CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
AUGUST 7, 2007, 6:00 P.M.

Call to Order
Roll Call

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

CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.8 – Conference with Real Property Negotiators/ Property:
      A Portion of APN 302-110-054.  Agency Negotiator: Jim Perrine.  Negotiating Parties: City of
   2- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated
      Litigation: One Case.
   3- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation:
      Kincheloe v. City of Porterville.
   4- Government Code Section 54957.6 - Conference with Labor Negotiator. Agency Negotiator:
      John Lollis.  Employee Organizations: Porterville City Employees Association, Porterville City
      Firefighters Association, and Management and Confidential Series.

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

Pledge of Allegiance Led by Council Member Eddie Hernandez
Invocation

PRESENTATIONS
Continuum of Care On Homelessness - Denise Marchant.
Outstanding Business Presentation

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 22, 2007 and July 31, 2007

2. Budget Adjustment for the 2007-08 Fiscal Year
   Re: Approving budget adjustment for an expenditure of $190,924 in the Sewer Fund CIEDB
   Loan Account to account for revised engineer’s estimate for the Replacement of Grit System
   Towers and Collectors Project.
3. **Purchase of Specialized Equipment**  
   Re: Approving purchase by negotiation of specialized equipment as itemized in the staff report, and authorizing payment for same upon satisfactory delivery.

4. **Authorization to Advertise for Bids for Phase One Improvements to the Heritage Center Site Softball Complex Project**  
   Re: Approving Plans and Project Manual for initial phase of project consisting of site entrance and utility improvements, parking improvements, 15,700 sq. ft. of landscaping, and a pedestrian pathway.

5. **Award of Contract – “Banking Services”**  
   Re: Accepting recommendation of the City’s Internal Audit Committee, and awarding contract to Union Bank of California for banking services commencing July 1, 2007 through June 30, 2012.

6. **Award of Contract – Date Avenue Reconstruction – ‘A’ Street Reconstruction & Storm Drain Project**  
   Re: Awarding contract to Mitch Brown Construction, Inc. in the amount of $648,103.46 for project consisting of the reconstruction of Date Avenue to collector street standards from Main Street to Cornell Street.

7. **Authorization to Advertise for Bids – Oak Avenue Improvement Project**  
   Re: Approving Plans and Project Manual for project consisting of improvements to the parking lot on the south side of Oak Avenue between Hockett and Division Street.

8. **Amendment to Traffic Resolution No. 10-2001 – Designation of White Chapel Avenue as a Through Street**  
   Re: Approving amendment to change designation of White Chapel Avenue, from Westwood Street to West City Limits, from a Collector Street to a Through Street.

9. **Authorization to Roll Weed Abatement Balances to the Property Tax Rolls**  
   Re: Authorizing the County Auditor to place uncollected weed abatement charges on the property tax rolls.

10. **Acquisition of Grant Deed and Easement Deed – Property Located at APN 268-090-008 – Carl D. and Alma L. Dennis, as Joint Tenants**  
    Re: Approving purchase in the amount of $96,250 for 7.18 acres of property and a .08 acre easement necessary for a drainage basin.

11. **Technical Change Regarding Sale of Property at the Porterville Airport Industrial Park to Blair Electric Services, Inc.**  
    Re: Approving resolution to authorize technical change in how buyer holds title with regard to real property transaction approved by City Council during Closed Session on June 5, 2007.
12. **Community Development Block Grant (CDBG) Business Assistance Program Model Amendment**  
Re: Approving change to public benefit standard to require fund recipients to create or retain one full-time equivalent job for every $35,000 received in City assistance.

13. **Color Palette for the Porterville Redevelopment Project Area**  

14. **Approval of Investment Authorization**  
Re: Approving resolution of authorization naming the signing officer(s) for City investments, pursuant to the guidelines set forth in the City of Porterville Investment Policy adopted and reaffirmed April 18, 2006 via Resolution No. 53-2003.

15. **Change in Appointments to the Consolidated Waste Management Authority**  
Re: Appointing Council Member Hernandez as the Member, and Council Member Pedro Martinez as the Alternate.

16. **Proposed Change in the Table of Organization with the Parks & Leisure Services Department**  
Re: Authorizing a change in the Table of Organization to replace a clerical position with a coordinator position in the Parks & Leisure Services Department.

17. **Establish the Classification of Geographic Information System (GIS) Technician**  

17a. **Request for Right of Entry - Jaye Street Corridor Construction (JLH Properties)**  
Re: Authorizing staff to proceed with execution of documents with JLH Properties to allow Granite Construction to enter upon and construct facilities on property held by John Hale along Jaye Street and Springville Avenue, as needed pursuant to the design plans.

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

**PUBLIC HEARINGS**

18. **Salazar Ranch Tentative Subdivision Map (Miguel Salazar)**  
Re: Considering approval to divide a 3.12± acre parcel located on the south side of North Grand Avenue between Newcomb and Lotas Streets into twelve single family residential lots.

19. **Conditional Use Permit 7-2007 (Porterville First Church of the Nazarene)**  
Re: Considering CUP to allow for the development of a multipurpose church, including sanctuary, classrooms, cafes, childcare, activity centers, ancillary uses, and parking lot at the southwest corner of Olive Avenue and Mathew Street.

20. **Development Agreement Ordinance: ZOA 4-2007**  
Re: Considering the adoption of an Ordinance to establish procedures and requirements for the consideration of development agreements to assist in the planning and development process.
21. Water Conservation Plan
Re: Reviewing options to increase water conservation efforts, and considering continuation of Phase II of the Water Conservation Plan for August and September, 2007.

SCHEDULED MATTERS
22. Ad Hoc Committee Appointment
Re: Appointing seven member Committee Re: Non-Driveway Parking to address aesthetic and environmental issues associated with the parking of vehicles on non-driveway areas on private property.

23. Appointment to Transaction and Use Tax Oversight Committee
Re: Appointing individual to serve on the Committee to fill the unexpired term of Teresa de la Rosa.

24. Amendment to City’s Contract with CalPERS Fourth Level of 1959 Survivor Benefit Program for Local Safety Fire Members
Re: Considering amendment to CalPERS Contract to provide for a higher level of benefits to survivors of a member who dies prior to retirement.

25. Amendment to the City Code – Changes to the Special Speed Zones
Re: Considering ordinance amendment to establish speed limits for Mathew Street between Tule River and Olive Avenue; Newcomb Street between Tule River and Olive Avenue; Tomah Avenue between Westwood and Newcomb Streets; and Westfield Avenue between Westwood and Lombardi Streets.

26. Request for Council Study Session on Case Study for the Hillside Development Ordinance
Re: Scheduling study session to review the findings of case study prepared at the direction of the Council.

27. Park Ranger Program Options
Re: Considering the recommendation of the Parks & Leisure Services Commission regarding the creation of a new job classification for part-time Park Rangers.

28. Dog Park Feasibility
Re: Considering preliminary analysis for providing a dog park within the community.

29. Authorize Tree Donation Program for Rails to Trails & Tule River Parkway
Re: Considering creation of tree donation program, with planting to commence in October, 2007.

30. AB1234 Legislative/Case Law Update
Re: Receiving informational report from City Attorney and scheduling a presentation on public official ethics and legal issues.

31. Council Member Request for an Agenda Item - “Consideration of Amendment to City Charter to Include City Motto: In God We Trust”
Re: Considering Council Member request to consider establishing City Motto.
32. **Request by Council Member - Code of Ethics Policy for Commissions, Boards and Committees**
Re: Considering Council Member request for the establishment of a Code of Ethics.

**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 August 9, 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.
Roll Call: Council Member McCracken, Council Member Pedro Martinez (arrived at 3:32 p.m.), Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton (arrived at 3:34 p.m.)

Pledge of Allegiance led by Mayor Pro Tem Felipe Martinez

Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS

- Kik Ellis, 1470 North Beverly Street, came forward on behalf of the Monache Band Parents Association ("MBPA") and thanked the Council for their time and willingness to take their matter under consideration.
- Donnette Silva-Carter, 998 North Roberta Way, spoke of the good works done in the community by the Monache Band Parents Association, and in favor of a twelfth fireworks booth for the organization.
- Dick Eckhoff, 197 North Main Street, spoke of the good works done by the Monache Band Parents Association, and requested that the Council approve a twelfth fireworks booth for the organization.

SCHEDULED MATTER

1. CONSIDERATION OF FIREWORKS PERMIT FOR THE MONACHE BAND PARENTS ASSOCIATION

Recommendation: That the City Council adopt the draft resolution, or provide direction to staff.

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

Mayor Hamilton thanked fire personnel for their work on the matter, and the Council for their time that day to consider the item.

Council Member Hernandez spoke favorably of the work of the MBPA, and voiced support for moving forward with a solution to the problem.

Mayor Pro Tem Felipe Martinez commented that he believed the community was behind the MBPA, and spoke of offers that had been made to the organization by other non-profits. Ms. Ellis confirmed that to be so, and came forward and elaborated on the various offers.

City Attorney Julia Lew clarified that the subject location was a site at which a fireworks booth had historically been located, yet due to the recent annexation, 2007 was the first year that the location was actually in the City limits.
Kik Ellis, address on record, came forward and offered additional information as to MBPA’s fireworks booth at the Westwood/Olive location. She stated that the prior year, the organization had operated a fireworks booth at the location, and at that time it was within the County’s jurisdiction. She added that MBPA had also participated in the City’s fireworks lottery in 2007, and that it had been the eleventh name drawn. She then spoke of the learning of the problem with the booth, and elaborated on the organization’s efforts to legally operate its booth at the subject location in order to raise funds for the Monache Band.

Mr. Longley stated that he did not believe that the subject location was in the County’s jurisdiction the previous year, but instead he believed it was actually in the City. He stated that April 1, 2006 was the date the annexations had become effective, and indicated that City staff had just not caught the issue the previous year.

In response to questions posed by Council, Fire Chief Mario Garcia elaborated on the requirements to which fireworks lottery winners must adhere. He indicated that the process involved: attendance at a safety meeting; payment of the fee; provision of proof of appropriate insurance coverage; and provision of a schematic pertaining to the location of the sea train storing the fireworks on site.

Council Member Pedro Martinez spoke of his children’s current and past participation in the Monache Band, and indicated that pursuant to the City Attorney’s advise, he had no conflict of interest because there was no financial benefit. He spoke of his desire to be fair and of a situation that had arisen the prior year with regard to an organization’s application not being submitted in a timely fashion due to an error on the part of the fireworks’ company. He stated that the City did not allow that organization to participate. He spoke of his dilemma in that he was a band supporter, yet at the same time needed to be fair and apply the same standards to all organizations. He stated, however, that the population had officially increased since the prior year due to the annexations, and that pursuant to the City’s Municipal Code, up to twelve booths could now be allowed. He clarified with staff that the Code allowed for twelve booths, plus an additional one for the Exchange Club for its efforts related to the annual fireworks show. Council Member Martinez then spoke in favor of allowing the MBPA, as the eleventh name drawn, to have a booth, as well as the organization that was drawn twelfth.

In response to Council Member McCracken inquiry, staff confirmed that while the Council had typically defined the number of allowed fireworks booths, the City’s ordinance actually set forth a formula based on the City’s population, being one booth per 4,000. It was stated that staff had requested that the number be limited to ten, and that historically, Council had defined the number of allowable booths. It was noted that the reasoning behind limiting the number of booths to ten was to assist the organizations by limiting the number of competing booths, and that at that time, the population had not yet officially increased.

A brief discussion ensued as to competing sites in the County’s jurisdiction which were in close proximity to the City’s jurisdiction.
• Kik Ellis, address on record, came forward and spoke of MBPA’s experience the previous year in securing a location for its fireworks booth. She then requested that in the event the Council approved an eleventh booth for MBPA, that the safety meeting take place on Monday, as the organization was to receive the fireworks on Tuesday.

A discussion ensued as to increasing the number of allowed booths to twelve, pursuant to the formula set forth in the Code. It was noted that the twelfth organization selected in the fireworks lottery might have challenges with timelines. Mr. Longley clarified that pursuant to the Council’s direction, staff would not bring the item back the following year, but rather Chief Garcia would have the authority to increase the number of booths as so needed, based on the formula in the Code. The Council concurred.

Council Member Pedro Martinez inquired as to whether Fire Chief Garcia also dictated the locations of the booths. Chief Garcia clarified that the vendors had secured many of the locations in Porterville, and that the Fire Department approves those locations.

Council Member McCracken moved that the Council follow the existing Ordinance, and authorize the Fire Chief to issue up to one fireworks booth permit per every 4,000, based on the official population of Porterville at the time of the fireworks lottery.

Mr. Longley clarified that the following year, if the population rose to 52,000, Fire Chief Garcia would have the authority to increase the allowed booths to 13, based on the formula. He stated that in the event the Chief was uncomfortable with making that determination, he could bring the item to Council. The Council concurred.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council follow the existing Ordinance, and authorize the Fire Chief to issue up to one fireworks booth permit per every 4,000, based on the official population of Porterville at the time of the fireworks lottery. The motion carried unanimously.

Disposition: Approved.

The Council recessed for five minutes at 3:58 p.m. and then convened in Closed Session.

**CLOSED SESSION**

2. GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATOR. AGENCY NEGOTIATOR: JOHN LOLLIS. EMPLOYEE ORGANIZATIONS: PORTERVILLE CITY EMPLOYEES ASSOCIATION, PORTERVILLE CITY FIREFIGHTERS ASSOCIATION, PORTERVILLE POLICE OFFICERS ASSOCIATION, POLICE SUPERVISOR SERIES, AND MANAGEMENT AND CONFIDENTIAL SERIES.
The Council reconvened in Open Session at 4:36 p.m. at which time it was reported that no action had taken place during Closed Session.

ADJOURNMENT
The Council adjourned at 4:37 p.m. to the Council Meeting of June 29, 2007 at 2:30 p.m.

Patrice Hildreth, Deputy City Clerk

SEAL

________________________
Cameron Hamilton, Mayor
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez (arrived at 6:55 p.m.), Mayor Hamilton

Pledge of Allegiance led by Mayor Pro Tem Felipe Martinez

Invocation – a moment of silence was observed.

**ORAL COMMUNICATIONS**

None

**SCHEDULED MATTERS**

1. **AUTHORIZATION TO ADVERTISE FOR BIDS - SCREENING & GRIT EQUIPMENT UPGRADE AT WASTEWATER TREATMENT FACILITY**

Recommendation: That the City Council:

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

Deputy City Manager John Lollis presented the item, and Director of Public Works Baldo Rodriguez presented the staff report.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council approve the Plans and Project Manual; and authorize staff to advertise for bids on the project.

**M.O. 01-073107**

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

NOES: None

ABSTAIN: None

ABSENT: Hernandez

Disposition: Approved.

2. **AWARD OF CONTRACT - RIVERWALK MARKETPLACE**

Recommendation: That the City Council:

1. Authorize Ennis Commercial Properties, LLC, to award Bid Package-1 to Granite Construction;
2. Authorize the City to pay Ennis Commercial Properties, LLC, the amount of $1,224,574, which includes $25,000 for surveying services as the City’s fair and equitable share of construction costs as stipulated in the Public Improvement Agreement between Ennis Commercial Properties, LLC and the City of Porterville dated...
January 16, 2007;
3. Authorize progress payments to Ennis Commercial Properties, LLC, up to 90% of the contract amount upon proof of payments by Ennis Commercial Properties LLC to Granite Construction;
4. Authorize a 10% contingency to cover unforeseen costs;
5. Direct staff to review and adjust the cost sharing figures and present a final accounting of the true and equitable construction costs to the Council on August 21, 2007; and
6. Authorize the Mayor to execute a revised contract with Ennis Commercial Properties, LLC in the event the City’s analysis shows that the figures presented to Council require adjustment; and further

That the City Council:
1. Authorize Ennis Commercial Properties, LLC, to award Bid Package-2 to Granite Construction;
2. Authorize the City to pay Ennis Commercial Properties, LLC, the amount of $1,615,572, which includes $25,000 for surveying services as the City’s fair and equitable share of construction costs as stipulated in the Public Improvement Agreement between Ennis Commercial Properties, LLC and the City of Porterville dated January 16, 2007;
3. Authorize progress payments to Ennis Commercial Properties, LLC, up to 90% of the contract amount upon proof of payments by Ennis Commercial Properties LLC to Granite Construction;
4. Authorize a 10% contingency to cover unforeseen costs;
5. Direct staff to review and adjust the cost sharing figures and present a final accounting of the true and equitable construction costs to the Council on August 21, 2007; and
6. Authorize the Mayor to execute a revised contract with Ennis Commercial Properties, LLC in the event the City’s analysis shows that the figures presented to Council require adjustment; and further

That the City Council:
1. Authorize Ennis Commercial Properties, LLC, to award Bid Package-3 to Granite Construction;
2. Authorize the City to pay Ennis Commercial Properties, LLC, the amount of $477,092, which includes $5,000 for surveying services as the City’s fair and equitable share of construction costs as stipulated in the Public Improvement Agreement between Ennis Commercial Properties, LLC and the City of Porterville dated January 16, 2007;
3. Authorize progress payments to Ennis Commercial Properties, LLC, up to 90% of the contract amount upon proof of payments by Ennis Commercial Properties LLC to Granite Construction;
4. Authorize a 10% contingency to cover unforeseen costs;
5. Direct staff to review and adjust the cost sharing figures and present a final accounting of the true and equitable construction costs to the
Council on August 21, 2007; and

6. Authorize the Mayor to execute a revised contract with Ennis Commercial Properties, LLC in the event the City’s analysis shows that the figures presented to Council require adjustment.

Deputy City Manager John Lollis presented the item, and Baldo Rodriguez, Director of Public Works, presented the staff report.

In response to an inquiry from the Council, a representative from Granite Construction spoke briefly of their planned timeline for the project. He indicated that the work would commence August 13, 2007. Mr. Rodriguez informed the Council that a timeline would be included in the report to be brought to the Council on August 21, 2007.

- Terry Sinyard, 545 Blue Oak Avenue, inquired whether a copy of the project plans was available for review. He indicated that he resided in Lone Oak Estates, and was concerned with traffic flow during construction.

Mr. Rodriguez responded in the affirmative, and indicated that he would be happy to schedule a time to meet with Mr. Sinyard and other residents in Lone Oak Estates. Mr. Rodriguez then provided Mr. Sinyard with his business card and requested that he contact him.

Mayor Pro Tem Felipe Martinez requested that the City provide public notice regarding the construction, suggesting that the Porterville Recorder might be a good venue. Mr. Rodriguez indicated that his department would provide public notice and stated that door hangars might be more effective.

Felipe Martinez moved that the Council approve staff’s recommendation. The motion died for a lack of a second.

Council Member McCracken moved that the Council approve staff’s recommendation. Council Member Pedro Martinez seconded the motion.

At 6:55 p.m., Council Member Hernandez arrived and was apprised of the item and discussion. He noted that the project was necessary, and spoke in favor of proceeding.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council approve staff’s recommendation. The motion carried unanimously.

Disposition: Approved.

3. **AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN (POLICE SUPERVISORS EMPLOYEE GROUP)**
Recommendation: That the City Council adopt the proposed resolution amending the Employee Pay and Benefit Plan for Fiscal Years 2007-2008 and 2008-2009; and authorize the Mayor to execute this and other documents necessary to implement the provisions thereof.

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

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the proposed resolution amending the Employee Pay and Benefit Plan for Fiscal Years 2007-2008 and 2008-2009; and authorize the Mayor to execute this and other documents necessary to implement the provisions thereof. The motion carried unanimously.

Disposition: Approved.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member Hernandez:
  1. Reported on his attendance at the League of California Cities Conference in Monterey, particularly noting good information gleaned from the session on Youth Commissions, and spoke in favor of pursuing a Youth Commission through Porterville’s Parks & Leisure Services Department; and
  2. Spoke of ethics on the City’s current commissions and of losing qualified individuals.
• Mayor Pro Tem Felipe Martinez:
  1. Reported on his attendance at the League of California Cities Conference in Monterey, particularly noting the focus on redevelopment and the need for senior and student housing; and
  2. Spoke of the diversity of Porterville’s community and requested that a Proclamation acknowledging such diversity be prepared and presented during the International Food Festival event.
• Council Member Pedro Martinez:
  1. Advised everyone of the illness of the Senior Gleaners’ Director, and how much the organization depended on his efforts. He suggested that the organization might need some assistance during his absence; and
  2. Spoke of the recent death of a U.S. soldier from Lamont, and requested that the Council send a letter to the soldier’s family.
• Mayor Hamilton reported on his attendance at the League of California Cities Conference in Monterey, speaking favorably of the session on Youth Commissions.
ADJOURNMENT
The Council adjourned at 7:16 p.m. to the Meeting of August 7, 2007.

Patrice Hildreth, Deputy City Clerk

SEAL

Cameron Hamilton, Mayor
SUBJECT: BUDGET ADJUSTMENT FOR THE 2007-08 FISCAL YEAR

SOURCE: Administrative Services

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

There is one (1) adjustment proposed for tonight’s Council meeting.

Replacement of Grit System Towers and Collectors
The current budget appropriation for this project is $500,000, while the revised engineer’s estimate has been established at $690,924, at a difference of $190,924. Funds for this proposed budget adjustment would be allocated from the Sewer Fund CIEEB loan.

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

Date: August 7, 2007

<table>
<thead>
<tr>
<th>FUND</th>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FUNDING SOURCE</th>
<th>DOLLAR AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>089-5096-006-880</td>
<td>1</td>
<td>Replacement of Grit System Towers and Collectors</td>
<td>Sewer Fund</td>
<td>$190,924.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CIEEB Loan</td>
<td></td>
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</tbody>
</table>

Modification No: 1-07/08
SUBJECT: PURCHASE OF SPECIALIZED EQUIPMENT

SOURCE: Administrative Services

COMMENT: In accordance with the City's Purchasing Policy and Procedure Manual, as amended by Resolution No. 122-87 adopted by Council on October 10, 1987, staff hereby requests approval to begin negotiations for the purchase of the following specialized equipment for the various departments:

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>DESCRIPTION</th>
</tr>
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<tbody>
<tr>
<td>Police</td>
<td>Patrol Vehicle (Measure H)</td>
</tr>
<tr>
<td>Fire</td>
<td>(2) Emergency Rescue Service Bodies</td>
</tr>
<tr>
<td>Engineering</td>
<td>(2) CMAQ Funded Hybrid Vehicles</td>
</tr>
<tr>
<td>Parks</td>
<td>High Capacity Mower</td>
</tr>
<tr>
<td></td>
<td>Lawn Tractor</td>
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<tr>
<td></td>
<td>Utility Vehicle</td>
</tr>
<tr>
<td>Golf Course</td>
<td>Reel Mower</td>
</tr>
<tr>
<td></td>
<td>Greens Mower</td>
</tr>
<tr>
<td></td>
<td>(9) Golf Carts</td>
</tr>
<tr>
<td>FS/Water Distribution</td>
<td>Backhoe/Loader</td>
</tr>
<tr>
<td>FS/Water Quality</td>
<td>Mercury Analyzer Software &amp; PC</td>
</tr>
<tr>
<td>FS/Solid Waste</td>
<td>(2) Automated Side Loaders</td>
</tr>
<tr>
<td>FS/Sewer Collection</td>
<td>Backhoe/Loader</td>
</tr>
<tr>
<td></td>
<td>Emergency Backup Portable Pump</td>
</tr>
<tr>
<td>FS/WWTF</td>
<td>Wheel Loader</td>
</tr>
</tbody>
</table>

Funds for the purchase of this equipment are available in the Equipment Replacement Funds, Grants and Capital Outlay Budgets.

RECOMMENDATION: That Council authorize purchase by negotiation of the specialized equipment listed and authorize payment for said equipment upon satisfactory delivery.

D.D.  Appropriated/Funded  C.M.

Item No. 3
SUBJECT:  AUTHORIZATION TO ADVERTISE FOR BIDS FOR PHASE ONE IMPROVEMENTS TO THE HERITAGE CENTER SITE SOFTBALL COMPLEX PROJECT

SOURCE:  PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT:  The plans and project manual for the initial phase of the Heritage Ball field project have been completed and are ready for the bidding process. The initial phase project consists of site entrance and utility improvements, parking improvements, and 15,700 square feet of landscaping. A pedestrian pathway along the westerly portion of the site from the easterly extension of Walnut Avenue to Wallace Street is also included.

Section 108 Loan funding is available for this initial phase of the comprehensive 3 softball field complex. The architect’s estimate of probable construction cost for the base bid project is $451,348. An Add-Alternate provides for the installation of a 7,600 square foot concrete plaza on the north side of the Heritage Center playground. Additional add-alternates will improve the plaza with a shade structure, trees and picnic tables for a total project estimate of $573,531. Funding for this project has been allocated within the 2007/2008 budget from the Section 108 Loan Funds.

The Parks & Leisure Services Director will act as the Project Manager, with other staff assistance if available for construction management and inspection.

RECOMMENDATION:  That the City Council:
1.  Approve the plans and project manual; and
2.  Authorize the Mayor to sign the SWPP and Dust Mitigation Plan; and
3.  Authorize advertising for bids for the phase one improvements to the Heritage Ball Fields.

ATTACHMENT:  Architect’s Estimate of Probable Construction Cost

Director  Appropriated/Funded  City Manager  ITEM NO.: 4
SUBJECT: AWARD OF CONTRACT – “BANKING SERVICES”

SOURCE: Administrative Services

COMMENT: On November 2, 2006, the City Council approved Ordinance No. 1703, Internal City Audits, which established an Audit Committee that was charged with meeting to review any financial matters of the city.

At its meeting on February 8, 2007, the Audit Committee discussed the City’s current banking services operations in consideration of several different issues, and requested that staff prepare a Banking Services RFP to attend to those subjects of discussion. The areas of interest discussed by the Audit Committee included the length of time (12 years) that the City has been with its current banking services provider (Union Bank of California) since conducting the last Banking Services RFP in 1995, the City’s current merchant services operations and transaction fees, and capabilities for customer online bill paying of City utilities.

At its meeting on March 15, 2007, staff presented to the Audit Committee a draft of the Banking Services RFP, which with some comment for minor edit was accepted by the Committee and was brought to the Council for authorization to proceed. At its meeting on April 3, 2007, the Council authorized staff to request proposals for banking services for the period beginning July 1, 2007, and ending June 30, 2012.

On May 3, 2007, staff received four (4) responses to the Request for Proposals for Banking Services. One of the submittals received was considered non-responsive due to the fact the institution did not satisfactorily respond to all aspects of the RFP. The three (3) remaining submittals were evaluated by staff for monthly fees for banking services as outlined in the Request for Proposals based on current City activity. At the direction of the Audit Committee, each of the institutions were then permitted to confirm that staff had evaluated their proposals accurately, providing additional fee information relative to City banking activity where the proposal may have been undeclared or ambiguous. Both Union Bank of California and Citizen’s Business Bank confirmed their monthly fee

Dir. Appropriated/Funded C/M Item No. 5
schedule based upon City activity, while Bank of the Sierra provided a letter confirming their monthly fee proposal (please see attachments).

At its meeting on July 16, 2007, staff presented to the Audit Committee the results of the monthly banking activity fee evaluation, along with the letter received from Bank of the Sierra. The Audit Committee shared the concern of staff that the fee proposal received by letter from Bank of the Sierra was not consistent with the RFP requirements, in that instead of clarifying which services were available and their fee, a lump sum was provided as an amendment to the original submittal. It was the determination of the Audit Committee that the Bank of the Sierra RFP did not contain enough information to evaluate it against the complete proposals submitted by the other respondents. After evaluating the remaining proposals, it was the action of the Audit Committee to recommend to the City Council the Award of Contract for Banking Services to Union Bank of California.

It should be noted that an important component of the Banking Services RFP was for the submitting parties to provide solutions for the City not to be responsible for merchant services transaction fees, as well as ensuring the City receives the lowest or most competitive processing rate. However, none of the submittals provided a perfect solution to eliminate transaction fees although providing more competitive processing fee rates. Staff remains optimistic that options will be developed with the successful submittal to eliminate transaction fees.

RECOMMENDATION: That the Council accept the recommendation of the Audit Committee and authorize staff to enter into an agreement with Union Bank of California for banking services for the period beginning July 1, 2007, and ending June 30, 2012.
<table>
<thead>
<tr>
<th>Description</th>
<th>Volume</th>
<th><strong>UNION BANK</strong></th>
<th></th>
<th><strong>CITYZENS BUSINESS BANK</strong></th>
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Note: Bank of the Sierra did not provide details of fees but instead provided a lump sum amount of: 1,558.00
July 2, 2007

Attn: John Lollis  
City of Porterville  
291 N. Main St.  
Porterville, CA 93257

Dear John Lollis:

Thank you for the opportunity to meet and discuss the City’s banking needs. It is our understanding this proposal does not include any third party processor requirements. After reviewing the activity statement you provided and balances it reflects, we submit the following:

1. If the Bank’s products and services are commensurate to the City’s requirements; we will work closely with the City’s finance team to ensure the costs are acceptable and that any areas of potential variability are understood. Based on your average ledger balance and the activity for the month, your charge would be $1,558.00

2. Provide the CDARS Program, which permits you to have the security of FDIC insurance without the $100,000 limitation.

3. Offer Remote Deposit Capture, which permits you to make deposits while capturing a copy of the check without you having to leave your office. (This can be a real benefit depending on volumes.)

Bank of the Sierra prides itself in commitment to the community and it’s customers with local handling officers, some of which have served in this local market for 30 plus years. This longevity and experience provides us with continuity of management to service your current and future needs.

Sincerely,

BANK OF THE SIERRA

[Signature]

Arthur T. Cardell  
Sr. Vice President  
Area Manager

ATC/pd
SUBJECT: AWARD OF CONTRACT – DATE AVENUE RECONSTRUCTION - ‘A’ STREET RECONSTRUCTION & STORM DRAIN PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On July 31, 2007, staff received five (5) bids for the Date Avenue Reconstruction - ‘A’ Street Reconstruction & Storm Drain Project. The project consists of the reconstruction of Date Avenue to collector standards (60’ wide right of way) from Main Street to Cornell Street including one lane of traffic in each direction with on street parking, sewer and water services where applicable, storm drain, fire hydrants, 8” water main crossings at all street intersections, street intersection curb returns and street lighting.

Included in this project is the reconstruction of ‘A’ Street from Date Avenue south to its terminus. Also included with this segment of work, is an 18” storm drain pipe extended through Porterville Concrete Pipe property south to the Tule River. Storm water from ‘A’ Street currently sheet flows across Porterville Concrete Pipe property to the river.

The City has obtained a CMAQ grant to install concrete improvements during fiscal year 2008/2009. Curbs, gutters and sidewalks were included as an alternate bid. Due to the favorable bid, concrete improvements can be installed and the CMAQ grant will be used on another CMAQ project if allowed by the Tulare County Association of Governments.

The Engineer’s Estimate for constructing the full project is $724,447.80. The low bid is 11.8% below the Engineer’s Estimate. An additional $111,445.77 is necessary for construction contingency (10%), SCE street lights and Construction Management for a total of $759,549.23.

Funding for this project is approved in the 2007/2008 fiscal year budget from Certificates of Participation Refinance (COP), Local Transportation Funds (LTF) and Carryover.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1. Mitch Brown Construction, Inc. Porterville, CA</td>
<td>$648,103.46</td>
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<tr>
<td>2. Lee’s Paving, Inc. Visalia, CA</td>
<td>$789,723.60</td>
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</table>

Dir Appropriated/Funded CM Item No. 10
3. Construction Development Systems $843,266.00  
   Fresno, CA
4. Teichert Construction  $922,768.00  
   Kingsburg, CA
5. Maverick Asphalt, Inc.  $924,716.00  
   Bakersfield, CA

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Date Avenue Reconstruction-'A' Street Reconstruction & Storm Drain Project to Mitch Brown Construction, Inc., in the amount of $648,103.46;

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

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

4. Authorize payment of $14,230.25 to SCE for installation of street lights.

ATTACHMENT: Locator Map
SUBJECT:  AUTHORIZATION TO ADVERTISE FOR BIDS – OAK AVENUE IMPROVEMENT PROJECT

SOURCE:  Public Works Department - Engineering Division

COMMENT:  The Plans and Project Manual have been prepared for the Oak Avenue Improvement Project. In order to take full advantage of the available funding, the project has been separated into two parts. The Base Bid includes improvements to the parking lot on the south side of Oak Avenue between Hockett Street and Division. This is the former location of the Singer Building, which was purchased by the City and demolished. Completing the parking lot includes new paving, median island with stamped concrete, landscaping, lighting and striping. Add Alternate A is street improvements along Oak Avenue from Hockett Street to Division including new paving, curb and gutter, stamped crosswalks, stamped sidewalks, disabled ramps, nostalgic street lights, landscaping, irrigation, signing and striping. An additional four (4) parking stalls will be provided on the north side of Oak Avenue for the transit facility.

The Plans and Project Manual are available for review in the Public Works Department - Engineering Division. The Engineer’s estimate of probable cost for the entire project is $269,790 and is based on the best information available to staff and the consulting engineer. Funding for this project is from FTA grant/LTF and was approved in the 2007/2008 Annual Budget for transit facility pedestrian mall.

RECOMMENDATION: That City Council:

1.  Approve the Plans and Project Manual; and

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

ATTACHMENTS:  Locator Map
                Engineer’s Estimate
# Order of Magnitude Engineers Opinion of Probable Construction Costs

**Oak Avenue Improvements between Hockett Street and Main Street**

**Date:** 7/26/2007

## BASE BID

*(Parking Lot Improvements)*

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<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization and Demobilization</td>
<td>$4,809.00</td>
<td>$4,809.00</td>
</tr>
<tr>
<td>2</td>
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<td>L.S.</td>
<td>Demolition, Clearing, and Grubbing</td>
<td>$4,500.00</td>
<td>$4,500.00</td>
</tr>
<tr>
<td>3</td>
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<td>L.S.</td>
<td>Excavation, Backfilling, and Compaction</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
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<tr>
<td>4</td>
<td>250</td>
<td>C.Y.</td>
<td>Earthwork, Fill</td>
<td>$20.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>5</td>
<td>93</td>
<td>L.F.</td>
<td>Concrete Curb and Gutter</td>
<td>$25.00</td>
<td>$2,325.00</td>
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<tr>
<td>6</td>
<td>300</td>
<td>L.F.</td>
<td>Concrete Barrier Curb</td>
<td>$20.00</td>
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</tr>
<tr>
<td>7</td>
<td>93</td>
<td>L.F.</td>
<td>Misc. Concrete (between Parking Lot and Division)</td>
<td>$10.00</td>
<td>$930.00</td>
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<tr>
<td>8</td>
<td>525</td>
<td>S.F.</td>
<td>Concrete Sidewalk (stamped)</td>
<td>$10.00</td>
<td>$5,250.00</td>
</tr>
<tr>
<td>9</td>
<td>150</td>
<td>Tons</td>
<td>Class 2, Aggregate Base</td>
<td>$75.00</td>
<td>$11,250.00</td>
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<tr>
<td>10</td>
<td>108</td>
<td>Tons</td>
<td>Type B Asphalt Concrete Paving</td>
<td>$150.00</td>
<td>$16,200.00</td>
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<tr>
<td>11</td>
<td>765</td>
<td>S.Y.</td>
<td>Fog Seal Coat</td>
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<td>$765.00</td>
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<tr>
<td>12</td>
<td>1</td>
<td>L.S.</td>
<td>Signing, Striping, and Pavement Markings</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
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<tr>
<td>13</td>
<td>1</td>
<td>L.S.</td>
<td>Landscape Irrigation System and Landscaping</td>
<td>$1,200.00</td>
<td>$1,200.00</td>
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<tr>
<td>14</td>
<td>1</td>
<td>L.S.</td>
<td>Electrical System</td>
<td>$9,000.00</td>
<td>$9,000.00</td>
</tr>
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</table>

Subtotal Base Bid $72,729.00

10% Estimating Contengency $7,272.90

Total Base Bid $80,001.90

## Add Alternate A Bid

*(Oak Avenue Improvements)*

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<thead>
<tr>
<th>Item No.</th>
<th>Quantity</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price</th>
<th>Price</th>
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<td>1</td>
<td>1</td>
<td>L.S.</td>
<td>Demolition, Clearing, and Grubbing</td>
<td>$9,000.00</td>
<td>$9,000.00</td>
</tr>
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<td>2</td>
<td>1</td>
<td>L.S.</td>
<td>Excavation, Backfilling, and Compaction</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
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<tr>
<td>3</td>
<td>1</td>
<td>E.A.</td>
<td>Fire Hydrant Assembly</td>
<td>$2,500.00</td>
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<tr>
<td>4</td>
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<td>E.A.</td>
<td>Under Sidewalk Drain Pipe (3&quot; SCH 40 PVC)</td>
<td>$500.00</td>
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<td></td>
<td></td>
<td>Description</td>
<td>Qty</td>
<td>Unit</td>
</tr>
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<tr>
<td>5</td>
<td>254</td>
<td>L.F.</td>
<td>Concrete Curb and Gutter</td>
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<td>$6,350.00</td>
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<tr>
<td>6</td>
<td>1</td>
<td>L.S.</td>
<td>Concrete Cross Gutter Including street intersection returns and spandrels per City Std Plan C7</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
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<tr>
<td>7</td>
<td>1</td>
<td>L.S.</td>
<td>Concrete V-Gutter</td>
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<td>8</td>
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<td>L.F.</td>
<td>Concrete Barrier Curb</td>
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<td>9</td>
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<tr>
<td>10</td>
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<td>Concrete Sidewalk (non-stamped)</td>
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<tr>
<td>11</td>
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<td>E.A.</td>
<td>Concrete Ramped Curb Return with Detectable Surface (exclusive of curb and gutter)</td>
<td>$2,500.00</td>
<td>$15,000.00</td>
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<td>12</td>
<td>2,122</td>
<td>S.F.</td>
<td>Concrete Crosswalks (stamped) including Class 2 Aggregate Base</td>
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<td>$25,464.00</td>
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<td>S.F.</td>
<td>Concrete Parking Area including Class 2 Aggregate Base</td>
<td>$10.00</td>
<td>$10,050.00</td>
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<tr>
<td>14</td>
<td>3</td>
<td>E.A.</td>
<td>Adjustment of Manholes, Water Valve Covers, &amp; other structures</td>
<td>$500.00</td>
<td>$1,500.00</td>
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<tr>
<td>15</td>
<td>90</td>
<td>Tons</td>
<td>Class 2, Aggregate Base</td>
<td>$75.00</td>
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<td>16</td>
<td>55</td>
<td>Tons</td>
<td>Type B Asphalt Concrete Paving</td>
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<tr>
<td>17</td>
<td>303</td>
<td>S.Y.</td>
<td>Fog Seal Coat</td>
<td>$1.00</td>
<td>$303.00</td>
</tr>
<tr>
<td>18</td>
<td>1</td>
<td>L.S.</td>
<td>Signing, Striping, and Pavement Markings</td>
<td>$7,000.00</td>
<td>$7,000.00</td>
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<tr>
<td>19</td>
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<td>L.S.</td>
<td>Landscape Irrigation System and Landscaping</td>
<td>$8,500.00</td>
<td>$8,500.00</td>
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<tr>
<td>20</td>
<td>1</td>
<td>L.S.</td>
<td>Electrical System</td>
<td>$25,000.00</td>
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<td>21</td>
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<td>E.A.</td>
<td>Monument Restoration</td>
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<tr>
<td>22</td>
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<td>E.A.</td>
<td>Pedestrian Barricade (ES-TP)</td>
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<td>23</td>
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<td>L.S.</td>
<td>Traffic Control</td>
<td>$5,000.00</td>
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</tbody>
</table>

Subtotal Alternate A Bld: $717,535

10% Estimating Contingency: $17,253.50

Total Alternate A Bld: $189,789

Total Base Plus Alternate A: $269,790

ESTIMATE CERTIFIED

City Engineer: Date

Public Works Director: Date

City Manager: Date
SUBJECT: AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 – DESIGNATION OF WHITE CHAPEL AVENUE AS A THROUGH STREET

SOURCE: Public Works Department - Engineering Division

COMMENT: Periodically staff reviews Traffic Resolution No. 10-2001 to make recommendations to City Council for changes that will make the resolution consistent with recent developments.

White Chapel Avenue from Westwood Street to the West City Limits is designated a collector street per the City's adopted Circulation Element. Staff has reviewed this segment of White Chapel Avenue and determined that a Through Street designation is warranted.

RECOMMENDATION: That City Council approve the proposed amendments to Traffic Resolution No. 10-2001.

ATTACHMENT: Resolution

P:\pub\work\s\Engineering\Council Items\Amendment to Traffic Resolution #10-2001 - Designate White Chapel a Through Street - 2007-08-07.doc

Dir ND Appropriated/Funded APWD CM Item No. 8
RESOLUTION NO._______

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE
AMENDING TRAFFIC RESOLUTION NO. 10-2001

WHEREAS, per Traffic Ordinance No. 1162, Traffic Resolution No. 10-2001 defines and establishes certain streets and parts of streets in the City of Porterville as one way streets, through streets, stop intersections, no parking areas, diagonal parking zones, no parking zones, truck routes and commercial vehicles prohibited streets; and

WHEREAS, the Traffic Resolution needs to be amended;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the following change be made to Section 21 of Traffic Resolution No. 10-2001:

Section 21. Through Streets and Stop Intersections. Add to Section 21 the following:

21-34. White Chapel Avenue from Westwood Street to the West City Limits.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

______________________________
By: Patrice Hildreth, Deputy City Clerk
SUBJECT:  AUTHORIZATION TO ROLL WEED ABATEMENT BALANCES TO THE PROPERTY TAX ROLLS

SOURCE:  Administrative Services

COMMENT:  Staff has prepared a draft Resolution for Council consideration, which will authorize the County Auditor to place uncollected weed abatement charges on the property tax rolls. Authorization to utilize this collection method is identified in the City Code in sections 12.3.4 through 12.3.12.

RECOMMENDATION:  That the City Council adopt the attached draft Resolution authorizing the County Auditor to place these items on the property tax rolls for collection.

ATTACHMENT:  Draft Resolution
RESOLUTION NO. ___-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ORDERING THE PLACEMENT OF SPECIAL ASSESSMENT LIENS ON THE
TULARE COUNTY TAX ROLLS FOR FISCAL YEAR 2007-2008.

WHEREAS, City of Porterville City Charter Section 12.3.4, Nuisance and
Authority to abate, sets forth the procedure for all weed, nuisance and hazard
abatements in the City of Porterville, with Porterville City Code Section 12.3.12,
Collection on tax roll, thereafter setting forth the procedure for placement of delinquent
assessments on the Tulare County Tax Rolls; and

WHEREAS, the Porterville City Council, having duly received and considered
evidence and documentation concerning the delinquent accounts proposed to be placed
on the Fiscal Year 2007/2008 County of Tulare Tax Rolls concerning the necessity for
the placement of the contemplated tax liens.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Porterville that the public interest and convenience require the submittal of the following
liens, attached hereto as Exhibit “A”, to the Tulare County Auditor for placement on the
property tax rolls for collection.

APPROVED AND ADOPTED this 7th day of August, 2007.

________________________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: _________________________________
Georgia Hawley, Chief Deputy City Clerk
CITY COUNCIL AGENDA: AUGUST 7, 2007

SUBJECT: ACQUISITION OF GRANT DEED AND EASEMENT DEED - PROPERTY LOCATED AT APN 268-090-008 – CARL D. DENNIS AND ALMA L. DENNIS, AS JOINT TENANTS

SOURCE: Public Works Department

COMMENT: Carl D. Dennis and Alma L. Dennis, as Joint Tenants, owners of property located at APN 268-090-008, have accepted the City’s offer of $96,250.00 for 7.18 acres of property needed and .08 acre easement needed for a drainage basin.

The City had the property appraised, by Dennis L. Schneider, MAI, a Certified General Real Estate Appraiser and the appraisal came in at $96,250 for the property acquisition and easement needed for the drainage basin. This appraisal is available in the Community Development Department for your review.

RECOMMENDATION: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Carl D. Dennis and Alma L. Dennis, Joint Tenants, in the amount of $96,250.00, after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS:

1. Locator Map
2. Purchase Contract
3. Resolution

DD Appropriated/Funded CM

ITEM NO. 10
That portion of the Northeast quarter of the Northeast quarter of Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian.
PROPOSED EASEMENT IN FAVOR OF THE CITY OF PORTERVILLE INSTALLATION, OPERATION, INGRESS, EGRESS, MAINTENANCE, REPAIR AND REPLACEMENT OF A STORM DRAIN PIPELINE THAT ENCUMBERS A PORTION A PORTION OF THE LAND DESCRIBED PER DEED RECORDED IN BK. 1931 OF DEEDS, AT PG. 357, TULARE COUNTY OFFICIAL RECORDS.

BASIS OF BEARINGS:
E. LINE OF N.E. QTR.
SEC. 3, T22S, R27E,
M.D.B. & M.

PROPOSED FEE TITLE ACQUISITION

INDICATES SUBJECT EASEMENT

City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827462

That portion of the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian.

OWNER: CARL D. & ALMA L. DENNIS
APN: 268-090-008
AREA: .08 AC.
DRAWN BY TJ
CHC'K BY MKR
AGREEMENT OF PURCHASE AND SALE

Project: Storm Drain Reservoir Project
APN: 268-090-008

This Agreement is made and entered into as of July 24, 2006, between CARL D. DENNIS AND ALMA L. DENNIS (Sellers), and the CITY OF PORTERVILLE, a public body (Buyer).

In consideration of the mutual covenants herein contained, it is agreed as follows:

1. Seller shall sell, and Buyer shall buy, all that certain real property in the County of Tulare, State of California, which interest is hereinafter referred to as “Property,” and is described in Exhibits A and B attached hereto and incorporated herein by reference. Said exhibits are contained in the attached granting instrument(s) of said interest(s) to be executed pursuant to paragraph 3 herein for NINTY SIX THOUSAND, TWO HUNDRED FIFTY DOLLARS ($96,250.00), payable at the close of this transaction referred to hereinbelow.

2. The sale shall be completed at such time that all necessary documents have been properly executed on behalf of the seller and accepted by the buyer, and shall include the following terms in addition to those set forth hereinabove:

   a. Buyer shall pay reasonable closing costs of the transaction.

   b. Possession of Property shall be given to Buyer at the close of the transaction; however, during the term of the transaction, Buyer's agents may enter Property for the purpose of doing any engineering work.

   c. At the close of the transaction, title to the Property described hereinabove shall vest in Buyer subject to those title matters that have been approved by Buyer in writing. Such vesting shall be insured by a standard policy of title insurance in the amount of the purchase price herein if desired by the buyer.

   d. Buyer hereby objects to all liens evidencing monetary encumbrances (other than liens for nondelinquent property taxes) and Seller agrees to cause all such liens to be reconveyed and/or subordinated at Seller's sole cost and expense (including all prepayment penalties and charges) prior to the Closing Date.

   e. No instructions other than those contained herein shall be required.
3. Seller shall execute the deed(s) necessary to effectuate this Agreement concurrently with the execution of this Agreement, which documents, after acceptance by Buyer as required by law, shall be transmitted immediately thereafter to buyer, at its address set forth hereinabove with a copy of this Agreement and instructions for the sale of Property in accordance with the terms thereof.

4. Seller shall, at the time of execution of this Agreement, duly execute a Certificate of Non-Foreign Status (Seller’s Certificate), in the form attached hereto as Exhibit C.

5. Exhibits A and B attached hereto are exhibits to this Agreement.

6. Time is of the essence of this Agreement.

Seller’s Mailing Address:
1099 South Indiana Street
Porterville, CA 93257

CARL D. DENNIS AND ALMA L. DENNIS

By

Carl D. Dennis, Seller

By

Alma L. Dennis, Seller

Buyer’s mailing address:
291 North Main Street
Porterville, CA 93257

CITY OF PORTERVILLE

By

City of Porterville

Its

Its

2
EXHIBIT C

CERTIFICATE OF NON-FOREIGN STATUS
(SELLER'S CERTIFICATE)

Section 1445 of the Internal Revenue Code provides that a transferee (Buyer) of a United States (U.S.) real property interest must withhold tax if the transferor (Seller) is a foreign person. To inform the Buyer that withholding of tax is not required upon my disposition of a U.S. real property interest, we, CARL D. DENNIS AND ALMA L. DENNIS, Sellers, hereby certify the following:

1. I am not a nonresident alien, foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income tax Regulations) for purposes of U.S. income taxation;

2. My U.S. taxpayer identifying number (Social Security Number) is 448 - 12 - 4830; and

3. My home address (for individuals) / business address (for entities) is: 1689 S. Indiana St, Porterville, CA 93257

I understand that this certification may be disclosed to the Internal Revenue Service by the Buyer, Buyer’s agent or designee, and that any false statement I have made here could be punished by fine, imprisonment, or both.

I, the undersigned, declare under penalty of perjury that I have examined this certification and to the best of my knowledge and belief it is true, correct, and complete.

Executed this 21st day of July, 2006 at Porterville, CA

Sellers

[Signature]
Carl D. Dennis

[Signature]
Alma L. Dennis
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A GRANT DEED IN FEE AND AN EASEMENT DEED FOR DRAINAGE BASIN PURPOSES AND FROM CARL D. DENNIS AND ALMA L. DENNIS

BE IT RESOLVED by the City Council of the City of Porterville that the City of Porterville hereby accepts a Grant Deed in fee and an Easement Deed from Carl D. Dennis and Alma L. Dennis, for drainage basin purposes, in the City of Porterville, County of Tulare, State of California, to-wit:

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

BE IT FURTHER RESOLVED that the purchase price of $96,250.00 is hereby approved, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

______________________________
Cameron J. Hamilton, Mayor

ATTEST:

John Longley, City Clerk

______________________________
By: Patrice Hildreth, Deputy City Clerk
Private Easement for road purposes over, across, through, in and to the north 40 feet of the land described herein per deed recorded in BK:182 OF DEEDS, AT PG. 253, TULARE COUNTY OFFICIAL RECORDS.

Easement in favor of Tulare County for road purposes over, across, through, in and to the west 38.15 feet of the land described herein per deed recorded in BK: 1931 OF DEEDS, AT PG. 357, TULARE COUNTY OFFICIAL RECORDS.

Basis of Bearings:
E. Line of N.E. Qtr. Sec. 3, T22S, R27E, M.D.B. & M.

Vol 825, pg 98
11-9-1938

Course | Dist.
--- | ---
1 N 10° 09' 38" E | 97.51'
2 N 15° 12' 47" E | 73.55'
3 N 14° 30' 01" E | 13.03'
4 N 8° 30' 26" E | 134.29'
5 N 4° 58' 14" E | 55.26'
6 N 2° 04' 29" W | 297.6'

Scale: 1"=200'

City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827462

That portion of the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian.

Owner: CARL D. & ALMA L. DENNIS
APN: 268-090-008
Area: 7.18 AC.

Drawn By: TJ
Checked By: MKR
PROPOSED EASEMENT IN FAVOR OF THE CITY OF PORTERVILLE INSTALLATION, OPERATION, INGRESS, EGRESS, MAINTENANCE, REPAIR AND REPLACEMENT OF A STORM DRAIN PIPELINE THAT ENCUMBERS A PORTION OF THE LAND DESCRIBED PER DEEDRecorded IN BK. 1931 OF DEEDS, AT PG. 357, TULARE COUNTY OFFICIAL RECORDS.

BASIS OF BEARINGS:
E. LINE OF N.E. QTR.
SEC. 3, T22S, R27E,
M.D.B. & M.

NORTH

25' PER
VOL 825, PG 98
11-9-1938

INDICATES SUBJECT EASEMENT

That portion of the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian.

OWNER: CARL D. & ALMA L. DENNIS
APN: 268-090-008
AREA: .08 AC.
DRAWN BY TJ
CH'K' BY MKR
SUBJECT: TECHNICAL CHANGE REGARDING SALE OF PROPERTY AT THE PORTERVILLE AIRPORT INDUSTRIAL PARK TO BLAIR ELECTRIC SERVICES, INC.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the June 5, 2007 closed session meeting of the City Council, Council authorized staff to complete the negotiations with Blair Electric Services, Inc. (Blair) for the sale of the 1-acre site on Thunderbolt Drive (APN 302-390-004) at a price of $75,000, inclusive of all escrow fees.

The Resolution signed on June 19, 2007, lists Blair Electric Service, Inc. as the party to whom the property is being granted. Since that time, Mr. Blair has requested that the title to the property he is acquiring at the Porterville Airport Industrial Park be recorded as Bruce J. Blair and Vickie S. Blair, husband and wife.

RECOMMENDATION: That the City Council approve the Resolution authorizing the sale of City property to Bruce J. Blair and Vickie S. Blair, husband and wife.

Attachment: Resolution
RESOLUTION NO. ___________________ -2007

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE AUTHORIZING THE SALE
OF CITY PROPERTY TO BRUCE J. BLAIR AND VICKIE S. BLAIR

BE IT HEREBY RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby grants to Bruce J. Blair and Vickie S. Blair, husband and wife, a deed for property at the Porterville Municipal Airport Industrial Park, 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 City Council of the City of Porterville.

__________________________________________
Cameron Hamilton, Mayor

ATTEST:
JOHN LONGLEY, City Clerk

__________________________________________
Patrice Hildreth, Deputy City Clerk
LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Parcel 2 of Parcel Map No. 3503, in the City of Porterville, County of Tulare, State of California, according to the map thereof recorded in Book 36 of Parcel Maps, Page 5, Tulare County Records.

APN: 302-390-004
SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUSINESS ASSISTANCE PROGRAM MODEL AMENDMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Since 1984, the City of Porterville has administered the Business Assistance Program (BAP) funded by the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) entitlement. This program provides financial assistance to commercial and industrial businesses in order to create jobs for low and moderate income persons and to help eliminate blight in the city. The funds can be used for the rehabilitation of commercial, industrial, and professional office structures on a city-wide basis. In addition to building rehabilitation, parking lot improvements or development are also eligible expenditures.

Historically, the BAP has been used to assist a downtown business with façade improvements, to renovate a downtown building for the ARCMO (Wal-Mart insurance company) offices, for renovation and improvements for both the Foster Farms Del Mesa Plant and the ProDocumentSolutions facility.

In order to use CDBG funds for these economic development activities, certain criteria and public benefit standards must be met. Traditionally, the City has required that at least one full-time equivalent job be created or retained for every $10,000 of assistance. However, due to ever increasing costs and the fact that the use of these federal funds triggers the payment of prevailing wages, staff would like to recommend that the standard be raised to meet HUD’s aggregate standard of the creation or retention of one full-time equivalent job for every $35,000 in City assistance. The City will also continue to meet the HUD National Objective requirement whereby at least 51% of the jobs created or retained must be held by, or made available to, low-and moderate-income persons. Attachment 1 shows the proposed amendment to the BAP Program Model.

RECOMMENDATION: That the City Council adopt the draft resolution to approve the amendment to the Community Development Block Grant Business Assistance Program Model to establish the required public benefit standard of the creation or retention of one full-time equivalent job for every $35,000 in City assistance.

ATTACHMENT: 1. Business Assistance Program Model
RESOLUTION NO. _____


BE IT HEREBY RESOLVED that the City Council of the City of Porterville does hereby approve the amendment to the 2007/2008 Community Development Block Grant Business Assistance Program Model to establish the required public benefit of creating or retaining one full-time equivalent job for every $35,000 in City assistance to a business.

____________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
### 1984 Community Development Block Grant Program Model
(REvised March 2007)

Business Assistance Loan Program and Parking Lot Improvements and Development

<table>
<thead>
<tr>
<th>Year</th>
<th>Funding</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>$90,035</td>
<td></td>
</tr>
</tbody>
</table>

#### Prior Year Funding:
- **1984:** $140,000, CDBG Entitlement
- **1988:** $370,000, Reallocation
- **1989:** $155,000, Reallocation
- **1997:** $200,000, CDBG Entitlement
- **1998:** $57,000, CDBG Entitlement & Reallocation
- **1999:** $795,555, CDBG Entitlement & Reallocation
- **2000:** $1,650, CDBG Program Income
- **2001:** $225,000, CDBG Entitlement
- **2002:** $0
- **2003:** $63,651, CDBG Program Income
- **2004:** $262,950, Entitlement
- $45,000, Program Income
- **2005:** $64,603, Entitlement
- $42,472, Program Income
- **2006:** $0

#### Program Plan:

**Commercial and Industrial Development:**

The Central Business District (CBD) and other peripheral business and industrial areas of the City of Porterville are abundantly developed with numerous structures which have been used for commercial, commercial/residential (apartment/hotels), and industrial use for many years. The commercial areas continue to function as the social and cultural centers of the community. The significance of these areas as a center of activity for Porterville is borne out when one considers the fact that location near these districts is a prime attraction for the construction of seniors’ multi-family housing and that, for example, promotions, holidays and most various significant local celebrations are conducted in these areas. Industrial areas provide employment opportunities for local residents. Many of these facilities were constructed several years ago and suffer from functional obsolescence, or there is vacant land available in industrial parks for the expansion of existing businesses or for the construction of a facility for a new industry. Furthermore, strong business associations and the Chamber of Commerce virtually assure that there will be a continued interest in the future of Porterville’s commercial and industrial areas.
Some of the ground floors of multiple-story commercial structures are dedicated to a commercial usage and enjoy the environmental advantages of comparison shopping districts. However, the upper stories of most have fallen into a state of considerable disrepair. The County has even excepted most upper floors from assessment of property taxes and the result has been an absence of incentives to invest in the upkeep of these resources.

Commercial and industrial development within the City of Porterville contributes to stabilization and improvement of the local economy. Expansion of commercial and industrial enterprises in Porterville provides a variety of benefits to the community. Not only is the tax base broadened and expanded, but increased employment opportunities are one of the single largest factors in the prevention of homelessness and poverty.

It is the desire of the community to provide incentives and methods to encourage the investment of time and money on a city-wide basis in commercial, industrial, and professional office districts. This can be done using a variety of approaches which have been investigated by staff and include private financing, Small Business Administration participation for qualifying property owners through the Tulare County Economic Development Corporation, and additional injection financing with CDBG loan pools. This program is based on the Community Development Block Grant (CDBG) National HUD objective of job creation for low and moderate income persons (24 CFR 570.208(a)(4)) and is an eligible activity by Federal Regulations 24 CFR Section 570.203(a). **The City will require that a business assisted with these funds meet the public benefit standard of creating or retaining one full-time equivalent job for every $35,000 in assistance.**

**Parking Lot Improvements and Development:**

If funds are available, it is proposed that this program will also provide improvements to downtown public parking lots and the acquisition of property and construction of new public parking lots. Use of these funds will assist in enhancing the infrastructure needed to attract employers to currently vacant and underutilized buildings. The downtown parking lots are currently in need of substantial reconstruction in order to adequately serve the surrounding commercial businesses. Their deteriorated conditions have contributed substantially to the extensive and prolonged high vacancy rate of adjacent buildings. In conjunction with the CDBG Business Assistance Program, which will provide funding for improvements to the buildings, the reconstruction of the parking lots and development of new lots can eliminate blighted conditions and provide economic development opportunities. The downtown area serves the entire community and is the commercial activity center located immediately adjacent to the area’s two most economically disadvantaged census tracts (Census Tracts 39 and 41). As a result of developing the Porterville Redevelopment Agency Strategic Plan, it became evident that for downtown to thrive, improvements were necessary to increase pedestrian access and safety, and to promote downtown as a destination place to go to, not through. In these respects, sidewalks were improved, street lighting and streetscape designs developed, and one-way traffic was redirected to two-way traffic. Another major element of the Redevelopment Strategic Plan was the need for improvements to existing public parking lots and developing new public parking areas to assist in downtown revitalization.
These CDBG funds may also be used for construction of new parking improvements for commercial, professional office, or industrial use. Completion of newly constructed parking lot improvements, in conjunction with commercial, professional office, or industrial business development will generate employment opportunities for low-and moderate income persons and eliminate blighted conditions. This program will meet the CDBG National Objective for addressing slum and blight on an area basis, or in some cases on a spot basis (570.208 (b)(2)). This is an eligible activity by Federal Regulations 24 CFR Section 570.201(c).

SPECIFIC PROGRAM OBJECTIVES:

Commercial and Industrial Development:

The rehabilitation of commercial, commercial/residential, industrial, and professional office structures on a city-wide basis and/or the acquisition of vacant land for commercial and industrial use accomplishes a multitude of objectives. The first, and most obvious, is that of revitalizing by providing for facelifting and interior remodel of the shopping, industrial, and professional office places of Porterville residents. To the extent that these areas are shown to be enhanced significantly in the offering of these program funds, the City benefits, in that Porterville is a safer and more attractive place to shop, maintain an office, or industrial operations. These efforts make Porterville more appealing to the consumer; the subsequent effect being a retention of jobs, and the addition of employment opportunities.

The development of upper stories of historical, commercial buildings provides a wider degree of choice in housing opportunities and housing in attractive surroundings which is accessible to services and also expands business location options. The development of housing over commercial structures downtown would provide for the housing of special needs groups, specifically those who desire studio or efficiency apartments which are close to services and provide for an attractive environment apart from traditional housing sources.

The renovation of structures in commercial areas of Porterville removes blight conditions, attracts businesses, and serves to provide an anchor of on-going services for neighborhoods and the community as a whole. Renovating industrial structures or assisting in the acquisition of property for expansion or new construction will assist manufacturing, warehousing, and service industries desiring to locate or expand in Porterville.

Parking Lot Improvements and Development:

The parking lot reconstruction and new construction development projects will result in the local community being enhanced by removing blighted conditions thereby encouraging viable businesses to become established, expand, or relocate to the area. The parking lot improvements will also provide one of the main infrastructure necessities for businesses, and therefore create employment and economic opportunities for low- and moderate-income persons. It will address factors contributing to the area’s blighted conditions, high unemployment rate, and low-income levels.

The outcome/objective for this program in the HUD Performance Measurement System is
“sustainability for the purpose of creating economic opportunities”.

SPECIFIC PROGRAM ACTION:

Commercial and Industrial Development:

Servicing of loans should be accomplished through City staff or the use of a private sector entity. Control of the terms of the financing will have the effect of enabling the City to ensure benefit to low- and moderate-income persons.

Parking Lot Improvements and Development:

The reconstruction of the parking lots downtown will be designed and constructed as funds are available. Priority needs will be determined for the phasing of the reconstruction parking lot projects.

New construction efforts will be contingent upon yet to be specified commercial, professional office, or industrial projects or upon additional parking needs in the downtown area.
SUBJECT: COLOR PALETTE FOR THE PORTERVILLE REDEVELOPMENT PROJECT AREA

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: With the adoption of the Porterville Redevelopment Strategic Plan in February of 1992, the City of Porterville made a concrete commitment to the revitalization of its downtown core. The architectural design guidelines were developed to provide measures for undertaking the preservation of downtown Porterville's physical fabric and the conservation of its historic character, particularly through the rehabilitation of its commercial and professional office facades. Research by the architectural consultant assisting with the development of the guidelines provided color palettes for four (4) architectural styles for buildings popular from the 1880's through the 1960's. Both the Porterville Redevelopment Strategic Plan and Porterville Architectural Design Guidelines were developed utilizing an extensive public participation process. There are two basic types of provisions in the Design Guidelines:

**Design Requirements:** These are standards that must be met as conditions of Porterville Redevelopment Agency participation and assistance in private rehabilitation efforts.

**Guidelines:** These are strong recommendations by the Agency for private development and rehabilitation. They are intended to encourage an approach to the downtown’s design that might be followed with or without direct Agency assistance in reconstruction or new development.

It is worth noting that the color palette indicated in the Design Guidelines can only be enforced when a building has benefited from Agency assistance, otherwise it is voluntary.

One of the most visible contributors to the image of downtown is the condition and character of the material and colors on the building facades. Inappropriate colors (architecturally inconsistent) have been applied to many buildings according to the prevailing fashion of the time and do not necessarily contribute to the historic integrity — or the architectural continuity — of the street. Colors for buildings are often controversial, owing to the very subjective nature of color preferences among people. Additionally, the Design Guidelines call for a number of colors which should not be used on Main Street, such as blues, purple, bright red or orange, pink, and bright green.
The Design Guidelines provides a color palette that is based on historic precedents. In 2004, staff contacted an architect specializing in historical architecture, Sherman Williams Pair Company, and reviewed articles obtained through the local library to determine if the color palettes used in the Design Guidelines were correct and if other color options may be available. Based on the information provided from the contacts and research, the color palettes selected through historical research and public participation and utilized in the approved Design Guidelines are correct.

Examples of the colors provided in the Design Guidelines are available for inspection in the Community Development Department.

RECOMMENDATION: Report is informational only.
SUBJECT: APPROVAL OF INVESTMENT AUTHORIZATION

SOURCE: Administration

COMMENT: The City of Porterville Investment Policy adopted and reaffirmed April 18, 2006, by City Council Resolution No. 53-2003, sets forth guidelines for the portfolio management practices for the City on a year to year basis. In conjunction with that Policy, the Chief Financial Officer signed the investment documentation as needed, with the Deputy City Clerk certifying and attesting that signature. Currently certain financial institutions being utilized for the investment of City funds require that the City provide a resolution of authorization naming the signing officer(s) for the City and designating that financial institution as a depository for City funds. With stricter banking laws and closer scrutiny of banking activities, the Chief Financial Officer feels that such resolution requests are now a routine banking practice.

RECOMMENDATION: That the Council approve the draft resolution approving a Municipal Government, Public Funds Banking Resolution for a Thrift Certificate or Full Paid Thrift Certificate with Golden Security Bank of Alhambra, CA.

Attachment: Draft Resolution

Item No. 14
RESOLUTION NO. ___-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING A MUNICIPAL GOVERNMENT, PUBLIC FUNDS BANKING RESOLUTION FOR A THRIFT CERTIFICATE OR FULL PAID THRIFT CERTIFICATE WITH GOLDEN SECURITY BANK OF ALHAMBRA, CA

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

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

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

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

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

Account No: 1078112

Financial Institution: Golden Security Bank
30 West Valley Boulevard.
Alhambra, CA 91801-5048

RESOLVED, that a Thrift Certificate or Full Paid Thrift Certificate be purchased in the name of this Entity from Golden Security Bank. Any one (1) of the following named officers or employees of this Entity ("Agents"), whose actual signatures are shown below, may endorse that request for purchase and orders for payments of funds:

Maria Bemis, Chief Financial Officer of City of Porterville

FURTHER RESOLVED, that the City of Porterville hereby agrees to the conditions printed in the Thrift Certificate and/or the Full Paid Thrift Certificate, whichever shall have been issued, and to the by-laws and rules of Golden Security bank governing payments and withdrawals made on said
certificate. Golden Security Bank shall be indemnified against all liability or expense which may be incurred in connection with this certificate or with any litigation regarding it.

BE IT FURTHER RESOLVED that Golden Security Bank is hereby authorized to recognize the signatures executed herewith in payment of funds or transactions of any other business of said organization.

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

ADOPTED this 7th day of August, 2007.

_______________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

_______________________________
Patrice Hildreth, Deputy City Clerk

STATE OF CALIFORNIA )
CITY OF PORTERVILLE ) SS
COUNTY OF TULARE )

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy 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 7th day of August, 2007.

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

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

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

JOHN LONGLEY, City Clerk

_______________________________
by Patrice Hildreth, Deputy City Clerk
COUNCIL AGENDA - AUGUST 7, 2007

SUBJECT: CHANGE IN APPOINTMENTS TO THE CONSOLIDATED WASTE MANAGEMENT AUTHORITY

SOURCE: Administration

COMMENT: On October 17, 2006, the City Council appointed Council Member Pedro Martinez to the Consolidated Waste Management Authority (CWMA) as the Member, and Council Member Eddie Hernandez as the alternate. At this time it is being requested that Council appoint Council Member Hernandez as the member, and Council Member Martinez as the alternate to the CWMA.

RECOMMENDATION: That the City Council appoint Council Member Hernandez as the member, and Council Member Martinez as the alternate to serve as the City’s representative members to the CWMA.

Item No. 15
COUNCIL AGENDA: AUGUST 7, 2007

SUBJECT: PROPOSED CHANGE IN THE TABLE OF ORGANIZATION WITHIN THE PARKS & LEISURE SERVICES DEPARTMENT

SOURCE: Administrative Services

COMMENT: The Parks & Leisure Services Department has proposed a change in the Table of Organization within the Leisure Services Division of the Department.

The Leisure Services Division is currently understaffed by one (1) full-time operational staff employee allocated in the 2007-2008 budget. In prior years, there has been a total of four (4) staff persons assigned to programming and implementing the Leisure Services operations, supported in addition by two (2) clerical positions. Currently, there are three (3) full-time Leisure Services staff, consisting of the Superintendent position and two (2) Coordinator positions, which is also supported by one (1) clerical position. It is proposed by staff that greater capability to develop and implement programs with a third Coordinator position as opposed to a second clerical position.

Changing the Table of Organization from a clerical to a Coordinator position would be the optimal move to enable the Division to enhance services. In addition to the oversight of assigned programs, the Coordinator position would routinely perform the primary clerical function of program registration and facility reservation. The change in Table of Organization can be accommodated within the current budget allocation, as the classification pay scales for the two positions overlap one another.

To effect this change, the enclosed draft Resolution has been prepared for the Council's consideration.

RECOMMENDATION: That the City Council adopt the attached draft Resolution authorizing a change in the Table of Organization in the Leisure Services Division of the Parks & Leisure Services Department.

ATTACHMENT: Draft Resolution

Dir. Appropriated/Funded C/M Item No. 16
RESOLUTION NO. _______ - 2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE PROVIDING FOR THE CHANGE IN THE TABLE OF ORGANIZATION WITHIN THE PARKS AND LEISURE SERVICES DEPARTMENT

Whereas, the City Council has acted to provide for the reorganization and staffing allocation of the Parks and Leisure Services Department, effective August 7, 2007; and

Whereas, the reorganization and change in staffing allocations of City departments is periodically beneficial to enhance the economy and efficiency of City operations; and

Whereas, the City Manager has considered the current organization and staffing levels of the Parks and Leisure Services Department, and in consultation with the Department Director has defined an organizational structure that will enhance organizational integration and effectiveness; and

Whereas, this structure has been recommended to the City Council for consideration and adoption to be implemented.

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

Amend Section II, Position Allocation Schedule and Position Pay Plan of the Employee Pay and Benefit Plan to reflect the addition of one Leisure Services Coordinator and decrease the number of Clerical Assistant positions by one in the Leisure Services Division of the Parks and Leisure Services Department.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

________________________________________
Patrice Hildreth, Deputy City Clerk
COUNCIL AGENDA: August 7, 2007

SUBJECT: ESTABLISH THE CLASSIFICATION OF GEOGRAPHIC INFORMATION SYSTEM (GIS) TECHNICIAN

SOURCE: Administrative Services/Human Resources

COMMENT: At the Council Meeting of June 19, 2007, City Council adopted the annual budget for Fiscal Year 2007-08. Included in this fiscal year’s budget is the addition of one full-time GIS Technician within the Community Development Department. In order to implement the addition of this position, it will be necessary to establish a new classification and compensation schedule.

It is recommended that the salary for this position be set at Range 140 ($2,652 - $3,236/month) due to the comparable duties and responsibilities of the existing Planning Technician within the Community Development Department, and with the internal relationship in the Department and other classes in the City. This position would fall within the General Series employee group for purposes of representation. A complete job description of responsibilities for this position is provided as an attachment. The proposed class specifications are consistent with the format established in the City’s Classification Plan.

To effect this change, the enclosed draft resolution has been prepared for the Council’s consideration.

RECOMMENDATION: That the City Council establish the classification of Geographic Information System (GIS) Technician at Salary Range 140 ($2,652 - $3,236/month), effective August 7, 2007, modify the City’s Classification Plan and the Employee Pay and Benefit Plan, and authorize the Mayor to execute these and other documents necessary to implement the provisions hereof.

ATTACHMENTS: Proposed Class Specifications
Draft Resolution

DCM J  Approp./Funded J  CM J  Item No. 17
GEOGRAPHIC INFORMATION SYSTEM (GIS) TECHNICIAN

DEFINITION
Under supervision, performs a variety of routine technical tasks in support of Geographic Information System (GIS) tasks and projects, such as creating, editing and analyzing GIS data; and performs other related work as required.

REPRESENTATIVE DUTIES
The duties listed below are examples of the work typically performed by employees in this class. An employee may not be assigned all duties listed and may be assigned duties which are not listed below. Marginal duties (shown in italics) are those which are least likely to be essential functions for any single position in the class.

1. Perform work related to the operation and maintenance of the City’s GIS, including the maintaining and modifying of databases and maps as necessary, as well as the preparation of maps and reports for use by other City Departments.

2. Collect GIS related data in the field using GIS equipment, including knowledge and use of Trimble equipment and current surveying techniques.

3. Develop and maintain a positive and constructive working relationship with City employees in other Departments, including assisting system users with new and existing applications.

4. Represents and supports the policies and procedures established by the City Council, City Manager, Department Heads, and Division Chiefs.

EMPLOYMENT STANDARDS

Education and/or Experience
Graduation from an accredited college with an Associate's degree or equivalent certificate in GIS or related field (or currently enrolled in a GIS or related degree/certificate program) and one year of GIS experience that involved responsibilities for developing and maintaining GIS databases, producing maps, and working with ESRI products (i.e. ArcView, ArcInfo, ArcEditor) and/or any combination of training and experience that provides the desired knowledge and abilities.

Knowledge of:
Arithmetic; data collection, tabulation and presentation techniques; graphic display and report writing styles and techniques.
Ability to:
Collect, interpret, and analyze data; prepare graphic displays and written reports; read, understand, and interpret regulations, ordinances and technical documents; convey ideas clearly and concisely; compute percentages; understand GIS concepts; use of GIS and mapping software; communicate effectively, both verbally and in writing; understand and follow verbal and written instructions; and establish and maintain cooperative working relationships with superiors, peers, subordinates and the general public; type at a rate sufficient to perform duties.

Special Requirements
Possession or ability to obtain a valid California Driver's License.

Physical Demands
Sitting, standing, working, some stooping and bending; dexterity and coordination to handle files and single pieces of paper; occasional lifting of objects up to 25 lbs., such as files, stacks of paper and other reference materials; moving from place to place within an office; some reaching for items above and below desk level; Strength, dexterity, coordination, and vision to use a keyboard and video display terminal.

WORKING CONDITIONS
Generally clean work environment with limited exposure to conditions such as dust, fumes, odors, or noise. Video display terminal is used on a daily basis. Independent travel throughout the area may be required.

Date Adopted:
RESOLUTION NO. _____-2007

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE PROVIDING FOR THE
ESTABLISHMENT OF THE CLASSIFICATION OF
GEOGRAPHIC INFORMATION SYSTEM (GIS) TECHNICIAN

Whereas, the City Council has acted to provide for the addition of one full-time Geographic Information (GIS) Technician within the Community Development Department as adopted in the annual Fiscal Year 2007-08 budget; and

Whereas, the establishment of this new classification and compensation schedule is necessary to implement the provisions hereof; and

Whereas, the classification and compensation for the GIS Technician has been recommended to the City Council for consideration and adoption to be implemented.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and the Classification Plan of the City is hereby amended as follows:

Establish the classification of Geographic Information System (GIS) Technician at Salary Range 140 ($2,652 - $3,236/month) effective August 7, 2007, and designate this position as General Series for purposes of representation.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

__________________________________________
Cameron Hamilton, Mayor

Attest:

__________________________________________
Patrice Hildreth, Deputy City Clerk
SUBJECT: REQUEST FOR RIGHT OF ENTRY – JAYE STREET CORRIDOR CONSTRUCTION (JLH Properties)

SOURCE: Public Works Department - Engineering Division

COMMENT: On July 24, 2007, City Council directed the Public Works Director to initiate a land transfer of surplus City property to Mr. John Hale for property held by Mr. Hale along Jaye Street and along Springville Avenue.

The City is in need of additional right of way along the streets mentioned above for the purpose of widening Jaye Street and Springville Avenue as part of the Riverwalk Shopping Center and the Jaye Street Corridor Construction project. The transfer of surplus City property to a private party requires that the City owned and privately owned parcels be appraised for market value before the actual land transfer process can begin.

The Jaye Street Corridor Construction project has been awarded and construction is expected to begin in a matter of weeks. Time is of the essence in this matter and therefore, the City Attorney has drafted “Right of Entry” documents for Mr. John Hale & Associates signatures. The executed right of entry documents will allow Granite Construction to enter upon, excavate, grade, install and otherwise construct facilities per the approved design plans.

Appraisal efforts will continue and all matters associated with the land transfer will be brought before Council for Council’s direction in the very near future.

RECOMMENDATION: That City Council:

1. Approve the Right of Entry documents presented herein;

2. Direct the Public Works Director to proceed with the execution of the Right of Entry documents;

3. Continue all efforts on the appraisal of the City owned surplus property and the appraisal of the Hale property along Jaye Street and along Springville Avenue; and

4. Present all findings and recommendations related to the transfer of City surplus property to the City Council at the earliest Council meeting possible.

ATTACHMENTS: Right of Entry Form
Attachment “A”

Item No. 17A
Engineering Division  
City of Porterville  
291 North Main Street  
Porterville, CA 93257

APN 260-300-009, 260-300-017  
ADDRESS NA  
PROJECT Jaye Street Corridor Construction

RIGHT OF ENTRY  
FORM

Grantor/Owner

Owner grants to the City of Porterville, its permittees, contractors, agents or assigns, a right to enter upon, over, across and under Grantor’s property, shown on attached Exhibit “A”, during the period of construction for the purpose of constructing public improvements and accomplishing all necessary incidents thereto, including, but not limited to, the repair, replacement, restoration, removal, and/or disposal of existing improvements.

It is understood that this permission is not a waiver in any way of the right of fair compensation for such land or of any remedy authorized by law to secure payment therefor.

This permission is granted in consideration of the location, improvement and construction of such public improvements and appurtenances which are required by the City, with the understanding that the City will hereinafter, without unnecessary delay, negotiate with the undersigned, and any other person having any right, title or interest in said property, based on an appraisal by a licensed appraiser, to agree upon terms of compensation.

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. In addition, the City of Porterville agrees to indemnify the Owner and hold said Owner harmless from any loss of, or damage to any property or injury or death of any person whomsoever arising out of or connected with their performance of any work authorized under this agreement.

IN WITNESS WHEREOF, the parties have executed this agreement on this ____ day of _______________, 20__.

JLH PROPERTIES  
Property Owner

CITY OF PORTERVILLE, a  
Municipal Corporation

By__________________________  
By__________________________  
City Engineer
EXHIBIT “A”
Property Diagrams/Descriptions for Right of Entry

Attached are the Diagrams and legal property descriptions for property subject to the Right of Entry.
PROPERTY PLAT

SPRINGVILLE AVE.

PORTION OF LOT 48
PLEASANT GROVE TRACT MAP

PARCEL A
LL A 15-2002
DOC 2003-0095709

APN 260-300-009

PARCEL A

CITY OF PORTERVILLE
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827462

THAT PORTION OF LOT 48 OF PLEASANT GROVE TRACT,
in the City of Porterville, County of Tulare, State
of California, according to the map thereof recorded
in Book 9 of Maps, at page 1 in the office of the
Tulare County Recorder, situated in the Southeast
quarter of Section 35, Township 21 South, Range
27 East, Mount Diablo Base and Meridian.

OWNER: JLC PROPERTIES
APN: 260-300-009
AREA: 13,831 S.F.
ACRES: 0.318 AC.
DRAWN BY TJ
CHECKED BY MKR

SCALE: 1"=80'

0 40 80 160 FT.
PUBLIC HEARING

SUBJECT: SALAZAR RANCH TENTATIVE SUBDIVISION MAP (MIGUEL SALAZAR)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval for the Salazar Ranch Tentative Subdivision Map to divide a 3.12± acre parcel zoned City R-1 (One-Family Zone) into twelve (12) single family residential lots in one (1) phase. The subject site is located on the south side of North Grand Avenue between Newcomb Street and Lotas Street.

Section 233-a (front yard) of the Zoning Ordinance requires that every R-1 zoned lot meet the minimum 20-foot front yard setback. As a result of the right-of-way dedication on North Grand Avenue, an existing detached garage on proposed Parcel 1 will encroach into the 20-foot front yard setback by 10± feet, resulting in the garage being a non-conforming structure. Any future construction on the premises is required to conform to the setbacks as defined under Section 233 of the Zoning Ordinance.

Parcels 1 and 5 will be considered reverse corner lots. A minimum 12-foot side yard setback to include any 6-foot high fence along Steven Street will be required.

The project is Categorically Exempt pursuant to Section 15332, Class 32, of the CEQA Guidelines – In-fill development less than 5 acres. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Salazar Ranch Tentative Subdivision Map subject to conditions of approval.

ATTACHMENT:

1. Complete Staff Report

DESPAWNED/FUNDED: CM

ITEM NO. 18
PUBLIC HEARING - STAFF REPORT

TITLE: SALAZAR RANCH TENTATIVE SUBDIVISION MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Miguel Salazar
1184 West Forest Avenue
Porterville, CA 93257

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

PROJECT LOCATION: The subject site is located on the south side of North Grand Avenue between Newcomb Street and Lotas Street.

SPECIFIC REQUEST: The applicant is requesting approval for the Salazar Ranch Tentative Subdivision Map to divide a 3.12± acre parcel zoned City R-1 (One-Family Zone) into twelve (12) single family residential lots in one (1) phase.

PROJECT DETAILS: Section 233-a (front yard) of the Zoning Ordinance requires that every R-1 zoned lot meet the minimum 20-foot front yard setback. As a result of the right-of-way dedication on North Grand Avenue, an existing detached garage on proposed Parcel 1 will encroach into the 20-foot front yard setback by 10± feet, resulting in the garage being a non-conforming structure. Any future construction on the premises is required to conform to the setbacks as defined under Section 233 of the Zoning Ordinance.

Parcels 1 and 5 will be considered reverse corner lots. A minimum 12-foot side yard setback to include any 6-foot high fence along Steven Street will be required.

GENERAL PLAN DESIGNATION: Low Density Residential.

SURROUNDING ZONING LAND USE:

North: City – North Grand Avenue and rural residential uses.
South: City – Retention basin and a developed single family residential subdivision.
East: City – Existing single family dwelling and developed single-family residential subdivision.
West: City – Existing church and Newcomb Street.
The Project Review Committee on August 1, 2007, discussed with the applicant/applicants agent concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this 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 the 3.12± acre site zoned City R-1 (One-Family Zone) into twelve (12) single family residential lots in one (1) phase is consistent with the General Plan’s Low Density Residential land use designation. Additionally, development of this site will in-fill an area completely developed on all four sides.

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: The project is Categorically Exempt pursuant to Section 15332, Class 32, of the CEQA Guidelines – In-fill development less than 5 acres. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: February 7, 2007

DATE ACCEPTED AS COMPLETE: July 17, 2007

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving Salazar Ranch Tentative Subdivision Map subject to conditions of approval.

ATTACHMENTS:

1. Salazar Ranch Tentative Subdivision Map
2. Notice of Exemption
3. Draft Resolution of Approval
NOTICE OF EXEMPTION

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: City of Porterville
291 N. Main Street
Porterville, California 93257

Tentative Subdivision Map (Salazar Ranch).
Project Title

South side of North Grand Avenue between Newcomb Street and Lotas Street.
Project Location (Specific)

City of Porterville
Project Location (City)

Tulare
Project Location (County)

A tentative subdivision map to divide a 3.12± acre site consisting of one (1) single-family residential dwelling into twelve (12) single-family residential lots.
Description of Nature, Purpose, and Beneficiaries of Project

Miguel Salazar
Name of Public Agency Approving Project

City of Porterville
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

 Ministerial (Section 15073)

 Declared Emergency (Section 15071 (a))

 Emergency Project (Section 15071 (b) and (c))

 X Categorical Exemption. State type and section number: 15332, Class 32

In-fill development- less than 5 acres.
Reasons why project is exempt

Bradley D. Dunlap, AICP, Community Development Director
Contact Person

If Filed by Applicant:

1. Attached certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project?
Yes: No:

Date Received for filing: __________

Signature
Community Development Director
Title

P:\comm. dev. Bubba\Notice of Exemption SalazarRanchTSM

ATTACHMENT
ITEM NO. 2
RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR SALAZAR RANCH TENTATIVE SUBDIVISION MAP FOR A 3.12± ACRE SITE LOCATED ON THE SOUTH SIDE OF NORTH GRAND AVENUE BETWEEN NEWCOMB STREET AND LOTAS STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 7, 2007, conducted a public hearing to consider approval of the Salazar Ranch Tentative Subdivision Map, being a division of a 3.12± acre parcel into twelve (12) single family residential lots in one (1) phase for that site located on the south side of North Grand Avenue between Newcomb Street and Lotas Street; and

WHEREAS: The project is Categorically Exempt pursuant to Section 15332, Class 32, of the CEQA Guidelines – In-fill development-less than 5 acres; and

WHEREAS: The Project Review Committee on August 1, 2007, discussed with the applicant/applicant’s agent concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this 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 Low Density Residential development (2-7 d.u./acre). The proposed subdivision will be developed to a density of 3.85 d.u./acre.

2. No recent traffic counts have been conducted in the area of the subject site. The Circulation Element of the Porterville General Plan designates North Grand Avenue as an arterial street (84 feet wide). An 84 foot right-of-way can accommodate four (4) lanes. The existing street (North Grand Avenue) is not constructed to the full arterial or collector standard. Two lane arterials have the capacity of 12,500 Average Daily Trips. Based on 9.55 average daily trips per dwelling, 114.5 trips per day will be generated at full build-out. It is not anticipated that the additional traffic generated by the proposed development should reduce the performance of the...
streets/avenues in this area since they have been designed to handle the additional traffic in this area.

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

   The site is generally level. The subject site has medium to coarse textured soils with a high water infiltration rate. Therefore, no barriers to development will occur.

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

The General Plan designates the site for Low Density Residential uses. The site is surrounded by rural residential uses to the north, a retention basin and a developed single-family residential subdivision to the south, an existing single-family dwelling and developed single-family residential subdivision to the east and an existing church and Newcomb Street to the west. The proposed development is generally consistent with other residential development in the area. Conditions of approval are included to ensure adequate development standards are met.

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

The proposed project complies with all the requirements of the Subdivision Ordinance. The development standards of the R-1 (One Family Residential) 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 the Salazar Ranch Tentative Subdivision Map subject to the following conditions:

1. Section 233-a (front yard) of the Zoning Ordinance requires that every R-1 zoned lot meet the minimum 20-foot front yard setback. As a result of the right-of-way dedication on North Grand Avenue, an existing detached garage on proposed Parcel 1 will encroach into the 20-foot front yard setback by 10± feet, resulting in the garage being a non-conforming structure. Any future construction on the premises is required to conform to the setbacks as defined under Section 233 of the Zoning Ordinance.
2. Parcels 1 and 5 will be considered as a reverse corner lot. A minimum 12-foot side yard setback to include any 6-foot high fence along Steven Street will be required.

3. The following regulations of the San Joaquin Valley Air Pollution Control District (Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters) will apply to this project:

   a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.
   b. In new residential development with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood-stove, pellet-stove, or wood-burning insert) per acre.


5. 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.

6. 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). Twelve (12) feet of additional dedication is required along North Grand Avenue frontage.

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

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

9. 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.
10. 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.

11. 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.

12. 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 of the Final Map acceptance.

13. 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. Show all existing wells on the improvement plans and designate which well or wells will remain in service upon full development.

14. 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.
15. 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.).

16. 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.

17. 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.).

18. 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.

19. 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.

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

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

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

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

e. Lot corners are marked;

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

21. 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. Said improvements include the enlarging the capacity of and improving Drainage Reservoir No. 17 with the permission of Tulare County and in accordance with the terms of the agreement between the City and the County.

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

23. The developer/applicant shall grade all lots to drain to the street.

24. The developer/applicant shall design/make provisions for Stevens Street to accept runoff from the adjacent westerly property when it develops, if feasible.

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

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

27. The developer/applicant shall provide acceptable pavement transitions for North Grand Avenue eastbound traffic entering and leaving the proposed development.

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

29. 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.

30. The developer/applicant shall connect existing house to sewer, abandon existing septic tank and pay applicable connection fees prior to the acceptance of the public improvements.

31. 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).

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

34. The developer/applicant shall connect existing house to water and pay applicable connection fees prior to the acceptance of the public improvements.

35. 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.

36. 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.

37. 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. 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. Exclusive of assessments for a Lighting and Landscape Maintenance District, the developer/applicant shall pay all service fees and maintain all new lighting following acceptance of the subdivision improvements, or until assessment begins for the Lighting and Landscape Maintenance District.

38. The developer/applicant shall pay all applicable fees according to the Municipal Code and State Law.
39. The developer/applicant shall comply with all requirements of the Porterville Zoning Ordinance, the Porterville Municipal Code, the latest adopted Building Codes, and all other applicable laws and ordinances.

40. Comply with the approved tentative subdivision map identified as Attachment No. 1.

________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ________________________
Patrice Hildreth, Deputy City Clerk
CITY COUNCIL AGENDA: AUGUST 7, 2007

PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 7-2007 (PORTERVILLE FIRST CHURCH OF THE NAZARENE)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicants are requesting approval of Conditional Use Permit 7-2007 to allow for the development of a multipurpose church (sanctuary, classrooms, cafes, childcare, activity centers and ancillary uses). The subject site is zoned R-3 (D)(Multiple Family Residential - Design Review Overlay) and C-3 (Heavy Commercial) Zones.

The project site was part of a larger 80± acre site that was farmed prior to annexation. The southerly 2/3 of the overall 80± acre site was developed with a school and single family residences. The remaining 21± acres, along Olive Avenue, remained fallow pending development. The subject site now consists of three parcels of land, totaling the 21± acres. With a lot line adjustment and dedication of Lombardi Street and Clare Avenue, the church site will then form 9.47± acres with a remainder 6.69± acres intended for phase 2.

On March 7, 2006, the Council adopted a Mitigated Negative Declaration (Resolution No. 35-2006) which was prepared for General Plan Amendment No. 1-2006 and Zone Change No. 3-2006 for a 21+/- acre site to be developed with commercial and high density residential uses. On May 25, 2007, the Environmental Coordinator made a determination that the project is generally consistent with the scope and findings of the earlier environmental analysis and that an Addendum to the previously adopted Mitigated Negative Declaration would be in compliance with CEQA (Sections 15162 and 15164). The Council is being requested to approve an addendum to the Mitigated Negative Declaration of environmental impact.

Staff has evaluated the proposed conditional use permit to facilitate the construction and use of the multipurpose church building and proposed parking and has found that it exceeds the minimum pertinent Municipal Code sections. In addition, the plans, proposed colors, materials, and elevations are complementary to the surrounding development and the City's character. The proposed church, including the subordinate uses, is compatible with both the residential and commercial zoning designations for a church. With the dedication of Clare Avenue and Lombardi Street and the full build out of Mathew as a Collector Street and Olive Avenue as a Major Arterial, the circulation system will provide effective means of ingress and egress for the project and the surrounding development.

DD\(\text{APPROPRIATED/FUNDED}\) CM \(\text{ITEM NO. 19}\)
RECOMMENDATION: That the City Council:

1. Approve the Addendum to Mitigated Negative Declaration approved on March 7-2006 by Resolution No.35-2006.

2. Approve Conditional Use Permit 7-2007 subject to conditions of approval.

ATTACHMENT:

1. Complete Staff Report
TITLE: CONDITIONAL USE PERMIT 7-2007

APPLICANT: Porterville First Church of the Nazarene  
765 W. Henderson Avenue  
Porterville, CA 93257

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

PROJECT LOCATION: Southwest corner of Olive Avenue and Mathew Street

SPECIFIC REQUEST: The applicants are requesting approval of Conditional Use Permit 7-2007 to allow for the development of a multipurpose church (sanctuary, classrooms, cafes, childcare, activity centers and ancillary uses). The subject site is zoned R-3 (D)(Multiple Family Residential - Design Review Overlay) and C-3 (Heavy Commercial) Zone.

History: On October 21, 2003 the City Council approved Annexation 452, Resolution 142-2003 allowing for this area to be incorporation into the City limits. Then on March 7, 2006, the City Council approved GPA 1-2006 (Resolution No. 35-2006), and Zone Change 3-2006 (Resolution No. 35-2006 Ordinance 1695), changing 12.9± acres from R-3 (D)(Design Review Overlay) to C-3 (Heavy Commercial) Zone.

PROJECT DETAILS: The site consists of three parcels of land, totaling 21± acres. With a lot line adjustment and dedication of Lombardi Street and Clare Avenue, the project will be constructed on 9.47± acres with a remainder 6.69± acres intended for phase 2. The proposed project consists of the construction of a multipurpose church and parking lot on the southwest corner of Olive Avenue and Mathew Street. The 9.47± acre site is rectangular in shape and generally flat.

The project site was farmland prior to annexation. The southerly 2/3 of the overall 80± acres site was developed with a school and single family residences. The remaining 21± acres remained fallow pending development.

There will be a combination of articulating wall elevations and transitions of building materials. The walls are proposed as stucco (cream and tan color) and red brick veneer. The walls will be bordered with moldings and bands of offsetting colors and materials. All roof-mounted equipment will be screened with a stucco parapet wall, also of cream and tan colors. Each elevation will have varied styles of square-tubular trellis (silver in color) supported by square columns covered with a red brick. There will be grid-walls of green tinted windows to enclose the children’s play areas with the same window theme highlighting other elevations of the building. The main architectural feature along
Olive Avenue will be a water fountain and cross with colors and materials that complement the building.

Adequate outdoor area will be provided, to include fenced play areas, outdoor worship area and future sports fields. Three indoor sanctuaries are provided and seat a combined 2,200 people. The main sanctuary is 15,600± square-feet and will accommodate a capacity of 1,500 seats or 1,000 seats for table seating. At a ratio of one (1) parking space per every five seats (main sanctuary only), a minimum of 300 parking spaces are required per the Zoning Ordinance. The applicants have recognized the need for additional parking and have provided 502 parking spaces. This is anticipated to be a more realistic parking supply for this type of church. As presented, the parking ratio of 1:3 will exceed the City’s requirements thereby accommodating additional uses on the premises, not limited to weddings, concerts, conferences and other assemblages of people. This would also result in a parking ratio of 1:4.4 if all sanctuaries are used concurrently.

The project site currently contains a single-family residence and shop on three parcels of land, totaling 21± acres. By means of a lot line adjustment and dedication of Lombardi Street and Clare Avenue, the church site will then form the 9.47± acres with a remainder of 6.69± acre slated for phase 2. Additional offsite housing units may be constructed on the new parcels to the southwest.

GENERAL PLAN AND ZONING: The General Plan designates the site as High Density Residential and Heavy Commercial. The subject site is zoned R-3 (D) and City C-3 (Heavy Commercial).

SURROUNDING ZONING AND LAND USE:
North: City R-1 – Olive Avenue and Car Dealership.
South: City R-1 – Clare Avenue (Future Right-of Way) and Public School.
East: City C-3 – Mathew Street and Mini-Storage.
West: City R-3 (D) – Vacant 6.69 Acres, Lombardi Street (Future Right-of Way) and Single Family Resident.

STAFF ANALYSIS: Staff has evaluated the proposed conditional use permit to facilitate the construction and use of the multipurpose church building and proposed parking and has found that it exceeds the minimum pertinent Municipal Code sections. In addition, the plans, proposed colors, materials, and elevations are complementary to the surrounding development and the City’s character. The uses of the church are compatible with both the residential and commercial zoning designations for a church and other subordinate uses. With the dedication of Clare Avenue and Lombardi Street and the full build out of Mathew as a Collector Street and Olive Avenue as a Major Arterial, the circulation system will provide effective means of ingress and egress for the project and the surrounding development.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed modification to the use permit would not allow the church as proposed.
2. Approve the project. Approval of the proposed conditional use permit would allow for the construction and use of the church as proposed.

ENVIRONMENTAL: On March 7, 2006, the Council adopted a Mitigated Negative Declaration (Resolution No. 35-2006) which was prepared for General Plan Amendment No. 1-2006 and Zone Change No. 3-2006 for a 21+- acre site to be developed with commercial and high density residential uses. On May 25, 2007, the Environmental Coordinator made a determination that the project is generally consistent with the scope and findings of the earlier environmental analysis and that an addendum to the previously adopted mitigated negative declaration would be in compliance with CEQA (Sections 15162 and 15164).

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: May 23, 2007

DATE ACCEPTED AS COMPLETE: July 13, 2007

RECOMMENDATION: That the City Council:

1. Approve the Addendum to Mitigated Negative Declaration approved on March 7-2006 by Resolution No.35-2006.

2. Approve Conditional Use Permit 7-2007 subject to conditions of approval.

ATTACHMENTS:

1. Locator, Zoning, Land Use and General Plan Map
2. Conditional Use Permit application and Environmental Information Form
3. Draft Resolution containing findings in support of an Addendum to Mitigated Negative Declaration approved March 7, 2006 (Resolution No. 35-2006) marked as Exhibit "B." Addendum to Mitigated Negative Declaration; Resolution 35-2006 marked as Exhibit "C."
4. Draft Resolution approving the Conditional Use Permit 7-2007 to include the site plan, floor plans, elevation plans and Rendering marked as EXHIBIT “A”
**CONDITIONAL USE PERMIT**

**CUP 7-2007**

**ATTACHMENT**

**ITEM NO. 1**
CITY OF PORTERVILLE

APPLICATION FOR CONDITIONAL USE PERMIT

NOTE: The basic purpose of the Conditional Use Permit Article 29 of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

PROJECT NAME:
NAZARENE CHURCH

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):
PORTERVILLE FIRST CHURCH OF THE NAZARENE
765 W. HENDERSON PORTERVILLE, CA 93257 559-784-3305

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:
JULIE CHENEY 765 W. HENDERSON PORTERVILLE, CA 93257 559-784-3305
OR GARY SMEE 2571 WEST MEMORY LANE PORTERVILLE, CA 559-805-4767

PROJECT ADDRESS AND NEAREST CROSS STREETS:
SOUTHWEST CORNER OF OLIVE AVENUE & MATHEW STREET

The applicant requests a Conditional Use Permit to use the above described property for the following purposes:
CHURCH MULTI-USE FACILITIES

Date of most recent sale of property: DECEMBER 2006

If applicant is the lessee, give date property was leased: N/A

List below the original deed restrictions pertaining to the type of improvements permitted.
NONE

Date said restrictions expire: N/A

(Please attach a copy of original printed restrictions in answer to this question. Properly underline those features controlling the type and class of uses permitted)
A Plot Plan and 300’ radius property owners map, and corresponding mailing list are attached and made a part of this application. (See detailed instructions on Page 4 of this form).

1. State how the proposed use will not be materially detrimental to the public welfare or pose injury to property or improvements in such vicinity and zone in which the use is proposed.

THE SITE IS PRESENTLY ZONED C-3 AND R-3D. THE PROPOSED CHURCH FACILITY USE WILL BE LESS INTENSE THAN USES ALLOWED IN THE C-3 ZONE. THE MOST INTENSE USE WILL OCCUR ON SUNDAYS WHICH IS THE TIME WHEN MOST BUSINESSES ARE CLOSED.

2. Principal requirements of intended use (Please answer the following statements as completely as possible).

(a) Total number of people that the building can accommodate at one time, or grounds if the use is not conducted in the building at one time (Occupancy Capacity).

THE MAIN SANCTUARY WILL SEAT A MAXIMUM OF 1,500. THE CHURCH CURRENTLY HAS DOUBLE SESSIONS ON SUNDAYS WHICH WILL CONTINUE IN THE NEW FACILITY. DAYCARE FACILITY USE IS ESTIMATED AT 140 MAX. THE FACILITY WILL BE USED DURING THE WEEK PRIMARILY IN THE EVENING. WEDNESDAY EVENING WILL BE THE MAXIMUM WEEKDAY USE WITH AN ESTIMATED MAXIMUM OF 300.

(b) Total number of employees that will work on the property.

25±

(c) Total number of off-street parking spaces provided or planned.

503

(d) Maximum height of buildings or structures.

42 FEET

(e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.

N/A
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to
the application, hereby certify that we have read the foregoing petition and agree that the fact
stated correctly and completely present the conditions surrounding the property involved in the
application, and believe the application SHOULD BE GRANTED. (Add additional sheets where necessary.
These signatures are desirable but not required)

<table>
<thead>
<tr>
<th>No. on Map</th>
<th>Name</th>
<th>Address</th>
<th>APN</th>
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**OWNER’S DECLARATION**

**STATE OF CALIFORNIA  )
COUNTY OF TULARE  ) ss**

I, ___________________________, being duly sworn, declare and say that I am
the owner of part (or all) of the property involved and that this application has been prepared in
compliance with the requirements of the Porterville City Council as printed herein and that the
foregoing information thoroughly and completely, to the best of my ability, presents the
argument in behalf of the application except as to the matters stated to be on my information and
belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at

Porterville, CA  this 15th day of May, 2007.

Telephone (559) 784-3305 Signed ___________________________

Mailing Address 765 W. Henderson Ave.

Porterville, CA 93257

This is to certify that the foregoing application has been inspected by me and found to be
complete and acceptable for filing with the Porterville City Council.

Received ___________________________ Date

Receipt No. ___________________________

By ___________________________
CITY OF PORTERVILLE

ENVIRONMENTAL INFORMATION FORM

Note: Failure to answer all questions could delay the processing of your application or require resubmission.

PROJECT NAME AND APPLICATION NUMBER:

NAZARENE CHURCH

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):

PORTERVILLE FIRST CHURCH OF THE NAZARENE

765 W. HENDERSON PORTERVILLE, CA 93257 559-784-3305

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:

JULIE CHENEY 765 W. HENDERSON PORTERVILLE, CA 93257 559-784-3305

OR GARY SMEE 2571 WEST MEMORY LANE PORTERVILLE, CA 559-805-4767

PROJECT ADDRESS AND NEAREST CROSS STREETS:

SOUTHWEST CORNER OF OLIVE AVENUE & MATHEW STREET

EXISTING ZONING: C-3 AND R-3D

EXISTING LAND USE: VACANT

For Office Use Only-
(Date stamp upon receipt)

Receipt No.: 

Received By: 

Paid By: 

Project No.: 

Amount: 

Provide in as much detail as possible the following information:

1. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies.
   NONE
2. a. Provide a detailed project description: MULTI USE CHURCH FACILITY
   b. Include project area: SITE 21 ac, CHURCH PROJECT SITE 16.1 ac
   c. Square footage of buildings (existing and proposed): 92,592 s.f.
   d. Number of floors of construction: ONE
   e. Amount of off-street parking provided: 503 SPACES
   If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected.
   If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.
   If industrial, indicate type, estimated employment per shift, and loading facilities.
   If institutional,
   f. Indicate the major function: CHURCH
   g. Estimated employment per shift: 25
   h. Estimated occupancy: 1,500 SEAT SANCTUARY
   i. Loading facilities, and community benefits to be derived from the project:

   SHOWN ON THE SITE PLAN
3. Provide scaled and fully dimensioned site plans, if applicable: ATTACHED
4. Outline proposed scheduling: GRADING START AUG 1, 2007
5. If known, provide information regarding related or cumulatively resulting projects, or any relationship to a larger project or series of projects: NONE
6. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required: THIS APPLICATION IS FOR A CONDITIONAL USE PERMIT. THE CITY OF PORTERVILLE ZONING ORDINANCE REQUIRES A CONDITIONAL USE PERMIT FOR A CHURCH.
Environmental Setting

In as much detail as possible, describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site.

Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.). Attach photographs of the vicinity.

SITE WAS FARMED WITH ANNUAL CROPS UNTIL ABOUT 2005. THE SITE CONTAINS AN EXISTING RESIDENCE AND FARM RELATED ACCESSORY BUILDINGS AT THE NORTHEAST CORNER. THE REMAINDER OF THE SITE IS PRESENTLY VACANT. LAND HAS BEEN LEVELLED FOR IRRIGATION WITH SLOPE TO THE WEST AT ABOUT 0.2%. NO UNIQUE FEATURES HAVE BEEN IDENTIFIED ON THE SITE.

NORTH: OLIVE AVENUE, SINGLE FAMILY RESIDENTIAL, MULTIPLE FAMILY RESIDENTIAL, COMMERCIAL.
EAST: MINI STORAGE
SOUTH: ELEMENTARY SCHOOL, SINGLE FAMILY RESIDENTIAL
WEST: SINGLE FAMILY RESIDENTIAL, MOBILE HOME PARK
Are the following items applicable to the project? Explain all applicable items; attach additional sheets as necessary.  

**NOT APPLICABLE**

**Will the project:**

- Change existing features of any hills, substantial alteration of ground contours, lakes, or beaches.
- Change scenic views or vistas from existing residential areas or public lands or roads.
- Change pattern, scale or character of general area of project
- Create significant amounts of solid waste or litter.
- Create dust, ash, smoke, fumes or odors in vicinity.
- Change surface or ground water quality or result in alteration of existing drainage patterns.
- Substantially change existing noise or vibration levels in the vicinity.
- Build structures on filled land or on a slope of 10 percent or more.
- Result in or require use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.
- Result in a substantial change in demand for municipal services (police, fire, water, sewage, etc.).
- Result in substantially increased fossil fuel consumption (electricity, oil, natural gas, etc.).
All applicants must check one of the following boxes:

☐ I hereby authorize the City of Porterville Planning Division to prepare an Environmental Impact Report for my project, if necessary. I understand the City will bill me, and I agree to pay the City for the actual cost of preparation of the Draft and Final Environmental Impact Reports. I further understand that no action approving the project will be taken by the City until the cost of the Environmental Impact Report is paid.

☐ I hereby authorize the engineer or surveyor as my representative to authorize the City Planning Division to prepare an Environmental Impact Report for my project, if necessary. I understand the City will bill me, and I agree to pay the City for the actual cost of preparation of the Environmental Impact Report. I further understand that no action approving the project will be taken by the City until the cost of the Environmental Impact Report is paid.

☒ Please do not proceed with the preparation of an Environmental Impact Report for my project until the City Planning Division has received a written authorization letter from me, or my authorized representative.

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CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial environmental evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: ____________________________ Date: 5/10/07

JAMES WINTON & ASSOCIATES
150 W. MORTON AVE.
PORTERVILLE, CA 93257

Applicant
CITY OF PORTERVILLE – COMMUNITY DEVELOPMENT DEPARTMENT

ADDENDUM TO MITIGATED NEGATIVE DECLARATION FOR RESOLUTION 26-2006

INTRODUCTION

On March 7, 2006, the Council approved Resolution 35-2006 adopting a Mitigated Negative Declaration for General Plan Amendment 1-2006 and Zone Change 3-2006 to allow for the construction of an 83,000± square foot commercial shopping center on a 12.9± acre site. A biological report identified potential biological resources on the property to the south, and on the west side of the project area. The adopted mitigation measures provide for mitigating, noise, dust and for the relocation of the single elderberry bush to the west. The review concluded that no adverse impacts would occur to wildlife resources from implementation of the project.

The purpose of this addendum is to address minor technical changes and additions to the adopted Mitigated Negative Declaration. The relevant changes in the project include a 92,000± square foot multipurpose church in rather than an 83,000± square foot shopping center and a reduction in site area from 12.9± acres to 9.47± acres.

STATUTORY BACKGROUND

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

The proposed mitigation measures in the adopted Mitigated Negative Declaration address noise, dust and an elderberry shrub west of the project site. There were no other potentially significant impacts requiring mitigation.

This Addendum demonstrates that the environmental analysis, impacts, and mitigation requirements identified in the mitigated negative declaration remain substantively unchanged or lessened by the proposed project revisions described herein, and supports the finding that the proposed project does not raise any new issues and does not exceed the level of impacts identified in the previous Mitigated Negative Declaration.

ANALYSIS

The environmental effects of the proposed multipurpose Church will be less than significant in terms of the previously adopted Mitigated Negative Declaration. In compliance with Section 15162 (a), of the Public Resources Code the changes to the project and the revisions to the document identified below are minor technical changes to the previously adopted Mitigated Negative Declaration and do not substantiate the certification of a new EIR or adoption of a
Mitigated Negative Declaration. Based on the information presented in this document, no subsequent changes are proposed or would occur that necessitate the preparation of a new or subsequent Mitigated Negative Declaration.

CEQA FINDINGS

On May 25, 2007 the Environmental Coordinator made a determination that an Addendum to the Mitigated Negative Declaration would be appropriate for the changes to the proposed project. The proposed project meets the criteria established in Public Resources Code Sections 15162 and 15164 of the CEQA Guidelines for an addendum to a Mitigated Negative Declaration. In order to approve the addendum, the following findings must be made on substantial evidence:

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

   The earlier Mitigated Negative Declaration approved for the project evaluated potential environmental impacts associated with the development of a shopping center. The addendum addresses a change in the project description for the development of a church of approximately the same size as the previously approved shopping center on a reduced site area but the same site. The change in project description does not raise any new environmental issues not already addressed and lessens the impact on city streets during peak hours and moves the project further from the single elderberry bush west of the project site.

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

   The church will be constructed in a manner similar to a shopping center. The site area has been reduced and the previous document has been reviewed for substantial increases in severity of environmental impacts, none were identified.

3. There is no new information of substantial importance, which was shown or could have been known with the exercise of reasonable diligence at the time the previous mitigated negative declaration was adopted as complete that shows that:

   a. The project will have one or more significant effects not discussed in the previous Mitigated Negative Declaration; or

   b. Effects previously examined will be substantially more severe than shown in the previous Mitigated Negative Declaration; or

   c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more effects
of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

d. Mitigation measures or alternative which are considerably different from those analyzed in the previous negative declaration would substantially reduce one or more effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

*This Addendum to the Mitigated Negative Declaration demonstrates that the environmental analysis, potential impacts, and mitigation measure identified in the Mitigated Negative Declaration remain substantively unchanged by the situation described herein, and supports the finding that the proposed project does not raise any new issues and does not exceed the level of impacts identified in the previous negative declaration.*

(A) Based on the discussion provided above, no subsequent changes are proposed or would occur that necessitate the preparation of a subsequent Mitigated Negative Declaration.

**ANALYSIS**

The environmental effects of the proposed multipurpose Church will be less than significant in terms of the previously adopted Mitigated Negative Declaration. In compliance with Section 15162 (a), of the Public Resources Code the changes to the project and the revisions to the document identified below are minor technical changes to the previously adopted Mitigated Negative Declaration and do not substantiate the certification of a new EIR or adoption of a Mitigated Negative Declaration. Based on the information presented in this document, no subsequent changes are proposed or would occur that necessitate the preparation of a new or subsequent Mitigated Negative Declaration.

**TEXTUAL CHANGES**

Porterville City Council Adopted Mitigated Negative Declaration Resolution 35-2006

The City of Porterville is evaluating the potential environmental impacts of approval of a General Plan Amendment and Zone Change of 12.9+ acres from High Density Residential (R-3) to Heavy Commercial (C-3). **Multipurpose church with subordinate uses on a 9.47+ acre site.** The subject site consists of three (3) parcels. One parcel is developed with a single family residential dwelling. The remaining two (2) parcels are vacant. The subject site is being considered for development of a 83,000+ square foot Retail Shopping Center **92,000+ square foot multipurpose church** consistent with the General Plan and Zoning on the site located on the south side of Olive Avenue, between Mathew Street and Lombardi Street. Existing conditions on the site permit R-3 uses.

**I. AESTHETICS** -- Would the project:

**Responses:**

a), b), c) **No Impact** - The project will not have an adverse effect on a scenic vista; the proposed retail shopping center **multipurpose church complex** would have no effect on the aesthetic qualities and
characteristics of the project area beyond the already approved residential development potential. The project is not within the vicinity of a state scenic highway, nor would it damage any scenic resources. Sources 1, 5 & 35.

**XV. TRANSPORTATION/TRAFFIC** -- Would the project:

**Response:**

* a), b), e) Less Than Significant Impact – As noted in the project description, the project is based on assumed development of a retail shopping center a multipurpose church building, though no site plan has yet been submitted, the project proponent estimates no more than 83,000± the project will consist of 92,000± square feet of built structure. The proposed development of 83,000± square feet of commercial retail shopping center would result in approximately 310 additional daily trips. The proposed development of 92,000± square foot multipurpose church building would result in decrease of approximately 772 weekday trips. If the project were to be developed to its maximum potential under current R-3 zoning (one unit for every 1500 square feet of land for the entire 12.9 acres) and municipal development standards, results would be approximately 374 multiple family residential units and 2,420 additional daily trips. Both types of development are within the capacity of the existing infrastructure. Sources 1,2,34 & 35.

* f) No Impact – Parking, in excess of that required by the zoning ordinance for the church facilities, will be provided. Adequate parking in compliance with the City’s ordinance and building code regulations that govern development of commercial development. Sources 1 & 2.

**XVI. UTILITIES AND SERVICE SYSTEMS** –

**Response:**

* a), b), c), d), e) Less Than Significant Impact – With regards to wastewater, the project will be served by the City of Porterville. The Porterville Wastewater treatment plant can accommodate flows generated by the commercial retail multipurpose church building, and the project will not exceed the wastewater treatment requirements of the applicable Regional Water Quality Control Board. The impact is less than significant. New storm water drainage facilities will be installed as needed to serve the project area. Sources 30 & 35.

**IV. BIOLOGICAL RESOURCES** –

The single elderberry bush is 465± feet from the revised project site.
RESOLUTION NO. 35-2006

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 GENERAL PLAN AMENDMENT 1-2006 (C) AND ZONE CHANGE 3-2006 FOR THAT 12.9± ACRE SITE LOCATED GENERALLY ON THE SOUTHWEST CORNER OF MATHEW STREET AND WEST OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of February 7, 2006, opened the public hearing to consider General Plan Amendment 1-2006 (C) and Zone Change 3-2006 for that 12.9± acre site consisting of three (3) parcels (one parcel is developed with a single family residential dwelling and the remaining two (2) are vacant) located generally on the southwest corner of Mathew Street and West Olive Avenue; and

WHEREAS: Due to a change in the area proposed for the General Plan Amendment and Zone Change, the City Council continued the item until Staff had time to receive comments if any on the modified Environmental Initial Study and re-notice of the continued public hearing for an additional 20 day period from February 13, 2006 to March 5, 2006. The only agencies that responded were the Burton Elementary School District and the San Joaquin Valley Air Pollution Control District. Those comments addressing the environmental portion of the project have been incorporated into the Mitigation Monitoring Program as Attachment “A” of the environmental resolution; and

WHEREAS: On March 7, 2006, the Porterville City Council at its regularly scheduled meeting, conducted the continued public hearing for General Plan Amendment 1-2006 (C) and Zone Change 3-2006; and

WHEREAS: General Plan Amendment 1- 2006 (C), proposes to change the Land Use Element of the General Plan from High Density Residential to Heavy Commercial; and

WHEREAS: Zone Change 3-2006 proposes to change the present zoning from R-3 (D) (Multiple Family Residential with a “D” Overlay Site Review) to C-3 (Heavy Commercial); 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 in accordance with the California Environmental Quality Act.

2. That the subject 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...
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 through the implementation of the attached mitigation measures.

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

4. On February 10, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The revised Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups and individuals for a twenty (20) day review period from February 13, 2006 to March 5, 2006. The only agencies that responded were from the Burton Elementary School District and the San Joaquin Valley Air Pollution Control District. Those comments addressing the environmental portion of the project have been incorporated into the Mitigation Monitoring Program as Attachment “A” of the environmental resolution.

5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A.

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

A biological report was prepared for this area and the planned subdivision south of this project site. The biological report identified potential biological resources on the property to the south of the subject site, and on potential resource on the west side of the project area. However, as mitigation measure of the adjacent project, the single elderberry shrub that is located on the west side of the project site will be relocated to the riparian habitat south of the subject site.

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 of a “de minimus impact” pursuant to Section 711.2 et. Seq. 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.

9. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. The developer/applicant will be required to sign a document committing to comply with the adopted mitigation measures prior to any construction on the site.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for General Plan Amendment 1-2006 (C) and Zone Change 3-2006, and that the mitigation measures defined in Attachment A shall be implemented by the applicant or his/her successors with project implementation.

Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By: Georgia Hawley
Georgia Hawley, Chief Deputy City Clerk
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<th>Impact No.</th>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Level of Significance After Mitigation</th>
<th>Responsible Party</th>
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<td>Impact #1 d:</td>
<td>Aesthetics</td>
<td>Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.</td>
<td>Less than significant with mitigation</td>
<td>City of Porterville</td>
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<td>Impact #1 d:</td>
<td>Aesthetics</td>
<td>New sources of light and glare will result from subsequent street lighting subsequent to development.</td>
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<tr>
<td>Impact No</td>
<td>Impact</td>
<td>Mitigation Measure</td>
<td>Level Of Significance After Mitigation</td>
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<td>Impact #1 a, b, c &amp;d: Air Quality</td>
<td>Conflict with or obstruct implementation of applicable air quality.</td>
<td>Air Quality Impacts from this project will come mainly from two sources: particulate (dust) emissions from project construction, and operational emissions from vehicular trips associated with the project. Construction emissions are temporary in nature and are considered by the San Joaquin Valley Air Pollution Control District (SJVAPCD) to be less than significant if the SJVAPCD's Regulation VIII mandatory dust control measures are followed. Because these measures are mandatory, and therefore part of the regulatory setting of the project, they do not constitute mitigation. Regulation VIII also contains optional dust control measures that will be followed during project construction and will help further reduce particulate emissions. Because these measures are voluntary, they are considered to be mitigation. Regulation VIII mandatory and optional dust control measures are listed in Tables 1 through 4 on the following pages. The project exceeds the Small Project Analysis Level published by the San Joaquin Valley Air Pollution Control District in the guide for assessing and Mitigating Air Quality Impacts (GAMAQI) for Regional Shopping Center developments. Therefore the project was analyzed at the Cursory Analysis Level (CAL), which requires that an URBEMIS computer emissions model be run for the project.</td>
<td>Less than significant with mitigation</td>
<td>SJVAPCD &amp; the City of Porterville</td>
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<tr>
<td>Impact No.</td>
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<td>Mitigation Measure</td>
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<td>Impact #1 a, b, c &amp;d: Air Quality (continued)</td>
<td>Expose sensitive receptors to substantial pollutant concentrations.</td>
<td>Operational emissions from the project are almost exclusively a function of automobile trips generated by the project (Operational Emissions cannot exceed 10 tons/yr). An URBEMIS 2002 8.7-computer program was used to estimate operational project emissions, based on the estimated number of trips generated by the project, estimated average miles per trip (9.5 miles) and the large percentage of workers who live and work in Porterville (93% in 2000 Census). The result, summarized in Table 5, indicate that impact form this project will not be significant.</td>
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<td>Impact No.</td>
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<td>Level Of Significance After Mitigation</td>
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<td>Impact #11 a. Noise</td>
<td>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.</td>
<td>Development of the site as proposed will 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 daily time hours and will be short-term in nature, the impact will be less than significant. To reduce noise impacts to adjacent residential land uses, construction activities must be scheduled between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. Saturday and Sunday.</td>
<td>Less than significant with mitigation</td>
<td>City of Porterville</td>
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<td>Regulation VIII Control Measures</td>
<td>The following controls are required to be implemented at all construction sites.</td>
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<td>All disturbed areas, including storage piles, which are not being effectively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.</td>
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<td>All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.</td>
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<td>All land clearing, grubbing, scraping, excavation, land leveling, grading, cut &amp; fill, and demolition activities shall be effectively controlled of fugitive dust emissions using water or by presoaking.</td>
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<td>With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.</td>
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<td>When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.</td>
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<tr>
<td>All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)</td>
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<tr>
<td>Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.</td>
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<td>Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.</td>
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<tr>
<td>Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.</td>
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<tr>
<td>Limit the speed of vehicles traveling on uncontrolled unpaved access/haul roads within construction sites to a maximum of 15 miles per hour.</td>
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</tbody>
</table>

Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002, and SJVAPCD Regulation VIII
Table 2
Information to be Contained in a Dust Control Plan as Required by Regulation VIII

<table>
<thead>
<tr>
<th>A dust control plan shall contain all of the following information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name(s), address(es), and phone number(s) of person(s) and owner(s)/operator(s) responsible for the preparation, submittal, and implementation of the Dust Control Plan and responsible for the dust generating operation and the application of dust control measures.</td>
</tr>
<tr>
<td>A plot plan which shows the type and location of each project.</td>
</tr>
<tr>
<td>The total area of land surface to be disturbed, daily throughput volume of earthmoving in cubic yards, and total area in acres of the entire project site.</td>
</tr>
<tr>
<td>The expected start and completion dates of dust generating and soil disturbance activities to be performed on the site.</td>
</tr>
<tr>
<td>The actual and potential sources of fugitive dust emissions on the site and the location of bulk material handling and storage areas, paved and unpaved roads; entrances and exits where carryout/trackout may occur; and traffic areas.</td>
</tr>
<tr>
<td>Dust suppressants to be applied, including: product specifications; manufacturer’s usage instructions (method, frequency, and intensity of application); type, number, and capacity of application equipment; and information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.</td>
</tr>
<tr>
<td>Specific surface treatment(s) and/or control measures utilized to control material carryout, trackout, and sedimentation where unpaved and/or access points join paved public access roads.</td>
</tr>
<tr>
<td>At least one key individual representing the owner/operator or any person who prepares a Dust Control Plan must complete a Dust Control Training Class conducted by the District. The District will conduct Dust Control Training Classes on an as needed basis.</td>
</tr>
</tbody>
</table>

Table 3
Enhanced and Additional Control Measures for Construction Emissions of PM10

<table>
<thead>
<tr>
<th>Enhanced Control Measures – The following measure should be implemented at construction sites when required to mitigate significant PM10 impacts (note this measure is to be implemented in addition to Regulation VIII requirements.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.</td>
</tr>
<tr>
<td>Additional Control Measures – The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reduction.</td>
</tr>
<tr>
<td>Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.</td>
</tr>
<tr>
<td>Install wind breaks at windward side(s) of construction areas</td>
</tr>
<tr>
<td>Suspend excavation and grading activity when winds exceed 20 mph*; and</td>
</tr>
<tr>
<td>Limit area subject to excavation, grading, and other construction activity at any one time</td>
</tr>
</tbody>
</table>

*Regardless of windspeed, an owner/operator must comply with Regulation VIII’s 20 percent opacity limitation. Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002

City of Porterville
<table>
<thead>
<tr>
<th>Emission Source</th>
<th>Mitigation Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heavy duty equipment (scrapers, graders, trenchers, earth movers, etc.)</td>
<td>Use of alternative fueled or catalyst equipped diesel construction equipment</td>
</tr>
<tr>
<td></td>
<td>Minimize idling time (e.g., 10 minute maximum)</td>
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<tr>
<td></td>
<td>Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use</td>
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<tr>
<td></td>
<td>Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)</td>
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<td></td>
<td>Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways</td>
</tr>
<tr>
<td></td>
<td>Implement activity management (e.g. rescheduling activities to reduce short-term impacts)</td>
</tr>
</tbody>
</table>

Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002
I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 7th day of March, 2006.

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

<table>
<thead>
<tr>
<th>Council:</th>
<th>IRISH</th>
<th>WEST</th>
<th>HAMILTON</th>
<th>STADTHERR</th>
<th>MARTINEZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>AYBS:</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>NOBS:</td>
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<tr>
<td>ABSENT:</td>
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</tbody>
</table>

JOHN LONGLEY, City Clerk

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF AN ADDENDUM TO A MITIGATED NEGATIVE DECLARATION (RESOLUTION NO. 35-2006) FOR THE PORTERVILLE FIRST CHURCH OF THE NAZARENE LOCATED AT THE SOUTHWEST CORNER OF OLIVE AVENUE AND MATHEW STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 7, 2007, conducted a public hearing to consider approval of an Addendum to a previously adopted Mitigated Negative Declaration and Conditional Use Permit 7-2007. The permit would allow for the construction and use of a multipurpose church located in the R-3 (D) (Multiple Family Residential – Design Review Overlay) and C-3 (Heavy Commercial) Zones; and

WHEREAS: On May 25, 2007 the Environmental Coordinator made a determination that the project is generally consistent with the scope of the earlier environmental analysis and that compliant with CEQA requirements Section 15162 and 15164, an addendum to the previously adopted Mitigated Negative Declaration would be appropriate. On March 7, 2006, the Council adopted Mitigated Negative Declaration Resolution number 35-2006.

WHEREAS: Due to minor changes in the project description an addendum to the adopted Mitigated Negative Declaration has been prepared. The relevant changes in the project include a 92,000± square foot multipurpose church rather than an 83,000± square foot shopping center and a reduction in site area from 12.9±acres to 9.47± acres.

WHEREAS: The City Council made the following findings with respect to the subject project:

1. The previous Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act.

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

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

4. That conditions contained in the Mitigated Negative Declaration approved by adoption of City Council Resolution No. 35-2006 to control noise, dust and remove or avoid the elderberry bush shall remain in full force.

5. On March 7 2006, the Council approved Mitigated Negative Declaration (Resolution 35-2006) for General Plan Amendment 1-2006 and Zone Change 3-2006 to allow construction of a commercial shopping center on a 12.9± acre site. A biological report identified potential biological resources on the property to the south, and on potential resources on the west side of the project area. The approved
mitigation measure would require the relocation of the single elderberry bush to a new location to the south. The environmental review concluded that no adverse impacts would occur to wildlife resources from implementation of the project.

6. The earlier Mitigated Negative Declaration approved for the project evaluated potential environmental impacts associated with the development of a shopping center. The addendum addresses a change in the project description for the development of a church of approximately the same size as the previously approved shopping center on a reduced site area but the same site. The change in the project description does not raise any new environmental issues not already addressed and lessens the impact on city streets during peak hours and moves the project further from the single elderberry bush west of the project site.

7. The church will be constructed in a manner similar to a shopping center. The site area has been reduced and the previous document has been reviewed for substantial increases in severity of environmental impacts, none were identified.

8. This Addendum to the Mitigated Negative Declaration demonstrates that the environmental analysis, potential impacts, and mitigation measure identified in the mitigated negative declaration remain substantively unchanged by the situation described herein, and supports the finding that the proposed project does not raise any new issues and does not exceed the level of impacts identified in the previous negative declaration.

9. Based on the discussion provided above, no subsequent changes are proposed or would occur that necessitate the preparation of a subsequent Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the attached Addendum to Mitigated Negative Declaration (Resolution 35-2006) for Conditional Use Permit 7-2007, to allow the construction and use of a multipurpose church, and that the mitigation measures defined in the attached Resolution 35-2006, Exhibit B shall be implemented by the applicant or his/her successors with project implementation.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
Patrice Hildreth, Deputy City Clerk
RESOLUTION NO.__________


WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 7, 2007, conducted a public hearing to consider approval of Conditional Use Permit 7-2007. The permit would allow for the construction and use of a multipurpose church located in the R-3 (D) (Multiple Family Residential – Design Review Overlay) and C-3 (Heavy Commercial) Zones; and

WHEREAS: The City Council made the following findings with respect to the subject project:

1. The General Plan designates the subject site as High Density Residential and Heavy Commercial. The subject site is in the R-3 (D) (Multiple Family Residential – Design Review Overlay) and C-3 (Heavy Commercial) Zone and is consistent with the General Plan. The existing and proposed uses are allowed pursuant to approval of a conditional use permit.

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

   The soil is not highly expansive and therefore will not create any barriers to the project as proposed.

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

   The proposed design will complement the adjacent development and the construction of the building, additional parking area and open spaces will allow for the site to facilitate future development. With the exception of single-family home and accessory buildings and maintained landscaping on the east side, the site is vacant. A single elderberry bush on an adjacent parcel will be relocated or avoided as earlier approved. The vacant site is absent of most vegetation due to weed control and farming.

On March 7, 2006, the Council approved Mitigated Negative Declaration (Resolution 35-2006) for General Plan Amendment 1-2006 and Zone Change 3-2006 to allow for the construction of a commercial shopping center on a 12.9± acre site. A biological report identified potential biological resources on the property to the south, and on potential resources on the west side of the project area. The approved mitigation measure would require the relocation of the single elderberry bush to a new location

ATTACHMENT
ITEM NO. 4
to the south. The environmental review concluded that no adverse impacts would occur to wildlife resources from implementation of the project.

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

The storage of hazardous materials other than what is utilized by churches and school classrooms will be prohibited. Only those uses allowed by the underlying zoning will be allowed.

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

The proposed project meets all of the requirements, to include off-street parking, lot coverage and landscaping required in the R-3 and C-3 zone set forth by Article Nine of the Zoning Ordinance. Additionally, conditions of approval will ensure adequate development standards are met.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 7-2007, subject to the following conditions:

1. That conditions contained in Mitigated Negative Declaration City Council Resolution No. 35-2006 to control noise, dust and remove or avoid the elderberry bush shall remain in full force.

2. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.

3. The conditional use permit shall be actively undertaken and continuously pursued within one-year or it shall become null and void, unless an extension of time is granted.

4. Provide a minimum of one (1) off-street parking space for every five (5) seats. A total of 300 parking spaces shall be maintained available for the main sanctuary having a maximum seating capacity of 1,500 seats unless additional parking is provided. In compliance with the zoning ordinance, the 202 additional off-street parking spaces being provided may be credited to allow additional seating in assembly areas for groups of people who are of driving age. In order to prevent adverse effects caused by patrons of the church facilities using on street parking, a formal parking agreement with the school to the south may be accepted as an alternative to providing additional parking for uses that exceed the available supply. Any subsequent agreement shall be approved by the Zoning Administrator.
5. Outdoor lighting shall comply with lighting legend as shown in Exhibit “A” (Site Plan), calling for low profile lighting, shielded and directed away from vehicular traffic and residential uses.

6. All mechanical equipment, devices, service panels, transformers, back-flow devices, air conditioning unit, refuse enclosures and so forth shall be screened from public view, by means of being buried, enclosed, landscaped, shielded and/or painted, in a manner that is architecturally compatible with the building and landscaping.

7. Low profile landscaping is to be chosen for use near drive approaches and is to be kept low in order to prevent vehicle line-of-sight issues.

8. Wheel barriers shall be installed to prevent vehicles from driving over sidewalks and the undeveloped property to the west.

9. Best management practices shall be incorporated into the design and use of the outdoor areas in order to comply with the Noise Ordinance of the Municipal Code and offset the adverse effects to nearby residential uses.

10. The church shall be developed in conformance with Exhibit “A” attached hereto.


12. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

13. 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.

14. 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.

15. The developer/applicant shall construct and/or repair street, alley, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).
16. The developer/applicant shall construct all the full width public improvement, including underground utilities, associated Lombardi Street and Clare Avenue. Improvement plans designed by a Civil Engineer shall be submitted for approval by the Public Works Director and City Engineer, prior to the issuance of a building permit.

17. The developer/applicant shall install an additional sidewalk necessary to comply with City Standards (9.5 feet wide) along the Olive Avenue and Mathew Street frontages. The sidewalk width along Clare Avenue and Lombardi Street shall be 4.5 feet wide.

18. The developer/applicant shall install an alley approach per City Standard Plan C-5 or street intersection returns per City Standard Plan C-7 for all driveways utilized for accessing the site. The developer/applicant may submit alternative driveway designs, meeting ADA requirements, for the City's approval.

19. The developer/applicant is hereby notified that the property is subject to $17,552.00 development fees per Resolution No. 131-2003. The fee is associated with the construction of concrete improvements along Olive Avenue by City.

20. The developer/applicant is hereby notified that the property is subject to $146,848.36 development fees per Resolution No. 89-2006. The fee is associated with the construction of concrete improvements along Mathew Street by a subsequent developer. Aside from the amount listed, additional impact fees will be required.

21. 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.

22. 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.

23. The Lot Line Adjustment shall be approved prior to the issuance of a building permit, separating the building site from the undeveloped site to the west.

24. The developer/applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council, and dedication of required property for disabled ramp(s).
25. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).

26. The developer/applicant shall provide streetlights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer. Do not use wood poles without prior written approval of the City Engineer. 5800 lumen streetlights shall be installed along Lombardi Street and Clare Avenue at 160-foot intervals.

27. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.

28. 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.).

29. 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.

30. 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.

31. 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.

32. The developer/applicant shall install a refuse container enclosure according to City standards. The enclosure location is to be approved by City prior to issuance of building permit. 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. The enclosure opening shall be oriented for direct pick up. Developer is encouraged to install an enclosure that would accommodate a solid waste
and recyclable container for collection.

33. 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.

34. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615. A back-flow device is required on the water meter.

35. 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.

36. Any project with a landscaped area of more than 2,500 square feet shall be subject to complying with Ordinance No. 1483, the Water Efficient Landscape Ordinance. Landscape and irrigation criteria must be approved. Two (2) sets of landscape and irrigation plans are required with a $25.00 plan check fee to be submitted to the Parks and Leisure Services.

37. A minimum five (5) foot wide screen-planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street.

38. A minimum of 5% of 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 be a minimum of twenty (20) square-feet in size.

39. The owner/applicant shall incorporate areas of public right-of-way between the back of sidewalk and property line into the site landscape areas. Landscape planting of the right-of-way areas shall be consistent with the site landscaping. Where the public sidewalks exceed seven (7) feet in width, incorporate tree wells into the back of the sidewalk at intervals to provide staggering of tree placement and increased shading of hardscape.

40. The owner/applicant is to install trees, approved as City Street Trees, along all public roadway frontages of the property. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway frontage. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks. The selection of planting locations and performance of canopy maintenance for the trees shall be conducted to minimize vehicular sight safety conflicts.

41. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. 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. Concrete mow strips shall be installed at the base of all fencing adjoining or crossing turfed-landscaping.

42. 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.

43. Compliance with access laws (both State and Federal) is required.

44. Compliance with all applicable codes is required.

45. Plan check fees are required at the time of building permit submittal.

46. Soils compaction test shall be required.

47. School Development fees and all other City fees are due at the time of building permit issuance.

48. Obtain approval from Tulare County Health Department prior to issuance of the building permit.

49. Restrooms and main entrance must comply with disabled access laws.

50. Grease interceptor required where applicable.

51. Signs require separate permit.

52. The developer/applicant shall pay all applicable fees according to the Municipal Code and State Law.

53. Access Road Width-
   a. An onsite access road minimum width of 20 feet shall be provided.
   b. An onsite access road width of 30 feet shall be provided if parallel parking on one side of the roadway is permitted.
   c. Where one-way traffic and off-street parking occurs, a 20-foot street width shall be provided. (Note: limited use only and not for high hazard occupancies: H, R-1 over 2 story, R-2)

54. Construction Access- Prior to combustible construction, an all-weather access road / driveway suitable for use by a 20 ton Fire Department vehicle shall be installed.

55. Construction Access- Prior to combustible construction, all utilities located within the access road and the first lift of the access road pavement shall be installed. A minimum 20-foot clear width shall remain free of obstruction during any construction activities within the development once combustible construction starts.
56. **Turning Radius** - The access road shall be of sufficient width to allow for a 40 foot outside turning radius at all turns in the road.

57. **Vertical Clearance** - All access roads / driveways shall have a minimum vertical clearance of 13 feet 6 inches (13' 6").

58. **Turnarounds** - Approved turnaround areas for fire apparatus shall be provided when dead-end Fire Department access roads / driveways exceed 150 feet. Turnaround areas shall not exceed a 5% cross slope in any direction and shall be located within 150 feet of the end of the access road / driveway. Turnaround areas shall not be used for parking and shall be kept free of obstructions at all times. Turnaround areas shall be posted as Fire Lanes in accordance with Fire District Fire Lane Standards. Approved turnaround areas for fire apparatus shall be provided at 600' intervals along the access road. Turnaround areas shall not exceed a 5% cross slope in any direction. Turnaround areas shall be posted as Fire Lanes in accordance with Fire Department Fire Lane Standards.

63. **Turnouts** - Approved turnouts shall be provided along the access road at locations as required by the Fire Department. Turnout areas shall not be used for parking and shall be kept free of obstructions at all times. Turnout areas shall be posted as Fire Lanes in accordance with Fire Department Fire Lane Standards.

59. **Access Road Location** - The access / driveway shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building and shall be in accordance with Fire Department access standards. Where the access roadway cannot be provided, approved fire protection system or systems shall be installed as required and acceptable to the Fire Department.

60. **Maximum Dead-End Access Road Length** - When only one (1) access point is provided, the maximum length of access roads shall not exceed 600 feet from the point of two (2) separate means of ingress / egress.

61. **Site Access** - Two (2) means of ingress/egress shall be provided to the development in accordance with Fire Department access standards.

62. **Access Road Certification** - That the access road(s)/driveway(s) shall be certified by a registered civil engineer as having an all weather surface in conformance with Public Works and/or Fire Department standards. This certification shall be submitted to the Fire Department for review and approval prior to occupancy.

63. **Fire Lanes** - Prior to construction the applicant shall submit three (3) site plans to the Fire Department for approval of the location of fire lanes. Prior to occupancy, all fire lanes shall be posted “NO PARKING-FIRE LANE-TOW AWAY” in accordance with California Vehicle Code, the Uniform Fire Code and current PCFPD Fire Lane Standards. All signs and or Fire Lane markings shall be within recorded access easements.
64. **Access Road Gates**- Any gates to control vehicle access are to be located to allow a vehicle waiting for entrance to be completely off the intersecting roadway. A minimum clear open width of 15 feet in each direction shall be provided for separate entry/exit gates and a minimum 20 for combined entry/exit gates. If gates are to be locked, a Knox system shall be installed. The method of gate control, including operation during power failure, shall be subject to review by the Fire Prevention Division. Gate plan details shall be submitted to the Fire Department for approval prior to installation. A final acceptance inspection by the Fire Department is required prior to placing any gate into service.

65. **Address Numbers (Commercial, Industrial, Multi-family buildings)**- Building address numbers, a minimum of 4 inches (4"") high, shall be installed prior to occupancy, shall be of contrasting color to the background, and shall be readily visible at night. Where structures are set back more than 150 feet from the street, larger numbers will be required so that they are distinguishable from the street. In the event a structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post. Individual unit numbers shall be a minimum of 4 inches in height and shall be posted at the front and rear entrance to each unit. Additional address directional signs may be required at common building entrances and stairways.

66. **Lock Boxes**- a Knox Box may be required. Applications may be obtained from the Fire Department.

67. **Fire Hydrant Plan**- Prior to construction, the applicant shall submit plans to the Fire Department for placement of fire hydrants. Plans shall show existing and proposed hydrants with a maximum spacing of 300 feet in commercial and 500 feet of residential spacing. Hydrants are not to be placed at the end of Cul De Sac but no further than 250 feet from the end. Hydrants shall meet Porterville City Standards.

68. **Fire Hydrant(s) Required**- Fire hydrant(s) shall be provided in accordance with current adopted edition of the Uniform Fire Code, Appendix III-B and adopted amendments. On-site fire hydrants may be required as determined by the Fire Department. 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.

69. **Fire Hydrant Design**- Fire hydrants shall be installed and in-service prior to combustibles being brought onto the site.
   a. Each hydrant shall be a 6 inch wet barrel design and shall have 1- 4 inch and 2-2 ½ inch outlet(s).
   b. The required fire flow shall be achieved at no less than 20-psi residual pressure.
   c. Fire hydrants shall be spaced 300 feet on center and so located that no farther than 250 feet from the end of any street.
   d. No obstructions, including walls, trees, light and signposts, meter, shall be placed within three (3) feet of any hydrant.
e. Ground clearance to the lowest operating nut shall be between 18 to 24 inches.

70. Fire Hydrant Installation- Prior to combustibles being brought onto site on any parcel, fire hydrants capable of providing the required fire flow shall be installed, accepted by the Water and Fire Departments and in service as approved per submitted plans.

71. Hydrant Location Markers- Prior to occupancy of any structure, blue reflective hydrant location markers shall be placed on the access roads in accordance with Fire Department standards. If the final asphalt cap is not in place at time of occupancy, hydrant location markers shall still be installed and shall be replaced when the final asphalt cap in completed.

72. Fire Flow- The minimum fire flow required shall be determined as specified by the current adopted edition of the Uniform Fire Code Appendix III-A with adopted Amendments. Given the present plans and information, the required fire flow is approximately 1750 gallons per minute at 20 psi.

73. Fire Flow Verification- Prior to occupancy, the applicant shall provide to the Fire Department, verification that the required fire flow can be met.

74. Fire Sprinklers- All structures shall be provided with an automatic fire sprinkler system in accordance with current adopted California Building and Fire Code. Underground and above ground plans must be submitted at the same time. A hydrant will be required within fifty, (50) feet of the Fire Department Connection.

75. Fire Protection System Plans- Plans for all fire protection systems (sprinklers, dry chemical, hood systems, etc.) shall be submitted, for plan check, to the Building Department for review and approval prior to installation. Note: Fire sprinkler systems with 100 or more heads shall be supervised by a fire alarm system in accordance with Fire Department requirements.

76. Fire Alarm System- A fire alarm system shall be installed in all buildings in accordance with California Building and Fire Code requirements.

77. Fire Alarm Plans- Plans for any fire alarm system shall be submitted, for plan check, to the Building Department for review and approval prior to installation. Submit three (3) sets of plans for review.

78. Fire Extinguishers- Fire extinguishers shall be installed in accordance with the Uniform Fire Code. The placement of extinguishers shall be subject to review by the Fire Department.

79. Trash Dumpster Locations- Commercial trash dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within 5 feet of openings, combustible walls, or combustible roof eave lines unless protected by
approved automatic fire sprinklers.

80. **Hazard Abatement**- All grass or brush exposing any structure(s) to fire hazards shall be cleared for a distance of 30 feet prior to construction of any structure and shall be maintained in accordance with City of Porterville Ordinance.

81. **Hazard Abatement**- All grass and brush shall be cleared to a distance of ten (10) feet on each side of all access roads / driveways.

82. **Technical Report**- A technical report shall be submitted to the Fire Department by an approved qualified specialist or engineer that the fire safety properties and the facilities and appurtenances situated thereon meet the prescribed criteria of the Uniform Fire Code and / or national recognized standards.

________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ______________________________________
Patrice Hildreth, Deputy City Clerk
SUBJECT: DEVELOPMENT AGREEMENT ORDINANCE: ZOA 4-2007

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Over the past number of years, there have been a number of projects and situations where the process/outcome would have been better served with the implementation of a development agreement between the City and the applicant. The Government Code, Section 65864 outlines the purpose for Development Agreements as follows:

(a) The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.

(c) The lack of public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities, is a serious impediment to the development of new housing. Whenever possible, applicants and local governments may include provisions in agreements whereby applicants are reimbursed over time for financing public facilities.

In short, the Development Agreement is a tool that can foster a more beneficial outcome to the planning and development process for the public as well as for the developer. The draft ordinance addresses the mandatory components of a Development Agreement required by the Government Code.

The Government Code establishes the ability of local agencies to recover from applicants direct costs associated with adopting a resolution or ordinance to establish procedures and requirements for the consideration of development agreements. Staff will prepare an analysis on the costs associated with the preparation and processing of development agreements, including attorney’s fees, and bring a recommended fee back to the City Council for adoption.

On July 25, 2007, the Zoning Administrator made a preliminary determination that the project qualifies for a “General Rule” exemption pursuant to Section 15061 (b) (3), and therefore is exempt from the California Environmental Quality Act.
RECOMMENDATION: That the City Council:

1. Hold a public hearing to consider the adoption of a Development Agreement Ordinance, approve the ordinance and give first reading to the draft ordinance.

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

3. Authorize staff to schedule a public hearing on a fee for processing Development Agreements under the ordinance.
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ADOPTING STANDARDS FOR
DEVELOPMENT AGREEMENTS IN THE ZONING
ORDINANCE PERTAINING TO SIGNAGE STANDARDS

WHEREAS: Over the past few years in particular, there have been a number of projects that would have benefited from the provision of a Development Agreement; and

WHEREAS: It is intended that the Development Agreement Ordinance will provide developers and the City a level of certainty on the extent of requirements, often times off-site improvements, and timing of the requirements as well as holding the requirements static in the event new ordinances and/or policies are adopted prior to implementation of a project; and

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

WHEREAS: On August 7, 2007, the Council held a public hearing to consider the provisions of Development Agreements; and

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby amend the Porterville Zoning Ordinance as it pertains to Development Agreements as follows:

A. **Purpose**

The purpose of this Chapter is to provide a mechanism that assures the applicant of a development project that upon approval, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and conditions that were applicable at the time of project approval, and in a manner consistent with Section 65864 et. Seq. of the Government Code.

B. **Objective**

The objective of a development agreement is to strengthen the public planning process, encourage private participation in comprehensive planning, reduce the economic costs of development and promote the construction of public improvements by the private sector by providing for provisions in the agreement whereby the applicant is reimbursed over time for the financing of the public improvements.

C. **Definitions**

**Development Agreement:** A contract duly executed and legally binding between the City of Porterville and a developer(s) that delineates the terms and conditions agreed upon by two or more parties.

D. **Development Agreement Requirements**

To enter into a development agreement, the City shall find that:

1. A person has a legal or equitable interest in real property for the development of such property.
2. The development project is consistent with the Porterville General Plan and any applicable specific plan.

E. Development Agreement Contents

A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land or facilities for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements shall not prevent development of the land for uses and to the density or intensity of development set forth in the agreement. The agreement may require that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.

F. Application

An application for a development agreement shall be made to the Community Development Department on a form prescribed by the Department. The application shall be accompanied by a fee set by resolution of the City Council and will be processed in conjunction with other associated discretionary permits and in compliance with Section 2619 of the Zoning Ordinance.

G. Hearings and Notice

Upon receipt of a development agreement application, the Community Development Department shall initiate and notice the public hearing pursuant to the provisions of Section 2700 through 2703 “Amendments” of the Zoning Ordinance.

H. Report and Findings

The Community Development Department shall prepare a report on the development agreement application. The Department shall provide a recommendation to the City Council based on the following findings:

1. Is the project consistent with the Porterville General Plan and any applicable specific plan?

2. Is the project authorized by the Ordinance as it relates to use and development standard regulations?

3. Will the project be detrimental to the public health, safety and general welfare?

4. Will the project provide sufficient benefit to the City to justify entering into the development agreement?

5. Will the project have a significant impact on the environment?

I. Action of City Council

1. Following a public hearing, the City Council shall consider Staff’s recommendation and shall take action on the development agreement. The Council can approve, approve with modifications or deny the development agreement. Subsequent to a decision by the City Council, one of the following actions shall be initiated.
2. If the Council approves or approves with modification the development agreement, it shall initiate proceedings to adopt an ordinance. After the ordinance takes effect, the City may enter into the agreement with the applicant.

J. Initiation of Amendment or Cancellation

Either party may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into. If proposed by the applicant, the procedure shall be the same as the procedure for entering into an agreement. However, where the City Council initiates the proposed amendment to or cancellation of the development agreement, it shall first give at least 30 days notice to the applicant of its intention to initiate such proceedings in advance of giving notice of the public hearing.

K. Recordation of Development Agreement

1. Within 10 days after the City enters into the development agreement, the City shall have the agreement recorded with the County Recorder.

2. If the parties to the agreement or their successors in interest amend or cancel the agreement, or if the City terminates or modifies the agreement for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City shall have notice of such action recorded with the County Recorder.

L. Review of Development Agreement

1. The Community Development Department shall review the development agreement at least once every 12 months from the date the agreement is entered into. The Community Development Department shall report the findings to the City Council. The time for review may be modified by agreement between the parties.

2. Should the Community Development Director find that the developer is in non-compliance or not performing consistent with the development agreement, the Director shall report this finding to the City Council. The City Council may terminate the development agreement consistent with Section J of this Chapter.

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

PASSED APPROVED AND ADOPTED this ___ day of August, 2007.

________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
Patrice Hildreth, Deputy City Clerk
PUBLIC HEARING

SUBJECT: WATER CONSERVATION PLAN

SOURCE: Public Works Department -- Field Services Division

COMMENT: At the July 10, 2007, City Council meeting, staff reported its finding on the current water supply situation and provided supporting graphs, charts and tables. Council also 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 200,879,888 gallons.

   In 2006/2007, City owned facilities used 198,513,964 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 gallon per minute well operating 12 hours per day, 30 days per 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 the greatest. However, the City's SCADA system does monitor the entire water system.

Dir [Signature] Appropriated/Funded [Signature] CM [Signature]  Item No. 21
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.

At the July 17th Council meeting, Council approved the implementation and budget modification to double the advertising efforts of the water conservation campaign. As directed, staff has increased its radio and newsprint advertisements. Furthermore, staff has expanded its water conservation campaign to include advertisements on three transit buses. These advertisements will run from August through October and will cost approximately $1,900.

The water production numbers recorded at the end of July showed that water production in July 2007 was lower than July 2006. Slightly lower July 2007 temperatures as shown in the attached graph as well as Water conservation efforts by City customers have helped reduce demand. At this time, staff recommends the City remain in Phase 2 of the Water Conservation Plan and encourages all water users to continue conserving water as much as possible.

Every year the City finds it difficult to match production with demand during the months of July and August. Staff has recommended in the past that the City adopt a standard approach to this issue by incorporating mandatory odd-even residential watering schedules beginning each June and ending in August. Further, staff has initiated conversations on tiered block rates. Neither program is included in the City’s current “Water Conservation Plan”.

Staff understands that a Public Hearing is required to implement new programs not currently addressed in the Water Conservation Plan and further research is needed to determine the appropriate steps needed in the event Council chooses to implement a program that raises, alters or otherwise changes the current rate paying structure such as a “tiered block” rate program.

Staff will continue to monitor the system and alert Council if conditions change that might affect the ability to meet system demands.

RECOMMENDATION: That City Council authorize staff:

1. To continuing Phase II of the Water Conservation Plan for the months of August through September;

2. Authorize staff to review other water conservation options that may be appropriate for inclusion in the Water
Conservation Plan such as odd-even residential water schedules, “tiered-block” rates; and

3 Direct staff to bring back the water conservation matter no later than February 19, 2008 with recommendations to improve water conservation efforts.

ATTACHMENT: Production and Weather Graphs
Daily Temperature Comparison

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Daily High/Low Temperature Difference from 2007 to 2006
SUBJECT: AD HOC COMMITTEE APPOINTMENT

SOURCE: Administration/City Clerk Division

COMMENT: On June 19, 2007, the Council called for the formation of a seven member ad hoc committee to consider the development of a local ordinance which would address aesthetic and environmental solutions in regard to parking on lawns. The Clerk’s Office provided information to the local media, and Requests for Appointment were accepted through July 27, 2007.

Attached are the eight Requests for Appointment which were submitted by members of the public. The individuals requesting consideration are as follows:

1. Gerald (Jerry) Eoff
2. Ben Harvey
3. April J. McLaughlin
4. Lee Lembke
5. Greg Shelton
6. Candy Hernandez
7. Bob Topf
8. Rodney Martin

RECOMMENDATION: That the City Council appoint the seven member Ad Hoc Committee Re: Non-Driveway Parking, and direct the Committee to provide options to the Council to address aesthetic and environmental issues associated with the parking of vehicles on non-driveway areas on private property.

Attachments: Media Notice
Requests for Appointment

Item No. 22

Dis      Approv./Funded      JM
On June 19, 2007, the City Council called for the formation of a seven member ad hoc committee to develop a proposal for an ordinance regarding the prohibition of parking on lawns within the City of Porterville. At this time applications are being sought from City residents interested in serving on such a committee. The purpose of the Committee will be to review current Codes, and any proposed changes, and develop a recommendation to the City Council regarding new legislation.

Anyone wishing to serve on the committee is hereby invited to submit his or her name to the City Clerk during the open recruiting time period of June 20 through July 27, 2007. After which, the names will be forwarded to the City Council for consideration of appointment on August 7, 2007. The application forms can be obtained from, and are to be returned to:

Office of the City Clerk
291 N. Main Street
Porterville, CA
(559) 782-7442 or 782-7464 // FAX 559-715-4010
ghawley@ci.porterville.ca.us
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Gerald (Jerry) Eoff

(Please Print)

Appointment to: Parking or Lawn Ordinance

(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 752 E. Potran
Porterville, CA

Mailing Address: 

________________________________________

Name of Business: Retired

☐ Own  ☐ Operate

Business Address: Retired

________________________________________

Telephone: Home 784 5270
Work ___________________________
FAX ___________________________
E-mail ___________________________

City of Porterville resident: ☒ Yes
☐ No

Registered Voter: ☒ Yes
☐ No
Qualifications: ________________________________

INTERESTED CITIZEN

Recommended by: F. Martinez Council Member

□ Resume attached
□ Letter of request attached

Submitted By: ____________________________ Date: 6/21/07

Received by: ______________________________

Forwarded to: City Clerk  □ Date: ____________________________
City Council  □ Date: ____________________________
City Manager  □ Date: ____________________________
Applicable Dept. □ Date: ____________________________

Tentative Council Mtg Date: ____________________________

Page 2 of 2
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Ben Harvey

Appointmeht to: LAWN NO PARK COMMITTEE

☐ Reappointment; or IF NEW, please provide:

Street Address: 99 30.04/10
PTV

Mailing Address: SAME

Name of Business: NONE

☐ Own    ☐ Operate

Business Address:

Telephone: Home 784 5108
Work

FAX

E-mail BENSAW@DSLEXTREME.COM

City of Porterville resident: ☐ Yes ☐ No

Registered Voter: ☐ Yes ☐ No

Page 1 of 2
Qualifications: Many years of experience in several organizations.Have knowledge of some of the functions We would be addressing.Own and maintain equipment Service for 25 years Auto insurance and insurance concerns for landscape and insurance.

☐ Resume attached
☐ Letter of request attached

Submitted By: [Signature] Date

Received by: ________________________________

Forwarded to: City Clerk  ☐ Date: ________________________________

City Council  ☐ Date: ________________________________

City Manager  ☐ Date: ________________________________

Applicable Dept.  ☐ Date: ________________________________

Tentative Council Mtg Date: ________________________________

Page 2 of 2

P:\public\Admin Services\Appointee Form.wpd
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: **April J. McLaughlin**
(Please Print)

Appointment to: **Parking on Lawns Prohibition Ordinance Committee**
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 1110 Greenfield Dr.
Porterville CA 93257

Mailing Address: **SAME**

Name of Business:

☐ Own  ☐ Operate

Business Address:

Telephone:  
Home 920-7655 (cell)
Work 764-8599
FAX
E-mail 8jdury@yahoo.com

City of Porterville resident:
☐ Yes  ☐ No

Registered Voter:
☐ Yes  ☐ No

Page 1 of 2
Qualifications:

A productive member of society and a concerned resident of Porterville

Resume attached

Letter of request attached

Submitted By: [Signature] 6/28/07

Date

Received by:

Forwarded to: City Clerk  Date:

City Council  Date:

City Manager  Date:

Applicable Dept.  Date:

Tentative Council Mtg Date: 

Page 2 of 2
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: LEE LEMKE

(Please Print)

Appointment to: LAWN PARKING CITIZEN COMMITTEE

(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 273 N YORK

Porterville

Mailing Address: __________________________________________

Name of Business: _______________________________________

☐ Own    ☐ Operate

Business Address: _______________________________________

Telephone:   Home 559 781 2134

Work

FAX

E-mail

City of Porterville resident: ☐ Yes    ☐ No

Registered Voter: ☐ Yes    ☐ No
Qualifications:

□ Resume attached

□ Letter of request attached

Submitted By: ___________ Lee Lemble ___________ 6.25.07 Date

Received by: ________________________________________

Forwarded to: City Clerk □ Date: _______________________

City Council □ Date: _______________________

City Manager □ Date: _______________________

Applicable Dept. □ Date: _______________________

Tentative Council Mtg Date: _______________________

Page 2 of 2
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Greg Shelton

(Please Print)

Appointment to: "No Parking on Grass" Commission

(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 888 N. Williford Dr.
Porterville, CA, 93257

Mailing Address: 

Name of Business: SELF-EMPLOYED

☑ Own ☐ Operate

Business Address: SAME

Telephone: Home (559) 784-7809
Work SAME

FAX

E-mail greg-shelton@sbcglobal.net

City of Porterville resident: ☑ Yes
☐ No

Registered Voter: ☑ Yes
☐ No
Qualifications:__________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

☐ Resume attached
☐ Letter of request attached

Submitted By:_________________________________________ Date

Received by:__________________________________________

Forwarded to: City Clerk ☐ Date:________________________
           City Council ☐ Date:________________________
           City Manager ☐ Date:________________________
           Applicable Dept. ☐ Date:_____________________

Tentative Council Mtg Date:_____________________________
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Candy Hernandez

Appointment to: ____________________________
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 272 S B Dr

Mailing Address: 272 S B Dr
Porterville CA 93257

Name of Business: Home Plumber

☑ Own  ☐ Operate

Business Address: Porterville CA
272 S B Dr

Telephone: Home 559 781 1458
Work 781 1458
FAX
E-mail

City of Porterville resident:  ☐ Yes  ☐ No

Registered Voter: ☐ Yes  ☐ No
Qualifications: ______________________________________________________
_______________________________________________________________
_______________________________________________________________
_______________________________________________________________
_______________________________________________________________
_______________________________________________________________

☐ Resume attached
☐ Letter of request attached

Submitted By: ___________________________  6-28-07
Date

Received by: _______________________________________________________

Forwarded to:  City Clerk   ☐ Date:_____________________________________
               City Council  ☐ Date:_____________________________________
               City Manager  ☐ Date:_____________________________________
               Applicable Dept. ☐ Date:___________________________________

Tentative Council Mtg Date:______________________________
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Bob Topf
(Please Print)

Appointment to: City Council

(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 903 E Cleveland

Mailing Address: Same

Name of Business: Retired

☐ Own  ☐ Operate

Business Address: None

Telephone: Home 984-9502 784-9502

Work __________________________________________

FAX __________________________________________

E-mail _________________________________________

City of Porterville resident: ☐ Yes  ☐ No

Registered Voter: ☐ Yes  ☐ No
Qualifications:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

☐ Resume attached
☐ Letter of request attached

Submitted By: ____________________________ Date: ____________________________

______________________________________________________________

Received by: ____________________________

Forwarded to: City Clerk ☐ Date: ____________________________
                City Council ☐ Date: ____________________________
                City Manager ☐ Date: ____________________________
                Applicable Dept. ☐ Date: ____________________________

Tentative Council Mtg Date: ____________________________
Name: Rodney Martin
(Please Print)

Appointment to: SPECIAL COMMITTEE RE: LAWN PARKING
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 146 S. Villa
PORTERVILLE, CA 93257

Mailing Address: 559-310-6412

Name of Business: NA
☐ Own       ☐ Operate

Business Address: NA

Telephone: Home 559-781-7640
Work 559-310-6412
FAX 559-783-7640
E-mail rodney@rodneymartin.com

City of Porterville resident: ☑ Yes
☐ No

Registered Voter: ☑ Yes
☐ No
Qualifications: **PLEASE SEE ENCLOSED RESUME**

**EXTENSIVE PLANNING EXPERIENCE**

**PREVIOUS SERVICE ON A CITY PLANNING / ZONING COMMISSION**

**ASSISTED WITH DEVELOPMENT OF ANTI-UGLY + ENVIRONMENTAL ORDINANCES**

☑ Resume attached

☐ Letter of request attached

Submitted By: [Signature]  
Date: 2/6/07

Received by: 

Forwarded to: City Clerk  ☐ Date: ____________________________

          City Council  ☐ Date: ____________________________

          City Manager  ☐ Date: ____________________________

          Applicable Dept.  ☐ Date: ____________________________

Tentative Council Mtg Date: ____________________________
CURRICULUM VITAE OF RODNEY K. MARTIN

1279 W. Henderson, Suite 171
Porterville, California 93257
rodney@rodneymartin.com
559-310-6412

Education:

Arizona Western College
Northern Arizona University
University of Arizona
William Jewell College

Discipline: Liberal Arts

Specialization: Public Administration & Political Science

Public Administration & Political Science
State Bar of Arizona, CLE Courses – Indian Legal Issues

Harry S. Truman Scholar – 1993
Lyndon B. Johnson Congressional Fellow -1993
Phi Theta Kappa Honors

Instructor/Presenter-State Bar of AZ- CLE Courses Indian Law Course

Certified Environmental Specialist

Certified Environmental Inspector

Deans List, 4 Consecutive Semesters
Vice President’s List, 2 Consecutive Semesters
President, Honors Student Association
Honors Grant Recipient
Academic All American Scholar
National Deans List
ASGB President
ASGB Vice President
APPOINTMENTS & COMMISSIONS:

Arizona Commission of Indian Affairs
   Appointed by Gov. Jane Dee Hull for term 2002- 2005

International Boundary & Water Commission
   Colorado River Citizens Forum
   Represented Indian water Rights Issues 2003-2005

Yuma County Emergency Food & Shelter (FEMA Board)
   1996-2006

Tule River Tribal Economic Development Commission
   2006-Present

PROFESSIONAL EXPERIENCE:

2006-

Tule River Tribe/Tule River Tribal Council
   Tribal Administrator
   Clerk of the Tribal Council

Overall charge of all Tribal Governmental Departments, Programs, and Operations. Development of Tribal Government budget, implementation of Tribal Council Policies and Directives. Developed and implemented new Codes, Ordinances, & Policies and Procedures. Developed a new Tribal Elementary School, Tribal Police Department, Tribal Court, Community and Cultural Facility and upgraded Human Resources programs. Overall charge of all Tribal P.L. 93-638 Contracts.

2005-2006: Cahuilla Band of Indians/ Cahuilla Tribal Council
   Tribal Administrator

Overall charge of all Tribal Governmental Departments, Programs, and Operations. Development of Tribal Government budget, implementation of Tribal Council Policies and Directives. Developed and implemented new Codes, Ordinances, & Policies and Procedures. Developed a new Tribal Grant Programs, Health Insurance and upgraded Human Resources programs. Also instituted the development of new building programs, including a new Tribal Administration Facility. Overall charge of implementation of all Tribal P.L. 93-638 Contracts.

2000-2004: Tohono O'odham Nation/San Lucy
   Planning Director

Served as overall director of Community Planning for the Districts Community and Strategic Planning efforts. Supervised all planning projects, including the development of land use, land acquisition due diligence, grant development, development of community facilities and infrastructure such as drinking water systems and sanitary sewer systems.
1996-2006: Martin Consulting & Development
Principal/CEO

Professional Services Consulting Services provider. Provided comprehensive economic, community, administrative, strategic planning, business development, and inter-governmental relations. Facilitated comprehensive financing for multi-million dollar financing projects. Conducted strategic planning sessions for Tribal Council’s, General Council’s, Housing Entities (TDHE’s), and Corporate Boards. Lobbied Local, State and Federal Government on behalf of Tribal Government for Tribal Initiatives and drafted Special legislation which was introduced by various Members of Congress.

1996-1998: Cocopah Indian Tribe/Cocopah Tribal Council
Tribal Administrator

Overall charge of all Tribal Governmental Departments, Programs, and Operations. Development of Tribal Government budget, implementation of Tribal Council Policies and Directives. Developed and implemented new Codes, Ordinances, & Personnel Policies and Procedures. Developed a new Tribal Grant Programs, Self Insured Health Insurance and upgraded Human Resources Programs. Also instituted the development of new Community Facilities. Overall charge of implementation of all Tribal P.L. 93-638 Contracts. Oversaw aggressive land acquisition program on behalf of the tribal Council and achieved Tribal Membership on Regional Planning Board.

1994-1997: Cocopah Indian Tribe/Cocopah Tribal Council
Director of Planning

Served as overall director of Community Planning for the Districts Community and Strategic Planning efforts. Supervised all planning projects, including the development of land use, land acquisition due diligence, grant development, development of community facilities and infrastructure such as drinking water systems and sanitary sewer systems. Managed all Tribal business expansion and development.

Legal Assistant

Managed preparation of cases for settlement and or Trial. Settled Property Damage Claims. Performed initial Client intake. Managed Client case files and prepared settlement demand packages.

1993-1994: City of Yuma, Arizona
City Administrator’s Office
Communications Assistant

Preparation of research material for public information for development of hospitality and road improvement assessments, ballot measures, and extension of Special 2% Hospitality Tax. Assisted City Council in presentations to Civic Groups and made presentations of Staff Reports to Committees and Council Meetings and the media.
Lyndon B. Johnson Intern/Caseworker


Tutor/Teaching Assistant

Provided teaching assistant and tutorial assistance to students in the subjects of, English, History, Philosophy, Political Science, Comparative Religions, and Communications.

Teaching Assistant

Provided teaching assistance and tutorial assistance to students in the District’s After-School Program at various Elementary Schools.

1991-1993: Arizona Western College
Teaching Assistant/Tutor

Provided teaching assistant and tutorial assistance to students in the subjects of, English, History, Philosophy, Political Science, Comparative Religions, and Communications. Taught Political Science 101 as Honors Capstone Project, including development of the Syllabus.

1990-1993: Radio Station KAWC
Broadcaster

Operated Radio Programming, performed all aspects of broadcast operations. Conducted remote broadcasts. Conducted regular newscast and conducted interviews with news-makers.

AWARDS & RECOGNITION:

City of Porterville, California, 2007 Unsung Hero Award
City of Porterville, California, 2007 Spirit of Freedom Nominee
Special Appreciation for Improvement & Development of Security at Eagle Mountain Casio, 2007
U.S. Dept. of Interior, Outstanding Contributions to America's Cultural & Natural Resources
Southern Poverty Law Center-Wall of Tolerance
Division Honors for Broadcasting
Outstanding Leadership Award
Outstanding Service Award to Arizona Western College
ORGANIZATIONS, COMMITTEES, & PUBLIC SERVICE:

City of Porterville, California, 2007 Unsung Hero Award
City of Porterville, California, 2007 Spirit of Freedom Nominee
Arizona Western College, Student Lobbyist 1994
1995 City of Yuma, Arizona Council Nominee

PROFESSIONAL ASSOCIATIONS:

Environmental Assessment Association
Native American Economic Coalition
International Who's Who of Professionals
National Collegiate Honors Council
National Trust for Historic Preservation
SUBJECT: TRANSACTION AND USE TAX OVERSIGHT COMMITTEE APPOINTMENT

SOURCE: Administration/City Clerk Division

COMMENT: On July 13, 2007, Teresa de la Rosa resigned from the Transactions and Use Tax Oversight Committee (TUTOC). Mrs. de la Rosa had been appointed on May 2, 2006, to the TUTOC as a two-year member.

Pursuant to Resolution No. 24-2006, which sets forth the Committee guidelines, the Council will act to replace a vacancy at the next regularly scheduled City Council meeting.

Attached are the remaining two Requests for Appointment* from the initial Committee recruitment in April 2006. These individuals have been contacted regarding their continued interest. At the time of the May 2006 appointments, these individuals were told that their applications would remain on file through April 14, 2008, should any vacancies occur. Also included are the names of two individuals who submitted their Requests for Appointment in the last two week period.

The individuals requesting consideration are as follows:

1. Robert DeMatteis*
2. April Tolson*
3. A. L. Lucketta
4. Josef D. Guerrero

RECOMMENDATION: That the City Council appoint a member to the Transaction and Use Tax Oversight Committee to fill the unexpired term of Teresa de la Rosa until May 2008.

Attachments: Requests for Appointment

Item No. 23
On 7/13/07, Teresa de la Rosa wrote:

Rick: This is to inform you that as of today I resign from the Measure A Oversight Committee. I have also resigned from the Hispanic Coalition in whose behalf I had been serving. I have accepted a position on the Tulare County Grand Jury and it appears that this position is going to take a lot of my time. Furthermore, I believe that it is appropriate to resign to avoid any appearance of a possible conflict of interest. I apologize for any inconvenience this may cause the Committee.

Thanks.

Teresa de la Rosa.
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: ROBERT A. DeMATTEIS

(Applease Print)

Appointment to: MEASURE H OVERTIGHT
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 4774 Sowell Acres Dr
PORTERVILLE, CA 93257

Mailing Address:

Name of Business:

☐ Own ☐ Operate

Business Address:

Telephone: Home 559-761-0802
Work
FAX SAME AS HOME - CALL FIRST
E-mail rdmemt @ SBCGLOBAL.NET

City of Porterville resident: ☐ Yes ☐ No

Registered Voter: ☐ Yes ☐ No
Qualifications: MEASURE H Campaign Participant
P. PUBLIC LIBRARY BOARD OF TRUSTEES, X 4 years
FRIENDS OF PORTERVILLE PUBLIC LIBRARY, President
RETIRED PHARMACIST - 36 years at PVC
GRADUATE OF UNIV. OF CALIFORNIA MEDICAL CENTER

"I AM JEALOUS IN SUPPORT OF A STRONG FULL SERVICE LIBRARY"

☐ Resume attached
☐ Letter of request attached

Submitted By: Robert A. Matthews 03-17-06
Date

Received by: Georgie Haulcy

Forwarded to: City Clerk ☐ Date: 3/17
City Council ☐ Date: 3/28
City Manager ☐ Date: 3/28
Applicable Dept. ☐ Date:

Tentative Council Mtg Date: 5/2/06
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: April Tolson

(Please Print)

Appointment to: Measure H Citizens Advisory Committee
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 246 S. Chestnut
Porterville, Ca 93257

Mailing Address: Same

Name of Business:

☐ Own ☐ Operate

Business Address:

Telephone: Home 559-782-4676
Work 559-791-4515
FAX 559-746-0346
E-mail april.tolson@sbcglobal.net

City of Porterville resident: ☑ Yes ☐ No

Registered Voter: ☑ Yes ☐ No
Qualifications: Past member of City of Porterville Parks and Leisure Commission

☐ Resume attached
☐ Letter of request attached

Submitted By: ____________________________  4/7/06  Date

Received by: ________________________________________

Forwarded to: City Clerk  □ Date: ____________________________
                    City Council  □ Date: ____________________________
                    City Manager  □ Date: ____________________________
                    Applicable Dept. □ Date: ____________________________

Tentative Council Mtg Date: ____________________________

Page 2 of 2

P:\manager\1 Carol\Appointee Form.doc
From: A. L. Lucketta
1885 West Putnam Ave.
Porterville, CA 93257
(559) 788-7778 {cell}

To: Mr. John Longley – Porterville City Manager

July 27th, 2007

I have become aware that there's a new vacancy on the Measure “H” oversight committee called, T.U.T.O.C.

I am interested in becoming a member of this committee and promise to serve the citizens of Porterville with regard to the expenditures of their tax money.

I currently am the President of Gang Watchers of Porterville and thoroughly understand the safety needs of the community and actively campaigned for Measure H.

I am also the current Union President of the California Association of Psychiatric Technicians for the California Department of Corrections and Rehabilitations and understand the critical need to be fiscally responsible – having to provide monthly reports to Sacramento for over 4 years and counting.

Please consider me as a replacement on this committee. I promise to provide all the necessary support and guidance in a professional manner.

Respectfully submitted …

A. L. Lucketta

Gang Watchers President
www.gangwatchers.org
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Josef D. Guerrero
(Please Print)

Appointment to: Measure H Oversight Committee
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 332 So F St.
Porterville CA 93257

Mailing Address: Same as Above

Name of Business: Porterville Feed Inc.

☐ Own ☐ Operate ☑ Employed

Business Address: 10 So D St.
Porterville CA 93257

Telephone: Home 559-782-0997
Work 559-781-5414
Mobile 559-310-5512
E-mail guerrero.josef@abcglobal.net

City of Porterville resident: ☑ Yes
☐ No

Registered Voter: ☑ Yes
☐ No
Qualifications: ________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

☑ Resume attached

☑ Letter of request attached

Submitted By: __________________________  7/30/2017

Date

Received by: __________________________

Forwarded to: City Clerk □ . Date: ____________________________________________

City Council □ . Date: ______________________________________________________

City Manager □ . Date: ______________________________________________________

Applicable Dept. □ . Date: __________________________________________________

Tentative Council Mtg Date: ________________________________

Page 2 of 2

P:\manager\Carol\Appointee_Form.doc
Josef D. Guerrero
332 So. F Street, Porterville, CA 93257
H: 559 782-0997 C: 559 310-5517 W: 559 781-5414
guerrero.josef@sbcglobal.net

OBJECTIVE
To assist in matters that will better educate me in the field of community involvement.

SKILLS PROFILE
• Excellent driving, safety, and attendance record.
• Thorough knowledge of area roads, highways, and regional airports and local public transportation.
• Good background in assembling products and printed materials.
• Bilingual in the English and Spanish Language, learning Portuguese.

EMPLOYMENT HISTORY
Delivery Driver and Sales Clerk, Porterville Feed Inc. January 2005-Present
• Logged one year worth of miles with no accidents or violations.
• Helped develop delivery schedule.
• Deliver Hay and feed supplies to customers.
• Facilitate manager and coworkers in purchasing orders.

Round Table Pizza, King Gene Enterprises Inc. March 2003-February 2005
• Delivered to customers in an effective manner.
• Assist in transportation of food orders.
• Assisted new recruits in distributing finished materials.

EDUCATION
2005- 2006 College of the Sequoias
• Attempting to receive a major in Agricultural Business Management.
• Have completed several agriculture classes and more are in the works.

ACCOMPLISHMENTS
• Received Certificate of Completion in Porterville High School Business Academy
• Became student representative for Pioneer Middle School Student Body.

ACTIVITIES
Current: Volunteer as Supervisory Audit Committee for a local Credit union. Active in civic duties, i.e. attend city council meeting.
Previous: Choir student, Certificate of Achievement for Porterville High School Business Academy.
As a young citizen who is willing to donate his time and efforts back to his community, I know that I am fully capable and qualified to carry out the job duties of the Measure H oversight committee. I know I have the abilities and determination to successfully present and comprise decisions with the expressed views of the citizens. The measure H committee is one in which the commissioners over view the finances and assure the Council that monies are being spent were they should and not in an unintended area. I can and will show my capabilities in this area. I ask the council for one thing, though I may be young, a chance is all a person needs.

Thank You.

Josef D. Guerrero
SUBJECT: AMENDMENT TO CITY’S CONTRACT WITH CALPERS
Fourth Level of 1959 Survivor Benefit Program for Local Safety Fire Members

SOURCE: Administrative Services/Human Resources

COMMENT: As authorized by Council Resolution No. 16-2006, which was signed by the Mayor on February 7, 2006, staff requested an Actuarial Valuation and obtained the necessary documents to proceed with an amendment to the City’s Contract with the California Public Employees’ Retirement System (CalPERS), for Local Safety Fire Members, to change from the Third Level of 1959 Survivor Benefits to the Fourth Level of 1959 Survivor Benefits. This optional benefit provides for a higher level of 1959 Survivor Benefits to survivors of a member who dies prior to retirement.

According to the Actuarial Valuation provided by CalPERS, the City would be able to amortize the unfunded liability of a period of five years and pay five annual payments. Payment for the first year is $5,205, and payments for years two through five will be recalculated each year, and will vary according to the number of covered active members and the pool’s revised normal cost. The payments will be payable by June 30 of each year. The amendment will result in no increase in the member contribution of $2.00 per month. If the City proceeds according to the Anticipated Schedule of Agency Actions, the amendment would become effective on October 5, 2007.

RECOMMENDATION: That the City Council approve the attached Resolution of Intent and the Enabling Ordinance, and give first reading of the Ordinance, authorizing the City’s Contract with CalPERS to be amended to provide the Fourth Level of 1959 Survivor Benefit Program optional benefit provision for Local Safety Fire Members, to become effective on October 5, 2007; and authorize the Mayor to execute the necessary documents, and the amended Contract upon receipt, on behalf of the City of Porterville.

ATTACHMENTS: 1) Resolution of Intent
2) Draft Contract Amendment
3) Enabling Ordinance
4) Optional Benefit Provision Section 21574

DCM Approp./Funded CM Item No. 24
AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Porterville


A. Paragraphs 1 through 14 are hereby stricken from said contract as executed effective July 1, 2006, and hereby replaced by the following paragraphs numbered 1 through 14 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members and age 55 for local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after January 1, 1982 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
   a. Local Fire Fighters (herein referred to as local safety members);
   b. Local Police Officers (herein referred to as local safety members);
   c. Employees other than local safety members (herein referred to as local miscellaneous members).

4. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
   a. ELECTED OFFICIALS; AND
   b. MEMBERS OF THE LOCAL SYSTEM WHO UPON CONTRACT DATE DID NOT EXECUTE AND FILE A WAIVER OF RIGHTS WITH RESPECT TO SAID LOCAL SYSTEM

5. Assets heretofore accumulated with respect to members under the local retirement system who waived their rights under that system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system have been credited to the individual membership account of each such employee under the Public Employees' Retirement System.

6. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after July 1, 2006 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).

7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after July 1, 2006 shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).

8. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
9. Public Agency elected and elects to be subject to the following optional provisions:
   a. Section 21536 (Local System Service Credit Included in Basic Death Benefit).
   b. Section 21573 (Third Level of 1959 Survivor Benefits) for local police members only.
   c. Section 20042 (One-Year Final Compensation).
   d. Section 20965 (Credit for Unused Sick Leave).
   e. Section 21024 (Military Service Credit as Public Service).
   f. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) for local miscellaneous members only.
   g. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local miscellaneous members and local fire members only.

10. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.

11. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

12. Public Agency shall also contribute to said Retirement System as follows:
   a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local police members.
   b. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local fire members.
c. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

d. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

13. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

14. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of ______________. _____

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY
Lori McGartland, Chief
Employer Services Division
Public Employees' Retirement System

CITY COUNCIL
CITY OF PORTERVILLE

BY
Presiding Officer

Witness Date
Attest:

__________________________
Clerk

AMENDMENT ER# 1297
PERS-CON-702A (Rev. 10/05)
RESOLUTION NO. _____-2007


WHEREAS, the Public Employees’ Retirement Law permits the participation of public agencies and their employees in the Public Employees’ Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 21574 (Fourth Level of 1959 Survivor Benefits) for Local Fire Members only.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby give notice of intention to approve an amendment to the contract between the City of Porterville and the Board of Administration of the Public Employees’ Retirement System, a copy of said amendment being attached hereto, as “Exhibit,” and by this reference made a part hereof.

__________________________________________
Cameron Hamilton, Mayor

Attest:

__________________________________________
Patrice Hildreth, Deputy City Clerk
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY
COUNCIL OF THE CITY OF PORTERVILLE AND THE BOARD OF ADMINISTRATION
OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

THE COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS FOLLOWS:

Section 1.

That an amendment to the Contract between the City Council of the City of Porterville and the Board of Administration of the California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked "Exhibit," and by such reference made a part hereof as though herein set out in full.

Section 2.

The Mayor of the City of Porterville is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

Section 3.

This Ordinance shall take effect thirty days after the date of its adoption, and pursuant to City Charter, three days prior to the adoption thereof, shall be published at least once in the Porterville Recorder, a newspaper of general circulation, published and circulated in the City of Porterville and thenceforth and thereafter the same shall be in full force and effect.

ADOPTED and approved this ______ of ______________, 2007.

________________________________________
Cameron Hamilton, Mayor

Attest:

________________________________________
Patrice Hildreth, Deputy City Clerk
51. Section 21574
Fourth Level of 1959 Survivor Benefits

This benefit provides a higher level of 1959 Survivor Benefits to survivors of a member who dies prior to retirement. The benefit is paid in addition to the Basic Death Benefit, the 1957 Survivor Benefit, or, if applicable, the Pre-Retirement Optional Settlement 2 Death Benefit but would be reduced by the amount of the Special Death Benefit if payable.

Concurrent coverage under this section and Social Security is prohibited, but an agency may provide the benefit for the full formula members of a divided miscellaneous member group. For agencies first contracting for the 1959 Survivor Program, members in employment prior to the effective date of the amendment may elect not to be covered, however, participation is required for all future hires who are not covered under Social Security (Section 21577).

A spouse is eligible if he or she (1) has care of eligible children, or (2) is age 60 or older. Children are eligible if under age 22 and unmarried.

The monthly allowance payable to eligible survivors under this section is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Monthly Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spouse with two or more eligible children; or three or more eligible children only</td>
<td>$2,280</td>
</tr>
<tr>
<td>Spouse with one eligible child; or two eligible children only</td>
<td>$1,900</td>
</tr>
<tr>
<td>One eligible child only; or surviving spouse at age 60 or older or, dependent parents</td>
<td>$950</td>
</tr>
</tbody>
</table>

Employer Cost: $5.00 per month per covered member for fiscal year 2001/2002. If the contract currently provides a lower level of 1959 Survivor Benefits, the actuary must also conduct a valuation to determine the funding status of the agency’s 1959 Survivor Benefit Account. The agency will still be responsible for any existing Unfunded Actuarial Liability at their current level. (There is no fee for this valuation.)

Member Cost: $2.00 monthly, $1.00 semi-monthly, $9.93 bi-weekly (non-refundable).

Public agencies contracting or amending to provide the Fourth Level will receive a single employer rate based on term insurance rates. This rate will be calculated on the pool experience rather than individual employer experience.

The actual employer cost for agencies currently providing 1959 Survivor Benefits who amend to provide the Fourth Level will vary depending upon each agency’s 1959 Survivor funding level.

If there is a deficit in the agency’s 1959 Survivor funding (an unfunded accrued liability) based on the Fourth Level benefit, this unfunded liability shall be either, 1) paid for completely by the agency at or prior to the effective date of the amendment or, 2) amortized and paid for over a period of five years, the first payment due in June following the effective date of the amendment and the remaining four payments due by June 30, of each year. In addition, an employer per member, per month cost (if any) will be imposed.

If there is a surplus in the agency’s 1959 Survivor funding, this surplus shall be used to offset any employer required first-year contributions.

An operative date for this benefit is established at the time of amendment.
SUBJECT: AMENDMENT OF THE CITY CODE - CHANGES TO THE SPECIAL SPEED ZONES

SOURCE: Public Works Department - Engineering Division

COMMENT: The Police Department recently performed speed surveys throughout Porterville. The City Traffic Engineer discovered several streets requiring the establishment of a special speed zone in accordance with Traffic Ordinance No. 1162. The street segments of concern and the critical speed (85th percentile) are listed below:

Mathew Street – Tule River to Olive Avenue (85% = 51 MPH)
Newcomb Street – Tule River to Olive Avenue (85% = 38 MPH)
Tomah Avenue – Westwood Street to Newcomb Street (85% = 36 MPH)
Westfield Avenue- Westwood Street to Lombardi Street (85% = 42 MPH)

These street segments are relatively new to the City's overall speed survey and traffic volumes have increased due to the growth in Porterville between surveys. The Mathew Street and Westfield Avenue segments are routes heavily utilized by pedestrians, mainly children and parents traveling to and from schools within the Burton School District. Westfield Avenue is also narrow with several above ground objects and power poles next to the northern edge of pavement.

The Tomah Avenue segment is becoming a key vehicular link in the southwest quadrant of the City and is mainly residential on both sides of the street. The Newcomb Street segment is a narrow street with objects adjacent to the west pavement edge such as power poles, open ditches, concrete structures, etc. Properties adjacent to Newcomb Street are predominantly residential on the east side and vacant land on the west side. Staff believes that establishing posted speed limit at or near the critical speed (85th percentile) per the State Vehicle Code (SVC) may create unsafe conditions in the vicinity of these street segments.

Therefore, Staff recommends that Article XV, Special Speed Zones, Section 17-15, Prima Facie Speed Limits Determined on Certain Streets, be amended to add the following:
MATHEW STREET

Tule River to Olive Avenue 35 MPH, except within the school zone per SVC Section 22358.4

NEWCOMB STREET

Tule River to Olive Avenue 25 MPH

TOMAH AVENUE

Westwood Street to Newcomb Street 25 MPH

WESTFIELD AVENUE

Westwood Street to Lombardi Street 25 MPH

RECOMMENDATION: That City Council:

1. Approve the proposed Ordinance amendment;

2. Give first reading to the Ordinance amending Chapter 17, Article XV, Section 17-15, Prima Facie Speed Limits Determined on Certain Streets, in the City Code; and

3. Direct the City Engineer to make the appropriate changes in the posted signs when the ordinance becomes effective.

ATTACHMENT: Ordinance
ORDINANCE NO.___________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 17, ARTICLE XV, SECTION 17-15, PRIMA FACIE SPEED LIMITS DETERMINED ON CERTAIN STREETS, OF THE CODE OF THE CITY OF PORTERVILLE

THE COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS FOLLOWS:

A. That Section 17-15, Prima Facie Speed Limits Determined on Certain Streets, of the Code of the City of Porterville is hereby amended as follows:

MATHEW STREET

Tule River to Olive Avenue 35 MPH, except within the school zone per SVC Section 22358.4

NEWCOMB STREET

Tule River to Olive Avenue 25 MPH

TOMAH AVENUE

Westwood Street to Newcomb Street 25 MPH

WESTFIELD AVENUE

Westwood Street to Lombardi Street 25 MPH

B. This ordinance and code amendment shall be in full force and effect thirty (30) days from and after its publication and passage.

__________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

__________________________________________
By: Patrice Hildreth, Deputy City Clerk
CITY COUNCIL AGENDA: AUGUST 7, 2007

SUBJECT: REQUEST FOR COUNCIL STUDY SESSION ON CASE STUDY FOR THE HILLSIDE DEVELOPMENT ORDINANCE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: As directed by Council at a study session on February 2, 2007, the Hillside Ordinance consultant has prepared a case study on a 125± acre hillside site. The consultant has completed a concept study and is prepared to present the findings to the Council at a study session. Staff is requesting the City Council to schedule a study session to review the findings of the case study.

RECOMMENDATION: That the City Council schedule a study session on the Hillside Development Ordinance.
SUBJECT: PARK RANGER PROGRAM OPTIONS

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Council has requested information on the implementation of a park ranger program. The matter was reviewed by the Parks & Leisure Services Commission at their last meeting and they have provided a recommendation to City Council on the matter.

Staff has conducted research into the implementation of similar services by other organizations. Five examples that frame implementation strategies have been identified. These strategies run from a seasonal effort utilizing part-time employees to full-time year around employees, some with seasonal part-time or volunteer assistance. A document is attached summarizing these programs as well as current efforts by the Parks & Leisure Services Department. At present, there are no full-time Park & Leisure Services Department personnel on duty during the peak usage time periods of weekends and holidays.

It is the Director’s strong belief that enhanced safety of park patrons, and better education and enforcement of park rules would provide a major enhancement to the quality of the community. The Director is aware that incidents of serious assaults have occurred in our local parks. Within our local region, the national park facilities have very recently had their hours curtailed because of vicious criminal activities. While a Park Ranger Program will not be a total prevention of future incidents, it can be a tool to diminish the probability.

The objectives of a Park Ranger Program are suggested to be:
- Develop customer relations with park & facility users
- Achieve better compliance with park regulations
- Reduce facility damage and vandalism
- Enhance public safety and enjoyment
- Increase park usage and reservations
- Provide & monitor sport field lighting
- Secure gates and facility doors
OPTIONS:  

Full-Time Position Option – The current budget provides sufficient funding for one full-time position along with necessary equipment. With a single full-time position, the work schedule would seasonally vary with the person working April through October, 12 hours per day on weekends and holidays. The position would be called upon to perform regular park maintenance work and take the lead role on special projects. On weekends they would be the lead worker directing the activities of part-time maintenance personnel. Citation authority is not anticipated, but may be an option in the future if there appears to be a need. New equipment would include one vehicle, one bicycle, and a portable two-way radio. This option is the “more accountability, but less visibility” alternative.

Part-Time Positions Option – Two to four part-time employees could seasonally be assigned to variable shifts. Coverage for the full 16-hours of daily summer month park usage could be provided during weekends and holidays. The persons assigned to these positions could be utilized for other park maintenance duties during off-season periods. In addition to a new vehicle, one current vehicle would be utilized, along with two bicycles and up to four portable two-way radios. No citation authority is foreseen with this option. This is the “more visibility, but less accountability” alternative. The Parks & Leisure Services Commission has recommended this option to City Council, emphasizing that citation authority should not be provided.

RECOMMENDATION:  

That the City Council consider the matter, together with the recommendation of the Parks & Leisure Services Commission, and authorize the creation of job classifications for part-time Park Rangers for the implementation of a program by Spring of 2008.

ATTACHMENTS:  

Survey of Park Ranger Programs
SURVEY OF PARK RANGER PROGRAMS

City of Porterville
Part-time: Recreation Leader III - $10.75
Date of Operation: March through October
Days of the Week in Operation: Saturday, Sunday and holidays
Time of Operation: Splits up 2-3 hours per day (ie.12-1pm and 3-4pm).
Do hours vary by season? No winter schedule.

At Murry, Veterans and Zalud parks, checks reservations, and alcohol tags. Also explains the right to make a table/pavilion reservation to people occupying a pavilion or table, and explains that to have music they must acquire a permit in advance and bring a generator if electricity is to be used. Also picks up trash bags that are full and supplies patrons with more if they are necessary.

City of San Leandro
Part Time: 12 - $15.51-$18.85 - limited to work no more than 960 hours within the City's fiscal year between the months of April to October (30 weeks)
Date of Operation: April through October
Days of the Week in Operation: Weekends and holidays
Time of Operation: 7am-5pm
Do hours vary by season? Yes, only work April - October
What are Summer vs. Winter work Schedules? No winter schedule is necessary

This ranger program receives general supervision from Recreation and Human Services staff during their working hours. Park Ranger is to curtail any loud, malicious, disruptive or illegal behavior. They are encouraged to advertise when patrolling (because of this effort the parks department increased income from 30 reservations in 2006 to 70 in 2007. They are not allowed to give citations, therefore an overtime officer is assigned to park ranger needs from 10am to 5 pm. Rangers are to use city issued cell phones to contact officer when necessary. Sometimes a ranger is assigned to a certain park, however soon a roving ranger will go to all the parks and other rangers will be stationary at assigned parks. This is after a 1 year programmed expansion. They are required to work weekday evening hours, daytime and/or evening hours on Saturday, Sunday and holidays. These part-time positions are limited to work no more than 960 hours within the City's fiscal year between the months of April to October. To recruit they looked through the police department trainees and in the criminal justice students. They are also recruited through college football team. There were 30 interviews through the advertisement to football players. Last year the candidates submitted to a police department extensive background and out of 14 only 2 passed. Presently, candidates are only submitted through a live scan.
City of South Gate
Part Time: 4 - $11.50 - $13.98 hourly - Work hours limited to 1,000 per fiscal year.
Date of Operation: Year round, April through October need more assistance
Days of the Week: 7 days a week
Time of Operation: Weekdays (4-11pm park maintenance/park patrol) Weekends (9-4, 4-11pm park maintenance/park patrol)
Do hours vary by season? No

Rangers in this program are to patrol parks grounds to prevent or detect violations of laws or ordinances such as vandalism; clear the park at closing time; inform offenders of park rules and regulations; report violations to police if necessary. Collect and secure late collections of monies in the department safe. Locate equipment such as projectors; open rooms for patrons. They are also to provide information to public on the Parks Program and facilities. Most rangers patrol on foot or vehicle. At this time the city has 8 parks, 175 acres. The primary facility is 94 acres and at this location there is a sports center, a senior center, and 10 baseball diamonds. At the parks Monday through Friday rangers take turns on the days of the week, if possible they double up to have better coverage. The shifts on the weekend are 9am-4pm and 4pm-11pm. Ideally the program should expand to having a morning shift that would cover 6am to 12 or 1pm. At the facilities they pick up money and patrol, however they are mostly the eyes and ears of the police department. Rangers originally were police explorers that were very motivated because they were to become actual police officers within a year. Now at this time the city has made a move toward public safety officers who are less motivated because they do not see movement toward becoming an officer or moving up. The program expansion has been slow and has been in development since 2004. Ideally the parks would have 8 rangers who would switch shifts, having an early shift to care for joggers’ safety and animal violations.

City of Visalia
Full Time: 1, which devotes half his time to maintenance the other half to park ranger
Salary: $18.46-23.21 hourly
Date of Operation: Year Round (April-October park ranger duties)
Days of the Week in Operation: weekends- ranger, weekdays-maintenance
Time of Operation: 7am-3pm weekends, weekdays regular hours
Do hours vary by season? Yes, park maintenance creates steady hours with park hours
What are Summer vs. Winter work Schedules? November- March maintenance, April-October maintenance and park ranger

The city is in the early stages of their park ranger program. They have hired one position that performs park maintenance with their responsibilities of a park ranger. The park ranger is to focus at this time on developing customer relations. Other duties include the following: enforces applicable city ordinances, county codes, and state laws relating to use of parks in the city, patrols and monitors activity at public parks, and reporting through written and oral reports. Work is reviewed through inspection, observation and review of the Parks Maintenance Supervisor.
City of San Mateo
Full Time: 1 (senior) $31.00 hourly
Part Time: 7 $21.50 hourly (only work 35 hours a week March-October, 26 hours during Winter months)
Date of Operation: Year Round
Days of the Week in Operation: 7 days a week
Time of Operation: 6am to 9pm, Winter 6am to 7pm
Do hours vary by season (Summer vs. Winter work Schedules)? Yes, during the summer the rangers work 5-7 hour shifts about 35 hours, during the winter they work about 26 hours a week and have the same duties but work more on the weekend, when there is more use.

The city developed their program recently, (since last August), recruiting with the CalOpps.org website, their human resource department, the Bay Area Park and Recreation department, and they presented to the police explorers. However, most staff was from the Harbor Patrol Life Guards, they had most of the necessary training and 3 had the personality needed for the job. All the training is done in house by the senior park ranger, who seems to have developed most of the program. The park rangers are trained to only give civil citations ($75, $150, $300). Some of the main duties of the rangers are to patrol the parks, to post reservations at the pavilions, write weekly or bi-weekly summaries, and keep up maintenance at the park. Four park rangers work at a time from March through October, during the winter one ranger per shift is sufficient. No additional volunteer assistance, but they are looking to start a junior park ranger program.

County of Sonoma
Full Time: 23 $20-25 hourly
Part Time: (Seasonal) 8 ½ months of full time (18) Ranger assistants $17.10
(5) Park Aide $13.10
Date of Operation: Year round
Days of the Week in Operation: Every day
Time of Operation: Sunrise to sunset, hour before and after
Do hours vary by season? Yes, 5am-12pm during the summer, winter 5am to 6-7pm
Summer vs. Winter work Schedules? More staff in summer for entry and full time staff in summer and part time only a couple hours during the school
Do you recruit from agencies such as the Police Explorers? No
Is there extra volunteer assistance? 200+
How is training conducted? Rangers attend an EMT training program through the county; the ranger academy in Windsor, the rest is on the job training
Are they allowed to give citations? Yes

Park rangers have EMT certification and also assigned to take care of accounting. Two kinds of part time employees, park ranger assistants and park aids. Park ranger assistants have the same duties as a park ranger but do not have authority to cite. A park aide has entry position responsibilities of a park ranger, however they mostly
perform park maintenance. New candidates are recruited from Internet posting mainly, community-sponsored events recruiting, work on community projects attracts needed exposure. In the area, there is huge volunteer base, couple hundred. During the week they have the support of an officer on duty, on the weekend they are instructed to call the Sheriff's Department if there is an emergency. Park rangers are allowed to give citations but they are not armed. On a regular day a park employee may visit up to 19 parks.
SUBJECT: DOG PARK FEASIBILITY

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council has requested a very preliminary analysis for providing a dog park within the community. Staff has tentatively identified five current facilities that could in some manner accommodate the location of a dog park. Fencing is needed for the first four options, and some landscaping, irrigation and park amenities are needed for the last two options. Council direction is needed to initiate a more comprehensive analysis.

Location #1: Murry Park
A portion of the current park designated for the future construction of a parking lot on the east side of Corona opposite Oak Avenue could be fenced and devoted to a dog park. At such time as the parking lot project were to commence the dog park could be relocated, perhaps to a site within the park expansion on the west side of Corona. Preliminary cost estimate is $35,000.

Location #2: Zalud Park
A portion of the current park could be fenced and devoted to a dog park. Preliminary cost estimate is $35,000.

Location #3: Veterans Park
A portion of the current park could be fenced and devoted to a dog park. Preliminary cost estimate is $35,000.

Location #4: Rails to Trails
A portion of the remainder land could be fenced and devoted to a dog park. Two possible sites, one on the south side of Henderson and the other on the south side of Morton are thought to be the most feasible. The land on the south side of Morton could serve as an expanded parking lot in the future, but again if such a project should come about a dog park could be relocated elsewhere. Preliminary cost estimate is $75,000.

Location #5: Trailhead Park
This drainage basin that currently anchors the southerly leg of the Tule River Parkway at Indiana and Hwy 190 is fully fenced and could serve as a dog park. Trees exist around the perimeter of the basin. Preliminary cost estimate is $50,000.

RECOMMENDATION: That the City Council consider the preliminary information provided by staff for consideration of a dog park and provide direction.
SUBJECT: AUTHORIZE TREE DONATION PROGRAM FOR RAILS TO TRAILS & TULE RIVER PARKWAY

SOURCE: PARKS & LEISURE SERVICES DEPARTMENT

COMMENT: Both the Rails to Trails Project and the completed increments of the Tule River Parkway can accommodate the planting of additional trees. Irrigation systems are in place, and provisions were made during the installation for future tree planting. Staff investigated the possibility of a partnership with a local community service club to oversee a community tree donation program, but after full consideration the club decided that it did not have the capability to conduct the program. The Parks & Leisure Services Commission has encouraged staff to independently implement the program.

A tree donation form along with a draft press release have been prepared and are to be reviewed by the Commission at their August 2, 2007 regular meeting. As envisioned, there would be an ability for interested parties to either visit a local nursery to select and pay for an approved tree, or alternatively to donate money to the City for the acquisition of trees. In the case of the purchase being made at a local nursery, upon notification, City staff would pick up the tree. Monies donated would be deposited into an account specifically for the purchase of trees and plastic plaques to recognize the donors. The plaques will be approximately 2 x 5 inches affixed to 4x6 posts lodged into the ground.

Trees will be planted by City staff, but interested individuals would be encouraged to assist with tree planting as well. Tree planting will commence in October 2007.

RECOMMENDATION: Authorize the creation of the tree donation program for the Rails to Trails and Tule River Parkway, along with the establishment of appropriate project accounting.

ATTACHMENTS: Tree Donation Form
Draft Press Release
Listing of Approved Donation Trees

Director ___ Appropriated/Funded ___ City Manager

ITEM NO.: 29
CITY OF PORTERVILLE
Parks & Leisure Services Department
291 N Main Street, Porterville CA 93257
559-782-7536 / 559-782-7519

TREE DONATION FORM

Name of Donor ____________________________________________

Address of Donor _________________________________________ Phone _______________

Park / Site Name __________________________________________

Number of Trees ___________________ Variety ____________________________

Plaque Will Read: Donated by _______________________________________

or: In Memory of _________________________________________________

- A $100 fee is required per tree.
- Plaques will be placed on or near donated tree(s) by the Parks Division.
- Donor will be contacted by the Parks Division for the time of planting. Please allow 3 to 4 weeks for planting.
- All planting requests to be viewed and approved by the Parks Superintendent and the Director of Parks and Leisure Services.
- All trees must be of the City of Porterville, Parks and Leisure Services approved tree list and site specific.

I, the undersigned, do agree to the above conditions provided by the City of Porterville, Parks and Leisure Services.

__________________________________________  __________________________
Applicant’s Signature                          Date

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

Application is hereby: Granted ( ) Denied ( )

Comments:

__________________________________________  __________________________
Parks Superintendent                          Date

__________________________________________  __________________________
Parks & Leisure Services Director            Date
PRESS RELEASE

For more information contact:

David C. Zorn, Parks Superintendent
Parks & Leisure Services Department
(559) 782-7519

FOR IMMEDIATE RELEASE

CITY OF PORTERVILLE TREE PLANTING DONATION PROGRAM

The City of Porterville Parks and Leisure Services Department has established a tree donation program and will be accepting donations for the Rails to Trails Project and the Tule River Parkway Project. Planting of donated trees will start as early as October of 2007.

Persons interested in donating can pick up a Tree Donation Form at the Parks and Leisure Services desk at City Hall, 291 N Main Street or at the Heritage Community Center, 256 East Orange Avenue. Information concerning the program will be outlined on the form.

Trees that are to be donated will have already established irrigation supply and can be placed at those spots by the donor. Donors are encouraged to participate in the process but can also donate funds. As a Tree City USA the City of Porterville is always looking for ways to improve the city’s tree canopy.
APPROVED TREES FOR TREE DONATION PROGRAM

RAILS TO TRAILS

Arbutus unedo
Chitalpa tashkentensis
Fraxinus velutina ‘Rio Grande’
Pistacia chinensis
Platanus acerfolia ‘Yarwood’
Pyrus calleryana ‘Aristocrat’
Quercus lobata
Quercus wisilenii
Quercus douglasii
Sequoia sempervirens ‘Soquel’

Strawberry Tree
Chitalpa
Fan-Tex Ash
Chinese Pistache
Plane Tree
Aristocrat Pear
Valley Oak
Interior Live Oak
Blue Oak
Coast Redwood

TULE RIVER PARKWAY

Chitalpa tashkentensis
Fraxinus velutina ‘Rio Grande’
Platanus acerfolia ‘Yarwood’
Quercus lobata
Quercus virginiana

Chitalpa
Fan-Tex Ash
Plane Tree
Valley Oak
Southern Live Oak
AB1234 LEGISLATIVE/CASE LAW UPDATE

SOURCE: CITY ATTORNEY

COMMENT: As you know, AB1234 went into effect in January 2006, and it 1) requires local agencies adopt expense reimbursement policies that for local public officials with specific reimbursement provisions, and it 2) requires local agency public officials to take periodic ethics training. This Council, in turn, requested that this office provide periodic reports on any changes or clarifications of the law, and any legal challenges.

There were some minor changes to AB 1234 included in the “Local Government Omnibus Act of 2006.” With regard to the limits on the expense amounts that will be allowed to be reimbursed, AB1234 was silent on an official’s ability to pay for additional costs beyond the limit. The new legislation clarifies that a local official can in fact cover this difference. There were no major changes to the ethics training requirements; however there is a current bill pending that would add school districts to list of governing bodies subject to AB1234 requirements. As written, school district officials would be required to receive ethics training by January 1, 2009.

Additionally, the gift limit for public officials, already established by statute, has increased for inflation to $390 (from $360) as of January 1, 2007.

Last year, the Council requested that this office provide any information concerning any lawsuits challenging AB1234 this past year, and in particular any challenges by Charter Cities concerning the applicability of the law. As of this date, this office is unaware of reported court decisions or any pending lawsuits, although such lawsuits, if any, could very well still be at the trial court level. However, the general consensus of municipal legal counsel has been to follow the requirements.

Finally, it is also worth noting that the existence of the new AB 1234 requirements has resulted in increased scrutiny and a more critical review of local public official activities. In our own experience, legal actions related to open meeting laws and the public records act brought against public agencies and council/board members in their official capacities are now including allegations of failure to comply with the AB1234 requirements. Given the increased scrutiny, I recommend that the City consider holding a refresher program this year on the topics covered by AB 1234 including ethics issues, public records requirements, and open meeting laws, to be attended by the public officials of the City (including the members of the City committees). Michael Jenkins (an attorney with Jenkins & Hogin LLP and City Attorney for the cities of Diamond Bar, Hermosa Beach, Rolling Hills and West Hollywood) has been extremely active in the California League of Cities with regard to these areas of the law. He was the Chair of the Editorial Board for the League’s most recent published guide to the Brown Act, and he is available for such presentations. Michael has also been involved with legislative advocacy on behalf of the League, in attempting to preserve the current provisions of and exceptions to these laws.

RECOMMENDATION: That the City Council consider this report, and authorize the City Attorney to schedule a presentation by Michael Jenkins concerning public official ethics and legal issues.

Item No. 30
COUNCIL AGENDA: AUGUST 7, 2007

SUBJECT: COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM –
"Consideration of Amendment to City Charter to Include City Motto: In God We Trust"

SOURCE: Administration

COMMENT: A Council member has requested the above subject matter be added to the agenda for consideration under Scheduled Matters. The City Attorney has opined that a City Motto of "In God We Trust" may be legally-defensible due to the National Motto being the same, as well as other California cities having adopted the same.

RECOMMENDATION: As directed by Council.

ATTACHMENT: None
SUBJECT: REQUEST BY COUNCIL MEMBER–CODE OF ETHICS POLICY FOR COMMISSIONS, BOARDS AND COMMITTEES

SOURCE: Administration

COMMENT: A request has been made by Council Member Hernandez to add the above subject matter to this agenda for discussion and potential referral to staff for further action.

RECOMMENDATION: None

Attachment:

Item No. 32

DCM