Call to Order
Roll Call

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

**CLOSED SESSION:**
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Three Cases.

**7:00 P.M. RECONVENE OPEN SESSION**

**REPORT ON ANY ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Council Member Pedro R. Martinez
Invocation

**PROCLAMATIONS**
Child Abuse Prevention Month – April 2008
Arbor Day – April 25, 2008
Iris Festival Day – April 26, 2008
Cinco de Mayo Week – May 1-7, 2008
Letter Carriers Food Drive Day – May 10, 2008

**PRESENTATIONS**
City Manager’s Featured Projects
A.T. Still Medical School University
Outstanding Business – Beckman Coulter
WRAP Award – Wild Places, Inc.

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

**CONSENT CALENDAR**
All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.
1. City Council Minutes of September 18, 2007 and April 8, 2008

2. Budget Adjustments for the 2007-08 Fiscal Year
   Re: Approving budget adjustments to account for the receipt of two $1,000 grants from Wal-Mart Foundation, which are earmarked for Crime Prevention, Citizen Volunteers and Neighborhood Watch.

3. Award of Contract – Fire Station #2 Training Room
   Re: Awarding contract to Dayco Construction, Inc. of Porterville in the amount of $141,271.11 for the project consisting of the construction of a 5,000 sq. ft. combination training room and offices facility to be located at Fire Station #2.

4. Purchase of New K-9
   Re: Approving the purchase of a new police service dog from Master K-9, Inc., and related training, at an estimated total cost of $12,000.

5. Acceptance of the Riverwalk Marketplace (Bid Package 1 and Bid Package 2 Only)
   Re: Accepting project as complete from Ennis Commercial Properties, LLC, and authorizing the filing of the Notice of Completion, for BP-1 and BP-2, consisting of the street construction and related public improvements along Jaye Street, State Route 190, Vandalia Avenue and Springville Avenue.

6. Authorization to Execute a Consultant Service Agreement – Jaye Street/Montgomery Avenue Roundabout Project
   Re: Authorizing the execution of the Consultant Service Agreement with Omni Means of Visalia, CA, for the design of a roundabout at the intersection of Jaye Street and Montgomery Avenue, at a cost of $125,264.

7. Authorization to Augment Consolidated Testing Laboratory Contract – Airport Remediation Project
   Re: Approving augmentation of Consolidated Testing Laboratory’s existing purchase order in an amount not to exceed $87,850.00 for duties related to the removal of pesticide contaminated soil at the Porterville Municipal Airport, as required by the Department of Toxic Substance Control.

8. Reimbursement for the Construction of Master Plan Facilities – Chelsea Glen, Tract 781 Subdivision (Benny Martinez)
   Re: Accepting the Water and Sewer Master Plan public improvements for the Subdivision located generally at the southeast corner of Linda Vista Avenue and Newcomb Street, and approving reimbursement to Mr. Benny Martinez in the amount of $177,041.73 for said improvements.

9. Regional Call-In Center
   Re: Considering approval of the transfer of the City’s $58,000 of grant funds to the City of Visalia’s application for a Regional Transit Information Call Center to consolidate efforts to provide for greater public service in providing a centralized resource for individuals seeking transit information.

10. Authorize Implementation of a Library Project Work Plan
    Re: Considering authorization to initiate activities outlined in the Work Plan, including the assembly of a Planning Team to include the Parks & Leisure Services Director, Librarian, Library Board Chair and Friends of the Library Chair.

11. Information Regarding Removal of Murry Park Pavilion Structures #1 & #2
    Re: Informational report regarding the required demolition of adjoining pavilion structures located in Murry Park near Putnam Avenue and the pond due to safety concerns.
12. Engineer’s Reports and Setting of a Public Hearing for Establishing Lighting and Landscape Maintenance Districts and Tax Assessments for Parcels Within: Beverly Glenn Subdivision, Sierra Estates Subdivision, Sierra Meadows Phase Two Subdivision, Summit Estates Phase One Subdivision, and New Expression Phase Five Subdivision
Re: Considering approval of resolutions necessary to initiate the process of creating new districts for eight new subdivisions, and scheduling a public hearing for May 6, 2008.

13. Amendment to the 3-12 Alternative Work Schedules for Police Officers
Re: Considering the ratification of the Memorandum of Understanding amending the 3-12 and 4-10 Alternative Work Schedules for Police Officers.

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

PUBLIC HEARINGS
14. Water Conservation Plan
Re: Considering approval of a revision to the Water Conservation Plan adding voluntary odd/even watering in Phase II, and moving into Phase II as of May 1, 2008.

SCHEDULED MATTERS
15. Approval of an Interim Ordinance Adopting an Interim Zoning Matrix and Implement Plan to Implement the Porterville 2030 General Plan
Re: Considering the adoption of an Interim Urgency Ordinance to ensure zoning classification consistency with the newly adopted General Plan until such time as the comprehensive update to the City’s Zoning and Subdivision Ordinances are completed.

16. Tulare County Regional Blueprint
Re: Informational report on the status of staff’s report related to the County’s Regional Blueprint project.

17. Authorization to Reorganize the Field Services Division – Public Works Department
Re: Considering approval of the reorganization of the Field Services Division.

18. Use of CMAQ Funds for Various City Streets
Re: Considering staff’s request to continue its analysis on the viability of utilizing CMAQ funding for improvements to Indiana Street (Olive to Union); Prospect Street (Morton to Olive) and/or Henderson Avenue (Plano to Leggett).

19. Surplus of Diesel Transit Buses
Re: Considering approval of the future sale of diesel transit buses, in conformance with Caltrans and the California Air Resources Board requirements, and authorizing that the funds received from said sale be deposited into the Transit Account for transit operations.

20. Ad Hoc Non-Driveway Parking Committee Recommendation for Proposed Ordinance
Re: Considering the recommendations of the committee to prohibit the parking and/or storing of vehicles in non-driveway or improved areas within a residential zone.

21. Consideration of Appointments to the Transactions and Use Tax Oversight Committee
Re: Considering the appointment of five members of the public to fill five four-year terms on the committee established to oversee Measure H revenues and expenditures.
22. Request by Council Member – Consideration of Letter of Support for AB 2254
   Re: Considering request for letter of support for assembly bill which would grant academically
   struggling school districts great flexibility for utilizing categorical education program funding during
   state fiscal emergencies.

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 May 6, 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.
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
SEPTEMBER 18, 2007, 6:00 P.M.

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

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Kincheloe v. City of Porterville.
   4- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.

City Manager John Longley advised that Closed Session Item A2 had been removed.

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

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

PROCLAMATION
Filipino-American Week – September 29 through October 6, 2007

PRESENTATION
- City Managers Featured Projects for September 2007
  1. Re-Codification of Municipal Code
  2. Development Agreement Ordinance
- Introduction of New City Employees
ORAL COMMUNICATIONS

• April McLaughlin, 1110 Greenfield, spoke regarding Item No. 17, requested that the Council regulate yard sale signage and suggested time limits on signage rather than an outright ban.

• Dick Eckhoff, 197 North Main Street, spoke of the need for enforcement of the City’s regulations pertaining to yard sale signage.

• Marylou Agpaoa, Filipino-American Association of California, thanked the Council for the Proclamation, and extended an invitation to everyone to attend the Filipino-American Weekend event to take place at Veterans’ Park, September 29th -30th, as well as the coronation event to be held on October 6th, at 344 East Morton Avenue.

CONSENT CALENDAR

Items 1, 2, 4, 6, 8 and 11 were removed for further discussion.

3. AWARD OF CONTRACT – OAK AVENUE IMPROVEMENT PROJECT

Recommendation: That City Council:
1. Award the Oak Avenue Improvement Project Base Bid and Add Alternate A to Halopoff & Sons, Inc. in the amount of $259,427.01;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 01-091807
Disposition: Approved

5. ACCEPTANCE OF IMPROVEMENTS – MEADOW BREEZE, PHASE TWO (GARY SMEE – SMEE BUILDERS)

Recommendation: That City Council:
1. Accept the public improvements of Meadow Breeze, Phase Two Subdivision for maintenance.
2. Authorize the filing of the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 02-091807
Disposition: Approved

7. INITIATE PROCESS FOR LIBRARY BOARD OF TRUSTEES AND PARKS AND LEISURE SERVICES COMMISSION APPOINTMENTS

Recommendation: That City Council:
1. Announce the two pending term expirations on the Library Board of Trustees and the three pending term expirations on the Parks & Leisure Services Commission; and
2. Direct staff to advertise for interested residents to submit a ‘Request for Appointment’ by October 9, 2007 for City Council consideration of appointments at the October 16, 2007 meeting.
9. APPROVAL OF STREET CLOSURE FOR ‘MUSIC ON MAIN STREET’ EVENTS

Recommendation: That the City Council authorize the Parks & Leisure Services Department to sign Cleveland Avenue from Main Street easterly one-half block for ‘No Parking’, and to close the same portion of the street to vehicular traffic from the hours of 5:00 PM to 8:30 PM each Friday evening from September 7, 2007 through October 26, 2007.

10. NIMS/SEMS/EOC TRAINING

Recommendation: That the City Council:
1. Approve the study session in NIMS/SEMS/EOC set for 6:00 p.m. on Thursday, September 27, 2007; and
2. Direct Department Staff to make the necessary arrangements to provide the training.

COUNCIL ACTION: Moved by Council Member Pedro Martinez, Seconded by Council Member Hernandez that the Council accept Items 3, 5, 7, 9 and 10. The motion carried unanimously.

1. CITY COUNCIL MINUTES SEPTEMBER 4, 2007

Recommendation: That the Council accept the minutes for the September 4, 2007 City Council Meeting.

City Manager John Longley presented the item.

Council Member Pedro Martinez requested that the motion regarding the contribution to The Boys and Girls Club on page 11 be amended to include the conditions set forth by Council.

COUNCIL ACTION: Moved by Council Member Pedro Martinez, Seconded by Mayor Pro Tem Felipe Martinez that the Council approve the Minutes of September 4, 2007, as amended to include the conditions of the contribution set forth by Council in relative to Item 24. The motion carried unanimously.

Disposition: Approved
2. PURCHASE OF SPECIALIZED EQUIPMENT

Recommendation: That the City Council:
1. Authorize the purchase by negotiation of the specialized equipment and authorize payment for said equipment upon satisfactory delivery; and
2. Approve a modification to the existing Measure H 5-year Plan and appropriate the necessary funds to purchase the said equipment.

The City manager presented the item.

Mayor Hamilton indicated that he had pulled the item to make it clear that one of the vehicles would be funded through Measure H Funds, because the new position for which the vehicle was to be used was funded by Measure H. He stated that the second vehicle would be funded through the Vehicle Replacement Fund.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize the purchase by negotiation of the specialized equipment and authorize payment for said equipment upon satisfactory delivery; and approve a modification to the existing Measure H 5-year Plan and appropriate the necessary funds to purchase the said equipment. The motion carried unanimously.

Disposition: Approved

4. AUTHORIZATION TO PARTICIPATE FINANCIALLY WITH ENNIS COMMERCIAL PROPERTIES, LLC – HIGHWAY 190 & SOUTH JAYE ST. CONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Authorize the City to participate with Ennis Commercial Properties, LLC in the Hwy 190 & South Jaye Street Reconstruction project;
2. Authorize the City to pay ECP in the amount of $1,366,581.94 upon proof of payment by ECP to Teichert Construction;
3. Authorize the transfer of $336,600 from the Roundabout Project (#89-9133) and the additional received transportation impact fees to cover the 10% construction contingency, staff construction management time and incidentals thereof;
4. Authorize a 10% contingency to cover unforeseen construction costs;
5. Authorize staff to make progress payments up to 90% of the contract amount;
6. Direct the Deputy City Manager to reimburse the Roundabout Project fund (89-9133) with transportation impact fees generated from new businesses that locate within the Jaye Street Corridor project area (the Jaye Street Corridor Project area is defined as Jaye Street from the Tule River south to Hwy 190); and
7. In the event transportation impact fees are not generated in a timely manner, direct the Deputy City Manager to reimburse the Roundabout
Project fund (89-9133) with funds from the “Lock Box” should the City need funds for construction of the roundabout.

City Manager John Longley noted a conflict of interest and left the Council Chambers. The staff report was presented by Public Works Director Baldo Rodriguez, during which two additional conditions were added to staff’s recommendation:

8. Direct staff not to initiate reimbursement payments to Ennis Commercial Properties, LLC. until the Lowe’s traffic impact fees due the City have been collected; and
9. Direct staff not to initiate reimbursement payments to Ennis Commercial Properties, LLC. until Tiger Construction receives a permit from Caltrans to work within Caltrans right of way.

Mayor Hamilton inquired about the Roundabout Project, and Mr. Rodriguez provided him a brief update on the project.

Council Member Hernandez asked if Lowe’s was aware that they would be unable to open for business until the project was completed. Mr. Rodriguez updated Council on his most recent communication with Lowe’s in regards to the fees due, and stated that he had been informed that the payment should arrive by week’s end.

Council Member McCracken asked for clarification in regards to Condition 6 of staff’s recommendation. The City Attorney verified that Council could direct the Deputy City Manager since the City Manager was financially conflicted in the matter at hand.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council authorize the City to participate with Ennis Commercial Properties, LLC in the Hwy 190 & South Jaye Street Reconstruction project; authorize the City to pay ECP in the amount of $1,366,581.94 upon proof of payment by ECP to Teichert Construction; authorize the transfer of $336,600 from the Roundabout Project (#89-9133) and the additional received transportation impact fees to cover the 10% construction contingency, staff construction management time and incidentals thereof; authorize a 10% contingency to cover unforeseen construction costs; authorize staff to make progress payments up to 90% of the contract amount; direct the Deputy City Manager to reimburse the Roundabout Project fund (89-9133) with transportation impact fees generated from new businesses that locate within the Jaye Street Corridor project area. The Jaye Street Corridor Project area is defined as Jaye Street from the Tule River south to Hwy 190; in the event transportation impact fees are not generated in a timely manner, direct the Deputy City Manager to reimburse the Roundabout Project fund (89-9133) with funds from the “Lock Box” should the City need funds for construction of the roundabout; direct staff not to initiate reimbursement payments to Ennis Commercial Properties, LLC. until the Lowe’s traffic impact fees due the City have been collected; and direct
staff not to initiate reimbursement payments to Ennis Commercial Properties, LLC. until Granite Construction receives a permit from Caltrans to work within Caltrans right of way. The motion carried unanimously.

Disposition: Approved

6. RIGHT OF ENTRY FORM APPROVAL FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS RELATED TO THE JAYE STREET CORRIDOR PROJECT

Recommendation: That the City Council;
1. Approve the Right of Entry form;
2. Authorize the City Engineer to sign the document on behalf of the Council; and
3. Authorize the City Attorney to obtain signature(s) from Home Depot U.S.A., Inc.

Deputy City Manager John Lollis introduced the item, and City Attorney Julia Lew presented the staff report. She indicated that there had been a small change made to the paperwork included in the agenda, which pertained to an Exhibit “C”. She stated that Exhibit “C” was a description of the actual work taking place that had been included at Home Depot’s request.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Right of Entry form; authorize the City Engineer to sign the document on behalf of the Council; and authorize the City Attorney to obtain signature(s) from Home Depot U.S.A., Inc. The motion carried unanimously.

Disposition: Approved

8. PARKS & LEISURE SERVICES DEPARTMENT MATTERS – SPORT PRACTICE FIELD RESTROOM PROVISIONS & LIBRARY FINE WAIVERS FOR FOOD DONATIONS

Recommendation: That the City Council authorize:
1. $2,300 of the savings from the funding previously allocated to the Park Ranger Program be utilized for the provision of portable restrooms at various sport practice field facilities, and
2. A ‘Food for Fines’ program for overdue Library fine credits.

City Manager John Longley introduced the item.

Mayor Hamilton requested additional information, stating that there were bathroom facilities available currently, and that there were no fees being implemented for field use.

The City Manager clarified that porta potties had not been provided for practices in the past and concerns had been raised by individuals utilizing the fields. He added that what was being
presented pertained not only to the Municipal Ball Park and Sports Field but other fields where practices occurred.

Mayor Pro Tem Felipe Martinez stated that he had brought the issue to staff’s attention after visiting the fields at the request of some parents. He suggested that Council could increase the fees in the coming years to accommodate for the cost of the restrooms, but pointed out that there was an immediate need.

Mayor Hamilton stated that he did not think that the City should be responsible for supplying the porta potties and Council Member McCracken concurred. A brief discussion ensued during which staff provided information on the current fees being charged.

At Council Member Pedro Martinez’s request, City Manger Longley elaborated on staff’s recommendation. He stated that the issue was raised in regards to only a couple of fields but that the recommendation encompassed all ballfields in order to encourage consistent application of the policy. He noted that the recommendation pertained to the City’s responsibility in terms of health and safety, and recommended that Council approve the item and allow staff to contact the groups, and work with them in terms of a fee adjustment.

Parks and Leisure Services Director Perrine clarified for Council that there were fully functional bathroom facilities provided at the Municipal Ball Field, but that they were located behind the backstop which was a remote area for non-baseball use.

Mayor Hamilton stated that he could support providing the porta potties at that time, because the restrooms available at the Municipal Ball Field were in a remote location. However, he stated he was not in support of supplying the porta potties because those using the field did not wish to pay for them. A brief discussion ensued during which it was suggested that the leagues be contacted to inform them that the field use fees may increase to cover the costs of providing the porta potties in the future.

COUNCIL ACTION: 
MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council accept staff’s recommendation as amended to appropriate $2,300 for porta potties for current year; direct staff to notify leagues of Council action and advise that field use fees may be modified to cover cost the following year; and direct staff to provide cost analysis/fee increase to Council in 30 days.

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

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Filipino-American Association of California, subject to the stated requirements contained in Exhibit “A”.

The City Manager introduced the item.

Council Member Pedro Martinez asked if the restroom hours would be extended for the event, to which Parks & Leisure Services Director Perrine replied that staff had not intended to extend the restroom hours. Council Member Martinez then requested that the event be posted on the city’s website calendar.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Community Civic Event Application and Agreement submitted by the Filipino-American Association of California, subject to the stated requirements contained in Exhibit “A”; and to extend hours for restroom facilities for the event to 9:30 p.m. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARINGS
12. CONSTRUCTION OF CONCRETE IMPROVEMENTS ON DATE AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Take public comments, concerns and questions;
2. Consider the benefits and detriments of including the concrete improvements in the Date Avenue Project but; defer Council action in this matter until item #19 is presented for Council’s action; and
3. Authorize staff to schedule a Public Hearing prior to the establishment of a fee for the concrete improvements, in accordance with the Mitigation Fee Act, upon completion of the stated project.

The City Manager introduced the item and Public Works Director Rodriguez presented the staff report.

The hearing was opened to the public at 7:57 p.m. and closed at 7:58 p.m. when nobody came forward.

Mayor Hamilton asked if the affected property owners were provided an idea of what the costs may be. A discussion in regards to this matter ensued, in which City Manager Longley stated that estimates were not provided to prevent the misconception that the estimated amount would be the final amount due. Mr. Rodriguez advised Council that staff had met with the property owners, that they had been given numbers based on actual information, and that the property owners had a good idea of what the fee could amount to.
Council Member Hernandez inquired about street alignment and drainage improvements on Date Avenue.

Mayor Pro Tem Felipe Martinez requested that Mr. Rodriguez divulge to the Mayor information from a discussion he had with the County regarding CMAQ funds. Mr. Rodriguez stated that he did have a conversation with TCAG representatives in which he expressed the City’s desire to transfer CMAQ funds to another area. He added that he was informed that such plans would not be a problem if the City did not ask that the money be forwarded to an earlier year and/or ask for more money if the selected project was more.

Mayor Hamilton stated that he would prefer the CMAQ funds be used in areas that had been within the city’s limits for quite some time, as opposed to recently annexed areas such as Indiana Street.

The Council postponed action on this item until after the Council acted on Item 19.

13. INITIATION OF PRELIMINARY PROCEEDINGS AND RESOLUTION OF APPLICATION FOR ANNEXATION NO. 471

Recommendation: That the City Council:

1. Adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

The City Manager introduced the item and Associate Planner Jose Ortiz presented the staff report.

Community Development Director Brad Dunlap noted that a modification was needed to the language in Finding K. It was amended to read as,

“Prior to the recordation of the annexation, the new water system should be fully functional, constructed in accordance with City standards and specifications and systems improvements accepted by the City Council. Specifically, conditions required to be completed prior to recordation of the annexation are as follows:”

The hearing opened to the public at 8:12 p.m.

- Julie Boyle, a Visalia resident, Provost & Prichard, spoke in favor of the item, on behalf of the applicant. She stated that she was available to answer questions.
- Mike Porter, a Visalia resident, Provost & Prichard, came forward on behalf of the applicant to express support for the project and to answer questions if needed.

The hearing closed to the public at 8:14 p.m.

Mayor Hamilton commented that he was supportive of the annexation but questioned whether or not the $500,000 was enough money. Mr. Ortiz provided the Mayor additional
information regarding what would be covered in the $500,000, and added that the overall grant application was almost $1,000,000 to cover all the fees associated with completion.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council adopt the resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo, as amended to revise Finding K to read, “Prior to the recordation of the annexation, the new water system should be fully functional, constructed in accordance with City standards and specifications and systems improvements accepted by the City Council. Specifically, conditions required to be completed prior to recordation of the annexation are as follows:”. The motion carried unanimously.

Disposition: Approved

14. SEQUOIA VILLAGE AT RIVER’S EDGE – MODIFICATION TO CONDITIONAL USE PERMIT 1-2006 RESOLUTION 34-2006

**Recommendation:** That the City Council adopt the draft resolution approving the modification to Conditional Use Permit 1-2006 Resolution 34-2006 allowing request to construct a six foot wrought iron fence in lieu of a six foot masonry wall along the eastern property line.

The City Manager introduced the item and Associate Planner Jose Ortiz presented the staff report.

The hearing was opened to the public at 8:21 p.m.

- Daniel Velasquez, a resident of Merced, Pacific West Builders and Developers, came forward in favor of the item and stated that he would be available to answer questions.

The hearing was closed to the public at 8:22 p.m.

Mayor Hamilton asked if there were any requirements stating that the fencing must be maintained. Community Development Director Brad Dunlap replied that there were not any requirements that specific, but that it could be stipulated that the fencing be properly maintained.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the Draft Resolution approving the modification to Conditional Use Permit 1-2006 Resolution 34-2006 allowing request to construct a six foot wrought iron fence in lieu of a six foot masonry wall along the eastern property line, as amended to require fence be “permanently maintained in working condition.” The motion carried unanimously.

Disposition: Approved
The Council recessed for ten minutes.

SCHEDULED MATTERS

15. PROJECT PROPOSAL FOR INFRASTRUCTURE AND OPERATIONAL ENHANCEMENTS

Recommendation: That the City Council provide direction to staff concerning the project proposed by Johnson Controls, and identify the next steps.

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

The Deputy City Manager clarified for Mayor Pro Tem Martinez the financing amount, project costs and the annual service amount. He referenced an attachment provided to Council which broke down the Project Cashflow for 15 years and reiterated the options available.

City Manager Longley added that the spreadsheet provided shows three cases, containing payback on energy savings, maintenance and operations savings, debt service and service costs.

Mayor Hamilton inquired about the option of the City developing its own energy program. A brief discussion ensued in regards to what that process would entail.

Council Member McCracken commented that he had yet to receive a response to his request for Internal Rate of Return information.

- Ralph Tyrell, Johnson Controls, came forward to respond to Council Member McCracken’s comment. He explained that he misunderstood his request and apologized. He also commented on financing through the CEC.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council direct staff to bring the item back to Council for consideration at the time of the mid-year budget review. The motion carried unanimously.

Disposition: Approved

16. CONSIDER IMPLEMENTING A DOG PARK

Recommendation: That the City Council consider the input from the Parks and Leisure Services Commission, and provide direction regarding the implementation of a ‘Dog Park’.

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

Mayor Hamilton asked the Police Chief for information regarding the proposed sites relative to illegal activities and safety. Chief McMillan stated that the Olivewood location is next to
an apartment complex, was unlit, and that there might be safety issues with access and parking. He added that Zalud and Murry Parks are frequented by many people, so it might not be conducive for that use. He expressed that his main concern would be with the Olivewood location.

Council Member Pedro Martinez asked if the Sports Complex was considered, to which Mr. Perrine stated that it could be considered and that the costs would be comparable to Murry and Zalud Parks.

Mayor Hamilton stated that he was concerned with staff’s request for Council to ascertain a funding source.

Council Member Pedro Martinez suggested that the Dog Park be added to the project list to be considered during budget review.

Mayor Pro Tem Felipe Martinez informed Council that he visited the dog parks in Visalia and shared his opinion of both with the Council. He noted that the park located near the airport seemed to be utilized more and incorporated a nearby picnic area.

The Council then directed staff to add the dog park to the list of projects to be considered during the budget review.

Disposition: Direction provided to staff.

17. ENFORCEMENT ISSUES REGARDING YARD SALE SIGNS

Recommendation: That the City Council consider alternatives to address the issue.

The City Manager introduced the item and City Planner Ben Kimball presented the staff report.

Mayor Pro Tem Felipe Martinez expressed his support for the enforcement of the sign ordinance and the beautification of the city.

Council Member Pedro Martinez suggested contracting out the removal of the signage and/or the issuance of permits.

Community Development Director Brad Dunlap identified a couple of issues relative to the permit fees and the content of signs.

Council Member Hernandez informed Council that he lived in a neighborhood where yard sales were frequent, and that it was his opinion that this issue must be addressed.

Council Member Pedro Martinez suggested educating the public about the problem to see if voluntary compliance could be accomplished.

Mayor Hamilton asked Fire Chief Garcia to research the type of policy that applied to the County.
City Manager John Longley noted that in terms of timing, documentation in the form of permits were required. He proposed that the City initiate a program focused on the posting of signs offsite, take the public affairs approach, and if it is determined that these approaches were unsuccessful, proceed with looking at a regulatory program.

Council Member Pedro Martinez reiterated his suggestion about contracting the sign removal service out. Mr. Longley stated that he would contact Porterville Sheltered Workshop to request an estimated cost to do the removal as an adjunct to the Graffiti Program that they now implemented.

Mayor Pro Tem Felipe Martinez emphasized the importance of enforcing the regulations already in place and notifying the public about the issue.

The Council directed staff to enforce current regulations; provide notice to public of yard sale regulations; contact Sheltered Workshop and Victory Outreach regarding cost for yard sale sign program; and if enforcement efforts unsuccessful, return to Council to proceed with regulatory permitting program for yard sales.

Disposition: Direction provided to staff.

18. AUTHORIZATION TO PARTICIPATE IN JOINT POWERS AGREEMENT SUCCESS DAM SEISMIC REMEDIATION PROJECT

Recommendation: That City Council authorize the Mayor to execute the Seismic Remediation Agreement.

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

Mayor Hamilton inquired about the Spillway Project and a brief discussion ensued in which Mr. Rodriguez clarified the status of the Spillway Project and the Seismic Remediation Project. The City Attorney noted that according to the agreement the money was going towards the Seismic Remediation Agreement and the City Manager clarified that the funding source for the $6,250 was the money that had been allocated to the dam. He added that staff would provide Council with data indicating what had been expended in the last 12 months on the Spillway Project, as opposed to the Remediation Project.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council authorize the Mayor to execute the proposed Seismic Remediation Agreement.

Disposition: Approved

19. AWARD OF ADD ALTERNATE A – DATE AVENUE RECONSTRUCTION – ‘A’ STREET RECONSTRUCTION & STORM DRAIN PROJECT
Recommendation: That City Council:
1. Award Add Alternate A to Mitch Brown Construction, Inc. in the amount of $89,680.47;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

The City Manager introduced the item and Public Works Director Baldo Rodriguez presented the staff report, during which the recommendation was amended to add a fourth recommendation, as follows:

4. Direct the Public Works Director to bring forth candidate streets to receive concrete improvements using CMAQ funds formerly reserved for Date Avenue.

Mr. Rodriguez indicated that he would bring the candidate streets to Council by March 2008 for consideration.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council award Add Alternate A to Mitch Brown Construction, Inc. in the amount of $89,680.47; authorize progress payments up to 90% of the contract amount; authorize a 10% contingency to cover unforeseen construction costs.; and direct the Public Works Director to bring forth candidate streets to receive concrete improvements using CMAQ funds formerly reserved for Date Avenue. The motion carried unanimously.

Disposition: Approved

12. CONSTRUCTION OF CONCRETE IMPROVEMENTS ON DATE AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Take public comments, concerns and questions; and
2. Consider the benefits and detriments of including the concrete improvements in the Date Avenue Project, but defer Council action in this matter until Item No. 19 is presented for Council’s action.

City Manager John Longley presented the item.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council authorize staff to schedule a second public hearing prior to the establishment of a fee for concrete improvements in accordance with the Mitigation Fee Act, upon completion of the Date Avenue Reconstruction Project. The motion carried unanimously.

Disposition: Approved
20. FINAL CONTRACT AMOUNTS – RIVERWALK MARKETPLACE

Recommendation: That the City Council:

1. Authorize the City to pay Ennis Commercial Properties, LLC, the amount of $1,231,004, which includes $25,000 for surveying services as the City’s fair and equitable share of construction costs to reconstruct Jaye Street from Hwy 190 to approximately 400’ north of Springville Avenue and for the reconstruction of Springville, Vandalia and Poplar Avenues east of Jaye Street and as stipulated in the Public Improvement Agreement between Ennis Commercial Properties, LLC and the City of Porterville dated 16, January, 2007;

2. Authorize progress payments to Ennis Commercial Properties, LLC, up to 90% of the contract amount upon proof of payments by Ennis Commercial Properties LLC, to Granite Construction;

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

4. Authorize the Mayor to execute a revised contract with Ennis Commercial Properties, LLC in the amount of $1,231,004.

City Manager Longley stepped out due to a conflict of interest. In his absence, Deputy City Manager John Lollis introduced the item. Public Works Director Rodriguez presented the staff report.

At Mayor Hamilton’s request, Mr. Rodriguez and Community Development Director Brad Dunlap provided clarification on the method used to determine the shared costs. He explained that the traffic study determined what percentage of traffic each party was responsible for, and that in theory, the City’s share would be reimbursed through the payment of traffic impact fees over time. Mr. Rodriguez added that the City’s impact fees are inadequate, especially for acquiring property and making improvements, and indicated that he could provide the information requested by the Mayor to Council in a memo by Wednesday, September 19, 2007.

COUNCIL ACTION: MOVED by Council Member McCraken, SECONDED by Council Member Pedro Martinez that the Council authorize the City to pay Ennis Commercial Properties, LLC, the amount of $1,231,004, which includes $25,000 for surveying services as the City’s fair and equitable share of construction costs to reconstruct Jaye Street from Hwy 190 to approximately 400’ north of Springville Avenue and for the reconstruction of Springville, Vandalia and Poplar Avenues east of Jaye Street and as stipulated in the Public Improvement Agreement between Ennis Commercial Properties, LLC and the City of Porterville dated 16, January, 2007; authorize progress payments to Ennis Commercial Properties, LLC, up to 90% of the contract amount upon proof of payments by Ennis Commercial Properties LLC, to Granite Construction; authorize a 10% contingency to cover unforeseen costs; and authorize the Mayor to execute a revised contract with Ennis Commercial Properties, LLC in the amount of $1,231,004.

Disposition: Approved

Recommendation: None

City Manager Longley presented the item.

Council Member Pedro Martinez requested that the all uses of the word “gangs” be changed to “street gangs”, and that “parenting, positive mentoring and faith” be included in paragraph seven.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve the draft resolution in support of the Gang Abatement and Prevention Act of 2007 as amended to change “gangs” to “street gangs” and add “parenting, positive mentoring, and faith-based solutions” to 7th paragraph. The motion carried unanimously.

Disposition: Approved

The Council adjourned at 10:13 p.m. to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Member McCracken, Agency Member P. Martinez, Agency Member F. Martinez, Agency Member Hernandez, Chairperson Hamilton

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

None

REDEVELOPMENT SCHEDULED MATTERS

PRA-1. PORTERVILLE PACIFIC ASSOCIATES REGULATORY AGREEMENT FOR REDEVELOPMENT AFFORDABILITY COVENANTS ON UNITS IN SEQUOIA VILLAGE AT RIVER’S EDGE MULTIFAMILY DEVELOPMENT

Recommendation: That the Redevelopment Agency approve the draft resolution to enter into a Regulatory Agreement with Porterville Pacific Associates for the Sequoia Village at River’s Edge development, and authorize the Chairman to execute said Agreement.

Executive Secretary John Longley introduced the item and Project Manager Susan Duke presented the staff report.

AGENCY ACTION: MOVED by Chairperson Hamilton, SECONDED by Agency Member Felipe Martinez that the Agency approve the draft resolution to enter
into a Regulatory Agreement with Porterville Pacific Associates for the Sequoia Village at River’s Edge development and authorize the Chairman to execute said Agreement. The motion carried unanimously.

Disposition: Approved

The Redevelopment Agency adjourned at 10:17 p.m. to a meeting of the Porterville Public Improvement Corporation.

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Roll Call: Director McCracken, Director P. Martinez, Director F. Martinez, Director Hernandez, President Hamilton

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
None

PUBLIC IMPROVEMENT SCHEDULED MATTER
PIC-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Recommendation: That the City Council, sitting as the Porterville Public Improvement Corporation;
1. Approve the election of officers as indicated in the attached draft resolution;
2. Accept public comment; and
3. Approve the 2007 Status Report for Certificates of Participation Projects.

Secretary Longley presented the item and staff report.

AGENCY ACTION: MOVED by Director Felipe Martinez, SECONDED by Director Hernandez that the Corporation approve the election of officers as indicated in the draft resolution; and approve the 2007 Status Report for Certificates of Participation Projects. The motion carried unanimously.

Disposition: Approved

The Public Improvement Corporation adjourned at 10:19 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
• Dick Eckhoff, address on record, thanked the Council for its action on Item No. 17, and suggested that an arrangement could likely be made with the Sheltered Workshop to have its workers remove yard sale signage while performing other duties.
OTHER MATTERS

- Council Member Pedro Martinez:
  1. Spoke of the Tule River Pow Wow to take place September 21, 22 and 23, 2007; and requested that the Council acknowledge the event by either resolution or proclamation. Mr. Longley confirmed that a proclamation could be prepared.
  2. Spoke of the departure of Carol Bodine, lauded her performance and suggested that the Council provide her with a token of its appreciation for her hard work. A brief discussion ensued as to possible gift ideas.

- Council Member Hernandez spoke of the Youth Services Foundation dinner held on Saturday, September 15th, and personally thanked Porterville’s public safety personnel.

- Mayor Pro Tem Felipe Martinez spoke of the session on gangs he attended while in Sacramento and suggested that an ad hoc committee be established consisting of himself and another Council Member, Mr. Longley, Mr. Lollis, Mr. Perrine, and Chief McMillan. He spoke of the great strides accomplished by the City of Paramount and proposed a review of that City’s program. A brief discussion ensued during which Mayor Hamilton recalled that staff should already have some information on the City of Paramount’s program from a previous discussion.

- Council Member Hernandez provided his AB1234 report on his recent trip to Sacramento, specifically noting the valuable information provided related to gang abatement efforts. He stated that he too found the City of Paramount’s program to be impressive, and volunteered to serve on the ad hoc committee proposed by the Mayor Pro Tem.

- Mayor Hamilton:
  1. Spoke favorably of the Youth Services Foundation Dinner honoring public safety personnel; and
  2. Advised of positive meeting he attended on Monday, September 17th with Senator Boxer’s Aide with regard to the efforts at Success Lake.

ADJOURNMENT

The Council adjourned at 10:28 p.m. to the meeting of September 27, 2007 at 6:00 p.m.

Patrice Hildreth, Acting Chief Deputy City Clerk
By: Luisa Herrera

SEAL

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

Pledge of Allegiance led by Council Member Pete V. McCracken
Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS
None

CLOSED SESSION
A. Closed Session Pursuant to:

RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
It was reported that the Council took no action during Closed Session.

ADJOURNMENT
The Council adjourned at 7:25 p.m. to the Council Meeting of April 15, 2008.

__________________________
Cameron Hamilton, Mayor

Patrice Hildreth, Chief Deputy City Clerk

SEAL

__________________________
Cameron Hamilton, Mayor
COUNCIL AGENDA: April 15, 2008

SUBJECT: BUDGET ADJUSTMENTS 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 are two (2) adjustments proposed for tonight's Council meeting.

No. 1: Crime Prevention Grant Revenue
The Police Department has received a grant from the Wal-Mart Foundation in the amount of $1,000, which is earmarked for Crime Prevention, Citizen Volunteers and Neighborhood Watch. This budget adjustment codifies in the budget the revenue received.

No. 2: Crime Prevention Grant Expenditure
The Police Department has received a grant from the Wal-Mart Foundation in the amount of $1,000, which is earmarked for Crime Prevention, Citizen Volunteers and Neighborhood Watch. This budget adjustment codifies in the budget the expenditure of the grant.

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

**Date:** April 15, 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>025-4994</td>
<td>1</td>
<td>Crime Prevention Grant Revenue</td>
<td>Wal-Mart Foundation Grant</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>025-5020-014-660</td>
<td>2</td>
<td>Crime Prevention Grant Expenditure</td>
<td>Wal-Mart Foundation Grant</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

*Modification No: 7-07/08*
SUBJECT: AWARD OF CONTRACT – FIRE STATION #2 TRAINING ROOM

SOURCE: Public Works Department - Engineering Division

COMMENT: On April 8, 2008, staff received eight (8) bids for the Fire Station #2 Training Room Project. This project consists of the construction of a 5,000 sf combination training room and offices facility. The training facility will be located in the vicinity of Fire Station #2. Phase 1 work will include the construction of a 5,000 sf concrete slab and metal building.

The engineer's estimate was $144,000 to construct the concrete slab and metal building.

All underground plumbing and electrical work will be installed by Fire Department staff during erection of the concrete slab and metal building. It is the Fire Departments intent to construct some or all of the interior walls, restroom facilities and other amenities using Fire Department staff as funds become available.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Dayco Construction, Inc. Porterville, CA</td>
<td>$141,271.11</td>
</tr>
<tr>
<td>2. Tyler Construction Exeter, CA</td>
<td>$149,750.00</td>
</tr>
<tr>
<td>3. Suburban Pipe &amp; Steel, Inc. dba Flint Construction Visalia, CA</td>
<td>$157,553.00</td>
</tr>
<tr>
<td>4. Gary Interrante Construction Three Rivers, CA</td>
<td>$157,995.00</td>
</tr>
<tr>
<td>5. Webb &amp; Son Porterville, CA</td>
<td>$164,775.00</td>
</tr>
<tr>
<td>6. STC General Building Contractor, Inc. Fresno, CA</td>
<td>$177,311.00</td>
</tr>
</tbody>
</table>

[Signature] Appropriated/Funded [Signature] CM [Signature] Item No. 3
7. FMDiaz Construction, Inc. $197,964.00
   Fresno, CA

8. Lockwood General Eng., Inc. $249,488.48
   Visalia, CA

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Fire Station #2 Training Classroom Project to Dayco Construction, Inc. in the amount of $141,271.11;

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

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

ATTACHMENT: Floor Plan
SUBJECT: PURCHASE OF NEW K-9

SOURCE: Police Department

COMMENT: In March, 2008, the City of Porterville retired “Falco,” one of the Police Department’s police service dogs. Research was completed on finding a replacement for “Falco.” It was determined that there are two kennels in the State of California that provide police service dogs and the associated training in accordance with the needs of the department. Pricing structures were obtained from each of these kennels, both of which have outstanding reputations. Each structure is very similar.

The recommendation of the department is to enter into an agreement with Master K-9, Inc. This vendor is the supplier of police service dogs to agencies throughout the state, including most of the surrounding agencies. In addition, several of our previous K-9 handlers have received their services, including police service dogs, and have been very successful. This vendor is also slightly less in costs than the other vendor and has a full guarantee against any congenital health defects for two years after date of purchase.

The total cost for the police service dog and related training is approximately $12,000. Funds are available in the current police department budget.

RECOMMENDATION: That the City Council:

1) Approve the purchase of a new police service dog from Master K-9, Inc.
2) Authorize Police Captain Eric Krouth to enter into an agreement with Master K-9, Inc. to purchase a new police service dog and associated training.

D.D.  C.M.
Monthly maintenance training is also highly recommended. For our satellite agencies, a professional instructor will attend monthly training sessions to assist in setting up training scenarios and to help with problem solving. The trainer will also complete a training sheet on each K-9 team, which becomes part of that K-9’s training record.

At Master K-9, we are committed to maintain a higher standard through training. Master K-9 teams have consistently swept the Top Place and Top Team, also Top Dog at the California Police Games, and in local competition throughout California. Master K-9 has also had a team representing California in the World Police and Fire Games.

Our price breakdown is as follows:

| Service                        | Price  
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Service Dog</td>
<td>$7,500.00</td>
</tr>
<tr>
<td>Sales tax on dog (7.75%)</td>
<td>$ 581.25</td>
</tr>
<tr>
<td>5-Week Basic K-9 Handlers Course</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>6-Week Narcotic Detection Course</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Monthly Maintenance Training (per team)</td>
<td>$450.00</td>
</tr>
</tbody>
</table>

Our upcoming course dates are as follows:

- April 14, 2008 - May 16, 2008
- June 2, 2008 - July 4, 2008
- September 8, 2008 - October 10, 2008

Please call me at (951) 845-2780 if you have any questions or need further assistance. We look forward to doing business with you.

Sincerely,

Regina Davis
Course Coordinator
Master K-9, Inc.

MASTER K-9, INC.
Police Service Dogs

German Shepherd Dog-Titled $8,500
Malinois- Titled $8,500
Cost for untitled dogs with more then 75% of training required for title $7,500
Call for prices of other breeds, untitled dogs or any special requirements your agency has.

We offer discounts for multiple dog purchases with prepayment !!!

All out of state sales with delivery in Ca. subject to 7.75% sales tax

Price for Detection only Dogs, Including training
Cost for one Narcotic Detection Dog, including 5 week course $10,200
Cost for one Explosive Detection Dog, including 7 week course $13,500
Cost for one Arson Detection Dog, including 7 week course $10,500

Prices for Training:
Basic handler development course. 40 hours. $400
Entry level handler course, including handler development class. 240 hour $3,800
Entry level narcotics detection course. 200 hours.* $3,800
Entry level explosive detection course. 280 hours. $6,200
Entry level arson detection course. 240 hours. $4,600
Patrol yearly update class P.O.S.T. certified level III. 24 hours. $195
Detection yearly update class 16 hours. $350
Tracking class. 40 hours. $750
Agitator seminar - 24 hours $150
Evaluators class, P.O.S.T. certified level IV. 8 hours $100
Department instructor course - 440 hours $6,500
Yearly maintenance program, on site, per team, per year $1,500
Yearly maintenance program, off site, Southern California $1,700
Yearly maintenance program, off site, other locations. Call for quote per team per session $125

Seminars covering theory, practical applications and legal updates are scheduled or available on request. All prices for P.O.S.T. classes are approximate and subject to change.

We have all the equipment necessary for training. Price list will be sent upon request.

We thank you for your interest in Adlerhorst International Inc. We are anxious to fulfill all your requirements for a successful Police Service Dog program. If your needs are not met by this proposal, please call and we will meet your special requirements.

Sincerely,

David Reaver
Adlerhorst International Inc.

A Police Service Dog can save 800 to 1,000 man hours a year!!!!

You may visit us on the Web-Site at: http://www.adlerhorst.com

http://www.adlerhorst.com/proposal_pr.htm

3/27/2008
SUBJECT: ACCEPTANCE OF THE RIVERWALK MARKETPLACE (Bid Package 1 and Bid Package 2 only)

SOURCE: Public Works Department - Engineering Division

COMMENT: On December 19, 2006, the City entered into a Public Improvement Agreement with Ennis Commercial Properties, LLC (Developer) for the purpose of constructing streets and street related public improvements along Jaye Street, State Route 190, Vandalia Avenue and Springville Avenue. The “agreement” also included the installation of five (5) traffic signals along the Jaye Street corridor, one at State Route 190, Vandalia Avenue, Springville Avenue, Orange Avenue and Olive Avenue. The key accomplishment in the “agreement” is that cost-sharing percentages for each project component was memorialized prior to the opening of bids.

City Council authorized the City to participate with Ennis Commercial Properties, LLC in three (3) distinct contracts during the July 31, 2007 meeting. Council also authorized Ennis Commercial Properties, LLC to award all three contracts to Granite Construction Company during the same meeting. The contracts are as follows:

Bid Proposal No. 1 (BP-1) Jaye Street beginning 400’ north of Springville Avenue to State Route 190. Vandalia Avenue, east of Jaye Street and Springville Avenue east of Jaye Street. Traffic Signals at the Jaye Street/Vandalia Avenue and Jaye Street/Springville Avenue intersections.

Bid Proposal No. 2 (BP-2) Vandalia Avenue west of Jaye Street and Springville Avenue west of Jaye Street.

Bid Proposal No. 3 (BP-3) Traffic signals at the Jaye Street/Orange Avenue and Jaye Street/Olive Avenue intersections.

The Developer informed the City that Granite Construction has completed the improvements as outlined in BP-1 and BP-2 of the Riverwalk Marketplace Commercial Center Project per plans and specifications. BP-3 will be presented to Council at a later date. Staff will perform final inspections upon Southern California Edison energizing the traffic signal at the Jaye Street/Orange Avenue intersection.

City Council authorized expenditure of $1,372,031.24 for BP-1 and $1,802,129.20 for BP-2. Final construction cost for BP-1 is $1,340,700.15 and the final construction cost for BP-2 is $1,666,061.31.

Dir Appropriated/Funded  
CM

Item No. 5
The Developer, Ennis Commercial Properties, LLC, 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 BP-1 and BP-2 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

P:\pubworks\Engineering\Council Items\Acceptance of Project - Riverwalk Marketplace (BP1 & BP2 only) - 2008-04-15.doc
SUBJECT:  AUTHORIZATION TO EXECUTE A CONSULTANT SERVICE AGREEMENT – JAYE STREET/MONTGOMERY AVENUE ROUNDBOOUT PROJECT

SOURCE:  Public Works Department - Engineering Division

COMMENT:  On March 13, 2008, City staff interviewed three (3) consulting firms for the design of a roundabout at the intersection of Jaye Street and Montgomery Avenue. The interview process was held in conformance with the policy established by City Council for selecting professional consulting firms. The following is a list of the consulting firms and scores attributed to their interview:

<table>
<thead>
<tr>
<th>Consultant</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Omni-Means (Visalia, CA)</td>
<td>67.3</td>
</tr>
<tr>
<td>2. Quad Knopf (Visalia, CA)</td>
<td>63.1</td>
</tr>
<tr>
<td>3. Peters Engineering (Fresno, CA)</td>
<td>61.6</td>
</tr>
</tbody>
</table>

The local firms did not submit a proposal for this project. However, James Winton & Associates and Consolidated Testing Laboratories, local firms, are listed as a sub-consultant to Omni-Means. James Winton & Associates will assist Omni Means with the topographic surveying and the preparation of legal description(s) for the necessary right of way acquisition(s). Consolidated Testing Laboratories will provide geotechnical investigations for the project.

The project includes several tasks, including council and public involvement. Omni-Means has agreed to perform the following tasks at a fee of $125,264:

PHASE A - ROUNDBOOUT PLANNING AND PRELIMINARY ENGINEERING

Task 1 – Project Management, Coordination Meetings and Documentation
Task 2 – Data Collection (Traffic Counts, Site Investigation, etc.)
Task 3 – Surveying and Base Mapping
Task 4 – Geotechnical Investigation
Task 5 – Roundabout/Intersection Traffic Operations Analysis
Task 6 – Develop Roundabout Alternatives/Geometrics
Task 7 – Roundabout Design Report

PHASE B - PUBLIC INVOLVEMENT & COMMUNITY OUTREACH

Task 8- Public Involvement and Community Outreach (computer modeling of roundabout functionality)
PHASE C - PLANS, SPECIFICATIONS AND ESTIMATE

Task 9 – 65% PS&E Submittal
Task 10 – 90% PS&E Submittal
Task 11 – 100% PS&E Submittal
Task 11 – Bidding Services

Omni-Means has submitted a schedule to complete all services by the end of December 2008 (177 working days) if the project, as presented to Council, is awarded. Local Transportation Funds in the funding source for this project as stipulated in the 07/08 fiscal year budget.

RECOMMENDATION: That City Council:

1. Authorize the Mayor to execute the Consultant Service Agreement with Omni Means at an agreed fee of $125,264 for the services described herein; and

3. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen design efforts.

ATTACHMENTS: Locator Map
Proposed Service Agreement
SERVICE AGREEMENT

DATE: April 15, 2008

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and Omni Means, hereinafter referred to as "CONSULTANT".

RECITALS: CITY has undertaken a project on which it is seeking assistance from CONSULTANT. Said project which will hereinafter be referred to as "project" is described as follows:

   Project Name: Jaye Street/Montgomery Avenue Roundabout

   Description of Project: Consultant to provide planning, public outreach and design services for a roundabout at Jaye Street and Montgomery Avenue (Refer to Exhibit "A" attached and made a part hereof).

AGREEMENTS:

IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER set forth the parties hereto do contract and agree as follows:

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described in Exhibit "A", Scope of Services, in connection with the above described project.
SECTION 2. PAYMENT: In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis, not to exceed One hundred twenty five thousand two hundred sixty four Dollars, ($125,264.00) (refer to attached fee schedule)

TIME OF PAYMENT: Progress payment requests shall be submitted by the 25th of each month. CONSULTANT should receive payment within 30 days of the date the bill is received.

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will be commenced upon execution of this agreement and all “work directives” shall be completed within one hundred seventy seven (177) working days (Exhibit “B” – Project Schedule) to complete the tasks outlined in Exhibit “A”.

The parties agree that time is of the essence under this contract. Inasmuch as it would be difficult to ascertain the actual amount of damages sustained by delay in performance of said contract, the amount of $300 per calendar day shall be deducted from the contract price for liquidated damages for each calendar day beyond the completion date listed above. Said deduction will not be made if CONSULTANT submits proof in writing that delay in completion was due to a cause beyond its control.

SECTION 4. FAMILIARITY WITH PROJECT: CONSULTANT certifies and agrees that it is fully familiar with all of the details of the project
required to perform its services. CONSULTANT agrees it will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information.

SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood that CONSULTANT is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONSULTANT specifically warrants that it will have in full force and effect, valid insurance covering:

(i) Full liability under worker's compensation laws of the State of California; and

(ii) Bodily injury and property damage insurance in the amount not less than One Million Dollars ($1,000,000) per occurrence; and

(iii) Errors and Omissions insurance of One Million Dollars ($1,000,000) minimum per occurrence, if deductible for Errors and Omissions insurance is Fifty Thousand Dollars ($50,000) or more, the City may require a Surety Bond for the deductible; and

(iv) Automotive liability in the amount not less than One Million Dollars ($1,000,000) per occurrence; fully protecting CITY, its elected and appointed officers, employees, agents and
assigns, against all claims arising from the negligence of CONSULTANT and any injuries to third parties, including employees of CITY and CONSULTANT. CONSULTANT agrees to indemnify, defend (at CITY'S election), and hold harmless the CITY against any claims, actions or demands against CITY, and against any damages, liabilities for personal injury or death or for loss or damage to property, or any of them arising out of negligence of CONSULTANT or any of its employees or agents.

SECTION 6. WORKMANSHIP AND MATERIALS: Every part of the work herein described shall be executed in a professional manner with competent, experienced personnel. Finished or unfinished material prepared under the agreement, prepared by CONSULTANT, shall become property of CITY. CONSULTANT hereby warrants that any materials prepared under this agreement shall be fit for the intended use contemplated by the parties.

SECTION 7. ASSIGNMENT OF CONTRACT: It is acknowledged by the parties that CITY has entered into this contract with the express understanding that CONSULTANT will perform all work. CONSULTANT shall not, without the written consent of CITY, assign, transfer or sublet any portion or part of this work, nor assign any payments to others.

SECTION 8. AFFIRMATIVE ACTION. CONSULTANT will not
discriminate against any employee, or applicant for employment because of race, color, religion, gender, marital status, or national origin.

SECTION 9. CONFLICT OF INTEREST CODE: CONSULTANT agrees to comply with the regulations of CITY’S “Conflict of Interest Code”. Said code is in accordance with the requirements of the Political Reform Act of 1974.

CONSULTANT covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder. The term "conflict" shall include, as a minimum, the definition of a "conflict of interest" under the California Fair Political Practices Act and the City of Porterville Conflict of Interest Code, as that term is applied to consultants.

SECTION 10. TERMINATION: Either party for just cause may terminate this contract by giving seven (7) days written notice to the other party. Upon termination by CITY, CITY shall be relieved of any obligation to pay for work not completed including profit and overhead. CONSULTANT may be entitled to just and equitable compensation for satisfactory work completed, except CITY can withhold damages incurred as a result of the termination.

SECTION 11. ENTIRE CONTRACT: It is understood and agreed that this Service Agreement represents the entire Agreement between the parties. Should it be necessary to institute legal proceedings to enforce any and all
of the covenants and conditions of this Agreement, the prevailing party shall be entitled to recover attorneys' fees and costs.

SECTION 12. DISPUTES; VENUE: If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE

CONSULTANT

By ________________________________
Cameron Hamilton, Mayor

By ________________________________

Date______________________________

Date______________________________

HLH:vs
EXHIBIT A
SCOPE OF WORK

ROUNDABOUT PLANNING AND DESIGN SERVICES
AT
JAYE STREET AND MONTGOMERY AVENUE
IN THE CITY OF PORTERVILLE

The following Scope of Work describes the tasks necessary to provide roundabout planning and design services for a roundabout installation at the intersection of Jaye Street and Montgomery Avenue in the City of Porterville. The limits of work for this project are hereby defined as follows for all surveying and design work to be completed under this scope of services:

- Installation of a roundabout at the intersection of Jaye Street and Montgomery Avenue, including all approach roadway tapers leading into the proposed roundabout. This would include realignment of South Jaye Street as it approaches the proposed roundabout from approximately El Rancho Avenue; extension of Montgomery Avenue to the west to tie into proposed roundabout including necessary lane tapers; reconstruction of the Montgomery Avenue / Jaye Street intersection as it approaches the roundabout; and extension of the existing raised median between Poplar Avenue and its existing southerly terminus to Highway 190 to the north (if warranted), and to the proposed roundabout to the south.

The project involves three (3) phases; Phase A “Roundabout Planning and Preliminary Engineering”; Phase B “Public Involvement and Community Outreach”; Phase C “Plans, Specifications & Estimate”, which are developed as follows:

PHASE A – ROUNDABOUT PLANNING & PRELIMINARY ENGINEERING

Task 1: Project Management, Coordination Meetings and Documentation

Project management will occur throughout the course of the project. The following management strategy is suggested for a well-coordinated and successful project.

1.1 General Project Management.
Under this task, OMNI-MEANS shall perform the following duties:

- Supervise, coordinate and monitor design for conformance with applicable standards and policies.
- Coordinate plan submittals to, and reviews by the various permitting agencies and utilities.
- Coordinate with affected utility companies in order to develop relocation and service plans.
- Meet with agencies and utilities as required to expedite PS&E approvals.
- Prepare and submit project invoices on a monthly basis.
- Provide technical support to lead agency.
1.2 PDT Meetings and Coordination with City of Porterville.
OMNI-MEANS will be available throughout the length of this project to attend meetings as needed with the appropriate client representatives. It is our intent to coordinate the review meetings with City of Porterville (and Caltrans as required). For budgeting purposes, four (4) formal meetings have been scheduled, an initial “kick-off” meeting, one following the development of the traffic operations analysis (Task 5), and the other following completion of the Roundabout Design Report (Task 7). The fourth scheduled meeting will occur following the City’s review of the 65% submittal. OMNI-MEANS will attend additional meetings with City of Porterville, on an as needed basis. Additional formal and/or Caltrans meetings will be billed on a time and material basis.

1.3 Project Documentation.
OMNI-MEANS will assume responsibility for several project coordination related items. These include: general correspondence, monthly progress reports, minutes of all project meetings, maintenance of the project schedule, etc.

1.4 Coordination with Caltrans.
It is expected that this project may encroach into Caltrans right of way, and therefore coordination with Caltrans will be required. This task includes providing plan submittals to Caltrans and addressing any comments or concerns they may have with respect to improvements within their right of way. If it is determined that an encroachment permit is required to perform construction within State right of way, these services would be billed under a separate authorization for an additional fee.

Task 2: Data Collection

2.1 Traffic Data Collection.
We intend to collect peak hour (AM and PM) turning movement traffic counts for both the Jaye/Montgomery and the Jaye/Highway 190 intersections (including the frontage road and the commercial driveway). These will be critical in our overall evaluation of roundabout operations and side street/driveway interference. Classification counts would be conducted at the Jaye/Montgomery intersection to determine the volume of truck traffic that utilizes the intersection.

2.2 Obtain Existing Reports, Engineering Evaluations and Related Data.
OMNI-MEANS will obtain copies of previous transportation and environmental studies, related planning analysis and engineering studies, AutoCAD files of roadway and roundabout geometrics prepared by the City and other relevant documents to provide a more complete understanding concerning the project area. This includes obtaining City survey monumentation data, existing “record” drawings, right of way documents, and utility maps.

2.3 Site Investigation.
The Project Team will field review the project area and factors that could affect the design of the proposed improvements will be noted.

Task 3 – Surveying and Base Mapping.

3.1 Project Survey Control.
This information will establish a survey control base for the project. The Project Control (Horizontal and Vertical) will be based on local datum’s, approved by the City. The Project Control will be used during the life of the project in the performance of topographic surveys, land net surveys, and construction surveys.
3.2 Topographic Surveys.
OMNI-MEANS' sub-consultant James Winton & Associates will perform topographic surveys which include: existing pavement conform lines, existing pavement surveys along all existing pavement that is to be widened and/or overlaid, existing utility locations, culvert flow lines, manhole and drop inlet inverts, and sign locations including nomenclature. Not included with this task are any wetland/riparian surveys, utility pothole excavations and surveys, hazardous waste surveys, soil boring location surveys, excavation of soils for measurement of box culverts and/or bridge bottoms, or tree surveys and the related office processing of the data.

3.3 Land Net Surveys (Roadway Right-of-Ways).
The Project Control will provide the base for locating existing road right-of-ways, and adjacent property lines. Utilizing preliminary title reports, record deeds and maps, resolve existing right of ways, properties and appurtenant easements of affected properties.

3.4 Cad File Set-up and TIN.
Develop computer files to include field topographic surveys, property surveys and preparation of the Triangular Irregular Network (TIN) used for three-dimensional calculations, i.e. earthwork, cross-sections and profiles. This task includes mapping of all utilities based upon available information.

Task 4: Geotechnical Investigation

4.1 Geotechnical Study.
Under this task, OMNI-MEANS would hire a local geotechnical firm acceptable to the City to perform soil testing within the project area. Geotechnical investigations would include the following:

- **Site Reconnaissance:** Note general deterioration or distress, and mark proposed sampling locations.
- **Encroachment Permit:** Obtain City encroachment permits prior to work in City right-of-way.
- **Coordination with Underground Service Alert (USA):** Notify USA prior to all sampling work. Meet with USA subscribers to verify location of existing underground utilities and relocate sampling locations as necessary. Verify existence of obstacles to sampling and/or coring.
- **Perform Sampling:** Drill and sample borings as necessary within the project area. Soil samples will be collected for laboratory testing.
- **Perform Testing:** Test selected soil samples in the laboratory. Laboratory tests may consist of the following: subgrade R-Values, moisture/density determinations, proctor testing, plasticity index, and grain size distribution.
- **Prepare Report:** Prepare Geotechnical Report identifying boring locations, and results of laboratory testing.

Task 5: Roundabout/Intersection Traffic Operations Analysis

5.1 Roundabout Traffic Operations Analysis.
The City of Porterville traffic forecasting model developed by OMNI-MEANS will form the basis for the preliminary concept evaluation. This previously completed traffic work will be supplemented with a specific roundabout traffic operations analysis, which will document the operational characteristics of the planned roundabout, taking into account any right of way, adjacent intersection spacing constraints, etc. Roundabout traffic operations will be analyzed for both existing and Year 2030 conditions, for the AM
and PM peak hour traffic flows. The Year 2030 analysis will take into consideration any planned circulation improvements within the project area.

The "roundabout" intersection will be planned and designed per U.S. Department of Transportation, Federal Highway Administration Publication No. FHWA-RD-00-067, Caltrans Design Information Bulletin Number 80-01, also taking into consideration the Ourston Roundabout Design Guidelines.

A queueing analysis will be prepared, which will be utilized to develop the channelization requirements along both Jaye Street and Montgomery Avenue, and assure that the roundabout intersection will operate free of adjacent intersection queuing.

5.2 City Meeting #2 -Draft Traffic Operations Analysis.
Following the completion of the above evaluations, a Draft Traffic Operations Analysis technical memorandum will be prepared and distributed for review by City of Porterville. We will then meet with City of Porterville to review the analysis and to receive comments.

5.3 Integrate Comments into Final Traffic Operations Analysis.
Following the completion of the above review meeting, a Final Traffic Operations Analysis technical memorandum will be prepared and distributed to the City of Porterville. This document will incorporate the issues raised at the previous meetings.

Task 6: Develop Roundabout Alternatives/Geometrics

Our approach is to identify the geometric improvement alternatives required to meet design year traffic projections for the Jaye Street and Montgomery Avenue roundabout intersection. This task includes the development of basic roadway roundabout alignments that will mitigate any physical constraints and/or design year traffic capacity requirements. The following work elements present the work required to identify the precise roundabout alternatives, alignments, design elements and right of way requirements.

6.1 Engineering Standards.
The improvements to be completed for the planned roundabout are on the City of Porterville local road system, and will be developed and designed in imperial units. The use of imperial units allows the use of City Standard Drawings and existing real property documents. The "roundabout" intersection will be planned and designed per U.S. Department of Transportation, Federal Highway Administration Publication No. FHWA-RD-00-067, Caltrans Design Information Bulletin Number 80-01.

6.2 Alignments, Geometrics, Typical Cross Sections.
Utilizing the required design year intersection configurations, preliminary centerline alignments, typical sections and roadway geometries will be developed. It is anticipated that up to three alternative design layouts would be prepared under this task. Any potential public/private utility impacts and the types of utility relocations will be identified on the conceptual layouts. We will also delineate the areas of additional right of way acquisition required by each geometric layout. This delineation will note the total area of new right of way needed.

6.3 Landscaping Concepts.
Under this task, OMNI-MEANS will develop up to three alternative landscape concepts for the roundabout center island, and adjacent planter islands. These concepts will be presented to the City for review.
6.4 Prepare Preliminary Cost Estimates.
Within this task OMNI-MEANS will develop a preliminary project cost estimate. The estimate will include:

- Construction costs,
- Utility relocation costs,
- Right of Way Costs

Any needed right of way cost information will be determined by using real estate valuations provided by City of Porterville.

Task 7: Roundabout Design Report (RDR)

This task consists of preparing the draft and final RDR. The report preparation sequence would consist of preparing a draft RDR for initial review by City of Porterville. This will be followed by the release of the final RDR for distribution.

7.1 Draft Roundabout Design Report (RDR).
OMNI-MEANS will gather all pertinent information from the previous tasks, and compile the information into a Draft RDR. The Draft RDR would include the existing and future year roundabout traffic operations analyses, conceptual design layout drawings, preliminary landscape concepts, preliminary cost estimate, and a detailed description of each of the alternative layouts being considered. The objective of the RDR is to work with the City to identify a preferred alternative to proceed with the subsequent project phases.

7.2 City Meeting #3 – Draft Roundabout Design Report.
Comments received on the Draft RDR will be reviewed and any identified issues or concerns will be addressed.

7.3 Final Roundabout Design Report (RDR).
Upon addressing all comments on the draft RDR, OMNI-MEANS will then prepare and distribute the final RDR.

PHASE B – PUBLIC INVOLVEMENT & COMMUNITY OUTREACH

Task 8: Public Involvement and Community Outreach

Once the preferred alternative has been identified, we would present the preferred design, and an associated traffic simulation model at an open house to receive the community’s input, as well as to educate the community on the benefits of roundabouts including bicycle/pedestrian safety, and roundabout navigation.

8.1 Roundabout Simulation Model.
Under this task, a roundabout simulation model will be developed using VISSIM traffic simulation software. The roundabout simulation model will be available to present at community open houses and/or City Council meetings. The computer simulation model will include the Jaye Street “corridor” and will illustrate how the roundabout will interact with adjacent stop controlled, and signalized intersection.
8.2 Roundabout Presentation/Exhibits.
This task includes the preparation of a presentation, and associated exhibits to be used for the community open house. The presentation would focus on roundabout safety, landscaping/beautification benefits, design elements of the preferred alternative, and various roundabout video clips showing operations. Exhibits prepared for the open house would focus on the preferred roundabout layout, and landscaping concepts.

8.3 Community Open House.
This task includes conducting the community open house at a location to be determined by the City. It is assumed that the City would provide the required noticing for the community open house.

8.4 Meet w/ Property Owners.
This task includes conducting a focused meeting with owners of the Burger King, and Holiday Inn located along the eastern project frontage. This meeting would be held in order to present the preferred alternative to the owners, and discuss and address any access concerns that the owners have. It may be beneficial to invite other adjacent property owners to this focused meeting, as the City deems necessary.

8.5 Project Newsletter (Optional).
As an optional task, OMNI-MEANS will prepare, and distribute to the City up to 300 copies of a project newsletter to be prepared at a project milestone, as determined by the City. The newsletter would focus on the proposed roundabout design concept.

PHASE C – PLANS, SPECIFICATIONS AND ESTIMATE

The following Scope of Work describes the tasks necessary to provide engineering design services for the intersection of Jaye Street and Montgomery Avenue in the City of Porterville. This phase of the project involves four (4) tasks which are to be developed as follows:

Tasks 9 thru 12
Specifically the required work is:
- Review and refine, as appropriate, the roundabout concept previously developed, refinements to include:
  - Speed control/consistency (meeting/exceeding FHWA/Caltrans requirements).
  - Site distance envelopes required that dictate landscaping opportunities and constraints.
  - Maintain proper entry/exit and overall geometry (to ensure full capacity and safety)
  - Provide for desired truck movements (STAA Interstate or WB-50 trucks).
  - Design treatments for optimum pedestrian / bicycle safety;
  - Develop signing and pavement marking plans
  - Develop plans for access control along Jaye Street between SR 190 and the roundabout.
  - Prepare 65%, 90% and 100% (Final) PS&E for all roundabout elements.

 TASK 9: 65 PERCENT PS&E SUBMITTAL.
65 percent plans consist of unchecked, substantially completed plans, reports and draft special provisions.

9.1 65 Percent Plans.
The following plan sheets or information will be prepared for the 65 percent submittal. We will be submitting a plan set to the City of Porterville, affected utility companies, and Caltrans if required.
ROUNDABOUT PLAN SET –

- Title Sheet (1)
- General Notes (1)
- Typical Sections (1)
- Layout Sheets (2)
- Construction Details (2)
- Grading and Drainage Plans (2)
- Utility Plans/Profiles (1)
- Pavement Delineation/Sign Plans (1)
- Traffic Control Plan (1)
- Landscape/Irrigation Plans (2)
- Erosion Control Plan (1)

9.2 Draft Special Provisions.
OMNI-MEANS will prepare Draft Special Provisions using current City Standard Specifications and Special Provisions. OMNI-MEANS will prepare section Nos. 1-8, and the City will prepare the boiler plate section.

9.3 Opinion of Probable Cost.
An Opinion of Probable Cost for construction related items will be prepared and included with the 65-percent submittal package.

9.4 Prepare Plats and Legal Descriptions.
Prepare Plats and Legal Descriptions for affected parcel(s). At this project stage, it is anticipated that plats and legal descriptions for a single (1) parcel will be required. This is the parcel at the southeast quadrant of the Jaye Street/Montgomery Avenue intersection. Should additional plats and legal descriptions be required (for more than one parcel), these services would be subject to additional fees, and billed under a separate authorization. It is assumed that the City will provide the preliminary title reports for the affected property, and adjacent parcels as required.

TASK 10: 90-PERCENT SUBMITTAL.

10.1 90 Percent PS&E.
Comments received on the 65 percent submittal will be incorporated into the 90 percent PS&E. The 90 percent PS&E will be re-submitted to the City for back-check and further review.

TASK 11: 100-PERCENT SUBMITTAL.

11.1 100 Percent PS&E.
Comments received on the 90 percent submittal will be incorporated into the PS&E. The draft specifications will be finalized and a bid quantity sheet created. The 100 percent PS&E will then be re-submitted (on vellum or mylar) to the City for signatures. One (1) original mylar drawing set will then be provided to the City.

TASK 12: BIDDING SERVICES.

12.1 Bidding Services.
This task addresses our attendance at the pre-bid meeting and response to questions regarding the design during the bid period. This task also includes preparation of any necessary addendum to refine the design for project bidders.
SUBJECT: AUTHORIZATION TO AUGMENT CONSOLIDATED TESTING LABORATORY CONTRACT – AIRPORT REMEDIATION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The City has a long standing purchase order with Consolidated Testing Laboratory (CTL) to provide soil analysis, compaction testing and soil bore logs services for the various capital projects constructed over the course of the fiscal year. In 2000, the City augmented CTL’s contract and directed CTL to prepare a Removal Action Work (RAW) Plan. In 2002, the RAW was completed to the City’s and Department of Toxic Substance Control’s (DTSC) satisfaction.

The purpose of the RAW is to provide guidance and procedures for the safe and legal removal of pesticide contaminated soil at the Airport as directed by the DTSC. The pesticide impacted soil covers approximately 2 acres and is located in the vicinity of the California Department of Forestry Air Attack Base. A locator map is included in Council’s packet.

Conditions of the RAW stipulates that: 1) continuous monitoring of dust must be in place; 2) a “Site Safety Officer” must be present at the project site during the handling of contaminated soils; 3) that Quality Assurance/Quality Control Protocols be implemented; and 4) a “Final Report” describing the project, construction procedures, field notes and analytical results verifying soil samples be transmitted to DTSC upon completion of the project.

Staff believes that CTL is uniquely qualified to perform all duties prescribed in the RAW due to their continuous involvement on the project and their relationship with the DTSC. Staff seeks Council’s approval to augment CTL’s existing purchase order by a “not to exceed” $87,850.

RECOMMENDATION: That the City Council:

1. Approve the augmentation of CTL’s purchase order in an amount “not to exceed” $87,850;

2. Direct the Public Work’s Director to negotiate and initiate a separate Amendment to the existing Purchase Order to accurately reflect the scope of services expected of Consolidated Testing Laboratory; and

3. Authorize the City Manager to execute the Amendment to Consolidated Testing Laboratory’s existing Purchase Order.

ATTACHMENT: Locator Map
COUNCIL AGENDA: APRIL 15, 2008

SUBJECT: REIMBURSEMENT FOR THE CONSTRUCTION OF MASTER PLAN FACILITIES – CHELSEA GLEN, TRACT 781 SUBDIVISION (Benny Martinez)

SOURCE: Public Works Department - Engineering Division

COMMENT: The developer of the subject subdivision, Mr. Benny Martinez, is requesting reimbursement for the cost of constructing Water and Sewer Master Plan improvements as a part of his phased development.

On November 21, 1991, City Council approved an agreement with the developer to provide water and sewer services for all phases of the Chelsea Glen Subdivision. On November 3, 1998, City Council approved the reimbursement for the cost of constructing Water and Sewer Master Plan facilities for the first phase of this development (Tract 678) generally located on Newcomb Street between North Grand Avenue and Chelsea Way.

The subject second phase of this development (Tract 781) is generally located along Newcomb Street between Chelsea Way and Linda Vista Avenue. The improvements constructed consist of 932 lineal feet of 12-inch water pipe, 761 lineal feet of 12-inch sewer pipe and related appurtenances. The underground improvements were a requirement of Chelsea Glen, Tract 781 Subdivision.

Section 25-32.3c and 25-45.1c of the Municipal Code of the City of Porterville states that revenues raised by payment of acreage fees (developer fees) be placed in a separate and special account and such revenues shall be used to reimburse developers who have been required to install Master Plan facilities.

The costs associated with the water and sewer main improvements constructed along Newcomb Street as part of Chelsea Glen, Tract 781 Subdivision were prepared by the Civil Engineer in charge and found to be acceptable to staff:

WATER MASTER PLAN IMPROVEMENTS

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>932 L.F. 12-inch water pipe</td>
<td>$36,957.00</td>
</tr>
<tr>
<td>Trench Resurfacing</td>
<td>$22,593.00</td>
</tr>
<tr>
<td>Appurtenances</td>
<td>$10,491.25</td>
</tr>
<tr>
<td><strong>Total Water</strong></td>
<td><strong>$70,041.25</strong></td>
</tr>
</tbody>
</table>

[Signature]

Approved/Funded

[Signature]

CM

Item No. 8
SEWER MASTER PLAN IMPROVEMENTS

761 L.F. 12-inch sewer pipe $37,778.23
Trench Resurfacing 58,731.00
Appurtenances 10,491.25
Total Sewer $107,000.48

Total Master Plan Reimbursement: $177,041.73

These improvements were constructed in conjunction with said subdivision and were necessary for the orderly development of the area. Staff has inspected the improvements and found them to be acceptable.

In addition to those improvements described herein, the developer will be constructing a sanitary sewer lift station at the southeast corner of the Linda Vista Avenue/Newcomb Street intersection and related horizontal storage pipe, both Master Plan facilities. Once these facilities are constructed and found acceptable to City staff, a formal request for reimbursement will follow.

RECOMMENDATION: That City Council:

1) Accept the Master Plan public improvements of Chelsea Glen, Tract 781 Subdivision for maintenance;

2) Approve reimbursement to Mr. Benny Martinez per Section 25-32.3c and 25-45.1c of the City of Porterville Municipal Code. The total reimbursement amount to be disbursed shall not exceed $177,041.73.

ATTACHMENT: Locator Map
CITY COUNCIL AGENDA: April 15, 2008

SUBJECT: REGIONAL CALL-IN CENTER

SOURCE: Administration (Transit)

COMMENT: The Tulare County Transit Forum consists of all Tulare County transit agencies, with the regular members consisting of the Cities of Visalia, Tulare, Porterville, Dinuba, and Tulare County Area Transit.

At the last meeting in March, a discussion ensued about new grant funds allocated to the City of Visalia in the amount of approximately $60,000 under the Job Access Reverse Commute/New Freedom (JARC/NF) funding source. To Tulare County Association of Government’s recollection, these funds had never before been utilized in the County of Tulare, and the Tulare County Transit Forum was asked to discuss possible regional transit problems that could be addressed through these urban funds. A long-standing issue has been the difficulty to coordinate all County transit services through one centralized area. Another issue is the lack of transit service to many outlying County areas and the inability to financially serve these areas through a single transit agency.

The Tulare County Transit Forum decided to take “baby steps” and begin with a Regional Transit Information Call Center which would offer a public service to residents and give them information enabling them to have greater access to jobs, medical and social services, shopping and recreational activities. The general idea is to have one telephone number highly publicized and marketed to give Tulare County residents a source to access for all County transit information. The individual transit agencies will assist with training the Call Center staff to assure the dissemination of pertinent information for their respective agencies.

We have just been notified by TCAG that approximately $58,000 is also available through the City of Porterville’s urban designation. TCAG is requesting City of Porterville approval for the use of their funds as well for this Regional Transit Information Call Center project. It is hoped with the additional funding, more

DD

Appropriated/Funded  

CM  

Item No. 9
options will be available to assist with regional issues. Staff concurs that the money will be put to better use with the regional concept, given that the April 18 deadline date for applications doesn't leave adequate time to designate a new and separate project. Rather than lose the money, it has been requested that the City of Porterville approve the transfer of its JARC/NF funding to the City of Visalia's application for a Regional Transit Information Call Center.

RECOMMENDATION: That the City Council:

1. Approve of the City of Porterville's transfer of its share of the JARC/NF funding to the City of Visalia's application for a Regional Transit Information Call Center; and

2. Authorize staff to prepare the necessary documentation to complete the approval, with the appropriate documents to be signed by the Mayor, or the City Manager as required.
SUBJECT: AUTHORIZE IMPLEMENTATION OF A LIBRARY PROJECT WORK PLAN

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council has indicated that a needs evaluation and planning for the main library facility is to be a priority project. Funding has been allocated to begin the analysis and planning efforts. This effort is necessary to support the contention that the time has come for replacement of the existing main library building. Interest has been expressed on what actions will be undertaken and the time frame for the actions.

In June 2007 staff provided a memorandum outlining the general magnitude of the cost for a new facility. That memorandum also provided the following overview on the preliminary analysis that staff foresaw in considering the library project.

It is expected that the preliminary planning analysis work could include various activities, as listed below, and may extend over several fiscal years.

- Conduction of needs analysis for size, amenities, layout, and preferred service capabilities.
- Preliminary financial strategy development, funding source options analysis.
- Site alternative analysis, site due-diligence, site option securement.
- Design charrette, preliminary architectural concept preparation, environmental assessment, preliminary design cost estimate.
- Alternative use strategies of other uses for current building.

Attached is a specific work plan prepared by staff. The work plan is viewed as an approach for achieving a modern main library facility. It is designed for flexibility in process and schedule. Staff foresees that modernization may or may not be in the form of a new building construction project. The work plan attempts to maintain objectivity in the analysis which would eventually lead to a building decision.

Director [Signature] Appropriated/Funded [Signature] City Manager

ITEM NO.: 10
The time frame assigned to the work plan is extremely ambitious. Any scenario for modernization of the main library will be a multi-million dollar project. Such funding will need to be largely if not completely obtained from local fundraising efforts. To meet the work plan schedule, and to be successful in a major local fundraising effort, there will need to be a great level of enthusiasm and dedication by a large segment of volunteer community members serving as the planning team. The support and commitment of the City Council will be invaluable in motivating such a successful community endeavor.

The Library Board of Trustees has reviewed staff’s suggested work plan. At their April 8, 2008 meeting the Board endorsed the Work Plan and approved a motion recommending to the City Council that the Parks & Leisure Director, Librarian, Library Board Chair and Friends of the Library Chair be authorized to formulate a Planning Team.

**RECOMMENDATION:**

That the City Council authorize the initiation of the activities outlined in the "Work Plan for a Modern Main Library Facility", including the authorization for the Parks & Leisure Services Director, Librarian, Library Board Chair and Friends of the Library Chair to assemble a Planning Team.

**ATTACHMENTS:**

Work Plan for a Modern Main Library Facility
WORK PLAN FOR MODERN MAIN LIBRARY FACILITY

This is a suggested methodology and itemization of steps that should be considered. The schedule is preliminary, yet optimistic and aggressive in approach. A significant level of flexibility is needed to adjust the “Work Plan” as time and project requirements dictate. A model “Work Plan” that has been successful for one community may not work in another community, or at another time, not have met with the same success in the initial community. Community perspective, focus, and economic circumstances fluctuate through time creating obstacles, opportunities, and tangents. This is an initial approach.

April – May 2008: Staff and Library Board prepare a ‘reasons why’ list on the need & benefit for a modern main library facility.

May 2008: A Planning Team comprised of various stakeholders is assembled. Representatives may include persons from: City Council, City Administrative Staff, Library Board of Directors, Library Staff, Friends of the Library, AAUW, Users/Patrons, and special interest or expertise Community Members.

A small work group headed by the Parks & Leisure Director is formed to organize and facilitate the process.

June – Sept. 08: Planning Team becomes familiar with current library operations and current facility, including the collection development policy and the ‘reasons why’ list. Tours to other modern library facilities are conducted and invited specialized speakers share experiences and knowledge.

September 2008: Planning Team conducts SWOT analysis on current library facilities and services. As a part of the analysis the Planning Team should creatively answer the following questions:

1. Do larger libraries serve their communities better than smaller ones?
2. How is service defined?
3. How essential is the primarily American benefit of browsing an open collection?
4. If less money is spent on overhead of building and operating space, could the public be better served in other ways?
5. Is it really heresy to weed or compress the collections, reduce public casual seating, or reassign staff? What are the customer priorities?
6. What is the community’s responsibility to provide equipment and software for public use in addition to standard Internet connections?
7. Should the public library provide uncensored free Internet access, as at an Internet café, to those who could not otherwise afford that access?
8. What partnerships could be developed to better husband the community's resources, reduce costs and ongoing expenses, and still ensure that the information needs of the community are met?

9. How can the building be initially affordable and sufficiently adaptable to prepare for a future of unknown needs?

10. Will the present community of users be the future community of users? Describe the future community of users.

Oct. – Nov. 2008: Planning Team formulates Committees for promotion/publicity and fundraising, and the Committees begin earnest efforts.

Nov. '08 – Feb. '09: Planning Team conducts a Needs Assessment through surveys and focus group meetings. Needs Assessment is comprised of:

- Market research on current community wants
- Market planning on anticipated future needs

Nov. '08 – June '10: Funding is secured.

March 2009: Planning Team prepares a Plan of Service indicating the services to which space should be provided based upon the Needs Assessment.

March – April 2009: Determinations are made on the preferred method to achieve a modern main library facility: new replacement facility, remodeled facility, interim replacement facility, joint-use facilities, etc. Community planning and environmental issues are scoped and considered as a part of this determination.

May – Nov. 2009: Site(s) are evaluated and secured, as needed.

May 2009: Designer is retained.

June - Nov. 2009: Space needs to accommodate the Plan of Service are computed and refined with design effort and to match funding limits.

June '09 – Feb. '10: Design is finalized, funding confirmed, and construction work is programmed.

March '10 – June '11: Contract bidding and construction activity is conducted.

JEP 3/5/08


\[2\] Ibid.
SUBJECT: INFORMATION REGARDING REMOVAL OF MURRY PARK PAVILION STRUCTURES #1 & #2

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: At the request of a member of the City Council the City Manager directed the Chief Building Official to review the pavilion structures within Murry Park for building safety. The Chief Building Official has now advised that pavilion #1 and #2 structures need to be removed. These are the adjoining structures closest to Putnam Avenue and the pond.

Parks & Leisure staff had hoped to get another year of use out of the facilities and have included the replacement of these pavilion structures within the budget requests for the upcoming 08/09 fiscal year. With the official report received on April 9, 2008, the structures have been ordered immediately closed and demolition is scheduled to be conducted by the Parks crew on April 17, 2008. The picnic table facilities are expected to be reopened for public use by April 23, 2008, but they will be open-air and shaded only by nearby trees.

Staff is proposing with the upcoming 08/09 budget that Risk-Management funds be utilized for replacement of the pavilion structures. It has been anticipated that the removal and replacement of the pavilion structures along with the funding source would be matters considered during the upcoming budget deliberations.

The intent of this report is for information only, so that the Council is aware of current administrative actions and the anticipated process for budgetary considerations.

RECOMMENDATION: Information Only
SUBJECT: ENGINEER'S REPORTS AND SETTING OF A PUBLIC HEARING FOR ESTABLISHING LIGHTING AND LANDSCAPE MAINTENANCE DISTRICTS AND TAX ASSESSMENTS FOR PARCELS WITHIN: BEVERLY GLENN SUBDIVISION, SIERRA ESTATES SUBDIVISION, SIERRA MEADOWS PHASE TWO SUBDIVISION, SUMMIT ESTATES PHASE ONE SUBDIVISION, AND NEW EXPRESSION PHASE FIVE SUBDIVISION

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

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

The Council has previously authorized the use of Willdan Engineers for assistance with various engineering services needed by the Parks and Leisure Services Department. Willdan has assisted city staff in the effort to organize these new districts. The attached Resolutions are necessary to initiate the process of creating new districts for eight subdivisions. The first Resolution is to order the formation of the new Districts, appoint Willdan’s San Joaquin Area Manager, Douglas Wilson, as the Engineer of Work, and orders the preparation of Engineer’s Reports. The Engineer’s Reports accompany this staff report. The second Resolution is provided to give preliminary approval to the Reports as the basis for creation of proposed assessments. The last Resolution declares the intent to form the districts, levy and collect tax assessments, and sets May 6, 2008 for a Public Hearing.

RECOMMENDATION: That the City Council adopts:

1. A Resolution Ordering the Proceedings for Formation of Landscape and Lighting Maintenance District number 41, 42, 43, 44, and 45, and ordering the preparation of the Engineer’s Reports; and

2. A Resolution Giving Preliminary Approval to the Engineer’s Reports; and


Director [Signature] Appropriated/Funded [Signature] City Manager [Signature] ITEM NO.: 12
ATTACHMENT:  Resolution Ordering the Proceedings for Formation of Landscape and Lighting Maintenance District Nos. 41, 42, 43, 44, and 45, and Preparation of Engineer’s Reports

Resolution Giving Preliminary Approval to the Engineer’s Reports

Resolution Declaring Intent to Form Districts, Levy and Collect Assessments, and Setting a Public Hearing for May 6, 2008

Locator Map

Engineer’s Reports for each Landscape and Lighting Maintenance District numbers 41, 42, 43, 44, and 45.
RESOLUTION NO. -2008


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

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

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

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

1. That the public interest, convenience and necessity required the formation of Landscape and Lighting Maintenance District numbers 41, 42, 43, 44, and 45 as authorized by Section 22525 of the Streets and Highways Code, State of California.

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

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

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

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

APPROVED AND ADOPTED THIS 15th DAY OF APRIL 2008

______________________________
Cameron J. Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: ____________________________
Patrice Hildreth, Acting Chief Deputy City Clerk
RESOLUTION NO. -2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, GIVING PRELIMINARY APPROVAL OF ENGINEER’S REPORTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS ENCOMPASSING BEVERLY GLENN SUBDIVISION, SIERRA ESTATES SUBDIVISION, SIERRA MEADOWS PHASE TWO SUBDIVISION, SUMMIT ESTATES PHASE ONE SUBDIVISION, AND NEW EXPRESSION PHASE FIVE SUBDIVISION

WHEREAS, on the 15th day of April, 2008 said City Council did direct by Resolution that the Engineer of Work was to make and file with the City Clerk of said City a report in writing for each subdivision as required by the Landscaping and Lighting Act of 1972; and

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

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

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

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

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

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

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

APPROVED AND ADOPTED THIS 15th DAY OF APRIL 2008.

_______________________________
Cameron J. Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: ____________________________
Patrice Hildreth, Acting Chief Deputy City Clerk
RESOLUTION NO. -2008

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

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

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

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

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

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

1. Right-of-way, easements, and public lands within Beverly Glenn Subdivision, more particularly described on maps which are on file in the City Clerk’s office entitled “Landscape and Lighting Maintenance District No. 41.”

2. Right-of-way, easements, and public lands within Sierra Estates Subdivision, more particularly described on maps which are on file in the City Clerk’s office entitled “Landscape and Lighting Maintenance District No. 42.”
3. Right-of-way, easements, and public lands within Sierra Meadows, Phase Two Subdivision, more particularly described on maps which are on file in the City Clerk’s office entitled “Landscape and Lighting Maintenance District No. 43.”

4. Right-of-way, easements, and public lands within Summit Estates, Phase One Subdivision, more particularly described on maps which are on file in the City Clerk’s office entitled “Landscape and Lighting Maintenance District No. 44.”

5. Right-of-way, easements, and public lands within New Expressions, Phase Five Subdivision, more particularly described on maps which are on file in the City Clerk’s office entitled “Landscape and Lighting Maintenance District No. 45.”

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

All that certain territory of the City of Porterville, included within the exterior boundary line shown upon respective Maps of Landscape and Lighting Maintenance District numbers 41, 42, 43, 44, and 45, which Maps are on file in the Office of the City Clerk of said City.

SECTION 4. REPORT OF ENGINEER
The City Council of said City by Resolution has approved the reports of the Engineer of Work, which reports indicate the amount of the proposed assessment, the district boundary, detailed description of improvements, and the method of assessment. The Engineer’s Reports for Landscape and Lighting Maintenance District No. 41, Landscape and Lighting Maintenance District No. 42, Landscape and Lighting Maintenance District No. 43, Landscape and Lighting Maintenance District No. 44, and Landscape and Lighting Maintenance District No. 45 are on file in the Office of the City Clerk of said City, and were prepared for the 2008-2009 fiscal year in accordance with the Landscaping and Lighting Act of 1972. Reference to said reports is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work.

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

SECTION 6. TIME AND PLACE OF HEARING
Notice is hereby given that on the 6th day of May 2008 at the hour of 7:00 p.m. in the City Council Chambers at 291 North Main Street, in the City of Porterville, any and all persons having any objections to the work or extent of the assessment districts may appear and show
cause why said work should not be done or carried out in accordance with Resolution of
Intention. The City Council will consider all oral and written protests.

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

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

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

APPROVED AND ADOPTED THIS 15th DAY OF APRIL 2008.

______________________________
Cameron J. Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By:
Patrice Hildreth, Acting Chief Deputy City Clerk
CITY OF PORTERVILLE
ENGINEER’S REPORT FOR LANDSCAPING AND LIGHTING
MAINTENANCE DISTRICT NO. 41

SECTION 1. Authority for Report

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

SECTION 2. General Description

The City Council has elected to include lighting at Beverly Glenn Subdivision into the Landscape and Lighting Maintenance District No. 41. The City Council has determined that the areas to be lighted will have an effect upon all parcels within the proposed boundaries of the District. The District includes lighting on Date Avenue as a part of the subdivision. Proposed areas for lighting are on both sides of the streets located within the subdivision.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 3.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of Beverly Glenn Subdivision.
SECTION 5. Estimated Costs

The construction cost will be borne by the developer and will not be assessed. The subdivision map has been filed for record and it is intended that the improvements will be constructed during or before the 2008 – 2009 fiscal year and certain lighting costs will be incurred during fiscal year 2008 -2009. It is appropriate that the assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. District 41 assessments during the 2008-2009 Fiscal Year are as follows.

Estimated Assessment 2008-2009

Electricity /Lighting*
3 fixtures, 5,800 lumens @ $30.21 per year $90.63

Project Management Costs
19 Lots @ $400 plus $3.00 per lot $457.00
Sub Total 2008-2009 $547.63

Incidental Expenses
5% Reserve Fund $82.14

Total 2008-2009 Initial Assessment $629.77

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

After the 2008-2009 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year’s cost or the prior year’s estimated cost adjusted according to the annualized Consumer price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year
2009/2010 will refer back to the prior year’s CPI. In the event that the costs of services provided do not increase to exceed the full amount of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled "Landscape and Lighting Maintenance District No. 41 is attached to this report and by reference is made part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed Landscape and Lighting Maintenance District No. 41. The establishment and maintenance of the improvements is a vital part of the development of Beverly Glen Subdivision. The City Council of Porterville has determined that to insure satisfactory levels of maintenance of street lighting at of Beverly Glen Subdivision, it should become Landscape and Lighting Maintenance District No. 41. The lighting includes 3 street lights.

Landscape and Lighting Maintenance District No. 41 will consist of an area comprising approximately 4.68 acres. A total of 19 lots are proposed to be developed in of Beverly Glen Subdivision. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for the protection or safety, economic and humanistic values. The City Council has determined that, for
the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefits takes into consideration the following facts:

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

### Estimated 2008-2009 Assessment

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

\[
A = \frac{629.77}{19} = 33.14 \text{ per lot for XX}
\]

Total Assessment for 2008-2009 = $629.66
Total developed lot count is 19 lots.

### SECTION 8. Order of Events


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

3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 41 and determines the district.


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

Douglas Wilson
Engineer of the Work
SECTION 1. Authority for Report

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

SECTION 2. General Description

The City Council has elected to include landscaping and lighting at Sierra Estates Subdivision into the Landscape and Lighting Maintenance District No. 42. The City Council has determined that the areas to be landscaped and lighted will have an effect upon all parcels within the proposed boundaries of the District. The areas for street lights are included on all the streets located within the subdivision. Proposed areas for lighting are on both sides of the streets located within the subdivision. The wall maintenance includes: cleaning, repairing, painting and rodent control. A landscaped area was installed by the developer generally in and adjacent to the ponding basin and along the northerly portion of the westerly boundary of the district. The landscaped area maintenance includes cleaning, weed control, maintenance of irrigation facilities, and control of the growth.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 14. Total landscaped area to be
maintained is 330 lineal feet of masonry wall, and 43,873 square feet of landscaped area. Maintenance activities within the Landscape and Lighting Maintenance District No. 42 are to include landscape and lighting maintenance.

SECTION 4. Improvements

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

SECTION 5. Estimated Costs

The construction cost will be borne by the developer and will not be assessed. The subdivision map has been filed for record and the improvements have been installed and certain maintenance on the areas will be necessary during fiscal year 2008-2009. It is appropriate that the assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. In this District assessments will be made during the 2008-2009 Fiscal Year.

Estimated Assessment 2008-2009

<table>
<thead>
<tr>
<th>Landscaped Area</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Masonry wall 330 L.F. @ $0.48 per L.F.</td>
<td>$ 158.40</td>
</tr>
<tr>
<td>43,873 sq ft landscaped area @ $0.43 per sq ft</td>
<td>$18,865.39</td>
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</table>

<table>
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<tr>
<th>Electricity/Lighting</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>14 fixtures, 5,800 lumens @ $30.21 per year</td>
<td>$ 422.94</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Management Costs</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>48 Lots @ $1,000 plus $4 per lot</td>
<td>$ 1,192.00</td>
</tr>
</tbody>
</table>

Sub Total 2008-2009 $20,638.73
15% Reserve Fund $ 3,095.81

Total 2006-2007 Initial Assessment $23,734.54

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

After the 2008-2009 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year’s cost or the prior year’s estimated cost adjusted according to the annualized Consumer price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2009/2010 will refer back to the prior year’s CPI. In the event that the costs of services provided do not increase to exceed the full amount of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled “Landscape and Lighting Maintenance District No. 42 is attached to this report and by reference is made part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed Landscape and Lighting Maintenance District No. 42. The establishment and maintenance of the
improvements is a vital part of the development of Sierra Estates Subdivision. The City Council of Porterville has determined that to insure satisfactory levels of maintenance for the landscape and lighting at Sierra Estates Subdivision, it should become Landscape and Lighting Maintenance District No. 42. The Landscape area, which benefits the 48 lots to be developed at this time, is located in and adjacent to the ponding basin and along the northerly portion of the westerly boundary of the district.

Landscape and Lighting Maintenance District No. 42 will consist of an area comprising approximately 13.05 acres. A total of 5 lots are part of the ponding basin and are not proposed to be developed at this time. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for the protection or safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefits takes into consideration the following facts:

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

2. Properly maintained landscaping and lighting benefits all properties in the development.

3. The lots not adjacent to the landscaping and lighting facility improvements benefit for the maintenance equally to those lots adjacent to the improvements.

*Estimated 2008-2009 Assessment*

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L) including the remainder}}
\]
A = \$23,734.54 \quad \text{per lot for Sierra Estates Subdivision}
\quad \text{48}

\text{Total Assessment for 2008-2009} = \$23,734.08

\text{Total developed lot count is 48 lots.}

SECTION 8. Order of Events


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

3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 42 and determines the district.

4. City Council adopts Resolution Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 42.

5. Every year between April and June the Engineer of Work file a report with the City Council.

6. Every year between April and June, the City Council conducts a public hearing and approves, or modifies the individual assessments.

______________________________
Douglas Wilson
Engineer of the Work
SECTION 1. Authority for Report

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

SECTION 2. General Description

The City Council has elected to include landscaping and lighting at Sierra Meadows, Phase 2 Subdivision into the Landscape and Lighting Maintenance District No. 43. The City Council has determined that the areas to be landscaped and lighted will have an effect upon all parcels within the proposed boundaries of the District. The areas for street lights are included on all the streets located within the subdivision. Proposed areas for lighting are on both sides of the streets located within the subdivision. The landscaping includes a masonry wall along the east and south boundaries. The wall maintenance includes: cleaning, repairing, painting and rodent control. A landscaped area was installed by the developer generally adjacent to the masonry walls. The landscaped area maintenance includes cleaning, weed control, maintenance of irrigation facilities, and control of the growth.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 36. Total landscaped area to be
maintained is 1,312 lineal feet of 6-foot 8-inch and 1,302 lineal feet of 7-foot 6-inch masonry wall, and 27,960 square feet of landscaped area. Maintenance activities within the Landscape and Lighting Maintenance District No. 43 are to include landscape and lighting maintenance.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of Sierra Meadows, Phase 2 Subdivision.

SECTION 5. Estimated Costs

The construction cost will be borne by the developer and will not be assessed. The subdivision map has been filed for record and the improvements have been installed and certain maintenance on the areas will be necessary during fiscal year 2008-2009. It is appropriate that the assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. In this District assessments will be made during the 2008-2009 Fiscal Year.

Estimated Assessment 2008-2009

**Landscaped Area**

- Masonry wall 2,614 L.F. @ $0.48 per L.F. $1,254.72
- 27,960 sq ft landscaped area @ $0.43 per sq ft $12,022.80

**Electricity /Lighting**

- 28 fixtures, 5,800 lumens @ $30.21 per year $845.88
- 8 fixtures, 16,000 lumens @ 47.47 per year $379.76

**Project Management Costs**

- 61 Lots (includes remainder) @ $1,000 plus $4 per lot $1,244.00

Sub Total 2008-2009 $15,747.16
15% Reserve Fund $ 2,362.07

Total 2006-2007 Initial Assessment $18,109.23

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

After the 2008-2009 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year’s cost or the prior year’s estimated cost adjusted according to the annualized Consumer price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2009/2010 will refer back to the prior year’s CPI. In the event that the costs of services provided do not increase to exceed the full amount of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled “Landscape and Lighting Maintenance District No. 43 is attached to this report and by reference is made part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed Landscape and Lighting Maintenance District No. 43. The establishment and maintenance of the improvements is a vital part of the development of Sierra Meadows, Phase 2 Subdivision. The
City Council of Porterville has determined that to insure satisfactory levels of maintenance for the landscape and lighting at Sierra Meadows, Phase 2 Subdivision, it should become Landscape and Lighting Maintenance District No. 43. The Landscape area, which benefits the 61 lots, is located along the east and south boundaries of the district.

Landscape and Lighting Maintenance District No. 43 will consist of an area comprising approximately 40.19 acres. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for the protection or safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefits takes into consideration the following facts:

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

2. Properly maintained landscaping and lighting benefits all properties in the development.

3. The lots not adjacent to the landscaping and lighting facility improvements benefit for the maintenance equally to those lots adjacent to the improvements.

**Estimated 2008-2009 Assessment**

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

\[
A = \frac{\$18,109.23}{61} = \$296.86 \text{ per lot for Sierra Meadows, Phase 2 Subdivision}
\]

Total Assessment for 2008-2009 = $18,108.46

Total developed lot count is 61.
SECTION 8. Order of Events


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

3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 43 and determines the district.

4. City Council adopts Resolution Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 43.

5. Every year between April and June the Engineer of Work file a report with the City Council.

6. Every year between April and June, the City Council conducts a public hearing and approves, or modifies the individual assessments.

__________________________________________________________________________
Douglas Wilson
Engineer of the Work
SECTION 1. Authority for Report

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

SECTION 2. General Description

The City Council has elected to include landscaping and lighting at Summit Estates, Phase 1 Subdivision into the Landscape and Lighting Maintenance District No. 44. The City Council has determined that the areas to be landscaped and lighted will have an effect upon all parcels within the proposed boundaries of the District. The areas for street lights are included on all the streets located within the subdivision. Proposed areas for lighting are on both sides of the streets located within the subdivision. The landscaping includes a masonry wall along the east boundary. The wall maintenance includes: cleaning, repairing, painting and rodent control. A landscaped area was installed by the developer generally adjacent to the masonry walls and ponding basin. The landscaped area maintenance includes cleaning, weed control, maintenance of irrigation facilities, and control of the growth.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 23. Total landscaped area to be
maintained is 242 lineal feet of masonry wall, and 4,300 square feet of landscaped area. Maintenance activities within the Landscape and Lighting Maintenance District No. 44 are to include landscape and lighting maintenance.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of Summit Estates, Phase 1 Subdivision.

SECTION 5. Estimated Costs

The construction cost will be borne by the developer and will not be assessed. The subdivision map has been filed for record and the improvements have been installed and certain maintenance on the areas will be necessary during fiscal year 2008-2009. It is appropriate that the assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. In this District assessments will be made during the 2008-2009 Fiscal Year.

Estimated Assessment 2008-2009

**Landscaped Area**

Masonry wall 242 L.F. @ $0.48 per L.F. $116.16
4,300 sq ft landscaped area @ $0.62 per sq ft $2,666.00

**Electricity /Lighting**

20 fixtures, 5,800 lumens @ $30.21 per year $604.20
3 fixtures, 9,500 lumens @ 36.27 per year $108.81

**Project Management Costs**

70 Lots @ $1,000 plus $4 per lot $1,280.00
Sub Total 2008-2009 $ 4,775.17

15% Reserve Fund $ 716.28

Total 2006-2007 Initial Assessment $ 5,491.45

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

After the 2008-2009 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year’s cost or the prior year’s estimated cost adjusted according to the annualized Consumer price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2009/2010 will refer back to the prior year’s CPI. In the event that the costs of services provided do not increase to exceed the full amount of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled “Landscape and Lighting Maintenance District No. 44 is attached to this report and by reference is made part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed
Landscape and Lighting Maintenance District No. 44. The establishment and maintenance of the improvements is a vital part of the development of Summit Estates, Phase 1 Subdivision. The City Council of Porterville has determined that to insure satisfactory levels of maintenance for the landscape and lighting at Summit Estates, Phase 1 Subdivision, it should become Landscape and Lighting Maintenance District No. 44. The Landscape area, which benefits the 70 lots, is located along the east boundary of the district and adjacent to the ponding basin.

Landscape and Lighting Maintenance District No. 44 will consist of an area comprising approximately 18.05 acres. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for the protection or safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefits takes into consideration the following facts:

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

2. Properly maintained landscaping and lighting benefits all properties in the development.

3. The lots not adjacent to the landscaping and lighting facility improvements benefit for the maintenance equally to those lots adjacent to the improvements.

Estimated 2008-2009 Assessment

Assessment (A) = \frac{\text{Cost (C)}}{\text{Number of Lots (L) including the remainder}}
A = \frac{5,491.45}{70} = 78.44 \text{ per lot for Summit Estates, Phase 1 Subdivision}

Total Assessment for 2008-2009 = 5,490.80

Total developed lot count is 70.

SECTION 8. Order of Events


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

3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 44 and determines the district.

4. City Council adopts Resolution Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 44.

5. Every year between April and June the Engineer of Work file a report with the City Council.

6. Every year between April and June, the City Council conducts a public hearing and approves, or modifies the individual assessments.

______________________________
Douglas Wilson
Engineer of the Work
CITY OF PORTERVILLE
ENGINEER’S REPORT FOR LANDSCAPING AND LIGHTING
MAINTENANCE DISTRICT NO. 45

SECTION 1. Authority for Report

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

SECTION 2. General Description

The City Council has elected to include landscaping and lighting at New Expressions, Phase 5 Subdivision into the Landscape and Lighting Maintenance District No. 45. The City Council has determined that the areas to be landscaped and lighted will have an effect upon all parcels within the proposed boundaries of the District. The areas for street lights are included on all the streets located within the subdivision. Proposed areas for lighting are on both sides of the streets located within the subdivision. The landscaping includes a masonry wall and berm along the west boundary. The wall maintenance includes: cleaning, repairing, painting and rodent control. A landscaped park area was installed by the developer generally along the river at the northerly boundary. The landscaped park area maintenance includes cleaning, weed control, maintenance of irrigation facilities, and control of the growth.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 23. Total landscaped area to be
maintained is 880 lineal feet of masonry wall and berm and 15,250 square feet of landscaped park area. Maintenance activities within the Landscape and Lighting Maintenance District No. 45 are to include landscape and lighting maintenance.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of New Expressions, Phase 5 Subdivision.

SECTION 5. Estimated Costs

The construction cost will be borne by the developer and will not be assessed. The subdivision map has been filed for record and the improvements have been installed and certain maintenance on the areas will be necessary during fiscal year 2008-2009. It is appropriate that the assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. In this District assessments will be made during the 2008-2009 Fiscal Year.

Estimated Assessment 2008-2009

**Landscaped Area**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Masonry wall and berm 880 L.F. @ $0.80 per L.F.</td>
<td>$704.00</td>
</tr>
<tr>
<td>15,250 sq ft landscaped park area @ $0.62 per sq ft</td>
<td>$9,455.00</td>
</tr>
</tbody>
</table>

**Electricity/Lighting**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 fixtures, 5,800 lumens @ $30.21 per year</td>
<td>$664.62</td>
</tr>
<tr>
<td>1 fixtures, 9,500 lumens @ 36.27 per year</td>
<td>$36.27</td>
</tr>
</tbody>
</table>

**Project Management Costs**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>88 Lots @ $1,000 plus $4 per lot</td>
<td>$1,352.00</td>
</tr>
</tbody>
</table>

Sub Total 2008-2009 $12,211.89
15% Reserve Fund $ 1,831.78

Total 2006-2007 Initial Assessment $14,043.67

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

After the 2008-2009 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year’s cost or the prior year’s estimated cost adjusted according to the annualized Consumer price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2009/2010 will refer back to the prior year’s CPI. In the event that the costs of services provided do not increase to exceed the full amount of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled “Landscape and Lighting Maintenance District No. 45 is attached to this report and by reference is made part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed Landscape and Lighting Maintenance District No. 45. The establishment and maintenance of the improvements is a vital part of the development of New Expressions, Phase 5 Subdivision. The City Council of Porterville has determined that to insure satisfactory levels of maintenance for
the landscape and lighting at New Expressions, Phase 5 Subdivision, it should become Landscape and Lighting Maintenance District No. 45. The Landscape area, which benefits the 88 lots, is located along the west and northern boundaries of the district.

Landscape and Lighting Maintenance District No. 45 will consist of an area comprising approximately 18.05 acres. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for the protection or safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefits takes into consideration the following facts:

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

2. Properly maintained landscaping and lighting benefits all properties in the development.

3. The lots not adjacent to the landscaping and lighting facility improvements benefit for the maintenance equally to those lots adjacent to the improvements.

**Estimated 2008-2009 Assessment**

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

\[A = \$14,043.67 \quad \text{per lot for New Expressions, Phase 5 Subdivision} \]

Total Assessment for 2008-2009 = \$14,043.04

Total developed lot count is 88.
SECTION 8. Order of Events


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

3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 45 and determines the district.

4. City Council adopts Resolution Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 45.

5. Every year between April and June the Engineer of Work file a report with the City Council.

6. Every year between April and June, the City Council conducts a public hearing and approves, or modifies the individual assessments.

__________________________________________
Douglas Wilson
Engineer of the Work
SUBJECT: AMENDMENT TO THE 3-12 ALTERNATIVE WORK SCHEDULES FOR POLICE OFFICERS

SOURCE: Administration/Human Resources

COMMENT: In 2002 the Police Department implemented the 3-12 and 4-10 Alternative Work Schedules for Police Officers. Since its inception, it has become apparent that certain changes have become necessary in the operational details of the 3-12 Plan to better meet the needs and overall effectiveness of the department, and to allow for officer development. Over the past few months the department has researched and considered various alternatives to the 3-12 Plan, specifically with respect to shift change intervals, shift selection and vacation selection.

Under the Meyers-Milius-Brown Act, changes in conditions of employment, i.e., working conditions, requires Administration to Meet and Confer with the recognized employee organization representing Police Officers before any changes to the 3-12 Alternative Work Schedule can be implemented. City representatives have recently concluded Meet and Confer Sessions on matters within the scope and purview of the Meyers-Milius-Brown Act with the Porterville Police Officers’ Association (P.P.O.A.), representing the Police Officers, and a written Memorandum of Understanding (M.O.U.) has been executed with representatives of the P.P.O.A. covering these changes in working conditions.

City Council acceptance and approval of an executed M.O.U. is most commonly demonstrated by Council authorization to change or amend, when applicable, those documents as are necessarily known to implement the points of agreement contained in the M.O.U.

RECOMMENDATION: That the City Council ratify the attached Memorandum of Understanding amending the 3-12 and 4-10 Alternative Work Schedules for Police Officers.

ATTACHMENT: Memorandum of Understanding

DCM Approp./Funded CM Item No. 13
APRIL, 2008

MEMORANDUM OF UNDERSTANDING

BETWEEN

CITY OF PORTERVILLE

AND

PORTERVILLE POLICE OFFICERS’ ASSOCIATION

Pursuant to the provisions of Section 3500, et. seq., of the Government Code, representatives of the City of Porterville have met and conferred with representatives of the Porterville Police Officers’ Association (P.P.O.A.) and have reached concurrence to implement changes relating to the 3-12 Plan of the alternative work schedules for employees in the position of Police Officer with the City of Porterville, to wit:

I. 3-12 AND 4-10 ALTERNATIVE WORK SCHEDULES.

A. THE PLANS.

1. DESCRIPTIONS.

a. The 3-12 Plan alternative work schedule will entail six shifts. Notwithstanding staggered shift assignments upon implementation and at four-month shift change intervals, a Police Officer working under the 3-12 Plan will ordinarily have alternating work week cycles as follows:

(1) One 12-hour shift each day for three consecutive days, followed by four consecutive days off; then
(2) Three 12-hour shifts and one 8-hour shift, and thereafter followed by three consecutive days off; or,
(3) The reverse of (1) and (2) above.

In the aggregate, during each two-week cycle, officers will work 80 hours and have seven days off.
b. The 4-10 Plan alternative work schedule is applicable to Motorcycle and Detective assignments only, and is subject to variable, but consecutive, 10-hour work shifts. A Police Officer working under the 4-10 Plan will ordinarily have a workweek cycle of one 10-hour shift each day for four consecutive days, followed by three days off.

2. OPERATIONAL DETAILS.

a. OVERTIME. Police Officers working the 3-12 Plan will receive overtime pay at the rate of one and one-half times their regular rate of pay for time worked in excess of 80 hours during their respective two-week work cycles; and, Police Officers working the 4-10 Plan will receive overtime pay at the rate of one and one-half times their regular rate of pay for time worked in excess of 40 hours in a week.

b. MEAL AND REST BREAKS. During both 12-hour and 10-hour shifts, officers will be provided with one 30-minute paid meal break, and two 15-minute paid rest breaks. Breaks cannot be accrued to be used consecutively during a shift, and if breaks are missed, such lost break time will not be paid as overtime. An 8-hour shift includes two 15-minute paid rest breaks.

c. SHIFT SELECTION. Shift assignments under the 3-12 and 4-10 Plans are split into three four-month intervals, i.e., from February through May, June through September, and October through January, of each year. Shift selection for both intervals shall take place in January of each year. Shift selection for sworn personnel will be on a seniority basis, dependent upon assignment, i.e., Regular Patrol/Traffic/ OIC/K-9, with the most senior officer in each assignment selecting one shift assignment from each interval of the yearly schedule.

When selecting shifts, the officer making the selection must remain with their selected sector throughout the scheduled year. This is to maintain integrity of the department’s sector program. This also applies to the relief shifts.

In order to keep officer development high and avoid staleness, an officer may only work the same watch for two periods during a one-year period, excluding officers working the relief shift. For example, if an officer works two Day Shift watches during a one-year cycle, the third shift must be a Night Shift watch.
During the year, it is expected that personnel changes will occur or may be needed due to promotions, new hires, separations, officer development, etc. These changes, along with officers transferring into the Patrol Division after shift selection has occurred, will be determined by a Department Manager/Supervisor in order to meet the needs of the Division. In addition, officers operating in a specialized assignment, such as Traffic, K-9 or OIC, may also be assigned to a specified shift based upon the needs of the Patrol Division.

d. SHIFT CHANGES. Shift changes under the 3-12 Plan are planned at four-month intervals to provide equal access to weekend and weekdays off, and both a.m. and p.m. work schedules. Notwithstanding relief shifts, shift changes are expected to occur at 0600 hours and 1800 hours. The scheduled shift changes outlined in Section c. above will be posted as soon as possible in order to allow employees ample notification. During the year, situations will arise when it becomes necessary for Watch Commanders to adjust shifts or schedules with little advance notice to ensure sufficient staffing levels for all shifts, or to ensure officer development, and when such situations arise, it is agreed that prior notification to the officers involved will be provided at the earliest time possible.

e. SHIFT PERIODS. All 12-hour shifts will either be:

1. From 0600 hours to 1800 hours (Day Watch); or
2. From 1800 hours to 0600 hours (Night Watch); or
3. From 1400 hours to 0200 hours (Relief Shift). The relief shift hours are subject to change throughout the year in order to meet the needs of the department.

f. VACATION SELECTION. Initial vacation requests shall be completed in January and will be selected by seniority. After the yearly shift selection has been completed, officers will have the opportunity, by seniority, to select a one, two or three week continuous block of vacation. After all officers on the schedule have had the opportunity to select a block, the process will be repeated until all initial requests have been scheduled. All selections must allow for proper staffing of shifts.

After the initial vacation selection has been completed, and throughout the remainder of the yearly schedule, vacations shall be on a first come, first serve basis, approval of which will also be subject to staffing needs.
g. **SICK LEAVE NOTIFICATION.** Officers unable to report to work due to illness or injury must notify the Police Department of their incapacity not less than two hours prior to the beginning of their scheduled shift assignment.

h. **LEAVE DEDUCTIONS.** For Police Officers on either a 3-12 or 4-10 Plan alternative work schedule, leave deductions from appropriate leave banks accruing on the employees behalf, e.g., sick leave, vacation, family medical leave, bereavement leave, etc., shall be entered on the employees time sheets in time increments for such leave taken as is identical to the respective employees work schedule (e.g., an employee on the 3-12 Plan using one full day of vacation shall charge 12 hours to their accrued vacation balance; and, an employee on the 4-10 Plan, if becoming ill and leaving work after 3 hours on the job, would charge 7 hours to their accrued sick leave balance).

B. **PLAN PARTICIPATION.** With certain exceptions, participation in the 3-12 and 4-10 Plan alternative work schedules are limited to Sworn Police Officers assigned to Detectives in the Investigative Services Division or Patrol in the Operations Division of the Porterville Police Department. Duty status exceptions to this rule include Sworn Police Officers:

1. While on Industrial Disability Leave (4850) of longer than one day.
2. While restricted to Light Duty Assignments.
3. While on Departmental Administrative Assignments.
4. While cited for Court Appearances of longer than one day.
5. When attending and/or teaching assigned training or a course of instruction or conference, etc., of longer than one day.

When Police Officers are reassigned from the 3-12 or 4-10 Plan alternative work schedules due to a temporary duty status exception, as hereinabove enumerated, they shall be assigned to a 5-8 shift schedule.

II. **STATEMENT OF CONTINUING BENEFITS AND WORKING CONDITIONS.**

Benefits and working conditions as were previously agreed upon through the Meet and Confer process, and subsequently approved and implemented by appropriate authority, shall, unless herein expressly modified or eliminated, remain in effect until such time as they are subsequently modified or eliminated through the Meet and Confer process and similarly approved by appropriate authority.
Executed this 9th day of April, 2008.

FOR THE CITY OF PORTERVILLE:

John D. Lollis, Deputy City Manager

Eric Kroutil, Police Captain

FOR THE PORTERVILLE POLICE OFFICERS' ASSOCIATION:

Dominic Barteau, President

Aaron Sutherland, Vice President
PUBLIC HEARING

SUBJECT: WATER CONSERVATION PLAN

SOURCE: Public Works Department – Field Services Division

COMMENT: At the March 4, 2008 City Council meeting, staff was directed to develop a draft revision to the Water Conservation Plan adding voluntary odd/even watering in Phase II and to schedule a Public Hearing for April 15, 2008, to revise the Water Conservation Plan.

The current Water Conservation Plan consists of three phases depending on the severity of the water shortage.

Phase I is the current phase the City is in and applies during periods when normal water supply is available.

Phase II applies during periods when there is a water supply shortage. Water conservation efforts are increased with mostly voluntary programs.

Phase III applies during periods when there is a severe water supply shortage and mandatory restrictions. Restrictions include landscape watering limits; outside sidewalk and driveway washing prohibition; and a 20% rate increase on all residential and landscape accounts.

Staff has added into the Water Conservation Plan in Phase II the following:

V. Voluntary Odd/Even Watering Days

A voluntary Odd/Even Watering Program is encouraged as follows:

1. No watering on Mondays;
2. Addresses ending in an odd number will water on Tuesday, Thursday and Saturday; and
3. Addresses ending in an even number will water on Wednesday, Friday and Sunday.

Dir B Appr/Funded CM Item No. 14
Although rainfall totals this season are higher than last year, they are still below normal. Staff is recommending that Council, by resolution, approve the revision to the Water Conservation Plan and move into Phase II starting May 1, which will coincide with Water Awareness Month.

RECOMMENDATIONS: That City Council

1. Approve the revision to the Water Conservation Plan adding voluntary odd/even watering in Phase II;

2. Approve the City moving into Phase II as of May 1, 2008.

ATTACHMENTS: Water Conservation Plan Resolution Suggested Voluntary Odd/Even Watering Schedule

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TABLE OF CONTENTS

Page

PREFACE .................................................................................................................. 1

CITY WATER SYSTEM .................................................................................. 3

PHASE I .................................................................................................................. 5
Applies during periods when a normal water supply is available

PHASE II ........................................................................................................... 7
Applies during periods when there is a water supply shortage

PHASE III ........................................................................................................... 9
Applies during periods when there is a severe water supply shortage

REVISED BY:
Baldomero S. Rodriguez, Public Works Director
Bryan B. Styles, Field Services Manager
Richard Bartlett, Water Utilities Superintendent
Wyndi Branum, Water Systems Specialist
Judith May, Clerical Assistant III

Adopted by City Council: April 6, 2004
The City of Porterville water system is municipally-owned with more than 12,000 service connections, 99% of which are metered, serving a population of over 41,000, with approximately 5,000 served outside the city limits. Water supplies for the City system are produced entirely from groundwater underlying the City, which is recharged from rainfall and runoff of the Western Sierra Nevada. The major stream contributing to recharge of the Tule Basin Aquifer underlying Porterville is the Tule River.

Storage capacity represents over six million gallons within the distribution system and three hillside reservoirs, two with a capacity of three-million gallons and one with a capacity of three hundred thousand gallons.

A telemetry system controls the operation of 17 of the City's 26 active well pumps to maintain system pressure under varying loads. The water levels in the reservoirs are also monitored and controlled by the computerized telemetry control system.

Water conservation and awareness have always been areas of concern for the Porterville community. Less than normal rainfall and runoff makes efforts to promote water conservation a high priority. In addition to the benefits of conserving water as a limited natural resource, additional benefits accrue to the community in the form of a reduced impact on the Wastewater Treatment Plant and a reduction in energy costs when water supplies are conserved.

It is vitally important that the Water Conservation Plan be a joint partnership between the City and the General Public in order to achieve optimal effect. The Plan has been developed in three phases with each phase defined in terms of the available water supply:

Phase I: Applies during periods when a normal water supply is available.

Phase II: Applies during periods when there is a water supply shortage.

Phase III: Applies during periods when there is a severe water supply shortage.

Actions within each phase have been defined as either actions to be undertaken by the City or by the General Public. Due to the number of variables which affect the water conditions in existence at any one point in time, a City staff analysis of those variables will be utilized in determining the transition of the City from one phase to a more (or less) stringent phase. At such time as staff determines that water supply conditions warrant a phase change, staff will present the request to the City Council for their approval.

This plan differs from other valley community plans because the City of Porterville is in a more favorable position of having almost all of its water customers metered, which allows the City to basically control the water conservation program. The City can implement a program that does not involve specified water days or hiring water "watchmen", two concepts commonly employed in non-metered communities.
CITY WATER SYSTEM

The City has always been diligent in its efforts to provide sufficient safe and affordable drinking water to the residents of the community. Water conservation has long been a permanent part of the City's water resource management program. Efforts to that end include:

NEW WELLS:

Over the past five years two new wells have been added to the City water system in order to serve the needs of the community. Four additional wells are planned for completion within the next few years.

TELEMETRY SYSTEM:

This system controls the operation of the well pumps to maintain system pressure under varying loads. Water levels in the reservoirs are also monitored and controlled by the computerized telemetry control system. Water is usually pumped to the reservoirs during the off-peak usage hours for later use by consumers. This system was designed for use by the City's most efficient and productive wells with additional energy cost savings.

RESERVOIRS:

The City currently operates and maintains three hillside reservoirs - two (2) with a capacity of three-million-gallons and one (1) with a capacity of 300,000 gallons. The two largest reservoirs are usually filled during off-peak hours and then release water during the high usage hours. The reservoirs increase the City's ability to maintain system pressure during peak demand and fire flow situations. Site acquisition has been accomplished for the City's third proposed three-million gallon reservoir.

METERIZATION PROGRAM:

With over 99% of all service connections metered, the City has a goal of 100% meterization. All new connections are required to have meters.

UTILITY BILLING NOTICE:

The City's computerized utility billing system provides consumers with their current and past water usage history for comparison purposes. While variations may be attributable to a change known to the consumer (ie; additional persons in the home, addition of a swimming pool), it may also be the result of an undetected leak or other controllable occurrence.
WATER AUDIT/LEAKAGE DETECTION & REPAIR PLAN:

The City will continue in its proactive plan to audit water supply usage. Upon detection of the source of any leakage, corrective action will be taken immediately in order to promote the efficient use of the existing water supply and in turn reduce the energy required to operate the system.

NEW WATER LINE TESTING:

The City requires full pressure and leak testing of all newly constructed water lines.

FIRE HYDRANT TESTING:

The City Fire Department schedules their annual fire hydrant testing program during the early spring and late fall to avoid the peak water use season. Such testing is required to maintain the integrity of the fire protection system.
PHASE I

Applies during periods when a normal water supply is available

The effectiveness of any voluntary plan ultimately depends on the public's awareness of the need for the plan. Local residents have a history of commitment to their community and support of the public welfare. It is a reliance upon this tradition that makes the distribution of public information the cornerstone of the City's Water Conservation Plan.

ACTIONS BY THE CITY:

I. Public information Program

A. Distribution of suggestions for residential, commercial and industrial water conservation and awareness.

B. Coordination of public information with the local news media.

C. City participation in Water Awareness Month (May).

D. Lawn and Landscape Watering Guides will be made available upon request.

E. City staff will coordinate with local nurseries to compile a list of low-water using trees and plants. The list will be made available at City Hall, the Corporation Yard, and the Parks & Leisure Services Department for local residents.

F. Coordination with local schools to encourage young people to become aware of local water issues and conditions.

II. Project Review Committee

A. The City’s Project Review Committee (PRC) will include the evaluation of all submitted projects for water use and conservation efforts. The goal of City staff in cooperation with the developer will be to voluntarily reduce consumption of water used in the project.

B. City staff will assist the developer in familiarization with the Xeriscape Concept, combining creative landscaping and efficient irrigation to save water and promote attractive alternatives to traditional, high-water use landscapes.
III. City Landscapes and Watering Schedules

A. City parks, median islands, and landscaped public facilities will be watered during late night or early morning hours to the greatest extent possible.

B. All new landscaping projects undertaken by the City will incorporate conservation design.

IV. Retrofit Bathroom Facilities

Water saving kits which contain toilet water conservation and low-flow shower head devices will be made available to City water consumers, both residential and commercial, upon request, as funds are available.

V. Fire Hydrant Testing

The City's fire hydrant testing program will be scheduled during non-peak water usage times to the greatest extent possible without impairing the integrity of the City's fire protection service.

ACTIONS BY THE GENERAL PUBLIC:

The general public will be encouraged to utilize those water conservation measures contained within the City's public information program.
PHASE II

Applies during periods when there is a water supply shortage

When water supply conditions start to deteriorate it would be incumbent upon the City to implement mandatory water conservation provisions.

ACTIONS BY THE CITY:

I. Public Information Program

The City will pursue a more aggressive distribution of information than its efforts initiated in Phase I to promote public awareness of the need to conserve water with a stronger emphasis on the water shortage condition.

II. Water System Pressure Reduction

The City's water system may experience reduced water pressures during high usage periods. This may deter water use for nonessential activities and encourage scheduling of landscape watering to late nights or early mornings.

III. City Landscapes and Watering Schedules

All City parks, median islands and public facility landscapes will be watered during the late night or early morning hours to reduce impact on the water system during peak usage hours.

IV. Leak Detection - Water Waste

The City will continue in its proactive plan to audit water supply usage. All City staff will be reminded of the necessity of reporting any evidence of leaks or water waste for immediate action. There will be an emphasis on coordinated community efforts to reduce water waste.

V. Waste of Water Notices

City staff will be equipped to issue "Waste of Water" notices to consumers identified as misusing water.


**ACTIONS BY THE GENERAL PUBLIC:**

I. Conservation Efforts:

The general public will be strongly encouraged to utilize those water conservation measures contained within the City's public information program.

II. Restaurants:

Notices will be sent to all restaurants within the City limits requesting support of water conservation efforts by serving water to customers upon request only.

III. Lawn and Landscaping Watering:

All residential, commercial and industrial landscape watering should be reduced to a minimum and avoid watering between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m.

IV. Vehicle Washing and Sidewalk Hosing:

A. Vehicle washing should be accomplished either by automatic car washes that recycle water or with buckets and hoses equipped with a shut-off nozzle.

B. Per Section 25-5 of the City Municipal Code, "The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them."

V. Voluntary Odd/Even Watering Days

A voluntary Odd/Even watering program is encouraged as follows:

1. No watering on Mondays;
2. Addresses ending in an Odd number will water on Tuesday, Thursday and Saturday; and
3. Addresses ending in an Even number will water on Wednesday, Friday and Sunday.
PHASE III

Applies during periods when there is a severe water supply shortage

ACTIONS BY THE CITY:

I. Public Information Program:

The utility billing system will begin to notify customers of restrictions on water use. The program to promote public awareness will be intensified with emphasis placed on communicating the mandatory water conservation requirements to the public.

II. Rate Structure Enhancement:

A 20% rate increase on all residential and landscape accounts will go into effect. This rate increase will encourage water conservation and will also serve as a provision to recover the lost revenues from water conservation.

III. City Landscapes and Watering Schedules

All City parks, median islands and public facility landscapes will continue to be watered during the late nights or early morning hours to confine impact on the water system to off-peak usage hours. If it becomes necessary, watering of City parks and median islands will be suspended and evaluated each day.

ACTIONS BY THE GENERAL PUBLIC:

A. Landscape watering shall not be done between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m.

B. Sidewalk and driveway washing will be prohibited.
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ADOPTING THE
REVISED WATER CONSERVATION PLAN

WHEREAS, water conservation and awareness have always been areas of concern to the City of Porterville, and

WHEREAS, in April 2004, City Council adopted a Water Conservation Plan; and

WHEREAS, March 4, 2008, City Council directed staff to develop a revision to the Water Conservation Plan adding voluntary odd/even watering in Phase II;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Porterville that the City adopts the attached Water Conservation Plan which adds voluntary odd/even watering in Phase II.

ADOPTED this _____ day of ______________________, 2008

_________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

________________________
By Patrice Hildreth, Chief Deputy City Clerk
Public Works Department

The City of Porterville would like to thank all of its water customers for their past practices and efforts to conserve our water supply. We will, once again, be asking customers for their cooperation by participating in the voluntary Odd/Even watering schedule, beginning May 1st. The schedule will be as it appears in the display below.

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| ODD ADDRESS | GREEN | EVEN ADDRESS | BLUE |

This plan requests you to water your lawn and shrubs according to your street address. If your address ends with an "odd" number, 1, 3, 5, 7 or 9 your watering days are Tuesday, Thursday and Saturday. If your address ends with an "even" number, 0, 2, 4, 6, or 8, your watering days are, Wednesday, Friday and Sunday. There is "NO" watering on Mondays and landscape watering should be reduced to a minimum. We are also asking that you avoid watering between the hours of 5:00 A.M. to 10:00 A.M. and 5:00 P.M. to 10:00 P.M. Should you have any questions or would like additional information, please contact the Field Services Division at 782-7514.

WATER CONSERVATION HELPS SAVE RESOURCES AND MONEY!
SUBJECT: APPROVAL OF AN INTERIM ORDINANCE ADOPTING AN INTERIM ZONING MATRIX AND IMPLEMENT PLAN TO IMPLEMENT THE PORTERVILLE 2030 GENERAL PLAN

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: On March 4, 2008 the City of Porterville adopted a Comprehensive General Plan Update that established a blueprint for city growth and development through the year 2030. Chapter 10 (Implementation), of the adopted General Plan, attached as Attachment 1, provides for long term implementation of the plan, as well as interim implementation until such time as the new zoning is adopted by the City. With the new General Plan in place, the effort is currently underway to comprehensively update the City of Porterville’s Zoning and Subdivision Ordinances in order to insure consistency with the General Plan.

The City’s Zoning Ordinance will translate plan policies into specific use regulations, development standards and performance criteria that will govern development on individual properties. The Zoning Map will provide parcel specific detail than the General Plan Land Use Diagram. The General Plan calls for several new zoning districts. Regulations for these districts will be established as part of the comprehensive zoning update currently in process. The use regulations and development standards for existing zoning districts will be amended including density and intensity limits.

To achieve long term implementation, the City will bring both the Zoning Ordinance and the Zoning Map into conformance with the General Plan. As stated above, this effort is currently underway and is anticipated to require a year to complete. However, depending on public input process, this timeline could, and likely will, be prolonged so that consensus can be reached.

INTERIM IMPLEMENTATION:

The adopted General Plan establishes an interim implementation strategy during the transition period while new zoning is being developed, to grow as provided for in the General Plan. The implementation strategy relies on the City making “General Plan Conformity Findings” to provide criteria for determining whether a proposed project is consistent with the General Plan. Factors that will be evaluated to make General Plan Conformity determinations include: site suitability for the proposed use, compatibility with adjacent uses, neighborhood economic vitality and the need for the proposed use; and the proposed density and intensity of development. Using these criteria, the following findings have been developed:

a. That the site of the proposed development is consistent with the adopted General Plan.
b. That the site is suitable in size, shape and access to streets and infrastructure to serve the proposed development in a manner that is sensitive to surrounding land uses.

c. That the development of the site under approved land use designation will be compatible with and not be detrimental to, nor injurious to the adjacent land uses.

d. That the proposed development under the subject land use designation is necessary to maintain or improve the economic vitality of the neighborhood or community in which it is located.

e. That the proposed density and intensity of development is appropriate for the capacity of the site and will be compatible with surrounding land uses.

These findings would be used to make a determination of General Plan consistency primarily on projects located on the fringe of identified land use designations, or in areas identified as Parks and Recreation or Schools as shown on the adopted General Plan Land Use Diagram. Properties clearly within the bounds of land use designations, with the exception of Parks and Recreation (including trails) and Schools, would be considered consistent with the General Plan and the zoning provisions of the classification identified on the Zoning Matrix (Attachment 2) would apply.

During this interim period, if a park or school site is required, a determination would be made through the course of the tentative map approval process, whether it is consistent with the General Plan. This would essentially require that the City or school purchase land for a park or the developer could dedicate the land in lieu of other fees or to offset potential impacts of the development. Otherwise development would be allowed to continue.

Staff is proposing that the City Council adopt the Interim Urgency Ordinance providing for a process of determining General Plan consistency based on the proposed Zoning Matrix. Staff has developed the process designating the Zoning Administrator to make the findings of General Plan consistency. Authority granted to the Zoning Administrator would be consistent with that already contained in Article 30 of the Zoning Ordinance. Decisions of the Zoning Administrator are reviewable by the Council or appealable to the City Council pursuant to Article 30, Section 3005 of the Zoning Ordinance.

The Zoning Matrix contains staff's recommendation for aligning General Plan land use designations with existing zoning classifications. Proposed developments will be evaluated relative to the General Plan Land Use Diagram to determine consistency, inconsistency, or whether formal findings are necessary. When a determination of consistency is made, the zoning classification(s) identified in the Zoning Matrix would apply to the proposed development. At this point, the development review process would proceed. It is anticipated that in the majority of situations, findings would not be required. Staff anticipates that findings would be necessary only on those sites described above.
INTERIM ORDINANCE AUTHORITY:

Government Code Section 65858 (Attachment 3) provides for a city to adopt an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan or zoning regulations. In this case, the City has adopted a new General Plan and is proposing an interim ordinance to guide development in the interim between General Plan adoption and the completion of the Zoning and Subdivision Ordinance adoption. Implementation of the interim ordinance will ensure that development proceeding during this interim period will further the goals, policies and objectives of the newly adopted General Plan and thereby protect the health, safety and general welfare of the residents of the City.

The General Plan was adopted with the benefit of significant public input and the land uses established in the plan were determined based on policies for future growth established in the adopted plan. If enacted by the City Council, this interim ordinance will be effective for a period of 45 days unless appealed. A public hearing will be scheduled pursuant to Government Code Section 65858, within forty five days to provide a report to the Council and take public input for consideration in extending the ordinance. At that time, the City Council may extend the interim ordinance for up to 10 months and 15 days, with one additional one-year extension possible. The Council can also repeal the ordinance or let it expire, or amend the ordinance.

RECOMMENDATION: That the City Council adopt an Interim Urgency Ordinance for the implementation of the newly adopted 2030 General Plan by establishing zoning classification consistency.

ATTACHMENT: Attachment 1 - Draft Ordinance
Attachment 2 – General Plan, Chapter 10 – Implementation (Excerpt)
Attachment 3 – Government Code Section 65858
ORDINANCE NO.

A INTERIM ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE ADOPTING AN INTERIM
GENERAL PLAN AND ZONING CONSISTENCY PLAN
AND MATRIX TO IMPLEMENT THE PORTERVILLE 2030
GENERAL PLAN

BE IT ORDAINED by the City Council of the City of Porterville, as follows, to wit:

SECTION 1: On March 4, 2008 the City of Porterville adopted a Comprehensive
General Plan Update that established a blueprint for city growth and development through the
year 2030; and

SECTION 2: The City Council made the determination that the adopted General Plan
sets out a vision for the future growth of the City to protect and promote the public health, safety
and general welfare for the citizens of Porterville; and

SECTION 3: The General Plan was developed through a process of soliciting significant
public input process that produced a consensus document that also represents the collective
vision of the citizens of Porterville thus creating an expectation that future growth and
development will be in alignment with the approved General Plan; and

SECTION 4: The City of Porterville is currently in the process of comprehensively
updating the Zoning and Subdivision Ordinances to implement the newly adopted General Plan
and be consistent with the information therein; and

SECTION 5: Until such time that the comprehensively updated Zoning and Subdivision
Ordinances are adopted, there is a current and immediate threat to the public health, safety or
welfare in allowing certain land uses if inconsistent with the newly adopted General Plan; and

SECTION 6: An interim program for administering zoning related actions is provided
for in Chapter 10, Section 10.2 – Implementation of the adopted General Plan and is necessary to
bridge the gap between adoption of the General Plan and adoption of the Zoning and Subdivision
Ordinance updates by prohibiting uses inconsistent with the General Plan unless compliance is
achieved pursuant to the interim program; and

SECTION 7: A zoning matrix has been prepared, establishing a correlation between the
new General Plan land use designations and the existing zoning classifications; and

SECTION 8: The City of Porterville desires to employ the Zoning Matrix attached
hereto as Exhibit A, and the findings contained in SECTION 9 of this ordinance in rendering a
determination of zoning consistency with the General Plan land use designation on specific
properties; and

SECTION 9: The City Council finds that the most effective and efficient administration
of the interim ordinance shall be vested in the Zoning Administrator to make necessary findings
of consistency with the General Plan, with the understanding that decisions of the Zoning
Administrator are reviewable by the City Council or are appealable to the City Council pursuant to Article 30 of the Zoning Ordinance; and

SECTION 10:

In making a determination of consistency with the General Plan the Zoning Administrator will make the following findings in writing within 5 days of the request:

a. That the site of the proposed development is consistent with the adopted General Plan.

b. That the site is suitable in size, shape and access to streets and infrastructure to serve the proposed development in a manner that is sensitive to surrounding land uses.

c. That the development of the site under approved land use designation will be compatible with and not be detrimental to, nor injurious to the adjacent land uses.

d. That the proposed development under the subject land use designation is necessary to maintain or improve the economic vitality of the neighborhood or community in which it is located.

e. That the proposed density and intensity of development is appropriate for the capacity of the site and will be compatible with surrounding land uses.

SECTION 11: This Ordinance shall remain in full force and effect for a period of forty-five (45) days from and after its passage and adoption unless extended by the City Council.

SECTION 12: The City Council does herewith direct the City Staff to prepare and submit to the City Council, for consideration of approval and issuance by the City Council, a written report describing the measures taken and to be taken to alleviate the conditions which led to the adoption of this Ordinance; and that said report shall be submitted to the City Council at least 10 days prior to the expiration of this Ordinance.

PASSED, ADOPTED AND APPROVED this ___ day of __________, 2008.

BY:

______________________________
Cameron Hamilton, Mayor

ATTEST:

______________________________
Patrice Hildreth, Chief Deputy City Clerk

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* - Allows all other uses as consistent with the General Plan.

** - Requires a Conditional Use Permit for all proposed projects.
10.2 The Plan & Regulatory System (Excerpt from Implementation Chapter – Adopted General Plan)

The City will use a variety of regulatory mechanisms and administrative procedures to implement the General Plan. Overall responsibility for plan implementation is vested in the Planning Agency, consisting of the City Council and the Community Development Director. Under charter city, Porterville is not required to have the Zoning Ordinance be consistent with the General Plan; however, establishing and maintaining consistency is good planning policy and is called for in the General Plan. In fact, the consistency requirement is the keystone of Plan implementation. Without a consistency requirement, there is no assurance that Plan policies will be implemented and that environmental resources earmarked for protection in the Plan will be preserved. Other regulatory mechanisms, including subdivision approvals, building and housing codes, capital improvement programs, and environmental review procedures also will be used to implement Plan policies. All project approvals should be found consistent with the General Plan.

Zoning Regulations

The City's Zoning Ordinance will translate plan policies into specific use regulations, development standards and performance criteria that will govern development on individual properties. The General Plan establishes the policy framework, while the Zoning Ordinance prescribes standards, rules and procedures for development. The Zoning Map will provide more detail than the General Plan Land Use Diagram.

The General Plan calls for several new zoning districts. Regulations for these districts will be established as part of the comprehensive zoning update being undertaken following adoption of the General Plan. The use regulations and development standards for existing zoning districts will need to be amended to conform to Plan policies. Density and intensity limits, consistent with the Plan's land use classifications, also should be established. For purposes of evaluating General Plan consistency, the density of proposed projects will be rounded up or down to the nearest whole number, as appropriate.

The City will bring both the Zoning Ordinance and the Zoning Map into conformance with the General Plan within a reasonable period of time. When the General Plan is subsequently amended, the Zoning Ordinance and Zoning Map also may need to be amended to maintain consistency between the Plan and zoning.

During the transition period while new zoning is being developed, the City will use "General Plan Conformity Findings" to provide criteria for determining whether a proposed project is consistent with the General Plan. Factors that will be evaluated to make General Plan Conformity determinations include: site suitability for the proposed use, compatibility with adjacent uses, neighborhood economic vitality and the need for the proposed use; and the proposed density and intensity of development.
65858. (a) Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the legislative body of a county, city, including a charter city, or city and county, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. That urgency measure shall require a four-fifths vote of the legislative body for adoption. The interim ordinance shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.

(b) Alternatively, an interim ordinance may be adopted by a four-fifths vote following notice pursuant to Section 65090 and public hearing, in which case it shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may by a four-fifths vote extend the interim ordinance for 22 months and 15 days.

(c) The legislative body shall not adopt or extend any interim ordinance pursuant to this section unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare. In addition, any interim ordinance adopted pursuant to this section that has the effect of denying approvals needed for the development of projects with a significant component of multifamily housing may not be extended except upon written findings adopted by the legislative body, supported by substantial evidence on the record, that all of the following conditions exist:

(1) The continued approval of the development of multifamily housing projects would have a specific, adverse impact upon the public health or safety. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date that the ordinance is adopted by the legislative body.

(2) The interim ordinance is necessary to mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1).

(3) There is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1) as well or better, with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance.

(d) Ten days prior to the expiration of that interim ordinance or any extension, the legislative body shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

(e) When an interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or a part of the same property, shall automatically terminate and be of no further force or effect upon the termination of the first interim ordinance or any extension of the ordinance as provided in this section.

(f) Notwithstanding subdivision (e), upon termination of a prior interim ordinance, the legislative body may adopt another interim ordinance pursuant to this section provided that the new interim ordinance is adopted to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance.

(g) For purposes of this section, "development of multifamily housing projects" does not include the demolition, conversion, redevelopment, or rehabilitation of multifamily housing that is affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or that will result in an increase in the price or reduction of the number of affordable units in a multifamily housing project.

(h) For purposes of this section, "projects with a significant component of multifamily housing" means projects in which multifamily housing consists of at least one-third of the total square footage of the project.
CITY COUNCIL AGENDA APRIL 15, 2008

SUBJECT: TULARE COUNTY REGIONAL BLUEPRINT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: During the scheduled April 1, 2008 City Council meeting, the Tulare County Association of Governments (TCAG) presented Council with a summary and update on the ongoing “Regional Blueprint” process. At the meeting, county staff presented conceptual growth scenarios proposing various levels of increased population densities, and asked that the City Council select a preferred growth scenario. Council directed City staff to perform some analysis and bring back information for the Council to consider regarding which scenario could be reasonably achievable and align with the City’s newly adopted General Plan.

On April 9, 2008 City staff attended one of TCAG’s final Blueprint Advisory Committee meetings. County staff presented information that raised concern with staff relative to schedule. Staff was concerned that the policies to the Regional Blueprint were not yet available for review and that TCAG’s plan is to adopt the Blueprint in May of 2008. Staff asked questions about the process and asked that a draft be made available prior to final approval to allow cities the opportunity to review and comment prior to adoption. A major concern is that the Regional Blueprint project is grant funded and that once adopted, there is no opportunity identified for periodic updates. The document could be a long standing document that in the future could be tied to State funding programs. Without proper analysis and the ability to be revised or adjusted if revisions or updates are necessary, this could affect the City’s ability to pursue grants or receive funding allocations.

Staff is requesting additional time to complete the Council’s request for information and thoroughly review Blueprint information that is not readily available. Staff will monitor the Blueprint process and bring back for council consideration a comparative analysis between the growth density previously experienced in the City and that anticipated under the newly adopted General Plan, as well as a discussion on how that aligns with the conceptual growth scenarios for the Blueprint.

RECOMMENDATION: Informational

DD[APPROPRIATED/FUNDED] [CM] [ ] ITEM NO. [ ]
SUBJECT: AUTHORIZATION TO REORGANIZE THE FIELD SERVICES DIVISION - PUBLIC WORKS DEPARTMENT

SOURCE: Public Works Department

COMMENT: The Field Services Division of Public Works performs the maintenance and repair of the City's infrastructure such as streets, water, sewer and traffic control systems as well as providing services to the City's residents including water delivery, refuse, recycling, and sewer collection. Many other City functions are handled by the Field Services Division including the treatment and reclamation of waste water, storm drain maintenance, laboratory services, as well as vehicle and equipment acquisition and maintenance. These functions are performed by a total of 69 staff members (see attachment R-1). The purpose of this staff report is to outline a reorganization of the Division to better meet the goals and objectives of the City Council and to provide improved operational control and employee retention utilizing the existing 69 employees.

City Council approved amendments to the pay and benefit plan that include classification adjustments to workers in the Field Services Division as well as additional classification changes for Field Services Workers in the Water and Sewer section creating Water Utility Workers.

In an effort to improve the operational control of the division, some advancement of existing personnel to supervision and lead worker positions, and some responsibility changes, are being recommended in several areas (see attachment R-2).

Recruitment and retention of skilled employees has always been the goal of the City. The recent and pending departure of key staff members has made it apparent that some realignment of positions are necessary for improving operational control. This will additionally encourage the work force that career advancement opportunities exist within our structure and discourage the desire to look elsewhere for career advancement.

The Waste Water Treatment Facility has the desire to establish a Maintenance section to be led by an Operator III. The position will be established by reclassifying the vacant Industrial Waste Inspector position to Operator III at a cost savings to the division.

Dir Appropriated/Funded CM Item No. 17
Laboratory operations will assume the Industrial Waste inspection activities, with assistance from the collections section. For clarity in responsibility, it is recommended the Laboratory Supervisor title be changed to Laboratory Superintendent. No increased cost involved.

The Water and Sewer sections will be combined and renamed the Water Utilities section. The Field Services Worker designation will become Water Utilities Worker with appropriate certification. The Water Systems Specialist position will take on supervisory responsibilities of some of the staff, and as such, should be reclassified as a Water Supervisor position. New job descriptions will be drafted.

The Solid Waste (Refuse) section will promote two existing Field Services Worker II positions to Field Services Worker III positions to lead the work in residential and commercial sections.

The Streets section will promote an existing Field Services Worker II to Field Services Worker III to better reflect the responsibilities undertaken.

The Maintenance Shop Operation currently is managed by the Field Services Shop Supervisor. In the past, the overall management responsibilities of the shop operation were under the Administrative Analyst II position. Those duties have shifted to the Shop Supervisor. It is recommended to promote the existing Shop Supervisor position to Field Services Shop Superintendent.

It is proposed to establish an Assistant Field Services Manager position by consolidating the Administrative Analyst II position with this new position. A draft position description will be requested from personnel with an emphasis on regulatory compliance responsibilities as well as budgetary and project management duties.

The Field Services reorganization will expand leadership in all areas utilizing existing personnel. The strategy proposes to promote the Field Services Manager to Deputy Public Works Director/Field Services Manager to complete the Public Works reorganization for 2008 initiated with the reorganization of the Engineering and Building Division, which created the consolidated position of Deputy Public Works Director/City Engineer and the two new positions of Assistant City Engineer and Construction/Project Manager.
Most of the reorganization occurs within the enterprise funds and will be allocated to those existing budgets. The projected annual costs are as follows: Water - $9,800; Sewer - $7,400; Solid Waste - $21,500; and Shop - $8,900. The impact to the general fund is $6,600, which will be absorbed within the existing budget allocation.

All reorganization changes will be effective upon establishment of position descriptions and salary classifications developed by the Human Resources Officer.

RECOMMENDATION: That City Council approve the following:

1. Approve the reorganization as outlined in the attachment “R-2” and adjust the position allocation schedule;

2. Approve the reorganization by promoting the Field Services Manager to Deputy Public Works Director/Field Services Manager;

3. Authorize the creation of Assistant Field Services Manager position to be consolidated with the existing Administrative Analyst II position;

4. Change the title and job description of the Laboratory Supervisor to Laboratory Superintendent;

5. Establish the Water Systems Specialist as a supervisor; and

6. Direct Human Resources to establish draft position descriptions and salary classifications for Council’s approval within budget parameters.

ATTACHMENTS: Current Field Services Organizational Chart (R-1) Proposed Field Services Organizational Chart (R-2)
SUBJECT: USE OF CMAQ FUNDS FOR VARIOUS CITY STREETS

SOURCE: Public Works Department - Engineering Division

COMMENT: The Public Works Department was asked to provide choices for other streets (collector or higher) for Council's consideration to receive concrete improvements using Congestion Mitigation Air Quality (CMAQ) funds. Staff presented three streets at the April 1, 2008 Council meeting. Those presented were: Indiana Street from Olive Avenue to Union Avenue, Prospect Street from Morton Avenue to Olive Avenue, and Henderson Avenue from Plano Street to Leggett Street. It was staff's opinion that the Indiana Street project was the preferred candidate. The City Council asked that staff revisit the three projects and provide further information on all three projects.

Staff's review to date suggests that CMAQ funds can benefit more than one of these candidate streets. Staff is requesting that this matter be postponed to the May 6, 2008 Council meeting to give the Engineering Division enough time to confirm field information.

RECOMMENDATION: That the City Council:

1. Direct the Public Works Director to continue reviewing the three candidate streets to determine if installation of concrete improvements will function properly and can possibly be used on more than one street; and

2. Direct the Public Works Director to bring the information to the May 6, 2008 Council Meeting.
SURPLUS OF DIESEL TRANSIT BUSES

Administration (Transit)

Over the last couple of years, the City had to make a decision how they wanted to proceed regarding the California Air Resources Board (CARB) requirement to reduce emissions on its transit buses. After numerous meetings and extensive research, the City decided to begin converting its transit fleet and Public Works vehicles to CNG-fueled vehicles as grants and other funding assistance became available. The City was required to reduce its particulate matter by 40% over its baseline calculation by December 31, 2007. We have met that requirement through the purchase of four CNG buses and the retrofit of four of our seven MST transit buses with particulate filters.

Once the temporary fueling station is on-line permanently and consistently operating, we will be in a position to begin retiring the four diesel vehicles from the Transit Fleet which are being replaced by the four new CNG buses. One of the retiring buses, Vehicle No. 8158, needs to be treated separately because it is a 2003 MST diesel, with five years remaining on its service life. Since it was grant-funded, technically we are responsible to reimburse funds to CalTrans for the remaining prorated service life of the vehicle. The MST diesel buses were originally purchased with CalTrans funding when the City was still a rural transit designation operating under Section 5311.

We currently have a total of seven MST model transit buses. Four of the MST buses have been retrofitted as described above and will be included in the City's active transit fleet. The other two remaining MST’s will be placed in the transit back-up fleet.

In order to avoid reimbursing grant funds to one agency because the City is required to surplus a vehicle as a result of another agency's mandate to reduce emissions, staff has been diligently making contact with CalTrans and CARB to arrive at a solution to this problem. Originally, staff was informed by CARB that the
bus would have to be sold outside of California and would not be permitted to re-enter the state. They have since changed that interpretation and instructed that the bus could be sold to another transit agency; however, the vehicle may have to be retrofitted with a particulate filter before it could be used in public transportation, depending on the new purchaser's particular CARB emission requirements.

CalTrans has separately contacted staff stating that the cleanest way to remedy the situation is to sell the MST to another Section 5311 agency, or possibly the Porterville Sheltered Workshop (also funded through CalTrans). If we can locate an appropriate buyer of the vehicle that CalTrans and CARB will approve, the City of Porterville will be cleared of its obligation to return grant funds, and will also meet the CARB requirements for disposal of the vehicle.

The grant funds paid 80% of the original purchase price of the MST vehicle, with the City match being 20%. Direction received from CalTrans was the City only needs to be concerned with its original 20% investment because with the transfer of the vehicle to another Section 5311 agency, their investment would be protected and now in the hands of the new purchaser. Our original 20% investment was approximately $23,000. With Vehicle No. 8158 over half-way through its expected service life, staff has determined the fair market value of the vehicle at $10,000.

There are three other diesels that will be replaced by the remaining CNG buses. The difference with these vehicles as compared to the MST in question is the original funding mechanism. These vehicles were purchased with Local Transportation Funds (LTF) and State Transit Assistance Funds (STAF). They were not grant-funded, and they have operated through their entire service life. Staff has determined a fair market value for the three 1999 Ford Aerotechs would be between $3,000 to $4,000 each. Since CalTrans does not have a financial interest in these vehicles, the clearance for the sale of these vehicles would be through the California Air Resources Board only.

We currently have two different agencies showing interest in our diesels. One is Tulare County Area Transit (TCAT -- 5311 agency), and the other is the Porterville Sheltered Workshop (5310 agency). If Tulare County decides to purchase the MST, it appears that CalTrans would have no objection; however, we would have to negotiate the sale through CARB. CARB has indicated they will need to discuss the ramifications with the interested agencies
to determine how the purchase may affect their individual emission requirements. In TCAT's case, they, at minimum, may have to purchase a filter for reduction of emissions at a cost of approximately $8,000 with installation charges. However, the Porterville Sheltered Workshop indicates they are not yet required to meet the emission reduction percentages, so they may not face additional charges. In either case, if a negotiated sale can be accomplished, the agency will have to communicate directly with CARB, assisted by the City of Porterville, in order to receive the appropriate approval.

The Porterville Sheltered Workshop has also expressed interest in the possible purchase of up to all three of the 1999 Ford Aerotechs. All funds received from the sale of these transit vehicles will be deposited into the Transit Fund to cover operational costs. With the up-front installation and on-going monthly costs associated with the transition to the CNG temporary fueling station, these funds would greatly assist Transit with accounting for these charges, none of which were budgeted in this current fiscal year.

There has also been an inquiry about requirements that would apply if the City were to purchase one of the Transit vehicles and place it into another operation, such as a mobile library which has generated some interest from members of the City Council. According to CARB, the vehicle would then be incorporated under the public agency rules for the CARB emission requirements, which are separate and apart from transit requirements. At that point, coordination with the Public Works Director and Parks and Leisure Services Director would be required. If this becomes the direction or preference of the Council concerning one of the three Ford Aerotechs, it appears at minimum, the installation of a particulate filter would be required.

With the CARB requirements and added expense of a particulate filter, it appears it may be prudent to either wait for the surplus of one of the 16-passenger gasoline-fueled buses, or to convert one of the City's Activans into a mobile library at some future date. However, if Council should decide to pursue one of the 1999 Ford Aerotechs, Transit staff will assist Public Works with the communication with CARB to attempt to obtain their approval.

RECOMMENDATION: That the City Council:

1. Authorize staff to negotiate the sale of Vehicle No. 8158 to an appropriate agency approved by CalTrans and CARB for a sum as close to $10,000 as possible;
2. Approve and authorize any future sale of remaining MST’s which have not reached the expiration of their service life in the same manner remaining in conformance with CalTrans and the California Air Resources Board requirements;

3. Authorize staff to negotiate the sale of the available 1999 Ford Aerotech buses to an appropriate agency approved by CARB for a sum between $3,000 and $4,000 each;

4. Authorize that the funds received from the sale of these and any future transit vehicles be deposited into the Transit Account for transit operations, which is the procedure already adhered to for the sale of any transit-funded property; and

5. Direct staff as to Council’s preference in relation to the inquiry regarding the possible conversion of one of the 1999 Ford Aerotechs into a mobile library.
At its meeting on June 19, 2007, the City Council took action to form a seven (7) member ad hoc committee comprised of interested members of the public. The purpose of the committee was to consider the development of a local ordinance which would address aesthetic and environmental issues associated with the parking of vehicles on non-driveway areas on private property. The City Clerk's Office provided information to the local media, and Requests for Appointment were accepted. Of the individuals that requested consideration, the City Council appointed the following individuals to the committee:

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

The ad hoc committee met together with City staff to effect the Council’s direction, during which current City Codes were reviewed, proposed changes were considered, and a recommendation regarding new legislation was developed for the Council to consider.

Parking or storing of vehicles on lawns is unsightly and poses a potential threat to groundwater quality, which constitutes a nuisance. Parking of vehicles is prohibited on any front yard setback within a residentially zoned area, except in an area defined as a driveway or improved area. The parking or storing of vehicles on blocks, jacks, or stands is prohibited.
DEFINITIONS

Driveway: As used in this section, a “driveway” is defined as a passage way composed of concrete or asphalt that connects to a public street or legal right-of-way, controlled by the City of Porterville, allowing vehicles to access a garage, carport, or other legal parking space.

Improved Area: The term “improved area” refers to a section of the lot that has been altered and defined by concrete, asphalt, or gravel, with a positive boundary, for the means of providing a parking space for a vehicle. The improved area must be entered via a driveway or curb cut, except where adjacent to a paved street where there is no curb.

Park or Store: The parking or storing of a vehicle for a period exceeding one (1) hour.

In amendment to the proposed ordinance, staff recommends that in the prohibition of parking or storing of vehicles on blocks, jacks, or stands, that such prohibition not be limited to non-driveway parking areas, but include appropriate parking or improved areas as well.

RECOMMENDATION: That the City Council consider the Ad Hoc Non-Driveway Parking Committee recommendation for proposed ordinance, and provide further direction to staff.
SUBJECT: CONSIDERATION OF APPOINTMENTS TO THE TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE

SOURCE: Administration/City Clerk

COMMENT: On February 21, 2006, the City Council adopted Resolution No. 24-2006 relating to Measure H which established the Transactions and Use Tax Oversight Committee and charged it with two primary responsibilities. The first was to monitor the expenditure of General Fund Revenues derived from the Transactions and Use Tax for Public Safety, Police and Fire Protection, and to keep the public informed about the expenditures. The second responsibility was to advise the public when General Fund revenues were not expended for certain spending decisions and priorities as set forth in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.

On May 2, 2006, the City Council appointed ten members of the public to serve on the Committee, with five individuals serving four-year terms, and five individuals serving two-year terms. On May 2, 2008, the following five members’ two-year terms are due to expire:

- John D. Baumgartner
- Bob Gray
- Shirley S. Hickman
- Jack Irish
- Joseph Guerrero

Each of the above-named members has indicated an interest in continuing to serve on the Committee. Public notice was additionally published with regard to the vacancies, and applications were solicited from the public and accepted through 5:00 p.m., April 15, 2008. Copies of all applications received in the Office of the City Clerk will be provided to the Members of Council and made available to the public prior to the City Council Meeting. It is important to note that Resolution No. 24-2006 requires that subsequent to the expiration of the initial terms, each appointed member shall henceforth serve a term of four years.

RECOMMENDATION: That the City Council appoint five members of the public to fill five four-year term vacancies on the Transactions and Use Tax Oversight Committee; and direct the City Clerk to notify all interested individuals of the Council’s action.

ATTACHMENTS: Resolution 24-2006

Item No. 21
RESOLUTION NO. 24-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING AN INDEPENDENT CITIZEN'S OVERSIGHT COMMITTEE
CHARGED TO MONITOR THE EXPENDITURE OF GENERAL FUND REVENUES
DERIVED FROM THE TRANSACTIONS AND USE TAX FOR PUBLIC SAFETY,
POLICE AND FIRE PROTECTION.

WHEREAS, the Porterville City Council reaffirmed the adoption of Ordinance No. 1684 on
December 6, 2005, imposing a retail transactions and use tax in accordance with the provisions of Part
1.6 (commencing with Section 7251) of Division 2 and Section 7285.91 of Part 1.7 of Division 2 of
the Revenue and Taxation Code that authorizes the City of Porterville to adopt a tax ordinance that
shall become operative if at least two-thirds of the electors voting on the measure vote to approve the
tax at an election called for that purpose; and

WHEREAS, Ordinance No. 1684 imposes, upon all retailers in the incorporated territory of the
City of Porterville, a transactions and use tax at the rate of one half of 1 percent (0.50%) of the gross
receipts of any retailer from the sale of all tangible personal property subject to the State sales and use
tax; and

WHEREAS, Ordinance No. 1684, hereinafter known as the Transactions and Use Tax for
Public Safety, Police and Fire Protection appeared on the November 8, 2005 Special Consolidated
Election ballot as Measure H; and

WHEREAS, the tax imposed by Measure H is a special tax, the proceeds of which are to
provide a source of revenue to be used to provide additional public safety, police, fire protection
services and undertake necessary capital projects to support those services, and to restore and maintain
literacy programs and services; and

WHEREAS, revenues generated by Measure H shall be accounted for and paid into a special
fund or account designated for use for Public Safety Services only; and

WHEREAS, by Ordinance No. 1684 the City adopted the Program Guidelines and Public
Safety Expenditure Plan for the administration and expenditure of the tax proceeds. The Public Safety
Expenditure Plan may be amended from time to time by a majority vote of the City Council, so long
as the funds are utilized for public safety, police and fire protection services. For the purposes of the
Ordinance, "Public Safety Services" means (a) obtaining, furnishing, operating, and/or maintaining
police protection equipment or apparatus, paying the salaries and benefits of police protection
personnel, and such other police protection service expenses as are deemed necessary by the City
Council for the benefit of the residents of the City; (b) obtaining, furnishing, operating, and/or
maintaining fire protection equipment or apparatus, paying the salaries and benefits of fire protection
personnel, and such other fire protection service expenses, including capital expenses, as are deemed
necessary by the City Council for the benefit of the residents of the City; and (c) with the use of no
more than 15% of the revenue generated from the special tax, restoration and maintenance of literacy
programs due to the established connection between illiteracy and crime; and
WHEREAS, the Porterville City Council declares that public participation is essential to ensuring the effective implementation of priority goals and objectives contained in the Public Safety Expenditure Plan, and the appropriate expenditure of General Fund revenues committed to public safety, police and fire protection services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby directs formation of an independent citizen’s oversight committee as follows:

A. **Name**: The committee shall be known as the **Transactions and Use Tax Oversight Committee**.

B. **Purpose**

1. To review the revenue and expenditures of the three Measure H budgets (Fire, Police and Literacy) contained in General Fund No. 4, Public Safety Sales Tax, and report to Council their finding as “consistent with the intent of the ballot measure” or “non consistent.”

   Should a determination of “non consistent” be brought forth, the Council shall hold a public hearing on the issue and take whatever action is necessary and appropriate to correct any issues the Council concurs are inconsistent. It is not the intent of the measure nor the direction of the City Council that the committee have any input in the activities of the aforementioned departments, their sole and only purpose is to advise the City Council on whether or not they believe the departments are utilizing the funds in compliance with the intent of Measure “H” and that the City is not under funding the public safety departments based on the approved funding levels.

2. **Oversight**: Provide that certain spending decisions and priorities contained in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan are subject to direct oversight and review.

C. **Charge of Committee**

1. **Monitoring of expenditures**: To monitor the expenditure of General Fund Revenues derived from the Transactions and Use Tax for Public Safety, Police and Fire Protection, and to keep the public informed about the expenditures.

2. Inform public of failure to expend revenues: To advise the public when General Fund revenues are not expended for certain spending decisions and priorities as set in the **Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan**.

The charge of the committee may be revised from time-to-time by the Porterville City Council.
D. **Powers:** The Porterville City Council empowers the committee with the following powers:

1. **Oversight:** Oversight responsibility to review expenditures related to certain spending decisions and priorities in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.

2. **Review financial statements:** Authority to review independent financial and performance audits of the General Fund No. 4, Public Safety Sales Tax.

3. **Review of General Fund Budgets:** Authority to review the Fire, Police and Literacy Budgets and the General Fund application to Public Safety to assure a continued, base level of support.

**The committee shall not have the following authority:**

1. **No authority to recommend or advise:** The committee does not have authority to recommend, direct, or advise on any such matters that may fall under its oversight power and authority to review. The committee is not advisory to the City Council and has no power to determine or recommend how General Fund moneys are spent. The City Council retains its authority to make such decisions and determinations and establish separate advisory groups for such purposes. The City Council shall also retain discretion and flexibility in what it asks, directs, or allows the committee to address.

E. **Committee Operations**

1. **Establishing the committee:** The committee shall be established pursuant to voter approval of Measure H in the November 8, 2005 Special Consolidated Election and within 120 days of the effective implementation date of Measure H on April 1, 2006.

2. **First meeting:** The committee shall hold its first meeting within 60 days of adoption of the City’s 2006/2007 Annual Budget.

3. **Open meeting requirements:** Meetings of the committee are subject to the open meeting requirements of the Ralph M. Brown Act. Meetings shall be noticed and open to the public.

4. **Annual report:** The committee shall issue an annual report of its conclusions. Minutes and reports of the committee are a matter of public record. Reports and minutes of the committee shall be published on the City of Porterville website.

5. **Meet at least once annually:** The committee shall meet at least once annually after adoption of the City budget.
6. **Quorum:** The committee shall make decisions by a simple majority vote of those members in attendance.

7. **Record:** The committee shall maintain a record of its meetings.

8. **Location of meetings:** The committee shall meet in Mikkabi Conference Room, 291 N. Main Street, Porterville, California, at a time convenient to members and the public or at some other location designated by the committee and available to the public.

9. **Officers:** The committee shall elect a chairperson, vice chairperson, and secretary.

10. **Effective operation of meetings:** The Porterville City Council charges the committee to establish additional operating procedures as necessary for the effective operation of committee meetings.

11. **Administrative staff:** The City Manager or his designee will provide necessary administrative and technical assistance to the committee.

12. **Resources available to the committee:** The committee shall be provided the resources to publicize its conclusions—the minimum level of resources to be a page on the City of Porterville website.

**F. Committee Composition:** The committee shall consist of 10 members as follows:

1. **City Council appointments:** For the establishment of the committee, each member of the Porterville City Council shall appoint two people to the committee. The appointee may be either a resident of Porterville, a business owner or operator. All future appointment to the committee shall be by a majority vote of the Council.

2. **Criteria for appointment:** No member of the City Council, employee of the City, or immediate family member of a City Council Member may serve on the committee.

3. **Length of appointment; rescission of appointment:** For the establishment of the first committee, each Council member shall appoint one person to a two-year term and one to a four-year term. After that, each member of the committee shall be appointed for a four-year term and shall serve until such time that his or her term is completed, or until such time that his or her appointment is rescinded by a simple majority vote of the City Council. It is provided that a member of the committee may resign at his or her discretion.

4. **Recommendation to remove by committee:** Members of the committee, by majority vote, may recommend to the Porterville City Council removal of a committee member for the following reasons: (1) malfeasance; or (2) repeated absence.
5. **Appointment of new members:** At the next regularly scheduled City Council meeting, the Council shall act to replace members of the committee in the event of removal, resignation, disability, or death.

6. **Dissolution of committee:** Dissolution of the committee shall occur in the event the *Transactions and Use Tax for Public Safety, Police and Fire Protection* is revoked or otherwise rendered invalid.

APPROVED AND ADOPTED this 21th day of February, 2006.

[Signature]

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

[Signature]

Georgia Hawley, Chief Deputy City Clerk
Porterville Police, Fire, and Emergency Response 9-1-1 Measure
Program Guidelines and Expenditure Plan

This measure will provide a secure, local revenue stream to the City of Porterville that will be used entirely to provide additional public safety police and fire personnel and services to protect our community. Porterville residents deserve to know how the funds will be spent. Detailed spending plans have been developed so voters can have a clear understanding of how the monies will be spent if the ½ cent sales tax is approved. Program guidelines have also been established to govern how the money can be spent, to specify the accounting, audit and oversight guidelines that will be implemented to make certain that the funds are spent according to the voter’s direction, and to ensure the public is well-informed of the progress and process.

Fiscal Accountability Protections

An Independent Auditor will annually review and audit expenditures of funds specifically derived from the Public Safety Measure, to ensure compliance with the expenditure plans and with prudent, established accounting regulations and practices.

The City will establish an Independent Citizen’s Oversight Committee to annually review revenues and expenditures, providing a second independent verification that all expenditures are being made as promised to Porterville residents. The findings of both the Independent Citizens Oversight Committee and the Independent Auditor will be reviewed by the City Council and made available to the public.

Each May or June, as the City’s budget is adopted following public hearings, the City Manager will re-certify the plan to the City Council, stating what monies have been received, what monies have been spent and what monies are available. The financial consequences of these changes will be reflected in the re-certified plan.

Dedicated Accounting Structure

The Expenditure Plan specifies that all revenues from the Measure are to be utilized for the sole purpose of improving our community’s public safety, with the revenue to be directed to the police and fire departments respectively, and with a small portion (not more than 15%) dedicated to the restoration and maintenance of literacy programs due to the established connection between illiteracy and crime. The funding proportions have been mutually agreed upon by the Police Chief and Fire Chief.

The City will establish separate funds into which these specific monies shall be deposited. These accounts shall be separate for police and fire and shall be the source of their respective expenditures as established in the approved expenditure plans. Any balances in these funds, positive or negative, shall earn or pay interest accordingly.

Based on public safety needs, the City Council may determine to advance funds from the City’s General Fund into the individual Public Safety Sales Tax Fund in order to most effectively accomplish the objectives of the program.

Priorities if additional revenues are available

In the event that the contingency/reserve fund is fully funded and all annual planned expenditures have been implemented, the use of the additional unanticipated sales tax revenues will be used first to accelerate the implementation of the plan and then to provide additional public safety facilities, personnel, and new equipment based on specific needs of the community.

Review and Modification of Expenditure Plan

The proposed Expenditure Plan may be amended from time to time by a majority vote of the City Council.
NOVEMBER 2005 BALLOT MEASURE EXPENDITURE PLAN

Proposed Expenditure Plan for the City of Porterville Public Safety Sales Tax Measure Based on ½ Cent Sales Tax availability

The City Council has evaluated Porterville’s safety needs with input from the public in developing the attached Public Safety Expenditure Plan, which shall be amended from time to time, at the projected/estimated costs shown:

| Fiscal Year 2005-06 Sales Tax Revenue available (partial year) | $600,000 |
| Additional Supplemental Resources (General Fund) | $50,903 |
| **Total Resources Available** | **$650,903** |

- Increase Police Sworn by 5 positions to the base and outfit (partial year) | $412,803 |
- Increase Fire Sworn by 7 positions to the base and outfit (partial year) | $148,100 |
- Restore Literacy Programs/hours (partial year) | $90,000 |
| **Total 2005-06 Fiscal Year Expenditures** | **$650,903** |

**Fiscal Year 2006-07 Additional Sales Tax Revenues (First full F/Y)** | $1,792,000 |

- Increase Police Sworn by 1 additional position to the base | $85,000 |
- Maintain and Expand Patrol Operations | $405,000 |
- Maintain and Expand Gang Suppression and Narcotics Operations | $215,000 |
- Maintain 7 additional Sworn Fire personnel | $521,156 |
- Purchase additional Fire Rescue Apparatus | $140,000 |
- Purchase Rescue Equipment for new Fire Apparatus | $25,000 |
- Purchase Personal Safety Equipment for additional Fire Fighters | $14,000 |
- Maintain Literacy Program/hours | $180,000 |
- Expand Homework Assistance and Creative Expression Program | $80,000 |
- Establish Capital Reserve Fund for New Fire Station | $126,844 |
| **Total 2006-07 Fiscal Year Expenditures** | **$1,792,000** |

**Fiscal Year 2007-08 Additional Sales Tax Revenues (Second full F/Y)** | **$1,863,680** |

- Increase Police Sworn by 1 additional position to the base | $87,000 |
- Maintain Expanded Patrol Operations | $508,000 |
- Maintain Expanded Gang Suppression and Narcotics Operations | $255,250 |
- Maintain 7 additional Sworn Fire personnel | $557,637 |
- Hire 1 additional Fire Investigator | $74,167 |
- Station and Equipment | $20,000 |
- Maintain Literacy Programs/hours | $187,200 |
- Expand Homework Assistance and Creative Expression Program | $83,200 |
- Increase Established Capital Reserve Fund for New Fire Station | $91,226 |
<p>| <strong>Total 2007-08 Fiscal Year Expenditures</strong> | <strong>$1,863,680</strong> |</p>
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Fiscal Year 2008-09 Additional Sales Tax Revenues (Third full F/Y)</td>
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<td>Additional Supplemental Resources (General Fund)</td>
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<td>Maintain Literacy Programs/hours</td>
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<td>Expand Homework Assistance and Creative Expression Program</td>
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<td>Maintain 8 additional Sworn Police personnel</td>
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<td>Maintain Expanded Patrol Operations</td>
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<td>Maintain 8 additional Sworn Fire personnel</td>
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<td>Maintain Literacy Programs/hours</td>
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<tr>
<td>Fiscal Year 2010-11 Additional Sales Tax Revenues (Fifth full F/Y)</td>
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<td>Additional Supplemental Resources (General Fund)</td>
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<td>Total 2010-11 Fiscal Year Expenditures</td>
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* Total Reserve Cash Available for Real Property Acquisition for New Fire Station in Fiscal Year 2008/09. $266,288
1. Assumes 4% growth rate in annual sales tax revenue.

2. Current General Fund monies and State and School Subventions provide for 44.5 Sworn Police Officers. Additional grant funding has provided for 2.5 additional Sworn Police Officers. Additional positions funded through this sales tax measure will add positions to the base of 45 Sworn Police Officers.

3. Additional General Fund Utility User's Taxes generated from annexation activity during the course of this expenditure plan will be proposed to be specifically earmarked for additional Police positions. These additional positions will modify the base above the 45 positions as described in Note 2.

4. Literacy programs delivered through the Library will annually receive up to 15% of the new revenue provided by this sales tax measure.

5. The City will use base budget amounts established and approved under the Expenditure Control Budget System in determining additional funding for Police, Fire, and Literacy programs delivered through the Library to prevent erosion of existing General Fund support for these activities.
STATE OF CALIFORNIA  
CITY OF PORTERVILLE  
COUNTY OF TULARE  

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

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

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<td>ABSENT:</td>
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JOHN LONGLEY, City Clerk

by Patrice Hildreth, Deputy City Clerk
COUNCIL AGENDA – APRIL 15, 2008

SUBJECT: REQUEST BY COUNCIL MEMBER – CONSIDERATION OF LETTER OF SUPPORT FOR AB 2254

SOURCE: ADMINISTRATION

COMMENT: A request has been made by a Council Member to add the above subject matter to this agenda for discussion and potential referral to staff for further action.

RECOMMENDATION: None.

ATTACHMENTS: Legislative Summary of AB 2254
Draft Letter of Support

Item No. 22
Summary
AB 2254 grants academically struggling school districts greater flexibility for categorical education programs when education funding is threatened in a state fiscal emergency.

Eligible school districts must have 50% or more of their students in schools ranked in the lowest two deciles of the Academic Performance Index (API). The funding for these districts would not be reduced. They must also maintain at least the same level of support and services for educationally disadvantaged pupils as required to be offered under the individual categorical education programs.

Background
On January 10, 2008, Governor Arnold Schwarzenegger declared the state government to be in a fiscal emergency, pursuant to the state constitution as amended by Proposition 58 (2004). At the time of this proclamation, the Governor projected a state budget shortfall of $14.5 billion for 2007-8 and 2008-9 fiscal years. This estimate was later increased to a total of $16 billion.

In response to this declaration, the Legislature passed a package of bills to address current budget year deficits and cash flow issues. Regarding K-12 education, $500 million in reductions were enacted by identifying unallocated and unspent dollars from the current and prior years.

For the 2008-09 budget year, the Governor has proposed over $4 billion in cuts to public education and a suspension of the Proposition 98 education funding guarantee.

The settlement of the coming year’s budget is several months in the future, and the extent to which K-12 funding will be reduced is unknown. However, it appears certain that California public schools will be challenged to maintain service levels with less money.

Categorical funding programs are critical guarantees to students with particular educational needs. However, these funding streams also have significant restrictions imposed on them, leaving districts with little opportunity to use all available funds to meet students’ needs.

Purpose
For those school districts with the lowest academic performance, extraordinary efforts are required to help students meet achievement levels.

The Governor and Superintendent of Public Education (SPI) O’Connell have initiated measures in 97 academically failing school districts to meet the standards of the federal No Child Left Behind (NCLB) Act.

These achievement efforts will provide technical assistance and potentially impose strict accountability measures. However, they do not address fiscal challenges stemming from state government budget shortfalls.

Locking funds for categorical programs into rigid silos is not necessary for school districts to meet the needs of all students. And in times of extreme fiscal difficulty, these funding silos can force districts to leave money on the table.

A state fiscal emergency is beyond the control of school districts, but they must deal with the cuts regardless. By lifting the rigidity of categorical program funding, flexible approaches to meet student needs can be used without sacrificing critical achievement progress.
An act to add Section 52055.80 to the Education Code, relating to local educational agencies.

LEGISLATIVE COUNSEL’S DIGEST

AB 2254, as introduced, Arambula. Local educational agencies: administration.

Existing state law establishes local educational agency and school accountability requirements in addition to those imposed under the federal No Child Left Behind Act of 2001 and ranks schools each year on the Academic Performance Index (API). Programs, including, but not limited to, the Early Warning Program, are established under state law to assist underperforming schools in improving pupil achievement. Existing state law establishes actions that may be taken by the Superintendent of Public Instruction, State Board of Education, and State Department of Education to assist participating local educational agencies that are in danger of being identified as program improvement local educational agencies, that are already identified as program improvement local educational agencies, or that are identified for corrective action, as well as funding to assist local educational agencies that are not identified for program improvement or corrective action but that govern schools that are so identified.

This bill would require a school district in which 50% or more of the pupils are enrolled in schools ranked in deciles 1 and 2 of the API and which has been identified by the Superintendent for program improvement or for corrective action, as specified, to receive,
commencing with the 2009–10 fiscal year, a specified portion of its
categorical education program funds as a block grant and, conditioned
upon the existence of a fiscal emergency, give these eligible school
districts specified flexibility related to the use of the funds. An eligible
school district also would receive funding calculated based on the
number of pupils in kindergarten, grades 1 to 3, inclusive, grade 9, and
grade 10 and the amount of funding the school district received for class
size reduction in those grades in the 2006–07 fiscal year.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 52055.80 is added to the Education Code,
to read:
52055.80. Each eligible school district shall be provided with
maximum flexibility to redirect resources to implement educational
strategies that improve the academic achievement of all pupils and
address the specific academic achievement needs of
low-performing pupils as identified in the approved district
improvement plan. It is the intent of this section that eligible school
districts suffer no reduction in state funding as a result of these
provisions.
(a) (1) Commencing with the 2009–10 fiscal year and each
fiscal year thereafter, each eligible school district shall continue
to receive funds for any state programs for which it received
funding for the prior fiscal year and may expend those funds
without restriction, except the following:
(A) Funds appropriated in Section 2.00 of the annual Budget
Act, or as amended by any other legislation, to the extent that those
appropriations pertain to special education, adult education,
economic impact aid, English learner pupil assistance, child care,
after school, child nutrition, or career technical education programs.
(B) Funds appropriated pursuant to the After School Education
(2) An eligible school district shall receive funding pursuant to
subdivision (a) of Section 52126, but shall not be subject to Chapter
6.10 (commencing with Section 52120), with the apportionment
to be calculated as follows:
(A) A per-pupil amount shall be determined by dividing the total received under this section in 2006–07 fiscal year by the total pupil enrollment of the district in kindergarten and grades 1 to 3, inclusive, in 2006–07.

(B) Notwithstanding Chapter 6.10 (commencing with Section 52120), an eligible school district shall receive an apportionment each year equal to the rate specified in Item 6110-234-0001 of Section 2.00 of the annual Budget Act multiplied by the number of pupils enrolled in kindergarten and grades 1 to 3, inclusive, for that school year.

(3) An eligible school district shall receive funding pursuant to subdivision (a) of Section 52086, but shall not be subject to Chapter 6.8 (commencing with Section 52080), with the apportionment to be calculated as follows:

(A) A per-pupil amount shall be determined by dividing the total received under this section in 2006–07 fiscal year by the total pupil enrollment of the district in grades 9 and 10 in 2006–07.

(B) Notwithstanding Chapter 6.8 (commencing with Section 52080), an eligible school district shall receive an apportionment each year equal to the rate specified in Item 6110-232-0001 of Section 2.00 of the annual Budget Act multiplied by the number of pupils enrolled in grades 9 and 10 for that school year.

(b) Notwithstanding any other provision of law, an eligible school district is exempt from the requirements and regulations for the categorical education programs for which it receives funds pursuant to subdivision (a), with the following exceptions:

(1) The funds received shall be spent to implement educational strategies that improve the academic achievement of all pupils and address the specific academic achievement needs of low-performing pupils.

(2) This flexibility shall be provided in a manner consistent with federal law and any maintenance of effort requirements.

(3) The school district shall meet all of the requirements of the settlement agreement in Williams v. State of California (Case Number CGC-00-312236 of the Superior Court for the County of San Francisco).

(4) School districts shall use statewide assessments administered pursuant to Sections 60640 and 60850 and instructional materials aligned with statewide content standards adopted pursuant to Section 60605.
(5) A school district shall not reduce the instructional time otherwise required by law or regulation.

(6) A school district shall not decrease the average daily attendance computed pursuant to subdivision (a) of Section 46300.

(c) Each school district shall expend funds from the categorical block grant it receives pursuant to this section in a manner that ensures that the district maintains at least the same level of support and services for educationally disadvantaged pupils as is required to be offered under the individual categorical education programs.

(d) An eligible school district may apply for and receive funding for categorical education programs for which the district otherwise would be eligible. The district shall expend any new categorical education program funding from a program for which the district has not previously received funding solely for the purpose of the specific program for which the funding is received for that fiscal year. Funding received in subsequent years shall be subject to the provisions of subdivisions (a) to (c), inclusive.

(e) Receipt of funding flexibility described in this section is condition upon the existence of a fiscal emergency.

(f) For purposes of this section, the following definitions apply:

(1) "Categorical education programs" means all programs except revenue limit funding and except those specific programs enumerated in this section.

(2) "District improvement plan" means the local educational agency plan required by Section 52055.57.

(3) "Eligible school district" means a school district to which both of the following apply:

(A) Fifty percent or more of the pupils of the district are enrolled in schools ranked in deciles 1 and 2 of the Academic Performance Index established pursuant to Section 52052.

(B) The school district is identified by the Superintendent for program improvement or for corrective action pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), or any subsequent amendments or successor to that act.
April 15, 2008

The Honorable Gene Mullin, Chair
Assembly Committee on Education
State Capital, Room 2163
Sacramento, CA 95814

RE: Support for AB 2254 (Arambula) – As Introduced

Dear Assembly Member Mullin:

The Porterville City Council is pleased to support AB 2254 (Arambula) which is currently under review in Committee. This bill would grant academically struggling school districts greater flexibility for categorical education programs when education funding is threatened in a state fiscal emergency.

As you know, on January 10, 2008 Governor Arnold Schwarzenegger declared the state government to be in a fiscal emergency, and has since proposed over $4 billion in cuts to public education. While local school districts have no control over the fiscal challenges of the state budget, they nevertheless are left to deal with dire consequences. With these proposed cuts, many of our public schools here in Tulare County will be challenged to maintain service levels. Our local school districts should have the discretion to utilize categorical program funding as needed for the benefit of our students. By lifting the funding rigidity in such fiscally challenging times, school districts would be able to employ flexibility to meet the needs of our students without sacrificing critical achievement progress.

For the above reasons, we are in strong support of AB 2254. Should you have any questions regarding this bill, please do not hesitate to contact me at (559) 782-7466.

Sincerely,

Cameron Hamilton
Mayor

cc: Assembly Member Arambula