family.”

The City will continue to pursue affordable housing development programs identified in the 2003-2008 Housing Element. To the extent feasible, the City will facilitate the development of housing affordable to lower and moderate income households according to the Regional Housing Needs Determination (RHND) identified in the Housing Element.

- **Promoting Outreach to Lenders**

The City will work with local lenders and government institutions to provide outreach to lower income residents about home purchase loans particularly for first-time home buyers. The City will encourage local lenders to provide information in both English and Spanish and to hold workshops in both languages.

- **Facilitating Fair Housing Services**

The City will explore with Tulare County and nearby communities the feasibility of sponsoring a fair housing program to provide landlord/tenant mediation counseling for Porterville residents and residents in the region. Specifically, the City will encourage the fair housing provider to provide a “renters” workshop to discuss fair housing issues for tenants and landlords, ways to improve credit, and rights and responsibilities. The City may also consider sponsoring a fair housing event to outreach to the community regarding fair housing rights.
Lead Based Paint

The Tulare County Health Department will conduct follow-up investigations on documented incidents of childhood lead poisoning and implement eradication action as required by law. The City of Porterville will not directly undertake a lead based paint eradication program during FY 2007/2008 unless such action is in conjunction with CDBG, HOME, CalHome and Redevelopment Agency Low Income Housing Set-a-Side funded owner occupied housing rehabilitation projects.

Anti-Poverty Strategy

As stated previously in the Economic Development Needs Section of this Action Plan, the City of Porterville pursues a very aggressive Economic Development Program on an ongoing basis. This program will continue during the 2007/2008 Program Year, with implementation of the Business Assistance Program and its objective to create low- and moderate- income jobs. Additionally, approximately eighteen (18) households are anticipated to qualify for the purchase of a home under the City’s First-Time Low-Income Home Buyers Program funded with CDBG, State HOME, and CalHome funds.

Institutional Structure

The City of Porterville will continue to work with local profit and nonprofit organizations as well as the HATC and the County of Tulare to strengthen the reciprocal transfer of information and to maximize the efforts directed to assist the low- and moderate-income families of the community. Further, the City will continue to evaluate its delivery system and those of the agencies it works with to see if improvements can be made.

Coordination of Efforts

The City will continue to work closely with, and in support of, the community service providers in meeting the special needs of its homeless, low- and moderate- income populations. The City will also continue to participate in the Kings/Tulare County Continuum of Care to ensure coordination and implementation of the strategic plan. Coordination with local lending institutions assisting lower income first time home buyers will be continued through public meetings and periodic "Housing Fairs." The City will also be working with the lenders to research various lending programs for approval to use with the City’s assistance program. The City will continue to work with the HATC to support the maintenance of adequate Section 8 Vouchers and other public housing within the City in proportion to the City’s growing, very low-income resident population. The City will also be working closely with the Tulare County Economic Development Corporation, the BIZ Zone, and the Tule River Economic Development Corporation to facilitate and enhance economic development opportunities in the City.
Sources of Funds
U. S. Department of Housing and Urban Development
Consolidated Plan
Funding Sources

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<td>Surplus Funds</td>
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<td>Return of Grant Funds</td>
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<td><strong>Total Funding Sources</strong></td>
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Estimated CDBG Program Income

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<tr>
<td>1. Housing Rehabilitation Revolving Loans</td>
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<tr>
<td>2. First-Time Home Buyer Revolving Loans</td>
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<td>3. Citywide Sewer/Water Connection Loans</td>
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<tr>
<td>4. Commercial/Residential Rehabilitation Loans</td>
<td>$    0</td>
</tr>
<tr>
<td>Total Estimated Program Income</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

Formula Grant Sources
The City anticipates a CDBG grant in the amount of $729,295 for FY 2007/2008.

HUD Sources
A remaining portion of the 2004 State of California Housing and Community Development HOME grant in the amount of approximately $200,000 for the First Time Low Income Homebuyer Program, the 2005 HOME grant for $1,000,000 for the construction of Sequoia Village at River’s Edge, a portion of the new 2006 HOME grant of $800,000 for the First Time low Income Homebuyer Program, the Housing Rehabilitation Program, and a new Tenant Based Rental Assistance Program.
Non HUD

Portion of $500,000 from the 2005 CalHome grant from the State.

Program Income

The City anticipates that it will receive approximately $50,000 in CDBG program income, and approximately $80,000 in State of California HOME program income during FY 2007/2008. HOME program income is reported quarterly to the State.
II

Action Plan Development Process and Citizen Participation

Prior to preparing the 2007/2008 Action Plan, City of Porterville Community Development Department staff developed a time schedule of events and dates necessary for completing the Plan. On March 2, 2007, a public hearing notice (hearing conducted by the Citizens Advisory and Housing Opportunity Committee) was published in the Porterville Recorder, a local newspaper. The public hearing notice was also published on March 2, 2007, in the Noticiero Semanal, a local Spanish newspaper. On March 12, 2007, the Citizens Advisory and Housing Opportunity Committee held the public hearing. The hearing was conducted to obtain the views of citizens, public agencies and other interested parties on the City’s housing and community development needs and proposed use of funds to achieve objectives, priorities, and actions for addressing those needs during FY 2007/2008. Views obtained during this hearing will be considered for the Action Plan.

A summary of the proposed Action Plan, and a notice of a second public hearing for the regularly scheduled City Council meeting of May 1, 2007, will be published in the Porterville Recorder on March 16, 2007 and in the Noticiero Semanal on March 16, 2007. Also on this date, drafts of the Action Plan will be provided for the public’s review in the Porterville City Library and the City Hall Community Development and Services Counter. This publication initiates the 30-day review period to submit comments regarding the proposed Action Plan. A courtesy public hearing notice will be published in the Porterville Recorder on April 20, 2007.

On May 1, 2007, the Porterville City Council will conduct the public hearing to solicit comments on the 2007/2008 Action Plan at its regularly scheduled meeting. Comments will be received and considered at the meeting.
MONITORING

The Community Development Department of the City of Porterville will review its CDBG programs on an ongoing basis for performance evaluation and to ensure long-term compliance with program requirements. The City will enter accomplishment data into the IDIS system and will annually complete the Consolidated Annual Performance Evaluation Report (CAPER) that will detail and quantify the number of households and families assisted, jobs created, improvements provided, and any other measurement of performance applicable to the program activities. The reports will include an evaluation of each program in terms of the outcomes/objectives assigned to the program under HUD’s performance measurement system. The report will be reviewed by HUD and presented at a public hearing as per the policies established in the adopted Citizen Participation Plan.
HUD-424 Form

(To be completed when submitted to HUD)
CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about -

   (a) The dangers of drug abuse in the workplace;
   (b) The grantee's policy of maintaining a drug-free workplace;
   (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
   (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -

   (a) Abide by the terms of the statement; and
   (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

**Anti-Lobbying** -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

**Authority of Jurisdiction** -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

**Consistency with plan** -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

**Section 3** -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

__________________________
Signature/Authorized Official   Date

**Mayor**
Title
Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. **Overall Benefit.** The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) _____ , _____ (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

3. **Special Assessments.** It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

**Excessive Force --** It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws — The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint — Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws — It will comply with applicable laws.

Signature/Authorized Official
Date

Mayor
Title
APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND 
DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the City of Porterville is providing the certification.

2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the City of Porterville knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee’s drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. The grantee may inset in the space provided below the site(s) for the performance of work done in connection with the specific grant:
Place of Performance (Street address, city, county, state, zip code)

City of Porterville          Heritage Community Center
291 N. Main Street          256 E. Orange Avenue
Porterville, CA 93257       Porterville, CA 93257

Porterville High School     Granite Hills High School
465 W. Olive Avenue         1701 E. Putnam
Porterville, CA 93257       Porterville, CA 93257

Santa Fe Elementary School  Porterville Municipal Ball Park
286 E. Orange              300 E. Olive Ave.
Porterville, CA 93257       Porterville, CA 93257

Porterville College        Murry Park
100 E. College Ave.        East Putnam
Porterville, CA 93257       Porterville, CA 93257

Veteran’s Park              Municipal Ball Park
West Henderson and Morton Avenues  Garden and Fig
Porterville, CA 93257       Porterville, CA 93257

Olive Street Elementary School  Porterville Sports Complex
255 W. Olive Ave.          2701 W. Scranton
Porterville, CA 93257       Porterville, CA 93257

Check __ if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees’ attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);
Program Models
1982 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(REVISED MARCH 2007)
HOUSING REHABILITATION REVOLVING LOAN PROGRAM

2007 FUNDING RECOMMENDATION: $7,500  CDBG Program Income

PRIOR YEAR CDBG FUNDING:

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<th>Year</th>
<th>Amount</th>
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<tr>
<td>2006</td>
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PROGRAM PLAN:

This Program Model was originally established in 1982. The revolving rehabilitation loan fund concept utilizes the authority granted by the U.S. Department of Housing and Urban Development to enable the City to administer a Revolving Loan program for eligible low- and moderate-income homeowners to rehabilitate their homes and is an eligible activity identified in Federal Regulations 24 CFR 570.202 (a).

SPECIFIC PROGRAM OBJECTIVES:

To make progress toward satisfying the objectives of the Action Plan and the Housing Element of the City's General Plan, and to meet one of the National Objectives of the Community Development Block Grant Program, 24 CFR 570.208(a)(3), the City will participate in a meaningful and effective housing rehabilitation program to assist low and moderate-income homeowners and to supplement previous funding allocated over the past 20 years to the Housing Rehabilitation Loan Program (HRLP). The outcome/objective for this program in the new HUD Performance Measurement System is "affordability for the purpose of providing decent affordable housing".

SPECIFIC PROGRAM ACTION:

These additional funds, allocated to the Housing Rehabilitation Loan Program, will be utilized according to the policies and procedures approved for the administration of the HRLP.
Applications from City-wide homeowners are submitted by prospective eligible applicants, then reviewed and verified for accuracy prior to submission to the Community Development Financial Assistance Review Committee (CDFARC). The City provides zero percent deferred loans up to $25,000. Program income derived from repayment of these loans is used to provide funding for new expenditures in the HRLP.

Once an applicant is qualified, an inspection of the premises is made to identify building code deficiencies, applicable lead based paint mitigations, and zoning violations. The applicant is counseled as to the extent and cost of the work covered by a rehabilitation loan, maintaining an equity reserve after rehabilitation construction, and the process of selecting a contractor. A systemized program evaluating work completed through on-site inspections and progress payment issuance is administered by the City to ensure that abuses of the program do not occur. Final payment is held until the City Building Inspector, Rehabilitation Specialist, and homeowner have indicated completion and satisfaction with the work.

The administration of the program is accomplished by City staff in accordance with Federal regulations.
2002 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(MARCH 2007)
HOME BUYER EDUCATION PROGRAM

2007 FUNDING RECOMMENDATION: $0

PRIOR YEAR FUNDING: 2002 $12,316 CDBG REALLOCATED FUNDS
2003 $10,000 CDBG Entitlement Funds
2004 $10,000 CDBG Entitlement Funds
2005 $6,000 CDBG Entitlement Funds
2006 $0

PROGRAM PLAN:

CDBG funds will be used to prepare low-income renter households for the responsibilities and challenges of homeownership which will facilitate the use of the City’s First Time Homebuyer Low Income Loan Program. The City is requiring this eight to nine hour training course as a prerequisite to applying for City assistance in the purchase of their first home. The City is convinced that the more information the applicants receive regarding the entire process of purchasing a home, the more intelligent and fiscally responsible decisions will be made. The course is taught by qualified individuals in both English and Spanish. The curriculum includes, but is not limited to the following topics: advantages/disadvantages of homeownership, what the applicant can afford, developing budgets, determining debt ratios, explanation of the loan process, down payments, and closing costs, selection of a real estate agent, selection of property, lead base paint visual assessment certification, writing an offer, the escrow process, and maintenance of the home. Using the funding allocation, the City plans to provide this homebuyer education course free of charge to qualified low income persons.

Most of the housing problems experienced by low-income households are associated with cost burden factors. Relative to other income groups, these income groups have a disproportionate need for housing assistance. Approximately 82 percent of Porterville’s low-income households (30 percent AMI) were faced with some form of housing problem in 2000, compared to 57 percent for low income households (51-80% AMI). In order to meet the needs of low- and moderate income households, some form of assistance will be required. This program is an eligible activity identified in Federal regulations 24 CFR 570.201(k).

This program, using CDBG funds, would be a first step in meeting the Quantified Objectives and in accomplishing Goal C in the Housing Element: “To meet a reasonable share of the City’s low- and moderate-income housing needs.” In detailing policies that would help achieve this goal, the City commits to pursuing “state and federal funding assistance that is appropriate to Porterville’s need to develop housing that is affordable to low- and moderate-income households.” Use of CDBG funds in educating low- and moderate-income first-time home buyers seems very appropriate in helping to address the housing needs of the low- and moderate-income in Porterville and meet one of the National Objectives 570.208(a)(3) where, contrary to many areas of the state, owning an affordable home can become a reality.
SPECIFIC PROGRAM OBJECTIVES:

The City’s proposed use of CDBG funds and other federal and state funding sources for the Homebuyer Education Program will address the community’s housing needs as determined by the adopted Consolidated Plan and General Plan Housing Element. In preparing low-income households for home ownership, the City is taking an aggressive approach to reduce overcrowding and to reduce the number of renters that are overpaying for their housing. The training course will provide the education necessary for intelligent and financially responsible decisions for these people to purchase a home with three to four bedrooms and start investing their money instead of paying it in rent. As the Housing element states “Overcrowding represents a chronic and increasing problem in Porterville. The overall overcrowding rate grew from 5% in 1980 to 13% in 1990 to 19% in 2000. Overcrowding is a problem, in particular, for low-income families with four or more members. In addition, the Housing Element indicates that a large percentage of low-income renter households are overpaying.

The outcome/objective for this program in the HUD Performance Measurement System is “affordability for the purpose of providing decent affordable housing”.

SPECIFIC PROGRAM ACTION:

CDBG funds used for the Homebuyer Education course provide the necessary foundation for the use of CDBG and other state and federal funds for the First Time Low Income Homebuyer Loan Program. The course will be available on a regularly scheduled basis in both English and Spanish and will be taught by qualified instructors.

The City will take an aggressive approach in marketing the program through advertising and promotional displays. The City will also meet with developers, Realtors, and community groups to disseminate information about the program. The local media will be used for press releases relating to the program.
1993 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL  
(REVISED MARCH 2007)  
FIRST-TIME LOW-INCOME HOME BUYER LOAN PROGRAM

<table>
<thead>
<tr>
<th>2007 FUNDING RECOMMENDATION:</th>
<th>$42,000</th>
<th>CDBG Program Income</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$600,000</td>
<td>Home Grant</td>
</tr>
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PRIOR YEAR CDBG FUNDING:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Source</th>
</tr>
</thead>
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<tr>
<td>1993</td>
<td>$300,000</td>
<td>CDBG Entitlement</td>
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<tr>
<td>1993</td>
<td>$300,000</td>
<td>HOME</td>
</tr>
<tr>
<td>1994</td>
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<td>1994</td>
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<td>1995</td>
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<td>BEGIN</td>
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<td>1995</td>
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<td>1997</td>
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<tr>
<td>1998</td>
<td>$172,000</td>
<td>CDBG</td>
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<tr>
<td>1999</td>
<td>$176,765</td>
<td>CDBG Reallocation from other CDBG Programs</td>
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<tr>
<td>2000</td>
<td>$130,350</td>
<td>CDBG</td>
</tr>
<tr>
<td></td>
<td>$500,000</td>
<td>HOME Grant</td>
</tr>
<tr>
<td></td>
<td>$500,000</td>
<td>CalHome Grant</td>
</tr>
<tr>
<td>2001</td>
<td>$180,000</td>
<td>CDBG plus $60,000 HOME Program Income, $120,000 HOME 2000 Grant Funds</td>
</tr>
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<td>2002</td>
<td>$50,000</td>
<td>CDBG Program Income</td>
</tr>
<tr>
<td></td>
<td>$600,000</td>
<td>HOME Grant</td>
</tr>
<tr>
<td>2003</td>
<td>$79,000</td>
<td>CDBG Program Income</td>
</tr>
<tr>
<td>2004</td>
<td>$60,000</td>
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<td></td>
<td>$1.2 mil</td>
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<tr>
<td>2005</td>
<td>$60,000</td>
<td>CDBG Program Income</td>
</tr>
<tr>
<td>2006</td>
<td>$42,000</td>
<td>CDBG Program Income</td>
</tr>
<tr>
<td></td>
<td>$500,000</td>
<td>CalHome Grant</td>
</tr>
</tbody>
</table>

PROGRAM PLAN:

CDBG funds will be used to facilitate movement of low-income, renter households into the home ownership category with affordable mortgages through a revolving loan program. This plan is feasible because of the still moderate prices of homes in the Porterville area. Using the funding allocations, the City plans to assist in the purchase of newly constructed or existing homes. Large families are identified as a group with special housing needs based on the generally limited availability of adequately sized (three or more bedrooms) affordable housing units. In 2000, there were 2,589 large families (i.e., those with 5 or more members) living in Porterville. Of these families, 1433 (55
percent) were very low- or low-income households. The City’s overall overcrowding rate grew from 5% in 1980 to 13% in 1999 to 19% in 2000. For very low- and low-income large families, it is likely that many have to pay more than 30 percent of their income for housing or enter into overcrowded living arrangements to reduce housing expenses. It is also likely that many families opt to do both.

Most of the housing problems experienced by low-income households were associated with cost burden factors. Relative to other income groups, these income groups have a disproportionate need for housing assistance. Approximately 82 percent of Porterville’s low-income households (30 percent AMI) were faced with some form of housing problem in 2000, compared to 57 percent for low income households (51-80% AMI). In order to meet the needs of low- and moderate income households, some form of assistance will be required. This program is an eligible activity identified in Federal regulations 24 CFR 570.201(n).

This program, using CDBG funds, would be a first step in meeting the Quantified Objectives and in accomplishing Goal C in the Housing Element: “To meet a reasonable share of the City’s low- and moderate-income housing needs.” In detailing policies that would help achieve this goal, the City commits to pursuing “state and federal funding assistance that is appropriate to Porterville’s need to develop housing that is affordable to low- and moderate-income households.” Use of CDBG funds in providing for a low- and moderate-income First-Time Home Buyer Program seems very appropriate to help address the housing needs of the low- and moderate-income in Porterville and meet one of the National Objectives 570.208(a)(3) where, contrary to many areas of the state, owning an affordable home can become a reality.

SPECIFIC PROGRAM OBJECTIVES:

The City’s proposed use of CDBG funds and other federal and state funding sources for the First-Time Home Buyer Program will address the community’s housing needs as determined by the adopted Consolidated Plan and General Plan Housing Element. In making home ownership possible for low-income households, the City is taking an aggressive approach to reduce overcrowding and to reduce the number of renters that are overpaying for their housing. The program will provide the opportunity for these people to purchase a home with three to four bedrooms and start investing their money instead of paying it in rent. As determined in the Housing element, overcrowding represents a chronic and increasing problem in Porterville. The 2000 Census reported 19 percent of all households were overcrowded, Among renter-households, 26 percent were overcrowded, relative to 14% of all owner-households. Overcrowding is a problem, in particular, for low-income families with four or more members. The City will need to continue its land use policies which encourage affordable rental and ownership housing.” In addition, the Housing Element indicates that a large percentage of low-income renter households are overpaying.

The outcome/objective for this program in the new HUD Performance Measurement System is “affordability for the purpose of providing decent affordable housing”.

2
SPECIFIC PROGRAM ACTION:

CDBG funds used for acquisition under the Low- and Moderate-Income First-Time Home Buyer Program would only be used in areas that are already zoned appropriately for residential development and have approved subdivision maps and approved plans. All houses must be within the city limits and pass an inspection by City building officials. The program will provide up to $60,000 in loan assistance for the acquisition of a house for a qualified First-Time Homebuyer.

In marketing the program, the City will be advertising and conducting general informational workshops to inform the public about the general guidelines of the program. The City will also meet with developers, Realtors, and community groups to disseminate information about the program. The local media will be used for press releases relating to the program.
1983 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(REVISIED MARCH 2007)
PUBLIC UTILITY ASSISTANCE REVOLVING LOAN PROGRAM
(FORMERLY THE SEWER AND WATER REVOLVING LOAN FUND AND THE
UNDERGROUND UTILITY REVOLVING LOAN FUND)

2006 FUNDING RECOMMENDATION: $30,500 (CDBG Entitlement Funds Plus
CDBG Program Income)

PRIOR YEAR FUNDING:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
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<tr>
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<td>1990</td>
<td>$10,000</td>
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<td>1990</td>
<td>$43,487</td>
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<td>1991</td>
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<td>1993</td>
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<td>$13,720</td>
<td>Reallocation from other CDBG Programs</td>
</tr>
<tr>
<td>2000</td>
<td>$850</td>
<td>CDBG Program Income</td>
</tr>
<tr>
<td>2001</td>
<td>$18,550</td>
<td>CDBG Entitlement and Program Income</td>
</tr>
<tr>
<td>2002</td>
<td>$1,000</td>
<td>CDBG Program Income</td>
</tr>
<tr>
<td>2003</td>
<td>$1,000</td>
<td>CDBG Program Income</td>
</tr>
<tr>
<td>2004</td>
<td>$1,000</td>
<td>CDBG Program Income</td>
</tr>
<tr>
<td>2005</td>
<td>$30,000</td>
<td>Reallocated Program Income</td>
</tr>
<tr>
<td>2006</td>
<td>$500</td>
<td>CDBG Program Income</td>
</tr>
</tbody>
</table>

Program Plan:

In previous years of Community Development Block Grant efforts, the City of Porterville has been successful in securing funds for the purpose of constructing sewer and water line installation in neighborhoods defined by the Census as having predominantly low and moderate income families. A major constraint which affects the City's ability to administer and spread the Housing Rehabilitation Loan Program dollars among the people of the community included in the low and moderate income categories, is the reality of the cost of installation of certain types of public improvements. These funds can be used to facilitate connection to existing CDBG funded sewer service extension projects and any future sewer and water projects funded through CDBG. In 2000, the City combined the Sewer and Water Revolving Loan Fund with the Underground Utility Fund to establish the Public Utility Assistance Revolving Loan Program. Money allocated from the Community Development Block Grant Program into a revolving utility connection fund is loaned to any qualified low and moderate income family within the City limits for purposes of a grant, deferred loan or low-interest financing of those facilities required pursuant to the requirements of a building permit or for other
needs pursuant to sewer, water, or underground utility connection.

This activity is eligible under the Federal Regulations 24 CFR 570.202 (b)(6) and meets a national objective of assisting low and moderate income households as found in 24 CFR 570.208 (a)(3).

Specific Program Objectives:

One of the goals of the City of Porterville's Housing Element specifies that it would be the purpose of the City Council to provide for the early attainment of a satisfying residential environment with adequate public and private services and facilities for every present and future resident of the City of Porterville regardless of race, age, religion, sex, marital status, ethnic background, source of income or personal handicaps. To this end the program model for the revolving public utility connection fund functions to provide those monies necessary to make this service available to the low and moderate income families of the City. Realizing that many times the costs of these public facilities are prohibitive or beyond the financial capability of many of the residents of the City it would be unfair to penalize the efforts of low and moderate income families directed towards the maintenance, improvement, and rehabilitation of their homes and neighborhoods.

The outcome/objective for this program in the new HUD Performance Measurement System is "affordability for the purpose of providing decent affordable housing".

Specific Program Action:

Funds set aside in the CDBG public utility connection revolving loan fund are committed to a special account of the City of Porterville which is accessible only to qualified low and moderate income families of the City. This fund is available for grants and deferred loans with 0% interest. Applicants are screened by the Community Development Department staff and pre-qualified according to income guidelines prior to commitment of funds by the Community Development Financial Assistance Review Committee.

If the funds are borrowed on a low-interest loan basis, the homeowner enters into an installment payment agreement with the City specifying the amount borrowed, the term and the interest to be charged in the repayment of the loan. All loans are secured by a property lien and payable at time of property sale or transfer of ownership of the subject property.
1984 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(REVISED MARCH 2007)
BUSINESS ASSISTANCE LOAN PROGRAM AND
PARKING LOT IMPROVEMENTS AND DEVELOPMENT

2006 FUNDING RECOMMENDATION: $90,035

PRIOR YEAR FUNDING: 1984 $140,000 CDBG ENTITLEMENT
1988 $370,000 REALLOCATION
1989 $155,000 REALLOCATION
1997 $200,000 CDBG ENTITLEMENT
1998 $57,000 CDBG ENTITLEMENT & REALLOCATION
1999 $795,555 CDBG ENTITLEMENT & REALLOCATION
2000 $1,650 CDBG PROGRAM INCOME
2001 $225,000 CDBG ENTITLEMENT
2002 $0
2003 $63,651 CDBG PROGRAM INCOME
2004 $262,950 ENTITLEMENT
$45,000 PROGRAM INCOME
2005 $64,603 ENTITLEMENT
$42,472 PROGRAM INCOME
2006 $0

PROGRAM PLAN:

Commercial and Industrial Development:

The Central Business District (CBD) and other peripheral business and industrial areas of the City of Porterville are abundantly developed with numerous structures which have been used for commercial, commercial/residential (apartment/hotels), and industrial use for many years. The commercial areas continue to function as the social and cultural centers of the community. The significance of these areas as a center of activity for Porterville is borne out when one considers the fact that location near these districts is a prime attraction for the construction of seniors’ multi-family housing and that, for example, promotions, holidays and most various significant local celebrations are conducted in these areas. Industrial areas provide employment opportunities for local residents. Many of these facilities were constructed several years ago and suffer from functional obsolescence, or there is vacant land available in industrial parks for the expansion of existing businesses or for the construction of a facility for a new industry. Furthermore, strong business associations and the Chamber of Commerce virtually assure that there will be a continued interest in the future of Porterville’s commercial and industrial areas.
Some of the ground floors of multiple-story commercial structures are dedicated to a commercial usage and enjoy the environmental advantages of comparison shopping districts. However, the upper stories of most have fallen into a state of considerable disrepair. The County has even excepted most upper floors from assessment of property taxes and the result has been an absence of incentives to invest in the upkeep of these resources.

Commercial and industrial development within the City of Porterville contributes to stabilization and improvement of the local economy. Expansion of commercial and industrial enterprises in Porterville provides a variety of benefits to the community. Not only is the tax base broadened and expanded, but increased employment opportunities are one of the single largest factors in the prevention of homelessness and poverty.

It is the desire of the community to provide incentives and methods to encourage the investment of time and money on a city-wide basis in commercial, industrial, and professional office districts. This can be done using a variety of approaches which have been investigated by staff and include private financing, Small Business Administration participation for qualifying property owners through the Tulare County Economic Development Corporation, and additional injection financing with CDBG loan pools. This program is based on the Community Development block Grant (CDBG) National HUD objective of job creation for low and moderate income persons (24 CFR 570.208(a)(4)) and is an eligible activity by Federal Regulations 24 CFR Section 570.203(a).

Parking Lot Improvements and Development:

If funds are available, it is proposed that this program will also provide improvements to downtown public parking lots and the acquisition of property and construction of new public parking lots. Use of these funds will assist in enhancing the infrastructure needed to attract employers to currently vacant and underutilized buildings. The downtown parking lots are currently in need of substantial reconstruction in order to adequately serve the surrounding commercial businesses. Their deteriorated conditions have contributed substantially to the extensive and prolonged high vacancy rate of adjacent buildings. In conjunction with the CDBG Business Assistance Program, which will provide funding for improvements to the buildings, the reconstruction of the parking lots and development of new lots can eliminate blighted conditions and provide economic development opportunities. The downtown area serves the entire community and is the commercial activity center located immediately adjacent to the area’s two most economically disadvantaged census tracts (Census Tracts 39 and 41). As a result of developing the Porterville Redevelopment Agency Strategic Plan, it became evident that for downtown to thrive, improvements were necessary to increase pedestrian access and safety, and to promote downtown as a destination place to go to, not through. In these respects, sidewalks were improved, street lighting and streetscape designs developed, and one-way traffic was redirected to two-way traffic. Another major element of the Redevelopment Strategic Plan was the need for improvements to existing public parking lots and developing new public parking areas to assist in downtown revitalization.
These CDBG funds may also be used for construction of new parking improvements for commercial, professional office, or industrial use. Completion of newly constructed parking lot improvements, in conjunction with commercial, professional office, or industrial business development will generate employment opportunities for low- and moderate-income persons and eliminate blighted conditions. This program will meet the CDBG National Objective for addressing slum and blight on an area basis, or in some cases on a spot basis (570.208 (b)(2)). This is an eligible activity by Federal Regulations 24 CFR Section 570.201(c).

SPECIFIC PROGRAM OBJECTIVES:

Commercial and Industrial Development:

The rehabilitation of commercial, commercial/residential, industrial, and professional office structures on a city-wide basis and/or the acquisition of vacant land for commercial and industrial use accomplishes a multitude of objectives. The first, and most obvious, is that of revitalizing by providing for facelifting and interior remodel of the shopping, industrial, and professional office places of Porterville residents. To the extent that these areas are shown to be enhanced significantly in the offering of these program funds, the City benefits, in that Porterville is a safer and more attractive place to shop, maintain an office, or industrial operations. These efforts make Porterville more appealing to the consumer; the subsequent effect being a retention of jobs, and the addition of employment opportunities.

The development of upper stories of historical, commercial buildings provides a wider degree of choice in housing opportunities and housing in attractive surroundings which is accessible to services and also expands business location options. The development of housing over commercial structures downtown would provide for the housing of special needs groups, specifically those who desire studio or efficiency apartments which are close to services and provide for an attractive environment apart from traditional housing sources.

The renovation of structures in commercial areas of Porterville removes blight conditions, attracts businesses, and serves to provide an anchor of on-going services for neighborhoods and the community as a whole. Renovating industrial structures or assisting in the acquisition of property for expansion or new construction will assist manufacturing, warehousing, and service industries desiring to locate or expand in Porterville.

Parking Lot Improvements and Development:

The parking lot reconstruction and new construction development projects will result in the local community being enhanced by removing blighted conditions thereby encouraging viable businesses to become established, expand, or relocate to the area. The parking lot improvements will also provide one of the main infrastructure necessities for businesses, and therefore create employment and economic opportunities for low- and moderate-income persons. It will address factors contributing to the area’s blighted conditions, high unemployment rate, and low-income levels.

The outcome/objective for this program in the HUD Performance Measurement System is “sustainability for the purpose of creating economic opportunities”.

SPECIFIC PROGRAM ACTION:

Commercial and Industrial Development:

Servicing of loans should be accomplished through City staff or the use of a private sector entity. Control of the terms of the financing will have the effect of enabling the City to ensure benefit to low- and moderate-income persons.

Parking Lot Improvements and Development:

The reconstruction of the parking lots downtown will be designed and constructed as funds are available. Priority needs will be determined for the phasing of the reconstruction parking lot projects.

New construction efforts will be contingent upon yet to be specified commercial, professional office, or industrial projects or upon additional parking needs in the downtown area.
2002 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(MARCH 2007)
MURRY PARK IMPROVEMENT PROJECT
(CITY OWNED FACILITY)

2006 FUNDING RECOMMENDATION: $0

PRIOR FUNDING:

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<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>$573,324</td>
<td>CDBG Reallocated Funds</td>
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<tr>
<td>2003</td>
<td>$468,850</td>
<td>CDBG Entitlement</td>
</tr>
<tr>
<td></td>
<td>$86,900</td>
<td>Reallocated Funds</td>
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<tr>
<td>2004</td>
<td>$157,000</td>
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</tr>
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<td>2005</td>
<td>$157,000</td>
<td>CDBG Entitlement Funds</td>
</tr>
<tr>
<td>2006</td>
<td>$112,765</td>
<td>CDBG Entitlement Funds</td>
</tr>
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</table>

PROGRAM PLAN:

This program would allocate funds over a multi year period to plan, design, renovate, rehabilitate, and construct improvements to the 100 year old City owned Murry Park. Special emphasis will be placed on the reconstruction of the 48 year old community swimming pool which is in need of major renovation. The pool complex consists of three separate and varied pools, plus a spacious pool office and restroom. The last major renovation to repair leakage in the pools was completed in 1987. Fifteen years later the pools are once again leaking water and major repairs are necessary. Additional improvements to the swimming pool complex may include replacement of the chain link fence with a wrought iron fence and installation of a water slide. Improvements to the Park itself may include, but are not limited to: upgrades to the existing shelter structures, restroom renovations, irrigation and landscaping improvements, renovation of existing rock structures used for drinking fountains and other amenities, fence replacement on the north edge of the park, an aerator for the duck and fish pond, renovation of the bridges, replacement and installation of lighting, removal of dead and diseased trees and planting of new trees, realignment of the street and construction of a parking lot to serve the community pool area, and the addition of parking spaces on the west side of the Park. A master plan for the Park was developed in 1990 and provides the priorities for expenditure of funds. The park is located in Census Tract 39.01, but serves the adjacent census tracts 41.01 and 38.02 area where the greatest concentration of the City’s minority population and low-to moderate-income residents reside. The proposed facility is an eligible activity under 24 CFR 570.201 (c) Public Facilities and Improvements and predicated on the Community Development Block Grant (CDBG) HUD National Objective of direct benefit to low- and moderate-income area under Federal Regulation 24 CFR 570.208(a)(1).

This multi-year program will require annual approval for CDBG funding allocations.

SPECIFIC PROGRAM OBJECTIVE:

Since Murry Park and especially the swimming pool complex is utilized by large numbers of low-to moderate-income residents on a regular basis and is a very popular place for recreation, the main objective of this project is to improve the deteriorated amenities and infrastructure in the park in order to continue to keep the Park as a safe, clean, and attractive recreation facility. The objective of this program can best be summed up by the words on the 1954 dedication plaque at the swimming pool, "For the Health and Recreation of our People".
In the HUD Performance Measurement System, the outcome/objective for this program is “availability/accessibility for the purpose of creating a suitable living environment”.

PROGRAM DEMOGRAPHICS:

The benefit area for this project includes census tracts 39.01, 38.02, and 41.01. 52.3% of the households in this area are at or below 80% of median income as determined in the 2000 census.

SPECIFIC PROGRAM ACTION:

The basic swimming pool improvements were completed in 2004, except for the installation of the slide. The master plan for Murry Park is being updated with the cultural and environmental studies being completed. The proposed improvements will be prioritized for the next phases of funding.
1994 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL  
(REVISED MARCH 2007)  
CITY OPERATED YOUTH CENTER  
(Formerly Porterville Community Youth Center - Non-Profit Subrecipient Grant)

2006 FUNDING RECOMMENDATION: $133,394

PRIOR YEAR FUNDING:

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<th>Year</th>
<th>Amount</th>
</tr>
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<td>1994</td>
<td>$90,000</td>
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<td>1996</td>
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<td>1997</td>
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<td>1998</td>
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<td>1999</td>
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<tr>
<td>2005</td>
<td>$121,282</td>
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<tr>
<td>2006</td>
<td>$144,956</td>
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BACKGROUND:

Porterville Youth Incorporated (PYI), a non-profit community service organization since 1978 which provided youth-oriented assistance programs, received CDBG funding from the City of Porterville in 1994 in order to expand their existing youth programs to include a community-based youth center in a low- and moderate-income neighborhood. PYI continued to receive funding from the CDBG grant program in the next three program years, through early 1997, by offering new service components to the youth center each year and complying with requirements set out in the regulatory agreement for subrecipients. On October 1, 1997, the City permanently accepted responsibility for the youth community center at the written request of PYI's Board of Directors.

PROGRAM PLAN:

The City-Operated Youth Center was established in 1994 as the Porterville Community Youth Center Program Model. It met the Community Development Block Grant National HUD Objective of being a "direct benefit to low and moderate income persons" under Federal Regulation 24 CFR 570.208 (a)(2). The City of Porterville Parks and Leisure Services Department will continue to administer, manage, and meet budget and financial obligations for the Porterville Youth Center in accordance with all applicable Federal Regulations. The annual operating grant is eligible under 24 CFR 570.201 (e).

The new Heritage Center is now the home of the youth center activities. The Center is located well within Census Tract 41, where over 70 percent of the households earn less than 80 percent of the area median income and where the greatest concentration of the City's minority population resides. Census Tract 41 is bounded on the north by Olive Avenue, on the east by Plano Street,
on the south by Gibbons Avenue, and on the west by State Highway 65. This activity meets the HUD National Objective of direct benefit to low-and moderate-income area under Federal Regulation 24CFR 570.208(a)(1). Demographic documentation on youth participating in programs offered through the youth center will be maintained.

SPECIFIC PROGRAM OBJECTIVES:

The main objective of the Community Youth Center will be to provide an equal opportunity for all youth, including low and moderate income ages 10 to 18, to become self-sufficient and productive members of the community. The community youth center will enable an increased number of youth to improve their self-esteem and to develop the social skills compatible with mainstream society.

A major prerequisite of delinquent behavior is not only a lack of appropriate support, positive role modeling, parenting skills, logical and immediate consequences, social conscience, or breakdown of the traditional family, but also a lack of positive alternative activities for youth that allows them the opportunity to choose between the positive and the negative. Many youth who have had little of the above can still manage to become productive citizens of the community provided that positive alternatives are available where the ideal balance of these fundamentals can be made accessible.

Using the HUD Performance Measurement System, the outcome/objective for this activity is “availability or accessibility for the purpose of creating a suitable living environment”.

SPECIFIC PROGRAM ACTION: (See attached program proposal.)
CDBG FUNDING REQUEST
7/1/2007 - 6/30/2008

FOR PORTERVILLE COMMUNITY YOUTH CENTER

I. SCOPE OF SERVICE

The contractor for this project will be the City of Porterville. This contractor shall ensure that the Porterville Community Youth Center (PCYC) continues to operate the existing youth center recreation program established in September 1994 through the CDBG 2007-2008 fiscal year.

The Porterville Community Youth Center will continue to operate in Porterville Census Tract 41 at 256 E. Orange Ave. The program will prevent and divert youth ages 10 - 18 from negative behavior and surround them in a productive and positive environment.

No youth from within the City of Porterville will be excluded from participation in PCYC activities. However, it is intended through use of CDBG funds that a minimum of 51% of the youth participating will come from low and moderate income households.

A. OBJECTIVES

The purpose of this program will be to:
1. Enhance self-esteem.
2. Build leadership skills.
3. Learn teamwork and the ability to cooperate with others.
4. Improve physical and mental health.
5. Empower teens to develop interpersonal skills.
6. Engage in positive alcohol and drug-free behavior.
7. Promote an atmosphere where trustworthiness, respect, responsibility, fairness, caring and citizenship are core values.
8. Provide a drop-in center for recreational opportunities.

B. CLIENTS TO BE SERVED

The contractor shall ensure service by the City of Porterville Community Youth Center to a minimum of 51% low and moderate income residents of Porterville, between the ages of 10 to 18. Participants shall be recruited through local schools, community organizations, social service agencies, and law enforcement.

C. CONTINUED ACTIVITIES TO BE PERFORMED

The contractor shall ensure the provisions of services through continued implementation of the current COPCYC supervised recreation program over a fourteenth one-year period. The center will be open six days per week for no less than 20 hours. The youth center will run for a minimum of 42 weeks throughout the one-year period. A minimum of 100 unduplicated youth will participate in the following youth center activities each quarter of the one-year grant period.
1. A general recreation area within the same facility to provide youth with other positive activities.
   This general recreation area includes games such as pool, ping-pong, table soccer, video games, music, computers and board games. Arts & crafts, homework tutoring, nutrition and music classes, and special projects also take place in this area.
   Youth will be involved in occasional tournaments, holiday specific activities, and city-wide special events to help maintain their interest.

2. Homework tutoring in the classroom.
   Staff hired with CDBG funds will administer a homework tutoring program. Each youth is required daily to attend the classroom prior to the game room.

3. Arts & crafts.
   Arts & crafts projects and classes are held throughout each month.

4. Outdoor paved area.
   An outdoor paved area next to the youth center provides a place for hockey, badminton, volleyball, handball and more.

5. Outdoor grass area.
   An outdoor grass area behind the youth center provides a place for flag football, soccer, frisbee, golf, baseball, dodge ball and more.

6. Off site recreational activities.
   The basketball, arena soccer, and baseball programs will continue to be offered at the available playing fields specified further in the text.

D. NEW ACTIVITIES TO BE PERFORMED

   The contractor shall ensure the provision of new services through the inclusion of younger children, continuation of tutorial programs in reading, writing, science and math. Outdoor activities for a minimum of 42 weeks over the 2007-2008 CDBG funding cycle shall be implemented. For a minimum of 12 hours per week, at least 4 days each week, supervised athletics will be available for 10-18 year old youth. A minimum of 50 unduplicated youth will participate in these activities each quarter.

   In addition, a minimum of 8 hours of supervised community service work will be completed weekly by 10-18 year old youth. A minimum of 25 unduplicated youth will participate in this program each quarter of the CDBG funding cycle. Also, a minimum of 2 days per week will be open for non-league play so youth can participate in athletic activities on a less formal, just-for-fun basis. Program details are provided below:

1. Equipment – Weight equipment was recently purchased for the youth to get some exercise. An assortment of other recreation equipment is available enabling a wide array of recreational opportunities.
2. Community service - Hours of community service are served by Youth Center members working such events as the egg hunt, fishing derby, runs, youth sports and projects around the Youth Center.
3. Classes - Staff classes are taught on an ongoing basis in arts & crafts, drawing, bicycle repair, music, sport instruction and health & fitness.
4. Athletics - Open athletic play and leagues are available. League play is offered in the following sports: basketball, baseball, soccer and pool. A coach for each sport will be provided. Youth also compete against other Youth Center’s around the valley in various sports throughout the year.

5. Fund raising - Staff will continue to create fund raising for the participants to generate additional funding to offset cost of excursions and special activities. Donation solicitations are made to local businesses as the need arises.

E. SITE LOCATION

Within the Census Tract 41, the original Porterville Community Youth Center services shall be provided at the following locations: 256 E. Orange Ave., Porterville, CA 93257. Sign-ups for athletic play, leagues, tutorial programs, arts & crafts, and outdoor activities will take place at this location. Additional program implementation will take place at the following locations: Municipal Ball Park, Porterville Sports Complex, Granite Hills High School, Porterville College, and Santa Fe School.

The main location is within the boundaries of Census Tract 41 and the other locations will provide access to youth over a broader range of low and moderate income areas within the city.

F. PROJECT STAFF

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
<th>Hours</th>
<th>Weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leisure Services Superintendent</td>
<td>$24.44/hr</td>
<td>10hrs</td>
<td>52/wks</td>
</tr>
<tr>
<td>Parks Maint. III</td>
<td>$15.50/hr</td>
<td>100hrs</td>
<td></td>
</tr>
<tr>
<td>Leisure Services Coordinator</td>
<td>$14.41/hr</td>
<td>30hrs</td>
<td>52/wks</td>
</tr>
<tr>
<td>Clerical Assistant II</td>
<td>$13.71/hr</td>
<td>20hrs</td>
<td>52/wks</td>
</tr>
<tr>
<td>Recreation Leader III</td>
<td>$10.00/hr</td>
<td>24hrs</td>
<td>52/wks</td>
</tr>
<tr>
<td>Recreation Leader II</td>
<td>$8.00/hr</td>
<td>20hrs</td>
<td>52/wks</td>
</tr>
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</table>

G. BUDGET

Total CDBG funds requested are $133,456.
City of Porterville Community Youth Center  
2007 - 2008 Budget

Salaries

<table>
<thead>
<tr>
<th>Code</th>
<th>Position</th>
<th>Rate</th>
<th>Hours/Wk</th>
<th>Weeks</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Superintendent</td>
<td>$24.44/hr</td>
<td>x</td>
<td>10hrs/wk</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>Coordinator</td>
<td>$14.41/hr</td>
<td>x</td>
<td>30hrs/wk</td>
<td>x</td>
</tr>
<tr>
<td>02</td>
<td>Clerical Asst. II</td>
<td>$13.71/hr</td>
<td>x</td>
<td>20hrs/wk</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>1-Rec Leader III</td>
<td>$10.00/hr</td>
<td>x</td>
<td>24hrs/wk</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>3-Rec Leader II</td>
<td>$8.00/hr</td>
<td>x</td>
<td>20hrs</td>
<td>x</td>
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Total Salaries: $86,884

Benefits

<table>
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<tr>
<th>Code</th>
<th>Position</th>
<th>Rate</th>
<th>Hours/Wk</th>
<th>Percent</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>09</td>
<td>Superintendent</td>
<td>$12,709</td>
<td>x</td>
<td>51.45%</td>
<td>$6,539</td>
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<tr>
<td></td>
<td>Coordinator</td>
<td>$22,477</td>
<td>x</td>
<td>43.83%</td>
<td>$9,852</td>
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<tr>
<td></td>
<td>Rec Leaders, Park Maint.</td>
<td>$38,990</td>
<td>x</td>
<td>15%</td>
<td>$5,849</td>
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<tr>
<td></td>
<td>Clerical Asst. II</td>
<td>$14,258</td>
<td>x</td>
<td>59.1%</td>
<td>$8,426</td>
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Total Benefits: $30,666

Professional Services

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</thead>
<tbody>
<tr>
<td>23</td>
<td>Temp Office Service</td>
<td>$350</td>
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</table>

Total Professional Services: $350

Supplies and Material

<table>
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<th>Code</th>
<th>Description</th>
<th>Rate</th>
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<td>32</td>
<td>Office / Computer Supplies</td>
<td>$500</td>
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<tr>
<td>35</td>
<td>Tools / Equipment</td>
<td>$350</td>
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Total Supplies and Material: $850

Other Operating Cost

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<th>Code</th>
<th>Description</th>
<th>Rate</th>
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</thead>
<tbody>
<tr>
<td>41</td>
<td>Meeting Expense &amp; Dues</td>
<td>$300</td>
</tr>
<tr>
<td>43</td>
<td>Uniform Allowance</td>
<td>$200</td>
</tr>
<tr>
<td>44</td>
<td>CPRS Conference 3 nights/room, per diem &amp; mileage</td>
<td>$1,200</td>
</tr>
<tr>
<td>45</td>
<td>Publication Leisure Update</td>
<td>$700</td>
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Total Other Operating Cost: $2,400

Other Expenses

<table>
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<th>Code</th>
<th>Description</th>
<th>Rate</th>
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</thead>
<tbody>
<tr>
<td>66</td>
<td>Special Activities &amp; Supplies</td>
<td>$8,042</td>
</tr>
<tr>
<td></td>
<td>Fieldtrips</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rec Equipment &amp; Supplies</td>
<td>$4,264</td>
</tr>
</tbody>
</table>

Total Other Expenses: $12,306

Grand Total: $133,456
SECTION 108 LOAN GUARANTEE FUNDS
PROGRAM MODEL
1995 COMMUNITY DEVELOPMENT BLOCK GRANT MODEL
(REVISITED MARCH 2007)
SECTION 108 LOAN

FUNDING RECOMMENDATION: 2006 $330,007 (Debt Service)

PRIOR YEAR FUNDING:

2006 $3.885 Million
Section 108 Loan
Received by the City

2004 $118,115
Entitlement Funds used for
Debt Service on Loan

2005 $310,252
Entitlement Funds used for
Debt Service on Loan

2006 $316,045
Entitlement Funds used for
Debt Service on Loan

PROGRAM PLAN:

Neighborhood Community Center (Heritage Center):

This program utilized $3.885 million in Section 108 loan funds to plan and construct a neighborhood community center. The center is located within Census Tract 41 where over 70 percent of the households earn less than 80 percent of the area median income and the greatest concentration of the City’s minority population resides. Census Tract 41 is bounded on the north by Olive Avenue, on the east by Plano Street, on the south by Gibbons Avenue, and on the west by State Highway 65. The proposed facility is an eligible activity under 24 CFR 570.201 (c) Public Facilities and Improvements and predicated on the Community Development Block Grant (CDBG) HUD National Objective of direct benefit to low- and moderate-income area under Federal Regulation 24 CFR 570.208(a)(1).

It is anticipated after construction is complete, that the operations and maintenance of the center, up to the allowed expenditure, will be funded from annual entitlement allocations.

SPECIFIC PROGRAM OBJECTIVE:

Neighborhood Community Center:

The main objective of the neighborhood community center will be to provide an equal opportunity for all persons, including low-income youth, to become self-sufficient and productive members of the community. The neighborhood community center will enable an increased number of youth to improve their self-esteem and to develop the social skills compatible with mainstream society.

Major prerequisites of delinquent behavior include a lack of appropriate support, positive role modeling, parenting skills, recognition between logical and immediate consequences, social conscience, breakdown of traditional family values and, also, a lack of positive, alternative activities for youth that allow them the opportunities to choose between positive and negative actions. Many youth experiencing a small degree of these prerequisites manage to become productive citizens of the community provided that positive alternatives are available where the ideal balance of these fundamentals can be made accessible.
Additionally, the neighborhood community center will provide a location to conduct activities for senior citizens. The center may also provide a location for programs such as health screening and a tutorial center, including a library and computers. It could function as a starting, ending, and gathering place for City sponsored walk/run or bike events, and provide recreational areas, including ball fields, for use by the community.

SPECIFIC PROGRAM ACTION:

Neighborhood Community Center

After an extensive environmental clearance process, ground breaking for this project took place in March 2003. Construction was completed on the main building in fall 2005. Additional improvements to the grounds, including a tot lot were constructed in 2006, and the final expenditure of funds for additional improvements is required to be expended by December 2007.

CDBG Entitlement funds are allocated to provide the annual debt service payment on the Section 108 loan.
GRANTEE PRIORITY
NEEDS TABLES

(As reflected in the City of Porterville
2005 Five Year Consolidated Plan)
IV. PRIORITY NEEDS - OBJECTIVES - STRATEGIES

PRIORITIZED NEEDS
The priority needs tables establish the relative need for each category based upon the needs analysis and the proposed programs to address those needs as decided upon by the City. The definition of high, medium, and low priorities reflects, not the entire priority need of the community, but the priorities that the City is planning on funding with the resources available:

High Priority:
Activities to address this need will be funded by the locality with federal funds, either alone, or in conjunction, with the investment of other public or private funds during the period of time designated in the strategy portion of this document.

Medium Priority:
If funds are available, activities to address this need may be funded by the locality with federal funds, either alone or in conjunction with the investment of other public or private funds during the period of time designated in the strategy portion of this document. Also, the locality will take other actions to help this group locate other sources of funds.

Low Priority:
The locality will not fund activities to address this need during the period of time designated in the strategy portion of this document. The locality will consider certifications of consistency for other entities’ application for Federal assistance.

The basis for assigning needs prioritized in the HUD table is described in this section for each category of need, including relative priority where required. Priorities were preliminarily assigned by City staff based on public input during the plan preparation process and after review of the Housing and Homeless Needs Assessment and Housing Market Analysis contained in Sections II and III. Priorities will be reviewed and changed by staff, as appropriate, as additional review and discussion takes place by the City Council, the CDBG Citizen Advisory and Housing Opportunity Committee, and between various City departments. The priorities will be finalized as needs are verified by estimating the number of units to be assisted and the relative magnitude of dollars required over the 5-year planning period to address the needs.

Naturally, the needs of the community far outstrip the City's resources. The City, through the Summary of Specific Housing/Community Development Objectives (Table 2C), is attempting to be very realistic in what activities and projects it can undertake with the limited resources available, and yet leave room for flexibility as needs are subject to change as the economy of the community changes. In dealing with the Program Income generated from the revolving loan accounts (Housing Rehab, First Time Homebuyer, Public Utility Assistance, and Business Assistance), the City plans on being flexible in order to be able to move funds between the revolving loan accounts, which is
allowed by HUD. This is especially necessary in the light of low mortgage interest rates that trigger refinancings and produce unexpected revenues to the First Time Homebuyer Program and Housing Rehab Program as those loans are paid off to the City. The City can determine if the funds might be needed more at that time in one of the other revolving loan accounts and reallocate a percentage of the funds to those accounts. However, the City will follow the established policy for processing an amendment to the Consolidated Plan and Action Plan if the funds to be reallocated are considered to be substantial. Further, the needs identified by the City may be met through a variety of other resources. These could include private grants and funding, community based non-profit organizations, other public programs (Housing Authority of the County of Tulare, Tulare County Mental Health, other HUD programs, etc.), City General and Redevelopment Agency funds, and State funded programs.

1. Priority Homeless Needs (Special Populations) (Table 1A, 1B, 1C)

Priorities were assigned based on input from service providers and the information gathered for the regional Continuum of Care Strategic Plan. In the adopted Plan, highest priorities were assigned to the provision of transitional shelters and permanent supportive housing for families while also recognizing the great need for additional emergency shelter beds.

Although these are high priorities in the adopted Continuum of Care Plan, for the purpose of the Consolidated Plan Priority Needs Table, the City will be assigning a Low Priority, since there is such limited CDBG resources to commit to these projects. However, the City will cooperate as an active participant in the Kings/Tulare Continuum of Care in their efforts to pursue other funding, especially, other HUD sources, such as the Federal Emergency Shelter Grants (FESG) and the McKenny/Vento funds.

Table 1B identifies the priority need of special needs populations that are non-homeless. Once again, even though there is a real need for resources in these areas, the City has designated these low priorities for the limited CDBG funds that are available and therefore no goals are identified. The Continuum of Care, in collaborating with several other agencies, is addressing many of these areas in their quest to prevent homelessness, and thus, through the City's active participation in the Continuum, these needs are receiving attention and possible resource allocation. Therefore, the homeless and special needs objectives identified in Table 1C are those taken from the Strategic Plan adopted by the regional Continuum of Care.
### Table 1A
**Homeless and Special Needs Populations**

#### Continuum of Care: Housing Gap Analysis Chart

<table>
<thead>
<tr>
<th>Example</th>
<th>Current Inventory</th>
<th>Under Development</th>
<th>Unmet Need/Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Individuals</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Shelter</td>
<td>100</td>
<td>40</td>
<td>20</td>
</tr>
<tr>
<td>Emergency Shelter</td>
<td>53</td>
<td>55</td>
<td>0</td>
</tr>
<tr>
<td>Transitional Housing</td>
<td>119</td>
<td>20</td>
<td>154</td>
</tr>
<tr>
<td>Permanent Supportive Housing</td>
<td>0</td>
<td>0</td>
<td>419</td>
</tr>
<tr>
<td>Total</td>
<td>172</td>
<td>76</td>
<td>573</td>
</tr>
<tr>
<td><strong>Persons in Families With Children</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Shelter</td>
<td>4</td>
<td>0</td>
<td>75</td>
</tr>
<tr>
<td>Transitional Housing</td>
<td>0</td>
<td>40</td>
<td>253</td>
</tr>
<tr>
<td>Permanent Supportive Housing</td>
<td>310</td>
<td>0</td>
<td>109</td>
</tr>
<tr>
<td>Total</td>
<td>350</td>
<td>40</td>
<td>437</td>
</tr>
</tbody>
</table>

#### Continuum of Care: Homeless Population and Subpopulations Chart

<table>
<thead>
<tr>
<th>Part 1: Homeless Population</th>
<th>Sheltered</th>
<th>Unsheltered</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example</td>
<td>Emergency</td>
<td>Transitional</td>
<td></td>
</tr>
<tr>
<td>1. Homeless Individuals</td>
<td>46</td>
<td>41</td>
<td>332</td>
</tr>
<tr>
<td>2. Homeless Families with Children</td>
<td>15</td>
<td>13</td>
<td>58</td>
</tr>
<tr>
<td>2a. Persons in Homeless Families with Children</td>
<td>46</td>
<td>41</td>
<td>332</td>
</tr>
<tr>
<td>Total (lines 1 + 2a)</td>
<td>107</td>
<td>95</td>
<td>664</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 2: Homeless Subpopulations</th>
<th>Sheltered</th>
<th>Unsheltered</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Chronically Homeless</td>
<td>226</td>
<td>116</td>
<td>342</td>
</tr>
<tr>
<td>2. Seriously Mentally Ill</td>
<td>165</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Chronic Substance Abuse</td>
<td>66</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Veterans</td>
<td>77</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Persons with HIV/AIDS</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Victims of Domestic Violence</td>
<td>100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Youth</td>
<td>22</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 1B
Special Needs (Non-Homeless) Populations

<table>
<thead>
<tr>
<th>SPECIAL NEEDS SUBPOPULATIONS *</th>
<th>Priority Need Level</th>
<th>Unmet Need</th>
<th>Dollars to Address Unmet Need</th>
<th>Goals</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>High, Medium, Low,</td>
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<tr>
<td></td>
<td>No Such Need</td>
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<tr>
<td>Elderly</td>
<td>Low</td>
<td>NA</td>
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<td>NA</td>
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<tr>
<td>Frail Elderly</td>
<td>Low</td>
<td></td>
<td></td>
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<tr>
<td>Severe Mental Illness</td>
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</tr>
<tr>
<td>Developmentally Disabled</td>
<td>Low</td>
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<tr>
<td>Physically Disabled</td>
<td>Low</td>
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<td></td>
</tr>
<tr>
<td>Persons w/ Alcohol/Other Drug Addictions</td>
<td>Low</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Persons w/HIV/AIDS</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>Low</td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
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</tr>
</tbody>
</table>

* Since there are no resources available to address these special needs subpopulations directly, they have all been given a low priority and the calculation of the unmet need, funding required, and goals, which are very hard to determine, have not been included. These subpopulations will be addressed through the regional Continuum of Care, especially as they relate to preventing homelessness.
<table>
<thead>
<tr>
<th>Obj #</th>
<th>Specific Objectives</th>
<th>Performance Measure</th>
<th>Expected Units</th>
<th>Actual Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Public Awareness:</strong> Engage the broader public and local governmental agencies in a public dialog about the issues of chronic homelessness in the region. As part of this process, the CoC has and will sponsor housing conferences on homelessness, present power point programs to City Councils, Boards of Supervisors and community- based and faith-based organizations, and provide information and education regarding best practices.</td>
<td>Track the number of presentations and the increase of participation in the Continuum by these agencies.</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td><strong>Collaborative Coordinator:</strong> CoC will prepare and obtain grants to hire a CoC Coordinator to support the implementation of the 5 year strategic plan</td>
<td>Amount of funding obtained and the hiring of a coordinator.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td><strong>Referral System:</strong> Create a better system of referral to transitional, supportive and permanent housing. The CoC plans on developing a Continuum-wide, multi-system community re-entry plan that includes housing.</td>
<td>The creation and implementation of the plan.</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td><strong>HMIS:</strong> Implement a CoC-wide Homeless management Information System (HMIS) to track homelessness, assess needs and gaps, and evaluate outcomes. In order to accomplish this, the CoC will work with all HUD applicants to include HMIS components as part of their applications and the CoC will contract with the Fresno Housing Authority to implement the Fresno/Madera CoC’s HMIS software and supporting system in Kings and Tulare Counties.</td>
<td>The execution of the contract with the Fresno/Madera CoC and the implementation of use of the HMIS.</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td><strong>Emergency Shelter:</strong> Creation of new emergency shelter targeted at meeting the need of the chronically homeless. The CoC will work with area agencies to develop plans to increase the number of beds available for emergency housing.</td>
<td>The number of beds created.</td>
<td>76</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Transitional Housing:</strong> Work with agencies, to develop additional housing programs designed to be effective for the chronically homeless with mental illnesses and/or substance abuse issues.</td>
<td>The number of new programs and beds/units created.</td>
<td></td>
<td>80</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>8</td>
<td><strong>Permanent Housing:</strong> Work with Self-Help Enterprise, and Habitat for Humanity, and other developers to develop additional affordable permanent housing projects</td>
<td>The number of new projects and beds/units developed.</td>
<td></td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>Special Needs Objectives</td>
<td>None (see narrative)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2. **Priority Housing Needs (Table 2A)**

Housing needs were prioritized by income group based primarily on tenancy, cost burden and housing availability and affordability. Housing for small renter households with incomes less than 50% of the median will be met primarily by public housing, assisted housing and/or Section 8 certificates. As a result, the number of units to be assisted is relatively modest and priorities assigned are medium to low.

On the other hand, housing for large renter households is recognized as a high priority in most San Joaquin Valley communities, including Porterville, due to the large number of low-income minority households with high per household populations. Even with the development of the four low income housing tax credit projects, there is a shortage of affordable 3-4 bedroom rental units, both in public and private housing projects. As a result, the need is high for households with incomes of less than 50 percent of the median, however, with such limited resources to develop additional units, the City will be giving it a medium priority for CDBG funding. The City does and will continue to support projects applying for tax credits and other sources of funds, such as HOME funds, and will help in the streamlined permit processing. Other large households with greater than 50 percent of the median income can generally afford larger units to accommodate all members of the household.

The need for elderly renter assistance is assigned a medium priority in most income categories due to the decreasing senior population, the relatively small number of elderly who rent rather than own their units, and the existing supply of affordable units for seniors in the City of Porterville.

Owner needs fall primarily into two categories-those households in need of assistance for purchasing a home and those in need of rehabilitation and maintenance.

A high priority is assigned all income groups 31-80% of MFI who can most readily benefit from first-time homebuyer's, self-help, and other homebuyer's assistance programs. Owner-occupied units with physical defects are also assigned a high priority, as these households most often benefit from housing rehabilitation and neighborhood improvement programs.
### TABLE 2A
Priority Needs Summary Table

<table>
<thead>
<tr>
<th>Renter</th>
<th>Priority Need Level</th>
<th>Unmet Need</th>
<th>Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Small Related</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>0-30%</td>
<td>M</td>
<td>583</td>
</tr>
<tr>
<td></td>
<td>31-50%</td>
<td>M</td>
<td>653</td>
</tr>
<tr>
<td></td>
<td>51-80%</td>
<td>M</td>
<td>359</td>
</tr>
<tr>
<td></td>
<td>Large Related</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>0-30%</td>
<td>M</td>
<td>342</td>
</tr>
<tr>
<td></td>
<td>31-50%</td>
<td>M</td>
<td>246</td>
</tr>
<tr>
<td></td>
<td>51-80%</td>
<td>M</td>
<td>206</td>
</tr>
<tr>
<td></td>
<td>Elderly</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>0-30%</td>
<td>M</td>
<td>64</td>
</tr>
<tr>
<td></td>
<td>31-50%</td>
<td>M</td>
<td>138</td>
</tr>
<tr>
<td></td>
<td>51-80%</td>
<td>M</td>
<td>79</td>
</tr>
<tr>
<td></td>
<td>All Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>0-30%</td>
<td>M</td>
<td>207</td>
</tr>
<tr>
<td></td>
<td>31-50%</td>
<td>M</td>
<td>202</td>
</tr>
<tr>
<td></td>
<td>51-80%</td>
<td>M</td>
<td>116</td>
</tr>
<tr>
<td>Owner</td>
<td>0-30%</td>
<td>H</td>
<td>270</td>
</tr>
<tr>
<td></td>
<td>31-50%</td>
<td>H</td>
<td>270</td>
</tr>
<tr>
<td></td>
<td>51-80%</td>
<td>H</td>
<td>342</td>
</tr>
<tr>
<td>Special Needs</td>
<td>Homeless</td>
<td>L</td>
<td>283</td>
</tr>
<tr>
<td>Total Goals</td>
<td></td>
<td></td>
<td>93</td>
</tr>
<tr>
<td>Total 215 Goals</td>
<td></td>
<td></td>
<td>93</td>
</tr>
<tr>
<td>Total 215 Renter Goals</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Total 215 Owner Goals</td>
<td></td>
<td></td>
<td>93</td>
</tr>
</tbody>
</table>
3. Priority Community Development Needs (Table 2B)
   
a. Public Facility Needs

The highest priority need for public facilities in this five year plan is for parks and/or recreation facilities. The City is in the midst of a multi year improvement project for the nearly 100 year old Murry Park. Even though the new Neighborhood Community Center is just nearing completion and will be serving this need, a high priority is assigned to senior centers, youth centers, and neighborhood facilities since the City will be paying debt service on the Section 108 loan that was utilized for the construction of the facility. Child care, health facilities, and other public facilities are assigned a low priority as these are categories for which the City does not have resources and there are other agencies, such as the County, that provide these services. However, Parking is designated as a high priority as public parking development can be a major issue in the implementation of downtown revitalization and economic development strategy.

b. Infrastructure Improvement

Although no expenditure of funds is planned for general neighborhood improvements, a medium priority is given to most of the infrastructure categories listed as they may also become issues in conjunction with other City improvement projects.

c. Public Service Needs

Public service needs are generally met by non-profit organizations funded by several public and private sources. Priorities have been assigned based on input from these organizations as well as input from public social services providers. The highest priorities are assigned to youth services and fair housing counseling, which are both programs funded by the City. Transportation services that were a medium priority in the last Consolidated Plan have now become a low priority with the addition of the fixed route bus system and the new transportation center constructed downtown.

Other public services including senior services, handicapped services, substance abuse services, employment training, crime awareness, tenant/ landlord counseling, child care services, health services, and other public service needs are designated as a low priority as these are all areas in which other agencies provide the services. The City will strive to work cooperatively with these agencies in any way to help their programs, but the lack of adequate resources prohibits the City from assisting them financially.

d. Accessibility Needs

Accessibility needs are assigned a medium priority based on an inventory of handicapped accessibility needs compiled by the City.
e. **Historic Preservation Needs**

Historic preservation needs for non-residential uses are given a medium priority based on the historic significance of commercial structures in the downtown area and the potential need to assist in preservation, possibly through the City’s CDBG Business Assistance Program. Residential historic preservation is also given a medium priority as efforts are made to address these issues in the Owner Occupied Housing Rehabilitation Program, and the First Time Low Income Homebuyer Program.

f. **Economic Development**

Economic development remains a high priority for the City as unemployment is still in the double digits in Porterville and job creation is the number one goal of the City, Chamber, and job development agencies. The City has formed a strong Partners Network with these agencies, organizations and businesses, a product of the adopted Economic Development Management Plan. These Partners meet on a regular basis. In light of the agriculture industry domination of the area, which can be very prone to economic down turns from natural disasters, it is desirable that the area strive for diversification of employment opportunities.

Economic development needs are highest for commercial-industrial infrastructure, other business and technical assistance, particularly as they relate to development within the City's State designated Enterprise Zone, Recycling Market Development Zone, the Business Incentive Zone (BIZ), and in the vicinity of the airport industrial park. Funds expended to meet these needs should be coordinated with redevelopment financing where practicable and industrial job creation within the designated zones identified above.

g. **Other Community Development Needs**

Because of the lack of resources available for sustainable funding, code enforcement is given a medium priority for other community development needs. If funding were to become available, this category would become a high priority for the community.

Energy efficiency and lead based Paint/Hazards are both given a medium priority as they may become issues in a housing rehabilitation project.

h. **Planning**

Planning and administration is given a high priority based on the identified need for specific planning for the Murry Park improvements and low and moderate income job creation within undeveloped industrial areas. There would be no successful CDBG projects without the careful planning and administration for those projects.
<table>
<thead>
<tr>
<th>PRIORITY COMMUNITY DEVELOPMENT NEEDS</th>
<th>Priority Need Level</th>
<th>Unmet Priority Need</th>
<th>Dollars to Address Unmet Priority Need</th>
<th>Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Facility Needs (projects)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Centers</td>
<td>L</td>
<td>0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Handicapped Centers</td>
<td>L</td>
<td>0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Homeless Facilities</td>
<td>L</td>
<td>1</td>
<td>$2,000,000</td>
<td>0</td>
</tr>
<tr>
<td>Youth Centers</td>
<td>L</td>
<td>0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Child Care Centers</td>
<td>L</td>
<td>1</td>
<td>$77,500</td>
<td>0</td>
</tr>
<tr>
<td>Health Facilities</td>
<td>L</td>
<td>0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Neighborhood Facilities</td>
<td>H</td>
<td>1</td>
<td>$1,400,000</td>
<td>1</td>
</tr>
<tr>
<td>Parks and/or Recreation Facilities</td>
<td>H</td>
<td>1</td>
<td>$4,200,000</td>
<td>1</td>
</tr>
<tr>
<td>Parking Facilities</td>
<td>H</td>
<td>2</td>
<td>$1,170,000</td>
<td>1</td>
</tr>
<tr>
<td>Non-Residential Historic Preservation</td>
<td>M</td>
<td>5</td>
<td>$5,000,000</td>
<td>0</td>
</tr>
<tr>
<td>Other Public Facility Needs</td>
<td>L</td>
<td>2</td>
<td>$4,000,000</td>
<td>0</td>
</tr>
</tbody>
</table>

| Infrastructure (projects)           |                     |                     |                                        |       |
| Water/Sewer Improvements            | H                   | 20                  | $4,000,000                             | 10    |
| Street Improvements                 | M                   | 5                   | $6,400,000                             | 0     |
| Sidewalks                           | M                   | 5                   | $877,500                               | 0     |
| Solid Waste Disposal Improvements   | M                   | 2                   | $87,750                                | 0     |
| Flood Drain Improvements            | M                   | 2                   | $1,870,000                             | 0     |
| Other Infrastructure Needs          | M                   | 3                   | $117,000                               | 0     |

| Public Service Needs (people)       |                     |                     |                                        |       |
| Senior Services                     | L                   | UD**                | $87,750                                | 0     |
| Handicapped Services                | L                   | UD                  | $5,850                                 | 0     |
| Youth Services                      | H                   | UD                  | $620,000                               | 53 daily |
| Child Care Services                 | L                   | UD                  | $87,750                                | 0     |
| Transportation Services             | L                   | UD                  | $500,000                               | 0     |
| Substance Abuse Services            | L                   | UD                  | $1,170,000                             | 0     |
| Employment Training                 | L                   | UD                  | $1,170,000                             | 0     |
| Health Services                     | L                   | UD                  | $117,000                               | 0     |
| Lead Hazard Screening               | M                   | UD                  | $146,250                               | 0     |
| Crime Awareness                     | L                   | UD                  | $87,750                                | 0     |
| Other Public Service Needs          | L                   | UD                  | $58,500                                | 0     |

| Economic Development                |                     |                     |                                        |       |
| ED Assistance to For-Profits (businesses) | H       | UD                  | $500,000                               | 2     |
| ED Technical Assistance (businesses) | M                   | UD                  | $58,500                                | 0     |
| Micro-Enterprise Assistance (businesses) | M       | UD                  | $58,500                                | 0     |
| Rehab; Publicly- or Privately-Owned | H                   | UD                  | $1,755,000                             | 3     |
| Commercial/Industrial (projects)     |                     |                     |                                        |       |
| C/I* Infrastructure Development (projects) | H       | UD                  | $965,250                               | 1     |
| Other C/I* Improvements (projects)   | H                   | UD                  | $1,170,000                             | 1     |

| Planning                            |                     |                     |                                        |       |
| Planning                            | H                   | UD                  | $820,000                               |       |

TOTAL ESTIMATED DOLLARS NEEDED:

* Commercial or Industrial Improvements by Grantee or Non-profit
** UD = undetermined
<table>
<thead>
<tr>
<th>Obj #</th>
<th>Specific Objectives</th>
<th>Performance Measure</th>
<th>Expected Units</th>
<th>Actual Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1</td>
<td>Rental Housing Objectives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Date Avenue Project using HOME PI funds</td>
<td>number of units produced</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Continue working cooperatively with Housing Authority to maintain and possibly increase rental units owned or manages by the Authority and the number of Section 8 vouchers available in the community.</td>
<td>number of affordable units available to low income</td>
<td>1500 (currently available through rental assistance)</td>
<td></td>
</tr>
<tr>
<td>O2</td>
<td>Owner Housing Objectives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Housing Rehabilitation Loan Program</td>
<td>Number of households assisted</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public Utility Loan Program</td>
<td>Number of households assisted</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Homebuyer Education Program</td>
<td>Number of persons completing course</td>
<td>1200</td>
<td></td>
</tr>
<tr>
<td></td>
<td>First Time Low Income Homebuyer Program</td>
<td>Number of Households assisted</td>
<td>65</td>
<td></td>
</tr>
<tr>
<td>C1</td>
<td>Community Development Objectives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I1</td>
<td>Infrastructure Objectives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P1</td>
<td>Public Facilities Objectives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Murry Park Improvement Project</td>
<td>Improvements completed</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>P2</td>
<td>Public Services Objectives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Youth Center</td>
<td>Daily Attendance of Youth</td>
<td>53 Daily</td>
<td></td>
</tr>
<tr>
<td>E1</td>
<td>Economic Development Objectives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Business Assistance Program</td>
<td>Number of jobs created</td>
<td>90 jobs</td>
<td></td>
</tr>
</tbody>
</table>
Honorable Cameron Hamilton
Mayor of Porterville
291 N. Main Street
Porterville, CA 93257

Dear Mayor Hamilton:

SUBJECT: City of Porterville, California
    Annual Community Assessment Report
    Program Year 2005

Our office has completed the review of Porterville’s program Year (PY) 2005 Consolidated Annual Performance and Evaluation Report (CAPER). Based upon this review, our office has drafted an assessment of the City’s performance as it relates to the Consolidated Plan (Con Plan), the PY 2005 Annual Action Plan (AAP), and other pertinent information and events that may have occurred during PY 2005. This evaluation is done to assess the management of funds made available under programs administered by HUD, compliance with Porterville’s Con Plan/AAP, the extent to which the City is preserving and developing decent, affordable housing, creating a suitable living environment, and expanding economic opportunities, principally for low- and moderate-income persons.

Utilizing HUD and other resources, Porterville addressed priority needs described in the Con Plan. The City’s priorities were to increase and maintain the supply of affordable housing, maintain the integrity of existing neighborhoods, reduce the number of persons living below the poverty level by producing jobs through commercial and industrial development, and to encourage the development of youth in the community. In FY 2005, Porterville received $808,546 in CDBG funds, $240,242 in program income and had a balance of $1,617,279 in Section 108 funds and $893,518 in CDBG funds from previous years, resulting in a total of $3,559,585 available for housing and community development activities. Porterville expended $1,437,884 for CDBG activities in 2005, leaving an unspent balance of $2,121,701 of which $950,620 is in the remaining Section 108 funds to be carried over into FY 2006. We note that Porterville expended an amount less than the total amount of CDBG funds received in the same year mainly due to program income revenue. However, the City has been able to meet the required 15% expenditure ratio of entitlement funds by the April 30th deadline over the past several years. In order to ensure timely expenditure of CDBG funds, we urge the City of Porterville to annually expend an amount that is at least equal to the amount of CDBG funds received in the same year.
Affordable Housing

One of the City's priorities in its Consolidated Plan is to provide affordable housing for low and moderate-income families. Utilizing CDBG and a CalHFA HELP loan, the Porterville Redevelopment Agency completed the 82-unit Casa Buena Vista Subdivision in 2005. All the units of this single-family homeownership project were sold to low-income families, thirty percent (30%) of which were very-low income households.

The Homebuyer Education course that is required by the City for participation in the City's housing assistance programs was also funded by CDBG funds. One hundred thirty one (131) households completed the three-day course this year. Overall the City assisted thirty-eight (38) households to purchase their home through the First Time Low Income Homebuyer Program utilizing CDBG, HOME, CalHome, and Redevelopment Housing funds. It had been anticipated that the City would assist twenty-five households during the year, so one hundred and fifty two percent (152%) of the goal was attained.

To address the needs of low and moderate-income renters, the City was awarded a $1 million dollar State HOME grant for the development of a 64 unit apartment complex known as Sequoia Village at River's Edge. This development will provide much needed affordable rental units for very low to low-income families.

Preserving the housing stock is an essential part of Porterville's strategy to provide affordable housing to low and moderate-income residents. Two (2) households had their homes rehabilitated through the CDBG funded Owner Occupied Housing Rehabilitation Program in 2005. The Action Plan indicated eight households would be assisted, thus the City met 25% of its rehabilitation goal for 2005. To increase production, City staff conducted a thorough review of the rehabilitation program guidelines. The City decided to include additional assistance to houses built before 1978, in order to rehabilitate homes with Lead Based Paint issues. The City hopes that the additional assistance will result in an increase in the number of rehabilitated homes in the coming years.

Maintaining the Integrity of Existing Neighborhoods

The Murry Park Improvement Project has been a multi year project to improve the 100 year old facility located in one of the oldest areas of the City. Previous improvements have included the total reconstruction of the swimming pool with ADA upgrades, which included a zero-depth area where disabled residents can safely enter the water and accessible improvements to the restroom facilities. In 2005, Porterville used $31,804 in CDBG funds mostly for the work by the city's consultant on the detailed Cultural Resources Survey for the required environmental document that must be completed before proceeding with Phase 2 of the improvement project. Murry Park serves a population that has the greatest concentration of the City's minority and low-to moderate-income residents. Renovating and improving the facilities at Murry Park will help the City to keep this important facility open to the public, and will help maintain the character integrity of the surrounding neighborhoods.
The City's Public Utility Revolving Loan Program provided $9,186 in CDBG funds to provide deferred loans to two (2) very low-income households in 2005. These loans helped these low and moderate-income homeowners to address utility connections, such as water, sewer, and underground facilities. This program reduces and prevents health hazards and eliminates slum and blight conditions by providing affordable municipal services to qualifying homeowners.

Public Facilities

The construction of the Porterville Heritage Center was funded through a Section 108 loan. The City, in partnership with the Porterville School District, built the Heritage Community Center adjacent to the new elementary school on abandoned railroad property purchased by the School District. The partnership resulted in shared uses of the buildings with cost savings for both agencies. The new Santa Fe Elementary School opened in August 2004 for the school year. Construction of the Porterville Heritage Center was completed in late 2005, with a grand opening held in December 2005.

The Center is a joint-use facility, sharing space with the adjacent Santa Fe Elementary School. The Center features a Tiny Tots room, the recently completed Tiny Tots playground, study room, arts and crafts room, and game room. As part of the joint-use agreement, the City and the School District share a library and computer media center within the Heritage Complex and share space in the School's multi-purpose room. The remaining loan funds are being used for the design and construction of two baseball fields adjacent to the Heritage Center due to be completed by Spring 2007. Principal and interest payments due on the Section 108 loan are paid with CDBG entitlement funds.

Economic Development

In 2005, Porterville continued its economic development efforts to improve the business environment and stimulate business expansion and job growth through the operation of the Business Assistance Program. This program stimulates economic development throughout the City by providing rehabilitation of commercial, residential, industrial and professional office structures on a citywide basis. In 2005, City provided technical assistance to twenty-seven (27) businesses as they looked at the possibility of locating or expanding in Porterville.

Although no businesses were directly assisted with CDBG funds in 2005, new jobs were created through business expansions of previously CDBG assisted businesses. One such business, ProDocument Solutions, continued to expand its production to include the printing of election ballots, resulting in the creation of 5 fulltime jobs and 100 seasonal jobs in 2005. Foster Farms, also a recipient of CDBG funded Business Assistance Funds, added a third production line, resulting in the hiring of 82 fulltime employees, and anticipates hiring an additional 60 more over the next several months.

City Staff meet regularly with the Industrial Plant Managers, the Porterville Chamber of Commerce, and the Downtown Porterville Association to work cooperatively towards promoting economic development in the community. Expansion of businesses will broaden and expand the tax base, and provide increased employment opportunities for low and moderate-income persons.
Overall Performance

Overall, the City of Porterville is making good progress in using its CDBG funds to meet its one-year (2005) goals, and is on track to meeting its five-year Consolidated Plan goals. In addition to CDBG, the City has been very effective in using a wide variety of non-federal sources to fund its programs and activities, such as State HOME, CalHome, Redevelopment 20% Housing Set Aside Funds, and Redevelopment Agency Incentives. Approximately $5.8 million in non-federal funds were expended on housing and community development activities in 2005.

We look forward to continuing our partnership with the City of Porterville to help achieve its economic development, affordable housing, and community development goals. If you have any questions, please do not hesitate to contact Mr. Michael Dawe, Community Planning and Development Representative, at (415) 489-6580.

Sincerely,

Steven B. Sachs
Director, Community Planning
And Development Division

Cc: John Longley, City Manager
✓ Bradley D. Dunlap, Comm. Dev. Dir.
PUBLIC HEARING

SUBJECT: COMPRESSED NATURAL GAS (CNG) REGIONAL FUELING FACILITY PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: City staff, with assistance from the TPG Consulting Inc., has prepared and circulated an Initial Study and Negative Declaration for the Compressed Natural Gas (CNG) Regional Fueling Facility. The project consists of the construction of a CNG Regional Fueling Facility on City-owned property at the City of Porterville Corporation Yard. This facility is necessary to fuel a new generation of CNG powered vehicles that will eventually replace the City’s existing diesel and gas-powered fleet, as well as natural gas vehicles of other public and quasi-public agencies within the area, and the public at-large. This project is proposed to be funded in part through Congestion Mitigation and Air Quality (CMAQ) Program funding and therefore must be authorized by the Federal Highway Administration (FHWA).

The proposed project is located in the western portion of the City of Porterville at 555 N. Prospect. The project vicinity is shown in Attachment 1. Generally located south of the southwest corner of Grand Avenue and Prospect Street, the project will encompass sections of the Corporation Yard, including the current Recycling Drop-Off Center, the Burton School District Bus Barn, and portions of the recently approved Bus Maintenance Facility expansion area (see Attachment 3 - Development Plan).

The project site includes approximately 1.2± acres, which are part of about 114± contiguous acres owned by the City. This City-owned land includes the Corporation Yard, Recycling Drop-Off Center, Veterans Memorial Park, Wastewater Treatment Facility, a Fire Station, and vacant land (see Attachment 2 – Land Use & Zoning). This City property is zoned OA, Open Area, and has a general plan designation of Open Space & Public, Quasi-Public. The area immediately surrounding the project is comprised of public, commercial and residential uses. The public uses consist of a school, a fire station, and a public park. The commercial use consists of a mixture of general commercial and retail.

The project consists of three principal components, which are shown on the site plan and as described as follows:

1) A public access “fast-fill” fueling island to be constructed on City-owned property along the west side of Prospect Street just outside the walled area of the Corporation Yard to allow simultaneous refueling of multiple vehicles. This facility is intended to be available 24 hours per day, 7 days per week. This component will be designed to accommodate private vehicles as well as an apron area large enough to allow large CNG fuel vehicles like school buses and refuse
trucks room to pull into and away from the dispenser. The City proposes to remodel the existing recycling center to accommodate the fueling station.

2) Additional time-fill ("slow-fill") refueling stations for over-night refueling of larger City vehicles at the Corporation Yard in conjunction with a recently approved bus maintenance facility expansion that also includes 2 "slow-fill" pumping stations. Additional fueling posts will be added as demand dictates.

3) "Time-fill" refueling stations to be located at the Corporation Yard dedicated for use by Burton School District buses, near where they currently park. This station would be a separate fueling station from the "time-fill".

The project requires discretionary local action by the City Council. As such, the project is subject to both the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). Caltrans is the lead agency with regards to NEPA compliance for this project. Caltrans has completed an environmental review of the proposed CNG Facility, and processed the NEPA Environmental Document in the form of a Programmatic Categorical Exclusion (PCE) on February 27, 2007.

The Initial Study Negative Declaration environmental document circulated for a period of 20 days from March 30 to April 19, 2007. During early consultation two written and two phoned comments were received and incorporated into the initial study Negative Declaration.

RECOMMENDATION: That the City Council adopt the draft resolution approving the Negative Declaration and Site Plan for the Compressed Natural Gas Regional Refueling Facility.

ATTACHMENTS:
1. Vicinity map
2. Land Use Map
3. Development Plan
4. Initial Study and Notice of Intent to Adopt a Negative Declaration.
5. Negative Declaration
6. Draft Environmental Resolution
NOTICE OF PUBLIC HEARING
NEGATIVE DECLARATION

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR PROPOSED COMPRESSED NATURAL GAS (CNG) REGIONAL FUELING FACILITY AND CONSIDERATION OF THE PROPOSED CNG REGIONAL FUELING FACILITY GENERALLY LOCATED SOUTH OF THE SOUTHWEST CORNER OF GRAND AVENUE AND PROSPECT STREET

Notice is hereby given, that a hearing will be held by the City Council of the City of Porterville on Tuesday, May 1, 2007, in the Council Chambers at City Hall, 291 North Main Street, Porterville, California, at 7:00 p.m. or as soon thereafter as the matter can be heard in order to consider approval of a Negative Declaration of Environmental Impact, the consideration of the proposed CNG Regional Fueling Facility and the public interest to be served or advantaged by proposed project. The CNG Facility proposes to construct and operate a regional refueling facility on City owned property at the City of Porterville Corporation Yard. The project site includes approximately 1.2± acres, which are part of the 114± contiguous acres owned by the City.

The environmental document as proposed, will be the supporting Negative Declaration for the Compressed Natural Gas Regional Refueling Facility to be considered at a same Public Hearing.

On March 26, 2007, the Environmental Coordinator made a preliminary determination that a Negative Declaration would be appropriate for the proposed projects. The Initial Study has been transmitted to interested agencies, groups and individuals for review and comment. The review period will run for 20 days from March 30 to April 19, 2007. Written comments on the environmental document must be submitted by the end of the review period.

Copies of the environmental documents are on file at 291 North Main Street, Porterville, California in the Community Development Department - Planning Division. This notice is given in order to provide all interested parties an opportunity to present their views with respect to the proposed Zone Change and environmental effects of the proposed project.

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

DATED: March 30, 2007

John Longley, City Clerk
Compressed Natural Gas (CNG) Regional Fueling Facility
Porterville, CA
CEQA INITIAL STUDY (IS)/
NEGATIVE DECLARATION (ND)

PROJECT:
CITY OF PORTERVILLE -
COMPRESSED NATURAL GAS (CNG)
REGIONAL FUELING FACILITY

March 2007

Prepared for the
City of Porterville
291 North Main Street
Porterville, California 93257
559.782.7448

Prepared by
TPG Consulting, Inc.
222 North Garden Street, Suite 100
Visalia, California 93291
559.739.8072
PROJECT TITLE

City of Porterville – Compressed Natural Gas (CNG) Regional Fueling Facility

LEAD AGENCY/PROJECT APPLICANT AND CONTACT PERSONS

The Lead Agency for the preparation of this CEQA Initial Study (IS)/Negative Declaration (ND) is the City of Porterville. The key contact persons are as follows:

Lead Agency/Project Applicant:

City of Porterville
291 North Main Street
Porterville, CA 93257
(559) 782-7460
Contact: Baldo Rodriguez, Director, Public Works Department

Environmental Consultants:

TPG Consulting, Inc.
222 N. Garden Street, Suite 100
Visalia, CA 93291
(559) 739-8072
Contact: Charles F. Clouse, Principal
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INTRODUCTION

The City of Porterville is proposing to construct and operate a Compressed Natural Gas (CNG) Regional Fueling Facility on City-owned property at the City of Porterville Corporation Yard. This Facility is necessary to fuel a new generation of CNG powered vehicles that will eventually replace the City’s existing diesel and gas-powered fleet, as well as natural gas vehicles of other public and quasi-public agencies within the area, and the public at-large. This project is proposed to be funded in part through Congestion Mitigation and Air Quality (CMAQ) Program funding and therefore must be authorized by the Federal Highway Administration (FHWA). This project also requires a discretionary local action by the City of Porterville City Council. As such, the project is subject to both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Caltrans is the lead agency with regards to NEPA compliance for this project. Caltrans has completed an environmental review of the proposed CNG Facility, and processed the NEPA Environmental Document in the form of a Programmatic Categorical Exclusion (PCE) on February 27, 2007.

The following evaluation has been prepared to satisfy the environmental review requirements of CEQA. This document has been prepared in accordance with the requirements of CEQA and guidelines for the purpose of analyzing the direct, indirect, and cumulative environmental effects associated with the proposed project. It is the finding of this CEQA Initial Study (IS) that the proposed project qualifies for a "Negative Declaration" pursuant to CEQA.

The attached Environmental Checklist discusses the probable environmental effects of the proposed project. Preparation of this IS was based on information contained within numerous documents. References to these documents are identified within this report. All comments received during the environmental review process will receive full consideration by the decision-making body prior to final action.

PROJECT BACKGROUND

PROJECT LOCATION

The proposed project is located in the western portion of the City of Porterville. The project vicinity is shown in Figure 1 - Vicinity Map. The City of Porterville is located in Tulare County, California, which is situated in the San Joaquin Valley, approximately 165 miles north of Los Angeles, 254 miles south of San Francisco, and 171 miles east of the Pacific Coast; Porterville is located 65 miles northeast of Bakersfield and 30 miles southeast of Visalia. The City was incorporated on May 7, 1902. The City operates under a council-manager form of government and provides a wide range of municipal services, including police and fire protection. The City currently has a land area of 14.8 square miles and a population of 45,220 (CA Dept. of Finance, 2006).

The project site is located at the City Corporation Yard, 555 N. Prospect Street, generally south of the southwest corner of Grand Avenue and Prospect Street. The project will encompass eastern sections of the Corporation Yard, including the current City Recycling Drop-Off Center, the Burton School District Bus Barn, and portions of the recently approved Bus Maintenance Facility expansion area (see Figure 2 - Development Plan).

The project site includes approximately 1.2 +/- acres, which are part of about 114 +/- contiguous acres owned by the City. This City-owned land includes the Corporation Yard, Recycling Drop-Off Center, Veterans Memorial Park, Wastewater Treatment Facility, a Fire Station, and vacant land (see Figure 3 - Land Use & Zoning). This City property is zoned OA, Open Area, and has a general plan designation of
Open Space & Public, Quasi-Public. The area immediately surrounding the project site is comprised of public, commercial and residential uses (see Figure 3 – Land Use & Zoning). The public uses consist of a school, a fire station, and a public park. The commercial uses consist of a mixture of general commercial and retail.
PROJECT DESCRIPTION

The proposed project is a Compressed Natural Gas (CNG) Regional Fueling Facility to be built on City-owned property at the City of Porterville Corporation Yard. The project proposes fueling station facilities capable of both “fast filling” and “time filling” (sometimes referred to as “slow-filling”). The City of Porterville is requesting federal funding through the Congestion Mitigation and Air Quality (CMAQ) grant funding program administered jointly by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA). This funding will be used to offset the costs of environmental review, design and construction of the proposed facilities. The total cost for the proposed regional facility is estimated at $1.675 million. CMAQ funds will account for $1.650 million, or 88.5% of this projected cost. The City anticipates being responsible for $190,000.

It is the desire of the City of Porterville to have a reliable, convenient permanent facility at the Corporation Yard capable of refueling all types and sizes of natural gas vehicles of the City, Burton School District, and the community at-large. The initial size of the station is based upon the size needed to fill City vehicles when all trash trucks are completely converted over to natural gas. As part of the “regional” availability of the facility, the public and quasi-public entities who expect to utilize the facility include: City of Porterville, Porterville Unified School District, Burton Unified School District, County of Tulare and the Porterville Sheltered Workshop. All of these entities are in the process of converting their fleets from gasoline- to CNG-powered vehicles as a way to achieve reductions in adverse vehicle pollutants to meet state and federal air quality mitigation mandates. Other yet-to-be identified entities will likely also make use of the facility as further conversions from gasoline and diesel fleets to CNG fleets occur, pursuant to state and federal requirements.

The three essential components of the proposed facility are:

1) A public access “fast-fill” fueling island to be constructed on City-owned property along the west side of Prospect Street just outside the walled area of the Corporation Yard to allow simultaneous refueling of multiple vehicles. This facility is intended to be available 24 hours per day, 7 days per week. This component will be designed to accommodate private vehicles as well as an apron area large enough to allow large CNG fuel vehicles like school buses and refuse trucks room to pull into and away from the dispenser. The City proposes to remodel the existing recycling center to accommodate the fueling station.

2) Additional “time-fill” (“slow-fill”) refueling stations for over-night refueling of larger City vehicles at the Corporation Yard in conjunction with a recently approved bus maintenance facility expansion that also includes 2 “slow-fill” pumping stations. Additional fueling posts will be added as demand dictates.

3) “Time-fill” refueling stations to be located at the Corporation Yard dedicated for use by Burton School District buses, near where they currently park. This station would be a separate fueling station from the “time-fill” station at the Corporation Yard discussed in No. 2 above.

Construction of this facility will enable a long range plan to convert light- and heavy-duty vehicle fleets from gasoline and diesel to natural gas, anticipated as follows:

Approximate “Fast-Fill” (public access) fuelings per day:
10 light-duty trucks and passenger vehicles
10 heavy-duty (e.g. buses, refuse trucks)
Approximate “Time-Fill” fuelings per day:
8 City vehicles
8 Burton School District buses

Natural gas will be provided by Southern California Gas via pipeline in Prospect Street and/or Grand Avenue. Dual compressor units and storage vessels will likely be sited at the public access station and designed to allow simultaneous use of all three component fueling stations at and adjacent to the Corporation Yard (final engineering design will determine the optimal size, capacity and location for the compressors). Equipment anticipated to be needed includes:

- One Duplex Compressor Skid providing 1000 scfm\(^1\) of compressed natural gas
- 10 two-hose “time-fill” dispensers being able to refuel vehicles up to 3,600 psi\(^2\)
- 1 two-hose “fast-fill” public dispenser
- 1 card reader
- 6 storage vessels
- 1 Zebec regenerative dryer

The City-owned project site is currently developed and is occupied by a public-access drive-through (drop-off) recycling center. This facility contains concrete pads, asphalt driveways, landscaping consisting of turf and 5 mature trees, and a hemispherical block wall with various chutes behind which collection bins for various types of recyclables are located. Since the City initiated a curbside recycling program, public use of the Recycling Drop-Off Center has diminished significantly. Therefore, the City proposes to remodel the recycling facility to incorporate the CNG facility, utilizing existing improvements to the greatest degree possible. A minimal amount of trenching is expected in order to connect the underground natural gas lines to source pipelines adjacent to the property. Other work is likely to include some repaving, minor utility, security and fencing work. The fueling island will function very similarly to gasoline dispensers (with automatic emergency and crash shut-offs), video training and pay-at-the-pump capability. Fueling islands will feature overhead lighting for customer safety. No overhead canopy is proposed at this time.

The station construction is expected to take approximately 4 months to complete following award of construction contract. The City’s objective is to team with a contractor with expertise in CNG facility construction for design-build services to get the project constructed cost-efficiently and on-line for an opening day in early 2008.

---

\(^1\) Standard cubic feet per minute

\(^2\) Pounds per square inch
PROJECT NEED & OBJECTIVES

The need for and objectives of the City of Porterville Compressed Natural Gas (CNG) Regional Fueling Facility are as follows:

- Provide additional CNG fueling capacity to accommodate the City’s expanding CNG-powered transit and solid waste vehicle fleets and those of other agencies in the region such as the Porterville and Burton school districts, the Porterville Sheltered Workshop and the County of Tulare.
- Improve air quality by providing a convenient CNG fueling location and thereby facilitating conversion from gasoline/diesel to CNG vehicles.
- Realize long-term savings in fuel costs for the City and its residents and make fiscally prudent use of City-owned property.

CONSISTENCY WITH PLANS AND POLICIES

The project site is designated “Public and Quasi-Public” in the City of Porterville General Plan Land Use Element. The proposed CNG facilities will be incorporated into the existing Corporation Yard in an area zoned “OA” – Open Area. A CNG fueling facility is not specifically listed as an allowed use in the OA zone, however “public buildings & uses” are allowed. The City is not subject to its own police powers and therefore is not required to strictly adhere to the provisions of its own zoning ordinance on City-owned land. Therefore, the project site is consistent with the land use designation. The facility shall be constructed, maintained and operated in compliance with all applicable federal, state, and local laws, ordinances and regulations.

ALTERNATIVES

Two alternatives were identified and analyzed by the City for this project, a “preferred alternative” and a “no action” alternative; one additional option was considered and rejected from full analysis.

The Preferred Alternative (as described in detail in this IS) is the alternative selected; this proposes to establish a regional CNG fueling facility on the east side of the City Corporation Yard next to the existing recycling center and utilizing the same driveways, with upgrades, from Prospect Street.

The No Action Alternative would result in no changes to the existing structures or facilities. No additional CNG fueling capacity would be supplied to support the expansion of public agency CNG vehicle fleets or the expanded use of CNG vehicles by non-profit organizations and private businesses and individuals. The existing slow-fill hook-ups located within the Corporation Yard at the nearby bus maintenance facility would continue to be available to city vehicles. The nearest fast-fill CNG fueling facilities to serve other users are located in the cities of Tulare and Visalia, 22 and 27 miles away respectively.

In addition, an alternative location for the regional CNG fueling facility south of the recycling center on Prospect Street was considered, but eliminated from detailed study. This alternative location would take up a portion of a city park. The resulting Section 4(f) requirements and the potential effects to all associated park resources, including cultural resources, biotic communities, and endangered species, were deemed too significant to continue environmental analysis of this course of action as a “reasonable” alternative.
ENVIRONMENTAL CONDITIONS

ENVIRONMENTAL SETTING

Porterville is located in the southeast portion of the San Joaquin Valley, at the base of the Sierra Nevada foothills in southern Tulare County. Tulare County is characterized by moderate, wet winters and hot, dry summers. The annual mean temperature is 78.1 degrees Fahrenheit, and winds prevail from the Northwest.

The proposed project site elevation is at or about 435 feet above sea level and lacks any distinct topographical features; the topography of the project site, and surrounding area, is generally flat. The site currently consists of a bus barn (shed enclosure) and circulation area for Burton School Buses, an area for a recently approved expansion to the Corporation Yard to accommodate the City Bus Maintenance Facility and it's slow/time-fill CNG refueling posts and a public recycling facility consisting of a drive-through loop up to a hemispherical 6-foot wall through which recyclables can be deposited into bins located behind the wall. The project site is essentially void of vegetation except for some turf and 3-4 trees in the landscaped area in and surrounding the entry-way to the recycle center. Except for the recycle center which is open and accessible to the public from along Prospect Street, the Corporation Yard is bordered by chain link fencing and/or oleander hedges which separate it from a park area on the east and south sides. No permanent bodies of water are present on or adjacent to the project site. Porter Slough runs parallel to the site about 200 feet south of the south edge. Its flow varies greatly and it is dry for much of the year. Water holding basins, located just north of the slough have standing water temporarily as a result of rain storms. The surrounding area is almost fully urbanized.

POTENTIAL/PROBABLE ENVIRONMENTAL IMPACTS

Two written and two telephone responses were received from interested agencies or individuals during the early consultation period (December 14th – December 28th, 2006) for this Initial Study/Environmental Assessment. (See Appendix A - Responses to Early Consultation.) Telephone comments were received from Al Dias, Associate Transportation Planner at Caltrans District 6, indicating “No Comment”; and Dr. John Snively, Porterville Unified School District Superintendent, indicating support for the project and no environmental concerns. Written comments were received from TCAG (Tulare County Association of Governments) in support of the project and with no environmental concerns, and from the Porterville Fire Department expressing regulations and ordinance requirements applicable to CNG facilities. These comments have been incorporated into the attached Environmental Checklist. As discussed in the Environmental Checklist, no potentially significant adverse environmental effects of the proposed project have been identified that are not dealt with through existing regulations applicable to the concerns raised.

MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

According to the attached Environmental Checklist, the proposed project will not have any significant adverse effects, or will have less than significant adverse effects, on the environment. Due to the lack of significant environmental impacts from the proposed action, no mitigation measures are required.

ENVIRONMENTAL CHECKLIST

The attached Environmental Checklist includes responses to areas of potential/probable environmental concern. A discussion is provided evaluating each area of potential concern.
ENVIRONMENTAL DETERMINATION

This Initial Study and the attached Environmental Checklist contain detailed evaluations of the potential/probable areas of impacts associated with this project. The evaluations contain reasoning which conclude that no potential adverse environmental impacts will result regarding those categories of impacts specified under CEQA (aesthetics, agriculture resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, or utilities and service systems).

Therefore, the preparation and adoption of a Negative Declaration is recommended pursuant to this Initial Study, in compliance with State CEQA regulations.

Negative Declaration--ND (CEQA)

The California Public Resources Code Division 13: Environmental Quality, Section 21064 identifies a Negative Declaration as “a written statement briefly describing the reason that a proposed project will not have a significant effect on the environment and does not require the preparation of an environmental impact report.”

The California Public Resources Code Division 13: Environmental Quality, Section 21080(c) states, “If a lead agency determines that a proposed project, not otherwise exempt from this division, would not have a significant effect on the environment, the lead agency shall adopt a negative declaration to that effect.”

PROPOSED ACTIONS

The City of Porterville seeks to take the following actions with respect to this environmental document:

1. Adoption of a Negative Declaration for the CNG Regional Fueling Facility
   The City determines that this Initial Study prepared and circulated for public review and comment is in compliance with the California Environmental Quality Act (CEQA) and the State and local Guidelines implementing the Act, and certifies that the document is adequate pursuant to CEQA and that the document and public comments received thereon have been considered before making the final decision on the project. Based upon the record, the City finds that there are no significant impacts associated with this project, and hereby directs that a Negative Declaration be prepared.
DOCUMENTS, PERSONS & AGENCIES CONSULTED


California Department of Fish and Game (CDFG). California Natural Diversity Database. November 2006.

California Department of Toxic Substances Control, EnviroStor Database [consulted at http://www.envirostor.dtsc.ca.gov on 12/13/06]


Email dated 01/02/07 from Baldo Rodriguez, Public Works Director, City of Porterville, reporting on his telephone conversation on or about 12/15/06 with Dr. John Snavely, Porterville Unified School District Superintendent, who expressed his support for the project and raised no concerns on the draft IS.


Letter dated 12/19/06 from Scott Cochran, Senior Regional Planner, Tulare County Association of Governments, in response to Early Consultation.

Memo dated 12/18/06 from Captain Stucker, City of Porterville Fire Department, in response to Early Consultation.


Telephone conversation on 12/29/06 with Vicki Schulz, Public Works Department Secretary, City of Porterville, indicating “no comment” telephone response to Early Consultation received from Al Dias, Associate Transportation Planner, Caltrans District 6.


ENVIRONMENTAL DOCUMENTATION

On the basis of this initial evaluation:

X I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION (CEQA) will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION (CEQA) will be prepared.

I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (CEQA) is required.

City of Porterville Representative
Signature

Date

Bradley D. Dunlap
City of Porterville Representative
Printed Name

Community Development Director
Title
ENVIRONMENTAL CHECKLIST FORM

Project Title: Compressed Natural Gas (CNG) Regional Fueling Facility  
Lead Agency: City of Porterville, 291 North Main Street, Porterville, CA, 93257, (559) 782-7460  
Project Number: TLC06-013 Porterville  
Project Location: Portions of APNs 251-070-01 and 251-080-01 consisting of 1.2 +/- acres lying west of Prospect Street between Grand Avenue and Morton Avenue in the City of Porterville.  
General Plan Designation: Public and Quasi-Public  
Zoning: OA, Open Area  
Project Description: Construction of a compressed natural gas (CNG) regional fueling facility on already-developed City-owned property at the existing City Corporation Yard, to provide a City-fleet and public-access "fast-fill" and private "time-fill" (for the Burton School District) CNG facilities. The project is partially funded by a grant from the Federal Highway Administration (FHWA) under the Congestion Mitigation and Air Quality (CMAQ) Improvement Program and partially by the City of Porterville.

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<th>Issues (and Supporting Information Sources):</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<td><strong>I. AESTHETICS</strong> Would the project:</td>
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<td>a) Have a substantial adverse effect on a scenic vista?</td>
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<td><strong>Discussion:</strong> On occasion there are clear views of the Sierra Nevada mountains from all over the Porterville area. Canopy covers over the public- or private-access CNG facilities are not proposed. There are no other structures proposed that would extend higher than the existing 6-foot wall that currently separates the Corporation Yard from the proposed public-access fuel site fronting on Prospect Street. The bus barn structure for the Burton School District bus parking already exists. Consequently the proposed project has minimal potential to affect the views of the Sierra Nevada mountains for off-site viewers given the distance those viewers would be set back from the structures and the limited height of the CNG facility devices. No scenic vistas are present within, or surrounding, the project area; therefore no impact will occur.</td>
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<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>☐</td>
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<td><strong>Discussion:</strong> The project is not within a state scenic highway corridor, therefore no impact will occur.</td>
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TPG Consulting, Inc.
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
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**Discussion:** The project site is surrounded by the City Corporation Yard and City-operated sewage treatment plant to the north and west; additional storage ponds to the southwest; City park land and the Porter Slough to the south, and Prospect Street to the east with residential development beyond. There is an existing 6-foot high block wall at the proposed location of the public-access refueling site behind which the recycling bins are contained. Recycled items are received by the bins through small openings in the wall. This block wall will serve to partially obscuring views toward the Sierra mountains to the northeast from the Corporation Yard and from the Burton School bus parking area. With no canopies proposed and the low-scale nature of the fueling devices and no other structures that would exceed the height of the wall, the incorporation of the CNG facility at the recycling center and addition of private use CNG pumps at the Burton School bus parking facility will have a minimal impact on public views and the existing visual character or quality of the site and its surroundings. The impact will be less than significant.

| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☒ | ☐ |

**Discussion:** The project will add some light and glare to the area through installation of new lights in and around the public-access fuel station along Prospect Street and around the bus stalls and private fueling station within the Corporation Yard. The residential area to the east of Prospect is already subject to diffused lighting from along Prospect Street and at the Corporation Yard. All additional project lighting will be hooded or directed in accordance with City standards (Ref. PMC Section 2296). The new light source will not be substantial, and will not adversely affect day or nighttime views in the area; therefore the impact will be less than significant.

II. AGRICULTURAL RESOURCES Would the project:

| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ |

**Discussion:** The project site is surrounded by urbanization and does not contain any prime or unique farmland, or farmland of statewide importance. (FMMP 2002, also in Porterville General Plan Update, Dyett & Balitia, 2003) Development of the project site will not involve the
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<tr>
<td>acquisition of farmland, nor will it indirectly lead to the conversion of farmland for non-agricultural use; therefore no impact will occur</td>
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<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
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<tr>
<td>Discussion: The project site is designated in the City’s General Plan as Public and Quasi-Public. The site is currently zoned OA, Open Area which allows for public and commercial uses; therefore the project will not conflict with existing zoning for agricultural use, or a Williamson Act contract. No impact will occur</td>
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<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</td>
<td>☐</td>
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<tr>
<td>Discussion: The project site is in an urbanized area, which does not contain any farmland, therefore, the project will not result in conversion of farmland to non-agricultural use. No impact will occur</td>
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III. AIR QUALITY Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐                             | ☐                                                   | ☐                            | ☒        |
<p>| Discussion: The City of Porterville General Plan does not identify any air quality plan in place within Porterville. The project does not conflict with, or obstruct, implementation of the San Joaquin Valley Air Pollution Control District’s (SJVAPCD) air quality plan; therefore no impact will occur | ☐                             | ☐                                                   | ☐                            | ☒        |
| b) Violate any air quality standard or contribute to an existing or projected air quality violation? | ☐                             | ☐                                                   | ☐                            | ☒        |
| Discussion: According to the California Air Resources Board, the project lies within a non-attainment area for the National Ambient Air Quality Standards (NAAQS) for ozone and particulates (PM-10). During construction activities at the project site, air emissions and dust could potentially be generated. Fugitive dust emissions (particulate matter) from minimal trenching activities would comprise the major source of construction dust emissions. Vehicle equipment exhaust during construction may generate minor emissions, but the sources will only be temporary. This potential impact would occur over a period of up to five months while project construction is underway. This impact would not significantly conflict with or obstruct implementation of any air quality plans. Project construction control measures would be included as a requirement of the project construction specifications, would be implemented by the project contractor, and would satisfy any SJVAPCD requirements for the control of air | ☐                             | ☐                                                   | ☐                            | ☒        |</p>
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<td>pollutants during demolition and construction activities. However, since the facility will be utilized by CNG-powered vehicles, it is not anticipated that the project will cause or contribute to any new localized carbon monoxide (CO) or particulate matter (PM) violations, or increase the frequency or severity of any existing CO or PM, therefore no impact will occur.</td>
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<tr>
<td>Because the project will accommodate the expansion of bus service in the city, the project has the potential to result in an incremental reduction of pollutant generation as more drivers may find bus transportation a viable alternative. Also, the incorporation of new fast-fill CNG dispensers and additional time-fill dispensers will accommodate new, cleaner CNG vehicles, thus reducing overall fleet exhaust emissions.</td>
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<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
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<tr>
<td>Discussion: The project qualifies as a Small Project Analysis Level (SPAL) project under the San Joaquin Valley Unified Air Pollution Control District’s (SJVAPCD) Guide for Assessing and Mitigating Air Quality Impacts, 2002, (GAMAQI), Table 3-2. According to the SJVAPCD (GAMAQI, pg. 35), SPAL projects have no possibility of exceeding cumulative emissions thresholds, therefore no impact will occur.</td>
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<td>d) Expose sensitive receptors to pollutants?</td>
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<tr>
<td>Discussion: The nearest sensitive receptors are residences, mostly duplexes, on the east side of Prospect Street. These are located at least 100 feet away from the nearest point of the project site. Local residents could be exposed to air emissions during construction and fuel operation. The project site was previously used as a drop off point for domestic recycling materials, so the project is not expected to significantly increase emissions. Vehicles fueling at the facility operate on CNG, so emissions from these vehicles are lower than their gasoline or diesel equivalents. Vehicle engines are required to be turned off during fueling. Construction workers or other workers could be exposed to air emissions from the proposed construction activities. This, however, is a temporary impact, and would be mitigated by the implementation of the air quality control measures for project construction discussed above in the response to Item III(a). Since there is no evidence that the CNG facility operation (or construction thereof) will create locally significant concentrations of air pollutants and does not meet the SJVAPCD criteria for CO “hot spot” analysis.</td>
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### Issues (and Supporting Information Sources):

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<th>(GAMAQT, pg. 49), the potential effect on sensitive receptors is less than significant.</th>
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<tr>
<td>Potentially Significant Impact</td>
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<tr>
<td>e) Create objectionable odors?</td>
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**Discussion:** During project construction activities, emissions from construction equipment could potentially result in some unpleasant odors in the immediate vicinity of the equipment. This impact, however, is temporary, and less than significant. A minimal amount of odor at very close range may be detected by the individual fueling his or her vehicle. Automatic shut-offs will be installed on the equipment to prevent any major release of fuel. See discussion under “VII- Hazards and Hazardous Materials.” The operational characteristics of the bus facility are such that it has minimal potential to create objectionable odors. Furthermore, as the City fleet transitions from gasoline-fueled to CNG-fueled vehicles, the project will serve to reduce the creation of objectionable odors by reducing particulate emissions associated with bus exhaust fumes. Therefore, the impact will be less than significant.

### IV. BIOLOGICAL RESOURCES

**Would the project:**

| Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | | | |
|---|
| Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
| a) | | | |

**Discussion:** There are no recorded occurrences of species of concern in or around the project site (DFG CNDDB, Nov. 2006). The City-owned project site, including the Corporation Yard, is already highly disturbed with corporation and school district structures and the recycling facility and so very little vegetation exists, except for induced turf and 5 shade trees along the entry/access drive to the recycling center. The trees may be retained in the final facility layout, or otherwise replaced, if feasible. The impact is therefore considered to be less than significant.

| Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? | | | |
|---|
| Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
| b) | | | |

**Discussion:** The project will be incorporated into already developed areas of City-owned property. There are no designated riparian areas or sensitive species within the project area, therefore no impact will occur.
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<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☒</td>
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<tr>
<td>Discussion: A Phase I Environmental Site Assessment (ESA) was completed for the project site in August of 2005, in relation to a previously proposed Bus Maintenance Facility Expansion at the Corporation Yard. This project proposed use of some abandoned sewage treatment ponds. The Phase I ESA found that the abandoned ponds on the site are listed in the National Wetlands Inventory. Further investigation and coordination with the U.S. Army Corps of Engineers determined that the affected basins are not jurisdictional wetlands and that the project would not impact Porter Slough. The Army Corps of Engineers therefore determined, as set forth in a letter dated February 28, 2006 (refer to City of Porterville, Bus Maintenance Facility Expansion IS/EA, May 2006), that a Section 404 permit was not required for that project. The proposed CNG project will be incorporated into already developed areas of the City-owned property. In light of this fact and the disclosure to and determination by the USACE relative to potentially impacted areas at the Corporation Yard, the subject CNG project will not have a substantial adverse effect on any riparian habitat or other sensitive natural communities. No impact will occur.</td>
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<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>☒</td>
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<tr>
<td>Discussion: Given that the project site is surrounded by urbanization, and is already largely developed, it appears that the project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. There is almost no vegetation at the Corporation Yard and except for the several small specimen non-native trees along the entry drive to the recycling center, there is little opportunity for cover or forage. Therefore no impact will occur.</td>
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<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preserve policy or ordinance?</td>
<td>☒</td>
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<tr>
<td>Discussion: The project does not conflict with any local policies or ordinances protecting biological resources, therefore no impact will occur.</td>
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<td>Issues (and Supporting Information Sources):</td>
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<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td>☐</td>
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<tr>
<td>Discussion: There are no Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional, or state habitat conservation plans in the project area, therefore no impact will occur.</td>
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V. CULTURAL RESOURCES Would the project:

| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | ☐ | ☐ | ☐ | ☒ |
| Discussion: According to the City of Porterville General Plan, there are no properties within the immediate project area listed on the National Register of Historic Places or otherwise identified as of historical significance, therefore no impact will occur. | | | | |

<p>| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | ☐ | ☐ | ☒ | ☐ |
| Discussion: The Porterville area is generally considered to have high archaeological sensitivity, but no archaeological resources are known to exist on or immediately adjacent to the project site. Due to prior site disturbances associated with construction of the Corporation Yard and recycling drop-off center, on-site soils are known to be highly disturbed and no in-situ archaeological resources are known to be present on the site. In conformance with existing General Plan policy, if any cultural materials, paleontological resources, or human burials are exposed or discovered during subsurface constructions, operations shall stop within 33 feet of the find and a qualified professional archeologist contacted for evaluation and further recommendations. This impact is therefore considered to be less than significant. | | | | |</p>
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<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
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**Discussion:** Due to prior site disturbances associated with construction of the Corporation Yard and recycling drop-off center, on-site soils are known to be highly disturbed and no in-situ paleontological resources are known to be present on the site. In conformance with existing General Plan policy, if any cultural materials, paleontological resources, or human burials are exposed or discovered during subsurface construction, operations shall stop within 25 feet of the find and a qualified professional archeologist contacted for evaluation and further recommendations. This impact is therefore considered to be less than significant.

| d) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☒ | ☐ |

**Discussion:** No known human remains are present within the project area. Additional movement of the already disturbed ground as a result of the project will be minimal. The potential impact is therefore less than significant.

**VI. GEOLOGY AND SOILS** Would the project:

| a) | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporation | Less Than Significant Impact | No Impact |

| i) | Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology special Publication 42. | ☐ | ☐ | ☒ | ☐ |

**Discussion:** The City of Porterville General Plan states that, "Alquist-Priolo Special Studies Zones are not found within the City of Porterville Urban Area Boundary due to the absence of potentially active faults"; therefore no impact will occur.

| ii) | Strong seismic ground shaking? | ☐ | ☐ | ☒ | ☐ |

**Discussion:** Porterville is located in a seismic zone which is sufficiently far from known faults, and consists primarily of a stable geologic formation. According to the California Geologic Survey, seismic hazard zones are not found within the City of Porterville's Urban Area Boundary; therefore no impact will occur.
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<td>iii) Seismic ground failure, including liquefaction?</td>
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<tr>
<td><strong>Discussion:</strong> Porterville is located in a seismic zone which is sufficiently far from known faults, and consists primarily of a stable geologic formation such that the potential for seismic ground failure is considered to be very low; therefore no impact will occur.</td>
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<tr>
<td>iv) Landslides or mudflows?</td>
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<tr>
<td><strong>Discussion:</strong> The project site is essentially level except for the graded banks of the storage ponds, which will be brought to grade level by the project. According to the City of Porterville General Plan, no portions of the Porterville planning area are susceptible to landslides; therefore no impact will occur.</td>
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<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
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<tr>
<td><strong>Discussion</strong> The project site will be repaved and open areas will be landscaped. Thus, no soil erosion hazards are expected on site; therefore no impact will occur.</td>
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<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
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<tr>
<td><strong>Discussion</strong> According to the Natural Resource Conservation Service (NRCS) the soil underlying the project area is a loamy, well-drained soil, suitable for building site development; therefore no impact will occur</td>
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<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</td>
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<tr>
<td><strong>Discussion</strong> According to the Natural Resource Conservation Service (NRCS) the soil underlying the project area has a low shrink/swell behavior and a high water capacity. The underlying soil is not expansive soil; therefore no impact will occur</td>
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<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</td>
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<tr>
<td><strong>Discussion</strong> The project will not involve the use or modification of septic tanks or wastewater disposal systems where sewers are not available for the disposal of waste water; therefore no impact will occur.</td>
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<td>VII. HAZARDS AND HAZARDOUS MATERIALS</td>
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<td>Would the project:</td>
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<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
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<tr>
<td>Discussion: A hazardous material is defined as any substance that may be hazardous to humans, animals, or plants, and may include pesticides, herbicides, toxic metals and chemicals, volatile chemicals, explosives, and even nuclear fuels or low-level radioactive wastes. A Phase I ESA was completed for the adjacent bus maintenance facility expansion project site in August of 2005. In summary, it was found that: 1) there was no evidence of substantial releases of hazardous substances on the property; 2) monitoring wells indicate elevated levels of nitrate in the groundwater immediately down gradient of the subject site. Future uses of the site may have to accommodate nitrate remediation activities as may be ordered by RWQCB, the regulatory agency; 3) the abandoned ponds on the site are listed on the National Wetlands Inventory. See discussion under Item IV(c) above. Project operation will involve the import, through existing buried gas pipelines, and use of compressed natural gas (CNG) for fueling of new CNG-powered buses and other City-fleet vehicles and private passenger vehicles. Natural gas pipelines operated by Southern California Gas Co (SCG) already exist within Prospect Street and Grand Avenue. The fueling station will tie-in to one or the other of these lines depending on final design and determination by SCG. Natural gas is an abundant resource and its use can contribute to a reduction in the reliance on imported energy sources. The safety record of natural gas compares favorably to almost any traditional fuel, due largely to superior technology and the inherent physical attributes of natural gas, which make it as safe or safer to use than gasoline. In the case of a leak, for example, natural gas poses little danger because it is lighter than air and rises and therefore dissipates rapidly. Further, facility owners need not contend with threat of leaks from underground tanks. The impact is considered to be less than significant.</td>
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<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
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<td>Discussion: The project will not involve the use of hazardous materials except for CNG. Natural gas is not, in itself, particularly harmful but is flammable/explosive in a relatively narrow range of volume concentration in air.</td>
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(3% to 13%) (Federal Transit Administration, April 1999) Concentrations of natural gas from a CNG leak decrease rapidly with distance from the source due to increasing volumes of air. Since pumps are required to be equipped with emergency shut-off devices in the event of accidental impact by vehicles, risk of explosion is reasonably minimized.

Risks related to fire hazard and objects projected at high speed by gas pressure exist with the use of CNG. However, there are applicable safety standards for CNG facilities and vehicles, including but not limited to National Fire Protection Association Standard NFPA 52 and Society of Automotive Engineers Standard SAE J1616 and California Building Codes, which when applied at CNG facilities are believed in the industry to be the best practices to reduce the potential for significant adverse effects. The facility will be inspected for conformance with applicable standards and other regulatory requirements, including the Uniform Fire Code, by the City of Porterville Fire Department. Based on the proposed site plan, the CNG fueling installations will comply with all property line setback requirements and will be located approximately 100 feet from the nearest residences on the east side of Prospect Street. The danger posed by risks associated with proximity of residential uses near the CNG facility are minimized due to the physical attributes of natural gas as discussed in (a) above, and the safety standards to be applied for buildings and equipment.

The Porterville Fire Department in their consultation response dated December 18, 2006 indicates that CNG poses a potential hazard due to flammability and the health effects of inhalation. The Fire Department memo lists applicable code requirements including California Fire Code Article 52, NFPA 52 and California Building Codes. These codes are adopted by the City of Porterville and referenced in the Municipal Ordinance Code. The memo also indicates the initial isolation/evacuation areas applied by the Fire Department for a leak, spill or fire based on the latest edition of the North American Emergency Response Guidebook (U.S. Dept. of Transportation). The “large spill/leak” evacuation area of ½ mile cited in the memo would, in the case of a CNG fueling station meeting current standards, only reasonably apply to a complete rupture of a CNG holding tank which is one of the least likely types of damage to occur. (Capt. L. Stucker, Porterville Fire Department, phone communication, 1/4/07). With regard to health effects of inhalation, methane, the primary component of natural gas, is considered, according to a National Academy of Sciences report (2000) a simple asphyxiant. This means that the gas presents a danger from displacement of oxygen-bearing air, without other significant physiologic effects. Asphyxiant effects would occur at
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<td>concentrations far higher than the flammability range and such concentrations would be extremely difficult to achieve if the natural gas leak occurred outdoors, as would be the case with the CNG fueling station. The release of hazardous materials into the environment is avoided to the greatest extent reasonably and feasibly possible through the CNG standards as discussed above in Item VII(a). Therefore the impact is considered to be less than significant</td>
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<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
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<tr>
<td>Discussion: The Prospect Education Center is located at the northwest corner of Prospect and Grand, just north of and within ¼ mile of the project site. The closest CNG fueling area would be at least 800 feet from the Education Center building and downwind, given the prevailing northwest winds during the day and east winds in the evening in the Porterville area. Based on the discussion of potential hazards in Items (a) and (b) above, there is no reasonably foreseeable effect of the proposed CNG fueling station, short of a CNG holding tank rupture, which is extremely unlikely, on the Prospect Education Center. Therefore this impact is considered to be less than significant.</td>
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<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65692.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>☐</td>
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<tr>
<td>Discussion: The City-owned project area is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65692.5. Therefore no impact will occur</td>
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<tr>
<td>e) For a project located within an airport land use plan or, where such a plan had not been adopted, within two miles of a public use airport, would the project result in a safety hazard for people residing or working on the project area?</td>
<td>☐</td>
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</tr>
<tr>
<td>Discussion: The project is near the outer edge of the conical zone according to the City of Porterville 1990 Airport Master Plan. The project will not change the population density of the site, therefore no impact will occur</td>
<td>☐</td>
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<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>☐</td>
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<tr>
<td>Discussion: The project is not within the vicinity of a private airstrip; therefore no impact will occur</td>
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<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
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<tr>
<td><strong>Discussion:</strong> The project does not interfere with an adopted emergency response plan or emergency evacuation plan, therefore no impact will occur.</td>
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<td>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td>☐</td>
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<tr>
<td><strong>Discussion:</strong> The project is not in the vicinity of any wildlands, therefore no impact will occur.</td>
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**VIII. HYDROLOGY AND WATER QUALITY**

Would the project:

| a) Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☒ | ☐ |
| **Discussion:** The proposed project will not add pollutants to the water supply which would exceed water quality standards or waste discharge requirements. All drainage will be integrated into the City’s existing drainage system. All City, State, and Federal water quality standards will be met or exceeded with development of the CNG facility, therefore the impact is considered to be less than significant. | | | | |

| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☒ |
| **Discussion:** The majority of the proposed modifications will be above ground. The only underground feature will consist of a natural gas line. The extension of the current utility line will not affect the quantity of groundwater or the groundwater recharge capability and not be placed deep enough to alter the integrity of an aquifer, therefore no impact will occur. | | | | |

| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | ☐ | ☐ | ☐ | ☒ |
| **Discussion:** The project site is currently developed, paved, and utilizes the City’s existing storm drainage system. Development of the proposed project will not directly or indirectly affect the course of a stream or river. Project activities will be separated from the nearest waterway, the Porter Slough channel to the south, by abandoned | | | | |
### Issues (and Supporting Information Sources):

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<tr>
<td>Wastewater storage ponds and open areas: therefore no impact will occur</td>
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<td><strong>d)</strong> Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
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<tr>
<td><strong>Discussion:</strong> See the discussion under Item VIII(c) above. On-site surface flows will be collected for disposal within the existing storm drain system and will not directly discharge into surface waters. The project would not substantially alter the existing drainage pattern of the site or area, or alter the course of a stream or river, in a manner that would result in flooding on- or off-site; therefore no impact will occur.</td>
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<tr>
<td><strong>e)</strong> Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
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<tr>
<td><strong>Discussion:</strong> The project will not create or contribute to runoff water in excess of existing storm water drainage systems. The proposed project will not alter current site drainage patterns. All drainage will be integrated into the City's existing drainage system, therefore no impact will occur.</td>
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<tr>
<td><strong>f)</strong> Otherwise substantially degrade the water supply?</td>
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<tr>
<td><strong>Discussion:</strong> The proposed project will utilize the existing storm drainage system and will meet or exceed all City, State, and Federal water quality standards. The proposed CNG fueling facility is not expected to impact the City's water supply; therefore no impact will occur.</td>
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<tr>
<td><strong>g)</strong> Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<tr>
<td><strong>Discussion:</strong> According to the Federal Emergency Management Agency (FEMA), the project site is located in Zone C, Community Panel No. 000407, Map No. 0010 D, dated October 15, 1985 Zone C is described as, “Areas of minimal flooding.” The project will not place housing within a 100-year flood hazard area; therefore no impact will occur.</td>
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<tr>
<td><strong>h)</strong> Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
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**Discussion:** According to the Federal Emergency Management Agency (FEMA), the project site is located in Zone C, Community Panel No. 060407, dated October 15, 1985. Zone C is described as, “Areas of minimal flooding.” The project will not place structures within a 100-year flood hazard area. The only nearby flood hazard area is the channel of Porter Slough south of the site. Project construction or operations should not affect the Porter Slough channel; therefore no impact will occur.

| **i)** Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | ☐                             | ☐                                                   | ☒                          | ☐         |

**Discussion:** The potential for substantial loss due to flooding as a result of this project is minimal. According to the General Plan Update maps, the site may be subject to flooding due to a failure of Success Dam. In this case, there should be sufficient warning for the CNG fueling facility to be shut down and shielded from flood water and debris. Therefore, this impact is less than significant.

| **j)** Inundation by seiche, tsunami, or mudflow? | ☐                             | ☐                                                   | ☐                          | ☒         |

**Discussion:** The City of Porterville is not in an area that is affected by, or subject to, seiches, tsunamis or mudflows; therefore no impact will occur.

**IX. LAND USE AND PLANNING** Would the project:

| **a)** Divide an established community? | ☐                             | ☐                                                   | ☐                          | ☒         |

**Discussion:** The project will not result in the division of an established community. The project will not involve a taking for right of way; no new right of way or temporary/permanent easements will be required. Proposed development will occur entirely within City owned property. No impact will occur.

| **b)** Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | ☐                             | ☐                                                   | ☐                          | ☒         |

**Discussion:** The project site is designated in the City’s General Plan for Public and Quasi-Public. The project site, as well as the rest of the Corporation Yard, is currently zoned OA, Open Area. The proposed use is consistent with the City of Porterville’s General Plan and Zoning Code. The facility expansions shall be constructed, maintained and operated in compliance with all applicable federal, state, and local requirements. No impact is expected.
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<td>and local laws, ordinances and regulations.</td>
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<tr>
<td>The project will not conflict with any applicable land use plan, policy or regulations of an agency with jurisdiction over the project. The project will not induce significant impacts to planned growth or land use for the area; therefore no impact will occur</td>
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<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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<tr>
<td>Discussion: The project will not conflict with any habitat conservation plan or natural community conservation plan, therefore no impact will occur.</td>
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**X. MINERAL RESOURCES** Would the project:

| a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? |                               |                                                      |                             |           |
| Discussion: According to the Conservation Element of the City of Porterville General Plan (July 1998) there are no known mineral resources located in the project area that would be of future value to the region and the residents of the State; therefore no impact will occur. |                               |                                                      |                             |           |

| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? |                               |                                                      |                             |           |
| Discussion: The City of Porterville General Plan does not delineate any mineral resource recovery sites in the project area; therefore no impact will occur. |                               |                                                      |                             |           |

**XI. NOISE** Would the project:

<p>| a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? |                               |                                                      |                             |           |
| Discussion: The primary sources of noise will be short-term or temporary construction noises and long-term operational noise. Construction noise is largely a function of the construction equipment used, the location and sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. Construction noise levels will vary depending on construction phase, equipment type and duration of use, distance between noise source and receptor, and presence or absence of barriers between noise source and receptor. All noise generating construction activities will be conducted in accordance with City noise policies. |                               |                                                      |                             |           |</p>
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<tr>
<td>Long-term operation noise sources associated with the proposed project include electrical compressors and the occasional testing of the emergency generator. These noise sources are not anticipated to significantly increase existing noise levels that are currently generated by the Corporation Yard. Moreover, the compressors will be located within the existing Corporation Yard, behind a 6-foot block wall that separates the recycling bins from the public drop-off site. This wall will serve to act as a noise barrier between the compressors and the residential housing located to the east (on the east side of Prospect Street). The impact will be less than significant.</td>
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<tr>
<td><strong>b)</strong> Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
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<tr>
<td><strong>Discussion:</strong> The project may generate groundborne vibration during construction, as a result of soil compaction. All construction activities will be conducted in accordance with applicable State and local regulations. The impacts associated with this item will be temporary and are considered to be less than significant.</td>
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<tr>
<td><strong>c)</strong> Result in a substantial or permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
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<tr>
<td><strong>Discussion:</strong> See discussion under Item XI(c) above. The impact will be less than significant.</td>
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<tr>
<td><strong>d)</strong> Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
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<tr>
<td><strong>Discussion:</strong> The construction phase of the project will produce a temporary increase in ambient noise levels in the project vicinity. However, this increase will be short-term in duration, will be carried out in accordance with City regulations, and will only occur during daylight hours; therefore the impact will be less than significant.</td>
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<tr>
<td><strong>e)</strong> For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
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<tr>
<td><strong>Discussion:</strong> The project is near the outer edge of the conical zone according to the City of Porterville 1990 Airport Master Plan, but will not expose people residing or working in the project area to excessive noise levels; therefore no impact will occur.</td>
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### Issues (and Supporting Information Sources):

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<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
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<td>X</td>
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<tr>
<td>Discussion: The project is not within the vicinity of a private airstrip; therefore no impact will occur.</td>
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### XII. POPULATION AND HOUSING Would the project:

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<tbody>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
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<tr>
<td>Discussion: The proposed project will serve to upgrade the existing CNG facility services and make it available to a wider range of public and private users, but will not directly lead to increased use as the purchase of CNG vehicles is not a part of this project. The project will not induce population growth through either direct or indirect means; therefore no impact will occur.</td>
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| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | | | | X |
| Discussion: The project will not displace existing housing or necessitate the construction of new housing; therefore no impact will occur. | | | | |

| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | | | | X |
| Discussion: The project will not displace people; therefore no impact will occur. | | | | |

### XIII. PUBLIC SERVICES Would the project:

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<tr>
<td>a) Result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
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<p>| i) Fire protection? | | | X | |
| Discussion: Fire protection will be provided to the site through existing City of Porterville fire services. The new facility will require additional fire inspection services both during construction and during operation. The installation of the CNG pumps proposed by the project will be inspected for conformance with applicable safety standards by the City of Porterville Fire Department, but | | | | |</p>
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<td>the resulting project will not require additional or unusual fire protection resources; therefore the impact will be less than significant.</td>
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<tr>
<td>ii) Police protection?</td>
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<tr>
<td>Discussion: Police protection will be provided to the site through existing City of Porterville police services. The project does not require additional police protection; therefore no impact will occur.</td>
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<td>iii) Schools?</td>
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<td>Discussion: The project does not require additional schools, therefore no impact will occur.</td>
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<td>iv) Parks?</td>
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<tr>
<td>Discussion: The project does not require additional parks in the City of Porterville, therefore no impact will occur.</td>
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<td>v) Other governmental services?</td>
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<tr>
<td>Discussion: The project does not require other government services beyond those currently provided to the area; therefore no impact will occur.</td>
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**XIV. RECREATION** Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Discussion: The project would not result in the need for increased use of existing neighborhood parks or recreational facilities; therefore no impact will occur.

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Discussion: The project does not include recreational facilities or require the construction or expansion of recreational facilities; therefore no impact will occur.

**XV. TRANSPORTATION/TRAFFIC** Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

Discussion Traffic to or around the project site is not expected to increase as a direct result of the addition of the private-access facility intended for use by the Burson School.
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District buses, nor by City-fleet vehicle usage of the "slow (time)" fill posts to be added at the current bus maintenance facility at the Corporate Yard. As CNG compatible buses and City vehicles are purchased, gas- or diesel-powered bus/trucks will be phased out or eliminated. Some minor growth in these fleets may occur over the years but such growth will be dependent on available capital/grant resources and so is not precisely determinable at this time. Such growth, however, is expected to be gradual and incrementally small; and ultimately not exceeding peak carrying capacity of adjacent roadways which are currently operating at acceptable levels of service (LOS).

The proposed project will have the potential to attract additional City-fleet vehicle traffic within and around the public-access CNG fueling station portion of the proposed project located off Prospect Street. However, given that the initial fleet size on opening day may only consist of 2 refuse trucks and 2 buses, and that the further transition of City-fleet vehicles from gas/diesel-powered to CNG powered vehicles will take place gradually, the increase in traffic to the site is also expected to increase gradually. Further, it is expected that City-fleet vehicles may only need to access the fast-fill station occasionally during the day for needed refueling, since the main fueling will take place overnight at the "slow" (time) fill station posts at the bus maintenance yard.

The public facility will be operational 24 hrs per day, 7 days per week, just like the recycling center. Consequently traffic patterns and frequency or distribution of visits to the site may change or increase only slightly from that occurring in relation to the existing corporate yard and recycling facility activities; but due to the initial small size of the fleet and slow rate of growth as discussed above, it is anticipated that traffic will not increase significantly, or more importantly, will not increase significantly during peak AM and PM travel periods on Prospect Street. Further, the City recently implemented a curb-side pick-up recycling program resulting in a significant drop-off in use and traffic currently utilizing the Corporation Yard recycling center. Traffic to the center is primarily limited to periodic use by nearby County residents.

According to an August 2005 Report of the Union of Concerned Scientists, there are currently only 130,000 natural gas vehicles on U.S. roads, including passenger cars and trucks, heavy-duty transit buses, and refuse haulers. The proposed refueling stations will be one of an estimated 1,300 stations located across the Country (again, as of 2005) It is unknown precisely how many privately-owned CNG-powered vehicles exist in Porterville and the surrounding regional area that would be served by this site. Is it presumed to be a very
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<td>small number (if not non-existent) given the national tabulations cited above. However, given that the transition of City-fleet vehicles from gas/diesel-powered to CNG powered vehicles will take place gradually, the increase in traffic to the site is also expected to increase gradually. Given the low volume production of passenger natural gas vehicles and their higher average price point (est. at about $3,000-$6,000 more) than standard gas-powered models, the market for sales of CNG vehicles is expected to remain less than the current 1% of all vehicles sales nationally. It can be expected that the over-all net increase in volume of traffic to the refueling site may stay about the same, given that purchase and utilization of CNG powered vehicles will phase out use or replace use of gasoline/diesel powered vehicles.</td>
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As the School District bus or City fleet grows, the number of trips will grow in direct proportion to the number of vehicles added to the service, but the resulting increase in trips will not substantially increase traffic, and would occur with or without this project, providing another CNG fueling facility was available to them.

Because the public-access fueling station is self-service, there would be no increase in traffic related to employees to operate the facility.

Compressed Natural Gas is delivered to the site by pipeline, and thus, traffic related to delivery of product will not increase to either station facility.

The project is not expected to result in a significant adverse increase in traffic or adversely affect travel patterns; therefore no impact will occur.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

Discussion: With the nominal increase in traffic expected as described above (see Item XY(a)), and lacking any evidence to the contrary, the project will not cause an increase in traffic and thus will not affect the existing levels of service. The project fronts on an arterial street with capacity to serve the use. The project will not exceed a level of service standard established by the County congestion management agency, the Tulare County Association of Governments (TCAG); therefore no impact will occur.
### Issues (and Supporting Information Sources):

<table>
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<tr>
<th>Issue</th>
<th>Description</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
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<td>c)</td>
<td>Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?</td>
<td>☐</td>
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<tr>
<td><strong>Discussion:</strong></td>
<td>The project has no bearing on air traffic patterns. The project will not result in a change in air traffic patterns that would result in substantial safety risks; therefore no impact will occur.</td>
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<td>d)</td>
<td>Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>☐</td>
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<tr>
<td><strong>Discussion:</strong></td>
<td>The project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. Furthermore, the proposed project will help to alleviate potential vehicle hazards by redirecting incoming and outgoing traffic to and from the facility through separate entrance and exit areas, and by providing pull-through truck and large bus staging, therefore no impact will occur.</td>
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<td>e)</td>
<td>Result in inadequate emergency access?</td>
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<tr>
<td><strong>Discussion:</strong></td>
<td>The project will maintain or improve existing emergency access based upon design and build-out per City and commonly accepted industry standards for CNG facilities to be utilized by passenger vehicles and larger wheel base vehicles such as refuse trucks and City transit buses. Therefore the project will not result in inadequate emergency access and no impacts will occur.</td>
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<td>f)</td>
<td>Result in inadequate parking capacity?</td>
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<tr>
<td><strong>Discussion:</strong></td>
<td>The proposed project is not a use that requires any long term parking, particularly since it is a self-serve facility with no employees. Only temporary parking or staging while fueling is needed, and such areas will be accommodated by the final design of the facility. The project will not result in inadequate parking capacity; therefore no impact will occur.</td>
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<td>g)</td>
<td>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnout, bicycle racks)?</td>
<td>☐</td>
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<tr>
<td><strong>Discussion:</strong></td>
<td>The project is included in the Tulare County Association of Governments’ (TCAG) 2006 Federal Transportation Improvement Program (FTIP), as project # TUL06-013. The project qualifies for funding under the Federal entitled Congestion Mitigation &amp; Air Quality (CMAQ) Improvement Program, since it envisions air quality mitigation through the incentive to replace gas- and diesel-powered public vehicles and fleets with natural gas powered vehicles by providing a conveniently located public- and private-access regional refueling station. Therefore the project furthers the attainment of</td>
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<td>Issues (and Supporting Information Sources):</td>
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<td>an alternative fueling source to reduce adverse air quality impacts, and does not conflict with any adopted policies, plans, or programs. Therefore, no impact will occur.</td>
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**XVI. UTILITIES AND SERVICE SYSTEMS**

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
   
   **Discussion**: The proposed project would not generate any wastewater or runoff that would adversely affect wastewater or stormwater facilities. The project would not generate any demand for water significantly greater than the existing water demand. The project would comply with federal, state, and local statutes and regulations related to solid waste, therefore no impact will occur.
   
   |                                |                               |                                                    |                            |           |
   |                                | ☐                              |                                                    |                            | ☒          |

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
   
   **Discussion**: See comments under Item XVI(a) above. No impact will occur.
   
   |                                |                               |                                                    |                            | ☒          |

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
   
   **Discussion**: See comments under Item XVI(a) above. No impact will occur.
   
   |                                |                               |                                                    |                            | ☒          |

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
   
   **Discussion**: No new water entitlements or resources will be required to serve the project, therefore no impact will occur.
   
   |                                |                               |                                                    |                            | ☒          |

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?
   
   **Discussion**: See comments under Item XVI(a) above. No impact will occur.
   
   |                                |                               |                                                    |                            | ☒          |
### Issues (and Supporting Information Sources):

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<td>f)</td>
<td>Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
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<td>Discussion: Negligible amounts of solid waste will be generated from the CNG fueling facility, except for that associated with construction. All construction waste generated by the project will comply with applicable solid waste regulations; therefore no impact will occur.</td>
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| g) | Comply with federal, state and local statutes and regulations related to solid waste? |
| Discussion: The project will comply with all applicable federal, state and local statutes related to solid waste; therefore no impact will occur. | | | | ✓ |

### XVII. MANDATORY FINDINGS OF SIGNIFICANCE

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<td>a)</td>
<td>Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
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<td>Discussion: Given the current developed nature of the site as the City Corporate Yard the site lacks suitable vegetation or other conditions that would be capable of supporting fish, plant or wildlife species. Also, according to the City of Porterville General Plan, there are no properties within the immediate project area listed on the National Register of Historic Places. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory; therefore no impact will occur.</td>
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<p>| b) | Does the project have impacts that are individually limited, but cumulatively considerable? |
| Discussion: As discussed under the topical sections on Air Quality, and Transportation/Traffic, the project has the potential to reduce, or at least slow the increase in overall air quality impacts in the Porterville area, by facilitating the conversion from gas- and diesel-powered vehicles to cleaner burning natural gas-powered vehicles. Given the discussion in the preceding sections, no impacts that are individually limited, but cumulatively | | | | ✓ |</p>
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<td>considerable, are anticipated.</td>
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<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
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<tr>
<td>Discussion: This project is intended to contribute to the improvement of air quality in the Porterville and surrounding regional and air basin. The project is not anticipated to create any public controversy. The proposed project will not have any significant environmental effects that will cause substantial adverse effects on human beings; therefore no impact will occur.</td>
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**Authority:** Public Resources Code Sections 21083 and 21087.

APPENDIX A

RESPONSE TO EARLY CONSULTATION
TO: Chief Garcia

FROM: Captain Stucker

SUBJECT: Environmental Impact Report for the proposed Compressed Natural Gas (CNG) facility, Porterville, CA

December 18, 2006

CNG is listed by the Department of Transportation (DOT) as a Flammable Gas (CH4). The UN product number is 1971. CNG has a NFPA 704 hazard identification of 4-2-0.

CNG is extremely flammable and also poses an inhalation hazard. It has a Specific Gravity of <1, which causes the product to rise into the air.

For Public Safety: Should a spill/leak occur, the immediate area would need to be isolated from 160 ft. to 330 ft. A large spill/leak would require an initial downwind evacuation of ½ mile. Should the leak become involved in fire the initial isolation / evacuation area will be ½ mile in all directions.

Installation Requirements: Installation must meet all applicable codes – California Fire Code (CFC) Article 52, NFPA 52 and California Building Codes.

Information only:

Maximum aggregate capacity: 183,000 cu. ft.

Dispensing:

10 ft. or more from property lines.
10 ft. or more from buildings having a combustible exterior.
20 ft. or more from sources of ignition.
Tulare County Association of Governments

December 19, 2006

RE: Proposed Regional CNG Fuelling Facility

Dear Mr. Rodriguez:

The Tulare County Association of Governments (TCAG) supports the City of Porterville’s effort to construct a Regional Compressed Natural Gas (CNG) fuelling facility at the City’s corporation yard. Establishing a reliable, convenient, permanent facility capable of refueling all types and sizes of natural gas vehicles, including the City’s and the Burton School District fleets, as well as the community-at-large is a public benefit we all can appreciate. The proposed facility had to demonstrate a substantial reduction of air emissions to qualify for the Congestion Mitigation Air Quality (CMAQ) program.

Should you have any questions regarding our comments, please give me a call.

Sincerely,

Scott Cochran
Senior Regional Planner

SC:ke
From: Baldo Rodriguez [mailto:brodriguez@ci.porterville.ca.us]
Sent: Tuesday, January 02, 2007 4:36 PM
To: Mary Beatie
Cc: Linda Clark
Subject: Comments - CNG Station

Mary:

I have not seen any written communications from Porterville Unified or Burton Unified. I will contact Vickie who is on vacation right now.

I received a call from Dr. John Snavely on or about 12/15/06. Dr. Snavely is the Porterville Unified School District Superintendent. Dr. Snavely called to let me know that he received our "request for comment" on the environmental document. Dr. Snavely informed that it appeared that Burton School was more proactive in their support of the CNG Station than Porterville Unified.

Dr. Snavely stated that this was not the case but that in fact the Porterville School District was strongly in favor of the CNG station and that Porterville had more buses than Burton. I mentioned to Dr. Snavely that our first communication about the CNG station were with his #2 man, Dr. Gibbs. It was my impression from talking with Dr. Gibbs that Porterville was after its own CNG station and therefore, Porterville Unified did not want to be overly supportive of the City's CNG project because it might lessen support from a granting agency for a Porterville School CNG station.

Dr. Snavely stated to me that initially the School District thought they might be able to get going quickly on their own CNG station but, it looks like it makes more sense to support the City's CNG effort which in turn will make it easier for the School District to purchase CNG buses for approximately $10,000 with the remaining cost paid by a number of grants available for this type of purchase. No comment was provided specific to environmental concerns.

Baldo R
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND SITE PLAN FOR THE COMPRESSED NATURAL GAS REGIONAL REFUELING FACILITY PROJECT.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 1, 2007, conducted a public hearing to consider approval of the Compressed Natural Gas Regional Refueling Facility Project and

WHEREAS: On March 26, 2007, the Environmental Coordinator made a preliminary determination that a Negative Declaration would be appropriate for the proposed project; and

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

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

2. That the Negative Declaration prepared for this project was made available for public review and comment. The 20 day review period was from March 29, 2007 to April 19, 2007. There were two written and two phoned comments from interested agencies or individuals during early consultation. Those comments have been included and/or incorporated into the Initial Study Negative Declaration.

3. That the proposed project will not create adverse environmental impacts.

The proposed Negative Declaration was evaluated in light of the prepared environmental initial study and comments from interested parties received during the review period.

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

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

6. That the project will be reviewed by the State Department of Fish and Game to determine whether the project qualifies for a finding of no impact.

ATTACHMENT
ITEM NO. 6
7. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration for the Compressed Natural Gas Regional Refueling Facility Project as described herein.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
Georgia Hawley, Chief Deputy City Clerk
CITY COUNCIL AGENDA: MAY 1, 2007

PUBLIC HEARING- CONTINUED

SUBJECT: ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS LAND DEVELOPMENT INC.)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On October 3, 2006, the City Council continued the public hearing for the proposed Ennis Estates project. The applicant requested that the matter be continued to a later date to allow time for further discussion between the interested parties. The applicant has requested a number of continuances in an effort to work out design issues with adjacent property owners. While progress has been made, the applicant is requesting that the item be continued until May 15, 2007.

The applicants are requesting approval of the Ennis Estates Tentative Subdivision Map to divide a 34.1± acre parcel east of Lombardi Street and south of the prolongation of Castle Avenue in northwest Porterville. The City’s General Plan Land Use Map shows that the project area is designated Low Density Residential and is in the R-1 (Single-family Residential) Zone. The property will be divided into approximately 70 estate size (17,000 square foot average) single-family residential lots. Two lots, one approximately 6,400± square feet and the other 9,580± square feet, will be pocket parks maintained by a Homeowners Association. The project will be constructed in one phase.

ENVIRONMENTAL: On August 4, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from August 4, 2006 to August 25, 2006. Comments were received from representatives of Burton School District and Mr. Lombardi, a neighboring property owner. Comments have been addressed where appropriate; the comment letters and Staff responses are attached to the staff report.

RECOMMENDATION: That the City Council continue the item to the May 15, 2007 meeting.
SUBJECT: SECOND READING - ORDINANCE NO. 1720, CODE ENFORCEMENT OFFICER AND AN ADMINISTRATIVE CODE ENFORCEMENT CITATION PROGRAM

SOURCE: Administration/City Clerk Division

COMMENT: Ordinance No. 1720, repealing and replacing Section 1-9 of Chapter 1, adding Article IV, Sections 2-26.1 through 2-26.4, and adding Article XIV, Sections 2-141 through 2-155, to Chapter 2 of the Porterville Municipal Code pertaining to the Code Enforcement Officer and an Administrative Code Enforcement Citation Program, was given First Reading on April 17, 2007, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1720, waive further reading, and adopt said ordinance.

Attachment: Ordinance No. 1720
ORDINANCE NO. 1720

AN ORDINANCE OF THE COUNCIL OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING AND REPLACING SECTION 1-9 OF CHAPTER 1, ADDING ARTICLE IV, SECTIONS 2-26.1 THROUGH 26.4, AND ADDING ARTICLE XIV, SECTIONS 2-141 THROUGH 2-155, TO CHAPTER 2 OF THE PORTERVILLE MUNICIPAL PERTAINING TO CODE ENFORCEMENT OFFICER AND AN ADMINISTRATIVE CODE ENFORCEMENT CITATION PROGRAM

WHEREAS, the City desires to enforce the Porterville Municipal Code and the City’s ordinances in the most efficient manner possible, and this Ordinance establishes a Code Enforcement Officer, sets forth the duties and responsibilities of said Officer, and sets forth an administrative procedure for the enforcement of the Porterville Municipal Code and the City’s ordinances, and the imposition and collection of fines for violations pursuant to California Code of Civil Procedure Section 1094.6 and Government Code Section 53069.4; and

WHEREAS, in adopting this ordinance the City Council desires to reduce, to the greatest extent possible, the costs expended by all parties during enforcement proceedings, thereby reducing the burden on the City, the accused offender, and the already taxed judicial system. The City Council further desires to provide those accused of violating the Porterville Municipal Code or the City’s ordinances with the due process rights of a fair hearing before an impartial decision maker and the opportunity to call and cross-examine witnesses.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN, AS FOLLOWS:

SECTION 1: Chapter 1, Section 1-9 of the Porterville Municipal Code is repealed in its entirety and replaced with the following:

Sec. 1-9. General Penalty; continuing violations.

(a) It shall be unlawful for any person to violate any provision of fail to comply with any requirement of this Code.

(b) Any person violating any provision or failing to comply with any requirement of this Code is guilty of a misdemeanor, unless such violation is specifically deemed any infraction, or unless the City makes a determination to prosecute as an infraction with the concurrence of the City Attorney.

(c) Whenever this Code makes any act or omission unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

(d) Any person convicted of a misdemeanor or infraction under the provisions of this Code, unless provision is otherwise made herein, shall be punishable by a fine or by imprisonment as set forth in Article XIV of Chapter 2 of the Porterville Municipal Code.

(e) Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person; and he shall be punished accordingly.
(f) Any person charged with an infraction shall be subject to division 17, chapter 2, article 2 of the California Vehicle Code as it relates to promises to appear and the fixing of bail.

SECTION 2: Article IV, Sections 26.1 thru 26.4, of the Porterville Municipal Code is hereby added to Chapter 2 to read as follows:

CHAPTER 2
ARTICLE IV
CODE ENFORCEMENT OFFICER

Sections:

2-26.1 Code Enforcement Officer
2-26.2 Duties
2-26.3 Enforcement
2-26.4 Compliance

2-26.1 Code Enforcement Officer. A duly appointed employee of the Prevention Division of the Fire Department, the Code Enforcement Officer shall be authorized to perform the enforcement duties identified in this Chapter and as otherwise defined in the Municipal Code. The Code Enforcement Officer will work closely with members of other departments, including Public Works, Community Development, Parks and Leisure Services, Finance, and Police. The Code Enforcement Officer shall be under the supervision of the Fire Chief.

2-26.2 Duties. The duties of the Code Enforcement Officer shall include but are not limited to issues involving property maintenance by abating hazardous conditions, which threaten the life, health, safety and welfare of the public.

2-26.3 Enforcement. The Code Enforcement Officer shall enforce the provisions of all applicable State and City codes including but not limited to the City Municipal Code, the California Health and Safety Code, Uniform Fire Code, Uniform Building Code, Uniform Housing Code and Uniform Code for the Abatement of Dangerous Buildings, as said codes may, from time to time be amended.

2-26.4 Compliance. The Code Enforcement Officer shall work with property owners/residents to obtain voluntary compliance. However, the Code Enforcement Officer shall also have authority to issue citations and pursue other legal remedies as necessary and as authorized by local or state law.

SECTION 3: Article XIV, Sections 141 thru 154, of the Porterville Municipal Code is hereby added to Chapter 2 to read as follows:

CHAPTER 2
ARTICLE XIV
ADMINISTRATIVE CITATIONS

Sections:

2-141 Legislative Findings and Statement of Purpose
2-142 Definitions
2-143 Authority
2-144 Violations, Penalties and Enforcement.
2-145 Service Procedures
2-146 Contents of Notice
2-141 Legislative Findings and Statement of Purpose

(a) The City Council hereby finds that there is a need for an alternative method of enforcement for minor violations of the Porterville Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Porterville Municipal Code. The City Council further finds that an appropriate method of enforcement for minor violations is an Administrative Citation Program as authorized by Government Code Section 53069.4.

(b) The procedures established in this Chapter shall be in addition to criminal, civil or any other legal remedy established by law, which may be pursued to address violations of the Porterville Municipal Code and State Codes specifically adopted by reference in the applicable chapters of the Porterville Municipal Code.

(c) The City Council hereby finds and determines that enforcement of the Municipal Code, other ordinances adopted by the City, conditions on entitlements and terms and conditions of City agreements are matters of local concern and serve important public purposes. Consistent with its powers as a Charter City, the City of Porterville adopts this Administrative Citation Program provision in order to achieve the following goals, and:

1. To protect the public health, safety and welfare of the citizens of the City;

2. To gain compliance with the Municipal Code and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code in a timely and efficient manner;

3. To provide a method to hold parties responsible when they fail or refuse to comply with the provisions of the Municipal Code and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code;

4. To minimize the expense and delay where the sole remedy is to pursue responsible parties in the civil or criminal justice system;

5. To provide for an administrative process to appeal the imposition of Administrative Citations and fines.

(d) The Purpose of this Chapter is to enable the City, acting as a charter city pursuant to Article XI, Section 5 and 7 of the state Constitution, to impose and collect civil administrative fines in conjunction with the enforcement of provisions of the Municipal Code or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code. Notwithstanding the provisions herein, the City has and shall continue to employ the philosophy of voluntary compliance when seeking compliance with the Municipal Code and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code.
Prior to the implementation of the enforcement policies and penalties stated herein, voluntary compliance approaches, when practical, should first be used in order to educate City property owners and businesses concerning the requirements of the Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, and the corrective action necessary to correct a violation of the Municipal Code and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code.

(e) Use of this Chapter shall be at the sole discretion of the City.

2-142 Definitions

(a) Responsible Person shall mean any individual or entities who are the registered owner or occupant of real property, owner or authorized agent of any business, company, or entity, or the parent or the legal guardian of any person under the age of eighteen (18) years, who causes or maintains a violation of the Municipal Code or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code.

(b) Enforcement Officer shall mean any officer or employee with the authority to enforce the Municipal Code, and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code.

(c) Hearing Officer shall mean any person appointed by the city manager to preside over the administrative hearings provided for in this Article.

2-143 Authority.

(a) Any person violating any provision of the Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code may be issued an Administrative Citation by an Enforcement Officer as provided in this Chapter. A violation of this Code includes, but is not limited to all violations of the Municipal Code, and applicable State Codes, ordinances or regulations adopted by the City Council, failing to comply with any condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of this Code.

(b) Each and every day a violation exists, may constitute a separate and distinct offense.

(c) A civil fine shall be assessed by means of an Administrative Citation issued by the Enforcement Officer and shall be payable directly to the City of Porterville.

2-144 Violations, Penalties and Enforcement.

The City Council of the City of Porterville intends to secure compliance with the provisions of the Municipal Code, and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code. To the extent that such compliance may be achieved by less drastic methods of enforcement the following alternate, separate and distinct methods may be utilized. Each method set forth herein is intended to be mutually exclusive and does not prevent concurrent or consecutive methods being used to achieve compliance against continuing violations. Each and every day any such violations exist constitutes a separate offense. Notwithstanding any other provision of the Municipal Code, and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, each violation of the provisions of this Code may be enforced alternatively as follows:

(a) Misdemeanor. Unless otherwise specified in the Municipal Code, any person violating any of
the provisions or failing to comply with any of the mandatory requirements of the Municipal Code, and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, may be prosecuted for a misdemeanor. Written citations for misdemeanors may be issued by police officers or by non-safety employees designated by the Municipal Code. Any person convicted of a misdemeanor under the provisions of the Municipal Code, and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, shall be punished by a fine not exceeding one thousand dollars ($1,000.00) or imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

(b) Infraction. In the alternative, with the concurrence of the City Attorney, any person violating any of the provisions or failing to comply with any of the mandatory requirements of the Municipal Code, and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, may be prosecuted for an infraction. Written citations for infractions may be issued by police officers or non-safety employees designated by Porterville Municipal Code. Unless otherwise set forth in the Municipal Code, fines shall be assessed in the amounts specified as follows:

(1) A fine not exceeding one hundred dollars ($100.00) for a first violation;

(2) A fine not exceeding two hundred dollars ($200.00) for a second violation of the same ordinance within 12 months, or five hundred dollars ($500.00) for building and safety code violations;

(3) A fine not exceeding five hundred dollars ($500.00) for each additional violation of the same ordinance within 12 months, or one thousand dollars ($1000.00) for building and safety code violations.

(c) Civil Action. The City Attorney, or an Attorney hired for such purposes by and at the request of the City Council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of the Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, as provided by law, and the City shall be entitled to its attorneys fees and costs.

(d) Administrative Citation. Upon a finding by the city official vested with the authority to enforce the various provisions of the Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, that a violation exists, he or she may issue an Administrative Citation under the provisions of this Chapter.

2-145 Service Procedures

(a) An Administrative Citation on a form approved by the City Manager shall be issued to the Responsible Person by an Enforcement Officer for violations of the Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, in the following manner:

(1) Personal Service. In any case where an Administrative Citation is issued:

(i) The Enforcement Officer shall attempt to locate and personally serve the Responsible Person and obtain the signature of the responsible person on the Administrative Citation.

(ii) If the Responsible Person served refuses or fails to sign the Administrative Citation, the failure or refusal to sign shall not affect the validity of the Administrative Citation or of subsequent proceedings.
(2) Service of Citation by Mail. If the Enforcement Officer is unable to locate the Responsible Person, the Administrative Citation shall be mailed to the Responsible Person by certified mail, postage prepaid with a requested return receipt. Simultaneously, the Citation may be sent by first class mail. If the Citation is sent by certified mail and returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the Citation sent by first class mail is not returned.

(3) Service by Citation by Posting Notice. If the Enforcement Officer does not succeed in serving the Responsible Person personally, or of certified mail or regular mail, the Enforcement Officer shall post the Administrative Citation on any real property within the City where the City has knowledge that the responsible person has a legal interest, and such posting shall be deemed effective service.

2-146 Contents of Notice

Each Administrative Citation shall contain the following information:

(a) Date, approximate time, and address or definite description of the location where the violation(s) was observed;

(b) The Code sections or conditions violated and a description of the violation(s);

(c) An order to the Responsible Person to correct the violations within the time specified, and an explanation of the consequences of failure to correct the violation(s);

(d) The amount of the fine for the violation(s);

(e) An explanation of how the fine shall be paid and the time period by which it shall be paid;

(f) Identification of rights of appeal, including the time within which the Citation may be contested and the place to obtain a Request for Hearing form to contest the Administrative Citation; and

(g) The name and signature of the Enforcement Officer.

(h) If possible, the signature of the responsible person.

2-147 Satisfaction of Administrative Citation

Upon receipt of a Citation, the responsible person shall:

(a) Pay the fine to the City within fifteen (15) working days from the issuance date of the Administrative Citation. All fines assessed shall be payable to the City of Porterville. Payment of a fine shall not excuse or discharge the failure to correct the violation(s) nor shall it bar further enforcement action by the City and;

(b) Remedy the violation(s). If the responsible person fails to correct the violation(s), subsequent Administrative Citations may be issued for the same violation(s). The amount of the fine for failure to correct the violation shall increase at a rate specified in this Chapter or by Ordinance.

2-148 Appeal of Administrative Citation
Any recipient of an Administrative Citation may contest that there was a violation of the Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code or that he or she is the Responsible Person by completing a Request for Hearing form and returning it to the City within fifteen (15) working days from the issuance date of the Administration Citation, together with an advanced deposit (full amount) of the fine. Any Administrative Citation fine, which has been deposited, shall be refunded if it is determined, after a hearing, that the person charged in the Administrative Citation was not the Responsible Person for the violation(s) or that there was no violation(s) as charged in the Administrative Citation.

2-149 Hearing Officer

The City Manager shall designate the Hearing Officer for the Administrative Citation hearing. The Hearing Officer shall not be a current Porterville City employee. The employment, performance evaluation, compensation and benefits of the Hearing Officer, if any, shall not be directly or indirectly conditioned upon the amount of Administrative Citation fines upheld by the Hearing Officer.

2-150 Hearing Procedure

(a) No hearing to contest an Administrative Citation before a Hearing Officer shall be held unless and until a request for hearing form has been completed and submitted and, the fine has been deposited in advance.

(b) A hearing before the Hearing Officer shall be set for a date that is not less than fifteen (15) working days and not more than sixty (60) working days from the date that the request for hearing is filed in accordance with the provisions of this Chapter. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) working days prior to the date of the hearing.

(c) The Enforcement Hearing Officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible person has caused or maintained the violation(s) of the Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, on the date(s) specified in the Administrative Citation.

(d) The Responsible Person contesting the Administrative Citation shall be given the opportunity to testify and present witnesses and evidence concerning the Administrative Citation.

(e) The failure of any recipient of an Administrative Citation to appear at the Administrative Citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.

(f) The Administrative Citation and any additional documents submitted by the Enforcement Officer shall constitute prima facia evidence of the respective facts contained in those documents.

(g) If the Enforcement Officer submits an additional written report concerning the Administrative Citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served by mail on the person requesting the hearing at least five (5) working days prior to the date of the hearing. At least ten (10) working days prior to the hearing, the recipient of an Administrative Citation shall be provided with copies of the citations, reports and other documents submitted or relied upon by the Enforcement Officer. No other discovery is permitted. Formal rules of evidence shall not apply.
(h) The Hearing Officer may continue the hearing and request additional information from the Enforcement Officer or the recipient of the Administrative Citation prior to issuing a written decision.

2-151 Hearing Officer’s Decision

(a) After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision within ten (10) working days of the close of the hearing to uphold or deny the Administrative Citation and shall list in the decision the reasons for that decision. The decision of the Hearing Officer shall be final, subject to judicial review.

(b) If the Hearing Officer determines that the Administrative Citation should be upheld then the fine amount on deposit with the City shall be retained by the City.

(c) If the Hearing Officer determines that the Administrative Citation should be dismissed, the City shall refund the amount of the deposit within ten (10) working days of the date of its receipt of the decision.

(d) The recipient of the Administrative Citation shall be served with a copy of the hearing officer’s written decision in the manner prescribed above.

2-152 Failure to Pay Fines

The failure of any person to pay the civil fines assessed by an Administrative Citation within the time specified on the Citation may result in the matter being referred to the City of Porterville – Finance, to file a claim with the Small Claims Court. Alternatively, the City may pursue any other legal remedy to collect the civil fines. The City may also recover all of its collections costs, including its attorneys fees.

2-153 Right to Judicial Review

Any person aggrieved by a decision of a Hearing Officer on an Administrative Citation may obtain review of the Administrative Decision by filing a Petition for Review with the Tulare County Superior Court in accordance with the timelines and provisions as set forth in California Government Code Section 53069.4.

2-154 Notices

(a) The Administration Citation and all notices to be given by this Chapter shall be served on the responsible person in accordance with the provisions of this Chapter.

(b) Failure to receive any notice specified in this Chapter does not affect the validity of proceedings conducted here under.

2-155 Severability

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

SECTION 4: This Ordinance shall be in full force and effect thirty (30) days from and after its passage, adoption, and approval.
Adopted this 1st day of May, 2007.

______________________________________________
Mayor

ATTEST:

John Longley, City Clerk

By: ________________________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: SECOND READING - ORDINANCE NO. 1721, AMENDING THE SUBDIVISION ORDINANCE

SOURCE: Administration/City Clerk Division

COMMENT: Ordinance No. 1721, amending Chapter 21 of the Municipal Code pertaining to Subdivision Regulations, was given First Reading on April 17, 2007, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1721, waive further reading, and adopt said ordinance.

Attachment: Ordinance No. 1721
ORDINANCE NO. 1721

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 21 OF THE MUNICIPAL CODE PERTAINING TO SUBDIVISION REGULATIONS

WHEREAS: The City Council directed Staff to prepare an amendment to the Subdivision Ordinance, Chapter 21 of the Municipal Code pertaining to elimination of the Subdivision Review Committee, the provision of standards for pocket parks, landscape maintenance districts, and to address various inconsistencies and inefficiencies in the code; and

WHEREAS: In the preparation of the draft ordinance, Staff held multiple meetings with representatives of the building industry, a Councilmember, and past Councilmember to address concerns and to resolve any discrepancies with State Law; and

WHEREAS: Staff prepared a proposed amendment and brought the matter to the Council on March 6, 2007, at which time the Council directed Staff to meet with representatives of the building industry again to resolve concerns over the proposed pocket park provisions of the draft ordinance; and

WHEREAS: Staff held a meeting with the committee to discuss the concerns over the pocket park provisions and opted to recommend to the Council the elimination of the section of the draft ordinance and defer any discussion on the matter until after the current process of updating the General Plan is complete and impact fees can be reviewed at the same time; and

WHEREAS: Following the meeting of the committee, the City Council considered the proposed amendment on April 17, 2007 which omitted the pocket park language but contained the remainder of the proposed amendments; and

WHEREAS: A public hearing was 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: 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 amend the Porterville Municipal Code pertaining to subdivision regulations as follows:

SECTION 1: ARTICLE I. GENERAL PROVISIONS

Sec. 21-1. Authority for local regulations.
This chapter is enacted pursuant to the provisions of Division 2 of Title 7 of the Government Code of the State of California, referred to herein as the "Subdivision Map Act."
Sec. 21-1.1. Purpose and scope.
The Subdivision Ordinance is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically, the Subdivision Ordinance is adopted in order to achieve the following objectives:

(a) To aid in the implementation of the General Plan of the City of Porterville, and elements thereof, as adopted by the City Council.

(b) To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.

(c) To provide streets of adequate capacity for the anticipated traffic which would utilize them, and to ensure that they are designed to promote a safe vehicular and pedestrian traffic circulation system.

(d) To accommodate new development in a manner which will preserve and enhance the city’s living environment and create new beauty through skilled subdivision design.

(e) To provide for water supply, sewage disposal, storm drainage, and other utilities and facilities which are required by conditions of an urban environment.

(f) To ensure that the costs of providing rights-of-way, street improvements, utilities and public areas and facilities needed to service new developments are borne fairly and equitably by the subdivider, rather than by property owners of the city at large.

The Subdivision Ordinance is enacted for the purpose of regulating subdivision of land in accordance with the Subdivision Map Act of the State of California, and any future amendments thereto, and repeals all other regulations of the City of Porterville in conflict with this article; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder. The regulations contained in this article shall apply to all subdivisions and parcel maps or parts of subdivisions and parcel maps hereafter made entirely or partially within the City of Porterville. The provisions of this chapter shall be in addition to and shall be considered as supplemental to the provisions of the Subdivision Map Act of the State of California, as now in effect or hereinafter amended.

Sec. 21-1.2. General responsibilities.
(a) Subdivider. The subdivider shall prepare maps consistent with the standards contained herein, and design public improvements consistent with the public improvement standards of the City of Porterville. The subdivider shall process said maps in accordance with the regulations set forth herein.

(b) Community Development Director/City Planner. The Community Development Director/City Planner shall be responsible for design analysis for conformity with the General Plan and the Zoning Ordinance; for the environmental quality of the subdivision design; and for the expedient processing of subdivision maps, parcel maps, and reports, as provided herein.
(c) **Public Works Director/City Engineer.** The Public Works Director/City Engineer shall be responsible for reporting to the City Council as to engineering requirements of the proposed public improvements, and whether the proposed public improvements are consistent with the regulations contained herein and for the inspection and ultimate approval of all public improvements. The City Engineer shall also have the authority to act on behalf of the City Council in accepting dedications of all streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use.

(d) **Parcel Map Committee.** The Parcel Map Committee shall be the designated advisory agency for parcel map subdivisions and shall have the authority to approve, conditionally approve or disapprove tentative parcel maps.

(e) **Reserved.**

(f) **City Council.** The City Council shall approve tentative and final subdivision maps, establish requirements for and standards of design of public improvements, and accept land and public improvements that may be proposed for dedication as part of a subdivision. The City Engineer is authorized to accept all dedications that are not offered on a subdivision map approved by City Council (e.g., dedications for parcel maps, individual parcels, etc.).

Sec. 21-1.3. **Appeals.**

(a) **Parcel Map Committee actions.** The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the Parcel Map Committee by filing a notice thereof with the City Clerk, as specified in Section 21-37 hereof.

(b) **Hearing of appeals.** Upon the filing of such an appeal, the City Council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal. Within ten (10) days following the conclusion of the hearing, the City Council shall render written decision on the appeal.

Sec. 21-1.4. **Authority to vary regulations.**

The Parcel Map Committee/City Council, with respect to tentative parcel maps and tentative subdivision maps, respectively, can modify any of the requirements and regulations set forth in this chapter, or the Zoning Ordinance (Appendix A of the Municipal Code) as it pertains to lot design, subject to the approval of a conditional use permit. Variation of regulations is applicable when there are natural features such as topographic constraints and soils conditions that may warrant modified standards. Application for any such modification shall be made in writing by the subdivider in the form of a conditional use permit application, stating fully the grounds of the application and the facts relied upon by the subdivider. Such application shall be filed with the tentative map of the proposed land division. If in the opinion of the City Planner and Public Works Director/City Engineer the on- and/or off-site improvements, phasing and/or type of improvements necessitate it, a development agreement may be required between the City and the subdivider. In order for the property referred to in the application to come within the provisions of this section, it shall be necessary that the City Council or Parcel Map Committee find the following facts with respect thereto:
(a) That there are special circumstances or conditions affecting such property.

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

(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.

(d) That the exception is appropriate for the proper design and/or function of the subdivision.

(e) That the granting of the exception is consistent with the General Plan.

Sec. 21-1.4.1. Exception to Conditional Use Permit requirement
As it pertains to tentative parcel maps and tentative subdivision maps, exceptions to regulations pertaining to lot depth, reverse corner lots, street length and width, and double frontage lots shall be processed with the tentative map and shall not be subject to a conditional use permit per Section 21-1.4. Exceptions from additional subdivision design standards and/or standards pertaining to the lot design within particular zones shall be subject to the approval of a conditional use permit.

(a) Action on exceptions: In the event that the proposed exceptions represent more than exceptions from lot depth, reverse corner lots, street length, and double frontage lots, the City Council shall approve, conditionally approve or disapprove the application for a conditional use permit pertaining to a tentative map in a public hearing held concurrently with the proposed tentative map. The Parcel Map Committee shall consider the exceptions not subject to a conditional use permit during the public hearing at which it considers the tentative parcel map.

(b) Appeals: When the Parcel Map Committee has acted on an application for an exception, in accordance with the provisions of this article, any interested person may appeal to the City Clerk pursuant to the procedures and within the time limits set forth in Section 21-32 of this chapter. City Council decisions are final upon adoption of the resolution.

Sec. 21-1.5. Validity.
If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The City Council of the City of Porterville, California, hereby declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses or phrases be declared invalid or unconstitutional.

Sec. 21-1.6. Grounds for denial of tentative subdivision or parcel maps.
A tentative map or parcel map shall be denied approval or conditional approval in the event any one of the following findings is found to prevail by the legislative body:
(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

ARTICLE II. DEFINITIONS

Sec. 21-2. Definitions. Whenever any words or phrases used in this chapter are not defined herein, but are defined in the Subdivision Map Act of the State of California, or in the Zoning Ordinance of the City of Porterville, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention.

Alley shall mean a street providing only secondary access to abutting property.

Applicant shall mean the subdivider or agent thereof.

Arterial shall mean a street designated by the circulation element of the General Plan to serve high-volume inter- and intra-city traffic, and to act as a distributor between freeways, other arterials, and major traffic generators.
Block shall mean an area of land within a subdivision entirely bounded by any streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision.

City Engineer shall mean the Porterville City Engineer.

City Planner shall mean the Porterville City Planner.

Collector street shall mean a street designated by the circulation element of the General Plan to collect and distribute traffic between local streets and arterials.

Community apartment project shall mean a property conforming to the definition set forth in Section 11004 of the Business and Professions Code, State of California.

Community Development Director shall mean the Porterville Community Development Director.

Condominium shall mean a property conforming to the definition set forth in Section 783 of the Civil Code of the State of California.

Cul-de-sac shall mean a local street open at only one end, which has a turnaround for vehicles at the closed end.

Final map shall mean a map, prepared in accordance with the provisions of the Subdivision Map Act and of this chapter, designed to be placed on record in the office of the Tulare County Recorder.

Freeway shall mean a divided arterial highway designated for through traffic having grade separated intersections and full control of access.

Frontage road shall mean a street adjacent and auxiliary to a freeway or arterial, and separated by a divider strip, which street provides access to abutting property.

General Plan shall mean all elements of the General Plan of the City of Porterville, as adopted and duly amended from time to time by the City Council.

Industrial street shall mean a street that serves an industrial area and connects said area to the major street system.

Intersection shall mean the place at which two (2) or more streets meet.

Local street shall mean a street which provides direct access to abutting properties, primarily in residential districts with more than 400 average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.
Lot shall mean a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, separated from other lands by description on a subdivision map, or parcel map.

Map Act shall mean the Subdivision Map Act of the State of California Government Code.

Minor Street shall mean a street that provides direct access to abutting properties, primarily in residential districts with 400 or fewer average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.

Parcel map shall mean a map prepared in accordance with the provisions of this chapter, designed to be placed on record in the office of the Tulare County Recorder, and providing for the division of land which meets the exceptions set forth in Section 66426 of the Map Act.

Parcel Map Committee shall mean a staff committee composed of the City Planner, City Engineer and Fire Chief, or their designees.

Preliminary map shall mean a map to be submitted to the City Planner or designee prior to the filing of a tentative map, to show the general characteristics of the proposed subdivision and any other data necessary to enable the Project Review Committee to review the proposed subdivision design.

Project Review Committee shall mean a staff committee composed of the City Planner, City Engineer, Chief Building Official, Parks and Leisure Services Director, and Fire Chief, or their designees.

Public improvement shall mean street work, utilities, and other facilities proposed or required to be installed within the subdivision for the general use of all the subdivision lot owners and for local neighborhood or community needs.

Public Works Director shall mean director of Porterville’s public works operation.

Standard plans and specifications shall mean all the standard plans and specifications prepared by the City Engineer and approved by resolution of the City Council.

Street shall mean an improved facility used for vehicular traffic.

Subdivider shall be as defined in Section 66423 of the Map Act.

Subdivision shall be as defined in Section 66424 of the Map Act.

Subdivision Design shall mean the overall layout of the proposed subdivision including, but not limited to, the arrangement of streets and intersections, the layout and size of lots, the widths and locations of easements and rights of way for utilities, drainage structures, sewers, the nature and
location of public or semi-public facilities, programs for the preservation of natural features, and
the installation of public improvements.

Tentative Map shall mean a map made in accordance with the provisions of the Map Act to show
the design of a proposed subdivision and the existing conditions in and around said subdivision.
It need not be based upon a detailed final survey of the property, except as otherwise provided in
this Article and the Map Act; however, it shall be graphically accurate to reasonable tolerances.

Vesting Tentative Map shall mean a tentative map for a subdivision that shall have printed
conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance
with Section 21-18.1(e), and is thereafter processed in accordance with the provisions hereof.

ARTICLE III. DESIGN AND CONSTRUCTION STANDARDS

Sec. 21-3. Streets and highways.
(a) The street and highway design shall conform both in width and alignment with
any General Plan circulation element, precise street plans and other precise plans adopted by the
City Council, and right-of-way for any such street or highway indicated on the General Plan or
precise plans shall be dedicated to the city by the subdivider.

(b) Streets and highways not otherwise designated on the circulation element of the
General Plan shall not be less than those set forth in this section, except where it can be shown
by the subdivider that the topography of the land is such as to justify narrower width. Increased
widths may be required for bicycle lanes and, when determined necessary, by the City Council in
the public interest. Approval or determination of street classification shall be made by the City
Council.

<table>
<thead>
<tr>
<th>Street Class</th>
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<tr>
<td>Local streets</td>
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<tr>
<td>Minor streets</td>
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</tr>
<tr>
<td>Cul-de-sac</td>
<td>50</td>
</tr>
<tr>
<td>Frontage road</td>
<td>50</td>
</tr>
</tbody>
</table>

(c) Relationship to existing streets. The street system in the proposed subdivision
shall relate functionally to the existing streets in the area adjoining the subdivision.

(d) Center lines. The center lines of all streets, wherever practicable, shall be the
continuations of the center lines of existing streets, or shall be offset at least one hundred fifty
(150) feet.
(e) **Intersections.** Each street intersection shall be as near to a right angle as is practicable, and no intersection of streets at angles less than sixty (60) degrees shall be approved, unless necessitated by topographical conditions as determined by the City Engineer.

(f) **Corner cut-offs.** At street intersections, the block corners shall have a corner cut-off sufficient to accommodate a City Standard Street Intersection Return, inclusive of a wheelchair ramp.

(g) **Cul-de-sac or dead-end streets.** No cul-de-sac or dead-end street shall be more than six hundred (600) feet in length. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved without a turnaround. In all other cases, a turnaround having a minimum radius of forty-seven (47) feet, measured to the property line, and minimum of forty (40) feet to curb face shall be required.

(h) **Curve radius.** The center line curve radius on all streets shall be designed in accordance with acceptable safe engineering practices. In no case shall the curve radius for an arterial be less than five hundred (500) feet. Center line curve radius on all other streets shall not be less than two hundred (200) feet.

(i) **Frontage streets.** When any lots front or side on any arterial, collector, expressway or freeway, the subdivider may be required to dedicate and improve a frontage street to provide ingress to and egress from such lots. Residential properties shall not front onto and take access to/from arterial or collector streets.

(j) **Private roads and alleys.** Private roads and alleys shall not be permitted unless a conditional use permit is approved by the City Council and, if approved, all private roads or alleys shall be constructed to city standards.

(k) **Grades of streets.** Streets shall not be less than two-tenths (0.2) percent and not greater than seven (7) percent, unless because of topographical conditions or other exceptional conditions the City Engineer determines that a grade less than two-tenths (0.2) percent, or in excess of seven (7) percent, is necessary.

(l) **Fire hydrants.** The position of a street within twenty (20) feet of a fire hydrant shall not have a grade in excess of seven (7) percent to allow for the positioning of a fire suppression unit.

(m) **Access on arterials.** Arterial streets shall not be used to provide direct access to individual single-family residential lots. When the rear or side of any lot borders an arterial, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of vehicular ingress and egress from said arterial to said lot.

(n) **Access on collectors.** The Parcel Map Committee or City Council may prohibit the use of a collector as primary direct access to individual single-family residential lots. Where
such access is permitted, the Parcel Map Committee or City Council may require the use of
circular drives, or other forms of vehicular turnarounds to prevent backing onto public streets.
When the rear or side of any lot abuts a collector street, the Parcel Map Committee or City
Council may prohibit the right of ingress/egress.

Sec. 21-4. Alleys.

(a) The City Council, for any one of the following reasons, may require alleys (if
alleys are required, they shall be constructed to city standards):

(1) Unusual size, shape or topographical character of the property to be subdivided.

(2) The relationship to existing or proposed commercial, industrial or high-
density residential development or adjacent railroad right-of-way.

(3) The special nature of the design or density of a residential subdivision
where dwellings are grouped in such a manner as to require access from
other than the street frontage.

(4) The need to maintain continuity of existing alleys where the property to be
subdivided is located immediately between existing residential blocks
where alleys are provided.

(b) Residential alleys shall have a minimum dedicated width of twenty (20) feet.

(c) Alleys shall be provided where needed to serve existing or proposed commercial
or industrial areas, and shall have a minimum dedicated width of thirty (30) feet, with adequate
provisions for ingress and egress.

(d) A twenty (20) foot corner diagonal cutoff, measured along the property lines from
the point of intersection, will be required where two (2) alleys intersect. An ADA compliant
accessibility ramp shall be constructed pursuant to the City design standards.

(e) Alleys shall be so laid out and aligned as to provide reasonable access for utilities
and other services.

(f) Dead-end alleys shall be prohibited.

Sec. 21-5. Street names.

(a) All street names shall be approved by the City Council. Duplication of existing
names shall not be allowed, unless the streets are approximately in alignment with existing
streets and not so far removed as to be confusing.

(b) Names of through streets in a north-south alignment shall be followed by the
designation "Street," and the names of through streets in an east-west alignment shall be
followed by the designation "Avenue."
(c) Cul-de-sac streets in a north-south alignment shall be followed by the
designations of either "Place," "Way" or "Drive," and cul-de-sac streets in an east-west
alignment shall be followed by the designations of either "Lane," "Circle" or "Court."

Sec. 21-6. Blocks.
(a) Block length. Blocks shall not exceed one thousand three hundred twenty (1,320)
feet in length, unless existing adjacent property alignment, topographic, or traffic conditions
justify a variation. Long blocks shall be provided adjacent to major and collector streets or
highways in order to minimize the number of street intersections.

(b) Block width. The width of each block shall be sufficient for an ultimate layout of
two (2) tiers of lots, therein of a size required by the provisions of this article, unless the
conditions justify or make necessary a variation from this requirement.

Sec. 21-7. Lots.
(a) Lot width.
(1) Each residential lot or parcel shall have frontage width of not less than
that required by the Zoning Ordinance except as approved by the City
Council as provided for in Section 21-1.4.
(2) Each residential lot or parcel on a dead-end street, cul-de-sac or on a
curved street, when the side lines thereof are diverging from the front to
the rear of such lot or parcel, shall have a width not less than that required
by the Zoning Ordinance, measured along the front yard building setback
line established by the required front yard for the main building and
between the side lines of such lot or parcel; said line shall be parallel and
concurrent with the front lot line.
(3) Corner residential lots shall have an extra width of five (5) feet necessary
for maintaining the required side yard area.

(b) Lot depth. The depth of each residential lot shall not be less than ninety (90) feet
nor more than one hundred eighty (180) feet. The depth of all other lots shall be as required by
the Zoning Ordinance.

(c) Lot area. The area of all lots shall comply with the requirements of the Zoning
Ordinance relative to each particular zoning district.

(d) Lot frontage. Lots shall have a single frontage on a street; double frontage lots or
lots without street frontage will not be permitted except where, in the opinion of the City
Council, topographic or unusual physical conditions justify a deviation from this rule.

(e) Side lines. The side lines of lots shall, wherever practicable, be required to run at
right angles or radially to the street upon which the lot faces.
(f) **Lot numbering.** Lot numbers shall begin with the numeral "1", and shall continue consecutively through all of the units of the tract with no omissions or duplications, and no block numbers shall be used.

(g) **Division of lots.** No lot shall be divided by a county, city, school, or any other taxing district boundary lines.

(h) **Suitability of lots.** All lots shall be suitable for the purpose for which they are intended to be used. Land subject to flooding or deemed by the Parcel Map Committee or City Council to be uninhabitable shall be indicted on the final map.

(i) **Land remnants.** All remnants of below-minimum size left over after the subdivision of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

**Sec. 21-8. Access Limitation Strips.**

(a) A one (1) foot access limitation strip shall be provided at the dead end of a stubbed street or at the edge of a partial width street, and shall be offered for dedication to the city for future street purposes.

(b) Access limitation strips shall be designated on the final map of the subdivisions and shall be specifically referred to in dedication and acceptance certificates.

**Sec. 21-9. Landscaping and Lighting Maintenance Districts**

(a) Each subdivision shall be subject to the creation of a Landscaping and Lighting Maintenance District in compliance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code § 22500 et. seq.) to address the extension of improvements such as but not limited to lighting, common landscape areas, including pocket parks, perimeter walls, drainage systems beneficial to specific subdivision, drainage reservoirs, and open space areas, and the maintenance of such facilities.

(b) Prior to the approval of improvement plans for a development, the applicant shall submit the following information for the establishment of a landscaping and lighting maintenance district, the extension of the subject improvements into the assessment area, and the maintenance of the improvements once constructed:

1. A petition on a form provided by the city requesting to have the subdivision placed in a Landscaping and Lighting Maintenance District at the time the final map is approved by the City.
2. Completed and approved landscaping and lighting improvement plans, and legal description.

(c) The Landscaping and Lighting Maintenance District shall be established, or the annexation into an existing District concluded, and landscape and lighting improvements completed and accepted concurrently with the other improvements in the subdivision.
(d) Exclusive of assessments for a Landscaping and Lighting Maintenance District, the applicant shall pay all service fees and maintain all new district improvements in a safe and healthy manner for the greater of a ninety (90) day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the Landscaping and Lighting Maintenance District.

Sec. 21-10. Reserved

Sec. 21-11. Grading and erosion control.
Every map approved pursuant to this article shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in appendix chapter 33 of California Building Code of the most recently adopted edition. Steep terrain and other topographical features may limit the abilities of a subdivider to perform mass grading operations. At the discretion of the Public Works Director/City Engineer, individual grading plans for each individual lot may be submitted with the building permit in lieu of a mass grading plan normally submitted with the improvement plans.

Sec. 21-12. Storm Water Management Plan
Every map approved pursuant to this article shall be conditioned to comply with the requirements of the City’s Storm Water Management Plan, which includes measures that control construction site run-off and post-construction run-off.

Sec. 21-13. Watercourses.
(a) In the event that the subdivision is traversed by any watercourses, channels, streams or creeks, the subdivider shall offer to dedicate rights-of-way or easements for access and maintenance purposes conforming substantially with the lines of such watercourses, channels, streams or creeks.

(b) The City Council may deny a tentative map of a subdivision because of flood hazard and inundation, and require protective improvements to be constructed as a condition precedent to approval of the map.

Sec. 21-14. Drainage Reservoirs.
(a) Temporary drainage reservoirs will only be allowed in areas where it has been determined by the Public Works Director/City Engineer that it is not practical to implement the intent of the latest adopted version of the Storm Drain Master Plan. Landscape and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services. Maintenance of these facilities shall be part of the Landscape and Lighting Maintenance District created for the benefit of the subdivision.

(b) Temporary drainage reservoirs may be approved until such time as Storm Drain Master facilities are available for connection and shall be dedicated to the City as an easement.
(c) Drainage Reservoirs designated in the Storm Drain Master Plan shall be considered permanent facilities and title of the land shall be held by the City in Fee. Property acquisitions shall be in the form of a dedication or purchased in accordance with the City’s Storm Drain Master Plan and City’s Property and Right-of-Way Acquisitions Policy and Procedures Manual. Landscaping and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services.

ARTICLE IV. PRELIMINARY MAP

Sec. 21-15. Preliminary review.
Prior to the filing of a tentative map, the subdivider shall submit to the City Planner or designee nine (9) copies, or as may be determined necessary at the time of submittal, of a preliminary map to indicate the essential characteristics of the subdivision. The preliminary map shall be of the same size and scale as that required by this chapter for tentative maps, and shall contain the following minimum information:

(a) Key map showing adjacent property, subdivisions and roads or streets, proposed street in the subdivision, and other development that would affect the subdivision.

(b) Name and address of the owner of record, subdivider and engineer or surveyor.

(c) Date, north point and scale showing the general topography contours and features.

(d) Approximate location and widths of proposed and existing street rights-of-way.

(e) Approximate location, average size, and number of lots.

(f) Approximate acreage of proposed tract.

(g) The intended land use and information on utilities, sanitary sewers, drainage, water and other improvements.

The City Planner or designee will then, within sixteen (16) days, schedule a meeting of the Project Review Committee with the subdivider on the preliminary map. The Project Review Committee will make such general recommendations to the subdivider as shall seem proper regarding such preliminary map and shall recommend consultations by the subdivider with such other public or private agencies as it shall designate. The Project Review Committee shall furnish written copies of its recommendations to the subdivider and to all other public or private agencies which may be interested.

ARTICLE V. TENTATIVE MAP

Sec. 21-16. Map filing procedure and requirements.
(a) **Filing tentative map.** The subdivider shall file with the City Planner or designee ten (10) copies, one (1) photo-ready master (11” X 17” maximum) and one (1) copy of the owner’s statement (if not included on the tentative map), all in accordance with the requirement of this article, of each proposed subdivision. Said tentative map shall be accompanied with filing fees per resolution adopted by the City Council. The City Planner or designee shall indicate upon all copies of the tentative map and accompanying data the date of filing, which shall be the date on which all required maps, masters, and accompanying data are deposited in the office of the director.

(b) Not later than thirty (30) calendar days after receipt of an application for a tentative map approval, the City Planner or designee shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the City Planner or designee’s determination shall identify those parts of the application which are complete, and shall specify those parts of the application which are incomplete, and shall indicate the manner in which they can be made complete. City Planner or designee may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(c) **Distribution of tentative map.** Within ten (10) days of acceptance of a tentative map of a subdivision, the City Planner or designee shall transmit the requested number of copies of such map, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within fifteen (15) days after distribution of the tentative map, forward to the City Planner or designee a written report of their findings and recommendations thereon. The City Planner or designee shall prepare a written report on the conformity of the tentative map to the provisions of the General Plan, the Zoning Ordinance, and all other applicable requirements of this and other ordinances and regulations of the City of Porterville.

The Public Works Director/City Engineer shall prepare a written report of recommendations on the tentative map in relation to the public improvement requirements of this chapter and the provision of the Map Act.

**Sec. 21-17. Form of map and content.**
The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a registered civil engineer or a licensed land surveyor. Tentative maps shall be eighteen by twenty-six inches (18” X 26”) in size, and drawn to a scale of not less than one inch equals one hundred feet (1” = 100’) or as approved by the City Planner or designee. Every map shall be clearly and legibly drawn and shall contain the following information:

(a) The tract name or number, date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.

(b) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.
(c) Partial legal description (1/4 section, township/range).

(d) The Parcel Map Committee may impose conditions upon a tentative map, as appropriate, to determine compliance with general engineering or surveying practices.

(e) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(f) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.

(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(h) Radius of each curve (in accordance with Article III. Design and Construction Standards).

(i) Typical cross sections of all streets.

(j) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(k) Approximate accurate contour lines having the following intervals:
   (1) One (1) foot contour interval for ground slopes between level and five (5) percent.
   (2) Five (5) foot contour intervals for ground slopes exceeding five (5) percent.

(l) The approximate widths, location and purpose of all existing or proposed easements.

(m) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

(n) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

(o) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.
(p) Public areas proposed.
(q) City limit lines.
(r) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.
(s) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.
(t) If developed in increments, maps shall indicate approximate sequence of development.
(u) For residential subdivisions, the school district and schools serving the subdivision.
(v) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.
(w) The location and sizes of existing and proposed utility lines and structures.
(x) The elevation of sewers at the proposed connection.

Sec. 21-18. Owner’s statement and accompanying data.
Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner’s statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and General Plan designation.
(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.
(c) Source and approximate quantity of water supply and general outline of proposed system.
(d) Provisions for sanitary sewage disposal and general outline of proposed system.
(e) Plan for surface drainage and flood control and general outline of proposed system.
(f) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system.
Sec. 21-19. Transmittal of maps to public agencies and utilities

(a) When the tentative map is received and filed under the provisions of this title, the City Planner or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:

1. Public Works Director/City Engineer
2. Chief Building Official
3. Police Department
4. Fire Department
5. Field Services Manager
6. Office of Intergovernmental Management when required under Section 12037 of the Government Code
7. Tulare County Resource Management Agency
8. Southern California Edison or other affected electric company
9. The Gas Company or other affected gas company
10. Telephone company or other affected phone company
11. Cable TV companies affected
12. School Districts as required by Section 66455.7 of the Map Act
13. Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.

(b) Such public utility companies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the City Planner who shall incorporate them into a report and make recommendations to the advisory agency.

(c) The departments of the city to which the map is transmitted shall file with the City Planner within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Map Act coming within the jurisdiction of such department.

Sec. 21-20. City Council action.

Within the timeframes established in the Permit Streamlining Act, the City Council shall act on the tentative map, unless an extension is agreed upon by the subdivider as provided for in the Permit Streamlining Act. If the City Council shall find that the proposed map complies with the requirements of this chapter and the Map Act, it shall approve the map. If the City Council finds that the proposed map does not meet the requirements of this chapter and the Map Act, it shall conditionally approve or disapprove such map. Within ten (10) days following the action by the City Council, the City Planner or designee shall transmit a letter containing the record pertaining to such action to the party submitting the tentative map.

Sec. 21-20.1. Notice of hearing.

Notice of the time and place of any public hearing on a particular matter shall be given by the City Council or the City Clerk by mailing in the United States mail a written notice thereof, not
less than ten (10) days prior to such hearing, to every person whose name and address appears on
the latest available assessment roll as an owner of the property within the territory covered by
such proposed change and within three hundred (300) feet of the outer boundaries thereof.

Such notice shall also be given by at least one (1) publication in a newspaper of general
circulation published in the city, at least ten (10) days before the hearing, and by such other
means as the council may deem necessary.

Sec. 21-21. Expiration of maps and extensions of time.

(a) Expiration. The effective life of an approved tentative parcel map or tentative
subdivision map shall comply with the provisions of Sections 66463.5 and 66452.6 of the Map
Act, respectively.

(b) Extension. Extensions for tentative parcel maps and tentative subdivision maps
may be granted pursuant to the provisions of Sections 66463.5 and 66452.6 of the Map Act,
respectively. Upon application of the subdivider filed prior to the expiration of the approved or
conditionally approved tentative map, the time at which the map expires may be extended by the
City Council or by the Parcel Map Committee. Prior to the expiration of an approved or
conditionally approved tentative map, upon receipt of a written application by the subdivider to
extend that map, the map shall automatically be extended for sixty (60) days or until the
application for the extension is approved, conditionally approved, or denied, whichever occurs
first. A written application to extend an approved or conditionally approved tentative map shall
be submitted to the City Planner or designee prior to expiration of the tentative map, who shall
forward such to the City Council or Parcel Map Committee. If the Parcel Map Committee denies
a subdivider’s application for an extension, the subdivider may appeal, in writing, to the City
Council within fifteen (15) days after the Parcel Map Committee has denied the extension.

Consideration of an application for an extension of time shall be limited to the mandatory
findings of significance contained in the original Parcel Map Committee conditions or City
Council resolution which approved or conditionally approved the tentative map. If it can be
reasonably demonstrated that any one (1) of the original mandatory findings of significance used
to justify approval or conditional approval of the tentative map, as specified in the original
resolution has changed to the extent it can be considered a cause for denial, then such request for
extension may be denied.

(c) Time limit on extensions. An extension or extensions of tentative map approval or
conditional approval may be approved pursuant to Sections 66463.5 and 66452.6 of the Map
Act.-

The expiration of an approved or conditionally approved tentative map shall terminate all
proceedings and no final map or parcel map of all or any portion of the real property included
within the tentative map shall be filed with the City Council without first processing a new
tentative map. Once a timely filing is made, subsequent actions of the City Council or Parcel
Map Committee, including, but not limited to, processing, approval, and recordation, may
lawfully occur after the date of expiration of the tentative map. Delivery to the City Engineer shall be deemed a timely filing for purposes of this section.

(d) **Companion permits.** When a tentative map is approved or conditionally approved in conjunction with a conditional use permit or other discretionary permit, such permit shall expire at the same time as the tentative map unless the permit states a different expiration date approved by the City Council. Extensions of time of tentative maps approved with companion conditional use permits or other discretionary permits may also include extensions of time for such companion permits to exceed the maximum appropriate time limit permitted by Section 21-20(c), hereinabove.

**Sec. 21-21.1. Vesting tentative maps.**

(a) **Citation and authority.** This section is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the vesting tentative map statute).

(b) **Purpose and intent.** It is the purpose of this section to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the Map Act and the subdivision ordinance. Except as otherwise set forth in the provisions of this section, the provisions of the subdivision ordinance shall apply to the vesting tentative map section.

(c) **Consistency.** No land shall be subdivided and developed pursuant to the vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan, or not permitted by the Zoning Ordinance or other applicable provisions of the Municipal Code, which were in effect at the time the vesting tentative map was approved or conditionally approved.

(d) **Application.**

1. Whenever a provision of the Map Act, as implemented and supplemented by the Subdivision Ordinance, requires the filing of a tentative map or tentative parcel map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

2. If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(e) **Filing and processing.** A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the Subdivision Ordinance for a tentative map, except as hereinafter provided:

1. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words “Vesting Tentative Map”.
(2) At the time a vesting tentative map is filed, a subdivider may be required to supply the following information in addition to the requirements set forth in Sections 21-17 and 21-35:
   (A) Height, size, and location of buildings.
   (B) Geological studies.
   (C) Architectural plans.
   (D) Any other studies that are normally deferred to the building permit stage.

(f) **Expiration.** The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by the subdivision ordinance for the expiration of the approval or conditional approval of a tentative map.

(g) **Vesting on approval of vesting tentative map.**

(1) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2.

However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(2) Notwithstanding Subsection (g)(1), a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:
   (A) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
   (B) The condition or denial is required, in order to comply with state or federal law.

(3) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 21-21.1(g). If the final map is approved, these rights shall last for the following periods of time:

   (A) An initial time period of two (2) years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
(B) The initial time period set forth in Subsection (g)(3)(A) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.

(C) A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in Subsection (g)(3)(A) expires.

(D) If the subdivider submits a complete application for a building permit during the periods of time specified in Subsections (g)(3)(A), (B), and (C), the rights referred to herein shall continue until the expiration of that period, or any extension of that permit.

(h) Development inconsistent with zoning; conditional approval.

(1) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the Zoning Ordinance in existence at that time, that inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider/applicant obtaining the necessary change in the Zoning Ordinance to eliminate the inconsistency. If the change in the Zoning Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 21-21.1(g)(1), confer the vested right to proceed with the development in substantial compliance with the change in the Zoning Ordinance and the map, as approved.

(2) The rights conferred by this subdivision shall be for the time periods set forth in Section 21-21.1(g)(3).

(i) Applications inconsistent with current policies. Notwithstanding any provision of this section, the applicant may seek approvals or permits for development which depart from the ordinances, policies and standards described in Section 21-21.1(h)(1) and Section 21-21.1(i) and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

ARTICLE VI. FINAL MAPS

Sec. 21-22. Filing final map.
The subdivider shall file the original and three (3) copies of the final map and required accompanying data with the City Engineer. The said final map shall be accompanied by filing fees as specified in the Comprehensive Fee Schedule. When a final map is submitted to the City Engineer in accordance with this Code, it shall be accompanied by the following documents:

(a) Improvement plans. The original tracings of detailed plans, cross sections and profiles of all improvements proposed to be installed as required by the provisions of this chapter, and of all other improvements proposed to be installed by the subdivider in, on, over, or
under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be filed with the Public Works Director/City Engineer for his approval and signature. All such plans shall be prepared in accordance with the requirements of the Public Works Director/City Engineer. Plan sheets shall be twenty-four inches by thirty-six inches (24” X 36”) and a plan and profile drawn to a scale of one inch equals fifty feet (1” = 50’), or an appropriate scale previously approved by the City Engineer.

(b) Traverse sheets. Calculation and traverse sheets in a form approved by the City Engineer giving bearings and distances, coordinates, error of closure and areas within the boundary of the subdivision and blocks and lots therein shown on the final map.

(c) Design data. Design data, assumptions and computations for proper analysis in accordance with sound engineering practice.

(d) Report and guarantee of title. The final map shall be accompanied by a current (within six (6) months of the final map filing date) report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map, and for dedication of the streets, alleys and other public places shown on the map and certifying that, as of the date of the preparation of the report, the persons wherein named are all the persons necessary to give clear title to such subdivision. At the time of recording said map, following approval by the City Council, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the benefit and protection of the City showing that the persons consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and to the dedications shown thereon. The report should also include a statement of explanation of why any right-of-way or easement holders across the subdivision need not sign the map if they are not included as needed to pass a clear title.

(e) Preliminary soils report. A preliminary soil report prepared by a civil engineer registered by the State of California, based upon adequate test borings or excavations. The fact that a soil report has been prepared shall be kept on file for public inspection by the City. The preliminary soil report may be waived by the Public Works Director/City Engineer if adequate existing data is available as to the soil qualities of the soils of the subdivision.

If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision may be required, prepared by a civil engineer registered by the State of California. The soil investigation shall recommend corrective action intended to prevent structural damage to each dwelling proposed to be constructed on expansive or unstable soil. The report shall be filed with the City of Porterville Building Department.
(f) **Utility statements.** Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities.

(g) **Improvement agreements.** With final review; all agreements, improvement security required by state law or this Code, and offer(s) of dedication.

**Sec. 21-23. Form and content.**
The final map shall be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

(a) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be eighteen inches by twenty-six inches (18" X 26") inches or four hundred sixty by six hundred sixty (460 X 660) millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or twenty-five (25) millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(c) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves and any information which may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish and subdivision boundaries.

(d) Each lot shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision name/number shall be shown together with the description of the real property being subdivided.

(e) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

If the map includes a "designated remainder" parcel, and the gross area of the "designated remainder" parcel or similar parcel is five (5) acres or more, that remainder parcel
need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

A parcel designated as “not a part” shall be deemed to be a “designated remainder” for purposes of this section.

(f) On and after January 1, 1987, no additional requirements shall be included that do not affect record title interests. However, the map shall contain a notation or reference to additional information required by a local ordinance adopted pursuant to Section 66434.2.

(g) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

Sec. 21-24. Survey Monument Requirements.

(a) At the time of making a survey for final map or parcel map, unless survey is not required pursuant to Section 66448 of the Map Act, the engineer or surveyor shall set sufficient durable monuments to conform with City Standards so that another engineer or surveyor may readily retrace the survey. At least one (1) exterior boundary line of the land being subdivided be adequately monumented or referenced before the map is recorded.

(b) The monuments shall be approved by the City Engineer and shall be per City Standards. Any monument or bench mark, as required by this section, that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider. The monuments shall be set at each corner and angle point in the exterior and interior boundaries (lot corners) of the subdivision, except wherein such monuments already exist in their proper positions. Monuments shall be set on street and alley center lines or offsets thereto at all street intersections, beginnings and end of curves, angle points or as otherwise directed by the City Engineer.

(c) Interior monuments need not be set at the time of the map is recorded, if the engineer or surveyor certifies on the map that monuments will be set on or before a specified date, and if the subdivider furnishes to the city security guaranteeing payment of the cost of setting such monuments in accordance with Section 66496 of the Map Act.

(d) Within five (5) days after the final setting of monuments has been completed, the
engineer or surveyor shall give written notice to the subdivider, and to the City Engineer that the final monuments have been set in accordance with Section 66497 of the Map Act.

Sec. 21-25. Statements and acknowledgments.
The title sheet of the map, below the title, shall show the name of the engineer or surveyor together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of final maps, and such statements may be combined where appropriate:

(a) Statement by parties holding title. A statement in accordance with the provisions of Section 66436 of the Map Act.

(b) Dedication Statement. A statement in accordance with Section 66439 of the Map Act.

(c) Engineer’s or Surveyor’s Statement. A statement in accordance with Section 66441 of the Map Act.

(d) Soil Engineer’s Statement. A statement referring to preliminary soils reports on file with the City in accordance with Section 66434.5 of the Map Act.

(e) Statement to be executed. A statement for execution by each of the following:
   - City Engineer;
   - surveyor;
   - soil engineer;
   - City Planner or designee;
   - City Council;
   - City Clerk;
   - County Board of Supervisors;
   - County Recorder;
   - owner.

(f) Notation or reference to survey and map information required pursuant to Section 66434.2 of the Map Act.

Sec. 21-26. Dedications.
(a) Dedications. All streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use shall be offered for dedication for public use. The council or the City Engineer, on behalf of the City Council pursuant to Section 1806 (c) of the Streets and Highways Code, may accept said dedications. If at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are rejected, the offer shall remain open and the council or the City Engineer may, by resolution at any later date and without any further action by the subdivider, rescind the city’s action and accept and open the streets, paths, alleys or storm drain
easements for public use which acceptance shall be recorded in the office of the county recorder. Dedications and acceptance or rejection of parcels of land for elementary school sites, public utility and other easements on parcels of land not previously specified shall be in accordance with the provisions of the Map Act.

(1) Partial streets shall be discouraged in developments except in those situations where warranted and when approved by the City Engineer;

(2) Where a full pavement street is constructed along the perimeter of a subdivision, the subdivider be compensated for this construction by reimbursement agreement between the subdivider, the city and the adjoining property owner when development occurs on his property; and

(3) Where a partial street configuration is allowed, the outside edge shall be a thickened design approved by the City Engineer, and that when the other portion of the street is constructed by development, the subdivider shall be required to overlay the existing partial street with pavement (making for a smooth transition at the center and a smoother traveled way). No parking signs shall be posted by the subdivider if there are no lots fronting on the partial street.

(4) When there are lots fronting on the partial street the dedication and improvement shall be wide enough to permit two (2) lanes of traffic and on-street parking on one (1) side.

(b) *Waiver of direct access right.* The City Council, at its discretion, may require that offers of dedication of streets include a waiver of direct access rights from any property shown on the final map as abutting thereon.

**Sec. 21-27 Reservations**

(a) As a condition of approval of a tentative map, the subdivider may be required to reserve real property within the subdivision for parks, recreational facilities, fire stations, libraries, freeways or other public uses, subject to the following conditions:

(1) Such requirement is based upon an adopted specific plan or an adopted General Plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.

(2) The ordinance has been in effect for a period of at least thirty (30) days prior to the filing of the tentative map.

(3) The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.

(4) The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

(b) The reservation area shall conform to the adopted specific plan or General Plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.
(c) The reservation requirement may be in addition to requirements for dedications and/or improvements of property within the subdivision for the same or other purposes.

(d) The City shall, at the time of approval of the final map or parcel map, enter into an agreement to acquire such reserved area within two (2) years after completion and acceptance of all improvements required as a condition of such map, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

(e) If the City does not enter into the agreement required, the reservation of such area shall automatically terminate.

Sec. 21-28. Public improvement agreement.
Prior to the approval by the City Council of the final map, the subdivider shall execute and file an agreement between himself and the city specifying the period within which he shall complete all public improvement work to the satisfaction of the City Engineer, and providing that if he shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider or his surety. The agreement shall also provide for inspection of all public improvements by the Public Works Director/City Engineer and that the cost of such inspections shall be reimbursed to the City by the subdivider.

Sec. 21-29. Improvement security.
    (a) Security. The subdivider shall file with the agreement required by the provisions of Section 21-28, to assure his full and faithful performance thereof, a bond or security for such sum as the City Engineer deems sufficient to cover the cost of the improvements.

    (b) Security, Form, amount. Such security shall be in the manner, form, and kind provided by the Map Act and acceptable to the city attorney. The security shall be in the amount of one hundred (100) percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of fifty (50) percent of such sum securing the payment by the subdivider to his contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials to them for improvements.

The security provided shall guarantee maintenance and/or repair of all defects in required public improvements for a period of one (1) year following acceptance of said improvements by the City.

In lieu of a one hundred (100) percent performance bond and fifty (50) percent labor and materials bond, surety may be assured by the filing of a letter of credit, cash deposit, or deposit of negotiable bonds, which creates a trust fund in an amount equal to one hundred ten (110)
percent of the cost of the work estimated by the Public Works Director/City Engineer. Said trust fund shall be maintained in a financial institution subject to regulation by the state and federal government with the trust fund limited to the following conditions:

(1) Ten (10) percent of the cost, representing a labor and materials deposit, to be retained for thirty-five (35) days after the filing of the notice of completion.

(2) Funds may be discharged from the balance of the surety account from time to time as work is completed, up to ninety (90) percent of value of work completed, with authorization of the City Engineer until all work is completed and the notice of completion is filed; at which time the remaining funds shall be released thirty-five (35) days thereafter.

(3) Prior to final acceptance by the city of improvements, the subdivider shall provide the city with a one (1) year maintenance bond in the amount of five (5) percent of the estimated cost of improvements.

(c) **Completion of work by city.** In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the city shall have completed the same, or if the subdivider shall fail to reimburse the city for the cost of incidental expenses or to cover the cost of replacement and the repair of existing streets or other improvements damaged in the development of the subdivision or requiring repair or replacement during the one (1) year guarantee period, the city shall demand performance of the agreement by the subdivider to do such work and reimburse itself for the cost of work agreed to be performed by the subdivider. If the amount of the surety bond or cash deposit exceeds all costs and expenses incurred by the city, the city shall release the remainder of such bond or certification, less the cost and expense incurred by the city. The subdivider shall be liable to the city for any costs additional to those secured in an action to be brought therefore by the city.

**Sec. 21-30. Approval by City Engineer.**

Upon receipt of the final map and other data submitted therewith, the City Engineer shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of this chapter or any other ordinance and the Map Act applicable at the time the application for the tentative map is deemed complete, and that he is satisfied that the map is technically correct. If the City Engineer shall determine the final map is not in full conformity with the tentative map, he shall advise the subdivider of the changes or additions that must be made for such purposes, and shall afford the subdivider an opportunity to make such changes or additions. If the City Engineer shall determine that full conformity therewith has been made, he shall so certify on said map and shall transmit said map to the City Council for approval.

**Sec. 21-31. City Council approval.**

(a) The City Council shall, at the meeting at which it receives the final map for approval, or at its next regular meeting after the meeting at which it received the map, approve the map if it conforms to all the requirements of this chapter and the Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder.
(b) The council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this article or by law are not completed before the filing of the final map, the council may enter into an agreement with the subdivider for posting improvement security as provided in this chapter. The City Engineer, upon the approval of the final map by the City Council, shall transmit the map to the Clerk of the Board of Supervisors, who shall record same.

ARTICLE VII. PARCEL MAP SUBDIVISION

Sec. 21-32. Purpose.
This article is adopted in order to establish rules, regulations and specifications for the subdivisions of land described in Subsections 66426 a, b, c, and d of the Map Act.

Sec. 21-33. Parcel Map Committee responsibilities.
A Parcel Map Committee is hereby created and is designated as the advisory agency and shall review and approve, conditionally approve or disapprove tentative parcel maps. Said Parcel Map Committee shall include the City Planner, City Engineer and Fire Chief or their designees. The City Planner or designee shall serve as committee chairman.

Sec. 21-34. Tentative parcel maps; filing.
   (a) Ten (10) copies of the tentative parcel map and one (1) photo-ready master (11”X17” maximum) shall be filed with the City Planner or designee.
   
   (b) The tentative parcel map shall be accompanied by an application fee as established by City Council resolution.

   (c) The City Planner or designee may refuse to accept a tentative parcel map which is inaccurate, illegible, incomplete, or which fails to comply with the requirements of this article.

Sec. 21-35. Tentative parcel map; form and content.
The subdivider shall cause the tentative parcel map of the land proposed to be subdivided to be prepared by a registered civil engineer authorized to practice surveying or licensed land surveyor. The size of each sheet shall be eighteen by twenty-six inches (18” X 26”). The tentative parcel map shall be legibly drawn, in pencil or ink, and shall use a decimal or an engineer’s scale of not less than one inch equals one hundred feet (1’ = 100’), unless the City Planner or designee determines that a different scale will be adequate and appropriate for the tentative map.

The tentative map shall clearly show the following information:

   (a) A key map showing the location of the subject property, adjacent property, subdivisions, streets or roads and other development which would affect the tentative map.
(c) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.

(d) Partial legal description (1/4 section, township/range).

(d) The Parcel Map Committee may impose conditions upon a tentative map, as appropriate, to determine compliance with general engineering or surveying practices.

(e) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(f) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.
(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(h) Radius of each curve (in accordance with Article III. Design and Construction Standards)

(i) Typical cross sections of all streets.

(j) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(k) Approximate accurate contour lines having the following intervals:
   (1) One (1) foot contour interval for ground slopes between level and five (5) percent.
   (2) Five (5) foot contour intervals for ground slopes exceeding five (5) percent.

(l) The approximate widths, location and purpose of all existing or proposed easements.

(m) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

(n) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

(o) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

(p) City limit lines.

(q) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.

(r) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.

(s) For residential subdivisions, the school district and schools serving the subdivision.

(t) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

(u) The location and sizes of existing and proposed utility lines and structures.
(v) The elevation of sewers at the proposed connection.

Sec. 21-35.1 Owner’s statement and accompanying data.
Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner’s statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and General Plan designation.

(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.

(c) Source and approximate quantity of water supply and general outline of proposed system.

(d) Provisions for sanitary sewage disposal and general outline of proposed system.

(e) Plan for surface drainage and flood control and general outline of proposed system.

(f) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system.

(g) Environmental Information Form.

Sec. 21-35.2 Transmittal of maps to public agencies and utilities
(a) When the tentative map is received and filed under the provisions of this title, the City Planner or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:

(1) Public Works Director/City Engineer
(2) Chief Building Official
(3) Police Department
(4) Fire Department
(5) Field Services Manager
(6) Office of Intergovernmental Management when required under Section 12037 of the Government Code
(7) Tulare County Resource Management Agency
(8) Southern California Edison or other affected electric company
(9) The Gas Company or other affected gas company
(10) Telephone company or other affected phone company
(11) Cable TV companies affected
(12) School Districts as required by Section 66455.7 of the Map Act
(13) Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.
Sec. 21.36. Consideration of tentative parcel maps.
Not later than thirty (30) calendar days after the City Planner or designee has received an application for a tentative map approval, the City Planner or designee shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the City Planner or designee’s determination shall specify those parts of the application which are complete and shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete. The City Planner or designee may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(a) The Parcel Map Committee shall review and approve, conditionally approve or disapprove the tentative parcel map within thirty (30) days after the date of acceptance of a complete application by the City Planner or designee. Noticing shall be as provided in Section 21-20.1 of this chapter.

(b) If the Parcel Map Committee determines that the tentative parcel map complies with all of the provisions of this article, General Plan, zoning ordinance, and the Map Act, it shall approve the map.

(c) If the tentative parcel map fails to meet one or more requirements set forth in this article, the Parcel Map Committee may approve the map subject to such conditions as may be necessary to conform to such requirements.

(d) When approving or conditionally approving the tentative parcel map, the Parcel Map Committee shall specify the dedications and improvements to be made by the owner.

(e) Within seven (7) days after the action by the Parcel Map Committee, written notice of the action by the Parcel Map Committee shall be mailed to the applicant.

(f) Upon approval of the tentative parcel map by the Parcel Map Committee, the tentative parcel map shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative parcel map shall be filed with the City Planner or designee and the City Engineer.
Sec. 21-37. Appeals.
(a) Parcel Map Committee actions. The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the Parcel Map Committee by filing a notice thereof, in writing, with the City Clerk setting forth in detail the action and the grounds upon which the appeal is based, within ten (10) days after the action which is the subject of the appeal. An appeal shall state specifically where it is claimed there was an error or abuse of discretion by the Parcel Map Committee.

(b) Hearing of appeals. Upon the filing of such an appeal, the City Clerk shall set the matter for hearing before the City Council. Such hearings shall be held within thirty (30) days after the date of filing the appeal. The City Council shall consider the matter as an appeal de novo and as such may affirm, reverse or modify the action of the Parcel Map Committee, or refer the matter back to the Parcel Map Committee for further action.

Sec. 21-38. Time limits and extensions of time on tentative parcel maps.
Findings, time limits and extensions of time for tentative parcel maps shall be the same as provided for by Section 21-21 of this chapter.

Sec. 21-39. Improvements.
Pursuant to the provisions of the Map Act, the subdivider shall install, construct and/or provide all on- or off-site improvements as required by the Parcel Map Committee; and such improvements shall be in conformance with all applicable provisions of Article VIII of this chapter.

Sec. 21-40. Right-of-way dedications.
Pursuant to the Map Act, the subdivider shall provide such dedication of right-of-way or easements as may be required by the Parcel Map Committee.

Sec. 21-41. Final parcel maps.
Within the time limit designated in Section 21-38 of this article, and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefore and the payment of all applicable fees and charges, the applicant may file with the City Engineer, who shall approve, a final parcel map which shall substantially conform to the approved tentative parcel map and all applicable provisions of the Map Act. The appropriate statements as provided by the applicant in accordance with the provisions of the Map Act, shall be signed by the City Engineer upon the parcel map; and the final parcel map shall be transmitted to the Clerk of the County Board of Supervisors for ultimate transmittal to the county recorder.

Sec. 21-42. Survey requirement.
In all cases where a parcel map is required, the parcel map shall be based on a field survey of the land conducted in accordance with the Land Surveyor’s Act of the State of California. All new lot corners shall be monumented and based on a field survey. At the discretion of the City Engineer, a parcel map may be compiled from recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable to retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map.
Sec. 21-43. Information on final parcel map.

(a) Each parcel shall be consecutively numbered. Each parcel shall have its area shown to the nearest one-hundredth (1/100) of an acre or nearest square foot. The exterior boundary of the land included within the parcel or parcels being created shall be indicated by a distinctive border applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data. The map shall show the definite location of such parcel or parcels, and particularly the relationship to existing surveys.

(b) The final parcel map shall also contain the following information:

   (1) The tentative parcel map number and date of preparation.
   (2) The net dimensions of each lot. No ditto marks shall be used.
   (3) The names, locations and right-of-way widths of all abutting public streets.
   (4) The proposed location, purpose and width of all proposed public roads and private access easements.
   (5) The boundaries of any private easement, whether an easement or record or a prescriptive easement, shall be shown by means of a dotted line; and the name of the person owning the easement shall be shown on the map.
   (6) Location and widths of easements for public utilities, if required.
   (7) The location and widths of watercourses and areas subject to inundation, and location of selected flood lines within the parcels being created.
   (8) Building setback lines, if applicable.
   (9) A north point and graphic scale.
   (10) Location or vicinity map at a minimum scale of one (1) inch equals one (1) mile.
   (11) Names and addresses of the owners of the property being divided.

Sec. 21-44. Required statements.

(a) All required dedications of rights-of-way or easements shall be certified on the final parcel map by appropriate statements in accordance with Section 66447 of the Map Act.

(b) All parties having any record title interest in the real property subdivided shall sign a statement on the final parcel map in accordance with Subsections 66436 and 66445 of the Map Act.

(c) A statement of the registered civil engineer or licensed land surveyor who prepared the survey and the parcel map in compliance with Section 66449 of the Map Act.

(d) A statement for execution by the City Engineer which complies with Section 66450 of the Map Act.

(e) A statement for execution by the City Planner or designee on behalf of the Parcel Map Committee certifying that the final parcel map conforms to the approved tentative parcel map.
(f) Additional information to be filed or recorded with the final map as required in accordance with Section 66434.2 of the Map Act.

Sec. 21-45. Waiver of requirements for parcel maps.

(a) The requirement for a final parcel map may be waived if a finding is made by the Parcel Map Committee that the proposed division of land complies with all requirements of this chapter and the zoning ordinance as to area, improvement and design, drainage control, street dedications and improvements, sewer and water supply availability and environmental protection. No final map will be required for tentative maps approved under this section.

(b) Approval of an application for a waiver of the requirement of a parcel map shall automatically constitute approval for the issuance of a certificate of compliance pursuant to the provisions of Section 66499.35 of the Map Act. When approval has been given to an application for a waiver of the requirement of a parcel map, the Community Development Director and City Engineer shall issue a resolution approving the waived parcel map, and shall cause said resolution to be filed with the county recorder.

Sec. 21-46. Lot line adjustment.
Pursuant to Government Code Section 66412(d), a lot line adjustment between four (4) or fewer existing adjoining parcels, where the land taken from one (1) parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, may be approved by the City Engineer and Community Development Director or authorized representatives without the approval and filing of a parcel map. Such lot line adjustments shall be accomplished in accordance with the following procedures:

(a) Applications for lot line adjustments shall be filed with the Community Development Director and shall be in the form and contain the information required of a tentative parcel map together with legal descriptions of each parcel.

(b) The property owner(s) or agent shall file an application for a lot line adjustment with the City, submit evidence of title to all parcels to be affected, submit a proposed lot line adjustment map and legal description, and pay the processing fee established by resolution of the City Council.

(c) The City Planner or designee and City Engineer shall consider and approve the application if it is found that the parcels created by the lot line adjustment will conform to the requirements of this code and applicable state law.

(d) The lot line adjustment shall be evidenced by recording a deed describing each affected parcel and a City resolution signed by the Community Development Director and City Engineer. The deed and resolution shall be recorded concurrently with any easement deed regarding the relocation or elimination of applicable easements.

The City Engineer may require the applicant to dedicate additional street right-of-way when necessary for the completion of the ultimate street right-of-way.
Sec. 21-47. Merger.

Two (2) or more contiguous parcels or units of land which have been subdivided under the provisions of the Map Act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto, or which were not subject to such provisions at the time of their creation, shall not merge simply by virtue of the fact such contiguous parcels or units are held by the same owner. No further proceeding under the provisions of the Map Act or this article enacted pursuant thereto shall be required for the purpose of sale, lease or financing of such contiguous parcels or units, except, however, the City of Porterville may provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if all of the following requirements are satisfied:

(a) At least one (1) of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the local agency, or which was built prior to the time such permits were required by the local agency.

(b) With respect to any affected parcel, one (1) or more of the following conditions exists:

(1) Comprises less than five thousand (5,000) square feet in area at the time of the determination of merger.
(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
(3) Does not meet current standards for sewage disposal and domestic water supply.
(4) Does not meet slope stability standards.
(5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
(6) Its development would create health or safety hazards.
(7) Is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

(c) Notification of intention to merge, hearing. Prior to recording a notice of merger, the City Planner or designee shall cause to be mailed by certified mail to the current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the Tulare County Recorder on the date that notice is mailed to the property owner.

(d) Request for hearing. At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the City Planner or designee a request for a hearing on determination of status.

(e) Procedure for hearing. Upon receiving a request for a hearing on determination of status, the City Planner or designee shall fix a time, date and place for a hearing to be
conducted by the City Council, and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the receipt of the property owner’s request therefor, but may be postponed or continued with the mutual consent of the City Planner or designee and the property owner.

(f) **Procedure for determination following hearing.** At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance. At the conclusion of the hearing, the City Council shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in Subsections 21-47(a) and (b). A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

(g) **Determination when no hearing is requested.** If, within the thirty (30) day period specified in Subsection (d), the owner does not file a request for a hearing, the City Planner or designee may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded with the Tulare County Recorder which specifies the names of the property owners and particularly describes the real property in question no later than ninety (90) days following the mailing of the notice required by Subsection (e).

(h) **Notice of intention for nonmerger.** If, in accordance with Subsection 21-47(f) or (g), the City Planner or designee or City Council determines that the subject property shall not be merged, it shall cause to be recorded a release of the notice of intention to determine status, and shall mail a clearance letter to the current owner of record.

**Sec. 21-47.1 Property owner initiated merger of contiguous parcel merger**

Pursuant to Government Code Section 66499.20 ¾, a property owner owning contiguous parcels is authorized to merge those contiguous legal parcels without requiring the property to be reverted to acreage. Such merger shall be accomplished in accordance with the following procedures:

(a) The property owner shall file an application for merger with the City Planner, submit evidence of title to all parcels to be affected, submit a proposed certificate of compliance, and pay the processing fee established by resolution of the City Council. Mergers shall be in the form and contain the information required of a tentative parcel map together with a legal description of the merged parcel.

(b) The City Planner or designee and City Engineer shall consider and approve the application if it is found that the parcel created by the merger will conform to the requirements of this code and applicable state law.

(c) The merger shall be evidenced by recording a certificate of compliance which lists the parcel numbers affected and is signed by the Community Development Director and
City Engineer. The certificate of compliance shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements. The certificate of compliance shall be recorded against each parcel that is merged.

Sec. 21-48. Certificate of compliance.

(a) Any person owning real property may request, and the City Planner or designee shall determine, whether such real property complies with the provisions of the Map Act and of this article. Upon making such a determination, the City Planner or designee shall cause a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Map Act and of this article. The City Planner or designee may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

(b) If the City Planner or designee determines that such real property does not comply with the provisions of the Map Act or of this article, he may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property and which had been established at such time by the Map Act or this article. Upon making such a determination and establishing such conditions, the City Planner or designee shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the city.

Sec. 21-49. Reversion to acreage.

(a) Subdivided real property may be reverted to acreage pursuant to the provisions of the Map Act.

(b) Proceedings for reversion to acreage may be initiated by the Parcel Map Committee on its own motion or by petition of all of the owners of record of the real property within the subdivision.

(c) The petition shall be in a form prescribed by the City Planner or designee and shall contain the following:

1. Adequate evidence of title to the real property within the subdivision.
2. Sufficient data to enable the legislative body to make all of the determinations and findings required by this article, including a three hundred (300) foot radius map and property owners list.
3. A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion if applicable and which sufficiently describes all property to be reverted to acreage.
(4) Such other pertinent information as may be required by the City Planner or designee and City Engineer.

(d) A public hearing shall be held on the proposed reversion to acreage. Notice thereof shall be given in the time and manner provided in Section 21-20 of this chapter.

(e) Subdivided real property may be reverted to acreage and a final map approved for recordation only if the Parcel Map Committee finds that:

(1) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes if applicable. Such determination regarding dedicated public streets shall be made by the City Council in accordance with Division 9, Part 3 of the Streets and Highways Code of the State of California.

(2) Either:
   (A) All owners of an interest in the real property within the subdivision have consented to reversion; or
   (B) None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
   (C) No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

(f) As conditions of reversion, the City Council shall require:

(1) Dedications or offers of dedication necessary for the purposes specified by city ordinance following reversion.

(2) Retention of all previously paid fees if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.

(3) Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.

(g) Reversion shall be effective upon the final map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

(h) When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to applicable City Ordinance, including the stipulations of this article.

**ARTICLE VIII. IMPROVEMENTS**

Sec. 21-50. General requirements.
The subdivider shall install improvements in accord with the general requirements set forth in this article; provided, however, the Public Works Director/City Engineer may require changes in typical sections and details if unusual conditions arise to warrant such changes.

Sec. 21-51. Standard specifications.
All improvements shall conform to the requirements contained in the City of Porterville Standard Plans and Specifications, Standard Specifications for Public Works Construction, and Work Area Traffic Control Handbook, as all of same now exist or are subsequently amended. Copies shall be maintained on file in the office of the City Clerk and the Public Works Director/City Engineer.

Sec. 21-52. Improvement plans.
Construction of improvements shall not commence until calculations, plans, profiles, and specifications for such work have been submitted to and approved by the City Engineer. Such items shall be approved prior to recording the final map. Construction of all improvements shall conform to the approved improvement plans and specifications and approved amendments thereto. All such plans shall be prepared on polyester base film with permanent black ink in accordance with the requirements of the Public Works Director/City Engineer. After construction is completed, the subdivider's engineer shall show all changes made on the original set of plans and provide them to the city marked “as built plans”.

Sec. 21-53. Improvement construction inspection and supervision.
All improvements shall be inspected and approved by the Public Works Director/City Engineer or his authorized representative. The subdivider shall be responsible for the actions of his contractor. Twenty-four (24) hours minimum notice will be required prior to an inspection by city personnel.

Sec. 21-54. Plan check and inspection fees.
Subdivider shall be required to pay a plan check and inspection fee which shall include all charges for engineering and inspection services and rendered by the city including the cost of recording maps. The plan check and inspection fee shall be as indicated in the City Comprehensive Fee Schedule.

The plan check fee shall be paid prior to commencement of plan checking by the city. The inspection fee shall be paid prior to any construction work requiring inspection.

Sec. 21-55. Required improvements enumerated.
The subdivider shall improve, or agree to improve, all streets, highways, or ways in or adjacent to the subdivision. All improvements shall be installed to permanent line and grade in accordance with the approved improvement plans for that subdivision on file with the Public Works Director/City Engineer. Improvements which the subdivider shall make, or agree to make, at the cost of the subdivider, shall be as follows:

(a) Underground utilities. All utility distribution facilities, including but not limited to electric, communication, and cable television lines installed in and for the purpose of
supplied service to any subdivision, shall be placed underground in accordance with the utility’s rules and regulations on file with the California Public Utilities Commission.

Equipment appurtenant to underground facilities, such as surface-mounted transformers, street light poles, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be installed above the surface of the ground. The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of said facilities.

All underground utilities, sanitary sewers, and storm drains installed in streets, service roads, alleys or highways shall be constructed in accordance with the standard specifications prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed in such length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.

(b) Streets. All streets shall be graded and surfaced to cross sections and grades approved the Public Works Director/City Engineer.

(c) Structures. Structures shall be installed as required for drainage, access and/or public safety. Such structures shall be placed to grades and shall be of a design approved by the Public Works Director/City Engineer.

(d) Grading and drainage. Site grading and drainage taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.

(e) Sidewalks, curbs, gutters and driveway approaches. Curbs, gutters, sidewalks and driveway approaches shall be installed to grades approved by the Public Works Director/City Engineer.

(f) Sanitary sewers. Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, locations, design and size approved by the Public Works Director/City Engineer. No septic tanks or cesspools shall be permitted.

(g) Storm drains. Storm water sewers shall be installed as required by the Public Works Director/City Engineer.

(h) Water supply, fire flow, and fire hydrants. As provided in the Uniform Fire Code, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The required fire flow shall be determined by the Fire Chief. When any portion of the building to be protected is in excess of one hundred fifty (150) feet from a water supply on a public street, there shall be installed, and supplied by the approved water supply, on-site fire hydrants capable of supplying the required flow.
(1) Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed system capable of supplying the required fire flow. In setting the requirements for fire flow, the chief may use the standard published by the Insurance Services Office, A Guide for Determination of Required Fire Flow.

(2) The location, number, and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the Fire Chief. All hydrants shall be accessible to the Fire Department by access roadways meeting Uniform Fire Code requirements for “Access Roadways for Fire Apparatus”. Such fire protection facilities including all surfaces access roads shall be installed and made serviceable by the subdivider prior to the time of construction.

(3) In a residential development, one (1) fire hydrant shall be installed for each five hundred (500) feet of residential frontage. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within two hundred fifty (250) feet.

(4) In a commercial area or industrial development, one (1) fire hydrant shall be installed for each three hundred (300) feet of commercial or industrial frontage. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within a distance defined by Table A-III-B-1 of the Uniform Fire Code.

(5) When fire hydrants density, as determined by the hydrant spacing requirement, is not sufficient to provide the required fire flow, additional fire hydrants may be required by the Chief.

(6) Design, locations, and layout of water mains and fire hydrants shall be approved by the City Engineer and the Fire Chief, and shall be installed by the subdivider.

(7) The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the chief. All hydrants shall be accessible to the fire department apparatus by access roadways meeting Uniform Fire Code requirements for Access Roadways for Fire Apparatus. Such fire protection facilities, including all surface access roads, shall be installed and made serviceable by the subdivider prior to the time of construction.

(A) 4000 GPM and greater; required duration is four (4) hours.
(B) 3000 GPM – 3750 GPM; required duration is three (3) hours.
(C) 1500 GPM – 2750 GPM; required duration is two (2) hours.

(i) Subdivision trees. Subdivision trees and landscaping design shall be approved by the city and shall be planted at a time and in locations approved by the City Director of Parks and Leisure Services, all in general accord with the requirements of the Porterville Municipal Code. Five (5) gallon trees shall be installed upon all lots abutting interior, local and collector
street, and fifteen (15) gallon trees shall be planted upon parcels having frontage on arterial thoroughfares.

(j) Street signs. Street signs shall be installed by the city at the subdivider's expense. Any required barricades to prevent traffic access at dead-end streets shall be provided by the subdivider in accord with the standard specifications.

(k) Street lights. Ornamental street lights shall be installed by the subdivider at locations designated by the City Engineer.

(l) Railroad crossings. Provisions shall be made for any and all railroad crossings necessary to provide access to, or circulation with, the proposed subdivision, including the preparation of all documents necessary for application to the Public Utilities Commission of the State of California for the establishment and improvement of such crossing.

(m) Lot corners. The subdivider's engineer shall set at all lot corners a marker consisting of a one (1) inch diameter iron pipe twenty-four (24) inches long filled with cement, with the engineer's marker thereon.

(n) Bench marks. The subdivider's engineer shall set at least two (2) bench marks in the subdivision tied to United States Coast & Geodetic Survey (USC & GS) datum. Bench marks with elevations and based on USC & GS datum are located at all section and quarter-section corners.

(o) Temporary Drainage Reservoir lots. Temporary drainage reservoir lots, when approved, shall be designed and constructed to the requirements of the Public Works Director/City Engineer and the Director of Parks and Leisure Services.

(p) Others. Other improvements where deemed necessary by the City Council for the public health, safety or welfare.

Sec. 21-56. Agreement for installation of improvements.
Prior to the approval by the City Council of the final map, the subdivider shall execute and file an agreement between the subdivider and the City, specifying a period, agreeable to the Public Works Director/City Engineer, which shall be not greater than one (1) year, within which he shall complete all improvement work to the satisfaction of the Public Works Director/City Engineer, and providing that if the subdivider shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the Public Works Director/City Engineer or his authorized representative and reimbursement to the city by the subdivider for the cost of such inspection. Such agreements may also provide:

(a) For the construction of the improvements in units.

(b) For an extension of time under conditions therein specified.
(c) For the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the Public Works Director/City Engineer to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider.

(d) For progress payments to the subdivider, or his order, from any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided in this article; provided, however, that no such progress payment shall be made for more than ninety (90) percent of the value of any installment of work, and provided that each such installment of work shall be completed to the satisfaction of the Public Works Director/City Engineer.

Sec. 21-57. Construction of improvements absent subdivision agreement.

If the subdivider chooses to construct improvements absent a subdivision agreement, pertaining to the improvements to be constructed, as specified in Section 21-56 of this article, then the subdivider shall execute and file a preliminary subdivision agreement between the subdivider and the city. The preliminary subdivision agreement shall specify a period of time, not to exceed one (1) year, within which all improvements shall be completed, and providing that if the subdivider shall fail to complete such work within such period, the city may increase inspection fees to recover any additional inspection costs incurred by the city.

Such agreements may also provide for:

(a) The subdivider to arrange a preconstruction conference with the City, involving representative(s) of all contractors who are to work on the improvements, one (1) week prior to the initial start of construction.

(b) The subdivider to give the City twenty-four (24) hours’ notice to restarting work if no construction work has been done for two (2) or more prior work days.

Sec. 21-58. Supplemental improvements.

(a) Required. The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the public. Supplemental size, capacity or number shall mean that size, capacity or number in excess of the minimum standard city requirements.

(b) Supplemental improvements; reimbursement agreement. The City shall enter into an agreement for reimbursement to the subdivider of the cost of the supplemental capacity, size or number. However, the subdivider shall be reimbursed only for that portion of the cost of such improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only, and the actual cost of oversize improvements.

(c) Supplemental improvements; reimbursement procedures. To pay the cost of such reimbursement, the City Council may at its discretion:
(1) Immediately reimburse the subdivider for the entire cost of oversizing and thereafter levy a charge upon the real property benefitted thereby; or
(2) Collect a reasonable use charge for the account of the subdividers from persons not within the subdivision using the oversized improvements.

Sec. 21-59. Utility fees and off-site charges.
The subdivider shall pay utility fees for sewer, water and storm drainage as may be required by applicable council resolution or ordinance. Utility fees, excluding acreage fees, for subdivisions shall be collected prior to acceptance of subdivision improvements by the city. Engineering plan checking, inspection fees, acreage fees and off-site charges, i.e., street signs, subdivision trees, etc., shall be paid prior to approval of the subdivision agreement by the City Council.

ARTICLE IX. MISCELLANEOUS

Sec. 21-60. Voidability of deeds or contracts.
Any deed of conveyance, sale or contract to sell made contrary to the provisions of this chapter is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in solvency or bankruptcy, within one (1) year after the date of execution of the deed of conveyance, sale or contract to sell; but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee.

Sec. 21-61. Penalties.
Any offer to sell, contract to sell, sale or deed of conveyance made contrary to the provisions of this chapter is a misdemeanor, and any person, firm or corporation, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars ($500.00), or imprisonment in the county jail for a period of not more than six (6) months, or both such fine and imprisonment.

SECTION 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

Adopted this ___ day of ____, 2007.

________________________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By _______________________________
Georgia Hawley, Chief Deputy City Clerk

SOURCE: CITY ATTORNEY

COMMENT: Consistent with the direction given at the April 3, 2007 City Council meeting, this office has provided notice to the property owner of the property located at the Tule River from the South Jaye Street bridge east to the railroad tracks, that the subject property is being maintained in violation of Section 18-26 of the Porterville Municipal Code (excessive trash and debris, substandard structures, etc.). Generally, a property owner is given ninety days to correct the violations prior to a City declaration of public nuisance. However, as previously discussed, it has been recognized that the majority of the violations on the property are due to unlawful trespassing/squatting on the property.

The property owner has been working with the City’ Police Department to abate the trespassing. Furthermore, the City has forwarded a consent form to the owner requesting that he consent to an earlier declaration of public nuisance, with the understanding that the City would be considering the utilization of public funds to abate the nuisance and alleviate the public health and safety concerns. At the time of the preparation of this report, the property owner has verbally consented to an early declaration, and it is anticipated that written consent will be obtained prior to this meeting.

Attached to this report are the notices provided to the owner, along with pictures of the debris and the condition of the property. City staff and this office have determined that abatement clearly serves a public purpose, as there are health and safety concerns for the trespassers as well as the general public with regard to the condition of the property. Further advance notice, to the extent possible, will be given to any remaining trespassers on the property that they must leave and remove any belongings.

City staff is still working on the logistics for the clean up. It is estimated that the cost of the abatement is unknown at this time due to the scale of the project. Staff intends to utilize additional forces available through its freeze relief efforts for the clean up, and also intends to work with the Lower Tule River Irrigation District. However, consistent with the Municipal Code, a declaration of public nuisance by the City Council is required prior to abatement.
RECOMMENDATION: That the City Council consider this report and the attachments, and declare the property a public nuisance, and authorize abatement by the City.

ATTACHMENTS: 1) Request for Consent to Declare Property a Public Nuisance
               2) Notice of Violation
               3) Pictures/Documentation
April 25, 2007

Dexter Goodell
319 E. Carillo St., #201
Santa Barbara CA 93103

Dear Mr. Goodell,

Re: Notice of Porterville Municipal Code Violation(s)
Section 18-26 Neglect of Real Property

You are hereby notified that your property, located at APN 260 320 010 000, APN 260 320 029 000, APN 260 310 042 000, APN 260 310 043 000, APN 260 250 031 000, APN 260 260 002 000, APN 260 260 005 000, APN 260 310 016 000, APN 260 250 026 000 also known as the Tule River from the S. Jaye St. bridge east to the railroad tracks are currently being maintained in violation of Section 18-26 of the Porterville Municipal Code. Specifically, City officials have observed excessive trash and debris, tires, substandard structures, and inappropriate storage or placement of equipment and other household items.

Failure to abate the above violations within 90 days of receipt of this notice may result in your property being declared a public nuisance, resulting in possible additional legal action.

If you have any questions regarding this information, please feel free to contact me at (559) 782-7526.

Sincerely,

[Signature]

Clayton Dignam
Code Enforcement Officer

Enclosures

cc: John Longley, City Manager
    Mario G. Garcia, Fire Chief
    Julia Lew, City Attorney
Fire Department  
April 25, 2007

Mario G. Garcia  
Fire Chief

Dexter Goodell  
319 E. Carillo St., #201  
Santa Barbara CA  93103

Dear Mr. Goodell,

Re: Request for Consent to Declare Property a Public Nuisance

As noted in the attached Notice of Violation dated April 25, 2007, your property is in violation of Section 18-26 of the Porterville Municipal Code. After contact and discussions with you concerning the status of your property, the City recognizes an overwhelming majority of the violations that exist on your property are due to unlawful trespassing and "squatting" on your property. While property owners are responsible for ensuring that their properties are maintained in conformity with City standards, City staff recognizes that you have been actively working with City officials to remove trespassers and the subsequent items and/or debris that has been abandoned and left behind.

Given these specific circumstances, the City is willing to consider the authorization of City funds and resources to abate these violations, if you are willing to consent to a declaration of public nuisance by the City Council prior to the 90-day period specified in the attached Notice of Violation. With your consent, the City Council intends to consider declaring your property a public nuisance at its regular meeting on May 1, 2007, and consider authorizing the expenditure of City funds and resources for the abatement of these violations. The meeting will be held at 7:00 p.m. in the City Council Chambers, Porterville City Hall, 291 N. Main Street, Porterville, California.

If you are in agreement with the proposed course of action and willing to allow the City of Porterville and any of its employees and/or agents to enter your property for the abatement of the nuisance violations, please sign the consent below and return it in the self-addressed, stamped envelope that is included.

If you have any questions regarding this information, please feel free to contact me at (559) 782-7526.

Sincerely,

[Signature]

Clayton Dignam  
Code Enforcement Officer

Enclosures

cc: John Longley, City Manager  
✓ Mario G. Garcia, Fire Chief  
Julia Lew, City Attorney
I hereby consent to a declaration of public nuisance as set forth above and give my consent to the City of Porterville to enter my property for the necessary abatement, to be considered on May 1, 2007.

[Print Name] [Signature]
TITLE: ANIMAL CONTROL REGULATIONS PERTAINING TO VICIOUS ANIMALS AND “REPEAT OFFENDERS”

SOURCE: CITY ATTORNEY

COMMENT: After an increase in incidents of dogs running at large, as well as some recent incidents of injury to persons and other animals and a 2005-2006 inquiry from the Tulare County Grand Jury, the Porterville Police Department has requested that the City’s animal control regulations be reviewed for potential revisions to better address the vicious or dangerous animals, and in particular stronger penalties and possibility of permanent seizure of an animal after repeated violations. The City also desires to develop regulations consistent with the City of Lindsay’s regulations, given that it contracts with Lindsay for its animal control enforcement.

Consequently, I have reviewed the both cities’ existing regulations, which incorporate the Tulare County Ordinance Code provisions concerning animal control. As a housekeeping matter, revisions to the City Code are needed to make proper reference to the updated County provisions, as the references are over thirty years old and do not accurately reflect the proper sections. I would also recommend that the City incorporate the updated criminal penalty amounts that are in the process of being adopted for Municipal Code violations in general, that provide for higher graduated fines for infractions ($100, $200, and $500; versus the $25, $50 and $100 currently specified) as well as a higher maximum fine for misdemeanors ($1,000 instead of $500). Higher penalties, in and of themselves, may deter further violations by the same owners.

With regard to vicious animals, the City currently incorporates by reference the County’s procedures allowing for seizure and destruction of animals determined to be dangerous, after a hearing/appeal process. Dogs or other animals may be declared dangerous by the “Poundmaster” when the animal has attacked, bitten or caused injury to any human being or other animal. This is the process is currently utilized by the City’s contractor. The owner must be given notice of the finding and has a right to a hearing to determine whether the animal is dangerous. A variety of factors are considered at this hearing in determining whether the animal is in fact dangerous, including the animal’s prior history (including prior violations/injuries inflicted), the nature and extent of the injuries inflicted, the place where the injuries occurred, the presence or absence of provocation, the extent of any property damage, the particular characteristics of the animal, whether it is believed that training or re-training would alter the animal’s temperament, the manner in which the animal is maintained by the owner, and

Item No. 21
any other relevant factors. After the first hearing, the owner has the ability to appeal this decision, and another hearing is required if requested. After the second determination, the written decision becomes final and may be appealed to the Court.

While the City has the above-described process available to it, it is time and resource intensive. This office has done some brief research and believes that while an administrative hearing process will likely be necessary prior to any seizure/destruction of animals, the process could be streamlined to provided for one administrative hearing and a final decision from the City. The City could also consider broadening the definition of “dangerous animals” to include animals that have chased individuals and displayed menacing, threatening, and/or aggressive behavior.

The City Council may also consider regulations allowing for revocation of the animal’s license after repeated “running at large” violations. While the County regulations allow for impoundment, there are no regulations providing for license revocation as a remedy, and this can be explored.

Under the current system of enforcement employed, the main remedies utilized are criminal citation and fines for violations.

RECOMMENDATION: That the City Council consider this report and the attachments, and provide further direction as to any modifications to the City’s animal control regulations.

ATTACHMENTS: 1) City of Porterville’s Animal Control Regulations 2) Tulare County Ordinance Code Provisions Regarding Dangerous Animals
Chapter 5

ANIMALS

Cross references—Removal of dead animals, § 13-18; animals running at large in parks, § 19-7; leading or driving animals through parks, § 19-9; feeding fish, birds or animals in public parks, § 19-10; riding or driving animals on sidewalks, § 20-1.

Editor’s note—Chapter 5, §§ 5-1—5-3, is derived from Ord. No. 975, § A, enacted May 22, 1970. Former §§ 5-1—5-3, pertaining to similar subject matter, were derived from: Ord. No. 731, §§ 1, 2; Ord. No. 746, §§ 1, 2; Ord. No. 775, §§ 1, 2, enacted Sept. 17, 1963; Ord. No. 805, §§ 1, 2, enacted Sept. 15, 1964. Ord. No. 852, §§ 1, 2, enacted Jan. 18, 1966; Ord. No. 942, §§ A and B, enacted June 3, 1969.

Sec. 5-1. City of Lindsay to enforce within city provisions of Chapter 4, Part IV, Ordinance Code of Tulare County.

The city council does hereby request the City of Lindsay to apply and enforce the provisions of Chapter 4 of Part IV of the Ordinance Code of Tulare County, as last amended by Tulare County Ordinance No. 1561, within the confines of the City of Porterville.

Sec. 5-2. Chapter 4, Part IV, Ordinance Code of Tulare County, as amended, adopted by reference.

All of the provisions of Chapter 4 of Part IV of the Ordinance Code of Tulare County, as last amended by Tulare County Ordinance No. 1561, are hereby referred to, adopted as a city ordinance, and made a part of this ordinance with the same effect as if fully set forth herein, and all of the provisions thereof shall be applicable within the boundaries of the City of Porterville, except as the same may conflict with any other section or provision of chapter 5 of this Code.

Sec. 5-3. Penalty for violations of Chapter 4, Part IV, Ordinance Code of Tulare County.

(a) Any person violating the provisions of Section 4430 of said Chapter 4 of Part IV of said Ordinance Code which are declared to be unlawful shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than ten dollars ($10.00) and not more than five hundred dollars ($500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

(b) Any person violating any of the provisions of Chapter 4 of Part IV of said Ordinance Code which are declared to be unlawful, other than Section 4430, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

Sec. 5-4. Dogs—Purpose of sections 5-4 and 5-4.1 through 5-4.6.

This section and sections 5-4.1 through 5-4.6 are adopted for the purpose of controlling dogs within the City of Porterville and are in addition to sections 5-1 through 5-3 of the Code of the City of Porterville and shall be enforced by the City of Lindsay as set forth in section 5-1.

Sec. 5-4.1. Same—Definitions.

Whenever in sections 5-4.1 through 5-4.6 the following terms are used they shall have the meaning below described:
(a) **Leash:** Any leash, rope, cord, chain or other physical connection or restraint not in excess of eight (8) feet in length.

(b) **Public place:** Any park, public building, playground, street, road, alley, way or any other place open to the general public.

(c) **Private property:** All other property not described in subparagraph (b) above.

**Sec. 5-4.2. Same—Running at large upon any public place.**

It shall be unlawful for any person, intentionally or otherwise, to permit any dog owned by, boarded, harbored or in his custody or control to go upon, run at large upon, or stray upon any public place within the City of Porterville unless said dog is securely and continuously under the control of some responsible person capable of controlling said dog by a leash or unless said dog is confined within a vehicle.

**Sec. 5-4.3. Same—Running at large upon private property.**

It shall be unlawful for any person, intentionally or otherwise, to permit any dog owned by, boarded, harbored or in his custody or control to go upon, run at large upon or stray upon private property within the City of Porterville without the permission of the person owning, occupying or controlling said private property.

**Sec. 5-4.4. Same—Noisy dogs.**

It shall be unlawful for any person to keep upon any property within the City of Porterville under his ownership, occupation or control, other than in a lawful animal hospital, kennel or pet store any dog or other animal, which by continuous barking, whining, or other noise, unreasonably disturbs the peace, comfort or quiet of any other person within the City of Porterville.

**Sec. 5-4.5. Same—Guide dogs for the aid of blind and hearing impaired persons.**

There is excepted from sections 5-4.2 through 5-4.4 any dog trained and utilized as a guide dog for the aid and assistance of the blind and hard of hearing. (Ord. No. 1537, § B19, 8-6-96)

**Sec. 5-4.6. Same—Violations of sections 5-4.2 through 5-4.4: penalties.**

Any person in violation of any provision of sections 5-4.2 through 5-4.4, inclusive, is guilty of an infraction and upon conviction thereof shall be subject to the following fine:

(a) $25.00 upon the first conviction;

(b) $50.00 upon the second conviction; and

(c) $100.00 upon the third or each subsequent conviction.
TULARE COUNTY ORDINANCE CODE

PART IV

HEALTH, SAFETY AND SANITATION

CHAPTER 1 Public Nuisances
CHAPTER 3 Management of Solid Waste
CHAPTER 5 Safety Regulations
CHAPTER 7 Control of Animals
CHAPTER 9 Abandoned Vehicles
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CHAPTER 13 Wells
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CHAPTER 21 Alcoholic Beverages Warning Signs
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CHAPTER 25 Agricultural Application of Sewage Sludge
CHAPTER 7. CONTROL OF ANIMALS

ARTICLE 1. GENERAL PROVISIONS

SECTION 4-07-1000. DEFINITIONS:
(a) The term "owner," as used in this Chapter, means any person, firm or corporation owning, harboring, having an interest in, or having control, custody or possession of an animal. In the case of an animal, which is owned by a minor, the parent or guardian of the minor shall constitute the "owner" of such animal for the purposes of this Chapter.
(b) The term "at large," as used in this Chapter, means an animal off the premises of its owner which is not under restraint by leash and which is not under the control and in the immediate presence of the owner.
(c) The term "dangerous animal," as used in this Chapter, means a dog or other animal which has attacked, bitten or injured any human being or other animal without reasonable provocation, or which has been so declared pursuant to sections 4-07-1285 through 4-07-1310 of Article 5 of this Chapter.
(d) The term "attack," as used in this Chapter means any unprovoked aggressive behavior toward a person or animal. Aggressive behavior in defense of property or territory of the owner shall constitute an attack unless the dog or other animal is securely contained within an enclosure sufficient to prevent physical contact with a person or animal outside such enclosure.

SECTION 4-07-1005. APPLICATIONS SENT THROUGH MAIL:
(a) If an application which is required by this Chapter to be filed with the Director of Health Services on or before a specific date, in order to avoid a delinquent penalty, is placed in the United States mail, properly addressed with postage prepaid, and accompanied by all required fees and certificates, it shall be deemed to have been filed with the Director of Health Services on the date shown by the post office cancellation mark.
(b) If an application which is required by this Chapter to be filed with the Director of Health Services on or before a specific date, in order to avoid a delinquent penalty, is placed in the United States mail, properly addressed with postage prepaid, and accompanied by all required fees and certificates, on a day prior to the delinquency date, it shall be deemed to have been filed with the Director on the date of mailing, if proof satisfactory to the Director is submitted that such mailing occurred prior to the delinquency date, regardless of the date shown on the post office cancellation mark.
(c) This section shall have no application to proration of license fees under sections 4-07-1165 and 4-07-1170 or other similar sections in this Chapter.

ARTICLE 3. POUNDMASTER AND SECTION 4-07-1055. POUNDMASTER:
The office of Poundmaster is hereby established. The Poundmaster shall be appointed by the Board of Supervisors and may be either a person, firm, association or corporation. The Poundmaster shall serve for such period of time and shall receive such compensation as shall be established by the Board of Supervisors by ordinance or by contract. If an association or corporation is appointed as Poundmaster, each officer and employee authorized by such association or corporation to perform duties under this Chapter shall be deemed to be a Poundmaster and shall have all of the rights and duties of the Poundmaster which are set forth in this Chapter.

SECTION 4-07-1060. DEPARTMENT OF ANIMAL CONTROL, DUTIES:
There is in the Department of Health Services a Division, which shall carry out the duties of a Department of Animal Control. The Director of Health Services shall be ex officio Director of Animal Control. The Director of Health Services shall perform all duties of the Poundmaster unless the Board of Supervisors has entered into a contract with another person, firm association or corporation to furnish Poundmaster services, in which case the Director of Health Services shall administer said contract on behalf of the Board of Supervisors. The Director of Health Services shall perform all dog and Kennel licensing duties of this Chapter. The Director of Health Services may enter into contracts with local veterinarians, humane societies or other responsible
SECTION 4-07-1175. EXEMPTION: SEEING EYE DOG:
Any other provision of this Chapter notwithstanding, no charge shall be made for a license issued for a seeing eye dog used as a seeing eye dog by a blind person or being trained for such use. Proof of such use or training shall be provided by the applicant at the time of license application in a form satisfactory to the Director of Health Services.

SECTION 4-07-1180. DELINQUENT PENALTIES:
Commencing on the 1st day of September each year, the County Clerk/Recorder/Assessor shall collect a delinquent penalty in an amount equal to the regular license fee, in addition to the regular license fee, before issuing a license if the time limits for securing licenses which are set forth in this Chapter have expired at the time that the license is issued.

SECTION 4-07-1185. EXTENSION OF TIME: DOGS TOO ILL TO BE VACCINATED:
If a dog is too ill to be vaccinated against rabies at the time that the time limits set forth in sections 4-07-1150 or 4-07-1160 of this Article expire, then the date for securing the dog license is extended until thirty (30) days after the date on which the dog is well enough to be vaccinated, and no delinquent penalties shall be charged for issuance of the dog license during said thirty (30) day period. However, an extension of time shall not be granted pursuant to this section unless the application for the license is accompanied by a certificate signed by a veterinarian setting forth facts, which show that the dog comes within the provisions of this section. Prior to the time that a license is issued for a dog pursuant to this section, the dog shall not be allowed to run at large and any such dog found running at large shall be impounded pursuant to section 4-07-1210 of this Article.

SECTION 4-07-1190. REPLACING LOST OR STOLEN TAGS:
Whenever a tag issued for the then current year has been stolen or lost, the owner of the dog for which the tag was issued may, upon the payment of a fee to the Director of Health Services, receive a duplicate tag. The fee for a duplicate tag shall be set by Resolution of the Board of Supervisors as adopted from time to time.

SECTION 4-07-1195. LICENSE TRANSFERABLE:
The license and tag issued pursuant to this Article may be transferred when the ownership of the dog is transferred. The new owner or the previous owner of the dog shall notify the Director of Health Services in writing of the change in ownership of the dog and the name and address of the new owner. If such written notice is not given the Poundmaster shall send all required notices concerning said dog to the person whose name and address are on file with the Director of Health Services.

SECTION 4-07-1200. AFFIXING DOG TAG:
It shall be unlawful for the owner of the dog to permit the dog to run at large without the tag issued pursuant to this Article being securely affixed to the dog by means of a collar, harness or other suitable device.

SECTION 4-07-1205. SAME: IMPROPER AFFIXING OF DOG TAGS:
It shall be unlawful for any person to affix the tag required by this Article to any dog except the dog for which it was issued and it shall be unlawful for the owner of a dog to allow the dog to wear a tag other than the tag issued for the current year.

SECTION 4-07-1210. IMPOUNDING DOGS WITHOUT TAGS:
The Poundmaster, and any peace officer, shall take up every dog which is not wearing the required tag and which is found running at large within the unincorporated area of the County of Tulare. When such a dog is taken up by a peace officer, he shall deliver the dog to the Poundmaster. All such dogs shall be impounded in the Tulare County Pound.

SECTION 4-07-1215. IMPOUNDING BITING OR ATTACKING ANIMALS:
(a) The Poundmaster, and any peace officer, shall have the power to summarily and immediately impound a dog or other animal where there is evidence it has attacked, bitten or injured any human being or other animal, pending any court proceeding or dog license or animal permit revocation proceeding arising from the attack, bite or injury, or pending a hearing pursuant to sections 4-07-1265 through 4-07-1310 of this Article. The Poundmaster may enter and inspect private property to enforce
the provisions of this section.
Failure to surrender to the Poundmaster upon demand a dog or other animal which is being impounded pursuant to this section is a misdemeanor.
A dog or other animal wearing a license tag, impounded pursuant to the authority of this section, shall be returned to the owner or custodian as provided by sections 4-07-1225 and 4-07-1230 of this Article or when it is no longer required as evidence, or if a notice that the Poundmaster has declared the dog or other animal dangerous has not been served on the owner or custodian within six days after the impoundment provided that, within those six days, the owner has made application to redeem the dog or other animal.
A dog or other animal not wearing a license tag, impounded pursuant to the authority of this section shall be killed in a humane manner if, within three days after being impounded, the owner has failed to make application to redeem the dog or other animal. If, within three days after being impounded, the owner has applied to redeem the dog or other animal, then the dog or other animal shall be returned to the owner as provided by sections 4-07-1225 and 4-07-1230 of this Article or when it is no longer required as evidence, or if a notice that the Poundmaster has declared the dog or other animal dangerous has not been served on the owner within six days of the filing of the application to redeem the dog or other animal.

(b) In lieu of impound, the Poundmaster may permit the dog or other animal to be confined at the owner's or custodian's expense in a licensed dog kennel or veterinary facility approved by the Poundmaster, or at the owner's or custodian's residence provided that the owner or custodian:
   (1) Shall not remove the dog or other animal from the kennel, veterinary facility or residence without the prior written approval of the Poundmaster.
   (2) Shall make the dog or other animal available for observation and inspection by the Poundmaster or members of law enforcement or their authorized representatives.
   (c) The Poundmaster may have a dog or other animal impounded or confined as provided in (a) or (b) above, permanently identified by means of photo identification prior to release from impound or confinement.

SECTION 4-07-1220. NOTICE TO OWNER OF LICENSED DOG OR OTHER ANIMAL:
Within two (2) days after a dog or other animal which is wearing a license tag is impounded, the Poundmaster shall mail a notice of the impounding to the owner at the address shown on the application for the license which is on file with the Director of Health Services, and advise the owner of the procedure whereby he or she may apply to regain custody of the dog or other animal.

SECTION 4-07-1225. REDEMPTION OF IMPOUNDED DOGS OR OTHER ANIMALS:
(a) The owner of any dog or other animal impounded other than pursuant to section 4-07-1215 may redeem the dog or other animal at any time prior to its sale or destruction. A person desiring to redeem a dog or other animal shall deliver to the Poundmaster an application for redemption and a statement in a form prescribed by the Poundmaster which shall contain a description of the dog or other animal to be redeemed, the name and address of the claimant, and the statement that he or she is the owner of the dog or other animal. The Poundmaster shall issue to such person a written statement containing the name and address of the claimant, a description of the dog or other animal redeemed, the date on which the dog or other animal was impounded, and the accrued fees in accordance with section 4-07-1230, and said statement shall serve as a certificate of redemption and receipt for the fees paid.
(b) The owner of any dog or other animal impounded pursuant to section 4-07-1215 may redeem the dog or other animal pursuant to (a) above only after six days from impoundment if he or she has not received notice that the dog or other animal has been declared a dangerous animal and of the right to a hearing pursuant to sections 4-07-1285 through 4-07-1310 or if, after a hearing, an order is made to return the dog or other animal to the owner.

SECTION 4-07-1230. FEES FOR IMPOUNDING AND KEEPING DOGS AND OTHER ANIMALS:
The owner of a dog which has been impounded shall pay to the Poundmaster an impounding fee and shall also pay a fee for keeping said dog for each day, or portion thereof, that said dog has been impounded. The owner of an animal other than a dog, which has been impounded, shall also pay an impoundment fee and a fee per day for keeping said animal unless the amount required to keep the animal is higher in which case the owner shall pay the actual cost of keeping the animal. Impoundment fees and the fees per day for keeping
animals will be set by Resolution of the Board of Supervisors as adopted from time to time.

SECTION 4-07-1235. SALE AND DESTRUCTION OF IMPOUNDED DOGS AND OTHER ANIMALS WEARING TAGS:

(a) Unless a dog or other animal wearing a license tag has been redeemed within six (6) days after being impounded or unless it is being held for evidence in a hearing pursuant to sections 4-07-1285 through 4-07-1310 of this Article, it may be sold by the Poundmaster to the person other than the owner offering to pay the highest cash amount therefore. But no dog or other animal which has been declared a dangerous animal pursuant to sections 4-07-1285 through 4-07-1310 shall be sold pursuant to this section nor shall any dog or other animal which has been impounded pursuant to section 4-07-1215 and subsequently found not dangerous but improperly trained, handled or maintained be sold except to a person who is willing to properly train, handle and maintain the dog or other animal, as determined by the Poundmaster.

(b) Unless a dog or other animal wearing a license tag has been redeemed within six (6) days after being impounded or unless it is being held for evidence in a hearing pursuant to sections 4-07-1285 through 4-07-1310 of this Article, and it has not been sold pursuant to (a) above, it may be killed by the Poundmaster in a humane manner.

(c) If the owner of a dog or other animal gives permission in writing to do so, the dog or other animal may be sold or destroyed at any time after it is delivered to the pound, provided that no dog or other animal pursuant to sections 4-07-1285 through 4-07-1310 of this Article shall be sold even with the permission of the owner.

SECTION 4-07-1240. SALE AND DESTRUCTION OF IMPOUNDED DOGS AND OTHER ANIMALS NOT WEARING TAGS:

(a) Unless a dog or other animal which is not wearing a license tag has been redeemed within three (3) days after being impounded or unless it is being held for evidence in a hearing pursuant to sections 4-07-1285 through 4-07-1310 of this Article, it may be sold by the Poundmaster to the person offering to pay the highest cash amount therefore. But no dog or other animal not wearing a license tag impounded pursuant to section 4-07-1215, for which no application for redemption has been made by the owner, shall be sold pursuant to this section.

(b) If any impounded dog or other animal which is not wearing a license tag has not been redeemed within three (3) days after being impounded or unless it is being held for evidence in a hearing pursuant to sections 4-07-1285 through 4-07-1310 of this Article, and it has not been sold pursuant to (a) above, it may be killed by the Poundmaster in a humane manner. A dog or other animal not wearing a license tag impounded pursuant to section 4-07-1215 shall be killed by the Poundmaster in a humane manner if, within three days after it is impounded, the owner has failed to make application to redeem the dog or other animal.

(c) If the owner of a dog or other animal gives permission in writing to do so, the dog or other animal may be sold or destroyed in accordance with subsections (a) and (b) above at any time after it is delivered to the pound.

SECTION 4-07-1245. SALE OF IMPOUNDED DOGS: RECEIPTS:
When a dog is sold by the Poundmaster pursuant to the provisions of this Article, the Poundmaster shall deliver to the purchaser of said dog a statement in writing containing a description of the dog, the date of sale, and the amount of the purchase price. All sales shall convey a good and valid title to the purchaser, and the previous owner of the dog shall thereafter be barred from all right to recover said dog.

SECTION 4-07-1250. LICENSING IMPOUNDED DOGS:

(a) The Poundmaster shall not release an unlicensed dog to its owner or sell an unlicensed dog to any person who resides in the unincorporated area of the County, unless the owner or purchaser, respectively, signs an agreement that he or she will secure the required license within ten (10) days after he or she is given possession of the dog and it shall be unlawful to fail to secure said license within said ten (10) day period. If the owner or purchaser fails to secure said license within said ten (10) day period, he shall return the dog to the Poundmaster.
(b) The Poundmaster shall not release to the owner or purchaser any dog whose license has been revoked after a hearing pursuant to sections 4-07-1285 to 4-07-1310 of this Article unless the owner or purchaser shows proof that he or she has enrolled the dog in a class to re-train the dog or proof that he or she is qualified to re-train the dog and the owner or purchaser signs an agreement that, until the dog is re-trained as evidenced by a certificate of successful completion of the training program, it will be securely confined when not under the immediate control of a responsible attendant and that he or she will secure the required license within ten (10) days after he or she is given possession of the dog. It shall be unlawful for the owner or purchaser to not keep the dog securely confined as agreed and to fail to secure said license with said ten (10) day period and any dog which is not so confined or for which said license is not secured within the required ten (10) day period shall be immediately impounded by the Poundmaster and, without further notice, humanely killed or sold to a person willing to comply with the above requirements for re-training and confinement of the dog.

SECTION 4-07-1285. REMOVAL OF TAG:
It shall be unlawful for any person to remove from a dog, without authority from the owner, any collar, harness, or other device to which is attached a license tag for the current year, or to remove such tag there from.

SECTION 4-07-1286. DISPLAY OF TAG:
It shall be unlawful for any person to refuse to show the Poundmaster or any peace officer, on request, the license certificate and the tag for any dog kept or remaining within his home or upon any enclosed premises under his immediate control.

SECTION 4-07-1276. KEEPING DANGEROUS DOGS OR OTHER ANIMALS:
It shall be unlawful for a person to keep a dangerous dog or other animal. Any dog which has been found to be a dangerous or vicious animal pursuant to the Ordinance Code of this County or of any other county or city or pursuant to any state statute, shall be conclusively presumed to be dangerous.

SECTION 4-07-1277. PERMITTING DOGS TO RUN AT LARGE:
It shall be unlawful for the owner or other person in lawful possession or control of a dog to allow or permit the dog to run at large in any public park, public square, school or school grounds in any unincorporated area of the County; or upon any property, whether public or private, except with the consent of the property owner, where such property is located within:

(a) The unincorporated portion of the Lemon Cove Sanitary District; or
(b) The unincorporated portions of all community service districts, public utility districts, or fire protection districts in Tulare County; or
(c) The unincorporated portion of Section 2 of Township M South, Range 26 East, Mt. Diablo Meridian; or
(d) The unincorporated portions of the following subdivisions, or portions thereof, recorded in Maps in the Official Tulare County Records in the volumes and on the pages noted below:

(1) Bel-Air Subdivision, volume 18, page 28; or
(2) Elderwood Tract, volume 7, page 62; or
(3) El Mirador Orange Tract, volume 7, page 25; or
(4) Encina Colony Subdivision (Lots 12, 13), volume 8, page 33; or
(5) Minnehaha Tract, volume 9, page 10; or
(6) North Woodlake Subdivision, volume 11, page 12; or
(7) Tract 34 (Patterson Tract), volume 19, page 71; or
(8) Tract 53 (Matheny Tract), volume 19, page 88; or
(9) Tract 59, volume 19, page 104; or
(10) Tract 71, volume 19, page 93; or
(11) Tract 104 (Matheny Tract) volume 19, page 129; or
(12) Tract 111, volume 78, page 9; or
(13) Tract 132, volume 20, page 39; or
(14) Tract 176, volume 20, page 71; or
(15) Tract 178, volume 20, page 83; or
(16) Tract 213 (Village Gardens) volume 21, page 41; or
(17) Tract 260 (Birdland), volume 22, page 11; or
(18) Tract 291, volume 22, page 51; or
(19) Tract 297, volume 22, page 52; or
(20) Tract 315, volume 22, page 77; or
(21) Tract 336 (Unit 1), volume 23, page 6; or
(22) Tract 354 (Fairway Estates), volume 23, page 38; or
(23) Tract 355 (East Tulare Villa), volume 23, page 60; or
(24) Tract 388 (East Bardesley Village), volume 23, page 91; or
(25) Tract 406, volume 24, page 5; or
(26) Tract 418 (Unit 1), volume 24, page 19; or
(27) Tract 418 (Unit 2), volume 24, page 41; or
(28) Tract 471, volume 24, page 53; or
(29) Tract 513 (Oak Ranch), volume 25, page 55; or
(30) Tract 533 (Oak Ranch), volume 27, page 69; or
(31) Tract 567 (Oak Ranch), volume 30, page 24; or

Every dog found running at large in violation of the provisions of this section shall be seized and impounded.

SECTION 4-07-1280. BARKING DOGS:
It shall be unlawful for any owner of a dog to keep said dog in the County, which dog shall by loud or excessive barking, howling, whining or making any other noise disturb the comfort or quiet of any neighborhood or any person; provided that said owner has been made aware of the disturbance created by the dog.

SECTION 4-07-1285. HEARING TO DETERMINE IF ANIMAL IS DANGEROUS:

(a) The Poundmaster shall declare any dog or other animal to be a dangerous animal whenever it has attacked, bitten or caused injury to any human being or other animal. Within two (2) days after a dog or other animal which is wearing a license tag is impounded pursuant to section 4-07-1215 of this Article, the Poundmaster shall mail a notice of the Poundmaster's finding that the dog or other animal is dangerous and of the owner's right to a hearing on the issue of whether or not the animal is dangerous.

(b) The owner of an animal confined or impounded pursuant to section 4-07-1215 may, within the time period provided for application for redemption of the dog or other animal, request a hearing to determine whether or not the dog or other animal is a dangerous animal.

(c) When a hearing is requested pursuant to subsection (b) above, the Poundmaster shall set a date and time for such a hearing and send a notice thereof by regular mail at least five (5) business days, including Saturday, before such date to the owner at the address set forth on his or her request and shall notify the victim and the Director of the Health Services Department of such hearing.

SECTION 4-07-1290. HEARING: CONDUCT:

(a) A hearing requested in accordance to section 4-07-1285 shall be conducted before a person appointed as a hearing officer by the Board of Supervisors.

(b) The hearing shall be open to the public. The owner may be represented by counsel. The hearing officer shall hear all pertinent evidence offered by all interested persons. The technical rules of evidence shall not be applicable to the hearing, except that the hearing officer's decision may not be based wholly on hearsay evidence. All persons giving evidence shall be sworn before testifying. The owner may employ a shorthand reporter to report the hearing.

(c) Any dog or other animal which has attacked, bitten or caused injury to a human being or other animal is presumed to be dangerous and the burden is on the owner to present evidence that the animal is not dangerous.

(d) In making a determination that a dog or other animal is or is not dangerous, evidence of the following shall be considered:

(1) Any previous history of the dog or other animal attacking, biting or causing injury to a human
being or other animal.

(2) The nature and extent of injuries inflicted and the number of victims involved.

(3) The place where the bite, attack or injury occurred.

(4) The presence or absence of any provocation for the bite, attack or injury.

(5) The extent to which property has been damaged or destroyed.

(6) Whether the dog or other animal exhibits any characteristics of being trained for fighting or attack or other evidence to show such training or fighting.

(7) Whether the dog or other animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or dogs or other animals.

(8) Whether the dog or other animal can be effectively trained or re-trained to change its temperament or behavior.

(9) The manner in which the dog or other animal had been maintained by its owner or custodian.

(10) Any other relevant evidence concerning the maintenance of the dog or other animal.

(11) Any other relevant evidence regarding the ability of the owner or custodian to protect the public safety in the future if the dog is permitted to remain in the County.

SECTION 4-07-1295. HEARING: DECISION:

(a) At the conclusion of the hearing the hearing officer may determine:

(1) That the dog or other animal is not a dangerous animal and should be returned to its owner;

or

(2) That the dog or other animal is not dangerous but that the attack, bite or injury was the result of improper or negligent training, handling or maintenance and that the license or animal permit should be revoked; or

(3) That the dog or other animal is a dangerous animal and that it should be humanely destroyed no sooner than the fifth business day following the mailing of notice of the hearing officer's decision.

(b) The decision of the hearing officer shall be in writing and shall be delivered personally to the owner or mailed to him or her by regular mail at the address appearing on the request for hearing. A copy of the decision shall be mailed to the Poundmaster and to the office of the Director of the Health Services Department.

SECTION 4-07-1300. APPEAL:

(a) The owner may appeal the hearing officer's decision to the Director of the Health Department by filing a written appeal in the office of the Director of the Health Services Department on or before the fifth business day following the day of mailing or personal delivery of the hearing officer's decision. The finding and decision of the hearing office shall be final unless such written notice of appeal is filed within said five-business-day period.

(b) The Director of the Health Services Department shall immediately send a copy of the notice of appeal to the Poundmaster.

(c) The Director of the Health Services Department shall give notice to the appellant, to the victim(s), and to the Poundmaster of the date when the appeal will be heard by the Director of the Health Services Department or his or her designee. The notice shall also specify the exact time and place for the hearing on appeal.

(d) At the hearing on appeal, the Director of the Health Services Department or his or her designee shall review the written decision of the hearing officer, any documents pertaining to the matter, offered summaries of the evidence, such transcript of testimony as may be furnished; and will hear such testimony as is relevant to the issues raised in the Notice of Appeal. The owner may be represented by counsel. Oral evidence shall be taken on oath or affirmation. Each side shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues on appeal even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. If the owner does not testify on his or her own behalf, he or she may be called and examined as if under cross-examination. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil
actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but may be rejected by the Director of Health Services if deemed unreliable. The rules of privilege shall be effective to the extent that they are otherwise required by Statute to be recognized at a hearing. Irrelevant and unduly repetitious evidence shall be excluded. At the conclusion of the hearing, the director of the Health Services Department may affirm, reverse or modify the finding or decision of the hearing officer, or may refer the matter back for further action.

(e) Judicial review of a decision of the Director of the Health Services Department made after a hearing pursuant to this section shall be made pursuant to section 1094.6 of the California Code of Civil Procedure where and to the extent said section may be applicable.

SECTION 4-07-1305. DISPOSITION OF DANGEROUS ANIMAL:

(a) It shall be unlawful for any person to own, possess, harbor or keep any dog or other animal declared to be dangerous.

(b) Any dog or other animal declared to be dangerous, if not already impounded, shall be immediately surrendered to the Poundmaster, and it is the duty of the Poundmaster to take up and impound any such dog or other animal.

(c) Any dog or other animal declared to be a dangerous animal shall be humanely destroyed. The Poundmaster shall sign an order authorizing the destruction of the dog or other animal within two (2) days after the time for appeal as provided by section 4-07-1300 of this Article has passed without an appeal being filed, or subject to section 4-07-1300 after the fifth day after the Director of the Health Services Department's decision affirming that the dog or other animal is a dangerous animal has been served upon the Poundmaster and the appellant.

SECTION 4-07-1310. DOG OR OTHER ANIMAL: NOT DANGEROUS: PROCEDURE:

(a) If it is determined that the dog or other animal is not dangerous, but that the bite, attack or injury was the result of improper or negligent training, handling or maintenance, the dog license or animal permit shall be revoked.

(b) The dog license or animal permit may be reissued with reasonable terms, conditions or restrictions imposed for the training, handling or maintenance of the dog or other animal to protect the public health, safety and welfare only if it is determined that the owner or custodian is able and willing to properly train, handle or maintain the dog or other animal and a similar incident is not likely to occur in the future with proper training, handling or maintenance.

(c) If it is determined that the dog or other animal is not dangerous, but that the bite, attack or injury was the result of improper or negligent training, handling or maintenance and that the owner is unable or unwilling to properly train, handle or maintain the dog or other animal and that a similar incident is not likely to occur in the future with proper training, handling or maintenance, the dog or other animal will be disposed of pursuant to section 4-07-1235.

ARTICLE 7. KENNELS

SECTION 4-07-1360. KENNEL: DEFINITION:
The term "kennel," as used in this Article, means a building or enclosure where five (5) or more dogs over four (4) months of age are kept.

SECTION 4-07-1365. KENNEL LICENSE: APPLICATION AND LICENSE FEE:
In lieu of securing the license required by Article 5 of this Chapter for each of the dogs in a kennel, a person owning or operating a kennel may obtain a kennel license covering all of the dogs maintained in the kennel. It shall be unlawful to fail to secure either the license required by Article 5 of this Chapter or the license authorized by this Article. The application for a kennel license shall be filed with the Director of Health Services on a form prescribed by the Director. The fees for kennel licenses shall be set by Resolution of the Board of Supervisors as adopted from time to time.
SUBJECT: INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT

SOURCE: Administrative Services - Finance Division

COMMENT: The City Charter requires financial status reports to be provided to City Council members on a monthly basis. Council Minute Order #13-041602 and #10-011607 established the requirement and parameters for the preparation and presentation of interim financial status reports.

In accordance with Council Minute Order #13-041602 and #10-011607, the interim financial status reports for the 3rd fiscal quarter ended March 31, 2007, are submitted.

RECOMMENDATION: That the City Council accept the interim financial status reports and grants summary report as presented.

ATTACHMENTS: Interim financial reports
Grants summary report

D.D. ______ Appropriated/Funded ______ C.M. ______ Item No. 22
## CITY OF PORTERVILLE

### REVENUE STATUS REPORT - GENERAL FUND

**FOR THE NINE MONTHS ENDED**

**MARCH 31, 2007 AND MARCH 31, 2006**

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</tr>
</thead>
<tbody>
<tr>
<td><strong>PROPERTY TAXES</strong></td>
<td>$ 5,510,000</td>
<td>$ 3,320,253</td>
<td>60.26%</td>
<td>$ 4,701,676</td>
<td>$ 2,760,563</td>
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<td><strong>OTHER TAXES:</strong></td>
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<tr>
<td>SALES AND USE TAX</td>
<td>4,150,000</td>
<td>2,632,162</td>
<td>63.43%</td>
<td>3,745,877</td>
<td>2,756,408</td>
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<td>UTILITY USERS TAX</td>
<td>3,754,416</td>
<td>2,610,470</td>
<td>69.53%</td>
<td>3,000,000</td>
<td>2,280,034</td>
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<tr>
<td>TRANSIENT OCCUPANCY TAX</td>
<td>285,000</td>
<td>131,061</td>
<td>45.99%</td>
<td>230,000</td>
<td>138,887</td>
<td>60.39%</td>
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<tr>
<td>PROPERTY TRANSFER TAX</td>
<td>100,000</td>
<td>57,926</td>
<td>57.93%</td>
<td>95,000</td>
<td>80,519</td>
<td>84.76%</td>
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<td>FRANCHISE TAX</td>
<td>1,460,000</td>
<td>849,382</td>
<td>58.18%</td>
<td>1,456,558</td>
<td>853,569</td>
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<td>SALES TAX - PUBLIC SAFETY</td>
<td>164,000</td>
<td>68,808</td>
<td>41.96%</td>
<td>125,000</td>
<td>63,994</td>
<td>51.20%</td>
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<td>BUSINESS LICENSES</td>
<td>380,000</td>
<td>377,659</td>
<td>99.38%</td>
<td>362,000</td>
<td>369,401</td>
<td>102.04%</td>
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<td>CONSTRUCTION PERMITS</td>
<td>564,772</td>
<td>729,614</td>
<td>129.19%</td>
<td>339,000</td>
<td>262,006</td>
<td>77.29%</td>
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<td><strong>REVENUE FROM AGENCIES-TAXES:</strong></td>
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<td></td>
</tr>
<tr>
<td>MOTOR VEHICLE IN-LIEU TAX</td>
<td>390,000</td>
<td>497,987</td>
<td>127.69%</td>
<td>375,200</td>
<td>181,416</td>
<td>48.35%</td>
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<td>OTHER TAXES</td>
<td>30,000</td>
<td>4,638</td>
<td>15.46%</td>
<td>33,000</td>
<td>4,553</td>
<td>13.80%</td>
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<td><strong>REVENUE FROM AGENCIES-GRANTS:</strong></td>
<td>1,167,518</td>
<td>363,327</td>
<td>31.12%</td>
<td>1,640,633</td>
<td>268,841</td>
<td>16.39%</td>
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<tr>
<td>USE OF MONEY AND PROPERTY</td>
<td>80,710</td>
<td>159,693</td>
<td>197.86%</td>
<td>85,000</td>
<td>95,289</td>
<td>112.08%</td>
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<td>FINES AND FORFEITURES</td>
<td>42,380</td>
<td>27,490</td>
<td>64.87%</td>
<td>24,700</td>
<td>16,463</td>
<td>66.65%</td>
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<td><strong>CHARGES FOR SERVICES:</strong></td>
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<tr>
<td>PLANNING AND ENGINEERING</td>
<td>277,178</td>
<td>189,427</td>
<td>68.34%</td>
<td>100,000</td>
<td>165,508</td>
<td>165.51%</td>
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<td>POLICE</td>
<td>74,200</td>
<td>109,967</td>
<td>148.20%</td>
<td>120,000</td>
<td>85,499</td>
<td>71.25%</td>
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<td>FIRE</td>
<td>15,400</td>
<td>19,744</td>
<td>128.21%</td>
<td>37,000</td>
<td>19,432</td>
<td>52.52%</td>
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<td>LIBRARY</td>
<td>31,000</td>
<td>23,353</td>
<td>75.33%</td>
<td>41,000</td>
<td>24,010</td>
<td>59.56%</td>
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<td>RECREATIONAL</td>
<td>967,000</td>
<td>758,542</td>
<td>78.44%</td>
<td>939,500</td>
<td>706,934</td>
<td>75.25%</td>
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<tr>
<td>INTERDEPARTMENTAL</td>
<td>1,500,000</td>
<td>1,176,295</td>
<td>78.42%</td>
<td>1,400,000</td>
<td>1,152,817</td>
<td>82.34%</td>
</tr>
<tr>
<td>OTHER</td>
<td>2,500</td>
<td>13,830</td>
<td>553.20%</td>
<td>25,000</td>
<td>6,646</td>
<td>26.58%</td>
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<tr>
<td>AFFINITY CARD PROGRAM</td>
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<td>4,000</td>
<td>90.43%</td>
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<td>OTHER REVENUES</td>
<td>136,777</td>
<td>124,226</td>
<td>90.83%</td>
<td>133,706</td>
<td>188,531</td>
<td>141.00%</td>
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<tr>
<td><strong>SUBTOTALS</strong></td>
<td>$ 21,082,851</td>
<td>$ 14,245,856</td>
<td>67.57%</td>
<td>$ 19,013,850</td>
<td>$ 12,484,917</td>
<td>65.66%</td>
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<td>DEBT SERVICE TRANSFERS</td>
<td>750,000</td>
<td>562,500</td>
<td>75.00%</td>
<td>580,000</td>
<td>435,000</td>
<td>75.00%</td>
</tr>
<tr>
<td><strong>$ 21,832,851</strong></td>
<td>$ 14,808,356</td>
<td>67.83%</td>
<td>$ 19,593,850</td>
<td>$ 12,919,917</td>
<td>65.94%</td>
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CITY OF PORTERVILLE

REVENUE STATUS REPORT - ALL OTHER FUNDS
FOR THE NINE MONTHS ENDED
MARCH 31, 2007 AND MARCH 31, 2006

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>MEASURE H SALES TAX</td>
<td>$1,670,000</td>
<td>$1,811,686</td>
<td>108.5%</td>
<td>$1</td>
<td>$511,030</td>
<td>94.1%</td>
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<td>REDEVELOPMENT AGENCY</td>
<td>729,970</td>
<td>631,386</td>
<td>86.5%</td>
<td>542,797</td>
<td>702,231</td>
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<td>SPECIAL GAS TAX</td>
<td>7,619,400</td>
<td>609,853</td>
<td>8.0%</td>
<td>2,010,413</td>
<td>605,000</td>
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<tr>
<td>LOCAL TRANSPORTATION FUNDS (LTF)</td>
<td>1,241,287</td>
<td>6,247</td>
<td>0.5%</td>
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<tr>
<td>TRAFFIC SAFETY FUND</td>
<td>40,518</td>
<td>96,966</td>
<td>239.3%</td>
<td>85,500</td>
<td>60,363</td>
<td>70.6%</td>
</tr>
<tr>
<td>ZALUD ESTATE</td>
<td>4,000</td>
<td>4,829</td>
<td>120.7%</td>
<td>91,500</td>
<td>3,727</td>
<td>4.1%</td>
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<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>2,929,707</td>
<td>1,037,468</td>
<td>35.4%</td>
<td>1,936,000</td>
<td>1,587,180</td>
<td>82.0%</td>
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<tr>
<td>TRANSIT</td>
<td>2,781,538</td>
<td>595,802</td>
<td>21.4%</td>
<td>2,692,400</td>
<td>1,517,011</td>
<td>56.3%</td>
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<tr>
<td>SPECIAL SAFETY GRANTS</td>
<td>323,373</td>
<td>155,445</td>
<td>48.1%</td>
<td>206,661</td>
<td>102,216</td>
<td>49.5%</td>
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<tr>
<td>SEWER OPERATING</td>
<td>6,195,165</td>
<td>4,756,086</td>
<td>76.8%</td>
<td>5,885,050</td>
<td>4,772,036</td>
<td>81.1%</td>
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<tr>
<td>REFUSE REMOVAL</td>
<td>5,036,164</td>
<td>3,685,861</td>
<td>73.2%</td>
<td>4,668,621</td>
<td>3,520,259</td>
<td>75.4%</td>
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<tr>
<td>AIRPORT OPERATIONS</td>
<td>932,127</td>
<td>622,683</td>
<td>66.8%</td>
<td>749,610</td>
<td>624,825</td>
<td>83.4%</td>
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<tr>
<td>GOLF COURSE</td>
<td>312,430</td>
<td>224,523</td>
<td>71.9%</td>
<td>304,000</td>
<td>217,448</td>
<td>71.5%</td>
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<tr>
<td>WATER OPERATING</td>
<td>4,853,822</td>
<td>3,788,582</td>
<td>78.1%</td>
<td>5,212,457</td>
<td>3,667,807</td>
<td>70.4%</td>
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<tr>
<td>RISK MANAGEMENT</td>
<td>3,565,759</td>
<td>2,846,797</td>
<td>79.8%</td>
<td>3,271,500</td>
<td>2,356,495</td>
<td>72.0%</td>
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<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>1,893,444</td>
<td>1,305,729</td>
<td>69.0%</td>
<td>1,121,640</td>
<td>877,426</td>
<td>78.2%</td>
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<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>162,000</td>
<td>97,722</td>
<td>60.3%</td>
<td>175,025</td>
<td>81,925</td>
<td>46.8%</td>
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<tr>
<td>WATER REPLACEMENT</td>
<td>672,002</td>
<td>627,201</td>
<td>93.3%</td>
<td>3,124,403</td>
<td>521,707</td>
<td>16.7%</td>
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<tr>
<td>SOLID WASTE RESERVE</td>
<td>465,356</td>
<td>383,823</td>
<td>82.5%</td>
<td>2,000</td>
<td>322,047</td>
<td>1610.4%</td>
</tr>
<tr>
<td>SEWER REVOLVING</td>
<td>347,002</td>
<td>338,125</td>
<td>97.4%</td>
<td>291,225</td>
<td>274,516</td>
<td>94.3%</td>
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<tr>
<td>TRANSPORTATION DEVELOPMENT</td>
<td>305,000</td>
<td>406,948</td>
<td>133.4%</td>
<td>1,233,500</td>
<td>223,150</td>
<td>18.1%</td>
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<td>PARK DEVELOPMENT</td>
<td>144,500</td>
<td>119,029</td>
<td>82.4%</td>
<td>126,800</td>
<td>77,535</td>
<td>61.1%</td>
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<td>TREATMENT PLANT RESERVE</td>
<td>1,003,178</td>
<td>894,718</td>
<td>89.2%</td>
<td>3,398,871</td>
<td>726,856</td>
<td>21.4%</td>
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<td>STORM DRAIN DEVELOPMENT</td>
<td>265,000</td>
<td>361,394</td>
<td>136.4%</td>
<td>265,000</td>
<td>249,133</td>
<td>94.0%</td>
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<tr>
<td>BUILDING CONSTRUCTION</td>
<td>50,000</td>
<td>41,781</td>
<td>83.6%</td>
<td>50,000</td>
<td>30,448</td>
<td>60.9%</td>
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<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$41,872,742</strong></td>
<td><strong>$25,450,684</strong></td>
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<td><strong>$38,049,973</strong></td>
<td><strong>$23,026,371</strong></td>
<td><strong>60.5%</strong></td>
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</tbody>
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CITY OF PORTERVILLE

EXPENDITURE STATUS REPORT - GENERAL FUND
FOR THE NINE MONTHS ENDED
MARCH 31, 2007 AND MARCH 31, 2006

<table>
<thead>
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<td>LEGISLATIVE:</td>
<td></td>
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<tr>
<td>CITY COUNCIL</td>
<td>$ 117,745</td>
<td>$ 87,405</td>
<td>74.2%</td>
<td>$ 132,660</td>
<td>124,882</td>
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<td>COMMUNITY PROMOTION</td>
<td>214,765</td>
<td>139,119</td>
<td>64.8%</td>
<td>147,447</td>
<td>118,912</td>
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<td>ADMINISTRATIVE &amp; LEGAL:</td>
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<tr>
<td>CITY MANAGER</td>
<td>263,434</td>
<td>191,792</td>
<td>72.8%</td>
<td>241,585</td>
<td>174,529</td>
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<td>CITY CLERK</td>
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<td>130,936</td>
<td>75.0%</td>
<td>207,432</td>
<td>123,663</td>
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<td>HUMAN RESOURCES</td>
<td>232,602</td>
<td>196,000</td>
<td>84.3%</td>
<td>205,853</td>
<td>159,830</td>
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<td>CITY ATTORNEY</td>
<td>145,500</td>
<td>148,739</td>
<td>102.2%</td>
<td>158,425</td>
<td>92,723</td>
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<td>FINANCE &amp; ACCOUNTING</td>
<td>725,307</td>
<td>373,660</td>
<td>51.5%</td>
<td>539,596</td>
<td>383,161</td>
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<td>INFORMATION SERVICES</td>
<td>329,837</td>
<td>216,621</td>
<td>65.7%</td>
<td>301,826</td>
<td>185,597</td>
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<td>ADMINISTRATIVE SERVICES</td>
<td>371,164</td>
<td>262,932</td>
<td>76.2%</td>
<td>365,942</td>
<td>272,482</td>
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<td>POLICE PROTECTION:</td>
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<td>ADMINISTRATION</td>
<td>691,826</td>
<td>475,904</td>
<td>68.8%</td>
<td>665,160</td>
<td>464,726</td>
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<td>OPERATIONS</td>
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<td>2,514,746</td>
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<td>2,414,209</td>
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<td>INVESTIGATIVE</td>
<td>2,336,274</td>
<td>1,793,729</td>
<td>76.8%</td>
<td>2,186,165</td>
<td>1,550,532</td>
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<td>ANIMAL CONTROL</td>
<td>119,270</td>
<td>38,652</td>
<td>32.4%</td>
<td>112,270</td>
<td>84,069</td>
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<td>FIRE PROTECTION</td>
<td>3,381,080</td>
<td>2,216,815</td>
<td>65.5%</td>
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<td>2,156,792</td>
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<td>COMMUNITY DEVELOPMENT:</td>
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<td></td>
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<tr>
<td>PLANNING &amp; ZONING</td>
<td>393,354</td>
<td>257,399</td>
<td>65.4%</td>
<td>345,741</td>
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<td>ECONOMIC DEVELOPMENT</td>
<td>228,502</td>
<td>148,801</td>
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<td>138,040</td>
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<td>PUBLIC WORKS:</td>
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<td>ENGINEERING &amp; BUILDING</td>
<td>775,584</td>
<td>607,973</td>
<td>78.4%</td>
<td>741,467</td>
<td>547,851</td>
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<td>STREET MAINTENANCE</td>
<td>394,143</td>
<td>261,924</td>
<td>66.5%</td>
<td>374,702</td>
<td>194,765</td>
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<td>SIGNALS, SIGNING &amp; STRIPING</td>
<td>336,781</td>
<td>248,873</td>
<td>73.9%</td>
<td>303,395</td>
<td>182,131</td>
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<td>STREET LIGHTING</td>
<td>308,798</td>
<td>226,999</td>
<td>74.2%</td>
<td>308,367</td>
<td>198,666</td>
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<td>STORM DRAINS</td>
<td>117,699</td>
<td>43,404</td>
<td>36.9%</td>
<td>107,731</td>
<td>37,074</td>
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<td>PARKING LOTS</td>
<td>37,390</td>
<td>27,794</td>
<td>74.3%</td>
<td>40,702</td>
<td>24,540</td>
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<td>PARKS &amp; LEISURE:</td>
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<tr>
<td>PARK MAINTENANCE &amp; OPERATION</td>
<td>1,553,544</td>
<td>1,100,327</td>
<td>71.5%</td>
<td>1,367,278</td>
<td>1,020,949</td>
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<td>STREET TREES &amp; PARKWAYS</td>
<td>153,000</td>
<td>119,861</td>
<td>78.3%</td>
<td>254,353</td>
<td>197,260</td>
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<td>COMMUNITY CENTERS</td>
<td>291,845</td>
<td>173,603</td>
<td>59.5%</td>
<td>270,648</td>
<td>225,103</td>
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<td>LEISURE SERVICES</td>
<td>243,536</td>
<td>114,695</td>
<td>47.1%</td>
<td>316,836</td>
<td>200,407</td>
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<tr>
<td>LEISURE SERVICES - SPECIAL PROG</td>
<td>828,700</td>
<td>643,051</td>
<td>77.6%</td>
<td>763,000</td>
<td>600,161</td>
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<tr>
<td>SWIMMING POOL</td>
<td>144,247</td>
<td>93,311</td>
<td>64.7%</td>
<td>144,000</td>
<td>101,214</td>
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<td>LIBRARY OPERATIONS</td>
<td>566,009</td>
<td>402,141</td>
<td>68.6%</td>
<td>586,490</td>
<td>429,218</td>
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<tr>
<td>SPECIAL PROJECTS</td>
<td>82,705</td>
<td>26,546</td>
<td>32.1%</td>
<td>108,481</td>
<td>52,088</td>
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<tr>
<td>SUB TOTALS</td>
<td>$ 19,357,288</td>
<td>$ 13,315,752</td>
<td>68.8%</td>
<td>$ 17,731,482</td>
<td>12,689,860</td>
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<tr>
<td>DEBT SERVICE</td>
<td>2,310,000</td>
<td>1,732,500</td>
<td>75.0%</td>
<td>1,835,000</td>
<td>1,376,250</td>
</tr>
<tr>
<td></td>
<td>$ 21,667,288</td>
<td>$ 15,048,252</td>
<td>69.5%</td>
<td>$ 19,566,482</td>
<td>14,066,110</td>
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CITY OF PORTERVILLE

EXPENDITURE STATUS REPORT - ALL OTHER FUNDS
FOR THE NINE MONTHS ENDED
MARCH 31, 2007 AND MARCH 31, 2006

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<thead>
<tr>
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<tbody>
<tr>
<td>MEASURE H SALES TAX</td>
<td>$1,372,006</td>
<td>$762,844</td>
<td>55.6%</td>
<td>$1,592,595</td>
<td>432,215</td>
<td>27.1%</td>
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<td>REDEVELOPMENT AGENCY</td>
<td>661,860</td>
<td>2,125,973</td>
<td>321.2%</td>
<td>1,592,595</td>
<td>432,215</td>
<td>51.2%</td>
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<tr>
<td>ZALUD ESTATE</td>
<td>28,123</td>
<td>17,909</td>
<td>63.7%</td>
<td>31,700</td>
<td>16,220</td>
<td>51.2%</td>
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<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>274,941</td>
<td>120,287</td>
<td>43.8%</td>
<td>184,409</td>
<td>121,482</td>
<td>65.9%</td>
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<td>TRANSIT</td>
<td>2,316,781</td>
<td>1,087,857</td>
<td>47.0%</td>
<td>3,014,200</td>
<td>1,321,596</td>
<td>43.8%</td>
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<td>SPECIAL SAFETY GRANTS</td>
<td>341,212</td>
<td>206,331</td>
<td>60.5%</td>
<td>434,069</td>
<td>340,622</td>
<td>78.5%</td>
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<tr>
<td>SEWER OPERATING</td>
<td>5,501,280</td>
<td>3,917,793</td>
<td>71.2%</td>
<td>5,441,672</td>
<td>3,836,064</td>
<td>70.5%</td>
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<td>REFUSE REMOVAL</td>
<td>4,757,157</td>
<td>3,579,098</td>
<td>75.2%</td>
<td>4,429,556</td>
<td>3,252,600</td>
<td>73.4%</td>
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<td>AIRPORT</td>
<td>1,007,344</td>
<td>657,773</td>
<td>65.3%</td>
<td>833,732</td>
<td>639,406</td>
<td>76.7%</td>
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<td>GOLF COURSE</td>
<td>372,241</td>
<td>271,494</td>
<td>72.9%</td>
<td>375,000</td>
<td>271,852</td>
<td>72.5%</td>
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<tr>
<td>WATER OPERATING</td>
<td>4,266,791</td>
<td>3,052,894</td>
<td>71.6%</td>
<td>4,246,593</td>
<td>2,788,023</td>
<td>65.7%</td>
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<tr>
<td>RISK MANAGEMENT</td>
<td>3,565,759</td>
<td>2,475,832</td>
<td>69.4%</td>
<td>3,271,500</td>
<td>2,511,898</td>
<td>76.8%</td>
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<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>1,891,707</td>
<td>1,313,806</td>
<td>69.5%</td>
<td>954,950</td>
<td>692,050</td>
<td>72.5%</td>
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<tr>
<td>CENTRAL STORES</td>
<td>42,957</td>
<td>194,964</td>
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<td>126,766</td>
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<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>203,207</td>
<td>90,905</td>
<td>44.7%</td>
<td>175,025</td>
<td>78,294</td>
<td>44.7%</td>
</tr>
</tbody>
</table>

TOTALS                         | $26,560,409               | $19,723,753                   | 74.3%                    | $25,179,965              | $16,429,088                   | 65.2%        |
CITY OF PORTERVILLE  
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS  
As of March 31, 2007

<table>
<thead>
<tr>
<th>FUND</th>
<th>REVENUES</th>
<th>EXPENSES</th>
<th>NET PROFIT (LOSS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zalud Estate</td>
<td>$4,829</td>
<td>$(17,909)</td>
<td>$(13,080)</td>
</tr>
<tr>
<td>Sewer</td>
<td>4,756,086</td>
<td>(3,917,793)</td>
<td>838,293</td>
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<tr>
<td>Solid Waste</td>
<td>3,685,861</td>
<td>(3,579,098)</td>
<td>106,763</td>
</tr>
<tr>
<td>Airport</td>
<td>622,683</td>
<td>(657,773)</td>
<td>(35,090)</td>
</tr>
<tr>
<td>Golf</td>
<td>224,523</td>
<td>(271,494)</td>
<td>(46,971)</td>
</tr>
<tr>
<td>Water</td>
<td>3,788,582</td>
<td>(3,052,894)</td>
<td>735,688</td>
</tr>
</tbody>
</table>

NOTE: The Transit Fund is not included as it does not contain any retained earnings
CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - MEASURE H
As of March 31, 2007

REVENUES

$ 1,811,686

EXPENDITURES

   Police Department         366,102
   Fire Department           303,776
   Library & Literacy        92,966
   Capital Outlay            267,994
   TOTAL EXPENDITURES        1,030,838

REVENUE OVER/(UNDER) EXPENDITURES

$ 780,848
<table>
<thead>
<tr>
<th>Grant/Subsidized Loan Description</th>
<th>City/Point-of-Contact</th>
<th>Grant Number</th>
<th>City Capital Project No</th>
<th>Amount of Grant Award</th>
<th>Match</th>
<th>Proceeds Received to Date</th>
<th>Last Drawdown Request Date</th>
<th>Drawdown Received Date</th>
<th>Final Grant Date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMUNITY DEVELOPMENT DEPARTMENT:</td>
<td>B. Dunlap</td>
<td>HUD</td>
<td></td>
<td>720,707</td>
<td></td>
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<tr>
<td>2005 CDBG entitlement allocation</td>
<td>B. Dunlap</td>
<td>HUD</td>
<td></td>
<td>605,560</td>
<td>201,200</td>
<td>03/29/2007</td>
<td>04/12/2007</td>
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<td>HOME FTHB grant</td>
<td>B. Dunlap</td>
<td>HCD</td>
<td></td>
<td>1,200,000</td>
<td>757,203</td>
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<td>2005 CapHOME</td>
<td>B. Dunlap</td>
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<td>500,000</td>
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<tr>
<td>FIRE DEPARTMENT/ AIRPORT:</td>
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<tr>
<td>Assistance to Firefighters Grant</td>
<td>M. Garcia</td>
<td>FEMA</td>
<td></td>
<td>52,060</td>
<td>10.00%</td>
<td>35,658.90</td>
<td>04/19/2007</td>
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<td>Equipment</td>
<td>M. Garcia</td>
<td>State Office of Emergency Services</td>
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<td>11,690</td>
<td>11,690.00</td>
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<tr>
<td>AIP Project</td>
<td>J. McDonald</td>
<td>FAA</td>
<td>3-05-0190-09</td>
<td>450,000</td>
<td>4,61%</td>
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<tr>
<td>AIP</td>
<td>J. McDonald</td>
<td>CALTRANS</td>
<td></td>
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</tr>
<tr>
<td>Project</td>
<td>J. McDonald</td>
<td>CALTRANS</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Loan - Purchase of Hangars</td>
<td>J. McDonald</td>
<td>Dept of Transportation/Aeronautics Program</td>
<td>Tut-5-04-1</td>
<td>118,000</td>
<td>118,000.00</td>
<td>09/28/2006</td>
<td>12 yrs, 4.4477%</td>
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<td>PARKS AND LEISURE SERVICES DEPARTMENT:</td>
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</tr>
<tr>
<td>Path-to-Trails</td>
<td>J. Penne</td>
<td>CA Trans Com (CMAQ)</td>
<td>CAM-G-5125(029)</td>
<td>1,056,817</td>
<td>88.53%</td>
<td>636,666.28</td>
<td>07/26/2004</td>
<td>11/12/2004</td>
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<td>Citizens of the United States of America (COPS)</td>
<td>J. Penne</td>
<td>CA Dept of Parks &amp; Rec (2003 Park Bond Act)</td>
<td>PH-A4-005</td>
<td>346,600</td>
<td>70.50%</td>
<td>110,655.00</td>
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<td>Tuile River Parkway, Ph III</td>
<td>J. Penne</td>
<td>CA Resources Agency (Envr Enhancmnt/Mitigation)</td>
<td>EEM-2005(12)</td>
<td>250,000</td>
<td>88.53%</td>
<td>210,23.20</td>
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<td>Office of Traffic Safety Grant (OTS)</td>
<td>C. McMillan</td>
<td>CA Office of Traffic Safety</td>
<td>AL0629</td>
<td>150,264</td>
<td>97,069.90</td>
<td>03/31/2007</td>
<td>09/30/07</td>
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<td>Citizens of the United States of America (COPS)</td>
<td>C. McMillan</td>
<td>State of CA, Dept of Finance</td>
<td>AB3329</td>
<td>100,000</td>
<td>100,000.00</td>
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<td>BulletProof Vest Grant</td>
<td>C. McMillan</td>
<td>US, Dept of Justice</td>
<td>OMB1121-0235</td>
<td>15,850</td>
<td>15,814.00</td>
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<tr>
<td>Edward Byrne Memorial Justice Assistance Grant (EBJAG)</td>
<td>C. McMillan</td>
<td>US, DOJ, Office of Justice Planning</td>
<td>2005-DJ-OT-0669</td>
<td>16,850</td>
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<td>PUBLIC WORKS DEPARTMENT:</td>
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<tr>
<td>Piano St @ Tuile River Bridge widening project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBTR</td>
<td>85-9701</td>
<td>630,000</td>
<td>89.02%</td>
<td>339,620.57</td>
<td>08/21/2006</td>
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<tr>
<td>Jaye St @ Tuile River Bridge widening project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBTR</td>
<td>85-9188</td>
<td>28,000</td>
<td>89.30%</td>
<td>17,787.40</td>
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<td>Traffic Signal @ (Piano St @ Mulberry Ave) project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - SRBS</td>
<td>85-9188</td>
<td>213,000</td>
<td>86.50%</td>
<td>183,997.22</td>
<td>12/11/2006</td>
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<td>Core area curb, gutter &amp; sidewalk project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td>85-9187</td>
<td>2,437,100</td>
<td>86.60%</td>
<td>1,221,516.54</td>
<td>09/07/2006</td>
<td>11/30/2006</td>
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<tr>
<td>Initial bicycle lanes and routes project</td>
<td>B. Rodriguez</td>
<td>BTA</td>
<td></td>
<td>46,600</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Additional bike routes and lanes</td>
<td>B. Rodriguez</td>
<td>SJVACOG</td>
<td></td>
<td>50,000</td>
<td></td>
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<tr>
<td>Traffic Signal @ Matthew and Olive</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td></td>
<td>485,000</td>
<td></td>
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<td>Newcomb Street shoulder stabilization project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td></td>
<td>215,000</td>
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<td>Main St @ Coleman Ave Roundabout project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
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<tr>
<td>Traffic Signal @ Newcomb and Westfield</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td></td>
<td>218,000</td>
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<tr>
<td>Traffic Signal @ Indiana and Puinam</td>
<td>B. Rodriguez</td>
<td>WHF</td>
<td></td>
<td>151,000</td>
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<td>FINANCING THROUGH C.I.E.Q.B:</td>
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<tr>
<td>Sewer system expansion</td>
<td>B. Rodriguez</td>
<td>C I E Q B-B04-053</td>
<td></td>
<td>5,390,000</td>
<td>2,676,073.25</td>
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<td>Eastlinda water system improvements</td>
<td>B. Rodriguez</td>
<td>CIEQI</td>
<td></td>
<td>9,000,000</td>
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<td></td>
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<tr>
<td>TOTAL GRANTS/SUBSIDIZED LOANS AWARDED</td>
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</tbody>
</table>
SUBJECT: QUARTERLY PORTFOLIO SUMMARY

SOURCE: Administrative Services - Finance Division

COMMENT: During the 1995 Legislative Session, the State adopted SB 564 and SB 866 which became effective January 1, 1996. These pieces of legislation set formal requirements for annual reaffirmation of the Investment Policy by Council, as well as for quarterly portfolio updates to Council.

Items identified in the summary that are requirements under SB 564 and SB 866 include the fact that all current holdings are in compliance with the current Investment Policy and that all City cash needs will be met. The date of the next update has also been identified.

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

ATTACHMENTS: Quarterly Portfolio Summary

D.D. Appropriated/Funded C.M. Item No. 23
### CITY OF PORTERVILLE
#### PORTFOLIO SUMMARY AS OF MARCH 31, 2007

<table>
<thead>
<tr>
<th>INVESTMENT OR CUSIP NUMBER</th>
<th>INSTITUTION</th>
<th>PURCHASE PRICE</th>
<th>MARKET VALUE</th>
<th>COUPON INTEREST RATE</th>
<th>PURCHASE DATE</th>
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<td>$10,229,868</td>
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**TOTALS**

**$ 41,786,383**

**$ 41,448,634**

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### WEIGHTED AVERAGE RATE OF EARNINGS

**ONE YEAR HISTORY**

<table>
<thead>
<tr>
<th>Portfolio Holdings</th>
<th>% of Liquid Portfolios</th>
<th>Weighted Average Days to Maturity</th>
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<td>03/31/2006</td>
<td>3.914%</td>
<td>58.013%</td>
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<td>06/30/2006</td>
<td>4.197%</td>
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<tr>
<td>09/30/2006</td>
<td>4.462%</td>
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<tr>
<td>12/31/2006</td>
<td>4.512%</td>
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</tr>
<tr>
<td>03/31/2007</td>
<td>4.725%</td>
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**Comments:**

- Portfolio holdings as of March 31, 2007, are in compliance with the current Investment Policy. With 58.013% of the portfolio being held in liquid instruments, the cash needs of the City will be met. As per SB 564 and SB 866, the next portfolio report will be calculated for the second calendar quarter ending June 30, 2007, and will be presented during the August 1, 2007 Council meeting.
SUBJECT: REQUEST FOR ANNUAL CONTRIBUTION TO THE BUSINESS, INDUSTRY AND GOVERNMENT (BIG) COALITION OF THE SOUTH SAN JOAQUIN VALLEY

SOURCE: Administration

COMMENT: A meeting was held involving Mayor Hamilton, Mayor Pro Tem Martinez and City Manager Longley, and out of that meeting it was suggested that the attached request from the Business, Industry and Government (BIG) Coalition of the South San Joaquin Valley be referred for Council consideration.

The lobbyist requested is representing the HBA Tulare/Kings Counties in addition to BIG, an informal alliance of entities within the San Joaquin Valley. If the Council wishes to support this effort, they should budget monies from the Council reserves for this endeavor.

RECOMMENDATION: To be determined by Council.

Attachment: Letter from Bob Keenan, BIG Coordinator

Item No. 24
BIG Participants,

The BIG Coalition was founded to enhance and magnify the voices of our elected Assembly and Senate representatives in Sacramento. It is a diverse, yet like thinking group which takes positions on issues and legislation of interest (pro or con) that can affect our region. It promotes the fact that our five South Valley counties exist and demands our fair share of attention and funding for our specific needs.

The Coalition has had some success as the voice of our region, but lacks the constant visibility and continual personal interaction to communicate/influence/educate the members of the legislature about our regional concerns and needs.

I have talked to several BIG Participants and the following actions have been taken:

Identified Keith Dunn of Dunn Consulting as our coalition's lobbyist.
Keith is from the Valley, is welcomed and respected by the members and leadership of both parties, including the Speaker, Senate Pro tem and Governor. He loves the valley, understands our underdog position very well, and most of all wants to help. His direction will come from the Coalition and its agreed positions on legislation and by BIG's 9 Precepts.

Filed for the following 2 fictitious names —
Business, Industry and Government Coalition of the South San Joaquin Valley and BIG Coalition

Filed the registration for BIG as a Lobbyist Employer with the Fair Political Practices Commission

Opened a BIG checking account to receive funds and to pay our lobbyist.

All of this is necessary to keep the Coalition on track and to make our efforts more effective. Bond dollars are being divided up, water storage and supply are being challenged, other decisions are being made without us having a physical voice always at the table. Our diverse list of 50 BIG Participants gives our lobbyist a powerful voice and will get the attention this region demands.

The BIG Participants need to assist in funding BIG's consultant. We are requesting annual contributions of $1,000 each which will be placed in the BIG checking account. We understand, that for what ever reason, there is the possibility that a few participants may not be able to fund at this level this year. We have a commitment from Keith Dunn to get us in and keep us in the game for the 2007-2008 Session. If you can/will support this new and necessary advance in BIG Coalition's efforts, please make checks payable to BIG Coalition and send to:

BIG Coalition
315 West Oak Street
Visalia, CA 93291

Thank you. If you have any questions or comments please call or email me.

Bob
BIG Coordinator
The Business, Industry & Government Coalition of the South San Joaquin Valley was formed in November 2001. The first organizational meetings in late 2001 were attended by management from Tulare County, cities in Tulare and Kings Counties, TC Farm Bureau, 2 EDCs, the BIA and College of the Sequoias.

A representative sub-committee met to draft the Coalition's precepts which were subsequently adopted by the group. The precepts are:

1) Local control of state standards affecting housing affordability
2) Build and sustain collaborative partnerships with all entities involved in improving South Valley Counties economy, workforce development, attraction of new businesses, as well as retaining and expanding existing businesses
3) Retention of local control over service levels
4) Application of prevailing wage requirement to reflect local conditions
5) Full funding of state-mandated services – enforcement of SB 90
6) Retention of locally imposed fines and taxes for local use and distribution
7) Resist additional layers of government that undermine local control
8) Support fair allocation of public investment for transportation, water, wastewater, and education infrastructure, and
9) Support development of rational local government financing mechanisms.

It was agreed that this would be a collaborative organization involving business, industry, economic development, agriculture, local government and community colleges to advocate the mutual interests which uniquely affect our South San Joaquin Valley communities.

Participants were to contact their counterparts in the five counties of Madera, Fresno, Kings, Tulare and Kern and invite them to participate in the Coalition.

Participant organizations realized that in the past their voices on the state level had gone unheard or were overshadowed by their state organizations' agendas which catered to their membership from the regions of Northern, Central and Southern California. These areas also maintain the majority representation in the State Assembly, Senate and Congress.

The South San Joaquin Valley has good State and U.S. Representatives. Each segment of the Coalition has for years gone to Sacramento and Washington to plead for needed help and support, but, alone lacked the volume that a coalition such as BIG could generate in
Sacramento and Congress. The Coalition working with mutual objectives can more effectively convey its common positions and concerns to those who can and should pay attention and act to provide the relief and support this area's needs.

Because of the efforts of several people now in the Coalition and then-Assembly Speaker Cruz Bustamante, SB50, the School Facilities Act of 1998, contains a formula designating counties as economically distressed. Part of the formula calls for unemployment rates of at least 125% of the state rate. Ten counties were actually named in the new law including: Fresno, Kern, Kings and Tulare.

Participants in the BIG Coalition agree that this designation should be used as a tool to gain attention and funding for necessary projects, infrastructure, job creation and education/training. South San Joaquin Valley should not be the stepchild of the Bay Area, LA, the Coast or San Diego. This area has major problems and challenges, some of them seemingly insurmountable, but, with the proper focus, progress can be made.

Today, the Coalition consisting of 5 Counties, 24 Cities, 5 EDCs, 7 Chambers of Commerce, 2 Community Colleges, 3BIA/HBSs and 4 Farm Bureaus and is 50 participants strong. The number continues to grow.

How it works - -
The Coalition has no dues nor fees to belong and it operates through the Executives/Administrators of the participating organizations. They regularly review legislation and/or administrative actions that could affect their organizations. These items are compared to the precepts and, if in agreement or opposition with one or more precepts, are brought to the Coalition for discussion and action. If approved, letters of support or opposition are sent on Coalition letterhead to the appropriate legislator(s) and also to legislators representing the five-county area.

The BIG Coalition participants are also copied and send similar letters and copy the Coalition office. This generates a larger impact based on the volume of letters on any given piece of legislation or action. If the participant groups disagree on an item or action it is dropped from the agenda and no position is taken.

The BIG Coalition has held three Summits
The first was for our Senators and Assemblymembers. This Legislative Summit was attended by over 200 community leaders, the area press and TV. The Coalition's precepts and agenda were outlined and each legislator was asked to work for and support our issues and they all readily agreed to follow through:

The Coalition targeted five major issues:
Tulare Lake Basin Plan Revision
SB 975 Clean Up Legislation
Buy California Program: "Promotion of California Grown Produce"
Fiscal Stability for Local Governments and Community College Districts
Air Quality

Three ongoing issues: Education, Transportation Funding and Water were also outlined.

The second was on Air Quality where the APCO of the Air District and the EPA updated representatives of the 3 congressional districts on the current status and timelines facing our air districts for compliance. They also made recommendation for congressional assistance and support. Again, the attendance was approximately 200 concerned local legislators and leaders.

The third “Budget” Summit with Elizabeth Hill, California Legislative Analyst. She came here to a capacity crowd at Tulare’s Heritage Complex and gave an in-depth presentation of the economic realities of the South Valley and a look at the State budget and answered participants' questions making them better prepared to discuss budgetary issues and processes with the legislature.

Road Trip: Nearly 40 BIG Coalition participants traveled by Amtrak to Sacramento and met with our South Valley Legislators in a Senate Hearing Room where we made a presentation, discussed our issues and sought support and action from our representatives.

The Coalition’s goal is to build a base support and a working relationship between our State and Congressional Representatives to better draw attention to this area’s needs, and hopefully, State and Federal legislative, administrative and regulatory relief due to the economic distress of this 5 county area.

Over the years, the Coalition and its participants have taken positions of various legislative issues and have become known as a viable organization among our legislators both at the state level and local levels.

The BIG Coalition of the South San Joaquin Valley can do what no one organization can do alone. The future of the South San Joaquin Valley's economic viability and diversity is too important not to work in unison.