CITY COUNCIL AGENDA  
PORTERVILLE, CALIFORNIA  
JULY 17, 2007, 6:00 P.M.

Call to Order  
Roll Call

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Agency Roll Call

JOINT ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter scheduled for Closed Session. This is also the opportunity for anyone to address the Redevelopment Agency.

CLOSED SESSION:

A. City Council Closed Session Pursuant to:
   3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation: One Case.

B. Redevelopment Closed Session Pursuant to:

Close Redevelopment Meeting after reading list.  
(note Council will adjourn in Closed Session to Redevelopment Closed Session Item)

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Pete Martinez  
Invocation

PRESENTATION

City Managers Featured Projects for July 2007
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 June 19, 2007

2. Adoption of Annual Appropriation Limit
   Re: Approving annual appropriation limit of $44,122,820 for FY 2007/2008 pursuant to State guidelines.

3. Acquisition of Easement Deed – Property Located at APN 270-060-029 – David W. Harris and Christina J. Harris, as Trustees of the Harris Family Revocable Trust
   Re: Authorizing staff to make payment of $750 to property owner for 1,600 sq.ft. easement needed for the Martin Hill Booster Pump Project.

4. Award of Contract – West Street Industrial Park Project
   Re: Awarding contract to Halopoff & Sons, Inc. in amount of $1,449,242.26 for project consisting of installation of infrastructure for industrial park to be located on the east side of West Street between Teapot Dome Avenue and Scranton Avenue.

5. Award Contract – HVAC Replacement Project
   Re: Awarding contract to Morris Levin & Son in amount of $30,253.00 for a 7.5-ton HVAC unit at City Hall, and a 10-ton HVAC unit at the Porterville Community Center.

6. Authorization to Apply for Enterprise Zone Designation
   Re: Approving the submission of an application for Enterprise Zone Designation to the Department of Housing and Community Development, and authorizing staff to prepare and distribute a Request for Proposals for consulting services to assist in preparing the application.

7. Authorization to Subordinate Development Fee Payment Plan Agreement – Porterville Lodging, LLC
   Re: Approving Subordination Agreement to allow for developer to acquire additional funding for Holiday Inn Express project at 840 South Jaye Street.

8. Porterville Transit Proposed Modification
   Re: Approving annual modifications to Porterville Transit to assist in operations and increase efficiency.

9. Consider Process for Filling Vacancy on the Library Board of Trustees
   Re: Accepting resignation of Vikki Cervantes; and directing staff to notice vacancy on Library Board with applications to be submitted by August 15, 2007, and Council appointment on August 21, 2007.
10. Selection of City Voting Delegate to League of California Cities Meeting
   Re: Selecting the Mayor Pro Tem as the voting delegate, and the City Manager as the voting
delegate-alternate to represent the City at the League’s Business Meeting on September 8, 2007.

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

PUBLIC HEARINGS
11. Valley Oak Tentative Subdivision Map (Schuler & Castillo)
   Re: Considering Tentative Subdivision Map to divide a 3.36± acre vacant parcel into a 15 lot
subdivision generally located on the north side of Grand Avenue between Prospect Street and
State Highway 65.

12. Annual Engineer’s Report and Assessments for Landscape and Lighting Maintenance Districts
   Re: Consideration of assessing the fifty-four Landscape and Lighting Maintenance Districts for

13. Water Conservation Plan
   Re: Receiving report on the City’s current water supply situation, and scheduling a public
hearing for August 7, 2007 to consider revisions to the City’s Water Conservation Plan.

SCHEDULED MATTERS
14. Design “D” Overlay Site Review 5-2007 (Target Reconstruction)
   Re: Considering approval of “D” Overlay to allow the demolition of the existing Target Store
and adjacent retail space located at 1363 West Henderson Avenue to allow for construction of
a new Target Store at the same location.

15. Conditional Use Permit 6-2007 – 3 Amigos Restaurant
   Re: Consideration of applicant’s request for phased development of parking lot associated with

16. Project Proposal for Infrastructure and Operational Enhancements
   Re: Consideration of options available regarding proposal by Johnson Controls for energy
conservation enhancements.

17. Consider Centennial Plaza Utilization & Development, Clarify Sound System Design
   Expectations, and Designate the Location for a Buck Shaffer Tribute Clock
   Re: Considering Parks & Leisure Services Commission report regarding options available for
establishing guidelines for Centennial Plaza; receiving update on status of development of
Centennial Plaza; and determining location for tribute clock at the park.

18. Request by Council Member – Request for Resolution Regarding the Need for Thinning and
Logging in the Sierra and Sequoia National Forests
   Re: Request by Council Member to consider adopting resolution in the matter of thinning and
logging in the Sierra and Sequoia National Forests.
Adjourn to a Joint Meeting of the Porterville Redevelopment Agency and City Council.

**JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA**

July 17, 2007

Roll Call: Agency Members

**WRITTEN COMMUNICATIONS**

**ORAL COMMUNICATIONS**

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

**JOINT PUBLIC HEARING**

PRA-1. **Sale (Porterville Redevelopment Agency and Purchase (City of Porterville of 0.64 Acre Site (APN 253-138-001) for a Surface Water Treatment Facility**

Re: Approving the sale of 0.64-acre parcel located on the east side of Fourth Street at East Thurman Avenue, at a price of $167,000 to the City of Porterville Public Works Department for the construction of a surface water treatment facility.

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

**ORAL COMMUNICATIONS**

**OTHER MATTERS**

**CLOSED SESSION**

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

**ADJOURNMENT** - to the meeting of July 31, 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.
CITY MANAGER’S FEATURED PROJECTS
FOR JULY 2007

1. SCE Property Sale

2. Adoption of the 2007/2008 Annual Budget

3. Completion of City Planner Recruitment
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:
1- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Three Cases.
2- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: Two Cases.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action had been taken.

Pledge of Allegiance Led by the Council Member Pete McCracken
Invocation - a moment of silence was observed.

PRESENTATION
City Manager’s Featured Projects for June 2007
• Tule River Clean-Up
  Fire Chief Mario Garcia provided a visual presentation of the Nuisance Abatement Project at the Tule River.
• Murry Park Master Plan and Environmental
• Stolen Vehicle License Plate Reader
• Muni Ballpark Bleacher Removal Project
ORAL COMMUNICATIONS

• Kik Ellis, 270 N. Beverly, came forward on behalf of both the Monache Band and the Monache Band Parents Association. She requested the Council’s assistance in resolving a discrepancy as to whether the Association could proceed with its County fireworks booth at the car wash site located at Olive Avenue and Westwood Street. She indicated that despite being informed by both the County and the City that the site was in the County, an issue had arisen that day as to the jurisdiction of the location, and that such determination would affect whether the Association’s fundraising effort could proceed, since it did not have a City permit to sell fireworks in the City. Ms. Ellis noted that students had already sold a large portion of script that could only be redeemed at the Olive/Westwood location, and that the booth was scheduled to open on June 28th. She then spoke of the positive influence Band participation had on the youth, and of its reliance on the fireworks booth for fundraising.

The Council evinced an interest in finding a resolution to the quandary, and after some discussion, Mr. Longley indicated that staff would research the matter, keeping the time constraints in mind.

• Dick Eckhoff, 197 North Main Street, thanked the City and those involved in the Tule River Abatement Project, and inquired as to the total cost for the project. He then spoke of privately-owned parking lots in poor condition, specifically citing the lots near the Theater at Porter Plaza and at WalMart, and inquired whether the City could require the property owners to properly maintain them.

• Jerry Eoff, 752 East Putnam Avenue, lauded the work accomplished in the Tule River Clean-Up Project; voiced support for a noise ordinance, and spoke in favor of an ordinance prohibiting the parking of vehicles on lawns.

• Rodney Martin, 146 South Villa, requested that he have the opportunity to speak when the Council considered Item No. 20.

• Nathaniel Rogers, a 7th grader from Bartlett Middle School, came forward and inquired whether the Council had considered whether it would sponsor him to attend the National Young Leaders Conference, as he and another student had recently requested.

The Council praised Mr. Rogers for coming before the Council and for his participation in the Leaders Conference, and suggested that while they as a Council would likely not sponsor him, they would individually consider sponsorships either on a personal basis or through the service clubs in which they were involved. Mr. Longley then provided Mr. Rogers with his contact information.

• Marilyn Gentry, 1249 West Tomah, spoke of financial hardships she was enduring due to her battle with cancer, and requested the Council’s assistance.

The Council requested that Ms. Gentry contact Mr. Longley, who would research possible resources for her.

• Skip Marquez, a Visalia resident and applicant in Item No. 5, spoke briefly regarding the status of meetings related to the Three Amigos Restaurant, and provided a written timeline for the Planning Department.
• Martha Alcazar Flores, 249 South Indiana Street, praised Ms. Gentry for her bravery in
coming forward seeking assistance, and indicated that she had access to resources that
might be able to assist her. She requested that Ms. Gentry contact her.
• Joe Guererro, 332 South F Street, requested that the Council write Porterville’s State
Legislators to oppose recently imposed regulations related to the transportation of cargo;
spoke against the possible prohibition of parking on lawns, noting that it might be a
necessity for some residents; and encouraged the Council to adopt a noise ordinance that
was comprehensive enough to cover all noise sources, including motorcycles, music, etc.
• Angel Silva, a Porterville resident, spoke of the proposed prohibition on parking vehicles
on lawn, and inquired whether, in the event it was approved, the City would be obligated
to provide driveway “easements” for those residences that currently did not have
concrete driveways.

Mr. Longley indicated that the City would have no obligation.

CONSENT CALENDAR
1. CITY COUNCIL MINUTES OF MAY 30, 2007

Recommendation: That the City Council approve the City Council Minutes of May 30, 2007.

Documentation: M.O. 01-061907
Disposition: Approved.

2. BUDGET ADJUSTMENT FOR THE 2006-07 FISCAL YEAR

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

Documentation: M.O. 02-061907
Disposition: Approved.

3. ACCEPTANCE OF THE LDS CHURCH RETAINING WALL PROJECT

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

Documentation: M.O. 03-061907
Disposition: Approved.

4. SALE OF PROPERTY AT THE PORTERVILLE AIRPORT INDUSTRIAL PARK TO
BLAIR ELECTRIC SERVICES, INC.
Recommendation: That the City Council approve the draft resolution authorizing the sale of City property to Blair Electric Services, Inc.

Documentation: Resolution 47-2007
Disposition: Approved.

5. CONDITIONAL USE PERMIT 6-2007 - THREE AMIGOS RESTAURANT

Recommendation: That the City Council receive and file the report.

Documentation: M.O. 04-061907
Disposition: Approved.

6. JOINT FUNDING AGREEMENT WITH TULARE COUNTY FOR THUNDERBOLT PROBATION OFFICER

Recommendation: That the City Council:
1. Extend the current agreement for joint funding of the Thunderbolt Probation Officer for the period of July 1, 2007 to June 30, 2008 in the amount of $33,773; and
2. Authorize the Mayor to execute the Agreement on behalf of the City of Porterville.

Documentation: M.O. 05-061907
Disposition: Approved.

7. REQUEST TO APPLY FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS

Recommendation: That the City Council:
1. Authorize the filing of the grant application;
2. Authorize the City Manager to sign all necessary documents as pertains to the grant; and
3. Authorize a budget adjustment upon receipt of the funds.

Documentation: Resolution 48-2007
Disposition: Approved.

8. ANNUAL ENGINEER'S REPORT AND ASSESSMENTS FOR LANDSCAPE MAINTENANCE DISTRICTS

Recommendation: That the City Council:
1. Adopt Resolutions:
   a. Ordering the preparation of an Engineer’s Report for the Landscape and Lighting Maintenance Districts for the Fiscal Year 2007-2008;
b. Giving preliminary approval to the Engineer’s Report for the Landscape and Lighting Maintenance Districts for Fiscal Year 2007-2008;
c. Declaring the intent to levy and collect assessments for Fiscal Year 2007-2008, and offering a time and place for hearing objections thereto; and

2. Set a public hearing for 7:00 p.m. on July 10, 2007 regarding the Engineer’s Report and proposed assessments for the Landscape and Lighting Maintenance Districts for Fiscal Year 2007-2008.

Documentation: Resolutions 49-2007; 50-2007; and 51-2007
Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - WORLD OF VICTORY CHURCH, COMMUNITY CHRISTIAN OUTREACH ON JUNE 23, 2007

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Barn Theater, subject to the Restrictions and Requirements contained in the Application documents and Agreement.

Documentation: M.O. 06-061907
Disposition: Approved.

10. EXTENSION OF MORATORIUM FOR USE OF CREDIT CARDS

Recommendation: That the City Council approve a two (2) month extension of the moratorium on the use of credit cards effective July 1, 2007 through August 31, 2007, with the maximum payment amount that can be charge to credit cards remaining at $250 per transaction.

Documentation: M.O. 07-061907
Disposition: Approved.

11. AIRPORT LEASE RENEWAL - LOT 46B

Recommendation: That the City Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Travis Bierman of Rapid City, SD, for Lot 46B at the Porterville Municipal Airport.

Documentation: M.O. 08-061907
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council approve Item Nos. 1 through 11.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
PUBLIC HEARINGS

12. REQUEST TO ADOPT BUDGET FOR FISCAL YEAR 2007-08

Recommendation: That the City Council determine the “glass is half-full” and approve the draft budget as presented, modified by recommendations outlined in the Finance Letters. If the “glass is half-empty,” the staff should return with proposed resource and service level reductions.

Mayor Hamilton opened the public hearing at 7:47 p.m.

City Manager John Longley presented the item and the staff report. Mr. Longley then called on Parks & Leisure Services Director Jim Perrine to address Sections 6.9, 6.10, 6.11, and 6.12 of Finance Letter No. 6.

• Vicky Trueblood, 248 South Greenwood Street, spoke of the antiquated library facility and of the ties between illiteracy and crime. She voiced support for the 15% allocation of Measure H funds for the library, and for allocating Measure H funds for planning and site acquisition for a new library, as proposed.

• Dick Eckhoff, address on record, spoke in favor of the proposed budget, thanking staff and Council for the inclusion of the reconstruction of the Mill Street Parking Lot in the Budget, and urged for continued focus on downtown parking. He then spoke of Measure H funds, voicing support for the inclusion of the library, and voicing concern and disagreement with the allegation in Mr. McIntire’s letter that crime was rampant.

The public hearing closed at 8:21 p.m.

Mayor Pro Tem Felipe Martinez voiced support for Option 1 with regard to the Sports Complex Parking Fees (Item 6.9 in Finance Letter No. 6). A brief discussion ensued.

Mayor Pro Tem Felipe Martinez commented that he believed that the Council had directed the removal of Park Ranger allocation. Mr. Longley indicated that he understood there had been some discussion of reallocating the funds for some other purpose, but not to remove it. He stated that the budget before the Council that evening was the City Manager’s draft, but once adopted, it would be the Council’s budget. He stated that the budget should serve the Council’s goals and objectives, and requested that it remained within the spending parameters that existed in the presented draft. He then spoke of the Council’s options with regard to the Park Ranger allocation.

A discussion ensued as to the proposed Park Ranger position, during which Council Member Pedro Martinez indicated a desire to see more than one Park Ranger, with not only code enforcement type duties, but other responsibilities as needed, and as determined by the Parks & Leisure Services Director at that time. Mr. Longley indicated that the allocation could be modified to consist of part-time Park Rangers, rather than one full-time position. Council Member Martinez voiced support for
appropriating the funds that evening, and directing staff to develop a program to be brought back for Council’s review.

Council Member McCracken opined that he would like to see the funds allocated for streets maintenance increase substantially, yet he could not locate the funds within the budget. He spoke of the importance of maintaining the City’s streets, particularly noting that all of the projects identified by the Council as priorities required proper access. He indicated that the City was currently not on a program by which roads were regularly resurfaced, and stated that it would hopefully be addressed through Measure R. He then spoke favorably of the performance program implemented by the Public Works Department, adding that he would like to see the program expanded and more statistical information provided. Mayor Hamilton indicated that the entire Council agreed with Public Works expanding and formalizing the performance program, and commented that he believed Mr. Rodriguez was heading in the right direction.

Mayor Hamilton commented that his only concern was the library issue, and inquired as to the plan for funding the library, noting that Measure H funds would be insufficient. A discussion ensued, during which Mr. Longley indicated that the proposed analysis would provide information as to siting and development costs, as well as possibly the design of the structure and potential services the new library could provide. He stated that financing options would also be included in the proposed analysis. Mr. Longley agreed that Measure H funds would not be sufficient to fund the project, and that other sources of funds would need to be identified, such as geo bonds. He stated that the request that evening was that the Council approve that the item be budgeted, and that prior to the funds being expended, staff would return to the Council with a specific program defining how the money would be utilized. Mayor Hamilton confirmed that Measure H had generated more revenues than had been anticipated, and that staff would like to appropriate approximately $220,000 of that revenue towards preliminary planning for a new library. It was stated that the planning would be a multi-year project. Mr. Longley assured the Council that staff would not again come to the Council to ask for $220,000 to accomplish that type of work. Mayor Hamilton indicated that he was looking for Mr. Longley’s assurance that the proposed preliminary plan could be accomplished for $220,000. Mr. Longley gave that assurance.

Mayor Pro Tem Felipe Martinez moved that the Council approve the draft budget as presented, modified by recommendations outlined in the Finance Letters, and approve Option No. 1 in 6.9 of Finance Letter 6.

In response to a request for clarification, Mr. Longley provided summarized what he understood the Council’s direction to be. He requested that the Council approve the draft budget as presented, modified by recommendations outlined in the Finance Letters, including the deferment of the Monache Basketball Courts as presented in 6.10 in Finance Letter 6; that the Council approve Option No. 1 in 6.9 of Finance Letter 6; that the Council direct staff to prepare a Park Rangers Program to be brought back to the Council. Mr. Longley added that staff would also provide the Council with more information on the performance plan for streets maintenance which would tie in performance to need. He stated that staff would also not return to the Council requesting supplemental appropriation within the Library for the purposes that were defined in the report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council approve the draft budget as presented,
Resolution 52-2007 modified by recommendations outlined in the Finance Letters, including the deferment of the Monache Basketball Courts, as presented in 6.10 in Finance Letter 6; that the Council approve Option No. 1 in 6.9 of Finance Letter 6; that the Council direct staff to prepare a Park Rangers Program to be brought back to the Council; and that staff also provide information on the performance plan for streets maintenance.

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

Disposition: Approved.

13. VACATE A PORTION OF PUBLIC WATER, SEWER AND STORM DRAIN FACILITIES EASEMENT RELATED TO THE DEVELOPMENT OF THE SKILLED NURSING FACILITY (SIERRA VIEW DISTRICT HOSPITAL)

Recommendation: That the City Council:
1. Conduct a public hearing; and
2. Authorize the City Clerk to execute the vacation of a portion of said easement.

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

The public hearing opened at 8:41 p.m. and closed at 8:42 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council authorize the City Clerk to execute the vacation of a portion of said easement.

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

Disposition: Approved.

SECOND READING
14. ORDINANCE 1722, ZONING ORDINANCE AMENDMENT 1-2007

Recommendation: That the Council give Second Reading to Ordinance No. 1722, 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. 1722, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ORDINANCE NO. 1198, BEING THE ZONING ORDINANCE PERTAINING TO THE DEFINITION OF FAMILY, R-A USES IN THE SUBURBAN RESIDENTIAL ZONE, BONUS DENSITY INCENTIVES AND CONCESSIONS.

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

The City Manager read the Ordinance by title only.

Disposition: Approved.

The Council recessed at 8:44 p.m. for ten minutes.

SCHEDULED MATTERS
15. PRESENTATION OF CITY FLAGS

Recommendation: None required – Information and presentation only.

Mayor Hamilton indicated that the item consisted of a presentation of the new City flag. He then called upon Police Chief McMillan to commence the presentation. Chief McMillan introduced Ryan Smalley and Patricia Palamares of the Porterville Explorers who presented the new City flags.

Mayor Hamilton spoke briefly of the genesis and progression of the flag project, and thanked Council Member Pedro Martinez and Council Member McCracken for their efforts on the project.

Disposition: Informational report and presentation only.

16. DESIGN OVERLAY SITE REVIEW 4-2007 (SIERRA VIEW DISTRICT HOSPITAL)

Recommendation: That the City Council:
1. Approve the Addendum to the Final Mitigated Negative Declaration for the Sierra View District Hospital Master Plan; and
2. Adopt the draft resolution approving “D” Overlay Site Review 4-2007 subject to conditions of approval.

City Manager John Longley presented the item, and called on Community Development Director Brad Dunlap for the staff report. At Mr. Dunlap’s request, Acting Associate Planner Jose Ortiz came forward and presented the staff report.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Addendum to the Final Mitigated Negative Declaration for the Sierra View District Hospital Master Plan; and adopt the draft resolution approving “D” Overlay Site Review 4-2007 subject to conditions of approval.

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

NOES: None

ABSTAIN: None

ABSENT: Hernandez

Disposition: Approved.

17. ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

Recommendation: Consistent with agreements and previous instructions, the report is provided for informational purposes. It is recommended that the City Council use the information to inform any citizens that may inquire about fee adjustments.

City Manager John Longley presented the item and informational report.

- Bob Keenan, Home Builders Association of Tulare/Kings Counties, came forward and confirmed with the Council that the reported fee adjustments would take effect on July 15, 2007. He opined that such action would be in violation of the Fee Mitigation Act, and stated that the law required a written 14-day notice prior to the public hearing for consideration of adopting the fees, after which the fee increases would become effective 60 days after adoption. Mr. Keenan asserted that there had been no public hearing, and even if the City held a public hearing that evening, the fees could not be effective until August.

Mayor Hamilton thanked Mr. Keenan for his comments and requested City Attorney Julia Lew to respond.

Ms. Lew indicated that the City’s position was that the public hearing had already been held on the fees. She stated that when the fees were adopted, they were adopted, with requisite notice and public hearings, with the auto-escalator. She stated that this was a common practice throughout California, and in fact was even proposed in Tulare County’s impact fees, which the Council would be discussing later than evening in Item No. 22.

- Mr. Keenan rebutted Ms. Lew’s comments, stating that California law prohibited the adoption of automatic inflator. He contended that if the City wished to adopt new or increase existing fees, it had to hold a public hearing, and then the fee would be effective 60 days later. He reiterated that the Council could not adopt fees with an automatic inflator.
Ms. Lew stated that the City and Mr. Keenan had a difference of opinion on the matter. She stated that the auto-escalators were acknowledged in the Mitigation Fee Act, Government Code Section 66022, and explicitly acknowledged in Proposition 218, in which automatic adjustments were specifically not included in the definition of a fee increase. She stated that she believed Mr. Keenan and the City would continue to have a difference of opinion on the subject.

• Mr. Keenan stated that they would have it settled.

Disposition: Informational report received.

18. ANNUAL REVIEW OF CITY OF PORTERVILLE/CHAMBER OF COMMERCE AGREEMENT, AND CONSIDERATION OF AMENDMENT TO FUTURE AGREEMENTS

Recommendation: That the City Council:
1. Accept the Chamber of Commerce Activity Report and Financial Statements, and authorize payment consistent with the City Budget; and
2. Consider the Chamber’s request for amendment to the Agreement for Chamber responsibilities.

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

Council Member Pedro Martinez moved that the Council approve the item, and suggested that the Council appoint two Council Members to meet with the Chamber to discuss activities and responsibilities for the upcoming year.

Mayor Pro Tem Felipe Martinez seconded the motion.

A discussion ensued as to which Council Members should be appointed, during which the Mayor and Mayor Pro Tem volunteered to meet with the Chamber.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council accept the Chamber of Commerce Activity Report and Financial Statements, and authorize payment consistent with the City Budget; consider the Chamber’s request for amendment to the Agreement for Chamber responsibilities; and appoint the Mayor and Mayor Pro Tem to meet with the Chamber to discuss the activities and responsibilities for the upcoming year.

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

Disposition: Approved.
19. MINOR SERVICE & REPAIR IN GENERAL COMMERCIAL AREAS (C2 ZONES)

Recommendation: That the Council defer to the Comprehensive Zoning Ordinance Update programmed for the next Fiscal Year.

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

In response to questions from the Council, Mr. Dunlap indicated that he was aware of two individuals who had inquired about the designation, and that service stations required conditional use permits, which allowed for the City Council to apply conditions. He stated that under service stations, if it was this component that didn’t include the sale of gasoline and it still required a conditional use permit, that would be one way to move forward. He added that it would take a resolution of ambiguity to clarify that.

Mayor Hamilton noted that one of the applicants was in attendance and invited him to come forward.

- Mike Ramirez, (address inaudible), indicated that he would like to proceed as soon as possible, but that he had been in escrow for four months and that he was experiencing difficulties with his seller.

Mr. Dunlap stated that a comprehensive Code update would take a substantial amount of time to prepare, and clarified that the recommendation that evening was to defer the designation until that time.

Mayor Pro Tem Felipe Martinez noted that the General Plan Update was holding up several items, and inquired whether the General Plan was on track to be before the Council in September. Mr. Dunlap indicated that pursuant to timelines provided by the Consultant, it appeared that November was a more likely date to bring the item before the Council for adoption. He pointed out that if the Council had any significant changes to the General Plan, it would obviously be delayed.

In response to a question by Mayor Hamilton, Mr. Dunlap stated that the only way to “fast track” the matter would be through a Code Amendment, or a Zone Change to C3. A brief discussion ensued as to potential options for the applicants. Mayor Hamilton noted that there were options, but that the item before the Council that evening was whether to defer the designation to the Comprehensive Zoning Ordinance Update.

Council Member McCracken commented that he was uncomfortable with proceeding with a Code Amendment with the General Plan and Comprehensive Zoning Ordinance Update just around the corner.

Mayor Hamilton spoke of his desire to work something out with those businesses affected.
COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council defer to the Comprehensive Zoning Ordinance Update programmed for the next Fiscal Year.

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

Disposition: Approved.

20. PROPOSED CITY ORDINANCE SECTION 17-11.13

Recommendation: That the City Council consider the draft provisions. The Council may either approve and give first reading to the draft ordinance, or provide further direction.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

In response to Council Member McCracken’s inquiry regarding the definition of a driveway, Ms. Lew indicated that the ordinance would need to include a definition. She stated that she had attempted to use reasonable layman’s terms in the draft before the Council, and noted that interpretation of the ordinance would take some discretion.

Council Member Pedro Martinez commented that he believed that some of the proposed regulations went beyond what had been requested.

Mayor Hamilton commented that the proposed language was a least a start in the right direction.

Ms. Lew indicated that if the Council wished to acknowledge the aesthetics issue, then the ordinance could only focus on lawns, and should provide a definition of lawn. She stated that the problem was that if the ordinance was based on the environmental issue of leakage of oils, there was no difference between a lawn and an unpaved surface in that regard.

- Rodney Martin, 146 South Villa Street, commented that the City of Santa Maria was pretty clear in that its legislative intent was aesthetics, and that it appeared to be the Council’s intent as well. He commented that if a dirt driveway was going to be exempt, then establishing the ordinance under the cloak of protecting the environment would be difficult. Mr. Martin stated he as a new resident, he believed that a “bottom up,” rather than a “top down” approach would prove successful. He stated that the focus should be instead on establishing a community dialog on ways in which to instill pride, adding that pride could not be legislated from above. He suggested that the Council table the proposed legislation and instead select members from the community to form a blue ribbon panel to discuss the issue and develop a series of proposals from which the Council could choose.
Mayor Hamilton commented that he hoped that the proposed ordinance, while addressing an environmental concern, would also have provided an aesthetic benefit.

Mayor Pro Tem Felipe Martinez indicated that he had received numerous phone calls from residents on this topic. He suggested that the a committee be established, and nominated Mr. Martin as one of the community members to serve on the committee. He then suggested that perhaps Mr. Ramirez and Mr. Eoff might also be interested in serving on the committee.

A discussion ensued as to options for forming a committee to address the issue of parking on lawns. It was pointed out that a standing commission, such as the Parks & Leisure Services Commission, might be appropriate. The Council opted to form an ad hoc committee comprised of seven members. The Council directed staff to issue a notice to the public that volunteers were being sought to serve on the committee and that interested individuals should contact the City Clerk’s Office. Mr. Longley confirmed staff’s direction.

Disposition: Direction given to staff.

21. REQUEST FOR APPROPRIATION TO DEVELOP A FIRST PHASE BUSINESS PLAN FOR A POTENTIAL HEALTH CAREERS ACADEMY

Recommendation: From either non-appropriated reserve or “Rainy Day Reserve,” allocate $5,000 to be used to develop a first phase business plan for a potential health careers academy; and authorize the City Manager to retain a consultant to prepare the plan. This should be initiated immediately.

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

In response to questions from the Council, Mr. Longley indicated that the scope of the consultant’s services would be to develop a business plan for a health careers academy for approximately 500 and 1000 vocational healthcare workers. He stated that the business plan would make assumptions, including 1) that the staffing for the academy would be retained through a contract with the Department of Corrections or the Receiver; 2) that vacant space in the community would be utilized, but would need to be redeveloped to serve the purpose; and 3) that the individuals coming out of the academy would be contracted to work for the Department of Corrections. He emphasized that the business plan would be general in nature, and would need to be completed within a very short time period.

Mayor Pro Tem Felipe Martinez spoke of his vision and of the need to provide the Receiver with a written business plan.

Mayor Hamilton suggested that travel for the students should also be an aspect of the plan, to which Mr. Longley agreed.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council, from non-appropriated reserves, allocate $5,000 to be used to develop a first phase business plan for a potential health careers academy; and authorize the City Manager to retain a consultant to prepare the plan.

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

Disposition: Approved.

22. TULARE COUNTY DRAFT PUBLIC FACILITIES IMPACT FEE STUDY REQUEST FOR COMMENTARY

Recommendation: That the City Council:
1. Authorize staff to prepare a letter to the County of Tulare outlining the concerns as stated in the staff report regarding the Tulare County Draft Public Facilities Impact Fees Study; and
2. Authorize the Mayor to sign the letter on behalf of the City.

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

Council Member McCracken voiced concern with the proposed fee to developers of $479 per household for County parks. He commented that Porterville citizens would not benefit and suggested that the fees would fund Mooney Grove Park in Visalia. Mr. Dunlap indicated that the County would need to look at a proportional distribution of funds to service the different geographical areas. He added that the County’s proposed fees would be in addition to the fees charged by the City, and pointed out that an automatic inflator was also being proposed.

The Council requested that the letter be drafted for all of the Members’ signatures.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize staff to prepare a letter to the County of Tulare outlining the concerns as stated in the staff report regarding the Tulare County Draft Public Facilities Impact Fees Study; and authorize the Council to sign the letter on behalf of the City.

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

Disposition: Approved.
23. SET STUDY SESSION TO REVIEW PROPOSED FALSE ALARM FEES

Recommendation: That the Council set a date and time for the proposed study session.

City Manager John Longley presented the item, and Police Chief Chuck McMillan presented the staff report.

The Council requested that Mr. Longley have Ms. Bodine contact them to schedule the meeting.

Disposition: Direction given to staff.

24. COUNCIL REQUEST - CENTENNIAL PLAZA STATUS REPORT

Recommendation: None

City Manager John Longley presented the item.

Council Member Pedro Martinez indicated that he was interested in staff preparing a status report to include parameters for usage of the park. A brief discussion ensued as to public access.

Mr. Longley confirmed that the item would appear on a future agenda.

Disposition: Direction given to staff.

Adjourn to a Joint Meeting of the Porterville Redevelopment Agency and City Council.

JOINT PORTERVILLE REDEVELOPMENT AGENCY/CITY COUNCIL AGENDA
June 19, 2007

Roll Call: Member McCracken, Member Pedro Martinez, Vice-Chairperson Felipe Martinez, Chairperson Hamilton

Absent: Member Hernandez

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

JOINT SCHEDULED MATTER

PRA-1. Legal Findings for Financing the Construction of Parking Lot Improvements in the Redevelopment Area (East Side of Hockett Street Between Mill and Oak Avenues and Authorization to Enter into a Loan Agreement between the City of Porterville and the Porterville Redevelopment Agency
Recommendation: That the Porterville Redevelopment Agency:

1. Request a loan in the amount of $405,000 with the City of Porterville for the reconstruction of the parking lot located on the east side of Hockett Street, between Mill and Oak Avenues; and
2. Approve repayment of said loan on an escalating schedule as provided for in Option 3 of the Hockett Street Parking Lot Repayment Options as shown on Exhibit 2.

That the City Council:

1. Approve the Porterville Redevelopment Agency’s request for assistance in the amount of $405,000 to reconstruct the parking lot located on the east side of Hockett Street, between Mill and Oak Avenues, with payments to be made annually beginning one-year from the time of acceptance of the completed parking lot for a term of ten (10) years. Payments will be made on an escalating schedule, as provided for in Option 3 shown on Exhibit 2, with an interest rate equivalent to the Local Agency Investment Fund rate as reported at the time of acceptance of the completed parking lot. Annual payments are to include any interest accumulated during each year of the loan; and
2. Adopt the draft resolution making certain findings with respect to the parking lot improvements; and
3. Amend the budget for a loan from the City’s Risk Management fund in the amount of $405,000.

Agency Member McCracken recused himself from the discussion on all Redevelopment Matters before the Agency, and left the Council Chambers for the remainder of the Redevelopment items.

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

AGENCY ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Vice-Chairperson Felipe Martinez that the Agency request a loan in the amount of $405,000 with the City of Porterville for the reconstruction of the parking lot located on the east side of Hockett Street, between Mill and Oak Avenues; and approve repayment of said loan on an escalating schedule as provided for in Option 3 of the Hockett Street Parking Lot Repayment Options as shown on Exhibit 2.

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

Disposition: Approved by Agency.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council Approve the Porterville Redevelopment Agency’s request for assistance in the amount of $405,000 to reconstruct the parking lot located on the east side of Hockett Street, between Mill and Oak Avenues, with payments to be made annually beginning one-year from the time of acceptance of the completed parking lot for a term of ten (10) years. Payments will be made on an escalating schedule, as provided for in Option 3 shown on Exhibit 2, with an interest rate equivalent to the Local Agency Investment Fund rate as reported at the time of acceptance of the completed parking lot. Annual payments are to include any interest accumulated during each year of the loan; and adopt the draft resolution making certain findings with respect to the parking lot improvements; and amend the budget for a loan from the City’s Risk Management fund in the amount of $405,000.

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

Disposition: Approved by Council.

REDEVELOPMENT SCHEDULED MATTER

PRA-2. REDEVELOPMENT AGENCY BY-LAW AMENDMENT

Recommendation: That the Porterville Redevelopment Agency adopt the proposed amendment to the Agency’s By-Laws regarding the designation of officers.

City Manager/Executive Secretary John Longley presented the item and the staff report.

AGENCY ACTION: MOVED by Vice-Chairperson Felipe Martinez, SECONDED by Member Pedro Martinez that the Agency adopt the draft resolution amending the Agency’s By-Laws.

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

Disposition: Approved.

PRA-3 CONSIDERATION OF ORGANIZATIONAL AND ECONOMIC SCENARIOS REGARDING THE PORTERVILLE HOTEL
Recommendation: That the Agency schedule a closed session of the Redevelopment Agency to review the project and provide instructions to negotiators. A time proposed for this is 2:30 p.m. on Friday, June 29, 2007.

City Manager/Executive Secretary John Longley presented the item and the staff report.

The Agency directed staff to schedule the study session for 2:30 p.m. on Friday, June 29, 2007.

Disposition: The Agency provided direction to staff.

Council Member/Agency Member McCracken returned to the Council Chambers.

The Redevelopment Agency adjourned at 10:17 p.m. to a meeting of the City Council.

ORAL COMMUNICATIONS
- Dick Eckhoff, address on record, thanked the Council for its action on Item No. PRA-01; and spoke generally of Item No. 20 regarding the proposed prohibition of parking on lawns.

OTHER MATTERS
- Council Member McCracken stated that he regretted to inform the Council that Le Bistro was responsible for one of the false alarm calls.
- Mayor Pro Tem Felipe Martinez:
  1. Noted that water from JRU’s location at the corner of E Street and Putnam Avenue was running down the street, and requested that staff speak with the business regarding water conservation;
  2. Thanked Mr. Rodriguez and his staff for its quick response to a recent report of graffiti; and
  3. Informed the Council of an elderly man, allegedly in the Country illegally, who was recently beaten in Murry Park by thugs who claimed the park to be their territory. He spoke of the man’s reluctance of coming forward due to his undocumented status, and requested that the Police Department beef up patrols in the area.
- Mayor Hamilton:
  1. Spoke of the recent Open House at the Police Department and thanked the P.D. for hosting such a positive event for the community; and
  2. Informed everyone that the Courthouse Project had passed another hurdle by making it through the Conference Committee. He indicated that he had personally contacted those State Legislators involved and thanked them. It was suggested that the Council also send thank you letters to those legislators.

Police Chief McMillan and Fire Chief Garcia then came forward and updated the Council on the efforts and operational planning regarding the Army Corps of Engineers’ high flow testing at Lake Success which would affect water flows on the Tule River. It was indicated that the testing would commence at 4:00 a.m. the following day, Wednesday, June 20, 2007.
ADJOURNMENT

The Council adjourned at 10:39 p.m. to the meeting of June 29, 2007 at 2:30 p.m.

Patrice Hildreth, Deputy City Clerk

SEAL

Cameron Hamilton, Mayor
SUBJECT: ADOPTION OF ANNUAL APPROPRIATION LIMIT

SOURCE: Administrative Services – Finance Division

COMMENT: Article XIII - B of the California Constitution requires that each governmental agency must adopt an appropriation limit each fiscal year. This limit represents the maximum amount of tax revenue that can be appropriated during the fiscal year.

The State Department of Finance has provided the percentage change in population for the City of Porterville and the percentage change in per capita personal income for the 2007/08 fiscal year calculation. Based on this information and the guidelines established by the State, the appropriation limit for 2007/08 is $44,122,820. Budgeted tax proceeds subject to limitation are $26,340,486. The City continues to appropriate well below the maximum limit allowed by law.

RECOMMENDATION: That the City Council approve the attached resolution adopting the appropriation limit of $44,122,820 for the 2007/08 fiscal year.

ATTACHMENTS: Draft Resolution
Worksheets

DD  Appropriated/Funded  CM  Item No.  

RESOLUTION NO. _______ - 2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE SETTING THE APPROPRIATION LIMIT FOR THE 2007/08 FISCAL YEAR

WHEREAS, Article XIII - B of the California Constitution requires that each governmental agency adopt an appropriation limit each fiscal year, and

WHEREAS, the State of California has presented the guidelines for the consumer price index, the per capita personal income, and the population data for local governments to compute the appropriation limit;

NOW, THEREFORE, be it resolved by the City Council of the City of Porterville the appropriation limit for the 2007/08 fiscal year is $44,122,820 as computed on the attached worksheet.

Adopted and approved this 17th day of July 2007.

______________________________
Cameron Hamilton, Mayor

ATTEST:

______________________________
John R. Longley, Jr., City Clerk
## CITY OF PORTERVILLE
### APPROPRIATION LIMIT DOCUMENTATION
#### FISCAL YEAR 2007-2008

### PROCEEDS OF TAXES CALCULATION

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**Total:** 26,340,486

**Total:** 50,235,639

**Total:** 76,576,125

### APPROPRIATION LIMIT CALCULATION

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**2006-2007:**
- **4.42%**
- **14.26%**
- **44,122,820**

**PROCEEDS OF TAXES:** 26,340,486

**PROCEEDS OF TAXES UNDER APPROPRIATION LIMIT:** 17,782,334

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[2] Per State Department of Finance (per capita personal income).
[3] Per State Department of Finance (population growth of City or County, whichever is greater).
### CITY OF PORTERVILLE
### APPROPRIATION LIMIT DOCUMENTATION
### FISCAL YEAR 2007-2008

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* Source: City of Porterville 2007-2008 Annual Budget.

SOURCE: Public Works Department

COMMENT: David W. Harris and Christina J. Harris, as Trustees of the Harris Family Revocable Trust, owners of property located at APN 270-060-029, have made a counter offer in the amount of $750.00 for a 1,600 sq. ft. easement needed for the Martin Hill Booster Pump Project. After continued negotiations, David W. Harris and Christina J. Harris have decided not to sell the property to the City but are willing to have a recorded easement for the 1,600 sq. ft. of property.

The City had the property appraised, for purchase, by Dennis L. Schneider, MAI, a Certified General Real Estate Appraiser and the appraisal came in at $1,250.00 for the total 1,600 sq. ft. of right-of-way needed for the Martin Hill Booster Pump Project. This appraisal is available in the Community Development Department for your review.

RECOMMENDATION: That City Council:

1. Authorize staff to make payment to David W. Harris and Christina J. Harris, as Trustees of the Harris Family Revocable Trust, owners of the property in the amount of $750.00;
2. Authorize the Mayor to sign all necessary documents; and
3. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS:

1. Locator Map
2. Purchase Contract for the Easement
3. Resolution

DD 3/12 APPROPRIATED/FUNDED CM ITEM NO. 3
That portion of Parcel 1 of Parcel Map 2562, in the County of Tulare, State of California, as shown on map filed in Book 26 of Parcel Maps, at page 63 in the office of the County Recorder of said County.

CITY OF PORTERVILLE

Martin Hill Booster Pump Property
Parcel contains 1,600 square feet (0.0367 acres)
OWNERS: David W. Harris & Christina J. Harris
Address: 603 E. Worth Avenue
Porterville, CA 93257

Date: July 09, 2007

Project: Martin Hill Booster Pump Site project
APN: 270-060-0229

Purpose: Easement For Pump Station & Appurtenances

PURCHASE CONTRACT

It is mutually agreed as follows:

1. The Grantor hereby states that Grantor has full title except as hereinafter mentioned and has full authority to sign the above-mentioned document.

2. The parties herein have set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said document and shall relieve the City of all further obligations on this account, or on account of the location, grade, or construction of the proposed public improvement.

3. Upon approval by the City Council, the City shall:

   A. Pay the undersigned Grantor(s) the sum of Seven Hundred Fifty Dollars ($750.00) for the easement conveyed by above documents(s) within thirty (30) days after date easement to said property vests in the City.

   B. It is agreed and confirmed by the parties hereto that, notwithstanding other provisions in this contract, the use of the subject property by the City shall be to construct a booster pump station with pipe appurtenances, electrical panel, construct 6’ high commercial grade perimeter chain link fence with full

BSR:vs
slats, install entry gate open to the street side, remove existing pipe & cable fence necessary to construct chain link fence, re-install and properly secure pipe and cable fence such that when all "fence work" has been completed, there are no "gaps" between the new chain link fence and the pipe & cable fence. Easement is for the sole purpose of constructing and maintaining a booster pump station and any other use shall not be permitted. Use of easement shall include the right to replace, repair, restore, remove, and/or dispose of existing improvements and shall commence upon execution of this agreement, and that the amount shown in Clause 3.A. herein includes, but is not limited to, full payment for such possession and use, including damages, if any, for said date. Property owner shall be notified if and when the booster pump is no longer in use and the City shall remove or have removed all improvements installed as part of the booster pump project.

4. Grantor grants to the City, its permittees, contractors, agents or assigns, a right to enter upon, over, across said easement parcel during the period of construction for the purpose of constructing the public improvement and accomplishing all necessary incidents, thereto, including, but not limited to, the repair, replacement, restoration, removal, and/or disposal of existing improvements. Any actual damage or substantial interference with the possession or use of the adjacent land caused by City, its permittees, contractors, agents, or assigns shall be cured by same.

5. The sum set forth in Clause 3.A. above includes payment for the following: Easement title to One thousand six hundred (1,600) square feet of land, together with any and
all other losses, whether separately mentioned in this agreement or not.

6. It is understood that once this agreement is executed it must be approved by the City Council to complete the transaction. Whereupon a Grant of Easement from the Owner/Grantor herein to the City of Porterville, will be prepared, signed by the Owner/Grantor before a Notary Public, and delivered to the authorized Agent for the City of Porterville.

7. NO OTHER OBLIGATION OTHER THAN THOSE SPECIFICALLY SET FORTH HEREIN WILL BE RECOGNIZED.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year shown.

[Signature]
Owner

(Date)

SS#: 572-25-1095

[Signature]
Owner

(Date)

SS#: 571-29-2638

[Signature]
Witness/Received
For City of Porterville

(Date)

[Signature]
CITY OF PORTERVILLE
Baldomero S. Rodriguez
Public Works Director

(Date)
Martin Hill Booster Pump Property /Easement

That portion of Parcel 1 of Parcel Map 2562, in the County of Tulare, State of California, as shown on map filed in Book 26 of Parcel Maps, at page 63 in the office of the County Recorder of said County, more particularly described as follows:

BEGINNING at the point of intersection of the centerline of the Campbell and Moreland Ditch with the south line of the north 30.00 feet of the Southeast quarter of Section 1, Township 22 South, Range 27 East, Mount Diablo Base & Meridian;

Thence, Easterly, along the south line of the north 30.00 feet of said Southeast quarter, a distance of 40 feet;

Thence, Southerly, along a line parallel with the centerline of the Campbell and Moreland Ditch, a distance of 40 feet;

Thence, Westerly, along a line parallel with the south line of the north 30.00 feet of said Southeast quarter, a distance of 40 feet, to a point in the centerline of the Campbell and Moreland Ditch;

Thence, Northerly, along the centerline of the Campbell and Moreland Ditch, 40 feet, more or less, to the POINT OF BEGINNING.

Parcel contains ± 1,600 (± 0.0367 acres) square feet.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: [Signature]
Licensed Land Surveyor

Date: 9/22/05
That portion of Parcel 1 of Parcel Map 2562, in the County of Tulare, State of California, as shown on map filed in Book 26 of Parcel Maps, at page 63 in the office of the County Recorder of said County.
RESOLUTION NO __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING AN EASEMENT DEED FOR PUBLIC STREET AND UNDERGROUND UTILITIES PURPOSES FROM David W. Harris & Christina J. Harris

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts an Easement Deed from David W. Harris & Christina J. Harris, for right of way and incidents thereto for construction of a booster pump station, pipe appurtenances, electrical panel, 6' high commercial grade chain link fence, repair and/or re-installation of existing pipe & cable fence to abut new chain link perimeter fence and underground utilities upon, over, across and within that certain real property, in the City of Porterville, County of Tulare, State of California, to-wit:

See Exhibit "A" attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the easement purchase price of $750.00 is hereby approved with Mayor authorized to sign all necessary documents, and said easement deed to be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

ATTEST:

John Longley, City Clerk

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

Martin Hill Booster Pump Property/Easement

That portion of Parcel 1 of Parcel Map 2562, in the County of Tulare, State of California, as shown on map filed in Book 26 of Parcel Maps, at page 63 in the office of the County Recorder of said County, more particularly described as follows:

BEGINNING at the point of intersection of the centerline of the Campbell and Moreland Ditch with the south line of the north 30.00 feet of the Southeast quarter of Section 1, Township 22 South, Range 27 East, Mount Diablo Base & Meridian;

Thence, Easterly, along the south line of the north 30.00 feet of said Southeast quarter, a distance of 40 feet;

Thence, Southerly, along a line parallel with the centerline of the Campbell and Moreland Ditch, a distance of 40 feet;

Thence, Westerly, along a line parallel with the south line of the north 30.00 feet of said Southeast quarter, a distance of 40 feet, to a point in the centerline of the Campbell and Moreland Ditch;

Thence, Northerly, along the centerline of the Campbell and Moreland Ditch, 40 feet, more or less, to the POINT OF BEGINNING.

Parcel contains ± 1,600 (± 0.0367 acres) square feet.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: [Signature]
Licensed Land Surveyor

Date: 9/22/05
That portion of Parcel 1 of Parcel Map 2562, in the County of Tulare, State of California, as shown on map filed in Book 26 of Parcel Maps, at page 63 in the office of the County Recorder of said County.
COUNCIL AGENDA: JULY 17, 2007

SUBJECT: AWARD OF CONTRACT – WEST STREET INDUSTRIAL PARK PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On July 10, 2007, staff received eight (8) bids for the West Street Industrial Park Project. The project consists of the installation of necessary infrastructure for an industrial park located on the east side of West Street between Teapot Dome Avenue and Scranton Avenue (adjacent to the TREDIC Airport Industrial Park).

The estimated probable cost for this project is $2,177,850.00. Funding for this project will be allocated from the 2007/2008 budget distributed between the water & sewer revolving funds, storm drain fund, local transportation funds and from the sale of the Industrial property to Edison.

The bids are as follows:

<table>
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<tr>
<th>Contractor</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1. Halopoff &amp; Sons, Inc. Porterville, CA</td>
<td>$1,449,242.26</td>
</tr>
<tr>
<td>2. Construction Development Systems Fresno, CA</td>
<td>$1,751,295.75</td>
</tr>
<tr>
<td>3. Foster &amp; Sons Sanger, CA</td>
<td>$1,839,861.78</td>
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<tr>
<td>4. Dawson-Mauldin Construction, Inc. Selma, CA</td>
<td>$1,949,824.26</td>
</tr>
<tr>
<td>5. Bush Engineering, Inc. Hanford, CA</td>
<td>$1,970,274.12</td>
</tr>
<tr>
<td>6. The Aleco Corporation Bakersfield, CA</td>
<td>$2,036,066.22</td>
</tr>
<tr>
<td>7. R.J. Berry, Jr., Inc. Selma, CA</td>
<td>$2,187,464.90</td>
</tr>
</tbody>
</table>
8. Lee’s Paving, Inc. $2,496,551.15
Visalia, CA

Staff has found the low bid acceptable.

Construction costs will be split between the City and Southern California Edison per an executed agreement. The City’s equitable share, based on the low bid plus a 10% contingency, is $827,095.36 and Edison’s equitable share is $767,071.12.

RECOMMENDATION: That City Council:

1. Award the West Street Industrial Park Project to Halopoff & Sons, Inc. in the amount of $1,449,242.26;

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

3. Authorize a 10% contingency to cover unforeseen construction costs.

ATTACHMENT: Locator Map
SUBJECT: AWARD CONTRACT – HVAC REPLACEMENT PROJECT

SOURCE: DEPARTMENT OF FINANCE/PURCHASING

COMMENT: Staff solicited bids for one 7.5-ton HVAC unit for City Hall and one 10-ton HVAC unit at the Porterville Community Center. Two (2) bids were received as follows:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>AMOUNT</th>
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<tbody>
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<td>Morris Levin &amp; Son</td>
<td>$30,253.00</td>
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<tr>
<td>Tulare, CA</td>
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<tr>
<td>American, Inc.</td>
<td>$45,600.00</td>
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<tr>
<td>Visalia, CA</td>
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</table>

Staff has reviewed the low bid and found it acceptable. Funds for this project are available from Capital Project No. 89-9478.88 and the City Hall Maintenance Budget. The Engineer’s estimate of probable cost is $38,250. The low bid is approximately 21% below the estimate.

RECOMMENDATION:

That City Council:

1. Award the contract for the HVAC Replacement Project to Morris Levin & Son of Tulare, CA, in the amount of $30,253.00;

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

3. Authorize a 10% contingency to cover unforeseen costs.

D.D. □ Appropriated/Funded □ C.M. □ Item No. 5
SUBJECT:  AUTHORIZATION TO APPLY FOR ENTERPRISE ZONE DESIGNATION

SOURCE:  COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT:  Background:

In October 1986, Porterville was designated as one of California’s first Enterprise Zones. The Enterprise Zone (EZ) allows for state and local incentives to stimulate business and industrial growth in depressed areas of the state, helps attract new business, retain and expand business and industry, and creates increased job opportunities. The EZ program provides for a 15-year designation, and in 1999 the City of Porterville was successful in applying for a 5-year extension of the designation. The Porterville EZ expired on October 16, 2006.

Benefits of an Enterprise Zone:

The Porterville EZ proved to be a beneficial economic development tool to offset the challenges for attraction. Incentives offered under the EZ program include:

- Hiring Credits
- Sales or Use Tax Credit
- Business Expense Deduction
- Net Operating Loss Carryover
- Net Interest Deduction for Lenders
- Preference Points on State Contracts
- Preference Points on Industrial Development Bonds

The EZ was instrumental in the decision for locating the 1.2 million square foot Walmart Distribution facility in Porterville. The center currently employs approximately 1,200 persons, with average wages above minimum wage. Another success of the Porterville EZ was the attraction of Foster Farms cooked chicken facility. In 1999, Foster Farms located in Porterville, taking advantage of the preference points for Industrial Development Bonds. The company has increased their production through several expansions at the local facility and employment has grown from 69 persons to over 350. Other companies that have located or expanded within the zone include ProDocumentSOLUTIONS, Billiou’s, Royalty Carpet Mills, Best Western, Home Depot, and Burger King.

Issue:

The Department of Housing and Community Development (HCD) has issued notice that they are accepting applications for eight (8) new EZ designations. The deadline for applications is November 16, 2007. Funding for the EZ application was approved in the
2007-08 budget.

Application Criteria:

Listed below is a summary of the application elements:

- Eligibility
  - Per capita income, unemployment rates, poverty levels, and median household income levels that support the area as distressed
  - Petitions may be submitted to prove eligibility based on plant closures within twenty-four months prior to the application causing the unemployment of at least 100 full-time employees, substantial economic distress, or gang-related activity that has been identified by the State of California as a gang activity area

- Economic Development Plan consisting of the following:
  - Comprehensive marketing strategy
  - Annual marketing plan
  - Summary of companies that have closed, relocated, or significantly downsized
  - Business retention component
  - Economic development partnerships
  - Sales plan and successes for existing and/or new businesses
  - Existing business and real estate marketing organizations
  - Advertising and promotional strategy
  - Administration

- Available Property and Existing Businesses Inventory
  - Listing of improved and unimproved vacant land
  - Listing of vacant buildings
  - Listing of all zone businesses, including number of employees

- Financing Programs

- Job Development Plan, Vouchering Plan and Fee Remittance Plan

- Planning and Local Incentives
  - Plan for the reduction of fees, including development fees, license fees, and permit fees
  - Land use plan
  - Expedited processing time for plan review and permit issuance

- Program Management
  - Budget
  - Personnel, including an organizational chart showing all persons, organizations, and governmental and non-governmental partners
• Infrastructure and Capital Improvement Plan

Costs:

Preparation of the application will consume considerable staff hours, with input required from Planning, Economic Development, GIS, Business License, and Engineering. Staff availability is limited and may not have the resources to compile a competitive application without assistance from a consultant. Early discussions with cities and consultants experienced with this type of application indicate that the cost for preparation is around $100,000.

Timing:

As noted above, applications are due November 16, 2007. It is estimated that a minimum of four (4) months will be required to secure a consultant and prepare the application. Preliminary contact with several consulting firms indicates that there is adequate time and interest to prepare an EZ application.

RECOMMENDATION: That City Council:

1) Authorize staff to prepare and submit the application for an Enterprise Zone Designation; and

2) Authorize staff to prepare and distribute a Request for Proposals for consulting services to assist with the preparation of an Enterprise Zone application.
SUBJECT: AUTHORIZATION TO SUBORDINATE DEVELOPMENT FEE PAYMENT PLAN AGREEMENT – PORTERVILLE LODGING, LLC

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On May 17, 2006, a Development Fee Payment Plan Agreement (the “Plan”) was executed between the City of Porterville and Porterville Lodging, LLC in the amount of $286,118.71 for fees associated with development of a hotel on the property located at 840 S. Jaye Street.

In 1986, City Council adopted the Development Fee Payment Plan for all businesses located within the Porterville Enterprise Zone. The plan assists new and existing businesses by reducing the burden of initial start-up costs by allowing businesses to pay their development fees over a five (5) year period without interest or administrative fees. In 1998, Council extended the Plan to “eligible” businesses within the Business Incentive Zone, and in 2001, the plan was extended to include all businesses located within the City limits. As part of the City’s application for a five-year extension of the Enterprise Zone, the Plan was amended to allow for a ten (10) year Plan for businesses located within the Enterprise Zone.

Porterville Lodging, LLC is seeking additional funding for the construction of the Holiday Inn Express in the amount of $290,000.00. The bank requires that the additional advance be in second position on the property and requires that the City subordinate our Plan to third position. The Resolution that allows for the Plan is silent as to the City’s position with respect to trust deeds.

Staff has visited the construction site and found that progress is being made on the hotel and the Project Superintendent indicates that the hotel is on track for a mid-September completion. Mr. Patel, owner of the project has indicated that he is anxious acquire the additional funds to complete the construction and begin operations in Porterville.

RECOMMENDATION: That City Council approve the Subordination Agreement for the Porterville Lodging, LLC Development Fee Payment Plan Agreement and authorize the Mayor to sign all necessary documents.

ATTACHMENTS: 1) Resolution 125-2001
2) Development Fee Payment Plan 03-2006
3) Subordination Agreement

Item No. 7
RESOLUTION NO. 125-2001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING A TEN (10) YEAR DEVELOPMENT FEE PAYMENT PLAN FOR PORTERVILLE ENTERPRISE ZONE BUSINESSES

WHEREAS: The City of Porterville aims to support development within the Porterville Enterprise Zone, encourage entrepreneurs by removing obstacles, and establish an entrepreneurial climate; and

WHEREAS: It has been determined that a reduction in the initial burden of start-up costs to new and expanding businesses will assist in the establishment of these businesses within the community of Porterville; and

WHEREAS: The Development Fee Payment Plan will generate significant savings to expanding and newly locating businesses.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve a Development Fee Payment Plan in accordance with the following:

a. All businesses located within the Porterville Enterprise Zone shall be eligible to participate in the Ten(10) Year Development Fee Payment Plan.

b. Building permit, sewer, water, storm drainage, wastewater treatment facility, and transportation impact fees, as determined by the City Engineering and Building staff, shall be eligible for payment under this plan.

c. Prior to the commencement of on-site construction there shall be on file with the City Finance Division an agreement signed by the owner of the property and the Mayor. This agreement shall set forth the payment schedule in accordance with the fees determined by the City's schedule of charges and fees in effect on the date of the signed agreement.

d. The Development Fee Payment Plan shall allow such companies to pay their development fees over ten (10) years without interest or administrative fee, with the first installment due upon occupancy and annual installments thereafter.

ATTEST:

[Signature]
Gordon T. Woods, Mayor

[Signature]
City Clerk
STATE OF CALIFORNIA
   (SS
COUNTY OF TULARE )

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 16th day of October, 2001.

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

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<th>Councilmen:</th>
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<th>WILSON</th>
<th>GURROLA</th>
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C. G. HUFFAKER, City Clerk

By Georgia Hawley, Deputy City Clerk
Pursuant to Resolution No. 125-01 of the City of Porterville, Porterville Lodging, LLC, owner of real property located at 840 S. Jave Street, Porterville, Tulare County, California, legally described as:

Parcel 1 of Parcel Map 4593, in the City of Porterville, County of Tulare, State of California, as per map recorded in Book 46, Page 98 of Parcel Maps, in the Office of the County Recorder of said County.

The West 25 feet of Parcel 2 of Parcel Map No. 4593 in the City of Porterville, County of Tulare, State of California, per map recorded in Book 46, Page 98 of Parcel Maps in the Office of the County Recorder of said County.

Parcel 1 and the West 25 feet of Parcel 2 of the Parcel Map No. 4593 in the City of Porterville, County of Tulare, State of California, per map recorded in Book 46, Page 98 of Parcel Maps in the Office of the County Recorder of said County.

agrees to pay the City of Porterville the amount of $286,118.71 at the rate of $28,611.79 for the first payment, and nine payments of $28,611.88. The first of said payments shall be due, on or about the 17th day of June, 2006, and subsequent payment shall be made on the 1st day of July of each year thereafter until the principal has been paid in full. The principal sum due is building permit, water, and sewer fees and seismic tax for the property located at 840 S. Jave Street. School Impact Fees are collected for the School District and are not eligible for distribution over the life of the agreement.

As part of the building permit process, the City will estimate your water use and calculate impact fees. Water use will be monitored for one year to determine actual average daily use and fees at which time water, sewer, and wastewater fees will be recalculated based upon actual usage. An increase in actual water usage will result in a request for payment for additional fees. In the event the actual water usage is less than the estimate, an adjustment will be made to this agreement. In the event the undersigned sells or otherwise transfers said real property, the unpaid balance of said principal shall immediately become due and payable in full, and if not so paid, said sum shall become a lien on said real property and said lien shall attach as of the date of this agreement.

In the event any installment of principal is delinquent for a period in excess of ninety (90) days, late charges shall be applied to the unpaid installment in accordance with City policy and the unpaid balance shall become
a lien on said real property. Should the installment remain unpaid for an additional 90 days, City utility services shall be disconnected.

Any lien herein created may be added to the tax bill for the unpaid balance of principal and shall become a lien on said real property and may be collected in the manner real property taxes are collected by the City of Porterville. In the event said sum is not paid at the time said taxes are due, it may be collected in the same manner as delinquent taxes and said real property may be sold to satisfy said lien in the same manner that real property is sold to satisfy delinquent taxes.

If any action is brought to enforce payment of the above obligation, the prevailing party shall be entitled to all costs, including reasonable attorney fees.

Dated this 17th day of May 2005.

Signed

PORTERVILLE LODGING, LLC

Anil P. Patel, Officer

APPROVED AS TO FORM:

City Attorney

FOR THE CITY OF PORTERVILLE:

PEDRO R. MARTINEZ, MAYOR
CAMERON HAMILTON, MAYOR PRO TEM

JOHN LONGLEY, CITY CLERK
State of
County of Tulare ss.

On May 18, 2006, before me, Janet Enquist, a notary public, personally appeared Aneel P. Patel, personally known to me (proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Janet Enquist
Signature of Notary Public

[Seal]
On May 30, 2006, before me, Patricia Hildreth, a Notary Public, personally appeared Cameron J. Hamilton, and personally known by me or proven by me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[signature]
Patricia Hildreth
On **MAY 30**, 2006, before me, Patricia Hildreth, a Notary Public, personally appeared **John Longley**, and personally known by me or proven by me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]

Patricia Hildreth
RECORDING REQUESTED BY:
Chicago Title Company
Escrow No.: 07-42202275-395
Locate No.: CAIND0000-7754-4422-
Title No.:

When Recorded Mail Document To:
CITY OF PORTERVILLE
291 NORTH MAIN STREET
PORTERVILLE, CA 93257

APN: 269-050-060

SUBORDINATION AGREEMENT

NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT.

THIS AGREEMENT, made June 28, 2007, by PORTERVILLE LODGING, LLC owner of the land hereinafter described and hereinafter referred to as "Owner," and CITY OF PORTERVILLE present owner and holder of the ENTERPRISE ZONE DEVELOPMENT FEE PAYMENT PLAN AGREEMENT NO. 03-2006 first hereinafter described and hereinafter referred to as "Beneficiary";

WITNESSETH

THAT WHEREAS, PORTERVILLE LODGING, LLC did on May 17, 2006, execute a ENTERPRISE ZONE DEVELOPMENT FEE PAYMENT PLAN AGREEMENT NO. 03-2006, to THE CITY OF PORTERVILLE, covering:

SEE EXHIBIT "A" ATTACHED FOR LEGAL DESCRIPTION

to secure a lien in the sum of $286,118.71, dated May 17, 2006, in favor of CITY OF PORTERVILLE, which document was recorded as instrument no. 2006-0069176, on June 30, 2006, in book N/A, page N/A, Official Records of said county and is subject and subordinate to the deed of trust next hereinafter described; and

WHEREAS, PORTERVILLE LODGING, LLC did on JULY 2, 2006, execute a DEED OF TRUST to BANK OF THE SIERRA, as trustee, covering said land and securing an indebtedness in the original amount of $4,774,068.00, in favor of BANK OF THE SIERRA, hereinafter referred to as "Lender," which deed of trust was recorded as instrument no. 2006-0068133, on June 29, 2006, in book N/A, page N/A, Official Records of said county and provides among other things that it shall also secure additional loans and advances thereafter made upon the terms and conditions therein set forth; and

WHEREAS, Owner has executed, or is about to execute, MODIFICATION OF NOTE AND DEED OF TRUST for an additional advance in the amount of $290,000.00, dated July 2, 2007, in favor of Lender, payable with interest and upon the terms and conditions described therein, which note evidences an additional loan to be made by Lender to Owner under the terms and provisions of, and secured by, said deed of trust in favor or Lender; and

ATTACHMENT
ITEM NO. 3

INITIALS:

FD-46C (Rev. 9/94) (EXISTING DEED OF TRUST TO ADDITIONAL ADVANCE) Page No. 1 of 3
WHEREAS, it is a condition precedent to obtaining said additional loan that said deed of trust in favor of Lender, securing all obligations recited therein as being secured thereby, including but not limited to said additional loan, shall unconditionally be and remain at all times a lien or charge upon the land hereinbefore described, prior and superior to the lien or charge of the deed of trust first above mentioned; and

WHEREAS, Lender is willing to make said additional loan provided the deed of trust securing the same is a lien or charge upon said land prior and superior to the lien or charge of the deed of trust first above mentioned and provided that Beneficiary will specifically and unconditionally subordinate the lien or charge of the deed of trust first above mentioned to the lien or charge of said deed of trust in favor of Lender; and

WHEREAS, it is to the mutual benefit of the parties hereto that Lender make said additional loan to Owner; and Beneficiary is willing that the deed of trust securing the same shall constitute a lien or charge upon said land which is unconditionally prior and superior to the lien or charge of the deed of trust first above mentioned.

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, and in order to induce Lender to make the additional loan above referred to, it is hereby declared, understood and agreed as follows:

(1) That said deed of trust in favor of Lender, as to said additional loan as well as all other obligations recited as being secured thereby, and any renewals or extensions thereof, shall unconditionally be and remain at all times a lien or charge on the property therein described, prior and superior to the lien or charge of the deed of trust first above mentioned.

(2) That Lender would not make its additional loan above described without this subordination agreement.

(3) That this agreement shall be the whole and only agreement with regard to the subordination of the lien or charge of the deed of trust first above mentioned to the lien or charge of the deed of trust in favor of lender above referred to and shall supersede and cancel, but only insofar as would affect the priority between the deeds of trust hereinbefore specifically described, any prior agreement as to such subordination including, but not limited, those provisions, if any, contained in the deed of trust first above mentioned, which provide for the subordination of the lien or charge thereof to another deed or deeds of trust or to another mortgage or mortgages.

Beneficiary declares, agrees and acknowledges that

(a) He consents to and approves (i) all provisions of the note evidencing said additional loan and the deed of trust securing same, and (ii) all agreements, including but not limited to any loan or escrow agreements, between Owner and Lender for the disbursement of the proceeds of Lender’s additional loan;

(b) Lender in making disbursements pursuant to any such agreement is under no obligation or duty to, nor has Lender represented that it will, see to the application of such proceeds by the person or persons to whom Lender disburses such proceeds and any application or use of such proceeds for purposes other than those provided for in such agreement or agreements shall not defeat the subordination herein made in whole or part;

(c) He intentionally and unconditionally waives, relinquishes and subordinates the lien or charge of the deed of trust first above mentioned in favor of the lien or charge upon said land of the deed of trust in favor of Lender, as to said additional loan as well as all other obligations recited therein as being secured thereby, and understands that in reliance upon and in consideration of this waiver, relinquishment and subordination, specific loans and advances are being and will be made and, as part and parcel thereof, specific monetary and other obligations are being and will be entered into which would not be made or entered into but for said reliance upon this waiver, relinquishment and subordination; and

INITIALS: ____________________________
APN: 269-050-060

(d) An endorsement has been placed upon the note secured by the deed of trust first above mentioned that said deed of trust has by this instrument been subordinated to the lien or charge of the deed of trust in favor of Lender above referred to.

NOTICE: THIS SUBORDINATION AGREEMENT CONTAINS A PROVISION WHICH ALLOW THE PERSON OBLIGATED ON YOUR REAL PROPERTY SECURITY TO OBTAIN A LOAN A PORTION OF WHICH MAY BE EXPENDED FOR OTHER PURPOSES THAN IMPROVEMENT OF THE LAND.

IT IS RECOMMENDED THAT, PRIOR TO THE EXECUTION OF THIS SUBORDINATION AGREEMENT, THE PARTIES CONSULT WITH THEIR ATTORNEYS WITH RESPECT TO IT.

CITY OF PORTERVILLE

BY:

BY:

PORTERVILLE LODGING, LLC

Beneficiary

Owner

(ALL SIGNATURES MUST BE ACKNOWLEDGED)

STATE OF CALIFORNIA
COUNTY OF TULARE

ON ___________________________ before me, ___________________________, (here insert name and title of the officer), personally appeared

___________________________ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature ___________________________ (Seal)

STATE OF CALIFORNIA
COUNTY OF ___________________________

ON ___________________________ before me, ___________________________, (here insert name and title of the officer), personally appeared

___________________________ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature ___________________________ (Seal)
SUBJECT: PORTERVILLE TRANSIT PROPOSED MODIFICATIONS

SOURCE: Administration (Transit)

COMMENT: Each year, Transit reviews and monitors its routes, bus stops, run-times, surveys, etc., and determines where modifications may help the operation or efficiency of the system. This year, after numerous discussions and review involving staff, TPG Consulting, and Sierra Management, the following changes are being proposed for implementation. The proposals in each case are either related to increasing ridership potential, or improving on-time performance. Traditionally, yearly modifications are implemented during the summer months to provide an opportunity for the transit drivers and riding public to become accustomed to the changes prior to the beginning of the school year, which generally impacts ridership.

**Route No. 1:** No changes recommended.

**Route No. 2:** On the return to the Transit Center, once Route 2 reaches Henderson Avenue and Main Street, the route will deviate to Sunnyside and head directly back to the Transit Center. It will bypass the posted bus stop signs on the west side of Main Street, and the bus stop sign at the Porterville Museum, in an effort to save a few minutes of run-time.

Route 2 is a long route, navigating through highly impacted areas and several traffic signals, so anywhere we are able to save run-time will help the system and overall dependability and efficiency. The posted bus stop signs being eliminated on this route will continue to be serviced by Route 5.

**Route No. 3:** Remove the Senior Center loop to cut back on run-time, or add a tripper bus between the Transit Center and Granite Hills High School to alleviate run time and load problems.

When the Senior Meals program was moved from the Community Center location on Putnam Avenue to the Santa Fe Depot location, Transit deviated from Route 3 to loop north to the Santa Fe Depot.

DD ☑ Appropriated/Funded ☑ CM ☑

Item No. 8
This was done in an attempt to allow Seniors an opportunity to use Transit to access the Santa Fe Depot directly in front of the parking lot at that location, although a bus stop with a shelter and bench already existed on Putnam Avenue, just outside the parking lot on the south side of the Plaza De Santa Fe. This shelter and bench is easily within walking distance for the majority of the Seniors utilizing programs at the Santa Fe Depot. The additional stop at the Santa Fe Depot has not increased ridership; and in fact, is not being utilized much at all. This stop adds another three to four minutes on our busiest route of the system; and during a typical day, only two or three people either board or disembark at that location. Before we spend additional operating costs to add a tripper bus, we are proposing to eliminate the bus stop in front of the Santa Fe Depot and return to the original route. The existing bus stop, shelter and bench on Putnam Avenue are available for use by apartment tenants, as well as anyone wanting to access the Santa Fe Depot.

**Route No. 4: Embark on a marketing campaign at the Porterville Developmental Center in an effort to generate more ridership from the area. Also, explore the possibility of moving the Porterville College bus stop from College Avenue to Main Street. Also, extend the northern portion of Route 4 to School Street, where it will then travel east to Second Street proceeding south to service the original transfer site bus stop location between Harrison and Thurman Streets.**

Since the inception of fixed route transit service, Transit has been serving the Porterville Developmental Center (PDC). From Plano Street to the PDC, there is no access for ridership on Highway 190. Once we reach the PDC, only approximately 16 passengers per day are using that bus stop. We will begin specifically targeting the PDC administration to see how we may collectively work towards improving ridership at their facility. Also, at Porterville College, several wheelchair-bound students use Transit. In order to access the bus stop, this requires them to wheel through the Porterville College parking lot. Also, oftentimes students from Vandalia choose to use the College Avenue bus stop, rather than their own, which has contributed to operational difficulties. Transit would like to approach Porterville College to see if there is a possibility they would agree to grant the City right-of-way in front of Porterville College, sufficient enough to install a bus pull-out, shelter and bench, which in turn would allow ADA passengers a safer and more direct access point for Transit use. The City would then eliminate the College Avenue bus stop and begin stopping in front of Porterville College on South Main Street.
Additionally, in an effort to help with the run-time for Route 2, Route 4 will now add an additional bus stop on Second Street, which was the previous transfer site before the completion of the Transit Center.

Route 4 usually has a few minutes to spare and should be able to accommodate the original transfer site bus stop. Route 5 normally services this area, but is another impacted route in need of revisions to reduce run-time.

**Route No. 5:** *Eliminate the original transfer site bus stop from this route, and continue directly from Main Street to D Street for a more direct return to the Transit Center.*

Route 5 is our second most-impacted route in need of additional run-time. It is hoped that by alleviating the Second Street bus stop, and through passenger education which will be explained in more detail below, run-time will be reduced enough to assist with more consistent on-time performance.

**Route No. 6:** *Reroute inbound on F Street instead of D Street, in an effort to generate additional ridership from Olive Street School and the surrounding residential area. Also, continue to explore the development of a bus turnout at the Family Health Care Network facility.*

By re-routing Route 6 to F Street, in addition to the close proximity of Olive Street School, the bus will also be able to access the Porterville Sheltered Workshop, both additional stops being expected to increase ridership/revenue.

Staff has been meeting with Family Health Care Network regarding the possibility to provide a better and safer bus stop than what currently is posted. However, after preliminary meetings and turning radius formulas, it has been determined there is not sufficient room to develop an alternative stop which would allow enough room for the bus to turn around and exit back to Highway 190 without having to circle the adjoining neighborhood. This additional area to the south of the Family Health Care Network facility adds another 4 to 6 minutes to the route, with no additional ridership, and it was hoped this area could be eliminated. Once the commercial area is developed on the northwest corner of Jaye Street and Highway 190, Route 6 would be the best route to access this new commercial location. However, if this route is unable to add that new stop along with the current existing route locations, additional cost will be expended to serve this area. We will continue to monitor Route 6 in the meantime, and have cost estimates projected for additional service if Route 6 is not able to incorporate the commercial area and maintain its running time.
**Route No. 7:** Turn back the route from Beverly to Prospect in order to provide transit service to the Sequoia Middle School. Also, increase marketing efforts at the Porterville Adult School.

It is anticipated that the Sequoia Middle School has the potential of adding considerable ridership, and will be more efficient than the current route down Beverly while also assisting with several minutes of additional run-time. The Porterville Adult School stop is the highest-used stop on Route 7 – approximately 40 passengers per day. The ridership has increased rapidly since the school began occupying its new building, but the potential is there to market an even greater ridership total.

**All Routes:** Implement a passenger education program to improve on-time performance system wide.

A brochure and posters are being prepared which will be circulated in conjunction with on-board training on all routes by Sierra Management staff in an effort to educate passengers on proper bus rules and etiquette, such as:

- Have your luggage ready to board
- Fold any strollers before bus arrives
- Have fare ready; drivers cannot make change, so have the correct fare ready
- Please find the first available seat as soon as you board
- Be ready to exit as soon as possible after the bus has come to a complete stop.

It is hoped through education of the passengers that additional run-time can be saved through their cooperation in attempting to follow rules and initiating their efforts to assist with safe, but quick, boarding and disembarking.

**RECOMMENDATION:** That the City Council:

1. Approve the proposed modifications to the Fixed Route Bus System; and

2. Direct staff to implement the changes effective August 1, 2007.

**ATTACHMENTS:**

1. Individual Route Maps (Dotted lines indicate present route configuration before modifications); and

2. Sample of Passenger Brochure for passenger education program.
CONSIDER PROCESS FOR FILLING VACANCY ON THE LIBRARY BOARD OF TRUSTEES

PARKS & LEISURE SERVICES DEPARTMENT

Vikki Cervantes has recently submitted her resignation from the Library Board of Trustees due to her acceptance of the position of City Librarian effective August 1, 2007. She had previously been appointed to a three-year term expiring October 2009.

The process is usually for the Council to announce the vacancy and set a date for consideration of an appointment. Applications for appointment are submitted to the City Clerks office. The Library Board is currently on summer hiatus and does not meet until September 11, 2007.

RECOMMENDATION:

1. Accept the Library Board of Trustee resignation of Vikki Cervantes, and thank her for her volunteer service, and

2. Announce the vacancy on the Library Board and direct staff to advertise for interested individuals to make application for appointment by August 15, 2007 for City Council consideration of an appointment at the August 21, 2007 meeting.

ATTACHMENTS: Library Board letter of resignation from Vikki Cervantes
July 10, 2007

Dear Jim Perrine and City Council,

Kindly accept this letter as formal resignation notification that I am leaving my position as a City of Porterville Library Board Trustee effective immediately.

I would like to thank all of you for the opportunity to serve the community of Porterville. Although, I was a new member I did learn many valuable lessons from this diverse group and it will be an honor to continue serving them in the capacity of the new City Librarian.

Sincerely,

Vikki Cervantes
SUBJECT: SELECTION OF CITY VOTING DELEGATE TO LEAGUE OF CALIFORNIA CITIES MEETING

SOURCE: City Manager

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

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

The League of California Cities will be having their Annual Business Meeting on September 8, 2007, and it is important that the City of Porterville have a voting representative present at the meeting to take action on conference resolutions that guide cities and the League in their efforts to improve the quality, responsiveness and vitality of local government in California.

RECOMMENDATION: That Council select the Mayor Pro Temp as the voting delegate and the City Manager as the voting delegate-alternate to represent the City at the League of California Cities' Meeting, September 8, 2007, authorize the City Manager to attest to same, and direct staff to notify the League.

Attachment: "Voting Delegate Form"
2007 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by August 13, 2007. Forms not sent by this deadline may be returned to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting, voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this special area will be limited to individuals (voting delegates and alternates) who are identified with a special stamp on their conference badge. If your city's voting delegate and alternates wish to sit together at the Business Meeting, they are all encouraged to sign in at the Voting Desk in order to obtain the identifying stamp that will admit them to the special voting area.

1. VOTING DELEGATE

Name: Felipe A. Martinez
Title: Mayor Pro Tem

2. VOTING DELEGATE - ALTERNATE

Name: John Longley
Title: City Manager

3. VOTING DELEGATE - ALTERNATE

Name: __________________________
Title: __________________________

ATTEST (I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate.)

Name: Cameron Hamilton
Title: Mayor

Phone: 559-782-7466
Date: 7/10/07

Please complete and return by August 13 to:
League of California Cities
ATTN: Mary McCullough
1400 K Street
Sacramento, CA 95814

FAX: (916) 658-8240
PUBLIC HEARING

SUBJECT: VALLEY OAK TENTATIVE SUBDIVISION MAP (SCHULER & CASTILLO)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of the Valley Oak Tentative Subdivision Map to divide a 3.36± acre vacant parcel zoned City R-4 (D) (Multiple Family Residential with a “D” Overlay Site Review) Zone into a fifteen (15) lot subdivision to be developed in one (1) phase for that site generally located on the north side of Grand Avenue between Prospect Street and State Highway 65.

The average size of each lot consists of 8,318± square feet. The vacant site is rectangular in design. The south end of the rectangular site fronts on Grand Avenue and extends north. Twelve of the interior lots will front on a proposed cul-de-sac (Douglas Street). Lots 1 and 14 will front on Grand Avenue with side yards fronting on the proposed cul-de-sac. Lot 15 will front on Grand Avenue. Lots 1 and 14 are considered reverse corner lots. As a result, the minimum setback of 12 feet from Douglas Street for any structures; to include 6-foot high fences, will be required. Since the subject site is located in the Design Review (D) Overlay Zone, future development of the lots will require City Council approval.

On May 29, 2007, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from May 31, 2007 to June 20, 2007. No agencies has responded regarding the environmental document (Southern California Gas Co.).

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Valley Oak Tentative Subdivision Map; and

2. Adopt the draft resolution approving Valley Oak Tentative Subdivision Map subject to conditions of approval.

ATTACHMENT:

1. Complete Staff Report

[Signature]

APPROPRIATED/FUNDED

ITEM NO. 11
STAFF REPORT – PUBLIC HEARING

TITLE: VALLEY OAK TENTATIVE SUBDIVISION MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Schuler & Castillo
P.O. Box 211
Porterville, CA 93258

AGENT: James Winton & Associates
150 W. Morton Avenue
Porterville, CA 93257

PROJECT LOCATION: Generally the north side of Grand Avenue between Prospect Street and State Highway 65.

SPECIFIC REQUEST: The applicant is requesting approval of the Valley Oak Tentative Subdivision Map to divide a 3.36± acre vacant parcel zoned City R-4 (D) (Multiple Family Residential with a Design Review (D) Overlay) Zone into a fifteen (15) lot subdivision to be developed in one (1) phase.

PROJECT DETAILS: The average size of each lot consists of 8,318± square feet. The vacant site is rectangular in design. The south end of the rectangular site fronts on Grand Avenue and extends north. Twelve of the interior lots will front on a proposed cul-de-sac (Douglas Street). Lots 1 and 14 will front on Grand Avenue with side yards fronting on the proposed cul-de-sac. Lot 15 will front on Grand Avenue. Lots 1 and 14 are considered reverse corner lots. As a result, the minimum setback of 12 feet from Douglas Street for any structures, to include 6-foot high fences, will be required. Since the subject site is located in the Design Review (D) Overlay Zone, future development of the lots will require City Council approval.

GENERAL PLAN DESIGNATION: High Density Residential.

SURROUNDING ZONING LAND USE:

North: City – Shopping center/Governmental center.
South: City - Grand Avenue and single-family residential dwellings.
East: City – Apartment complex.
West: City – Three (3) triplexes under construction.
SUBDIVISION REVIEW: Pursuant to Article 4 of the Subdivision Ordinance, the Initial Study and proposed Mitigation Measures were transmitted to public/private agencies for a 20-day review period from May 31, 2007 to June 20, 2007. At the end of the review period, the only response was from the Southern California Gas Company

San Joaquin Unified Air Pollution District No response
Resources Management Agency- Long Range Planning No response
Resources Management Agency- Engineering/Flood/Traffic Division No response
Tulare County Health and Human Services Agency No response
Department of Fish and Game No response
California Regional Water Quality Control Board No response
Tulare County Association of Government No response
District Archaeologist No response
Charter Communications No response
Southern CA Edison No response
Postmaster No response
Pacific Bell No response
Southern CA Gas June 7, 2007
Porterville Unified School District No response
Tulare County Farm Bureau No response

The Project Review Committee, on June 27, 2007, reviewed the proposed staff report prepared for City Council Review. Concerns and conditions were discussed with the applicant/agent, have been addressed before the City Council. Conditions developed as a result of that meeting have been incorporated into the draft resolution of approval.

STAFF ANALYSIS: Development of the site as proposed will provide needed housing in conformance with the City’s General Plan Land Use and Housing Elements and requirements of the State Subdivision Map Act and local ordinances.

The proposal to divide a 3.36± acre vacant parcel zoned City R-4 (D) (Multiple Family Residential with a “D” Overlay Site Review) Zone into a fifteen (15) lot subdivision to be developed in one (1) phase is consistent with the General Plan’s High Density Residential land use designation.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. The site would remain undeveloped until an amended development plan is approved.

2. Approve the project. Conditional approval of the proposed tentative subdivision map would allow the site to be developed in conformance with its current General Plan land use designation while contributing additional housing units towards the City’s Fair Share Regional Housing Goal as identified by the General Plan Housing Element.
ENVIRONMENTAL: On May 29, 2007, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from May 31, 2007 to June 20, 2007. At the end of the review period, the only response was from the Southern California Gas Company.

DATE ACCEPTED AS COMPLETE: May 29, 2007

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for Valley Oak Tentative Subdivision Map; and

(2) Adopt the draft resolution approving Valley Oak Tentative Subdivision Map subject to conditions of approval.

ATTACHMENTS:

1. Valley Oak Tentative Subdivision Map
2. Environmental Initial Study
3. Negative Declaration
4. Draft Environmental Resolution
5. Draft Resolution of Approval
City of Porterville

Environmental Checklist Form

1. Project title: Valley Oak Tentative Subdivision Map

2. Lead agency name and address: City of Porterville
   291 N. Main Street
   Porterville, CA 93257

3. Contact person and phone number: Bradley D. Dunlap, Community Development Director
   (559) 782-7460

4. Project location: North side of Grand Avenue between Prospect Street and State Highway 65.

5. Project sponsor’s name and address: Schuler & Castillo
   P.O. Box 211
   Porterville, CA 93258

6. General plan designation: High Density Residential

7. Zoning: City R-4 (D) (Multiple Family Residential “D” Overlay Site Review)

8. Description of project: (SEE ATTACHED SUBDIVISION MAP)

   The subdivision of a vacant 3.36± acre parcel site into 15 multiple family residential lots in one (1) phase.

   The south end of the rectangular site fronts on Grand Avenue and extends north. Twelve of the interior lots will front on a proposed cul-de-sac. Lots 1 and 14 will front on Grand Avenue with side yards fronting on the proposed cul-de-sac. Lot 15 will front on Grand Avenue. The subject site has not been utilized for agricultural crops and seasonal weeds have been plowed down regularly. No known endangered plants or animals are present on the site.

9. Surrounding land uses and setting:

   North: City – Developed commercial shopping center/governmental office facility
   East: City – Apartment complex
   South: City – Grand Avenue and a single-family residential subdivision
   West: City – Three triplexes under construction

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

    None
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a Potentially Significant Impact as indicated by the checklist on the following pages.

☐ Aesthetics  ☐ Agriculture Resources  ☐ Air Quality
☐ Biological Resources  ☐ Cultural Resources  ☐ Geology/Soils
☐ Hazards & Hazardous Materials  ☐ Hydrology/Water Quality  ☐ Land Use / Planning
☐ Mineral Resources  ☐ Noise  ☐ Population/Housing
☐ Public Services  ☐ Recreation  ☐ Transportation/Traffic
☐ Utilities / Service Systems  ☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Bradley D. Dunlap, AICP

Printed name

Date

City of Porterville
EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance
EARLIER ANALYSIS

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063 (C) (3) (D). In this case a discussion should identify the following items:

a) **Impact analysis used.** Identify earlier analyses and state where they are available for review.

b) **Impacts adequately addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) **Mitigation measures.** For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.

**Authority:** Public Resources Code Sections 21083 and 21087.


**SOURCE REFERENCES**

1. Land Use Element of the Porterville General Plan (1998)
2. Circulation Element of the Porterville General Plan (1999)
3. Housing Element of the Porterville General Plan (1992)
5. Open Space Element of the Porterville General Plan (1998)
7. Safety Element of the Tulare County General Plan (1998)
9. Airport Master Plan (1990)
10. Porterville Strategic Plan (1992)
15. Porterville Urban Area Boundary Biotic Survey (Hansen 1988)
16. Porterville Redevelopment Housing Strategic Plan (1994)
17. City of Porterville Storm Drainage Master Plan (2001)
20. City of Porterville Sewer Master Plan (2001)
21. City of Porterville Water Master Plan (2001)
23. San Joaquin Valley Air Pollution Control District Attainment Plan
24. San Joaquin Valley Air Pollution Control District Regulation VII
25. Aerial photo records - City of Porterville
27. 1990 Census Data/Tract and Block Group Maps
28. Existing Infrastructure and Facilities Capacity
30. On-site field inspection
31. City of Porterville Transit Development Plan
32. Emergency Services Plan - Tulare County Operational Area
33. City of Porterville Urban Water Management Plan
35. Project Description
Issues:

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<tr>
<th>Potential Impact</th>
<th>Less than Significant Impact With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
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I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Responses:

a), b), c): **No Impact.** The project will not have an adverse effect on a scenic vista; The project as proposed would have no effect on the aesthetic qualities and characteristics of the project area beyond the already existing apartment units under construction to the west, the existing apartment complex to the east, the existing single family residential uses to the south and the developed shopping center to the north. The project is not within the vicinity of a state scenic highway, nor would it damage any scenic resources. Sources: 1, & 5.

d): **Less Than Significant Impact.** New sources of light and glare will result from subsequent street lighting and residential dwellings to be installed/developed. Sources: 1 & 5.

Future development of the subject site will require the installation of low profile exterior lighting which will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from streetlight and on-site lighting facilities accruing from the site’s eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.

Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced as follows:

"No direct or reflected glare, whether produced by flood light, high temperature processes such as combustion or welding, or other processes, so as to be visible from any boundary line of property on which the same is produced shall be permitted. Sky reflected glare from buildings or portions thereof shall be so controlled by such reasonable means as are practical to the end that the said sky reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs." Therefore, the impact is less than significant.

Source: 1, 5 & 12
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. 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 of the California Resources Agency, to non-agricultural use? □ □ □ ○ ●

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? ○ □ □ ●

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? ○ ○ ○ ●

Responses:

a), b), c): No Impact. The project area is within the limits of the City of Porterville. The site is fallow and is disked annually for weed abatement and has not been utilized for any farming practice in years. The project site is flat and consists of a medium to coarse textured soil with a high infiltration rate. Due to the relative small size of the parcel, it is not considered prime agricultural land. Additionally, since the subject site is completely surrounded by developed residential and commercial uses, any proposed farming for this site would not be practical. Sources: 1 & 29.
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? 

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

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)?

d) Expose sensitive receptors to substantial pollutant concentrations?

e) Create objectionable odors affecting a substantial number of people?

**Response:**

a), b), c), d); Less than significant impact - The project as proposed will not conflict or obstruct implementation of the applicable air quality plan. The project as proposed will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. The proposed site has developed single-family residential uses to the south, an existing apartment complex to the east, apartment buildings under construction to west and developed commercial shopping center/governmental office facility to the north. The mitigation measures identified below will provide adequate protection for these developed areas around the subject site.

Future development of the site with multiple family residential units will require equipment to be utilized in regard to the project and vehicular trips will be generated by construction crews during the construction stage of the project. Overall impacts to air quality from build out as proposed by the General Plan is discussed in the Environmental Impact Report certified upon adoption of the current Land Use Element of the General Plan.

Mitigation of the potential effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car-pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e./ bicycles and walking).
MITIGATION THROUGH CONSTRUCTION MANAGEMENT:

1. The City will implement Regulation VIII of the SJVAPCD including:
   a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.
   b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 mph. If winds or gusting exceed 20 mph, vehicular activity will be required to cease.
   c. One or more of the following means of dust control should be employed after the completion of earth grading operations:
      i. Seeding and watering of new vegetation.
      ii. Hydro mulching or spreading of soil binders.
      iii. Maintenance of the site’s soil surface crust through repeated soakings.

2. Require construction equipment to be equipped with catalysts/particulate traps to reduce particulate and Nox emissions.

3. Limit engine idling at the project site.

4. Trees should be carefully selected and located to shade the residential structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during the cold winter months.

5. As many energy-conserving features as possible should be included in the design/construction of the new dwellings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating.

6. Electric or low nitrogen oxide (Nox) emitting gas-fired water heaters should be installed.

7. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electrical barbeques.

8. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.

9. The following regulations of the San Joaquin Air Pollution Control District (Rule 4901 - Wood Burning fireplaces and Wood Burning Heaters) will apply to this project:
   a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.
   b. In new residential developments with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood stove, pellet stove or wood-burning insert) per acre.
   c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.
d. A new residential development is defined as any single or multiple family housing units, for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed. Source: 24

e): No Impact – The project as proposed would not create any objectionable odors. Source: 24
IV. BIOLOGICAL RESOURCES. -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

☐ ☐ ☐ ☑

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

☐ ☐ ☐ ☑

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

☐ ☐ ☐ ☑

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

☐ ☐ ☐ ☑

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

☐ ☐ ☐ ☑

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

☐ ☐ ☐ ☑

Response:

a), b), c), d), e), f): No Impact. The site is fallow and is disked annually for weed abatement. The subject site is completely surrounded by developed single-family residential uses to the south, apartment complex to the east, apartments under construction to the west and developed shopping center/government office facility to the north. As a result of the survey by Staff, no sensitive species and no habitat were observed on the site. Approval of the project would not result in a conflict with local ordinances, policies, or habitat conservation plans. Sources: 4, 5, 15, & 30.
V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

Response:

a), b), c), d): No Impact. No archeological or paleontological resources are known to exist on the subject site. Many years of cultivation would have removed any surface evidence of such resources. It is unlikely that such will be discovered at the time of any future construction; as previously conducted surveys indicate that Native American habitation sites were located in the eastern sector of the City's urban area along the base of the Sierra Nevada foothills. However, in the event that artifacts or remains are encountered, all construction within 50 feet of the find shall be halted and a qualified archaeologist consulted to determine the disposition of the find. Sources: 4 & 30.
VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Response:

a), b), c), d), e): No Impact. According to the California Geological Survey, there are no established or recognized earthquake fault zones in Tulare County. The project is not at risk, nor will it create a risk of fault rupture, seismic ground shaking, seismic related ground failure, liquefaction, or landslides. The project area is located on stable, medium to coarse textured soils with a high infiltration rate, which are not subject to landslide, lateral spreading, subsidence, liquefaction, collapse or expansion. No septic tanks or alternate wastewater disposal will be constructed as part of the project. Additionally, the proposed project will be required to connect to the City’s sewer system and will not involve the use of septic tanks or alternative wastewater disposal systems. Sources: 4, 7, 29, & 30.
VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

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?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

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?

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Response:

a), b), c), d), g), h): No Impact. All uses and future uses on the site must be in conformance with the Porterville Zoning Ordinance. The proposed project is in an urbanized area, outside the risk area of wildland fires. Sources: 7.

e), f): No Impact. The project is located approximately 2 & 1/2 miles from the Porterville Municipal Airport. No additional private airstrips are located near this area. Therefore, no hazards for people working or residing in this area will occur. Sources: 7 & 12.
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

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Response:

a), b), f): Less Than Significant Impact - It is not anticipated that the development of the site as proposed would violate any water quality standards or waste discharge requirements or significantly deplete ground water supplies or reduce public water supply from the City's unconfined ground water aquifer. The city has
recently approved capital projects that would add wells and infrastructure to increase the City’s overall water supply. The Capital water system projects are intended to serve projects such as this and the impact is therefore less than significant. Sources: 4.

c), d), e): Less Than Significant - The subject site is within the boundary of the Storm Water Master Plan. Such patterns change incrementally as streets, gutters and pipelines are installed to handle additional surface drainage resulting from the development of impervious surfaces such as building and paving. The rate and amount of runoff will increase as these aforementioned features are constructed. The installation of the curbs, gutters and drop inlets to allow water to channel into the existing storm drain line will prevent any future drainage problems in this area.

Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). Source: 1, 4 & 17

g), h), i): No Impact - The FIRM Community Panel Number 060407 0010 D, October 15, 1985 Map indicates that the subject site is located in Flood Plan Zone C (Areas of minimal flooding).

Since the subject site is not located in a flood prone area. The need for compliance with the City Flood Hazard Reduction Ordinance will not be required; therefore, no impact will occur. Source: 1, 4 & 26

J): No Impact - The project is not located near a body of water that could generate seiche or tsunami effects. The site is level and will not engender mudflow events. Sources: 1, 4, & 26.
IX. LAND USE AND PLANNING - Would the project:

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a) Physically divide an established community? ☐ ☐ ☐ ☒

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? ☐ ☐ ☐ ☒

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? ☐ ☐ ☐ ☒

Response:

a), b), c): No Impact - Porterville’s General Plan designates the subject site for High density Residential Uses (15 to 43 d.u. per acre) and the site is located within the R-4 (D) (Multiple Family Residential “D” Overlay Site Review) Zone. The proposed subdivision (3.36 gross acres) to be built in one (1) phase will have a density of 4.46 lots per acre. Based on the net acreage of 2.82± acres, and the way the lots are laid out, the maximum potential build out of the subdivision would equate to 122 units or 43 units per acre, however, no plans have been submitted as to the proposed construction. The project as proposed is consistent with the polices and guidelines set forth in the Land Use Element and Circulation Element of the General Plan and the Zoning Ordinance. The project as proposed will not violate any of the existing polices.
Sources: 1, 2, 3, 4, 12, & 30.

c): No Impact – No habitat conservation plan or natural community conservation plan has been adopted for the project area or adjacent lands. Sources: 1, 2, 3, 4, 12, & 30.
X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? □ □ □ ☒

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? □ □ □ ☒

Response:

a), b): No Impact. There are no known mineral resources on the proposed project area. Sources: 4.
XI. NOISE -- Would the project result in:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

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?

**Response:**

a): **Less Than Significant Impact.** Development of the site as proposed would result in short-term increases in noise associated with construction equipment that may exceed the City's noise level standards. As these activities will be restricted to daytime hours and will be short-term in nature, the impact will be less than significant. Additionally, to reduce potential noise impacts to adjacent residential uses, construction activities must be scheduled between the hours of 7:00 am and 5:00 pm Monday through Friday and 9:00 am to 5:00 pm Saturday and Sunday. Sources: 4 & 6.

b), c), d): **Less Than Significant Impact** -- The proposed project would not generate ground born vibrations or noises, nor would it result in a substantial increase in ambient noise levels above any development which occur that is compliant with the current zoning of R-4 (D). Sources: 4 & 6.

e), f): **No Impact.** The project is located approximately 2 &1/2 miles from the Porterville Municipal Airport. No additional private airstrips are located near this area. Therefore, people working or residing in this area will not be exposed to excessive noise levels. Sources: 4, & 6.
XII. POPULATION AND HOUSING. -- Would the project:

- 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)?

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Response:

a), b), c): No Impact. Based on the historical growth pattern, it is expected that Porterville’s population will continue to grow at about 2.5% annually. The project as proposed will not cause any substantial increase in local population projections. Infrastructure exists in Grand Avenue. The proposed project will facilitate development envisioned by the General Plan and will not induce substantial growth in this area. Further, the project as proposed will not require the removal of any existing housing. Sources: 1, 3 & 30.
XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

   - Fire protection?
   - Police protection?
   - Schools?
   - Parks? See comments on the following page under recreation
   - Other public facilities?

Response:

a): No Impact - Fire Protection – The City of Porterville will provide fire protection services to the project site; adequate facilities are in place to provide fire services.

a): No Impact Police Protection – The city of Porterville will also provide protection services to the project site upon development. Adequate facilities are in place to provide fire services.

a): Parks – SEE COMMENTS ON THE FOLLOWING PAGE UNDER RECREATION.

a): No Impact - Other Facilities – Due to the small scale of the project, the demand for other facilities will not be required.

a): Less Than Significant Impact Schools - Due to the small scale of the project, it is anticipated that only a modest increase enrollment within the Porterville Unified School District will occur. However, the potential impact on enrollment from the potential of an additional 122 multiple family residential units are less than significant. The District’s student enrollment impacts will be compensated through development financing school impact fees.

Sources: 1, 2, 3, 5, 7 & 8.
XIV. RECREATION --

a) Would the project 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? 

   ![Table]

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

   ![Table]

Response:

a), b): Less Than Significant Impact - The project does not include a park area to serve the future proposed residents that will inhabit the site once the apartments are built. Veterans Park is located within a short walking distance to the southwest of the subject site. City parks and other recreation facilities will be sufficient to accommodate the recreational needs stemming from subsequent development of the site with development of Master Planned facilities. However, the following measures will ultimately be necessary to accommodate City growth in the aggregate as future development occurs. In order to provide a park and recreation system to meet the needs of the public, the City has adopted a Parks and Recreation Element of the General Plan. The Element defines the adopted goals and policies that are currently in place and being utilized. The Element’s goals are:

1. Establish a system of parks and recreation facilities sufficiently diverse in design to effectively serve the needs and desires of all the citizens of Porterville.

2. Provide park and recreation facilities within close proximity to the residents they are designed to serve.

Upon development of the site, the potential of additional usage of the park may occur which might require additional park(s) to be constructed. As in all new construction, the impact fees required should offset any potential impacts. Although the project has a potential to impact existing recreational facilities, it is considered to be less than significant. Sources: 5 & 8.
XV. TRANSPORTATION/TRAFFIC -- Would the project:

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<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) 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)?</td>
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<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
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<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
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<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
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<td>e) Result in inadequate emergency access?</td>
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<td>f) Result in inadequate parking capacity?</td>
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<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</td>
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</table>

**Response:**

a), b): **Less Than Significant** - As discussed in IX Land Use And Planning of this report the proposed subdivision (3.36 gross acres) to be built in one (1) phase will have a density of 4.46 lots per acre. Based on the net acreage of 2.82 acres, and the way the lots are laid out, the maximum potential build out of the subdivision would equate to 122 units or 43 units per acre. Development of the 15 lot multiple family residential subdivision is anticipated to result in additional daily trips. Although no plans have been submitted for the proposed apartments and based on the maximum allowable build out of 122 units, Porterville Circulation Element of the General Plan indicates that 6.47 daily trips would be generated per unit, for a total of 789.34 ADT.

Grand Avenue (60-foot wide local street) intersects with Prospect Street (to the west (84 foot wide 4 lane arterial street) which is a signalized intersection. Along Grand, also west of Prospect, three additional Local Streets Maston Street (60 foot wide), Douglas Street (45 foot wide) and Capitola Street (45 foot wide) extend south of Grand Avenue and meanders through a developed residential subdivision to cross street Bellevue Avenue (45 foot wide local street). Douglas Street intersects and extends past Bellevue Avenue south to a cross street, Morton Avenue (84 foot wide 4 lane arterial).
No recent traffic counts have been conducted in the area of the subject site. The Circulation Element of the Porterville General Plan indicates that two lane collector streets (60 foot wide) have the capacity of 12,500 ADT. As mentioned above, both Maston Street and Grand Avenue are developed to 60-foot side even though they are not considered collector streets. Additionally, 4 lane divided major arterials streets have the capacity of 30,000 ADT. It is not anticipated that the additional traffic generated by the proposed development should reduce the performance of the aforementioned streets/avenues since they have been designed to handle the additional traffic in this area. Therefore, the impact is less than significant. Sources: 1,2, 34, & 35.

c) **No Impact** – The project will not have any affect on air traffic patterns. Sources 1 & 2.

d) **No Impact** – The project meets the standard and guidelines set forth by the City of Porterville. Sources 1 & 2.

e) **No Impact** – The project site has access for emergency service to the developed streets adjacent to the subject site. Sources 1 & 2

f) **No Impact** – Adequate parking will be provided in compliance with the City’s Zoning Ordinance and building code regulations that govern development of multiple family residential developments. Sources 1, 2, 12 & 18.

g) **No Impact** – The project will not conflict with any existing alternative transportation programs, plans or policies. Sources 1 & 2.
## XVI. UTILITIES AND SERVICE SYSTEMS --

Would the project:

<table>
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<tr>
<th>Potential Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
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<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
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<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
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<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
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<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</td>
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<td>☐</td>
<td>☒</td>
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<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</td>
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<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
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</table>

### Response:

a), b), c), d), e): **Less Than Significant Impact** -- A twenty-one (21") sewer line exists in Grand Avenue. In 1994, the Waste Water Treatment Plant increased its capacity from 4 million gallons per day to 8 million gallons per day. Current use is 4.6 million gallons per day. At this rate, sufficient capacity is available to handle a population of 71,300 (22 years at 2.5% growth per year). Additionally, the City of Porterville recently annexed 734± acres of farmland for the use of wastewater effluent reuse (including biosolids) spreading and irrigation of farmland with treated water. Therefore, the impact is less than significant.
An existing 54" storm drain line exists in Grand Avenue. The site is within the boundaries of the City's Master Plan for Storm Drainage (2001). Consequently, the storm water generated from future development of the site has been anticipated by the plan. Periodic future increases in the amount of water that will be generated into the drainage system will, therefore, occur as the site ultimately develops with multiple family residential uses, due to the creation of many acres of impervious surfaces. Water quality could be affected by chemicals (oil based residues) conveyed by storm water runoff from streets, driveways and other impervious surfaces.

Mitigation: Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). Therefore, the impact is less than significant.

A 6" municipal water line exists in Grand Avenue. Current water production capacity is 15,331 gpm. The current demand during the highest use month is approximately 14,000 gpm.

The City adopted an addendum EIR for the City's Water Master Plan in February 2001. Based on the City's adopted Water Master Plan, mitigation measures have been addressed.

Continued implementation of the adopted Sewer and Water Master Plans will insure adequate service as development occurs with the Urban Development Boundary. Therefore, the impact is less than significant.

f), g): Less Than Significant Impact — The City of Porterville disposes of its solid waste at the Teapot Dome Disposal Site, southwest of the City. The City has recently implemented as recycling program in which household garbage in pickup on one day, lawn and garden debris are picked up on another day and cardboard and papers are picked up on an additional day. The landfill has sufficient permitted capacity to accommodate the projects solid waste disposal needs for at least the next 15 years. Sources 28 & 35.
XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) 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?

   □ □ □ ☒

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

   □ □ ☒ □

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

   □ □ ☒ □

Response:

a): No Impact – There are no know historical resources on the site. Sources 1 & 30.

b): No impact - No features of the project will result in a cumulatively significant impact. Development of the subject site is anticipated in the Land Use Element, Circulation Element and in the Water, Sewer, Storm Water Master Plans. Appropriate infrastructure has been programmed to accommodate the incremental effects of the proposed development. Sources: 4 & 30.

c): No impact - The project would not result in any environmental effects adverse to humans. Development of the subject site will be required to comply with the Subdivision Ordinance, Zoning Ordinance and Development Standards of the City of Porterville which are designed to ensure compatible development and adequate protection to neighboring residents and uses. Sources: 4 & 30.
LEAD AGENCY: City of Porterville
291 North Main Street
Porterville, California 93257

PROJECT APPLICANTS: Schuler & Castillo
P.O. Box 211
Porterville, CA 93258

PROJECT TITLE: Valley Oak Tentative Subdivision Map

ADDRESS/LOCATION: Generally the north side of Grand Avenue between Prospect Street and State Highway 65.

PROJECT APPLICANT: Schuler & Castillo

PROJECT DESCRIPTION: Valley Oak Tentative Subdivision Map proposes to divide a 3.36 ± acre vacant parcel zoned City R-4 (D) (Multiple Family Residential with a “D” Overlay Site Review) Zone into a fifteen (15)-lot multiple family residential subdivision to be developed in one (1) phase.

CONTACT PERSON: Bradley D. Dunlap (559) 782-7480

On May 29, 2007, the Environmental Coordinator of the City of Porterville determined that the above project will have no significant effect on the environment described herein and has found that this project will have no significant impact on the environment for the following reasons:

1. 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.

2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

3. The project does not have possible environmental effects, which are individually limited, but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

5. Mitigation measures were, X were not made a condition of the approval of the project.

Copies of plans and other documents relating to the subject project may be examined by interested parties at the City Planning Division, 291 North Main Street, Porterville, California.

Dated: May 29, 2007

Bradley D. Dunlap, Environmental Coordinator

Word: NegdecValleyOakTSM

ATTACHMENT
ITEM NO. 3
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR VALLEY OAK TENTATIVE SUBDIVISION MAP FOR THAT 3.36± ACRE VACANT SITE LOCATED GENERALLY ON THE NORTH SIDE OF GRAND AVENUE BETWEEN PROSPECT STREET AND STATE HIGHWAY 65

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of July 17, 2007, conducted a public hearing to consider approval of Valley Oak Tentative Subdivision Map, being a division of a 3.36± acre vacant parcel zoned City R-4 (D) (Multiple Family Residential with a “D” Overlay Site Review) Zone into a fifteen (15) lot subdivision to be developed in one (1) phase for that site located generally on the north side of Grand Avenue between Prospect Street and State Highway 65; 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. On May 29, 2007, the Environmental Coordinator made a preliminary determination that a Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from May 31, 2007 to June 20, 2007. At the end of the review period, the only response was from the Southern California Gas Company.

3. That the proposed project will not create adverse environmental impacts.

The proposed Negative Declaration was evaluated in light of the prepared environmental initial study; comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level.

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.

ATTACHMENT
ITEM NO. 4
City staff conducted an on-site inspection. The site is vacant and has been regularly disked for weed control. No natural habitat was observed. As such, no endangered, threatened or rare species or habits exist and no impact will occur.

6. As a condition of approval the applicant/agent shall sign a Mitigation Measure Compliance Agreement requiring compliance and implementation of environmental measures for the proposed project as defined in the City Council resolution approving the Negative Declaration of Environmental Impact and as addressed in the Environmental Initial Study.

7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration pursuant to Section 711.4 (c) (2) of the Fish and Game Code.

8. 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 Valley Oak Tentative Subdivision Map as described herein.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _____________________________
Georgia Hawley, Chief Deputy City Clerk
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF VALLEY OAK TENTATIVE
SUBDIVISION MAP FOR THAT 3.36± ACRE VACANT SITE
LOCATED GENERALLY ON THE NORTH SIDE OF GRAND AVENUE BETWEEN
PROSPECT STREET AND STATE HIGHWAY 65

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of July 17, 2007, conducted a public hearing to consider approval of Valley Oak Tentative
Subdivision Map, being a division of a 3.36± acre vacant parcel zoned City R-4 (D) (Multiple
Family Residential with a Design Review (D) Overlay) Zone into a fifteen (15) lot subdivision to be
developed in one (1) phase for that site located generally on the north side of Grand Avenue between
Prospect Street and State Highway 65; and

WHEREAS: On May 29, 2007, the Environmental Coordinator made a preliminary
determination that a Mitigated Negative Declaration would be appropriate for the proposed project;
and

WHEREAS: The Project Review Committee, on June 27, 2007, reviewed the proposed staff
report prepared for City Council Review. Concerns and conditions were discussed with the
applicant/agent, have been addressed. Conditions developed as a result of that meeting have been
incorporated into the draft resolution of approval; and

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

WHEREAS: The City Council made the following findings:

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

   The Land Use Element of the General Plan designates the site for High Density
   Residential development (15-43 d.u./acre).

   The proposed subdivision (3.36 gross acres) to be built in one (1) phase will have a
density of 4.46 lots per acre. Based on the net acreage of 2.82± acres, and the way the
lots are laid out, the maximum potential build out of the subdivision would equate to
122 units or 43 units per acre, however, no plans have been submitted as to the
proposed construction.

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

ATTACHMENT
ITEM NO. 5
The vacant site is rectangular in design. The south end of the subject site fronts on the north side of Grand Avenue and extends north.

The subject site is flat and contains medium to coarse textured soils with a high infiltration rate. Therefore, no barriers to development will occur.

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

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

As a condition of approval the applicant/agent shall sign a Mitigation Measure Compliance Agreement requiring compliance and implementation of environmental measures for the proposed project as defined in the City Council resolution approving the Negative Declaration of Environmental Impact and as addressed in the Environmental Initial Study.

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

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

The General Plan designates the site for High Density Residential uses. The site has a developed shopping center/governmental center to the north, apartment complex to the east, three (3) triplexes under construction to the west and residential dwellings to the south. Conditions of approval are included to ensure adequate development standards are met.

7. That the standards of population density, site area dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

The proposed project complies with all the requirements of the Subdivision Ordinance. The development standards of the R-4 (D) (Multiple Family Residential “D” Overlay Site Review) Zone including lot sizes, site coverage, parking, etc., will apply to the site.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Valley Oak Tentative Subdivision Map subject to the following conditions:

1. The following regulations of the San Joaquin Valley Air Pollution Control District (Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters) will apply to this project:
   a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.
   b. In new residential development with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood-stove, pellet-stove, or wood-burning insert) per acre.

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

3. Future development of the site will require approval of a “D” Overlay Site Review by the City Council. The structures within the subdivision shall have a consistent design theme, and will be subject to the Design Review Overlay process.

4. Lots 1 and 14 are reverse corner lots. A minimum setback of 12 feet from Douglas Street for structures, to include 6-foot high fences, will be required.

5. The developer/applicant shall install a refuse container enclosure according to City standard Plans and Specifications. Said area shall be indicated on the site plans and building plans prior to issuance of any building permit, except that no such facility shall be located within any required side yard setback area in any residential zone. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel onto private property. Trash can service is an acceptable alternative for lots containing three (3) or less units.


7. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code section 66020(a). You have 90 days from the date fees are paid to file a written protest.
8. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23).

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

10. The developer/applicant shall cause all unnecessary easements to be vacated prior to or in conjunction with the Final Map processing.

11. The developer/applicant shall dedicate a one-foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.

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

   * Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
   * Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;
   * Soils Report(s) in accordance with Chapter 18 of the California Building Code.

13. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133); Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans; Soils Report(s) in accordance with Chapter 18 of the California Building Code.

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

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

16. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615 for all wells that will remain in service.

17. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use.

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

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

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

21. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of
waste concrete deposited in this area. Dust control plans are required for residential developments that disturb ten (10) or more acres.

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

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

a) The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;

b) The water system, is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);

c) Street base rock for accessibility by the public safety officials and building inspectors;

d) Lots are graded in accordance with the approved grading plan.

e) Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommends contained in the Preliminary Soils Report;

f) Lot corners are marked; Fire hydrants are accepted by the Fire Department and the Engineering Division.

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

The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction.
begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

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

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

27. The developer/applicant shall provide street striping and flexible delineators as necessary to provide safe vehicular movements, where directed by the City Engineer.

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

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

30. Prior to acceptance of improvements, the developer/applicant shall provide streetlights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer. Street light spacing shall be at 160-foot intervals, staggered throughout the proposed subdivision and at 320-foot intervals along the north side of Grand Avenue.

31. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.
32. The project must meet the minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code.

33. One tree of minimum #15 specimen size and approved, as a City Street Tree is required in the front yard of each lot. One additional tree is required on corner lots. Root barriers are required for all trees planted within ten feet of public sidewalks.

34. Prior to the approval of improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans. The developer/applicant shall petition, on a form provided by the City, to have the development included within a Lighting and Landscape Maintenance District. Submit with the petition the $375.00 fee. The following shall be included and maintained in said district: (1) Lighting, (2) Recreational Open Space, (3) Public landscaping, if any; (4) Public walls/fences, if any; (5) Drainage reservoirs, if any, and (6) any other public improvement.

35. The developer/applicant shall prepare an Engineer’s Report for the establishment of assessments in order to provide for ongoing maintenance of subdivision improvements to be included within the Lighting and Landscape Maintenance District. The Lighting and Landscape Maintenance District shall be established, or the annexation into an existing District shall be concluded, and landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the project.

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

37. Hydrants as proposed on the tentative subdivision map are acceptable to the Fire Department

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ___________________________
Georgia Hawley, Chief Deputy City Clerk
COUNCIL AGENDA: JULY 17, 2007

PUBLIC HEARING

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

SOURCE: Parks and Leisure Services Department

COMMENT: The City has created fifty-seven Landscape and Lighting Maintenance Districts since 1989. The original District had seventeen annexed areas for new developments in addition to the original area. Since 1996 new Districts have been formed for each new development, representing Districts 2 through 40.

Annually, a process of evaluating maintenance needs and establishing an assessment for each LMD must be followed. At the June 19, 2007 meeting, the City Council preliminarily approved the annual Engineer’s Report, which indicates the proposed assessments for the 2007 – 2008 fiscal year. The assessments, once approved by the City Council, are placed upon the tax bill of property owners as a special assessment, and collected by the County of Tulare.

At the June 10, 2007 meeting, the City Council requested clarification on the projected FY 07-08 expenditures and fund balance anticipated at June 30, 2008. Additional information was also requested on the negative fund balances. The Engineer’s Report and the summary spreadsheet that follows the Report provide the financial detail on each district. Supplemental report and spreadsheet summaries are also provided as attachments. Doug Wilson, Engineer of Record for the Engineer’s Report will be available at the meeting.

RECOMMENDATION: That the City Council:

1. Reopen the public hearing on the 2007-2008 Assessments for the Landscape and Lighting Maintenance Districts to take comments or receive protests on the proposed assessments; and

2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer’s Report and Assessments for the 2007-2008 fiscal year.

ATTACHMENTS:

Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer’s Report and Assessments for the 2007-2008 fiscal year
Engineer’s Report for the Landscape and Lighting Maintenance Districts 2007-2008
Supplemental Report & Statement of Revenues & Expenditures for Landscape Maintenance Districts

Dir. Appropriated/Funded City Manager ITEM NO.: 12
RESOLUTION NO.: ____2007


WHEREAS, the City Council of the City of Porterville did on the 19th day of June 2007, adopt its Resolution of Intention No. 59-2007 to order the therein described work in connection with the continuation of assessment procedures in Landscape and Lighting Maintenance Districts, which Resolution of Intention No. 59-2007 was duly and legally published in the time, form and manner as required by Law, shown by the Affidavit of Publication of said Resolution of Intention on file in the Office of the City Clerk; and

WHEREAS, said City Council having duly received and considered evidence, oral and documentary, concerning the jurisdiction facts in the proceeding and concerning the necessity for the contemplated work and the benefits to be derived therefrom, and said City Council having now acquired jurisdiction to order the proposed work;

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

SECTION 1. IT IS HEREBY RESOLVED by the City Council of the City of Porterville that the public interest and convenience require the continuation of assessment procedures for the district, and said City Council hereby orders that the work and assessment, as set forth and described in said Resolution of Intention No. 59-2007, be done and made; and

SECTION 2. BE IT FURTHER RESOLVED that the report filed by the Engineer is hereby finally approved; and

SECTION 3. BE IT FURTHER RESOLVED that the assessments for fiscal year 2007-2008 and method of assessment in the Engineer’s Report are hereby approved; and

SECTION 4. BE IT FINALLY RESOLVED that the assessments are in compliance with California Code, that they are without regard to property valuation, and in compliance with Chapter 1, Article 4, and Chapter 3, Division 15 of the Streets and Highway Code allowing the placement of the charge on the tax roll for collection.

APPROVED AND ADOPTED this 10th day of July 2007.

____________________________
Cameron J. Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: _______________________
Georgia Hawley, Deputy City Clerk
SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville, Resolution Number 97-09. The report is in compliance with the requirements of Chapter 1, Article 4, and Chapter 3, Division 15 of the Streets and Highways Code, State of California (Landscaping and Lighting Act of 1972).

SECTION 2. General Description

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

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

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

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

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

5. Annexation No. 5 = Westwood Estates #4 Subdivision, along the north and south entries adjacent to the block wall on Westwood Street and the median divider on White Chapel Lane including all trees in front yard planting strip

6. Annexation No. 6 = Northpointe Subdivision includes subdivision lighting located south of Westfield Avenue and east of Mathew Street

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

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

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

10. Annexation No. 10 = Westview Subdivision located on the corner of Westfield Avenue and Cobb Street
11. Annexation No. 11 = New Horizons Phase One Subdivision and the remainder parcel located along Springville Ave. and Indiana Street
12. Annexation No. 12 = Sunrise Estates Phase Six Subdivision located on the corner of Prospect Street and Orange Avenue
13. Annexation 13 WITHDRAWN
14. Annexation No. 14 = Wisconsin Manor I Subdivision located on the corner of Wisconsin Way and Mulberry Avenue
15. Annexation No. 15 = Northpointe Phase II Subdivision located on Mathew Street
16. Annexation No. 16 = New Horizons Phase II located on the corner of Indiana Street and Springville Avenue
17. Annexation 17 NOT FORMED;
18. Annexation No. 18 = Westwood Mobile Home Park Phase I Subdivision located on Westwood Street and Olive Avenue
19. Annexation No. 19 = Castle Woods Phase I Subdivision located along Castle Avenue and Newcomb Street
20. District No. 2 = North Creek Estates located on Westwood north of Westfield
21. District No. 3 = New Expressions Phase I Subdivision located along Indiana Street between Springville Avenue and Cleo Avenue
22. District No. 4 = River Springs Phase I Subdivision located along Newcomb Street
23. District No. 5 = Castle Woods Phase II Subdivision located at Median Avenue and Salisbury.
24. District No. 6 = Creekview Estates located between Porter Creek Avenue and the property line in Porter Slough
25. District No. 7 = Ford Estates located on the corner of Roby and Westwood Avenue
26. District No. 8 = River Breeze located on Newcomb Street between Patsy and Spring Streets
27. District No. 9 = Orchard Ridge Phase 3 located on Mathew Street between Nancy Avenue, Cheryll Avenue and Belmont Street
28. District No. 10 = Orchard Ridge Phase 4 located on LaVida Court and Carmelo Street
29. District No. 11 = Orchard Ridge Phase 5 located on Mathew Street between LaVida Avenue, Michael Street and Julianne Avenue
30. District No. 12 = Westwood Estates, Unit 5, Phase 2, located on Henderson Avenue and Brandy Way
31. District No. 13 = River Ranch 3, located on Lloyd Avenue and Newcomb Street
32. District No. 14 = River Springs, Phase Two Subdivision, located on River Avenue, Beverly Street, Date Avenue and River Springs Drive
33. District No. 15 = Meadowood, Phase One Subdivision, located on Newcomb Street, Cheryl Avenue and York Street
34. District No. 16 = New Expressions, Phase Two Subdivision, located on Lybarger Avenue Cul de Sac at the entry to the Tule River Parkway Trail
35. District No. 17 = Orchard Ridge Phase 6 Subdivision located north of Westfield Avenue between Michael Street and Lombardi Street on Julieann Avenue and Michael Street
36. District No. 18 = Ohio North Subdivision located on Ohio Way Street
37. District No. 19 = Williams Ranch, Phase One located south of Westfield Avenue on Silver Maple Street, Wall Court and San Lucia Court
38. District No. 20 = West View Place Subdivision located on Median Avenue
39. District No. 21 = Orchard Ridge Phase Seven Subdivision located on Pioneer Avenue, Michael Street and Mathew Street
40. District No. 22 = Meadowood Phase Two Subdivision located on Newcomb Street, Pioneer Avenue, Julieann Avenue, Greenfield Street, York Street and Birch Street
41. District No. 23 = Riverview Estates Phase Three Subdivision located on Roby Avenue, Belmont Street, Orange Avenue and Parkwest Street
42. District No. 24 = Orchard Ridge, Phase Eight Subdivision located on Mathew Street, Michael Street, Pamela Avenue and Santa Maria Avenue
43. District No. 25 = Casas Del Rio Subdivision located on Date Street, Casas Del Rio Avenue, Presidio Avenue, Rio Bonito Street, Alamo Court, Camellia Street, Tule Court and Rio Vista Avenue
44. District No. 26 = Orchard Ridge, Phase Nine Subdivision located on Belmont Street, Pamela, Santa Maria and Pioneer Avenues
45. District No. 27 = New Expressions, Phase Three Subdivision located on Springville Avenue, Cleo Avenue and McIntire Avenue along Wisconsin Street
46. District No. 28 = Meadowood, Phase Three Subdivision located on Westfield Avenue, Cheryl Avenue, Salisbury Street, Julieann Avenue and Pioneer Avenue
47. District No. 29 = River Springs, Phase 3 Subdivision located on Date Avenue, River Springs Drive and Atkins Court
48. District No. 30 = Sierra Meadows, Phase 1, Subdivision located at Indiana Street and Gibbons Avenue
49. District No. 31 = Williams Ranch, Phase 2 and 3 Subdivision on Westwood Street between Henderson and Westfield Avenues
50. District No. 32 = Sunrise Villa, Phase 1 Subdivision located at Cottage Street and Mulberry Avenue
51. District No. 33 = New Expressions, Phase 4 Subdivision located on Indiana Street between Springville Avenue and the Tule River
52. District No. 34 = Meadow Breeze, Phase 2 Subdivision located on Castle Avenue and Mathew Street

53. District No. 35 = Meadow Breeze, Phase 1 Subdivision located on Pioneer Avenue and Salisbury Street

54. District No. 36 = Amalene Estates Subdivision located on Westwood between the Tule River and Olive Avenue;

55. District No. 37 = Riverview Estates, Phase 4 Subdivision located south of Olive Avenue, and east of Mathew Street, including Union Lane and Parkwest Street

56. District No. 38 = Ranch Victoria, Phase One Subdivision located on the north side of Putnam Avenue and east of Mathew Street

57. District No. 39 = Williams Ranch Phase 4 Subdivision, including Theta Avenue, Bel-Aire Court, Terry Court, Silver Maple Street and Red Oak Street

58. District No. 40 = Amalene Estates Subdivision located on Westwood between the Tule River and Olive Avenue, including Vine Avenue, Clare Avenue, Clare Court, and Dogwood Street

SECTION 3. Plans and Specifications

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

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

SECTION 4. Improvements

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

SECTION 5. Estimated Maintenance Costs

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

The City Finance Department presently maintains records of expenditures for each annexation. Because of the restrictions placed upon municipal budgets through the passage of Proposition No. 218 and the lag between the time assessments are made and revenues are collected by the City, it is appropriate that assessments be made in advance of the anticipated expenditures to provide working capital for the maintenance effort. The fund balance for some districts would appear to justify a refund, however, it is clear that some of the costs for some of the districts have not been properly recognized. The staff is committed to identifying the discrepancies and rectifying during
this fiscal year. It is recommended that refunds not be included until next year when that effort is complete.

The assessments include costs accumulated to date and estimated costs for the 2007-2008 fiscal year for Landscape and Lighting District No. 1, including Annexations 1 through 19 and District 2 through 40.

SECTION 6. Assessment Diagram

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

SECTION 7. Assessment

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

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

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

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

Following are estimated maintenance costs and assessments for each District and Annexation.
Landscape and Lighting Maintenance District #1 -
Westwood Estates Subdivision
(Original Formation)
2007-2008 Fiscal Year
Approved CPI 2000
 (Adj. 2006)

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 13,650 sq. ft. of landscaped area
Project Management 126 Lots $14,680.90

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance ($4,882.52)

Maintenance, 13,650 sq. ft. of landscaped area $15,150.68
Project Management, 126 lots $1,000 + $4.00 per lot $1,504.00
Eliminate Deficit Fund Balance over 10 years $488.25
Reserves 15% $2,571.44

Estimated Cost Per Year $19,714.38

Previous year assessment $14,339.38
C.P.I. Increase of 3.3% since previous adjustment (2006)
applied to reduce deficit = 0.033 x $14,339.38 $473.20

New Assessment $14,812.58

ASSESSMENT

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

FORMULA FOR ASSESSMENT

A = Assessment per lot
L = Number of lots
T = Total annual cost

\[ A = \frac{T}{L} \]
The 2007-2008 assessment will be spread based upon the total lots. Total lot count is 126 lots.

Estimated Annual Assessment

\[ A = \frac{T}{L} = \frac{14,812.58}{126} = 117.56 \text{ per lot} \]
Annexation No. 1 - Airport Industrial Park
2007-2008 Fiscal Year

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance
Project Management
Total $924.00

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance ($2,734.29)
Maintenance $2,804.21
Project Management, 5 parcel maps $1,000 + $4.00 per map $1,020.00
Eliminate Deficit Fund Balance over 10 years $273.43
Reserves $614.65

Estimated Cost Per Year $4,712.29
Previous year assessment $3,833.00
New Assessment $3,833.00

ASSESSMENT

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

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

FORMULA FOR ASSESSMENT:

Total Landscape Maintenance Costs = Cost per Sq. Ft. Total Net Assessable Square Feet

$3,833 = $0.00374 per sq. ft. 1,024,967 sq. ft.
Assess $0.00374 per sq. ft. annual charge for landscape construction and maintenance for fiscal year.

Parcel 2 on P.M. No. 3813 = $156.82
Parcel 1 on P.M. No. 3503 = No Fee
Parcel 1 on P.M. No. 3641 = $261.47
Parcel 1 on P.M. No. 3684 = No Fee
Parcels 1 and 4 on P.M. No. 3735 = No Fee

Remaining property owner - COP = $3,414.71

Total = $3,833.00
ESTIMATED ACCUMULATED COSTS 2006-2007

- Maintenance 22,100 sq. ft. of landscaped area
- Project Management 126 Lots
- Total $6,578.29

ESTIMATED COST 2007-2008

- Projected July 1, 2007 Fund Balance $4,645.62
- Maintenance, 22,100 sq. ft. of landscaped area $7,774.68
- Project Management, 22 lots $1,000 + $4.00 per lot $1,088.00
- Reserves $1,329.40
- Estimated Cost Per Year $10,192.08
- Previous year assessment $8,000.00
- New Assessment $8,000.00

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

\[ A = \text{Assessment per lot} = \frac{\text{Total Assessment} - F}{L} \]
\[ F = \text{Assessment for remainder parcel} \]

The 2007-2008 assessment will be spread based upon the above formula. There are 22 lots in Unit One. The 47.89 acre remainder parcel is included on the final subdivision map and will be assessed 20% of the total estimated cost for landscaping maintenance until it is developed at which time it will be combined with the other completed units and assessed fully.

Estimated Assessment
\[ F = 8,000 \times 0.20 = 1,600.00 \text{ for remainder} \]
\[ A = \frac{8,000 - 1,600}{22} = 290.92 \text{ per lot in Unit One} \]
Annexation No. 3 - Porter Creek
2007-2008 Fiscal Year
Approved CPI 2000

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 89,200 sq. ft. includes Slough Clean Up
Project Management 177 Lots
Total $17,667.85

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance $8,033.85

Maintenance, 89,200 sq. ft. of landscaped area $23,672.78
Project Management, 177 lots $1,000 + $4.00 per lot $1,708.00
Reserves (15%) $3,807.12

Estimated Cost Per Year $29,187.90

Previous year assessment $23,643.46

New Assessment $23,643.46

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

\[ A = \text{Assessment Per Lot} \]
\[ L = \text{Number of Lots} \]
\[ T = \text{Total Annual Cost} \]

The 2007-2008 assessment will be spread based upon the total lots. Total lot count is 177 lots.

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

Estimated Assessment
\[ A = 133.58 \]

A = Assessment Per Lot
L = Number of Lots
T = Total Annual Cost
Annexation No. 4 - LaVida Park
2007-2008 Fiscal Year

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 3,790 sq. ft. of landscaped area
Project Management 17 Lots
Total $1,739.06

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance ($412.24)
Maintenance, 3790 sq. ft. of landscaped area $2,485.15
Project Management, 17 lots $1,000 + $4.00 per lot $1,068.00
Eliminate Deficit Fund Balance over 10 years $41.22
Reserves $539.16

Estimated Cost Per Year $4,133.53
Previous year assessment $2,469.42
New Assessment $2,469.42

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

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

Estimated Assessment
\[ A = 145.26 \]
Annexation No. 5 - Westwood Estates Unit Four,  
Unit Five (Phase 1)  
2007-2008 Fiscal Year  
Approved CPI 1999  
(Adj. 2006)  

ESTIMATED ACCUMULATED COSTS 2006-2007  
  Maintenance 14,700 sq. ft. of landscaped area  
  Project Management 47 Lots  
  Total $5,971.54  

ESTIMATED COST 2007-2008  
  Projected July 1, 2007 Fund Balance ($10,634.17)  
  Maintenance, 14,700 sq. ft. of landscaped area $6,185.43  
  Project Management, 47 lots $1,000 + $4.00 per lot $1,188.00  
  Eliminate Deficit Fund Balance over 10 years $1,063.42  
  Reserves $1,265.53  
  Estimated Cost Per Year $9,702.37  
  Previous year assessment $6,146.47  
  C.P.I. Increase since previous adjustment (2006) applied to reduce deficit = 0.033 x $6,146.47 $202.83  
  New Assessment $6,349.30  

ASSESSMENT  
  1. The purpose of the landscaping is to provide a favorable aesthetic appearance of the area.  
  2. Properly maintained landscaping benefits all properties in the development.  
  3. The lots not adjacent to the landscaped area benefit from the uniform appearance of the landscaping. All lots not adjacent to the landscaped area benefit equally. Trees in the front yard right-of-way are included in the District on White Chapel Avenue.  

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

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

FORMULA FOR ASSESSMENT:  
  \[ A = \text{Assessment per lot} \]  
  \[ L = \text{Number of lots} \]
\[ T = \text{Total annual cost} \]
\[ A = \frac{T}{L} = \frac{6349.30}{47} = 135.10 \]

Estimated Assessment
\[ A = 135.10 \]
ESTIMATED ACCUMULATED COSTS 2006-2007

Lighting 11 ea., 5,800 lumen, 8 ea., 9,500 lumen
Project Management 81 Lots
Total

$515.77

ESTIMATED COST 2007-2008

July 1, 2007 Fund Balance

$4,931.12

Lighting 11 ea., 5,800 lumen @ $30.21
8 ea., 11,000 lumen @ 36.29
Project Management, 81 lots $400 + $3.00 per lot
Reserves

$622.63
$643.00
$456.89

Estimated Cost Per Year

$1,722.52

Previous year assessment

$1,722.52

New Assessment

$1,722.52

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

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

Estimated Assessment

P = $21.28
Annexation No. 7 - Quail Park Phase II
2007-2008 Fiscal Year

ESTIMATED ACCUMULATED COSTS 2006-2007

  Lighting 2 ea., 5,800 lumen
  Project Management 12 Lots
  Total

$131.17

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance

  Lighting, 2 ea., 5,800 lumen @ $30.21
  Project Management, 12 lots $400 + $3.00 per lot
  Reserves

  Estimated Cost Per Year
  Previous year assessment
  New Assessment

$779.81
$60.42
$436.00
$24.82
$521.24
$410.40
$410.40

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

A = \frac{410.40}{12} = 34.20 \text{ per lot}

Estimated Assessment
A = 34.20

ONE TIME ADJUSTMENT

There will be a one time adjustment in the assessment because implementation has been delayed.

\text{OTA} = \text{One time adjustment amount}
\text{OTC} = \text{One time Cost}
\text{OTAA} = \text{One time adjusted Assessment}
OTC=C-OTA
OTC=$410.40-$410.40

OTC=$0.00

OTA = OTC
N

OTA = $0.00
81

OTA = $0.00
ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 28,460 sq. ft. of landscaped area
Project Management 36 Lots
Total $1,439.38

ESTIMATED COST 2007-2008

July 1, 2007 Fund Balance $7,238.49

Maintenance, 28,460 sq. ft. of landscaped area, Lighting
5 ea., 5,800 lumens, and 1 ea., 16,000 lumens $2,008.74
Project Management, lots $1,000 + $4.00 per lot $1,144.00
Reserves $472.91

Estimated Cost Per Year $3,625.65
Previous year assessment $2,481.27
New Assessment $2,481.27

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

A = $2,481.27 / 36 = $68.92 per lot

Estimated Assessment
A = $68.92
Annexation No. 9 - Parcel Map 4132
2007-2008 Fiscal Year

ESTIMATED ACCUMULATED COSTS 2006-2007

Lighting 1 ea., 16,000 lumens
Project Management 2 Parcels
Total $89.58

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance $1,127.22

Lighting 1 ea., 16,000 lumens $47.47
Project Management, lots $400 + $3.00 per lot $406.00
Reserve $22.67

Estimated Cost Per Year $476.14

Previous year assessment $396.47

New Assessment $396.47

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

It has been determined that the relative benefit of Parcel 2 as compared to Parcel 1 (developed parcel) is as shown below. This determination of the relative benefit was made based upon an estimate of lighting cost of $47.47, an administrative cost of $300, and a reserve of $49.00.

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

\[ P_2 = \frac{AE \times A_1}{T} = \frac{349 \times 4.81}{6.61} = $253.96 \]
\[ P_1 = \text{AE - } P_2 + L = 349 - 253.96 + 47.47 = $142.52 \]
Based on benefit in the district, the estimated assessment will be spread based on the preceding formula.

Estimated Assessment
P2 = $253.96
P1 = $142.52
ESTIMATED MAINTENANCE COST

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 1,307 sq. ft. of landscaped area and
Lighting 4 ea., 5,800 lumens
Project Management 16 Lots
Total $1,099.82

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance $3,370.07

Maintenance, 1307 sq. ft. of landscaped area and
Lighting 4 ea., 5,800 lumens $1,353.21
Project Management, 16 lots $1,000 + $4.00 per lot $1,064.00
Reserves $362.58

Estimated Cost Per Year $2,779.79

Previous year assessment $1,824.30

New Assessment $1,824.30

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

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

Estimated Assessment
A = $114.02
ESTIMATED ACCUMULATED COSTS 2006-2007

Lighting
6 ea., 5,800 lumen, 11 ea., 9,800 lumen, and
2 fixtures, 16,000 lumen
Project Management 63 Lots
Total $537.59

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance $6,803.90

Lighting
6 ea., 5,800 lumen, 11 ea., 9,800 lumen, and
2 ea., 16,000 lumen $675.39
Project Management, 63 lots $400 + $3.00 per lot $589.00
Reserves $63.22

Estimated Cost Per Year $1,327.61
Previous year assessment $1,045.80
New Assessment $1,045.80

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

A = $1,045.80 / 63

Estimated Assessment

A = $16.60

ONE TIME ADJUSTMENT

There will be a one time adjustment in the assessment to reduce the Fund Balance.
OTA = One time adjustment amount
OTC = One time Cost
OTAA = One time adjusted Assessment

OTC=C-OTA
OTC=$1,045.80-$564.21

OTC=$481.59

OTA = OTC
     N

OTA = $481.59
     81

OTA = $7.64
Annexation No. 12 - Sunrise Estates Phase Six
2007-2008 Fiscal Year

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 2,840 sq. ft. of landscaped area and
Lighting, 7 ea., 5,800 lumens
Project Management 32 Lots
Total $1,131.77

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance $92.19

Maintenance, 2,840 sq. ft. of landscaped area, and
Lighting, 7 ea., 5,800 lumens $1,242.36
Project Management, 32 lots $1,000 + $4.00 per lot $1,128.00
Eliminate Deficit Fund Balance over 10 years $0.00
Reserves $355.55

Estimated Cost Per Year $2,725.92

Previous year assessment $1,429.00

New Assessment $1,429.00

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

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

Estimated Assessment
A = $44.66
Annexation No. 14 - Wisconsin Manor I Subdivision
2007-2008 Fiscal Year

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 3,030 sq. ft. of landscaped area and
Lighting, 3 ea., 5,800 lumens
Project Management 8 Lots
Total $1,507.85

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance ($1,789.96)

Maintenance, 3,030 sq. ft. of landscaped area and
Lighting, 3 ea., 5,800 lumens $2,131.32
Project Management, 8 lots $1,000 + $4.00 per lot $1,032.00
Eliminate Deficit Fund Balance over 10 years $179.00
Reserves $501.35

Estimated Cost Per Year $3,843.66

Previous year assessment $1,824.69

New Assessment $1,824.69

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

A = $1,824.69 = $228.08 per lot
8

Estimated Assessment
A = $228.08
Annexation No. 15 - Northpointe Phase II Subdivision
2007-2008 Fiscal Year

ESTIMATED ACCUMULATED COSTS 2006-2007

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lighting 5 ea., 5,800 lumens, and 1 ea., 9,500 lumens</td>
<td>$200.69</td>
</tr>
<tr>
<td>Project Management 59 Lots</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

ESTIMATED COST 2007-2008

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1, 2007 Fund Balance</td>
<td>$8,023.27</td>
</tr>
<tr>
<td>Lighting 5 ea., 5,800 lumens and 1 ea., 9,500 lumens</td>
<td>$187.34</td>
</tr>
<tr>
<td>Project Management, 59 lots $400 + $3.00 per lot</td>
<td>$636.00</td>
</tr>
<tr>
<td>Reserves</td>
<td>$41.17</td>
</tr>
<tr>
<td>Estimated Cost Per Year</td>
<td>$864.51</td>
</tr>
<tr>
<td>Previous year assessment</td>
<td>$2,816.00</td>
</tr>
<tr>
<td>New Assessment</td>
<td>$864.51</td>
</tr>
</tbody>
</table>

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{864.51}{59} = \$13.95 \text{ per lot}
\]

Estimated Assessment
\[
A = \$13.96
\]

ONE TIME ADJUSTMENT

There will be a one time adjustment in the assessment to reduce the Fund Balance.

\[
\text{OTA} = \text{One time adjustment amount} \\
\text{OTC} = \text{One time Cost} \\
\text{OTAA} = \text{One time adjusted Assessment}
\]
OTC=C-OTA
OTC= $864.51– $864.51

OTC=$0.00

\[ \text{OTA} = \frac{\text{OTC}}{N} \]

\[ \text{OTA} = \frac{$0.00}{59} \]

\[ \text{OTA} = $0.00 \]
Annexation No. 16 - New Horizon's Phase II Subdivision
2007-2008 Fiscal Year

ESTIMATED ACCUMULATED COSTS 2006-2007

Lighting
8 ea., 5,800 lumens and 8 ea., 9,500 lumens
Project Management 81 Lots
Total $447.28

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance $4,051.52

Lighting, 8 ea., 5,800 lumens and 8 ea., 9,500 lumens $532.00
Project Management, 81 lots $400 + $3.00 per lot $643.00
Reserves $628.34

Estimated Cost Per Year $1,803.34

Previous year assessment $1,803.34

New Assessment $1,803.34

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

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

Estimated Assessment
A = $22.26
Annexation No. 18 - Westwood Village Mobile Home Park, Phase I
2007-2008 Fiscal Year

ESTIMATED ACCUMULATED COSTS 2006-2007

Lighting
5 ea., 16,000 lumens
Project Management 1 Lots
Total
$284.39

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance
$1,844.19

Lighting, 5 ea., 16,000 lumens
$237.35
Project Management, 1 lots $400 + $3.00 per lot
$403.00
Reserves
$147.00

Estimated Cost Per Year
$787.35

Previous year assessment
$787.35

New Assessment
$787.35

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

A = $787.35 = $787.35 per lot
1

Estimated Assessment
A = $787.34
Annexation No. 19 - Castle Woods Phase I Subdivision  
2007-2008 Fiscal Year

**ESTIMATED ACCUMULATED COSTS 2006-2007**

- **Lighting**
  - 9 ea., 5,800 lumens and 1 ea., 16,000 lumens
  - Project Management 30 Lots
  - Total $294.97

**ESTIMATED COST 2007-2008**

- **July 1, 2007 Fund Balance** $2,021.41
- **Lighting, 9 ea., 5,800 lumens and 1 ea., 16,000 lumens** $319.36
- **Project Management, 30 lots $400 + $3.00 per lot** $490.00
- **Reserves** $109.84

- **Estimated Cost Per Year** $919.20
- **Previous year assessment** $919.20
- **New Assessment** $919.20

**ASSESSMENT**

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

---

**FORMULA FOR ASSESSMENT:**

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

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

**Estimated Assessment**

\[
A = $30.64
\]
District No. 2 - North Creek Subdivision
2007-2008
CPI Approved 1998

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 12,677 sq. ft. of landscaped area
Project Management 104 Lots
Total $6,425.35

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance $24,882.64

Maintenance, 12,677 sq. ft. of landscaped area $11,777.94
Project Management, 104 lots $1,000 + $4.00 per lot $1,416.00
Reserves $1,979.09

Estimated Cost Per Year $15,173.03
Previous year assessment $12,611.05
New Assessment $12,611.05

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

\[ A = \frac{$12,611.04}{104} = $121.26 \text{ per lot} \]

Estimated Assessment
A = $121.26

ONE TIME ADJUSTMENT

There will be a one time adjustment in the assessment to reduce the Fund Balance.

OTA = One time adjustment amount
OTC = One time Cost
OTAA = One time adjusted Assessment
OTC = C-OTA
OTC = $12,611.04 – $12,611.04

OTC = $0.00

\[
\text{OTA} = \frac{\text{OTC}}{N}
\]

\[
\text{OTA} = \frac{$0.00}{35}
\]

\[
\text{OTA} = $0.00
\]
District No. 3 - New Expressions, Phase 1
2007-2008
CPI Approved 1998

ESTIMATED ACCUMULATED COSTS 2006-2007

Lighting
10 ea., 5,800 lumens
Project Management 56 Lots
Total $475.69

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance $2,539.68

Lighting, 10 ea., 5,800 lumens $302.10
Project Management, 56 lots $400 + $3.00 per lot $568.00
Reserves $93.32

Estimated Cost Per Year $963.42

Previous year assessment $963.42

New Assessment $963.42

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

A = $963.42 = $17.20 per lot
56

Estimated Assessment
A = $17.20
District No. 4 - River Springs, Phase 1
2007-2008
CPI Approved 1998

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 2,100 sq. ft. of landscaped area, and
Lighting, 8 ea., 5,800 lumens and 2 ea., 16,000
Project Management 51 Lots
Total $1,730.75

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance $3,225.87

Maintenance, 2,100 sq. ft. of landscaped area $2,213.73
Project Management, 51 lots $1,000 + $4.00 per lot $1,204.00
Reserves $512.66

Estimated Cost Per Year $3,930.39

Previous year assessment $2,719.14

New Assessment $2,719.14

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

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

Estimated Assessment
\[
A = 53.32
\]
District No. 5 - Castle Woods, Phase 2
2007-2008
CPI Approved 2002
(Adj.2006)

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 1,715 sq. ft. of landscaped area, and
Lighting 8 ea., 5,800 lumens
Project Management 25 Lots
Total $937.37

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance ($355.37)

Maintenance, 1,715 sq. ft. of landscaped area $1,007.21
Project Management, 25 lots $1,000 + $4.00 per lot $1,100.00
Eliminate Deficit Fund Balance over 10 years $35.54
Reserves $321.41

Estimated Cost Per Year $2,464.16

Previous year assessment $937.42
C.P.I. Increase since previous adjustment (2006) applied to reduce deficit = (0.033)X$937.42 $30.93

New Assessment $968.35

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{968.35}{25} = 38.74 \text{ per lot}
\]

Estimated Assessment
\[
A = 38.74
\]
District No. 6 - Creek View
2007-2008
CPI Approved by vote 1999
(Adj. 2006)

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 23,600 sq. ft. of landscaped area and
  Lighting 5 ea., 5,800 lumen
  Project Management 19 Lots
Total $4,312.37

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance ($18,154.68)

  Maintenance, 23,600 sq. ft. of landscaped area and
  Lighting 5 ea., 5,800 lumen $5,318.27
  Project Management, 19 lots $1,000 + $4.00 per lot $1,076.00
  Eliminate Deficit Fund Balance over 10 years $1,815.47
  Reserves $1,231.46

  Estimated Cost Per Year $9,441.20

  Previous year assessment $4,468.58
  C.P.I. Increase since previous adjustment (2006)
  applied to reduce deficit = 0.033 x $4,468.58 $147.46

  New Assessment $4,616.04

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

A = \frac{$4,616.04}{19} = $242.94 \text{ lot}

Estimated Assessment
A = $242.94
ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance, 1,365 sq. ft. of landscaped area and
Lighting 4 ea., 5,800 lumen, and 1 ea., 16,000 lumens
Project Management 20 Lots
Total $899.72

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance $6,365.59

Maintenance, 1,365 sq. ft. of landscaped area and
Lighting 4 ea., 5,800 lumen, and 1 ea., 16,000 lumens $1,612.44
Project Management, 20 lots $1,000 + $4.00 per lot $1,080.00
Reserves $403.87

Estimated Cost Per Year $3,096.30

Previous year assessment $2,163.40

New Assessment $2,163.40

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

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

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

Ultimate cost per lot to maintain entire Westwood Street frontage:
$7,397.69 = $67.88 per lot
109 lots
Estimated Assessment
$2,163.40 - ($67.88 \times 20) = $805.80 = \text{remainder parcel assessment}

Phase 1 Assessment = $67.88 \text{ per lot}
Remainder Parcel Assessment = $805.80
**District No. 8 - River Breeze**  
**2007-2008**  
**CPI Approved 1999**  

**ESTIMATED ACCUMULATED COSTS 2006-2007**

- Maintenance, 1,000 sq. ft. of landscaped area,  
- 25,600 sq. ft. of fire break, and  
- Lighting, 8 ea., 5,800 lumen, and 1 ea., 16,000 lumen  
- Project Management 37 Lots  

Total $2,764.93

**ESTIMATED COST 2007-2008**

- **July 1, 2007 Fund Balance** $15,504.08

- Maintenance, 1,000 sq. ft. of landscaped area,  
- 25,600 sq. ft. of fire break, and  
- Lighting, 8 ea., 5,800 lumen, and 1 ea., 16,000 lumen $3,966.91  
- Project Management, 37 lots $1,000 + $4.00 per lot $1,148.00  
- Reserves $767.24

- Estimated Cost Per Year $5,882.15

- Previous year assessment $4,374.93

- New Assessment $4,374.93

**ASSESSMENT**

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

**FORMULA FOR ASSESSMENT:**

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

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

Estimated Assessment  
A = $118.24
District No. 9 - Orchard Ridge, Phase 3  
2007-2008  
CPI Approved 1999

ESTIMATED ACCUMULATED COSTS 2006-2007

Lighting, 10 ea., 5,800 lumen  
Project Management 56 Lots  
Total $339.25

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance $3,650.99

Lighting, 10 ea., 5,800 lumen $302.10  
Project Management, 56 lots $400 + $3.00 per lot $568.00  
Reserves $114.93

Estimated Cost Per Year $985.03

Previous year assessment $985.03  
New Assessment $985.03

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{$985.03}{56} = $17.58 \text{ per lot}
\]

Estimated Assessment  
A = 17.58
District No. 10 - Orchard Ridge, Phase 4
2007-2008
CPI Approved 1999

**ESTIMATED ACCUMULATED COSTS 2006-2007**

- Lighting, 4 ea., 5,800 lumens
- Project Management 19 Lots
- Total $202.31

**ESTIMATED COST 2007-2008**

- Projected July 1, 2007 Fund Balance $291.39

  - Lighting, 4 ea., 5,800 lumens $123.68
  - Project Management, 19 lots $400 + $3.00 per lot $457.00
  - Reserves $29.03
  - Estimated Cost Per Year $609.71
  - Previous year assessment $312.28
  - New Assessment $312.28

**ASSESSMENT**

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

---

**FORMULA FOR ASSESSMENT:**

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

\[
A = \frac{312.28 - 609.71}{19} = 16.44 \text{ per lot}
\]

Estimated Assessment
A = $16.44
District No. 11 - Orchard Ridge, Phase 5  
2007-2008  
CPI Approved 1999

**ESTIMATED ACCUMULATED COSTS 2006-2007**

- Lighting, 14 ea., 5,800 lumens  
- Project Management 76 Lots  
- Total $379.55

**ESTIMATED COST 2007-2008**

Projected July 1, 2007 Fund Balance $4,534.22

- Lighting, 14 ea., 5,800 lumens $422.94
- Project Management, 76 lots $400.00 + $3.00 per lot $628.00
- Reserves $100.98

Estimated Cost Per Year $1,151.92

Previous year assessment $1,151.92

New Assessment $1,151.92

**ASSESSMENT**

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

---

**FORMULA FOR ASSESSMENT:**

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

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

Estimated Assessment  
A = $15.16
District No. 12 - Westwood Estates, Unit 5, Phase 2
2007-2008
CPI Approved 1999

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 19,112 sq. ft. of landscaped area and
Lighting, 12 ea., 5,800 lumen, and 4 ea., 16,000 lumen
Project Management 34 Lots
Total $5,562.28

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance $13,740.88

Maintenance 19,112 sq. ft. of landscaped area and
Lighting, 12 ea., 5,800 lumen, and 4 ea., 16,000 lumen $7,326.42
Project Management, 34 lots $1,000 + $4.00 per lot $1,136.00
Reserves $1,269.36

Estimated Cost Per Year $9,731.78

Previous year assessment $7,368.84
New Assessment $7,368.84

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

A = \frac{7,368.84}{34} = 216.72 \text{ per lot}

Estimated Assessment
A = $216.72
District No. 13 - River Ranch, #3
2007-2008
CPI Approved 2000

**ESTIMATED ACCUMULATED COSTS 2006-2007**

- Maintenance 1,000 sq. ft. of landscaped area, and
- Lighting, 7 ea., 5,800 lumens and 1 ea., 16,000 lumens
- Project Management 35 Lots
- Total $274.84

**ESTIMATED COST 2007-2008**

- Projected July 1, 2007 Fund Balance $10,638.82
- Maintenance 1,000 sq. ft. of landscaped area, and
  - Lighting, 7 ea., 5,800 lumens and 1 ea., 16,000 lumens $1,691.25
  - Project Management, 35 lots $1,000 + $4.00 per lot $1,140.00
  - Reserves $424.69
- Estimated Cost Per Year $3,255.94
- Previous year assessment $2,150.40
- New Assessment $2,150.40

**ASSESSMENT**

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

---

**FORMULA FOR ASSESSMENT:**

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

\[
A = \frac{2,150.40}{35} = 61.44 \text{ per lot}
\]

Estimated Assessment
\[
A = 61.44
\]

**ONE TIME ADJUSTMENT**

There will be a one time adjustment in the assessment to reduce the Fund Balance.

\[
\text{OTA} = \text{One time adjustment amount}
\]
OTC = One time Cost
OTAA = One time adjusted Assessment

OTC = C-OTA
OTC = $2,150.40 – $174.20

OTC = $1,976.20

OTA = OTC
      N

OTA = $1,976.20
     35

OTA = $56.46
**District No. 14 - River Springs, Phase Two Subdivision**

2006 - 2007
CPI Approved 2000

**ESTIMATED ACCUMULATED COSTS 2006-2007**

- Lighting, 11 ea., 5,800 lumens
- Project Management 50 Lots
- Total $311.06

**ESTIMATED COST 2007-2008**

Projected July 1, 2007 Fund Balance $3,530.03

- Lighting, 11 ea., 5,800 lumens $332.31
- Project Management, 50 lots $400 + $3.00 per lot $550.00
- Reserves $158.10
- Estimated Cost Per Year $1,040.41
- Previous year assessment $1,040.41
- New Assessment $1,040.41

**ASSESSMENT**

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

**FORMULA FOR ASSESSMENT:**

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

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

Estimated Assessment
\[A = \$20.80\]

**ONE TIME ADJUSTMENT**

There will be a one time adjustment in the assessment to reduce the Fund Balance.

\[\text{OTA} = \text{One time adjustment amount}\]
OTC = One time Cost  
OTAA = One time adjusted Assessment  

OTC=C-OTA  
OTC= $1,040.41– $150.15  

OTC=$890.26  

OTA = \frac{OTC}{N}  

OTA = $\frac{890.26}{35}$  

OTA = $17.80
District No. 15 - Meadowood, Phase 1 Subdivision
2006 - 2007
CPI Approved 2001

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 7,723 sq. ft. of landscaped area and
Lighting, 10 ea., 5,800 lumens,
1 ea., 9,500 lumens and 3 ea. 16,000 lumens
Project Management 48 Lots
Total $5,087.99

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance $22,682.56

Maintenance 7,723 sq. ft. of landscaped area and
Lighting, 10 ea., 5,800 lumens,
1 ea., 9,500 lumens and 3 ea. 16,000 lumens $5,882.28
Project Management, 48 lots $1,000 + $4.00 per lot $1,192.00
Reserves $1,061.14

Estimated Cost Per Year $8,135.42

Previous year assessment $6,810.24

New Assessment $6,810.24

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

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

Estimated Assessment
\[ A = \$141.88 \]
District No. 16 - New Expressions, Phase 2
2006 - 2007
CPI Approved 2001

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 5,800 sq. ft. of landscaped area,
Playground area, 30%, and Lighting, 13 ea., 5,800 lumens
Project Management 54 Lots
Total $1,418.82

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance $26,138.29

Maintenance, 5,800 sq. ft. of landscaped area,
Playground area, 30%, and Lighting, 13 ea., 5,800 lumens $4,694.68
Project Management, 54 lots $1,000 + $4.00 per lot $1,216.00
Reserves $886.60
Estimated Cost Per Year $6,797.28
Previous year assessment $5,580.07
New Assessment $5,580.07

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

\[ A = \frac{5,580.07}{54} = 103.34 \text{ per lot} \]

Estimated Assessment
\[ A = 103.34 \]

ONE TIME ADJUSTMENT

There will be a one time adjustment in the assessment to reduce the Fund Balance.

\[ OTA = \text{One time adjustment amount} \]
OTC = One time Cost
OTAA = One time adjusted Assessment

OTC=C-OTA
OTC= $5,580.07 – $5,580.07

OTC=$0.00

OTA = \frac{OTC}{N}

OTA = \frac{$0.00}{54}

OTA = $0.00
District #17 - Orchard Ridge Phase 6  
2006 - 2007  
CPI Approved 2001  
(Adj. 2006)

ESTIMATED ACCUMULATED COSTS 2006-2007

- Lighting, 7 ea., 5,800 lumens
- Project Management 32 Lots
- Total $219.77

ESTIMATED COST 2007-2008

July 1, 2007 Fund Balance ($470.47)

- Lighting, 7 ea., 5,800 lumens $211.47
- Project Management, 32 lots $400 + $3.00 per lot $496.00
- Eliminate Deficit Fund Balance over 10 years $47.05
- Reserves $37.73

Estimated Cost Per Year $792.24

- Previous year assessment $581.23
- C.P.I. Increase of 3.3% since previous adjustment (2006) applied to reduce deficit = (0.033) x $581.23 $19.18

New Assessment $600.41

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{600.41}{32} = $18.76 \text{ per lot}
\]

Estimated Assessment

A = $18.76
District #18 - Ohio North
2005 - 2006
CPI Approved 2002
(Adj.2006)

ESTIMATED ACCUMULATED COSTS 2006-2007

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lighting, 2 ea., 5,800 lumens</td>
<td>$60.42</td>
</tr>
<tr>
<td>Project Management, 10 lots $400 + $3.00 per lot</td>
<td>$430.00</td>
</tr>
<tr>
<td>Eliminate Deficit Fund Balance over 10 years</td>
<td>$37.88</td>
</tr>
<tr>
<td>Reserves</td>
<td>$26.41</td>
</tr>
<tr>
<td>Total</td>
<td>$105.67</td>
</tr>
</tbody>
</table>

ESTIMATED COST 2007-2008

Projected July 1, 2007 Fund Balance                                 ($378.79)

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lighting, 2 ea., 5,800 lumens</td>
<td>$60.42</td>
</tr>
<tr>
<td>Project Management, 10 lots $400 + $3.00 per lot</td>
<td>$430.00</td>
</tr>
<tr>
<td>Eliminate Deficit Fund Balance over 10 years</td>
<td>$37.88</td>
</tr>
<tr>
<td>Reserves</td>
<td>$26.41</td>
</tr>
<tr>
<td>Estimated Cost Per Year</td>
<td>$554.71</td>
</tr>
<tr>
<td>Previous year assessment</td>
<td>$174.60</td>
</tr>
<tr>
<td>C.P.I. Increase of 3.3% since previous adjustment (2006) applied to reduce deficit = (0.033)x $174.60</td>
<td>$5.76</td>
</tr>
<tr>
<td>New Assessment</td>
<td>$180.36</td>
</tr>
</tbody>
</table>

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{$180.36}{10} = $18.04 \text{ per lot, per year}
\]

Estimated Assessment
A = $18.04
District No. 19 - Williams Ranch Phase 1  
2006 - 2007  
CPI Approved 2002  
(Adj. 2006)

**ESTIMATED ACCUMULATED COSTS 2006-2007**

- Maintenance 13,910 sq. ft. of landscaped area and Lighting 11 ea., 5,800 lumens, and 2 ea., 9,500 lumens
- Project Management 41 Lots
- Total $5,015.62

**ESTIMATED COST 2007-2008**

- July 1, 2007 Fund Balance $4,898.69
- Maintenance, 13,910 sq. ft. of landscaped area and Lighting 11 ea., 5,800 lumens, and 2 ea., 9,500 lumens $5,568.20
- Project Management, 41 lots $1,000 + $4.00 per lot $1,164.00
- Reserves $1,009.83
- Estimated Cost Per Year $7,742.03
- Previous year assessment $5,965.16
- New Assessment $5,965.16

**ASSESSMENT**

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

**FORMULA FOR ASSESSMENT:**

\[
A = \frac{C(L)}{L}
\]

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

Estimated Assessment
\[
A = 145.48
\]
District No. 20 - West View Place
2006 - 2007
CPI Approved 2002
(Adj. 2006)

ESTIMATED ACCUMULATED COSTS 2006-2007

  Lighting 3 ea., 5,800 lumens, and 1 ea., 9,500 lumens
  Project Management 10 Lots
  Total                                           $155.02

ESTIMATED COST 2007-2008

July 1, 2007 Fund Balance                          $7.05

  Lighting 3 ea., 5,800 lumens, and 1 ea., 9,500 lumens
  Project Management, 10 lots $400 + $3.00 per lot  $126.92
  Eliminate Deficit Fund Balance over 10 years      $430.00
  Reserves                                         $27.85

  Estimated Cost Per Year                          $584.77

  Previous year assessment                         $257.25
  C.P.I. Increase since previous adjustment (2006)
  applied to reduce deficit = (0.033)x $257.25      $8.49

  New Assessment                                   $265.74

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

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

\[ A = \frac{265.74}{10} = 26.58 \]

Total Assessment
A = $26.58
District No. 21 - Orchard Ridge Phase 7
2006-2007
CPI Approved 2002
(Adj. 2006)

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 2412 sq. ft. (30/74 of 5950 sq. ft.) landscaped area
and Lighting, 6 ea. 5,800 lumens
Project Management 30 Lots
Total $1,276.91

ESTIMATED COST 2007-2008

July 1, 2007 Fund Balance ($273.08)

Maintenance 2412 sq. ft. (30/74 of 5950 sq. ft.) landscaped area
and Lighting, 6 ea. 5,800 lumens $1,443.42
Project Management, 30 lots $1,000 + $4.00 per lot $1,120.00
Eliminate Deficit Fund Balance over 10 years $27.31
Reserves $388.61

Estimated Cost Per Year $2,979.34

Previous year assessment $1,586.26
C.P.I. Increase since previous adjustment (2006)
applied to reduce deficit = (0.033)x$1,586.26 $52.35

New Assessment $1,638.61

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

A = $1,638.61 / 30 = $54.62

Estimated Assessment
A = $54.62
District No. 22 - Meadowood Phase 2
2006 - 2007
CPI Approved 2002

**ESTIMATED ACCUMULATED COSTS 2006-2007**

Maintenance 4,940 sq. ft. of landscaped area and
Lighting, 14 ea., 5,800 lumens, 3 ea., 9,500 lumens, and 2 ea., 16,000 lumens
Project Management 55 Lots
Total $747.78

**ESTIMATED COST 2007-2008**

July 1, 2007 Fund Balance $14,149.70

Maintenance 4,940 sq. ft. of landscaped area and
Lighting, 14 ea., 5,800 lumens, 3 ea., 9,500 lumens,
and 2 ea., 16,000 lumens $3,908.76
Project Management, 55 lots $1,000 + $4.00 per lot $1,220.00
Reserves $769.31
Estimated Cost Per Year $5,898.08
Previous year assessment $4,861.60
New Assessment $4,861.60

**ASSESSMENT**

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

---

**FORMULA FOR ASSESSMENT:**

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

A = $4,861.60 = $88.38 per lot
55

Estimated Assessment

A = $88.38
ESTIMATED ACCUMULATED COSTS 2006-2007

Lighting 11 ea., 5,800 lumens  
Project Management 36 Lots  
Total $311.06

ESTIMATED COST 2007-2008

July 1, 2007 Fund Balance $1,871.09

Lighting 11 ea., 5,800 lumens $332.31
Project Management, 36 lots $400 + $3.00 per lot $508.00
Reserves $42.02

Estimated Cost Per Year $882.33

Previous year assessment $713.36

New Assessment $713.36

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{\$713.36}{36} = \$19.82
\]

Estimated Assessment
A = $19.82
District No. 24 - Orchard Ridge, Phase Eight  
2007-2008  
CPI Approved 2003  
(Adj. 2003)

**ESTIMATED ACCUMULATED COSTS 2006-2007**

- Maintenance 3538 sq. ft. (44/74 of 5950 sq. ft.) landscaped area and Lighting, 11 ea. 5,800 lumens  
- Project Management 44 Lots  
- Total $2,404.34

**ESTIMATED COST 2007-2008**

July 1, 2007 Fund Balance $1,428.54

- Maintenance 3538 sq. ft. (44/74 of 5950 sq. ft.) landscaped area and Lighting, 11 ea. 5,800 lumens $1,705.66
- Project Management, 44 lots $1,000 + $4.00 per lot $1,176.00
- Reserves $432.25

- Estimated Cost Per Year $3,313.91
- Previous year assessment $2,259.41

- C.P.I. Increase of 9.4% (.005, .021, .032, .033) since previous adjustment (2003) applied = (0.094) x $2,259.41 $212.13

- New Assessment $2,471.54

**ASSESSMENT**

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

**FORMULA FOR ASSESSMENT:**

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

\[
A = \frac{2,471.54}{44} = \$56.18 \text{ per lot}
\]

Estimated Assessment
\[
A = \$56.18
\]
District 25 - Casas Del Rio Subdivision
2006-2007
CPI Approved 2003

ESTIMATED ACCUMULATED COSTS 2006-2007

   Maintenance 55,950 sq. ft. of landscaped and recreation area
   Project Management 118 Lots
   Total                                      $12,780.94

ESTIMATED COST 2007-2008

   July 1, 2007 Fund Balance                  $44,156.53

   Maintenance 55,950 sq. ft. of landscaped and recreation area  $24,084.78
   Project Management, 118 lots $1,000 + $4.00 per lot           $1,472.00
   Reserves                                                $3,833.52
   Estimated Cost Per Year                               $29,390.30
   Previous year assessment                               $28,724.33
   New Assessment                                          $28,724.33

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

   \[
   A = \frac{\$28,724.33}{118} = \$243.43
   \]

   Estimated Assessment
   A = $243.42
District No. 26 - Orchard Ridge, Phase Nine
2007-2008
CPI Approved 2004

**ESTIMATED ACCUMULATED COSTS 2006-2007**

- Lighting 10 ea., 5,800 lumens
- Project Management 47 Lots
- Total $829.44

**ESTIMATED COST 2007-2008**

<table>
<thead>
<tr>
<th>Description</th>
<th>Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1, 2007 Fund Balance</td>
<td>$1,230.28</td>
</tr>
<tr>
<td>Lighting 10 ea., 5,800 lumens</td>
<td>$302.10</td>
</tr>
<tr>
<td>Project Management, 47 lots $400 + $3.00 per lot</td>
<td>$430.00</td>
</tr>
<tr>
<td>Reserves</td>
<td>$58.52</td>
</tr>
<tr>
<td>Estimated Cost Per Year</td>
<td>$790.62</td>
</tr>
<tr>
<td>Previous year assessment</td>
<td>$790.62</td>
</tr>
<tr>
<td>New Assessment</td>
<td>$790.62</td>
</tr>
</tbody>
</table>

**ASSESSMENT**

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

---

**FORMULA FOR ASSESSMENT:**

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

\[
A = \frac{\$790.62}{47} = \$16.82 \text{ per lot}
\]

Estimated Assessment
\[
A = \$16.82
\]
District No. 27 - New Expressions, Phase 3 Subdivision
2007-2008
CPI Approved 2004

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 748 ft. of landscaped berm and wall,
30 % of playground maintenance, and Lighting, 11 ea., 5,800 lumens
Project Management 50 Lots
Total $1,746.37

ESTIMATED COST 2007-2008

July 1, 2007 Fund Balance $3,334.07

Maintenance 748 ft. of landscaped berm and wall,
30 % of playground maintenance, and Lighting, 11 ea., 5,800 lumens $1,275.01
Project Management, 50 lots $1,000 + $4.00 per lot $1,200.00
Reserves $371.25

Estimated Cost Per Year $2,846.26

Previous year assessment $1,860.09

New Assessment $1,860.09

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

A = \frac{$1,860.09}{50} = $37.20 per lot

Estimated Assessment
A = $37.20
District No. 28 - Meadowood, Phase Three Subdivision
2005-2006
CPI Approved 2004

**ESTIMATED ACCUMULATED COSTS 2006-2007**

- Lighting 17 ea., 5,800 lumens, and 6 ea., 9,500 lumens
- Project Management 78 Lots
- Total $1,893.73

**ESTIMATED COST 2007-2008**

- July 1, 2007 Fund Balance $2,309.94
- Maintenance, sq. ft. of landscaped area $731.31
- Project Management, 78 lots $400 + $3.00 per lot $634.00
- Reserves $211.30
- Estimated Cost Per Year $1,576.61
- Previous year assessment $1,576.61
- New Assessment $1,576.61

**ASSESSMENT**

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

---

**FORMULA FOR ASSESSMENT:**

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

\[
A = \frac{1,576.61}{78} = \$20.20 \text{ per lot}
\]

Estimated Assessment
\[
A = \$20.20
\]
District No. 29 - River Springs, Phase 3 Subdivision
2007-2008
CPI Approved 2004
(Adj. 2006)

ESTIMATED ACCUMULATED COSTS 2006-2007

Lighting 9 ea., 5,800 lumens
Project Management 36 Lots
Total $265.42

ESTIMATED COST 2007-2008

July 1, 2007 Fund Balance $5.47

Lighting 9 ea., 5,800 lumens $271.89
Project Management, 36 lots $400 + $3.00 per lot $508.00
Reserves $38.99

Estimated Cost Per Year $818.88

Previous year assessment $689.87
C.P.I. Increase since previous adjustment (2006)
applied to reduce deficit = (0.033) x $689.57 $22.77

New Assessment $712.64

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

\[ \text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}} \]
\[
A = \frac{712.64}{36} = \$19.80 \text{ per lot}
\]

Estimated Assessment
A = $19.80
District No. 30 – Sierra Meadows, Phase 1 Subdivision
2007-2008
Formed and CPI Approved 2006

ESTIMATED ACCUMULATED COSTS 2006-2007

- Maintenance 2739 ft. of wall, 26,639 sq. ft., and
- Lighting, 23 ea., 5,800 lumens, 4 ea., 9,500 lumens, and 5 ea., 16,000 lumens
- Project Management 56 Lots
- Total $415.98

ESTIMATED COST 2007-2008

- July 1, 2007 Fund Balance $10,453.08
- Maintenance 2739 ft. of wall, 26,639 sq. ft., and
- Lighting, 23 ea., 5,800 lumens, 4 ea., 9,500 lumens, and
- 5 ea., 16,000 lumens $13,133.66
- Project Management, 56 lots $1,000 + $4.00 per lot $672.00
- Reserves $2,070.85
- Estimated Cost Per Year $15,876.50
- Previous year assessment $15,408.17
- New Assessment $15,408.17

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{15,408.17}{56} = 275.14 \text{ per lot}
\]

Estimated Assessment
A = $275.14
District No. 31 – Williams Ranch, Phase 2 and 3
2007-2008
Formed and CPI Approved 2006

ESTIMATED ACCUMULATED COSTS 2006-2007

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Lighting 24 ea., 5,800 lumens, and 2 ea., 16,000 lumens</td>
<td>$666.95</td>
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<tr>
<td>Project Management 85 Lots</td>
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<td>Total</td>
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ESTIMATED COST 2007-2008

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
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<tbody>
<tr>
<td>July 1, 2007 Fund Balance</td>
<td>$1,119.70</td>
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<tr>
<td>Lighting 24 ea., 5,800 lumens, and 2 ea., 16,000 lumens</td>
<td>$819.98</td>
</tr>
<tr>
<td>Project Management, 85 lots $12.00 per lot</td>
<td>$1,020.00</td>
</tr>
<tr>
<td>Reserves</td>
<td>$276.00</td>
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<td>Estimated Cost Per Year</td>
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<td>Previous year assessment</td>
<td>$2,115.98</td>
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<td>New Assessment</td>
<td>$2,115.98</td>
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</table>

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{2,115.98}{85} = 24.88\text{ per lot}
\]

Estimated Assessment
A = $24.88
District No. 32 – Sunrise Villa, Phase 1 Subdivision
2007-2008
Formed and CPI Approved 2006

*Estimated Accumulated Costs 2006-2007*

- Lighting 2 ea., 5,800 lumens
- Project Management 8 Lots
- Total $105.67

*Estimated Cost 2007-2008*

July 1, 2007 Fund Balance ($173.39)

- Lighting 2 ea., 5,800 lumens $60.42
- Project Management, 8 lots $400 +$3.00 per lot $424.00
- Reserves $25.09
- Estimated Cost Per Year $526.85
- Previous year assessment $207.48
- C.P.I. Increase since previous adjustment (2006) applied to reduce deficit = (0.033) x 207.48 $6.85
- New Assessment $214.33

*Assessment*

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

*Formula for Assessment:*

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

\[
A = \frac{$214.33}{8} = $26.80\text{ per lot}
\]

Estimated Assessment
A =$26.80
District No. 33 – New Expressions, Phase 4 Subdivision
2007-2008
Formed and CPI Approved 2006

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 220 ft. of wall, and
Lighting, 11 ea., 5,800 lumens, 2 ea., and 9,500 lumens
Project Management 58 Lots
Total $304.12

ESTIMATED COST 2007-2008

July 1, 2007 Fund Balance $766.00

Maintenance 220 ft. of wall, and
Lighting, 11 ea., 5,800 lumens, 2 ea., and 9,500 lumens $522.24
Project Management, 58 lots $1,000 + $4.00 per lot $696.00
Reserves $182.74

Estimated Cost Per Year $1,400.98

Previous year assessment $1,382.36

New Assessment $1,382.36

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{1,382.36}{58} = \$23.82 \text{per lot}
\]

Estimated Assessment
\[
A = 23.82
\]
District No. 34 – Meadow Breeze, Phase 2 Subdivision
2007-2008
Formed and CPI Approved 2006

ESTIMATED ACCUMULATED COSTS 2006-2007

- Lighting 14 ea., 5,800 lumens, and 5 ea., 9,500 lumens
- Project Management 78 Lots
- Total: $452.20

ESTIMATED COST 2007-2008

July 1, 2007 Fund Balance: $1,008.87

- Lighting 14 ea., 5,800 lumens, and 5 ea., 9,500 lumens: $604.29
- Project Management, 78 lots $400 +$3.00 per lot: $936.00
- Reserves: $231.04

- Estimated Cost Per Year: $1,771.33
- Previous year assessment: $1,771.33
- New Assessment: $1,771.33

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

\[ A = \left( \frac{C}{L} \right) \]

\[ A = \frac{\$1771.33}{78} = \$22.70 \text{ per lot} \]

- Estimated Assessment: $22.70
District No. 35 – Meadow Breeze, Phase 1 Subdivision
2007-2008
Formed and CPI Approved 2006

ESTIMATED ACCUMULATED COSTS 2006-2007

Lighting 9 ea., 5,800 lumens
Project Management 44 Lots
Total $261.55

ESTIMATED COST 2007-2008

July 1, 2007 Fund Balance $375.79

Lighting 9 ea., 5,800 lumens $271.89
Project Management, 44 lots $400 +$3.00 per lot $528.00
Reserves $119.99

Estimated Cost Per Year $919.87
Previous year assessment $919.87
New Assessment $919.87

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

A = $919.87 / 44 = $20.90 per lot

Estimated Assessment
A = $20.90
ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 339 ft. of wall, 1870 sq. ft., and
Lighting, 10 ea., 5,800 lumens, and 1 ea., 16,000 lumens
Project Management 24 Lots
Total $333.06

ESTIMATED COST 2007-2008

July 1, 2007 Fund Balance ($483.24)

Maintenance 339 ft. of wall, 1870 sq. ft., and
Lighting, 10 ea., 5,800 lumens, and 1 ea., 16,000 lumens $1,833.98
Project Management, 24 lots $1,000 + $4.00 per lot $472.00
Reserves $353.15

Estimated Cost Per Year $2,707.45
Previous year assessment $2,374.87
New Assessment $2,374.87

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{2,374.87}{24} = 98.94 \text{ per lot}
\]

Estimated Assessment
\[
A = 98.94
\]
The Lots and improvements of District 36 are absorbed into District 40:

Actual Assessment
A = $0.00
District No. 37 – Riverview Estates, Phase 4 Subdivision
2007-2008
Formed and CPI Approved 2006

ESTIMATED ACCUMULATED COSTS 2006-2007

Lighting 5 ea., 5,800 lumens
Project Management 17 Lots
Total $114.05

ESTIMATED COST 2007-2008

July 1, 2007 Fund Balance ($126.00)

Lighting 5 ea., 5,800 lumens $151.05
Project Management, 17 lots $400 + $3.00 per lot $451.00
Reserves $30.73

Estimated Cost Per Year $645.38

Previous year assessment $466.96

C.P.I. Increase since previous adjustment (2006)
applied = (0.033) x 466.96 $15.41

New Assessment $482.37

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{482.37}{17} = 28.38 \text{ per lot}
\]

Estimated Assessment
A = $28.38
District No. 38 – Ranch Victoria, Phase One Subdivision
2007-2008
Formed and CPI Approved 2007

ESTIMATED ACCUMULATED COSTS 2006-2007

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lighting 2 ea., 5,800 lumens</td>
<td>$ 0</td>
</tr>
<tr>
<td>Project Management 6 Lots</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$ 0</td>
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</table>

ESTIMATED COST 2007-2008

<table>
<thead>
<tr>
<th>July 1, 2007 Fund Balance</th>
<th>$ 0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lighting 2 ea., 5,800 lumens</td>
<td>$ 60.42</td>
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<tr>
<td>Project Management, 6 lots</td>
<td>$ 418.00</td>
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<tr>
<td>Reserves</td>
<td>$ 293.92</td>
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<td>Estimated Cost Per Year</td>
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<tr>
<td>Previous year assessment</td>
<td>$ 0</td>
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<tr>
<td>New Assessment</td>
<td>$ 502.33</td>
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</tbody>
</table>

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

A = $502.33 / 6 = $83.72 per lot

Estimated Assessment
A = $83.72
District No. 39 – Williams Ranch Phase 4 Subdivision
2007-2008
Formed and CPI Approved 2007

ESTIMATED ACCUMULATED COSTS 2007-2008

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lighting 5 ea., 5,800 lumens</td>
<td>$0</td>
</tr>
<tr>
<td>Project Management 59 Lots</td>
<td>$33.97</td>
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</tbody>
</table>

Total $33.97

ESTIMATED COST 2007-2008

July 1, 2007 Fund Balance ($33.97)

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lighting 17 ea., 5,800 lumens</td>
<td>$513.51</td>
</tr>
<tr>
<td>Project Management, 59 lots</td>
<td>$577.00</td>
</tr>
<tr>
<td>Reserves</td>
<td>$54.53</td>
</tr>
</tbody>
</table>

Estimated Cost Per Year $1,145.03

Previous year assessment $0

New Assessment $1,145.03

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

\[ A = \frac{1145.03}{59} = 19.40 \text{ per lot} \]

Estimated Assessment

A = $19.40
District No. 40 – Amalene Estates Subdivision
2007-2008
Formed and CPI Approved 2007

ESTIMATED ACCUMULATED COSTS 2006-2007

Maintenance 736 ft. of wall, 5445 sq. ft., and
Lighting, 16 ea., 5,800 lumens, and 1 ea., 16,000 lumens
Project Management 53 Lots

Total $0.00

ESTIMATED COST 2007-2008

July 1, 2007 Fund Balance $0.00

Maintenance 736 ft. of wall, 5445 sq. ft., and
Lighting, 16 ea., 5,800 lumens, and 1 ea., 16,000 lumens $4,143.69

Portion due Ford Estates Dist 7, 37.25 percent $3,038.80 $1,131.86
Project Management, 53 lots $1,212.00
Reserves $973.13

Estimated Cost Per Year $7,460.68

Previous year assessment $0.00

New Assessment $7,460.68

ASSESSMENT

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

FORMULA FOR ASSESSMENT:

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

\[ A = \frac{7,460.68}{53} = 140.76 \text{ per lot} \]

Estimated Assessment
A = 140.76

Assessment of Remainder (AR) = A X Number Lots proposed
Remainder (LR)-
Number Lights proposed for Remainder X $30.21
\[ AR = 140.76 \times 29 - 6 \times 30.21 = 3900.78 \]

Assessment = $140.76 ea for 24 developed lots and $3900.78 for the remainder

Total Assessment for 2007-2008 = $7,279.02

Total developed lot count is 24 lots plus a remainder.

This concludes the 2007-2008 Landscape and Lighting District Engineers Report
Douglas Wilson, RCE 20989
<table>
<thead>
<tr>
<th>District</th>
<th>Project Name</th>
<th>Budget</th>
<th>Projected Expenditures</th>
<th>Actual Expenditures</th>
<th>Savings</th>
<th>Cost Overrun</th>
<th>Revisions</th>
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<td>#101</td>
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<td>10.00</td>
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<td>#103</td>
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<td>30.00</td>
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... (Continue with more rows)
<table>
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<tr>
<th>District</th>
<th>Area (sq ft)</th>
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<th>Meters (sq ft)</th>
<th>12 (sq ft)</th>
<th>15 (sq ft)</th>
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<th>131.32 (sq ft)</th>
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<td>#37, Riverview Estates Phase 4</td>
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<td>7,403.68</td>
<td>7,403.68</td>
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<td><strong>TOTAL</strong></td>
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<td>204,216.61</td>
<td>183,816.05</td>
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<td>68,986.25</td>
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<td>23,211.05</td>
<td>188,359.47</td>
<td>262,232.64</td>
<td>224,291.04</td>
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PUBLIC HEARING

SUBJECT: WATER CONSERVATION PLAN

SOURCE: Public Works Department - Field Services Division

COMMENT: At the June 10, 2007, City Council meeting, staff reported its findings on the current water supply situation and provided supporting graphs, charts and tables. The same review materials are provided herein. At the July 10, 2007 meeting, Council requested additional information to help the Council in its efforts to decide the proper course of action related to water conservation and/or water conservation and rate increases.

The Council asked for the following information:

1. How much water was used by City owned facilities?

   In 2005/2006, City owned facilities used 194,500,000 gallons.

   In 2006/2007, City owned facilities used 152,140,000 gallons.

2. What is the estimated additional demand from development over the past year?

   Staff assumes that the term “development” as used in this context is synonymous with new residential units. On a better than average year, the City issues approximately 200 permits for new housing. During the crucial 3-month period from mid June to mid September, 200 new homes can expect to use approximately 16,600,000 gallons. The 16,600,000 gallons is equivalent to a 250 gal/min well operating 12 hours per day, 30 days/month for three months. Over the course of a full year, the 200 new homes can expect to use approximately 44,880,000 gallons.

3. Can staff provide any comparisons regarding “time of day” use?

   The City’s metering system is a basic “totalizing” system that sums up all water use. The system does not log, record or otherwise identify the time of day when demand is greatest. However, the City’s SCADA system does monitor the entire water system.

   Our monitoring indicates that system pressures drop, tank elevations fall and all wells are on-line between the hours of 5:30 am to 7:30 am and from 6:30 pm to 9:30 pm. This is clear evidence that the City’s maximum demand occurs between the hours indicated above.

P:\pubworks\Engineering\Council Items\PH Water Conservation Plan - 2007-07-17.doc

Dir. Appropriated/Funded  CM  Item No. 13
At the July 10th Council meeting, staff informed Council that a more aggressive campaign should be undertaken to educate the public on the need to conserve water. Each year the City spends approximately $7,500 on radio and newsprint advertisements. Staff recommends that this effort double. Further, our water conservation message should be placed on a minimum of three transit buses beginning each May through September. Initial costs include $150 to design the message board, $291 to create each plastic “Press On” billboard, $70 per “board” to install on the bus and $218 per month per bus to advertise. Three buses advertising for 4 months would cost approximately $3,900.

Staff described three scenarios to motivate the public to conserve more water. The City Council directed staff to consider other methods besides raising water rates. A basic idea commonly used in the Valley is the implementation of a mandatory odd/even residential irrigation schedule initiated at the beginning of each summer regardless of prior precipitation numbers. Staff believes that this option is the best option to pursue considering the complexities involved in simply raising water rates.

Staff still believes that a “tiered rate structure” should be included in the City’s water conservation plan. However, for this season an odd/even irrigation program should be pursued. To implement an routine odd/even irrigation program, staff recommends the following:

1. The City Council should schedule a new public hearing for August 7, 2007, for the consideration of revisions to the City’s Water Conservation Program.

2. At the August 7th City Council Meeting, staff will present a revised Program which will include a mandatory irrigation schedule as described above, and consistent with any other direction given at tonight’s meeting. With regard to the current reference in Phase III of the plan to the 20% water rate increase, this part of the Program will be revised to reflect the possible implementation of a tiered water rate schedule, or the imposition of penalties for excessive use.

RECOMMENDATION: That City Council schedule a public hearing for August 7, 2007, to consider revisions to the City’s Water Conservation Program, and provide any further direction with regard to such revisions.

ATTACHMENTS: Water Consumption Analysis for Phase III Memo Production / Weather Graph & Rate Scenarios
Tier 1: $.72 per unit up to 12 units

<table>
<thead>
<tr>
<th>Meter Charge</th>
<th>$0.72</th>
<th>$0.44</th>
<th>$0.16</th>
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<th>$0.00</th>
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</thead>
<tbody>
<tr>
<td>5/8 Monthly</td>
<td>$0.72</td>
<td>$0.44</td>
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Tier 2: $.83 per unit for all water use above Tier 1

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Current Structure: $.72 per unit

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Current Structure with 20% Rate Increase

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Estimated Monthly Revenue Vestal Figures
Based on 12,000 Customers with 98" Meters using 37 units per month average

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<th>Units</th>
<th>Gallons</th>
<th>Revenue</th>
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Revenues Based on Equivalent Water Usage / No Conservation
Based on 12,000 Customers with 98" Meters using 37 units per month average

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<th>Units</th>
<th>Gallons</th>
<th>Revenue</th>
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Water Rate Comparison

- Current Rate: $.72/Unit
- 20% Rate Increase
- 0% / 20% Tiered Rate
<table>
<thead>
<tr>
<th>Tier 1: $0.72 per unit up to 12 units</th>
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<tbody>
<tr>
<td><strong>Monthly</strong></td>
</tr>
<tr>
<td>$6.72</td>
</tr>
<tr>
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<table>
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<td>$9.32</td>
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<td><strong>Total</strong></td>
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<table>
<thead>
<tr>
<th>Tier 3: $0.86 per unit for all water use above Tier 1 and 2</th>
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**Current Structure: $0.72 per unit**

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<tr>
<th><strong>Monthly</strong></th>
<th><strong>Per Unit</strong></th>
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<tbody>
<tr>
<td>$6.72</td>
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**Current Structure with 20% Rate Increase**

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<th><strong>Per Unit</strong></th>
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<td>$12.40</td>
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**Estimated Monthly Revenue Neutral Figures**

- **Current Rate Structure ($0.72 per unit)**: $37,288,660
- **Current Rate Structure with 20% Rate Increase**: $35,440,400

**Revenue Based on Equivalent Water Usage / No Conservation**

- **Current Rate Structure ($0.72 per unit)**: $37,288,660
- **Current Rate Structure with 20% Rate Increase**: $35,440,400
Rate Summary

Water Consumption and Production Trend

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<tr>
<th>Units</th>
<th>Cost / Unit 1-12 units (748-8976 gallons)</th>
<th>Cost / Unit &gt;12-30 units (8876-22440 gallons)</th>
<th>Cost / Unit &gt;30 units (over 22440 gallons)</th>
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<tbody>
<tr>
<td>Current Rate: $0.72/unit</td>
<td>$0.72</td>
<td>$0.72</td>
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<tr>
<td>20% Increase</td>
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<tr>
<td>0% / 20% Tiered Rate</td>
<td>$0.72</td>
<td>$0.72</td>
<td>$0.72</td>
</tr>
<tr>
<td>0% / 10% / 20% Tiered Rate</td>
<td>$0.72</td>
<td>$0.72</td>
<td>$0.72</td>
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</table>

<table>
<thead>
<tr>
<th>Units</th>
<th>Cost / Unit 3-6</th>
<th>Cost / Unit 9-12</th>
<th>Cost / Unit 15-18</th>
<th>Cost / Unit 21-24</th>
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<th>Cost / Unit 42</th>
<th>Cost / Unit 50</th>
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<tbody>
<tr>
<td>Current Rate: $0.72/unit</td>
<td>$7.16</td>
<td>$9.32</td>
<td>$11.43</td>
<td>$13.54</td>
<td>$15.65</td>
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<td>20% Increase</td>
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<tr>
<td>0% / 10% / 20% Tiered Rate</td>
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2006 Season: Water Consumption and Production

- Residential & Irrigation Consumption
- Total Consumption
- Water Production

2007 Season: Water Consumption and Production

- Residential & Irrigation Consumption
- Total Consumption
- Water Production
SUBJECT: DESIGN “D” OVERLAY SITE REVIEW 5-2007 (TARGET RECONSTRUCTION)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a “D” Overlay Site Review to allow the proposed demolition of the existing Target Store and adjacent retail tenant space to allow construction of a new Target Store to contain 132,279± square feet with an attached 10,800-square-foot garden center. The subject site is located at 1363 West Henderson Avenue, generally located on the southwest corner of Prospect Street and Henderson Avenue.

The Target Department Store is located in the Porterville Marketplace retail shopping center. The existing shopping center contains approximately 285,000± square feet of total retail space. Part of the expansion to Target includes a reduction of 20,000± square feet to the existing vacant Albertsons building (Major 2) that is currently 50,900± square feet. The project will also include replacing the previous 2,900±-square-foot tenant space between the old Target and Albertsons buildings with a new 5,000±-square-foot retail tenant space (Shop 2A) between the new Target Department Store and “Major 2.”

The existing Target Store is approx. 94,000± square feet including the outdoor garden center. The proposed building would allow construction of approximately 143,000± square feet (49,000± sq. ft. more than the existing Target Store). Total building area square footage for the Porterville Marketplace shopping center will result in 314,830± square feet of retail space.

The colors and finish of the proposed reconstruction will match the scheme of the existing building. There will be some additional modern architectural features at the entrance of the proposed Target building that will enhance and update its visual appearance. Additionally, some minor landscaping and ADA parking stalls will be constructed in front of the existing store.

This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines - construction of in-fill development.

RECOMMENDATION: That the City Council adopt the draft resolution containing findings and conditions in support of the approval of “D” Overlay Site Review 5-2007 subject to conditions of approval.

ATTACHMENTS:

1. Complete Staff Report

[Signatures]

DD500 Appropriated/Funded CM

ITEM NO 14
STAFF REPORT

TITLE: DESIGN "D" OVERLAY SITE REVIEW 5-2007 (TARGET RECONSTRUCTION)

OWNER/APPLICANT: Henderson – Prospect Partnership, L.P.
C/O Paynter Realty & Investments
17671 Irvine Blvd., Suite 204
Tustin, CA 92780

REPRESENTATIVE: David H. Paynter
Paynter Realty & Investments
17671 Irvine Blvd., Suite 204
Tustin, CA 92780

PROJECT LOCATION: 1363 W. Henderson Avenue, generally located on the southwest corner of Prospect Street and Henderson Avenue.

SPECIFIC REQUEST: The applicant is requesting approval of a “D” Overlay Site Review to allow the proposed demolition of the existing Target Store and construction of a new Target Store to contain 132,279± square feet of retail commercial with an attached 10,800-square-foot garden center. The subject site is located at 1363 West Henderson Avenue, generally located on the southwest corner of Prospect Street and Henderson Avenue.

PROJECT DETAILS: The existing Target Store is approximately 94,000± square feet including the outdoor garden center. The proposed Target will contain 132,279± square feet of retail commercial with an attached 10,800-square-foot garden center (49,000± sq. ft. more than the existing Target Store). The Target Department Store is located in the Porterville Marketplace retail shopping center, which is comprised of seven separate parcels. The expansion of Target building will include an increase in size to its parcel from eight (8) acres to ten (10) acres in size with the additional acreage being taken from the vacant remainder parcel at the southwest corner of the shopping center. The additional acreage is required to provide additional parking that will be lost due to the expansion of the new building. The site plan shows a design with reference to lot line adjustments and reconstruction of the site. The site plan layout shows that the proposed reconstruction for the expansion of Target will include a 20,000± square footage reduction in to the old Albertson’s (currently 50,900± square feet) building (Major “2”) and a new 5,000±-square-foot retail tenant space (Shop 2A) between the new Target Department Store and “Major 2.”

The net increase in retail space will result in 30,000± square feet. The existing shopping center contains approximately 285,000± square feet of total retail space. Total building area square footage for the Porterville Marketplace shopping center will result in 314,830± square feet of retail space. Proposed Target building would allow construction of 49,000± square feet more than the existing Target Store. The colors and finish of the proposed reconstruction will match the scheme of the existing building. There will be some additional modern architectural features
at the entrance of the proposed Target building that will enhance and update its visual appearance. Additionally, some minor landscaping and ADA parking stalls will be constructed in front of the existing store.

The Target Store’s parking demand is met on its own parcel but is also part of a shared parking agreement with common ingress/egress easement agreements in place for the entire Porterville Marketplace shopping center. A total of 1,663 parking spaces are required for the entire shopping center and 1,668 are being provided.

HISTORY: The City Council at its regularly scheduled meeting of November 20, 1990, reviewed and approved (Resolution 142-90) “D” Overlay Site Review 5-90 to allow development of Phase One, a 133,000±-square-foot integrated commercial retail center (Porterville Marketplace). On September 17, 1991, the City Council reviewed and approved (Resolution 127-91) “D” Overlay Site Review Amendment No 1 to allow an additional 148,000± square feet of Phase II for the remainder of the Porterville Marketplace shopping center resulting in an approved maximum 285,000±-square-foot retail commercial center.

On January 17, 2007 the City Council of the City of Porterville approved Conditional Use Permit 11-2005 to allow the off-sale of beer and wine and letter of public convenience or necessity (Resolution 05-2006). Target will maintain and continue its license to sell beer and wine once the new Target is constructed.

GENERAL PLAN DESIGNATION: The subject site is designated General Commercial and zoned Central Commercial (C-2) - Design Review Overlay.

ENVIRONMENTAL: This project is Categorically Exempt pursuant to Section 15302(B) Class 2 of the CEQA Guidelines – Replacement or Reconstruction of existing commercial structure with a new structure of substantially the same size, purpose and capacity.


DATE ACCEPTED AS COMPLETE: June 22, 2007

RECOMMENDATION: That the City Council adopt the draft resolution containing findings and conditions in support of the approval of “D” Overlay Site Review 5-2007 subject to conditions of approval.

ATTACHMENTS:

1. Site Plan, Floor Plan, Elevation Plan (Exhibit “A”)
2. Notice of Exemption
3. Draft Resolution of Approval
PORTERVILLE MARKETPLACE
S.W.C. HENDERSON AVENUE & PROSPECT STREET
PRELIMINARY SITE PLAN

PROJECT ANALYSIS

SITE AREA: 1,240,686 SF or 28.48 AC.

BUILDING AREA

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<td>SHOP 2A</td>
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<tr>
<td>BUILDING O1</td>
<td>5,000</td>
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<tr>
<td>PAD Y</td>
<td>3,800</td>
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</table>

TOTAL | 314,830 |

BUILDING TO SITE RATIO: 25.36%

PARKING REQUIRED: 1,968 STALLS

RETAIL USE (18,982 S.F.) 25 STALLS (100 S.F.)

FOOD USE (18,007 S.F.) 1 STALL (100 S.F.)

TOTAL NO. OF PARKING STALLS PROVIDED: 1,725 STALLS

50 EXTRA CARS FOR ADDITIONAL FOOD USE

PARKING RATIO: 5.48

COMPACT CARS STALLS PROVIDED (MIN 7'-2" x 9'-6") 176 CARS

MAXIMUM COMPACT CARS ALLOWED 186 CARS

NUMBER OF H.C. STALLS FOR PROPOSED TARGET 12 (20'-0"

PORTERVILLE, CALIFORNIA
A. Dunn - Edwards  
DEC 735  
FLAXEN

B. Dunn - Edwards  
DE 6157  
Bisque Tan

C. Dunn - Edwards  
DE 967  
Sunglow

D. Dunn - Edwards  
DE 6143  
Almond Latte

E. Dunn - Edwards  
DE 6137  
Tan Plan

F. Slate Tile  
Multi - Select Pink

G. Deleo Clay Tile  
To Match Existing
NOTICE OF EXEMPTION

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

X Tulare County Clerk
County Civic Center
Visalia, CA 93291

FROM: City of Porterville
291 North Main Street
Porterville, CA 93257

DESIGN "D" OVERLAY SITE REVIEW 5-2007 (TARGET RECONSTRUCTION)
Project Title

APN: 251-350-018 - 1363 W. Henderson Avenue
Project Location

City of Porterville
Project Location (City) - Tulare
Project Location (County) - Project Location (County)

The proposed demolition of the existing Target Store and construction of a new Target Store.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

David Paynter, Paynter Realty & Investments, Inc.
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

Ministerial (Section 15073)

Declared Emergency (Section 15071 (a))

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

Categorical Exemption. State type and section number: Section 15332

"Replacement or Reconstruction" - 14 Ca. Admin. Code 15302, Class 2 (b)

See project description above: Section 15302, Class 2 (b) -

Reasons why project is exempt - Replacement & Reconstruction of existing commercial structure with a new structure of substantially the same size, purpose and capacity.

Bradley D. Dunlap, Community Development Director
Contact Person
If Filed by Applicant:
1. Attached certified document of exception finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes ______ No ______

Signature: ______________
Community Development Director
Title

291 N. Main St., Porterville, CA 93257 Phone (559) 782-7460 Fax (559) 781-6437
RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL FOR “D” OVERLAY SITE
REVIEW TO ALLOW THE DEMOLITION OF THE EXISTING TARGET STORE AND
RECONSTRUCTION OF A NEW 132,279±-SQUARE-FOOT TARGET DEPARTMENT
STORE LOCATED AT 1363 WEST HENDERSON AVENUE

WHEREAS: The City Council at its regularly scheduled meeting of July 17, 2007,
reviewed “D” Overlay Site Review 5-2007 to allow the demolition of the existing Target
Department Store and reconstruction of a new 132,279±-square-foot Target Department Store,
located at the southwest corner of Prospect Street and Henderson Avenue; and

WHEREAS: Pursuant to Article 18 (Supplemental “D” – Design Review Overlay Zone)
of the Porterville Ordinance, the City Council made the following findings:

1. That the proposed project is consistent with the General Plan, zoning and land use for
the site.
2. That the design and architectural features of the project are compatible with that of
proximately situated similar developments, and that the proposed commercial
structure is internally architecturally compatible with the shopping center and exhibits
a consistent and transitioning design.
3. That the site area, dimensions, site coverage, yard spaces, height of structures,
distance between structures, off-street parking facilities, and landscaping areas will
produce an environment of stable and desirable character consistent with the
objectives of the Zoning Ordinance.
4. That a Notice of Exemption was prepared and is appropriate for the project in
accordance with the California Environmental Quality Act.
5. That demolition and reconstruction of the new Target Building will not create adverse
environmental impacts.
6. That the City Council is the decision-making body for the project.

WHEREAS: On January 17, 2007 the City Council of the City of Porterville approved
Conditional Use Permit 11-2005 to allow the off-sale of beer and wine and letter of public
convenience or necessity (Resolution 05-2006). Target will maintain and continue its license to
sell beer and wine once the new Target is constructed.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does
hereby approve “D” Overlay Site Review 5-2007 under the “D” Zone regulations subject to the
following conditions:

1. Unless otherwise noted, the developer/applicant shall obey the City Master Plans,
and Specifications (Rev. 8-20-02), the Tulare County Hazardous Waste Management
Plan, the Caltrans Traffic Manual, the Porterville Circulation Element, and the Tulare
County Congestion Management Program.

2. The developer/applicant shall pay all applicable fees according to the Municipal Code

ATTACHMENT
ITEM NO. 3
and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

3. The developer/applicant shall follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

4. Developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the California Building Code. The Soils Report shall include R-Value testing, expansion indexes, etc required for the construction of public improvements.

5. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306). A Public Works Permit was issued for repairs of the westerly driveway, Target Store frontage. The work was not performed in accordance with City Standards. Removal and replacement of the driveway shall be, at a minimum, a condition of the building permit issuance.

6. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways. In all cases, new on-site drainage inlet elevations shall be as high or higher than the lowest existing drainage inlet.

7. Easements shall be in place that allow for mutual ingress, egress and maintenance of the parking lot.

8. Easement shall be in place that allow for mutual use of sewer and water, if applicable.

9. The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit a Lot Line Adjustment that will reconfigure property lines to meet the requirements of all applicable codes. The following information is required at the time of submittal:

- Three copies of a Map and Legal Descriptions
- Processing fee in the amount of $616.
- Adequate title information (deed, etc.) to verify current ownership and the method of creation of the affected parcels.

10. The Lot Line Adjustment shall be approved prior to the issuance of a building permit.

11. The project will require the relocation (removal and replacement) of City maintained utilities. The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit legal descriptions necessary to request for the vacation of sewer and
water line easement affected by the building enlargement. The following information is required at the time of submittal:

- Three copies of a Map and Legal Descriptions
- Processing fee in the amount of $637.
- Adequate title information (deed, etc.) to verify true rights of ways interests, if necessary in the opinion of the City Engineer.

12. The vacation shall be approved prior to the issuance of a building permit.

13. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance. Minimum cross slopes within the parking lot shall be 1.5%.

14. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

15. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first. The existing well may remain in service if proper backflow prevention is installed pursuant to Resolution No. 9615.

16. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply.

17. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

- Wastewater Discharge Permit Application, Part “A”; and
- If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

18. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.

19. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.
20. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.

21. A grease trap or grease interceptor is required.

22. The developer/applicant shall install a refuse container enclosure according to City Standards. Enclosure location to be approved by City prior to issuance of building permit. Enclosure should be oriented for direct pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot. Developer is encouraged to install an enclosure that would accommodate a solid waste and recyclable container for collection.

23. The Heritage Valley Oak tree at southwest corner of the existing shopping center site is to be retained. No grading, paving, or trenching is to occur within twenty (20) feet of the dripline.

24. Minimum of 5% of new and modified parking lot and driveway areas are to be landscaped with live plant materials. The parking lot and driveway areas are to be shaded with trees planted on the property at a minimum ratio of one tree per eight (8) parking spaces distributed throughout the paved area. Parking lot tree wells are to have a minimum of: twenty-four (24) square-feet of unpaved area, and three (3) feet of clearance from wheel stops to tree trunk at maturity.

25. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and cleanly appearance.

26. A minimum five (5) foot wide screen-planting strip shall be provided and permanently maintained adjacent to westerly property line separating the parking area from the Veterans Park pedestrian trailway.

27. Bicycle parking provisions are to be incorporated into the building & site design.

28. Landscaping is to be incorporated into the pedestrian area along the front of the Target Store. The hard-surfaced pedestrian walkway along the Major 2, Shop 2A and Target Store frontage shall have a minimum of 35% shading from building architecture and landscape trees. An ADA compliant pedestrian crosswalk is to link the Target building site to the Building ‘H’ site.

29. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.

30. Compliance with access laws (both State and Federal) is required.
31. Compliance with all applicable codes is required.

32. Plan check fees are required at the time of building permit submittal.

33. Soils compaction test may be required.

34. School Development fees and all other City fees are due at the time of building permit issuance.

35. Approval from the Tulare County Health Department prior to issuance of the building permit.

36. Restrooms and main entrance must comply with ADA access laws.

37. All construction offices, storage containers, etc. for temporary use must receive City Council approval.

38. Signs require separate permit.

39. Fourteen (14) ADA parking stalls required.

40. Demo permit required. (Air Pollution Department clearance)

41. The developer/applicant shall pay all fees according to the Municipal Code and State Law.

42. The project must comply with latest applicable codes.

43. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required.

44. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:

   - Twenty or more in Group I Divisions 1.1 and 1.2 occupancies.
   - One hundred or more in all other occupancies.

45. Submit three (3) complete sets of sprinkler and/or fire alarm plans to the Fire Department for review prior to installation.

46. For automatic sprinkler systems, underground plans must be submitted and approved prior to submittal of the above ground plans. A hydrant will be required within 50 feet of the Fire Department connection.
47. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required fire flow.

48. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

49. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

50. Fire hydrant spacing shall be as follows:

   - In Commercial development, one hydrant shall be installed at 300-foot intervals.
   - Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

51. All dead-end access roads in excess of 150 feet must be provided with an approved turnaround complying with City Standards.

52. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code.

53. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.

54. A Knox box will be required. An application may be obtained from the Fire Department.

55. Comply with approved site plan, floor plan, elevations, colors and materials as identified in Exhibit A.

______________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: ___________________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: CUP 6-2007 – 3 AMIGOS RESTAURANT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT:

During the public hearing on June 5, 2007 the City Council approved CUP 6-2007 that allowed the 3 Amigos Restaurant to proceed with the project as conditioned by Resolution No. 45-2007. In particular, the approval included a condition to restrict use of the patio area until the property to the north is developed for parking in compliance with City Standards.

At the same meeting, June 5, 2007 the project proponent requested that the City Council allow the use of the lot proposed for additional parking without being fully developed. Council directed Staff to meet with the project proponent to discuss alternatives and a proposed plan for improvement, including a timeline that showed phasing and development of the parking lot to the north. Staff met with Mr. Marquez (3 Amigos Partner) on June 20, 2007 and on a June 27, 2007 discussed alternatives over the phone with Mr. Bennett (3 Amigos Partner). A proposed timeline (Attachment 1) was submitted to City Council at the June 18, 2007 meeting, by the restaurant owners, and has been included for City Council to review and consider.

At the July 10, 2007 meeting Council directed Staff to bring back an update to include the restaurant’s improvement proposal (Attachment 1) and asked that the City Attorney bring back information regarding Council’s legal discretion for parking requirements and solutions to the 3 Amigos parking requirements. Attached is the City Attorney’s memo (Attachment 2) concerning whether the City Council may consider modifying the parking requirements for the expanded use of the restaurant.

Staff has reviewed the proposed timeline and feels that they cannot support the proposed improvements because the proposal does not meet minimum City Zoning Ordinance and Municipal Code Standards, nor does it comply with San Joaquin Valley Air Control regulations. Additionally, as part of the conditions of approval for Resolution No. 45-2007, the applicants were required to submit either a lot line adjustment making the project area one parcel (currently two adjacent C-3 Zoned parcels) or a reciprocal ingress/egress and parking easement agreement to ensure that the parking requirements would remain in place. To date, neither of the two options has been submitted.

The owners have stated that they understand they have approval to proceed but do not want to open their business until they are able to provide full service to the entire facility, including the outdoor patio area.
RECOMMENDATION: That the City Council maintain prior action to restrict use of the patio area until the property to the north is developed for parking in compliance with City Standards.

ATTACHMENTS:

1. 3 Amigos Mexican Grill proposed parking improvements timeline.
2. City Attorney’s Memorandum
June 12, 2007

Mr. Brad Dulap  
City of Porterville  
291 N. Main Street  
Porterville, CA

Subject: Three Amigos Mexican Grill, 377 S. Howard Avenue, Porterville, Ca

Dear Mr. Dulap:

As discussed in the City Council Meeting on June 05, 2007. Three Amigos Mexican Grill proposes the following time line to construct a new parking lot north of the existing building located at 377 S. Howard Avenue, Porterville, Ca. The construction will follow City of Porterville standards. We anticipate the following repairs to take place from the opening date through the next 24 months.

1. One to three months- Site graded and lighting completed.
2. Six to nine months - Site concrete curbs and planter areas completed
3. Nine to twelve months – Landscaping and irrigation system completed.
4. Twelve to twenty-four months – Base rock placed and parking lot paved.

Please remember that it is our intention to complete the entire task listed below in the shortest amount of time.

If you should have any questions concerning our time line, please contact me at 559-359-6126.

Thank you,

Shannon Bennett
TO: Porterville City Council  
Cc: John Longley, City Manager  
FROM: Julia M. Lew, City Attorney  
DATE: July 11, 2007  
SUBJ: 3 Amigos Restaurant – Conditional Use Permit Parking Requirements

This is prepared in response to an inquiry at the June 10, 2007 City Council Meeting concerning whether the City Council may consider modifying the Conditional Use Permit parking requirements imposed for the expanded (special) use of the Restaurant.

Pursuant to Section 2100(B)(2) of the Porterville Zoning Ordinance, the expanded use proposed by 3 Amigos requires the approval of a Conditional Use Permit. With regard to special uses, the requirements relating to off street parking applicable to the particular zone in which any conditional use permit is proposed prevail, subject to any additional requirements imposed in the CUP. [Section 2101(c).]

The City Council has the authority to grant, modify and revoke conditional use permits, pursuant to Sections 2900 and 3100 of the Ordinance, and grounds for modification include circumstances where one or more of the original conditions of the permit is “unworkable, impractical or otherwise fails to accomplish the original aims.” [Section 3102.] However, Section 3202 of the Zoning Ordinance specifies that no conditional use permit shall be issued for any use, building or purpose which is in conflict with the provisions of the ordinance. Section 903 and 2202 of the Zoning Ordinance provide that 3 Amigos must comply with the minimum number of off street parking spaces, and pursuant to Section 2206 must improve the parking area as specified. Therefore, the CUP cannot be modified to specify lesser requirements that would be contrary to the minimum requirements otherwise specified in the ordinance. While the City Council does have a certain amount discretion with regard to the imposition of CUP requirements, the Council cannot specify requirements that are inconsistent with what is required in the Zoning Ordinance.

This office and the Community Development Department are currently developing a Development Agreement Ordinance for the City Council to consider (currently intended to be introduced to the Council on August 7). Development Agreements are legislative acts and allow the City greater flexibility with regard to the imposition of requirements on certain types of development. I have not had a chance to review the proposed regulations and any applicability to this particular project, but I can have more information on this at the City Council meeting. In order to utilize a development agreement, the City must have an ordinance in place.
PROJECT PROPOSAL FOR INFRASTRUCTURE AND OPERATIONAL ENHANCEMENTS

Administrative Services

Johnson Controls conducted a preliminary energy use analysis of the City's infrastructure systems in August 2005, the prospective results of which led the City to enter into a Project Development Agreement with Johnson Controls in August 2006 to design a project which would provide the City with guaranteed annual water and energy savings of at least $110,000 based on current base levels of energy and water use. The project proposed by Johnson Controls would be implemented at City facilities, and would include Outdoor Lighting Retrofits (including Street, Safety, and Recreational Parks), Indoor Lighting Retrofits and HVAC Retrofits/Control Improvements at City facilities, and Renewable Energy Supplemental Power Systems.

Johnson Controls proposes this project on the basis of performance contracting, whereby the project would be self-funding through savings that would exceed the project cost (including financing interest, but not the annual service contract). Johnson Controls has defined the project cost at $1,371,524, precipitating an estimated debt service of $1,669,971 in a 15-year payback based upon a 4.50% financing rate, in addition to $705,491 in Johnson Controls service costs required to maintain the annual savings guarantee and equipment extended warranties. Johnson Controls estimates that the City would be cash flow positive by almost $85,000 over the 15-year project period. Greater savings could be realized should the City vacate the Johnson Controls annual service contract given the project performs as designed and expected, realizing as well that this action would vacate the Johnson Controls guarantee and extended warranties. Should the City not proceed with the proposed project, the City would need to remit the amount of $62,000 to Johnson Controls for their expenses in designing the project.

From the study session on July 9, 2007, the Council posed several questions concerning the proposed project:
1. Can Johnson Controls guarantee that the proposed project would be cash flow positive in every year of the project?

Johnson Controls common financing partner, Citibank, have responded that in the financing of the project “if graduating payments are required to accommodate a Positive Cash Flow, Citibank will structure a mutually acceptable payment schedule.” In essence, accelerating annual payment schedules in accordance with expected rising energy costs.

2. Is the Johnson Controls guarantee based on dollars or on units of energy used?

Johnson Controls has guaranteed that the project “will pay for itself in 15-years with annual savings greater than or equal to $110,000 per year.” However, this guarantee is based upon a base level of energy units conserved in today’s dollars, and not adjusted to include expected increases in energy costs. It should also be noted that the guaranteed savings amount includes both actual energy savings as well as presumed cost avoidance in equipment and maintenance. It should also be noted that the “Base Cash Flow” worksheet provided by Johnson Controls does not reflect the guaranteed level of savings until 2009 ($114,581).

3. How would the proposed project be financed, should the City proceed with the proposal?

Citibank, Johnson Controls common partner in similar projects, has submitted a proposal that includes an interest rate of 4.37% which is deliverable until August 31, 2007. Due to current economic factors, Citibank expects interest rates to increase to at least 4.50% after August 2007. The California Energy Commission has funds available to provide financing for the project at 3.95%. According to CEC, they have successfully financed similar projects with Johnson Controls.

The project proposed by Johnson Controls possesses great merit, in that it provides the opportunity for the City to invest in infrastructure renewal and hedge against increasing energy costs. However, there is significant expense involved in the project’s debt service and annual service contracts (should it be maintained), that causes concern for staff that initially the expense of the project will be more evident than the savings and would require the City to allocate additional funds to meet the debt service payments.
Should the Council decide to proceed with the proposed project, staff recommends that utility expense/savings and project financing be segmented amongst the departments that would benefit from the project. In this manner, ownership in energy conservation would be emphasized at the department level and more closely monitored as an expense, in comparison to more broadly at the more general overall City level. Staff also does not recommend vacating the project and necessitating the payment of $62,000 to Johnson Controls. Given the concern of staff that the City may need to allocate additional funds to meet the debt service payments, the Council may wish to consider this project at mid-year in January 2008 when the City's financial situation could be more clearly defined and determined.

RECOMMENDATION: That the City Council provide direction to staff concerning the project proposed by Johnson Controls.

ATTACHMENTS:
1. "Base Cash Flow" Worksheet
2. Project Development Agreement
3. CitiCapital Financing Proposal
City of Porterville

Base Cash Flow

(Draft: March 4, 2007)

Total Project Cost: $1,371,524
Rebate: $29,000
Capital Cost Avoidance: $201,287
Energy Savings: $81,168
Operational Savings: $22,760
Total Savings Over Term: $2,458,676
Rate of Financing: 4.5%
Term of Financing: 15 Years
Annual Utility Rate Increase: 5.0%
Annual Operational Savings Increase: 5.0%
Annual Service Cost Increase: 3.0%
Total Cash Flow: $83,214
Simple Payback: 13.20 Years

SAMPLE CASH FLOW ANALYSIS

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Total $1,920,231 $538,445 $2,458,676 $1,669,971 $705,491

1. Simple Payback: 13.20
2. ROI: 8%  
3. NPV (15yrs): ($4,775)

City of Porterville
Sample Cash Flow
Tuesday, July 10, 2007

John D. Lollis  
Administrative Services  
City of Porterville  
291 N. Main Street  
Porterville, CA 93257

RE: Financing Proposal for Energy Efficiency Performance Contracting

Dear City of Porterville Review Board:

CitiCapital Municipal Finance, Inc., is pleased to submit the following preliminary financing proposal to the City of Porterville for the lease purchase financing of JCI energy efficiency measures. We welcome this opportunity to provide our financial services to the City, and the opportunity to review the cash flow needs of the City and the savings of this project in order to structure the most effective and flexible financing package.

I. Lender Information

Lessor Name: CitiCapital Municipal Finance, Inc. and/or its successors or assigns

Address: 450 Mamaroneck Avenue  
Harrison, NY 10528

Contact: Attn: Diane Boday

Telephone: 914-899-7356  
Fax: 646-862-9796

Email: Diane.boday@citigroup.com

FEIN: 86-6350275

For purposes of this bid: Jake Pierson, Vice President  
5425 E. 27th Street  
Long Beach, CA 90815

Telephone: 800-496-9966  
Fax: 562-733-3057

Email: james.k.pierson@cit.com

Background: CitiCapital is part of the Citigroup family – the largest financial service firm in the world. CitiCapital, a global equipment Lessor, has over 40 years experience in the financing and leasing industry and has had a vertical market focus on the energy management sector for over 20 years. We are one of the nation's largest participants in the tax-exempt lease market, and we are highly regarded for our quality of service and as a dependable funding source. CitiCapital is the originator and the investor with no additional fee based legal, accounting, and documentation or placement services fees. We currently have over $2.8 billion of energy-related assets under management and if awarded this transaction, the transaction will be held within the Citigroup affiliates account with no anticipation of resale to the investing public.
II. Lease Structure

Purpose: Finance with the City of Tulare the Energy Conservation Measures designed and installed by JCI under a Performance Contract.

Structure: Tax-exempt Non Appropriations Lease Agreement or Tax-exempt Abatement Lease Agreement with Escrow in accordance with California law to finance the construction, installation and subsequent leasing of the energy conservation measures.

Security: 
1. First lien on the equipment
2. Abatement Lease

Proceeds: $1,371,524 Total Project Cost
$ <29,000> Rebate
$ <201,287> Capital Cost Avoidance
$1,141,237 Total + any capitalized interest during construction.

Lease Term: 15 years plus ten (10) month construction period.

Payments: Ten (10) interest only payments during the construction period will be paid monthly from the escrow account, and made by the escrow agent not the City. 180 monthly principal and interest Lease Payments by the City shall commence 30 days after the 10 month construction period. A sample amortization schedule will be provided if awarded.

We maintain the flexibility to work with the City to determine the repayment terms which best meets the needs of the City and the energy savings of the project. If "graduating payments are required to accommodate a Positive Cash Flow, CitiCapital will structure a mutually acceptable payment schedule."

Prepayment: The City shall have the option to prepay the Lease Agreement in whole on any Lease Payment Date. The Purchase Option Price paid after the scheduled Lease Payment will include a 2% prepayment amount. Upon receipt of all specified payments, the City shall own the project for no additional cost consideration.

Escrow Account Terms: CitiCapital will deposit sufficient funds required to finance the project into an escrow account monitored by the Escrow Agreement (the “Escrow”). The escrow account will be held by UMB Bank (“Escrow Agent”) and used to pay the cost of the energy conservation measures financed during the construction period. Any and all interest earnings in the fund established by the Escrow Agent shall accrue to the benefit of the City and will be used to reduce the borrowed amount. A conservative 4.72% reinvestment rate has been used in the proposal calculations. Any additional interest earnings remaining in the account, upon all vendor payments, may be applied to the first principal and interest payment if desired by the City.

Progress payments shall be established prior to escrow funding. There is no additional charge for the escrow service. If Lessee chooses another escrow agent, any escrow fees shall be at the cost of the Lessee.

Closing Costs: None
4.37% - 30 day rate; to be held until August 31, 2007.

If awarded this financing by 7/18/2007. The above 4.37% Rate will be held firm for lease closing on or before September 31, 2007. After that date, the Current Rate (and payments) will be adjusted and will fix upon commencement of the lease and/or escrow funding based upon the Index described. The Current Rate (yield) shall be adjusted (downward or upward) by 65% of the change in the 10-year interest rate swap on July 10, 2007 of 5.72%. The Final Rate will be determined by the swap rates in effect three (3) days prior to the lease commencement and/or escrow funding and the above indexed interest rate swap on July 10, 2007. The referenced SWAP Rates will be obtained from the H.15 Daily Update Report found in the Federal Reserve Statistical Release. The report may be accessed at the following web link:

http://www.federalreserve.gov/releases/H15/update/h15upd.htm

Documents: Provided by CitiCapital and in accordance with California law. Gilmore & Bell, PC, Kansas City, MO will be retained as legal counsel to CitiCapital, at the expense of CitiCapital, to finalize all documentation.

Payment and Performance Bond: A Performance Bond by a provider rated AM Best “A” or better shall be in place at closing for the project cost and for the duration of the construction period or until the project is installed and accepted. The Payment and Performance Bond shall name CitiCapital Municipal Finance, Inc., as an additional obligee. The dual obligee rider is to be sent to; Diane Boday, CitiCapital Municipal Finance, Inc., 450 Mamaroneck Avenue, Harrison, NY 10528, Tel: 914-899-7356.

Credit Approval: The transaction is subject to receipt of all requested financial information and final credit approval by the lender. CitiCapital is requesting the last two years audited financial statements along with the current budget.

Estimated Closing Date: On or before August 31, 2007.

Other Requirements: Executed copy of the final Energy Services Performance Contract prior to closing or prior to disbursement from Escrow.

III. Other Information

The financial strength of Citigroup coupled with our CitiCapital Municipal Finance Group creativity and expertise has enabled us to structure competitive and comprehensive programs to governmental entities throughout the United States for the last 20 years. The cornerstone of our success has been our ability to structure these solutions that meet each client’s specific project and financial needs. This is achieved through our understanding of the tax-exempt energy finance business, and the flexibility we maintain in structure and negotiation. We understand the impact of energy and operational savings, cost avoidance features, the need to finance considerable soft costs such as installation, engineering, labor, etc. and the ability to fund these within the required draw periods. Bidding as the sole-investor allows us both price competitiveness and flexibility. We do not fund our tax-exempt paper through COP’s or any public or private placement form of syndication. A list of recent successful financings is attached.
The CitiCapital Energy Finance Group structured over $240MM in energy efficiency financings throughout the United States in calendar year 2006, and over $220MM in 2005.

CitiCapital would like to be your preferred choice for the financing of your equipment needs. We believe you will find our combination of over 20 years of unparalleled expertise, a proud list of satisfied State and local agency clients, and a strong desire to provide the most efficient and cost effective form of financing available, as qualifications to meet your criteria. We will commit our resources and our members to do everything possible to merit the confidence shown us in the past.

Thank you for the opportunity to provide this proposal. If you have any questions or would like to discuss this proposal in further detail, please contact me at 800-493-9966.

Sincerely yours,

(Signed on 7/10/07)

Jake Pierson
Vice President

As a duly authorized representative of the City of Porterville, I hereby accept this tentative proposal as outlined above.

By: __________________________ Date: ____________________
CitiCapital Municipal Finance, Inc. is pleased to submit our credentials and qualifications for the financing facility improvement measures for the City of Porterville, California. We look forward to further analyzing the City’s financing needs, and to structuring a financing program specifically tailored to meet those needs.

CitiCapital is part of the Citigroup family – the largest financial service firm in the world. This financial strength coupled with our creativity and expertise has enabled us to structure competitive and comprehensive programs to municipalities throughout the United States. It has been our privilege to provide tax-exempt financing to facilitate energy savings performance for almost 20 years. We are one of the nation’s largest participants in the tax-exempt lease market, and we are highly regarded for our quality of service and as a dependable funding source. The cornerstone of our success has been our ability to structure solutions that meet each client’s specific financial, operational and budgetary needs.

We are confident that our demonstrated expertise will enable us to provide the most efficient and reliable financing program:

- Streamlined process and “client friendly”
- Utilization of CitiCapital’s resources as originator and investor- no additional fee based legal, accounting, and documentation or placement services
- Competitive pricing and structuring
- A track record of creative solutions to meet specific needs criteria
- Consistent execution of those solutions
- Specifically dedicated to the financing of Energy-related projects
- An industry leader with over $2.5 Billion in energy-related assets currently under management and over $4.5 Billion in leased assets under management

We look forward to developing a more detailed financial analysis of your objectives, and to developing a carefully structured package to meet those needs. Our solution will be structured to meet state law requirements and to dovetail your budgetary requirements in conjunction with the scope and savings of the project. We have successfully structured financings up to a 20-year repayment term utilizing a master lease financing subject to the annual appropriation of funds and State legislative requirements. Our program shall provide for progress payments to the Energy Service Company (ESCO) as portions of the project are completed. This will be facilitated through the use of an Escrow Agreement. Any interest earnings from the Escrow will accrue to the benefit of the customer and shall be used to reduce the overall cost of the financing.

CitiCapital would like to be your preferred choice for the financing of your equipment needs. We believe you will find our combination of over 20 years of unparalleled expertise, a proud list of satisfied State and local agency clients, and a strong desire to provide the most efficient and cost effective form of financing available, as qualifications to meet your criteria. We will commit our resources and our members to do everything possible to merit the confidence shown us in the past.
CITICAPITAL CUSTOMER REFERENCES

Larger lease customers specifically involving tax-exempt financing for Muni projects.

<table>
<thead>
<tr>
<th>Client</th>
<th>Date of Closing</th>
<th>Facility</th>
</tr>
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<tbody>
<tr>
<td>University of California Los Angeles (UCLA)</td>
<td>May 2007</td>
<td>$5 Million</td>
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<tr>
<td>University of California San Francisco Medical Center</td>
<td>June 2002 – July 2007</td>
<td>$10 MM – 3.5, and 7 years</td>
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<tr>
<td>City of Tulare</td>
<td>October 2006</td>
<td>$6.2MM – 15 years</td>
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<tr>
<td>City of Compton</td>
<td>August 2006</td>
<td>$4.5 MM – 15 years</td>
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<tr>
<td>Bassett Unified School District</td>
<td>August 2005</td>
<td>$3.7MM – 20 years</td>
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<tr>
<td>Loma Linda University Medical Center</td>
<td>October 2004 – September 2006</td>
<td>$13.5 million</td>
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<tr>
<td>County of Los Angeles</td>
<td>March, 2004 – September 2006</td>
<td>$15 million</td>
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<td>University of California Davis Medical Center</td>
<td>July 2004 – September 2006</td>
<td>$1.2 million – 10 years</td>
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<td>Sharp Healthcare</td>
<td>June 2004</td>
<td>$40 million</td>
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<tr>
<td>Oakland University</td>
<td>December 2005</td>
<td>$18 million – 22 years</td>
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<tr>
<td>Atlanta-Fulton Water Resources Commission</td>
<td>June 2004</td>
<td>$11.5 million-15 year</td>
</tr>
</tbody>
</table>

Los Angeles County
500 W. Temple Street, Room 754
Los Angeles, CA 90012
Peter Burgess, CAO
(213) 974-1417

UCSF – Medical Center
Medical Center Administration
500 Parnassus Avenue
San Francisco, CA 94143-0296
Ken Jones, CFO
(415) 353-2742

Loma Linda University Medical Ctr.
1234 Anderson Street
Loma Linda, CA 93720
Steven Mohr, CPA
909-558-8135

Oakland University
202 Wilson Hall
Rochester, MI 48309
Steve Roberts
248-370-2445

CITICAPITAL TEAM COMPOSITION

<table>
<thead>
<tr>
<th>Team Member</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jake Pierson III, Los Angeles, CA</td>
<td>Origination/Structuring</td>
</tr>
<tr>
<td>Winston Abbott, Dallas, TX</td>
<td>Senior Management</td>
</tr>
<tr>
<td>Ellen Liebman, Harrison, NY</td>
<td>Credit Officer</td>
</tr>
<tr>
<td>Meg LengsonKingsley, Harrison, NY</td>
<td>Sales &amp; Marketing Executive</td>
</tr>
<tr>
<td>Gilmore &amp; Bell, Kansas City, MO</td>
<td>Legal Counsel</td>
</tr>
</tbody>
</table>
Notice of Availability

3.95 PERCENT LOANS FOR ENERGY EFFICIENCY
AND ENERGY GENERATION PROJECTS

Up to $26 million in loan funds are available for installing energy cost saving projects. The interest rate is 3.95 percent. Loan applications are accepted on a first-come, first-served basis. This notice applies to loans made on or after the date of this notice and ends when a new notice is issued. This interest rate will not be applied retroactively to existing loans.

Who is eligible?

Cities, counties, special districts, public schools, colleges and universities, public care institutions, and public hospitals are eligible to apply. Nonprofit entities are not eligible for these funds.

How much is available and what is the maximum amount per application?

The maximum loan amount is $3 million per application. If organizations already have existing loans from the Energy Commission, they must demonstrate that their existing loan-funded projects are progressing before another loan will be awarded. There is no minimum loan amount.

What projects are eligible?

- Projects with proven energy and/or capacity savings are eligible. Common projects include energy efficiency upgrades to lighting systems; heating, ventilating and air conditioning systems; light emitting diode traffic signals; energy management systems and equipment controls; cogeneration systems; pumps and motors; and renewable energy projects.

- Energy audits and feasibility studies may be eligible for loans in some cases. Contact the Energy Commission’s Public Programs Office at (916) 654-4147 for information regarding eligibility.

What are the project/loan requirements?

- Projects must demonstrate technical and economic feasibility.

- Loans for energy projects must be repaid from energy cost savings within 15 years, including principal and interest (approximate 10 years simple payback). Simple payback is calculated by dividing the dollar amount of the loan by the anticipated annual energy...
cost savings.

- Loans awarded for energy audits/studies only must be repaid within two years.
- The loan term cannot exceed the useful life of loan-funded equipment.
- Projects may start once the application is on file with the Energy Commission. However, only approved project related costs with invoices dated after loans are officially awarded by the Energy Commission at a Business Meeting are eligible to be reimbursed from loan funds. If your application is rejected for any reason, the Energy Commission is not responsible for reimbursement of any costs.

**How can I get an application?**

This application is available from the Energy Commission's website at [http://www.energy.ca.gov/efficiency/financing/](http://www.energy.ca.gov/efficiency/financing/).

Anyone may obtain a print copy of the application by contacting the Energy Commission's Public Programs Office at (916) 654-4147 or by submitting a written request to:

California Energy Commission  
Public Programs Office  
1516 Ninth Street, MS #42  
Sacramento, CA 95814-5512  
e-mail: pubprog@energy.state.ca.us

News media should direct inquiries to Claudia Chandler, Assistant Executive Director, at (916) 654-4989.

**Notice Date: April 16, 2007**
How much can cities save with a cost-effective energy project?

**City of Oakland**
Requested technical assistance from the Energy Partnership Program and received loans totaling $1.63 million to upgrade lighting and HVAC systems at several facilities. The projects will save the city approximately $233,000 annually in reduced energy costs - average simple payback of seven years.

**City of Fairfield**
Received a $2 million loan to install energy efficient fluorescent lighting and controls, chiller, cooling tower, and a new cogeneration system. The projects will save the city approximately $280,000 annually in reduced energy costs - average simple payback of seven years.

**City of Westlake Village**
Received a $190,000 loan to install energy efficient light emitting diode traffic signals at all intersections. This project will save the city approximately $34,000 annually in reduced energy costs - average simple payback of six years.

**City of Redlands**
Received loans totaling $1.7 million to install energy efficient light emitting diode traffic signals and a landfill gas cogeneration system. The projects will save the city approximately $430,000 annually in reduced energy costs - average simple payback of four years.

California Energy Commission

Application forms and additional information available at:

[www.energy.ca.gov/efficiency/partnership](http://www.energy.ca.gov/efficiency/partnership)

for technical assistance

[www.energy.ca.gov/efficiency/financing](http://www.energy.ca.gov/efficiency/financing)

for low interest loans
Do you need help identifying the most cost-effective energy projects? Our Energy Partnership Program can help by providing technical assistance. We can provide:

- Comprehensive energy audits
- Equipment-specific feasibility studies
- New construction design reviews
- Performance specification development
- Follow-up implementation assistance

Application forms and additional information available at:

www.energy.ca.gov/efficiency/partnership

California Energy Commission
Public Programs Office
(916) 654-4147
pubprog@energy.state.ca.us

Call Today!
PROJECT DEVELOPMENT AGREEMENT

BETWEEN

The City of Porterville
291 N. Main St.
Porterville, CA 93257

AND

Johnson Controls, Inc.
12393 Slauson Ave.
Whittier, CA 90606

The purpose of this Project Development Agreement (PDA) is to confirm the intent of Johnson Controls, Inc. and the City of Porterville (Customer) to develop a City-wide Energy Retrofit/Revenue Enhancement Performance Contracting Program. This agreement serves as the basis for the PDA scope, the obligations of parties, the financial metrics to be met, the intended outcomes and timeline.

1. Scope of Work

It is the Parties’ mutual understanding that this Project Development Agreement will:

- Provide for the development of Facility improvements at all of the Customer's facilities that will fund themselves out of energy and operational savings and/or projected revenue increases over a period not to exceed 15 years. 
  
  Attachment 1 includes a preliminary list of those improvements that will be developed.

- Provide a final financial Project pro forma wherein Johnson Controls will deliver the following results using mutually agreed upon economic assumptions from this assessment.

  Required Financial Criteria:
  
  A. Financing provided to support full capital requirements
  
  B. As a base option, the Project Developed under this agreement will pay for itself in 15-years with annual savings greater than or equal to $110,000 per year.
  
  C. Procurement and financing consistent with requirements of Government Code 4217

2. Guarantee

Johnson Controls, Inc. will guarantee units of energy saved. Johnson Controls and the City of Porterville will mutually agree upon the base cost per utility and whether to apply an annual escalation factor over the term of the contract. If there is a energy savings shortfall, subject to the Customer’s instruction, Johnson Controls will offer a variety of options: install additional measures equal to the shortfall amount, upgrade existing measures, write a check to the customer, or provide services-in-kind for the mutually agreed upon shortfall amount.

3. Records and Data

During the Study, Customer will furnish to Johnson Controls, upon its request, accurate and complete data concerning current costs, budgets, facilities requirements, future projected loads, facility operating requirements, etc. Johnson Controls will provide a separate document with the required information and Customer shall make every effort to provide that information within seven (7) work days of request.

4. Preparation of Implementation Contract

Along with the other Scope of Work required under this Agreement, Johnson Controls will develop the framework of the subsequent Implementation Agreement. This Agreement shall be co-developed by Johnson Controls and Customer during the PDA. This document will vary dependant on the Customer desired structure, but where possible shall be standardized Johnson Controls document for most expedient delivery.

This document is proprietary and confidential to Johnson Controls, Inc.
5. Price and Payment Terms

In consideration of engineering services, Customer agrees to pay to Johnson Controls the sum of $62,000 within 60 days after the delivery to the Customer of the documentation described under paragraph 1 of this Agreement. However, Customer will have no obligation to pay this amount if:

1. Johnson Controls and the Customer enter into the Implementation Agreement (outlined in Section 3) within 60 days after the delivery to the Customer of the documentation described under paragraph 1 of this Agreement. Costs for the Study will be transferred to the total cost of the implementation Contract and will be subject to the payment terms outlined in the Contract.
2. The project fails to meet the Financial Criteria as described in Section 1.

6. Indemnity

Johnson Controls and the Customer agree that Johnson Controls shall be responsible only for such injury, loss, or damage caused by the intentional misconduct or the negligent act or omission of Johnson Controls. Johnson Controls and the Customer agree that the Customer shall be responsible only for such injury, loss, or damage caused by the intentional misconduct or the negligent act or omission of the Customer. To the extent permitted by law, Johnson Controls and the Customer agree to indemnify and to hold each other, including their officers, agents, directors, and employees, harmless from all claims, demands, or suits of any kind, including all legal costs and attorney's fees, resulting from the intentional misconduct of their employees or any negligent act or omission by their employees or agents. Neither Johnson Controls nor the Customer will be responsible to the other for any special, indirect, or consequential damages.

7. Confidentiality

To the extent allowed by law, this agreement creates a confidential relationship between Johnson Controls and the Customer. Both parties acknowledge that while performing this Agreement, each will have access to confidential information, including but not limited to systems, services or planned services; suppliers; data; financial information; computer software; processes; methods; knowledge; ideas; marketing promotions; current or planned activities; research; development; and other information relating to the other party ("Proprietary Information"). Except as authorized in writing both parties agree to keep all Proprietary Information confidential. Johnson Controls may only make copies of Proprietary Information necessary for performing its services. Upon cessation of services, termination, or expiration of this Agreement, or upon either party's request, whichever is earlier, both parties will return all such information and all documents, data and other materials in their control that contain or relate to such Proprietary Information.

8. Timeline

It is the intent and commitment of all parties identified in this Agreement to work diligently, and cause others under their direction to work diligently toward meeting the following timeline:

- Signed Project Development Agreement (PDA): 09/01/06
- Johnson Controls completes Project Development, and provides firm costs and savings: 11/01/06
- Finalize Agreements and begin Implementation: 02/01/07
- Anticipated Completion and System Operation initiated: Approximately 12 to 18 months from actual implementation

This document is proprietary and confidential to Johnson Controls, Inc.

This document represents the business intent of both parties and should be executed by the parties who would ultimately be signatory to a final agreement.

JOHNSON CONTROLS, INC.

By: CLAUDIO ANORETTA
Signature: [Signature]
Title: REGIONAL SOLUTIONS MGR
Date: 08.29.06

CITY OF PORTERVILLE

By: Cameron Hamilton
Signature: [Signature]
Title: Mayor
Date: August 17, 2006
This Project Development Agreement will provide a detailed analysis to include Preliminary Design Engineering and Guaranteed Savings / Revenue Enhancement Strategies, for the following seven (7) improvement measures as identified in the preliminary analysis presented on May 22, 2006, and others as may be identified in the detailed analysis:

**Base Option:**

1. Waste Treatment Plant - 
   **Scope of Work:**
   - Retrofit selected existing lighting systems.
   - Performance monitoring and reporting.

2. Water Pumping Stations-
   **Scope of Work:**
   - Design and Engineering
   - Supply and install all lighting systems
   - Commissioning of all systems
   - Performance monitoring and reporting

3. Street, Safety, and Recreational Park Lighting Retrofit-
   **Scope of Work:**
   - Implement leading technology for Street lighting offering significant savings
   - Implement leading technology for Park lighting offering significant savings

4. Indoor Lighting Retrofit-
   **Scope of Work:**
   - Replacement of all existing T12 fluorescent fixtures with T8 lighting
   - Magnetic ballasts will be replaced with electronic units
   - Installation of compact fluorescent lamps
   - Installation of occupancy sensors where applicable

5. HVAC Retrofits Improvements-
   **Scope of Work:**
   - Design and Engineering
   - Supply and install all lighting systems.
   - Commissioning of all systems.
   - Performance monitoring and reporting.
6. HVAC Controls Enhancements-
   **Scope of Work:**
   - Provide and install new DDC controls
   - Provide two classes of training for two people as selected by owner, to be conducted at the Johnson Controls Training Institute in Cypress, CA.
   - Provide all required startup, testing, checkout, commissioning for a complete and proper operational system. Provide on-site training for engineering staff on systems and controls.

7. Renewable Energy Supplemental Power Systems
   **Scope of Work:**
   - Develop self generation capabilities for the City to include Photovoltaic (Solar) capabilities.
SUBJECT: CONSIDER CENTENNIAL PLAZA UTILIZATION & DEVELOPMENT, CLARIFY SOUND SYSTEM DESIGN EXPECTATIONS, AND DESIGNATE THE LOCATION FOR A BUCK SHAFFER TRIBUTE CLOCK

SOURCE: PARKS & LEISURE SERVICES DEPARTMENT

COMMENT: The City Council directed the Parks & Leisure Services Commission to evaluate if use restrictions or guidelines should be established for Centennial Plaza. The Council also requested an update on the development of Centennial Plaza. In addition, the Council previously has endorsed an adhoc effort to determine a fitting tribute, such as a nostalgic clock, for placement within Centennial Plaza in honor of Buck Shaffer.

Consideration of a tribute to Buck Shaffer has been conducted by the adhoc “Class of ’75 Committee”, under the design leadership of Mr. Robert Roman. Placement of a pole mounted nostalgic four-face clock set into a raised planter area is proposed to be established at the southwest corner of the Plaza (northeast corner of Main at Cleveland). Mr. Roman has created the attached photographic image of the clock setting. He has also secured commitments for donated assistance in construction of the planter, the electrical system and the installation of the clock. A community fundraising effort is proposed for the purchase of the clock and other materials necessary to complete this tribute. The Parks & Leisure Services Commission is to consider these matters at their July 12, 2007 regular meeting. Staff will update the Council on the outcome of the Commission’s considerations at the time of the City Council meeting.

The Master Plan for Centennial Plaza anticipated amenities in addition to those that were the focus of the initial phase. Donated funds and labor accomplished the initial phase of a gazebo, irrigation and electrical systems, lawn and trees. A staff memorandum prepared in advance of the Parks & Leisure Services Commission meeting is attached to this report for further information. The memorandum was prepared in advance of the Buck Shaffer tribute being presented to staff.

Recently, a Council adhoc committee met with staff regarding the Main Street & Centennial Plaza sound system. As a result of this meeting it was determined that further direction was needed from the City Council on the intended purpose and utilization of such a sound system. The issues in need of clarification for a permanently installed sound system include:
Is the intent to provide for announcements, performance level music, or background mood music?

Is the intent to provide the sound only to Centennial Plaza and its frontage of Main Street, or a greater distance along Main Street on a more or less equal acoustical volume? If a greater distance is desired for the sound along Main Street, is the entire length from Olive to Morton the appropriate increment?

RECOMMENDATION:

1. Receive report on Parks & Leisure Services Commission considerations and provide appropriate direction on Plaza utilization and development, and
2. Provide clarification on the intent of a Main Street & Centennial Plaza sound system design, and
3. Designate the southwest corner of the Plaza for the placement of a Buck Shaffer tribute clock, and authorize staff to coordinate with the “Class of ’75 Committee” for the tribute clock.

ATTACHMENTS:

Centennial Plaza Downtown Clock photo-rendering
Centennial Plaza Utilization & Development memorandum
CENTENNIAL PLAZA UTILIZATION & DEVELOPMENT

UTILIZATION
Should the use be defined other than the general family, business and social events conducted at a regular park pavilion? The character of Centennial Plaza is different with its downtown setting and some definition of the types of events that are permitted to be reserved, or conducted would be helpful. Use restrictions were recently enacted at the Airport Park and pavilion, which are attached for the Commission’s information.

DEVELOPMENT
The City acquired the site, demolished the previous buildings, divided the land, designed a plaza facility, and sold off a portion of the land. The initial phase of Centennial Plaza was then constructed with donated funds coming from persons, businesses and organizations. Since nearly immediately after the initial phase completion, there has been discussion and construction activity on the portion of the original site that was sold for a commercial building.

The construction of the commercial building has occupied approximately ten feet of both the eastern and northern portions of Centennial Plaza for quite some time. Trees have been destroyed, a stairway easement has been permanently granted, and placement of a trash enclosure on the Plaza site has been planned as a part of the building construction. Some discussion has also previously occurred with regards to a clock. Other discussion has occurred regarding the possibility of the City assuming the maintenance of the restroom located adjacent to the Plaza on the south side of the new building. The discussion on this has been with regards to this restroom serving the public and being available for Centennial Plaza functions.

Included with the Commission agenda materials are copies of the general master plan and the initial phase plan. As with almost all master plans, phased implementation is required, and is subject to funding and prioritization/competition of other projects.

The Commission is requested to discuss and provide recommendations to the City Council. Staff suggests that specific points for the Commission’s consideration and framing of its discussion are:
   ❖ Is there a unique character and setting for Centennial Plaza that should be protected or enhanced by defining and restricting its use for reserved or large group functions?
   ❖ What are the priorities for further development of Centennial Plaza, and in what manner and priority to other park projects should the further development be proposed for design and construction?
CITY COUNCIL AGENDA: JULY 17, 2007

SUBJECT: REQUEST BY COUNCIL MEMBER--
REQUEST FOR RESOLUTION REGARDING THE NEED FOR
THINNING AND LOGGING IN THE SIERRA AND SEQUOIA
NATIONAL FORESTS

SOURCE: Administration

COMMENT: A request has been made by Mayor Pro Tem Felipe Martinez to add the
above subject matter to this agenda for discussion and potential referral to
staff for further action.

RECOMMENDATION: None

Attachments: Sierra Forest Products Letter of May 29, 2007
Letter of Support by Members of U.S. Congress
Letter of Support by California Assembly Members
Tulare County Resolution No. 2007-0438
Newspaper Articles on potential closure of Sierra Forest Products
Draft Resolution

Item No. 18
May 29, 2007

The Honorable Felipe A. Martinez
Porterville City Council
291 N. Main St.
Porterville, CA  93257

Re: Sierra Forest Products, Terra Bella, CA

Dear Mayor Pro Tempore Martinez:

I am writing to bring to your attention a serious situation in the southern Sierra Nevada Mountains. As you know, I’m president of the family-owned Sierra Forest Products Company in Terra Bella, CA. Our sawmill is capable of utilizing 60 million board feet (60 mmbf) of logs annually. In addition, we have a 8.5 megawatt co-generation powerplant, and also manufacture landscaping materials. Our business is the only remaining infrastructure of its kind south of Sonora, CA.

Our business is at a crossroads. Over the past 2 years, we have invested over $5 million into our infrastructure, including a new small log headrig and an automated sorter to remain competitive in the market place and, in part, to be responsive to shrinking log sizes in the log market place.

In December of 2005, due to litigation on Forest Service projects, we had to reduce our production to a single 8-hour shift. We’re usually able to procure about 10-15 mmbf from private sources including Southern California Edison, Tule River Tribe, Mountain Home State Demonstration Forest, and small private non-industrial woodlot owners. The remainder of our wood supply is dependent on the Sierra and Sequoia National Forests.

Since 1990, the combined wood supply from the Sierra and Sequoia National Forests has plummeted from 183 mmbf/year to 10 mmbf/year. As a result, three of the local mills shut down in 1994. A fourth mill shut down in 2000. The numbers speak for themselves. We’ve barely been able to squeak by over the last 2 years living from one project to the next.

The result of reducing our production to one shift included having to let go of 45 direct employees. In Tulare County, the wood products industry economic multiplier
is about $1^1$, meaning there are an additional 225 or so indirect and induced other goods and service jobs that were likely lost in our transition to one shift.

Unemployment in the Porterville area historically has been running at 12-16 percent$^2$. We currently provide good paying, full-time, secure jobs to 130 workers. We carry 100 percent of our employee’s monthly health care costs and also provide a 401(k) retirement plan. We also support an additional 100 seasonal woods workers through our contractors and subcontractors. Needless to say, we are a major contributor to the economy of the local area.

Today, we are faced with a far more severe situation. The cumulative Sierra and Sequoia National Forests wood supply for 2007 is expected to be about 8 mmbf. Coupled with 10-15 mmbf from other sources, we will no longer be able to sustain our one shift operation. We anticipate that early 2008, we will have to close down the sawmill permanently.

Our situation is not the only consequence associated with the inability of the Forest Service to provide a sufficient wood supply to maintain our infrastructure. There are 7.5 million acres of forestlands on the national forests in the Sierra Nevada Mountains at risk to wildfire. We continue to see the result of no management of the national forests in the San Bernardino Mountains following the devastating 2003 wildfires and with the McNally Fire on the Sequoia National Forest in July/August of 2002.

I see you as always being a leader in addressing the health of California’s forests and rural communities. I would appreciate an opportunity to discuss the future of Sierra Forest Products’ infrastructure with you and seek ways that we can avert an outcome with potentially disastrous consequences.

Sincerely,

[Signature]

Kent Duysen
President
Sierra Forest Products

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The Honorable Diane Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, DC 20510

Dear Senators Feinstein,

We would like to call your attention to the serious predicament facing both the current and future health of the National Forests in the southern Sierra Nevada. This predicament threatens the existence of the last remaining sawmill in the area, Sierra Forest Products in Terra Bella, as well as ongoing efforts to improve the health of these forests through hazardous fuels reduction projects.

As you may know, California has lost a significant portion of the forest products industry that once existed. Beyond the lost jobs and impacted communities, these closures have undercut our very ability to address the growing hazardous fuel, insect, and wildfire problems plaguing California’s forests. Significant portions of the state, including the San Bernardino, Cleveland, and Los Padres National Forests, have little to no forest products industry infrastructure nearby to assist in making forest health treatments feasible.

Today, the existence of Sierra Forest Products is vital as it is California’s southernmost mill by over 200 miles. The presence of the mill often makes forest health projects (thinning, brush removal, etc) on the Sierra, Sequoia, and in some cases the San Bernardino, Los Padres, and Cleveland National Forests, economically feasible. Unfortunately, the controversy, litigation, and analysis paralysis currently crippling federal forest management activities up and down the Sierra is putting the future of our forests and the mill at risk. For example, harvest levels on the Sequoia and Sierra National Forests have fallen from over 200 million board feet annually during the 1980’s to just 10 million board feet last year (2006). A return to these high levels of harvest is unlikely, but without a modest supply of timber from these forests this season, the mill will likely close its doors this upcoming winter. This would only compound the serious forest health and wildfire risk already facing this area and would place the full financial burden of healthy forest operations on the federal government.

Sierra Forest Products is a progressive family-owned company that employs 130 full-time employees on-site, and over 100 part-time employees are involved in timber harvesting and other supporting activities. The company carries 100% of full-time employee’s monthly health care costs, and also provides a 401(k) retirement plan for those workers. Equally important, the existence of the mill actually benefits our forests and environment. The mill has state-of-the-art small log infrastructure, as well as a biomass co-generation plant that exports approximately 7 megawatts of renewable power to the electrical grid—enough to power 8,000 homes. The mill
utilizes 100% of the material coming off the forests and is exactly the type of industry infrastructure that many areas of the state and region are striving to regain.

You have always been a leader in addressing the threats facing California’s forests and rural communities. We strongly desire to explore how we can work together to provide the leadership needed to avert an outcome with potentially disastrous consequences.

Best regards,

DEVIN NUNES
Member of Congress

JIM COSTA
Member of Congress

GEORGE RADANOVICH
Member of Congress

DANIEL LUNGREN
Member of Congress

KEVIN MCCAVERY
Member of Congress

Cc: The Honorable Arnold Schwarzenegger, Governor
June 8, 2007

Senator Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Senator Feinstein,

We, the undersigned California State Assembly representatives representing the Central Valley, are writing to bring to your attention a serious situation in the southern Sierras. The 39-year, family-owned Sierra Forest Products Company in Terra Bella, CA faces shutdown next winter due to a lack of wood supply advertised for bid from the Sierra and Sequoia National Forests. As you know, the Sierra Forest Products integrated saw mill, 8.5 megawatt co-generation powerplant, and by-products landscaping materials business is the only remaining infrastructure of its kind in the State south of Sonora, CA.

Your intervention to assure that some projects go forward rapidly is desperately needed to allow Sierra Forest Products to continue operation. Sierra Forest Products Company's inevitable plight would have significant direct and indirect impacts on each of our districts, but most notably in the 34th Assembly District where Sierra Forest Products Company is represented by Assembly Member Bill Maze. We would like John Watts to immediately contact California Assembly Member Maze to discuss the situation. In addition, Assembly Member Parra will be traveling to Washington, D.C. in August and would like to meet with you anytime on either August 1 or 2, 2007.

The judgment on the Sequoia National Monument lawsuit on the Sequoia National Forest last year and the May 18, 2007 Kings River lawsuit on the Sierra National Forest has brought the flow of wood supply from both the Sequoia and Sierra National Forests to a standstill.

Without the Sierra Forest Products integrated infrastructure, the Sierra and Sequoia National Forests ability to actively manage vegetation for fuels reduction and forest health will be, for all practical purposes, eliminated. The long-term result of no management will be similar to the 2003 devastation of the San Bernardino and Cleveland National Forests. Over 25 percent of the Sequoia National Forest has also burned since 1990.

Since 1990, the combined wood supply from the Sierra and Sequoia National Forests has plummeted from 183 million board feet (mmbf)/year to 10 mmbf/year. As a result, three of
the local mills shut down in 1994. A fourth mill shut down in 2000. Further, in December 2005, Sierra Forest Products had to reduce to one shift, which caused the loss of 45 full-time employees.

In Tulare County, the wood products industry economic multiplier is about 51, meaning there are an additional 225 or so indirect and induced other goods and service jobs that were likely lost in Sierra Forest Products’ transition to one shift.

Unemployment in the Terra Bella/Porterville area historically has been running at 12-16 percent. Sierra Forest Products currently provides good paying, full-time, secure jobs to 130 workers. They carry 100 percent of their employee’s monthly health care costs and also provide a 401(k) retirement plan. They also support an additional 100 seasonal woods workers through their contractors and subcontractors. Needless to say, Sierra Forest Products is a major contributor to the economy of the Terra Bella/Porterville area.

We see you as always being a leader in addressing the health of California’s forests, air and water quality, and rural communities. Assembly member Parra would appreciate an opportunity in your office, on August 1 or 2 at your convenience, to discuss the future of the Sierra Forest Products’ infrastructure and seek ways that we can avert an economic and environmental catastrophe with potentially disastrous consequences.

Sincerely,

Assembly Member Bill Mazer
34th Assembly District

[Signature]

Assembly Member Michael N. Villines
29th Assembly District

[Signature]

Assembly Member Nicole Parra
30th Assembly District

[Signature]

Assembly Member Jean Fuller
32nd Assembly District

[Signature]
Senator Diane Feinstein  
May 29, 2007  
Page 3

cc: Governor Arnold Schwarzenegger  
Secretary Mike Chrisman, Resources Agency  
Bernie Weingardt, Regional Forester, U.S. Forest Service  
Ed Cole, Forest Supervisor, U.S. Forest Service, Sierra National Forest  
Tina Terrell, Forest Supervisor, U.S. Forest Service, Sequoia National Forest

Enclosures (2)


BEFORE THE BOARD OF SUPERVISORS
COUNTRY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF THE NEED FOR )
THINNING AND LOGGING IN THE )
SIERRA AND SEQUOIA NATIONAL )
FORESTS )

RESOLUTION NO. 2007-0438

WHEREAS, there are 7.5 million acres of forestlands on California’s National Forests at risk to catastrophic wildfire; and

WHEREAS, the Sierra and Sequoia National Forests are getting denser; their combined annual growth is 347 million board feet/year; their combined annual mortality is 86 million board feet/year; and this year are likely to sell only about 10 million board feet; and

WHEREAS, Allstate Insurance Company has just announced they will no longer write homeowners insurance in California due to the wildfire threat; and

WHEREAS, management of the underbrush and thinning of trees must take place to help reduce the risk of a catastrophic fire; and

WHEREAS, reduction of brush and other materials will help protect Tulare County’s watershed by improving water flows; and

WHEREAS, the U.S. Fish and Wildlife Service has stated that the biggest threat to the spotted owl in California is wildfire; and

WHEREAS, since the early 1990’s, the wood supply from the Sierra and Sequoia National Forests has plummeted from 183 million board feet sold annually to less than 10 million board feet this year; and

WHEREAS, the Sierra Forest Products sawmill, co-generation power plant, and landscape materials infrastructure at Terra Bella provides 100 percent utilization of wood and 8.0 megawatts of electricity; and

WHEREAS, this infrastructure is vital in providing an opportunity to reduce the threat of wildfire through commercial thinning and biomass removal on the Sierra and Sequoia National Forests, local private woodlot owners, Tule River tribal lands, and the Mountain Home State Demonstration Forest; and

WHEREAS, the Sequoia Forest Products sawmill is on the brink of shutdown due to an insufficient wood supply; and
WHEREAS, for every full-time job at Sierra Forest Products, there are about 5 other indirect and induced jobs in the County.

NOW, THEREFORE, BE IT RESOLVED, that we request the State and Federal Government engage the Forest Service to immediately increase fuel loading reduction accomplishments on the Sierra and Sequoia National Forests.

UPON MOTION OF SUPERVISOR ENNIS, SECONDED BY SUPERVISOR WORTHLEY, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 26, 2007, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, CONWAY, COX, WORTHLEY AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ATTEST: C. BRIAN HADDIX
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

The Board of Supervisors hereby:

Approved a resolution requesting the State and Federal government to increase fuel reduction activities in the Sierra and Sequoia National Forests.

CAO
Fire
Auditor
DAY
06/29/07
Sources of timber blocked

Area's last sawmill in Terra Bella could shut down next year.

TERRA BELLA — Out at Sierra Forest Products, the last central San Joaquin Valley sawmill left standing, the daily dance of turning trees into lumber was in full swing one recent morning, despite the legal storm that threatens to overwhelm this bastion of a once-mighty industry.

Logs — an increasingly valuable and rare commodity here — are loaded onto a conveyor that feeds the "head rig," a machine that marries old-fashioned skill and state-of-the-art technology.

Sitting in a cab with video gamelike computer monitors and control joysticks, the "sawyer" operating the head rig manipulates robot arms to flip the massive logs. Then, with a red laser light marking the proper line to cut, the machine pushes each log back and forth to be sliced into "cants," or planks, by the massive steel bandsaw.

From there, the cants are moved through a bewildering series of re-saws, edgers, graders and scanners, where workers with decades of experience operate computer systems meant to squeeze every last bit of profitable product from each log.

Fueling the entire operation are "decks" of logs piled up on the 80-acre site. The logs range from giants as wide as a man's outstretched arms to those so small they would have been passed over a generation ago.

Those trees are harvested from private lands, salvaged from public roadways and culled from burned-out sections of the San Bernardino National Forest, said owners Kent and Larry Duysen, the brothers who founded the mill in 1968.

But the mill's mainstay source, the federal forestlands of the Sequoia National Forest, has been cut off, they say.

Last month, a federal judge blocked the mill from logging in four "projects," or timber sales areas, in or near the Giant Sequoia National Monument, upholding lawsuits by the Sierra Club and the California state attorney general demanding the U.S. Forest Service redo its forest management plan to better protect the environment.

As part of a forestry industry that has shrunk dramatically in the past 30 years or so, the Duysens have done much to stay viable, including cutting their work force nearly in half, from about 250 in 1999 to about 130 today, to make do with a timber supply that is about half the mill's capacity.

At the same time, they've also spent millions of dollars to retool the operation for forestry of the future, in which thinning of smaller trees to reduce fire risk has replaced harvesting the largest, most profitable trees. The leftovers — sawdust, wood chips, bark and other byproducts — are either packed into bags for landscaping or gardening purposes or burned in the plant's 9-megawatt cogeneration plant, which makes steam to run the mill's drying kilns and electricity that is fed back into the regional power grid.

But if the court's block to the Duysens' logging operations in the Giant Sequoia National Monument and the surrounding Sequoia National Forest stands — and if other projects planned in the Sierra National Forest are blocked by lawsuits — the Duysens said they'll have no choice but to shut the mill down.
As early as next spring, they said, they could simply run out of logs, they said.

And if that happens, they warned, Central and Southern California will lose the last sawmill south of Sonora that can make large-scale forest thinning economically feasible — and that, they said, will increase the risk of catastrophic fires in federal forests.

"If this mill wasn't here, there's probably not going to be much fuel reduction happening," Kent Duysen said.

In the long-running and emotional debate over logging in California's federal forestlands, there often isn't much agreement between environmental interests and the logging industry.

Environmentalists accuse the U.S. Forest Service and logging interests of flouting the law and trashing the environment in their zeal to maximize profits.

Logging interests accuse environmentalists of manipulating public opinion and using lawsuits to push an unrealistic, zero-logging agenda that they say will worsen, not lessen, the risk of catastrophic fires in federal forest lands.

But in the battle that has put the Duysens in their current quandary, both sides appear to agree on one thing — it would be better if Sierra Forest Products could stay open in Terra Bella.

"We see the need to treat the forests in a way to help prevent wildfires and improve habitat over the long term," said Craig Thomas, director of the Sierra Nevada Forest Protection Campaign, a coalition of 98 environmental and other groups, including the Sierra Club.

And the Duysens, with their focus on handling smaller trees from thinning operations, could play an important role, Thomas said.

But despite that, Thomas said he and his coalition can't agree with the U.S. Forest Service's current plan for managing those thinning operations — the plan that U.S. District Court Judge Charles Breyer blocked last month.

"The Forest Service has done an incredibly poor job with an incredibly high-value, high-profile resource," he said.

"If they had properly reviewed and revisited these projects, like the laws and regulations say they have to do, we wouldn't be in this mess."

That mess, in his estimation, incorporates a century of forest management practice that emphasized fire suppression — a policy that let forests grow thick with brush and small trees, an unnatural state that can turn what used to be healthy, forest-cleaning fires into massive, dangerous conflagrations.

That is the problem the Forest Service is trying to solve today, said Dave Powers, acting forest supervisor for the Giant Sequoia National Monument and the Sequoia National Forest. "That's what we're trying to do — leave the largest trees and thinning the smaller trees," he said.

"The way we've been doing that is through a combination of the use of fire," in what's called prescribed burning, "and also mechanical thinning," or logging.
But Thomas countered that the best science shows prescribed burning, not logging, is the preferred method. Even if logging should be allowed as an environmentally responsible part of fire management, the Forest Service's plan under the Bush administration would allow too many large trees to be cut down, he said.

It also doesn't take into account the most recent science on the Pacific fisher, a relative of the otter and mink being considered for endangered species status, he said.

"I don't disagree that the Duysens are claiming they need more wood or else they're going to be in big trouble next spring," he said. "But if that animal goes extinct because of something we propose" as a compromise, "that won't help our cause."

Given all those problems, he said he's not sure what it will take for the Forest Service to reach a plan his group can agree with. "We're not saying we want them to go out of business — we want them to stay in business," he said of Sierra Forest Products.

He said his group hopes to propose alternative sources of wood for the company, as well as other measures that might defray costs of transporting wood from greater distances.

But that will be hard to do. Right now, the Duysens said, they are operating their mill on about 30 million board feet per year — about half the mill's capacity. About 20 million board feet a year, or two-thirds of their total current supply, comes from federal lands, making Sierra Forest Products particularly dependent on federal forests.

Out of that federal supply, about 14 million board feet a year, or half the plant's annual supply, is set to come from the four areas — the Ice, Saddle, White River and Frog projects — that were blocked by Breyer last month, Kent Duysen said.

"That's almost a six-month supply for us," he said.

For now, the Duysens are pinning hopes on projects in Sierra National Forest, including the Kings River Project, a long-running research project with potential thinning operations included that could bring them up to 15 million board feet a year for the next three years or so.

But they fear lawsuits.

"If it gets balled up in court, we really will not have any material to get through the next summer, even," Kent Duysen said.

He disputed the notion that thinning operations harm the environment, given what he sees as the alternative — a con- tinuing lack of action while the issues remain stuck in court.

He also questioned whether Congress is interested in funding the kind of prescribed fire or manual thinning operations that Thomas and the environmental community see as the best way to manage the forests.

As one example, Sierra Forest Products has, since 2003, been taking product from burned parts of the San Bernardino National Forest, Kent Duysen said.

But Matt Allen, a third-generation logger working with the Duysens in the San Bernardino range, said
the work won't be profitable if the Terra Bella mill closes.

With the next-closest mill in Sonora, another 200 miles or so distant, "I have no place to send quality saw logs if they go down," he said.

The California Forestry Association and the Duysens estimated that in addition to the sawmill workers, many of whom have been there for decades, another 100 part-time employees involved in timber harvesting and other support would lose their jobs if the mill shut down.

In the meantime, Sierra Forest Products continues to hang on in an industry where the big Central Valley players have fallen away.

The amount of lumber from federal land in California stood at about 230 million board feet last year, down from more than a billion board feet in the industry's heyday several decades ago, said Donn Zea, president of the California Forest Products Commission in Auburn.

That reduction, reflecting both depletion of the most valuable and profitable timber available and changes to management policies on federal lands, drove many mills out of business, Zea said — about 50 between 1990 and today, including the Central Valley mills in Auberry, North Fork, Madera and Dinuba, the last closed by the Duysens in 2000.

In the Sierra National Forest, production fell from about 120 million board feet a year in the late 1980s to less than 10 million board feet today, Larry Duysen said.

In Sequoia National Forest, production fell from about 100 million board feet a year in the late '80s to less than 5 million board feet today, he said.

At the same time, he said, about 25% of the 1.1-million-acre Sequoia National Forest has burned since 1990, and "the problem is getting worse at an exponential rate," he said.

The mill saw about $25 million in revenues this year and operates on profit margins of about 2% to 4%, with years of high lumber prices making up for bad years, he said.

Still, he said he and his brother have spent about $3.5 million in upgrades to the plant over the past five years, including a de-barker for smaller logs, computerized scanners that can process 120 pieces per minute and a machine that will allow handling of smaller-diameter logs more efficiently set to debut in November.


In 2000, when then-President Bill Clinton created the Giant Sequoia National Monument, the Duysens' four timber projects — those now blocked by court order — were grandfathered in as part of the establishment of the monument.

Nunes' legislation essentially would reaffirm that original intent as a method to allow timber harvests to continue, said Nunes spokesman Taylor Amstutz.

Whether the legislation passes or the parties in the legal dispute come to some sort of compromise in time for Sierra Forest Products to survive is unclear.
As the forests continue to grow, a way of life for thousands of Central Valley residents has largely gone by the wayside, as jobs in the lumber industry have disappeared.

Ralph Nasalroad worked for 30 years at the Dinuba mill that the Duysens bought in 1994 only to close in 2000.

Since then, he has started his own business selling mill byproducts like soil conditioners and decorative bark out of an office in his home in Orange Cove, with Sierra Forest Products making up half of his supply.

If the Terra Bella mill closed, "I'd have to look to Washington and Oregon to start sacking material up there, and then the costs would really go up," he said.

As for the employees at the Terra Bella mill, Kent Duysen said they know their jobs could go away next year.

Back in November, when the mill laid off about 40 workers after Breyer temporarily halted logging on one of the mill's four projects in the Sequoia National Forest, "we told them, maybe the judge won't make his final decision," he said.

Now that that final decision has come, "we've lost some people here" to other jobs, Duysen said. Some have left to work in Kern County's oil patch, where rising oil prices have led to a miniboom of sorts.

Just like trees, it's a natural resource, with a price.

*The reporter can be reached at jeffstjohn@fresnobee.com or (559) 441-6637.*
A burning question

Some fear that the closure of the state's farthest south sawmill eventually could lead to massive Sierra wildfires.

By Tom Knudson - Bee Staff Writer
Published 12:00 am PST Monday, January 22, 2007

TERRA BELLA-Inside the cavernous sawmill, a big log thundered across a metallic platform. Bam! It crashed into position on a cutting track. Shriek! A band saw sliced it into thick, cream-colored slabs.

Another log rolled into place. The result: more noise, more boards and more conifer-scented sawdust that hung like a woody perfume in the air.

The pace of the action was frantic. But it was also misleading. For by June, the Sierra Forest Products mill here may be out of business, stilled by years of dogged environmental opposition that have throttled the flow of national forest timber from the southern Sierra Nevada.

If that happens, something more may disappear than the last sawmill south of the Tuolumne River. With it could go the best hope of managing the forest by thinning the dense stands of smaller trees sapping the health from the Sierra Nevada and fueling massive wildfires.

"Without a mill, forest management will virtually cease in the southern Sierra," said Larry Duysen, the mill's logging superintendent.

Two decades ago, more than 120 sawmills peppered California from Yreka to east of Los Angeles. But a steep drop in national forest logging has forced many to shut down. Now only 38 remain and about

7/2/2007
8,000 workers have lost their jobs.

None is more imperiled than Sierra Forest Products, a four-decade-old facility sandwiched between two orange groves along County Road 234 south of Porterville.

Once, it ran two shifts -- now just one. Once, it employed 250 people -- now 130. Once, it had a mountain of logs available for cutting -- enough to last two years. Now less than six months' worth remain.

But while the industry's decline may appear to be a victory for the environment, it also comes with a catch. With California's forests growing more dense and fire-prone every year, who -- or what -- will thin the woods?

One answer can be found among the soot-black ridges and charred trees around Lake Arrowhead and Big Bear.

In the 1980s, a sawmill -- the Big Bear Lumber Co. in Redlands -- worked the area. But when the San Bernardino National Forest ratcheted down logging because of environmental concerns, the mill struggled and died.

The forest, though, kept growing. By the late 1990s, it was a tangle of trees competing for sunlight, moisture and nutrients. Then, drought struck. Trees grew weak -- and bark beetles finished them off. Stands that once glistened as green as Seven-Up bottles turned brown and yellow.

Worried homeowners and federal land managers began to clear out the dead trees. But with no local mill, progress was too slow, and too costly. Vast quantities of wood were buried in a landfill or burned. In October 2003, huge wildfires ripped through the area. More than 1,000 homes were destroyed; six people died.

Now, the southern swath of the Sierra Nevada "is starting to look like Big Bear seven, eight years ago," said Kent Duysen, general manager of Sierra Forest Products and Larry's brother. "We are encouraging the Forest Service to get geared up. Let's get ahead of the game."

The Duysens' chief opponents are environmentalists.

"Logging will increase, not decrease, fire risk," said Ara Marderosian, executive director of Sequoia ForestKeeper. "The time for compromise has ended; these forests are already depleted."

But the Duysens have also found an unlikely ally in the environmental camp: Craig Thomas, director of the Sierra Nevada Forest Protection Campaign.

"The service they provide, in terms of helping to reduce the fire hazard, is critically important," Thomas said. "All of us have an interest in them not going under."

The brothers also are taking matters into their own hands. Over the past year, they have spent $2 million on new sawmill technology to cut the spindly trees most forestry experts say need to be cut.

The super-sized Sierra Nevada woods in which the Duysens work have long inspired tremendous awe -- and epic conflict. But there is one thing most agree on: the area is turning into a tinderbox of unnaturally dense trees, the unintended consequence of decades of fire suppression and timber sales that targeted
big, fire-resilient trees, leaving behind the smaller ones.

Historically, fire pruned and pared and kept the woods open. And that is just what the Duysens say chain saws can do today.

To make their point, they pulled off a road in the Giant Sequoia National Monument where the woods were unusually thick. A hefty incense cedar, perhaps 40 inches in diameter, shot skyward, surrounded by smaller trees, 18 or so inches wide.

The smaller trees were marked with a blue paint, identifying them for cutting. But a U.S. District Court judge in San Francisco halted the project last year.

Approaching the large cedar, Tom Bonnicksen -- board member of the The Forest Foundation, a pro-industry nonprofit organization in Auburn -- said it would grow to be a real goliath if the others around it were cut.

"You can't get a big tree unless it's free to grow," said the retired forestry professor. "That's future old growth. An old incense cedar is a beautiful tree."

One aim of the stalled cutting project was to prevent a forest fire from growing so large it might destroy some of the giant sequoias, the closest of them over a mile away, which has never happened in recorded history.

"When the first one is lost, it's going to be an international calamity," Bonnicksen said.

Existing Forest Service rules forbid cutting trees over 30 inches in diameter, like the big cedar. But what makes environmentalists and some scientists nervous is that logging projects will target bulkier pine, fir and cedar -- those 20 inches to 30 inches in diameter -- and overlook the smaller stuff that poses the largest hazard.

The temptation is considerable. Heftier trees bring more money to the Forest Service and make more lumber at the mill. But cutting them is controversial because they also provide habitat for the Pacific fisher, a rare weasel-like animal that, like the spotted owl, is a symbol of old-growth forests.

"I would be the first to say there has to be some thinning," said Reginald Barrett, a professor of wildlife biology at the University of California, Berkeley. "The problem is, the way the Forest Service is proposing to do it, I think you are going to lose the fisher."

"The problem is nobody trusts the Forest Service," Barrett added. "And frankly, neither do I."

The roots of that distrust reach back to the 1980s, a time when heavy-handed Forest Service timber sales -- including clear-cuts and logging in sequoia groves -- stirred up a tempest.

Even the Duysens, who profited from that logging, were troubled, feeling the clear-cuts "were headed in the wrong direction," Kent Duysen said.

Stung by criticism and legal challenges, the Forest Service dramatically scaled back. In 1985, 225 million board feet of lumber -- a river of wood 6 inches thick, 12 inches wide and 7,000 miles long -- were logged from the Sierra and Sequoia national forests.
Today, the harvest has plunged 90 percent to 23 million board feet and the Forest Service says its timber program is driven by environmental, not economic, goals.

The hope is to restore the southern Sierra to pre-settlement conditions, "to open, park-like stands with large diameter trees that were so widely spaced you could ride a horse through them," said Matt Mathes, a Forest Service spokesman.

But doing so will take a mill, he said.

"Without a market to purchase the excess wood, we will be forced to pay someone to remove it. That can cost $1,000 an acre. ... That's unrealistic."

The showcase for the agency's efforts is the Kings River Project on the Sierra National Forest -- a plan to meld logging, prescribed burning and other strategies with scientific research to chart impacts on such environmental conditions as water quality and the fisher.

Much of what needs to be cut is the spindly stuff the Duysens want to run through their retooled mill. "If (the) Kings River (Project) stalls, there is just not enough wood to get us through the season," Kent Duysen said.

And stall it might. Thomas said his group plans to appeal over concerns about the fisher. But he also is working behind the scenes in Congress to keep the Duysens and their mill in business while the dispute is resolved. One possibility is financial support to make trucking logs from more distant locations affordable.

"It's important," said Thomas. "If there is no mill, how do we get the work done? Hand clippers are not going to solve the problem."
RESOLUTION NO. _____-2007

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE REGARDING THE NEED
FOR THINNING AND LOGGING IN THE
SIERRA AND SEQUOIA NATIONAL FORESTS

WHEREAS, the Sierra and Sequoia National Forests are at great risk to catastrophic wildfire, and are getting denser, with a combined annual growth of 347 million board feet per year and combined annual mortality of 86 million board feet per year; and

WHEREAS, the judgement on the Sequoia National Monument lawsuit on the Sequoia National Forest last year and the May 18, 2007 Kings River lawsuit on the Sierra National Forest has brought the flow of wood supply from the Sequoia and Sierra National Forests to a standstill; and

WHEREAS, management of the underbrush and thinning of trees must take place to help reduce the risk of a catastrophic fire; and

WHEREAS, reduction of brush and other materials will help protect Tulare County’s watershed by improving water flows; and

WHEREAS, since the early 1990’s, the wood supply from the Sierra and Sequoia National Forests has plummeted from 183 million board feet sold annually to less than 10 million board feet this year; and

WHEREAS, the Sierra Forest Products sawmill, co-generation power plant, and landscape materials infrastructure in Terra Bella provides 100 percent utilization of wood and 8.0 megawatts of electricity, and is the only remaining infrastructure of its kind in the State south of Sonora, California; and

WHEREAS, this infrastructure is vital in providing an opportunity to reduce the threat of wildfire through commercial thinning and biomass removal on the Sierra and Sequoia National Forests; and

WHEREAS, due to an insufficient wood supply, Sierra Forest Products sawmill is on the brink of shutdown, which will not only directly impact its 130 full-time workers and 100 seasonal workers, but also Porterville’s local economy.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that we request the State and Federal Government engage the Forest Service to immediately increase fuel loading reduction accomplishments on the Sierra and Sequoia National Forests.

APPROVED AND ADOPTED this 17th day of July, 2007.

__________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

__________________________________________
Georgia Hawley, Chief Deputy
PUBLIC HEARING

SUBJECT: SALE (PORTERVILLE REDEVELOPMENT AGENCY) AND PURCHASE (CITY OF PORTERVILLE) OF 0.64-ACRE SITE (APN 253-138-001) FOR A SURFACE WATER TREATMENT FACILITY.

SOURCE: Community Development and Public Works Departments

COMMENT: The City of Porterville Public Works Department (City) proposes to purchase a 0.64-acre (APN 253-138-001) vacant parcel now owned by the Porterville Redevelopment Agency (Agency) located at the corner of Fourth Street and Harrison Avenue. The parcel is part of a three-parcel lot that was purchased by the Agency for future parking and is currently undeveloped. Of the three-parcels, one has been developed as a parking lot and a second has been sold to the Tulare County Housing Authority for expansion of their facility located at 290 N. Fourth Street. Redevelopment funds are not available for the construction of a parking lot on the remaining parcel, nor is parking a need in this area.

During the June 29, 2007 City Council meeting, Council authorized negotiations between the City and the Agency for the disposition of the above-mentioned property. The City’s Public Works Department desires to acquire the property for the purposes of constructing a 1,000-gallon per minute ± surface water treatment facility. An appraisal conducted by Tim Simon, MAI, in June 2007 placed the value on the property at $167,000. Funding for the Public Works project can be acquired through a California Infrastructure & Economic Development Bank (CIEDB) loan. As a condition of the loan approval process, the Agency must present a “letter of acceptance” to the City indicating the Agency’s desire to sell the property at the appraised value ($167,000).

Negotiations between the City and the Agency have resulted in the following terms and conditions:

1. The City agrees to acquire the site for the purposes of constructing a surface water treatment facility.
2. The City agrees to pay to the Agency a sum of $167,000 for the parcel.
3. The City agrees to develop the property as follows:
   a. A 1,000-gallon per minute ± surface water treatment facility shall be constructed on the property.
   b. The surface water treatment facility shall be completely enclosed in a structure designed in accordance with the Porterville Redevelopment Design Guidelines. Design shall be subject to the

[Signatures]

Item No. PRA-1
approval of the Redevelopment Agency's Executive Director, which shall not be unreasonably withheld.

c. All of the portion of the property surrounding the improvements shall be landscaped. Such landscaping shall include an automatic sprinkler system and adequate maintenance to maintain the landscaping free of diseased, dead, or damaged materials. Landscaping design and materials shall be subject to the approval of the Redevelopment Agency's Executive Director and the City of Porterville Parks and Leisure Services Director, which shall not be unreasonably withheld.

d. Any changes to these terms shall be submitted in writing and subject to the mutual agreement between the City and the Agency.

4. The Agency agrees to provide to the City a Grant Deed for the property for the purposes of recording conveyance of the property.

RECOMMENDATION:

That the Porterville Redevelopment Agency:

1. Approve the sale of property located on the east side of Fourth Street, at East Thurman Avenue (APN 253-138-001), at a price of $167,000 to the City of Porterville Public Works Department; and

2. Authorize staff to enter escrow, with the Agency paying the usual and customary escrow fees; and

3. Authorize the Chair to sign all necessary documents to complete the transaction; and

4. Authorize staff to record all documents with the County Recorder.

That the City Council:

1. Approve the purchase of the property located on the east side of Fourth Street, at East Thurman Avenue (APN 253-138-001) from the Porterville Redevelopment Agency for a price of $167,000; and

2. Authorize staff to enter escrow, with the City paying the usual and customary escrow fees; and

3. Authorize the Mayor to sign all necessary documents to complete the transaction; and

4. Authorize staff to record all documents with the County Recorder

ATTACHMENTS:

1) Porterville Redevelopment Agency Resolution
2) City of Porterville Resolution
3) Public Report
4) Locator Map
RESOLUTION

A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY
AUTHORIZING THE SALE OF PROPERTY
TO THE CITY OF PORTERVILLE

WHEREAS, the Porterville Redevelopment Agency ("Agency") is a community
redevelopment agency organized and existing under the Community Redevelopment Law,
Health, and Safety Code 33000 et seq.; and

WHEREAS, the City Council of the City of Porterville has approved a Redevelopment
Plan for the Porterville Redevelopment Project; and

WHEREAS, one of the goals of the Redevelopment Plan is to eliminate the blighting
influence of underutilized or vacant lots; and

WHEREAS, Agency proposes to sell the property owned by the Agency, which is
located on the east side of Fourth Street, at East Thurman Avenue pursuant to the following
conditions:

1. The City agrees to acquire the site for the purposes of constructing a
surface water treatment facility.

2. The City agrees to pay to the Agency a sum of $167,000 for the parcel.

3. The City agrees to develop the property as follows:
   a. A 1,000-gallon per minute ± surface water treatment facility shall
      be constructed on the property.
   b. The surface water treatment facility shall be completely enclosed
      in a structure designed in accordance with the Porterville
      Redevelopment Design Guidelines. Design shall be subject to the
      approval of the Redevelopment Agency’s Executive Director,
      which shall not be unreasonably withheld.
   c. All of the portion of the property surrounding the improvements
      shall be landscaped. Such landscaping shall include an automatic
      sprinkler system and adequate maintenance to maintain the
      landscaping free of diseased, dead, or damaged materials.
      Landscaping design and materials shall be subject to the approval
      of the Redevelopment Agency’s Executive Director and the City of
      Porterville Parks and Leisure Services Director, which shall not be
      unreasonably withheld.
   d. Any changes to these terms shall be submitted in writing and
      subject to the mutual agreement between the City and the Agency.

4. Upon approval of the transaction, the Agency will open escrow to
complete the conveyance of the property, with the Agency paying the usual and customary escrow fees. Upon close of escrow all documents will be recorded with the County Recorder.

WHEREAS, a Public Report has been prepared pursuant to Section 33433 of the California Health and Safety Code describing the proposed sale, and said report has been available to the public for a minimum two-week period; and,

WHEREAS, the Agency has made the following findings with regard to the project:

1) The value of the property being conveyed by the Agency is not less than the fair market value of the parcel as determined by an independent appraisal.

2) The proposed assistance will eliminate the blighting influence of underutilized or vacant lots.

3) The project is consistent with the Porterville Redevelopment Plan and Implementation Plan for the Porterville Redevelopment Agency.

4) The project will result in a benefit to the public.

NOW THEREFORE, THE PORTERVILLE REDEVELOPMENT AGENCY DOES RESOLVE AS FOLLOWS:

1) The Agency finds and determines that the project will assist in the elimination of the blighting influence of underutilized or vacant lots.

2) The Agency approves the sale of property owned by the Agency that is located on the east side of Fourth Street, at East Thurman Avenue to the City of Porterville for $167,000.

3) The transfer will be made through escrow for property on the east side of Fourth Street, at East Thurman Avenue, with certain property situate, lying and being near the City of Porterville, in the County of Tulare, State of California, to-wit:

See Exhibit “A”
BE IT FURTHER RESOLVED that said deed be recorded in the office of the Tulare County Recorder.

The foregoing has been authorized by the Porterville Redevelopment Agency.

___________________________________________
Cameron Hamilton, Chairman

ATTEST:

___________________________________________
John Longley, Executive Director
EXHIBIT “A”

LEGAL DESCRIPTION

Legal will be provided through escrow.
RESOLUTION

A RESOLUTION OF THE CITY OF PORTERVILLE
AUTHORIZING THE PURCHASE OF PROPERTY
FROM THE PORTERVILLE REDEVELOPMENT AGENCY

WHEREAS, the City of Porterville ("City") desires to purchase from the Porterville Redevelopment Agency a 0.64 acres vacant parcel located on the east side of Fourth Street, at East Thurman Avenue, for the purpose of constructing a surface water treatment facility; and

WHEREAS, the Porterville Redevelopment Agency ("Agency") desires to sell to the City that same parcel; and

WHEREAS, the Agency has prepared a Public Report pursuant to Section 33433 of the California Health and Safety Code describing the proposed sale, and said report has been available to the public for a minimum two-week period; and,

WHEREAS, the City agrees to the following conditions regarding the sale:

1. The City agrees to acquire the site for the purposes of constructing a surface water treatment facility.

2. The City agrees to pay to the Agency a sum of $167,000 for the parcel.

5. The City agrees to develop the property as follows:
   a. A 1,000-gallon per minute ± surface water treatment facility shall be constructed on the property.
   b. The surface water treatment facility shall be completely enclosed in a structure designed in accordance with the Porterville Redevelopment Design Guidelines. Design shall be subject to the approval of the Redevelopment Agency’s Executive Director, which shall not be unreasonably withheld.
   c. All of the portion of the property surrounding the improvements shall be landscaped. Such landscaping shall include an automatic sprinkler system and adequate maintenance to maintain the landscaping free of diseased, dead, or damaged materials. Landscaping design and materials shall be subject to the approval of the Redevelopment Agency’s Executive Director and the City of Porterville Parks and Leisure Services Director, which shall not be unreasonably withheld.
   d. Any changes to these terms shall be submitted in writing and subject to the mutual agreement between the City and the Agency.

6. Upon approval of the transaction, the Agency will open escrow to complete the conveyance of the property, with the Agency paying the
usual and customary escrow fees. Upon close of escrow all documents will be recorded with the County Recorder.

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

That the purchase price of $167,000 is hereby approved and the transfer will be made through escrow for property on the east side of Fourth Street, at East Thurman Avenue, with certain property situate, lying and being near the City of Porterville, in the County of Tulare, State of California, to-wit:

See Exhibit “A”

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

__________________________________________________
Cameron Hamilton, Mayor

ATTEST:
JOHN LONGLEY, City Clerk

__________________________________________________
Georgia Hawley, Chief Deputy City Clerk
EXHIBIT “A”

LEGAL DESCRIPTION

Legal will be provided through escrow.
PUBLIC REPORT

PORTERVILLE REDEVELOPMENT AGENCY

PURCHASE AND SALE AGREEMENT ("Agreement")

CITY OF PORTERVILLE ("Buyer")

Buyer proposes to purchase a vacant parcel now owned by the Porterville Redevelopment Agency, located at the corner of Fourth Street and Harrison Avenue (a portion of APN 253-138-001). The parcel is part of a three-parcel lot, of which Parcel 1 has been developed as an Agency Parking Lot, and Parcel 3 has been sold to the Housing Authority of Tulare County. The proposal before the Porterville Redevelopment Agency is the sale of the remaining parcel to the Buyer for the purposes of constructing a surface water treatment system.

Section 33431 of the California Health and Safety Code permits a lease or sale of property without public bidding after a public notice is given by publication for not less than once a week for two weeks in a newspaper of general circulation published in the county in which the land lies. Prior to the approval of disposition of property, the Agency is to provide to the public a report which includes the following information:

1. A copy of the proposed sale or lease. (33433(a)(2)(A)

2. A summary of the cost of the agreement to the agency, including land acquisition costs, clearance costs, relocation costs, the costs of any improvements to be provided by the agency, plus the expected interest on any loans or bonds to finance the agreements. (a)(2)(B)(i)

3. The estimated value of the interest to be conveyed or leased, determined at the highest and best uses permitted under the plan. (a)(2)(B)(ii-iii)

4. An explanation of why the sale or lease of the property will assist in the elimination of blight, with reference to all supporting facts and materials relied upon in making this explanation. (a)(2)(B)(iv)

5. Availability to the public no later than the time of publication of the first notice of the hearing mandated by this section. (a)(2)(B)(v)

This report fulfills those requirements.
Proposed Sale, Lease or Agreement (33433 (a)(2)(A))

A copy of the draft Redevelopment Agency’s Resolution that will approve the terms of the sale is attached.

Summary of the Transaction (33433(a)(2)(B)):

A summary as mandated by Section 33433 (a)(2)(B) is provided as follows:

Cost of the Agreement (33433(a)(2)(B)(i))

The Agency will not incur any clearance or relocation costs as part of this Agreement. Additionally, the Agency will not be providing any improvements to the property or incurring any expense for the financing of the agreement.

Fair Market Value or Fair Reuse Value (33433(a)(2)(B)(ii-iii))

An appraisal was conducted by Tim Simon, MAI, in June 2007 has place a value on the property at $167,000.

Findings for the Elimination of Blight (33433(a)(2)(B)(iv))

The proposed project will eliminate the blighting influence of underutilized or vacant lots.

Availability of Report (33433(a)(2)(B)(v))

This report is made available in the Porterville City Hall, 291 N. Main Street, Porterville, CA in the Community Development Department. Requests for copies of this report may be made to: Community Development Department at the above address or by telephone to (559) 782-7460.

Agency Findings

Agency staff has reviewed the request and has made the following findings:

1. The consideration contained in the Agreement is not less than the fair market value or the re-use value of the property based on the findings of the Simon Company, Inc. appraisal dated June 14, 2007.
2. The project is consistent with the Porterville Redevelopment Plan and Implementation Plan for the Porterville Redevelopment Agency.
3. The provision of a surface water treatment system (the “Project”) is a benefit to the public.
4. The Project will eliminate the blighting influence of underutilized or vacant lots.

Dated this 2nd day of July 2007.