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:

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation

PRESENTATION
   Employee of the Month - Patrice Hildreth
   Introduction of New City Employees
   Youth Center – 100K Decade

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 September 10, 2007

2. Claim - Erica Mejia
   Re: Rejecting claim for medical expenses, pain and suffering, in an amount exceeding $25,000, allegedly sustained when a Porterville Police Officer used unnecessary and unreasonable force to detain and arrest claimant on July 4, 2007 at 361 North Larson Street.

3. Authorization to Advertise for Bids – Well No. 31 Project (Drilling Phase)
   Re: Approving staff’s recommended Plans and Project Manual for Project, with a total estimated cost of $449,328, located on the west side of Mathew Street between Orange Avenue and Union Court.
4. Authorization to Advertise for Bids – Effluent Pipeline and Land Leveling Project  
   Re: Approving staff’s recommended Plans and Project Manual for Project required under the City’s Cease and Desist Order issued by the Regional Water Quality Control Board, with a total estimated cost of $1,560,584.

5. Award of Contract – Traffic Signal #9 (Olive Avenue and Mathew Street) Project  
   Re:Awarding contract to Loop Electric of Bakersfield, CA, in the amount of $222,000; authorizing progress payments and 10% contingency; authorizing Public Works Director to bill Burton School District for its share of construction costs; and approving expenditure not to exceed $15,000 for staff administration and soil testing.

6. Sunrise Villa 2 & 3 Tentative Subdivision Map – Extension of Time  
   Re: Approving a two year extension of time for Tentative Subdivision Map for site generally located on the south side of Mulberry Avenue between the prolongation of Howland and Shadowood Streets.

7. Red Hawk Estates Tentative Subdivision Map – Extension of Time  
   Re: Approving a three year extension of time for Tentative Subdivision Map for site generally located east of the southerly prolongation of Tulsa Street between Olive Avenue and the easterly prolongation of Putnam Avenue.


9. Cancellation of Fall Community Clean Up Event  
   Re: Canceling the City’s “Fall Clean Up Day” due to the Buried Sludge Removal Project taking place at the same location.

10. Approval for Community Civic Event Veterans’ Homecoming Committee Veterans’ Day Parade – November 12, 2007  
    Re: Approving annual event to take place on Monday, November 12th, from 5:00 a.m. to 12:00 p.m., along Main Street from Danner Avenue to Orange Avenue, subject to the stated conditions.

11. Proposed Change in the Table of Organization Within the Police Department  
    Re: Approving the reclassification of a vacant Clerical Assistant II position in the Investigative Services Division to a Records Clerk position to better reflect the position responsibilities.

12. Renewal of Personnel Examination Services Agreement Between the City of Porterville and Cooperative Personnel Services  
    Re: Authorizing the renewal of the Test Security Agreement with CPS regarding the rental of standardized tests for use in screening, evaluating, and selecting qualified individuals for employment.

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

PUBLIC HEARINGS

13. Ordinance Setting Forth Comprehensive Changes to City’s Animal Control Regulations  
    Re: Consideration of ordinance containing extensive modifications to the City’s animal control regulations including licensing requirements, vicious/dangerous dog procedures, repeat offenders, and penalties.

SCHEDULED MATTERS

14. Golf Course Status Report  
    Re: Informational report on the status of operations and the budget at the Porterville Municipal Golf Course.
15. Installation of Temporary Traffic Calming Device at Casas Buena Vista Subdivision
Re: Considering temporary installation of concrete “bump-outs” for traffic calming.

Re: Setting study session to review and identify priority projects for 2008.

Adjourn to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Members/Chairperson

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

REDEVELOPMENT SCHEDULED MATTERS

PRA-1. Consideration of an Audit of the Redevelopment Agency Tax Increment Calculation
Re: Considering options available to the Agency regarding an audit to ensure that the Agency has received an accurate tax allocation from Tulare County.

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

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

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

ADJOURNMENT - to the meeting of October 16, 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 Deputy City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton
Absent: Council Member Pedro Martinez

Pledge of Allegiance led by Mayor Cameron Hamilton
Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS
None

SCHEDULED MATTERS
1. REVIEW OF CITY’S REGULATIONS PERTAINING TO ALARM SYSTEMS

Recommendation: None

City Manager John Longley presented the item, and Police Chief Chuck McMillan presented the staff report. Chief McMillan spoke briefly of the item, and then called upon Lt. Dempsie to present a statistical report to the Council.

Lt. Dempsie came forward and indicated that alarm calls had increased steadily at a rate of approximately six percent per year over the last four years, and that the Porterville Police Department had received 2285 alarm calls in 2006. He stated of those 2285 calls, 543 were cancelled prior to the officer arriving on scene, leaving 1742 actual responses. He indicated of those 1742 actual responses, 15 calls resulted in a crime report of an actual burglary, broken window, etc. Lt. Dempsie summarized that 1727, or 99% of all responses, resulted in no actual criminal act being observed. He stated that the average time spent on each false alarm was just under 15 minutes, from the time of dispatch to actual clearance of the call. Lt. Dempsie calculated that Porterville Police Officers spent over 430 hours on unfounded alarm calls in 2006. He stated that as of September 2006, the Police Department had ceased its practice of billing for false alarms, and that there was virtually no difference in the number of responses. He indicated that in the six months prior to ceasing its practice of billing, the Police Department had responded to 1200 calls, and in the six months following, had responded to 1235 calls. He stated that approximately 30% of all addresses responded to each month required multiple responses with the same month. Lt. Dempsie then indicated that 26 alarm companies with business licenses operated in the City of Porterville, and that in 2006, 18% of the Police Department’s responses were to alarms of unlicensed alarm services. He then provided copies of the statistics to the Council.

Chief McMillan clarified that with regard to the 430 hours spent on unfounded alarm calls,
that time only included officer time involved in the call, and did not account for clerical staff time. He added that it was his belief, and the philosophy of the Police Department, that it was the job of the Police Department to respond to alarm calls, stating that the P.D. would continue to respond to those calls. He stated that if the P.D. returned to assessing a false alarm fee, it would require clerical staff to monitor the process, and would also involve the Finance Department with regard to billing.

In response to a question posed by Council, Chief McMillan indicated that the majority of the responses were to commercial locations. He then elaborated on the various types of alarms, such as panic and burglary alarms.

- Ron Irish, S.T.O.P. Alarm, 768 North Prospect Street, briefly spoke of the Council’s history in addressing alarm fees, and commented that because of his experience as a Council Member, he too understood the Council’s perspective. He stated that he was not asking for something for nothing, as he understood the City’s needs. He stated that he too had some interesting for the Council, stating that in 1988, the “unit cost” was $29,590, broken down as follows: Police Officer Salary: $11,970; Indirect Supervision: $108; Dispatcher: $1,686; Employee Benefits: $5,493; Services, Supplies, Operating Expenses: $3,042; Building Occupancy: $1,296, plus Overhead of Department: $3,775; General Overhead: $1,651, and Fixed Asset Charges: $569. He stated that in 1988, there were 1852 false alarm calls, with a unit cost of $15.98. Mr. Irish then provided the Council with a copy of the City records from which the information came. He stated that in 1988, Porterville’s population was 25,071, with 35 sworn police officers, or one police officer for every 716 people. He stated that at that time, there were approximately six to eight alarm companies operating, and approximately 1,250 systems operating in the City. He stated the 1852 false alarm fees in 1988 equated to 5.8 false alarms per day. He pointed out that because of those systems, there were 1,200 places that the Police Department did not have to check, suggesting that the alarm systems were doing some good. He stated that in 2007, the population of Porterville was 52,200, and that the City had one officer for every 896 people. He stated that there were approximately 45 alarm companies presently operating in the City of Porterville, and that there were approximately 35,000 systems in the City. He suggested that just by numbers alone, the rate of false alarms had actually decreased substantially since 1988. He stated that he understood the expense of false alarms, but that he also understood that the alarms were set to be highly sensitive and intentionally programed to be on the verge of tripping. He noted that less than two percent of the total systems in the City had false alarms. He then spoke of the correlation between population growth and increases in alarm systems, and of fees charged by other cities for false alarm calls. He suggested that the current fee was never enough. He stated that he believed Fresno currently charged $275. He stated that he believed there were other ways to cure the problem, rather than increasing or assessing a fee. He stated that the City of Porterville currently had 26 alarm companies licenced to operate in the City. He stated that out of that 26, there were nine that were only security patrol services. He stated that pursuant to information he received from the State of California Bureau of Investigation Services, he found that in the State of California there were approximately 780 alarm companies listed under the alphabet letter “A” alone. He stated that any of those companies could operate in the City of Porterville if they so
Mr. Irish stated that in 1979, Chief Smith was sent a letter from Consumer Affairs requesting that the City of Porterville help regulate the new laws for licensing. He voiced concern with the fact that, to his knowledge, the City had never turned anyone into the State of California. He stated that nothing had been done with the City’s Ordinance, except exercise the right to charge fees, or fines for false alarms. He requested that the Council even the playing field, and adopt an ordinance that would benefit the City of Porterville, and that would help regulate the Consumer Affairs. He suggested that the Council consider permits. He stated that with a permit fee, the City could require a permit for every system in the City. He commented that the permit could list the name of the alarm company, the license, the installers, and everything that the State had requested of the City in 1979. He requested that the City instead pursue a permit rather than a fee, such as the City of Bakersfield. He noted that the City of Bakersfield required that applicants pay for the permit prior to it even being approved. He suggested that the permit process would also help offset the cost of the City Fire Department to inspect. He contended that having a permit on file would also be beneficial from a life-safety standpoint. He stated that the City of Visalia had a permit process for alarms, and suggested that cities that had pursued false alarm fees soon realized that the cost to administer such a process exceeded the revenue from the fees collected.

He then spoke of the various models of ordinances pertaining to burglar alarms, such as from the National Burglar and Fire Alarm Association (“NBFAA”). He noted that in a sample ordinance from that organization, fees and permits were included. He again requested that the Council provide an even playing field, noting that the regulations put in place by the Council would affect alarm installers and dealers more than anyone else. He spoke in favor of regulating alarm systems through a permit process. Mr. Irish then provided the Council copies of a sample ordinance from NBFAA, and commented that the organization had assisted many cities in establishing effective regulations. He stated that there were 1000 systems, and that the City had only responded to five of those in one day, leaving 995 systems that never required the response of the Police Department. Mr. Irish spoke of the benefits to the Police Department that alarm systems provided.

Mayor Hamilton indicated that he saw two issues, one being recouping the cost of false alarm responses, and the second being a permitting process for alarm systems. He suggested that there were likely many alarm companies operating without a license or any type of accountability. A discussion ensued as to revenue generated by a permit process and whether it could be designated for the P.D.

Ms. Lew indicated that she believe that the City could, at an administrative level, determine where the fee revenue would go. She stated that she would need to look at whether the City could direct permit revenue to the Police Department to cover false alarm responses. She noted that because it was not a Prop. 218 fee, the City would have more flexibility.
Mr. Irish suggested establishing a false alarm fine within the permit. He stated that if the City just pursued the false alarm fines with that revenue going to the Police Department, it would send the wrong message. He spoke in favor of pursuing permit fees, with fines attached, which would give teeth to the ordinance.

At the Mayor’s request, Chief McMillan came forward to address the concept proposed by Mr. Irish. Chief McMillan suggested that establishing a permitting process would be create an honor system with the existing alarm system owners. Chief McMillan questioned how the permit process would be monitored and voiced concern with the program being labor intensive for the Police Department.

Ms. Lew pointed out that the City would not be able to establish the permits on a retroactive basis, and stated that the labor cost would need to be built into the permit fee. She clarified that the fee would also cover the administration of having the fee.

Chief McMillan stated that the Police Department would still need to police the calls, noting that 18% of the responses were to alarms of unlicensed alarm services. He suggested that the City should first address the issue of unlicensed alarm companies operating in the City. He then stated that he was familiar with the City of Visalia’s permit process, and that it still required monitoring by the P.D. He then spoke of neighborhood watch programs, stating that at one time there was approximately 100 programs in the City of Porterville. He spoke of the difficulty in keeping track of those program participants. He stated that establishing a program was certainly something that the City should entertain, however, he did not wish to expend any additional personnel hours on alarm calls. He stated that the Police Department would continue to respond to alarm calls, but to collect data and to continue to monitor them required personnel hours that should be directed elsewhere. Chief McMillan indicated that prior to September 2006, his department had a dedicated clerical person that monitored the alarm calls within each month. He stated that letters were sent to each property owner who had a false alarm call. He stated that since September, his department had not tracked that information. He confirmed that if the Council pursued a permit process, that type of monitoring would need to resume.

Mayor Hamilton confirmed with Mr. Irish that he had proposed both a permit fee and a false alarm fee.

Mr. Irish again spoke in favor of establishing a permitting process, and noted the amount of revenue that could be generated to offset the cost of administering the program.

Chief McMillan then spoke of the minimal amount of revenue generated by the $16 false alarm fee, particularly when compared to the cost of administering the fee. He stated that he had not attempted to offset the cost of officers responding to alarm calls, since his philosophy was that it was a service that the Police Department provided to the community. He stated that a permit process would definitely recoup some of that expense, but would also incur additional personnel time in administering the program and tracking all of the alarm systems.

Mr. Longley stated that this was basically a process of discovery. He recommended that the
Council direct staff to look at the sample ordinance provided by Mr. Irish, and research how other local agencies handled alarm fees, such as Visalia, Hanford and Tulare. He stated that prior to the end of the year, staff could then return to the Council with a report on a draft ordinance. He then acknowledged the fact that Mr. Irish came to the Council with a solution. He stated that he believed Mr. Irish’s proposal deserved a full review by staff.

Mayor Hamilton suggested that the permitting concept could be brought to the Council at any time, and noted that in the meantime Chief McMillan had requested that the Council review the alarm fee.

Mr. Longley confirmed with Chief McMillan that he had not recommended that the fee be reestablished, since the amount of revenue generated by the fee did not offset the cost of administering the fee. He stated that the budget would be revisited in January 2008, and suggested that a review of Mr. Irish’s proposal could take place in or around that same timeframe.

Mayor Pro Tem Felipe Martinez stated that since Chief McMillan did not see an urgency to the matter, that he agreed with bringing a permit process back to the Council at a later time.

In response to a question posed by Mr. Irish, Chief McMillan clarified that if the P.D. was contacted and given a cancellation code, the call was not documented as a response. Chief McMillan then spoke of the fees charged by local municipalities, such as $90 charged by Visalia, and $100 charged by Tulare. He stated that if the subject was to be revisited at some point, the City of Porterville would need to get more in line with the local standards.

Mr. Irish reiterated that false alarm fees were constantly being escalated to keep up with the costs. He then offered his assistance with regard to his proposal.

Council Member McCracken commented that there must be a solution, and shared a personal experience with a false alarm call. He then stated that he believed there was some advantage to having a permit process, noting the information that would be available on file.

Chief McMillan reiterated his concerns with a permit process, noting that administration would be time consuming. He stated that from an image standpoint, he worried about the public’s perception if the City collected fees and permits, and a property owner was broken into regardless. He then stated that his staff would look into the matter, and that Lt. Dempsie would likely be contacting Mr. Irish to gain information.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

- Mayor Pro Tem Felipe Martinez provided an AB 1234 report on his recent trip to Sacramento. He spoke of several sessions he attended, particularly noting one on gangs. He also indicated that he had several productive meetings with State Legislators.
- Mayor Hamilton also provided an AB 1234 report on his recent trip to Sacramento.
He agreed that he had several productive meetings and attended some informative sessions.

- City Manager Longley provided his AB 1234 report on his recent trip to Sacramento. He stated that he also had attended the informative session on gangs. He stated that staff would be bringing forth some specific items relative to that discussion. He then spoke of several conversations that took place with State Legislators and the Governor’s staff. Mr. Longley also spoke of a meeting that was held with the City’s legislative advocate to discuss efforts made on behalf of the City. He lastly noted the Mayor Pro Tem’s participation in the League’s debate on group homes.

ADJOURNMENT

The Council adjourned at 6:50 p.m. to the Council Meeting of September 18, 2007.

________________________________________
Patrice Hildreth, Deputy City Clerk

SEAL

________________________________________
Cameron Hamilton, Mayor

Page 6 of 6
SUBJECT: CLAIM - ERICA MEJIA

SOURCE: Administration

COMMENT: Ms. Erica Mejia has filed a claim against the City in an amount exceeding $25,000, in the Unlimited Jurisdiction of Tulare County Superior Court, for medical expenses, pain and suffering. The Claimant alleges that she incurred said damages when a Porterville Police Officer used unnecessary and unreasonable force to detain and arrest her on July 4, 2007 at 361 North Larson Street, Porterville, CA.

RECOMMENDATION: That the Council reject said claim; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLAIM FORM
(Please Type Or Print)

CLAIM AGAINST: Porterville Police Department AND City of Porterville

Claimant's Name: Erica Mejia

Claimant's Address:

Address where Notices about Claim are to be sent, if different from above:

Date of Incident/Accident/Arrest: July 4, 2007 @ about 10:30 AM

Date Injuries, Damages or Losses were discovered: July 4, 2007

Location of Incident/Accident/Arrest: 361 N. Lassen St., Porterville, CA 93257

What did Entity or Employee do to cause this Loss, Damage or Injury?
City of Porterville Police Department Officer Brian Clove
used unnecessary and unreasonable force to detain and arrest

Erica Mejia (grabbed two handfuls of Ms Mejia's hair and swung her to the ground)

What are the Names of the Entity's Employees who caused this Injury, Damage or Loss (if known)?

Porterville Police Officer Brian Clove

What specific Injuries, Damages or Losses did Claimant receive?

Soreness to both sides of head, loss of hair, sore neck, sore shoulders, headaches, bruised knees, emotional upset

What Amount of Money is Claimant Seeking, or which is the appropriate court of Jurisdiction [Govt. code 910(6)]?

More than $25,000.00 (The Unlimited Jurisdiction of the Tulare County Superior Court)

How was this Amount Calculated, if applicable (please itemize)? Medical expenses and pain and suffering

Date Signed: 3/20/07 Signature: Erica Mejia

If signed by Representative:

Representative's Name

Address

Telephone #

Relationship to Claimant

ORIGINAL
SUBJECT:  AUTHORIZATION TO ADVERTISE FOR BIDS - WELL NO. 31 PROJECT (Drilling Phase)

SOURCE:  Public Works Department - Engineering Division

COMMENT:  The Plans and Project Manual have been prepared for Well No. 31 Project (Drilling Phase). The well is located on the west side of Mathew Street between Orange Avenue and Union Court. This is the first phase of the well project and consists of drilling a 32" diameter bore hole about 700 feet deep, installation of steel casing and gravel envelop (gravel pack).

The City has acquired a right of entry from the developer, Smee Builders of the Summit Estates Subdivision to drill this well on a 5,040 square foot lot specifically reserved for this purpose. The developer has also executed a Purchase Contract that will be presented to Council during a subsequent meeting. The Plans and Project Manual are available for review in the La Barca Conference Room.

The City's consultant, Dee Jaspar & Associates, has prepared an Estimate of Probable Cost and the amount is $429,792. An additional amount of $19,536 is necessary for construction management. Total budget requirement is $449,328. Funding is provided by developer impact fees and was approved in the 07/08 Annual Budget. The Engineer's Estimate is attached for review.

RECOMMENDATION:  That the City Council:

1. Approve Staff's recommended Plans and Project Manual;

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

3. Authorize staff to appropriate the necessary Water Replacement Funds during the construction award process.

ATTACHMENTS:  Locator Map
Estimate of Probable Cost

P:\pubworks\Engineering\Council Items\Authorization to Advertise for Bids - Well No 31 - 2007-10-02.doc

Item No. 3

Dir Appropriated/Funded
Lot B of Summit Estates Subdivision, Phase One situated in the City of Porterville, County of Tulare, State of California per map recorded in Book 42, Page 48 of Maps in the Office of the County Recorder of said County.

OWNER: Smee Builders
APN: 259-050-054
AREA: 5,040 S.F.
DRAWN BY: TJ
CHECKED BY: MKR
# City of Porterville
## Municipal Water Well No. 31

### Engineer's Estimate for the Construction of Well No. 31

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Subtotal: $390,720.00
10% Contingency: $39,072.00
Total Estimate: $429,792.00

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Prepared By: Curtis M. Skaggs, Project Engineer

Reviewed By: Michael K. Reed, City Engineer

Reviewed By: Baldomero S. Rodriguez, Public Works Director

Reviewed By: John Longley, City Manager

Date: 4/4/07

Date: 9/5/07

Date: 9/17/07

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – EFFLUENT PIPELINE AND LAND LEVELING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Effluent Pipeline and Land Leveling Project. This project is required under the City’s Cease and Desist Order issued by the Regional Water Quality Control Board. The project consists of the following:

- Leveling Areas #1, #2, #3, #4, and #5 of the Underhill and Hunsaker Property
- Leveling of the Existing Ponds
- Two Check Structures
- Two Monitoring Wells
- Installing Effluent Pipeline for Irrigation Purposes

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council’s review.

The estimated probable cost for the project is $1,357,030 with an additional $135,703 required for the construction contingency (10%). An additional $67,851 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $1,560,584. An Estimate of Probable Cost is attached for Council’s review.

Funding for the project will be obtained from the Wastewater Treatment Facility Capital Reserve which was approved in the 2007/2008 Annual Budget and will be reimbursed through the CIEDB loan.

RECOMMENDATION: That City Council:

1. Approve staff’s recommended plans and project manual; and

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

ATTACHMENTS: Estimate of Probable Cost Locator Map Area Map

P:\pubworks\Engineering\Council Items\Authorization to Advertise for Bids - Land Leveling Project 2007-10-02.doc

Dir Appropriated/Funded  

Item No. 4
## Effluent Piping and Land Leveling Project at the Reclamation Site

### City of Porterville Land Leveling Project Estimate

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization/Demobilization/Clean up</td>
<td>LS</td>
<td>1</td>
<td>$80,000.00</td>
<td>$80,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Earthwork - Fill Area 4, 5, 6, and Access Roads</td>
<td>CY</td>
<td>145745</td>
<td>$1.50</td>
<td>$218,617.50</td>
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<tr>
<td>3</td>
<td>18&quot; Class 100 PVC (PIP)</td>
<td>LF</td>
<td>8879</td>
<td>$55.00</td>
<td>$488,345.00</td>
</tr>
<tr>
<td>4</td>
<td>Overflow Valves including Tee</td>
<td>EA</td>
<td>146</td>
<td>$1,200.00</td>
<td>$175,200.00</td>
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<tr>
<td>5</td>
<td>Remove Regulating Structure and Reconnect Pipe</td>
<td>EA</td>
<td>1</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
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<td>6</td>
<td>Install Check Structure</td>
<td>EA</td>
<td>2</td>
<td>$60,000.00</td>
<td>$120,000.00</td>
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<tr>
<td>7</td>
<td>18&quot; Tee</td>
<td>EA</td>
<td>5</td>
<td>$2,500.00</td>
<td>$12,500.00</td>
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<tr>
<td>8</td>
<td>18&quot; 45 degree Bend</td>
<td>EA</td>
<td>2</td>
<td>$1,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>9</td>
<td>18&quot; Cap</td>
<td>EA</td>
<td>6</td>
<td>$1,000.00</td>
<td>$6,000.00</td>
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<tr>
<td>10</td>
<td>18&quot; 90 degree Bend (elbow)</td>
<td>EA</td>
<td>1</td>
<td>$1,300.00</td>
<td>$1,300.00</td>
</tr>
<tr>
<td>11</td>
<td>Join Existing 24&quot; Water Pipe With all Appropriate Fittings and Appurtenances</td>
<td>EA</td>
<td>3</td>
<td>$5,000.00</td>
<td>$15,000.00</td>
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<tr>
<td>12</td>
<td>Adjust Monitoring Wells</td>
<td>EA</td>
<td>2</td>
<td>$5,000.00</td>
<td>$10,000.00</td>
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<tr>
<td>13</td>
<td>Remove Existing Pipe and Risers</td>
<td>LF</td>
<td>2980</td>
<td>$15.00</td>
<td>$44,700.00</td>
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<td>14</td>
<td>Monitor Wells</td>
<td>EA</td>
<td>2</td>
<td>$25,000.00</td>
<td>$50,000.00</td>
</tr>
</tbody>
</table>

**Subtotal** $1,233,662.50

10% Estimating Contingency $123,366.25

**Total Base Bid** $1,357,028.75

---

**Signatures**

*Project Manager*: David [Signature] 9-27-07

*Public Works Director*: [Signature] 9-27-07

*City Engineer*: Michael [Signature] 9-27-07

*City Manager*: [Signature] 9-27-07
COUNCIL AGENDA: OCTOBER 2, 2007

SUBJECT: AWARD OF CONTRACT – TRAFFIC SIGNAL #9 (OLIVE AVENUE AND MATHEW STREET) PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On September 20, 2007, staff received two (2) bids for Traffic Signal #9 (Olive Avenue and Mathew Street) Project. The project includes the installation of a traffic signal, new disable ramps, signing, striping, loop detectors and minor asphalt work. The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loop Electric</td>
<td>$222,000</td>
</tr>
<tr>
<td>Bakersfield, CA</td>
<td></td>
</tr>
<tr>
<td>AC Electric</td>
<td>$232,625</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

The Engineer’s estimate of probable cost is $250,000. The low bid is 11.2% below the Estimate of Probable Cost. An additional $22,200 is required for construction contingency (10%) and $15,000 for staff administration and soil testing expenses for a total project cost of $259,200. Funding for this project was budgeted in the 2007/2008 budget as follows:

Funding sources are CMAQ grant ($229,470), Re-appropriated LTF funds ($15,570) and a Burton School District/City Agreement dated July 20, 2005 ($14,000).

RECOMMENDATION: That City Council:

1. Award the Traffic Signal #9 (Olive Avenue & Jaye Street) Project to Loop Electric in the amount of $222,000;

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

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

4. Authorize the Public Works Director to bill Burton School District for their share of construction costs ($14,000); and

5. Authorize a "not to exceed" $15,000 for the project to cover staff administration and soil testing costs.

ATTACHMENT: Locator Map
CITY COUNCIL AGENDA: OCTOBER 2, 2007

SUBJECT: SUNRISE VILLA 2 & 3 TENTATIVE SUBDIVISION MAP - EXTENSION OF TIME

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Zenz & O'Sullivan
P O. Box 1927
Porterville, CA 93257

Mr. James Winton
Winton & Associates
150 W. Morton Ave.
Porterville, CA 93257

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

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

HISTORY: The tentative subdivision map was originally approved by the City Council on October 4, 2005. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the proposed subdivision.

RECOMMENDATION: That the City Council

1. Adopt the draft resolution approving a two (2) year extension of time for Sunrise Villa 2 & 3 Tentative Subdivision.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: OCTOBER 2, 2007

STAFF REPORT

SUBJECT: SUNRISE VILLA 2 & 3 TENTATIVE SUBDIVISION MAP - EXTENSION OF TIME

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Zenz & O’Sullivan
            P.O. Box 1927
            Porterville, CA 93257

Mr. James Winton
Winton & Associates
150 W. Morton Ave.
Porterville, CA 93257

PROJECT LOCATION: The site is generally located on the south side of Mulberry Avenue between the prolongation of Howland and Shadowood Streets

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

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

HISTORY: The tentative subdivision map was originally approved by the City Council on October 4, 2005. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the proposed subdivision.

RECOMMENDATION: That the City Council

1. Adopt the draft resolution approving a two (2) year extension of time for Red Hawk Estates Tentative Subdivision.

ATTACHMENT:

1. Tentative Subdivision Map
2. Letter requesting the Extension of Time
3. City Council Resolution 145-2005 (Negative Declaration)
4. City Council Resolution 146-2005 (Tentative Map Approval)
5. Draft Resolution approving the extension of time
September 13, 2007

Jose Ortiz
Planning Division
City of Porterville
291 North Main Street
Porterville, CA 93257

RE: Sunrise Villa 2 & 3

Dear Jose,

Our files indicate that the above referenced Tentative Subdivision Map will expire on or about October 4, 2007. I have enclosed a check in the amount of $316 for the time extension fee and am requesting your consideration of a two year time extension.

Time extension will allow the developer to complete the processing of the Improvement Drawings and Final Map with the City of Porterville and the utility companies.

If you have any questions, please let me know.

Very Truly Yours,

James S. Winton
Civil Engineer

cc: Tom O'Sullivan

JSW/bg
Encls.
RESOLUTION NO. 145-2005

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 SUNRISE VILLA PHASE 2 & 3 TENTATIVE SUBDIVISION MAP FOR THAT 11.3± ACRE VACANT SITE GENERALLY LOCATED ON THE SOUTH SIDE OF MULBERRY AVENUE BETWEEN THE PROLONGATION OF HOWLAND AND SHADOWOOD STREETS.

WHEREAS: On July 15, 2005, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individual property owners within 300 feet of the subject site. The twenty (20) day review period ran from July 19, 2005 to August 9, 2005; and

WHEREAS: The public hearing date for Sunrise Villa Phase 2 & 3 was scheduled before the City Council on August 16, 2005. It was brought to Staff’s attention, that one or more of the property owners were not notified due to an incomplete property owners list submitted to Staff. As a result, Staff pulled the item to allow for re-noticing. A re-notice of the public hearing for a 20 day review period ran from August 12, 2005 to September 2, 2005 rescheduling the public hearing before the City Council on September 6, 2005. The only agencies that responded were San Joaquin Valley Air Pollution Control District and Southern California Gas Company. Additional letters from a Ruth E. Smith and a Herbert and Eleanor Foerster who live within 300 feet of the subject site were received. The comments regarding environmental concerns have been addressed in the Mitigation Monitoring Plan Exhibit “A” of the environmental resolution. On September 6, 2005, the City Council opened the public hearing. At the request of the applicant, the public hearing was to be continued until September 20, 2005. However, since one of the Council members could not attend that meeting, the City Council recommended that the item be brought back to Council on October 4, 2005; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of September 6, 2005, conducted a continued public hearing to consider approval of Sunrise Villa Phase 2 & 3 Tentative Subdivision Map, being a division of a vacant 11.3± acre parcel into 46 single family residential lots in two (2) phases for that site generally located on the south side of Mulberry Avenue between the prolongation of Howland and Shadowood Streets; and

WHEREAS: The proposed site is zoned City R-1 (One-Family Zone), with the exception of Lots 13-20 (easterly portion of the subdivision) which are located in the County and zoned R-1 - 217 (Single Family Residential- 5 acre minimum).

Phase 3 consists of those lots mentioned above located in the County. The remaining lots located in the City will be developed in Phase 2.
A condition of approval for Phase 3 (County) will read as follows:

"The developer/applicant shall cause this area to be annexed to the City of Porterville prior to reviewing Phase 3 improvement plans"; and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act.

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

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

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

4. That the Negative Declaration prepared for this project was made available for public review and comment. The 20 day review period was from July 19, 2005 to August 9, 2005. A re-notice of the public hearing for a 20 day review period ran from August 12, 2005 to September 2, 2005.

5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment "A" and included as Condition 39 in the proposed resolution of approval for Sunrise Villa Phase 2 & 3.

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

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

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 minimis 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 judgement of the City of Porterville.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration for Sunrise Villa Phase 2 & 3 Tentative Subdivision Map as described herein.

[Signature]
Kelly West, Mayor

ATTEST:

John Longley, City Clerk

[Signature]
Georgia Hawley, Chief Deputy City Clerk
## Attachment A

### Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geologic Problems</td>
<td>Mitigation measures include the enforcement of site development plan or other development related conditions of approval requiring erosion control plans, and the conservation of vegetation, with soil disturbances to be limited to dry seasons. In addition, conformance with the City Storm Drain Master Plan, and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>Conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>Water</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate: this potential impact to a level of insignificance (NPDES standards).</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NODES standards).</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>4a Changes in absorption rates, drainage patterns or the rate and amount of surface runoff.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4b Exposure of people or property to water related hazards such as flooding.</td>
<td>The subject site is located in Flood Plan Zone B (areas between limits of the 100 year and 500 year flood).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>------------------------</td>
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<td>-----------------------------------------------------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>Air Quality</td>
<td>Mitigation of the effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e./ bicycles and walking). Mitigation through construction management. 1. The City will implement Regulation VIII of the SIVUAPCD including:</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SIVUAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California CARB, SIVUAPCD, City of Porterville</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
</thead>
</table>
| Air Quality 5. a (continued) | a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.  
   b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 MPH. If winds or gusting exceed 20 MPH, vehicular activity will be required to cease.  
   c. One or more of the following means of dust control should be employed after the completion of earth grading operations:     
      i. Seeding and watering of new vegetation.  
      ii. Hydromulching or spreading of soil binders.  
      iii. Maintenance of the site's soil surface crust through repeated soakings.  
   2. Require construction equipment to be equipped with catalysts/particulate traps to reduce particulate and Nox emissions. | | |
<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality</td>
<td>3. Limit engine idling at the project site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. a (continued)</td>
<td>4. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during the cold winter months.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. As many energy-conserving features as possible should be included in the design/construction of the new dwellings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating.</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>6. Electric or low nitrogen oxide (NOX) emitting gas-fired water heaters should be installed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>7. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Air Quality 5.a (continued)</td>
<td>8. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment. 9. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues. 10. If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas and shelters. 11. Sidewalks and bikeways should be installed throughout as much of the project as possible to encourage walking and bicycling. 12. With the purchase of any house, included Air Quality incentive items is natural gas barbecues and electric lawnmowers.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
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<tr>
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<td>--------------------</td>
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<tr>
<td>Air Quality 5.a (continued)</td>
<td>13. Any gas-fired appliances should be low nitrogen oxide (NOX) emitting gas-fired appliances complying with California NOX Emission Rule #1121.</td>
<td></td>
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<tr>
<td></td>
<td>14. House units should be oriented to maximize passive solar cooling and heating when practicable.</td>
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</tr>
<tr>
<td></td>
<td>15. The following regulations of the San Joaquin Air Pollution Control District (Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters) will apply to this project.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b. In new residential developments with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II certified wood burning heaters (wood stove, pellet stove or wood-burning insert) per acre.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
<td>----------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Air Quality 5.a (continued)</td>
<td>d. A new residential development is defined as any single or multiple family housing unit for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utilities and Service Systems</td>
<td>The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NODES standards). The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required.</td>
<td>The City of Porterville and the effected utility companies.</td>
<td>The City of Porterville and the effected utility companies.</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
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<th>Agency Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aesthetics</td>
<td>The installation of low profile exterior lighting will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from street lights and on-site lighting facilities accruing from the site's eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.</td>
<td>Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced.</td>
<td>City of Porterville</td>
</tr>
</tbody>
</table>
STATE OF CALIFORNIA  )
CITY OF PORTERVILLE   )    SS
COUNTY OF TULARE    )

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 4th day of October, 2005.

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

<table>
<thead>
<tr>
<th>Council:</th>
<th>IRISH</th>
<th>MARTINEZ</th>
<th>HAMILTON</th>
<th>STADTHERR</th>
<th>WEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>AYES:</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>NOES:</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>ABSTAIN:</td>
<td></td>
<td></td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>ABSENT:</td>
<td></td>
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</tbody>
</table>

JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO. 146-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR SUNRISE VILLA PHASE 2 & 3 TENTATIVE SUBDIVISION MAP FOR THAT 11.3± ACRE VACANT SITE GENERALLY LOCATED ON THE SOUTH SIDE OF MULBERRY AVENUE BETWEEN THE PROLONATION OF HOWLAND AND SHADOWOOD STREETS.

WHEREAS: The public hearing date for Sunrise Villa Phase 2 & 3 was scheduled before the City Council on August 16, 2005. It was brought to Staff’s attention, that one or more of the property owners were not notified due to an incomplete property owners list submitted to Staff. As a result, Staff pulled the item to allow for re-noticing. A re-notice of the public hearing for a 20 day review period ran from August 12, 2005 to September 2, 2005 rescheduling the public hearing before the City Council on September 6, 2005. The only agencies that responded were San Joaquin Valley Air Pollution Control District and Southern California Gas Company. Additional letters from a Ruth E. Smith and a Herbert and Eleanor Foerster who live within 300 feet of the subject site were received. The comments regarding environmental concerns have been addressed in the Mitigation Monitoring Plan Exhibit “A” of the environmental resolution. On September 6, 2005, the City Council opened the public hearing. At the request of the applicant, the public hearing was to be continued until September 20, 2005. However, since one of the Council members could not attend that meeting, the City Council recommended that the item be brought back to Council on October 4, 2005; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of September 6, 2005, conducted a continued public hearing to consider approval of Sunrise Villa Phase 2 & 3 Tentative Subdivision Map, being a division of a vacant 11.3± acre parcel into 46 single family residential lots in two (2) phases for that site generally located on the south side of Mulberry Avenue between the prolongation of Howland and Shadowood Streets; and

WHEREAS: The proposed site is zoned City R-1 (One-Family Zone), with the exception of Lots 13-20 (easterly portion of the subdivision) which are located in the County and zoned R-1 - 217 (Single Family Residential- 5 acre minimum).

Phase 3 consists of those lots mentioned above located in the County. The remaining lots located in the City will be developed in Phase 2.

A condition of approval for Phase 3 (County) will read as follows:

“the developer/applicant shall cause this area to be annexed to the City of Porterville prior to reviewing Phase 3 improvement plans”; and

WHEREAS: On July 15, 2005, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

ATTACHMENT
ITEM NO. 4
WHEREAS: The Subdivision Review Committee on August 3, 2005, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant’s agent and incorporated into the draft resolution of approval; and

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

WHEREAS: The City Council made the following findings:

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

The Land Use Element of the General Plan designates the site for Low Density Residential development (2-7 d.u./acre). The proposed subdivision will be developed to a density of 4.07 d.u./acre.

The site extends east and west parallel with Mulberry Ave. A cul-de-sac is proposed on the west side and the east side of the interior of the subdivision. Access to these two (2) cul-de-sacs (50 feet wide) will be from an internal street (Villa Street 60 feet wide) proposed in the middle of the subdivision extending north and south. Proposed Villa Street will intersect with Mulberry Avenue to the north and connect with the existing street (Villa Street) to the south located in a developed single family residential subdivision.

Development of the 46 lot single family residential subdivision is anticipated to result in additional daily trips. Based on the ITE Trip Generation Manuel, 9.57 daily trips would be generated per unit, for a total of 440.22 ADT. Based on proposed street system, the projected trips will be distributed east and west on Mulberry and south on Villa.

Mulberry Avenue (60 foot wide local street) intersects with Cottage Street (60 foot wide local) to the west. Cottage Street meanders through a developed residential subdivision to the south which intersects with Henderson Avenue (four lane arterial 84 feet wide). Mulberry to the west of Cottage Street intersects with Indiana Street (four lane arterial 84 feet wide). Proposed Villa Street will intersect with Mulberry Avenue to the north and extend south and connect with the existing Villa Street located in the subdivision to the south and will continue to Henderson Avenue.

No recent traffic counts have been conducted in the area of the subject site. The Circulation Element of the Porterville General Plan indicates that two lane collector streets (60 foot wide) have the capacity of 12,500 ADT. As mentioned above, Cottage and Mulberry are developed to 60 feet even though they are not considered collector streets. Additionally, four lane major arterials have the capacity of 50,000 ADT. It is not anticipated that the additional traffic generated by the proposed development should reduce the performance of the aforementioned streets/avenues since they have been designed to handle the additional traffic in this area.
2. 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.

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

4. That the design of the project, or proposed improvements, are not likely to cause substantial environmental damage. Condition 39 of this resolution requires the developer/applicant to comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to the resolution.

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

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

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

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

The proposed project complies with all the requirements of the Subdivision Ordinance. 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 Sunrise Villa Phase 2 & 3 Tentative Subdivision Map subject to the following conditions:

1. The required twelve (12) foot side yard setback for all reverse corner lots shall be shown on the final map. As currently designated, Lot 3 and Lot 41 are reverse corner lots.

2. The developer/applicant shall provide a minimum of one (1) tree for every lot and an additional tree for every corner lot.
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.
   c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.


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, including disabled ramp(s) (C.C. Sec. 21-23), 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 Mulberry Avenue right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on the south side, adjacent to the boundaries of the proposed subdivision. Curb, gutter and pavement will be required for those parcels designated as “Not A Part” if necessary to drain storm water away from the Mulberry Avenue/Villa Street intersection and Lot 46.

7. The developer/applicant shall fully develop Villa Street along the “Not A Part” property with pavement, curb and gutter on the west side and curb, gutter and sidewalk on the east side.

8. Part of the proposed development, Phase 3, lies within an unincorporated area of Tulare County. The developer/applicant shall cause this area to be annexed prior to reviewing Phase 3 improvement plans.

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

10. The developer/applicant shall cause all unnecessary easement to be vacated prior to or in conjunction with the Final Map processing.
11. The developer/applicant shall dedicate a one foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.

12. The developer/applicant shall relinquish access rights to Villa Street from Lots 3, 9, 24, 25 and 41.

13. Prior to approval of the improvement plans, the developer/applicant shall have a completed and approved lighting improvement plan, legal description, etc. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting Maintenance District at the time the final map is approved. Lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (i) Lighting, (ii) Temporary on-site drainage reservoir, if any, etc.

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

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

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

   c. Soils Report(s) in accordance with Chapter 18 of the California Building Code.

15. 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.

16. 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.

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

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

19. 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.).

20. 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.

21. 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.).

22. The developer/applicant shall assure compliance with applicable San Joaquin Valley 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.

23. 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.

24. Building or foundation permits shall not be issued until all of the following items are accepted as complete:
a. The storm drain system is functional, so that it will accept water from fire hydrant and/or water main flushing;

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

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

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

e. Lot corners are marked;

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

26. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system. The Storm Drain Master Plan illustrates the installation of a pipeline along Mulberry Avenue generally between Drainage Reservoir No. 53 (Hayes Field) and "G" Street.

27. 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 (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.

28. The developer/applicant shall provide a circulation pattern that will serve the partially developed easterly contiguous property.

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

30. 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.

31. The developer/applicant shall construct two (2) City standard barricades at the end of all dead-end streets.

32. 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.

33. 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).

34. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer. Street light spacing shall be at 160 foot intervals, staggered throughout the proposed subdivision.

35. The developer/applicant shall construct the water system in a maximum of two (2) sections for each phase of the subdivision: One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.

36. 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.
37. 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.

38. 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.

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

Kelly West, Mayor

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Chief 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 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 4th day of October, 2005.

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

<table>
<thead>
<tr>
<th>Council:</th>
<th>IRISH</th>
<th>MARTINEZ</th>
<th>HAMILTON</th>
<th>STADTHERR</th>
<th>WEST</th>
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<tbody>
<tr>
<td>AYES:</td>
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<td>NOES:</td>
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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL
OF A TWO (2) YEAR EXTENSION OF TIME FOR SUNRISE VILLA 2 & 3 TENTATIVE
SUBDIVISION GENERALLY LOCATED ON THE SOUTH SIDE OF MULBERRY AVENUE
BETWEEN THE PROLONATION OF HOWLAND AND SHADOWOOD STREETS

WHEREAS: The Porterville City Council at its regularly scheduled meeting of October 2,
2007, considered a two (2) year extension of time request for the Sunrise Villa 2 & 3 Tentative
Subdivision Map, generally located on the south side of Mulberry Avenue between the prolongation
of Howland and Shadowood Streets; and

WHEREAS: The subject tentative subdivision map was originally approved on
October 4, 2005; and

WHEREAS: The Council made the following findings:

1. That the proposed project is consistent with the State Map Act.

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

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

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

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

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

7. The extension of time will allow the developer an opportunity to keep the map active
and fulfill the development requirements for the proposed subdivision.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a two (2) year extension of time for the Sunrise Villa 2 & 3 Tentative Subdivision Map and that the conditions specified in City Council Resolution 146-2005 shall remain in full force and effect. Said extension of time shall commence October 4, 2007, and shall expire on October 4, 2009.

_________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
Patrice Hildreth, Chief Deputy City Clerk
CITY COUNCIL AGENDA: OCTOBER 2, 2007

SUBJECT: RED HAWK ESTATES TENTATIVE SUBDIVISION MAP - EXTENSION OF TIME

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Jordan Pacific
2930 Geer Rd. #198
Turlock, CA 95382

COMMENT: The applicant is requesting approval of a three (3) year extension of time for the tentative subdivision map.

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

HISTORY: The tentative subdivision map was originally approved by the City Council on February 21, 2006. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the proposed subdivision.

RECOMMENDATION: That the City Council

1. Adopt the draft resolution approving a three (3) year extension of time for Red Hawk Estates Tentative Subdivision.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: OCTOBER 2, 2007

STAFF REPORT

SUBJECT: RED HAWK ESTATES TENTATIVE SUBDIVISION MAP - EXTENSION OF TIME

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Jordan Pacific
2930 Geer Rd. #198
Turlock, CA 95382

PROJECT LOCATION: The site is generally located approximately 1350± feet east of the southerly prolongation of Tulsa Street between Olive Avenue and the easterly prolongation of Putnam Avenue.

SPECIFIC REQUEST: The applicant is requesting approval of a three (3) year extension of time for the tentative subdivision map.

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

HISTORY: The tentative subdivision map was originally approved by the City Council on February 21, 2006. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the proposed subdivision.

RECOMMENDATION: That the City Council

1. Adopt the draft resolution approving a three (3) year extension of time for Red Hawk Estates Tentative Subdivision.

ATTACHMENT:

1. Tentative Subdivision Map
2. Letter requesting the Extension of Time
3. City Council Resolution 26-2006 (Negative Declaration)
4. City Council Resolution 27-2006 (tentative map approval)
5. Draft Resolution approving the extension of time
September 5, 2007

City of Porterville
291 N. Main Street
Porterville, CA 93257

City Planning Department:

I am the owner of a parcel of land, A.P.N. 255-170-022, also known as the Subdivision, Red Hawk Estates, which has a Tentative Map that was approved by City Council on February 21, 2006. I am requesting a 3 year extension to the Tentative Map at this time. Thank you for your assistance.

Sincerely,

Daryl Jordan
RESOLUTION NO. 26-2006

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 REDHAWK ESTATES TENTATIVE SUBDIVISION MAP

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of February 21, 2006, conducted a public hearing to consider approval of Red Hawk Estates Tentative Subdivision Map, being a division of a 66± acre site into one hundred-eighty (180) single family residential lots in one (1) phase, generally located North East Porterville, North of Olive Avenue, and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act;

2. That the proposed project will not create adverse environmental impacts as indicated in the initial study prepared for the project;

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

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

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 the project;

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 minimis impact” pursuant to Section 711.2 et. seq. of the Fish and Game Code; and

8. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration and Mitigation Monitoring Program for Red Hawk Estates Tentative Subdivision Map as described herein, and commits to carry out those items identified as City responsibilities within the Mitigation Monitoring Report.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Deputy
## Mitigation Monitoring Program

### Attachment A

<table>
<thead>
<tr>
<th>Impact No.</th>
<th>Responsible Party</th>
<th>Mitigation Measure</th>
<th>Monitoring Agency</th>
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<tbody>
<tr>
<td>Impact 1: Aesthetics – Light and Glare / Visual Resources</td>
<td>Proponent</td>
<td>Pursuant to City Ordinance 1681, an interim urgency ordinance for the protection of the Hillside Area, the developer will submit, prior to project approval, schematics of the proposed development. City Staff will work with the project proponent to ensure an appropriate design theme for the development of the hillsides, and enhance the quality of development while reducing the aesthetic impact to the hillsides. The implementation of specific color and material palettes and design styles will reduce aesthetic impacts to less than significant. The development will require installation of low profile exterior lighting, which will be directed away from adjacent properties, and will reduce the impact of outside lighting. Minimal glare is anticipated from street light and onsite lighting, but enforcement of Section 2618f of the Porterville Zoning Ordinance will reduce any negative effect to less than significant. The Code reads as follows: No direct or reflected glare, whether produced by flood light, high temperature processes such as combustion or welding, or other processes, so as to be visible from any boundary line of property on which the same is produced shall be permitted. Sky reflected glare from buildings or portions thereof shall be so controlled by such reasonable means as are practical to the end that the said sky reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs.</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>Impact 2: Air Quality – Construction</td>
<td>Proponent</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 3-1 through 3-4. The project exceeds the 142-unit threshold established by the San Joaquin Valley Air Pollution Control District in the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) for residential developments (Reference: Guide for Assessing and Mitigating Air Quality Impacts, San Joaquin Valley Air Pollution Control District, January 10, 2002). 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>City of Porterville</td>
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## Mitigation Monitoring Program

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<th>Mitigation Measure</th>
<th>Monitoring Agency</th>
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<td>Impact 3: Biological Resources</td>
<td>Proponent</td>
<td>Operational emissions from the project are almost exclusively a function of automobile trips generated by the project. 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 (4.89 miles), and the large percentage of workers who live and work in Porterville (93% in 2000 Census). The results, summarized in Table 3-5, indicate that impacts from this project will not be significant.</td>
<td>City of Porterville</td>
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**Impact 3: Biological Resources**

The subject site was surveyed by City Staff in Spring of 2005, and the presence of one elderberry shrub (*Sambucus mexicana*) was detected. This species of elderberry shrub is the sole habitat of the Valley Elderberry Longhorn Beetle (VELB), a federally listed, threatened species. Removal of this shrub or construction within too close a proximity could result in an impact to the VELB, by mode of habitat reduction. The potential for impact will be reduced to less than significant by compliance with the US Fish and Wildlife Service's Conservation Guidelines for the Valley Elderberry Longhorn Beetle (1999), as follows:

**Protective Measures**

1. Fence and flag all areas to be avoided during construction activities. In areas where encroachment on the 100-foot buffer has been approved by the Service, provide a minimum setback of at least 20 feet from the drip-line of each elderberry plant.
2. Brief contractors on the need to avoid damaging the elderberry plants and the possible penalties for not complying with these requirements.
3. Erect signs every 50 feet along the edge of the avoidance area with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction.
4. Instruct work crews about the status of the beetle and the need to protect its elderberry host plant.

<p>| Impact 4: Geology/Soils | Proponent | The project is located on three soil types as defined by the US Department of Agriculture's Natural Resources Conservation Service. In the Soils Survey of Tulare County, Central Part, the project area is described with the following soils types: Greenfield Sandy Loam, San Joaquin Loam, and Vista Rock Outcrops. The slopes associated with the San Joaquin Loam (up to 22% within the project area) results in some risk of landslides, instability, erosion, and expansion. These risks will be mitigated by the developer through a thorough soils study and engineering methods to stabilize the soils. The City Engineer will work with the developer to ensure appropriate actions are taken to reduce the potential of impact to less than significant. | City of Porterville |</p>
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<tr>
<th>Impact No.</th>
<th>Responsible Party</th>
<th>Mitigation Measure</th>
<th>Monitoring Agency</th>
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| Impact 8: | Proponent         | Water quality standards could be violated by oils, chemicals, and residues conveyed by stormwater runoff along streets, driveways, and other impervious surfaces. Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Consequently, the storm water generated from future development of the site has been anticipated by the plan. The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required. Drainage patterns change incrementally as streets, gutters and pipelines are installed to handle additional surface drainage resulting from the development of impervious surfaces such as building and paving. The rate and amount of runoff will increase as these features are constructed. The installation of the curbs, gutters and drop inlets to allow water to channel into the existing storm drain line will prevent any future drainage problems in this area.  

The City’s wastewater treatment plant has a permitted capacity of 5.3 million gallons per day (mgd) and is currently operating at 5.1 mgd. The plant has a rated capacity of 8 mgd, but is limited to the permitted capacity of 5.3 mgd because of a lack of land on which to use the treated effluent as irrigation water. The City has secured land and is in the process of annexing that land for effluent irrigation and biosolids spreading. Use of these lands will increase the permitted capacity of the treatment plan.  

The FIRM Flood Insurance Map 065066 0865 B, dated September 29, 1986 indicates the lots fronting on Olive Avenue and those lots located on the southeast corner of the subject site are located in Flood Zone A (areas of 100-year flood; base flood elevations and flood hazard factors not determined). The remaining portion of the subdivision is located in Flood Zone C (areas of minimal flooding). The Base Flood Elevation will be required to be determined and met throughout the project site prior to the approval of improvements plans, filing a final map or the issuance of any building permit. The City Engineer, acting as the Floodplain Administrator, is working on the modification to FEMA’s records, and action must be taken by FEMA prior to issuance of building permits. | City of Porterville |
# Mitigation Monitoring Program

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<td>Impact 6:</td>
<td>Proponent</td>
<td>The project, after construction, will not generate noise levels inconsistent with local plans, including the City’s General Plan. During construction, there will be a short term increase in noise associated with construction equipment that may exceed City noise level standards. These activities will be restricted to the hours of 7:00 AM and 5:00 PM Monday through Friday, and 9:00 AM to 5:00 PM on weekends. These impacts will be short term in nature and with the defined mitigation measures will be less than significant. However, the project area is adjacent to the Rocky Hill Raceway, a racetrack outside the City Limits, permitted by Tulare County by a Special Use Permit. The racetrack does not hold regularly scheduled events, but when an event is held, a significant amount of noise is generated. A noise study was conducted by Eilar and Associates in January of 2005. As no event has been scheduled at the track for at least one year, it was impossible for Eilar to measure noise generated at the Rocky Hill Raceway. Instead, the acoustical team took measurements of the most conservative type- a NASCAR race. Although the track itself is not designed or appropriately sized for such a type of race, the existing Special Use Permit does not limit or specify any type of race, so the consultant determined it would be most prudent to evaluate this &quot;worst case scenario&quot;. The study found that while noise levels generated by such an event on the Rocky Hill Racetrack would create a significant impact, those impacts were mitigable by implementing a number of control measures. To reduce the interior noise measurements to 35 dBA $L_{EQ}$ or less with windows closed, the residences must have special building materials and an exterior to interior analysis must be completed as part of the permitting process. To mitigate exterior noise impacts, the developer must either construct a 20-foot tall sound attenuation barrier along the eastern and southeastern property boundaries of the Red Hawk Subdivision or increase the height of the existing concrete barrier along the western and northern edges of the Rocky Hill Racetrack to a height of 12 feet. Implementation of these mitigation measures will reduce the impact to less than significant. Provide Notification to prospective homebuyers, in the form of a recorded document, of potential noise source(s).</td>
<td>City of Porterville</td>
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<td>Impact 7:</td>
<td>Proponent</td>
<td>Eventual development of the complete 180 lot subdivision is anticipated to result in additional daily trips. Based on the Circulation Element of the General Plan, 9.55 daily trips would be generated per unit, for a total of 1,719 average daily trips (ADT). Il streets within the subdivision are 60 feet wide. Ingress and egress from the south portion of the subject site will be from one (1) street (Red Hawk Drive) intersecting with Olive Avenue a designated Collector Street capable of handling 12,500 ADT. Ingress and egress from the north portion of the subdivision will be from Putnam Avenue. Putnam Avenue extends east and west through the middle of the subdivision from Conner Street, which was recently reconstructed, to the eastern City limits. The road alignment will be left open to allow for future continuation of Putnam Avenue when the City grows to the east. West of the project site,</td>
<td>City of Porterville</td>
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## Mitigation Monitoring Program

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<td>Impact 8:</td>
<td>Proponent</td>
<td>In the far east side of the project area is located one elderberry shrub. Elderberry shrubs are the sole habitat of the Valley Elderberry Longhorn Beetle, a Federally listed, threatened species. The elderberry shrub will be avoided in compliance with the US Fish and Wildlife Service's Conservation Guidelines. Any impact will be mitigated to a less than significant effect, see Section IV - Biological Resources for more detail. The noise generated by the Rocky Hill Raceway will be audible throughout the project area without sufficient mitigation. As discussed in Section XI - Noise, a sound wall 12 feet high relative to the base of the existing concrete barrier would effectively reduce noise levels below exterior thresholds, and additional measures including construction materials and methods will allow the residences to meet interior noise threshold requirements. Noise impacts can be reduced to a less than significant level through implementation of these measures.</td>
<td>City of Porterville</td>
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<td>Putnam Avenue is a local street on a 50-foot wide right of way. The current easterly terminus of Putman Avenue is at Granite Hills High School; one condition of the project is the extension of Putnam to and through the project, maintaining at minimum the 50-foot right of way, a width wide enough to accommodate two travel lanes and one parking lane. Olive Avenue west of the project site is a two-lane street on a 50-foot right of way, and has been recently improved with curb, gutter, and sidewalk. Interior circulation is consistent with City standards, and a variety of cul-de-sacs and intersecting local roads will complete the circulation necessary for a subdivision of this size. See Figure 3 for a site plan. On November 16, 2004 a 24-hour traffic count was concluded. Putnam Avenue extending east of Conner Street had a total count of 1,143 ADT. Olive Avenue extending east of Conner Street had a total count of 1,439 ADT. The additional traffic generated by the proposed development will not reduce the performance of these streets since they were originally designed to handle the additional traffic in this area. Therefore, the impact is less than significant.</td>
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STATE OF CALIFORNIA  
CITY OF PORTERVILLE  
COUNTY OF TULARE  

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 21st day of February, 2006.

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

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<tr>
<th>Council</th>
<th>IRISH</th>
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<th>HAMILTON</th>
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JOHN LONGLEY, City Clerk

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO. 27-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
REDHAWK ESTATES TENTATIVE SUBDIVISION MAP

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of February 21, 2006, conducted a public hearing to consider approval of Red Hawk Estates Tentative Subdivision Map, being a division of a 66± acre site into one hundred-eighty (180) single family residential lots in one (1) phase, generally located North East Porterville, North of Olive Avenue, 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.

2. That the site is physically suitable for the type and density of the proposed development. The Land Use Element of the General Plan designates the site for Low Density Residential. The proposed subdivision will be developed within the density allowed by the General Plan.

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

4. That the design of the project, or proposed improvements, are not likely to cause substantial environmental damage. Pursuant to City Ordinance 1681, an interim urgency ordinance for the protection of the Hillside Area, the developer has submitted, schematics of the proposed development. Prior to approval City Staff has worked with the project proponent on the design theme for the development he proposed Negative Declaration was evaluated in light of the prepared environmental initial study, comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level through the implementation of the attached mitigation measures.

5. 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.

ATTACHMENT
ITEM NO. 4
6. 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.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Red Hawk Estates Tentative Subdivision Map subject to the following conditions:


2. 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.

3. 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).

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

5. 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.

6. Fifteen (15) gallon trees approved as City Street Trees are required in the front yard of each lot. One (1) additional tree is required on each corner lot.

7. The pocket park, and Olive Avenue Streetscape shall comply 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.

8. A park shall be dedicated to the City on the final map, and shall be fully landscaped by the applicant/developer. Landscaping shall include no more than 35% turf and sufficient trees to provide 70% shading of the park area within seven years. Pedestrian pathways with interspersed tables and benches shall be provided in the park area.
9. A 6-foot high PCC or masonry fence along all common lines with residential lots shall border the pocket park. The fence shall be reduced in height at front yard setback lines and otherwise fully comply with fence height requirements.

10. A minimum 6-foot wide landscape area shall be provided between the masonry wall and the sidewalk along the Olive Avenue frontage. A masonry wall of articulated alignment and minimum 6-foot height shall be located along Olive Avenue, which shall ensure adequate sight distance at street intersections. The masonry wall is not to continue across the school site frontage. A 5-foot wide wall and landscape maintenance easement shall be conveyed to the City of Porterville along the rear yards of lots abutting Olive Avenue.

11. Prior to the approval of improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans. The developer/applicant shall petition, on a form provided by the City and pay a $375.00 fee, to have the development included within a Lighting and Landscape Maintenance District. 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.

12. 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 subdivision.

13. Exclusive of assessments for a Lighting and Landscape Maintenance District, the developer/applicant shall pay all service fees and maintain all new lighting and landscape improvements in a safe and healthy manner during a twelve-month period following acceptance of the subdivision improvements.

14. An irrevocable offer of dedication shall be provided on the final map for a minimum forty-foot wide equestrian trail along the northerly boundary of the subdivision, together with a minimum twenty-five foot wide access strip extending north from Golden Eagle at its intersection with Peregrine Way.

15. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the Uniform 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. The developer/applicant shall provide the reports indicated below:
a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133).

b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Sec. 7013). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans.

c. Soils Reports in accordance with Chapter 18 of the California Building Code. Specific to this development is the necessity to addresses slope stability, prior to approval of improvement plans (or prior to approval of a Vesting Tentative Map). Said report shall be prepared in accordance with Guidelines for Evaluating and Mitigating Seismic Hazards in California.

16. 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.

17. Prior to recording the final map for each phase, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.

18. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells in that unit. 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 Tentative Subdivision Map and designate which well or wells will remain in service upon full development, if applicable.

19. 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. The developer/applicant shall remove and replace the existing irrigation shown within the street right of way. The developer/applicant shall coordinate this effort with the irrigation district and City of Porterville. The district shall specify appropriate size and material of piping shall be in accordance with current City Standards and policies.

20. 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.).
21. 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.

22. 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.).

23. 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.

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

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

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

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

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

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

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

26. 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. The developer/applicant shall install pipeline in Olive Avenue from the easterly boundary of the proposed development to the point of connection at the easterly boundary of the Granite Hills High School property. Pipe sizing shall be in accordance with the City’s adopted Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport stormwater across adjacent subdivision lots to reach a City drainage system. The County Reservoir designated as Drainage Reservoir No. 26 in the City’s adopted Master Plan will require coordination between the developer, County of Tulare, and City of Porterville. The developer/applicant shall provide all calculations necessary to satisfy the County and the City on the enlargement of this reservoir.

27. 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 one acre 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.

28. To accommodate refuse vehicles and street sweepers, the developer/applicant shall construct, dedicate and improve, to City standards, temporary turn-arounds at such time that phased development of the subdivision results in creation of dead end streets. These temporary turn-arounds are to be enclosed with chain link fencing.
29. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate to accommodate emergency service vehicles at such time that phased development of the subdivision results in creation of dead end cul-de-sac streets in excess of 600 feet long. Cul-de-sacs shall be limited to a maximum of 600 feet. Street grades shall not exceed 12%. The grade at any fire hydrant must not exceed 7%.

30. 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.

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

32. 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. Nearest point of connection for this proposed subdivision is Olive Avenue at the easterly boundary of Granite Hills High School.

33. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four (4') feet of clear space in the sidewalk area and a minimum of two (2') feet of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA) or provide surety in lieu of (Section 2616.b of the Zoning Ordinance).

34. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

35. The developer/applicant shall construct the water system in a maximum of two sections for the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.

36. The developer/applicant shall comply with the City's Flood Damage Prevention Ordinance No. 1397 and the requirements of the Emergency Management Agency (FEMA) Community letter dated August 5, 2005 - Case No. 05-09-0326R. The FEMA letter is attached hereto and made at part hereof by reference. All documentation required within the FEMA letter shall be prepared by the developer/applicant's responsible civil engineer and delivered to City's Flood Plan Administer for review and processing. Building permit issuance is contingent upon the submittal of a complete FEMA package.
37. 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.

38. The developer/applicant is hereby notified that in order to comply with Section 66499.35 of the Subdivision Map Act, Phase 1, Lot 1 must be included as a lot within the Final Map for the first phase and developed in accordance with City Standards, Specifications and these conditions of approval. Vine Avenue is the only acceptable access to this parcel.

39. The required twelve (12) foot side yard setback to include six (6) fences for all reverse corner lots shall be shown on the final map. As currently designed, Lots 177 and 174 are reverse corner lots.

40. All concrete block walls shall match one of the colors in the approved color palate approved by the City Council and maintained by the Community Development Department.

41. All model home landscaping must conform to the City’s Water Efficient Landscape.

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

43. Comply with all residential design provisions incorporated in Attachments 8-11. A mixed use of floor plans will range from 1277 to 3500 sq ft. Use of earth tones for the color palette and the roofing materials are composition shingles (textured or flat depending on the floor plan).

44. Lots that are lower than the upstream sewer manhole should be required to have a check valve on the private sewer lateral.

45. The developer applicant shall comply with the City standard for “backflow” prevention pursuant to Resolution No. 9615.

46. Relocate fire hydrants at the following locations as shown on the tentative map:

a. Between lots 60/61 to the corner of Park Site, between lots 34/35 to the corner of lot 101.

b. Between lots 54/55 to corner of lot 109.

c. East end of the south side of Mill Avenue to corner of Lot 71.

d. Add hydrants between 88/89 and 20/21.

e. The remaining location of the fire hydrants as shown of the tentative map are okay.
47. Pursuant to the US Fish and Wildlife Service Conservation Guidelines for the Valley Elderberry Longhorn Beetle, the lot identified on the Tentative Subdivision Map as Lot 67 is not currently developable. In the event the Developer proposes development on that portion of the site identified as Lot 67, prior approval by the US Fish and Wildlife Service is required.

48. In the event that Putnam Avenue is not constructed to the westerly extent of the project, the developer/applicant shall dedicate the necessary right of way to construct Putnam Avenue from the easterly boundary of the Granite Hills High School to the westerly boundary of the proposed development. Improvements shall include curb, gutter and asphalt concrete pavement that will accommodate a parking lane and two travel lanes, one in each direction. Curb and gutter shall be installed along the south side of Putnam Avenue, at a minimum. Sewer, water and storm drain utilities may be waived in this segment of street unless they become necessary for the order development of the proposed subdivision and surrounding area.

49. 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. Nearest point of connection for this proposed subdivision is Olive Avenue at the easterly boundary of Granite Hills High School.

50. The developer/applicant is hereby notified that proposed subdivision, in accordance with the Water Master Plan, lies within two water system pressure zones. Most of the development is below contour 580, which is within Rocky Hill Zone 1. This zone is currently being supplied by a booster pump system that provides 1,750 g.p.m. and has the capability of expansion. A small portion of the proposed development is between contour 580 and contour 640, Rocky Hill Zone 2.

51. Residential houses above the 580 contour shall be served by private individual booster pump systems.

52. 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.

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Deputy

Pedro R. Martinez, Mayor
STATE OF CALIFORNIA )
CITY OF PORTERVILLE )  SS
COUNTY OF TULARE )

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 21st day of February, 2006.

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

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<tr>
<th>Council:</th>
<th>IRISH</th>
<th>WEST</th>
<th>HAMILTON</th>
<th>STADTHER</th>
<th>MARTINEZ</th>
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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 THE APPROVAL OF A THREE (3) YEAR EXTENSION OF TIME FOR RED HAWK ESTATES TENTATIVE SUBDIVISION GENERALLY LOCATED APPROXIMATELY 1350± FEET EAST OF THE SOUTHERLY PROLONGATION OF TULSA STREET BETWEEN OLIVE AVENUE AND THE EASTERLY PROLONGATION OF PUTNAM AVENUE

WHEREAS: The Porterville City Council at its regularly scheduled meeting of October 2, 2007, considered a three (3) year extension of time request for the Red Hawk Estates Tentative Subdivision Map, generally located approximately 1350± feet east of the southerly prolongation of Tulsa Street between Olive Avenue and the easterly prolongation of Putnam Avenue; and

WHEREAS: The subject tentative subdivision map was originally approved on February 21, 2006; and

WHEREAS: The Council made the following findings:

1. That the proposed project is consistent with the State Map Act.

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

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

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

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

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

7. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the proposed subdivision.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a three (3) year extension of time for the Red Hawk Estates Tentative Subdivision Map and that the conditions specified in City Council Resolution 27-2006 shall remain in full force and effect. Said extension of time shall commence February 21, 2008, and shall expire on February 21, 2011.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ______________________________
   Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: OCTOBER 2, 2007


SOURCE: Public Works Department - Engineering Division

COMMENT: The 1st quarter update for FY 2007/2008 on the various type of street work is attached in graph form for Council's review and comment.

Public Works was directed to provide information on the various type of street work for FY 2006/2007. That information is also presented in graph form as an attachment.

RECOMMENDATION: Information Only

ATTACHMENT: 2006/2007 Level of Service Progress Report
2007/2008 Level of Service Quarterly Progress Report

P:\pubworks\Engineering\Council Items\Quarterly Update - Street Work 2007-2008 - 2007-10-02.doc

[Signatures]

Item No. 8
SUBJECT: CANCELLATION OF FALL COMMUNITY CLEAN UP EVENT

SOURCE: Public Works Department - Field Services Division

COMMENT: On February 20, 2007, City Council approved two clean up events for the calendar year to coincide with the County landfill’s half price week. The spring event was held on May 12, 2007, with 535 residents participating. Approximately 35 tons of general refuse was received, with an additional 77.45 tons of recyclable material diverted from the landfill. Total cost of event, including disposal fees and personnel, was approximately $3,500.

The fall event is scheduled for October 27, 2007. However, the City’s sludge removal project started on September 10, 2007, and is currently utilizing most of the area used by the clean up project to drop off materials. Because of this conflict of activities, Staff is recommending cancellation of the fall clean up event. Additionally, Staff encourages City residents to take advantage of the County's half price week at the landfill beginning October 22 and running through October 27.

Staff will bring back a schedule for the 2008 clean up events after the County announces their 2008 half price weeks.

RECOMMENDATION: That City Council:

1. Cancel the City’s “Fall Clean Up Day”; and

2. Encourage all residents to clean up their properties and take advantage of the County’s half price week at the landfill October 22 through October 27, 2007.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
VETERANS' HOMECOMING COMMITTEE
VETERANS' DAY PARADE - NOVEMBER 12, 2007

SOURCE: Administrative Services, Finance Division

COMMENT: The Veterans' Homecoming Committee is requesting approval to hold its annual Veterans' Day Parade on Monday, November 12, 2007, from 5:00 a.m. to 12:00 p.m. They are requesting the closure of Main Street from Danner Avenue to Orange Avenue.

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

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Veterans' Homecoming Committee, subject to the stated requirements contained in Exhibit "A."

ATTACHMENTS: Community Civic Event application, Agreement, Exhibit "A", map and outside amplifier permit.
CITY OF PORTERVILLE

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

Application date: 8-14-07  Event date: NOV 12 2007

Name of Event: Vets Day Parade

Sponsoring organization: Veterans Home Conning Committee Phone # 920-2659
Address: 1235 Linda Vista, Porterville

Authorized representative: Don R. Dowling Phone # 920-2659
Address: 5th Ave.

Event chairperson: Ed Florey Phone # 784-0230

Location of event (location map must be attached): Main Street, Porterville

Type of event/method of operation: Parade

Nonprofit status determination: Non Profit

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

Barricades (quantity): 50  Street sweeping Yes ✓ No
Police protection Yes ✓ No  Refuse pickup Yes ✓ No
Other: ____________________________

Parks facility application required: Yes ___ No ___
Assembly permit required: Yes ___ No ___

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

Approve  Deny

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Bus Lic Spvr  Pub Works Dir  Comm Dev Dir  Field Svcs Mgr  Fire Chief  Parks Dir  Police Chief  Risk Manager  

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CITY OF PORTERVILLE

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

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

City Code requirements:

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

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

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

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

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

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

(Name of organization)  
(Signature)  
(Date)
CITY OF PORTERVILLE

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

Name of event: **VETERANS DAY PARADE**

Sponsoring organization: **VETERANS HOME COMING COMMITTEE**

Location: **MAIN STREET PORTERVILLE**  Event date: **12 Nov 2007**

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
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3 of 4
CITY OF PORTERVILLE

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

Name of event: **Veterans Day Parade**

Sponsoring organization: **Veterans Homecoming Committee**

Event date: **12 Nov 2007**  

Hours: **0500 - 1200**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

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<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td><strong>Main Street</strong></td>
<td></td>
<td><strong>Orange</strong></td>
<td><strong>Parade</strong></td>
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</table>

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<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
</table>


REQUIREMENTS FOR COMMUNITY CIVIC EVENT

VETERANS' HOMECOMING COMMITTEE

VETERANS' DAY PARADE

NOVEMBER 12, 2007

Business License Supervisor:  
   S. Perkins  
Submit vendor list prior to event.

Public Works Director:  
   B. Rodriguez  
Provide general cleanup during and after event.

Community Development Director:  
   B. Dunlap  
No comments.

Field Services Manager:  
   B. Styles  
No comments.

Fire Chief:  
   M. G. Garcia  
No comments.

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

Police Chief:  
   C. McMillan  
Street closure requires council approval.

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

Sponsor: Veterans’ Homecoming Committee
Event: Veterans’ Day Parade
Event Chairman: Don R. Dowling
Location: Main Street from Danner Ave to Orange Ave
Date of Event: November 12, 2007

RISK MANAGEMENT: Conditions of Approval

1. The following street sections are not authorized for closure and shall remain open to vehicular traffic.
   a. Division St. and Hockett St. between Oak Ave. and Olive Ave.
   b. Oak Ave. from Division St. to ‘D’ St.
   c. Streets adjacent to the Police Station and Fire Station No.1
   d. Orange Avenue, east and west traffic flow.

2. That the Veterans’ Homecoming Committee provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $2,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event.
   a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.
   b. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an ‘admitted’ insurer in the State of California.

3. The use of sidewalks within the Business Improvement District, for any purpose other than normal pedestrian traffic, e.g., food booths, sales booths, displays, bleachers, etc., is prohibited within a ten-foot radius of all walk-up Versa-Teller operations.

EXHIBIT“A,” Page 2
This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:

   **DON R. DOWLING**
   Phone # 559-920-2658
   1238 LINDA VISTA, PORTERVILLE.

2. Address where amplification equipment is to be used:

   **MAIN STREET**
   Phone #

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

   **VETERANS HOME COMMITTEE**

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

   **PARADE**

5. Dates and hours of operation of amplification equipment:

   **11/12/07 0800 - 1200 hrs.**

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

   **LOUD SPEAKERS.**
I hereby certify that all statements and answers on this registration form are true and correct.

[Signature]
Applicant

8/14/07
Date

[Signature]
Chief of Police

8/23/07
Date

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

Section 18-9 City Ordinance, Radios, record players, etc.
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, juke box, record player, loudspeaker musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort of the occupants of nearby residences.

California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

cc:

3/27/01
SUBJECT: PROPOSED CHANGE IN THE TABLE OF ORGANIZATION WITHIN THE POLICE DEPARTMENT

SOURCE: Administrative Services

COMMENT: The Police Department has proposed a change in the Table of Organization within the Investigative Services Division of the Department.

The Investigative Services Division is currently understaffed by one (1) full-time operational staff employee allocated in the 2007-2008 budget. In prior years, this position has been assigned as a Clerical Assistant II, providing clerical support to the Division. However, over the past several years, the position has evolved to involving more technical support. Accordingly, it is proposed by staff that the classification of the vacant position as Clerical Assistant be changed to Records Clerk, to better reflect the position responsibilities.

Changing the Table of Organization from a Clerical Assistant to a Records Clerk position would be the optimal move to enable the Division to enhance services. 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 Investigative Services Division of the Police Department.

ATTACHMENT: Draft Resolution
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 POLICE DEPARTMENT

Whereas, the City Council has acted to provide for the reorganization and staffing allocation of the Police Department, effective October 2, 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 Police Department, and in consultation with the Police Chief 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 Records Clerk and decrease the number of Clerical Assistant positions by one in the Investigative Services Division of the Police 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, Acting Chief Deputy City Clerk
SUBJECT: RENEWAL OF PERSONNEL EXAMINATION SERVICES AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND COOPERATIVE PERSONNEL SERVICES

SOURCE: Administrative Services

COMMENT: In order for the City to continue to participate in the written testing programs offered through Cooperative Personnel Services, the attached Test Rental Agreement must be approved by the City Council. This agreement is a vital personnel tool in the evaluation process for screening and selecting qualified persons for employment. For the specific test services that the City utilizes, there are no increases in fees since our last agreement.

RECOMMENDATION: That the City Council approve the attached resolution authorizing renewal of the Test Security Agreement with Cooperative Personnel Services, and authorize the City Manager or his designee to sign on behalf of the City.

ATTACHMENTS: 1) Draft Resolution
  2) Test Rental Agreement
RESOLUTION NO. ____-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE TO RENEW THE PERSONNEL EXAMINATION SERVICES AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND COOPERATIVE PERSONNEL SERVICES

WHEREAS, the previous agreement for personnel examining services with Cooperative Personnel Services has expired; and

WHEREAS, such an agreement is a vital personnel tool in the evaluation process for selecting qualified persons for certain key positions.

NOW, THEREFORE, BE IT RESOLVED that the Porterville City Council does hereby authorize the City Manager or his designee to enter into and sign an agreement with Cooperative Personnel Services, for the purpose of performing examining services for the City of Porterville.

APPROVED AND ADOPTED this 2\textsuperscript{nd} day of October, 2007.

\underline{Cameron Hamilton, Mayor}

ATTEST:

\underline{Patrice Hildreth, Chief Deputy City Clerk (Acting)}
TEST RENTAL AGREEMENT

This Test Rental Agreement (Agreement) is by and between Cooperative Personnel Services, dba CPS Human Resource Services, a California joint powers authority (CPS), with offices at 241 Lathrop Way Sacramento, CA 95819 and the Agency named in the signature block at the end of this Agreement (Agency, hereafter referred to as Client), and is effective as of the date it is signed by both parties.

A. Purpose. This agreement defines CPS test rental and security policies and procedures. CPS test rental security standards are designed to protect the mutual interests of all Clients that use test materials, as well as the interests of applicants who take CPS tests. In order that no person may gain special advantage by having improper access to the material, CPS requires that all users sign this agreement and fulfill its terms.

B. Ownership of CPS Tests. Client understands and acknowledges that CPS owns all rights, title and interest, including copyrights, in all CPS Tests, including stock, semi-stock, custom, and semi-custom tests. All CPS Tests that are provided under this Agreement are the property of CPS and shall remain the property of CPS, even while in the custody of Client. Additionally, semi-stock and semi-custom tests that have been constructed based on information provided by the client shall not be considered works made for hire, as that term is defined under U.S. Copyright Law. CPS shall own all rights, title and interest, including the copyright, in any test it creates for the Client. Therefore, Client shall only be allowed to use such tests in accordance with the terms of this Agreement. Ownership of individual test questions supplied by Client, if any, shall be governed by a separate agreement between CPS and Client.

C. Test Review, Ordering and Administration.

1. Review Copies. Client will be allowed to review CPS test stocks and other test stock materials (e.g., stock supplements, structured interview packages, and specialized item sets) free of charge. Client understands and acknowledges that the confidentiality of all Review Copies that CPS supplies is crucial to the continued usefulness of such materials. Therefore, Client shall be responsible for the security of all Review Copies and shall hold and store the Review Copies in a manner that will prevent loss and/or unauthorized access. Client is under no obligation to purchase exams after review. Client shall not reproduce any portion of a Review Copy under any circumstances.

2. Ordering Testing Materials and Scheduling of Examinations. At least 10-business-days prior to the test date, Client shall notify CPS of the total number of candidates in each job classification to be tested. If orders placed less than 10-business-days prior to the test date are processed, additional charges will apply. Client shall rent one test booklet per candidate to be tested. CPS shall provide Client with Test Materials including instructions for administering the test, sufficient test booklets and any other material CPS deems necessary.

3. Return of Test Materials. Within two weeks of the test date, Client shall return to CPS all Test Materials including all materials provided by CPS for the test administration, all used and unused test booklets, proctors instructions, proctors manuals, scoring instructions, key sheets, key overlays, keyed booklets, scoring keys, instructions, and any other materials generated at the test administration, such as completed answer sheets (if applicable), scratch paper, note paper and the like.

4. No Re-Use of Test Materials. Client shall not reuse the tests on the Test Date or on any other date but shall return Test Materials to CPS within two weeks of the Test Date, whether or not the test was administered.

5. Pricing. In consideration of CPS’ performance of the testing services set forth in Exhibit B of this Agreement, Client agrees to pay CPS in accordance with the Written Test Price List in effect at the time of the rental arrangements. Client acknowledges and understands that the prices set forth in Exhibit B are only effective as of the date shown on Exhibit B and are subject to change. CPS shall bill Client at the billing address provided in Exhibit A, attached hereto.

Client shall be billed for any work done on a canceled or postponed test up to the time CPS is notified of such cancellation or postponement according to the prices in Exhibit B. Under certain circumstances, and in CPS’ sole discretion, credit may be given for work already performed if the test is rescheduled.

6. No Routine Candidate Test Materials Inspection. NO CANDIDATE INSPECTION SHALL BE ALLOWED OF TEST MATERIALS

7. Candidate Answer Sheet(s) Inspection. If a candidate files a protest regarding the scoring of his or her test, inspection of a candidate’s own answer sheet(s) for the purpose of detecting whether any clerical or other error has been made in the scoring of the answer sheets shall be allowed, upon request by the Client, for a 10-business-day period immediately following the notification to the candidate of test results.

Candidates are not allowed to review the question booklet during this inspection period.

Not more than one hour will normally be allowed for answer sheet(s) review. A representative of Clients Personnel or Administrative office shall be present to assure that no changes or marks of any kind are made by the candidate on the answer sheet(s) or keyed answer sheet.

8. Payment of Charges. Client will compensate CPS for Services by paying certain fees as set forth in Exhibit B. Client will pay all invoices within thirty (30) days from receipt of invoice.

9. Late Payment. Any invoices not paid within thirty (30) days may incur a service charge of the lesser of two percent (2%) or the maximum allowable by law per month on any outstanding overdue balances. In addition, collection costs may be added to any invoice not paid within ninety (90) days.
D. Client Responsibilities and Indemnification.

1. Client shall perform all parts of the testing process which are not performed by CPS. Client has the responsibility for assuring that the testing process performed by Client conforms to any applicable laws, rules or ordinances, and for the test as a whole. Under the federal Uniform Guidelines on Employee Selection Procedures, the Client as test user is responsible for the results of the selection process, and Client understands and acknowledges that it must be prepared to demonstrate that the process is valid and meets other testing standards if it adversely affects groups protected by fair employment laws.

2. Client is responsible for insuring that all persons who handle Test Materials in any capacity for Client shall do so in compliance with this Agreement.

3. Subject to any applicable state Tort Claims Act, Client shall be responsible for any damage or any third party liability which may arise from the administration of a test to the extent of liability arising out of the negligence of Client.


1. Test Security. Client understands and acknowledges that the confidentiality of all Test Materials that CPS supplies is crucial to the continued usefulness of such Test Materials. Therefore, Client shall be responsible for the security of all Test Materials and shall hold and store the Test Materials in a manner that will prevent loss and/or unauthorized access. In addition, Client shall not reproduce test booklets or test questions under any circumstances.

2. Legal Proceedings Involving Test Materials. If Client receives a request for disclosure of Test Materials, such as a subpoena, or a public records or freedom of information request, Client shall notify CPS of such request immediately and well before a response is due. Upon CPS request, Client shall maintain the confidentiality of the Test Materials pending the grant or denial of a protective order or the decision of a court or administrative body as to whether the requested Test materials must be disclosed under the applicable public records statute. Client shall cooperate with CPS in seeking any relief necessary to maintain the confidentiality of the testing materials. CPS shall defend, indemnify and hold Client harmless from any claim or administrative appeal, including costs, expenses, and any attorney fees, related to CPS pursuing protection of the Test Materials from disclosure.

F. Term and Termination of Agreement.

1. Term. The term of this Agreement is one year from its Effective Date.

2. Immediate Termination upon Material Breach. Either party may terminate this Agreement immediately upon any material breach by the other party. For purposes of this Agreement, but without limiting the meaning of material breach, any breach of the test security provisions, however minor, shall be considered a material breach. Client understands and acknowledges that immediate termination by CPS may result in the withholding or recall of Test Materials.

3. Termination Without Cause. CPS and Client may terminate the Agreement without cause upon thirty days written notice to the other party.


G. Miscellaneous.

1. Notices. Any notice to the parties required or permitted under this Agreement shall be in writing and shall be sent to the persons at 241 Lathrop Way, Sacramento, CA 95815.

2. Dispute Resolution; Remedies. (A) In the event of a dispute, the parties may agree to pursue mediation or either binding or nonbinding arbitration to resolve their dispute, under such rules as the parties may agree.

(B) If either CPS or Client determines to file a judicial action, then, in addition to any other remedies available at law or in equity to the parties for breach of this Agreement, Client acknowledges that breach of this Agreement may result in irreparable harm to CPS for which damages would be an inadequate remedy and, therefore, in the event of a breach, in addition to its rights and remedies otherwise available by law, CPS shall be entitled to seek equitable relief, including injunction.

3. Attorneys Fees. If any legal action or arbitration or other proceeding is brought to enforce or construe the terms of this Agreement or because of an alleged dispute, breach or default in connection with any provision of this Agreement, the successful or prevailing party shall be entitled to recover reasonable attorneys fees and other costs incurred in that action, arbitration or proceeding in addition to any other relief to which it may be entitled.

4. Waiver. The failure of any party at any time or times to require performance of any provisions of this Agreement shall in no manner affect its right to enforce such provision at a later time. Nor shall the waiver by either party of a breach of any provision of this Agreement be taken or held to be a waiver of the provision itself. No waiver shall be enforceable unless made in writing and signed by the party granting the waiver.

5. Entire Agreement; Modifications. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof and supersedes all other agreements, representations and warranties. All modifications and supplements to this Agreement must be in writing and signed by both parties.

6. Counterparts; Facsimile Signature; Electronic Signature. This Agreement may be executed in any number of counterparts. If this Agreement or any counterpart is signed and then faxed or e-mailed by PDF or otherwise, the faxed or e-mailed copy bearing the signature shall be as good as the original, wet-ink signed copy for all intents and purposes.

7. Authority to Sign. The person signing this Agreement on behalf of the Client (the Principal Signer) represents that he or she is the head of the agency or is otherwise duly authorized to sign this Agreement and to bind the Client.
Exhibit A

I. Principal Signer By signing below, I represent the below-named person(s) is (are) authorized to handle CPS Test Materials on Clients behalf and shall handle the CPS Test Materials in accordance with the terms of the CPS Test Rental Agreement currently in effect.

John D. Lollis, Deputy City Manager

Name and Title

Signature

October 2, 2007

Date

City of Porterville

Agency

jollis@ci.porterville.ca.us

(559)782-7466

(559)782-7509

E-Mail

Phone Number

Fax Number

291 N. Main Street

Porterville, California

93257

Street Address, City, State, Zip

II. Additional Signees

<table>
<thead>
<tr>
<th>Name, Title</th>
<th>E-mail Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Castaneda, Josie</td>
<td><a href="mailto:jcastaneda@ci.porterville.ca.us">jcastaneda@ci.porterville.ca.us</a></td>
</tr>
<tr>
<td>H.R. Aide</td>
<td></td>
</tr>
<tr>
<td>Miller, Wendy</td>
<td><a href="mailto:wmiller@ci.porterville.ca.us">wmiller@ci.porterville.ca.us</a></td>
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<td>H.R. Analyst</td>
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<tr>
<td>Rodriguez, Janie</td>
<td><a href="mailto:jrodriguez@ci.porterville.ca.us">jrodriguez@ci.porterville.ca.us</a></td>
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<td>Account Clerk III</td>
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<tr>
<td>White, Sheryl</td>
<td><a href="mailto:swhite@ci.porterville.ca.us">swhite@ci.porterville.ca.us</a></td>
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<td>Senior H.R. Analyst</td>
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III. Billing Contact

Sheryl White, Senior H.R. Analyst

Name and Title

Signature

City of Porterville

Agency

swhite@ci.porterville.ca.us

(559)782-7444

(559)782-7509

E-Mail

Phone Number

Fax Number

291 N. Main Street

Porterville, California

93257

Street Address, City, State, Zip

COOPERATIVE PERSONNEL SERVICES DBA CPS HUMAN RESOURCE SERVICES, A CALIFORNIA JOINT POWERS AUTHORITY

Matt Gruver
Senior Manager

Date
Exhibit B
CPS Test Services Rates (Effective July 1, 2006)

NOTE: Prices are Subject To Change

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<th>STOCK TESTS*</th>
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<th>SEMI-CUSTOM TESTS**</th>
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| **Stock tests are prepackaged and are available only in packages of ten. CPS will apply a credit of $35.00 for each fully paid UNOPENED package of test booklets current STOCK test order. Clients with 49 candidates or less are billed at the number ordered or the number actually tested, whichever is greater.**

**ALL REQUIRE JOB ANALYSIS WORKBOOKS**

**Standard shipping applies to orders placed at least 10 business days prior to test date. Expedited shipping applies to orders placed less than 10 business days prior to the test date. (Please note that an additional 5% fee will be charged to test orders placed less than 3 days prior to the test date.)**

**SPECIAL SERVICES**

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<td>Stock Supplements</td>
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<td>Writing Proficiency Exam</td>
<td>$ 350.00 Base Fee + $ 15.00 per candidate (Professional Scoring included)</td>
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<td>Custom Supplement</td>
<td>$ 100.00 Base Fee + $ 5.00 per booklet when used with CPS tests</td>
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<td>Cover Change of Stock or Agency Test</td>
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<td>Scoring Services (Non-CPS Tests)</td>
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<td>Re-Scoring/Hand-Scoring of Answer Sheet</td>
<td>$ 25.00 (Requested directly by Agency, payable by money order only)</td>
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<tr>
<td>Non-specified special services</td>
<td>CALL FOR DETAILS (Billed at applicable hourly rate)</td>
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PUBLIC HEARING

TITLE: ORDINANCE SETTING FORTH COMPREHENSIVE CHANGES TO CITY’S ANIMAL CONTROL REGULATIONS

SOURCE: CITY ATTORNEY

COMMENT: As directed at the September 4, 2007 City Council Meeting, attached is the proposed Ordinance containing extensive modifications to the City’s animal control regulations. The differences between the prior and the proposed regulations are summarized below.

First and foremost, rather than incorporating by reference the Tulare County animal control regulations, the proposed ordinance sets forth the explicit regulations to apply within the City. Much of the language still parallels the regulations that previously applied although changes have been made to clarify its applicability to the City. Terms have also been modified for the sake of clarity (e.g. The City’s designated animal shelter is referred to as the “Shelter,” the office of “Poundmaster” has been changed to “Shelter Supervisor,” and the term “kennel” is reserved for private kennels discussed in Article III or kennels generally). As has been the practice, the City’s Police Department serves as the Animal Control Department, and administers/oversees the City’s contract with Lindsay Animal Control. This has been made explicit in the proposed regulations. The City’s current regulations incorporate the County Ordinance, which specifies its Department of Health Services as its Animal Control Department.

As discussed at prior meetings, the term “dangerous” animal has been broadened to include animals that act in a threatening manner towards any human being, or displays characteristics of being trained for fighting. The prior regulations were limited to defining “dangerous animals” as those that have attacked, bitten, or injured any human being or other animal.

The new regulations confer the responsibility of making a dangerous animal determination to the animal control agent or peace officer that responds to a complaint or incident, and streamline the administrative hearing process. Owners may appeal any such determination within the six-day redemption period following impoundment. Upon receiving a timely appeal, animal control officials will schedule a proceeding before a hearing officer. If the determination is upheld, the owner may appeal that decision to the Tulare County Superior Court.
Under the penalties section, the new regulations state that violations of the Chapter are misdemeanors, punishable by a fine of not more than $1,000.00, but allow for reductions to infractions upon recommendation by the City Attorney. The fines for infractions have been increased substantially to parallel the City’s general provisions concerning code violations.

Finally, language has been added to provide for an administrative citation program and the possibility of the use of a joint powers authority for the animal control operations, if and when these programs are put into place. Discussions with Lindsay officials are continuing concerning the development of these programs.

Pursuant to the City’s Agreement with the City of Lindsay for animal control services, the City is required to notify Lindsay of any proposed changes, and this office has forwarded a copy of the proposed ordinance to the appropriate officials. This office anticipates having any comments from Lindsay Animal Control by the date of this public hearing/meeting.

RECOMMENDATION: That the City Council hold the public hearing concerning the proposed ordinance, consider the draft regulations, and approve and give first reading to the Ordinance of the City Council of the City of Porterville Repealing Chapter 5, Sections 5-1 through 5-4.6, and Replacing it with Chapter 5, Sections 5-1 through 5-5.1 of the Porterville Municipal Code Pertaining to Animal Control

ATTACHMENTS: Ordinance No. 1726, An Ordinance of the City Council of the City of Porterville Repealing Chapter 5, Sections 5-1.0 through 5-4.6, and Replacing it with Chapter 5, Sections 5-1 through 5-5.1 of the Porterville Municipal Code Pertaining to Animal Control
ORDINANCE NO. 1726

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING CHAPTER 5, SECTIONS 5-1 THROUGH 5-4.6, AND REPLACING IT WITH CHAPTER 5, SECTIONS 5-1.0 THROUGH 5-5.1, OF THE PORTERVILLE MUNICIPAL CODE PERTAINING TO ANIMAL CONTROL

WHEREAS, the City desires to adopt comprehensive modifications to its regulations pertaining to animal control within the City; and

WHEREAS, in adopting this ordinance the City Council desires to clarify the requirements, violations, and remedies regarding the control of animals and dogs within the City limits;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN, AS FOLLOWS:

SECTION 1: Chapter 5, Sections 5-1 through 5-4.6, of the Porterville Municipal Code is repealed in its entirety and replaced with the following:

Chapter 5
ANIMAL CONTROL

Article I
General Provisions

Sections:
5-1.0 Definitions
5-1.1 Shelter Supervisor
5-1.2 Records
5-1.3 Animal Shelter
5-1.4 Impounding Animals
5-1.5 Right to Enter Premises
5-1.6 Interference with Duties

5-1.0 DEFINITIONS.

(a) The term "owner," as used in this Chapter, means any person, firm or corporation owning, harboring, having an interest in, or having control, custody or possession of an animal. In the case of an animal, which is owned by a minor, the parent or guardian of the minor shall constitute the "owner" of such animal for the purposes of this Chapter.
(b) The term "at large," as used in this Chapter, means an animal off the premises of its owner which is not under restraint by leash and which is not under the control and in the immediate presence of the owner.

(c) The term "dangerous animal," as used in this Chapter, means a dog or other animal which has attacked, bitten or injured any human being or other animal without reasonable provocation, or which has been so declared pursuant to this Chapter, or under the facts and circumstances has acted in a threatening manner towards any human being or displayed characteristics of being trained for fighting, or there is other evidence to show such training or fighting.

(d) The term "attack," as used in this Chapter means any unprovoked aggressive behavior toward a person or animal. Aggressive behavior in defense of property or territory of the owner shall constitute an attack unless the dog or other animal is securely contained within an enclosure sufficient to prevent physical contact with a person or animal outside such enclosure.

(e) The term "field officer" as used in this Chapter shall mean the animal control agents or peace officers that respond to any complaint or incident.

5-1.1 SHELTER SUPERVISOR/DEPARTMENT OF ANIMAL CONTROL. The office of Shelter Supervisor shall be established. The Shelter Supervisor shall be appointed or contracted by the City Council and may be either a person, firm, association, corporation, public entity or joint powers authority. The Shelter Supervisor shall serve for such period of time and shall receive such compensation as shall be established by the City Council by ordinance or by contract. If an association or corporation is appointed as Shelter Supervisor, each officer and employee authorized by such association or corporation to perform duties under this Chapter shall be deemed to be a Shelter Supervisor and shall have all of the rights and duties of the Shelter Supervisor which are set forth in this Chapter. The Police Department shall carry out the duties of a Department of Animal Control, and the Chief of Police shall serve as the ex-officio Director. The Director shall perform all duties of the Shelter Supervisor unless the City Council has entered into a contract with another person, firm, association, corporation, or public entity, or has otherwise provided for such services via a joint powers authority, to furnish animal control services, in which case the Director shall administer said contract on behalf of the City Council.

5-1.2 RECORDS. The Shelter Supervisor shall keep a record of every animal impounded pursuant to this Chapter which shall include a description of the animal, the date of receipt, the date and manner of disposal, the name of the person redeeming or purchasing, and the fees, charges and proceeds of sales received on account of said animal, and such additional records as may be required by the City Council from time to time.
5-1.3 ANIMAL SHELTER. There shall be provided by the Shelter Supervisor, upon such terms and conditions as may be mutually agreed upon by the Shelter Supervisor and the City Council, a suitable building or enclosure to keep and safely hold all animals to be impounded pursuant to the provisions of this Chapter, and said building or enclosure shall be known and designated as the "Shelter."

5-1.4 IMPOUNDING ANIMALS. The Shelter Supervisor shall take up, impound and safely keep any dog that is found running at large contrary to the provisions of this Chapter within the incorporated territory of the City.

5-1.5 RIGHT TO ENTER PREMISES. The Shelter Supervisor, and his or her agents, shall be authorized to enter upon any premises for the purpose of enforcing the provisions of this Chapter.

5-1.6 INTERFERENCE WITH DUTIES. It shall be unlawful for any person to interfere with the Shelter Supervisor in the performance of his/her official duties.

Article II
Dogs

Sections:
5-2.1 License Required
5-2.2 Issuance of License and Tag
5-2.3 Time Limits
5-2.4 Vaccination Certificate Required
5-2.5 Term of License
5-2.6 License Fees
5-2.7 License Fees: Spayed or Neutered Dogs
5-2.8 Exemption: Service or Assistance Dog
5-2.9 Delinquent Penalties
5-2.10 Extension of Time: Dogs too Ill to be Vaccinated
5-2.11 Replacing Lost or Stolen Tags
5-2.12 License Transferable
5-2.13 Affixing Dog Tag
5-2.14 Impounding Dogs without Tags
5-2.15 Impounding Biting or Attacking Animals
5-2.16 Notice to Owner of Licensed Dog or Other Animal
5-2.17 Redemption of Impounded Dogs or Other Animals
5-2.18 Fees for Impounding and Keeping Dogs and Other Animals
5-2.19 Sale and Destruction of Impounded Dogs and Other Animals Wearing Tags
5-2.20 Sale and Destruction of Impounded Dogs and Other Animals Not Wearing Tags
5-2.21 Sale of Impounded Dogs
5-2.22 Licensing Impounded Dogs
5-2.23 Removal of Tag
5-2.24 Display of Tag
5-2.25 Keeping Dangerous Dogs or Other Animals
5-2.26 Interference with Highways
5-2.27 Permitting Dogs to Run At Large
5-2.28 Barking Dogs
5-2.29 Hearing to Determine if Animal is Dangerous
5-2.30 Hearing: Conduct
5-2.31 Hearing: Decision
5-2.32 Disposition of Dangerous Animal
5-2.33 Dog or Other Animal Declared Not Dangerous

5-2.1 LICENSE REQUIRED. Every owner of a dog, within the City, shall secure a license from the Shelter Supervisor, or from the City Finance Department, for each such dog within the time limits set forth in this Chapter. It shall be unlawful for any owner to fail to secure said license in accordance with the provisions of this Chapter. A license need not be secured for a dog which is brought into the City for the sole purpose of being entered in a dog show or dog exhibition, provided that such dog is entered in such show or exhibition and is removed from the County within thirty (30) days after the date on which the dog was brought into the City.

5-2.2 ISSUANCE OF LICENSE AND TAG. Application for a license required by this Chapter shall be filed with the Shelter Supervisor, Finance Department, or Police Department, on a form prescribed by the Shelter Supervisor. Upon payment of the required fee and upon compliance with the other requirements of this Chapter, the Shelter Supervisor shall issue a dog license. Either the application or the license shall contain a brief description of the dog including the age, sex, color and breed of the dog, and the name and address of the owner. The license shall contain a serial number, the expiration date of the license and such other information as the Shelter Supervisor may determine. The Shelter Supervisor shall keep a copy of the application and license on file in his office and the application and license shall be open to public inspection. With each license issued, the Shelter Supervisor shall also issue a tag made of some durable material. Said tag shall bear the words "City of Porterville," the serial number on the dog license, the date of expiration of the license, and such other information as the Shelter Supervisor may determine.

5-2.3 TIME LIMITS.

(a) An owner of a dog shall secure a license for his dog within thirty (30) days after s/he acquires ownership of the dog. However, if a dog is less than four (4) months of age when the owner acquires it, the owner shall secure a license for the dog within thirty (30) days after the dog becomes four (4) months of age.
(b) Any person who enters the City and dwells in the City for a period of thirty (30) days or more, and who has brought a dog with him from outside the City, shall secure a license for the dog within thirty (30) days after the person first enters the City.

(c) Prior to the time that a license is issued, the dog shall not be allowed to run at large, and any dog found running at large shall be impounded pursuant to this section, even though the time limits for securing the license which are set forth herein above have not expired.

5-2.4 VACCINATION CERTIFICATE REQUIRED.

(a) A license for a dog shall not be issued unless the owner of the dog presents for filing a certificate signed by a veterinarian or other professional as authorized pursuant to applicable State law showing that said dog has been vaccinated against rabies, which indicates that the period of time elapsing from the date of the vaccination to the date of expiration of the license does not exceed thirty (30) months in the case of vaccination with live virus rabies vaccine or eighteen (18) months in the case of vaccination with killed virus rabies vaccine, as those types of vaccines are defined in section 2606 et seq. of Chapter 17 of the California Code of Regulations. During any period when the City is designated as a rabies area pursuant to sections 1900-1921 of the Health and Safety Code of the State of California, no killed virus vaccine shall be used other than vaccine of bovine nerve tissue origin.

(b) Every duly licensed veterinarian or other authorized professional, after vaccinating any dog owned by a resident of the City of Porterville, shall sign a certificate in triplicate containing the following information:

(1) The type of vaccination used.
(2) The date of the vaccination.
(3) The breed, age, color and sex of the vaccinated dog.
(4) The serial number of the vaccination tag issued.
(5) The name and address of the owner of the dog.

The veterinarian or other authorized professional shall immediately present the original vaccination certificate to the owner of the dog, and shall deliver the duplicate copy to the Shelter Supervisor. The veterinarian or other authorized professional shall keep the triplicate copy.

5-2.5 TERM OF LICENSE. Dog licenses shall be issued on a fiscal year basis, commencing on July 1st and terminating on the next June 30th. The owner of a dog shall secure a license for his dog annually after the expiration of the original license. During the period from July 1st through August 31st of each year, an owner who has secured a
license for his dog for the prior fiscal year shall not be in violation of this Chapter, and such
dog shall not be impounded pursuant to this Chapter if the dog is wearing the tag issued
for the prior fiscal year.

5-2.6 LICENSE FEES.
(a) This section applies only to dogs, which have not been spayed or neutered, and to
dogs which are not otherwise unable, for physical or medical reasons, to bear or
produce offspring.

(b) The annual license fee for each dog shall be established by the City Council as
adopted from time to time. Such Resolution may provide for the proration of fees
depending upon length of ownership of the dog and portion of year remaining on
the license.

5-2.7 LICENSE FEES: SPAYED OR NEUTERED DOGS.
(a) This section applies only to dogs which have been spayed or neutered, or which
are unable to bear or produce offspring for physical or medical reasons.

(b) A certificate from a licensed veterinarian that the dog comes within one of the
provisions in subsection (a) of this Section shall accompany the application for a
license or the fees set forth in this Section shall be paid.

(c) The annual license fee for each dog shall be established by Resolution of the City
Council as adopted from time to time. Such Resolution may provide for the
proration of fees depending upon length of ownership of the dog and portion of
year remaining on the license.

5-2.8 EXEMPTION: SERVICE OR ASSISTANCE DOG. Any other provision of this
Chapter notwithstanding, no charge shall be made for a license issued for a seeing eye
dog used as a service or assistance dog, guide dog, or signal dog as defined by applicable
State law, or being trained for such use. Proof of such use or training shall be provided by
the applicant at the time of license application in a form satisfactory to the City.

5-2.9 DELINQUENT PENALTIES. Commencing on the 1st day of September each year, a
delinquent penalty shall be collected in an amount equal to the regular license fee, in
addition to the regular license fee, before issuing a license if the time limits for securing
licenses which are set forth in this Chapter have expired at the time that the license is
issued.

5-2.10 EXTENSION OF TIME: DOGS TOO ILL TO BE VACCINATED. If a dog is too ill to
be vaccinated against rabies at the time that the time limits, set forth in this Chapter,
expire, then the date for securing the dog license is extended until thirty (30) days after the
date on which the dog is well enough to be vaccinated, and no delinquent penalties shall
be charged for issuance of the dog license during said thirty (30) day period. However, an
extension of time shall not be granted pursuant to this section unless the application for the
license is accompanied by a certificate signed by a veterinarian setting forth facts, which
show that the dog comes within the provisions of this chapter. Prior to the time that a license is issued for a dog pursuant to this section, the dog shall not be allowed to run at large and any such dog found running at large shall be impounded pursuant to this Chapter.

5-2.11 REPLACING LOST OR STOLEN TAGS. Whenever a tag issued for the then current year has been stolen or lost, the owner of the dog for which the tag was issued may, upon the payment of a fee to the Shelter Supervisor, receive a duplicate tag. The fee for a duplicate tag shall be set by Resolution of the City Council as adopted from time to time.

5-2.12 LICENSE TRANSFERABLE. The license and tag issued pursuant to this Chapter may be transferred when the ownership of the dog is transferred. The new owner or the previous owner of the dog shall notify the Shelter Supervisor in writing of the change in ownership of the dog and the name and address of the new owner. If such written notice is not given the Shelter Supervisor shall send all required notices concerning said dog to the person whose name and address are on file with the Shelter Supervisor.

5-2.13 AFFIXING DOG TAG. It shall be unlawful for the owner of the dog to permit the dog to run at large without the tag issued pursuant to this Chapter being securely affixed to the dog by means of a collar, harness or other suitable device. It shall be unlawful for any person to affix the tag required by this Chapter to any dog except the dog for which it was issued and it shall be unlawful for the owner of a dog to allow the dog to wear a tag other than the tag issued for the current year.

5-2.14 IMPOUNDING DOGS WITHOUT TAGS. The Shelter Supervisor, and any peace officer, shall take up every dog which is not wearing the required tag and which is found running at large within the City of Porterville. When such a dog is taken up by a peace officer, he shall deliver the dog to the Shelter Supervisor. All such dogs shall be impounded in the Porterville Shelter.

5-2.15 IMPOUNDING BITING OR ATTACKING ANIMALS.

(a) The Shelter Supervisor, any of its authorized agents, and any peace officer, shall have the power to summarily and immediately impound a dog or other animal where there is evidence it has attacked, bitten or injured any human being or other animal, or where there is evidence that a dog has acted in a threatening manner towards any human being, a dog has exhibited characteristics of being trained for fighting or attacking, or there is other evidence to show such training or fighting, pending any court proceeding or dog license or animal permit revocation proceeding arising from the attack, bite or injury; or pending a hearing pursuant to Section 5-2.29 and 5-2.30 of this Chapter. The Shelter Supervisor may enter and inspect private property to enforce the provisions of this section. Failure to surrender to the Shelter Supervisor upon demand a dog or other animal which is being impounded pursuant to this section is a misdemeanor. The Shelter
Supervisor shall also, as soon as reasonably possible, notify the bite victim of the rabies vaccination status of the biting dog.

A dog or other animal wearing a license tag, impounded pursuant to the authority of this Chapter, shall be returned to the owner or custodian as provided by this Chapter or when it is no longer required as evidence, or if a notice that the Shelter Supervisor has declared the dog or other animal dangerous has not been served on the owner or custodian within six days after the impoundment provided that, within those six days, the owner has made application to redeem the dog or other animal.

A dog or other animal not wearing a license tag, impounded pursuant to the authority of this section shall be destroyed in a humane manner if, within six business days after being impounded, the owner has failed to make application to redeem the dog or other animal. If, within six business days after being impounded, the owner has applied to redeem the dog or other animal, then the dog or other animal shall be returned to the owner as provided by this Chapter or when it is no longer required as evidence, or if a notice that the Shelter Supervisor has declared the dog or other animal dangerous has not been served on the owner within six days of the filing of the application to redeem the dog or other animal.

(b) In lieu of impound, the Shelter Supervisor may permit the dog or other animal to be confined at the owner's or custodian's expense in a licensed dog kennel or veterinary facility approved by the Shelter Supervisor, or at the owner's or custodian's residence provided that the owner or custodian:

1. Shall not remove the dog or other animal from the kennel, veterinary facility or residence without the prior written approval of the Shelter Supervisor.
2. Shall make the dog or other animal available for observation and inspection by the Shelter Supervisor or members of law enforcement or their authorized representatives.

(c) The Shelter Supervisor may have a dog or other animal impounded or confined as provided in (a) or (b) above, permanently identified by means of photo identification prior to release from impound or confinement.

5-2.16 NOTICE TO OWNER OF LICENSED DOG OR OTHER ANIMAL. Within two (2) days after a dog or other animal which is wearing a license tag is impounded, the Shelter Supervisor shall mail a notice of the impounding to the owner at the address shown on the application for the license which is on file with the Shelter Supervisor, and advise the owner of the procedure whereby he or she may apply to regain custody of the dog or other animal.
5-2.17 REDEMPTION OF IMPOUNDED DOGS OR OTHER ANIMALS.

(a) The owner of any dog or other animal impounded other than pursuant to this Chapter may redeem the dog or other animal at any time prior to its sale or destruction. A person desiring to redeem a dog or other animal shall deliver to the Shelter Supervisor an application for redemption and a statement in a form prescribed by the Shelter Supervisor which shall contain a description of the dog or other animal to be redeemed, the name and address of the claimant, and the statement that he or she is the owner of the dog or other animal. The Shelter Supervisor shall issue to such person a written statement containing the name and address of the claimant, a description of the dog or other animal redeemed, the date on which the dog or other animal was impounded, and the accrued fees, and said statement shall serve as a certificate of redemption and receipt for the fees paid.

(b) The owner of any dog or other animal impounded pursuant to this Chapter may redeem the dog or other animal pursuant to (a) above only after six days from impoundment if he or she has not received notice that the dog or other animal has been declared a dangerous animal and of the right to a hearing pursuant to this Chapter or if, after a hearing, an order is made to return the dog or other animal to the owner.

5-2.18 FEES FOR IMPOUNDING AND KEEPING DOGS AND OTHER ANIMALS. The owner of a dog which has been impounded shall pay to the Shelter Supervisor an impounding fee and shall also pay a fee for keeping said dog for each day, or portion thereof, that said dog has been impounded. The owner of an animal other than a dog, which has been impounded, shall also pay an impoundment fee and a fee per day for keeping said animal unless the amount required to keep the animal is higher in which case the owner shall pay the actual cost of keeping the animal. Impoundment fees and the fees per day for keeping animals will be set by Resolution of the City Council as adopted from time to time.

5-2.19 SALE AND DESTRUCTION OF IMPOUNDED DOGS AND OTHER ANIMALS WEARING TAGS.

(a) Unless a dog or other animal wearing a license tag has been redeemed within six (6) days after being impounded or unless it is being held for evidence in a hearing pursuant to this Chapter, it may be sold by the Shelter Supervisor to the person other than the owner offering to pay the highest cash amount therefore. But no dog or other animal which has been declared a dangerous animal pursuant to this Chapter shall be sold pursuant to this section nor shall any dog or other animal which has been impounded pursuant to this Chapter and subsequently found not dangerous but improperly trained, handled or maintained be sold except to a person who is willing to properly train, handle and maintain the dog or other animal, as determined by the Shelter Supervisor.
(b) Unless a dog or other animal wearing a license tag has been redeemed within six (6) business days after being impounded or unless it is being held for evidence in a hearing pursuant to this Chapter, and it has not been sold pursuant to (a) above, it may be destroyed by the Shelter Supervisor in a humane manner.

(c) If the owner of a dog or other animal gives permission in writing to do so, the dog or other animal may be sold or destroyed at any time after it is delivered to the Shelter, provided that no dog or other animal determined to be dangerous pursuant to this Article shall be sold even with the permission of the owner.

5-2.20 SALE AND DESTRUCTION OF IMPOUNDED DOGS AND OTHER ANIMALS NOT WEARING TAGS.

(a) Unless a dog or other animal which is not wearing a license tag has been redeemed within six (6) business days after being impounded or unless it is being held for evidence in a hearing pursuant to this Chapter, it may be sold by the Shelter Supervisor to the person offering to pay the highest cash amount therefore. But no dog or other animal not wearing a license tag impounded pursuant to this Chapter, for which no application for redemption has been made by the owner, shall be sold pursuant to this section.

(b) If any impounded dog or other animal which is not wearing a license tag has not been redeemed within six (6) business days after being impounded or unless it is being held for evidence in a hearing pursuant to this Chapter, and it has not been sold pursuant to (a) above, it may be destroyed by the Shelter Supervisor in a humane manner. A dog or other animal not wearing a license tag impounded pursuant to this Chapter shall be destroyed by the Shelter Supervisor in a humane manner if, within six business days after it is impounded, the owner has failed to make application to redeem the dog or other animal.

(c) If the owner of a dog or other animal gives permission in writing to do so, the dog or other animal may be sold or destroyed in accordance with subsections (a) and (b) above at any time after it is delivered to the Shelter.

5-2.21 SALE OF IMPOUNDED DOGS. When a dog is sold by the Shelter Supervisor pursuant to the provisions of this Chapter, the Shelter Supervisor shall deliver to the purchaser of said dog a statement in writing containing a description of the dog, the date of sale, and the amount of the purchase price. All sales shall convey a good and valid title to the purchaser, and the previous owner of the dog shall thereafter be barred from all right to recover said dog.

5-2.22 LICENSING IMPOUNDED DOGS.

(a) The Shelter Supervisor shall not release an unlicenced dog to its owner or sell an unlicenced dog to any person who resides in the City, unless the owner or purchaser, respectively, signs an agreement that he or she will secure the required
license within ten (10) days after he or she is given possession of the dog and pays a deposit in an amount set by the City Council by Resolution. Said deposit shall be refundable to the owner if the owner submits evidence of compliance with this section. It shall be unlawful to fail to secure said license within said ten (10) day period. If the owner or purchaser fails to secure said license within said ten (10) day period, he shall be required to return the dog to the Shelter Supervisor, and the dog may be impounded.

(b) The Shelter Supervisor shall not release to the owner or purchaser any dog whose license has been revoked after a hearing pursuant to this Chapter unless the owner or purchaser shows proof that he or she has enrolled the dog in a class to re-train the dog or proof that he or she is qualified to re-train the dog and the owner or purchaser signs an agreement that, until the dog is re-trained as evidenced by a certificate of successful completion of the training program, it will be securely confined when not under the immediate control of a responsible attendant and that he or she will secure the required license within ten (10) days after he or she is given possession of the dog. It shall be unlawful for the owner or purchaser to not keep the dog securely confined as agreed and to fail to secure said license with said ten (10) day period and any dog which is not so confined or for which said license is not secured within the required ten (10) day period shall be immediately impounded by the Shelter Supervisor and, without further notice, humanely destroyed or sold to a person willing to comply with the above requirements for re-training and confinement of the dog.

5-2.23 REMOVAL OF TAG. It shall be unlawful for any person to remove from a dog, without authority from the owner, any collar, harness, or other device to which is attached a license tag for the current year, or to remove such tag there from.

5-2.24 DISPLAY OF TAG. It shall be unlawful for any person to refuse to show the Shelter Supervisor or any peace officer, on request, the license certificate and the tag for any dog kept or remaining within his home or upon any enclosed premises under his immediate control.

5-2.25 KEEPING DANGEROUS DOGS OR OTHER ANIMALS. It shall be unlawful for a person to keep a dangerous dog or other animal. Any dog which has been found to be a dangerous or vicious animal pursuant to this Chapter, or the ordinance code of any other county or city or pursuant to any state statute, shall be conclusively presumed to be dangerous.

5-2.26 INTERFERENCE WITH HIGHWAYS. It shall be unlawful for the owner to allow or permit a dog to habitually or repeatedly attack pedestrians, cyclists, vehicles or other users of the public highways.

5-2.27 PERMITTING DOGS TO RUN AT LARGE. It shall be unlawful for the owner or other person in lawful possession or control of a dog to allow or permit the dog to run at large in any public park, public square, school or school grounds in any area of the City; or
upon any property, whether public or private, except with the consent of the property owner, where such property is located within the City limits. Every dog found running at large in violation of the provisions of this section shall be seized and impounded.

5-2.28 BARKING DOGS. It shall be unlawful for any owner of a dog to keep said dog in the City, which dog shall by loud or excessive barking, howling, whining or making any other noise disturb the comfort or quiet of any neighborhood or any person; provided that said owner has been made aware of the disturbance created by the dog.

5-2.29 HEARING TO DETERMINE IF ANIMAL IS DANGEROUS.

(a) The Field Officers shall declare any dog or other animal to be a dangerous animal whenever it has attacked, bitten or caused injury to any human being or other animal, or where there is evidence that a dog has acted in a threatening manner towards any human being, a dog has exhibited characteristics of being trained for fighting or attacking, or there is other evidence to show such training or fighting. Within two (2) days after a dog or other animal, which is wearing a license tag, is impounded pursuant to this section, the Shelter Supervisor shall mail a notice of the finding that the dog or other animal is dangerous and of the owner’s right to a hearing on the issue of whether or not the animal is dangerous.

(b) The owner of an animal confined or impounded pursuant to this section may, within the six (6) day time period provided for application for redemption of the dog or other animal, request a hearing to determine whether or not the dog or other animal is a dangerous animal. Requests must be received by the Shelter Supervisor no more than six (6) days after impoundment.

(c) When a hearing is requested pursuant to subsection (b) above, a date and time for such a hearing shall be set, and notice thereof shall be sent by regular mail at least five (5) business days, including Saturday, before such date to the owner at the address set forth on his or her request and shall notify the victim of such hearing.

5-2.30 HEARING: CONDUCT.

(a) A hearing requested in accordance with this chapter shall be conducted before the Director or a person appointed as a hearing officer by the Director.

(b) The hearing shall be open to the public. The owner may be represented by counsel. The hearing officer shall hear all pertinent evidence offered by all interested persons. The technical rules of evidence shall not be applicable to the hearing, except that the hearing officer’s decision may not be based wholly on hearsay evidence. All persons giving evidence shall be sworn before testifying. The owner may employ a shorthand reporter to report the hearing.

(c) Any dog or other animal which has attacked, bitten or caused injury to a human being or other animal is presumed to be dangerous and the burden is on the owner to present evidence that the animal is not dangerous.
(d) In making a determination that a dog or other animal is or is not dangerous, evidence of the following shall be considered:

(1) Any previous history of the dog or other animal attacking, biting or causing injury to a human being or other animal.
(2) The nature and extent of injuries inflicted and the number of victims involved.
(3) The place where the bite, attack or injury occurred.
(4) The presence or absence of any provocation for the bite, attack or injury.
(5) The extent to which property has been damaged or destroyed.
(6) Whether the dog or other animal exhibits any characteristics of being trained for fighting or attack or other evidence to show such training or fighting.
(7) Whether the dog or other animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or dogs or other animals.
(8) Whether the dog or other animal can be effectively trained or re-trained to change its temperament or behavior.
(9) The manner in which the dog or other animal had been maintained by its owner or custodian.
(10) Any other relevant evidence concerning the maintenance of the dog or other animal.
(11) Any other relevant evidence regarding the ability of the owner or custodian to protect the public safety in the future if the dog is permitted to remain in the County.
(12) Any other relevant evidence concerning the characteristics or behavior of the dog, or concerning the circumstances of the incident.

5-2.31 HEARING: DECISION.

(a) At the conclusion of the hearing the hearing officer may determine:

(1) That the dog or other animal is not a dangerous animal and should be returned to its owner; or
(2) That the dog or other animal is not dangerous but that the attack, bite or injury was the result of improper or negligent training, handling or maintenance and that the license or animal permit should be revoked; or
(3) That the dog or other animal is a dangerous animal and that it should be humanely destroyed no sooner than the sixth business day following the mailing of notice of the hearing officer's decision.

(b) The decision of the hearing officer shall be in writing and shall be delivered personally to the owner or mailed to him or her by regular mail at the address appearing on the request for hearing.

(c) The owner may, within ten (10) days of the mailing of the hearing officer's written decision to the owner, appeal the hearing officer's decision to the Tulare County Superior Court pursuant to California Code of Civil Procedure Section 1094.6.
5-2.32 DISPOSITION OF DANGEROUS ANIMAL.

(a) It shall be unlawful for any person to own, possess, harbor or keep any dog or other animal declared to be dangerous.

(b) Any dog or other animal declared to be dangerous, if not already impounded, shall be immediately surrendered to the Shelter Supervisor, and it is the duty of the Shelter Supervisor to take up and impound any such dog or other animal.

(c) Any dog or other animal declared to be a dangerous animal shall be humanely destroyed as permitted pursuant to this Chapter or otherwise prescribed by law.

5-2.33 DOG OR OTHER ANIMAL DECLARED NOT DANGEROUS.

(a) If it is determined that the dog or other animal is not dangerous, but that the bite, attack, injury, or other behavior was the result of improper or negligent training, handling or maintenance, the dog license or animal permit shall be revoked.

(b) The dog license or animal permit may be reissued with reasonable terms, conditions or restrictions imposed for the training, handling or maintenance of the dog or other animal to protect the public health, safety and welfare only if it is determined that the owner or custodian is able and willing to properly train, handle or maintain the dog or other animal and a similar incident is not likely to occur in the future with proper training, handling or maintenance.

(c) If it is determined that the dog or other animal is not dangerous, but that the bite, attack or injury was the result of improper or negligent training, handling or maintenance and that the owner is unable or unwilling to properly train, handle or maintain the dog or other animal and that a similar incident is not likely to occur in the future with proper training, handling or maintenance, the dog or other animal will be disposed of pursuant to section 5-2.32.

Article III
Kennels

Sections:
5-3.1 Kennel Defined
5-3.2 Kennel Permit and Application Fee
5-3.3 Vaccination Certificate Required
5-3.4 Preliminary Inspection
5-3.5 Permit
5-3.6 Term of Permit
5-3.7 Delinquent Penalties, Securing Individual Licenses if Kennel Permit Denied, Time Limits
5-3.8 Permitting Dogs to Run At Large
5-3.9 Inspection of Kennel
5-3.10 Vaccination of Additional Dogs
5-3.11 Delivery of Vaccination Certificates to Purchasers
5-3.12 Effect of Revocation of Kennel Permit

5-3.1 KENNEL DEFINED. The term "kennel," as used in this Chapter, means a building or enclosure where five (5) or more dogs over four (4) months of age are kept.

5-3.2 KENNEL PERMIT AND APPLICATION FEE. In lieu of securing the permit required by this Chapter for each of the dogs in a kennel, a person owning or operating a kennel may obtain a kennel permit covering all of the dogs maintained in the kennel. It shall be unlawful to fail to secure either the permit required by this Chapter or the permit authorized by this chapter. The application for a kennel permit shall be filed with the Shelter Supervisor on a form prescribed by the him/her. The fees for kennel permits shall be set by Resolution of the City Council as adopted from time to time.

5-3.3 VACCINATION CERTIFICATE REQUIRED. The Shelter Supervisor shall not issue a kennel permit unless the person applying for the permit files with him a certificate or certificates signed by a licensed veterinarian showing that all of the dogs in the kennel which are over four (4) months of age have been vaccinated against rabies and which indicates that the period of time elapsing from the dates of the vaccinations to the date of expiration of the kennel permit does not exceed thirty (30) months in the case of vaccination with live virus rabies vaccine or eighteen (18) months in the case of vaccination with killed virus rabies vaccine, as those types of vaccines are defined in section 2606 et seq. of Chapter 17 of the California Code of Regulations. During any period when the City of Porterville is designated as a rabies area pursuant to sections 1900-1921 of the Health and Safety Code of the State of California, no killed virus vaccine shall be used other than vaccine of bovine nerve tissue origin.

However, if one or more dogs in the kennel are too ill to be vaccinated against rabies at the time the application for the kennel permit is filed with the Shelter Supervisor, and the application for the kennel permit is accompanied by a certificate signed by a veterinarian which so states, the Shelter Supervisor shall process and issue the kennel permit in compliance with this Chapter. The owner of the kennel shall thereafter have each such dog vaccinated within thirty (30) days after the date on which it becomes well enough to be vaccinated and, within ten (10) days after such dog has been vaccinated, the owner of the kennel shall file the vaccination certificate with the Shelter Supervisor. If satisfactory evidence is presented to the City Council that a person holding a kennel permit has failed to have a dog vaccinated pursuant to this section, the City Council shall direct the Shelter Supervisor to immediately revoke the kennel permit and to give the holder of the kennel permit written notice of such revocation.

5-3.4 PRELIMINARY INSPECTION: The Shelter Supervisor shall inspect the kennel and determine whether the kennel is constructed and operated in such a manner as to prevent the dogs confined therein from running at large.
5-3.5 LICENSE. If the Shelter Supervisor has determined that the kennel is constructed and operated in such a manner as to prevent dogs confined therein from running at large, and if the required vaccination certificates have been filed in compliance with the provisions of this Chapter, the Shelter Supervisor shall issue a kennel permit to the applicant. Otherwise, the Shelter Supervisor shall refuse to issue the kennel permit. The kennel permit issued by the Shelter Supervisor shall contain a serial number, the expiration date of the permit, the address of the kennel, and such other information as the Shelter Supervisor may require. The Shelter Supervisor shall not issue individual permit tags for the dogs in the kennel.

5-3.6 TERM OF PERMIT. Kennel permits shall be issued on a City fiscal year basis, commencing on July 1st and terminating on the next June 30th. During the period from July 1st through August 31st of each year, an owner who has secured a kennel permit for his dogs for the prior fiscal year shall not be in violation of this Chapter.

5-3.7 DELINQUENT PENALTIES: SECURING INDIVIDUAL PERMITS IF KENNEL PERMIT DENIED: TIME LIMITS. Commencing on the 1st day of September each year, the Shelter Supervisor shall collect a delinquent penalty, in addition to the regular permit fee, before issuing any kennel permit if the time limits set forth in this Chapter have expired for any dog in the kennel at the time that the application for the permit is filed. The delinquent penalty shall be in an amount equal to the regular permit fee as set forth in this Chapter. If an application for a kennel permit is filed before the time limits set forth in this Chapter have expired and if, after the expiration of such time limits, the Shelter Supervisor determines that a kennel permit shall not be issued, the Shelter Supervisor shall send the owner of the kennel written notice that the kennel permit shall not be issued. It shall be unlawful for the owner of the kennel to fail to secure individual permits for each of the dogs in the kennel, pursuant to the provisions of this Chapter, within thirty (30) days after receipt of such written notice of such violation. During the period between the date on which the application for the kennel permit is filed with the Shelter Supervisor until thirty (30) days after receipt of said written notice, the owner of the kennel shall not be in violation of this chapter.

5-3.8 PERMITTING DOGS TO RUN AT LARGE. It shall be unlawful for any person who has secured a kennel permit to allow or permit any dog in his kennel to run at large at any time. Every dog found running at large in violation of the provisions of this section shall be seized and impounded. If satisfactory evidence is presented to the City Council that a person holding a kennel permit has allowed or permitted a dog housed in said kennel to run at large, the City Council shall direct the Shelter Supervisor to immediately revoke the kennel permit and to give the holder of the kennel permit written notice of such revocation.

5-3.9 INSPECTION OF KENNEL. The Shelter Supervisor may from time to time inspect any kennel for which a kennel permit has been issued. If the Shelter Supervisor determines that the kennel is not constructed or operated in such a manner as to prevent the dogs confined therein from running at large, s/he shall immediately revoke the kennel permit and give the holder of the kennel permit written notice of such revocation.
5-3.10 VACCINATION OF ADDITIONAL DOGS. After a kennel permit has been issued, the owner of the kennel shall thereafter have each additional dog which is maintained in said kennel vaccinated against rabies by a permit veterinarian within thirty (30) days after he acquires ownership of the dog. However, if the dog is less than four (4) months of age when it is acquired, it shall be vaccinated within thirty (30) days after the dog becomes four (4) months of age. If a dog is too ill to be vaccinated against rabies at the time that the time limits set forth above expire, then the owner of the kennel shall thereafter have each such dog vaccinated within thirty (30) days after the date on which it becomes well enough to be vaccinated. Within ten (10) days after a dog has been vaccinated in accordance with this section, the owner of the kennel shall file the vaccination certificate with the City Shelter Supervisor. If satisfactory evidence is presented to the City Council that a person holding a kennel permit has failed to comply with the provisions of this section, the City Council shall direct the Shelter Supervisor to immediately revoke the kennel permit and to give the holder of the kennel permit written notice of such revocation.

5-3.11 DELIVERY OF VACCINATION CERTIFICATES TO PURCHASERS. Whenever a person holding a kennel permit sells any dog in the kennel, he shall deliver his copy of the vaccination certificate for the dog to the purchaser. If satisfactory evidence is presented to the City Council that a person holding a kennel permit has failed to comply with the provisions of this section, the City Council shall direct the Shelter Supervisor to immediately revoke the kennel permit and to give the holder of the kennel permit written notice of such revocation.

5-3.12 EFFECT OF REVOCATION OF KENNEL PERMIT. If the Shelter Supervisor revokes a kennel permit pursuant to the provisions of this chapter, it shall be unlawful for the owner of the kennel to fail to secure individual dog permits for each of the dogs in the kennel, pursuant to this Chapter, within thirty (30) days after receipt of written notice of such revocation from the Shelter Supervisor. Any person whose kennel permit has been revoked by the Shelter Supervisor shall not be permitted to apply for a kennel permit until the next ensuing fiscal year.

Article IV
Rabies Control

Sections:
5-4.1 Application of Article
5-4.2 Animal Showing Signs of Rabies
5-4.3 Isolation of Rabid Animals and Clinically Suspected Rabid Animals
5-4.4 Animals Biting Persons
5-4.5 Animals in Contact with Rabid Animals
5-4.6 Violation of Quarantine

5-4.1 APPLICATION OF ARTICLE. This Chapter shall be in effect only at those times when the City of Porterville is not designated as a rabies area pursuant to sections 1900-1921 of the Health and Safety Code of the State of California. During those periods when the City of Porterville is designated as a rabies area, the provisions of said sections 1900-1921 of the Health and Safety Code, and the rules and regulations adopted pursuant thereto, are applicable rather than the provisions of this Article.
5-4.2 ANIMAL SHOWING SIGNS OF RABIES. Whenever the owner of an animal observes or learns that such animal shows symptoms of rabies or acts in a manner which would lead to a reasonable suspicion that it may have rabies, such person shall immediately notify the Shelter Supervisor. Said person shall thereafter allow the Shelter Supervisor, or his/her representative to make an inspection or examination of said animal.

5-4.3 ISOLATION OF RABID ANIMALS AND CLINICALLY SUSPECTED RABID ANIMALS, The owner of any rabid animal or clinically suspected rabid animal shall isolate the animal in strict confinement under proper care and under the observation of a veterinarian, in a Kennel, veterinary hospital, or other adequate facility in a manner approved by the Shelter Supervisor, and said animal shall not be destroyed or released from confinement for at least ten (10) days after the onset of symptoms suggestive of rabies and until the Shelter Supervisor gives written authorization for the release of the animal, with the exception that such animal may be sacrificed with the permission of the Shelter Supervisor for the purpose of a laboratory examination for rabies using the fluorescent rabies antibody test in an approved public health laboratory.

5-4.4 ANIMALS BITING PERSONS. Whenever the owner of an animal has knowledge that such animal has bitten any person, the owner shall immediately report that fact to the Shelter Supervisor and report the name and address of the person bitten and the time and place that such person was bitten. Upon order of the Shelter Supervisor, the owner shall quarantine the animal for the period of time specified in section 2606 of Chapter 17 of the California Administrative Code with regard to rabies areas, and shall allow the Shelter Supervisor or his/her representative to make inspections and examinations of the animal from time to time during such period. The Shelter Supervisor shall quarantine said animal upon the premises of the owner. However, if the owner of the animal so desires, the Shelter Supervisor shall place the animal in quarantine in a veterinary hospital, at the expense of the owner, in lieu of quarantine of the animal on the premises of the owner. Quarantine shall be made by written notice delivered to the owner of said animal stating that the animal is quarantined and the instructions to be followed. If the quarantine is upon the premises of the owner of the animal, the animal shall be confined within a locked enclosure so constructed that the animal cannot escape or have contact with any other animal or human being other than the person responsible for its care or, at the discretion of the Shelter Supervisor, the animal may be kept under restraint by leash in charge of a responsible person, or under such restrictions as the Shelter Supervisor may prescribe. Said animal shall be kept in quarantine until the Shelter Supervisor gives written authorization for the release of the animal from quarantine. Notwithstanding the foregoing provisions, such animal may be sacrificed with the permission of the Shelter Supervisor for the purpose of a laboratory examination for rabies using the fluorescent rabies antibody test in an approved public health laboratory.

5-4.5 ANIMALS IN CONTACT WITH RABID ANIMALS. Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal or has been in intimate contact with a rabid or suspected rabid animal shall be quarantined by the owner in a place and manner approved by the Shelter Supervisor, for a period of six (6) months or destroyed; provided, however, that the following alternatives are permitted in the case of
dogs and cats: If the dog or cat has been vaccinated against rabies within two (2) years but not less than thirty (30) days with a live virus vaccine, or within one (1) year but not less than thirty (30) days with a killed virus vaccine, as those types of vaccines are defined in section 2606 et seq. of Chapter 17 of the California Administrative Code, the dog or cat may be re-vaccinated in a manner approved by the Shelter Supervisor and quarantined in a place and manner approved by the Shelter Supervisor for a period of thirty (30) days. The provisions of this Chapter concerning quarantine shall also apply to the quarantine of animals pursuant to this section.

5-4.6 VIOLATION OF QUARANTINE. When any animal is quarantined by the Shelter Supervisor, it shall be unlawful for the owner of the animal to violate the quarantine by removing said animal from the premises where it is quarantined, allowing it to run at large, destroying it without authorization from the Shelter Supervisor, concealing it from the Shelter Supervisor or disobeying any of the quarantine restrictions which have been imposed by the Shelter Supervisor.

Article V
Violations

Sections:
5-5.1 Violations

5-5.1 VIOLATIONS.

(a) Misdemeanor. Any person violating any of the provisions of section this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars ($1,000.00) or by imprisonment for a term not exceeding six (6) months or by both such fine and imprisonment.

(b) Separate Offense. Each day that any provision of this chapter is violated is a separate and distinct offense and shall be punishable as separate and distinct offense.

(c) Infraction. Notwithstanding the classification of a violation of this Chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of this Chapter, the trial court, upon recommendation of the prosecuting attorney, may reduce the charged offense from a misdemeanor to an infraction. Any person convicted of an infraction under this Chapter shall be punished by:

(1) A fine not exceeding one hundred dollars ($100.00) for a first violation;
(2) A fine not exceeding two hundred dollars ($200.00) for a second violation of this Chapter within one (1) year; and
(3) A fine not exceeding five hundred dollars ($500.00) for each additional violation of this Chapter within one (1) year.

(d) Administrative Citation. Upon a finding by the city official or representative vested with the authority to enforce the various provisions of this Chapter, that a violation exists, he or she may issue an Administrative Citation and proceed with enforcement pursuant to Chapter 2, Article XIV, of the Municipal Code.
(e) Civil Action. The City Attorney, or an Attorney hired for such purposes by and at the request of the City Council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition found to be in violation of the provisions of the Chapter, or State Codes specifically adopted by reference, as provided by law, and the City shall be entitled to its attorneys fees and costs.

(f) These remedies shall not supplant or replace the procedures concerning dangerous animals as specified in Sections 5-2.15, and 5-2.29 through 5-2.33.

**SECTION 2:** This Ordinance shall be in full force and effect thirty (30) days from and after its passage, adoption, and approval.

________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

________________________________________
By: Patrice Hildreth, Acting Chief Deputy
COUNCIL AGENDA: OCTOBER 2, 2007

SUBJECT: GOLF COURSE STATUS REPORT

SOURCE: PARKS & LEISURE SERVICES DEPARTMENT

COMMENT: Staff has been requested to provide information on golf course matters such as the budget, how the business operation is doing, and the various capital equipment and improvements planned for the current budget year. The Parks & Leisure Services Director and Head Professional will be available to elaborate further on these matters and answer questions at the City Council meeting.

The summer season has been completed with extensive annual grounds maintenance activities occurring during that time. The maintenance crew was further challenged this summer with a major irrigation control wire being damaged by gophers that required trenching and replacement of 400 feet of control wiring, and another incident of fence damage by a vehicle. In all, the course came through the summer well and the vegetation retained both health and greenery. Maintenance work now shifts to fall season aeration & conditioning of the turf, with trees dropping leaves and cleanup on the horizon.

The budget figures for the first quarter are not yet complete and thus can be misleading. On the face, it appears that expenditures are slightly ahead of normal, and revenues are trailing the average. Expenditure control measures have been implemented, including a reduction in maintenance staff for the balance of the fiscal year.

During September and October staff is working on obtaining proposals for the various pieces of equipment scheduled for replacement. All replacement equipment is hoped to be in place by November 2007. The capital improvement project for installation of the driving range irrigation system has not yet been scheduled for attention. As project management resources become available this project will be one of many projects considered for completion later in the current fiscal year.

RECOMMENDATION: That the City Council receive the golf course status report from the Parks & Leisure Services Director and the Head Professional as an informational update.

ATTACHMENTS: Locator Map
Budget status spreadsheet

Director Appropriated/Funded City Manager

ITEM NO.: 14
## CITY OF PORTERVILLE
### GOLF COURSE REVENUE/EXPENDITURE HISTORY

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## EXPENDITURES THROUGH SEPT 20th

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COUNCIL AGENDA: OCTOBER 2, 2007

SUBJECT: INSTALLATION OF TEMPORARY TRAFFIC CALMING DEVICE AT CASAS BUENA VISTA SUBDIVISION

SOURCE: Public Works Department - Engineering Division

COMMENT: At the August 21, 2007 Council meeting, staff provided information on the various types of traffic calming devices. The information was provided in response to a Councilmember's request that some measures be taken to slow vehicle traffic within the Casas Buena Vista subdivision.

Usual methods to slow traffic include increased police presence and speed indicator signs. Methods Public Works would consider unusual or unorthodox include speed humps and bump outs. The choices presented all have their strong points but they also have drawbacks. Increasing police presence is not viable because of a lack of manpower. The speed indicator sign is merely a visual notice of one's speed and may not have any affect on a driver. The speed indicator sign is also very expensive. Installing speed humps brings with it a number of significant problems such as damage to vehicle undercarriage and the slowing of emergency vehicles.

The bump-out or "choker" may or may not be the solution but it has the advantage of not impeding emergency vehicles or causing undercarriage damage. The bump-out is intended to narrow a straight section of street so that a driver is forced to slow down to navigate between the bump-outs. A sketch is provided in Council's packet to illustrate this point.

If Council finds merit in installing a temporary bump-out on a "trial" basis, Public Works will direct Field Services to construct a temporary bump-out along Rio Vista Avenue. Rio Vista Avenue is the southern most street in the Casas Buena Vista subdivision. The temporary bump-out will be constructed of concrete car stops (bumpers) and will include "advanced notice" ceramic buttons. If after six months the residents feel that the bump-outs have helped, a likely scenario will be the implementation of a landscape maintenance district to pay for the installation of a permanent bump-out with interior landscaping.

RECOMENDATION: That the City Council:

1. Direct the Public Works Director to install or have installed a temporary bump-out with "advanced notice" ceramic buttons along Rio Vista Avenue located in the Casas Buena Vista Subdivision;

Dir. Appropriated/Funded CM Item No. 15
2. Monitor the effectiveness of the bump-out over a six month period with assistance from the area residents; and

3. Bring back a staff report at the end of the monitoring period with recommendations on whether to move forward with a permanent bump-out or remove the temporary bump-out and call it good or other options.

ATTACHMENT: “Bump-Out” or “Choker” Sketch
SUBJECT: Consideration of Establishing Priority Projects for 2008

SOURCE: City Manager

About this time last year, the Council conducted several goal setting sessions. At the December 5, 2006 meeting, the Council adopted priorities. To maintain a consistent management of projects, the City Manager proposes to schedule on an off-Tuesday, a study session on projects. The session could be held in the Library’s community room.

The City Manager proposes that each department provide an update focusing on priority projects, but also including other important projects being implemented. The Council could discuss projects and their management and then vote, similar to 2006, on the priority projects.

The specific methodology last year had all of the City’s current projects and activities posted on the walls of the Community Room. The votes would be by red, blue, green and yellow dots. Councilmember and directors would place the dots.

Staff members define projects where there has been a significant commitment of city resources and where continuity is critical. Each department director has two dots for this and their value is 5 points. Directors have one other color dot worth 1 point which is place in another department to define a project with greatest organizational commitment, requiring continuity.

Councilmembers will have one dot of a third color. This is the most important project organizationally for them and will be worth 5 points. In addition, Councilmembers have five dots of a fourth color, counting one point each, indicating priority projects.
From this voting, a list of projects is compiled. Those having the largest number of points are at the top of the list as priority projects for the coming year. In December of 2006, priority projects were defined as:

*Every month, these projects will be featured in the monthly project report. Where decisions are made to allocate resources (staff time and monies), it will be to accomplish priority projects. Also, in December 2007, the status of priority projects will be closely reviewed. Other projects that have been committed or are under direction to be completed will continue to be pursued unless specific direction is provided by the City Council.*

The project matrix is presented to the Council, potentially at a December, 2007 City Council meeting. This will be strictly a result of the voting. Staff may suggest modifications based upon project continuity and regulatory priorities and the Council may adjust the list to meet specific objectives. At a meeting, the Council adopts the list which clarifies operational direction for the coming year.

**RECOMMENDATION:** Set a date for a study session on an off-Tuesday in the Library’s Community Room, for a review of priority projects in 2007 and 2008.
SUBJECT: Consideration of Establishing Priority Projects  
For 2007

SOURCE: City Manager

The City Council has held two planning sessions. The former was lead by Ms. Lucie Garcia and addressed issues affecting the community. The second was focused on priority projects. Project priorities were defined through staff specifying current project commitments, providing recommendations on important projects in other departments and the Council members defining their most important project in each department and also their most important project overall.

To establish overall priorities, each project that received any vote was placed on a list. In all, this consisted of 41 projects. To emphasize projects where we are currently engaged and committed and projects seen by council members as overall priorities, a weighting of 5 points was provided. For all other voting, 1 point was assigned. The list as compiled has been attached.

The resulting list, provided the following 10 top projects:

✓ Airport Water Inter-Tie
✓ General Plan
✓ Jaye Street Widening/190 to Springville
✓ Effluent Pipeline Project
✓ Police Officer Recruitment
✓ Porterville Hotel Project
✓ Meet And Confer Budget Analysis
✓ Courthouse Project
✓ Police Gang Enforcement Projects
✓ Implementation of Skate Park

What does Priority Project mean? Every month, these projects will be featured in the monthly project report. Where decisions are made to allocate resources (staff time and monies), it will be to accomplish priority projects. Also, in December 2007, the status of priority projects will be closely reviewed. Other projects that have been committed or are under direction to be completed will continue to be pursued unless specific direction is provided by the City Council.

RECOMMENDATION: Approve a list of 10 priority projects. Approve the statement defining how priority projects will be managed and reviewed.
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<tr>
<th>Priority Project Number</th>
<th>Department</th>
<th>Project</th>
<th>Blue DepartHead Committed</th>
<th>Yellow DepartHead Other Dept Priority</th>
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SUBJECT: City Council Goal Setting

SOURCE: City Manager

On Saturday, September 23, the Council met at the Hospital Board Room with facilitator Lucie Garcia. At the session, the first set of steps for City Council goal setting were covered. The desired goals for the community were considered and community based values were defined. There was much beneficial dialogue between the Council, staff, and community.

The purpose of this staff report is to formulate the next step. This is being done in the context of other efforts including the completion of the General Plan and potentially a program through the Chamber of Commerce Economic Development Committee.

Work-Plan Development: The City Manager recommends the focus at this time should be on a work-plan for the coming year. The City has undertaken more than 140 projects. They are at various stages and levels of completion. For the staff to be effective, it is suggested that a limited number of projects be placed on the “watch” (a.k.a. priority) list. This would be a subcategory of the monthly project report that specifies ten or fewer projects that are viewed by the Council as the most urgent and important. The purpose of this is to keep a focus on these projects that the City Council views as priorities.

A proposed approach would be for the Council to hold a meeting on Tuesday, November 14, 2006. At this meeting, the project status sheets will be enlarged and placed on the wall. Directors can address the projects for Council consideration and answer any question from the Council or public. The City Manager and Directors would outline the projects they feel are most urgent and important.

The Council Members can then vote on the project they feel is most important by one color of dot and the project within each department they feel is most important by another. This would indicate by a “straw” poll, which projects are most important overall and which are most important within each department. The information can be compiled by the City Manager and the Council could review and act on this at a subsequent meeting.

Long Term Planning: It is suggested that the General Plan efforts define the most significant long-term planning effort currently before the City.

Key Questions: The City Manager suggests that there are a number of questions, which have to be answered for the City to be successful. They are, as an organization, city, or community:

Item No. _____

City Manager Longley_______
What do we want to accomplish with our policies?
How do we want to present ourselves?
What is working or not working?

Defining an “End Game” through Vision & Values: The suggestion is that we should focus on the three questions. The City Manager’s monthly listing of projects provides current definition about accomplishment. The project listing is not complete, however, because it is not referenced to any specific vision. What is working or not working can only be defined in terms of an “end game” where there is some consensus on vision and values. The foundation for this must come out of the General Plan process. From this, specific visions can be articulated, goals can be set outlining what we want to accomplish, we can present a marketing plan and operational expectations can be set. Periodically, when we evaluate these expectations against accomplishments, we can learn what is working or not working.

Criteria for Success: The organization either works or does not work in relationship to its ability to accomplish the vision and its responsiveness to City Council direction. Policies are accomplished or not accomplished based upon how reflective they are of a clear vision.

Defining Community by Profit and Pride: At a basic level, any organization is defined in the end by the profit (accomplishments) it makes and the pride it engenders. The fundamental criteria then become if wealth is growing in the community, and are we proud of the community in which we live. For the former question, we can track the conclusion statistically, if we agree on the measures. For the latter, it is a matter of opinion, but working through the perceptions to the answer is fundamental for any successful community.

How We Want to Appear: Increasingly, the question of how we want to appear is important. This question is central to marketing the community and in many minds to community pride.

Prongs of Comprehensive Organizational Planning: Therefore, the prongs of Comprehensive Organizational Planning involve operational elements defined in a work plan, appearance elements involved in a marketing plan, and policy elements involved in a general and strategic plan. Planning involves multiple elements and one does not necessarily “trump” another. The key is keeping the question straight. Planning enterprises address differently the questions outlined above. Understanding this prevents misdirection or unreasonable expectations. Seldom is there a panacea or “silver bullet” to achieve profit or pride.

As an interim measure, the City Manager suggests that the work plan be formulated. As we work through the General Plan and other planning efforts now under consideration, the other questions outlined above may be more fully addressed.

RECOMMENDATION: At this time, proceed with work program goals by scheduling a City Council study session on Tuesday, November 14, 2006, to review current and proposed projects.

City Manager Longley________
REDEVELOPMENT AGENCY AGENDA: OCTOBER 2, 2007

SUBJECT: CONSIDERATION OF AN AUDIT OF THE REDEVELOPMENT AGENCY TAX INCREMENT CALCULATION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: As the Agency is aware, the Dinuba Redevelopment Agency (DRDA) brought a lawsuit against the County of Tulare stating that the County improperly computed the amount of tax increment revenues to which the DRDA was statutorily entitled. Staff has been in contact with the DRDA regarding the matter and found that the issue was one of newly constructed properties located within the DRDA that were incorrectly coded, resulting in the loss of increment for these properties. Although the DRDA notified the County to rectify the situation, the correction took approximately three (3) years. The lawsuit was for retroactive payment of the tax increment owed to the DRDA. The matter came to the DRDA attention from the Agency’s Consultant, MuniServices Company, engaged in reviewing the sales, property, and redevelopment property taxes annually.

The City of Porterville engages MuniServices to audit sales and utility users tax. Staff contacted MuniServices to discuss the potential of a tax increment audit and found that in 1992 MuniServices conducted a property tax/increment audit which resulted in minimal findings. It is MuniServices opinion that an audit is most effective if significant activity or annexation has occurred in the Project Area. Other than the Casas Buena Vista project, which Staff has confirmed that the parcels located within Casas are coded as Redevelopment, a modest level of activity has occurred within Project Area No. 1. MuniServices is willing to conduct an audit of Project Area No. 1 for twenty-five percent (25%) of the findings.

Staff also contacted John Fitzgerald, Fitzgerald Public Finance, regarding the merits of auditing the Porterville Redevelopment Agency’s tax increment. Fitzgerald noted that it is wise for agencies to perform audits periodically, reviewing records parcel by parcel for accuracy. Fitzgerald also indicated that it would be advantageous to conduct an audit at the time of any Project Area expansion to provide a base for projecting tax increment and then later verifying the accuracy of revenues received from the expansion. Fitzgerald noted that the audit of increment should be done both before and after a project area expansion by the same firm.

Other than the MuniServices quote to conduct an audit for a percentage of the findings, a cost for an audit has not been obtained nor have Agency funds been appropriated during this fiscal year for the project.
Options for the Agency’s consideration:

1. Authorize staff to negotiate with MuniServices Company for an audit of Project Area #1, with twenty-five percent (25%) of revenues generated by the audit being allocated for payment of the service.

2. Authorize staff to appropriate funds to conduct an audit of Project Area #1 during the 2008-2009 fiscal year.

3. Authorize staff to include an audit of the existing Redevelopment Area at the time of a Project Area expansion and one year following the expansion.

RECOMMENDATION: That the Porterville Redevelopment Agency authorize staff to include an audit of Project Area #1 as part of a Project Area Expansion and one year following the expansion.