Call to Order
Roll Call

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

CLOSED SESSION:
A. Closed Session Pursuant to:
1. Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Leon v. City of Porterville (Tulare County Superior Court, Case No. PCC116809).
4. Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Greene v. City of Porterville (Tulare County Superior Court, Case No. 05-108898).

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

Pledge of Allegiance Led by Mayor Pro Tem Felipe Martinez
Invocation

PRESENTATIONS
• Employee of the Month – Colette Parnell
• Introduction of New City Employees
• Library Board of Trustees Annual Report
• Parks & Leisure Services Commission Annual Report
• Central California Business Incubator
• San Joaquin Valley Regional Blueprint – Tulare County Association of Governments

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.

2. **Claim – Fabiola Vasquez**  
   Re: Considering rejection of a claim in an amount of $906.09 for damages to Claimant’s vehicle’s rims allegedly sustained when she struck a pothole while driving near 1075 W. Henderson Avenue on February 22, 2008.

3. **Budget Adjustment for the 2007-08 Fiscal Year**  
   Re: Considering approval of budget adjustment to account for $434,207.00 received in Proposition 1b Transit Funds to be used towards the construction of canopies for the CNG transit parking and wash bay.

4. **Program Supplement to the Local Agency-State Master Agreement – Phase 1 of the Preliminary Engineering and Design of the Jaye Street Bridge Widening Project**  
   Re: Considering approval of the Program Supplement to Agreement No. 06-5122 with the Department of Transportation for the Phase 1 Preliminary Engineering and Design of the Jaye Street Bridge Widening Project.

5. **Acceptance of Project – ‘C’ Street Water Main & Miscellaneous Fire Hydrant Project**  
   Re: Accepting project as complete from Halopoff and Sons, Inc., and authorizing the filing of the Notice of Completion, for project consisting of the installation of a water main, and new fire hydrants on ‘C’ Street between Date Avenue and Walnut Avenue.

6. **Use of Proposition 1B Funds – South Jaye Street Extension Project**  
   Re: Affirming the selection of the South Jaye Street Extension Project for the allocation of Prop 1B funds.

7. **Tulare County Regional Housing Needs Assessment 2008**  
   Re: Informational report on Porterville’s draft allocation plan for housing needs for the period between 2008 and 2014.

8. **Mitigation of Kit Fox Preserve and Movement Corridor**  
   Re: Considering negotiation of an Agreement with Wildlands, Inc. to purchase San Joaquin Kit Fox conservation credits for the removal of the Kit Fox 20-acre preserve and 6±-acre movement corridor located on the west side of the Porterville Municipal Airport for an amount not to exceed $190,000.

9. **Assign Airport Lease - Lot 32C**  
   Re: Considering approval to assign the Lease Agreement between the City of Porterville and Mr. Wayne Ross to Mr. William Parham.

10. **Supplemental Lease Agreement Number 3 for Lease Number 39-1879**  
    Re: Considering approval of the Supplemental Lease Agreement No. 3 for Lease No. 39-1879 between the City of Porterville and United States Forest Service pertaining to the Air Attack Base at the Porterville Municipal Airport.

11. **Authorization to Negotiate a Contract with Gas Equipment Systems and Southern California Gas Company for a Temporary CNG Fueling Station**  
    Re: Considering approval to negotiate a contract with Gas Equipment Systems of Rancho Cucamonga and Southern California Edison for a temporary CNG fueling station at the City Corporation Yard.

12. **Approval For Community Civic Event – Porterville Unified School District, Porterville Celebrates Reading, April 26, 2008**  
    Re: Considering approval of annual event to be held Saturday, April 26, 2008, from 9 a.m. to 3 p.m., at the Porterville Fairgrounds on Olive Avenue.
Re: Considering approval annual event to be held from Wednesday, May 14 to Sunday, May 18, 2008 at the Porterville Fairgrounds on Olive Avenue.

Re: Considering approval of annual event to include a parade down Main Street on Saturday, May 3, 2008, from 7 a.m. to 12 p.m., and a fiesta in the Municipal Ball Park Friday, May 2, 2008 through Sunday, May 4, 2008, from 8 a.m. to midnight.

15. Approval For Community Civic Event – Porterville Church of the Nazarene – Invisible Children Movie Screening
Re: Considering approval of event to be held Friday, April 25, 2008, from 6 p.m. to 8:30 p.m. at Veteran’s Park.

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

PUBLIC HEARINGS
16. Approval of Project Alignment and Boundaries and Environmental Review of the City of Porterville Scranton Avenue and Indiana Street Widening Project
Re: Considering approval of the Mitigated Negative Declaration for the project consisting of improvements to widen Scranton Avenue from approximately 500 feet east of SR 65 to Indiana Street, and Indiana Street generally between Gibbons Avenue and Scranton Avenue.

SCHEDULED MATTERS
17. FY 2007-2008 Mid-Year Budget Report
Re: Mid-year review of the 2007-2008 Budget, and consideration of proposed changes to account for lower than projected revenues.

18. Options to Address Murry Park Pond
Re: Consideration of options to improve the quality and appearance of the water within the Murry Park Pond.

19. Resolution Opposing Abandonment of a Railroad Feeder Line Between Exeter and the Kern County Line
Re: Considering approval of a resolution opposing the abandonment by the San Joaquin Valley Railroad of a railroad feeder line between Exeter and the Kern County Line.

20. Use of CMAQ Funds for Concrete Improvements
Re: Considering the use of available CMAQ funding towards concrete improvements on South Indiana Street from Olive to Union Avenue.

Re: Considering the scheduling of an additional study session on the Courthouse Project and Fairgrounds to receive public commentary.

Adjourn to a meeting of the Porterville Redevelopment Agency

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
April 1, 2008

Roll Call: Agency Members/Chairperson
WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS

SCHEDULED MATTER
PRA-1. Approval of Low and Moderate Housing Funds to Assist Simpson Housing Solutions Multi-Family Project
   Re: Considering approval of a conditional reservation of up to $500,000 in Redevelopment Low and Moderate Income Housing Funds for the Simpson Housing Solutions proposed housing project on the southeast corner of Putnam Avenue and “E” Street.

Adjourn the Redevelopment Agency meeting to a meeting of the Porterville 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 April 8, 2008 at 6:00 p.m.

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

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Chief Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, during normal business hours.
Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:

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

Pledge of Allegiance Led by Mayor Cameron Hamilton
Invocation -- one individual participated

PRESENTATIONS
Introduction of New City Employees
City Manager's Featured Projects
Edison’s State of the Utility System

ORAL COMMUNICATIONS
• Dick Eckhoff, 197 N. Main Street, requested clarification on Item No. 14, expressed concern over the addition of septic systems within the city limits, and stated that he would like to see the fees associated with sewer connection decreased.
• Jerry Waller, 2300 W. Morton Ave., announced that he was running for a seat on City Council, and that he was looking forward to a fair race.
• Brian Ward, 1652 W. Bellevue Ave., announced that he was running for a seat on City Council, and win or lose, was looking forward to working towards a better Porterville.
• Richard Laswell, 2020 W. Julieann Ave., announced that he was running for a seat on City Council and spoke briefly about his background in fire and law enforcement.

CONSENT CALENDAR
Item No. 9 was removed for further discussion. Per Council Member McCracken’s request, Item No. 1 was removed and acted upon separately for abstention.
2. CLAIM – GUSTAVO GOMEZ

Recommendation: That the Council:
1. Reject said claim;
2. Refer the matter to the City’s insurance adjustor; and
3. Direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 01-031808
Disposition: Approved

3. APPROVAL OF ARCHITECTURAL ELEVATIONS FOR RIVERWALK MARKETPLACE

Recommendation: Staff recommends that the City Council approve the proposed architectural elevations, colors and materials for “El Pollo Loco” located on Building Pad Three.

Documentation: M.O. 02-031808
Disposition: Approved

4. AUTHORIZATION TO APPLY FOR PERMANENT ACCESS FROM STATE ROUTE 190 AT THE VELB MITIGATION SITE

Recommendation: That the City Council:
1. Authorize staff to prepare all necessary documents; and
2. Authorize the Mayor to sign all appropriate documents as necessary to apply for a permanent access easement to the VELB Mitigation Site (Headgate Property) from State Route 190.

Documentation: Resolution No. 26-2008
Disposition: Approved

5. AUTHORIZATION TO DISTRIBUTE RESQUEST FOR PROPOSALS (RFP) FOR ON-CALL ENVIRONMENTAL SERVICES

Recommendation: That the City Council authorize staff to distribute Request For Proposals for On-Call Environmental Services.

Documentation: M.O. 03-031808
Disposition: Approved

6. APPROVAL OF RESOLUTION DEFINING LANDING FEE FOR CALFIRE

Recommendation: That the City Council approve the resolution as presented, defining the amount of landing fee since May, 2002.
7. COMMUNITY CLEAN UP EVENTS

Recommendation: That the City Council:
2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City;
3. Authorize the City to accept trash, litter and yard clippings delivered by City residents receiving City refuse service to the Spring and Fall Clean Up Events for free disposal; and
4. Authorize the cost of both events be funded from the Solid Waste Operating budget.

8. RETIREMENT OF POLICE SERVICE DOG “FALCO”

Recommendation: That the City Council:
1. Approve the sale of “Falco” to Richard Standridge for one dollar ($1.00); and
2. Authorize the Mayor to execute the agreement and document to sell “Falco” to Richard Standridge.

10. APPROVAL OF STREET CLOSURE FOR ‘MUSIC ON MAIN STREET’ EVENTS

Recommendation: That the City Council:
1. Authorize the Parks & Leisure Services Department to sign Cleveland Avenue from Main Street east to Second Street along with the alley from Thurman to Cleveland for ‘No-Parking’; and
2. To Close the same portions of the street and alley to vehicular traffic from the hours of 5:15 PM to 8:30 PM each Friday evening from April 4, 2008 through June 27, 2008.

11. RESOLUTION UNANIMOUSLY APPROVING THE PORTERVILLE 2030 GENERAL PLAN

Recommendation: That the City Council approve the draft resolution as presented.
COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council accept Items 2-8, 10 and 11. The motion carried unanimously.

1a. CITY COUNCIL MINUTES OF JUNE 8, 2007

Recommendation: That the Council approve the minutes of June 8, 2007 as presented.

Council Member McCracken stated that he was not present for the June 8, 2007 meeting, and therefore would be abstaining.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the minutes of June 8, 2007 as presented.

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

Disposition: Approved

1b. CITY COUNCIL MINUTES OF AUGUST 7, 2007

Recommendation: That the Council approve the minutes of August 7, 2007 as presented.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Martinez that the Council approve the minutes of August 7, 2007 as presented. The motion carried unanimously.

Disposition: Approved

9. APPROVAL FOR COMMUNITY CIVIC EVENT – MARIACHI ACADEMY FOUNDATION – TIME MARCHES ON – TRI TIP DINNER DRIVE THRU

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Mariachi Academy Foundation, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application.

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

Council Member Hernandez asked if there would be a beer garden, to which Mr. Lollis replied that there would not be.
At Council Member Hernandez’s request, Mr. Roman came forward to speak about the event.

- Robert Roman, 846 N. Main St., clarified that the event was on Saturday, April 5, 2008 from 8:00 a.m. to 8:00 p.m. He stated that they had raised approximately half of the money needed for the ‘Time Marches On’ Clock and assured that there would be no problems with clean up after the event.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro M.O. 09-031808
M.O. 09-031808 Felipe Martinez that the Council approve the Community Civic Event Application and Agreement from the Mariachi Academy Foundation, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application. The motion carried unanimously.

Disposition: Approved

SECOND READINGS
12. ORDINANCE 1737, AMENDING CHAPTER 1, CLAIMS

Recommendation: That the Council give Second Reading to Ordinance No. 1737, waive further reading, and adopt said Ordinance.

City Manager Longley presented the item.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance No. 1737, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 1-19 OF CHAPTER 1 OF THE PORTERVILLE MUNICIPAL CODE REGARDING CLAIMS AGAINST THE CITY. The motion carried unanimously.

City Manager Longley read by title only.

Disposition: Approved

SCHEDULED MATTERS
13. HERITAGE COMMUNITY CENTER COST SHARE SETTLEMENT

Recommendation: That City Council:
1. Approve the cost-share settlement and authorize staff to reimburse to Porterville Unified School District $176,428 for costs incurred as part of the Porterville Heritage Community Center/Santa Fe Elementary School project and;
2. Allocate the remaining $68,572 to capital projects at the Heritage Center.
City Manager Longley introduced the item, and Project Manager Linda Wammack presented the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council approve the cost-share settlement and authorize staff to reimburse to Porterville Unified School District $176,428 for costs incurred as part of the Porterville Heritage Community Center/Santa Fe Elementary School project and; allocate the remaining $68,572 to capital projects at the Heritage Center. The motion carried unanimously.

Disposition: Approved

14. RE-VISITING CITY’S SEWER CONNECTION POLICY

Recommendation: That the City Council:
1. Take no action at this meeting on Mr. Ramos request for a waiver on the City’s current sewer connection policy;
2. Select one of the three options presented in staff’s report and direct Public Works to implement said direction; and
3. If “Option C” is selected, appoint two Councilmen to serve on the Sewer Connection Policy Development Committee. Direct the Committee to prepare new guidelines and bring back said guidelines to the City Council for full review and discussion on April 15, 2008.

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

Mayor Pro Tem Felipe Martinez asked how many people have hooked up to the City’s sewer under the current policy. Mr. Rodriguez answered, that to his knowledge, there had been none.

Mayor Pro Tem Felipe Martinez MOVED to accept Option C. The motion was SECONDED by Council Member Hernandez. Council Member McCracken explained that part of Option C entailed the appointment of two Councilmen to serve on the Sewer Connection Policy Development Committee, so the motion was incomplete. Mayor Hamilton recommended the appointment of the members of the Flag Committee.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Hernandez that the Council take no action at this meeting on Mr. Ramos request for a waiver on the City’s current sewer connection policy; select “Option C” presented in staff’s report and direct Public Works to implement said direction; appoint Council Member McCracken and Council Member Pedro Martinez to serve on the Sewer Connection Policy Development Committee; and direct the Committee to prepare new guidelines and bring back said guidelines to the City Council for full review and discussion on April 15, 2008.

AYES: P. Martinez, F. Martinez, Hernandez, Hamilton
15. CIE DB WATER LOAN – PROJECTS TO BE FUNDED

Recommendation: That the City Council:
1. Affirm that it is still interested in securing a CIE DB water loan;
2. Affirm that the five projects proposed by staff are the projects Council is interested in constructing; and
3. Direct the Public Works Director to continue meeting with the CIE DB in an effort to secure property purchase costs, design, construction management and construction costs as allowed by CIE DB policy.

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

Mayor Hamilton asked that the reason the Surface Water Treatment Facility was dropped be explained. Mr. Longley clarified that it was due to the issue with the dam and its reconstruction. He added that it was his recommendation that the City go after Tule water as opposed to Friant-Kern water.

Council Member Hernandez asked Mr. Rodriguez for the new loan amount, to which Mr. Rodriguez stated that it would be approximately 7.4 million dollars. Mr. Longley added, for the record, that the strong recommendation was to proceed with the Watershed Characterization Project using the City’s own funds.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council affirm that it is still interested in securing a CIE DB water loan; affirm that the five projects proposed by staff are the projects Council is interested in constructing; and direct the Public Works Director to continue meeting with the CIE DB in an effort to secure property purchase costs, design, construction management and construction costs as allowed by CIE DB policy. The motion carried unanimously.

Disposition: Approved

16. APPROVAL OF FINANCIAL SUPPORT FOR THE COUNCIL OF CITIES IN THE RETENTION OF LEGAL SERVICES IN CONNECTION WITH THE COUNTY OF TULARE’S GENERAL PLAN.

Recommendation: That the City Council:
1. Approve the commitment of financial support in the amount of $4,516.04 for the Council of Cities in the retention of legal services in connection with the County of Tulare’s General Plan; and
2. Authorize a budget adjustment of the same amount from prior year carryover.

City Manager Longley introduced the item, and Deputy City Manager Lollis presented the Staff report.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the commitment of financial support in the amount of $4,516.04 for the Council of Cities in the retention of legal services in connection with the County of Tulare’s General Plan; and authorize a budget adjustment of the same amount from prior year carryover. The motion carried unanimously.

Disposition: Approved

The Council adjourned at 8:14 p.m. to a Meeting of the Porterville Redevelopment Agency.

**PORTERVILLE REDEVELOPMENT AGENCY**  
March 18, 2008

Roll Call: Member McCracken, Member Pedro Martinez, Vice Chairman Felipe Martinez, Member Hernandez, Chairman Hamilton

**WRITTEN COMMUNICATIONS**

**ORAL COMMUNICATIONS**  
None

**SCHEDULED MATTER**

PRA-1. AUTHORIZATION TO UTILIZE CITY’S AGREEMENT FOR “ON-CALL SERVICES” FOR FINANCIAL FEASIBILITY AND ANALYSIS SERVICES

Recommendation: That the Redevelopment Agency:

1. Authorize staff to utilize the City’s “On-Call Services” Agreement with Rosenow Spevacek Group, Inc. for financial feasibility and analysis services for Redevelopment projects;
2. Authorize the Executive Director to approve each “on-call” Redevelopment Project Work Directive; and
3. Authorize the Executive Director to approve payment for Redevelopment “on-call services” from the appropriate Redevelopment project account.

Agency Member McCracken announced that due to a conflict of interest he would be abstaining.

City Manager Longley introduced the item, and Community Development Director Brad Dunlap presented the staff report.
Vice Chair Felipe Martinez asked for clarification, and Mr. Dunlap explained that it would allow the Redevelopment Agency to consult with the same group for the financial analysis for the bond refinance. He added that the services would be contracted and paid back with Redevelopment funds.

AGENCY ACTION:

PRA 2008-04

MOVED by Vice Chair Felipe Martinez, SECONDED by Member Hernandez that the Agency authorize staff to utilize the City’s “On-Call Services” Agreement with Rosenow Spevacek Group, Inc. for financial feasibility and analysis services for Redevelopment projects; authorize the Executive Director to approve each “on-call” Redevelopment Project Work Directive; and authorize the Executive Director to approve payment for Redevelopment “on-call services” from the appropriate Redevelopment project account. The motion carried unanimously.

Disposition: Approved

The Redevelopment Agency meeting adjourned at 8:17 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

• Greg Shelton, 888 N. Williford Drive, expressed concern with the current Sewer Connection Policy and the fees associated with connecting to the sewer; spoke of the recent lifting of the cease and desist order, and stated that the City should rethink project expenditures.

OTHER MATTERS

• Council Member Pedro Martinez wished everyone a Happy Easter, and spoke favorably of the Chamber Auction Event he attended on Saturday, March 15th.
• Council Member Hernandez applauded library staff for the recent eradication of a situation involving a negative element in a Sister City.
• Mayor Pro Tem Felipe Martinez spoke favorably of the “Time Marches On” Committee and the Music on Main Street Events; he also stated that his prayers were with the Mayor and his family.

ADJOURNMENT –

The Council adjourned at 8:24 p.m. to the meeting of March 22, 2008 at 9:00 a.m. at the Porterville Fairgrounds, 300 E. Olive Avenue.

__________________________________
Luisa Herrera, Deputy City Clerk

SEAL

________________________________
Cameron Hamilton, Mayor
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING – MARCH 22, 2008, 9:00 A.M.
PORTERVILLE FAIR GROUNDS, ROTARY STAGE
300 EAST OLIVE AVENUE, PORTERVILLE

Call to Order at 9:14 a.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

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

Mayor Hamilton noted the presence of County Supervisor Mike Ennis and Fair Board Member John Corkins in the audience, and invited them to be seated with the Council.

ORAL COMMUNICATIONS
• Greg Shelton, 888 North Williford Drive, suggested that the City was “counting its eggs before they were hatched” and spending money on consultants prior to identifying a way to fund the project. He alleged that the City spent money on consultants, yet nothing was accomplished. He contended that staff’s time was being wasted on projects that never came to fruition, and that the proposed project was a bad idea.

SCHEDULED MATTERS
1. THE FAIR GROUNDS AND THE COURTHOUSE PROJECT

Recommendation: After staff’s briefing, receive public testimony on the potential relocation of the Porterville Fairgrounds.

City Manager John Longley introduced the item and indicated that the study session that morning was a scoping meeting to define parameters and receive public input. He stated that the State had decided to build a 90,000 square foot courthouse facility, and that it would be the second major Court facility in Tulare County. He emphasized that the location for the new facility would be determined by the State, not the City. Mr. Longley next spoke of the importance of the Porterville Fair to the community, and indicated that a relocation of the Fair would be necessary in the event the Courthouse Project proceeded at that location. He summarized that the meeting that morning had been scheduled to address the ramifications of the State’s decision to consider the Porterville Fairgrounds as a potential site for a new Courthouse facility, and that the Council would look at the possible need to schedule an additional Study Session so as to receive public input. Mr. Longley then introduced Community Development Director Brad Dunlap to present the staff report.

Mr. Dunlap indicated that as Mr. Longley had stated, the impetus of the item had been the State of California’s plan to build a Courthouse facility, adding that the timing of the State’s decision dovetailed nicely with the City’s recent update to its General Plan. He noted that a number of Project Site Aerial Maps were set up for everyone’s review, and advised that the State’s preferred site for the facility was the Porterville Fairgrounds location. He noted that because of that, a
relocation of the Porterville Fair would need be a part of the project. Mr. Dunlap spoke of the significance of the Fair, and of its importance to the Porterville Community. He then spoke of the economic benefits that would be realized by the City in the event the project proceeded, such as the generation of ancillary uses like Sheriff’s Offices, attorney and paralegal businesses, D.A. and Public Defender Offices, etc. He noted that the project might also require the relocation of the Armory facility currently located on Plano Street, and that staff was currently reviewing that issue.

With regard to relocating the Fair, Mr. Dunlap stated that the Sports Complex property was being looked at as a potential site. He then emphasized that the City’s primary objective was to make sure that the Courthouse Facility came to Porterville rather than an outlying area, noting the importance in keeping the facility adjacent to downtown. He indicated that it would energize the area, and would serve as a magnate, drawing people to the downtown area, much in the same way Kaweah Delta Hospital served to draw spin-off businesses and individuals into Visalia’s downtown area.

Mr. Dunlap then referred everyone to a “bubble” diagram which depicted the Sports Complex property with the concept of intended uses including the proposed future fairgrounds location and the playing fields. Mr. Dunlap stated that the concept was to shift the Sports Complex to the east, and that staff was looking into a number of possible scenarios to accommodate the Fair. He then spoke of the benefits of relocating the Fair, and identified some issues that presently negatively impacted the Fair, such as the fact that it was landlocked which prohibited its future expansion; the issue of noise due to its proximity to residential; and its parking challenges. Mr. Dunlap concluded his presentation by stating that the Courthouse facility would be a more compatible land use for the site.

Mayor Hamilton thanked staff for the presentation and invited comments from the public.

- Greg Shelton, address on record, inquired why the matter had not been processed through the Parks & Leisure Services Commission. He then voiced concerns with crowding uses at the Airport, and questioned staff’s logic in comparing the proposed draw of the new Courthouse facility to that of Kaweah Delta rather than the Visalia Courthouse. Mr. Shelton then noted that the City actually owned the property on which the Fair operated and inquired how much the City stood to make off of the sale to the State. Mr. Shelton then spoke against the relocation of the Fair and the elimination of the OHV, contending that such consideration was premature and not well thought out. He stated that the Fair was a business venture that actually made a profit every year, and that the City could learn from its business acumen.

Mayor Hamilton clarified that the City was not considering the elimination of the OHV, but rather a relocation. He then pointed out that as Mr. Shelton was aware, a sales price could not be disclosed since negotiations with the State were ongoing. He noted that Mr. Shelton was aware of that since he too had been in negotiations with the State regarding one of his properties, noting that Mr. Shelton’s property was actually in the number two position, immediately after the Fairgrounds property. Mayor Hamilton then invited Fair Board Member John Corkins to address the concerns raised by Mr. Shelton with regard to the Fair operations.
• John Corkins, Porterville Fair Board, indicated that the Fair Board had been aware of the item for quite some time and that it had decided not to take a public position. He then spoke of ongoing challenges with the current location of the Fair, being the lack of ability to expand, noise problems, and parking issues, and that relocation had been considered by the Fair Board for a long time. Mr. Corkins then spoke in favor of relocation, indicating that it would be good for the long term benefit of the community. He concluded that the City and the Fair Board were not getting ahead of themselves, and emphasized that the discussions were very preliminary at that point.

• Dick Eckhoff, business address at 197 North Main Street, spoke of the need for relocating the Fair, noting issues with parking and noise. He questioned the comment that was made with regard to the City moving too quickly on the item, and suggested instead that the City was behind the curve. He spoke in favor of the proposed site at the Airport, yet inquired about the impact the Fair lights would have on flight traffic. Mr. Eckhoff then spoke of the importance of bringing the Courthouse facility to Porterville, and voiced appreciation for staff’s efforts in that regard. He spoke in favor of the proposed site, and voiced caution over potential traffic issues and of keeping the residential neighborhood to the north as residential. Mr. Eckhoff lastly voiced his support for keeping the property across Plano Street for Murry Park.

In response to Mr. Eckhoff’s concerns, Mayor Hamilton indicated that a site had not yet been identified for parking, and that staff had been discussing the issue of lights at the Airport with the FAA.

• Greg Woodard, business address at 1055 West Morton Avenue, voiced support for the proposed site and the relocation of the Fair. He stated that the project was very important for the Community, and that in looking at a cost/benefit ratio, the benefits far exceeded the costs. He then agreed with Mr. Eckhoff’s comments with regard to protecting the residential neighborhood to the north, noting that preserving the historic homes was important. Mr. Woodard indicated that he had advocated for a different location for the Courthouse facility, but that he now supported the site selected by the State. He then spoke of the economic benefit to the City, such as job creation, ancillary businesses, etc. He again emphasized that the benefits far outweighed the costs.

• Ben Arnold, Yokohl Valley Drive, Porterville Area Pilots Association, voiced support for the proposed plans. He indicated that he had been concerned with the lights from a carnival interfering with air traffic, however he stated that it might provide for a good landmark from the air. He then spoke of the importance of the Porterville Airport to the community and that his goal was to protect the pilots and the people on the ground. He concluded that while he would prefer less activity around the airport, he was supportive of the plans to relocate the Fair to the proposed site, and that the preliminary plans looked good.
• Mac Arnold, past Council Member and Planning Commissioner, acknowledged the Council and staff for their efforts with regard to the item at hand. He spoke of the benefits of the Porterville Airport, which he contended made Porterville the most valuable city in Southeast Tulare County. Mr. Arnold then voiced the need for proper planning of parking for the proposed facility.

• Dick Eckhoff, address on record, spoke of issues with noise when residential neighbors developed near other uses. He noted the need to prevent a situation in which future residential development near the proposed Fair site might complain about noise from the Fair.

**ORAL COMMUNICATIONS**

• Greg Shelton, address on record, again inquired why staff likened the draw of the proposed Courthouse facility to Kaweah Delta Hospital rather than the Visalia Courthouse. He opined that the proposed site at the Fairgrounds was not the best location, and that the boom staff suggested was going to happen, would simply not happen. He spoke of the noise issue with the Fair, inquiring why noise was such a problem when the site only operated about three to four times per year, and questioned why noise would not be an issue with the Courthouse. Mr. Shelton then contended that the City owned the site and that was why it was selected.

Mayor Hamilton commented that Mr. Shelton’s site had also made the State’s short list and was being considered as a second choice.

• Dick Eckhoff, address on record, spoke of differences with the issues of noise between the Fair and the proposed Courthouse, suggesting that the Courthouse would have different hours of operations, and would not generate the same annoyances like noise and smells as did the Fair. He then opined that local businesses would benefit from visitors to the Courthouse, in that they would likely shop and spend money in Porterville.

Mayor Hamilton closed the public commentary portion of the meeting. He spoke of misinformation with regard to the proposed project and related relocation of the Fair, and of the desire of the City to make the public aware of the facts. He then confirmed with Mr. Corkins and noted for the record that the Fairgrounds were actually utilized approximately 184 days per year, not three to four as had been suggested. Mayor Hamilton then requested that Mr. Dunlap elaborate further on the project in response to some concerns raised during public commentary.

Mr. Dunlap indicated that staff was in the process of hiring a consultant to look into parking, pedestrian access, land uses, and connectivity to the project to the downtown area. He stated that the area to be analyzed encompassed the area north to Morton Avenue, east to Plano Street, and west to E Street. He added that the consultant would also look at the re-use of the existing Courthouse facility on Morton Avenue.
Mayor Hamilton noted that there had been some interest evinced in the scheduling of another study session to provide the public more opportunities for commentary. It was decided to direct staff to add an item onto the next agenda for the Council to consider whether to schedule an additional study session.

**OTHER MATTERS**

- Council Member Pedro Martinez spoke of the recently retired Chief Deputy City Clerk Georgia Hawley and lauded her dedication and contributions to the City during her employment with the City. He requested that she be considered as a nominee for the Wall of Fame for the coming year.
- Mayor Pro Tem Felipe Martinez spoke of his attendance at the Easter Egg Hunt; and noted that Kids’ Day would be taking place at Veterans’ Park from 12:00 p.m. to 3:30 p.m. on Saturday.

**ADJOURNMENT**

The Council adjourned at 10:14 a.m. to the Council Meeting of April 1, 2008.

___________________________
Patrice Hildreth, Chief Deputy City Clerk

SEAL

___________________________
Cameron Hamilton, Mayor
SUBJECT: CLAIM - FABIOLA VASQUEZ

SOURCE: Administration

COMMENT: Ms. Fabiola Vasquez has filed a claim against the City in an amount of $906.09 for reimbursement for damages to her vehicle's rims. Claimant alleges that her vehicle sustained said damages when it struck a pot hole while she was driving near 1075 W. Henderson Avenue on February 22, 2008.

RECOMMENDATION: After consideration and investigation, staff recommends 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 AGAINST (Name of Entity): CITY OF PORTERVILLE

Claimant’s Name: Fabiola Vasquez
DOB: ________

Claimant’s Address: 1948 La Vida Ave Porterville

Claimant’s Telephone No. (Home) 559-782-6918 (Work) 559-791-4049

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

Date of incident/accident: 03/26/2008

Date injuries, damages, or losses were discovered: 03/27/2008

Location of incident or accident: Henderson Ave (Across from Music Trend)

What did entity or employee do to cause this loss, damage, or injury? Pot hole on street

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

What specific injuries, damages, or losses did claimant receive? damaged rim due to pot hole on street

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

How was this amount calculated (please itemize): $901.00 (submitted invoice w/original claim) dealer invoice

Date Signed: 3/16/08 Signature: Fabiola Vasquez

If signed by representative:
Representative’s Name __________________________ Telephone: __________________________
Address # __________________________
Relationship to Claimant __________________________
COUNCIL AGENDA: April 1, 2008

SUBJECT: BUDGET ADJUSTMENT FOR THE 2007-08 FISCAL YEAR

SOURCE: Administrative Services

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

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

CNG Transit Bus Facility Canopy Funds (Prop. 1b Transit Funds)
The City has recently received State of California Proposition 1b Transit Funds in the amount of $434,207. These funds are requested to be allocated in coordination with the construction of the CNG Fueling Station project, towards the construction of canopies for the time-fill CNG transit parking and wash bay.

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

Date: April 1, 2008

<table>
<thead>
<tr>
<th>FUND</th>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FUNDING SOURCE</th>
<th>DOLLAR AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>089-5090-090-880</td>
<td>1</td>
<td>CNG Transit Bus Facility Canopy Funds (Proposition 1b Transit Funds)</td>
<td>State of California</td>
<td>$434,207.00</td>
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</table>

Modification No: 6-07/08
SUBJECT: PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – PHASE 1 OF THE PRELIMINARY ENGINEERING AND DESIGN OF THE JAYE STREET BRIDGE WIDENING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Department of Transportation has submitted Program Supplement Agreement Number M026 Rev. 1, and requests that the City execute said agreement. The executed agreement becomes a part of the Agency-State Agreement for Federal-Aid Projects No. 06-5122.

The Program Supplement attached is for the phase 1 preliminary engineering and design of the Jaye Street Bridge Widening project. Said agreement describes the special covenants with which the City must comply.

RECOMMENDATION: That the City Council:

1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and

2. Direct staff to return the signed program supplement to CalTrans.

ATTACHMENTS: Program Supplement Agreement No. M026 Rev. 1
Resolution
This Program Supplement hereby incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 05/14/97 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. 

The Administering Agency further stipulates that as a condition to the payment by State of any funds derived from sources noted below obligated to this project, the Administering Agency accepts and will comply with the Special covenants or Remarks setforth on the following pages.

PROJECT LOCATION:
Jaye Street (Road 244) bridge over the Tule River, Br. No. 46C-0099

TYPE OF WORK: Bridge rehabilitation

<table>
<thead>
<tr>
<th>Estimated Cost</th>
<th>Federal Funds</th>
<th>Matching Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>$155,000.00</td>
<td>L1C0 $104,000.00</td>
<td>LOCAL $31,000.00</td>
</tr>
<tr>
<td></td>
<td>Q100 $20,000.00</td>
<td>OTHER $0.00</td>
</tr>
</tbody>
</table>

CITY OF PORTERVILLE

STATE OF CALIFORNIA
Department of Transportation

BY _____________________________

Chief, Office of Project Implementation
Division of Local Assistance

DATE ____________________________

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer ___________________________ Date 12/13/07 $124,000.00

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Statutes</th>
<th>Item Number</th>
<th>Year</th>
<th>Program</th>
<th>BC</th>
<th>Category</th>
<th>Fund Source</th>
<th>AMOUNT</th>
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<tr>
<td>379</td>
<td>2002</td>
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<td>2002-2003</td>
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<td>224060</td>
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<tr>
<td>171</td>
<td>2007</td>
<td>2660-102-890</td>
<td>2007-2008</td>
<td>20.30.010.300</td>
<td>C</td>
<td>224060</td>
<td>892-F</td>
<td>104,000.00</td>
</tr>
</tbody>
</table>
SPECIAL COVENANTS OR REMARKS

1. The ADMINISTERING AGENCY will reimburse the STATE for the ADMINISTERING AGENCY share of costs for work requested to be performed by the STATE.

2. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

3. All project repair, replacement and maintenance involving the physical condition and the operation of project improvements referred to in Article III MAINTENANCE, of the aforementioned Master Agreement will be the responsibility of the ADMINISTERING AGENCY and shall be performed at regular intervals and as required for efficient operation of the completed project improvements.

4. The ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act and OMB A-133 if it receives a total of $500,000 or more in federal funds in a single fiscal year. The federal funds received under this project are a part of the Catalogue of Federal Domestic Assistance (CFDA) 20.205, Highway Planning & Research. OMB A-133 superceded OMB A-128 in 1996. A reference to OMB A-128 in a Master Agreement (if any) is superceded by this covenant to conform to OMB A-133.

5. The ADMINISTERING AGENCY agrees that payment of Federal funds will be limited to the amounts approved by the Federal Highway Administration (FHWA) in the Federal-Aid Project Authorization/Agreement or Amendment/Modification (E-76) and accepts any resultant increases in ADMINISTERING AGENCY funds as shown on the Finance Letter, any modification thereof as approved by the Division of Local Assistance, Office of Project Implementation.

6. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days after the project contract award. A copy of the award package shall also be included with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract to:

   Department of Transportation
   Division of Accounting
   Local Programs Accounting Branch, MS #33
SPECIAL COVENANTS OR REMARKS

P. O. Box 942874
Sacramento, CA 94274-0001.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

7. STATE and ADMINISTERING AGENCY agree that any additional funds which might be made available for new phase(s) of work by future Federal obligations will be encumbered on this PROJECT by use of a STATE approved "Authorization to Proceed" and Finance Letter. ADMINISTERING AGENCY agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration.

8. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

9. Any State and Federal funds that may have been encumbered for this project are only available for disbursement for a period of five (5) years and seven (7) years, respectively, from the start of the fiscal year(s) that those funds were appropriated within the State Budget Act. All project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested and is approved by the California Department of Finance per Government Code Section 16304. The exact date of each fund reversion will be reflected in the approved finance letter(s) issued for this project.

Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement that is not submitted to the Department on or before 60 days after that applicable fixed fund reversion date will not be paid from that fiscal year's encumbered funds because all of these unexpended funds will be irrevocably reverted by the Department's Division of Accounting on that date.
SPECIAL COVENANTS OR REMARKS

Pursuant to a directive from the State Controller's Office and the Department of Finance, the last date to submit invoices for reimbursed work in each fiscal year is May 15th in order for payment to be made out of those then current appropriations. Project work performed and invoiced after May 15th will be reimbursed only out of available funding that might be encumbered in the subsequent fiscal year, and then only when those funds are actually allocated and encumbered as authorized by the California Transportation Commission and the Department's Accounting Office.

10. "ADMINISTERING AGENCY certifies that neither the ADMINISTERING AGENCY nor its principals are suspended or debarred at the time of the execution of this agreement. ADMINISTERING AGENCY agrees that it will notify the STATE immediately, in the event a suspension or a debarment happened after the execution of this agreement."

11. The Administering Agency shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT -assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT -assisted contracts. The administering Agency's DBE Race-Neutral Implementation Agreement is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the receipient of its failure to carry out its approved DBE Race-Neutral Implementation Agreement, Caltrans may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

12. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations, and invoice payments for any on-going or future federal-aid project by ADMINISTERING AGENCY if
SPECIAL COVENANTS OR REMARKS

PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.
RESOLUTION NO.______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN PROGRAM SUPPLEMENT NO. M026 REV. 1 TO ADMINISTER THE AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 06-5122

BE IT RESOLVED by the City Council of the City of Porterville that the Mayor is hereby authorized to execute the document known as Program Supplement No. M026 Rev. 1 to Local Agency-State Master Agreement No. 06-5122, for the construction of the Phase 1 Preliminary Engineering and Design of the Jaye Street Bridge Widening Project.

ADOPTED this 1st day of April, 2008.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

______________________________
By Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: APRIL 1, 2008

SUBJECT: ACCEPTANCE OF PROJECT – ‘C’ STREET WATER MAIN & MISCELLANEOUS FIRE HYDRANT PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Halopoff & Sons, Inc. has completed the ‘C’ Street Water Main & Miscellaneous Fire Hydrant Project per plans and specifications. The Base Bid included installation of 1337 lineal feet of 8-inch water main including new fire hydrants on ‘C’ Street between Date Avenue and Walnut Avenue. The Add Alternate ‘A’ included relocation of two existing fire hydrants, one on Porter Road south of Tomah Avenue and one on Mulberry Avenue west of Plano Street, and a new fire hydrant on Walnut Avenue and B Street. A new fire hydrant was installed via change order on the east side of Cottage Street between Olive Avenue and Union Avenue to address an additional area of deficient fire flow.

City Council authorized expenditure of $150,898.31 for construction. Final construction cost is $144,826.64. Funding was approved in the 2007/2008 annual budget for deficient fire flow and the funding source is water reserve.

Halopoff & Sons, Inc. requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;

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

3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map
SUBJECT: USE OF PROPOSITION 1B FUNDS - SOUTH JAYE STREET EXTENSION PROJECT

COMMENT: Under Proposition 1B, the City of Porterville will receive approximately $810,000 for street reconstruction and/or street rehabilitation purposes. A number of documents must be completed and submitted to the State before the money can be transmitted to the City's account.

In order to receive these funds, Cities and Counties must first submit a plan to the Department of Finance. The 'plan' must describe each project that will use Prop 1B Funds along with other specific information deemed necessary by the Department of Finance. The City Council must affirm the specific project or projects that will use the Prop 1B Funds and must approve inclusion of Prop 1B Funds and associated projects in FY 2007/2008. Prop 1B funds must be expended by FY 2010/2011.

The City Council directed that the South Jaye Street Extension Project be rated the highest priority project in 2008/2009. The project limits include the reconstruction of Jaye Street from Hwy 190 south to Gibbons Avenue and the reconstruction of Gibbons Avenue west to Indiana Street. The project cost is estimated at approximately $3.8 million dollars. It should be noted that Prop 1B funds are an important component of this funding need. Staff asks that the Council formally declare its intention by proclaiming the South Jaye Street Reconstruction Project as the top priority project and further, direct the Public Works Director to complete all necessary Proposition 1B paper work consistent with this direction.

RECOMMENDATION: That the City Council:

1. Affirm that the South Jaye Street Extension Project is the selected project to utilize the City's share of Prop 1B funds;

2. Direct the Public Works Director to complete all necessary documentation reflecting the Council's direction that Prop 1B funds will be allocated to the South Jaye Street Reconstruction Project; and

3. Direct the Finance Director to include Prop 1B funds in the 2007/2008 budget with the firm understanding that the funds shall be allocated to the South Jaye Street Reconstruction Project.

ATTACHMENT: Locator Map

Dir Appropriated/Funded CM Item No. 10
SUBJECT: TULARE COUNTY REGIONAL HOUSING NEEDS ASSESSMENT 2008

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The Tulare County Association of Governments (TCAG) is currently in the process of preparing a Regional Housing Needs Assessment (RHNA) to allocate our county’s “fair share” of projected housing needs to each jurisdiction within the county. Housing need is determined for each county by the California Department of Housing and Community Development (HCD) and then passes to each Association of Governments the responsibility to allocate to each city and county their fair share. Allocations are broken down into varying levels of affordability and the expectation is that each city and county will then put into place zoning and policies to allow those numbers of units to be constructed within their jurisdictions during the time period, usually a period of five years. Special attention is given to low income housing and the need for each jurisdiction to sufficiently provide for that type of housing.

Failure to prepare the needed policies and conditions for the expected housing can lead to the state not certifying our General Plan Housing Element and a loss of state funds for housing projects.

In the 2002 RHNA the City of Porterville was required to plan for the following housing:

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Number of Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low Income</td>
<td>1,029</td>
</tr>
<tr>
<td>Low Income</td>
<td>714</td>
</tr>
<tr>
<td>Moderate Income</td>
<td>392</td>
</tr>
<tr>
<td>Above Moderate Income</td>
<td>1,318</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,453</strong></td>
</tr>
</tbody>
</table>

This was during a period of very high levels of housing construction for the City of Porterville and California. Production of housing during this previous period, as of the end of 2006 was as follows:
### Housing Type | Number of Units
---|---
Very Low Income | 79
Low Income | 648
Moderate Income | 492
Above Moderate Income | 133
Total | 1,352

The Draft allocation plan for the period between 2008 and 2014 has been prepared and has been reviewed by a committee made up of representatives from the Cities, County and TCAG staff. It is anticipated that this draft will be reviewed and acted upon by TCAG early this summer (2008). The draft is calling for Porterville to plan for the following housing projections:

### Housing Type | Number of Units
---|---
Very Low Income | 1,224
Low Income | 862
Moderate Income | 979
Above Moderate Income | 2,409
Total | 5,473

It should be noted that the City of Porterville is not being charged with constructing this many units during the planning period, but is charged with providing the policies and the land necessary for this to happen.

With the recent adoption of the Porterville 2030 General Plan, the City has provided adequate designated land for residential development to meet these expected needs.

**RECOMMENDATION:** For informational purposes only.
SUBJECT: MITIGATION OF KIT FOX PRESERVE AND MOVEMENT CORRIDOR

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During closed session of the March 18, 2008 City Council meeting, Council authorized staff to negotiate with Wildlands, Inc. (Wildlands) to provide conservation credits to mitigate the removal of the 20-acre Kit Fox preserve located east of the orange grove and the 6±-acre movement corridor located along the northerly boundary of the City-owned land west of the Airport.

Wildlands has provided the City with a Letter of Intent (LOI) outlining their proposal to the City to assist with the mitigation solution. In the LOI, Wildlands is proposing that the City purchase 21.26 San Joaquin Kit Fox conservation credits (credits) at the Allensworth Conservation Bank located in Tulare County and 4.31 credits at the Kreyenhagen Hills Conservation Bank in Fresno County. The LOI outlines the purchase price ($130,000) and terms, which include a 10% non-refundable deposit. Staff desires to move forward with the negotiation of an Agreement with Wildlands to remove the Kit Fox 20-acre preserve and movement corridor to facilitate future development in the Airport area.

Staff has been in discussions with U. S. Fish and Wildlife Service (USFWS) regarding the acquisition of conservation credits to mitigate the removal of the 20-acre preserve and movement corridor and is confident that USFWS will approve the mitigation measures as outlined by Wildlands; however, it should be noted that USFWS has indicated that the preference for all credits to remain in Tulare County. Wildlands has indicated that other credits are available in Tulare County, but the cost is higher for these credits. Should it become necessary to purchase the 4.31 credits at another Tulare County Conservation Bank, the fiscal impact could be as much as an additional $60,000.

Funding for the mitigation is provided by funds from the sale of City property to Southern California Edison.

RECOMMENDATION: That City Council:

1) Authorize staff to negotiate an Agreement with Wildlands, Inc. to purchase San Joaquin Kit Fox conservation credits for the removal of the Kit Fox 20-acre preserve and 6±-movement corridor located on the west side of the Porterville Municipal Airport for an amount not to exceed $190,000; and

2) Authorize the Community Development Director to sign all documents.

Attachments: 1) Letter of Intent dated March 18, 2008
2) Site Map of Kit Fox Preserve and Movement Corridor

Draft Appropriated/Funded CM

ITEM NO. 8
March 18, 2008

Via Email & U.S. Mail

Mr. Brad Dunlap
City of Porterville
291 N. Main Street
Porterville, CA 93257

RE: San Joaquin Kit Fox Mitigation
Allensworth & Kreyenhagen Hills Conservation Banks

Dear Brad:

Thank you for the opportunity to work with the City of Porterville ("Project Proponent"). Wildlands is pleased to offer you this letter of intent ("Letter of Intent") to provide a mitigation solution for your proposed project ("Project").

In conjunction with the U.S. Fish and Wildlife Service ("Service") Wildlands has established San Joaquin Kit Fox conservation credits ("Credits") at the Allensworth Conservation Bank located in Tulare County and the Kreyenhagen Hills Conservation Bank located in Fresno County (collectively, the "Banks").

Wildlands would be willing to pursue a formal purchase and sale agreement ("Agreement") to sell 26 Credits based on the following terms:

1. **Allocation of Credits.** Upon payment to Wildlands, Wildlands will set aside the following Credits:

<table>
<thead>
<tr>
<th>Bank</th>
<th>Credit Type</th>
<th># of Credits</th>
<th>Cost per Unit</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allensworth Conservation Bank</td>
<td>San Joaquin Kit Fox</td>
<td>21.69</td>
<td>$5,000</td>
<td>$108,450</td>
</tr>
<tr>
<td>Kreyenhagen Hills Conservation Bank</td>
<td>San Joaquin Kit Fox</td>
<td>4.31</td>
<td>$5,000</td>
<td>$21,550</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td><strong>26.00</strong></td>
<td></td>
<td><strong>$130,000</strong></td>
</tr>
</tbody>
</table>

2. **Purchase Price; Payment.** The "Purchase Price" for the Credits shall be determined by multiplying the number of Credits by the Cost Per Unit in accordance with Section 1. The Purchase Price shall be paid as follows:

2.1. **Deposit.** No later than 5 days from the effective date ("Effective Date") of the Agreement, Project Proponent shall pay an amount equal to ten percent (10%) of the Purchase Price (the "Deposit") to Wildlands. The Deposit shall be non-refundable and it shall be credited to the Purchase Price.
2.2. **Closing.** No later than 90 days from the Effective Date, Project Proponent shall pay the final ninety percent (90%) of the Purchase Price to Wildlands.

3. **Current Intentions.** This Letter of Intent has no legal effect and it is the parties' intention that no binding contract shall exist between them until a final agreement is signed by both parties. The Letter of Intent is indicative of our current intention with respect to this matter and the terms set forth herein are subject to negotiation, execution and delivery of definitive agreements.

Very truly yours,

[Signature]

Skip Moss
Central California Regional Manager
SUBJECT: ASSIGN AIRPORT LEASE - LOT 32C

SOURCE: Administrative Services/Purchasing Division

COMMENT: Mr. Wayne Ross, the current leaseholder of Lot 32C, has sold his hangar to Mr. William Parham of Porterville, CA. The new owner is requesting Council authorization to assume the existing lease between the City of Porterville and Mr. Ross dated October 1, 2001. The lease will expire September 30, 2011 and provides for a five-year extension option.

RECOMMENDATION: That the City Council approve the assigning of the lease agreement for Airport hangar Lot 32C between the City of Porterville and Mr. Wayne Ross to Mr. William Parham.

Attachments: Current Airport Map showing Lot 32C Assignment of Lease Lessor's Consent to Assignment of Lease Letters of Request from the parties

Dir. Appropriated/Funded C/M Item No. 9
ASSIGNMENT OF LEASE
PORTERVILLE MUNICIPAL AIRPORT

THIS AGREEMENT, made this 1st day of April, 2008, by and between Mr. Wayne Ross, 183768 Road 248, Porterville, CA, owner of a hangar on Lot 32C at the Porterville Municipal Airport, as the Assignor, and Mr. William Parham, P. O. Box 664, Porterville, CA, as the Assignee.

In consideration of the mutual covenants herein contained, each act to be performed hereunder, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Effective April 1, 2008, Assignor hereby assigns, transfers and conveys to Assignee all of his right, title and interest as Lessee, in, to and under a certain Lease Agreement dated October 1, 2001 (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Wayne Ross, as Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

   An airport hangar known as No. 32C, and containing a total area of approximately 2,100 square feet, and establishing an original Lease terminating September 30, 2011.

2. Effective April 1, 2008, Assignee hereby accepts and assumes all of the obligations, responsibilities and liabilities of Assignor under said Lease, and agrees to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignee understands and agrees that Landlord makes no warranty or representation that either Assignor or Assignee would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignor and/or Assignee, except as provided in the Lease.

3. Upon execution of this Assignment of Lease and Landlord’s consent hereto, Assignee’s Noticed Address and Assignee’s Billing Address shall be as set forth herein above.

4. Assignor hereby covenants said Lease as valid and existing and is not in default as of the date of this Assignment.

5. This Assignment shall be binding upon and shall inure to the benefit of the respective parties, their successors and assigns.

6. The parties understand there is a $150 assignment fee, and the Assignee must provide proof of liability insurance within thirty (30) days of Council approval.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of Lease as of the date first above written.

ASSIGNOR

BY: Wayne Ross

ASSIGNEE

BY: William Parham
LESSOR'S CONSENT TO ASSIGNMENT OF LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT
AIRPORT HANGAR LOT NO. 32C

The City of Porterville, a municipal corporation of the State of California, being the Landlord under the Lease for Airport Hangar Lot No. 32C, described in the foregoing Assignment, hereby consents to the foregoing Assignment of Lease upon the expressed condition, however, that there shall be no further assignment without the prior written consent of the Landlord.

Dated this 1st day of April, 2008.

CITY OF PORTERVILLE

BY: __________________________
    Cameron Hamilton
    MAYOR, CITY OF PORTERVILLE
    "LESSOR"

ATTEST: __________________________
         John Longley, CITY CLERK

APPROVED AS TO FORM:

BY: __________________________
    Julia Lew, City Attorney
March 20-08

I request the City of Porterville to allow William Parham to assume my lease on Lot 32C

WAYNE ROSS

I request the City of Porterville to allow me to assume the lease on Lot 32C

William Parham

X William Parham
Bill of Sale

The following outlines a formal bill of Sale between Wendell Parham and William Parham for a hanger (#10) at Porterville airport to take full effect on

Upon payment in full, Wendell Parham releases all his interest in the hanger #10 which William Parham assumes ownership along with all liabilities forward.

I Wendell Parham acknowledge that I have received payment in full for my Hanger #10 at Porterville Airport and that I transfer ownership rights to William Parham on this date.

Wendell Parham

William Parham

P.O. Box 664
Porterville, CA 93257
781-0412
Bill of Sale

The following outlines a formal bill of sale between Wayne Ross and Windell Parham for a hanger (#10) at Porterville Airport to take full effect on 6/4/07.

Upon payment in full, Wayne Ross releases all his interest in the hanger, which Windell Parham assumes ownership along with all liabilities from 6/4/07 forward.

I, Wayne Ross, acknowledge that I have received payment in full for my hanger (#10) at Porterville Airport, and that I transfer ownership rights to Windell Parham on this date of 6/4/07.

Wayne Ross

Windell Parham

$16,000
CITY COUNCIL AGENDA  ____  April 1, 2008

SUBJECT:  Supplemental Lease Agreement Number 3 for Lease Number 39-1879

SOURCE:  City Manager

The City has not previously completed the final agreement for the Air Attack Base. With the requirement that fees be paid by check rather than by credit card because of cost factors, the necessity for completing the agreements has become apparent.

This allowed the City and United States Forest Service to revisit the matter. Provisions have been improved for the City. In addition, consideration for the lease of the property is included. Except for the Heli Tack parcel which is added by this supplement, the property consists of 11.26 acres. The yield from landing fees varies each year, but an estimate would be $60,000 per year from State and Federal governments.

With this consideration, the return from the lease is $.122 per square foot. This is approximately half of the normal rate of $.256 per square foot. The differential should be justified in the size of the leasehold with significant open space and parking facilities, the development of taxiway and apron facilities by the United States Forest Service in lieu of the City’s development, the status of the user’s as Federal and State agencies, the very significant purchase of fuel amount to approximately 100,000 gallons per year (40% to 50% of the City’s total sales).

RECOMMENDATION: Authorize the signature of the Supplemental lease Agreement No 3 by the Mayor of Porterville.
United States
Department of Agriculture

SUPPLEMENTAL LEASE AGREEMENT

ADDRESS OF PREMISES
Porterville Airport
Porterville, CA

THIS AGREEMENT, made and entered into this date by and between
City of Porterville
291 North Main Street
Porterville, CA 93257

hereinafter called the Lessor, and the UNITED STATES OF AMERICA, hereinafter called the Government:

WHEREAS, the parties hereto desire to amend the above Lease.

NOW THEREFORE, these parties for the considerations hereinafter mentioned covenant and agree that the said Lease is amended, effective May 1, 2007, as follows: Paragraph 18 is amended and Paragraphs 19 through 26 are hereby incorporated into the lease as shown on Pages 2, 3 and 4 of this Supplemental Agreement.

All other terms and conditions of this lease shall remain in force and effect.

IN WITNESS WHEREOF, the parties subscribed their names as of the above date.

LESSOR

BY

(Signature)

(TITLE)

IN THE PRESENCE OF

(Signature)

(Address)

UNITED STATES OF AMERICA – FOREST SERVICE

BY

(Signature)

(Official Title)
Section 18 is hereby modified to read as follows:

18. The Lessor hereby leases to the Government Parcel No. 4, 3.86 acres. See attached map. Vehicular access to all parcels will be directly from Newcomb Street into Parcel No. 4. There will be no more than 2 access points from Newcomb Street into Parcel No. 4. Full street improvements (curb, gutter and pave-out) will not be required by the Government across the full Newcomb Street frontage of Parcel No. 4 at the time of access improvements, but will be required by the Government at the time the remainder of Newcomb is improved. The Lessor also hereby leases the “Heli Tack Lot” for the period of June 1 through October 31 of each year only, commencing the period beginning in 2008 and terminating at the end of the period in 2012. See attached map.

The following Sections are added and incorporated into the Lease Agreement:

19. Attached is a revised Lease Description replacing the Lease Description attached to the Supplemental Lease Agreement No. 2. This revised Lease Description corrects the legal description of the Right-of-Way line of Newcomb Street.

20. Government/Forest Service shall provide the City of Porterville access for maintenance of fire hydrants and associated water systems, as and when requested by the City.

21. The following fees have been paid to the City of Porterville on June 30, 1999:

   a. Sewer Trunk Fees: $1,697.12
   b. Treatment Plant Fee: $11,264.96
   c. Sewer Connection Fee: $0-
   d. Water Trunk Fees: $456.03
   e. Water Connection Fee: $0-
   f. Storm Drain Fee: $37,767.01
   g. Street Light Fee: $1,558.70
   h. Fire Hydrant Fee: $2,388.10
   i. Transportation Fee: $0-

   Total Fees paid: $55,131.92

22. Consistent with the Code of Federal Regulations, the City of Porterville recovers monies to support the Airport through landing fees assessed against aircraft utilizing the Air Attack Base and through the sale of gasoline. During the life of the lease, the Government on behalf of operators utilizing the Air Attack Base shall pay to the City, aircraft landing fees at a rate as negotiated between the City of Porterville and the Government. The landing fees are deemed to be additional consideration and payment for the lease. Payment shall be made on a monthly basis. The landing fee shall be $60.00 for each air attack tanker aircraft and helicopter landing if the aircraft utilizes the base. For aircraft that remain on nonleased premises for a period exceeding 10 days, the Government shall pay normal ramp/landing fees at the twin rate. These fees may be modified from time to time by the mutual written consent of the parties based upon an analysis documenting a modified fee.

   Normally the City fueling facilities shall be utilized for Government aircraft. However, when the fueling facilities are not utilized, for the right, privilege and concession of making deliveries of all types of aviation fuels and lubricants, and other fuels, to any person or location at or upon the airport, or to a bulk storage plant of an oil company on the Airport, there shall levied against the Government, commencing April 1, 2008, a fuel flowage fee of $0.13 per gallon for each gallon so delivered. This fee may be modified from time to time by the mutual written consent of the parties based upon an analysis documenting the modified fee.

   No fuel shall be stored anywhere on the premises except in tanks as may be approved by the Porterville Fire Department.

23. On-Site Improvements: The Government shall be responsible for any and all costs associated with maintenance, repair, and/or replacement of any and all improvements made to the leased premises.
24. Access to Lease Premises by the City of Porterville: Employees/Agents/Representatives of the City of Porterville shall have the right to enter with notification to the Government (due to personnel and aviation safety considerations), upon all of any part of the lease premises at any and all reasonable hours on any day of the week for the purpose of inspecting, maintaining, repairing, or installing utilities on the leased premises. City agrees to provide the Government with twenty four (24) hours notice in advance of entry for these purposes, except in cases of emergency. In case of emergency repair or action the Government shall be notified by phone at (559)781-5780.


a. Compliance with Environmental Law. The Government shall at all times and in all respects comply with all applicable federal, state and local laws, ordinances and regulations) collectively “Hazardous Materials Laws”) relating to industrial hygiene, environmental protection or the use, analysis, generation, manufacture, storage, disposal, or transportation of any hazardous, toxic, contaminated or polluting materials, substances or wastes, including without limitation, any "hazardous substances", "hazardous waste", "hazardous materials", "toxic substances" or "petroleum products" (collectively "Hazardous Materials")

b. Hazardous Materials Handling. The Government shall at its own costs, procure and maintain in effect during the entire term of this Lease or any extension thereof, and comply with all conditions of any and all permits, licenses or governmental and regulatory approvals required for its use, analysis, generation, manufacture, storage, disposal or transportation of the Hazardous Materials on the Premises. The Government shall cause any and all Hazardous Materials removed from the Premises to be removed and transported solely by duly licensed haulers to duly licensed facilities for final disposal of such materials and waste. The Government shall in all respects use, handle, treat, deal and manage any and all Hazardous Materials in, on, under or about the Premises in total conformity with all applicable Hazardous Materials Laws and pursuant to prudent industry practices. Upon expiration or earlier termination of the term of this Lease or any extension thereof, the Government shall cause all Hazardous Materials to be removed from the Premises and transported for use, storage or disposal in accordance and in compliance with all applicable Hazardous Materials Laws. The Government shall not take any remedial action in response to the presence of any Hazardous Materials in, about or under the Premises, or enter into any settlement agreement, consent decree or other compromise in respect to any claims relating to any Hazardous Materials in any way connected with the Premises, without first notifying the City of the Government’s intention to do so and affording the City ample opportunity to appear, intervene or otherwise appropriately assert and protect its interest with respect thereto.

c. Notices. The Government shall immediately notify the City in writing of: (i) any enforcement, clean up, removal or other governmental or regulatory action instituted, completed or threatened pursuant to any Hazardous Materials Laws; (ii) any claim made or threatened by any person against the Government or the Premises relating to damage, contribution, cost recovery compensation, loss or injury resulting from or claimed to result from any Hazardous Materials; and (iii) any reports made to any governmental agency arising out of or in connection with any Hazardous Materials used or stored upon or removed from the Premises, including any complaints, notices, warnings or asserted violations in connection therewith. The Government shall also supply to the City as promptly as possible, and in any event within five (5) days after the Government first receives or sends the same, with copies of all claims, reports, complaints, notices, warnings or asserted violations relating in any way to the Premises or its use thereof. Upon the City’s request, the Government shall promptly deliver to the City copies of hazardous waste manifests reflecting the legal and proper use and disposal of all Hazardous Materials used or removed from the Premises.

d. Indemnification. To the fullest extent permitted by the federal Tort Claims Act and any other applicable laws, the Government shall indemnify, defend (by counsel reasonably acceptable to the City), protect and hold City, its employees, agents, attorneys, successors, assigns, officials, officers, free and harmless from and against any and all claims, liabilities, penalties, forfeitures, losses or expenditures (including attorney’s fees) or death of or injury to any person or damage to any property whatsoever, arising from or caused in whole or in part, directly or indirectly, by (a) the presence in, on, upon or about the Premises or a discharge in or from the Premises of any Hazardous Materials or the Government’s use, analysis, storage, transportation, disposal, release, threatened release, discharge or generation of Hazardous Materials to,
in, on, upon, about or from the Premises or (b) the Government’s failure to comply with any Hazardous Materials Law. The Government’s obligations hereunder shall include, without limitation, and whether foreseeable or unforeseeable, all costs of any required or necessary repair, clean up or detoxification or decontamination of the Premises and the preparation and implementation of any closure, remedial action or other required plans in connection therewith, and shall survive the expiration or earlier termination of the term of this Lease or any extension thereof. For purposes of the release and indemnity provisions hereof, any acts or omissions of the Government or its employees, agents, assignees, contractors, licensees or invitees of Lessee, or others acting for or on behalf of the Government, whether or not they are negligent, intentional, willful or unlawful, shall be strictly attributable to the Government. This indemnification shall survive the termination of this Lease.

26. Holding Over: The Government shall remain in possession of the leased premises or any part thereof, after the expiration of the full term of this lease and any extension(s), and thus hold over the term hereof, with or without the expressed written consent of the City. Such holding over occupancy and use of the leased premises shall be a tenancy form month to month only, terminable by either party, upon thirty (30) days written notice.
That portion of the SE ¼ of Section 9, T.22S., R.27E., M.D.M., County of Tulare, State of California, more particularly described as follows:

Commencing for reference at the East ¼ Corner of said Section 9, the East line thereof being the Basis of Bearings for this Description;

Thence (1), S0°15’30”W, 724.08 feet along the East line of said Section 9;

Thence (2), at a right angle to the East line of Section 9, N89°44’30”W, 896.86 feet to the TRUE POINT OF BEGINNING, said point being in the 300-foot setback line from the NW-SE taxiway, said point also being the Westerly corner of a lease from the City of Porterville to the U.S.A., said Lease being recorded in Book 2666, at Page 244 of Tulare County Records, and said point also being the Westerly corner of Lot 18, as shown on a map by the City of Porterville, dated April 5, 1962, and titled “Porterville Municipal Airport, Master Plan.”

Thence (3), N45°20’04”E, 515.00 feet along the northerly line of said Lot 18 and its extension;

Thence (4), S44°39’56”W, 694.19 feet to a point which is N89°44’30”W, 42.00 feet from the East Section line of said Section 9;

Thence (5), S0°15’30”W, 729.29 feet on a line parallel with and 42.00 westerly from the East line of said Section 9 to its intersection with the aforementioned 300-foot building-setback line of the NW-SE taxiway;

Thence (6), along the 300-foot building-setback line, N44°39’56”W, 1210.56 feet to the TRUE POINT OF BEGINNING;

CONTAINING 11.26 acres, more or less.

END OF DESCRIPTION
Exhibit “A”

Porterville Municipal Airport – Heli Trak Facility

That portion of the Southeast quarter of Section 9, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, according to the Official Plat thereof, more particularly described as follows:

COMMENCING AT a City of Porterville brass capped 2-inch iron pipe, accepted as the Center Corner of said Section 9;

THENCE, North 89° 58’38” East, along the north line of said Southeast quarter, a distance of 979.60 feet, to a City of Porterville brass capped 2-inch iron pipe marking the intersection with the Porterville Municipal Airport building setback line;

THENCE, South 44° 55’30” East, along said setback line and the prolongation thereof, a distance of 2785.85 feet;

THENCE, North 89° 54’18” West, a distance of 1762.72 feet to the POINT OF BEGINNING;

THENCE, North 89° 54’ 18” West, a distance of 500.00 feet;

THENCE, South 00° 05’ 42” West, a distance of 150.00 feet;

THENCE, South 89° 54’ 18” East, a distance of 500.00 feet;

THENCE, North 00° 05’ 42” East, a distance of 150.00 feet, to the POINT OF BEGINNING.

BASIS OF BEARING for the parcel described herein is the north line of the Southeast quarter of said Section 9, as described in the legal description for Site 9 of said Airport.

END OF DESCRIPTION

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

Signature: [Signature]
Licensed Land Surveyor

Date: 3/20/2008
SUBJECT: AUTHORIZATION TO NEGOTIATE A CONTRACT WITH GAS EQUIPMENT SYSTEMS AND SOUTHERN CALIFORNIA GAS COMPANY FOR A TEMPORARY CNG FUELING STATION

SOURCE: Public Works Department - Engineering Division

COMMENT: The City of Porterville Transit Division has taken possession of four (4) CNG buses well ahead of the anticipated late spring 2008 delivery schedule. Engineering currently has a design contract with TPG consulting for the permanent CNG fueling station/transit facility with construction anticipated in the fall of 2008. Currently the City has no way to fuel the CNG buses other than traveling to the City of Tulare’s fast fill CNG station.

Staff is requesting authorization from Council to negotiate a contract with Gas Equipment Systems, Inc. from Rancho Cucamonga, California, for a temporary CNG fueling station at the City Corporation Yard. Costs associated with installation labor for the mobile CNG compressor, system start up, commissioning and training is $10,539.00. The lease for the equipment is $1,500.00 a month for a minimum of six months. Additional maintenance will be required at approximately $1,140 per month. Currently, Gas Equipment Systems is having mechanical problems with their mobile CNG compressor. In the interim, Southern California Gas Company has offered an identical compressor for a maximum of two months to allow Gas Equipment Systems to fix their mechanical problems. Southern California Gas Company will lease their compressor for $1,200.00 per month. The Southern California Gas Company agreement requires a $2,720.00 per month weekly maintenance component.

Funding for all costs associated with the temporary CNG fueling station outlined above will be from Transit Fund Accounts. For the balance of the current fiscal year, lease payments will be deducted from Fixed Route “Other Expense” Acct. No. 20-1190-66; monthly maintenance charges will be deducted from “Professional Services” Acct. No. 20-1170-23; CNG bus fuel charges will be charged to Fixed Route Maintenance Acct. No. 20-1190-11; and City Maintenance and Utility billings will be charged to Utilities Acct. No. 20-1170-42. All of these temporary CNG facility costs, as well as anticipated costs for the permanent CNG Fueling Station, will be accounted for in the FY 2008-09 Transit budget.
RECOMMENDATION: That City Council:

1. Authorize staff to negotiate with Gas Equipment Systems for a minimum 6 month lease agreement at $1,500.00 per month with a $1,140 per month maintenance component; and

2. Authorize staff to negotiate a month to month lease agreement with Gas Equipment Systems until completion of the permanent CNG facility; and

3. Authorize staff to make payment to Gas Equipment Systems for installation, start-up, mobilization and training costs in the amount of $10,539.00; and

4. Authorize staff to negotiate a maximum 2 month lease agreement with southern California Gas Company in the amount of $3,920.00 per month which will allow Gas Equipment Systems to resolve all mechanical issues with their compressor.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE UNIFIED SCHOOL DISTRICT, PORTERVILLE CELEBRATES READING, APRIL 26, 2008

SOURCE: Administrative Services - Finance Division

COMMENT: Porterville Unified School District is requesting approval for a partial street closure in conjunction with its Community Civic Event, Porterville Celebrates Reading, to be held on Saturday, April 26, 2008, from 9:00 a.m. to 3:00 p.m. at the fair grounds. The closure is intended to accommodate a pedestrian crossing corridor on Olive Avenue from the fair gates on the north side of the street to the parking lot on the south side of the street. Street closures require Council approval, however, staff feels that the event will not warrant closure, only sponsor-controlled pedestrian crossing using barricades and signs to warn motorists of the event crossing.

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

RECOMMENDATION: 1. That the Council approve the Community Civic Event Application and Agreement from the Porterville Unified School District, subject to the Restrictions and Requirements contained in Application, Agreement And Exhibit "A", without closing Olive Avenue; and

2. That Council approve the use of the parking lot on the South side of Olive Avenue and the bare ground south of that parking lot for this event with sponsor-controlled pedestrian crossing.


D.D. Appropriated/Funded C.M. Item No. 12
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 2/28/08  Event date: 4/26/08  Event time: 9 AM - 3 PM

Name of Event: Porterville Celebrates Reading

Sponsoring organization: Porterville Unified Schools  PHONE # 793-2456
Address: 600 West Grand Avenue, Porterville

Authorized representative: Gary Ingraham  PHONE # 793-2451
Address: 600 West Grand Avenue, Porterville

Event chairperson: Sue Qualseth  PHONE # 782-7270

Location of event (location map must be attached): Porterville Fairgrounds

Type of event: Youth and Family Literacy

Nonprofit status determination: Educational institution

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

Barricades (quantity):  _______  Street sweeping: Yes _____  No _____
Police protection: Yes _____  No _____  Refuse pickup: Yes _____  No _____
Other: Street cones borrowed from field services, Picked up and returned to COP Corporate Yard

Parks facility application required: Yes _____  No X  Attached ______
Assembly permit required: Yes _____  No X  Attached ______

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

Approve  Deny

_______  _____  Bus Lic Spvr

_______  _____  Pub Works Dir

_______  _____  Commn Dev Dir

_______  _____  Field Svscs Mgr

_______  _____  Fire Chief

_______  _____  Parks Dir

_______  _____  Police Chief

_______  _____  Deputy City Mgr
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted NO LESS THAN 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." This original certificate shall be submitted prior to the event.

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. To contact the Tulare County Environmental Health Department call 559.788.1199, or fax information to, 559.788.1313.

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

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

Porterville Unified
(Signature)
3/11/08
(Date)
CITY OF PORTERVILLE

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

Name of event: Porterville Celebrates Reading

Sponsoring organization: Porterville Unified Schools, et. al.

Location: Porterville Fairgrounds Event date: 4/26/08 Event time: 9 AM - 3 PM

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE** week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required</th>
<th>Type of Activity</th>
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<tbody>
<tr>
<td></td>
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<td></td>
<td>NO VENDORS USED</td>
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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: Porterville Celebrates Reading

Sponsoring organization: Porterville Unified Schools, et. al.

Event date: April 26, 2008 Hours: 10 AM - 2 PM Event

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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</thead>
<tbody>
<tr>
<td>Olive Street</td>
<td>Fairgrounds frontage only</td>
<td></td>
<td>Cones between lanes to slow traffic and allow for pedestrian crossing.</td>
</tr>
<tr>
<td>Sidewalks</td>
<td>From</td>
<td>To</td>
<td>Activity</td>
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<td>NONE</td>
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<tr>
<td>Parking lots and</td>
<td>Location</td>
<td>Activity</td>
<td></td>
</tr>
<tr>
<td>spaces</td>
<td>Parking lots North and South of Olive used for event parking.</td>
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</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

CITY OF PORTERVILLE

PORTERVILLE CELEBRATES READING

APRIL 26, 2008

Business License Supervisor:  
  S. Perkins  
  No requirements.

Public Works Director:  
  B. Rodriguez  
  Provide general clean up after event.

Community Development Director:  
  B. Dunlap  
  No comments.

Field Services Manager:  
  B. Styles  
  No comments.

Chief of Fire Operations:  
  M. G. Garcia  
  No comments.

Parks and Leisure Services Director:  
  J. Perrine  
  Facility use reservation and fees required for Municipal Ball Park. Clean up of trash and litter after event.

Police Chief:  
  C. McMillan  
  No comments.

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

Sponsor: Porterville Unified School District
Event: Porterville Celebrates Reading
Event Chairman: Sue Qualseth
Location: Porterville Fairgrounds
Date of Event: April 26, 2008
Time of Event: 9:00 a.m. to 3:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

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

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an “admitted” insurer in the State of California.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
ANNUAL PORTERVILLE FAIR - MAY 14 - 18, 2008

SOURCE: Administrative Services - Finance Division

COMMENT: The Porterville Community Fair Board is requesting approval for its annual Fair to be held from Wednesday, May 14 to Sunday, May 18, 2008. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended. It has been routed according to the ordinance regulations and reviewed by all of the departments involved. All requirements are listed on the attached Exhibit "A."

The following are the requested street closures during the Annual Porterville Fair, from May 14 to May 18, 2008:

<table>
<thead>
<tr>
<th>Street Closure</th>
<th>Wed., 14th</th>
<th>Thurs., 15th</th>
<th>Fri., 16th</th>
<th>Sat., 17th</th>
<th>Sun., 18th</th>
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<tr>
<td>Olive Avenue - 3rd St. To Plano St.</td>
<td>7:00 a.m.</td>
<td>7:00 a.m.</td>
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<td>Garden Avenue - Fig St. To Murry St.</td>
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<td>6:00 p.m. to</td>
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<td>6:00 p.m.</td>
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<td>11:00 p.m.</td>
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<td>Garden Avenue - Murry St. to Plano St.</td>
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<td>7:00 p.m.</td>
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<td>to 11:00 p.m.</td>
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<td>Plano Street - Garden Ave. To Olive Ave. (Westerly lane only)</td>
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<td>8:30 p.m. to 11:00 p.m.</td>
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Street closures would be done with barricades and would not limit the access to the residents along the residential street frontages.

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

2. That Council approve the use of the parking lot on the south side of Olive Avenue and bare ground south of that parking lot for fair patron parking and set up from May 14 - 18, 2008.


D.D. Appropriated/Funded C.M. Item No. 13
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: March 10, 2008 Event date: May 14-18, 2008

Name of Event: Porterville Fair

Sponsoring organization: Porterville Fair
Address: PO Box 369 PHONE # 781-6582
Porterville, CA 93258

Authorized representative: Nancy Jordt
Address: PO Box 369, Porterville, CA 93258 PHONE # 781-6582

Event chairperson: John Corkins
PHONE # 784-5787
300 E. Olive Ave
Porterville, CA 93257

Location of event (location map must be attached): Porterville Fair Grounds and Porterville Municipal Park
Porterville, CA 93257

Type of event/method of operation: Community Fair

Nonprofit status determination: 501 C 3

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

Barricades (quantity): Yes (?) Street sweeping Yes _____ No X
Police protection Yes X No _____ Refuse pickup Yes X No _____
Other: Request for street closures

Parks facility application required: Yes X No _____
Assembly permit required: Yes _____ No X

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

Approve Deny
_______ ____ Bus Lic Spvr
_______ ____ Pub Works Dir
_______ ____ Comm Dev Dir
_______ ____ Field Svcs Mgr
_______ ____ Fire Chief
_______ ____ Parks Dir
_______ ____ Police Chief
_______ ____ Deputy City Mgr

1 of 4
CITY OF PORTERVILLE

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

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

City Code requirements:

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

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

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

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

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

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

Porterville Fair

(Name of organization)

Nancy Galt

(Signature)

March 10, 2008

(Date)
CITY OF PORTERVILLE

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

Name of event: Porterville Fair

Sponsoring organization: Porterville Fair

Location: Fairgrounds & Municipal Ballpark  Event date: May 14-18, 2008

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
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<tbody>
<tr>
<td>Will be provided</td>
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3 of 4
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: **Porterville Fair**

Sponsoring organization: **Porterville Fair**

Event date: **May 14-18, 2008**

Hours: **7:00 am to 12:00 am**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olive Avenue</td>
<td>Third Street</td>
<td>Plano Street</td>
<td>7:00 am to 12:00 am</td>
</tr>
<tr>
<td>Garden Avenue</td>
<td>Fig Street</td>
<td>Murray Street</td>
<td>6:00 pm to 11:00 pm</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plano Street</td>
<td>Garden Avenue</td>
<td>Olive Avenue</td>
<td>West Travel Lane</td>
</tr>
<tr>
<td>Garden Avenue</td>
<td>Murray Street</td>
<td>Plano Street</td>
<td>West Travel Lane</td>
</tr>
<tr>
<td>Murray Street</td>
<td>Garden Avenue</td>
<td>South to Fair</td>
<td>7:00 pm to 11:00 pm</td>
</tr>
</tbody>
</table>

Parking lots and spaces

<table>
<thead>
<tr>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
</table>


REQUIREMENTS FOR COMMUNITY CIVIC EVENT

PORTERVILLE COMMUNITY FAIR BOARD

ANNUAL PORTERVILLE FAIR

MAY 14-18, 2008

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

Public Works Director:  Provide traffic control and general clean-up.
B. Rodriguez

Community Development Director:  No comments.
B. Dunlap

Field Services Manager:  No comments.
B. Styles

Fire Chief:  Maintain all fire apparatus lanes clear and unobstructed.
M.G. Garcia

Parks and Leisure Services Director:  Coordinate use of ball field lights with Donnie Moore at 791-7696.
J. Perrine

Police Chief:  Requires City Council approval and Porterville Police Department security.
C. McMillan

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

Sponsor: Porterville Fair Board
Event: Annual Porterville Fair
Event Chairman: John Corkins
Location: Olive Avenue, Garden Avenue and Plano Street
Date of Event: May 14 - 18, 2008

RISK MANAGEMENT: Conditions of Approval

That the Porterville Fair Board provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $2,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents, and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event; and a Certificate of Liquor Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents, and Volunteers as "Additional Insured" against all claims arising from, or in connection with, the Permittee’s operation of a beer garden.

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

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:\VII, and the insurance company must be an ‘admitted’ insurer in the State of California.
CITY OF PORTERVILLE

OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-14 & 18-9)

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

1. Name and home address of the applicant:
   
   Porterville Fair
   PO Box 369
   Porterville, CA 93258
   Phone # 781-6582

2. Address where amplification equipment is to be used:
   
   300 E. Olive Ave, Porterville
   Phone # 781-6582

3. Names and addresses of all persons who will use or operate the amplification equipment:
   
   Rio Productions - Paul Serpa (Owner)
   1129 Batavia Court, Tulare, CA 93274

4. Type of event for which amplification equipment will be used:
   
   Music at Rotary Stage

5. Dates and hours of operation of amplification equipment:
   
   May 14-18, 2008

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

March 10, 2008
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
March 10, 2008

Maria Bemis, Chief Financial Officer
City of Porterville - Finance Department
291 N. Main Street
Porterville, CA 93257

Dear Maria:

Enclosed please find the Community Civic Event forms for the Porterville Fair, scheduled to run May 14-18, 2008. Also please find enclosed a copy of the letter to City Manager, John Longley giving notice of our intention to exclusively occupy and use Parcel 1 for a period of 21 days. The letter notifies the city of the dates needed.

The fair will send in information on all Commercial Exhibitors not holding a valid city business license at the cost of $1 per day to the Finance Department at the conclusion of the fair.

If you have any questions please call me at 781-6582. I look forward to working with you again this year.

Sincerely,

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

enclosures
March 10, 2008

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

Re: Exclusive license to occupy and use Parcel 1

Dear Mr. Longley:

The Tulare County Junior Livestock Show and Community Fair, Inc. (DBA Porterville Fair) is giving notice of its intention to exclusively occupy and use Parcel 1 for a period of 21 days as described in that certain License Agreement with the City of Porterville, for the 2008 Porterville Fair. The period of exclusive use had been determined to be May 5, 2008 through May 26, 2008 based on the Fair dates of May 14-18, 2008.

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

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

Sincerely,

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

cc: Jim Perrine, Parks and Leisure Department  
Maria Bemis, Chief Financial Officer, Finance Department
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT 
COMISION HONORIFICA MEXICANA-AMERICANA, INC. 
CINCO DE MAYO FESTIVITIES 
May 1, 2008 to May 4, 2008

SOURCE: Administrative Services - Finance Division

COMMENT: The Comision Honorifica Mexicana-Americana, Inc., is requesting approval to hold its annual Cinco de Mayo festivities from May 1, 2008 to May 4, 2008. The event includes a parade down Main Street on Saturday, May 3, 2008, from 7:00 a.m. to 12:00 p.m., and a fiesta with a beer garden in the Municipal Ball Park from Friday, May 2, 2008, through Sunday, May 4, 2008, from 8:00 a.m. to midnight.

The following street and sidewalk closures are requested:

PARADE ROUTE: Main Street from Morton Avenue to Vine Avenue.
PARADE LINEUP:
Harrison Avenue from Hockett Street to Second Street;
Thurman Avenue from Hockett Street to Thurman Street; and
Putnam Avenue from Division Street to Second Street.
PARADE DISBURSEMENT: Olive Avenue from Hockett Street to Third Street; Second Street from Olive Avenue to Garden Avenue.
PARADE VIEWING:
Garden Avenue from Main Street to Second Street
Mill Avenue from Division Street to Second Street
Oak Avenue from Division Street to Second Street
Cleveland Avenue from Main Street to Second Street
SIDEWALKS: Main Street from Putnam Avenue to Olive Avenue, both sides.

No street closure has been requested for Olive Avenue between A Street and Plano Street for the fiesta; however staff is recommending that Council give the authority to the Chief of Police, or his designated representative, to close the street if the volume of pedestrian and vehicular traffic warrants closure for reasons of public safety.

The application has been submitted under the Community Civic Event Ordinance No. 1326, as amended. It has been routed according to the ordinance regulations and reviewed by all the departments involved.

DD J Appropriated/Funded CM J Item No. 14
The requirements are listed on the attached copy of the Application, Agreement and Exhibit "A."

RECOMMENDATION: That the Council approve:

1. The Community Civic Event Application and Agreement from the Comision Honorifica Mexicana-Americana, Inc., subject to the restrictions contained in the Application, Agreement, and Exhibit “A”.

2. Authorize the Chief of Police, or his designee, to close Olive Avenue between A Street and Plano Street, if warranted to address public safety concerns; and

ATTACHMENT: 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: 2/25/08  Event date: 5-1 thru 5-4-2008
Rec’d 3/6/08  Event time: 8:00 AM to 11:00 PM

Name of Event: Cinco de Mayo Festivities and Parade

Sponsoring organization: Comision Honorifica  PHONE # 784-1214
Address: P.O. Box 2043 Porterville, Ca. 93258
Authorized representative: Fred Beltran  PHONE #333-4200
Address: 24737 Ave 80 Terry Bella Ca. 93270
Event chairperson: Roberto de la Rosa  PHONE # 784-1214

Location of event (location map must be attached): Municipal Ballpark and
Main St. (Morton to Olive)
Type of event: Cinco de Mayo Festivities and Parade

Nonprofit status determination: 501c3

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

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

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

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

Approve Deny
__________ Bus Lic Spvr ____________________________
__________ Pub Works Dir ____________________________
__________ Comm Dev Dir ____________________________
__________ Field Svcs Mgr ____________________________
__________ Fire Chief ____________________________
__________ Parks Dir ____________________________
__________ Police Chief ____________________________
__________ Deputy City Mgr ____________________________
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted NO LESS THAN 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." This original certificate shall be submitted prior to the event.

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. To contact the Tulare County Environmental Health Department call 559.788.1199, or fax information to, 559.788.1313.

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

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

[Signature]

(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: **Cinco de Mayo Festivities**

Sponsoring organization: **Comisión Honorífica Mexicana Americana Inc**

Location: **Porterville Municipal Ballpark**  
Event date: **5-1 thru 5-4 2008**  
Event time: **12:00 noon 11:00 PM**

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE** week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required</th>
<th>Type of Activity</th>
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<td>FOOD BOOTHs</td>
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CITY OF PORTERVILLE

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

Name of event: Cinco de Mayo Parade and Festivities

Sponsoring organization: Comision Honorifica Mexicana Americana

Event date: 5-1 thru 5-4 2008 Hours: 7:00 AM to 1:00 PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Main St.</td>
<td>Merton</td>
<td>Olive</td>
<td>Parade</td>
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<tr>
<td>Harrison</td>
<td>Hockett</td>
<td>Second</td>
<td>Line Up</td>
</tr>
<tr>
<td>Thulman</td>
<td>Hockett</td>
<td>Second</td>
<td>Line Up</td>
</tr>
<tr>
<td>Cleveland</td>
<td>Main</td>
<td>Second</td>
<td>View</td>
</tr>
<tr>
<td>Putnam</td>
<td>Hockett</td>
<td>Second</td>
<td>View</td>
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<tr>
<td>Mill</td>
<td>Division</td>
<td>Second</td>
<td>View</td>
</tr>
<tr>
<td>Oak</td>
<td>Division</td>
<td>Second</td>
<td>View</td>
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<td>Sidewalks</td>
<td>From</td>
<td>To</td>
<td>Activity</td>
</tr>
<tr>
<td>Garden</td>
<td>Main</td>
<td>Second</td>
<td>View</td>
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<tr>
<td>Olive</td>
<td>Hockett</td>
<td>Third</td>
<td>Disburse</td>
</tr>
<tr>
<td>Second</td>
<td>Olive</td>
<td>Garden</td>
<td>Disburse</td>
</tr>
</tbody>
</table>

Parking lots and spaces

Location

Activity

Sidewalks

Main St. From Putnam to Olive Both Sides
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
COMISION HONORIFICA MEXICANA-AMERICANA, INC.
CINCO DE MAYO FESTIVITIES
MAY 1, 2008 - MAY 4, 2008

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

Public Works Director:  Provide general clean-up after event.
   Baldo Rodriguez

Community Development Director:  Include RDA as additional insured.
   B. Dunlap

Field Services Manager:  No comments.
   B. Styles

Chief of Fire Operations:  No comments.
   M. G. Garcia

Director of Parks/Leisure Services:  No comments.
   J. Perrine

Police Chief:
   C. McMillan

Interim Risk Manager:  $2,000,000 liability policy required.
   J.D. Lollis  See attached Exhibit A, page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Comision Honorifica Mexicana-Americana, Inc.
Event: Cinco de Mayo Festivities
Event Chairman: Roberto de la Rosa (559) 784-1214
Location: Parade - Main Street from Morton Avenue to Olive Avenue including the closure of select cross-streets and parallel streets. Fiesta - Municipal Ball Park on Olive Avenue
Date of Event: May 1, 2008 to May 4, 2008

RISK MANAGEMENT: Conditions of Approval

1. The use of sidewalks for any purpose other than to allow for the free-flow of pedestrian traffic is prohibited within a ten (10) ft. radius of all walk-up Automated Teller Machines (ATM), and the minimum clear sidewalk width for pedestrian traffic at all other locations is five (5) feet.

2. That the Comision Honorifica Mexicana-Americana, Inc., provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $2,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as "Additional Insured" against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event; and a Certificate of Liquor Liability Insurance evidencing coverage of not less than $1,000,000 per occurrence and naming the City of Porterville, its Officers, Employees, Agents and Volunteers as "Additional Insured" against all claims arising from, or in connection with, the Permittee's operation of a beer garden.

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

   a. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an "admitted" insurer in the State of California.

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:
   C.H. MA. (FRED BECKETT)
   P.O. Box 2043, Porterville, CA.
   Phone # 512-2607
   Phone # 333-4200

2. Address where amplification equipment is to be used:
   Municipal Ballpark
   Phone #

3. Names and addresses of all persons who will use or operate the amplification equipment:
   TEE TOWN PRODUCTIONS
   RADIO CAMPS, CA

4. Type of event for which amplification equipment will be used:
   Cinco de Mayo Festivities

5. Dates and hours of operation of amplification equipment:
   12:00 NOON to 10:00 PM DAILY

6. A general description of the sound amplifying equipment to be used:
   15" Speakers, 2 Amplifiers, 16 Channel Mixer and Microphone, 300 Amps
I hereby certify that all statements and answers on this registration form are true and correct.

Fred Bettie
Applicant

3/4/08
Date

Chief of Police

Date

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

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

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

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

cc:


3/27/01
CITY OF PORTERVILLE
PARKS & LEISURE SERVICES DEPARTMENT
REQUEST FOR USE OF FACILITIES

PLEASE PRINT CLEARLY - PRESS HARD

FACILITY REQUESTED:
☐ Murry Park   ☐ Library
☐ Veterans Park ☐ Heritage Center
☐ Zalud Park   ☐ Zalud Garden
☐ Sports Complex ☐ Centennial Plaza
☐ Municipal Ballpark ☐ Hayes Fields
☐ Zalud Ballfields ☐ Burton Ballfields
☐ Other

Area/Room: Municipal Ballpark & old horse arena area
Nature of Use: Cinco de Mayo Festivities
Date of Event: 5-1 thru 5-4 2008
Time: 8:00 AM daily To: 11:00 PM daily
Amplified Equipment/Music: ☐ Yes ☐ No
Bounce House: ☐ Yes ☐ No Bounce House Company:
Set-up Time:
Estimated Attendance: 500
Will Alcohol be Served: ☐ Yes ☐ No
Number of Drinking Adults ($2 per person):
Requested Requirements: sprinklers off, ballpark lighting

* * * * * * *

Organization: Comision Honorifica Mexicana Americana Inc
Name: Fred Betten
Mailing and/or Billing Address: P.O. Box 2043 Porterville CA 93258
Phone: day/Work: 782-7514 Cell No.: 333-4200 Evening/Home: 
Email:

Applicant hereby agrees to hold the City of Porterville, their employees, agents and officers free and harmless from any loss, damage, liability, cost or expense that may arise during or be caused in any way by such use or occupancy of said facilities. The applicant agrees to furnish such liability or other insurance for the protection of the public and the City, as the City shall require. Applicant agrees to leave the facility in the same condition as found before use. Any damages, misuse or destruction of City property or equipment is the responsibility of the applicant. Applicant agrees to reimburse City for all charges. The CITY OF PORTERVILLE does not provide accident, medical, liability or any other insurance for facility users. In the event staff is taking photos of the park and/or the recreational activities it affords on the day of my event, I give my permission for the City to use said photos in promotional materials. I have read, understand and agree to the rules and regulations that are listed on the back of this form.

SIGNATURE: Fred Betten DATE 3/4/08

***FOR OFFICE USE ONLY***

APPROVED: DATE: 
POLICE DEPT: DATE: 
RENTAL CHARGE: DATE: 
ALCOHOL PERMIT CHARGE: DATE PAID: RECEIVED BY:
SECURITY KEY DEPOSIT DATE PAID: RECEIVED BY:
ENTERTAINMENT CHARGE DATE PAID: RECEIVED BY:
INSURANCE REQUIRED DATE SUBMITTED: RECEIVED BY:
SUPERVISOR FEE DEPOSIT RETURNED:
SPECIAL DEPARTMENT NOTATIONS:

PARK IN DESIGNATED AREAS ONLY
Distribution: Original – Dept.; Green – Parks; Blue – Police; Yellow – Applicant
256 EAST ORANGE AVENUE, PORTERVILLE, CA 93257, PHONE (559) 791-7695
FAX (559) 791-7699, Park/facility information available @www.ci.porterville.ca.us

SEE BACK PAGE FOR RULES, REGULATIONS AND POLICIES
COUNCIL AGENDA: APRIL 1, 2008

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHURCH OF THE NAZARENE – INVISIBLE CHILDREN MOVIE SCREENING

SOURCE: Administrative Services, Finance Division

COMMENT: The Porterville Church of the Nazarene is requesting approval to hold a movie screening event on the north side of Veteran's Park, on Friday, April 25, 2008, from 6:00 p.m. until 8:30 p.m. This movie screening event, which is open to the public, will be used to raise awareness of injustice in our world. No street or sidewalk closures have been requested.

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

RECOMMENDATION: That the Council approves the attached Community Civic Event Application and Agreement submitted by the Porterville Church of the Nazarene, subject to the stated requirements contained in Exhibit "A."

ATTACHMENT: Community Civic Event Application, Agreement and Exhibit "A", 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: 3-11-08  Event date: 4-25-08
Event time: 6:00 - 8:30 pm

Name of Event: "Invisible Children" movie screening

Sponsoring organization: Porterville Community Church
Address: 765 W. Henderson Ave

Authorized representative: Mike Spie (Peter)
Address: 286 S. Argyle Place

Event chairperson: 

Location of event (location map must be attached): Veteran's Park (North Side)

Type of event: Church sponsored to raise awareness of injustice in our world

Nonprofit status determination:

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

<table>
<thead>
<tr>
<th>Barricades (quantity):</th>
<th>Street sweeping</th>
<th>Refuse pickup</th>
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<tbody>
<tr>
<td>Yes ___ No X</td>
<td>Yes ___ No X</td>
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</table>

Other: 

Parks facility application required: Yes ___ No ___ Attached __
Assembly permit required: Yes ___ No X Attached __

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

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

1 of 4
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted NO LESS THAN 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." This original certificate shall be submitted prior to the event.

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. To contact the Tulare County Environmental Health Department call 559.788.1199, or fax information to, 559.788.1313.

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

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

Port Naz Church
(Name of organization)

Gary Miller
(Signature)

3-11-08
(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: ____________________________________________________________

Sponsoring organization: __________________________________________________

Location: __________________________ Event date: __________ Event time: ________

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION. Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted NO LESS THAN ONE week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required</th>
<th>Type of Activity</th>
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<tbody>
<tr>
<td>None</td>
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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: ____________________________________________________________

Sponsoring organization: __________________________________________________

Event date: ___________________________  Hours: _______________________

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
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<th>Activity</th>
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<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
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REQUIREMENTS FOR COMMUNITY CIVIC EVENT

“INVISIBLE CHILDREN” MOVIE SCREENING

APRIL 25, 2008

Business License Supervisor:  
S. Perkins

No requirements.

Public Works Director:  
B. Rodriguez

Provide general clean up 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

Facilities reservation has been obtained.

Police Chief:  
C. McMillan

No comments.

Interim Deputy City Manager:  
J.D. Lollis

See Page 2, Exhibit “A”.

EXHIBIT “A,” Page 1
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Church of the Nazarene
Event: Invisible Children Movie Screening
Event Chairman: Mike Smee
Location: Veteran’s Park
Date of Event: April 25, 2008

RISK MANAGEMENT: Conditions of Approval

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

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

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.
CITY OF PORTERVILLE

OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-14 & 18-9)

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:
   Mike Smith  Phone # 310-4118
   286 S. Argyle Place

2. Address where amplification equipment is to be used:
   Veteran's Park (North)  Phone #

3. Names and addresses of all persons who will use or operate the amplification equipment:
   Same as #1

4. Type of event for which amplification equipment will be used:
   Screening of a short film/microphone

5. Dates and hours of operation of amplification equipment:
   April 25th 2008 from 6:00-8:30 pm

6. A general description of the sound amplifying equipment to be used:
   2 speakers, 1 mic, one projector
I hereby certify that all statements and answers on this registration form are true and correct.

Pastor

Mike Stice
Applicant

Chief of Police

3-11-08
Date

3-24-08
Date

Section 18-14 City Ordinance Outside Amplifiers; permit required.
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California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

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

cc:


3/27/01
CITY OF PORTERVILLE
PARKS & LEISURE SERVICES DEPARTMENT
REQUEST FOR USE OF FACILITIES

PLEASE PRINT CLEARLY – PRESS HARD

FACILITY REQUESTED:
☐Murry Park   ☐Library   ☐Sports Complex   ☐Municipal Ballpark
☐Veterans Park   ☐Heritage Center   ☐Centennial Plaza   ☐Hayes Fields   ☐Zalud Ballfields
☐Zalud Park   ☐Zalud Garden   ☐Pool   ☐Burton Ballfields   ☐Other __________

Area/Room: _____________________________________________
Nature of Use: _____________________________________________
Date of Event: ___________ Time: ___________ To: ___________
Amplified Equipment/Music: ☐Yes    ☐No
Bounce House: ☐Yes   ☐No   Bounce House Company: ____________________________
Estimated Attendance: ____________________________
Will Alcohol be Served: ☐Yes   ☐No   Number of Drinking Adults ($2 per person): _______
Requested Requirements: _____________________________________________

* * * * * * *

Organization: Porterville Church of the Nazarene
Name: Mike Space
Mailing and/or Billing Address: 763 W. Helton Ave.,
Phone: day/Work: 253-621-8822   Cell No: 253-399-4919   Evening/Home: ____________ Email: mspace@portwine.com

Applicant hereby agrees to hold the City of Porterville, their employees, agents and officers free and harmless from any loss, damage, liability, cost or expense that may arise during or be caused in any way by such use or occupancy of said facilities. The applicant agrees to furnish such liability or other insurance for the protection of the public and the City, as the City shall require. Applicant agrees to leave the facility in the same condition as found before use. Any damages, misuse or destruction of City property or equipment is the responsibility of the applicant. Applicant agrees to reimburse City for all charges. The CITY OF PORTERVILLE does not provide accident, medical, liability or any other insurance for facility users. In the event staff is taking photos of the park and/or the recreational activities it affords on the day of my event, I give my permission for the City to use said photos in promotional materials. I have read, understand and agree to the rules and regulations that are listed on the back of this form.

SIGNATURE: _____________________________ DATE: __________

***FOR OFFICE USE ONLY***

APPROVED: _____________________________ DATE: __________
POLICE DEPT: _____________________________ DATE: __________
RENTAL CHARGE: _____________________________ DATE: __________
ALCOHOL PERMIT CHARGE: _____________________________ DATE PAID: ___________ RECEIVED BY: ___________
SECURITY /KEY DEPOSIT _____________________________ DATE PAID: ___________ RECEIVED BY: ___________
ENTERTAINMENT CHARGE: _____________________________ DATE PAID: ___________ RECEIVED BY: ___________
INSURANCE REQUIRED: _____________________________ DATE SUBMITTED: ___________ RECEIVED BY: ___________
SUPERVISOR FEE: _____________________________ DEPOSIT RETURNED: ___________
SPECIAL DEPARTMENT NOTATIONS: _____________________________

PARK IN DESIGNATED AREAS ONLY
Distribution: Original – Dept.: Green – Parks; Blue – Police; Yellow – Applicant
256 EAST ORANGE AVENUE, PORTERVILLE, CA 93257, PHONE (559) 791-7695
FAX (559) 791-7699, Park/facility information available @www.ci.porterville.ca.us

SEE BACK PAGE FOR RULES, REGULATIONS AND POLICIES
1. If cancellation is due to natural causes, a credit form will be issued.
2. No alcoholic beverages are allowed in the parks without a permit issued by Parks and Leisure Services and the Police Department. Alcohol must be applied at least ten (10) working days prior to the event. Alcohol tags are $2.00 per tag. Permits only issued to those pavilions or special areas. Alcohol tags are to be picked up at the Heritage Center, 256 E Orange Avenue.
3. Park hours: 7:00 a.m. to 10:00 p.m.
4. Restroom hours: November - February 7:00 a.m. to 4:00 p.m.; March - October 7:00 a.m. to 8:00 p.m. Supervisor fee charged for additional hours.
5. Rental time includes set-up, take-down and clean up.
6. Bounce House companies must have an insurance policy naming the City as additional insured for at least Two Million Dollars ($2,000,000) on file.
7. Vehicles are to be parked in paved designated areas only. Vehicle access to unload and load is permitted with a parking permit. However, there is no parking allowed off of paved areas except in special circumstances. Vehicles parking in the park outside of the designated paved parking areas will be cited by the Police Department.
8. Amplified equipment must receive approval from the Police Department. Application must be submitted ten (10) working days prior to the event. In the event you are in the park using amplified equipment without a permit, you may be charged a penalty.
9. Please call the Police Department at 732-7400 if you need any assistance or if you have any problems. If an emergency dial 9-1-1.
10. At no time shall there be more people admitted to the facility than the legal seating capacity will accommodate.
11. Flammable decorations including scenery shall be fire resistant or flame proofed in accordance with the requirements of the City Fire Department.
12. No device, which produces flame, sparks, smoke or explosions, shall be used in any facility without the approval of the Fire Department.
13. Reservations are accepted no more than one year in advance.
14. Credit forms are available. No refunds are given. Two business days or less cancellation notice: 90% of fee (10% penalty), more than two business days cancellation notice: 100% of fee (no penalty).
15. Three dollar ($3) administrative fee per transaction for any change.

**ATHLETIC FACILITIES**

- Hayes Field
- Municipal Ballpark
- Zalud Park
- Municipal Pool
- OHV Park

* Hayes Field is primarily a drainage basin. The secondary use as an athletic facility is subject to flooding during and following rain events.

<table>
<thead>
<tr>
<th>Pavilions</th>
<th>Athletic Fields</th>
<th>Buildings</th>
<th>Zalud Garden</th>
<th>OHV Park</th>
<th>Municipal Pool</th>
</tr>
</thead>
<tbody>
<tr>
<td>$33.00</td>
<td>Lights - $15/night per field</td>
<td>Heritage Center &amp; Library Community Room</td>
<td>$175.00 (non-refundable deposit if customer cancels – may be applied to outstanding charges)</td>
<td>$500.00 per day</td>
<td>1-100 people</td>
</tr>
<tr>
<td></td>
<td>Practice Use - $5/youth per team</td>
<td></td>
<td></td>
<td></td>
<td>101-200 people</td>
</tr>
<tr>
<td></td>
<td>$10/adult per team</td>
<td></td>
<td></td>
<td></td>
<td>201-280 people</td>
</tr>
<tr>
<td>Bounce House $27.00</td>
<td>Snack Bar</td>
<td>$20.00 per hour non-profit</td>
<td>$250.00 up to 3 hours include set-up and clean-up</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Tags $2.00</td>
<td>Sports Complex Event Parking</td>
<td>$10.00 per hour superintendence if needed</td>
<td>$75.00 per hour additional</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Special Fees:**
- Municipal Ballpark: use of lights: Adults $31/use. Field maintenance $30/day. Commercial use: $50/hr (Plus light charges)
- Tournament and other uses without lights $10/hr. Facilitator: $15/hr. A deposit of $25 - $300 is required if bases and/or chalkers are requested
- Zalud Park Basketball Courts: Lights: Adults - $4/hr. Youth - $2/hr

**Facility Rentals:**
- Library rental hours: Monday - Thursday 10 a.m. - 8 p.m.; Friday and Saturday 10 a.m. - 6 p.m.
- City furniture or property may not be removed or displaced by permittee without permission from authorized personnel.
- No alcoholic beverages allowed on premises; no smoking allowed in buildings; no balloons allowed in buildings.
- Fees for Profit: $40/hr; Commercial use: $75/hr. (a business license is required)
- Zalud House: Wine and champagne in small amounts are the only alcoholic beverages allowed (but not to be sold) on premises. Rice or birdseed is not permitted in Zalud House and Garden area.

**Municipal Pool:**
- Bottles or glass containers are not allowed within pool area. No cutoffs allowed as bathing suits.
- Alcoholic beverages are not allowed, smoking is not permitted in pool area.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous Balance</td>
<td>$33.00</td>
</tr>
<tr>
<td>Applied To: 1690 - Movie Screening</td>
<td>$33.00</td>
</tr>
<tr>
<td>Payment: Check</td>
<td>($33.00)</td>
</tr>
<tr>
<td>Balance</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

I, the undersigned hereby agree to defend, and hold harmless the City of Porterville and its officers, employees and agents from and against any and all loss, liability, charges and expenses including attorney's fees and causes of action of whatsoever character which may arise from reason of participation in the above Program/Service or be in any way connected herewith. The City of Porterville does not provide accident, medical, liability or any other insurance for the program participants. NO REFUNDS will be granted unless for medical reasons (doctor's note required). An administration fee of $25 will be withheld from any request for refund without medical reason.

City of Porterville - Parks & Leisure Services
CITY COUNCIL AGENDA: APRIL 1, 2008

PUBLIC HEARING – STAFF REPORT

SUBJECT: APPROVAL OF PROJECT ALIGNMENT AND BOUNDARIES AND ENVIRONMENTAL REVIEW OF THE CITY OF PORTERVILLE SCRANTON AVENUE AND INDIANA STREET WIDENING PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: Staff has completed the environmental review prepared for the Scranton Avenue and Indiana Street Widening Project. The project limits are Scranton Avenue (Avenue 136) from approximately 500 feet east of State Route (SR) 65 to Indiana Street (Road 240) and Indiana Street from Scranton Avenue to Gibbons Avenue (Avenue 138).

The project proposes to improve the existing two-lane undivided roadway by widening it to a four-lane undivided roadway. The project would create four lanes twelve feet wide, and five-foot wide shoulders on either side of the roadway, consistent with County and City standards. The net length of the project is approximately 0.5 mile. The corridor improvement would accommodate project traffic counts through 2030. Without additional travel lanes, the level of service (LOS) on the existing roadway is expected to diminish to unacceptable levels. This corridor is a logical connection to the Porterville industrial area for trips headed northbound or southbound on State Route 65. The project should also help to reduce traffic that currently travels northbound on Jaye Street through the State Route 190 intersection. In addition, Gibbons Avenue, within the City of Porterville is planned to be expanded to four lanes in the near future.

Right of way acquisition to accommodate the additional lanes would be necessary along both sides of Scranton Avenue and Indiana Street. The widening of right-of-way would take place equally from the centerline to a width of 84 feet on Scranton Avenue. On Indiana Street, the project proposes to shift the roadway to the west with a total right-of-way of 84 feet on Indiana Street. This also minimizes the right-of-way acquisition of Williamson Act property on the east side of Indiana.

ENVIRONMENTAL: On January 25, 2008, 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 the State Clearinghouse, interested agencies, groups, and individuals for a thirty (30) day review period from February 15, 2008 to March 15, 2008. At the end of the review period, the only responses were from the Native American Heritage Commission and the Department of Transportation.

DIPO Appropriated/Funded CM Item No. 160
RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Mitigated Negative Declaration for the City of Porterville Scranton Avenue and Indiana Street Widening Project.

ATTACHMENTS:

1. Alignment map
2. Environmental Initial Study
3. Letter dated March 5, 2008 from the Native American Heritage Commission
4. Letter date March 13, 2008 from the Department of Transportation
5. Mitigated Negative Declaration
6. Draft Resolution to include the Mitigation Monitoring Program Attachment A
Initial Study
Environmental Checklist and
Proposed Mitigated Negative Declaration

Scranton Avenue and Indiana Street Widening Project

Lead Agency:
City of Porterville
291 North Main Street
Porterville, CA 93257

Prepared By:

Provost & Pritchard Engineering Group, Inc.
3500 West Orchard Court
Visalia, CA 93277-7055

January 18, 2008
Initial Study/Environmental Checklist Form

1. Project title: Scranton Avenue and Indiana Street Widening Project

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

3. Contact person and phone number: Benjamin Kimball, City Planner
   (559) 782-7460

4. Project location: The proposed project is located in eastern Tulare County, in and immediately south of the City of Porterville. The project includes the right of way, as well as approximately 17 feet on either side of Scranton Avenue (Avenue 136) from approximately 500 feet east of State Route 65 to Indiana Street (Road 240), and approximately 40 feet on the west side and up to five feet on the east side of Indiana Street from Scranton Avenue to Gibbons Avenue.

5. Project sponsor’s name and address: City of Porterville
   291 North Main Street
   Porterville, CA 93257

6. General plan designation: Rural Valley Lands Plan – Porterville Community Plan

7. Zoning: AE-20 (Exclusive Agriculture 20 acre minimum)

8. Description of project:

The project proposes to improve the existing two lane undivided roadway by widening it to a four-lane undivided roadway. The project would create four twelve foot minimum wide lanes and minimum five foot wide shoulders on either side of the roadway, consistent with County and City standards. The net length of the proposed project is approximately 0.5 mile. The corridor improvements would accommodate projected traffic counts through 2030. Without additional travel lanes, the level of service (LOS) on the existing roadway is expected to diminish to unacceptable levels. This corridor is a logical connection to the Porterville industrial area for trips headed northbound or southbound on State Route 65. The project would also help to reduce truck traffic that currently travels northbound on Jaye Street through the residential areas near Montgomery Avenue. In addition, Gibbons Avenue within the City of Porterville is planned to be expanded to four lanes in the near future.

Right of way acquisition to accommodate the additional lanes would be necessary along both sides of Scranton Avenue and Indiana Street. The widening of the right of way would take place equally from the centerline to a width of 84 feet on Scranton Avenue. On Indiana Street, the
project proposes to shift the roadway to the west with a total right of way of 84 feet on Indiana Street. A summary of anticipated right acquisition associated with the project is listed below.

<table>
<thead>
<tr>
<th>Assessor's Parcel Number</th>
<th>Approximate Acreage Needed</th>
<th>Current Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>268-120-004</td>
<td>.40 acres</td>
<td>Agricultural - orchards</td>
</tr>
<tr>
<td>269-060-023</td>
<td>.23 acres</td>
<td>Agricultural - orchards</td>
</tr>
<tr>
<td>268-110-005</td>
<td>.94 acres</td>
<td>Agricultural - orchards</td>
</tr>
<tr>
<td>268-110-021</td>
<td>.52 acres</td>
<td>Agricultural - orchards</td>
</tr>
<tr>
<td>268-110-018</td>
<td>.24 acres</td>
<td>Agricultural - orchards</td>
</tr>
</tbody>
</table>

The Scranton Avenue and Indiana Street Reconstruction project was originally envisioned as a County project. With the successful passage of Measure ‘R’, this project became a “regional” project and eligible for full funding using Measure ‘R’ funds. Unfortunately, the County’s Engineering Division felt it lacked the resources to properly prepare plans, specifications and pursue right of way acquisitions. Because the City of Porterville considers these two streets vital to the improvement of traffic circulation in this section of town, the City has agreed to assume responsibility for design, right of way acquisition and the completion of CEQA.

A portion of the improvements proposed for Scranton Avenue are on the border of a designated flood zone, as indicated by National Flood Insurance Plan Maps. The project will incorporate roadside drainage ditches, and equalization crossings necessary to minimize flood plan impacts.

9. Surrounding land uses and setting: The project area is generally surrounded by agricultural uses, primarily orange and olive orchards, with scattered rural residences and a subdivision located within city limits, at the northeast corner of Gibbons and Indiana Street.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):
    Tulare County Association of Governments – Participation Agreement
    Tulare County – Measure ‘R” Release of Funds
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a Potentially Significant Impact as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

Signature: ___________________________ Date: 1/25/08

Benjamin A. Kimball

Printed name

For
EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

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

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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

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

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

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

<table>
<thead>
<tr>
<th>I. AESTHETICS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Would the project:</strong></td>
</tr>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
</tr>
</tbody>
</table>

**Responses:**

a): **Less than Significant Impact.** State Route (SR) 190, east of SR 65 is an eligible State scenic highway. The proposed project area is approximately one mile south of SR 190 and is not visible from SR 190.

b, c, d): **No Impact.** The proposed project area is located on the San Joaquin Valley floor south of the city of Porterville, in Tulare County. The surrounding parcels are developed to production agriculture, which dominates the aesthetics of the surrounding area. There are no scenic vistas or resources near the proposed project. The proposed improvements would widen an existing roadway; as such, the project would not result in an adverse effect to the existing visual character of the site or surroundings. There will be no new source of substantial light or glare.
II. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?  

   - Potentially Significant
   - With Significant Mitigation
   - Less than Significant Impact
   - Incorporation
   - No Impact

<table>
<thead>
<tr>
<th>Less than</th>
<th>Significant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact</td>
<td>Mitigation</td>
</tr>
<tr>
<td>Impact</td>
<td>Incorporation</td>
</tr>
<tr>
<td>Impact</td>
<td>No Impact</td>
</tr>
</tbody>
</table>

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

   - Potentially Significant
   - With Significant Mitigation
   - Less than Significant Impact
   - Incorporation
   - No Impact

<table>
<thead>
<tr>
<th>Less than</th>
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<tbody>
<tr>
<td>Impact</td>
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<tr>
<td>Impact</td>
<td>Incorporation</td>
</tr>
<tr>
<td>Impact</td>
<td>No Impact</td>
</tr>
</tbody>
</table>

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

   - Potentially Significant
   - With Significant Mitigation
   - Less than Significant Impact
   - Incorporation
   - No Impact

<table>
<thead>
<tr>
<th>Less than</th>
<th>Significant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact</td>
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<td>Incorporation</td>
</tr>
<tr>
<td>Impact</td>
<td>No Impact</td>
</tr>
</tbody>
</table>

Responses:

a - c): Less than Significant Impact. The proposed project would require acquisition of the necessary amount of right of way to accommodate construction improvements of an existing two-lane roadway to a four-lane undivided roadway of Scranton Avenue and Indiana Street. As the project lies within an agricultural area of Tulare County, one of the properties in the area maintains a Williamson Act contract. Within the vicinity of the project, one large parcel is contracted, on the east side of Indiana Street. While the project, through land acquisition, would result in the conversion of roughly .23 acres of currently contracted farmland, the project has been altered as much as possible to reduce effects to contracted agricultural land. The design of Indiana has been shifted to the west to avoid the contracted lands as much as possible. The City of Porterville prioritizes the preservation of agricultural land, and the project has been designed to minimize conversion of agricultural land, contracted or not, as much as possible. The conversion of .23+ acres of Williamson Act contracted lands is a minor reduction in the quantity of productive agricultural land in the area. The City of Porterville will notify the California Department of Conservation of its intent to remove these lands from a Williamson Act contract, pursuant to Section 15291. While the roadway improvements may result in improved circulation through the area, the project would only serve the existing traffic and projected traffic as evaluated in the Regional Transportation Plan. In this way, the project would have a less than significant effect on surrounding agricultural uses.
III. AIR QUALITY
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

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

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

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

d) Expose sensitive receptors to substantial pollutant concentrations?

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

Response:

a, b): Less Than Significant Impact with Mitigation Incorporation. The County of Tulare and the SJVAB are both in non-attainment for Ozone and suspended particulate matter (PM$_{10}$). Sources of PM$_{10}$ include wood and agricultural waste burning, paved and unpaved road dust, agricultural activity related dust known as “fugitive dust”, and construction activities.

During construction, equipment will likely cause a temporary elevation of PM$_{10}$ levels in the area of the proposed Project. Dust prevention measures and emission precautions will be included in the proposed Project as contract requirements in accordance with SJVAPCD regulations. The most intense part of the construction phase of the proposed Project is expected to take approximately three and a half months. Upon completion of the construction, the proposed Project will no longer have an adverse effect on PM$_{10}$ levels.

Several pieces of diesel-powered heavy equipment typically operate during construction. Construction emissions have been estimated based on a construction vehicle fleet of two scrapers, a grader, a dozer, a
loader, and two water trucks. No onsite grading construction has yet been undertaken, and construction would be accomplished over a period of three and one half months.

The San Joaquin Valley Air Pollution Control District’s (SJVAPCD) Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) document lists several measures to reduce emissions from construction equipment exhaust. The SJVAPCD recognizes that some of these measures are difficult to implement due to poor availability of alternative fueled equipment and the challenge of monitoring these activities. However, every effort shall be made to comply with the following measures to reduce construction equipment exhaust; implementation of these measures would reduce the potential temporary effect to air quality to less than significant.

These dust prevention measures and emission precaution measures shall be implemented prior to and during construction activities for this Project to reduce emissions from construction equipment. It should be noted that these contract requirements are not required to reduce the proposed Project construction exhaust emissions to less than significant, but are recommended by the SJVAPCD to further reduce such impacts.

c-d): **No Impact.** The proposed project is expected to result in a reduction in vehicle delay and increase in average vehicle speed. The project would not generate additional vehicle trips. The project would not substantially redistribute vehicle travel, the project is not expected to result in a substantial net change in vehicle travel and, thus, is not expected to have a substantial effect on regional ozone precursor or particulate matter 10 microns in diameter or smaller emission levels.

e): **No Impact.** The proposed project will not subject the few residents in the proposed project area to substantial pollutant concentrations or objectionable odors.

---

1 The SJVAPCD, through Rule VIII, does not consider construction emissions significant since they are temporary.
IV. BIOLOGICAL RESOURCES
Would the project:

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

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

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

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

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

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

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

Response:

a, d: Less than Significant with Mitigation Measures. The proposed project area is known as foraging grounds for San Joaquin kit fox (SJKF), a federally listed endangered species. The road widening project would take place within and immediately adjacent to a highly disturbed transportation corridor. The proposed project will require the acquisition of new right of way. Of that land, 28± acres of fallow alfalfa field, located at the intersection of Indiana Street and Gibbons Road would be converted by the proposed project and represents the portion that is considered potential kit fox habitat. The City of Porterville, with the approval of the U.S. Fish and Wildlife Service, will provide compensation in the form of conservation
credits for 0.121 ha (0.308 ac)0.22 ha (0.28 ac) at 1:1) purchased at Sandy Creek Conservation Bank, or at another Service approved conservation bank, to compensate for impacts by the proposed project to SJKF. In addition to the conservation credits, during any construction activities, management practices shall be undertaken to avoid temporary impacts to SJKF. The U.S. Fish and Wildlife Service has prepared standardized recommendations for protection of the SJKF prior to or during ground disturbance. The proposed project will implement the mitigation measures defined within that document as listed below. The impacts would be temporary in nature.

1. Project-related vehicles should observe a 20-mph speed limit in all project areas, except on county roads and State Routes; this is particularly important at night when kit foxes are most active. To the extent possible, nighttime construction should be minimized. Off-road traffic outside of designated project areas are prohibited.

2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earthen fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under number 13 of this section must be followed.

3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.

4. All food related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in closed containers and removed at least once per week from the construction site.

5. No firearms shall be allowed on the project site.

6. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets shall be permitted on project sites.

7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the USEPA, California Dept of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of proven lower risk to kit fox.

8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured, or entrapped individual. The representative will be identified during the employee education program. The representative’s name and telephone number shall be provided to the Service.

9. An employee education program should be conducted for any project that has expected impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and agency personnel involved in the project. The program should include the following: a description of the San Joaquin kit fox and its habitat needs, a report of the occurrence of kit fox in the
project area, an explanation of the status of the species and its protection under the Endangered Species Act, and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the above-mention people and anyone else who may enter the project site.

10. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc., should be recontoured if necessary, and revegetated to promote restoration to pre-project conditions. An area subject to temporary disturbance means any area that is disturbed during the project, but that after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the Service, California Dept of Fish and Game, and revegetation experts.

11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal to escape, or the Service should be contacted for advice.

12. Any contractor, employee, or military or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured, or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.

13. The Sacramento Fish and Wildlife Office and CDFG will be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers given below: 1416 9th Street, Sacramento, CA 95814, (916) 654-4262.

b, c, e, f): No Impact. The project site is not located in the vicinity of any native riparian or wetland habitat. Neither construction nor operation activities will disturb native habitat. The project does not conflict with any Habitat Conservation Plans for the area; none are applicable to the project site.
V. CULTURAL RESOURCES

Would the project:

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<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
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<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
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<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
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<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
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Response:

a-d): **No Impact.** The project boundaries contain no structures or resources of historic significance. The proposed project site is an area that has been productive agricultural land for several years. Farming activities such as diskimg and plowing have heavily disturbed surface layers. Consequently, the likelihood of presence of resources in the project area is low. Pursuant to Section 15064.5 e-f, in the event of accidental discovery of archaeological resources, all work within the vicinity of the find shall cease, and a qualified archaeologist will be called to the project site for further review. If human remains are found, the Coroner must be called to the scene, and should those remains be Native American, the Native American Heritage Commission must be contacted regarding treatment of the remains.
VI. GEOLOGY AND SOILS

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
   i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
   ii) Strong seismic ground shaking?
   iii) Seismic-related ground failure, including liquefaction?
   iv) Landslides?

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

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

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

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

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Response:

a, e): **No Impact.** The project site is in Tulare County, which is not included in the list of Cities and Counties defined as Alquist-Priolo Earthquake Fault zones according to the California Geological Survey. However, California’s seismic activity has resulted in adoption of Statewide building codes which even for future structures within the project area must be considered. The flat terrain of the project area and surroundings limits the potential of landslides. The proposed project does not include a wastewater component and would not generate wastewater directly or indirectly.

b, c, d): **Less than Significant Impact.** Construction activities may result in a temporary loss of topsoil. However, implementation of adopted management practices and compliance with the provisions of the National Pollutant Discharge Elimination System (NPDES) permit will ensure that these impacts remain less than significant. The project site is comprised primarily of San Joaquin loam, 0 to 2 percent slopes
(Soil class 154). San Joaquin loam has severe shrink-swell potential and slow permeability. High clay content and slow permeability are the main limiting features for building sites, roads and streets. Without proper engineering methods, construction in the project area could result in erosion or soil instability. However, the project will implement standard City construction specifications and design specifications defined by the City Engineer which will reduce the potential for significant risk.
VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

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

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

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

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

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

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

Response:

a, b, c, g, h): No Impact. The project proposes to improve an existing roadway, but would not result in a change in the use of that roadway. Construction activities would not require hazardous material usage. There are several hazardous sites located within one mile of the project site, including a Superfund site,
however the improvements to the roadway will neither affect or be affected by these sites. Consequently, the proposed project would not create a significant hazard to the public or the environment through accommodations or treatment of hazardous materials, nor would it result in hazardous emissions. While the project is located approximately one mile north of Hope Elementary School, on Teapot Dome Avenue and .75 mile east of the Porterville Municipal Airport, no hazardous emissions would result from the project, nor would it require handling of hazardous materials. The project is not located in an area at risk of wildland fires, the surrounding areas are cultivated agricultural fields. The project would likely result in improved emergency response times as the circulation surrounding the roadways would be improved.
### VIII. HYDROLOGY AND WATER QUALITY

Would the project:

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<th>Potentially Significant Impact</th>
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<tbody>
<tr>
<td>a)</td>
<td>Violate any water quality standards or waste discharge requirements?</td>
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<tr>
<td>b)</td>
<td>Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
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<tr>
<td>c)</td>
<td>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
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<td>d)</td>
<td>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
<td>☐</td>
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<td>e)</td>
<td>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
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<td>f)</td>
<td>Otherwise substantially degrade water quality?</td>
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<td>g)</td>
<td>Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<td>h)</td>
<td>Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
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<td>i)</td>
<td>Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
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<td>j)</td>
<td>Inundation by seiche, tsunami, or mudflow?</td>
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</table>
Response:

a, b, d, f, g, i, j): No Impact. The project proposes improvements to existing roadways and circulation patterns between SR 65 and the City of Porterville, in rural Tulare County. The project does not require a supply of water to operate, and it does not alter the course of a water channel. The project would direct drainage within the project area, using drainage conduit, to an adjacent drainage basin maintained by the City. The project is not within an area subject to flooding, seiche, tsunami, or mudflow.

c, e, h): Less than Significant Impact. A portion of the improvements proposed for Scranton Avenue are on the border of a designated 100-year flood zone, as defined by the Federal Emergency Management Agency. The source of the flooding is the low lying north and south of the project. Within the limits of the proposed project there are no major water/irrigation crossings. The project will incorporate roadside drainage ditches, and equalization crossings necessary to minimize flood plain impacts to less than significant.
### IX. LAND USE AND PLANNING

Would the project:

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<tr>
<td>a) Physically divide an established community?</td>
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<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
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<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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**Response:**

**a-c): No Impact.** The proposed project is located in a rural setting in which the primary method of transportation is by automobile, therefore, there is not a high level of community cohesion in these areas. The project would not create a new barrier, since Scranton Avenue and Indiana Street are existing roadways, and the proposed project will not physically divide an established community. The project implements improvements outlined in the Regional Transportation Plan and does not conflict with land use plans. There are no applicable habitat conservation plans or natural community conservation plans in the area of the proposed project.
X. MINERAL RESOURCES

Would the project:

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

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

Response:

a, b): No Impact. No valuable mineral resources are known to exist in the vicinity of the project area.
XL. NOISE
Would the project result in:

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<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
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<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
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<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
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<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
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<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
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<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
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Response:

a): **Less Than Significant Impact.** A noise analysis completed for the Scranton Avenue and Indiana Street Widening Project found that a single residence immediately adjacent to the project area would be a sensitive receptor as traffic lanes would move nearer the residence than what currently exists; however, the increases in traffic noise are not considered substantial because they are less than 12 decibels.

b, c, e, f): **No Impact.** The proposed intersection improvements would not result in an increase in noise, groundborne noises or vibrations, or ambient noise beyond what was anticipated in the Regional Transportation Plan.

d): **Less Than Significant Impact.** Construction activities may result in a temporary increase in noise. However, construction activities would be limited to daytime hours and would be less than significant.
XII. POPULATION AND HOUSING

Would the project:

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a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

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

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

Response:

a-c): **No Impact.** The project does not propose relocation of any residences, and would not result in population growth as it only accommodates existing traffic volumes and growth estimates planned in the Tulare County General Plan.
XIII. PUBLIC SERVICES

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

- Fire protection?
- Police protection?
- Schools?
- Parks?
- Other public facilities?

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Response:

a): No Impact. The proposed roadway improvements would not affect the performance objectives of local public service providers. The project would not generate a need for additional fire or police protection, nor would it invite additional users to schools, parks, or other facilities.
XIV. RECREATION

Would the project:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

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

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Response:

a): No Impact. The project is in a rural area of Tulare County. The proposed roadway improvements would not result in a perceivable increased use of recreational facilities, nor does the project generate a need for such facilities.
XV. TRANSPORTATION/TRAFFIC
Would the project:

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<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Result in inadequate emergency access?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Response:
a): **Less than Significant Impact.** The proposed improvements will encourage traffic from nearby industrial areas as a logical corridor to SR 65 and would help to reduce truck traffic that currently travels northbound on Jaye Street. The level of service on the existing roadway is expected to diminish to unacceptable levels without additional travel lanes. With the increase from two lanes to four lanes, the project corridor will accommodate traffic counts anticipated for 2030.

b, c, d, e, f): **No Impact.** The proposed improvements to existing roadways will proactively support the County and City's circulation goals and will increase the level of service through the area. The proposed project, .75 mile east of the Porterville Municipal Airport, does not have the potential to affect air traffic patterns. Emergency access through the area would be maintained during construction and would be improved after project completion. The project does not include parking, generate a need for parking, or result in loss of any existing parking areas.

g): **No Impact.** The proposed improvements are consistent with previously adopted plans, and would not conflict with other applicable plans, nor would it result in a reduced level of service through the intersection.
XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? □ □ □ □

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? □ □ □ □

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? □ □ □ □

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? □ □ □ □

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? □ □ □ □

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? □ □ □ □

g) Comply with federal, state, and local statutes and regulations related to solid waste? □ □ □ □

Response:

a, b, d-f): No Impact. The proposed project does not generate need for, nor have any effect on existing water or wastewater utilities. Further, the intersection improvement project would not generate solid waste.

c): Less Than Significant Impact. As mentioned in Section VIII, Hydrology, above, while the project would modify the drainage of the project area, the current condition includes drainage swales, and the project design would include similar drainage accommodations, including new storm drainage. However, the project footprint includes highly disturbed agricultural areas and would not result in an adverse effect to the natural environment.
XVII MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>False</td>
<td>False</td>
</tr>
</tbody>
</table>

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

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

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

Response:

a): **Less than Significant with Mitigation Incorporation.** As defined in Section IV, Biological Resources, a number of mitigation measures related to avoidance of animal special status species will reduce the impacts associated with the proposed project to less than significant. Implementation of the proposed mitigation measures as defined will ensure that animal populations are not significantly affected by the project. No historic or archaeological resources have been found to exist on the project site; if in the event a resource is unearthed during the construction period, construction in the area of the find shall cease and a qualified archaeologist called to the site.

b): **No Impact.** The proposed project serves to improve the Tulare County and the City of Porterville circulation system. The project would neither induce growth in the project vicinity nor require construction of future projects in order to justify its utility.

c): **No Impact.** The project would beneficially serve humans through improving the safety of the existing roadways. Construction or long term changes in the project area would not have an adverse effect on humans.
REFERENCED MATERIALS:


Omni-Means, Ltd. Preliminary Location Hydraulic Study. June, 2005


Porterville Community Plan

Tulare County General Plan

Tulare County Regional Transportation Plan.

LIST OF PREPARERS:


### Regulation VIII Control Measures

The following are required to be implemented at all construction sites:

<table>
<thead>
<tr>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>All disturbed areas, including storage piles, which are not actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/suppressants, covered with a tarp or other similar cover, or vegetative ground cover.</td>
</tr>
<tr>
<td>All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer suppressant.</td>
</tr>
<tr>
<td>All land clearing, grubbing, scraping, excavation, land leveling, grading cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or pre-soaking.</td>
</tr>
<tr>
<td>When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from top of container shall be maintained.</td>
</tr>
<tr>
<td>All operations shall limit, or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.</td>
</tr>
<tr>
<td>Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.</td>
</tr>
<tr>
<td>Limit traffic speeds on unpaved roads to 15 mph</td>
</tr>
<tr>
<td>Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site</td>
</tr>
<tr>
<td>Suspend excavation and grading activities when winds exceed 20 mph</td>
</tr>
<tr>
<td>Limit the area subject to excavation, grading, and other construction activity at any one time</td>
</tr>
<tr>
<td>When feasible, use of alternative fueled or catalyst equipped diesel construction equipment</td>
</tr>
<tr>
<td>Minimize idling time (e.g. 10 minute maximum)</td>
</tr>
<tr>
<td>Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use</td>
</tr>
<tr>
<td>When feasible, replace fossil-fueled equipment with electrical construction equipment (provided they are not run via a portable generator)</td>
</tr>
<tr>
<td>Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways</td>
</tr>
<tr>
<td>Implement activity management (e.g. rescheduling activities to reduce short-term impacts)</td>
</tr>
<tr>
<td>Attend a preconstruction meeting at Tulare County RMA</td>
</tr>
<tr>
<td>All equipment shall be properly tuned and maintained in accord with the manufacturer’s specifications</td>
</tr>
<tr>
<td>The minimum practical engine size for construction equipment shall be used</td>
</tr>
<tr>
<td>When feasible, electric carts or other smaller equipment shall be used at the proposed Project site</td>
</tr>
<tr>
<td>Gasoline-powered equipment shall be equipped with catalytic converters</td>
</tr>
</tbody>
</table>
March 5, 2008

Mr. Benjamin Kimball, City Planner
CITY OF PORTERVILLE
291 Main Street
Porterville, CA 93257

Re: SCH#2008021082: CEQA Notice of Completion: proposed Negative Declaration for the Scranton Avenue and Indiana Street Widening Project: City of Porterville: Tulare County, California

Dear Mr. Kimball:

The Native American Heritage Commission is the state agency designated to protect California’s Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a ‘significant effect’ requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)c (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as “a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.” In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the ‘area of potential effect (APE),’ and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- Contact the appropriate California Historic Resources Information Center (CHRIS) for possible ‘recorded sites’ in locations where the development will or might occur. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ http://www.ohp.parks.ca.gov. The record search will determine:
  - If a part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- Contact the Native American Heritage Commission (NAHC) for:
  - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range, and section.
  - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).

- Lack of surface evidence of archaeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f).
  - In areas of identified archeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
   - CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.
√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.
√ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

Please feel free to contact me at (916) 853-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse
March 13, 2008

Mr. Benjamin Kimball
City of Porterville
291 North Main Street
Porterville, CA 93257

Dear Mr. Kimball:

Thank you for the opportunity to review the Notice of Completion and Environmental Document for the Scranton Ave. and Indian St. widening project. The project site is located at the east of State Route (SR) 65, in the City of Porterville. Caltrans has the following comments:

If the widening of Scranton will require any work in the SR 65 right-of-way an encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, “Time Limitations.”

All proposed landscaping within the Caltrans right-of-way will require landscaping plans and shall meet current standards as determined by the District Landscape Architect. All features of landscaping shall be evaluated for type, location and site visibility conflicts during the encroachment review process. All permits for landscaping in conventional highway right-of-way must be accompanied by a “District” approved maintenance agreement obligating a local agency or the permittee to maintaining the landscaping. Said maintenance agreement must accompany and be approved prior to issuance of the landscape permit. Proposed landscape projects in access control rights-of-way require an exception process, and approval is subject to the Headquarters Departmental approval process.
Mr. Benjamin Kimball  
March 13, 2008  
Page 2

Stormwater is not allowed to be discharged to the State right-of-way. Since the proposed development/project involves one acre or more of ground disturbance, the applicant needs to be advised by the lead agency to contact the Central Valley Regional Water Quality Control Board office in Fresno at (559) 445-5116 to determine whether a Notice of Construction will be required. The applicant will be required to adhere to Caltrans construction stormwater requirements if there is proposed work within the State right-of-way. Additional information on Caltrans stormwater management requirements may be found on the Internet at [www.dot.ca.gov/hq/env/stormwater/index.htm](http://www.dot.ca.gov/hq/env/stormwater/index.htm).

Caltrans understood that the SR 65/Teapot Dome was the primary intersection for this segment of SR 65. With this project will it change to Scranton Ave?

Please be advised that any future development adjacent to a State Route, whether the entitlement is deemed by the lead agency to be discretionary or ministerial should be sent to Caltrans for review. Please send a response to our comments prior to staff's recommendations to the Planning Commission and the City Council. If you have any other questions, please call me at (559) 445-7306.

Sincerely,

[Signature]

AL DIAS  
Central Planning Branch  
District 6
March 13, 2008

Department of Transportation
AL Dias, Central Planning Branch, Dist. 6
FAX: 488-4088

FROM: Bubba Frasher, Assistant Planner

RE: Environmental for the City of Porterville Scranton Avenue and Indiana Street Widening Project.

Mr. Dias,

In regard to your comments addressing the above mentioned project (see attached fax) the City has the following response.

1. Mr. Mike Reed, Porterville City Engineer has stated that no work will be conducted in the SR 65 right-of-way.

2. Porterville’s 2030 General Plan up-date was approved by the Porterville City Council on March 4, 2008. Based on your question regarding the intersection of SR65/Teapot Dome, your understanding is correct.

   Mr. Reed has advised me that the intersection of SR65/Teapot Dome is still the primary intersection for the segment of SR 65. As a result, the proposed project will not change it to Scranton Avenue.

Respectfully,

Bubba Frasher
NEGATIVE DECLARATION

LEAD AGENCY: City of Porterville
291 North Main Street
Porterville, California 93257

PROJECT TITLE: Scranton Avenue and Indiana Street Widening Project

State Clearinghouse No. # 2008021082

ADDRESS/LOCATION: Scranton Avenue between State Highway 65 and South Indiana Street and Indiana Street between Gibbons Avenue and Scranton Avenue.

PROJECT APPLICANT: City of Porterville

PROJECT DESCRIPTION: The project proposes to improve the existing two lane undivided roadway by widening it to a four-lane undivided roadway. The project would create four twelve foot minimum wide lanes and minimum five foot wide shoulders on either side of the roadway, consistent with County and City standards. The net length of the project is approximately 0.6 mile. The corridor improvement would accommodate project traffic counts through 2030. Without additional travel lanes, the level of service (LOS) on the existing roadway is expected to diminish to unacceptable levels. This corridor is a logical connection to the Porterville industrial area for trips headed northbound or southbound on State Route 65. The project should also help to reduce traffic that currently travels northbound on Jaye Street through the residential areas near Montgomery Avenue. In addition, Gibbons Avenue within the City of Porterville is planned to be expanded to four lanes in the near future.

Right-of-way acquisition to accommodate the additional lanes would be necessary along both sides of Scranton Avenue and Indiana Street. The widening of right-of-way would take place equally from the centerline to a width of 84 feet on Scranton Avenue. On Indiana Street, the project proposes to shift the roadway to the west with a total right-of-way of 84 feet on Indiana Street.

CONTACT PERSON: Benjamin Kimball (559) 782-7460

On January 28, 2008, the Environmental Coordinator of the City of Porterville determined that the above project will have no significant effect on the environment described herein and has found that this project will have no significant impact on the environment for the following reasons:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

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

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

u/nNegdecSCRANTONANDINDIANAwidening

ATTACHMENT ITEM NO. 5
4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

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

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

Dated: January 25, 2008  
Approved: ____________________  
Benjamin Kirkball, Environmental Coordinator
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE CITY OF PORTERVILLE SCRANTON AVENUE AND INDIANA STREET WIDENING PROJECT

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 1, 2008, conducted a public meeting to consider the potential environmental impact of the proposed City of Porterville Scranton Avenue and Indiana Street Widening Project; and

WHEREAS: The project proposes to improve the existing two lane undivided roadway by widening it to a four-lane undivided roadway. The project would create four twelve-foot minimum wide lanes and minimum five-foot wide shoulders on either side of the roadway, consistent with County and City standards. The net length of the project is approximately 0.5 mile. The corridor improvement would accommodate project traffic counts through 2030; and

WHEREAS: Without additional travel lanes, the level of service (LOS) on the existing roadway is expected to diminish to unacceptable levels; and

WHEREAS: Right-of-way acquisition to accommodate the additional lanes would be necessary along both sides of Scranton Avenue and Indiana Street. The widening of right-of-way would take place equally from the centerline to a width of 84 feet on Scranton Avenue. On Indiana Street, the project proposes to shift the roadway to the west with a total right-of-way of 84 feet in width; and

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

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

2. On January 25, 2008, 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 the State Clearinghouse, interested agencies, groups, and individuals for a thirty (30) day review period from February 15, 2008 to March 15, 2008. At the end of the review period, the only responses were from the Native American Heritage Commission and the Department of Transportation.
3. That the proposed project will not create adverse environmental impacts.

The proposed Mitigated Negative Declaration was evaluated in light of the prepared environmental initial study, comments for 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 impact.

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Mitigated Negative Declaration for the City of Porterville Scranton Avenue and Indiana Street Widening Project.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _________________________
   Patrice Hildreth, Chief Deputy City Clerk
<table>
<thead>
<tr>
<th>Impacts</th>
<th>Mitigation Measures</th>
<th>Implementation</th>
<th>Monitoring</th>
<th>Time Span</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality</td>
<td>Implement standard San Joaquin Valley Air Pollution Control District construction management activities.</td>
<td>San Joaquin Valley Air Pollution Control District</td>
<td></td>
<td>Initiated prior to construction; Completed at time of final inspection</td>
</tr>
<tr>
<td>Biology - San Joaquin kit fox</td>
<td>Implement standard U.S. Fish and Wildlife Service pre-construction avoidance measures for San Joaquin kit fox.</td>
<td>Condition of Building Permit, to be the responsibility of the City of Porterville and qualified biologist.</td>
<td>County of Tulare Building Department to verify at plan check.</td>
<td>County of Tulare Building Inspector during construction.</td>
</tr>
</tbody>
</table>
SUBJECT: FY2007-2008 MID-YEAR BUDGET REPORT

SOURCE: Administrative Services - Finance Division

COMMENT: For the Council's consideration, staff has prepared the attached report on the status of the City's budget and the proposed changes for the fiscal year 2007-2008. In the General Fund, budget adjustments are proposed to account for revenues which are lower than what was anticipated during the budget development process, resulting in an estimated deficit of $624,761. Part of this deficit will be offset by departmental savings of $425,000 leaving an estimated net deficit of $199,761.

RECOMMENDATION: That the City Council accept the Mid-Year Budget Report and approve the proposed changes.

ATTACHMENTS: Mid-Year Budget Report
# Summary of Adopted and Proposed Revised Budget FY 2007/08

<table>
<thead>
<tr>
<th></th>
<th>Adopted 2007/08 FY Budget</th>
<th>Proposed Revised 2007/08 FY Budget</th>
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</thead>
<tbody>
<tr>
<td>Revenues</td>
<td>$22,228,028</td>
<td>$21,440,393</td>
</tr>
<tr>
<td>Expenditures</td>
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<td>Transfers in</td>
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<td>Transfers Out</td>
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<td>Property Sales</td>
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<td><strong>Estimated End of Year Total</strong></td>
<td><strong>($166,916)</strong></td>
<td><strong>($624,761)</strong></td>
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<tr>
<td>Departmental Savings</td>
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<td>$425,000</td>
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<tr>
<td><strong>Estimated Deficit</strong></td>
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<td><strong>($199,761)</strong></td>
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<td>Revenue Source</td>
<td>Estimated Revenue 02/29/08</td>
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<tr>
<td>Property Taxes</td>
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<td>Other Taxes:</td>
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<td>Licenses and Permits</td>
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<td>Motor Vehicle In-Lieu Tax</td>
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<td>4,916</td>
</tr>
<tr>
<td>Revenue from Agencies-Grants:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Grants</td>
<td>90,591</td>
<td>51,205</td>
</tr>
<tr>
<td>Federal Grants</td>
<td>247,000</td>
<td>4,354</td>
</tr>
<tr>
<td>State Reimbursements</td>
<td>100,000</td>
<td>28,085</td>
</tr>
<tr>
<td>Use of Money and Property:</td>
<td>194,300</td>
<td>183,485</td>
</tr>
<tr>
<td>Fines and Forfeitures</td>
<td>45,000</td>
<td>45,732</td>
</tr>
<tr>
<td>Charges for Services:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning and Engineering</td>
<td>220,750</td>
<td>133,205</td>
</tr>
<tr>
<td>Police</td>
<td>121,000</td>
<td>103,065</td>
</tr>
<tr>
<td>Fire</td>
<td>17,000</td>
<td>13,206</td>
</tr>
<tr>
<td>Library</td>
<td>30,000</td>
<td>21,796</td>
</tr>
<tr>
<td>Recreational</td>
<td>1,090,000</td>
<td>710,237</td>
</tr>
<tr>
<td>Interdepartmental</td>
<td>1,500,000</td>
<td>1,135,900</td>
</tr>
<tr>
<td>Other</td>
<td>2,500</td>
<td>0.00%</td>
</tr>
<tr>
<td>Other Revenues</td>
<td>81,100</td>
<td>101,920</td>
</tr>
<tr>
<td>Total Revenue</td>
<td><strong>$22,228,028</strong></td>
<td><strong>$12,845,860</strong></td>
</tr>
</tbody>
</table>
## CITY OF PORTERVILLE
### EXPENDITURE STATUS REPORT - GENERAL FUND
#### FOR THE EIGHT MONTHS ENDED FEBRUARY 29, 2008

<table>
<thead>
<tr>
<th>LEGISLATIVE:</th>
<th>AMENDED APPROP.</th>
<th>YTD EXPENDITURE</th>
<th>% OF APPROP.</th>
<th>PROPOSED BUDGET ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY COUNCIL</td>
<td>$209,865</td>
<td>$170,038</td>
<td>81.02%</td>
<td>$193,931</td>
</tr>
<tr>
<td>COMMUNITY PROMOTION</td>
<td>234,665</td>
<td>154,905</td>
<td>66.01%</td>
<td>209,246</td>
</tr>
<tr>
<td>TOTAL LEGISLATIVE</td>
<td>444,530</td>
<td>324,943</td>
<td>73.10%</td>
<td>403,177</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADMINISTRATIVE &amp; LEGAL:</th>
<th>AMENDED APPROP.</th>
<th>YTD EXPENSE</th>
<th>% OF APPROP.</th>
<th>PROPOSED BUDGET ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY MANAGER</td>
<td>272,916</td>
<td>176,963</td>
<td>64.84%</td>
<td>262,907</td>
</tr>
<tr>
<td>CITY CLERK</td>
<td>195,023</td>
<td>120,341</td>
<td>61.71%</td>
<td>178,404</td>
</tr>
<tr>
<td>HUMAN RESOURCES</td>
<td>259,585</td>
<td>114,894</td>
<td>44.26%</td>
<td>180,041</td>
</tr>
<tr>
<td>CITY ATTORNEY</td>
<td>180,000</td>
<td>120,567</td>
<td>66.98%</td>
<td>190,000</td>
</tr>
<tr>
<td>TOTAL ADMINISTRATIVE &amp; LEGAL</td>
<td>907,524</td>
<td>532,765</td>
<td>58.71%</td>
<td>811,352</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FINANCE:</th>
<th>AMENDED APPROP.</th>
<th>YTD EXPENSE</th>
<th>% OF APPROP.</th>
<th>PROPOSED BUDGET ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>FINANCE &amp; ACCOUNTING</td>
<td>666,328</td>
<td>404,040</td>
<td>58.87%</td>
<td>564,839</td>
</tr>
<tr>
<td>INFORMATION SERVICES</td>
<td>340,641</td>
<td>196,091</td>
<td>58.15%</td>
<td>320,518</td>
</tr>
<tr>
<td>ADMINISTRATIVE SERVICES</td>
<td>385,162</td>
<td>254,965</td>
<td>66.20%</td>
<td>400,062</td>
</tr>
<tr>
<td>TOTAL FINANCE</td>
<td>1,412,131</td>
<td>857,096</td>
<td>60.70%</td>
<td>1,285,419</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>POLICE PROTECTION:</th>
<th>AMENDED APPROP.</th>
<th>YTD EXPENSE</th>
<th>% OF APPROP.</th>
<th>PROPOSED BUDGET ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>POLICE PROTECTION</td>
<td>7,492,607</td>
<td>4,583,454</td>
<td>61.17%</td>
<td>7,157,614</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FIRE PROTECTION:</th>
<th>AMENDED APPROP.</th>
<th>YTD EXPENSE</th>
<th>% OF APPROP.</th>
<th>PROPOSED BUDGET ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIRE PROTECTION</td>
<td>3,602,801</td>
<td>1,969,248</td>
<td>54.66%</td>
<td>3,103,034</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMMUNITY DEVELOPMENT:</th>
<th>AMENDED APPROP.</th>
<th>YTD EXPENSE</th>
<th>% OF APPROP.</th>
<th>PROPOSED BUDGET ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>PLANNING &amp; ZONING</td>
<td>405,398</td>
<td>273,840</td>
<td>67.55%</td>
<td>415,560</td>
</tr>
<tr>
<td>ECONOMIC DEVELOPMENT</td>
<td>229,908</td>
<td>124,263</td>
<td>54.05%</td>
<td>191,257</td>
</tr>
<tr>
<td>TOTAL COMMUNITY DEVELOPMENT</td>
<td>635,304</td>
<td>398,103</td>
<td>62.66%</td>
<td>606,817</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PUBLIC WORKS:</th>
<th>AMENDED APPROP.</th>
<th>YTD EXPENSE</th>
<th>% OF APPROP.</th>
<th>PROPOSED BUDGET ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENGINEERING &amp; BUILDING</td>
<td>887,770</td>
<td>483,602</td>
<td>54.47%</td>
<td>742,320</td>
</tr>
<tr>
<td>STREET MAINTENANCE</td>
<td>404,058</td>
<td>273,585</td>
<td>67.71%</td>
<td>423,817</td>
</tr>
<tr>
<td>SIGNALS, SIGNING &amp; STRIPING</td>
<td>362,606</td>
<td>213,172</td>
<td>58.79%</td>
<td>346,948</td>
</tr>
<tr>
<td>STREET LIGHTING</td>
<td>384,222</td>
<td>226,550</td>
<td>58.96%</td>
<td>379,091</td>
</tr>
<tr>
<td>STORM DRAINS</td>
<td>119,146</td>
<td>31,621</td>
<td>26.54%</td>
<td>90,991</td>
</tr>
<tr>
<td>PARKING LOTS</td>
<td>38,537</td>
<td>25,838</td>
<td>67.05%</td>
<td>40,695</td>
</tr>
<tr>
<td>TOTAL PUBLIC WORKS</td>
<td>2,196,339</td>
<td>1,254,388</td>
<td>57.11%</td>
<td>2,023,862</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PARKS &amp; LEISURE:</th>
<th>AMENDED APPROP.</th>
<th>YTD EXPENSE</th>
<th>% OF APPROP.</th>
<th>PROPOSED BUDGET ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>PARK MAINTENANCE &amp; OPERATION</td>
<td>2,127,686</td>
<td>1,208,895</td>
<td>56.82%</td>
<td>1,921,444</td>
</tr>
<tr>
<td>COMMUNITY CENTERS</td>
<td>135,863</td>
<td>68,767</td>
<td>50.61%</td>
<td>106,085</td>
</tr>
<tr>
<td>LEISURE SERVICES</td>
<td>240,396</td>
<td>145,378</td>
<td>60.47%</td>
<td>209,432</td>
</tr>
<tr>
<td>LEISURE SERVICES - SPECIAL PROG</td>
<td>963,480</td>
<td>576,865</td>
<td>59.87%</td>
<td>843,838</td>
</tr>
<tr>
<td>LIBRARY OPERATIONS</td>
<td>613,254</td>
<td>414,938</td>
<td>67.66%</td>
<td>607,485</td>
</tr>
<tr>
<td>YOUTH CENTER</td>
<td>107,902</td>
<td>71,621</td>
<td>66.38%</td>
<td>112,723</td>
</tr>
<tr>
<td>TOTAL PARKS &amp; LEISURE</td>
<td>4,188,581</td>
<td>2,486,464</td>
<td>59.36%</td>
<td>3,800,987</td>
</tr>
</tbody>
</table>

| SPECIAL PROJECTS | 60,591 | 25,286 | 41.73% | 22,716 | 37.49% |

| TOTAL | $20,940,408 | $12,431,727 | 59.37% | $19,214,978 | 91.76% |
### CITY OF PORTERVILLE
### OTHER FINANCING SOURCES (USES) - GENERAL FUND
### FOR THE EIGHT MONTHS ENDED FEBRUARY 29, 2008

<table>
<thead>
<tr>
<th>PROPOSED BUDGET</th>
<th>AMENDED BUDGET</th>
<th>YTD PROJECTED</th>
<th>% OF APPROP</th>
<th>% OF APPROP</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADJUSTMENT</td>
<td>02/29/08</td>
<td>06/30/08</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES

<table>
<thead>
<tr>
<th></th>
<th>AMENDED BUDGET</th>
<th>YTD 02/29/08</th>
<th>% OF APPROP</th>
<th>YTD 06/30/08</th>
<th>% OF APPROP</th>
<th>PROPOSED BUDGET ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excess (Deficiency)</td>
<td>$1,287,620</td>
<td>$414,133</td>
<td>32.16%</td>
<td>$2,118,024</td>
<td>164.49%</td>
<td>$(787,635)</td>
</tr>
</tbody>
</table>

### TRANSFERS IN:

<table>
<thead>
<tr>
<th>Description</th>
<th>AMENDED BUDGET</th>
<th>YTD 02/29/08</th>
<th>% OF APPROP</th>
<th>YTD 06/30/08</th>
<th>% OF APPROP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Gas Tax</td>
<td>775,000</td>
<td>516,664</td>
<td>66.67%</td>
<td>775,000</td>
<td>100.00%</td>
</tr>
<tr>
<td>Comm Development Block Grant</td>
<td>107,902</td>
<td>71,621</td>
<td>66.38%</td>
<td>112,723</td>
<td>104.47%</td>
</tr>
<tr>
<td>Traffic Safety Fund</td>
<td>125,500</td>
<td>108,378</td>
<td>86.36%</td>
<td>125,500</td>
<td>100.00%</td>
</tr>
<tr>
<td>Airport Operations</td>
<td>27,500</td>
<td>18,332</td>
<td>66.66%</td>
<td>27,500</td>
<td>100.00%</td>
</tr>
<tr>
<td>Park Development</td>
<td>140,000</td>
<td>55,955</td>
<td>39.97%</td>
<td>100,000</td>
<td>71.43%</td>
</tr>
<tr>
<td>Transportation Development</td>
<td>150,000</td>
<td>133,000</td>
<td>88.67%</td>
<td>150,000</td>
<td>100.00%</td>
</tr>
<tr>
<td>Building Construction Fund</td>
<td>50,000</td>
<td>37,284</td>
<td>74.57%</td>
<td>50,000</td>
<td>100.00%</td>
</tr>
<tr>
<td><strong>Total Transfers In</strong></td>
<td>1,375,902</td>
<td>941,235</td>
<td>68.41%</td>
<td>1,340,723</td>
<td>97.44%</td>
</tr>
</tbody>
</table>

### TRANSFERS OUT:

<table>
<thead>
<tr>
<th>Description</th>
<th>AMENDED BUDGET</th>
<th>YTD 02/29/08</th>
<th>% OF APPROP</th>
<th>YTD 06/30/08</th>
<th>% OF APPROP</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Govt-Capital Projects</td>
<td>(808,925)</td>
<td>(178,819)</td>
<td>22.11%</td>
<td>(345,000)</td>
<td>42.85%</td>
</tr>
<tr>
<td>Debt Repayment</td>
<td>(1,831,296)</td>
<td>(855,303)</td>
<td>46.70%</td>
<td>(1,831,296)</td>
<td>100.00%</td>
</tr>
<tr>
<td>ZALUD Estate</td>
<td>(10,000)</td>
<td>0.00%</td>
<td></td>
<td>(10,000)</td>
<td>100.00%</td>
</tr>
<tr>
<td>Golf Course</td>
<td>(59,000)</td>
<td>(39,332)</td>
<td>66.66%</td>
<td>(59,000)</td>
<td>100.00%</td>
</tr>
<tr>
<td>Airport</td>
<td>(121,217)</td>
<td>(80,813)</td>
<td>66.67%</td>
<td>(161,217)</td>
<td>133.00%</td>
</tr>
<tr>
<td>Equipment Replacement</td>
<td>(54,195)</td>
<td></td>
<td></td>
<td>(54,135)</td>
<td></td>
</tr>
<tr>
<td>Special Gas Tax-West ST Proj</td>
<td>(594,583)</td>
<td></td>
<td></td>
<td>(645,889)</td>
<td></td>
</tr>
<tr>
<td>Deposit - KIT FOX</td>
<td>(284,549)</td>
<td></td>
<td></td>
<td>(284,549)</td>
<td></td>
</tr>
<tr>
<td><strong>Total Transfers Out</strong></td>
<td>(2,830,438)</td>
<td>(2,067,534)</td>
<td>73.05%</td>
<td>(3,371,086)</td>
<td>119.10%</td>
</tr>
</tbody>
</table>

### Sale of Property

<table>
<thead>
<tr>
<th>Description</th>
<th>AMENDED BUDGET</th>
<th>YTD 02/29/08</th>
<th>% OF APPROP</th>
<th>YTD 06/30/08</th>
<th>% OF APPROP</th>
<th>PROPOSED BUDGET ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sale of Property</td>
<td>$910,438</td>
<td>$910,438</td>
<td>$910,438</td>
<td>$910,438</td>
<td>(25)</td>
<td></td>
</tr>
</tbody>
</table>

### TOTAL OTHER Financing Sources (USES)

<table>
<thead>
<tr>
<th>Description</th>
<th>AMENDED BUDGET</th>
<th>YTD 02/29/08</th>
<th>% OF APPROP</th>
<th>YTD 06/30/08</th>
<th>% OF APPROP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Other Financing Sources (USES)</td>
<td>$(1,454,536)</td>
<td>$(215,861)</td>
<td>14.84%</td>
<td>$(1,119,925)</td>
<td>77.00%</td>
</tr>
</tbody>
</table>

### NET CHANGE IN FUND BALANCE

<table>
<thead>
<tr>
<th>Description</th>
<th>AMENDED BUDGET</th>
<th>YTD 02/29/08</th>
<th>% OF APPROP</th>
<th>YTD 06/30/08</th>
<th>% OF APPROP</th>
<th>PROPOSED BUDGET ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Change</td>
<td>$(166,916)</td>
<td>$198,272</td>
<td>-118.79%</td>
<td>$998,099</td>
<td>-597.96%</td>
<td>$(457,845)</td>
</tr>
</tbody>
</table>
CITY OF PORTERVILLE
REVENUE AND TRANSFERS IN - OTHER FUNDS
FOR THE EIGHT MONTHS ENDED FEBRUARY 29, 2008

<table>
<thead>
<tr>
<th>ESTIMATED</th>
<th>REVENUE &amp; TRANSFERS 02/29/08</th>
<th>% OF PROJECTIONS OF 06/30/08</th>
<th>REVENUE &amp; TRANSFERS PROPOSED BUDGET ADJUSTMENT</th>
<th>NOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>GEN FUND EQUIPMENT REPLACEMENT</td>
<td>$15,000</td>
<td>$715,537</td>
<td>4770.2%</td>
<td>$1,004,135</td>
</tr>
<tr>
<td>MEASURE H SALES TAX</td>
<td>2,810,000</td>
<td>1,801,950</td>
<td>64.1%</td>
<td>2,810,000</td>
</tr>
<tr>
<td>REDEVELOPMENT AGENCY</td>
<td>1,050,460</td>
<td>501,072</td>
<td>47.7%</td>
<td>1,050,460</td>
</tr>
<tr>
<td>SPECIAL GAS TAX</td>
<td>4,554,300</td>
<td>1,882,016</td>
<td>41.3%</td>
<td>3,146,100</td>
</tr>
<tr>
<td>LOCAL TRANSPORTATION FUNDS (LTF)</td>
<td>5,747,886</td>
<td>481,643</td>
<td>8.4%</td>
<td>3,147,886</td>
</tr>
<tr>
<td>TRAFFIC SAFETY FUND</td>
<td>125,500</td>
<td>108,378</td>
<td>86.4%</td>
<td>125,500</td>
</tr>
<tr>
<td>ZALUD ESTATE</td>
<td>30,000</td>
<td>4,751</td>
<td>15.8%</td>
<td>30,000</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>3,317,295</td>
<td>1,955,277</td>
<td>58.9%</td>
<td>3,317,295</td>
</tr>
<tr>
<td>TRANSIT</td>
<td>4,461,508</td>
<td>1,771,295</td>
<td>39.7%</td>
<td>4,461,508</td>
</tr>
<tr>
<td>SPECIAL SAFETY GRANTS</td>
<td>302,017</td>
<td>113,198</td>
<td>37.5%</td>
<td>152,017</td>
</tr>
<tr>
<td>SEWER OPERATING</td>
<td>6,721,431</td>
<td>4,432,579</td>
<td>65.9%</td>
<td>6,721,431</td>
</tr>
<tr>
<td>REFUSE REMOVAL</td>
<td>5,156,418</td>
<td>3,472,888</td>
<td>67.4%</td>
<td>5,156,418</td>
</tr>
<tr>
<td>AIRPORT OPERATIONS</td>
<td>1,493,713</td>
<td>1,073,155</td>
<td>71.8%</td>
<td>1,533,713</td>
</tr>
<tr>
<td>GOLF COURSE</td>
<td>381,532</td>
<td>223,966</td>
<td>58.7%</td>
<td>381,532</td>
</tr>
<tr>
<td>WATER OPERATING</td>
<td>5,165,108</td>
<td>3,632,295</td>
<td>70.3%</td>
<td>5,165,108</td>
</tr>
<tr>
<td>GEN GOVT - DEBT SERVICE</td>
<td>1,866,296</td>
<td>859,756</td>
<td>46.1%</td>
<td>1,866,296</td>
</tr>
<tr>
<td>RISK MANAGEMENT</td>
<td>3,621,850</td>
<td>2,698,427</td>
<td>74.5%</td>
<td>3,621,850</td>
</tr>
<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>2,047,168</td>
<td>1,454,473</td>
<td>71.0%</td>
<td>2,047,168</td>
</tr>
<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>194,000</td>
<td>82,142</td>
<td>42.3%</td>
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<td>WATER REPLACEMENT</td>
<td>4,117,585</td>
<td>471,127</td>
<td>11.4%</td>
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<td>250</td>
<td>359,720</td>
<td>143888.0%</td>
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<tr>
<td>SEWER REVOLVING</td>
<td>400,400</td>
<td>220,011</td>
<td>54.9%</td>
<td>445,400</td>
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<td>TRANSPORTATION DEVELOPMENT</td>
<td>902,000</td>
<td>1,287,567</td>
<td>142.7%</td>
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<td>PARK DEVELOPMENT</td>
<td>118,500</td>
<td>54,582</td>
<td>46.1%</td>
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<tr>
<td>TREATMENT PLANT RESERVE</td>
<td>3,340,000</td>
<td>1,192,331</td>
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<td>37,283</td>
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<td>84,000</td>
<td>84,000</td>
<td>84,000</td>
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<td>GOLF COURSE REPLACEMENT</td>
<td>28,230</td>
<td>40,000</td>
<td>40,000</td>
<td>40,000</td>
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<td>EQUIP MAINTENANCE REPLACEMENT</td>
<td>19,809</td>
<td>28,000</td>
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<td>28,000</td>
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TOTALS | $55,583,017 | $31,365,422 | 56.4% | $52,220,817 | 93.95% | $5,183,065 |
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<tr>
<th>GEN FUND EQUIPMENT REPLACEMENT</th>
<th>262,673</th>
<th>166,604</th>
<th>63.43%</th>
<th>262,673</th>
<th>100.00%</th>
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<td>MEASURE H SALES TAX</td>
<td>2,563,050</td>
<td>1,009,469</td>
<td>39.39%</td>
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<td>100.00%</td>
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<td>961,844</td>
<td>478,744</td>
<td>49.77%</td>
<td>961,844</td>
<td>100.00%</td>
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<tr>
<td>SPECIAL GAS TAX</td>
<td>6,084,067</td>
<td>1,527,172</td>
<td>25.10%</td>
<td>4,675,867</td>
<td>76.86%</td>
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<tr>
<td>LOCAL TRANSPORTATION FUND</td>
<td>6,360,778</td>
<td>1,143,410</td>
<td>17.95%</td>
<td>3,768,778</td>
<td>59.18%</td>
</tr>
<tr>
<td>TRAFFIC SAFETY FUND</td>
<td>125,500</td>
<td>108,378</td>
<td>86.36%</td>
<td>125,500</td>
<td>100.00%</td>
</tr>
<tr>
<td>ZALUD ESTATE</td>
<td>43,480</td>
<td>16,529</td>
<td>38.02%</td>
<td>43,480</td>
<td>100.00%</td>
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<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>3,217,686</td>
<td>2,793,353</td>
<td>88.81%</td>
<td>3,217,686</td>
<td>100.00%</td>
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<tr>
<td>TRANSIT</td>
<td>4,587,206</td>
<td>2,727,968</td>
<td>59.47%</td>
<td>3,217,686</td>
<td>70.14%</td>
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<td>SPECIAL SAFETY GRANTS</td>
<td>355,782</td>
<td>274,621</td>
<td>77.19%</td>
<td>405,782</td>
<td>114.05%</td>
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<td>SEWER OPERATING</td>
<td>8,102,837</td>
<td>3,970,234</td>
<td>49.00%</td>
<td>8,102,837</td>
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<tr>
<td>REFUSE REMOVAL</td>
<td>5,010,353</td>
<td>3,260,520</td>
<td>65.08%</td>
<td>5,010,353</td>
<td>100.00%</td>
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<tr>
<td>AIRPORT</td>
<td>1,467,606</td>
<td>836,791</td>
<td>56.25%</td>
<td>1,487,606</td>
<td>100.00%</td>
</tr>
<tr>
<td>GOLF COURSE</td>
<td>381,532</td>
<td>222,174</td>
<td>58.23%</td>
<td>381,532</td>
<td>100.00%</td>
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<tr>
<td>WATER OPERATING</td>
<td>4,830,108</td>
<td>2,629,765</td>
<td>54.45%</td>
<td>4,830,108</td>
<td>100.00%</td>
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<td>GEN GOVT - DEBT SERVICE</td>
<td>1,859,171</td>
<td>1,686,199</td>
<td>91.23%</td>
<td>1,859,171</td>
<td>100.00%</td>
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<tr>
<td>RISK MANAGEMENT</td>
<td>4,264,850</td>
<td>2,468,227</td>
<td>57.87%</td>
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<td>100.00%</td>
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<td>EQUIPMENT MAINTENANCE</td>
<td>2,026,013</td>
<td>1,356,293</td>
<td>66.94%</td>
<td>2,026,013</td>
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<td>197,379</td>
<td>89,722</td>
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<td>197,379</td>
<td>100.00%</td>
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<tr>
<td>WATER REPLACEMENT</td>
<td>9,013,343</td>
<td>1,767,902</td>
<td>19.61%</td>
<td>5,802,843</td>
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<td>SOLID WASTE RESERVE</td>
<td>536,000</td>
<td>130,154</td>
<td>24.28%</td>
<td>536,000</td>
<td>100.00%</td>
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<tr>
<td>SEWER REVOLVING</td>
<td>2,388,000</td>
<td>472,686</td>
<td>19.96%</td>
<td>2,386,000</td>
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<td>585,063</td>
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<td>17.78%</td>
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<td>100.00%</td>
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<td>STORM DRAIN DEVELOPMENT</td>
<td>1,878,000</td>
<td>342,755</td>
<td>18.25%</td>
<td>1,878,000</td>
<td>100.00%</td>
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<tr>
<td>BUILDING CONSTRUCTION</td>
<td>100,000</td>
<td>37,283</td>
<td>37.28%</td>
<td>100,000</td>
<td>100.00%</td>
</tr>
<tr>
<td>AIRPORT REPLACEMENT</td>
<td>82,000</td>
<td>81,280</td>
<td>99.12%</td>
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<td>100.00%</td>
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<td>GOLF COURSE REPLACEMENT</td>
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<td>91,395</td>
<td>86.02%</td>
<td>106,250</td>
<td>100.00%</td>
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<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$ 70,969,193</strong></td>
<td><strong>$ 30,724,196</strong></td>
<td><strong>43.29%</strong></td>
<td><strong>$ 62,705,146</strong></td>
<td><strong>88.36%</strong></td>
</tr>
</tbody>
</table>
Notes on Proposed Budget Adjustments:

(1) Revenue trend.
(2) Revenue trend.
(3) Revenue trend.
(4) Revenue trend.
(5) Revenue trend.
(6) Revenue trend.
(7) Revenue trend.
(8) Revenue trend.
(9) Revenue trend.
(10) OHV grant not expected for the current year.
(11) Tule River Parkway grant not expected for the current year.
(12) Booking fees not expected for the current year.
(13) Revenue trend.
(14) Revenue trend.
(15) Revenue trend.
(16) Revenue trend.
(17) Revenue trend.
(18) Revenue trend.
(19) Revenue trend.
(20) Success Lake enlargement and Tule River Parkway projects on hold.
(21) Increase to include partial payment of land for the airport fire facility.
(22) Transfer of grant funds used to purchase hybrid vehicles.
(23) Transfer of funds from sale of property to SCE for the West Street project.
(24) Transfer of funds from sale of property to SCE for the Kit Fox.
(25) Proceeds from sale of property to SCE.
(26) No budget for interdepartmental service charges and interest income.
(27) CMAQ funds for the CNG facility not expected for the current year.
(28) Measure R - regional funds for the Scranton/Indiana project not expected in the current year.
(29) No additional funds from the Indian Gaming grant.
(30) Increase to include partial payment of land for the airport fire facility.
(31) CIEDB financing not expected in the current year.
(32) No budget for interdepartmental service charges and interest income.
(33) No budget for interdepartmental service charges.
(34) Revenue trend.
(35) Revenue trend.
(36) No budget for interest income and proceeds from sale of property.
(37) No budget for interdepartmental service charges and interest income.
(38) No budget for interdepartmental service charges and interest income.
(39) Construction of CNG facility to be completed next year.
(40) Scranton/Indiana project to be completed next year.
(41) Appropriation for OTS from grant received in the current year.
(42) Projects to be financed by CIEDB.
(43) Reduce transfer to GF due to lower revenue projection.
OPTIONS TO ADDRESS MURRY PARK POND

PARKS AND LEISURE SERVICES DEPARTMENT

The City Council has directed staff to prepare information on options that can be implemented to improve the quality and appearance of the water within the Murry Park Pond. The pond is routinely supplied with water from the Pioneer Ditch. Recently, due to upstream construction and equipment failures there has been no ditch water flows. As of the writing of this report it is anticipated that flow will be restored before the end of March 2008.

Staff has compiled an overview of options and budgetary level cost identification for possible modification and improvements to the Pond. Please refer to the attached report for specifics on the identified alternatives.

The only current funding source that staff has available for implementing improvements is the $246,000 of CDBG funds allocated to Murry Park Improvements. The City Council directed a year ago that the priority improvements for Murry Park were to be the replacement of the lower playground equipment and the construction of a new restroom building between this playground and the pond. The Public Works Department has yet to allocate staff resources to begin efforts on those improvements.

That the City Council discuss the options and provide direction to staff.

City of Porterville – Murry Park Pond Enhancement Alternatives
CITY OF PORTERVILLE - MURRY PARK
POND ENHANCEMENT ALTERNATIVES

Preface
The City of Porterville owns and maintains an improved 20-acre park located along East Putnam Avenue and southeast of Park Drive. This park is known as Murry Park and contains many picnic areas, mature trees, streams, vehicular parking areas, a municipal swimming pool, and a man-made pond.

The one-acre pond is located near the northwest corner of the park at the bottom of the hillside upon which the park resides. The pond is normally supplied with surface water purchased regularly from the Pioneer Water Company. The pond also serves as a detention and settlement basin for storm runoff directed to the facility by a city storm drainage system. In the early days (pre +/-1950) the pond would be dry during the summer months. With the regular acquisition of surface water the city began to keep water within the pond year around. Waterfowl have frequented the pond since its construction and a large population of non-migratory fowl has developed which now make the pond and adjacent park area their permanent home. A small island within the pond provides a nesting area and some refuge for the fowl. Local residents routinely feed the fowl with bread and other human food substances which have contributed to the domestication of the wildlife.

The pond water quality is less than desirable. Bacteria levels are elevated and a sample water quality analysis is included as Attachment ‘A’. A comprehensive water quality characterization and sludge analysis has not been conducted. Oxygen levels are not totally depleted as fish do live within the pond. The fish enter the pond with the source surface water, and it is stocked once or twice a year for youth fishing derbies.

It is believed that many factors contribute to the poor water quality. Limited surface water availability for continuous flow through the pond, the nutrient content carried by the source surface water, the sediments and debris contributed by the storm drainage system, drought conditions that have limited flushing storm flows, degraded human food substances (uneaten by the water fowl) thrown into the pond, water fowl defecation, and limited mechanical water aeration all contribute to the degraded water quality. The extent to which any of the factors may influence the water quality over the other factors has not been quantitatively determined.

The water quality is perceived as poor in appearance, turbid, with visible seasonal algal blooms, and an elevated bacterial level found in the single sampling. Most of the pond is relatively shallow (4 to 6 feet), so stratification is not perceived as a current concern.

- 1 -

3/25/2008
It is believed that the rate of decomposition of organic waste within the pond needs to be improved. Increasing the amount of oxygen and/or complete mixing of the water are methods to enhance natural decomposition processes. A single fountain currently exists along the north side of the pond. This fountain has become plugged and the pump motor may have been damaged. When it functions, its purpose is to provide movement of the surface water and thus serves little role in assisting with organic decomposition.

**Alternatives to Enhance Pond Water Quality**
The Porterville City Council has requested the preparation of an evaluation on the alternatives and costs for addressing the cleanliness of the pond. The alternatives identified by staff for further evaluation are:

1. Construction of Murry Park Master Plan defined pond area improvements.
2. Install water aeration system within the current pond configuration.
3. Dewater the pond, fill the depression with soil, and channel the storm and stream flows in manners to provide new water features for the park.

The evaluations of these alternatives that follows is preliminary in nature to provide budget level comparison of projected cost. Once a specific course of action is determined, further refinement of the cost estimate for that alternative will be developed as a component of project specification.

**Master Plan Improvements**
The City prepared a Murry Park Master Plan in 2005 for renovations and expansion of the current park improvements. An Initial Study/Environmental Assessment was conducted in 2006, and a Mitigated Negative Declaration/Finding of No Significant Impact was completed in March 2007. The documents comply with both CEQA and NEPA requirements, and include discussion of intended improvements of the pond area, to wit:

Some existing elements will be cleared to make way for the renovations, including the Putnam wall, adjacent paving, and select trees and shrubs. Renovations of the pond will include increasing the basin depth, removing the existing island, renovating the outlet stream with a waterfall, renovating the inlet stream with boulders, and installation of an aeration system and utilities. A new pedestrian path will circle the pond and connect to Putnam Avenue. Two new bridges and a new group picnic pavilion will also be added to the areas around the pond. New furniture will include seating areas, picnic tables, and a fish cleaning station. New lighting, irrigation, plantings and signage in the area of these improvements will also be installed.
The renovations to the pond are estimated at $300,000 for design and construction. The full improvements surrounding the pond would relocate the current double pavilion location and provide enhanced vehicle parking and pedestrian pathways at an additional design and improvement cost of approximately $500,000.

**Water Aeration System**
The injection of additional oxygen into the pond water will assist in the process of natural decomposition of organic wastes. Fine bubble aeration is more efficient than splash or fountain type of aeration. Because of the limited depth of the pond water, the injection of air below the surface and directed across the pond bottom should be the most efficient fine bubble aeration process. Concerns exist with vandalism, theft of equipment, and interference to fishing activities resulting from equipment within the pond. The maximum extent of a fully enclosed system is thus more desirable than one with piping, tubing, cables or visible operating components. Performance of submerged aeration equipment placed along the west bank of the pond should be enhanced from the natural wind patterns. Two small size aerators should provide the most flexibility for operations to allow for alternating use and doubling the aeration during maximum demand seasonal periods.

Submerged aspirating aerators have been preliminarily identified as capable of meeting the requirements. This equipment could be placed into operation for an estimated cost of $80,000 to $100,000. Further evaluation of the existing fountain could also be conducted as a part of the aeration project to determine need and cost for either repair or replacement.

**Fill the Pond**
It is estimated that approximately 6,000 CY of material would need to be removed from the pond area in order to create a stable subgrade for engineered fill. Approximately 14,000 CY of select fill would need to be imported and compacted in lifts to ensure that differential settlement doesn't occur. Storm drainage pipelines will need to be installed to convey the storm flows, and open channel streams provided to maintain a visible water feature within the park. The filled land could then be utilized for park amenities, such as parking, picnic areas, play space, or for the site of a new public facility.

The filling of the pond alternative can be accomplished for an estimated cost of $750,000 to $900,000. Additional downstream storm drain water detention, conveyance pipelines, or sediment basins may be needed to ensure compliance with NPDES requirements. These additional storm flow factors have not been reviewed and the cost for improvements that may be required is not included as a part of this Murry Park Pond alternative.
MEMORANDUM

DATE: 11/29/07

TO: Bryan Styles

FROM: Michael Cotton

SUBJECT: Water Sample from Murry Park

On November 26, 2007 a water sample was collected from the east side of the Murry Park pond and analyzed for Total and Fecal Coliforms as well as turbidity, pH, EC, & DO. The sample was relatively clear and water was flowing through the pond at a slow trickle. There were a lot of ducks on the pond at the time of the sample.

The drinking water standards are listed for reference only. The high total Coliform count is typical of surface water and is what one would expect from a slow flowing pond with a lot of water fowl using the pond. The high dissolved oxygen content indicates a healthy environment for fish.

Sample results:

<table>
<thead>
<tr>
<th>Murry Park Sample</th>
<th>Drinking Water Std.</th>
</tr>
</thead>
<tbody>
<tr>
<td>pH</td>
<td>7.9</td>
</tr>
<tr>
<td>EC</td>
<td>415</td>
</tr>
<tr>
<td>DO</td>
<td>7.7</td>
</tr>
<tr>
<td>Turbidity</td>
<td>3.2</td>
</tr>
<tr>
<td>Total Coliforms</td>
<td>&gt;1600</td>
</tr>
<tr>
<td>Fecal Coliforms</td>
<td>&gt;1600</td>
</tr>
</tbody>
</table>
City of Porterville Laboratory

Analysis Results

To: Richard Mulvihill
City of Porterville
555 North Prospect Ave.
Porterville, CA, 93257

Project: Murry Park Pond Water

<table>
<thead>
<tr>
<th>Lab ID</th>
<th>Sample #</th>
<th>Time Sampled</th>
<th>Analysis</th>
<th>Result</th>
<th>Units</th>
<th>Method</th>
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<td>Turbidity</td>
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<td>NTU</td>
<td>EPA 180.1</td>
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<td>Murry Park Pond</td>
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<td>MPN</td>
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<tr>
<td>15042-1</td>
<td>Murry Park Pond</td>
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<td>Fecal Coliform</td>
<td>&gt;1600</td>
<td>MPN</td>
<td>SM 9221</td>
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</table>

Analyst: [Signature]

ELAP Certificate # 1653
City of Porterville Laboratory, 291 N. Main St., Porterville, CA 93258
SUBJECT: RESOLUTION OPPOSING ABANDONMENT OF A RAILROAD FEEDER LINE BETWEEN EXETER AND THE KERN COUNTY LINE

SOURCE: Administration

COMMENT: Paul Saldana of the Tulare County Economic Development Corporation is requesting support of area cities to oppose the abandonment of a railroad feeder line between Exeter and the Kern County Line by the San Joaquin Valley Railroad.

While the feeder line south of milepost 264.1 was not used in 2007, the abandonment of the line would preclude future use by historical users, which include Sierra Forest Products, Tri K Truss, and Britz Fertilizer.

The abandonment of this feeder line would leave the cities of Porterville, Lindsay and the communities of Strathmore, Terra Bella, Ducor, Richgrove, as well as others in southern Tulare County (comprising a population of over 80,000 people) without rail service.

The absence of rail service will adversely affect current industry and air quality, requiring shipment by truck, will make the southern Tulare County region less attractive for the development of future industry, and will preclude any future potential uses of the rail line such as commuter rail service.

RECOMMENDATION: That the City Council approve the draft Resolution opposing abandonment of a railroad feeder line between Exeter and the Kern County Line by the San Joaquin Valley Railroad.

ATTACHMENT: Draft Resolution

DD  Appropriated/Funded  CM  Item No. 19
RESOLUTION NO. _____-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OPPOSING ABANDONMENT OF A RAILROAD FEEDER LINE BETWEEN EXETER
AND THE KERN COUNTY LINE BY THE SAN JOAQUIN VALLEY RAILROAD

WHEREAS, the San Joaquin Valley Railroad, a subsidiary of RailAmerica, Inc.,
provides freight rail service between Exeter and Kern County line (Jovista) on the Exeter
Branch feeder line in southern Tulare County; and

WHEREAS, on February 19, 2008, the San Joaquin Valley Railroad submitted an
application (Surface Board of Transportation Docket No. AB-398 (Sub-No. 7X) to abandon
a 30.57 mile rail line between Strathmore, milepost 268.60 and Jovista, milepost 299.17; and

WHEREAS, on February 28, 2008, the San Joaquin Valley Railroad submitted an
application (Surface Board of Transportation Docket No. AB398 (Sub-No. 8X) to abandon
a 9.20 mile rail line between Exeter, milepost 259.40 and Strathmore, milepost 268.60; and

WHEREAS, Tulare Frozen Foods, successor in interest to Lindsay Foods
International, has successively increased its use of the northern portion of the feeder line
located at milepost 264.1 from 39 carloads in 2005 to 67 carloads in 2006 to 79 carloads
in 2007 and plans to ultimately ship 150 carloads per year; and

WHEREAS, while the feeder line south of milepost 264.1 was not used in 2007, the
abandonment of the line would preclude future use by historical users which include Tri K
Truss, Sierra Forest Products and Britz Fertilizer; and

WHEREAS, the abandonment of the Exeter Branch feeder line would leave the
Cities of Lindsay and Porterville and the communities of Strathmore, Terra Bella, Ducor,
Richgrove and others in southern Tulare County (comprising a population of over 80,000
people) without any rail service; and

WHEREAS, the absence of rail service will adversely affect current industry and air
quality, requiring shipment by truck and will make the southern Tulare County region less
attractive for the development of future industry; and

WHEREAS, the abandonment of the Exeter Branch feeder line would preclude any
future potential uses of the rail line such as commuter rail service; and

WHEREAS, the City of Porterville is opposed to the loss of any freight rail service
in Tulare County on the grounds that such rail service is a vital link in transporting goods
from farm to market.
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby opposes the abandonment and abandonment exemptions of the entire 39.77 mile Exeter Branch feeder line between Exeter, milepost 259.40 and Jovista, milepost 299.17 by the San Joaquin Valley Railroad.

APPROVED AND ADOPTED this 1st day of April, 2008.

_____________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

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by Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: USE OF CMAQ FUNDS FOR CONCRETE IMPROVEMENTS

SOURCE: Public Works Department – Engineering Division

COMMENT: The 2006 – 2010 Congestion Mitigation Air Quality Grant cycle included $220,000 to construct concrete improvements along Date Avenue from Main Street east to Cornell Avenue. When the City received a very favorable bid for the reconstruction of Date Avenue, staff was directed to use local funds to pay for the Date Avenue concrete improvements and use the CMAQ funds to install concrete improvements at another worthy location.

Staff recommends that Indiana Street from Olive Avenue to Union Avenue be the recipient of the CMAQ funds. Indiana Street is a collector street and in staff’s opinion, a worthy candidate to receive curb and gutter because the County, in years past, installed an underground storm drain system. Constructing curb and gutter will allow street and property run-off to drain to existing “open grate” collection points.

A member of the City Council asked that staff provide other streets (collector or higher) for Council’s consideration. After careful review, the following streets are presented to the Council:

1. South Indiana Street – Olive Avenue to Union Avenue
2. Henderson Avenue – Plano Street east to terminus
3. Prospect Street – Morton Avenue to Olive Avenue

RECOMMENDATION: That the City Council:

1. Accept Public Works recommendation that the available CMAQ funds be used along South Indiana Street from Olive Avenue to Union Avenue or portions thereof, for the installation of concrete improvements;

2. Regardless of the street selected to receive CMAQ funding for concrete improvements, direct the Public Works Director to inform TCAG of the City’s choice of street to receive concrete improvements using the CMAQ funds; and

Dir Appropriated/Funded Item No. 20
3. Direct the City Engineer to begin design efforts for the installation of concrete improvements along the street selected by Council.

ATTACHMENT: Locator Map

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SUBJECT: CONSIDERATION OF SETTING SECOND STUDY SESSION REGARDING COURTHOUSE PROJECT AND FAIRGROUNDS

SOURCE: ADMINISTRATION

COMMENT: On Saturday, March 22, 2008, the City Council held a Study Session at the Fairgrounds to solicit public testimony and to provide information regarding the proposed Courthouse Project and the associated relocation of the Porterville Fair. During that session, staff provided a briefing on the State’s decision to build a 90,000 square foot Courthouse facility in Southern Tulare County; of its identification of the Fairgrounds property as its potential location; and of the potential relocation of the Porterville Fair in the event the project moved forward.

The Study Session was publicized in the Porterville Recorder, and noticed in adherence to the Ralph M. Brown Act. Approximately 30 to 40 individuals attended the session, with six individuals participating in the public commentary portion of the meeting. Details of those comments may be found in the attached Minutes of that meeting.

A concern was expressed that because March 22nd fell on Easter weekend, the meeting might not have drawn as much public participation as it might have on a different date. As such, a request was made to place an item on the next Agenda so that the Council could consider the scheduling of an additional Study Session on the matter. May 3, 2008 was suggested as a possible date for a second Study Session, however it is important to note that the Comision Honorifica Mexicana-America’s Cinco de Mayo Parade takes place that morning from 9:00 a.m. to 12:00 p.m.

RECOMMENDATION: That the City Council provide direction to staff.

ATTACHMENTS: City Council Minutes of March 22, 2008

Item No. 21

Authorized
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING - MARCH 22, 2008, 9:00 A.M.
PORTERVILLE FAIR GROUNDS, ROTARY STAGE
300 EAST OLIVE AVENUE, PORTERVILLE

Call to Order at 9:14 a.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

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

Mayor Hamilton noted the presence of County Supervisor Mike Ennis and Fair Board Member John Corkins in the audience, and invited them to be seated with the Council.

ORAL COMMUNICATIONS
• Greg Shelton, 888 North Williford Drive, suggested that the City was “counting its eggs before they were hatched” and spending money on consultants prior to identifying a way to fund the project. He alleged that the City spent money on consultants, yet nothing was accomplished. He contended that staff’s time was being wasted on projects that never came to fruition, and that the proposed project was a bad idea.

SCHEDULED MATTERS
1. THE FAIR GROUNDS AND THE COURTHOUSE PROJECT

Recommendation: After staff’s briefing, receive public testimony on the potential relocation of the Porterville Fairgrounds.

City Manager John Longley introduced the item and indicated that the study session that morning was a scoping meeting to define parameters and receive public input. He stated that the State had decided to build a 90,000 square foot courthouse facility, and that it would be the second major Court facility in Tulare County. He emphasized that the location for the new facility would be determined by the State, not the City. Mr. Longley next spoke of the importance of the Porterville Fair to the community, and indicated that a relocation of the Fair would be necessary in the event the Courthouse Project proceeded at that location. He summarized that the meeting that morning had been scheduled to address the ramifications of the State’s decision to consider the Porterville Fairgrounds as a potential site for a new Courthouse facility, and that the Council would look at the possible need to schedule an additional Study Session so as to receive public input. Mr. Longley then introduced Community Development Director Brad Dunlap to present the staff report.

Mr. Dunlap indicated that as Mr. Longley had stated, the impetus of the item had been the State of California’s plan to build a Courthouse facility, adding that the timing of the State’s decision dovetailed nicely with the City’s recent update to its General Plan. He noted that a number of Project Site Aerial Maps were set up for everyone’s review, and advised that the State’s preferred site for the facility was the Porterville Fairgrounds location. He noted that because of that, a relocation of the
Porterville Fair would need be a part of the project. Mr. Dunlap spoke of the significance of the Fair, and of its importance to the Porterville Community. He then spoke of the economic benefits that would be realized by the City in the event the project proceeded, such as the generation of ancillary uses like Sheriff’s Offices, attorney and paralegal businesses, D.A. and Public Defender Offices, etc. He noted that the project might also require the relocation of the Armory facility currently located on Plano Street, and that staff was currently reviewing that issue.

With regard to relocating the Fair, Mr. Dunlap stated that the Sports Complex property was being looked at as a potential site. He then emphasized that the City’s primary objective was to make sure that the Courthouse Facility came to Porterville rather than an outlying area, noting the importance in keeping the facility adjacent to downtown. He indicated that it would energize the area, and would serve as a magnate, drawing people to the downtown area, much in the same way Kaweah Delta Hospital served to draw spin-off businesses and individuals into Visalia’s downtown area.

Mr. Dunlap then referred everyone to a “bubble” diagram which depicted the Sports Complex property with the concept of intended uses including the proposed future fairgrounds location and the playing fields. Mr. Dunlap stated that the concept was to shift the Sports Complex to the east, and that staff was looking into a number of possible scenarios to accommodate the Fair. He then spoke of the benefits of relocating the Fair, and identified some issues that presently negatively impacted the Fair, such as the fact that it was landlocked which prohibited its future expansion; the issue of noise due to its proximity to residential; and its parking challenges. Mr. Dunlap concluded his presentation by stating that the Courthouse facility would be a more compatible land use for the site.

Mayor Hamilton thanked staff for the presentation and invited comments from the public.

- Greg Shelton, address on record, inquired why the matter had not been processed through the Parks & Leisure Services Commission. He then voiced concerns with crowding uses at the Airport, and questioned staff’s logic in comparing the proposed draw of the new Courthouse facility to that of Kaweah Delta rather than the Visalia Courthouse. Mr. Shelton then noted that the City actually owned the property on which the Fair operated and inquired how much the City stood to make off of the sale to the State. Mr. Shelton then spoke against the relocation of the Fair and the elimination of the OHV, contending that such consideration was premature and not well thought out. He stated that the Fair was a business venture that actually made a profit every year, and that the City could learn from its business acumen.

Mayor Hamilton clarified that the City was not considering the elimination of the OHV, but rather a relocation. He then pointed out that as Mr. Shelton was aware, a sales price could not be disclosed since negotiations with the State were ongoing. He noted that Mr. Shelton was aware of that since he too had been in negotiations with the State regarding one of his properties, noting that Mr. Shelton’s property was actually in the number two position, immediately after the Fairgrounds property. Mayor Hamilton then invited Fair Board Member John Corkins to address the concerns raised by Mr. Shelton with regard to the Fair operations.

- John Corkins, Porterville Fair Board, indicated that the Fair Board had been aware of
the item for quite some time and that it had decided not to take a public position. He then spoke of ongoing challenges with the current location of the Fair, being the lack of ability to expand, noise problems, and parking issues, and that relocation had been considered by the Fair Board for a long time. Mr. Corkins then spoke in favor of relocation, indicating that it would be good for the long term benefit of the community. He concluded that the City and the Fair Board were not getting ahead of themselves, and emphasized that the discussions were very preliminary at that point.

- Dick Eckhoff, business address at 197 North Main Street, spoke of the need for relocating the Fair, noting issues with parking and noise. He questioned the comment that was made with regard to the City moving too quickly on the item, and suggested instead that the City was behind the curve. He spoke in favor of the proposed site at the Airport, yet inquired about the impact the Fair lights would have on flight traffic. Mr. Eckhoff then spoke of the importance of bringing the Courthouse facility to Porterville, and voiced appreciation for staff’s efforts in that regard. He spoke in favor of the proposed site, and voiced caution over potential traffic issues and of keeping the residential neighborhood to the north as residential. Mr. Eckhoff lastly voiced his support for keeping the property across Plano Street for Murry Park.

In response to Mr. Eckhoff’s concerns, Mayor Hamilton indicated that a site had not yet been identified for parking, and that staff had been discussing the issue of lights at the Airport with the FAA.

- Greg Woodard, business address at 1055 West Morton Avenue, voiced support for the proposed site and the relocation of the Fair. He stated that the project was very important for the Community, and that in looking at a cost/benefit ratio, the benefits far exceeded the costs. He then agreed with Mr. Eckhoff’s comments with regard to protecting the residential neighborhood to the north, noting that preserving the historic homes was important. Mr. Woodard indicated that he had advocated for a different location for the Courthouse facility, but that he now supported the site selected by the State. He then spoke of the economic benefit to the City, such as job creation, ancillary businesses, etc. He again emphasized that the benefits far outweighed the costs.

- Ben Arnold, Yokohl Valley Drive, Porterville Area Pilots Association, voiced support for the proposed plans. He indicated that he had been concerned with the lights from a carnival interfering with air traffic, however he stated that it might provide for a good landmark from the air. He then spoke of the importance of the Porterville Airport to the community and that his goal was to protect the pilots and the people on the ground. He concluded that while he would prefer less activity around the airport, he was supportive of the plans to relocate the Fair to the proposed site, and that the preliminary plans looked good.

- Mac Arnold, past Council Member and Planning Commissioner, acknowledged the Council and staff for their efforts with regard to the item at hand. He spoke of the benefits of the Porterville Airport, which he contended made Porterville the most
valuable city in Southeast Tulare County. Mr. Arnold then voiced the need for proper planning of parking for the proposed facility.

- Dick Eckhoff, address on record, spoke of issues with noise when residential neighbors developed near other uses. He noted the need to prevent a situation in which future residential development near the proposed Fair site might complain about noise from the Fair.

**ORAL COMMUNICATIONS**

- Greg Shelton, address on record, again inquired why staff likened the draw of the proposed Courthouse facility to Kaweah Delta Hospital rather than the Visalia Courthouse. He opined that the proposed site at the Fairgrounds was not the best location, and that the boom staff suggested was going to happen, would simply not happen. He spoke of the noise issue with the Fair, inquiring why noise was such a problem when the site only operated about three to four times per year, and questioned why noise would not be an issue with the Courthouse. Mr. Shelton then contended that the City owned the site and that was why it was selected.

  Mayor Hamilton commented that Mr. Shelton’s site had also made the State’s short list and was being considered as a second choice.

- Dick Eckhoff, address on record, spoke of differences with the issues of noise between the Fair and the proposed Courthouse, suggesting that the Courthouse would have different hours of operations, and would not generate the same annoyances like noise and smells as did the Fair. He then opined that local businesses would benefit from visitors to the Courthouse, in that they would likely shop and spend money in Porterville.

  Mayor Hamilton closed the public commentary portion of the meeting. He spoke of misinformation with regard to the proposed project and related relocation of the Fair, and of the desire of the City to make the public aware of the facts. He then confirmed with Mr. Corkins and noted for the record that the Fairgrounds were actually utilized approximately 184 days per year, not three to four as had been suggested. Mayor Hamilton then requested that Mr. Dunlap elaborate further on the project in response to some concerns raised during public commentary.

  Mr. Dunlap indicated that staff was in the process of hiring a consultant to look into parking, pedestrian access, land uses, and connectivity to the project to the downtown area. He stated that the area to be analyzed encompassed the area north to Morton Avenue, east to Plano Street, and west to E Street. He added that the consultant would also look at the re-use of the existing Courthouse facility on Morton Avenue.

  Mayor Hamilton noted that there had been some interest evinced in the scheduling of another study session to provide the public more opportunities for commentary. It was decided to direct staff to add an item onto the next agenda for the Council to consider whether to schedule an additional study session.
OTHER MATTERS

- Council Member Pedro Martinez spoke of the recently retired Chief Deputy City Clerk Georgia Hawley and lauded her dedication and contributions to the City during her employment with the City. He requested that she be considered as a nominee for the Wall of Fame for the coming year.
- Mayor Pro Tem Felipe Martinez spoke of his attendance at the Easter Egg Hunt; and noted that Kids’ Day would be taking place at Veterans’ Park from 12:00 p.m. to 3:30 p.m. on Saturday.

ADJOURNMENT

The Council adjourned at 10:14 a.m. to the Council Meeting of April 1, 2008.

SEAL

__________________________________________________________
Patrice Hildreth, Chief Deputy City Clerk

__________________________________________________________
Cameron Hamilton, Mayor
REDEVELOPMENT AGENCY AGENDA: APRIL 1, 2008

SUBJECT: APPROVAL OF LOW AND MODERATE HOUSING FUNDS TO ASSIST SIMPSON HOUSING SOLUTIONS MULTI-FAMILY PROJECT APN # 252-193-04

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In previous discussions with the City Council and Redevelopment Agency, there has been a consensus for staff to proceed to work with Simpson Housing Solutions on the development of a multi-family apartment complex on “E” Street and Putnam Avenue. The City/Agency is looking to utilize units produced on this site as part of the replacement units for the units lost at the Porterville Hotel. City staff is currently in negotiation with both the owner of the Porterville Hotel and the Department of Housing and Community Development (HCD) to satisfy all of the requirements and conditions of this proposal, including the transfer of the HCD debt to this new project and the proposed debt payments to be paid from the Redevelopment Agency.

Simpson Housing Solutions Inc. in conjunction with the City staff have developed a list of possible funding sources for the project including low income housing tax credits and HOME grant funds. In order to make this development feasible, Simpson Housing has shown in their proformas that additional funding subsidy from the City/Agency needs to be provided to the project. Many of the funding programs being considered by Simpson Housing require demonstrating leverage of funds and commitments from the local jurisdiction in order to score the most points. Simpson Housing is currently completing an application for the first round of Infill Infrastructure Grant Funds from Proposition 1c which could provide up to $2,000,000 for the project. The State has only provided a short time frame from the issuance of the Notice of Funding Availability (NOFA) to the application deadline which is April 4, 2008. In order to receive points in the scoring process to be competitive, it is desirable to have the Redevelopment Agency conditionally approve the commitment of Redevelopment Low and Moderate Income Housing Funds to this project. Since it is early in the development process and there are many unknowns at this point, staff is recommending that the Agency approve the reservation of up to $500,000 in RDA Housing funds for a low interest loan to be used as a permanent loan at the end of construction. The term of this loan would be thirty (30) years at 3% simple interest. This loan offer would be contingent on Simpson Housing meeting certain milestones and receiving other funding allocations, such as the low income housing tax credits.
RECOMMENDATION: That the Redevelopment Agency:

1. Approve a conditional reservation of up to $500,000 in Redevelopment Low and Moderate Income Housing Funds for the Simpson Housing Solutions proposed housing project on the southeast corner of Putnam Avenue and "E" Street for a thirty year, 3% simple interest loan; and

2. Authorize the Executive Director to sign a letter of commitment describing the reservation of funds for the Infill and Infrastructure Grant application being prepared by Simpson Housing Solutions.