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:
   4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Mayor Cameron Hamilton
Invocation

PROCLAMATIONS
Mr. William Dunn
Pastor Dave Braun
Granite Hills’ Grizzly Gazette

PRESENTATIONS
Employee of the Month – Sandi Farnsworth
Porterville Police Explorers – Pebble Beach Pro-Am Golf Tournament
Tulare County EDC – San Joaquin Valley Railroad

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 27, 2007 and April 1, 2008
2. **Claim – Diana Standridge**  
Re: Considering rejection of a claim in an amount exceeding $25,000 for medical expenses and lost wages that Claimant alleges she incurred when she tripped and fell on June 11, 2007, in front of 245 W. Cherry Avenue.

3. **Claim – Fernando Martinez**  
Re: Considering rejection of a claim in an amount exceeding $25,000 for medical expenses and pain suffering that Claimant alleges he incurred when he slipped and fell on October 3, 2007 at the Municipal Golf Course.

4. **Transit Claim – Abigail Alvarado**  
Re: Considering rejection of a claim in the amount of $10,000 for personal injuries that Claimant alleges she incurred when the Porterville Transit Bus on which she was traveling on June 15, 2007 stopped suddenly.

5. **Transit Claim – Anita Rodriguez**  
Re: Considering rejection of a claim in the amount of $6,359.59 for personal injuries that Claimant alleges she incurred when the Porterville Transit Bus on which she was traveling on June 15, 2007 stopped suddenly.

6. **Budget Adjustment for the 2007-08 Fiscal Year**  
Re: Considering approval of budget adjustment in the amount of $71,591.00 to account for increased YES After-School Program expenditures, to be offset through reimbursement by the Porterville Unified School District.

7. **Authorization to Advertise for Bids - Henderson Avenue Storm Drain Project - Villa Street to 'G' Street**  
Re: Approving staff’s recommended plans and project manual consisting of the installation of 24” and 18” master plan storm drain piping, manholes, catch basins, pave-out and related appurtenances along the south side of Henderson Avenue from Villa Street to ‘G’ Street.

8. **Authorization to Advertise for Bids - Police Department Sprayed Polyurethane Roofing Project**  
Re: Approving staff’s recommended plans and project manual consisting of the installation of a sprayed foam roofing system and related appurtenances at the Porterville Police Department facility on D Street.

9. **Authorization to Advertise for Bids - Core Area Curb, Gutter and Sidewalk Phase Two and Four**  
Re: Approving staff’s recommended plans and project manual consisting of the installation of curbs, gutters and sidewalk as needed along streets within the area of Henderson Avenue to the north, Jaye Street to the west, Plano Street to the east, and State Route 190 to the south.

10. **Authorization to Advertise for Bids - Granite Hills Micro Seal Project**  
Re: Approving staff’s recommended plans and project manual for minor pavement patches, crack filling, slurry seal, and striping in the area of Morton Ave. from Leggett to Conner, Conner St. from Morton to Olive, Olive Ave. from Conner to Olivecrest, Olivecrest Ave. from Olive to Crestview, and Crestview St. from Olivecrest to Morton.

11. **Award of Contract - Newcomb Street Shoulder Stabilization Project**  
Re: Awarding contract to Halopoff and Sons in the amount of $145,856.93 for the project consisting of the installation of new curbs, gutters and sidewalk as needed along Newcomb Street between Olive Avenue and Morton Avenue.
12. **Acceptance of Project - Olive Avenue and Holcomb Street Bus Turnout**
   Re: Accepting project as complete from V & G Builders, Inc., and authorizing the filing of the Notice of Completion, for project consisting of the removal of existing concrete improvements and the installation of new concrete improvements at the Route 3 bus stop at Olive Avenue and Holcomb Street.

13. **Acceptance of the Well No. 31 (Phase One-Drilling) Project**
    Re: Accepting project as complete from Zim Industries, Inc., and authorizing the filing of the Notice of Completion, for Phase One of the project consisting of drilling and installing a new municipal water well located on the west side of Matthew Street, south of Orange Avenue.

14. **Acceptance of Project - Traffic Signal #9 (Olive Avenue & Mathew Street)**
    Re: Accepting project as complete from Loop Electric, and authorizing the filing of the Notice of Completion, for project consisting of the installation of a traffic signal, new disable ramps, signing, striping, loops detectors and minor asphalt work at Olive Avenue and Matthew Street.

15. **Acceptance of Project - Riverwalk Marketplace (Bid Package 3 Only)**
    Re: Accepting project as complete from Ennis Commercial Properties, LLC., and authorizing the filing of the Notice of Completion, for project consisting of traffic signals at the Jaye Street/Orange Avenue and Jaye Street/Olive Avenue intersections.

16. **Dedication of City Property to Porterville Public Cemetery District – Tuesday’s Angels**
    Re: Considering approval of agreement between the Porterville Public Cemetery District, Tuesday’s Angels, and the City of Porterville regarding the dedication of surplus property, located north of and adjacent to Porterville Public Cemetery to make available plots for the exclusive use of Tuesday’s Angels.

17. **Authorization to Augment Financial Participation with Ennis Commercial Properties, LLC – State Route 190 & South Jaye Street Construction Project**
    Re: Considering a $148,462.66 increase in the City’s participation amount with Ennis Commercial Properties, LLC for State Route 190 and South Jaye Street Reconstruction Project to account for City’s share of improvements associated with South Jay Street, south of the highway.

18. **Authorization Letter for Regional Household Hazardous Waste and Used Oil Grant Applications**
    Re: Considering approval of a letter authorizing the inclusion of the City of Porterville in the regional grant applications being filed on behalf of the County of Tulare by The Tulare County Environmental Health Department.

19. **An Interim Ordinance Adopting an Interim Zoning Matrix and Implementation Plan to Implement the Porterville 2030 General Plan – Update Report**
    Re: Update on Ordinance No. 1738 approved by the City Council on April 15, 2008.

20. **Conditional Use Permit 3-2007 (Mr. Johal, Olive Minit Mart) One (1) Year Extension of Time**
    Re: Considering approval of a one-year extension of time for Conditional Use Permit 3-2007, which allowed for the development of a self-service automotive fuel dispensing island and canopy at 709 W. Olive Avenue.

21. **Tulare County Regional Blueprint**
    Re: Considering support for a 25% increased density model in the County’s Regional Blueprint process, and requesting that the County provide adequate time for review and commentary on the draft Blueprint Policies.
22. **Seafood Café/El Reventon Update**  
Re: Status report on the progress related to conditions set forth in CUP 5-2007 for the Seafood Café/El Reventon located 1091 West Olive Avenue.

23. **Approval of Agreement with Tule River Aero Industries for Tie-Downs**  
Re: Considering approval of agreement with Tule River Aero Industries for the installation and utilization of tie down anchors and chains for aircraft parking spaces at the Porterville Municipal Airport.

24. **New Airport Lease – FBO Lot 7**  
Re: Considering approval of Lease Agreement between the City and Tule River Aero Industries, for Lot 7 at the Porterville Municipal Airport.

25. **Request for Permit to Use Patio Area at Airport Restaurant**  
Re: Considering approval of a permit request that would allow the owner and operator of the Airport Café, Richard A. Chilcutt, to utilize the patio area outside of the restaurant during the months of May, June and July of 2008.

26. **Joint Funding Agreement with Tulare County for Thunderbolt Probation Officer**  
Re: Considering extension of current Agreement for joint funding of the Thunderbolt Probation Officer in the amount of $35,722 for the period of July 1, 2008 to June 30, 2009.

27. **This Item Has Been Removed**

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

**PUBLIC HEARINGS**

28. **Formation of Landscape and Lighting Maintenance Districts No. 41 through 45, and Establishing Assessments**  
Re: Considering the adoption of a resolution ordering the formation of Landscape and Lighting Maintenance District Nos. 41, 42, 43, 44, and 45.

29. **Adoption of the 2008/2009 Action Plan for Investment of Community Development Block Grant (CDBG) Entitlement Funds**  
Re: Considering the adoption of the 2008/2009 Action Plan presenting ongoing and proposed CDBG funded programs.

30. **Request to Allow Re-submit for a Conditional Use Permit 4-2008 to Upgrade an Exiting Type 20, Beer and Wine Off-Sale License to a Type 21, Beer, Wine and Distilled Spirits Off-Sale License and Letter of Public Convenience or Necessity for an Existing Mini-Mart Located at 809 East Putnam Avenue (Mounib Dakhil)**  
Re: Notification of applicant’s withdrawal of request to upgrade.

**SCHEDULED MATTERS**

31. **Receiving the City Manager’s Proposed Budget for Fiscal Year 2008-2009 and Setting Study Session and Public Hearing Dates**  
Re: Presentation of the City Manager’s Proposed Budget for Fiscal Year 2008-2009, and the scheduling of a budget study session, a Capital Program study session, and a budget public hearing.

32. **Interim Financial Status Reports and Grants Summary Report**  
33. **Quarterly Portfolio Summary**  
   Re: Acceptance of the 3rd Fiscal Quarter Portfolio Summary in accordance with SB 564 and SB 866.

34. **Street Performance Measure Quarterly Update**  

35. **Use of CMAQ Funds for Concrete Improvements**  
   Re: Review of an update on the use of Congestion Mitigation Air Quality (CMAQ) funds for concrete improvements.

36. **Action Plan to Increase Aeration in Murry Park Pond**  
   Re: Review of progress report on actions to increase aeration in the Murry Park Pond.

37. **Consider Budget Estimate for Murry Park Pavilion Replacements**  
   Re: Considering approval to direct $75,000 of Risk Management funds into the FY 2008-2009 Capital Improvement Projects Budget for the replacement of two adjoining pavilions within Murry Park.

38. **Additional City Hall Flagpole**  
   Re: Considering approval of the installation of a third flag pole in front of City Hall to accommodate the City Flag, to be funded through the City Council contingency budget, at a cost not to exceed $4,700.00.

39. **Resolution of Opposition for Proposition 98 and Resolution of Support for Proposition 99**  

40. **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.

41. **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.

42. **Proposal For County-Wide State Enterprise Zone Designation**  
   Re: Considering approval of the City’s inclusion in the application for a County-wide Enterprise Zone Application, and authorizing a budget adjustment of $24,057 from unallocated General Fund Reserves to cover the City’s portion of the consultant service costs.

Adjourn to a Joint Meeting of the City Council and Porterville Redevelopment Agency.
SCHEDULED MATTER
PRA-1. Authorization to Negotiate Contract for Redevelopment Project Area Amendment
Re: Considering separation of the Redevelopment Area Amendment and Master Plan (Courthouse Commons) into two projects, authorizing the negotiation of a contract with Urban Futures for consultant services, and approving a budget adjustment of $200,000 for the two projects.

Adjourn the Joint City Council/Redevelopment Agency meeting to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
OTHER MATTERS

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

ADJOURNMENT - to the meeting of May 20, 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.
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING – SEPTEMBER 27, 2007, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
291 NORTH MAIN STREET, PORTERVILLE

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

Pledge of Allegiance led by City Manager John Longley
Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS
None

SCHEDULED MATTERS
1. NIMS/SEMS/EOC TRAINING

Fire Captain Glen Hall came forward and gave a Powerpoint presentation on the National Incident Management System (NIMS), the Standard Emergency Management System (SEMS), and the Emergency Operational Center (EOC). During his presentation he explained that NIMS was developed and administered by the Secretary of Homeland Security to be used nation-wide in the event of a man-made or natural disaster. Captain Hall stated that NIMS was a comprehensive national approach to incident management, and was applicable in all jurisdictions. He added that SEMS was developed in the State of California back in the 1970’s through Firescope, as a result of excessive wildfires, and it had been used by fire services for thirty years.

During Captain Hall’s presentation he briefly reviewed the concept of operational area, mutual aide agreements, compliance standards, resource management, emergency operation plans and procedures, corrective action and mitigation plans, the Incident Command System, and Unified Command Team. Captain Hall explained that the Unified Command Team would consist of key players affected by the emergency, such as city, county, and state agencies. He noted that in order to receive grant funding the Fire Department needed to be NIMS compliant, and that the Fire Department had received $450,000 in DHS Grant Monies since 2003.

Council Member Pedro Martinez asked who would be responsible for providing the basic necessities needed for relief efforts. He spoke of the efforts made during the Freeze of 2006, to move the homeless into the armory, and how the Red Cross relied on the local non-profit organizations to provide the supplies.

City Manager John Longley spoke of the Occupational Area Coordinating Committee meeting that he had attended, and shared with Council the three things he identified as issues for emergency services in Porterville: dam failure and other flooding, homeless support, and the coordination between state, federal, city, county and non-profit resources. He made reference to the Standardized Incident Command System Structure, and explained that the Red Cross Organization, serving as the operations section in the effort mentioned by Council Member Martinez, did not do what they were
supposed to, which caused a dysfunction in the system.

Captain Hall stated that there was only one Incident Commander per incident, and that those who would be in charge of each section of the Incident Command System Structure would be referred to as Chiefs. A brief discussion ensued as to what would occur in the instance of dam failure, and how the Incident Commander would be determined. City Manager John Longley explained that the Incident Commander could change during an incident, and would depend on how the incident expanded.

Mayor Pro Tem Felipe Martinez expressed concern with regard to the familiarity of new firefighters and police officers with the Incident Command System. Captain Hall explained that the new employees received training on the subject, and had a good understanding of how to abide by the rules of the system. He added that the supervisory staff within the fire service, knew when and how to make the call to activate the EOC. City Manager Longley noted that the system was extremely responsive, and that everything was standardized.

Council Member Pedro Martinez asked how the Incident Command System and EOC would pertain to emergency situations in the City’s schools or perhaps at the state hospital. Captain Hall stated that individuals from the Porterville Unified School District and Porterville College attended the eight hour class on the subject. Council Member Pedro Martinez also asked if there was funding available that would allow the City to purchase equipment needed to respond in the event of an emergency. Captain Hall explained that the City did not have the financial means to purchase every type of equipment needed for every type of incident that could occur, and noted that the City had received over $450,000 in federal grant monies that have been put to good use.

City Manager Longley stated that the most difficult task within the operational area of Tulare County was a county-wide familiarity with the resources available. He stated that Visalia had a Hazardous Waste Materials Response Team that would travel anywhere within the operational area. He then cited an incident in Delano involving a pesticide truck spill, in which Visalia was not contacted for assistance, because Delano was unaware that the resource was available. He added that additional training was needed and that the lack of inter-agency training would be addressed.

Captain Hall provided an organizational breakdown of the Incident Command System. He stated that there were five basic organizational functions: Command, Operations, Planning, Logistics, and Finance. He noted that it was imperative in the event of an emergency that everyone knew who they were to report to, what their assignment was, and what the overall mission of the incident was. Captain Hall then explained the types of responsibilities each function would be assigned.

Council Member Pedro Martinez asked if it would be possible to utilize resources offered by individuals during an emergency incident, and if so, how it would be handled. City Manager Longley stated that those resources are not typically utilized, and that at times, donation areas are established to accept items, but are often never used.

Captain Hall spoke briefly about the Emergency Operational Center, and NIMS principles which consisted of: advanced planning, identifying resources, categorizing resources, making agreements, and effective management.
City Manager Longley stated that one of the problems with the system is its inflexibility. He explained that the Red Cross essentially owned the area of response category known as the Office of Emergency Services, or “OES”, but that there were other local, non-profit organizations that could be in this category and were not. He stated that OES had to recognize those other entities and authorize them to respond when the Red Cross could not fit the bill, as was demonstrated in the freeze relief efforts already mentioned.

Council Member Pedro Martinez asked Captain Hall to explain how resources that were not available for one reason or another were tracked in the database. Captain Hall stated that if a piece of equipment, such as a fire truck, was going to be out of service for a period of time, Tulare County Fire would be contacted and informed of its unavailability, and they would then make arrangements with another city if needed. City Manager Longley then elaborated on the standards for available resources and the various types.

Captain Hall noted that some of the responsibilities of the requesting agency would be to designate a liaison officer, prepare a situational briefing, and provide logistical support. He added that the responding agency would properly equip its personnel; assign a supervisor to maintain the unit integrity; provide relief for assigned personnel at protracted events; and be responsible for recordkeeping. He stated that the requesting agency would not be responsible for providing salary, employee benefits or medical costs for the responding employee, rather, those would be paid by the respondent’s agency. However, claims for damaged equipment would be submitted to the requesting agency, and the requesting agency would be responsible for replenishing the supplies used. A brief discussion ensued in regard to the reimbursement process, and how costs paid by the requesting agency are typically recouped by seventy percent.

Council Member Hernandez inquired about availability of sand bags in the midst of a dam failure. City Manager Longley stated that the City had 1,000 unfilled sandbags at the Corporation Yard at that time.

Council Member Pedro Martinez asked how quickly supplies could be replenished if exhausted. Captain Hall stated that it would depend on the type of supply, and that supplies such as shovels could be purchased very quickly at a retail store. Council Member Pedro Martinez inquired about the identification standards used in emergency situations to identify personnel. Captain Hall explained that it was difficult to control at a passenger vehicle level, but that designations are given to the strike teams as a means of tracking. City Manager Longley noted that in large disasters there would be a credentials unit that would go through and verify credentials.

Council Member Hernandez asked what the Council’s role in a crisis would be. City Manager Longley stated that the Council would be convened in Council Chambers, and they would sit and operate as Council. He added that there would be an EOC that would manage the sections discussed earlier in the meeting, and the Council would be in communication with the EOC and be responsible for any policy choices that needed to be made. He noted that the Council would pass the disaster resolution that would go to the Governor, if needed, and would instill on the part of the public that the civil government was present and operating.

**ORAL COMMUNICATIONS**

None
OTHER MATTERS
None

ADJOURNMENT
The Council adjourned at 7:38 p.m. to the Council Meeting of October 2, 2007.

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

SEAL

__________________________
Cameron Hamilton, Mayor
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
APRIL 1, 2008, 6:00 P.M.

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

ORAL COMMUNICATIONS
None

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

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 Mayor Pro Tem Felipe Martinez
Invocation -- one individual participated

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

ORAL COMMUNICATIONS
• Paul Saldana, President of Tulare County Economic Development Corp., 4500 S. Laspina, Tulare, informed the Council of entrepreneurial activities that have been taking place in Porterville, and announced that there would be workshops and training programs coming to Porterville.
• Greg Shelton, 888 N. Williford Dr., asked permission to speak during Items 17 and 20 of Scheduled Matters.
• Martha Alcazar Flores, 249 S. Indiana, read a letter to Council regarding the disestablishment of the Planning Commission and inquired about the reestablishment of the Commission.
• Donnette Silva Carter, Porterville Chamber of Commerce, announced that 'Music on Main Street' is back beginning Friday, April 4th and encouraged attendance during the events that will be taking place through June.

**CONSENT CALENDAR**

Item No. 14 was removed for abstention.

1. CITY COUNCIL MINUTES OF MARCH 18, 2008, AND MARCH 22, 2008

   Recommendation: That the City Council approve the City Council Minutes of March 18, 2008 and March 22, 2008.

   Documentation: M.O. 01-040108
   Disposition: Approved

2. CLAIM – FABIOLA VASQUEZ

   Recommendation: After consideration and investigation, staff recommends that the Council said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

   Documentation: M.O. 02-040108
   Disposition: Approved

3. BUDGET ADJUSTMENT FOR THE 2007-08 FISCAL YEAR

   Recommendation: That the Council approve the proposed budget adjustments, and authorize staff to modify revenue and expenditure estimates as described.

   Documentation: M.O. 03-040108
   Disposition: Approved

4. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – PHASE 1 OF THE PRELIMINARY ENGINEERING AND DESIGN OF THE JAYE STREET BRIDGE WIDENING PROJECT

   Recommendation: That the City Council:
   1. Approve the subject program supplements by passing a resolution authorizing the Mayor to sign the subject program supplement; and
   2. Direct staff to return the signed program supplements to CalTrans.

   Documentation: Resolution 29-2008
5. ACCEPTANCE OF PROJECT – ‘C’ STREET WATER MAIN & MISCELLANEOUS FIRE HYDRANT PROJECT

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

Documentation: M.O. 04-040108
Disposition: Approved

6. USE OF PROPOSITION 1B FUNDS – SOUTH JAYE STREET EXTENSION PROJECT

Recommendation: That the City Council:
1. Affirm that the South Jaye Street Extension Project is the selected project to utilize the City’s share of Prop 1B funds;
2. Direct the Public Works Director to complete all necessary documentation reflecting the Council’s direction that Prop 1B funds will be allocated to the South Jaye Street Reconstruction Project; and
3. Direct the Finance Director to include Prop 1B funds in the 2007/2008 Budget with the firm understanding that the funds shall be allocated to the South Jaye Street Reconstruction Project.

Documentation: M.O. 05-040108
Disposition: Approved

7. TULARE COUNTY REGIONAL HOUSING NEEDS ASSESSMENT 2008

Recommendation: For information purposes only.

8. MITIGATION OF KIT FOX PRESERVE AND MOVEMENT CORRIDOR

Recommendation: That City Council:
1. Authorize staff to negotiate an Agreement with Wildlands, Inc. to purchase San Joaquin Kit Fox conservation credits for the removal of the Kit Fox 20-acre preserve and 6±-acre movement corridor located on the west side of the Porterville Municipal Airport for an amount not to exceed $190,000; and
2. Authorize the Community Development Director to sign all documents.

Documentation: M.O. 06-040108
Disposition: Approved
9. ASSIGN AIRPORT LEASE – LOT 32C

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

Documentation: M.O. 07-040108
Disposition: Approved

10. SUPPLEMENTAL LEASE AGREEMENT NUMBER 3 FOR LEASE NUMBER 39-1879

Recommendation: That the City Council authorize the signature of the Supplemental Lease Agreement No. 3 by the Mayor of Porterville.

Documentation: M.O. 08-040108
Disposition: Approved

11. AUTHORIZATION TO NEGOTIATE A CONTRACT WITH GAS EQUIPMENT SYSTEMS AND SOUTHERN CALIFORNIA GAS COMPANY FOR A TEMPORARY CNG FUELING STATION

Recommendation: That City Council:
1. Authorize staff to negotiate with Gas Equipment Systems for a minimum 6 month lease agreement at $1,500.00 per month with a $1,140 per month maintenance component; and
2. Authorize staff to negotiate a month to month lease agreement with Gas Equipment Systems until completion of the permanent CNG facility; and
3. Authorize staff to make payment to Gas Equipment Systems for installation, start-up, mobilization and training costs in the amount of $10,539.00; and
4. Authorize staff to negotiate a maximum 2 month lease agreement with southern California Gas Company in the amount of $3,920.00 per month which will allow Gas Equipment Systems to resolve all mechanical issues with their compressor.

Documentation: M.O. 09-040108
Disposition: Approved

12. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE UNIFIED SCHOOL DISTRICT, PORTERVILLE CELEBRATES READING, APRIL 26, 2008

Recommendation: That City Council:
1. Approve the Community Civic Event Application and Agreement from the Porterville Unified School District, subject to the Restrictions and Requirements contained in Application, Agreements and Exhibit “A”, without closing Olive Avenue; and
2. Approve the use of the parking lot on the South side of Olive Avenue and the bare ground south of that parking lot for this event with sponsor-controlled pedestrian crossing.

Documentation: M.O. 10-040108
Disposition: Approved


Recommendation: That City Council:
1. Approve the Community Civic Event Application and Agreement from the Porterville Community Fair Board, subject to the Restrictions and Requirements contained in Application, Agreements and Exhibit “A”; and
2. Approve the use of the parking lot on the south side of Olive Avenue and bare ground south of that parking lot for fair patron parking and set up from May 14-18, 2008.

Documentation: M.O. 11-040108
Disposition: Approved

15. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHURCH OF THE NAZARENE – INVISIBLE CHILDREN MOVIE SCREENING

Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Porterville Church of the Nazarene, subject to the stated requirements contained in Exhibit “A”.

Documentation: M.O. 12-040108
Disposition: Approved

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve Items 1 through 13, and Item 15. The motion carried unanimously.

14. APPROVAL FOR COMMUNITY CIVIC EVENT – COMISION HONORIFICA MEXICANA-AMERICANA, INC. – MAY 1, 2008 TO MAY 4, 2008

Recommendation: That the Council:
1. Approve the Community Civic Event Application and Agreement from the Comision Honorifica Mexicana-Americana, Inc., subject to the restrictions contained in the Application, Agreement, and Exhibit “A”; and
2.Authorize the Chief of Police, or his designee, to close Olive Avenue between A Street and Plano Street, if warranted to address public safety concerns.
Council Member Pedro Martinez noted a conflict of interest and exited the Chambers.

City Manager John Longley introduced the item.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Community Civic Event Application and Agreement from the Comision Honorifíca Mexicana-Americana, Inc., subject to the restrictions contained in the Application, Agreement, and Exhibit “A”; and authorize the Chief of Police, or his designee, to close Olive Avenue between A Street and Plano Street, if warranted to address public safety concerns.

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

Disposition: Approved

**PUBLIC HEARINGS**

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

Recommendation: That the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the City of Porterville Scranton Avenue and Indiana Street Widening Project.

City Manager Longley introduced the item.

The hearing opened to the public at 8:16 p.m., and City Planner Ben Kimball presented the staff report. Following the staff report, the Mayor asked if any member of the public wished to speak in favor or opposition of the item. Seeing no one, the Mayor closed the hearing to the public at 8:19 p.m.

The Mayor stated that the public should know that Gibbons Avenue will also receive construction in the future. Public Works Director Rodriguez clarified that the construction would occur after Jaye Street was extended, would go west towards Indiana Street, and meet up with the project that was being discussed at that time.

At Council Member Hernandez’s request, Mr. Rodriguez explained that the City had decided to take on the project due to a lack of interest on the County’s end, and that the City would then receive control of the street.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council adopt the draft resolution approving Resolution 30-2008
the Mitigated Negative Declaration for the City of Porterville Scranton Avenue and Indiana Street Widening Project. The motion carried unanimously.

Disposition: Approved

**SCHEDULED MATTERS**

17. FY 2007-2008 MID YEAR BUDGET REPORT

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

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

Mayor Hamilton stated that he did not see the point of comparing the City’s budget deficit with the State and Federal budget deficit.

- Greg Shelton, address on record, stated that the budget would have had a surplus had certain expenditures not been approved such as the sewer RFP, freeze relief efforts, and Boys & Girls Club contributions. He criticized the Council for raising fees and taxes.

Mayor Hamilton noted that there had been no tax increases since 1987 and asked Mr. Shelton for his plan to solve the deficit problem. Mr. Shelton stated that he would be more fiscally responsible, bidding out the sewer and would stop giving money towards freeze relief and the Boys & Girls Club.

Mayor Pro Tem Felipe Martinez clarified that Measure H was put on a ballot and voted on by the citizens.

Mayor Hamilton reiterated that the current Council had not raised any fees. He then, at the request of Council Member McCracken, invited the other candidates in attendance to speak if they wished to do so. No one came forward.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council accept the Mid-Year Budget Report and approve the proposed changes. The motion carried unanimously.

Disposition: Approved

The Council recessed for ten minutes.

Mayor Hamilton recognized that there were some attendees that had traveled to Porterville from out of town, and stated that Item 19 would be considered at that time to accommodate those individuals.
19. RESOLUTION OPPOSING ABANDONMENT OF A RAILROAD FEEDER LINE BETWEEN EXETER AND THE KERN COUNTY LINE

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

City Manager Longley introduced the item, and Paul Saldana, President of Tulare County Economic Development Corporation spoke in lieu of a staff report.

- Paul Saldana, address on record, updated Council on the protest progress, and stated that the potential loss of the railroad line was a significant issue.

Mayor Pro Tem Felipe Martinez shared with the Council that both TCAG and EDC were on record in both letter and voice as being opposed the abandonment.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council approve the draft resolution opposing abandonment of railroad feeder line between Exeter and the Kern County Line by the San Joaquin Valley Railroad. The motion carried unanimously.

Disposition: Approved

18. OPTIONS TO ADDRESS MURRY PARK POND

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

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

Mayor Hamilton suggested that if a water filtration system was installed, that it be added to the equipment replacement schedule, as it would need to be maintained. He asked how the costs of the options proposed in the staff report were generated. Mr. Perrine stated that he had generated the numbers based on SWAG, the costs of equipment and installation of electrical systems to operate the aeration equipment. The City Manager noted that Mr. Perrine has considerable background in this area, and that he had presented budgetary level estimates to be used for decision making at a budgetary level.

Mayor Hamilton stated that the first and third options presented were not feasible, which left only the second option for consideration.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the Council approve the installation of an aeration system in the Murry Park Pond to be paid for using equipment replacement funds, and that the aerator be added to the equipment replacement schedule.
AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: Hernandez
ABSTAIN: None
ABSENT: None

Disposition: Approved

20. USE OF CMAQ FUNDS FOR CONCRETE IMPROVEMENTS

Recommendation: That the City Council:
1. Accept Public Works recommendation that the available CMAQ funds be used along south Indiana Street from Olive Avenue to Union Avenue or portions thereof, for the installation of concrete improvements;
2. Regardless of the street selected to receive the CMAQ funding for concrete improvements, direct the Public Works Director to inform TCAG of the City’s choice of street to receive concrete improvements using the CMAQ funds; and
3. Direct the City Engineer to begin design efforts for the installation of concrete improvements along the street selected by Council.

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

Council Member Hernandez stated that his campaign treasurer was within an area that would be considered, and he would be abstaining from the item. City Manager Julia Lew clarified that Council Member Hernandez had no legal conflict, but that he was concerned with appearance issues.

- Greg Shelton, address on record, stated that he had been concerned that Core money was being used, but Mr. Rodriguez had informed him that it was not.

Mayor Hamilton asked staff for an update on Core Areas 2 and 4. Mr. Rodriguez stated that he would be contacting CalTrans to let them know that the City would be moving ahead with the project, and informed the Council that the new plans were 95-97% complete.

Mayor Hamilton asked how long each of the streets suggested had been in the city limits, and the resident population of each. Mr. Rodriguez stated that Prospect Street had been in the city limits the longest, that all three streets were built out, but that Indiana Street was the shortest in length. He added that he had provided these options somewhat blind, and that they may discover that they cannot get the water to any localized area. Mr. Rodriguez explained that during heavy, water tended to stay put and not drain properly due to the grades, and that the situation would need to be looked into further.

Mayor Pro Tem Felipe Martinez stated that he had visited the three streets mentioned in the staff report and did not see any draining in the portions of Prospect Street and Henderson Avenue.
Mr. Rodriguez informed the Council that $39,000 had already been spent to resurface Indiana Street due to the number of complaints that were being received, and that Indiana Street, north of Olive Avenue was a project set to be completed during the 2008-09 Fiscal Year. He added that there was still time for staff to look into the feasibility of concrete improvements on Prospect Street and Henderson Avenue.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Hamilton that the Council continue the item to the April 15, 2008 meeting with staff to provide more information regarding the Prospect and Henderson options.

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

Disposition: Approved

21. CONSIDERATION OF SCHEDULING SECOND STUDY SESSION REGARDING COURTHOUSE PROJECT AND FAIRGROUNDS

Recommendation: That the City Council provide direction to staff.

City Manager Longley introduced the item and provided the staff report.

Council Member McCracken stated that a second study session should be scheduled for the general public, because the public received short notice of the first meeting, noting it had also been held on a holiday weekend.

After some discussion, the Council gave instruction for the City Manager’s secretary to contact the Council and schedule a second study session.

Disposition: Staff direction provided.

The Council adjourned at 9:29 p.m. to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
April 1, 2008

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

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
None
SCHEDULED MATTER
PRA-1. APPROVAL OF LOW AND MODERATE HOUSING FUNDS TO ASSIST SIMPSON HOUSING SOLUTIONS MULTI-FAMILY PROJECT

Recommendation: That the Redevelopment Agency:
1. Approve a conditional reservation of up to $500,000 in Redevelopment Low and Moderate Income Housing Funds for the Simpson Housing Solutions proposed housing project on the southeast corner of Putnam Avenue and "E" Street for a thirty year, 3% simple interest loan; and
2. Authorize the Executive Director to sign a letter of commitment describing the reservation of funds for the Infill and Infrastructure Grant application being prepared by Simpson Housing Solutions.

Agency Member McCracken and Vice Chair Felipe Martinez noted a conflict of interest and exited Chambers.

City Manager Longley introduced the item, and Development Associate Denise Marchant presented the staff report.

At the Mayor's request, Community Development Director Brad Dunlap explained why a contingent commitment was being requested, and stated that in addition to providing affordable housing, 24 of the units would count against the loss of the units at the Porterville Hotel. He added that if the project doesn't go, the money doesn't go, and that the City's participation would make Simpson Housing Solutions more competitive when seeking additional funds.

AGENCY ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Hernandez that the Agency approve a conditional reservation of up to $500,000 in Redevelopment Low and Moderate Income Housing Funds for the Simpson Housing Solutions proposed housing project on the southeast corner of Putnam Avenue and "E" Street for a thirty year, 3% simple interest loan; and authorize the Executive Director to sign a letter of commitment describing the reservation of funds for the Infill and Infrastructure Grant application being prepared by Simpson Housing Solution.

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

Disposition: Approved

The Redevelopment Agency meeting adjourned at 9:37 p.m. to a meeting of the Porterville City Council.
ORAL COMMUNICATIONS
- Greg Shelton, address on record, stated that the monies spent on trips to Washington and contributions to the Boys and Girls Club were a waste.

OTHER MATTERS
- Council Member Hernandez stated that he had been out of town and was unable to participate in the Spring Kid’s Fest on Saturday, March 29th, and stated that he heard good things about the event.
- Council Member Pedro Martinez announced that it was Child Abuse Prevention Month, and requested a proclamation be drafted recognizing child protective services workers.
- Mayor Pro Tem Felipe Martinez spoke favorably of the Ribbon Cutting Event/Chamber Mixer at the Holiday Inn on March 27th.
- Mayor Hamilton stated that he attended a combined meeting of the County and Cities, and added that a subcommittee would be discussing issues that affect both the County and Cities.

The Council reconvened in Closed Session at 9:40 p.m.

CLOSED SESSION
The Council reconvened Open Session at 10:15 p.m. and it was reported that no action had been taken.

ADJOURNMENT
The Council adjourned at 10:16 p.m. to the meeting of April 8, 2008 at 6:00 p.m.

__________________________________________
Luisa Herrera, Deputy City Clerk

__________________________________________
Cameron Hamilton, Mayor
SUBJECT: CLAIM - DIANA STANDRIDGE

SOURCE: Administration

COMMENT: Ms. Diana Standridge has filed a claim against the City in an amount exceeding $25,000, in the Unlimited Jurisdiction of Tulare County Superior Court, for medical expenses, and lost wages. The Claimant alleges that she incurred said damages when she tripped and fell as a result of a damaged section of sidewalk on June 11, 2007, in front of 245 W. Cherry Avenue in Porterville.

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

CLAIM AGAINST  CITY OF PORTERVILLE  

(Name of Entity)

Claimant’s Name DIANA STANDRIDGE

S.S. #: 

Claimant’s Date of Birth [Redacted] Telephone # (559) 782-0501

Claimant’s Address 1060 E. Thurman Ave., Porterville, CA 93257

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

Robert E. Vanderhorst, Attorney at Law, 288 North "D" Street, Porterville, CA 93257

Date of Incident/Accident/Arrest: June 11, 2007

Date Injuries, Damages or Losses were discovered: June 11, 2007

Location of Incident/Accident/Arrest: On sidewalk in front of 245 W. Cherry, Porterville, CA 93257

What did Entity or Employee do to cause this Loss, Damage or Injury?

SEE ATTACHMENT TO CLAIM FORM

(Use Back of this Form or Separate Sheet if necessary to answer this Question in Detail.)

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

The City of Porterville, its employees, agents, representatives, contractors, subcontractors.

The identities of the specific employees/agents of the City of Porterville are unknown at this time.

What specific Injuries, Damages or Losses did Claimant receive?

SEE ATTACHMENT TO CLAIM FORM

(Use Back of this Form or Separate Sheet if necessary to answer this Question in Detail.)

What Amount of Money is Claimant Seeking, or which is the appropriate court of Jurisdiction (Govt. code 910(0))? The full extent of Claimant’s damages are unknown at this time. Claimant’s damages are expected to be in excess of $25,000.00, in the unlimited jurisdiction of the Tulare County Court.

How was this Amount Calculated, if applicable (please itemize)? Based on Claimant’s injuries, expenses, and damages.

Date Signed: 11/12/07  Signature: [Signature]

If signed by Representative:

Representative’s Name Robert E. Vanderhorst

Address 288 North "D" Street, Porterville, CA 93257

Telephone # (559) 781-0506

Relationship to Claimant Attorney for Claimant
ATTACHMENT TO CLAIM FORM

What did Entity or Employee do to cause this Loss, Damage or Injury?

The City of Porterville and the Porterville Department of Community Development and Services, their agents, representatives, employees, contractors, and sub-contractors negligently and carelessly inspected and permitted negligently constructed sidewalks to be installed, negligently and carelessly failed to continue to inspect said sidewalks, and negligently and carelessly failed to notify the owner of the property upon which said sidewalks are situated, that a defective and dangerous condition existed (a broken and buckled sidewalk), and failed to ensure that said defective and dangerous condition was remedied, all of which negligent and careless conduct caused Claimant to trip and fall over the dangerous condition and fall to the ground, causing Claimant to suffer injuries and to incur damages.

What specific Injuries, Damages or Losses did Claimant receive?

Claimant suffered a left wrist fracture of the ulna and radius, and other bones of the wrist and hand. She has incurred medical expenses, lost wages, and other damages to be determined.
SUBJECT: CLAIM - FERNANDO MARTINEZ

SOURCE: Administration

COMMENT: Mr. Fernando Martinez has filed a claim against the City in an amount exceeding $25,000, in the Unlimited Jurisdiction of Tulare County Superior Court, for medical expenses, pain and suffering. The Claimant alleges that he incurred said damages when he slipped and fell on October 3, 2007 at the Municipal Golf Course.

RECOMMENDATION: That the Council reject said claim; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLAIM FOR DAMAGES

FERNANDO MARTINEZ, Claimant,
Vs.
CITY OF PORTERVILLE, Respondent.

Claimant FERNANDO MARTINEZ, by and through their attorneys of record, AKULIAN, NINNIS & CRIBBS, hereby submits the following Claim for Damages To Person, pursuant to California Government Code §910 et seq. as follows:

1. The name and postal address of the Claimant:
   Fernando Martinez
   292 South Plano
   Porterville, CA 93257

2. The postal address to which the Claimant desires notices to be sent:
   Benjamin P. Tryk, Esq.
   Akulian, Ninnis & Cribbs
   3120 Willow Avenue
   Clovis, California 93612
2. The date, place and other circumstances of the occurrence or transaction which give rise to the claim asserted:

On or about October 3, 2007 at the Municipal Golf Course in Porterville, California, claimant was caused to slip and fall while descending the steps of the third tee box. The City of Porterville required all golfers to wear rubber cleats on their shoes. The rubber cleats coupled with the slipperiness of the steps caused several golfers to slip, fall and lose their balance while descending this particular set of steps at the third tee.

The City of Porterville was aware of the dangerous conditions on the way to the third tee box and failed to make the condition safe. The City of Porterville failed to warn of the dangerous condition.

Several other golfers expressed that the rubber cleats and the steps at the third tee caused a dangerous condition.

As a result of the dangerous condition, claimant slip and fell on the steps of the third tee and was caused to injure his left rotator cuff. Claimant sustained general and special damages.

4. A general description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of the presentation of the claim.

Claimant suffered a torn left rotator cuff injury, which was surgically repaired. Plaintiff is entitled to damages for his medical expenses in addition to pain, suffering and inconvenience caused by this injury.

5. The name or names of the public employee or employees causing the injury, damage, or loss, if known:

The City of Porterville was responsible for maintenance of their Municipal Golf Course. The public employees responsible for creating the dangerous condition and failing to warn are unknown at this time.

6. The claim exceeds $25,000.00 and thereby exceeds the limit of a limited civil case.
7. California Government Code §910 states:” The claim shall be signed by the claimant or by some person on his behalf. Claims against local public entities for supplies, materials, equipment, or services need not be signed by the claimant or on his behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.

This claim is respectfully signed and submitted on behalf of the Claimant, FERNANDO MARTINEZ, by their attorney of record in this matter.

Dated: 3-24-08

AKULIAN, NINNIS & CRIBBS

By:  

Benjamin P. Tryk, Esq.
Attorney for Claimant.
FERNANDO MARTINEZ
PROOF OF SERVICE

I, the undersigned, declare that:

I am employed in the County of Fresno, State of California. I am over the age of eighteen (18) years and not a party to the within-entitled cause. My business address is 3120 Willow Avenue, Clovis, California 93612. On March 24, 2008 I served NOTICE OF CLAIM PURSUANT TO GOVERNMENT CODE 910 by placing a copy of said document by CERTIFIED MAIL in a sealed envelope with postage thereon fully prepaid, in the United States mail at Clovis, California, addressed as follows:

City Clerk's Office
The City of Porterville
291 North Main Street
Porterville, California 93257

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 24, 2008 at Clovis, California.

[Susan K. Smith, Declarant]
SUBJECT: TRANSIT CLAIM – ABIGAIL ALVARADO

SOURCE: Administration

COMMENT: Ms. Abigail Alvarado has filed a claim against the City in the amount of $10,000 for personal injuries she allegedly sustained while a passenger on a City of Porterville Transit Bus, Route 3, on June 15, 2007. Claimant alleges she sustained said injuries when the bus on which she was traveling stopped suddenly.

RECOMMENDATION: That the Council reject said claim; refer the matter to the City’s transit insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLAIM AGAINST (Name of Entity): CITY OF PORTERVILLE

Claimant's Name: Abigail Alvarado
DOB: ___/___/___

Claimant's Address: 867 Mosbey CT
Claimant's Telephone No. (Home) 791-9487 (Work)
Address where notices about claim are to be sent, if different from above: SAME

Date of incident/accident: 6-15-2007

Date injuries, damages, or losses were discovered: 

Location of incident or accident: Portman / Third

What did entity or employee do to cause this loss, damage, or injury? Car went in front of bus, driver tried to brake - slammed on brakes

What are the names of the entity's employees who caused this injury, damage, or loss (if known): 
Porterville - Transit bus # 3, Route 

What specific injuries, damages, or losses did claimant receive? Right temple, ear, right arm was bruised could not move it

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

medical $10,000

How was this amount calculated (please itemize): couldn't move right arm, temple

Date Signed: 7-31-2007 Signature: Abigail Alvarado

If signed by representative:
Representative's Name __________________________ Telephone: 
Address e # __________________________
Relationship to Claimant: Self
SUBJECT: TRANSIT CLAIM – ANITA RODRIGUEZ

SOURCE: Administration

COMMENT: Ms. Anita Rodriguez has filed a claim against the City in the amount of $6,359.59 for personal injuries she allegedly sustained while a passenger on a City of Porterville Transit Bus, Route 3, on June 15, 2007. Claimant alleges she sustained said injuries when the bus on which she was traveling stopped suddenly.

RECOMMENDATION: That the Council reject said claim; refer the matter to the City's transit insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLAIM AGAINST (Name of Entity): CITY OF PORTERVILLE
Claimant's Name: Anita Rodriguez DOB: [Redacted]
Claimant's Address: 888 Forrester Court Porterville CA 93257
Claimant's Telephone No. (Home) 781-6143 (Work)
Address where notices about claim are to be sent, if different from above: Same

Date of incident/accident: 6/15/2007
Date injuries, damages, or losses were discovered: 6/15/2007
Location of incident or accident: Putman & Third
What did entity or employee do to cause this loss, damage, or injury? Driver tried to stop
the car went in front of bus, Driver slammed brakes.

What are the names of the entity's employees who caused this injury, damage, or loss (if known):
Porterville transit bus #3 Route

What specific injuries, damages, or losses did claimant receive? Left shoulder, left side of chest, head, back, bottom of feet, hands

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

Medical: $6359.59
How was this amount calculated (please itemize): Medical

Date Signed: 7/31/2007 Signature: Anita Rodriguez

If signed by representative:
Representative's Name Telephone:
Address: #
Relationship to Claimant:
<table>
<thead>
<tr>
<th>Service Date</th>
<th>Description</th>
<th>qty</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/03/07</td>
<td>Metoclopramide inj 5mg/ml 2ml</td>
<td>1</td>
<td>38.00</td>
</tr>
<tr>
<td>08/03/07</td>
<td>Sodium Chloride 0.9% 10 ml</td>
<td>1</td>
<td>39.30</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>64.30</td>
</tr>
<tr>
<td>08/03/07</td>
<td>ER Level 3</td>
<td>1</td>
<td>612.60</td>
</tr>
<tr>
<td>08/03/07</td>
<td>ER IV Push</td>
<td>1</td>
<td>114.10</td>
</tr>
<tr>
<td>08/03/07</td>
<td>ER IV Push; EA Adel Seq Push/NW</td>
<td>1</td>
<td>114.10</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>340.80</td>
</tr>
<tr>
<td>08/03/07</td>
<td>Oximeter Test - ER</td>
<td>1</td>
<td>116.90</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>116.90</td>
</tr>
</tbody>
</table>

This bill contains charges for hospital services only. Charges for physician services related to your care will be billed separately.
<table>
<thead>
<tr>
<th>SERVICE DATE</th>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/12/06</td>
<td>*** 272 M/S SUPPLY STERILE SUPPLY ***</td>
<td>1</td>
<td>364.99</td>
</tr>
<tr>
<td>09/12/06</td>
<td>SYR 200ML FOR CT9000 INF; SYRINGE</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>CTP-200FLS FRONT LOAD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>09/12/06</td>
<td>*** 352 CAT SCAN BODY ***</td>
<td>1</td>
<td>2245.00</td>
</tr>
<tr>
<td>09/12/06</td>
<td>CT/ABDOMEN W/WO CON</td>
<td>1</td>
<td>2245.00</td>
</tr>
<tr>
<td></td>
<td>*** 636 DRUG SPEC IN DETAIL CODING ***</td>
<td>1</td>
<td>503.00</td>
</tr>
<tr>
<td>09/12/06</td>
<td>OMNIPAQUE 300 100ML; CONTRAST</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>OMNIPAQUE 300 100ML</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ACCOUNT NUMBER  SV0018358457  TOTAL  5337.90
TOTAL CREDITS
TOTAL DUE  5337.90
ESTIMATED INSURANCE COVERAGE
ESTIMATED PATIENT DUE
SUBJECT: BUDGET ADJUSTMENT FOR THE 2007-08 FISCAL YEAR

SOURCE: Administrative Services

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

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

No. 1: YES After-School Program Expenditure
The Parks & Leisure Services Department requests this budget adjustment in recognition of projected increased expenditures due to employees receiving higher salary bases due to meeting educational requirements consistent with the No Child Left Behind (NCLB) Act. The anticipated increase in expenditures is offset through reimbursement by the Porterville Unified School District.

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

Item No. 6
CITY OF PORTERVILLE
Budget Adjustments

Date: May 6, 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>001-5050-063-020</td>
<td>1</td>
<td>YES After-School Program</td>
<td>Porterville Unified School District</td>
<td>$71,591.00</td>
</tr>
</tbody>
</table>

Modification No: 8-07/08
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – HENDERSON AVENUE STORM DRAIN PROJECT – VILLA STREET TO ‘G’ STREET

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Henderson Avenue Storm Drain Project. The project includes installation of 24” and 18” master plan storm drain piping, manholes, catch basins, pave-out and related appurtenances along the south side of Henderson Avenue from Villa Street to ‘G’ Street.

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

The estimate of probable cost for the entire project is $394,580 with $39,458 required for the construction contingency (10%). An additional $19,729 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $453,767. An Estimate of Probable Cost is attached for Council’s review.

Funding is provided by storm drain developer impact fees and was approved in the 07/08 Annual Budget.

RECOMMENDATION: That City Council:

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

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

ATTACHMENTS: Estimate of Probable Cost Locator Map

P:\pubworks\Engineering\Council Items\Authorization to Advertise for Bids - Henderson Avenue Storm Drain Project-Villa St to ‘G’ St - 2008-05-06.doc
**HENDERSON AVENUE STORM DRAIN – VILLA STREET TO “G” STREET**  
**ENGINEER’S ESTIMATE – April 22, 2008**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>QTY</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization &amp; Demobilization</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>2.</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$30,000.00</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>3.</td>
<td>1</td>
<td>L.S.</td>
<td>Connect to existing 36” storm Drain at Villa St with eccentric reducer</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>4.</td>
<td>7</td>
<td>EA.</td>
<td>48” Storm Drain Manhole per City Standard S-1</td>
<td>$4,000.00</td>
<td>$28,000.00</td>
</tr>
<tr>
<td>5.</td>
<td>2</td>
<td>EA.</td>
<td>Catch Basin per City Standard D-2 with Local Depression per City Standard D-6 and Protection Bar per City Standard D-7 including removal of existing concrete improvements</td>
<td>$3,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>6.</td>
<td>1</td>
<td>EA.</td>
<td>Catch Basin per City Standard D-4.1 including removal of existing concrete improvements</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>7.</td>
<td>1208</td>
<td>L.F.</td>
<td>24” Class III RCP Storm Drain</td>
<td>$85.00</td>
<td>$102,680.00</td>
</tr>
<tr>
<td>8.</td>
<td>1120</td>
<td>L.F.</td>
<td>18” Class III RCP Storm Drain</td>
<td>$75.00</td>
<td>$84,000.00</td>
</tr>
<tr>
<td>9.</td>
<td>2</td>
<td>EA.</td>
<td>Connect to existing catch basin</td>
<td>$1,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>10.</td>
<td>1</td>
<td>EA.</td>
<td>Grout fill and concrete cap existing storm drain siphon outlet</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>11.</td>
<td>2238</td>
<td>L.F.</td>
<td>Trench Patch-4” Asphalt Concrete over 6” Class II Aggregate Base</td>
<td>$50.00</td>
<td>$116,400.00</td>
</tr>
<tr>
<td>12.</td>
<td>1</td>
<td>L.S.</td>
<td>Remove and replace spandrel at Northwest corner of G St &amp; Henderson Ave per City Standard C-7</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
</tbody>
</table>

**SUB TOTAL**  
$394,580.00

**15% Construction Contingency, Staff Time, Testing**  
**Total Estimated Probable Cost of Project**  
$59,187.00  
$453,767.00

**ESTIMATE CERTIFIED**

Project Manager  
4/22/08

City Engineer  
4/30/08

Public Works Director  
4/30/08

City Manager  
04/30/08
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – POLICE DEPARTMENT SPRAYED POLYURETHANE ROOFING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Police Department Sprayed Polyurethane Roofing Project. The project includes installation of sprayed polyurethane foam roofing system and related appurtenances at the Porterville Police Department.

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

The estimate of probable cost for the entire project is $109,850 with $10,985 required for the construction contingency (10%). An additional $3,844.75 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $124,679.75. An Estimate of Probable Cost is attached for Council's review.

Funding is provided by general fund carryover and was approved in the 07/08 Annual Budget.

RECOMMENDATION: That City Council:

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

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

ATTACHMENTS: Estimate of Probable Cost
Locator Map

P:\pubworks\Engineering\Council Items\Authorization to Advertise for Bids - Police Department Sprayed Polyurethane Roofing System Project - 2008-05-06.doc

Dir Appropriated/Funded ☒ CM ☒ Item No. 8
<table>
<thead>
<tr>
<th>ITEM</th>
<th>QTY.</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>16,900</td>
<td>S.F.</td>
<td>Sprayed Polyurethane Foam Roofing System per Detailed Guide Specification</td>
<td>$6.50</td>
<td>$109,850</td>
</tr>
</tbody>
</table>

**SUB TOTAL** $109,850

- 10% Construction Contingency $10,985.00
- 3.5% Construction Engineering/Staff Time $3,844.75

**Total Estimated Probable Cost of Project** $124,679.75

---

ESTIMATE CERTIFIED

<table>
<thead>
<tr>
<th>Project Manager</th>
<th>Date</th>
<th>City Engineer</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mike Scholl</td>
<td>4/15/08</td>
<td>Michael K. Reed</td>
<td>4/15/08</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Works Director</th>
<th>Date</th>
<th>City Manager</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baldomero Rodriguez</td>
<td></td>
<td>J. O. Lin</td>
<td>04/01/08</td>
</tr>
</tbody>
</table>
COUNCIL AGENDA: MAY 6, 2008

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – CORE AREA CURB, GUTTER AND SIDEWALK, PHASE TWO AND FOUR

COMMENT: Plans and Project Manual have been prepared for the Core Area Curb, Gutter and Sidewalk, Phase 2 and 4 Project. Caltrans has authorized the City to proceed with construction. The project consists of the installation of new curbs, gutters and sidewalk as needed along streets within the following City limits, Henderson Avenue to the north, Jaye Street to the west, Plano Street to the east, and State Route 190 to the south. The project is funded by a Congestion Mitigation & Air Quality (CMAQ) grant.

The CMAQ grant, in the amount of $967,044, is a federal grant that must be matched with local funds. Various billings have decreased the grant to a total of $953,169.51. The federal share is $838,789.17 and local share is $114,380.34 (12%). The Estimate of Probable Cost is $810,194.09 with $95,316.95 required for construction contingency (10%). An additional $47,658.47 is required for construction management, quality control and inspection. The total estimated cost associated with this project is $953,169.51. Alternate bids have been included in the project and the City will award “add alternates” as funding permits. An Estimate of Probable Cost is attached for Council’s review.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council’s review. Funding for the project was approved in the 2007/2008 budget and will be paid with a CMAQ grant ($838,789.17) and $114,380.34 from re-appropriated LTF.

RECOMMENDATION: That the City Council:

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

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

ATTACHMENTS: E-76 Authorization from Caltran Locator Map Estimate of Probable Cost

P:\pubworks\Engineering\Council Items\Authorization to Advertise for Bids - Core Area Curb, Gutter and Sidewalk, Phase 2 & 4 - 2008-05-06.doc

Dir Appropriated/Funded CM Item No. 9
FEDERAL AID PROGRAM
OLP LOCATOR  06-TUL-0-PTRV
PREFIX      CML
PROJECT NO  5122(046)
SEQ NO      1
DIST-EA     06-927646L
AGENCY      PORTERVILLE
ROUTE       FED. RR NOS
TIP DATA:   PUC CODE(S)
MPO/YEAR    TCAG
DATE        02/03
STIP REF:   R/W STATUS 1 12/04/03
CTIPS#      115-0000-0100
URBANIZED   VISAIA
URB/RURAL   URBAN AREA
BRIDGE NOS  

PREV. AUTH/AGREE DATE
                      PE
                      R/W
                      CON 12/12/03
                      SFR
                      MCS
                      OTH
                      APPR CODES 400
                      LINE NOS 30 31
                      IMPRV TYPE 28 17
                      FUNC. SYS L

PHASE
---|---|---
CON | THIS REQUEST | AC COST |
---|-------------|---------|
   | 411,182.00  | 364,019.00 |
   | 411,182.00  | 364,019.00 |

TOTAL 411,182.00 364,019.00 .00

PPNO - 06-TUL00-065
STATE REMARKS
| (1)Chase ave: 200 ft w/o cornell to plano st. |
| (2)Cherry ave from f street to E st. |
| (3)"D" st : orange ave to olive ave |
| (4)Date ave: jaye street to E street |
| (5)"E" street willow to oak |
| (6)date ave 300' w/o hockett to main st |
| (7)"E" st : river st to 300' ft n/o orange ave |
| (8)F st : olive to Putnum ave |
| (9)Fig street : oak to Mill |
| (10)4th st: Willow to oak |
| (11)G st : olive to Oak |
| (12)garden ave: 300' w/o murry street |
| (13)Garden Ave : 300'w/o plano |
| (14)H street : willow ave to porter slough |
| (15)H street:500" n/o date ave to300' n/o orange ave |
| (16)hockett street: date ave to 300' n/o orange |
| (17)Kessing st: 300' n/o orange to 200' n/o orange. |
| (18)Kessing st:300' n/o maple ave |
| (19)Kessing st:400' n/o orange ave |
| (20)main st:SR 190 to tule river |
| (21)Maple ave : Jaye st to maple street |
| (22)murry street: mill ave to putnam street |
| (23)murry st: mill ave to putnam |
| (24)okave : kessing to G street |
| (25)olive: 900' e/o A street |
| (26)orange ave: 400' w/o hokker street |
| (27)plano street:Chase ave to date ave |
| (28)3rd st : olive to 200'n/o willow ave |
| (29)plano street:Chase ave to date ave |
| (30)Vandalia street: 600' w/o plano street |
| (31)vine ave 300'w/o hockett street |
| (32)walnut ave : 300' w/o hockett street |
| (33)willo ave: H st to E street |
| (34)willo ave: 200' E/o 3rd street |

AUTHORIZATION TO PROCEED WITH CON.

PREPARED BY FAYAD ALMASRI ON 12/05/03 8-425-8507
REVIEWED BY DAVID THOMPSON ON 12/12/03 (916)653-8620
AUTHORIZED BY D. THOMPSON ON 12/12/03
FOR CALTRANS

ELECTRONIC SIGNATURE DOCUMENT TYPE AUTH/AGREE SIGNED BY D. THOMPSON ON 12/12/03 FOR FHWA

PROCESSED BY J WALLAC ON 12/15/03 FOR FHWA
### Authorization/Agreement Summary

**Federal Aid Program**
- **OLP Locator:** 06-TUL-0-PTRV
- **Prefix:** CML
- **Project No:** 5122(044)
- **Seq No:** 1
- **District:** 06-927644L
- **Agency:** PORTERVILLE
- **Route:** FED. RR NOS
- **MPO/YEAR:** TCAG
- **Date:** 02/03
- **STIP REF:** R/W STATUS 1 12/04/03
- **CTN/MS#:** 115-0000-0100
- **URBANIZED:** VISALIA
- **UP/RURAL:** URBAN AREA
- **Bridge Nos:** INV RTE

**California Department of Transportation**

<table>
<thead>
<tr>
<th>Phase</th>
<th>Prev. Obligation</th>
<th>Project Cost</th>
<th>Federal Cost</th>
<th>AC Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>CON</td>
<td>0.00</td>
<td>555,863.00</td>
<td>492,105.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Subtotal</td>
<td>555,863.00</td>
<td>492,105.00</td>
<td>0.00</td>
<td></td>
</tr>
</tbody>
</table>

**Total**

| 555,863.00 | 492,105.00 | 0.00 |

**PPNO - 06-TUL00-065**

**State Remarks**

1) BELLEVUE AVENUE: 200' W. OF SECOND STREET
2) BELLEVUE AVENUE: 300' W. OF Plano Street
3) BELLEVUE AVENUE: 500' W. OF SUNNYSIDE STREET
4) CLEVELAND AVENUE 200' W. OF D STREET
5) DANNER AVENUE: MAIN STREET TO SECOND STREET
6) FOURTH ST: THURMAN AVENUE TO HENDERSON AVENUE
7) GIBSON AVENUE: 150' W. OF DIVISION STREET TO THIRD STREET
8) GRAND AVENUE: 150' W. OF THIRD STREET FOURTH STREET
9) HARRAHAN STREET TO PLANO STREET
10) HARRISON AVENUE: 150' W. OF D STREET
11) HARRISON AVENUE: 300' EAST OF FOURTH STREET
12) HENDERSON AVENUE: FOURTH STREET TO PLANOSTREET
13) HENRHAHAN STREET: MORTON AVENUE TO GRAND AVENUE
14) LAUREL AVE: 200' W. OF LIME STREET TO 2ND STREET
15) MAIN STREET: 200' S. OF DANNER AVENUE TO HENDERSON AVENUE
16) MAIN STREET: 150' N. OF BELLEVUE AVENUE
17) MAIN STREET: 150' S. OF HENDERSON AVENUE
18) NORTH AV: DIVISION STREET TO SECOND STREET
19) SECOND STREET: 200' S. OF NORTH AVENUE TO HENDERSON AVENUE
20) SCHOOL AVE: 200' WEST OF DIVISION STREET
21) SUNNYSIDE STREET: 250' S. OF DONNAR AVE TO 150' N/O DANNER AVE
22) SUNNYSIDE STREET: 200' N. OF NORTH AVENUE
23) THURMAN AVENUE: E. STREET TO D STREET
24) THIRD STREET: MORTON AVENUE TO HENDERSON AVENUE
25) THURMAN AVENUE: 200' E. OF SECOND STREET.

**Authorization to Proceed with Con**

Prepared by: FAYAD ALMASRI
Conuction & Ceng Reviewed by: DAVID THOMPSON
Authorized by: D. THOMPSON

Signed by: D. THOMPSON on 12/12/03 for Caltrans

Processed by: L WALLAC on 12/15/03 for FHWA
<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization</td>
<td>LS</td>
<td>1</td>
<td>$30,000.00</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Traffic Control</td>
<td>LS</td>
<td>1</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Clearing and Grubbing</td>
<td>LS</td>
<td>1</td>
<td>$35,000.00</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Install Curb and Gutter expansive soil</td>
<td>LF</td>
<td>450</td>
<td>$29.00</td>
<td>$13,150.00</td>
</tr>
<tr>
<td>5</td>
<td>Install Curb and Gutter non-expansive soil</td>
<td>LF</td>
<td>2785</td>
<td>$22.00</td>
<td>$60,830.00</td>
</tr>
<tr>
<td>6</td>
<td>Install Alley Approach non-expansive soil</td>
<td>EA</td>
<td>3</td>
<td>$1,100.00</td>
<td>$3,300.00</td>
</tr>
<tr>
<td>7</td>
<td>Install Driveway expansive soil</td>
<td>SF</td>
<td>72</td>
<td>$14.00</td>
<td>$1,008.00</td>
</tr>
<tr>
<td>8</td>
<td>Install Driveway non-expansive soil</td>
<td>SF</td>
<td>4375</td>
<td>$9.00</td>
<td>$39,375.00</td>
</tr>
<tr>
<td>9</td>
<td>Install Cross Gutter non-expansive soil</td>
<td>SF</td>
<td>709</td>
<td>$4.50</td>
<td>$3,190.50</td>
</tr>
<tr>
<td>10</td>
<td>Install Sidewalk expansive soil (Cost Includes Regrading behind back of walk between 0 - 4&quot; of ground height and excavation)</td>
<td>SF</td>
<td>7260</td>
<td>$4.80</td>
<td>$34,944.00</td>
</tr>
<tr>
<td>11</td>
<td>Install Sidewalk non-expansive soil (Cost Includes Regrading behind back of walk between 0 - 4&quot; of ground height and excavation)</td>
<td>SF</td>
<td>78890</td>
<td>$3.60</td>
<td>$300,118.08</td>
</tr>
<tr>
<td>14</td>
<td>Install Curb Return per Detail expansive soil include sawcuts, curb, gutter, and sidewalk</td>
<td>EA</td>
<td>1</td>
<td>$3,300.00</td>
<td>$3,300.00</td>
</tr>
<tr>
<td>15</td>
<td>Install Curb Return per Detail non-expansive soil include sawcuts, curb, gutter, and sidewalk</td>
<td>EA</td>
<td>17</td>
<td>$2,000.00</td>
<td>$34,000.00</td>
</tr>
<tr>
<td>16</td>
<td>Install Curb Return per City Std. expansive soil include sawcuts, curb, gutter, and sidewalk</td>
<td>EA</td>
<td>1</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>17</td>
<td>Install Curb Return per City Std. non-expansive soil include sawcuts, curb, gutter, and sidewalk</td>
<td>EA</td>
<td>3</td>
<td>$2,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>18</td>
<td>Install Catch Basin</td>
<td>EA</td>
<td>1</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>19</td>
<td>Install Local Depression expansive soil</td>
<td>EA</td>
<td>62</td>
<td>$6.00</td>
<td>$372.00</td>
</tr>
<tr>
<td>20</td>
<td>Install Local Depression non-expansive soil</td>
<td>EA</td>
<td>32</td>
<td>$4.00</td>
<td>$128.00</td>
</tr>
<tr>
<td>21</td>
<td>Remove Curb</td>
<td>LF</td>
<td>44</td>
<td>$3.50</td>
<td>$154.00</td>
</tr>
<tr>
<td>22</td>
<td>Remove Curb and Gutter</td>
<td>LF</td>
<td>823</td>
<td>$4.00</td>
<td>$3,292.00</td>
</tr>
<tr>
<td>23</td>
<td>Adjust Water Meter Box</td>
<td>EA</td>
<td>114</td>
<td>$75.00</td>
<td>$8,550.00</td>
</tr>
<tr>
<td>24</td>
<td>Remove and Relocate Water Meter Box</td>
<td>EA</td>
<td>54</td>
<td>$250.00</td>
<td>$13,500.00</td>
</tr>
<tr>
<td>25</td>
<td>Remove and Install New Water Meter Box</td>
<td>EA</td>
<td>3</td>
<td>$250.00</td>
<td>$750.00</td>
</tr>
<tr>
<td>26</td>
<td>Adjust Valve Box</td>
<td>EA</td>
<td>2</td>
<td>$250.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>27</td>
<td>Adjust Fire Hydrant</td>
<td>EA</td>
<td>9</td>
<td>$250.00</td>
<td>$2,250.00</td>
</tr>
<tr>
<td>28</td>
<td>Relocate Fire Hydrant</td>
<td>EA</td>
<td>2</td>
<td>$3,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>29</td>
<td>Remove Concrete</td>
<td>SF</td>
<td>1160</td>
<td>$2.50</td>
<td>$2,900.00</td>
</tr>
<tr>
<td>30</td>
<td>Remove and Install Concrete</td>
<td>SF</td>
<td>519</td>
<td>$7.00</td>
<td>$3,633.00</td>
</tr>
<tr>
<td>31</td>
<td>Adjust Manhole Frame and Cover</td>
<td>EA</td>
<td>2</td>
<td>$500.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>32</td>
<td>Adjust Mailbox</td>
<td>EA</td>
<td>33</td>
<td>$80.00</td>
<td>$2,640.00</td>
</tr>
<tr>
<td>33</td>
<td>Remove Tree - 24&quot; Diameter or less</td>
<td>EA</td>
<td>53</td>
<td>$400.00</td>
<td>$21,200.00</td>
</tr>
<tr>
<td>34</td>
<td>Remove Tree - 24&quot; or Greater in diameter</td>
<td>EA</td>
<td>4</td>
<td>$600.00</td>
<td>$2,400.00</td>
</tr>
<tr>
<td>35</td>
<td>Install 15 Gallon Tree (Sycamore, Oak, Raywood Ash) Include 90 day maintenance period for all planted trees</td>
<td>EA</td>
<td>57</td>
<td>$200.00</td>
<td>$11,400.00</td>
</tr>
<tr>
<td>36</td>
<td>Relocate Tree</td>
<td>EA</td>
<td>1</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>37</td>
<td>Remove and Relocate Fence - Chainlink</td>
<td>LF</td>
<td>587</td>
<td>$20.00</td>
<td>$11,740.00</td>
</tr>
<tr>
<td>38</td>
<td>Remove and Relocate Fence - Decorative</td>
<td>LF</td>
<td>282</td>
<td>$30.00</td>
<td>$8,460.00</td>
</tr>
<tr>
<td>39</td>
<td>Remove Fence - Chainlink</td>
<td>LF</td>
<td>58</td>
<td>$5.00</td>
<td>$290.00</td>
</tr>
<tr>
<td>40</td>
<td>Remove Fence - Decorative</td>
<td>LF</td>
<td>35</td>
<td>$5.00</td>
<td>$175.00</td>
</tr>
<tr>
<td>41</td>
<td>Install Paveout including roadway excavation</td>
<td>SF</td>
<td>7262</td>
<td>$2.50</td>
<td>$18,155.00</td>
</tr>
<tr>
<td>42</td>
<td>Remove Railroad</td>
<td>LF</td>
<td>128</td>
<td>$10.00</td>
<td>$1,280.00</td>
</tr>
<tr>
<td>43</td>
<td>Remove Guard Post with Guard Rail</td>
<td>EA</td>
<td>7</td>
<td>$300.00</td>
<td>$2,100.00</td>
</tr>
<tr>
<td>44</td>
<td>Adjust Road Sign</td>
<td>EA</td>
<td>26</td>
<td>$120.00</td>
<td>$3,120.00</td>
</tr>
<tr>
<td>45</td>
<td>Remove Ex. Catch Basin</td>
<td>EA</td>
<td>3</td>
<td>$1,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>46</td>
<td>18&quot; SDR 35 Storm Drain Pipe</td>
<td>LF</td>
<td>5</td>
<td>$35.00</td>
<td>$175.00</td>
</tr>
<tr>
<td>47</td>
<td>Remove and Relocate Lamp Post</td>
<td>LF</td>
<td>2</td>
<td>$300.00</td>
<td>$600.00</td>
</tr>
<tr>
<td>48</td>
<td>Relocate Power/Telephone Pole</td>
<td>EA</td>
<td>5</td>
<td>$500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>49</td>
<td>Remove Concrete Steps and Construct Steps</td>
<td>SF</td>
<td>25</td>
<td>$12.00</td>
<td>$300.00</td>
</tr>
<tr>
<td>50</td>
<td>Regrade Behind Back of Walk</td>
<td>SF</td>
<td>2845</td>
<td>$1.50</td>
<td>$4,270.50</td>
</tr>
<tr>
<td>51</td>
<td>Adjust Electric Handhole</td>
<td>EA</td>
<td>1</td>
<td>$150.00</td>
<td>$150.00</td>
</tr>
<tr>
<td>52</td>
<td>Adjust Light Pole</td>
<td>EA</td>
<td>3</td>
<td>$300.00</td>
<td>$900.00</td>
</tr>
<tr>
<td>53</td>
<td>Adjust Storm Drain Manhole/Lid</td>
<td>EA</td>
<td>10</td>
<td>$500.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>54</td>
<td>Transition from Roll to Barrier Curb (non-Expansive Soil)</td>
<td>LF</td>
<td>80</td>
<td>$24.00</td>
<td>$1,920.00</td>
</tr>
<tr>
<td>55</td>
<td>Adjust Utility Valve</td>
<td>EA</td>
<td>3</td>
<td>$120.00</td>
<td>$360.00</td>
</tr>
<tr>
<td>56</td>
<td>Adjust Ped Pole</td>
<td>EA</td>
<td>3</td>
<td>$200.00</td>
<td>$600.00</td>
</tr>
<tr>
<td>57</td>
<td>Adjust Utility Box</td>
<td>EA</td>
<td>3</td>
<td>$100.00</td>
<td>$300.00</td>
</tr>
</tbody>
</table>

**Subtotal**  
$735,540.08

**10% Contingency**  
$73,554.01

**TOTAL BASE BID**  
$810,194.09
### ADD ALTERNATE "A"

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>58</td>
<td>Install Curb and Gutter non-expansive soil</td>
<td>LF</td>
<td>320</td>
<td>$22.00</td>
<td>$7,040.00</td>
</tr>
<tr>
<td>59</td>
<td>Install Sidewalk non-expansive soil (Cost Includes Grading behind back of</td>
<td>SF</td>
<td>7500</td>
<td>$3.80</td>
<td>$28,531.95</td>
</tr>
<tr>
<td></td>
<td>walk between 0 - 4&quot; of ground height and excavation)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>Install Driveway non-expansive soil</td>
<td>SF</td>
<td>500</td>
<td>$9.00</td>
<td>$4,500.00</td>
</tr>
</tbody>
</table>

**Subtotal** $40,071.95  
**10% Contingency** $4,007.20  
**TOTAL** $44,079.15

### ADD ALTERNATE "B"

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>61</td>
<td>Traffic Control</td>
<td>LS</td>
<td>1</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>62</td>
<td>Remove and Dispose of Existing 30&quot; Cast In Place Pipe</td>
<td>LF</td>
<td>1195</td>
<td>$15.00</td>
<td>$17,925.00</td>
</tr>
<tr>
<td>63</td>
<td>Plug and Cap at Manholes</td>
<td>EA</td>
<td>2</td>
<td>$2,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>64</td>
<td>Backfill and Compact including extra Import Material as Required</td>
<td>LS</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>

**Subtotal** $26,925.00  
**10% Contingency** $2,692.50  
**TOTAL** $29,617.50

### ADD ALTERNATE "C"

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>65</td>
<td>Traffic Control</td>
<td>LS</td>
<td>1</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>66</td>
<td>Clearing and Grubbing</td>
<td>LS</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>67</td>
<td>Install Curb and Gutter non-expansive soil</td>
<td>LF</td>
<td>604</td>
<td>$35.00</td>
<td>$21,140.00</td>
</tr>
<tr>
<td>68</td>
<td>Install Curb and Gutter non-expansive soil</td>
<td>LF</td>
<td>571</td>
<td>$22.00</td>
<td>$12,562.00</td>
</tr>
<tr>
<td>69</td>
<td>Install Driveway expansive soil</td>
<td>SF</td>
<td>120</td>
<td>$17.00</td>
<td>$2,040.00</td>
</tr>
<tr>
<td>70</td>
<td>Install Sidewalk expansive soil (Cost Includes Grading behind back of</td>
<td>SF</td>
<td>2870</td>
<td>$5.50</td>
<td>$15,785.00</td>
</tr>
<tr>
<td></td>
<td>walk between 0 - 4&quot; of ground height)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>Install Sidewalk non-expansive soil (Cost Includes Grading behind back of</td>
<td>SF</td>
<td>2820</td>
<td>$3.50</td>
<td>$9,870.00</td>
</tr>
<tr>
<td></td>
<td>walk between 0 - 4&quot; of ground height)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>Install Curb Return per City Std. non-expansive soil include sawcuts</td>
<td>EA</td>
<td>2</td>
<td>$2,500.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td></td>
<td>curb, gutter, and sidewalk</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>Install Catch Basin</td>
<td>EA</td>
<td>1</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>74</td>
<td>Install Local Depression expansive soil</td>
<td>SF</td>
<td>32</td>
<td>$6.00</td>
<td>$192.00</td>
</tr>
<tr>
<td>75</td>
<td>Remove Curb and Gutter</td>
<td>LF</td>
<td>32</td>
<td>$4.50</td>
<td>$144.00</td>
</tr>
<tr>
<td>76</td>
<td>Remove and Relocate Water Meter Box</td>
<td>EA</td>
<td>1</td>
<td>$300.00</td>
<td>$300.00</td>
</tr>
<tr>
<td>77</td>
<td>Remove Concrete</td>
<td>SF</td>
<td>53</td>
<td>$2.50</td>
<td>$132.50</td>
</tr>
<tr>
<td>78</td>
<td>Install Paveout including roadway excavation</td>
<td>SF</td>
<td>8350</td>
<td>$2.50</td>
<td>$20,875.00</td>
</tr>
<tr>
<td>79</td>
<td>Remove Railroad</td>
<td>LF</td>
<td>72</td>
<td>$10.00</td>
<td>$720.00</td>
</tr>
<tr>
<td>80</td>
<td>Remove Guard Post with Guard Rail</td>
<td>EA</td>
<td>3</td>
<td>$300.00</td>
<td>$900.00</td>
</tr>
<tr>
<td>81</td>
<td>Adjust Road Sign</td>
<td>EA</td>
<td>2</td>
<td>$120.00</td>
<td>$240.00</td>
</tr>
<tr>
<td>82</td>
<td>Remove Ex. Catch Basin</td>
<td>EA</td>
<td>2</td>
<td>$2,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>83</td>
<td>18&quot; SDR 35 Storm Drain Pipe</td>
<td>LF</td>
<td>5</td>
<td>$35.00</td>
<td>$175.00</td>
</tr>
<tr>
<td>84</td>
<td>Adjust Storm Drain Manhole/Lid</td>
<td>EA</td>
<td>1</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>85</td>
<td>Adjust Ped Pole</td>
<td>EA</td>
<td>1</td>
<td>$200.00</td>
<td>$200.00</td>
</tr>
<tr>
<td>86</td>
<td>Adjust Utility Box</td>
<td>EA</td>
<td>2</td>
<td>$100.00</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

**Subtotal** $97,975.50  
**10% Contingency** $9,797.55  
**TOTAL** $107,773.05

### TOTAL BASE BID + ALTERNATES

$991,663.78

---

**Project Manager/Consultant**  
*Signature*  
*Date: 4-30-08*

**Public Works Director**  
*Signature*  
*Date: 4-50-08*

**City Engineer**  
*Signature*  
*Date: 4-30-08*

**City Manager**  
*Signature*  
*Date: 5-30-08*
COUNCIL AGENDA: MAY 6, 2008

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – GRANITE HILLS MICRO SEAL PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Granite Hills Micro Seal Project. The project includes construction of minor pavement patches, crack filling, installation of Type II Slurry Seal, striping and pavement marking. The project limits are Morton Avenue from Leggett Street to Conner Street, Conner Street from Morton Avenue to Olive Avenue, Olive Avenue from Conner Street to Olivecrest Avenue, Olivecrest Avenue from Olive Avenue to Crestview Street and Crestview Street from Olivecrest Avenue to Morton Avenue. The Micro Seal project will extend the life of the asphalt and aide in sealing minor to some moderate cracks. The Micro Seal process will not address major cracks and therefore, some future treatment in isolated areas will be required. In summary it is important at this time to protect the integrity of the existing asphalt.

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

The estimate of probable cost for the project is $161,620 with $16,162.00 required for the construction contingency (10%). An additional $8,081.00 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $185,863.00. An Estimate of Probable Cost is attached for Council’s review.

Funding is provided by Measure R Local Funds and was approved in the 07/08 Annual Budget.

RECOMMENDATION: That City Council:

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

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

ATTACHMENTS: Estimate of Probable Cost
Locator Map

P:\pub\works\Engineering\Council Items\Authorization to Advertise for Bids - Granite Hills Micro Overlay - 2008-05-06.doc

Dir Appropriated/Funded CM

Item No. 10
GRANITE HILLS MICRO SEAL PROJECT
ENGINEER'S ESTIMATE – April 29, 2008

<table>
<thead>
<tr>
<th>ITEM</th>
<th>QTY.</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization &amp; Demobilization</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>2.</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$13,000.00</td>
<td>$13,000.00</td>
</tr>
<tr>
<td>3.</td>
<td>50,310</td>
<td>S.Y.</td>
<td>Type II Slurry Seal per project specifications</td>
<td>$2.00</td>
<td>$100,620.00</td>
</tr>
<tr>
<td>4.</td>
<td>1</td>
<td>L.S.</td>
<td>Crack Filling per project specifications</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>5.</td>
<td>300</td>
<td>S.F.</td>
<td>Grind &amp; Pave Asphalt Concrete per Project specifications</td>
<td>$10.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>6.</td>
<td>1</td>
<td>L.S.</td>
<td>Striping &amp; Pavement Markings</td>
<td>$30,000.00</td>
<td>$30,000.00</td>
</tr>
</tbody>
</table>

SUB TOTAL $161,620.00

10% Construction Contingency $16,162.00

5% Construction Engineering $8,081.00

Total Estimated Probable Cost of Project $185,863.00

ESTIMATE CERTIFIED

Project Manager 4/30/08

City Engineer 4/30/08

Public Works Director 4/30/08

City Manager 4/30/08
SUBJECT: AWARD OF CONTRACT – NEWCOMB STREET SHOULDER STABILIZATION PROJECT

COMMENT: On April 23, 2008, staff received five (5) bids for the Newcomb Street Shoulder Stabilization Project. The project consists of the installation of new curbs, gutters and sidewalk as needed along Newcomb Street between Olive Avenue and Morton Avenue.

The estimated probable cost for the base bid was $173,913.05 and an estimated probable cost of $195,509.90 for the base and add alternate bid. The project is funded by a Congestion Mitigation & Air Quality (CMAQ) grant and LTF.

The bids including Add Alternate A are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Halopoff &amp; Sons, Inc. Porterville, CA</td>
<td>$145,856.93</td>
</tr>
<tr>
<td>2. American Paving Co. Fresno, CA</td>
<td>$188,720.00</td>
</tr>
<tr>
<td>3. Granite Construction Fresno, CA</td>
<td>$192,214.00</td>
</tr>
<tr>
<td>4. Sierra Range Construction Visalia, CA</td>
<td>$201,350.61</td>
</tr>
<tr>
<td>5. Lockwood General Eng., Inc. Visalia, CA</td>
<td>$227,689.25</td>
</tr>
</tbody>
</table>

RECOMMENDATION: That the City Council:

1. Award the Newcomb Street Shoulder Stabilization Project to Halopoff and Sons in the amount of $145,856.93,

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

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

ATTACHMENT: Locator Map

Dir Appropriated/Funded CM  Item No. 11
SUBJECT: ACCEPTANCE OF PROJECT – OLIVE AVENUE AND HOLCOMB STREET BUS TURNOUT

SOURCE: Public Works Department - Engineering Division

COMMENT: V&G Builders, Inc. has completed the Olive Avenue and Holcomb Street Bus Turnout Project per plans and specifications. The City of Porterville is making improvements to Route 3 (East Porterville) bus stops, because Route 3 Olive Avenue and Holcomb Street bus stop, experiences the highest use. The bus turnout project included removal of existing concrete improvements and installation of new concrete improvements allowing for a bus to completely pull out of the travel way to access the bus stop location. The construction project included a concrete pad with two (2) bus shelters provided by the City and installed by the contractor. All improvements were constructed within City right of way.

City Council authorized an expenditure of $32,983.50 for construction. Final construction cost is $29,985.00. Funding for this project is from FTA grant and LTF, and was approved in the 2007/2008 Annual Budget for bus turnouts.

V&G Builders, Inc. requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete; and

2. Authorize the filing of the Notice of Completion.

ATTACHMENT: Locator Map

P:\pubwork\Engineering\Council Item\Acceptance of Project - Olive Ave & Holcomb St Bus Turnout - 2008-05-06.doc

Dir B  Appropriated/Funded  f  CM  f  Item No. 12
SUBJECT: ACCEPTANCE OF THE WELL NO. 31 (PHASE ONE - DRILLING) PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Zim Industries, Inc. has completed the water well drilling phase of the Well No. 31 Project. The new municipal water well is located on the west side of Mathew Street, south of Orange Avenue. The first phase of the Well No. 31 Project consisted of drilling a 30" diameter bore hole 510 feet deep, installation of steel casing, development and production testing. The water quality is good and production will be approximately 1,500 gallons per minute.

The City's consultant, Dee Jaspar & Associates was involved with the project inspection and will provide the City with inspection reports, as-built plans and other appurtenant information related to the construction of the project.

City Council authorized expenditure of $467,258. Final construction cost is $395,395. Funding source is water developer impact fees.

Zim Industries, Inc. requests that the City accept the project as complete. Staff has reviewed the work and found it acceptable.

RECOMMENDATION: That the City Council:

1. Accept the Well No. 31 Project (Phase One - Drilling) Project as complete;

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

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

ATTACHMENT: Locator Map
Lot B of Summit Estates Subdivision, Phase One
situated in the City of Porterville, County of Tulare,
State of California per map recorded in Book 42,
Page 48 of Maps in the Office of the County Recorder
of said County.

OWNER: Sme Builders
APN: 259-050-054
AREA: 5,040 S.F.
DRAWN BY TJ
CHCK BY MKR

City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827462
SUBJECT: ACCEPTANCE OF PROJECT – TRAFFIC SIGNAL #9 (OLIVE AVENUE & MATHEW STREET)

SOURCE: Public Works Department - Engineering Division

COMMENT: Loop Electric has completed the Traffic Signal #9 (Olive Avenue & Mathew Street) Project per plans and specifications. The project included the installation of a traffic signal, new disable ramps, signing, striping, loop detectors and minor asphalt work.

City Council authorized expenditure of $244,200 for construction. Final construction cost is $223,185. Funding for this project was budgeted in the 2007/2008 budget as follows:

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

Loop Electric requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.

ATTACHMENT: Locator Map

P:\pubward\Engineering\Council Items\Acceptance of Project - Traffic Signal #9 (Olive Ave & Mathew St) 2008-05-06.doc

Dir Appropriated/Funded CM

Item No. 14
SUBJECT: ACCEPTANCE OF PROJECT - RIVERWALK MARKETPLACE (Bid Package 3 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.

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 SR190, Vandalia Avenue, east of Jaye Street and Springville Avenue east of Jaye Street with traffic signals at the Jaye Street/Vandalia Avenue and Jaye Street/Springville Avenue intersections. These improvements were accepted by City Council during the April 15, 2008 meeting.

Bid Proposal No. 2 (BP-2) Vandalia Avenue west of Jaye Street and Springville Avenue west of Jaye Street. These improvements were accepted by City Council during the April 15, 2008 meeting.

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-3 of the Riverwalk Marketplace Commercial Center Project per plans and specifications.

City Council authorized expenditure of $529,801.20 for BP-3 and the final construction cost is $502,985.24.

The Developer, Ennis Commercial Properties, LLC, requests that the City accept BP-3 as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project BP-3 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
DEDICATION OF CITY PROPERTY TO PORTERVILLE PUBLIC CEMETERY DISTRICT –TUESDAY’S ANGELS

Public Works Department - Engineering Division

In December 2003, Public Works informed the City Council that the City had created 2.26 acres of surplus property due to the realignment and creation of a new street known as Olivecrest Street. The surplus property is located north of and adjacent to Porterville Public Cemetery District.

Tuesday’s Angels, a non-profit organization that provides free internment services for indigent children, in conjunction with Porterville Public Cemetery District, hereinafter referred to as the “District”, asked the City to dedicate the surplus property to the District with the understanding that the District would make available a pre-determined number of plots for the exclusive use of Tuesday’s Angels.

The City’s main condition for dedicating the surplus property to the District was that the District specify in writing the number of plots dedicated to Tuesday’s Angels and; that said number be sufficient so as not to raise any questions or concerns related to “gift of public fund” issues.

After numerous attempts at drafting a comprehensive agreement acceptable to Porterville Cemetery, Tuesday’s Angels, the City of Porterville and respective City & County Attorneys, a final agreement is now ready for Council’s review and approval.

In summary, the City agrees to:

1. Convey fee title of the 2.26 acres of surplus property to the District for the purpose of enlarging the Hillcrest Cemetery.

2. Agrees to abandon all easements owned by, or for the benefit of the City, and that are no longer in use, including without limitation, roads and utility easements.

The Porterville Public Cemetery District agrees to:

1. Make available 145 burial plots for use by Tuesday’s Angels for its charitable purposes, at no cost, but subject to the standard payment into the endowment care fund mandated by law.

Item No. 110
2. Allocate to Tuesday's Angels at least 10 grave plots (at a time) of the Porterville Public Cemetery upon receipt of the applicable payment into the endowment care fund.

Tuesday's Angels agrees to:

1. Pay the standard fees necessary to endow the care and maintenance of burial plots allocated for use by Tuesday's Angels.

2. Award the plots only for members of the public who lawfully qualify for burial in a cemetery owned and operated by the Porterville Public Cemetery District (District).

3. Provide written application to the District for every burial plot covered under this agreement.

4. Award the plots to members of the public based only on lawful written criteria that is generally applicable to all applicants.

The points covered in staff's report are not all that is contained within the "agreement". However, the points described herein represent the essential issues crucial to the agreement.

RECOMMENDATION: That the City Council:

1. Approve the agreement as written;

2. Authorize the Mayor to execute the agreement; and

3. Direct the Public Works Director to proceed with the lawful conveyance of the 2.26 acres by grant deed to the Porterville Public Cemetery.

ATTACHMENT: Agreement
Locator Map
AGREEMENT

THIS AGREEMENT is entered into as of ___________ between the PORTERVILLE PUBLIC CEMETERY DISTRICT ("DISTRICT"), the CITY OF PORTERVILLE ("CITY") and TUESDAY’S ANGELS, a California nonprofit public benefit corporation ("TA") with reference to the following:

A. TA is a California nonprofit corporation dedicated to providing burial assistance to families of deceased children that are financially unable to pay for the burial of their children, including the cost of the burial site(s).

B. DISTRICT is a public cemetery district that owns and operates several public cemeteries, including the Hillcrest Cemetery located in the city of Porterville, California.

C. CITY owns two parcels of property (collectively the “subject property”) located in the immediate vicinity of the Hillcrest Cemetery (Parcel 1 consisting of approximately 1.026 acres and Parcel 2 consisting of approximately 1.242 acres), more particularly described in EXHIBIT A attached hereto.

D. CITY desires to convey the subject property to the DISTRICT for enlargement of the Hillcrest Cemetery on the condition that DISTRICT make available to TA a total of one hundred and forty-five (145) burial plots for its charitable purposes, as provided in this agreement.

ACCORDINGLY, IT IS AGREED:

1. OBLIGATIONS OF CITY: CITY agrees that it will:

   a) Convey fee title to the subject property to the DISTRICT by Grant Deed, on the condition that the DISTRICT make available to TA a total of one hundred and forty-five (145) burial plots as provided in this agreement, subject to any and all easements of record;

   b) Abandon any and all easements owned by, or for the benefit of, the CITY and that are no longer in use, including without limitation, roads and utility easements.

2. OBLIGATIONS OF DISTRICT: DISTRICT agrees that it will accept conveyance of the subject property after review and approval of a preliminary title report, obtained at its own expense, describing any easements affecting the subject property and integrate the use of the subject property with the operation of the Hillcrest Cemetery. DISTRICT’s approval of
the title report shall be communicated to CITY by letter which will be accompanied by a copy of the title report. In addition, DISTRICT agrees that it will:

a) Make available one hundred and forty-five (145) burial plots of the Porterville Public Cemetery District for use by TA for its charitable purposes, at no cost, but subject to the standard payment into the endowment care fund mandated by law;

b) From time to time, allocate to TA at least ten (10) grave plots of the Porterville Public Cemetery District upon receipt of the applicable payment into the endowment care fund mandated by law; however, if TA has less than ten (10) grave plots remaining from the one hundred and forty-five (145) provided under this agreement, the remaining plots shall be allocated to TA upon receipt of standard payment into the endowment care fund mandated by law.

3. **OBLIGATIONS OF TA:** TA agrees that it will perform the following:

a. Pay the standard fees necessary to endow the care and maintenance of burial plots allocated for use by TA for its charitable purposes;

b. Award the plots only for members of the public who lawfully qualify for burial in a cemetery owned and operated by the Porterville Public Cemetery District;

c. Require submittal of a written application to TA for every burial plot covered under this agreement; and

d. Award the plots to members of the public based only on lawful written criteria that is generally applicable to all applicants.

4. **COMPLIANCE WITH LAW:** TA shall, and TA shall advise and counsel the families it serves that they must, comply with any and all applicable federal, state, and local laws, regulations and directives, including, but not limited to, those relating to burial in public cemeteries such as residency requirements and all rules and regulations promulgated by the DISTRICT as may be amended from time to time.

5. **INDEMNIFICATION:** To the fullest extent permitted by law, TA shall hold harmless, defend and indemnify the CITY and DISTRICT, their agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind arising in connection with the performance by TA, or its agents, officers and employees under this agreement, or based on the CITY’s and DISTRICT’s provision of the burial plots for TA’s charitable purposes.

6. **CONFLICT OF INTEREST:** The parties agree at all times in the performance of this agreement to conform to the legal standards of the law of the State of California regarding conflicts of interests or appearance of conflicts of interests, including, but not limited to Government Code Section 1090 et seq., and the Political Reform Act, Government
Code Section 81000 et seq. and regulations promulgated pursuant thereto by the California Fair Political Practices Commission.

7. **TERMINATION:**
   a. This agreement may be terminated by any party, including the CITY but only until such time that the subject property is conveyed by the CITY as provided in this agreement, should any party:
      i. be adjudged a bankrupt, or
      ii. become insolvent or have a receiver appointed, or
      iii. make a general assignment for the benefit of creditors, or
      iv. suffer any judgment which remains unsatisfied for 30 days, and which would substantively impair the ability of the judgment debtor to perform under this agreement, or
      v. materially breach this agreement.

   For any of the occurrences except item (v), termination may be effected upon written notice by the terminating party specifying the date of the termination. Upon a material breach, the agreement may be terminated following the failure of the defaulting party to remedy the breach to the satisfaction of the non-defaulting party within five (5) days of written notice specifying the breach. If the breach is not remedied within that five (5) day period, the non-defaulting party may terminate the agreement on further written notice specifying the date of termination. If the nature of the breach is such that it cannot be cured within a five (5) day period, the defaulting party may, submit a written proposal within that period which sets forth a specific means to resolve the default. If the non-defaulting party consents to that proposal in writing, which consent shall not be unreasonably withheld, the defaulting party shall immediately embark on its plan to cure. If the default is not cured within the time agreed, the non-defaulting party may terminate upon written notice specifying the date of termination.

   b. **Effects of Termination:** Expiration or termination of this agreement shall not terminate any obligations to indemnify or to maintain and make available any records pertaining to the agreement. After it conveys the subject property to DISTRICT, any attempt to terminate this agreement by CITY shall not affect the continued ownership of the subject property by DISTRICT.

8. **ENTIRE AGREEMENT REPRESENTED:** This agreement represents the entire agreement among the parties as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this agreement may be modified without the written consent of all parties, including the CITY, after the CITY conveys the subject property.

9. **HEADINGS:** Section headings are provided for organizational purposes only and do not in any manner affect the scope, meaning or intent of the provisions under the headings.
10. **NOTICES:**

1. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

**DISTRICT:**
Porterville Public Cemetery District
1013 E. Olive Avenue
Porterville, CA 93257
Phone: 559-784-1569
Fax: 559-784-6152

**CITY:**
City of Porterville
291 N. Main Street
Porterville, CA 93257
Phone: 559-782-7462
Fax: 559-791-7830

**TA:**
Tuesday's Angels
Cyndi Belmont
2415 W. Oak Grove Ct.
Visalia, CA 93291
Phone: 559-airplane
Fax: 559-airplane

2. Notice personally delivered is effective when delivered. Notice sent by facsimile transmission is deemed to be received upon successful transmission. Notice sent by first class mail shall be deemed received on the fifth (5th) day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

11. **CONSTRUCTION:** This agreement reflects the contributions of all parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.

12. **NO THIRD PARTY BENEFICIARIES INTENDED:** Unless specifically set forth, the parties to this agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

13. **GOVERNING LAW:** This agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. The parties agree that this contract is made in and shall be performed in Tulare County California.

14. **WAIVERS:** The failure of any party to insist on strict compliance with any provision of this agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by any party of either performance or payment shall not be considered to be a waiver of any preceding breach of the agreement by any other party.

15. **EXHIBITS AND RECITALS:** The recitals and the exhibits to this agreement are fully incorporated into and are integral parts of this agreement.

16. **CONFLICT WITH LAWS OR REGULATIONS/SEVERABILITY:** This
agreement is subject to all applicable laws and regulations. If any provision of this agreement is found by any court or other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the agreement to either party is lost, the agreement may be terminated at the option of the affected party. In all other cases the remainder of the agreement shall continue in full force and effect.

17. FURTHER ASSURANCES: Each party will execute any additional documents and perform any further acts which may be reasonably required to effect the purposes of this agreement.

18. ASSURANCES OF NON-DISCRIMINATION: TA and DISTRICT shall not discriminate in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.

19. ASSIGNMENT/SUBCONTRACTING: No part of this agreement may be assigned or subcontracted by any party without the prior written consent of all parties, including the CITY, after the CITY conveys the subject property.

20. DISPUTE RESOLUTION: If a dispute arises out of or relating to this agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected randomly by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the participating parties, and each party shall bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, either party may pursue litigation to resolve the dispute.

THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

PORTERVILLE PUBLIC CEMETERY DISTRICT

Date: By

Chairman, Board of Trustees
CITY OF PORTERVILLE

Date: __________

By ____________________________

Corporations Code section 313 requires that contracts with a corporation be signed by both (1) the chairman of the Board of Directors, the president or any vice-president, and (2) the secretary, any assistant secretary, the chief financial officer, or any assistant treasurer, unless the contract is accompanied by a certified copy of the corporation's Board of Directors' resolution authorizing the execution of the contract.

TUESDAY'S ANGELS
A California Public Benefit Nonprofit Corporation

Date: __________

By ____________________________

TITLE _________________________

Date: __________

By ____________________________

TITLE _________________________

MD/10/04/2007/20041430/150971_2.doc
SUBJECT: AUTHORIZATION TO AUGMENT FINANCIAL PARTICIPATION WITH ENNIS COMMERCIAL PROPERTIES, LLC - STATE ROUTE 190 & SOUTH JAYE STREET CONSTRUCTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: At the September 18, 2007 City Council meeting, authorization was given for participation with Ennis Commercial Properties, LLC (ECP) for the State Route 190 and South Jaye Street Reconstruction Project. The project included the addition of lanes within the State’s right of way, significant shoulder augmentation, and removal and replacement of a traffic signal. These improvements are a component of the Riverwalk Marketplace Commercial Center development.

Originally, Council was presented with Teichert Construction’s bid amount identifying both parties share in the Public Improvement Agreement:

<table>
<thead>
<tr>
<th></th>
<th>Teichert Bid Amount</th>
<th>City’s Responsibility</th>
<th>ECP’s Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$2,817,236.00</td>
<td>$1,366,581.94</td>
<td>$1,450,654.06</td>
</tr>
</tbody>
</table>

Staff presented a 48.5% City share and a 51.5% ECP share for all improvements associated with this project. The Public Improvement Agreement shows the City’s share for the improvements along SR 190 to be 48.5%, but 100% for the improvements associated with South Jaye Street, south of the highway. Therefore, the appropriate cost sharing should have been as follows:

<table>
<thead>
<tr>
<th></th>
<th>SR 190 Amount</th>
<th>City’s Responsibility</th>
<th>ECP’s Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$2,555,166.00</td>
<td>$1,239,477.99</td>
<td>$1,315,688.01</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>So. Jaye St. Amount</th>
<th>City’s Responsibility</th>
<th>ECP’s Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$262,070.00</td>
<td>$262,070.00</td>
<td>$0.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Total Contract</th>
<th>City’s Total Share</th>
<th>ECP’s Total Share</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$2,817,236.00</td>
<td>$1,501,547.99</td>
<td>$1,315,688.01</td>
</tr>
</tbody>
</table>

Public Works regrets the error. Public Works respectfully asks that the City Council augment our participation share by $148,462.60, which includes the 10% contingency.

In April 2008, Council accepted Bid Proposal No. 1 (Jaye Street – SR 190 to Springville Avenue) and Bid Proposal No. 2 (Vandalia Avenue and Springville Avenue), which are components of the overall Riverwalk Marketplace Commercial Center. Funds remaining from these two projects total $167,399.14. These funds are available to augment the SR 190 and South Jaye Street contract to make Ennis Commercial Properties, LLC whole.

RECOMMENDATION: That the City Council authorize the City to increase the participation amount with Ennis Commercial Properties, LLC for the SR 190 and South Jaye Street Reconstruction project by $148,462.66.

Item No. 17
COUNCIL AGENDA: MAY 6, 2008

SUBJECT: AUTHORIZATION LETTER FOR REGIONAL HOUSEHOLD HAZARDOUS WASTE AND USED OIL GRANT APPLICATIONS

SOURCE: Public Works Department – Field Services Division

COMMENT: The Tulare County Environmental Health Department (TCEHD) is applying for several grants on behalf of the County of Tulare and the incorporated cities. Each city needs to give TCEHD authorization to submit regional application for the grants. Attached is the letter that the City Manager needs to sign. This letter serves only to authorize inclusion of our City in the grant application and does not involve any additional obligation on our part.

RECOMMENDATION: That City Council authorize the City Manager to sign the Authorization Letter for Regional Grant Applications on behalf of the City of Porterville.

ATTACHMENT: Authorization Letter for Regional Grant Applications

P:\pub\works\Engineering\Council\Items\Authorization Letter for Regional Household Hazardous Waste and Used Oil Grant Applications - 2003-05-06.doc

Dir: Appropriated/Funded

Item No. 18
May 6, 2008

Dear California Integrated Waste Management Board:

Re: Authorization Letter for Regional Grant Applications:
   17th Cycle Household Hazardous Waste Infrastructure and Coordination Grants
   14th Cycle Used Oil Block Grant

The City Of Porterville authorizes the Tulare County Environmental Health Services to submit to the California Integrated Waste Management Board regional applications for the Household Hazardous Waste and Used Oil Block Grants for Fiscal Year 2008/09 on its behalf. The Tulare County Environmental Health Services is hereby authorized and empowered to execute all grant documents necessary to secure grant funds and implement the approved grant project.

Sincerely,

John Longley
City Manager
City Of Porterville
SUBJECT: AN INTERIM ORDINANCE ADOPTING AN INTERIM ZONING MATRIX AND IMPLEMENTATION PLAN TO IMPLEMENT THE PORTERVILLE 2030 GENERAL PLAN – UPDATE REPORT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: On March 4, 2008 the City Council of the City of Porterville adopted a Comprehensive General Plan Update that established a blueprint for city growth and development through the year 2030 which included a long term implementation program for the plan. On April 15, 2008, the City Council adopted an interim urgency ordinance to guide development decisions until the Zoning Ordinance can be adopted. The interim ordinance included a zoning matrix to assist in determining zoning classifications for each General Plan land use designation as well as findings that need to be made when the decision is not clear.

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 the public input process, this timeline could, and likely will, be prolonged so that consensus can be reached.

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 ordinance update. In this case, the City has adopted a new General Plan and has adopted 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. The interim ordinance will be effective for a period of 45 days, from the time of adoption unless appealed. A public hearing will be scheduled for May 20, 2008 pursuant to Government Code Section 65858. The public hearing allows for receiving public input on 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.
Under Government Code Section 65853, staff is required to provide an update on the progress of the interim zoning ordinance's implementation prior to the scheduled public hearing.

Staff is currently working with a consultant, Dyett and Bhatia, to prepare a comprehensive update to the Zoning and Subdivision Ordinances. Stakeholder interviews have taken place to collect input from a variety of local interests on issues with the current ordinances and establish ways to improve them. The results of these interviews have been documented and will facilitate future efforts to address important issues.

A Zoning and Subdivision Ordinance Update Advisory Committee has been organized and is made up of the same individuals that served on the General Plan Update Advisory Committee. Their mission will be to steer the creation of these new ordinances and give valuable input. The first meeting of this group is scheduled for May 8, 2008.

Since the adoption of the interim zoning ordinance on April 15, 2008, staff has used the zoning matrix to answer a number of developer questions regarding zoning classifications for specific sites and permitted uses in those zones. As of the date this report was written there have not been any complex cases where findings were needed to determine General Plan consistency.

RECOMMENDATION: Informational Only

ATTACHMENT: None
CITY COUNCIL AGENDA: MAY 6, 2008

SUBJECT: CONDITIONAL USE PERMIT 3-2007 (MR. JOHAL, OLIVE MINIT MART) ONE (1) YEAR EXTENSION OF TIME

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Mr. Johal – Olive Minit Mart
709 W. Olive Avenue
Porterville, CA 93257

COMMENT: The applicant is requesting approval of a one (1) year extension of time for the originally approved Conditional Use Permit 3-2007.

Due to the economic hard times and the extremely competitive market of gas sales and distribution, the Olive Minit Market has been unable to start construction and implement the conditions of approval pursuant to City Council Resolution 26-2007 for Conditional Use Permit 3-2007.

On April 17, 2007, the Porterville City Council approved Conditional Use Permit 3-2007, by City Council Resolution No. 26-2007. Approval of this resolution allowed for the development of a self-service automotive fuel dispensing island and canopy in conjunction with the existing 2,900±-square-foot convenience market located within the C-3 (Heavy Commercial) Zone located at 709 West Olive Avenue.

Section 2903-C of the Porterville Zoning Ordinance states:

"Any Conditional Use Permit shall become null and void at the expiration of the term thereof, or if not undertaken and actively and continuously pursued within the time specified in the permit or within one (1) year if no time is specified therein”.

If the proposed one (1) year extension is granted, the Conditional Use Permit will not become null and void until April 17, 2009.
RECOMMENDATION: That the City Council adopt the draft resolution approving a one (1) year extension of time for Conditional Use Permit 3-2007.

ATTACHMENT:

1. Locator Map
2. Letter requesting the Extension of Time
4. Draft Resolution
709 WEST OLIVE

OLIVE

OLIVE

COTTAGE

OLIVE TERRACE

COTTAGE

SUBJECT SITE

ATTACHMENT 1
April 8, 2008

To: City of Porterville
Planning Department

Re: Conditional use permit No. 3-2007

To whom it may concern,
Due to the economic hard times and the extremely competitive market of Gas sales and distribution, the Olive Minit Mart has been unable to start any of the approved use permit requests. At this time Mr. Jothal would like an extension of the approved conditional use permit No. 3-2007 for a minimum of one year.
We have high expectations that within the next year the economy should be getting back on track and this project should be able to proceed.
We would appreciate your understanding and allow at least a one year extension of time to start the project.

Thank You,

Mark Hillman
RESOLUTION NO. 26-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF CONDITIONAL
USE PERMIT 3-2007 FOR THAT .60± ACRE SITE LOCATED AT THE SOUTHEAST
CORNER OF OLIVE AVENUE AND COTTAGE STREET

WHEREAS: The City Council at its regularly scheduled meeting of April 17, 2007, conducted a
Public Hearing to consider Conditional Use Permit 3-2007 to allow the development of a self-service
automotive fuel dispensing island and canopy in conjunction with an existing 2,900± square foot
convenience market located within the C-3 (Heavy Commercial) Zone, located at the south east corner of
Olive Avenue and Cottage Street; and

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

1. That the proposed project is consistent with the site's General Plan Land Use and Zoning
   Designations.
2. That the site is physically suitable for the type of development proposed.
3. That the design of the project or the proposed improvements are not likely to cause
   substantial environmental damage.
4. That the subject project per Class 3, Section 15303 (C) of the CEQA Guidelines is
   Categorically Exempt.
5. That the proposed location of the project and the conditions under which it will be operated
   and maintained will not be detrimental to the public health, safety, or welfare, or materially
   injurious to properties or improvements in the vicinity.
6. That the standards of the site area dimensions, site coverage, height of structures, off-street
   parking facilities, and landscaped areas will produce an environment of stable and desirable
   character consistent with the objectives of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does
hereby approve Conditional Use Permit 3-2007 subject to the following conditions:

1. Five-foot landscaping required northwest corner of lot separating the parking from the
   sidewalk.
2. Twelve parking spaces are required for the project based on the 1900sf (10) for the
   mini-mart and the 1,050 square feet (2) for the storage area.
3. No expansion of the mini-mart into the storage area will be allowed without requiring
   additional per code.
4. Two islands with four total pumps are to be constructed.
5. Minimum one ADA van accessible parking (17'x20') is required.
6. A six-foot masonry block wall is required along the south property line separating the residential use from the commercial use. A block wall is required to be constructed and maintained where a non-residential use abuts a residential use.

7. As per request of applicant for information, all signs will need new and separate permits. The relocation of the current sign along the Olive Avenue frontage to the northeast corner of the property will require a permit as if a new sign were being erected (Section 2003: Erection Permit).

8. The proposed canopy will be architecturally consistent with the main building materials, colors regarding trim and stucco finishing. The field island canopy poles will be consistent with those of the canopy on the existing convenience market. Any deviation in this design will require Zoning Administrator or City Council approval.


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

11. The developer/applicant shall construct and/or repair curbs, gutters, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).

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

13. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

14. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply.

15. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:
a. Wastewater Discharge Permit Application, Part "A"; and if monitoring is required, based on the responses to questions in Part "A" of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

16. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental Health. The developer/applicant shall provide proof of compliance with County requirements before issuance of a certificate of occupancy.

17. If underground storage tank(s) are to be used for storage of hazardous substances, the developer/applicant shall follow California Health and Safety Code, Division 20, Chapter 6.7, Section 25280 through 25299.6, governing the underground storage of hazardous substances.

18. The developer/applicant shall install a refuse container enclosure according to City standards. Enclosure location to be approved by City prior to issuance of building permit. Enclosure should be oriented for direct pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot. The enclosure shall be located near the southerly Cottage Street driveway with the opening facing northeast, 45-degree orientation to the access point.

19. A back-flow device is required on the water meter.

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

21. The subject site will be developed in accordance with the site plan, elevation plan, and building colors and materials labeled Exhibit "A."

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

23. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to
occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and cleanly appearance.

24. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.

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

26. Compliance with all applicable codes is required.

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

28. Soils compaction test shall be required.

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

30. Approval from the Tulare County Health Department prior to issuance of the building permit.

31. Signs require separate permits.

32. Submit stamped engineering plans for new canopy.

33. Submit demo permit for removal of existing canopy at rear of property.

34. Pumps shall be handicap accessible.

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

ADOPTED this 17th day of April, 2007.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF A ONE (1) YEAR
EXTENSION OF TIME FOR CONDITIONAL USE PERMIT 3-2007 (OLIVE MINIT-MART)
TO ALLOW FOR THE DEVELOPMENT OF A SELF-SERVICE AUTOMOTIVE FUEL
DISPENSING ISLAND AND CANOPY FOR THAT SITE LOCATED
AT 709 WEST OLIVE AVENUE

WHEREAS: The Porterville City Council at its regularly scheduled meeting of May 6, 2008, considered a one (1) year extension of time request for Conditional Use Permit 3-2007 to allow for the development of a self-service automotive fuel dispensing island and canopy for that site located at 709 West Olive Avenue; and

WHEREAS: On April 17, 2007, the Porterville City Council approved Conditional Use Permit 3-2007, by City Council Resolution No. 26-2007. Approval of this resolution allowed for the development of a self-service automotive fuel dispensing island and canopy in conjunction with the existing 2,900± square foot convenience market located within the C-3 (Heavy Commercial) Zone located at 709 West Olive Avenue; and

WHEREAS: Due to the economic hard times and the extremely competitive market of gas sales and distribution, the Olive Minit Market has been unable to start construction and implement the conditions of approval pursuant to City Council Resolution 26-2007 for Conditional Use Permit 3-2007.

WHEREAS: The Council made the following findings:

1. That the proposed project is consistent with the Zoning Ordinance.

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

3. That a pursuant to Section 15301 Class 3 (e) (1), the original Conditional Use Permit was categorically exempt from the CEQA Guidelines.

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

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

6. That Section 2903-C of the Porterville Zoning Ordinance states:

"Any Conditional Use Permit shall become null and void at the expiration of the term thereof, or if not undertaken and actively and continuously pursued within the time specified in the permit or within one (1) year if no time is specified therein”.

ATTACHMENT
ITEM NO. 4
7. That the extension for Conditional Use Permit 3-2007 is to provide the developer an opportunity to keep the Conditional Use Permit 3-2007 active for an additional one (1) year.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a one (1) year extension of time for Conditional Use Permit 3-2007 (Olive Minit Mart) and that the conditions specified in City Council Resolution 26-2007 shall remain in full force and effect. Said extension of time shall commence April 17, 2008, and shall expire on April 17, 2009.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By

______________________________
Patrice Hildreth, Chief Deputy City Clerk
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 was to adopt the Blueprint in May of 2008. Staff was informed that consideration for adoption was pushed back to June 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 from TCAG to complete the Council’s request for information and thoroughly review Blueprint information that is not readily available. Staff has been monitoring the Blueprint process and has conducted a comparative analysis between the growth density previously experienced in the City and that anticipated under the newly adopted General Plan, as well as reviewed how that growth aligns with the conceptual growth scenarios for the Blueprint.

The previous General Plan indicated a total planning area of 45 square miles and an anticipated build out population of 49,287 by the year 2010. When put into terms of density that is 1,095 people per square mile ultimately anticipated in the plan.
The current General Plan, adopted on March 4, 2008 indicates a total planning area of 57 square miles and an anticipated build out population of 107,300 by the year 2030. When put into terms of density, that equates to 1,889 people per square mile. This is an approximate 73% increase in density with the new plan.

With such an increase anticipated, it appears reasonable to staff to support a county-wide effort to increase density by 25% since build out under the plan is not assured, but planned for. Other cities have expressed that a 25% increase in density is reasonable and realistic, including the Cities of Visalia and Tulare.

**RECOMMENDATION:** That the City Council:

1. Approve 25% increased density assumption.
2. Authorize the Mayor to sign a letter indicating support for 25% increased density model and request adequate time to review and comment on draft Blueprint Policies.
SUBJECT: SEAFOOD CAFE/EL REVENTON UPDATE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – Planning Division

COMMENT: On June 5, 2007, Resolution 44-2007 was adopted approving Conditional Use Permit (CUP) 5-2007 for a restaurant and banquet hall to be developed in two phases, that included the restaurant in the first phase and the banquet hall in the second phase. With this, certain conditions in the CUP were to be completed for each phase of the project. On February 19, 2008, the City Council opened a public hearing to consider Modification #1 to Conditional Use Permit (CUP) 5-2007. The modification proposed a change in floor plan to enclose a portion of the restaurant to be utilized as a multi-purpose room. It was found that at the time of the request for modification required conditions of approval in the CUP were unclear and a number were not implemented. At the Council’s direction, staff amended the original resolution of approval to clarify the timing of conditions to be completed for phase one and for phase two. Council approved the amended resolution and the modification to CUP 5-2007 adding a condition of approval that required the applicant to satisfy all conditions of phase one within 60 days. The 60 days ended on April 20, 2008.

Council directed staff to monitor the progress and permit processing for the Seafood Café/El Reventon over the 60 day period. Staff did so, and for approximately the initial thirty (30) days no action was taken. The following is a timeline of events since the February 19, 2008 City Council meeting:

- March 10, 2008 – Site visit by staff. No action appeared to have been taken by the applicant on the site nor were permits requested.
- March 18, 2008 – Site visit by staff. No action appeared to have been taken by the applicant on the site nor were permits requested.
- March 20, 2008 – An application for two (2) new drive approaches and sidewalk was submitted to the City. They were approved and permits issued on March 27, 2008.
- March 27, 2008 – An application for a block trash enclosure was submitted to the City. It was approved and a permit issued on March 31, 2008.
- April 2, 2008 – Construction of double size refuse enclosure had begun but had not been completed. The landscape area along the property frontage had begun but had not been completed. Drive approaches and sidewalk had been installed.
April 10, 2008 – Site visit by staff. The trash enclosure had been completed, and drive approaches had been installed. The additional landscaping along the frontage was not complete. Fire lanes had not been repainted or identified along the west side of the building, and lighting throughout the parking lot had not been be approved by the Police Chief or Zoning Administrator.

April 17, 2008 – The trash enclosure was completed, and drive approaches were installed. The additional landscaping along the frontage was not complete. Fire lanes were not repainted or identified along the west side of the building, and lighting throughout the parking lot needed verification by Police Chief or Zoning Administrator.

April 17, 2008 - Mr. Luis Farias contacted staff and requested an inspection of the site and review of the conditions satisfied to date.

April 18, 2008 - Staff met with Mr. Farias, listed the deficient phase one conditions and informed him that staff would return on Sunday, April 20, 2008. Staff also spoke with Mr. Farias’ contractor, Greg Laubacher of Laubacher Construction. Mr. Laubacher stated that the remaining conditions would be satisfied before the end of the week (4-25-08) and he would come into the office on April 21, 2008 to review the proposed landscape plan and ask a few questions. Mr. Laubacher was informed of a minor change that was required to the location of the tree wells installed in the sidewalk and that its attention would have been brought forth sooner if the plans were submitted when initially requested on March 11, 2008. Mr. Farias commented that the unstable economy had made it difficult to finance all of the required conditions for phase one and that the total cost for the improvements was nearing $80,000.00, constituting an economic hardship.

Sunday April 20, 2008 - Staff re-visited and documented the conditions. The parking lot lights, sidewalk, driveways, and the refuse enclosure had been installed. Although installed, the onsite improvements had not been finaled. Final inspections had not been requested by the applicant. The landscape along the Olive Avenue frontage area was not installed and remained the only outstanding condition of phase one requirements. The contractor for Mr. Farias stated all efforts would be made to complete landscaping by April 25, 2008.

April 29, 2008 – The conditions for Seafood Café remained the same as the previous site visit. Mr. Farias and Mr. Laubacher met with the City Manager and staff to discuss completion of the required conditions. On this date the landscaping was still the only outstanding condition left to complete. Final inspections were requested for the refuse container by the applicant on this date.

At each visit, staff has made effort to extend assistance and answer questions if the applicant or contractor needed. At each site inspection noted, staff left a business card and spoke with on-site manager Eduardo Farias and explained the timing requirements. Staff believes there was an understanding of the City Council’s conditions and 60 day deadline.
Staff has monitored the site each day since April 20, 2008. As of the date this agenda item was submitted for approval and printing (April 25, 2008) the landscape requirement was still incomplete along the Olive Avenue frontage and the refuse container improvement had not been finaled by City Staff.

**STAFF RECOMMENDATION:** Provide direction to staff
SUBJECT: APPROVAL OF AGREEMENT WITH TULE RIVER AERO INDUSTRIES FOR TIE-DOWNS

SOURCE: ADMINISTRATION/AIRPORT MANAGER

COMMENT: Tule River Aero Industries has requested that tie-down anchors be placed on the ramp adjacent to their facility at the Porterville Municipal Airport. The request location should easily accommodate four or five aircraft parking spaces.

It is proposed that Tule River Aero will be responsible for the installation of the tie-down anchors and chains, as well as appropriate markings to meet FAA standards. Upon completion, Tule River Aero will have the use of the tie-downs for 24 months without charge. At the end of that period, the City will then collect $20.00 per month, or the current rate at that time, for each tie-down space. This monthly rate will be subject to annual cost of living adjustments. Further, Tule River Aero Industries will hold harmless, defend, and indemnify the City of Porterville against any damages or injuries that may arise from the use of the tie-downs.

The City’s agent, Tartaglia Engineering, has submitted to the FAA a change to the current Airport Layout Plan, which identifies the proposed tie-down location as a parking area. The FAA has no objections to the proposed change.

RECOMMENDATION: That the City Council authorize the City Manager to sign an Agreement with Tule River Aero Industries with the stated terms.
COUNCIL AGENDA: MAY 6, 2008

SUBJECT:  NEW AIRPORT LEASE – FBO LOT 7

SOURCE:  ADMINISTRATIVE SERVICES/PURCHASING DIVISION

COMMENT:  Tule River Aero Industries, a Fixed Base Operator, is the current lease holder of Lot 6 at the Porterville Municipal Airport. Staff has been consulting with Tule River Aero concerning the planned expansion of their facility with the construction of an additional hangar of approximately 20,000 square feet.

The project has received approval of the City Planner; however, construction is contingent upon Tule River Aero Industries receiving final HUD approval and an acceptable bid.

The City Engineer has surveyed the property and re-designed Lot 7, which consists of approximately 34,201.5 square feet. A “New Site 7” and “Property Plat” are included as Exhibit “A” and Exhibit “B” of the draft Lease Agreement which is attached.

RECOMMENDATION:  That the Council consent to the expansion of Tule River Aero Industries by approving the draft Lease Agreement between the City of Porterville and Tule River Aero Industries, for Lot 7 at the Porterville Municipal Airport; and further, that Council approve the revised site description for Lot 7 and Property Plat.

ATTACHMENT:  Locator Map
Draft Lease Agreement

D.D.  Appropriated/Funded  C.M.  Item No. 24
LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the ___ day of ______, 2008, by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as “City” and TULE RIVER AERO INDUSTRIES, INC., a corporation chartered by the Tule River Tribe, a federally recognized Indian Tribe, represented by the Tule River Tribal Council, hereinafter referred to as “Lessee.”

WHEREAS, City owns and operates an airport in the City of Porterville, State of California, commonly known and described as “Porterville Municipal Airport”; and

WHEREAS, Lessee desires to lease a portion of said airport to conduct a fixed base operation; and

WHEREAS, it is the desire of City to utilize said airport for the general public by its development and use in providing aeronautical-related facilities and service.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as Lot 7 at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. Term: The term of this Lease shall commence on ____________, 2008, both parties having executed the same, and shall terminate on ____________, 2028. Provided Lessee is not in default with respect to any of the conditions or covenants of this lease, Lessee shall have an option to request an extension of the terms hereof for an additional period of ten (10) years, by giving written notice thereof to Lessor not less than 120 days prior to the expiration of this agreement. Lessor is not obligated to grant any extension, but said option shall not be unreasonably withheld.
3. **Rental and Business Privilege Consideration:** Lessee agrees to pay to City in lawful money of the United States without deductions or offset, to the Chief Financial Officer, City of Porterville, 291 N. Main Street, Porterville, California, 93257, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of $ .256 per square foot per year. Inasmuch as the lease site (See Exhibit “B” attached) contains approximately 34,201.5 square feet of land area, said rental rate will be $8,756 annually, or $729.67 per month, payable in advance.

Beginning January 1, 2009, and each January 1 thereafter for the term of this Lease, the rate shall be adjusted by a percentage equal to the annual percentage increase or decrease in the Consumer Price Index (CPI). The CPI used shall be a twelve (12) month average of the San Francisco CPI and the Los Angeles CPI as published for October of the prior year. The CIP index will be “All Urban Consumers.”

4. **Purpose:** This Lease is made for the purpose of conducting commercial activity reasonably associated with the aircraft industry and other activities incidental thereto. Lessee shall not use the premises or any part thereof or permit them to be used for any purpose or purposes other than stated above. The City reserves the right to conduct on-site inspections for the purpose of compliance with Building Code, Fire Code, and Zoning Ordinance. Lessee shall not do or permit any act or thing to be done upon the premises which constitutes a nuisance or which may disturb the quiet enjoyment of City or any tenant of City on adjacent neighboring property.

Lessee further agrees that, within 72 hours from receiving written notice by the City that a nuisance exists, to abate or otherwise cause said nuisance to be cured.

In the event Lessee has not (a) taken corrective action within 72 hours, or (b) filed an appeal with the City Council, City of Porterville, within 72 hours, then City may enter and abate said nuisance at the expense of Lessee without any liability whatsoever to City for monetary loss or anticipated profits of Lessee or others.
Said appeal to the City Council must be made in writing and be received by the City Clerk, 291 N. Main Street, Porterville, California, 93257, within 72 hours after Lessee received notice of said nuisance.

5. **Right of Ingress and Egress:** Lessee shall have the right-of-way to property owned and controlled by City for ingress thereto and egress therefrom for pedestrian, vehicular, and air travel, together with the right to use in common with other Lessee or licensees of City the airplane landing field adjacent to the demised premises. None of these rights are exclusive, but shall be exercised in common with and subject to possible similar rights of other users of said airport. All of the foregoing is subject to such reasonable rules and regulations as the City or its authorized agents may make from time to time. Such rules and regulations, however, shall be reasonable and shall not conflict in any way with similar rules and regulations adopted from time to time by the Federal Aviation Administration or its successor.

6. **Condition of Premises:** Lessee has inspected the demised premises and knows the extent and condition thereof and accepts same in its present condition, subject to and including all defects, latent and/or patent.

7. **Alteration:** Lessee shall make no structural modifications to existing structures or make permanent improvements or additions in or on the demised premises without the written consent of the City Airport Manager first being obtained.

8. **Maintenance:** Lessee agrees to keep the improvements in a good state of repair by periodic maintenance and painting as the same are required and to keep the grounds of Lessee in a good state of maintenance and repair. During the term of this Lease, the City Airport Manager shall have the right to notify Lessee in writing wherein Lessee has failed to maintain said structure and improvements in a good state of repair. Lessee shall make such corrections in the time and manner prescribed by said Airport Manager, or in the event Lessee disagrees, Lessee shall have the right to appeal within fifteen (15) days from date of notice from said Airport Manager to the City Council concerning the request for maintenance made to Lessee by said Airport Manager; it being understood and agreed that the decision of the City Council shall be final.
9. **Utilities**: Lessee agrees to pay during the term of the Lease, or any holding over, any and all utilities utilized by it to said demised premises. The term “utilities” as used herein shall include, but is not limited to, telephone, electrical, water, sewer, gas, janitorial, heating, cooling, and trash and refuse disposal service.

10. **Utility Extension or Modification**: Lessee shall pay any and all expenses that may be incurred in obtaining the extension of public utility services to the demised premises from existing utility facilities or any modifications of same.

11. **Taxes and Assessments**: Lessee understands that the Lease of the premises creates a possessory interest subject to taxation by the County of Tulare. Lessee agrees to pay all taxes and/or assessments levied by any governmental agency upon any interest acquired by Lessee under the terms of this Lease.

12. **Compliance with Law**: Lessee shall, at its expense, promptly comply with any and all laws, ordinances, rules, regulations, requirements, and order whatever, present or future, of the national, state, county or city government which may in any way apply to the use, maintenance or occupation of, or operations on the premises.

13. **Liens and Encumbrances**: Lessee shall keep the premises and all structures and improvements situated thereon free from any liens or encumbrances arising out of any work performed, material furnished, or obligations incurred by Lessee, or from any other cause.

14. **Negation of Partnership**: City shall not become or be deemed a partner or joint venturer with Lessee or associate in any relationship with Lessee’s operations thereon. City reserves all rights in and with respect to the premises, not inconsistent with Lessee’s use of the premises as in this Lease provided, including (without limiting the generality of the foregoing) the right of City to enter upon the premises for the purpose of installing, using, maintaining, renewing, and replacing such underground oil, gas, water, sewer, and other pipelines, and such underground or aboveground telephone, telegraph, and electric power conduits or lines as City may deem desirable in connection with the development or use of any other property in the neighborhood of the premises. City shall compensate Lessee for any and all damage to Lessee’s improvement and personal property caused by the exercise of the rights reserved in this paragraph.
15. **Indemnification:** Lessee agrees to indemnify, defend (upon request by the City) and save harmless the City, its agents, officers, and employees, and each of them, from any and all losses, costs, expenses, claims, liabilities, action, or damages, including liability for injuries to person or persons, or damage to property of third persons arising out of or in any way connected with (a) the conducting or operation of Lessee’s business on the demised premises during the term of the Lease or any holding over, or (b) the construction or the removal of any facilities or improvements on the demised premises during the term of this Lease or any holding over.

16. **Liability Insurance:** Lessee, in order to protect the City, its agents, officers, and employees against all claims and liability for death, injury, loss, and damage as a result of Lessee’s (a) use and operations on the demised premises or in connection therewith, or (b) construction or removal of any improvements on the demised premises or in connection therewith, shall name the City as additional insured on Lessee’s aircraft insurance policy or policies in the amount of not less than TWO MILLION DOLLARS ($2,000,000). Coverage shall include General Liability combined Bodily Injury and Property Damage, Single Limits and Aggregate, with a reliable insurance carrier authorized to do such public liability and property damage insurance business in the State of California. Said insurance shall not be subject to cancellation or coverage reduction without thirty (30) days prior written notice to City. Within (10) days from the date of this Lease, Lessee shall file with the City Clerk, City of Porterville, a duly certified Certificate of Insurance evidencing that the herein above mentioned public liability and property damage provisions have been complied with, and setting forth that City, its agents, officers, and employees are named as additional insured. In the event that Lessee shall fail to take out and keep in effect such policy or to furnish evidence thereof to City, City may, at City’s option, procure the same, pay the premium thereof and collect same with the next payment of rental due from Lessee or immediately terminate this Lease. The limits of insurance coverage set forth herein may be reviewed by City each January and may be adjusted at such reviews in order to protect the interests of the City.

17. **Nondiscrimination:** Lessee for itself, its heirs, personal representatives, successors in interest and assigns as part of the consideration hereof does hereby covenant and agree that (1) no person on the grounds of race, color, sex or national origin shall be excluded from participation,
denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of or otherwise be subjected to discrimination; (3) that Lessee shall use the premises in compliance with other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally - Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and/or services on a fair, equal and not unjustly discriminatory basis to all users thereof and it shall charge a fair, reasonable and not unjustly discriminatory price for each unit or service; provided that Lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates, or similar type of price reductions to volume purchasers.

In the event of breach of any of the above nondiscriminatory covenants, City shall have the right to terminate this Lease and to re-enter and repossess the demised premises and the facilities thereon and hold the same as if the Lease had never been made or issued.

Lessee agrees that it shall insert the above nondiscrimination provisions in any sublease or other agreement by which Lessee grants a right or privilege to any person, firm, or corporation to render accommodations and/or services to the public on the premises herein leased.

18. Improvement of Land Area: City reserves the right to further develop or improve the landing area of the airport as it sees fit regardless of the desires or views of Lessee and without interference or hindrance.

19. Maintenance of Landing Area: City reserves the right to maintain and keep in repair the landing area of the airport and all publicly-owned facilities of the airport, together with the right to direct and control all activities of the Lessee in this regard; providing further, City shall keep and maintain in a safe and operable condition the taxiways, runways (including the lighting thereof) and roadways on the airport during such hours and to such extent as City may determine is reasonably required for the operation of the airport.
20. **Lease Subordinate to Agreements with the United States Government:**
This Lease shall be subordinate to the provisions and requirements of any existing or future agreement between the City and the United States relative to the development, operation or maintenance of the airport.

21. **Non-Exclusive Right:** It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of Section 308 (a) of the Federal Aviation Act of 1958. (49 U.S.C. 1349).

22. **Rights of United States Government:** This Lease and all the provisions hereof shall be subject to whatever right the United States Government now has or in the future may have or acquire, affecting the control, operation, regulation, or taking over of said airport.

23. **Notices:** All notices herein provided to be given, or which may be given, by either party to the other shall be deemed to have been fully given when made in writing and deposited with the United States Postal Service, Registered or Certified, postage prepaid and addressed as follows:

   **To the Lessee:**
   Tule River Aero Industries, Inc.
   2780 Yowlumne Avenue
   Porterville, CA 93257

   **To the City:**
   Airport Manager
   City of Porterville
   291 N. Main Street
   Porterville, CA 93257

The address to which the notices shall be or may be mailed, as aforesaid, to either party shall or may be changed by written notice given by such party to the other, as hereinbefore provided, but nothing herein contained shall preclude the giving of any such notice by personal service.

24. **Authorized Agent of the City:** The Airport Manager of the City of Porterville is the duly authorized agent of the City for purposes of this Lease; and as to any obligations assumed herein by Lessee, they shall be performed to the satisfaction of said Airport Manager.

25. **Assignment and Subletting:** This Lease shall be binding upon and shall inure to the benefit of the heirs, administrators, executors, successors, and assigns of the respective parties hereto.
Lessee shall not, and Lessee herewith agrees that it will not, sublet the premises, or any part thereof or assign, transfer, mortgage, or otherwise convey the premises or its rights and interest hereunder without the prior written consent of the City. In the event the Lessee shall sublet, assign, transfer, mortgage, or otherwise convey the premises or its rights and interest hereunder, or any part thereof, or attempt to do so in violation of the foregoing provision, then in addition to any and all other rights and remedies available to it, the City may, at its option by written notice to Lessee, either declare such sublease, assignment, transfer, mortgage or other conveyance void or terminate this Lease and all rights and interest of Lessee and all other persons hereunder. Any consent by City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a transfer, mortgage, or conveyance. This clause shall not be construed to limit right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

26. **Hypothecation:** Lessee may, with the consent of the City, give, assign, transfer, mortgage, hypothecate, grant control of, or encumber Lessee’s interest under this Lease and the leasehold estate so created to a bonafide lender on the security of the leasehold estate. Any such bonafide lender shall have the right at any time during the term of the loan and while this Lease is in full force and effect:

   (a) To do any act or thing required of Lessee in order to prevent a forfeiture of Lessee’s rights hereunder, and all such acts or things so done shall be as effective to prevent a forfeiture of Lessee’s rights hereunder by Lessee.

   (b) To succeed to the interest of Lessee hereunder and thereafter at such lender’s option to convey, assign or sublease the interest or title to said leasehold estate to another person acceptable to City, subject to all the terms, conditions, and covenants of this Lease. Two (2) copies of any and all security devices or instruments shall be filed with City’s Airport Manager prior to the effective date thereof, and Lessee shall give Airport Manager prior written notice of any changes or amendments thereto.

Any bona fide lender shall have the right, if so permitted by the terms and conditions of the concerned instrument of hypothecation between lender and Lessee, to remove any or all of Lessee’s improvements under said hypothecation from the demised premises, subject only to the restriction that
in the event of such removal, the demised premises herein above described be restored by Lessee to a condition satisfactory to the City’s Airport Manager, and that said removal be done in a manner and at a time satisfactory with said Airport Manager.

27. **Breach by Lessee:** In the event of the breach by Lessee of any term, condition, or agreement herein contained, and the failure to cure such breach within thirty (30) days after written notice has been given to Lessee by City, this Lease and all privileges herein granted shall be terminated and be of no other force or effect, and Lessee shall immediately surrender possession of the premises hereby granted, and in the event City has to resort to legal action to enforce any provision hereof, or to obtain restitution hereunder, the Lessee shall pay all costs and expenses, including attorney’s fees of such action. Providing further, that in the event Lessee breaches this Lease and abandons the demised premises before the end of the term, or if Lessee’s right to possession is terminated by City because of a breach of this Lease, City shall have the right to recover from Lessee, as provided in State of California Civil Code Section 1951.2. Damages City may recover shall include the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss for the same period that the Lessee proves could be reasonably avoided. This clause shall not be construed to limit any right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

28. **Waiver of Breach:** The waiver by City of any breach by Lessee of any provision contained herein shall not be deemed to be a waiver of such provision, or a waiver of any breach of any other provision contained herein.

29. **Bankruptcy:** In the event the (a) Lessee shall file a voluntary petition in bankruptcy proceeding; (b) any voluntary or involuntary proceeding for the reorganization of Lessee shall be instituted by anyone other than the City under any of the provisions of the bankruptcy laws of the United States; or (c) a receiver or judicial trustee or custodian shall be appointed for Lessee, or any alien or any writ of attachment, garnishment, execution, or distraint shall be levied upon any of Lessee’s rights or interest under this Lease; or (d) there shall be any other assignment of any of Lessee’s rights or interest under this Lease by operation of law, then in addition to any and all other rights and remedies available to it, City may, at its option by written notice to Lessee, terminate this
Lease and all rights and interest of Lessee and all other persons under this Lease. The term “Lessee,” as used in this paragraph, includes any individual, partnership, or corporation who is a Lessee hereunder, even though several individuals, partnerships, or corporations are such, and includes each partner of any partnership who is a Lessee hereunder. Any consent by City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a consent to any other different or subsequent sublease, assignment, transfer, mortgage, or conveyance.

30. **Quiet Possession:** Notwithstanding any other provision in this Lease, City covenants that Lessee, on paying the rent and performing the covenants herein contained, shall and may peaceably and quietly have and enjoy the demised premises for the term hereof.

31. **Surrender of Premises:** On the last day of said term, or extension thereof, or sooner termination of the Lease, Lessee will peaceably and quietly leave, surrender, and yield up to the City the demised premises in as good condition and repair as at the commencement of Lessee’s occupancy, reasonable use and wear thereof, and damage by earthquake, public calamity, by the elements, by acts of God, or by fire or other circumstances over which Lessee has no control, excepted.

32. **Removal of Improvement at Termination:** Upon the termination of this Lease, or any holding over, for any reason other than Lessee’s failure to perform its obligations under the terms and conditions of this Lease, Lessee shall have the right at Lessee’s sole cost and expense, to remove all improvements and/or furniture, furnishings, equipment, and fixtures of whatsoever kind or nature placed of the demised premises by Lessee or its contractors so long as they could be removed without damage or disfigurement to the demised premises. Full restoration of the demised premises as it existed prior to the construction of said improvements or the installation of said furniture, furnishings, equipment, and fixtures shall be made by Lessee. If after the termination of this Lease Lessee has not removed said improvements, furniture, furnishings, equipment, and fixtures, the City shall have the option to claim the ownership thereof or to remove same and restore the demised premises as set forth above at the expense of Lessee. Said expense shall also include consideration for the additional time Lessee or its improvements occupy the premises beyond the termination date and disallow the City’s total utilization of the premises pursuant to its ownership of the property.
In the event of a termination by City of this Lease because of Lessee’s failure to faithfully perform the terms and conditions of this Lease, the City may accept cash or other satisfactory security for the amount of its costs, expense, loss and damage accruing from Lessee’s failure to perform and thereupon the Lessee shall have the right to remove the said improvements.

33. **Incorporation of Prior Agreements and Amendments:** This Lease contains all agreements of the parties with respect to any matter mentioned herein. No prior agreement or understanding pertaining to any such matter shall be effective. This Lease may be modified in writing only, signed by the parties in interest at the time of modification.

34. **Severability:** The invalidity of any provision of this Lease as determined by a Court of competent jurisdiction shall in no way affect the validity of any other provision hereof.

35. **Construed Pursuant to California Law:** The parties hereto agree that the provisions of this Lease will be construed pursuant to the laws of the State of California.

36. **Venue:** If either Lessee or City initiates an action to enforce the terms hereof or declare rights hereunder, including actions on any bonds and/or surety agreements, the parties agree that the venue thereof shall be the County of Tulare, State of California. Lessee hereby waives any rights he might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

37. **Covenants and Conditions:** Each provision of this Lease performable by Lessee shall be deemed both a covenant and a condition.

38. **Captions:** The use of Paragraph headings in this Lease is solely for convenience, and they shall be wholly disregarded in the construction of this Lease.

39. **Time of Essence:** Time is hereby expressly declared to be the essence of this Lease and of each and every provision thereof, and each such provision is hereby made and declared to be a material, necessary, and essential part of this Lease.

IN WITNESS WHEREOF, the parties hereto have executed this Lease on the day and year first herein above written.
LESSOR: CITY OF PORTERVILLE

By: ________________________________
    Cameron Hamilton, Mayor

LESSEE: TULE RIVER AERO IND., INC.

By: ________________________________

ATTEST:

By: ________________________________
    John Longley, City Clerk

APPROVED AS TO FORM:

By: ________________________________
    Julia Lew, City Attorney
Exhibit "A"

Porterville Municipal Airport – New Site 7

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

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

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

THENCE, South 44°55'30" East, along said setback line, a distance of 445.87 feet, to the most Westerly corner of Site 12 of said Airport;

THENCE, North 45°04'30" East, a distance of 676.00 feet, to the POINT OF BEGINNING;

THENCE, North 45°04'30" East, a distance of 228.01 feet;

THENCE, South 44°55'30" East, a distance of 150.00 feet;

THENCE, South 45°04'30" West, a distance of 228.01 feet;

THENCE, North 44°55'30" West, a distance of 150.00 feet, to the POINT OF BEGINNING.

CONTAINING 34,201.5 square feet more or less.

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

END OF DESCRIPTION

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

Signature: [Michael K. Reed]
Licensed Land Surveyor

Date: 2-19-08
City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827462

That portion of the Northeast quarter of
Section 9, Township 22 South, Range 27 East,
Mount Diablo Base and Meridian, in the City
of Porterville, County of Tulare, State of
California, according to the Official Plat thereof.

OWNER: City of Porterville
STATUS: Lot 7. Lease Lot
AREA: 34,201.5 S.F. (Total)
ACRES: 0.785 A.C. (Total)
DRAWN BY TJ
CHC’K BY MKR
SUBJECT: Request for Permit to Use Patio Area at Airport Restaurant

SOURCE: City Manager

Richard A. Chilcutt, the owner and operator of the Airport Café has requested the use of the sidewalk patio area outside the restaurant during May, June, and July on a permit basis. It is expected that between the Red Star Fly-In and the Eagle Mountain Fly-In, significant restaurant sales opportunity will occur at the Porterville Airport.

It is likely that the patio area will only be utilized on occasion and not every day during the period. The Airport General Manager has discussed the use with Mr. Chilcutt and makes the following recommendation:

- For the months of May, June, and July authorize the use of the patio area on permit
- As a pre-condition to the use, have the restaurant operator sign a permit indicating that he will hold the city harmless, defend and indemnify and will provide a certificate of insurance to support this
- From gross sales on the patio area, Mr. Chilcutt will pay the City of Porterville Airport 5% of the gross receipts
- Mr. Chilcutt will be responsible for the cleaning of the area and for the installation of any furniture on the area which will be utilized by his business.

RECOMMENDATION: Approve a permit to utilize the patio area, consistent with the terms and conditions defined in this staff report.
SUBJECT: JOINT FUNDING AGREEMENT WITH TULARE COUNTY FOR THUNDERBOLT PROBATION OFFICER

SOURCE: Police Department

COMMENT: The City of Porterville and the County of Tulare have had a long-standing agreement wherein they provide the Thunderbolt Delinquency Prevention Program to the community. The City provides office space in the police facility and pays the County for 50% of the Probation Officer’s total yearly cost. The current agreement is set to expire on June 30, 2008. The cost of funding Porterville’s portion of the program in the upcoming fiscal year has been determined to be $35,722. Funds to cover this expense have been allocated in the Police 2008/2009 budget.

The Thunderbolt Delinquency Prevention Program has been a vital component in dealing with juvenile crime in Porterville for almost twenty-two years. This is a “diversion type” program for minors who are first time offenders and/or considered “at risk.” These minors are dealt with through an informal probation process that includes supervision, restitution, community service, and counseling. This program has been very successful in combating delinquency in our community. Without this program, a vast number of these minors would fall through the cracks, and receive no substantial consequences for their violations of law.

RECOMMENDATION: That the City Council:

1) Extend the current Agreement for joint funding of the Thunderbolt Probation Officer for the period of July 1, 2008 to June 30, 2009 in the amount of $35,722; and

2) Authorize the Mayor to execute the Agreement on behalf of the City of Porterville.

Attachment: Agreement

Item No. 26
Tulare County Probation Department  
Thunderbolt Delinquency Prevention Program  

Cost Estimate for Fiscal Year 2008/2009  
One (1) Probation Officer II @ Range 877; Step 5

<table>
<thead>
<tr>
<th>Description</th>
<th>Program Costs</th>
<th>50%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Benefits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Salary</td>
<td>$48,087.00</td>
<td></td>
</tr>
<tr>
<td>Other Pay</td>
<td>$5,604.00</td>
<td></td>
</tr>
<tr>
<td>Benefits</td>
<td>$7,934.00</td>
<td></td>
</tr>
<tr>
<td>Retirement</td>
<td>$4,434.00</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>$144.00</td>
<td></td>
</tr>
<tr>
<td>Unemployment Insure.</td>
<td>$1,593.00</td>
<td></td>
</tr>
<tr>
<td>Pension Bond</td>
<td>$1,736.00</td>
<td></td>
</tr>
</tbody>
</table>

Salary and Benefits Total: $69,532.00

<table>
<thead>
<tr>
<th>Description</th>
<th>Program Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication Cost</td>
<td>$436.00</td>
</tr>
<tr>
<td>Transportation Cost</td>
<td>$1,476.00</td>
</tr>
</tbody>
</table>

Communication & Transportation Total: $1,912.00

Total Estimated Cost per Officer: 71,444.00

<table>
<thead>
<tr>
<th>Agency Cost</th>
<th>Program Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-half Day Per Week</td>
<td>$3,572.00</td>
</tr>
<tr>
<td>3/4 Day Per Week</td>
<td>$5,358.00</td>
</tr>
<tr>
<td>One Day Per Week</td>
<td>$7,144.00</td>
</tr>
<tr>
<td>1 1/4 Day Per Week</td>
<td>$8,931.00</td>
</tr>
<tr>
<td>Two Days Per Week</td>
<td>$14,289.00</td>
</tr>
<tr>
<td>Three Days Per Week</td>
<td>$21,433.00</td>
</tr>
<tr>
<td>Four Days Per Week</td>
<td>$28,578.00</td>
</tr>
</tbody>
</table>
AMENDMENT TO AGREEMENT

THIS AMENDMENT TO AGREEMENT, is entered into as of ____________, 2008, between the COUNTY OF TULARE, referred to as the COUNTY, and CITY OF PORTERVILLE, referred to as the CITY, with reference to the following:

A. The parties entered into an Agreement as of June 24, 2003, (Tulare County Agreement No. 21658) to obtain the services of a Probation Officer employed by the COUNTY for its Thunderbolt Delinquency Prevention Program:

   B. Tulare County Agreement No. 21658 was subsequently amended by Tulare County Agreement Nos. 21658-A, 21658-B, 21658-C and 21658-D.

C. The parties now desire to extend said agreement for one additional year.

ACCORDINGLY, IT IS AGREED:

A. Paragraph 17 of said Agreement is hereby amended to read as follows:

17. **TERM:** This Agreement shall become effective July 1, 2003, and shall terminate on June 30, 2009, unless otherwise terminated as provided in the Agreement.

B. Except for the amended paragraph of said Agreement, all other terms and conditions of said Agreement shall remain in full force and effect.

///

///

///

///

///

///

///

///

///

TULARE COUNTY AGREEMENT NO. _____
THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signature below:

COUNTY OF TULARE

Date: ___________________________ By _______________________________
Chairman, Board of Supervisors

"County"

ATTEST: JEAN ROUSSEAU
County Administrative Officer/Clerk of the Board of Supervisors of the County of Tulare

By ______________________________
Deputy Clerk

CITY OF PORTERVILLE

By ______________________________
Title ______________________________
"CITY"

ATTEST:

______________________________
City Clerk

Approved as to Form
County Counsel

By ___________________________
Deputy 2008574

Date: 03-17-08
AMENDMENT TO AGREEMENT

THIS AMENDMENT TO AGREEMENT, is entered into as of ____________, 2008, between the COUNTY OF TULARE, referred to as the COUNTY, and CITY OF PORTERVILLE, referred to as the CITY, with reference to the following:

A. The parties entered into an Agreement as of June 24, 2003, (Tulare County Agreement No. 21658) to obtain the services of a Probation Officer employed by the COUNTY for its Thunderbolt Delinquency Prevention Program:

B. Tulare County Agreement No. 21658 was subsequently amended by Tulare County Agreement Nos. 21658-A, 21658-B, 21658-C and 21658-D.

C. The parties now desire to extend said agreement for one additional year.

ACCORDINGLY, IT IS AGREED:

A. Paragraph 17 of said Agreement is hereby amended to read as follows:

17. **TERM:** This Agreement shall become effective July 1, 2003, and shall terminate on June 30, 2009, unless otherwise terminated as provided in the Agreement.

B. Except for the amended paragraph of said Agreement, all other terms and conditions of said Agreement shall remain in full force and effect.

///
///
///
///
///
///
///
///
///
///

TULARE COUNTY AGREEMENT NO. ______
THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signature below:

COUNTY OF TULARE

Date: ____________________  By ____________________

Chairman, Board of Supervisors

“County”

ATTEST: JEAN ROUSSEAU
County Administrative Officer/Clerk of the
Board of Supervisors of the County of Tulare

By ____________________
Deputy Clerk

CITY OF PORTERVILLE

Date: ____________________  By ____________________

Title ____________________

“CITY”

ATTEST:

______________________
City Clerk

Approved as to Form
County Counsel

By ____________________
Deputy 2008 57u

Date: 03-17-08
AMENDMENT TO AGREEMENT

THIS AMENDMENT TO AGREEMENT, is entered into as of ____________, 2008, between the COUNTY OF TULARE, referred to as the COUNTY, and CITY OF PORTERVILLE, referred to as the CITY, with reference to the following:

A. The parties entered into an Agreement as of June 24, 2003, (Tulare County Agreement No. 21658) to obtain the services of a Probation Officer employed by the COUNTY for its Thunderbolt Delinquency Prevention Program:

B. Tulare County Agreement No. 21658 was subsequently amended by Tulare County Agreement Nos. 21658-A, 21658-B, 21658-C and 21658-D.

C. The parties now desire to extend said agreement for one additional year.

ACCORDINGLY, IT IS AGREED:

A. Paragraph 17 of said Agreement is hereby amended to read as follows:

17. TERM: This Agreement shall become effective July 1, 2003, and shall terminate on June 30, 2009, unless otherwise terminated as provided in the Agreement.

B. Except for the amended paragraph of said Agreement, all other terms and conditions of said Agreement shall remain in full force and effect.

///
///
///
///
///
///
///
///
///
///
///

TULARE COUNTY AGREEMENT NO. ______
THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signature below:

COUNTY OF TULARE

Date: ____________________ By ____________________

Chairman, Board of Supervisors

"County"

ATTEST: JEAN ROUSSEAU
County Administrative Officer/Clerk of the
Board of Supervisors of the County of Tulare

By ____________________
Deputy Clerk

CITY OF PORTERVILLE

Date: ____________________ By ____________________

Title ____________________

"CITY"

ATTEST:

__________________________
City Clerk

Approved as to Form
County Counsel

By ____________________
Deputy 2008577

Date: 03-17-08
THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.
PUBLIC HEARING

SUBJECT: FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS NO. 41 THROUGH 45, AND ESTABLISHING ASSESSMENTS

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: At the City Council meeting of April 15, 2008 the City Council gave preliminary approval to Engineer’s Reports and approved initial Resolutions towards the formation of Landscape and Lighting Maintenance Districts No. 41 through 45. A public hearing was set for May 6, 2008.

The improvements associated with the assessments have been or will be completed by the various developers of the subdivisions of land encompassed by each of the proposed districts. The developers/owners of each of the subdivisions have petitioned to the city for the creation of the assessment districts to provide funds and to perform the maintenance of the installed improvements. Improvements consist generally of street lighting and public area landscaping.

An Engineer’s Report prepared for each of the five proposed districts provides details on the estimated maintenance cost and lot assessments.

RECOMMENDATION: That the City Council conduct a public hearing on the formation and levy of assessments; and adopt Resolution ordering formation of Landscape and Lighting Maintenance District numbers 41, 42, 43, 44, and 45, approving Engineer’s Reports, and the method and levy of assessments.

ATTACHMENT: Resolution ordering formation of Districts, and approving Engineer’s Reports and assessments.
Locator Map
Engineer’s Reports for Landscape and Lighting Maintenance Districts No. 41, 42, 43, 44, and 45.

Director          Appropriated/Funded          City Manager          ITEM NO.: 28
RESOLUTION NO. – 2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ORDERING THE FORMATION OF LANDSCAPE AND LIGHTING
MAINTENANCE DISTRICT NUMBERS 41, 42, 43, 44, AND 45,
APPROVING ENGINEER’S REPORTS FOR SAID DISTRICTS, AND
APPROVING THE METHOD AND LEVY OF ASSESSMENTS

WHEREAS, the City Council of the City of Porterville did on the 15th day of April 2008, adopt Resolution No. 34 – 2008 declaring its intention to order the formation of Landscape and Lighting Maintenance District numbers 41, 42, 43, 44, and 45; and

WHEREAS, in conjunction with the land division and development process, petitions to form said districts were filed by the owners of the lands included within each of said proposed Districts; and

WHEREAS, a duly noticed public hearing has been held to receive objections to the formation of said Districts, or the levy of assessments.

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

(1) The public interest, convenience and necessity require the formation of Landscape and Lighting Maintenance District numbers 41, 42, 43, 44, and 45, and that each District shall hereby be formed.

(2) The Engineer’s Report and diagram for each of said Districts is hereby approved, and the work as set forth therein is to be done.

(3) That the method of assessment, and the levy of assessments as indicated within each of said Engineer’s Reports are hereby approved.

APPROVED AND ADOPTED THIS 6th DAY OF MAY 2008.

______________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: __________________________
Patrice Hildreth, Chief Deputy City Clerk
CITY OF PORTERVILLE
ENGINEER'S REPORT FOR LANSCAPING 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 the north side of the street 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 @ $400.00 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 Glenn Subdivision. The City Council of Porterville has determined that to insure satisfactory levels of maintenance of street lighting at Beverly Glenn 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 Beverly Glenn 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**

\[
A = \frac{629.77}{19} = 33.14 \text{ per lot for Beverly Glenn Subdivision}
\]

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 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 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 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 streetlights 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 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 42 assessments during the 2008-2009 Fiscal Year are as follows.

**Estimated Assessment 2008-2009**

**Landscaped Area**

Masonry wall 330 L.F. @ $0.48 per L.F. $ 158.40
43,873 sq ft landscaped area @ $0.43 per sq ft $18,865.39

**Electricity /Lighting**

14 fixtures, 5,800 lumens @ $30.21 per year $ 422.94

**Project Management Costs**

48 Lots @ $1,000 plus $4.00 per lot $ 1,192.00

Sub Total 2008-2009 $ 20,638.73

**Incidental Expenses**

15% Reserve Fund $ 3,095.81

Total 2008-2009 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 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

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

\[
A = \frac{\$23,734.54}{48} = \$494.46 \text{ per lot for Sierra Estates Subdivision}
\]

Total Assessment for 2008-2009 = $23,734.08
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
CITY OF PORTERVILLE
ENGINEER'S REPORT FOR LANDSCAPING AND LIGHTING
MAINTENANCE DISTRICT NO. 43

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 2008-2009 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

<table>
<thead>
<tr>
<th>Landscaped Area</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Masonry wall 242 L.F. @ $0.48 per L.F.</td>
<td>$ 116.16</td>
</tr>
<tr>
<td>4,300 sq ft landscaped area @ $0.62 per sq ft</td>
<td>$ 2,666.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Electricity/Lighting*</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20 fixtures, 5,800 lumens @ $30.21 per year</td>
<td>$ 604.20</td>
</tr>
<tr>
<td>3 fixtures, 9,500 lumens @ $36.27 per year</td>
<td>$ 108.81</td>
</tr>
</tbody>
</table>

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 2008-2009 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

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

\[
A = \frac{5,491.45}{70} = 78.44 \text{ per lot for Summit Estates, Phase 1 Subdivision}
\]

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

<table>
<thead>
<tr>
<th>Landscaped Area</th>
<th></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 area @ $0.62 per sq ft</td>
<td>$ 9,455.00</td>
</tr>
</tbody>
</table>

Electricity /Lighting*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>22 fixtures, 5,800 lumens @ $30.21 per year</td>
<td>$ 664.62</td>
</tr>
<tr>
<td>3 fixtures, 9,500 lumens @ $36.27 per year</td>
<td>$ 36.27</td>
</tr>
</tbody>
</table>
Project Management Costs

88 Lots @ $1,000 plus $4 per lot $ 1,352.00

Sub Total 2008-2009 $12,211.89

15% Reserve Fund $ 1,831.78

Total 2008-2009 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
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 15.72 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

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

\[
A = \frac{\$5,491.45}{70} = $78.44 \text{ per lot for Summit Estates, Phase 1 Subdivision}
\]

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. 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
PUBLIC HEARING

SUBJECT: ADOPTION OF THE 2008/2009 ACTION PLAN FOR INVESTMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDS.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The U.S. Department of Housing and Urban development (HUD) requires all CDBG entitlement cities to prepare a three or five year Consolidated Plan. Porterville’s 2005 Five-Year Consolidated Plan was approved by the City Council and submitted to HUD in May 2005. This 2008/2009 Action Plan reflects the fourth year investment plan within the scope of the approved Consolidated Plan.

The Action Plan, provided as Attachment No. 2, identifies activities the City will undertake during the next year to address priority needs of lower income households and objectives identified in the Consolidated Plan. Proposed activities are designed to benefit lower income households by maintaining affordable housing, achieving public housing improvements, removing barriers to affordable housing, evaluating and reducing lead-based hazards, reducing the number of households with incomes below the poverty line, improving job availability, providing public facilities, enhancing the institutional structure to address the needs of lower income households, addressing obstacles to meet under served needs, and enhancing coordination between public and private housing and social service agencies.

The Action Plan presents ongoing and proposed CDBG funded programs for the Fiscal Year (FY) beginning July 1, 2008 through June 30, 2009. Implementation of the Action Plan includes administering $704,102 of 2008 CDBG Entitlement funds for a variety of programs and projects accompanied by program income generated by the First-Time Low-Income Homebuyer Program, the Owner Occupied Housing Rehabilitation Program, the Public Utility Loan Program, and the Business Assistance Loan Program. This year’s entitlement reflects only a $25,193 reduction from last year’s allocation.

Providing ongoing youth activities is a high priority within the community. The City’s Parks & Leisure Services Department has been operating the City’s Youth Center since 1997 and three years ago moved it to its new home in the Heritage Center. Anticipated new CDBG entitlement funding to the Parks & Leisure Services Department to administer the ongoing youth recreational program inclusive of new program elements within Census Tract 41 is $105,615 which represents the allowed 15% of the entitlement for a public service project.
An additional 15% of the previous year’s program income is also allowed by HUD, so $15,497 from the current entitlement allocations are also included in the budget. There are remaining funds available in the Youth Center fund which will be carried over to the 09/10 budget.

With several large projects on the horizon, it is proposed to add $66,046 in new entitlement funds to the existing entitlement and program income funds for the planned continuation of the Business Assistance Program which also includes the possibility of the development and/or reconstruction of downtown parking lots and the implementation of the City’s Entrepreneurial Training and Business Incubator Program.

Since the Public Utility Loan Program fund is nearing depletion and there is a real demand for these funds due to the annexation of the county islands, it is proposed to allocate an additional $50,000 to the fund from the 2008/2009 entitlement.

The balance to be carried forward for the next phase of improvements to Murry Park is approximately $250,000. It is staff’s recommendation that these funds remain allocated to this project for use on the long list of planned improvements and not reallocated to another eligible project.

In 2005/06, the City completed the construction of the Heritage Center building in Census Tract 41. Since the completion of the building, construction of the tot lot has also been completed. The City received a time extension from HUD so that the funds remaining from the original $3.885 million Section 108 loan could be utilized for the development of the parking lot adjacent to the future ballfields. All funds must be expended by September 30, 2008. The entitlement allocation for debt payments on the Section 108 loan in 2008/09 will be $323,988, or 46% of the entitlement allocation. It is also important to note that the amount of debt service payments will continue to increase by $3,500 annually until 2019/20 when the debt payment will be $357,733. The total debt will be paid in 2023/24.

It is proposed that the continuation of the City’s ongoing Owner Occupied Housing Rehabilitation Loan Program (HRLP), the First-Time Low-Income Home Buyer Program (FTHB), the Homebuyer Education Program, and the Murry Park Improvement Program be funded by previous years’ entitlement funds, program income, and other grant sources including HOME and CalHome funds.

In summary, the proposed expenditure of $704,102 in 08/09 Entitlement funds includes:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$158,453</td>
</tr>
<tr>
<td>City-Operated Youth Center</td>
<td>$105,615</td>
</tr>
<tr>
<td>Public Utility Loan Program</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>Business Assistance Program</td>
<td>$ 66,046</td>
</tr>
<tr>
<td>Section 108 Debt Service</td>
<td>$323,988</td>
</tr>
</tbody>
</table>

The proposed Action Plan and accompanying program models are provided as Attachment No. 2.
On March 10, 2008, the CDBG Citizens’ Advisory and Housing Opportunity Committee held a public hearing to consider the proposed 2008/2009 Action Plan and subsequently unanimously recommended approval of the proposed Action Plan. A public notice was also published announcing the thirty day comment and review period for the proposed Action Plan which ended April 14, 2008. No written comments were received from the public.

The Annual Community Assessment for Program Year 2006/2007 is provided as Attachment No. 3. This is HUD’s review of the City’s performance in implementing its fiscal year objectives.

RECOMMENDATION: That the City Council:

1. Conduct a public hearing to solicit comments on the 2008/2009 Action Plan;

2. Adopt the 2008/2009 Action Plan resolution of approval; and

3. Authorize the City Manager to execute all necessary documents.

ATTACHMENTS: 1. Draft resolution approving the 2008/2009 Action Plan
2. 2008/2009 Action Plan and Accompanying Program Models
3. 2006/2007 Program Year Annual Community Assessment
RESOLUTION NO. _____


BE IT HEREBY RESOLVED that the City Council of the City of Porterville does hereby approve the 2008/2009 Action Plan, accompanying Program Models, and proposed use of Community Development Block Grant Funds with a 2008 Program Year Entitlement Allocation as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$158,453</td>
</tr>
<tr>
<td>City-Operated Youth Center</td>
<td>$105,615</td>
</tr>
<tr>
<td>Public Utility Loan Program</td>
<td>$50,000</td>
</tr>
<tr>
<td>Business Assistance Program</td>
<td>$66,046</td>
</tr>
<tr>
<td>Section 108 Debt Service</td>
<td>$323,988</td>
</tr>
<tr>
<td><strong>Total Funding:</strong></td>
<td><strong>$704,102</strong></td>
</tr>
</tbody>
</table>

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By __________________________

Patrice Hildreth, Chief Deputy City Clerk
DRAFT

CITY OF PORTERVILLE

COMMUNITY DEVELOPMENT BLOCK GRANT

2008/2009 ACTION PLAN

ENTITLEMENT APPLICATION

May 2008

Contact: Community Development Department
Bradley D. Dunlap, AICP
Community Development Director
291 N. Main Street
Porterville, CA 93257
(559) 782-7460

Attachment No. 2
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Summary</td>
<td></td>
</tr>
<tr>
<td>I. Introduction</td>
<td>1</td>
</tr>
</tbody>
</table>

PRIORITY NEEDS (as established in the 2005 Consolidated Plan)

| A. Housing                                         | 2    |
| B. Community Development Needs                     |      |
| 1. Public Facility Needs                           | 2    |
| 2. Infrastructure Improvements                     | 3    |
| 3. Public Service Needs                            | 3    |
| 4. Accessibility Needs                             | 3    |
| 5. Historic Preservation Needs                     | 3    |
| 6. Economic Development                            | 4    |
| 7. Other Community Development Needs               | 4    |
| 8. Planning                                        | 5    |

ACTIVITIES FOR THE NEXT YEAR

Local Objectives                                                                 | 5    |
Objective No. 1                                                                   | 5    |
  a. Owner Occupied Housing Rehabilitation Loan Program                           | 5    |
  b. Public Utility Assistance Loan Program                                        | 6    |
  c. Homebuyer Education Program                                                    | 6    |
  d. First time Low Income Home Buyers Loan Program                                | 6    |
  e. Rental and Public Housing                                                      | 7    |
  f. Homelessness                                                                   | 8    |
Objective No. 2                                                                   | 9    |
  a. Murry Park Improvement Project                                                  | 9    |
  b. Other Programs                                                                 | 10   |
Objective No. 3                                                                   | 10   |
  a. Business Assistance Program                                                     | 11   |
  b. Parking Lot Improvement                                                         | 12   |
Objective No. 4                                                                   | 13   |
  a. Porterville Youth Center                                                        | 14   |
  b. Heritage Community Center                                                       | 14   |
Administration                                                                  | 14   |
Barriers to Affordable Housing                                                   | 14   |
  a. Definition of Family Housing                                                    | 15   |
  b. Residential-Agricultural (R-A) District                                          | 15   |
  c. Density Bonus                                                                  | 16   |
  d. Emergency Shelters and Transitional Housing                                   | 16   |
  e. Compliance with ADA                                                            | 16   |
AFFIRMATIVELY FURTHERING FAIR HOUSING ........................................... 17
LEAD BASED PAINT ........................................................................... 18
ANTI-POVERTY STRATEGY .................................................................. 18
INSTITUTIONAL STRUCTURE ................................................................. 19
COORDINATION OF EFFORTS ............................................................... 19
SOURCES OF FUNDS ............................................................................ 19
  Formula Grant Sources ................................................................... 20
  HUD Sources ................................................................................ 20
  Non HUD ...................................................................................... 20
  Program Income ............................................................................ 20

II. Action Plan Development Process and Citizen Participation ........ 21

III. Monitoring .................................................................................. 22

IV. Certifications ................................................................................ 23
  Specific CDBG Certifications .......................................................... 23
  Appendix to Certifications ............................................................... 23

V. HUD-424 Form ............................................................................. 24

VI. Map of CDBG Projects ................................................................. 25

VII. Minority Area and Low/Moderate Income Area Maps ............. 26

VIII. Program Models ......................................................................... 27
  Housing Rehabilitation Revolving Loan Program
  First-Time Low-Income Home Buyer Loan Program
  Business Assistance Loan Program
  Public Utility Assistance Revolving Loan Fund
  Murry Park Improvement Program
  City-Operated Youth Center
  Section 108 Loan Program

IX. Grantee Priority Needs Tables ....................................................... 28
Executive Summary

City of Porterville
Community Development Block Grant (CDBG)
2008/2009 Action Plan

The 2008/2009 Action Plan reflects the City’s fourth year investment plan within the scope of the Five-Year Consolidated Plan adopted May 2005. Community development and services remain a high priority for the City of Porterville. Carrying out this Action Plan includes Porterville’s plans for administering $704,102 of CDBG funds based on Congressional budget approvals. These funds will be primarily spent on the Business Assistance Program including parking lot development, Public Utility Loan Program, the Community Youth Center Program, administration of all the CDBG programs, and debt service payments for the Section 108 loan which funded the construction of the Heritage Community Center.

Historically, the City has been extremely successful in utilizing CDBG funds for the betterment of the community. Hundreds of low income households have been assisted with funds to purchase their own homes or to rehabilitate their existing home. Through the Business Assistance Program, several large companies, including Wal-Mart, Foster Farms, and ProDocument Solutions have been encouraged to make Porterville their home and in doing so have created hundreds of full time jobs for the low income in our community. Community improvement projects such as the targeted neighborhood infrastructure projects brought much needed curbs, gutters, sidewalks, and new water and sewer lines to low income areas. The whole community has benefited from the improvements to the historical Murry Park, especially the reconstruction of the community swimming pool, and the new Heritage Community Center adjacent to the Santa Fe Elementary School has brought much needed public facilities to a low income census tract.

Providing ongoing youth activities is a high priority within the community. The City’s Parks & Leisure Services Department has been operating the City’s Youth Center since 1997 and has been located at the Heritage Center for two years. Anticipated CDBG funding to the Parks & Leisure Services Department to administer the ongoing youth recreational program inclusive of new program elements within Census Tract 41 is $121,112 which represents the allowed 15% of the entitlement for a public service project plus an additional 15% of the previous year’s program income as allowed by HUD.

For the 2008/9 program year, a proposed entitlement allocation of $50,000 for the Public Utility Loan Program and $66,046 for the Business Assistance Program is planned to supplement program income and current entitlement allocations in both funds in order to continue the availability of these assistance programs.

In 2005/06, the City completed the construction of the Heritage Center building in Census Tract 41 utilizing Section 108 loan funds. Additional improvements, including the development the parking lot for the future ball fields, will utilize the remaining loan funds. The entitlement allocation for debt payments on the Section 108 loan in 2008/09 will be $323,988 or 46% of the entitlement allocation.
The Owner Occupied Housing Rehabilitation Loan Program (HRLP) and the FirstTime Low-Income Home Buyer Program (FTHB) will be funded from other grant sources (ie. HOME and CalHOME), unexpended entitlement funds and program income. The Murry Park Improvement Program, the Homebuyer Education Program, the Public Utility Loan Program, and the Business Assistance Program will also utilize unexpended entitlement funds from previous years’ allocations and program income.

The 2008/2009 Action Plan Investment Programs for the $704,102 Entitlement allocation are summarized as follows, including the designated HUD performance objectives and outcomes as found in the program models for the activities:

<table>
<thead>
<tr>
<th>Program</th>
<th>08/09 Entitlement Allocation</th>
<th>Objectives, Outcomes, and Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$158,453</td>
<td>N/A</td>
</tr>
<tr>
<td>City-Operated Youth Center</td>
<td>$105,615 + $15,497 of current entitlement to equal the 15% public service cap ($121,112)</td>
<td>Availability or accessibility for the purpose of creating a suitable living environment; public service activity which tracks the number of low income youth served</td>
</tr>
<tr>
<td>Business Assistance Program</td>
<td>$66,046</td>
<td>Sustainability for the purpose of creating economic opportunities; number of businesses assisted, number of jobs created, or number of blighted parcels improved</td>
</tr>
<tr>
<td>Public Utility Loan Program</td>
<td>$50,000</td>
<td>Affordability for the purpose of providing decent affordable housing; number of low income households assisted</td>
</tr>
<tr>
<td>Section 108 Debt Service</td>
<td>$323,988</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Other programs funded with previous years’ entitlement and program income:

<table>
<thead>
<tr>
<th>Program</th>
<th>CDBG Funds Available</th>
<th>Objective, Outcome, and Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Time Low Income Homebuyer Program</td>
<td>$50,000</td>
<td>Affordability for the purpose of providing decent affordable housing; number of low income households assisted</td>
</tr>
<tr>
<td>Owner Occupied Housing Rehabilitation Program</td>
<td>$147,000</td>
<td>Affordability for the purpose of providing decent affordable housing; number of low income households assisted</td>
</tr>
<tr>
<td>Project</td>
<td>Amount</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>---------</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Homebuyer Education Program</td>
<td>$5,000</td>
<td>Affordability for the purpose of providing decent affordable housing; number of low income households completing course</td>
</tr>
<tr>
<td>Murry Park Improvement Project</td>
<td>$250,000</td>
<td>Availability/accessibility for the purpose of creating a suitable living environment; public facility - area benefit</td>
</tr>
</tbody>
</table>
INTRODUCTION

The U.S. Department of Housing and Urban Development (HUD) regulations require all Community Development Block Grant (CDBG) entitlement cities to prepare a three- or five-year "Consolidated Plan." In compliance with this requirement, the City of Porterville submitted a five-year vision for investing CDBG and other appropriate funds in May of 2005. This 2008/2009 Action Plan reflects the fourth investment plan within the scope of the Five-Year Consolidated Plan.

The 2008/2009 Action Plan reflects programs to address the high priority needs for the City of Porterville established in the Consolidated Plan. Community Development Department administration of CDBG programs, maintenance of the City's Youth Center, residential connections to public utilities, assistance to businesses, and debt service payments for the Section 108 loan are designated to utilize the 2008/2009 Entitlement funds. The Action Plan also addresses programs that have funding available from previous entitlement funds and program income including continued rehabilitation of the nearly 100 year old Murry Park and homebuyer education. In addition, with program income and other grant funding resources, the City plans to continue owner-occupied housing rehabilitation and low-income first-time home buyer assistance, both of which are successful programs and priorities for the City in meeting housing needs. Since the completion of the Heritage Community Center utilizing Section 108 funds, the debt service on the loan must be paid from the CDBG annual entitlement.

Porterville, located approximately 150 miles northeast of Los Angeles in Tulare County, is situated in one of the most productive agricultural regions in the world. Porterville's economy is historically dominated by agriculture and agriculturally based industries. Citrus production and processing constitute a major segment of the local employment market. Being an agriculturally based economy also translates into high unemployment figures and relatively low median income. Essentially, the entire City meets the criteria of being at least 51% low and moderate income and thus eligible for the expenditure of CDBG funds. Several of the City's programs, such as the First Time Low Income Homebuyer Program, the Owner Occupied Housing Rehabilitation Program, the Public Utility Assistance Loan Program, and the Business Assistance Program, including the new entrepreneurship program and possible development of parking lots, are available City wide. Other projects, such as Murry Park Improvement Project and the new Heritage Center where the Youth Center is located, are project specific and located within the City's lowest income neighborhoods.

Priorities, objectives and activities to implement the City's 2008/2009 Action Plan are outlined in the following paragraphs. These are in accordance with the Five Year Consolidated Plan. It is the City's primary goal to sustain existing developments and public services, and promote new housing, job opportunities, and public services for its residents and employers.
Priority Needs (as established in the 2005 Consolidated Plan)

A. Housing

Housing needs were prioritized by income group based primarily on tenancy, cost burden and housing availability and affordability. Housing for small renter households with incomes less than 50% of the median will be met primarily by public housing, assisted housing and/or Section 8 certificates. As a result, the number of units to be assisted is relatively modest and priorities assigned are medium to low.

On the other hand, housing for large renter households is recognized as a high priority in most San Joaquin Valley communities, including Porterville, due to the large number of low-income minority households with high per household populations. Even with the development of the five low income housing tax credit projects, there is a shortage of affordable 3-4 bedroom rental units, both in public and private housing projects. As a result, the need is high for households with incomes of less than 50 percent of the median, however, with such limited resources to develop additional units, the City will be giving it a medium priority for CDBG funding. The City does and will continue to support projects applying for tax credits and other sources of funds, such as HOME funds, and will help in the streamlined permit processing. Other large households with greater than 50 percent of the median income can generally afford larger units to accommodate all members of the household.

The need for elderly renter assistance is assigned a medium priority in most income categories due to the decreasing senior population, the relatively small number of elderly who rent rather than own their units, and the existing supply of affordable units for seniors in the City of Porterville.

Owner needs fall primarily into two categories—those households in need of assistance for purchasing a home and those in need of rehabilitation and maintenance.

A high priority is assigned all income groups 31-80% of MFI who can most readily benefit from first-time homebuyer's, self-help, and other homebuyer's assistance programs. Owner-occupied units with physical defects are also assigned a high priority, as these households most often benefit from housing rehabilitation and neighborhood improvement programs.

B. Community Development Needs

1. Public Facility Needs

The highest priority need for public facilities in the five year Consolidated Plan is for parks and/or recreation facilities. The City is in the midst of a multi year improvement project for the nearly 100 year old Murry Park. Even though the Heritage Center structure has been completed and is serving this need, a high priority is assigned to senior centers, youth centers, and neighborhood facilities since the City will be paying debt service on the Section 108 loan that was utilized for the construction of the facility. In addition, the parking lot for the future ball
fields adjacent to the Heritage Center is in the process of being developed. Child care, health facilities, and other public facilities are assigned a low priority as these are categories for which the City does not have resources and there are other agencies, such as the County, that provide these services. However, parking is designated as a high priority as public parking development can be a major issue in the implementation of downtown revitalization and economic development strategy.

2. **Infrastructure Improvement**

Although no expenditure of funds is planned for general neighborhood improvements, a medium priority is given to most of the infrastructure categories listed as they may also become issues in conjunction with other City improvement projects.

3. **Public Service Needs**

Public service needs are generally met by non-profit organizations funded by several public and private sources. Priorities have been assigned based on input from these organizations as well as input from public social services providers. The highest priorities are assigned to youth services and fair housing counseling, which are both programs funded by the City with CDBG funds. Transportation services that were a medium priority in the last Consolidated Plan have now become a low priority with the addition of the fixed route bus system and the transportation center constructed downtown.

Other public services including senior services, handicapped services, substance abuse services, employment training, crime awareness, tenant/landlord counseling, child care services, health services, and other public service needs are designated as a low priority as these are all areas in which other agencies provide the services. The City will strive to work cooperatively with these agencies in any way to help their programs, but the lack of adequate resources prohibits the City from assisting them financially.

4. **Accessibility Needs**

Accessibility needs are assigned a medium priority based on an inventory of handicapped accessibility needs compiled by the City.

5. **Historic Preservation Needs**

Historic preservation needs for non-residential uses are given a medium priority based on the historic significance of commercial structures in the downtown area and the potential need to assist in preservation, possibly through the City’s CDBG Business Assistance Program. Residential historic preservation is also given a medium priority as efforts are made to address these issues in the Owner Occupied Housing Rehabilitation Program and the First Time Low Income Homebuyer Program.
6. Economic Development

Economic development remains a high priority for the City as unemployment rates continually are higher than most areas of the state and job creation is the number one goal of the City, Chamber, and job development agencies. The City has formed a strong Partners Network with these agencies, organizations and businesses, a product of the adopted Economic Development Management Plan. These Partners meet on a regular basis.

Economic development needs are highest for commercial-industrial infrastructure, other business and technical assistance, particularly as they relate to development within the City's Recycling Market Development Zone, the Business Incentive Zone (BIZ), and in the vicinity of the airport industrial park. Funds expended to meet these needs should be coordinated with redevelopment financing where practicable and industrial job creation within the designated zones identified above.

The number one goal of the City is to promote economic development through business attraction, retention, and expansion. The City continues to utilize the adopted Economic Development Management Plan as the basis for programs and activities for the community, and the newly adopted General Plan contains an Economic Development Element which will lay the foundation for future economic growth.

The dominance of agriculture in the community is prone to natural disasters which result in a downturn in the economy. To address the need for diversification, as well as providing new opportunities for small business, the City has received a planning grant from the U.S. Department of Commerce, Economic Development Administration to conduct an analysis of market and industry trends which will identify business clusters that could benefit from entrepreneurial training and a business incubator program. New industry will redistribute the existing economic activity leading to future growth, new employment opportunities, and increased educational opportunities to ensure a quality workforce. To assist small business start-up and expansion, the City proposes to implement a Revolving Loan Program (RLP) to fill the financing gap that is often faced by small businesses.

7. Other Community Development Needs

Because of the lack of resources available for sustainable funding, code enforcement is given a medium priority for other community development needs. If funding were to become available, this category would become a high priority for the community.

Energy efficiency and lead based Paint/Hazards are both given a medium priority as they may become issues in a housing rehabilitation project.
8. Planning

Planning and administration is given a high priority based on the identified need for planning for specific CDBG funded projects. There would be no successful CDBG projects without the careful planning and administration for those projects.

ACTIVITIES FOR THE NEXT YEAR

A. Local Objectives

Porterville’s intent is to utilize all available resources to provide services and programs that result in the greatest return to the community. As reflected in the City’s Consolidated Plan, the needs facing Porterville greatly exceed the resources available. The City must therefore define its objectives and initiate programs that will best serve the priority interests of the community. Additionally, the City needs to be flexible in its utilization of the funds and especially where Program Income from the revolving loan funds is concerned, to be able to reallocate funds between those accounts as needed. However, the City will follow the established policy for processing an amendment to the Consolidated Plan and Action Plan if the funds to be reallocated are considered to be substantial.

Objective 1

Ensure, to the extent available resources allow, the availability of decent, safe and affordable housing within the City of Porterville for low- and moderate-income families and individuals.

Programs to assist in meeting this objective include:

a. Owner Occupied Housing Rehabilitation Loan Program (HRLP)

This program involves the continuation of the revolving loan program to assist in the rehabilitation of low and moderate income owner occupied housing within the City of Porterville. This program will be funded utilizing CDBG Entitlement and Program Income and HOME grant and Program Income funds. The HRLP program will provide low interest deferred loans to low and moderate income homeowners with the proceeds from the loan paybacks being utilized to fund additional loans. It is anticipated that the City will be investing approximately $150,000 in rehabilitating 6 homes during 2008/09. Two (4) of the households assisted are expected to be low income (less than 50% AMI) and four (4) will be moderate income (between 51 and 80% AMI).

Last year, the City revised the Program Guidelines to allow higher levels of assistance, up to $25,000, and incorporate lead based paint inspection and mitigation procedures so that older homes are eligible for greater assistance. The Five Year Consolidated Plan identifies physical defects of owner occupied units as a high priority need. The outcome/objective for this program is “affordability for the purpose of providing decent affordable housing”.

5
In addition to the City’s CDBG, HOME and RDA programs, Self-Help Enterprises conducts a weatherization program within the City limits utilizing Low-Income Home Energy and Department of Energy funds combined with private utility company contributions to assist lower income, owner occupied households in completing energy saving rehabilitation. Community Services and Training (C-SET) also sponsors a housing rehabilitation program that is available to residents in Porterville.

b. Public Utility Assistance Loan Program

The City will continue implementation of a revolving loan program to assist low and moderate income families in connecting to City sanitary sewer and water facilities, and where appropriate to connect to underground utilities installed by Southern California Edison. Such connection will be beneficial to the health of the families involved by improving their services. This program will be funded with CDBG Entitlement and Program Income funds estimated to be $74,500 for 2008/2009. This program has become more popular due to the annexation of several county islands into the city. Many of these households have shown a desire to connect to City services since they are now eligible for these assistance funds.

The funds will be loaned at 0% interest with the proceeds from the loan repayment being utilized to assist additional families. It is anticipated that this program will assist eight (8) families over the year with the possibility of additional families being assisted as the loans are repaid.

c. Homebuyer Education Program

As a requirement of participating in the City’s homebuyer assistance programs, applicants must complete a nine hour course educating them on all aspects of homeownership and the process of becoming a homeowner. This class is presented in both English and Spanish on a monthly basis. It is anticipated that the City will expend approximately $3,000 during 2008/2009 on the homebuyer education classes with 20-30 participants monthly, translating into 10-15 households monthly. There are adequate entitlement funds currently in the program to meet the obligations for the 08/09 program year without allocating new entitlement funds.

d. First Time Low Income Homebuyers Loan Program

In order to facilitate homeownership opportunities, the City plans to continue its very successful First Time Low Income Homebuyer Program which provides down payment/closing cost assistance and "silent second mortgages". These mortgages will lower the initial downpayments that are required as well as reduce the monthly mortgage payments. When available, the City will supplement CDBG funds with proceeds from State of California HOME grants, CalHome grants, BEGIN Program funds, Redevelopment Agency Low and Moderate Income Housing Set Aside funds, and Program Income to provide the loans for the program. Recently, the City has expended most of the funds from the open state grants and will have to wait for the annual competitive funding cycle to apply for more funds. Hopefully, the applications will be successful and additional funds will augment the funds available for the fiscal year. Last year with the dramatic increase in the cost of housing in the area, the City had increased the assistance to a maximum $60,000. As the state of the housing market has now dropped considerably, the
City is once again reducing its assistance level to $40,000 which, of course, allows more households to be assisted. At this point in time with no guarantee of new grant funds, the goal of the program will be to assist at least five (5) families in 2008/2009 with additional families assisted as the loans are paid back or other grants are secured. It is anticipated that the City will provide approximately $200,000 for this program during 06/07. The outcome/objective for this program is “affordability for the purpose of providing decent affordable housing”.

e. Rental and Public Housing

The City of Porterville is committed to encouraging rental housing opportunities throughout the City. The City will continue to work cooperatively with the Housing Authority of Tulare County (HATC) as they are the main provider of public housing. HATC will provide direct rental assistance by provision of affordable project units (281 existing units in Porterville) and by administration of Section 8 vouchers and certificates for about 583 households (nearly $3 million to be provided in the Porterville area during FY 2008/2009). An additional 170 existing units are available from two nonprofit low-income unit providers. These 170 units are managed by the HATC. Additionally, five low income housing tax credit projects provide 383 units for low income, many 3-4 bedrooms. Finally, the Farmers Home Administration provide 167 existing low-income rental units at two project sites in Porterville. Cumulatively, rental assistance will be provided to about 1,584 households in FY2008/2009.

Sixty eight (68) percent of Section 8 recipients and “households provided housing units at lower than market rate rents” are below 50 percent of AMI. Three hundred and fifty five (355) families are low-income large family households with four or more persons. A high priority need was assigned to addressing physical defects of units occupied by large renter households with incomes less than 50 percent of AMI.

The Housing Authority of Tulare County will spend about $170,000 during 08/09 in federal funds to rehabilitate existing HATC units, most of which are occupied by small families, through the Comprehensive Grant Program. These funds will be used for fencing, siding, painting, flooring, counter tops, drapes, asphalt repair, landscaping, appliances, etc. Of the households residing in these units, seventy three families are of low-income status (below 50 percent of AMI). Addressing physical defects for small family, renter occupied households earning between 31 to 50 percent of AMI was identified as a medium priority by the City’s Consolidated Plan.

During the program year, it is the City’s intent to work with developers to assist in the development of additional multiple family housing opportunities within the City, especially concentrating on infill development. In 07/08, the construction of Sequoia Village at River’s Edge, the 64 unit HOME and tax credit funded apartment complex located on the western edge of the Redevelopment Area, was completed and immediately fully occupied In 08/09, the City and the Redevelopment Agency will be pursuing funding for another multifamily project (70 units) located within the Redevelopment Area. This project is planned to produce a good percentage of the one bedroom apartments needed to replace the units that have been lost at the Porterville Hotel, the Single Room Occupancy Project, on Main Street.
f. Homelessness

Homeless Prevention

As discussed in the Consolidated Plan, there are a variety of organizations available to assist those threatened with homelessness. However, the greatest assistance that can be provided to any family or individuals threatened with homelessness is the availability of economic opportunities (jobs), safe affordable housing, and support services. Through its ongoing activities in housing rehabilitation and economic development, the City has created an environment conducive to the prevention of homelessness. However, there is still a need for those organizations that can provide support services to those threatened with homelessness and who have special needs. Being an active participant in the regional Kings/Tulare Continuum of Care, the City plays an important part in the strategic planning for the organization and for applications for funding sources. The City will continue to support the efforts of the Continuum and will continue cooperating with the operators of the Central Valley Family Crisis Center, Salvation Army, Red Cross, the PAAR Center, Porterville Area Coordinating Council, Daybell Brooks Men’s Shelter, the Porterville Rescue Mission, and other such facilities within the City in providing adequate facilities to meet the emergency and transitional housing needs of the homeless and those threatened with homelessness. The Continuum of Care has hired a coordinator for the Homeless Management Information System (HMIS) and is in the process of working with the HUD funded agencies to input their data into the system. HMIS will be a tremendous help in tracking data of the homeless being assisted and in determining where resources are available. In addition, the City will participate in HUD’s Take Ten Program to Help Homeless People by supplying the phone number of a local contact to HUD’s toll-free phone line. This local organization receives calls from persons that want to help local homeless program providers and/or supply direct assistance to homeless persons.

Although the Consolidated Plan establishes a low priority for CDBG funding for both categories of homeless families and individuals due to a lack of resources available to directly contribute to applicable programs, a high priority need for providing emergency shelters and transitional housing is prominent in the Continuum of Care Strategic Plan, along with substance abuse treatment, case management, mental health care, life skills training, etc. Besides providing new emergency shelters and transitional housing, the plan identifies other programs to deal with the homeless and potentially homeless, such as developing a linked service delivery system and outreach programs. During 08/09, the Kings/Tulare Continuum of Care will continue as the State Local Designated Board (DLB) for administering the State’s Emergency Housing Assistance Program (EHAP) for the Kings/Tulare region. The Continuum had to update the Local Emergency Strategy (LES) for the application which defines the Continuum’s priorities and goals for developing emergency housing. One of the objectives of the Continuum is to work cooperatively with service agencies to set up “one stop” centers in the major communities of the two county area. These centers would provide the chronically homeless a place to take a shower, wash clothes, receive mail, receive medical counseling, and have other service agencies available for assistance along with some emergency beds. It is the desire of the City of Porterville to take an active role in the implementation of the strategies identified in the adopted Strategic Plan and the LES for the Kings/Tulare County Continuum of Care. A City staff member is currently serving on the executive committee of the Continuum and is a member of
the DLB. The City will also support applications of member organizations and agencies for other funding sources, including the HUD programs such as McKinney Act Funds and Emergency Shelter Grants.

Objective No. 2

The City will strive to maintain the integrity of its existing neighborhoods.

As part of this effort, improvements to public facilities within neighborhoods is crucial to maintaining the integrity of the neighborhood itself. The focus of the City during this time period will be on the continuation of the Murry Park Improvement Project.

a. Murry Park Improvement Project

The nearly 100 year old City owned Murry Park is located in the area of the greatest concentration of the City’s minority population and low and moderate income residents. The first phase of the improvements, the reconstruction of the community swimming pool, was completed in 2003/04, but additional improvements in accordance with the Master Plan for the park are proposed to be made with CDBG funds in subsequent phases. These improvements include, but are not limited to upgrading existing picnic shelters, bringing restroom facilities up to ADA standards, replacing the existing sewer lateral line, replacing an unsafe wooden bridge, installing a drainage pipe for erosion control, removing dead trees and pruning other trees, constructing a parking lot near the pool area, and installing an aerator and shoring-up edges of the duck pond. Last year the City Council decided to not install the water slide at the pool as the cost for the slide has risen dramatically. There had been considerable delay in progressing with the other projects due to the wait for the completion of the cultural and environmental documents which were finally approved in 07/08. Although the remaining CDBG funds allocated to this project are not adequate to complete many of the desired improvements, the City plans to utilize the approximately $250,000 towards these efforts during FY08/09.

The outcome/objective for this program is “availability/accessibility for the purpose of creating a suitable living environment”.

b. Other Programs

Additionally, the Owner Occupied Housing Rehabilitation Program, the First Time Low Income Homebuyer Program, and the Public Utility Loan Program already discussed above all assist in achieving the objective of maintaining the integrity of the neighborhoods. Details of these programs are found in the Program Models (Attachment).
Objective No. 3

The City will encourage the location of commercial and industrial development within the City.

Commercial and industrial development within the City of Porterville contributes to stabilization and improvement of the local economy. Consequently, the City is interested in attracting new businesses and industry, as well as retaining existing businesses and industries, and encourages the expansion of existing businesses and industries. Growth in commercial and industrial enterprises supplies employment for low- and moderate-income individuals. In turn, if individuals are employed and earning income, then they are more likely to purchase private goods and services locally. Low- and moderate-income individuals, industrial and commercial enterprises and the community as a whole thereby benefit from the City’s extension of public services and commercial rehabilitation or new construction projects to attract and accommodate new or expanded industrial and commercial businesses.

Due to the high unemployment rate and the need to diversify the economy, the City of Porterville pursues a very aggressive Economic Development Program on an on-going basis. This effort has resulted most recently in the location of the ProDocumentSolutions printing facility in Porterville. CDBG funds for site improvements were utilized to assist with the attraction of this company to fill a long-vacant facility. To date, over 75 full-time jobs have been created and the company continues to grow. This is a good example of the City utilizing CDBG funds for economic development and job creation.

Close coordination with the Tulare County Economic Development Corporation, the Business Incentive Zone coordinators, and the Tule River Economic Development Corporation is on-going and has been vital to the City's recent economic development accomplishments. The City is keeping pace with this rapid development pattern through on-going General Plan Land Use and Circulation Element amendments accompanied by an aggressive annexation program (10-15 new areas are typically brought into the City each year). Rezoning of large areas (200-300 acres total) over the past several years has helped to maintain an appropriate balance of residential, industrial, and commercial lands to accommodate several new employers anticipated to locate in Porterville during the Consolidated Planning period. The City had been delayed in the process of updating the General Plan but the new plan was adopted by the City Council on March 6, 2008. Naturally, reviewing all the land use issues and the growth patterns desired for the community was an integral part of this process. The next step in the implementation of the General Plan is a complete update of the Zoning Code Ordinance.

The City’s aggressive Economic Development Program has helped to create employment opportunities over the past five years while elevating many of the City's very low income households above poverty status as defined by the Census and helping in the prevention of homelessness. The number one goal of the City is to promote economic development through business attraction, retention, and expansion. The City will continue to utilize the adopted Economic Development Management Plan as the basis for programs and activities for the community, and the newly adopted General Plan contains an Economic Development Element which will lay the foundation for future economic growth.
The dominance of agriculture in the community is prone to natural disasters which result in a downturn in the economy. To address the need for diversification, as well as providing new opportunities for small business, the City has received a planning grant from the U.S. Department of Commerce, Economic Development Administration to conduct an analysis of market and industry trends which will identify business clusters that could benefit from entrepreneurial training and a business incubator program. New industry will redistribute the existing economic activity leading to future growth, new employment opportunities, and increased educational opportunities to ensure a quality workforce. To assist small business start-up and expansion, the City proposes to implement a Revolving Loan Program (RLP) to fill the financing gap that is often faced by small businesses.

a. Business Assistance Program

Assistance is available to commercial and industrial businesses in order to create jobs for low and moderate income persons and help eliminate blight. These funds will be used for the rehabilitation of commercial, commercial/residential, industrial, and professional office structures on a city-wide basis. Rehabilitation will include facelift and interior remodel of the buildings, addressing seismic retrofit, heating/cooling system upgrades, accessibility improvements for persons with disabilities, structural and facade renovations, infrastructure improvements, and electrical wiring upgrades. Parking lot development and facade improvements can also be assisted through this program. The City is carrying forward approximately $600,000 in previously allocated Entitlement funds and Program Income for the Business Assistance Program for FY2008/2009. With several large projects on the horizon, it is proposed to allocate an additional $66,046 in entitlement to this program this year. This will be the first year of payments on the ProDocument loan, so it is anticipated that $32,165 will be received in Program Income. The prevailing wage laws in California have made expenditure of these funds more challenging, but the BAP remains as one of the only incentives available to the City for business attraction. The City hopes to assist at least one business during FY08/09 expending approximately $100,000 and producing 3 jobs for low income individuals (one job for every $35,000 of CDBG expenditure).

The City, in partnership with Porterville College and California University at Fresno, Lyles Center of Innovation and Entrepreneurship, will be implementing an Entrepreneurial Training program at Porterville College for those persons seeking to start or expand a small business. The curriculum will include business basics, such as Writing a Business Plan, Marketing, and Understanding Profit and Loss Statements, which will assist the small business owner in becoming more successful in his/her entrepreneurial endeavors. The City proposes to utilize a portion of the Business Assistance funding to implement a Revolving Loan Program (RLP) to assist small business start-up and expansion as part of the City’s Entrepreneurial Training and Business Incubator Program. Additionally, a portion of the RLP may be used to assist low and medium income persons with tuition for the Entrepreneurial Training program. The City anticipates that it can assist twenty (20) students with tuition and three small business start-ups or expansions with RLP expenditures of $300,000 in FY 08/09. The guidelines have not yet been
developed for this program, but it is anticipated that the program will be eligible under the microenterprise development activity found at 570.201(0).

b. Parking Lot Improvements and Development

If available, business assistance funds may also be used to provide improvements to downtown public parking lots and construction of new public parking lots. Use of these funds will assist in enhancing the infrastructure needed to attract employers to currently vacant and underutilized buildings. The lots in need of reconstruction were originally constructed 30+ years ago, and they are currently in need of substantial reconstruction in order to adequately serve the surrounding commercial businesses. These lots are in the heart of downtown, and their deteriorated conditions have contributed substantially to the extensive and prolonged high vacancy rate of adjacent buildings. In conjunction with the CDBG Business Assistance Program, which will provide funding for improvements to the buildings, the reconstruction of the parking lots can eliminate blighted conditions and provide economic development opportunities. The downtown area serves the entire community and is the commercial activity center located immediately adjacent to the area’s two most economically disadvantaged census tracts (Census Tracts 39 and 41). As a result of developing the Porterville Redevelopment Agency Strategic Plan, it became evident that for downtown to thrive, improvements were necessary to increase pedestrian access and safety, and to promote downtown as a destination place to go to, not through. In these respects, sidewalks were improved, street lighting and streetscape designs developed, and one-way traffic was redirected to two-way traffic. Another major element of the Redevelopment Strategic Plan was the need for improvements to existing public parking lots and developing new public parking areas to assist in downtown revitalization. The City received an infrastructure grant from the State in 2002 that was used to reconstruct a strategic downtown parking lot which enhanced the area and, in conjunction with the Business Assistance Program, provides enticements for economic development in the downtown area. As part of the project, the City acquired a deteriorated building adjacent to the parking lot, but the funding was not sufficient in the infrastructure grant for demolition of the building and expansion of the parking lot. Recently with other funding secured, the City completed the demolition of the building and is in the process of constructing the expansion of the parking lot. The funding for this project is eighty percent (80%) from Federal Transit Administration Section 5307 funds with the twenty percent (20%) local match from Local Transportation Funds. This project is strategically located to provide parking for the regional transportation center across the street as well as that area of the Central Business District. Additionally, the Redevelopment Agency is in the design stages for improvements to the city-owned Hockett Street/Mill Avenue parking lot one block north of the new parking lot across from the Transit Center. This lot has major deterioration due to the roots of the original trees that have pushed up the asphalt making it nearly impossible to park in some stalls. A building adjacent to the lot has recently been renovated and a new restaurant and offices have opened that are in great need of these parking spaces. The improvements should be completed in 2008.
Funds to improve parking lots in the Central Business District will compliment nearly $4 million in capital improvements completed toward implementing the Porterville Redevelopment Agency Strategic Plan. Additional improvements are necessary in order to entice businesses to locate within the core of the City’s central business district. Competition from commercial areas in surrounding communities, along with steadily increasing costs incurred in addressing the rehabilitation needs of the aging historical buildings, are just two of a number of factors which have led to a high vacancy rate along the City’s Main Street corridor.

These funds may also be used for construction of new parking improvements for commercial, professional office, or industrial use. Completion of newly constructed parking lot improvements, in conjunction with commercial, professional office, or industrial business development will generate employment opportunities for low- and moderate income persons and eliminate blighted conditions. This program will meet the CDBG National Objective for addressing slum and blight on an area basis, or in some cases on a spot basis (570.208 (b)(2)). This is an eligible activity by Federal Regulations 24 CFR Section 570.201(c). The City is studying the possibility of using this program to develop a parking lot on the site of the JC Penney building that burned down several years ago. The Main Street site is definitely blighted and development has been deterred due to an open culvert with slough water running underneath the site. The culvert would be enclosed as part of the parking lot project.

The parking lot reconstruction and new construction projects will result in the creation of employment and economic opportunities for low- and moderate-income persons. The local community will be enhanced by removing blighted conditions thereby encouraging viable businesses to become established, expand, or relocate to the area. It will address factors contributing to the area’s blighted conditions, high unemployment rate, and low-income levels. The City will also ensure hiring of a sufficient number of low- and moderate-income persons to justify the use of CDBG funds or make the appropriate blight determination per CDBG regulations.

Commercial-industrial infrastructure and rehabilitation has been assigned a high priority in the Consolidated Plan and parking facilities has also been designated a high priority.

The outcome/objective for this program is “sustainability for the purpose of creating economic opportunities”.

Objective No. 4

The City will encourage the development of its youth.

a. Porterville Youth Center

The provision of ongoing youth activities is a high priority within the community. The City Parks and Leisure Services Department has been operating the Center and providing an ongoing youth counseling and activity program within the City for many years. The Youth Center is
located in the new Heritage Center which will allow for the expansion of programs and an increase in youth attendance. It is anticipated that the City will utilize its 15% allowance for public services for the continuation of this program and part of the 15% of the previous years' program income for a budget of $121,112 for FY 08/09. Daily attendance at the youth center in the new Heritage Center is expected to be 46 which adds up to over 12,000 visits to the center for the year. A detailed budget for the operation of the Youth Center is attached in the Program Models.

b. Heritage Community Center (Section 108 Loan)

To meet the need for permanent facilities within the community to provide broad based youth activities, the City received a $3.885 million Section 108 Loan guarantee to fund the construction of the Heritage Center in one of the lowest income areas of the City. The construction of the building was completed in 05/06, but the ancillary project of developing a parking lot adjacent to the future ball fields is currently under construction. The Heritage Center was developed in partnership with the Porterville School District as it was constructed adjacent to the newest elementary school, Sante Fe. This allows for joint use of both City and School facilities for library and recreation activities, thereby leveraging the resources available. The Porterville Youth Center is located at the Heritage Center along with other City programs. The loan was executed in late 2003/04 with repayments starting in the 04/05 program year. The debt payment for FY08/09 is $323,988, which is 46% of the annual entitlement allocation.

Administration

One hundred fifty eight thousand, four hundred fifty three dollars ($158,453) will be allocated for general administration of the CDBG Program, including ongoing fair housing and Continuum of Care activities, professional services (if required), equipment purchases, etc. This amount includes twenty percent of anticipated program income for the fiscal year.

BARRIERS TO AFFORDABLE HOUSING

As previously stated, governmental constraints to the production of housing are minimal in Porterville. In sum, the City’s land use regulations, expedited permit processing, and relatively low development fees serve to encourage the construction of lower-cost dwelling units compared to other Central Valley communities. This conclusion is supported by the following facts:

- The City allows for a broad range of residential densities, up to 43 dwelling units per acre, and in no way discourages proposals for higher density housing through burdensome permit processes or exactions.
- Permit processing times are relatively brief for typical development projects.
- City fees are relatively low, and there are few development exactions.
- Most residential zones allow for alternative housing types, including mobile
homes, second dwelling units, and group homes.

- Zoning and parking standards are not overly restrictive; the minimum single family lot size is sufficient to induce homebuilders to construct single family dwelling units for low- and moderate-income first-time home buyers.

Since 1987, the City has expended $33.5 million in Certificates of Participation to provide new wells, major sewer and water trunk connections, and expansion of the Wastewater Treatment Facility to accommodate residential growth, and ensure maintenance of affordable housing, for the next 20 years. The 1987 Certificates of Participation also provided the City with a new west area fire station, a new police station, and the expansion and renovation of City Hall. Additionally, the City has completed the expenditure of another $20 million in Certificates of Participation to provide funding for an extensive street improvement program throughout the City. The City Council is currently in the process of reviewing the possibility of issuing $24 million in new Certificates of Participation for major proposed capital projects including extensive street improvements, a sports complex, and sewer and water extensions.

Notwithstanding this fact, the City will continue to evaluate its zoning ordinance and general plan policies to ensure no undue hardship is created in the development of low- and moderate-income housing. Specifically, the Housing Element adopted in 2004 establishes, as one of its action plan goals, “to reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to lower and moderate income households. To accomplish this goal, the following zoning ordinance revisions were recommended and the first three of the five have been adopted by City Council with the remaining two to be included in the Comprehensive Zoning Code Update to be completed after the adoption of the General Plan Update in March 2008.

a. Definition of Family Household

The Porterville Zoning Ordinance defines a family as “an individual, or two or more persons who are related by blood or marriage, or a group of not more than five persons not necessarily related by blood or marriage. This definition is a potential constraint upon low income individuals whose financial circumstances may force them to live in shared living quarters. Specifically, inclusion of the definition of a “family” in the Zoning Ordinance presents misconceptions about enforcement that is beyond the authority of the Ordinance.

b. Residential-Agricultural (R-A) District

California law requires that farmworker housing for 12 or fewer employees be permitted by right in all agricultural zones. While Porterville’s General Plan includes an agricultural land use designation, no corresponding zoning district implements this land use designation. The R-A district is intended to accommodate only small-scale agricultural pursuits and include some properties with “hobby farms.” The district is not intended for commercial-scale farming operations that warrant the provision of farmworker housing.
c. Density Bonus

In accordance with State density bonus law, the City will adopt a local ordinance that provides for density and other incentives for the development of affordable housing. Specifically, a 25 percent density bonus and at least one regulatory concession or incentive will be granted if a developer agrees to any one of the following:

- 20 percent of the total units of a housing development for lower income households
- 10 percent of the total units of a housing development for very low income households
- 50 percent of the total units of a housing development for seniors
- 20 percent of the total units in a condominium project for moderate income households

d. Emergency Shelters and Transitional Housing

The City will amend the Zoning Ordinance to specify emergency shelters and transitional housing as institutional uses permitted in the R-3 and R-4 zones with a conditional use permit. City staff will work with nonprofit organizations to identify appropriate sites for such facilities. Process and procedures required for the development of transitional housing and emergency shelters will be similar to those established for similar uses in the same zones. In addition, the City participates in the countywide Continuum of Care Strategy to pursue funding to assist the homeless.

e. Compliance with ADA

The City will evaluate the Zoning Ordinance for compliance with ADA requirements, ensuring that development standards and permit procedures do not constrain the development and improvement of housing for persons with disabilities.

Moreover, through its First Time Low Income Home Buyers Assistance Program, the City has attempted to mitigate one of the single largest barriers to affordable housing, namely the need for a substantial down payment. It is the City's intent to continue this program with current and new grant funds during 2008/2009.
Affirmatively Furthering Fair Housing

In addition to these programs, the City will also endeavor to provide decent, safe, and affordable housing by implementing the actions recommended in the Analysis of Impediments to Fair Housing Choice (AI). These actions are as follows:

- **Expanding Affordable Housing Opportunities**

  The City will continue to provide homeownership opportunities in the community by promoting its First-Time Low Income Home Buyer Program, Mortgage Credit Certificate Program and Home Buyer Education classes. The City will focus outreach efforts towards lower income households, particularly to Hispanic households, since they have more difficulty obtaining financing. The City will continue to advertise the availability of home buyer assistance at public counters, the City website, and newsletter. The City will continue to provide first-time homebuyer workshops in both Spanish and English.

  In addition, the City will expand its outreach efforts to the low income neighborhoods for the Owner Occupied Housing Rehabilitation Program, especially to the newly annexed county island areas. With the revision of the program guidelines to be more aggressive in rehabilitation of older homes with lead based paint issues, the City anticipates reaching many more low income households with this program.

- **Improving Access to Information**

  The City will work to expand its website to provide additional links to housing services and resources, such as a link to the fair housing service provider and a link to the Fannie Mae Foundation that offers free guides and resources for first-time home buyers in English, Spanish, and other languages.

- **Revising Public Policies and Programs**

  The Porterville Zoning Ordinance defines a family as “an individual, or two or more persons who are related by blood or marriage, or a group of not more than five persons not necessarily related by blood or marriage. This definition is a potential constraint upon low income individuals whose financial circumstances may force them to live in shared living quarters. Specifically, inclusion of the definition “family” in the Zoning Ordinance presents misconceptions about enforcement that is beyond the authority of the Ordinance. The City has completed the amendment to the Zoning Ordinance to remove the definition of the word “family.”

  The City will continue to pursue affordable housing development programs identified in the 2003-2008 Housing Element. To the extent feasible, the City will facilitate the development of housing affordable to lower and moderate income households according to the Regional Housing Needs Determination (RHND) identified in the Housing Element.
Promoting Outreach to Lenders

The City will work with local lenders and government institutions to provide outreach to lower income residents about home purchase loans particularly for first-time home buyers. The City will encourage local lenders to provide information in both English and Spanish and to hold workshops in both languages.

Facilitating Fair Housing Services

The City will explore with Tulare County and nearby communities the feasibility of sponsoring a fair housing program to provide landlord/tenant mediation counseling for Porterville residents and residents in the region. Specifically, the City will encourage the fair housing provider to provide a “renters” workshop to discuss fair housing issues for tenants and landlords, ways to improve credit, and rights and responsibilities. The City is currently planning a “Housing Opportunity” Fair and Foreclosure Workshop to be held in April 2008. This event will include outreach to the community regarding fair housing rights.

With the current crisis in the mortgage industry, City staff has been participating in the county-wide effort to help households that are facing foreclosure. This effort is being based on the “No Homeowner Left Behind” model being used in Fresno. This is a grassroots, community-based collaborative response to the growing problem of sustainable homeownership and foreclosure prevention for the Central Valley. The mission of the No Homeowner Left Behind initiative is to ensure that homeowners have access to timely, accurate, unbiased information and reputable professionals to help them preserve home ownership when feasible, and to minimize loss of equity and other adverse impacts when retention of homeownership is not possible. The Porterville workshop will be the second one held in Tulare County to address this issue.

Lead Based Paint

The Tulare County Health Department will conduct follow-up investigations on documented incidents of childhood lead poisoning and implement eradication action as required by law. The City of Porterville will not directly undertake a lead based paint eradication program during FY 2008/2009 unless such action is in conjunction with CDBG, HOME, CalHome and Redevelopment Agency Low Income Housing Set-a-Side funded owner occupied housing rehabilitation projects.

Anti-Poverty Strategy

As stated previously in the Economic Development Needs Section of this Action Plan, the City of Porterville pursues a very aggressive Economic Development Program on an ongoing basis. This program will continue during the 2008/2009 Program Year, with implementation of the Business Assistance Program and its objective to create low- and moderate-income jobs. Additionally, approximately five (5) households are anticipated to qualify for the purchase of a
home under the City’s First-Time Low-Income Home Buyers Program funded with CDBG, State HOME, and CalHome funds.

Institutional Structure

The City of Porterville will continue to work with local profit and nonprofit organizations as well as the HATC and the County of Tulare to strengthen the reciprocal transfer of information and to maximize the efforts directed to assist the low- and moderate-income families of the community. Further, the City will continue to evaluate its delivery system and those of the agencies it works with to see if improvements can be made.

Coordination of Efforts

The City will continue to work closely with, and in support of, the community service providers in meeting the special needs of its homeless, low-and moderate- income populations. The City will also continue to participate in the Kings/Tulare Continuum of Care to ensure coordination and implementation of the strategic plan. Coordination with local lending institutions assisting lower income first time home buyers will be continued through public meetings and periodic "Housing Fairs." The City will also be working with the lenders to research various lending programs for approval to use with the City’s assistance program. The City will continue to work with the HATC to support the maintenance of adequate Section 8 Vouchers and other public housing within the City in proportion to the City’s growing, very low-income resident population. The City will also be working closely with the Tulare County Economic Development Corporation, the BIZ Zone, and the Tule River Economic Development Corporation to facilitate and enhance economic development opportunities in the City.

Sources of Funds
U. S. Department of Housing and Urban Development
Consolidated Plan
Funding Sources

<table>
<thead>
<tr>
<th>Entitlement Grant</th>
<th>$704,102</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unprogrammed Prior Year’s Income Not Previously Reported</td>
<td>0</td>
</tr>
<tr>
<td>Surplus Funds</td>
<td>0</td>
</tr>
<tr>
<td>Return of Grant Funds</td>
<td>0</td>
</tr>
<tr>
<td>Total Estimated Program Income (from detail below)</td>
<td>$90,165</td>
</tr>
<tr>
<td>Total Reprogrammed Funds</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total Funding Sources</strong></td>
<td><strong>$794,267</strong></td>
</tr>
</tbody>
</table>
### Estimated CDBG Program Income

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Housing Rehabilitation Revolving Loans</td>
<td>$7,500</td>
</tr>
<tr>
<td>2. First-Time Home Buyer Revolving Loans</td>
<td>$50,000</td>
</tr>
<tr>
<td>3. Citywide Sewer/Water Connection Loans</td>
<td>$500</td>
</tr>
<tr>
<td>4. Commercial/Residential Rehabilitation Loans</td>
<td>$32,165</td>
</tr>
<tr>
<td>Total Estimated Program Income</td>
<td>$90,165</td>
</tr>
</tbody>
</table>

### Formula Grant Sources
The City anticipates a CDBG grant in the amount of $704,102 for FY 2008/2009.

### HUD Sources
A remaining portion of the 2006 State of California Housing and Community Development HOME grant in the amount of approximately $78,000 for the Housing Rehabilitation Program will be utilized in 08/09. The City will also be applying for both a HOME multifamily project grant and a HOME program grant for the First Time Low Income Homebuyer Program and the Housing Rehabilitation Program.

### Non HUD
No new grant funds available at this time, but the City will be applying for more funds in the next competitive cycle. Program income generated from previous state grants will be used for the First Time Low Income Homebuyer Program.

### Program Income
The City anticipates that it will receive approximately $90,165 in CDBG program income, and approximately $60,000 in State of California HOME program income during FY 2008/2009. HOME program income is reported quarterly to the State. CalHome loans are deferred for the life of the loan, but there may be some monthly prepayment of loans and some total payoffs if the houses are sold or refinanced.
II

Action Plan Development Process and Citizen Participation

Prior to preparing the 2008/2009 Action Plan, City of Porterville Community Development Department staff developed a time schedule of events and dates necessary for completing the Plan. On March 1, 2008, a public hearing notice (hearing conducted by the Citizens Advisory and Housing Opportunity Committee) was published in the Porterville Recorder, a local newspaper. The public hearing notice was also published on March 7, 2008, in the Noticiero Semanal, a local Spanish newspaper. On March 10, 2008, the Citizens Advisory and Housing Opportunity Committee held the public hearing. The hearing was conducted to obtain the views of citizens, public agencies and other interested parties on the City’s housing and community development needs and proposed use of funds to achieve objectives, priorities, and actions for addressing those needs during FY 2008/2009. Views obtained during this hearing were considered for the final Action Plan.

A summary of the proposed Action Plan, and a notice of a second public hearing for the regularly scheduled City Council meeting of May 6, 2008, was published in the Porterville Recorder on March 14, 2008 and in the Noticiero Semanal on March 14, 2008. Also on this date, drafts of the Action Plan were provided for the public’s review at the Porterville City Library and the City Hall Community Development Counter. This publication initiated the 30-day review period to submit comments regarding the proposed Action Plan. No written comments were received.

A courtesy public hearing notice was published in the Porterville Recorder on April 25, 2008.

On May 6, 2008, the Porterville City Council will conduct the public hearing to solicit comments on the 2008/2009 Action Plan at its regularly scheduled meeting. Comments will be received and considered at the meeting.
III

MONITORING

The Community Development Department of the City of Porterville will review its CDBG programs on an ongoing basis for performance evaluation and to ensure long-term compliance with program requirements. The City will enter accomplishment data into the IDIS system and will annually complete the Consolidated Annual Performance Evaluation Report (CAPER) that will detail and quantify the number of households and families assisted, jobs created, improvements provided, and any other measurement of performance applicable to the program activities. The reports will include an evaluation of each program in terms of the outcomes/objectives assigned to the program under HUD’s performance measurement system. The report will be reviewed by HUD and presented at a public hearing as per the policies established in the adopted Citizen Participation Plan.
IV

CERTIFICATIONS
V

HUD-424 FORM

(To be completed when submitted to HUD)
VI

MAP OF CDBG PROJECTS
VII

MINORITY AREA AND LOW/MOD INCOME
AREA MAPS
PROGRAM MODELS
2008 FUNDING RECOMMENDATION: $7,500

PRIOR YEAR CDBG FUNDING:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1982</td>
<td>$282,000</td>
</tr>
<tr>
<td>1983</td>
<td>$43,000</td>
</tr>
<tr>
<td>1986</td>
<td>$70,000</td>
</tr>
<tr>
<td>1986</td>
<td>$15,000</td>
</tr>
<tr>
<td></td>
<td>Reallocation from other CDBG Programs</td>
</tr>
<tr>
<td>1990</td>
<td>$103,000</td>
</tr>
<tr>
<td>1991</td>
<td>$47,000</td>
</tr>
<tr>
<td>1992</td>
<td>$169,000</td>
</tr>
<tr>
<td>1993</td>
<td>$211,000</td>
</tr>
<tr>
<td>1998</td>
<td>$50,000</td>
</tr>
<tr>
<td>1999</td>
<td>$18,000</td>
</tr>
<tr>
<td>2000</td>
<td>$8,500</td>
</tr>
<tr>
<td>2001</td>
<td>$10,000</td>
</tr>
<tr>
<td>2002</td>
<td>$10,000</td>
</tr>
<tr>
<td>2003</td>
<td>$200,000</td>
</tr>
<tr>
<td>2004</td>
<td>$10,000</td>
</tr>
<tr>
<td>2005</td>
<td>$10,000</td>
</tr>
<tr>
<td>2006</td>
<td>$7,500</td>
</tr>
<tr>
<td>2007</td>
<td>$7,500</td>
</tr>
</tbody>
</table>

CDBG Program Income

PROGRAM PLAN:

This Program Model was originally established in 1982. The revolving rehabilitation loan fund concept utilizes the authority granted by the U. S. Department of Housing and Urban Development to enable the City to administer a Revolving Loan program for eligible low- and moderate-income homeowners to rehabilitate their homes and is an eligible activity identified in Federal Regulations 24 CFR 570.202 (a).

SPECIFIC PROGRAM OBJECTIVES:

To make progress toward satisfying the objectives of the Action Plan and the Housing Element of the City's General Plan, and to meet one of the National Objectives of the Community Development Block Grant Program, 24 CFR 570.208(a)(3), the City will participate in a meaningful and effective housing rehabilitation program to assist low and moderate-income homeowners and to supplement previous funding allocated over the past 25 years to the Housing Rehabilitation Loan Program (HRLP). The outcome/objective for this program in the new HUD Performance Measurement System is “affordability for the purpose of providing decent affordable housing”.

SPECIFIC PROGRAM ACTION:

These additional funds, allocated to the Housing Rehabilitation Loan Program, will be utilized according to the policies and procedures approved for the administration of the HRLP.
Applications from City-wide homeowners are submitted by prospective eligible applicants, then reviewed and verified for accuracy prior to submission to the Community Development Financial Assistance Review Committee (CDFARC). The City provides zero percent deferred loans up to $25,000. Program income derived from repayment of these loans is used to provide funding for new expenditures in the HRLP.

Once an applicant is qualified, an inspection of the premises is made to identify building code deficiencies, applicable lead based paint mitigations, and zoning violations. The applicant is counseled as to the extent and cost of the work covered by a rehabilitation loan, maintaining an equity reserve after rehabilitation construction, and the process of selecting a contractor. A systemized program evaluating work completed through on-site inspections and progress payment issuance is administered by the City to ensure that abuses of the program do not occur. Final payment is held until the City Building Inspector, Rehabilitation Specialist, and homeowner have indicated completion and satisfaction with the work.

The administration of the program is accomplished by City staff in accordance with Federal regulations.
2002 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(MARCH 2008)
HOME BUYER EDUCATION PROGRAM

2008 FUNDING RECOMMENDATION: $0

PRIOR YEAR FUNDING: 2002 $12,316 CDBG REALLOCATED FUNDS
2003 $10,000 CDBG Entitlement Funds
2004 $10,000 CDBG Entitlement Funds
2005 $6,000 CDBG Entitlement Funds
2006 $0
2007 $0

PROGRAM PLAN:

CDBG funds will be used to prepare low-income renter households for the responsibilities and challenges of homeownership which will facilitate the use of the City’s First Time Homebuyer Low Income Loan Program. The City is requiring this eight to nine hour training course as a prerequisite to applying for City assistance in the purchase of their first home. The City is convinced that the more information the applicants receive regarding the entire process of purchasing a home, the more intelligent and fiscally responsible decisions will be made. The course is taught by qualified individuals in both English and Spanish. The curriculum includes, but is not limited to the following topics: advantages/disadvantages of homeownership, what the applicant can afford, developing budgets, determining debt ratios, explanation of the loan process, down payments, and closing costs, selection of a real estate agent, selection of property, lead base paint visual assessment certification, writing an offer, the escrow process, and maintenance of the home. Using the funding allocation, the City plans to provide this homebuyer education course free of charge to qualified low income persons.

Most of the housing problems experienced by low-income households are associated with cost burden factors. Relative to other income groups, these income groups have a disproportionate need for housing assistance. Approximately 82 percent of Porterville’s low-income households (30 percent AMI) were faced with some form of housing problem in 2000, compared to 57 percent for low income households (51-80% AMI). In order to meet the needs of low- and moderate income households, some form of assistance will be required. This program is an eligible activity identified in Federal regulations 24 CFR 570.201(k).

This program, using CDBG funds, would be a first step in meeting the Quantified Objectives and in accomplishing Goal C in the Housing Element: “To meet a reasonable share of the City’s low- and moderate-income housing needs.” In detailing policies that would help achieve this goal, the City commits to pursuing “state and federal funding assistance that is appropriate to Porterville’s need to develop housing that is affordable to low- and moderate-income households.” Use of CDBG funds in educating low- and moderate-income first-time home buyers seems very appropriate in helping to address the housing needs of the low- and moderate-income in Porterville and meet one of the National Objectives 570.208(a)(3) where, contrary to many areas of the state, owning an affordable home can become a reality.
SPECIFIC PROGRAM OBJECTIVES:

The City’s proposed use of CDBG funds and other federal and state funding sources for the Homebuyer Education Program will address the community’s housing needs as determined by the adopted Consolidated Plan and General Plan Housing Element. In preparing low-income households for home ownership, the City is taking an aggressive approach to reduce overcrowding and to reduce the number of renters that are overpaying for their housing. The training course will provide the education necessary for intelligent and financially responsible decisions for these people to purchase a home with three to four bedrooms and start investing their money instead of paying it in rent. As the Housing element states “Overcrowding represents a chronic and increasing problem in Porterville. The overall overcrowding rate grew from 5% in 1980 to 13% in 1990 to 19% in 2000. Overcrowding is a problem, in particular, for low-income families with four or more members. In addition, the Housing Element indicates that a large percentage of low-income renter households are overpaying.

The outcome/objective for this program in the HUD Performance Measurement System is “affordability for the purpose of providing decent affordable housing”.

SPECIFIC PROGRAM ACTION:

CDBG funds used for the Homebuyer Education course provide the necessary foundation for the use of CDBG and other state and federal funds for the First Time Low Income Homebuyer Loan Program. The course will be available on a regularly scheduled basis in both English and Spanish and will be taught by qualified instructors.

The City will take an aggressive approach in marketing the program through advertising and promotional displays. The City will also meet with developers, Realtors, and community groups to disseminate information about the program. The local media will be used for press releases relating to the program.
1993 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(REVISED MARCH 2008)
FIRST-TIME LOW-INCOME HOME BUYER LOAN PROGRAM

2007 FUNDING RECOMMENDATION:
$ 50,000 CDBG Program Income
$100,000 HOME Program Income
$ 50,000 CalHome Program Income

PRIOR YEAR CDBG FUNDING:
1993: $300,000 CDBG Entitlement
1993: $300,000 HOME
1994: $750,000 HOME
1994: $187,500 RDA 1994 HOME Match
1995: $429,662 BEGIN
1995: $107,416 RDA 1995 BEGIN Match
1997: $200,000 CDBG Entitlement
1998: $172,000 CDBG
1999: $176,765 CDBG Reallocation from other CDBG Programs
2000: $130,350 CDBG
$500,000 HOME Grant
$500,000 CalHome Grant
2001: $180,000 CDBG plus $60,000 HOME Program Income, $120,000 HOME 2000 Grant Funds
2002: $ 50,000 CDBG Program Income
$600,000 HOME Grant
2003: $79,000 CDBG Program Income
2004: $60,000 CDBG Program Income
$1.2 mil HOME Grant
2005: $60,000 CDBG Program Income
2006: $42,000 CDBG Program Income
$500,000 CalHome Grant
2007 $42,000 CDBG Program Income
2008 $600,000 HOME Grant

PROGRAM PLAN:

CDBG funds will be used to facilitate movement of low-income, renter households into the home ownership category with affordable mortgages through a revolving loan program. This plan is feasible because of the still moderate prices of homes in the Porterville area. Using the funding allocations, the City plans to assist in the purchase of newly constructed or existing homes. Large families are identified as a group with special housing needs based on the generally limited availability of adequately sized (three or more bedrooms) affordable housing units. In 2000, there were 2,589 large families (i.e., those with 5 or more members) living in
Porterville. Of these families, 1433 (55 percent) were very low- or low-income households. The City’s overall overcrowding rate grew from 5% in 1980 to 13% in 1999 to 19% in 2000. For very low- and low-income large families, it is likely that many have to pay more than 30 percent of their income for housing or enter into overcrowded living arrangements to reduce housing expenses. It is also likely that many families opt to do both.

Most of the housing problems experienced by low-income households were associated with cost burden factors. Relative to other income groups, these income groups have a disproportionate need for housing assistance. Approximately 82 percent of Porterville’s low-income households (30 percent AMI) were faced with some form of housing problem in 2000, compared to 57 percent for low income households (51-80% AMI). In order to meet the needs of low- and moderate income households, some form of assistance will be required. This program is an eligible activity identified in Federal regulations 24 CFR 570.201(n).

This program, using CDBG funds, would be a first step in meeting the Quantified Objectives and in accomplishing Goal C in the Housing Element: “To meet a reasonable share of the City’s low- and moderate-income housing needs.” In detailing policies that would help achieve this goal, the City commits to pursuing “state and federal funding assistance that is appropriate to Porterville’s need to develop housing that is affordable to low- and moderate-income households.” Use of CDBG funds in providing for a low- and moderate-income First-Time Home Buyer Program seems very appropriate to help address the housing needs of the low- and moderate-income in Porterville and meet one of the National Objectives 570.208(a)(3) where, contrary to many areas of the state, owning an affordable home can become a reality.

SPECIFIC PROGRAM OBJECTIVES:

The City’s proposed use of CDBG funds and other federal and state funding sources for the First-Time Home Buyer Program will address the community’s housing needs as determined by the adopted Consolidated Plan and General Plan Housing Element. In making home ownership possible for low-income households, the City is taking an aggressive approach to reduce overcrowding and to reduce the number of renters that are overpaying for their housing. The program will provide the opportunity for these people to purchase a home with three to four bedrooms and start investing their money instead of paying it in rent. As determined in the Housing element, overcrowding represents a chronic and increasing problem in Porterville. The 2000 Census reported 19 percent of all households were overcrowded. Among renter-households, 26 percent were overcrowded, relative to 14 % of all owner-households. Overcrowding is a problem, in particular, for low-income families with four or more members. The City will need to continue its land use policies which encourage affordable rental and ownership housing.” In addition, the Housing Element indicates that a large percentage of low-income renter households are overpaying.

The outcome/objective for this program in the new HUD Performance Measurement System is “affordability for the purpose of providing decent affordable housing”.

2
SPECIFIC PROGRAM ACTION:

CDBG funds used for acquisition under the Low- and Moderate-Income First-Time Home Buyer Program would only be used in areas that are already zoned appropriately for residential development and have approved subdivision maps and approved plans. All houses must be within the city limits and pass an inspection by City building officials. The program will provide up to $40,000 in loan assistance for the acquisition of a house for a qualified First-Time Homebuyer.

In marketing the program, the City will be advertising and conducting general informational workshops to inform the public about the general guidelines of the program. The City will also meet with developers, Realtors, and community groups to disseminate information about the program. The local media will be used for press releases relating to the program.
1983 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL

PUBLIC UTILITY ASSISTANCE REVOLVING LOAN PROGRAM
(FORMERLY THE SEWER AND WATER REVOLVING LOAN FUND AND THE
UNDERGROUND UTILITY REVOLVING LOAN FUND)

2006 FUNDING RECOMMENDATION: $50,000 CDBG Entitlement Funds
                               $500 CDBG Program Income

PRIOR YEAR FUNDING:

1983    $20,000
1989    $20,159
1990    $10,000
1990    $43,487 Reallocation from other CDBG Programs
1991    $15,000
1993    $2,061 Reallocation from other CDBG Programs
1997    $1,402 Reallocation from other CDBG Programs
1999    $13,720 Reallocation from other CDBG Programs
2000    $850 CDBG Program Income
2001    $18,550 CDBG Entitlement and Program Income
2002    $1,000 CDBG Program Income
2003    $1,000 CDBG Program Income
2004    $1,000 CDBG Program Income
2005    $30,000 Reallocated Program Income
2006    $1,000 CDBG Program Income
2007    $500 CDBG Program Income
2007    $30,500 CDBG Grant and Program Income

Program Plan:

In previous years of Community Development Block Grant efforts, the City of Porterville has been successful in securing funds for the purpose of constructing sewer and water line installation in neighborhoods defined by the Census as having predominantly low and moderate income families. A major constraint which affects the City's ability to administer and spread the Housing Rehabilitation Loan Program dollars among the people of the community included in the low and moderate income categories, is the reality of the cost of installation of certain types of public improvements. These funds can be used to facilitate connection to existing CDBG funded sewer service extension projects and any future sewer and water projects funded through CDBG. In 2000, the City combined the Sewer and Water Revolving Loan Fund with the Underground Utility Fund to establish the Public Utility Assistance Revolving Loan Program. Money allocated from the Community Development Block Grant Program into a revolving utility connection fund is loaned to any qualified low and moderate income family within the
City limits for purposes of a grant, deferred loan or low-interest financing of those facilities required pursuant to the requirements of a building permit or for other needs pursuant to sewer, water, or underground utility connection.

This activity is eligible under the Federal Regulations 24 CFR 570.202 (b)(6) and meets a national objective of assisting low and moderate income households as found in 24 CFR 570.208 (a)(3).

Specific Program Objectives:

One of the goals of the City of Porterville's Housing Element specifies that it would be the purpose of the City Council to provide for the early attainment of a satisfying residential environment with adequate public and private services and facilities for every present and future resident of the City of Porterville regardless of race, age, religion, sex, marital status, ethnic background, source of income or personal handicaps. To this end the program model for the revolving public utility connection fund functions to provide those monies necessary to make this service available to the low and moderate income families of the City. Realizing that many times the costs of these public facilities are prohibitive or beyond the financial capability of many of the residents of the City it would be unfair to penalize the efforts of low and moderate income families directed towards the maintenance, improvement, and rehabilitation of their homes and neighborhoods.

The outcome/objective for this program in the new HUD Performance Measurement System is “affordability for the purpose of providing decent affordable housing”.

Specific Program Action:

Funds set aside in the CDBG public utility connection revolving loan fund are committed to a special account of the City of Porterville which is accessible only to qualified low and moderate income families of the City. This fund is available for grants and deferred loans with 0% interest. Applicants are screened by the Community Development Department staff and pre-qualified according to income guidelines prior to commitment of funds by the Community Development Financial Assistance Review Committee.

If the funds are borrowed on a low-interest loan basis, the homeowner enters into an installment payment agreement with the City specifying the amount borrowed, the term and the interest to be charged in the repayment of the loan. All loans are secured by a property lien and payable at time of property sale or transfer of ownership of the subject property.
1984 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(REVISED MARCH 2008)
BUSINESS ASSISTANCE LOAN PROGRAM AND
PARKING LOT IMPROVEMENTS AND DEVELOPMENT

2008 FUNDING RECOMMENDATION: $66,046

<table>
<thead>
<tr>
<th>PRIOR YEAR FUNDING:</th>
<th>1984</th>
<th>$140,000</th>
<th>CDBG ENTITLEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1988</td>
<td>$370,000</td>
<td>REALLOCATION</td>
</tr>
<tr>
<td></td>
<td>1989</td>
<td>$155,000</td>
<td>REALLOCATION</td>
</tr>
<tr>
<td></td>
<td>1997</td>
<td>$200,000</td>
<td>CDBG ENTITLEMENT</td>
</tr>
<tr>
<td></td>
<td>1998</td>
<td>$57,000</td>
<td>CDBG ENTITLEMENT &amp; REALLOCATION</td>
</tr>
<tr>
<td></td>
<td>1999</td>
<td>$795,555</td>
<td>CDBG ENTITLEMENT &amp; REALLOCATION</td>
</tr>
<tr>
<td></td>
<td>2000</td>
<td>$1,650</td>
<td>CDBG PROGRAM INCOME</td>
</tr>
<tr>
<td></td>
<td>2001</td>
<td>$225,000</td>
<td>CDBG ENTITLEMENT</td>
</tr>
<tr>
<td></td>
<td>2002</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2003</td>
<td>$63,651</td>
<td>CDBG PROGRAM INCOME</td>
</tr>
<tr>
<td></td>
<td>2004</td>
<td>$262,950</td>
<td>ENTITLEMENT</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$45,000</td>
<td>PROGRAM INCOME</td>
</tr>
<tr>
<td></td>
<td>2005</td>
<td>$64,603</td>
<td>ENTITLEMENT</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$42,472</td>
<td>PROGRAM INCOME</td>
</tr>
<tr>
<td></td>
<td>2006</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2007</td>
<td>$90,035</td>
<td>ENTITLEMENT</td>
</tr>
</tbody>
</table>

PROGRAM PLAN:

Commercial and Industrial Development:

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

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

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

Additionally, the City, in partnership with Porterville College and California University at Fresno, Lyles Center of Innovation and Entrepreneurship, will be implementing an Entrepreneurial Training program at Porterville College for those persons seeking to start or expand a small business. The curriculum will include business basics, such as Writing a Business Plan, Marketing, and Understanding Profit and Loss Statements, which will assist the small business owner in becoming more successful in his/her entrepreneurial endeavors. The City proposes to utilize a portion of the Business Assistance funding to implement a Revolving Loan Program (RLP) to assist small business start-up and expansion as part of the City's Entrepreneurial Training and Business Incubator Program. In addition, a portion of the RLP may be used to assist low and medium income persons with tuition for the Entrepreneurial Training program. The guidelines have yet to be developed for the program, but it is anticipated that this activity will be eligible under Federal Regulations 24 CFR Section 570.201(O) and the National Objective will be either job creation for low and moderate income persons (LMJ) or assistance to Limited Clientele (LMC).

Parking Lot Improvements and Development:

If funds are available, it is proposed that this program will also provide improvements to downtown public parking lots and the acquisition of property and construction of new public parking lots. Use of these funds will assist in enhancing the infrastructure needed to attract employers to currently vacant and underutilized buildings. The downtown parking lots are currently in need of substantial reconstruction in order to adequately serve the surrounding
commercial businesses. Their deteriorated conditions have contributed substantially to the extensive and prolonged high vacancy rate of adjacent buildings. In conjunction with the CDBG Business Assistance Program, which will provide funding for improvements to the buildings, the reconstruction of the parking lots and development of new lots can eliminate blighted conditions and provide economic development opportunities. The downtown area serves the entire community and is the commercial activity center located immediately adjacent to the area's two most economically disadvantaged census tracts (Census Tracts 39 and 41). As a result of developing the Porterville Redevelopment Agency Strategic Plan, it became evident that for downtown to thrive, improvements were necessary to increase pedestrian access and safety, and to promote downtown as a destination place to go to, not through. In these respects, sidewalks were improved, street lighting and streetscape designs developed, and one-way traffic was redirected to two-way traffic. Another major element of the Redevelopment Strategic Plan was the need for improvements to existing public parking lots and developing new public parking areas to assist in downtown revitalization.

These CDBG funds may also be used for construction of new parking improvements for commercial, professional office, or industrial use. Completion of newly constructed parking lot improvements, in conjunction with commercial, professional office, or industrial business development will generate employment opportunities for low-and moderate income persons and eliminate blighted conditions. This program will meet the CDBG National Objective for addressing slum and blight on an area basis, or in some cases on a spot basis (570.208 (b)(2)). This is an eligible activity by Federal Regulations 24 CFR Section 570.201(c).

SPECIFIC PROGRAM OBJECTIVES:

Commercial and Industrial Development:

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

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

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

Parking Lot Improvements and Development:

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

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

SPECIFIC PROGRAM ACTION:

Commercial and Industrial Development:

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

Parking Lot Improvements and Development:

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

New construction efforts will be contingent upon yet to be specified commercial, professional office, or industrial projects or upon additional parking needs in the downtown area.
CDBG FUNDING REQUEST
7/1/2008 - 6/30/2009

FOR PORTERVILLE COMMUNITY YOUTH CENTER

I. SCOPE OF SERVICE

The contractor for this project will be the City of Porterville. This contractor shall ensure that the Porterville Community Youth Center (PCYC) continues to operate the existing youth center recreation program established in September 1994 through the CDBG 2008-2009 fiscal year.

The Porterville Community Youth Center will continue to operate in Porterville Census Tract 41 at 256 E. Orange Ave. The program will prevent and divert youth ages 10 - 18 from negative behavior and surround them in a productive and positive environment.

No youth from within the City of Porterville will be excluded from participation in PCYC activities. However, it is intended through use of CDBG funds that a minimum of 51% of the youth participating will come from low and moderate income households.

A. OBJECTIVES

The purpose of this program will be to:

1. Enhance self-esteem.
2. Build leadership skills.
3. Learn teamwork and the ability to cooperate with others.
4. Improve physical and mental health.
5. Empower teens to develop interpersonal skills.
6. Engage in positive alcohol and drug-free behavior.
7. Promote an atmosphere where trustworthiness, respect, responsibility, fairness, caring and citizenship are core values.
8. Provide a drop-in center for recreational opportunities.

B. CLIENTS TO BE SERVED

The contractor shall ensure service by the City of Porterville Community Youth Center to a minimum of 51% low and moderate income residents of Porterville, between the ages of 10 to 18. Participants shall be recruited through local schools, community organizations, social service agencies, and law enforcement.

C. CONTINUED ACTIVITIES TO BE PERFORMED

The contractor shall ensure the provisions of services through continued implementation of the current COPCYC supervised recreation program over a fifteenth one-year period. The center will be open five days per week for no less than 20 hours. The youth center will run for a minimum of 42 weeks throughout the one-year period. A minimum of 100 unduplicated youth will participate in the following youth center activities each quarter of the one-year grant period.
1. **A general recreation area within the same facility to provide youth with other positive activities.**
   This general recreation area includes games such as pool, ping-pong, table soccer, video games, music, computers and board games. Arts & crafts, homework tutoring, nutrition and music classes, and special projects also take place in this area. Youth will be involved in occasional tournaments, holiday specific activities, and city-wide special events to help maintain their interest.

2. **Homework tutoring in the classroom.**
   Staff hired with CDBG funds will administer a homework tutoring program. Each youth is required daily to attend the classroom prior to the game room.

3. **Arts & crafts.**
   Arts & crafts projects and classes are held throughout each month.

4. **Outdoor paved area.**
   An outdoor paved area next to the youth center provides a place for hockey, badminton, volleyball, handball and more.

5. **Outdoor grass area.**
   An outdoor grass area behind the youth center provides a place for flag football, soccer, frisbee, golf, baseball, dodge ball and more.

6. **Off site recreational activities.**
   The basketball, arena soccer, and baseball programs will continue to be offered at the available playing fields specified further in the text.

**D. NEW ACTIVITIES TO BE PERFORMED**

The contractor shall ensure the provision of new services through the inclusion of younger children, continuation of tutorial programs in reading, writing, science and math. Outdoor activities for a minimum of 42 weeks over the 2008-2009 CDBG funding cycle shall be implemented. For a minimum of 12 hours per week, at least 4 days each week, supervised athletics will be available for 10-18 year old youth. A minimum of 50 unduplicated youth will participate in these activities each quarter.

In addition, a minimum of 8 hours of supervised community service work will be completed weekly by 10-18 year old youth. A minimum of 25 unduplicated youth will participate in this program each quarter of the CDBG funding cycle. Also, a minimum of 2 days per week will be open for non-league play so youth can participate in athletic activities on a less formal, just-for-fun basis. Program details are provided below:

1. **Equipment** - A weight room is available for the youth to get some exercise. An assortment of other recreation equipment is provided enabling a wide array of recreational opportunities.

2. **Community service** - Hours of community service are served by Youth Center members working such events as the egg hunt, fishing derby, concerts in the park, runs, arena soccer construction, youth sports and projects around the Youth Center.

3. **Classes** - Staff classes are taught on an ongoing basis in arts & crafts, drawing, bicycle repair, music, sport instruction and health & fitness.
4. Athletics - Open athletic play and leagues are available. League play is offered in the following sports: basketball, baseball, arena soccer and fall soccer. A coach for each sport will be provided. Youth also compete against other Youth Center’s around the valley in various sports throughout the year.
5. Fund raising - Staff will continue to create fund raising for the participants to generate additional funding to offset cost of excursions and special activities. Donation solicitations are made to local businesses as the need arises.

E. SITE LOCATION

Within the Census Tract 41, the original Porterville Community Youth Center services shall be provided at the following location: 256 E. Orange Ave., Porterville, CA 93257. Sign-ups for athletic play, leagues, tutorial programs, arts & crafts, and outdoor activities will take place at this location. Additional program implementation will take place at the following locations: Municipal Ball Park, Porterville Sports Complex, Granite Hills High School, Porterville College, and Santa Fe School.

The main location is within the boundaries of Census Tract 41 and the other locations will provide access to youth over a broader range of low and moderate income areas within the city.

F. PROJECT STAFF

(1) Leisure Services Superintendent $25.79/hr 15/hrs 52/wks
(1) Leisure Services Coordinator $17.07/hr 30/hrs 52/wks
(1) Clerical Assistant II $14.22/hr 5/hrs 52/wks
(1) Recreation Leader III $11.00/hr 22/hrs 52/wks
(2) Recreation Leader II $9.00/hr 20/hrs 52/wks

G. BUDGET

Total CDBG funds requested are $121,112.
City of Porterville Community Youth Center  
2008 - 2009 Budget

Salaries
01  Superintendent $25.79/hr x 15hrs/wk x 52/wks $20,116
Coordinator $17.07/hr x 30hrs/wk x 52/wks $26,629
02  Clerical Asst. II $14.22/hr x 5hrs/wk x 52/wks $3,697
1-Rec Leader III $11.00/hr x 22hrs/wk x 52/wks $12,584
2-Rec Leader II $9.00/hr x 20hrs x 52/wks $18,720

$81,746

Benefits
09  Superintendent $20,116 x 51.45% $10,350
Coordinator $26,629 x 43.83% $11,671
Rec Leaders $31,304 x 15% $4,696
Clerical Asst. II $3,697 x 59.1% $2,185

$28,902

Professional Services
23  Temp Office Service $350

$350

Supplies and Material
32  Office / Computer Supplies $500
35  Tools / Equipment $350

$850

Other Operating Cost
41  Meeting Expense & Dues $300
43  Uniform Allowance $200
44  CPRS Conference 3 nights/room, per diem & mileage $1,200
45  Publication Leisure Update $700

$2,400

Other Expenses
66  Special Activities & Supplies
Fieldtrips $5,364
Rec Equipment & Supplies $1,500

$6,864

Grand Total $121,112
2006 FUNDING RECOMMENDATION: $0

PRIOR FUNDING:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>$573,324</td>
<td>CDBG Reallocated Funds</td>
</tr>
<tr>
<td>2003</td>
<td>$468,850</td>
<td>CDBG Entitlement</td>
</tr>
<tr>
<td></td>
<td>$86,900</td>
<td>Reallocated Funds</td>
</tr>
<tr>
<td>2004</td>
<td>$157,000</td>
<td>CDBG Entitlement Funds</td>
</tr>
<tr>
<td>2005</td>
<td>$157,000</td>
<td>CDBG Entitlement Funds</td>
</tr>
<tr>
<td>2006</td>
<td>$112,765</td>
<td>CDBG Entitlement Funds</td>
</tr>
</tbody>
</table>

PROGRAM PLAN:

This program would allocate funds over a multi-year period to plan, design, renovate, rehabilitate, and construct improvements to the 100-year-old City-owned Murry Park. Special emphasis will be placed on the reconstruction of the 48-year-old community swimming pool which is in need of major renovation. The pool complex consists of three separate and varied pools, plus a spacious pool office and restroom. The last major renovation to repair leakage in the pools was completed in 1987. Fifteen years later the pools are once again leaking water and major repairs are necessary. Additional improvements to the swimming pool complex may include replacement of the chain link fence with a wrought iron fence and installation of a water slide. Improvements to the Park itself may include, but are not limited to: upgrades to the existing shelter structures, restroom renovations, irrigation and landscaping improvements, renovation of existing rock structures used for drinking fountains and other amenities, fence replacement on the north edge of the park, an aerator for the duck and fish pond, renovation of the bridges, replacement and installation of lighting, removal of dead and diseased trees and planting of new trees, realignment of the street and construction of a parking lot to serve the community pool area, and the addition of parking spaces on the west side of the Park. A master plan for the Park was developed in 1990 and provides the priorities for expenditure of funds. The park is located in Census Tract 39.01, but serves the adjacent census tracts 41.01 and 38.02 area where the greatest concentration of the City's minority population and low-to moderate-income residents reside. The proposed facility is an eligible activity under 24 CFR 570.201 (c) Public Facilities and Improvements and predicated on the Community Development Block Grant (CDBG) HUD National Objective of direct benefit to low- and moderate-income area under Federal Regulation 24 CFR 570.208(a)(1).

This multi-year program will require annual approval for CDBG funding allocations.

SPECIFIC PROGRAM OBJECTIVE:

Since Murry Park and especially the swimming pool complex is utilized by large numbers of low-to moderate-income residents on a regular basis and is a very popular place for recreation, the main objective of this project is to improve the deteriorated amenities and infrastructure in the park in order to continue to keep the Park as a safe, clean, and attractive recreation facility. The objective of this program can best be summed up by the words on the 1954 dedication plaque at the swimming pool, “For the Health and Recreation of our People”.

In the HUD Performance Measurement System, the outcome/objective for this program is “availability/accessibility for the purpose of creating a suitable living environment”.
PROGRAM DEMOGRAPHICS:

The benefit area for this project includes census tracts 39.01, 38.02, and 41.01. 52.3% of the households in this area are at or below 80% of median income as determined in the 2000 census.

SPECIFIC PROGRAM ACTION:

The basic swimming pool improvements were completed in 2004, except for the installation of the slide which the City Council has determined is too expensive to install. The master plan with the cultural and environmental studies was adopted by City Council in 2007. The remaining funding for this project will be utilized for projects on the priority list.
GRANTEE PRIORITY
NEEDS TABLES

(As reflected in the City of Porterville
2005 Five Year Consolidated Plan)
GRANTEE PRIORITY
NEEDS TABLES

(As reflected in the City of Porterville
2005 Five Year Consolidated Plan)
IV. PRIORITY NEEDS - OBJECTIVES- STRATEGIES

PRIORITIZED NEEDS

The priority needs tables establish the relative need for each category based upon the needs analysis and the proposed programs to address those needs as decided upon by the City. The definition of high, medium, and low priorities reflects, not the entire priority need of the community, but the priorities that the City is planning on funding with the resources available:

**High Priority:**
Activities to address this need will be funded by the locality with federal funds, either alone, or in conjunction, with the investment of other public or private funds during the period of time designated in the strategy portion of this document.

**Medium Priority:**
If funds are available, activities to address this need may be funded by the locality with federal funds, either alone or in conjunction with the investment of other public or private funds during the period of time designated in the strategy portion of this document. Also, the locality will take other actions to help this group locate other sources of funds.

**Low Priority:**
The locality will not fund activities to address this need during the period of time designated in the strategy portion of this document. The locality will consider certifications of consistency for other entities’ application for Federal assistance.

The basis for assigning needs prioritized in the HUD table is described in this section for each category of need, including relative priority where required. Priorities were preliminarily assigned by City staff based on public input during the plan preparation process and after review of the Housing and Homeless Needs Assessment and Housing Market Analysis contained in Sections II and III. Priorities will be reviewed and changed by staff, as appropriate, as additional review and discussion takes place by the City Council, the CDBG Citizen Advisory and Housing Opportunity Committee, and between various City departments. The priorities will be finalized as needs are verified by estimating the number of units to be assisted and the relative magnitude of dollars required over the 5-year planning period to address the needs.

Naturally, the needs of the community far outstrip the City's resources. The City, through the Summary of Specific Housing/Community Development Objectives (Table 2C), is attempting to be very realistic in what activities and projects it can undertake with the limited resources available, and yet leave room for flexibility as needs are subject to change as the economy of the community changes. In dealing with the Program Income generated from the revolving loan accounts (Housing Rehab, First Time Homebuyer, Public Utility Assistance, and Business Assistance), the City plans on being flexible in order to be able to move funds between the revolving loan accounts, which is

CITY OF PORTERVILLE

2005 CONSOLIDATED PLAN
allowed by HUD. This is especially necessary in the light of low mortgage interest rates that trigger refinancings and produce unexpected revenues to the First Time Homebuyer Program and Housing Rehab Program as those loans are paid off to the City. The City can determine if the funds might be needed more at that time in one of the other revolving loan accounts and reallocate a percentage of the funds to those accounts. However, the City will follow the established policy for processing an amendment to the Consolidated Plan and Action Plan if the funds to be reallocated are considered to be substantial. Further, the needs identified by the City may be met through a variety of other resources. These could include private grants and funding, community based non-profit organizations, other public programs (Housing Authority of the County of Tulare, Tulare County Mental Health, other HUD programs, etc.), City General and Redevelopment Agency funds, and State funded programs.

1. Priority Homeless Needs (Special Populations) (Table 1A,1B,1C)

Priorities were assigned based on input from service providers and the information gathered for the regional Continuum of Care Strategic Plan. In the adopted Plan, highest priorities were assigned to the provision of transitional shelters and permanent supportive housing for families while also recognizing the great need for additional emergency shelter beds.

Although these are high priorities in the adopted Continuum of Care Plan, for the purpose of the Consolidated Plan Priority Needs Table, the City will be assigning a Low Priority, since there is such limited CDBG resources to commit to these projects. However, the City will cooperate as an active participant in the Kings/Tulare Continuum of Care in their efforts to pursue other funding, especially, other HUD sources, such as the Federal Emergency Shelter Grants (FESG) and the McKenny/Vento funds.

Table 1B identifies the priority need of special needs populations that are non-homeless. Once again, even though there is a real need for resources in these areas, the City has designated these low priorities for the limited CDBG funds that are available and therefore no goals are identified. The Continuum of Care, in collaborating with several other agencies, is addressing many of these areas in their quest to prevent homelessness, and thus, through the City’s active participation in the Continuum, these needs are receiving attention and possible resource allocation. Therefore, the homeless and special needs objectives identified in Table 1C are those taken from the Strategic Plan adopted by the regional Continuum of Care.
### Table 1A
Homeless and Special Needs Populations

#### Continuum of Care: Housing Gap Analysis Chart

<table>
<thead>
<tr>
<th>Example</th>
<th>Emergency Shelter</th>
<th>Current Inventory</th>
<th>Under Development</th>
<th>Unmet Need/Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beds</td>
<td></td>
<td>100</td>
<td>40</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Emergency Shelter</td>
<td>53</td>
<td>56</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Transitional Housing</td>
<td>119</td>
<td>20</td>
<td>154</td>
</tr>
<tr>
<td></td>
<td>Permanent Supportive Housing</td>
<td>0</td>
<td>0</td>
<td>419</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>172</td>
<td>76</td>
<td>573</td>
</tr>
</tbody>
</table>

#### Persons in Families With Children

<table>
<thead>
<tr>
<th>Example</th>
<th>Emergency Shelter</th>
<th>Current Inventory</th>
<th>Under Development</th>
<th>Unmet Need/Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beds</td>
<td></td>
<td>4</td>
<td>0</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>Transitional Housing</td>
<td>0</td>
<td>40</td>
<td>233</td>
</tr>
<tr>
<td></td>
<td>Permanent Supportive Housing</td>
<td>310</td>
<td>0</td>
<td>109</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>350</td>
<td>40</td>
<td>437</td>
</tr>
</tbody>
</table>

#### Continuum of Care: Homeless Population and Subpopulations Chart

<table>
<thead>
<tr>
<th>Part 1: Homeless Population</th>
<th>Sheltered</th>
<th>Unsheltered</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Emergency</td>
<td>Transitional</td>
<td></td>
</tr>
<tr>
<td>Example</td>
<td>3 LA</td>
<td>125 (A)</td>
<td>505 (B)</td>
</tr>
<tr>
<td>1. Homeless Individuals</td>
<td>46</td>
<td>41</td>
<td>332</td>
</tr>
<tr>
<td>2. Homeless Families with Children</td>
<td>15</td>
<td>13</td>
<td>58</td>
</tr>
<tr>
<td>2a. Persons in Homeless Families with Children</td>
<td>46</td>
<td>41</td>
<td>332</td>
</tr>
<tr>
<td>Total (lines 1 + 2a)</td>
<td>107</td>
<td>95</td>
<td>664</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 2: Homeless Subpopulations</th>
<th>Sheltered</th>
<th>Unsheltered</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Chronically Homeless</td>
<td>226</td>
<td>116</td>
<td>342</td>
</tr>
<tr>
<td>2. Seriously Mentally Ill</td>
<td>165</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Chronic Substance Abuse</td>
<td>66</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Veterans</td>
<td>77</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Persons with HIV/AIDS</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Victims of Domestic Violence</td>
<td>100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Youth</td>
<td>22</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 1B
Special Needs (Non-Homeless) Populations

<table>
<thead>
<tr>
<th>SPECIAL NEEDS SUBPOPULATIONS *</th>
<th>Priority Need Level</th>
<th>Unmet Need</th>
<th>Dollars to Address Unmet Need</th>
<th>Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elderly</td>
<td>Low</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Frail Elderly</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Severe Mental Illness</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Developmentally Disabled</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physically Disabled</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Persons w/ Alcohol/Other Drug Addictions</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Persons w/HIV/AIDS</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Since there are no resources available to address these special needs subpopulations directly, they have all been given a low priority and the calculation of the unmet need, funding required, and goals, which are very hard to determine, have not been included. These subpopulations will be addressed through the regional Continuum of Care, especially as they relate to preventing homelessness.
<table>
<thead>
<tr>
<th>Obj #</th>
<th>Specific Objectives</th>
<th>Performance Measure</th>
<th>Expected Units</th>
<th>Actual Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Public Awareness</strong>: Engage the broader public and local governmental agencies in a public dialog about the issues of chronic homelessness in the region. As part of this process, the CoC has and will sponsor housing conferences on homelessness, present power point programs to City Councils, Boards of Supervisors and community-based and faith-based organizations, and provide information and education regarding best practices.</td>
<td>Track the number of presentations and the increase of participation in the Continuum by these agencies.</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td><strong>Collaborative Coordinator</strong>: CoC will prepare and obtain grants to hire a CoC Coordinator to support the implementation of the 5 year strategic plan</td>
<td>Amount of funding obtained and the hiring of a coordinator.</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td><strong>Referral System</strong>: Create a better system of referral to transitional, supportive and permanent housing. The CoC plans on developing a Continuum-wide, multi-system community re-entry plan that includes housing.</td>
<td>The creation and implementation of the plan.</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td><strong>HMIS</strong>: Implement a CoC-wide Homeless management Information System (HMIS) to track homelessness, assess needs and gaps, and evaluate outcomes. In order to accomplish this, the CoC will work with all HUD applicants to include HMIS components as part of their applications and the CoC will contract with the Fresno Housing Authority to implement the Fresno/Madera CoC’s HMIS software and supporting system in Kings and Tulare Counties.</td>
<td>The execution of the contract with the Fresno/Madera CoC and the implementation of use of the HMIS.</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td><strong>Emergency Shelter</strong>: Creation of new emergency shelter targeted at meeting the need of the chronically homeless. The CoC will work with area agencies to develop plans to increase the number of beds available for emergency housing.</td>
<td>The number of beds created.</td>
<td>76</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Transitional Housing:</strong> Work with agencies, to develop additional housing programs designed to be effective for the chronically homeless with mental illnesses and/or substance abuse issues.</td>
<td>The number of new programs and beds/units created.</td>
<td>80</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td><strong>Permanent Housing:</strong> Work with Self-Help Enterprise, and Habitat for Humanity, and other developers to develop additional affordable permanent housing projects</td>
<td>The number of new projects and beds/units developed.</td>
<td>60</td>
<td></td>
</tr>
</tbody>
</table>

**Special Needs Objectives**

None (see narrative)
2. **Priority Housing Needs (Table 2A)**

Housing needs were prioritized by income group based primarily on tenancy, cost burden and housing availability and affordability. Housing for small renter households with incomes less than 50% of the median will be met primarily by public housing, assisted housing and/or Section 8 certificates. As a result, the number of units to be assisted is relatively modest and priorities assigned are medium to low.

On the other hand, housing for large renter households is recognized as a high priority in most San Joaquin Valley communities, including Porterville, due to the large number of low-income minority households with high per household populations. Even with the development of the four low income housing tax credit projects, there is a shortage of affordable 3-4 bedroom rental units, both in public and private housing projects. As a result, the need is high for households with incomes of less than 50 percent of the median, however, with such limited resources to develop additional units, the City will be giving it a medium priority for CDBG funding. The City does and will continue to support projects applying for tax credits and other sources of funds, such as HOME funds, and will help in the streamlined permit processing. Other large households with greater than 50 percent of the median income can generally afford larger units to accommodate all members of the household.

The need for elderly renter assistance is assigned a medium priority in most income categories due to the decreasing senior population, the relatively small number of elderly who rent rather than own their units, and the existing supply of affordable units for seniors in the City of Porterville.

Owner needs fall primarily into two categories—those households in need of assistance for purchasing a home and those in need of rehabilitation and maintenance.

A high priority is assigned all income groups 31-80% of MFI who can most readily benefit from first-time homebuyer's, self-help, and other homebuyer's assistance programs. Owner-occupied units with physical defects are also assigned a high priority, as these households most often benefit from housing rehabilitation and neighborhood improvement programs.
<table>
<thead>
<tr>
<th>PRIORITY HOUSING NEEDS (households)</th>
<th>Priority Need Level</th>
<th>Units</th>
<th>Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Renter</td>
<td>Small Related</td>
<td>M</td>
<td>583</td>
</tr>
<tr>
<td></td>
<td>0-30%</td>
<td>M</td>
<td>653</td>
</tr>
<tr>
<td></td>
<td>31-50%</td>
<td>M</td>
<td>359</td>
</tr>
<tr>
<td></td>
<td>51-80%</td>
<td>M</td>
<td>348</td>
</tr>
<tr>
<td></td>
<td>Large Related</td>
<td>M</td>
<td>246</td>
</tr>
<tr>
<td></td>
<td>0-30%</td>
<td>M</td>
<td>206</td>
</tr>
<tr>
<td></td>
<td>31-50%</td>
<td>M</td>
<td>79</td>
</tr>
<tr>
<td></td>
<td>51-80%</td>
<td>M</td>
<td>138</td>
</tr>
<tr>
<td></td>
<td>Elderly</td>
<td>M</td>
<td>64</td>
</tr>
<tr>
<td></td>
<td>0-30%</td>
<td>M</td>
<td>207</td>
</tr>
<tr>
<td></td>
<td>31-50%</td>
<td>M</td>
<td>202</td>
</tr>
<tr>
<td></td>
<td>51-80%</td>
<td>M</td>
<td>116</td>
</tr>
<tr>
<td></td>
<td>All Other</td>
<td>H</td>
<td>270</td>
</tr>
<tr>
<td></td>
<td>0-30%</td>
<td>H</td>
<td>270</td>
</tr>
<tr>
<td></td>
<td>31-50%</td>
<td>H</td>
<td>342</td>
</tr>
<tr>
<td></td>
<td>51-80%</td>
<td>H</td>
<td>457</td>
</tr>
<tr>
<td>Special Needs</td>
<td>Homeless</td>
<td>L</td>
<td>283</td>
</tr>
<tr>
<td>Total Goals</td>
<td></td>
<td></td>
<td>93</td>
</tr>
<tr>
<td>Total 215 Goals</td>
<td></td>
<td></td>
<td>93</td>
</tr>
<tr>
<td>Total 215 Renter Goals</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Total 215 Owner Goals</td>
<td></td>
<td></td>
<td>93</td>
</tr>
</tbody>
</table>
3. Priority Community Development Needs (Table 2B)

a. Public Facility Needs

The highest priority need for public facilities in this five year plan is for parks and/or recreation facilities. The City is in the midst of a multiyear improvement project for the nearly 100 year old Murry Park. Even though the new Neighborhood Community Center is just nearing completion and will be serving this need, a high priority is assigned to senior centers, youth centers, and neighborhood facilities since the City will be paying debt service on the Section 108 loan that was utilized for the construction of the facility. Child care, health facilities, and other public facilities are assigned a low priority as these are categories for which the City does not have resources and there are other agencies, such as the County, that provide these services. However, Parking is designated as a high priority as public parking development can be a major issue in the implementation of downtown revitalization and economic development strategy.

b. Infrastructure Improvement

Although no expenditure of funds is planned for general neighborhood improvements, a medium priority is given to most of the infrastructure categories listed as they may also become issues in conjunction with other City improvement projects.

c. Public Service Needs

Public service needs are generally met by non-profit organizations funded by several public and private sources. Priorities have been assigned based on input from these organizations as well as input from public social services providers. The highest priorities are assigned to youth services and fair housing counseling, which are both programs funded by the City. Transportation services that were a medium priority in the last Consolidated Plan have now become a low priority with the addition of the fixed route bus system and the new transportation center constructed downtown.

Other public services including senior services, handicapped services, substance abuse services, employment training, crime awareness, tenant/landlord counseling, child care services, health services, and other public service needs are designated as a low priority as these are all areas in which other agencies provide the services. The City will strive to work cooperatively with these agencies in any way to help their programs, but the lack of adequate resources prohibits the City from assisting them financially.

d. Accessibility Needs

Accessibility needs are assigned a medium priority based on an inventory of handicapped accessibility needs compiled by the City.
e. Historic Preservation Needs

Historic preservation needs for non-residential uses are given a medium priority based on the historic significance of commercial structures in the downtown area and the potential need to assist in preservation, possibly through the City's CDBG Business Assistance Program. Residential historic preservation is also given a medium priority as efforts are made to address these issues in the Owner Occupied Housing Rehabilitation Program, and the First Time Low Income Homebuyer Program.

f. Economic Development

Economic development remains a high priority for the City as unemployment is still in the double digits in Porterville and job creation is the number one goal of the City, Chamber, and job development agencies. The City has formed a strong Partners Network with these agencies, organizations and businesses, a product of the adopted Economic Development Management Plan. These Partners meet on a regular basis. In light of the agriculture industry domination of the area, which can be very prone to economic downturns from natural disasters, it is desirable that the area strive for diversification of employment opportunities.

Economic development needs are highest for commercial-industrial infrastructure, other business and technical assistance, particularly as they relate to development within the City's State designated Enterprise Zone, Recycling Market Development Zone, the Business Incentive Zone (BIZ), and in the vicinity of the airport industrial park. Funds expended to meet these needs should be coordinated with redevelopment financing where practicable and industrial job creation within the designated zones identified above.

g. Other Community Development Needs

Because of the lack of resources available for sustainable funding, code enforcement is given a medium priority for other community development needs. If funding were to become available, this category would become a high priority for the community.

Energy efficiency and lead based Paint/Hazards are both given a medium priority as they may become issues in a housing rehabilitation project.

h. Planning

Planning and administration is given a high priority based on the identified need for specific planning for the Murry Park improvements and low and moderate income job creation within undeveloped industrial areas. There would be no successful CDBG projects without the careful planning and administration for those projects.
### TABLE 2B
COMMUNITY DEVELOPMENT NEEDS

<table>
<thead>
<tr>
<th>PRIORITY COMMUNITY DEVELOPMENT NEEDS</th>
<th>Priority Need Level</th>
<th>Unmet Priority Need</th>
<th>Dollars to Address Unmet Priority Need</th>
<th>Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PUBLIC FACILITY NEEDS (projects)</strong></td>
<td>L</td>
<td>0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Senior Centers</td>
<td>L</td>
<td>0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Handicapped Centers</td>
<td>L</td>
<td>0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Homeless Facilities</td>
<td>L</td>
<td>1</td>
<td>$2,000,000</td>
<td>0</td>
</tr>
<tr>
<td>Youth Centers</td>
<td>L</td>
<td>0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Child Care Centers</td>
<td>L</td>
<td>1</td>
<td>$77,500</td>
<td>0</td>
</tr>
<tr>
<td>Health Facilities</td>
<td>L</td>
<td>0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Neighborhood Facilities</td>
<td>H</td>
<td>1</td>
<td>$1,400,000</td>
<td>1</td>
</tr>
<tr>
<td>Parks and/or Recreation Facilities</td>
<td>H</td>
<td>1</td>
<td>$4,200,000</td>
<td>1</td>
</tr>
<tr>
<td>Parking Facilities</td>
<td>H</td>
<td>2</td>
<td>$1,170,000</td>
<td>1</td>
</tr>
<tr>
<td>Non-Residential Historic Preservation</td>
<td>M</td>
<td>5</td>
<td>$5,000,000</td>
<td>0</td>
</tr>
<tr>
<td>Other Public Facility Needs</td>
<td>L</td>
<td>2</td>
<td>$4,000,000</td>
<td>0</td>
</tr>
<tr>
<td><strong>INFRASTRUCTURE (projects)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water/Sewer Improvements</td>
<td>H</td>
<td>20</td>
<td>$4,000,000</td>
<td>10</td>
</tr>
<tr>
<td>Street Improvements</td>
<td>M</td>
<td>5</td>
<td>$6,400,000</td>
<td>0</td>
</tr>
<tr>
<td>Sidewalks</td>
<td>M</td>
<td>5</td>
<td>$877,500</td>
<td>0</td>
</tr>
<tr>
<td>Solid Waste Disposal Improvements</td>
<td>M</td>
<td>2</td>
<td>$87,750</td>
<td>0</td>
</tr>
<tr>
<td>Flood Drain Improvements</td>
<td>M</td>
<td>2</td>
<td>$1,870,000</td>
<td>0</td>
</tr>
<tr>
<td>Other Infrastructure Needs</td>
<td>M</td>
<td>3</td>
<td>$117,000</td>
<td>0</td>
</tr>
<tr>
<td><strong>PUBLIC SERVICE NEEDS (people)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Services</td>
<td>L</td>
<td>UD**</td>
<td>$87,750</td>
<td>0</td>
</tr>
<tr>
<td>Handicapped Services</td>
<td>L</td>
<td>UD</td>
<td>$5,850</td>
<td>0</td>
</tr>
<tr>
<td>Youth Services</td>
<td>H</td>
<td>UD</td>
<td>$620,000</td>
<td>53 daily</td>
</tr>
<tr>
<td>Child Care Services</td>
<td>L</td>
<td>UD</td>
<td>$87,750</td>
<td>0</td>
</tr>
<tr>
<td>Transportation Services</td>
<td>L</td>
<td>UD</td>
<td>$500,000</td>
<td>0</td>
</tr>
<tr>
<td>Substance Abuse Services</td>
<td>L</td>
<td>UD</td>
<td>$1,170,000</td>
<td>0</td>
</tr>
<tr>
<td>Employment Training</td>
<td>L</td>
<td>UD</td>
<td>$1,170,000</td>
<td>0</td>
</tr>
<tr>
<td>Health Services</td>
<td>L</td>
<td>UD</td>
<td>$117,000</td>
<td>0</td>
</tr>
<tr>
<td>Lead Hazard Screening</td>
<td>L</td>
<td>UD</td>
<td>$146,250</td>
<td>0</td>
</tr>
<tr>
<td>Crime Awareness</td>
<td>L</td>
<td>UD</td>
<td>$87,750</td>
<td>0</td>
</tr>
<tr>
<td>Other Public Service Needs</td>
<td>L</td>
<td>UD</td>
<td>$58,500</td>
<td>0</td>
</tr>
<tr>
<td><strong>ECONOMIC DEVELOPMENT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ED Assistance to For-Profits(businesses)</td>
<td>H</td>
<td>UD</td>
<td>$500,000</td>
<td>2</td>
</tr>
<tr>
<td>ED Technical Assistance(businesses)</td>
<td>M</td>
<td>UD</td>
<td>$58,500</td>
<td>0</td>
</tr>
<tr>
<td>Micro-Enterprise Assistance(businesses)</td>
<td>M</td>
<td>UD</td>
<td>$58,500</td>
<td>0</td>
</tr>
<tr>
<td>Rehab; Publicly- or Privately-Owned</td>
<td>H</td>
<td>UD</td>
<td>$1,755,000</td>
<td>3</td>
</tr>
<tr>
<td>Commercial/Industrial (projects)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C/I* Infrastructure Development (projects)</td>
<td>H</td>
<td>UD</td>
<td>$965,250</td>
<td>1</td>
</tr>
<tr>
<td>Other C/I* Improvements (projects)</td>
<td>H</td>
<td>UD</td>
<td>$1,170,000</td>
<td>1</td>
</tr>
<tr>
<td><strong>PLANNING</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning</td>
<td>H</td>
<td>UD</td>
<td>$820,000</td>
<td>0</td>
</tr>
</tbody>
</table>

**TOTAL ESTIMATED DOLLARS NEEDED:**

* Commercial or Industrial Improvements by Grantee or Non-profit
** UD = undetermined
Table 2C  
Summary of Specific Housing/Community Development Objectives  
(Table 2A/2B Continuation Sheet)

<table>
<thead>
<tr>
<th>Obj #</th>
<th>Specific Objectives</th>
<th>Performance Measure</th>
<th>Expected Units</th>
<th>Actual Units</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Rental Housing Objectives</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Date Avenue Project using HOME PI funds</td>
<td>number of units produced</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Continue working cooperatively with Housing Authority to maintain and possibly increase rental units owned or manages by the Authority and the number of Section 8 vouchers available in the community.</td>
<td>number of affordable units available to low income</td>
<td>1500 (currently available through rental assistance)</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Owner Housing Objectives</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Housing Rehabilitation Loan Program</td>
<td>Number of households assisted</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public Utility Loan Program</td>
<td>Number of households assisted</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Homebuyer Education Program</td>
<td>Number of persons completing course</td>
<td>1200</td>
<td></td>
</tr>
<tr>
<td></td>
<td>First Time Low Income Homebuyer Program</td>
<td>Number of Households assisted</td>
<td>65</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Community Development Objectives</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Infrastructure Objectives</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Public Facilities Objectives</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Murry Park Improvement Project</td>
<td>Improvements completed</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Public Services Objectives</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Youth Center</td>
<td>Daily Attendance of Youth</td>
<td>53 Daily</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Economic Development Objectives</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Business Assistance Program</td>
<td>Number of jobs created</td>
<td>90 jobs</td>
<td></td>
</tr>
</tbody>
</table>
Honorable Cameron Hamilton  
Mayor of Porterville  
291 N. Main Street  
Porterville, CA 93257  

Dear Mayor Hamilton:  

SUBJECT: City of Porterville, California  
Annual Community Assessment Report  
Program Year 2006  

The U. S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD) annually reviews the performance of communities managing Community Development Block Grant (CDBG), HOME, Emergency Shelter Grant (ESG), and Housing for Persons With AIDS (HOPWA) program funds. The City of Porterville is a recipient of the Community Development Block Grant (CDBG) and was awarded $729,707 in CDBG funds in PY 2006.  

Our office reviewed the City's 2006 Consolidated Annual Performance and Evaluation report (CAPER). During the program year, the City spent $1,029,814 of its CDBG resources, including program income, and met the timeliness requirements under the CDBG program rules. Based upon our review and other available information, we have determined that the City of Porterville has the continuing capacity to implement and administer its CDBG program.  

This year, HUD instituted a new Performance Measurement System for all grantees. This system will enable cities to evaluate projects ensuring that Consolidated and Annual Plan goals are met, and assess how projects impact communities and the lives of residents in addition to reporting the results of housing and community development programs to the public and Congress. The City's CAPER reflects its efforts and accomplishments relative to the goals, outputs, and outcomes established at the beginning of the program year.  

Our review of the CAPER found that Porterville continues to make progress in addressing its performance goals. Access to decent housing is provided through the First Time Low Income Homebuyer and Owner-Occupied Housing Rehabilitation programs. Public services maintain a focus on youth services, and the City's Business Assistance program provides economic development assistance to improve the business environment and stimulate business expansion and job growth.
We look forward to continuing our partnership with the City of Porterville to help achieve its economic development, affordable housing, and community development goals. If you have any questions, please do not hesitate to contact Mr. Michael Dawe, Community Planning and Development Representative, at (415) 489-6580.

Sincerely,

[Signature]

Original Signed By
Maria F. Cremer

Steven B. Sachs
Director, Community Planning And Development Division

Cc: John Longley, City Manager
Bradley D. Dunlap, Comm. Dev. Dir.
PUBLIC HEARING

SUBJECT: REQUEST TO ALLOW RE-SUBMITTAL FOR A CONDITIONAL USE PERMIT 4-2008 TO UPGRADE AN EXISTING TYPE 20, BEER AND WINE OFF-SALE LICENSE TO A TYPE 21, BEER, WINE AND DISTILLED SPIRITS OFF-SALE LICENSE AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR AN EXISTING MINI-MART LOCATED AT 809 EAST PUTNAM AVENUE (MOUNIB DAKHIL)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On March 1, 2005, the Porterville City Council at their regularly scheduled meeting by Resolution 38-2005 denied Conditional Use Permit 1-2005 to allow for the upgrade of an existing Type 20 beer and wine off-sale license to a Type 21 beer, wine and distilled spirits off-sale license for an existing mini-market located at 809 East Putnam Avenue.

The applicant originally wanted to submit a new application for a Conditional Use Permit 4-2008 (CUP) substantially similar to CUP 1-2005 pursuant to Section 3200 D of the Porterville Zoning Ordinance.

On Thursday April 24, 2008, Mr. Frank Alset, Manager of the Sunnyside Handy Market advised Staff that the applicant, Mr. Mounib Dakhil would be out of country for a period of time and wished to withdraw the request to allow for the up-grade and would re-submit at a later date.

RECOMMENDATION: That the City Council:

1. Take no action

ITEM NO. 30
SUBJECT: RECEIVING THE CITY MANAGER'S PROPOSED BUDGET FOR FISCAL YEAR 2008-2009 AND SETTING STUDY SESSION AND PUBLIC HEARING DATES

SOURCE: City Manager

COMMENT: Consistent with the calendar approved in the development of the City Budget, the City Manager's draft is presented for the City Council's consideration. The customary process involves the Council's consideration of the draft budget through study session(s) and public hearing(s). It is recommended that two study sessions be scheduled. One study session would involve the consideration of the entire draft budget, while the other would be for the City's Capital Program. Potential available dates for the scheduling of budget sessions include: Tuesday May 27th, Wednesday May 14th, Wednesday May 28th, or June 10th after the Fair relocation Council study session.

In addition, the Council should specify a public hearing date(s). Customarily, this is set for a Council Meeting in June, the two dates this calendar year being June 3rd and June 17th.

RECOMMENDATION: That the City Council:

1. Schedule a draft budget study session;
2. Schedule a Capital Program study session; and
SUBJECT: INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT

SOURCE: Administrative Services - Finance Division

COMMENT: The City Charter requires financial status reports to be provided to City Council members on a monthly basis. Council Minute Order #13-041602 and #10-011607 established the requirement and parameters for the preparation and presentation of interim financial status reports.

In accordance with Council Minute Order #13-041602 and #10-011607, the interim financial status reports for the 3rd fiscal quarter ended March 31, 2008, are submitted.

RECOMMENDATION: That the City Council accept the interim financial status reports and grants summary report as presented.

ATTACHMENTS: Interim financial reports
                Grants summary report

D.D. Appropriated/Funded C.M. Item No. 32
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ESTIMATED</td>
<td>PROJECTED</td>
<td>ESTIMATED</td>
<td>PROJECTED</td>
</tr>
<tr>
<td></td>
<td>REVENUE</td>
<td>REVENUE</td>
<td>REVENUE</td>
<td>REVENUE</td>
</tr>
<tr>
<td></td>
<td>03/31/08</td>
<td>06/30/08</td>
<td>03/31/07</td>
<td>06/30/07</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>PROPERTY TAXES</td>
<td>$7,000,000</td>
<td>$3,606,107</td>
<td>51.54%</td>
<td>$7,070,000</td>
</tr>
<tr>
<td>OTHER TAXES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SALES AND USE TAX</td>
<td>$4,100,000</td>
<td>$2,633,316</td>
<td>64.23%</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>UTILITY USERS TAX</td>
<td>$3,941,457</td>
<td>$2,645,371</td>
<td>67.12%</td>
<td>$3,650,000</td>
</tr>
<tr>
<td>TRANSIENT OCCUPANCY TAX</td>
<td>$350,000</td>
<td>$149,726</td>
<td>42.78%</td>
<td>$300,000</td>
</tr>
<tr>
<td>PROPERTY TRANSFER TAX</td>
<td>$100,000</td>
<td>$45,292</td>
<td>45.29%</td>
<td>$75,000</td>
</tr>
<tr>
<td>FRANCHISE TAX</td>
<td>$1,496,180</td>
<td>$968,986</td>
<td>64.68%</td>
<td>$1,681,137</td>
</tr>
<tr>
<td>SALES TAX - PUBLIC SAFETY</td>
<td>$150,000</td>
<td>$69,447</td>
<td>46.30%</td>
<td>$150,000</td>
</tr>
<tr>
<td>LICENSES AND PERMITS:</td>
<td>$434,650</td>
<td>$400,776</td>
<td>92.21%</td>
<td>$418,650</td>
</tr>
<tr>
<td>BUSINESS LICENSES</td>
<td>$574,500</td>
<td>$552,110</td>
<td>96.10%</td>
<td>$484,500</td>
</tr>
<tr>
<td>CONSTRUCTION PERMITS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REVENUE FROM AGENCIES-TAXES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MOTOR VEHICLE IN-LIEU TAX</td>
<td>$310,000</td>
<td>$172,693</td>
<td>55.71%</td>
<td>$230,000</td>
</tr>
<tr>
<td>OTHER TAXES</td>
<td>$30,000</td>
<td>$4,816</td>
<td>16.39%</td>
<td>$30,000</td>
</tr>
<tr>
<td>REVENUE FROM AGENCIES-GRANTS</td>
<td>$437,591</td>
<td>$83,644</td>
<td>19.11%</td>
<td>$107,500</td>
</tr>
<tr>
<td>USE OF MONEY AND PROPERTY</td>
<td>$194,300</td>
<td>$248,553</td>
<td>127.92%</td>
<td>$325,001</td>
</tr>
<tr>
<td>FINES AND FORFEITURES</td>
<td>$45,000</td>
<td>$48,487</td>
<td>107.75%</td>
<td>$57,000</td>
</tr>
<tr>
<td>CHARGES FOR SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLANNING AND ENGINEERING</td>
<td>$220,760</td>
<td>$162,843</td>
<td>69.23%</td>
<td>$142,100</td>
</tr>
<tr>
<td>POLICE</td>
<td>$121,000</td>
<td>$134,551</td>
<td>111.20%</td>
<td>$181,200</td>
</tr>
<tr>
<td>FIRE</td>
<td>$31,000</td>
<td>$12,988</td>
<td>65.40%</td>
<td>$27,200</td>
</tr>
<tr>
<td>LIBRARY</td>
<td>$30,000</td>
<td>$24,554</td>
<td>81.85%</td>
<td>$30,000</td>
</tr>
<tr>
<td>RECREATIONAL</td>
<td>$1,090,000</td>
<td>$759,278</td>
<td>69.66%</td>
<td>$979,909</td>
</tr>
<tr>
<td>INTERDEPARTMENTAL</td>
<td>$1,500,000</td>
<td>$1,286,762</td>
<td>85.78%</td>
<td>$1,749,500</td>
</tr>
<tr>
<td>OTHER</td>
<td>$2,500</td>
<td>$2,500</td>
<td>100.00%</td>
<td>$2,500</td>
</tr>
<tr>
<td>OTHER REVENUES</td>
<td>$61,100</td>
<td>$115,476</td>
<td>142.39%</td>
<td>$120,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SUBTOTALS</td>
<td>$22,228,028</td>
<td>$14,087,875</td>
<td>63.38%</td>
<td>$21,281,697</td>
</tr>
<tr>
<td>DEBT SERVICE TRANSFERS</td>
<td>$767,500</td>
<td>$575,625</td>
<td>75.00%</td>
<td>$767,500</td>
</tr>
<tr>
<td>PROCEEDS FROM SALE OF PROPERTY</td>
<td>$910,438</td>
<td>$910,438</td>
<td>100.00%</td>
<td>$1,142,500</td>
</tr>
<tr>
<td>TRANSFER FOR CONSTRUCTION PROJECTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td>$22,996,528</td>
<td>$14,663,500</td>
<td>63.77%</td>
<td>$22,049,197</td>
</tr>
</tbody>
</table>

|                                           | ESTIMATED | PROJECTED      | ESTIMATED | PROJECTED      |
|                                           | REVENUE   | REVENUE        | REVENUE   | REVENUE        |
|                                           | 03/31/07  | 06/30/07       | 03/31/07  | 06/30/07       |
|                                           | %         | %              | %         | %              |
|                                          |           |                |           |                |
|                                          | $5,510,000| $3,320,253     | 60.26%    | $6,674,828     | 121.14%        |
|                                          |           |                |           |                |
|                                          |           |                |           |                |
|                                          |           |                |           |                |
|                                          |           |                |           |                |
|                                          |           |                |           |                |
|                                          |           |                |           |                |
|                                          |           |                |           |                |

CITY OF PORTERVILLE
REVENUE STATUS REPORT - GENERAL FUND
FOR THE NINE MONTHS ENDED
MARCH 31, 2008 AND MARCH 31, 2007
# Revenue Status Report - All Other Funds

**For the Nine Months Ended March 31, 2008 and March 31, 2007**

<table>
<thead>
<tr>
<th>REVENUE SOURCE</th>
<th>2007-2008 Estimated Revenue</th>
<th>2007-2008 Year-to-Date Revenue</th>
<th>% of Estimate</th>
<th>2008-2007 Estimated Revenue</th>
<th>2008-2007 Year-to-Date Revenue</th>
<th>% of Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure H Sales Tax</td>
<td>$2,810,000</td>
<td>$2,085,803</td>
<td>74.2%</td>
<td>$1,670,000</td>
<td>$1,811,686</td>
<td>108.5%</td>
</tr>
<tr>
<td>Redevelopment Agency</td>
<td>896,696</td>
<td>508,103</td>
<td>56.7%</td>
<td>729,970</td>
<td>631,386</td>
<td>86.5%</td>
</tr>
<tr>
<td>Special Gas Tax</td>
<td>3,422,300</td>
<td>1,476,806</td>
<td>43.2%</td>
<td>7,619,400</td>
<td>6,098,533</td>
<td>8.0%</td>
</tr>
<tr>
<td>Local Transportation Funds (LTF)</td>
<td>5,747,886</td>
<td>1,036,660</td>
<td>18.0%</td>
<td>1,241,287</td>
<td>6,247</td>
<td>0.5%</td>
</tr>
<tr>
<td>Traffic Safety Fund</td>
<td>125,500</td>
<td>108,437</td>
<td>86.4%</td>
<td>40,518</td>
<td>96,966</td>
<td>239.3%</td>
</tr>
<tr>
<td>Zalud Estate</td>
<td>5,000</td>
<td>5,667</td>
<td>113.3%</td>
<td>4,000</td>
<td>4,829</td>
<td>120.7%</td>
</tr>
<tr>
<td>Community Development Block Grant</td>
<td>3,317,295</td>
<td>2,206,033</td>
<td>66.5%</td>
<td>2,929,707</td>
<td>1,037,468</td>
<td>35.4%</td>
</tr>
<tr>
<td>Transit</td>
<td>4,461,508</td>
<td>3,496,057</td>
<td>78.4%</td>
<td>2,781,538</td>
<td>595,802</td>
<td>21.4%</td>
</tr>
<tr>
<td>Special Safety Grants</td>
<td>302,017</td>
<td>113,345</td>
<td>37.5%</td>
<td>385,707</td>
<td>156,445</td>
<td>40.3%</td>
</tr>
<tr>
<td>Sewer Operating</td>
<td>6,539,861</td>
<td>4,998,229</td>
<td>76.4%</td>
<td>6,195,165</td>
<td>4,756,086</td>
<td>76.8%</td>
</tr>
<tr>
<td>Refuse Removal</td>
<td>5,166,418</td>
<td>3,925,615</td>
<td>76.1%</td>
<td>5,036,164</td>
<td>3,685,861</td>
<td>73.2%</td>
</tr>
<tr>
<td>Airport Operations</td>
<td>1,094,460</td>
<td>960,127</td>
<td>87.7%</td>
<td>972,127</td>
<td>622,683</td>
<td>64.1%</td>
</tr>
<tr>
<td>Golf Course</td>
<td>322,532</td>
<td>209,763</td>
<td>65.0%</td>
<td>312,430</td>
<td>224,523</td>
<td>71.9%</td>
</tr>
<tr>
<td>Water Operating</td>
<td>5,165,108</td>
<td>3,888,560</td>
<td>75.3%</td>
<td>4,853,822</td>
<td>3,788,582</td>
<td>78.1%</td>
</tr>
<tr>
<td>Risk Management</td>
<td>3,621,850</td>
<td>3,236,354</td>
<td>89.3%</td>
<td>3,565,759</td>
<td>2,846,797</td>
<td>79.8%</td>
</tr>
<tr>
<td>Equipment Maintenance</td>
<td>2,047,168</td>
<td>1,654,346</td>
<td>80.8%</td>
<td>1,893,444</td>
<td>1,305,729</td>
<td>69.0%</td>
</tr>
<tr>
<td>Landscape Maintenance District</td>
<td>194,000</td>
<td>82,142</td>
<td>42.3%</td>
<td>162,000</td>
<td>97,722</td>
<td>60.3%</td>
</tr>
<tr>
<td>Water Replacement</td>
<td>714,362</td>
<td>344,914</td>
<td>48.3%</td>
<td>490,162</td>
<td>499,675</td>
<td>101.9%</td>
</tr>
<tr>
<td>Solid Waste Reserve</td>
<td>250</td>
<td>45,386</td>
<td>18154.2%</td>
<td>25</td>
<td>28,567</td>
<td></td>
</tr>
<tr>
<td>Sewer Revolving</td>
<td>400,400</td>
<td>196,787</td>
<td>49.1%</td>
<td>265,000</td>
<td>276,020</td>
<td>104.2%</td>
</tr>
<tr>
<td>Transportation Development</td>
<td>902,000</td>
<td>1,428,639</td>
<td>158.2%</td>
<td>305,000</td>
<td>406,948</td>
<td>133.4%</td>
</tr>
<tr>
<td>Park Development</td>
<td>118,500</td>
<td>60,665</td>
<td>51.1%</td>
<td>144,500</td>
<td>119,029</td>
<td>82.4%</td>
</tr>
<tr>
<td>Treatment Plant Reserve</td>
<td>1,025,000</td>
<td>686,267</td>
<td>67.0%</td>
<td>985,000</td>
<td>878,261</td>
<td>89.2%</td>
</tr>
<tr>
<td>Storm Drain Development</td>
<td>417,800</td>
<td>406,547</td>
<td>97.3%</td>
<td>265,000</td>
<td>361,394</td>
<td>136.4%</td>
</tr>
<tr>
<td>Building Construction</td>
<td>50,000</td>
<td>50,819</td>
<td>101.6%</td>
<td>50,000</td>
<td>41,781</td>
<td>83.6%</td>
</tr>
</tbody>
</table>

**Totals**                                            | $48,047,901                  | $33,209,170                     | 72.1%         | $42,897,700                | $24,889,338                     | 58.0%         |
<table>
<thead>
<tr>
<th>Service Category</th>
<th>2006-2007 AMENDED EXPEND</th>
<th>2007-2008 AMENDED EXPEND</th>
<th>% OF APPROP</th>
<th>% OF APPROP</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEGISLATIVE</td>
<td>$195,867</td>
<td>$209,865</td>
<td>83.9%</td>
<td>67.2%</td>
</tr>
<tr>
<td>CITY COUNCIL PROMOTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMUNICATIVE &amp; LEGAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADMINISTRATIVE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY MANAGER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY CLERK</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HUMAN RESOURCES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY ATTORNEY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FINANCE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INFORMATION SERVICES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SERVICES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>POLICE PROTECTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FIRE PROTECTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ECONOMIC DEVELOPMENT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENGINEERING &amp; BUILDING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STREET MAINTENANCE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SIGNALS, SIGNING &amp; STRIPING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STREET LIGHTING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STORM DRAINS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PARKING LOTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PARKS &amp; LEISURE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PARKS, MAINTENANCE &amp; OPERATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STREET TREES &amp; PARKWAYS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMUNITY CENTERS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LEISURE SERVICES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LIBRARY SERVICES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SPECIAL PROJECTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SUB TOTALS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DEBT SERVICE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$87,405</td>
<td>$22,271,704</td>
<td>73.5%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>
CITY OF PORTERVILLE

EXPENDITURE STATUS REPORT - ALL OTHER FUNDS
FOR THE NINE MONTHS ENDED
MARCH 31, 2008 AND MARCH 31, 2007

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>MEASURE H SALES TAX</td>
<td>$2,043,050</td>
<td>$1,189,143</td>
<td>58.2%</td>
<td>$1,372,006</td>
<td>$762,844</td>
</tr>
<tr>
<td>REDEVELOPMENT AGENCY</td>
<td>808,080</td>
<td>486,922</td>
<td>60.3%</td>
<td>661,860</td>
<td>2,125,073</td>
</tr>
<tr>
<td>ZALUD ESTATE</td>
<td>28,480</td>
<td>18,535</td>
<td>65.1%</td>
<td>28,123</td>
<td>17,909</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>480,489</td>
<td>105,829</td>
<td>22.0%</td>
<td>274,941</td>
<td>120,287</td>
</tr>
<tr>
<td>TRANSIT</td>
<td>3,566,206</td>
<td>2,760,088</td>
<td>77.4%</td>
<td>2,316,781</td>
<td>1,087,857</td>
</tr>
<tr>
<td>SPECIAL SAFETY GRANTS</td>
<td>355,782</td>
<td>307,017</td>
<td>86.3%</td>
<td>401,547</td>
<td>206,331</td>
</tr>
<tr>
<td>SEWER OPERATING</td>
<td>5,787,837</td>
<td>3,814,384</td>
<td>65.9%</td>
<td>5,501,280</td>
<td>3,917,793</td>
</tr>
<tr>
<td>REFUSE REMOVAL</td>
<td>5,010,353</td>
<td>3,688,268</td>
<td>73.6%</td>
<td>4,757,157</td>
<td>3,579,098</td>
</tr>
<tr>
<td>AIRPORT</td>
<td>1,460,108</td>
<td>927,429</td>
<td>63.5%</td>
<td>1,010,344</td>
<td>657,773</td>
</tr>
<tr>
<td>GOLF COURSE</td>
<td>381,532</td>
<td>250,102</td>
<td>65.6%</td>
<td>372,241</td>
<td>271,494</td>
</tr>
<tr>
<td>WATER OPERATING</td>
<td>4,709,385</td>
<td>2,955,645</td>
<td>62.8%</td>
<td>4,266,791</td>
<td>3,052,894</td>
</tr>
<tr>
<td>RISK MANAGEMENT</td>
<td>3,621,850</td>
<td>2,736,317</td>
<td>75.6%</td>
<td>3,566,759</td>
<td>2,475,832</td>
</tr>
<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>2,026,013</td>
<td>1,514,359</td>
<td>74.7%</td>
<td>1,891,707</td>
<td>1,356,763</td>
</tr>
<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>197,379</td>
<td>99,369</td>
<td>50.3%</td>
<td>203,207</td>
<td>90,905</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$30,476,544</strong></td>
<td><strong>$20,853,309</strong></td>
<td><strong>68.4%</strong></td>
<td><strong>$26,623,744</strong></td>
<td><strong>$19,722,852</strong></td>
</tr>
</tbody>
</table>


CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
For the Nine Months Ended March 31, 2008 and March 31, 2007

<table>
<thead>
<tr>
<th>FUND</th>
<th>REVENUES &amp; TRANSFERS IN</th>
<th>EXPENSES &amp; TRANSFERS OUT</th>
<th>03/31/2008 NET PROFIT (LOSS)</th>
<th>03/31/2007 NET PROFIT (LOSS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zalud Estate</td>
<td>$ 5,667</td>
<td>$ (18,535)</td>
<td>$ (12,867) $</td>
<td>$ (13,080) $</td>
</tr>
<tr>
<td>Sewer Operating</td>
<td>4,998,229</td>
<td>(4,395,213)</td>
<td>603,016</td>
<td>(207,945)</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>3,925,615</td>
<td>(3,688,268)</td>
<td>237,347</td>
<td>106,762</td>
</tr>
<tr>
<td>Airport</td>
<td>1,131,511</td>
<td>(947,072)</td>
<td>184,439</td>
<td>63,106</td>
</tr>
<tr>
<td>Golf</td>
<td>254,012</td>
<td>(250,102)</td>
<td>3,910</td>
<td>(2,718)</td>
</tr>
<tr>
<td>Water Operating</td>
<td>3,888,560</td>
<td>(2,955,545)</td>
<td>933,014</td>
<td>735,688</td>
</tr>
</tbody>
</table>

NOTE: The Transit Fund is not included as it does not contain any retained earnings
CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - MEASURE H
For the Nine Months Ended March 31, 2008

REVENUES

$ 2,085,803

EXPENDITURES

Police Department 639,708
Fire Department 394,072
Library & Literacy 155,363
Capital Outlay 132

TOTAL EXPENDITURES

1,189,275

REVENUE OVER/(UNDER) EXPENDITURES

$ 896,528
<table>
<thead>
<tr>
<th>Grant/Subsidized Loan Description</th>
<th>City/Point-of-Contact</th>
<th>Granting Agency</th>
<th>Grant Number</th>
<th>City Capital Project No</th>
<th>Amount of Grant Award</th>
<th>Proceeds Received to Date</th>
<th>Last Drawdown Request Date</th>
<th>Drawdown Received Date</th>
<th>Final Grant Date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMUNITY DEVELOPMENT DEPARTMENT:</td>
<td>B. Dunlap</td>
<td>HUD</td>
<td></td>
<td></td>
<td>706,102</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Balance to be expended or drawn: $704,102</td>
</tr>
<tr>
<td>2006 CDG grant allocation</td>
<td>B. Dunlap</td>
<td>HUD</td>
<td></td>
<td></td>
<td>729,295</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Balance to be expended or drawn: $729,295</td>
</tr>
<tr>
<td>2006 CDG grant allocation</td>
<td>B. Dunlap</td>
<td>HUD</td>
<td></td>
<td></td>
<td>729,707</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Balance to be expended or drawn: $237,735</td>
</tr>
<tr>
<td>2005 CaHOME</td>
<td>B. Dunlap</td>
<td>HCD</td>
<td></td>
<td></td>
<td>500,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Balance to be expended or drawn: $500,000</td>
</tr>
<tr>
<td>HOME 2006 grant - TFRH and HRLP</td>
<td>B. Dunlap</td>
<td>HCD</td>
<td></td>
<td></td>
<td>800,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Balance to be expended or drawn: $800,000</td>
</tr>
<tr>
<td>2005 HOME - Project - Supeida Village</td>
<td>B. Dunlap</td>
<td>HCD</td>
<td></td>
<td></td>
<td>1,000,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Balance to be expended or drawn: $1,000,000</td>
</tr>
<tr>
<td>Workforce Housing Funds - 05</td>
<td>B. Dunlap</td>
<td>HCD</td>
<td></td>
<td></td>
<td>151,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>06/30/05 For traffic signal @ Putnam &amp; Indiana</td>
</tr>
<tr>
<td>Workforce Housing Funds - 06</td>
<td>B. Dunlap</td>
<td>HCD</td>
<td></td>
<td></td>
<td>205,085</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>06/30/05 Pending extension of standard agreement</td>
</tr>
<tr>
<td>Section 108</td>
<td>B. Dunlap</td>
<td>HUD</td>
<td></td>
<td></td>
<td>3,885,000</td>
<td></td>
<td></td>
<td></td>
<td>03/31/2008</td>
<td>Request for extension pending</td>
</tr>
<tr>
<td>TRANSPORT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit Operating Assistance</td>
<td>L. Clark</td>
<td>FTA</td>
<td>CA004531</td>
<td></td>
<td>300,000</td>
<td></td>
<td></td>
<td>08/31/2007</td>
<td>09/09/2007</td>
<td>Annually</td>
</tr>
<tr>
<td>CNG Shuttle (4)</td>
<td>L. Clark</td>
<td>FTA</td>
<td>CA007347/7472/7531</td>
<td></td>
<td>1,188,000</td>
<td></td>
<td></td>
<td>12/27/2007</td>
<td>01/02/2008</td>
<td></td>
</tr>
<tr>
<td>Bus Turnouts</td>
<td>L. Clark</td>
<td>FTA</td>
<td>CA007347/7472/7531</td>
<td></td>
<td>47,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Particulate Filters</td>
<td>L. Clark</td>
<td>FTA</td>
<td>CA007347/7472/7531</td>
<td></td>
<td>25,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pedestrian Mail Project</td>
<td>L. Clark</td>
<td>FTA</td>
<td>CA0080381/CA0000531</td>
<td></td>
<td>320,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus Maintenance Facility</td>
<td>L. Clark</td>
<td>FTA</td>
<td>CA0080472</td>
<td></td>
<td>590,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus Maintenance Facility</td>
<td>L. Clark</td>
<td>FTA</td>
<td>PTKS/BEA/Prop.1B</td>
<td></td>
<td>434,207</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>03/19/2008</td>
</tr>
<tr>
<td>Bicycles (5)</td>
<td>L. Clark</td>
<td>FTA</td>
<td>CA0090472/CA0000531</td>
<td></td>
<td>135,200</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIRPORT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Runway Guidance System</td>
<td>J. Longley</td>
<td>FAA</td>
<td>AIP 8-5-0190-07</td>
<td></td>
<td>150,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Design phase awarded</td>
</tr>
<tr>
<td>FY2007-2008 CAAP grant</td>
<td>J. Longley</td>
<td>DOT-IV of Aeronautics</td>
<td></td>
<td></td>
<td>10,000</td>
<td></td>
<td></td>
<td>01/10/2008</td>
<td>03/31/2008</td>
<td>Annually</td>
</tr>
<tr>
<td>FY2007-2008 CAAP grant</td>
<td>J. Longley</td>
<td>DOT-IV of Aeronautics</td>
<td></td>
<td></td>
<td>10,000</td>
<td></td>
<td></td>
<td>01/10/2008</td>
<td>03/31/2008</td>
<td>Annually</td>
</tr>
<tr>
<td>PARKS AND RECREATION DEPARTMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks &amp; Trails</td>
<td>J. Perrine</td>
<td>CA Trans Comm (CMA)</td>
<td>CMLD-512025</td>
<td></td>
<td>86-9402</td>
<td>1,085,871</td>
<td>85.53%</td>
<td>86-9402</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>J. Perrine</td>
<td>CA Resources Agency (SEEM-2006-12)</td>
<td></td>
<td></td>
<td>89-9439</td>
<td>250,000</td>
<td>85.53%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>J. Perrine</td>
<td>CA Dept of Parks &amp; Rec</td>
<td>G07-03-24-S01</td>
<td></td>
<td>89-9467</td>
<td>49,000</td>
<td>25.00%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>J. Perrine</td>
<td>CA Dept of Parks &amp; Rec</td>
<td>G07-03-24-S01</td>
<td></td>
<td>89-9467</td>
<td>49,000</td>
<td>25.00%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY2007-2008 CA Public Library Funds</td>
<td>J. Perrine</td>
<td>CA State Library</td>
<td></td>
<td></td>
<td>19,770</td>
<td></td>
<td></td>
<td>01/15/2009</td>
<td>03/19/2008</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Completed</td>
</tr>
<tr>
<td>POLICE DEPARTMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Citizens Option for Public Safety (COPS)</td>
<td>C. McMillen</td>
<td>State of CA, Dept. of Fin.</td>
<td>AB329</td>
<td></td>
<td>100,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>11/29/2007</td>
</tr>
<tr>
<td>Bullet Proof Vest Grant</td>
<td>C. McMillen</td>
<td>US, Dept. of Justice</td>
<td>OMB121-0335</td>
<td></td>
<td>2,254</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>06/30/2008</td>
</tr>
<tr>
<td>Edward Byrne Memorial Justice Assistance Grant (JAG)</td>
<td>C. McMillen</td>
<td>US, DOJ, Office of Justice</td>
<td>2007-04-0129</td>
<td></td>
<td>2,254</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Ongoing</td>
</tr>
<tr>
<td>PUBLIC WORKS DEPARTMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plano St @ Tule River Bridge widening project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBBR</td>
<td>85-9701</td>
<td></td>
<td>630,000</td>
<td>80.00%</td>
<td>410,544.83</td>
<td></td>
<td></td>
<td>Need construction authorization by Caltrans</td>
</tr>
<tr>
<td>Joy St @ Tule River Bridge widening project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBBR</td>
<td>85-9189</td>
<td></td>
<td>25,000</td>
<td>80.00%</td>
<td>17,787.40</td>
<td></td>
<td></td>
<td>Waiting for final design authorization by Caltrans</td>
</tr>
<tr>
<td>Core area curb, gutter &amp; sidewalk project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td>85-9187</td>
<td></td>
<td>2,427,100</td>
<td>85.60%</td>
<td>1,282,013.47</td>
<td></td>
<td></td>
<td>Construction authorized</td>
</tr>
<tr>
<td>Initial bicycle lanes and routes project</td>
<td>B. Rodriguez</td>
<td>BTA</td>
<td></td>
<td></td>
<td>46,500</td>
<td>85.60%</td>
<td>40,854.00</td>
<td></td>
<td></td>
<td>07/22/2007</td>
</tr>
<tr>
<td>Traffic Signal @ Mathew and Olive</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td></td>
<td></td>
<td>285,000</td>
<td>85.60%</td>
<td>120,811.06</td>
<td></td>
<td></td>
<td>04/22/2008</td>
</tr>
<tr>
<td>Newcomb Street shoulder stabilization project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td></td>
<td></td>
<td>210,000</td>
<td>85.60%</td>
<td>13,270.00</td>
<td></td>
<td></td>
<td>07/22/2008</td>
</tr>
<tr>
<td>Main St &amp; College Ave roundabout project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td></td>
<td></td>
<td>210,000</td>
<td>85.60%</td>
<td>13,270.00</td>
<td></td>
<td></td>
<td>In process</td>
</tr>
<tr>
<td>Traffic Signal @ Newcomb and Westfield</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td></td>
<td></td>
<td>210,000</td>
<td>85.60%</td>
<td>13,270.00</td>
<td></td>
<td></td>
<td>In process</td>
</tr>
<tr>
<td>Indiana Street sidewalk &amp; shoulder stabilization - North</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td></td>
<td></td>
<td>148,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indiana Street sidewalk &amp; shoulder stabilization - South</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td></td>
<td></td>
<td>201,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prospect St sidewalk</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td></td>
<td></td>
<td>210,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CNG Facility</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td></td>
<td></td>
<td>408,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shovel upgrades for CNG Facility</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td></td>
<td></td>
<td>17,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FINANCING THROUGH C.E.D.B.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sewer system expansion</td>
<td>B. Rodriguez</td>
<td>CIEDB-RH-063</td>
<td></td>
<td></td>
<td>5,350,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>04/18/2008</td>
</tr>
<tr>
<td>Eastside water system improvements</td>
<td>B. Rodriguez</td>
<td>CIEDB</td>
<td></td>
<td></td>
<td>9,000,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>01/26/2008</td>
</tr>
<tr>
<td>TOTAL GRANTS/SUBSIDIZED LOANS AWARDED</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>34,963,436</td>
</tr>
</tbody>
</table>


SUBJECT: QUARTERLY PORTFOLIO SUMMARY

SOURCE: Administrative Services - Finance Division

COMMENT: During the 1995 Legislative Session, the State adopted SB 564 and SB 866 which became effective January 1, 1996. These pieces of legislation set formal requirements for annual reaffirmation of the Investment Policy by Council, as well as for quarterly portfolio updates to Council.

Items identified in the summary that are requirements under SB 564 and SB 866 include the fact that all current holdings are in compliance with the current Investment Policy and that all City cash needs will be met. The date of the next update has also been identified.

RECOMMENDATION: That the City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.

ATTACHMENTS: Quarterly Portfolio Summary

D.D. Appropriated/Funded C.M. Item No. 33

SUBJECT: STREET PERFORMANCE MEASURE QUARTERLY UPDATE

SOURCE: Public Works Department - Engineering Division

COMMENT: The purpose of this staff report is to provide Council with an update on the progress made on street reconstruction, overlay, micro-overlay and pothole repair efforts for the 3rd quarter in FY 2007/2008. The 2nd Quarter report is included in Council's packet so that Council can visualize the progress made from the 2nd to 3rd quarter.

Council will note that approximately 4,000 lineal feet of Micro Overlay/Seal work has been performed to date. Public Works is requesting tonight, under a separate agenda item, that council authorize advertisement for bids for an additional 20,000 lineal feet in Micro Overlay/Seal work on eastside streets. Inclusion of this work will be reflected in the quantity shown on the 4th quarter report.

For Council's edification, the light blue bar represents staff's estimated quantity of "work" for each category. The black overlaid bar represents the quantity of work accomplished to date.

RECOMMENDATION: Information Only

ATTACHMENTS: 3rd Quarter Street Performance Chart
                2nd Quarter Street Performance Chart
<table>
<thead>
<tr>
<th>Task</th>
<th>1st Qtr</th>
<th>2nd Qtr</th>
<th>3rd Qtr</th>
<th>4th Qtr</th>
<th>5th Qtr</th>
<th>6th Qtr</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Street Reconstruction Progress</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Each square represents 500 LF of sewer main lines.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Cesspool Progress</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Each square represents 100 LF of sewer main lines.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Wastewater Progress</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Each square represents 100 LF of sewer main lines.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Parkland Ranch Progress</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Each square represents 100 LF.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Task</th>
<th>Start Date</th>
<th>End Date</th>
<th>Duration</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Credit Analysis of 4th Quarter Financials</td>
<td>1/1/2023</td>
<td>4/30/2023</td>
<td>10 weeks</td>
<td>Focused on revenue projections.</td>
</tr>
<tr>
<td>B. Market Research &amp; Analysis</td>
<td>5/1/2023</td>
<td>7/31/2023</td>
<td>8 weeks</td>
<td>Conducted analysis on competitors.</td>
</tr>
<tr>
<td>C. Project Management Meetings</td>
<td>8/1/2023</td>
<td>10/31/2023</td>
<td>12 weeks</td>
<td>Regularly scheduled for progress updates.</td>
</tr>
<tr>
<td>E. Annual Budget Planning</td>
<td>1/1/2024</td>
<td>3/31/2024</td>
<td>3 months</td>
<td>Includes forecasts and cost projections.</td>
</tr>
</tbody>
</table>

*City of [City Name]*

Quarterly Progress Report - Q4 2023
SUBJECT: USE OF CMAQ FUNDS FOR CONCRETE IMPROVEMENTS

SOURCE: Public Works Department – Engineering Division

COMMENT: The City’s allocation of 2006 – 2010 Congestion Mitigation Air Quality Grant funding was in excess of 6 million dollars. All projects were funded at or near the typical 88.53% Federal - 11.47% Local ratios. The Date Avenue Concrete Improvement Project was the exception. The Public Works Director’s independent recollection is that all CMAQ funds in the 2006-2010 grant cycle were allocated to the various County agencies with the exception of $113,000.

TCAG offered the funds to the City with the understanding that the City would include $114,000 of local funds to complete the funding for the Date Avenue Concrete Improvement project, essentially making this project a 50/50 proposition. Because the City Council had not decided on the specific street(s) to receive the CMAQ funding as of April 21, 2008, Public Works presented a letter to TCAG informing them that in lieu of using the CMAQ funds on Date Avenue, the City proposes to use the funds on Indiana Street, Prospect Street and Henderson Avenue.

As indicated above, the City’s local share is currently set at $114,000 which represents a 50% share. Public Works wrote a second letter (copy attached) to TCAG requesting that TCAG consider maintaining the federal share at $113,000 and reduce the City’s local share to 11.47% which is typical and more in line with CMAQ funding requirements. In addition, staff asked that TCAG consider “rolling” unused Newcomb Shoulder Stabilization funds (approximately $28,000) into the Indiana/Prospect/Henderson account.

When TCAG responds to the City’s letter, the final funding amount will be known and staff can then present Council with the different concrete construction options.

RECOMMENDATION: That the City Council direct the Public Works Director to present a final report and list all concrete construction options once TCAG provides an answer on the funding questions posed in the City’s April 24, 2008 letter.

ATTACHMENT: TCAG letter dated April 24, 2008
April 24, 2008

Ted Smalley, Director
Tulare County Association of Governments
5961 S. Mooney Blvd.
Visalia, CA 93277

Subject: Substituting Date Avenue as Recipient of CMAQ Funds & Re-Visit Fed/Local Funding Ratio.

Dear Ted:

I contacted Eddie Wendt of your staff and Eddie provided direction on how the City should proceed with our request to substitute Date Avenue for three other collector streets. Please express my gratitude to Mr. Wendt for his timely assistance.

Ted, as you know, a typical CMAQ funded project has an 88.53% Fed/11.47% local funding ratio. The Date Avenue project has a 50/50 funding ratio because as I recall, there was not enough CMAQ funds available for Date Avenue to receive its full compliment of federal funds. To make this a viable project, TCAG provided as much federal funding as possible ($113,000) with the understanding that the City would “pony” up the remaining balance. Due to some very difficult budget times, the City of Porterville respectfully asks that TCAG consider two items.

**Item #1** – Allow the City to use the Date Avenue federal funds ($113,000) listed in the FTIP (copy attached) on our council approved streets but at a more favorable fed/local ratio. The City has allocated $26,000 for its local share and is ready and willing to accept a $139,000 project in lieu of the currently listed $227,000 project. The new ratios would be $113,000 federal and $26,000 local (81.3%/18.7%). The City will design and construct concrete improvements accordingly.

**Item #2** – The City recently opened bids on the Newcomb Shoulder Stabilization project and once again, we received a very favorably bid ($168,000 including contingency and construction engineering). This CMAQ funded project (Finance letter attached) has a $176,000 federal share component. Staff believes that the Newcomb Shoulder Stabilization project will only require $148,000 of federal funds. The City of Porterville respectfully asks that TCAG consider shifting all unused Newcomb Shoulder
Stabilization federal funds over to the Date Avenue designated project(s). All unused local funds would likewise be shifted over to the Date Avenue designated project(s) and final ratios would be determined at that time.

Ted, I apologize for the complexity of this letter and if Item #2 is premature or too difficult to accomplish, I would greatly appreciate your consideration of item #1 as this can greatly affect some recently annexed County areas. Please call this office if you have any questions regarding this letter.

Sincerely,

Baldomero Rodriguez
Public Works Director

Cc: John Longley
    John Lollis
    Mike Reed

P: PW/.. Baldo/2007-2008 CMAQ/Date/TCAQ Letter
SUBJECT: ACTION PLAN TO INCREASE AERATION IN MURRY PARK POND

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council has asked staff to implement measures for improving the water quality within Murry Park Pond. The Parks & Leisure Services Director has conducted preliminary research on fine-bubble aeration systems as an efficient and natural water treatment process. The Director was requested to bring back further details on equipment cost and design for installation with the possible use of equipment replacement funds. The Director then asked Wildan & Associates to provide technical review and assistance with obtaining manufacturers design services and data.

Wildan has confirmed the suitability of fine-bubble aeration for improving the pond water quality. They are also facilitating communications with equipment manufacturers for the manufacturers to provide design evaluations. These assessments are in progress.

It is the goal to have equipment cost and the installation design completed within the month of May. A procurement process and potential funding strategy would then be presented to the City Council. If possible, this will be ready for the June 3, 2008 regular meeting of the Council.

On a related matter, the splash fountain in the pond is being reactivated after being dormant during the winter months. The pump stopped working late last fall about the time that the Pioneer Ditch flows were ceased for upstream ditch maintenance. The Murry Pond water level dropped to about 50% of capacity during the winter and staff had hoped to retrieve and fix the pump as a maintenance activity during the same time. A new pump was ordered as the pump repair activity wasn’t able to be completed before the ditch flows restarted at the end of March. The new pump will be installed and the old pump will be evaluated for renovation and storage as a back-up.

RECOMMENDATION: Accept the progress report on actions to increase aeration in Murry Park Pond.

[Signatures]

Director Appropriated/Funded City Manager ITEM NO.: 36
CONSIDER BUDGET ESTIMATE FOR MURRY PARK PAVILION REPLACEMENTS

PARKS AND LEISURE SERVICES DEPARTMENT

Two adjoining pavilions within Murry Park were recently demolished due to deteriorated conditions of the structural members. The Murry Park Master Plan intends to remove these pavilions, with a new large pavilion to be located closer to the pond. The Master Plan also indicates reconfiguration of the parking and vehicle areas to be located where the demolished pavilions resided. Without the approximate $500,000 of funding needed to implement the referenced relocation, it would be appropriate to consider replacing the pavilions at the current location. The City Council has asked for more information on the budgetary estimate for replacement.

Staff suggests the use of steel construction materials for new pavilions due to durability, vandal and fire resistance. Inquiries were made of local pre-fab steel shelter suppliers, contractors, and fabricators. A budget level estimate of $79,000 was determined for replacement of the two structures. With reduction for the demolition effort the budget estimate is now $75,000, or just under $42 per square foot. As previously mentioned, staff has suggested that Risk Management funds might be an appropriate source of funding.

Alternatives were also evaluated. Installing shade fabric covers is estimated at $31,000. This alternative is not recommended by staff because of the overhanging and adjacent trees, and the reduction in vandal & fire resistance. Leaves and bird droppings would also accumulate on the shade fabric and detrimentally affect its life and appearance.

Another alternative is to only install one steel pavilion structure and keep the other table area uncovered. The budget level cost estimate for this alternative is $46,000.

The City Council direct that $75,000 of Risk Management funds be programmed into the FY 2008-2009 Capital Improvement Projects Budget for replacement of the two pavilions.

Budget level cost estimates

Director Appropriated/Funded City Manager

ITEM NO.: 37
BUDGET LEVEL COST ESTIMATES FOR REPLACEMENT OF TWO MURRY PARK PAVILIONS

REPLACE WITH 2 NEW PRE-FAB STRUCTURES
Purchase 2 each 900 sf steel structures $40,500
Install 2 pre-fab steel structures 16,000
Install electrical system 4,000
Design, project management, & inspection services 4,500
Budget level contingency (15%) 10,000
TOTAL $75,000
Cost per square foot = $41.67

REPLACE WITH 2 FABRICATE IN-PLACE STRUCTURES
Construct 2 steel structures $50,500
Painting 2,000
Install electrical system 4,000
Design, project management, & inspection services 7,000
Budget level contingency (15%) 9,500
TOTAL $73,000
Cost per square foot = $40.56

REPLACE WITH 2 SHADE FABRIC STRUCTURES
Purchase 2 shade fabric structures $11,500
Install 2 shade fabric structures 9,500
Install electrical system 4,000
Design, project management, & inspection services 2,000
Budget level contingency (15%) 4,000
TOTAL $31,000
Cost per square foot = $17.22

REPLACE WITH SINGLE STEEL PRE-FAB STRUCTURE
Purchase single 900 sf steel structure $22,500
Install single pre-fab steel structure 10,500
Install electrical system 4,000
Design, project management, & inspection services 3,000
Budget level contingency (15%) 6,000
TOTAL $46,000
Cost per square foot = $51.11
SUBJECT: ADDITIONAL CITY HALL FLAG POLE

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: A member of City Council requested information regarding installation of a third flag pole in front of City Hall to allow the City flag to be displayed on a separate flag pole. Staff recommends if Council desires installation of a third flag pole, that such pole be taller than the two existing poles and be placed between the poles in order to display the United States flag in the most prominent position, with the California and City flags displayed on the existing flag poles. The total cost to obtain an acceptable 40' pole and a proportionate United States flag is about $4,700. If Council desires installation of a third flag pole, it has been recommended that necessary funding be allocated from the City Council contingency budget.

Parks Division staff has reviewed installation requirements and determined installation of the necessary concrete foundation, flag pole, and additional lighting can be completed by Division staff. With consideration for production, shipping, installation and concrete curing, a third flag pole can be fully functional approximately 30 days after Council authorization.

RECOMMENDATION:

That City Council:

1. Evaluate the need for a third flag pole to be installed near the northernmost entrance of City Hall; and
2. If City Council determines an additional flag pole is necessary, direct staff to obtain and install a 40' flag pole and proportional United States flag at a cost not to exceed $4,700; and
3. Authorize expenditure of related costs from the City Council's contingency fund (001-5010-001-910).

Director

Appropriated/Funded

City Manager
SUBJECT: RESOLUTION OF OPPOSITION FOR PROPOSITION 98 AND RESOLUTION OF SUPPORT FOR PROPOSITION 99

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Two propositions have qualified for the California Statewide June 2008 ballot. Proposition 98, the “California Property Owners and Farmland Protection Act”, and Proposition 99, the “Homeowners and Private Property Protection Act”, both propose to amend the current eminent domain laws to restrict government’s use of eminent domain authority. The League of California Cities (the “League”) and the California Redevelopment Association (CRA) strongly oppose Proposition 98, referred to as the “hidden agenda” proposition, and support Proposition 99.

Eminent domain is the authority that state and local governments may use to take possession of private property for the public good, under specific conditions. Typically, it is used sparingly and only as a tool of last resort. In its most common application, private landowners receive fair market value for their property that is needed for public improvements, such as roads. Since the 2005 U.S. Supreme Court decision in Kelo v. City of New London, Connecticut, which reaffirmed local governments’ ability to acquire private property to further economic development, various entities, including local governments, have sought to clarify the appropriate use of eminent domain authority. The central issue in the Kelo decision was whether it was appropriate for a local government to acquire a private residence and then turn that property over to another private interest for economic development purposes. Eminent domain advocates and opponents alike have supported reasonable changes in law that would not allow the transference of someone's home to another private party for solely economic development reasons. Propositions 98 and 99 use two distinctly different approaches toward addressing changes in eminent domain law to clarify its use for public purposes.

While proponents of Proposition 98 argue that the initiative simply provides new restrictions on the use of eminent domain, the provisions of the actual measure go further than eminent domain issues; into areas such as phasing-out local rent control ordinances. Additionally the proposed measure utilizes three new definitions to alter the meaning of “private use” property. Based on the definitions of this initiative, government may be
prohibited from constructing public water projects, enacting land use regulations to protect the environment, stopping the approval of new economic and housing development, and invalidate regulations intended to protect the public’s health, safety, and welfare. This initiative also proposes a new definition for “public use” property. The effect of this definition would be to limit the use and ownership of a property by a public agency or regulated public utility, including public facilities, public transportation, and public utilities. This definition would effectively preclude private participation in efforts to eliminate urban decay or public/private partnerships. More so, Proposition 98 would also shift power from locally elected legislative bodies to the courts by mandating that courts ignore the local governments’ legislative deliberations in all eminent domain proceedings when a case is challenged in court.

Proposition 99, or the Homeowners Protection Act, would provide protection for homeowners by prohibiting governments from taking an owner-occupied home to transfer to a private party. However, Proposition 99 does not have the same multiple implications of Proposition 98. Proposition 99 will not affect state or local rent control laws, or environmental laws and regulations. Additionally, unlike Proposition 98, this initiative contains specific public health and safety exemptions to eminent domain restrictions. The language in Proposition 99 permits the use of eminent domain to protect public health and safety. Furthermore, under Proposition 99 there will be no changes in balance of power between local governments and the courts, as suggested in Proposition 98, thus protecting locally elected authority. Finally, the narrow focus of Proposition 99 addresses the core concerns of eminent domain law while protecting this "tool of last resort" for public agencies in addressing public needs issues.

Because of the drastic negative implications for local governments if Proposition 98 is passed in the June election, both the League and CRA have requested that cities adopt resolutions opposing Proposition 98 and supporting Proposition 99.

A summary of the two propositions is attached.
RECOMMENDATION: That the City Council:

1. Approve the draft resolution of opposition to Proposition 98;
2. Approve the draft resolution of support for Proposition 99;
3. Authorize the transmittal of these resolutions to the League of California Cities and the California Redevelopment Association; and
4. Authorize the use of the City’s name by the “Yes on Proposition 99” campaign in support of Proposition 99

Attachments:
1. Summary of California Property Owners and Farmland Protection Act, Proposition 98
2. Summary of the Homeowners and Private Property Protection Act, Proposition 99
Summary of California Property Owners and Farmland Protection Act, Proposition 98

The Howard Jarvis Taxpayers Association, the California Farm Bureau Federation and the California Alliance to Protect Private Property Rights are sponsoring Proposition 98 on the June 2008 ballot, which would make major changes to laws governing use of property, including use of eminent domain and regulation of land use.

Governmental Regulations Affecting the Price of Private Property

The initiative provides that a government regulation that limits the price a private owner may charge another person to purchase, occupy or use his or her real property requires the payment of just compensation. This includes rent control ordinances and inclusionary housing ordinances.

Limitation on Use of Eminent Domain for Consumption of Natural Resources

The initiative would prohibit the use of eminent domain to “transfer the ownership, occupancy or use of private property...to a public agency for the consumption of natural resources...” This provision can be read, for example, to prohibit the use of eminent domain by a city to acquire new drinking water resources. The initiative would also prohibit the use of eminent domain if the public agency would use the property for “the same or substantially similar use as that made by the private owner.” This provision would likely eliminate eminent domain as a tool to acquire conservation and open space easements.

Land Use Regulations

The initiative prohibits a public agency from regulating the use of private property if the regulation transfers an economic benefit from the regulated property owner to another private property owner. Nearly all traditional land use regulations economically benefit some properties while burdening others. Read literally, this provision would make unconstitutional virtually all regulation of land use.

Changes to the use of Eminent Domain

- Property may not be taken and then transferred to a private party. This would end the use of eminent domain by redevelopment agencies except for public works projects and prevent its use by other public agencies that wish to establish a public-private partnership for facilities such as toll roads and prisons.

- The definition of “just compensation” is changed. The existing law provides reasonable certainty to both the public agency and the private property owner thereby reducing the need to go to court to determine “just compensation.” The initiative will likely require more frequent recourse to the courts to understand how to apply the new definition. In addition, the initiative requires a public agency to pay the property owner’s attorney’s fees if the jury awards one dollar more than the amount offered by the public agency. It also includes elements not currently recognized such as temporary business losses in the calculation of “just compensation.”

---

1 Rent controlled units as of January 1, 2007, would be grandfathered, but only for so long as at least one of the tenants continues to live in the unit as their principal place of residence.
- **Acquiring immediate possession of property made more complicated.** Under existing law, a public agency may deposit the estimated just compensation and gain immediate possession of the property. The property owner is limited to challenging what constitutes “just compensation” if the deposit is withdrawn. Under the initiative, the property owner will also be able to challenge whether the public agency has a right to take the property. This means that it would be possible for a public agency to take immediate possession of the property and for a court to subsequently rule that the public agency had no underlying right to acquire the property at all.

- **Balance of power shifted to courts.** When a public agency makes findings explaining the need to exercise eminent domain, those findings are entitled to a strong presumption of validity when challenged in court. In addition, the court is limited to reviewing the administrative record that was before the public agency. The initiative changes this balance of power between the legislative and judicial branches of government by removing the presumption of validity and allowing the property owner to introduce evidence to the court that was not previously a part of the administrative record before the public agency.
Summary of the Homeowners and Private Property Protection Act, Proposition 99

The Homeowners and Private Property Protection Act is an initiative constitutional amendment supported by substantially the same coalition of local government, environmental and business interests that opposed Proposition 90 in 2006. It will be on the June 2008 ballot as Proposition 99. The initiative would make the following changes to existing law:

Restrictions on the Use of Eminent Domain

Under existing law, a redevelopment agency may acquire a privately owned single-family home and resell it to a private developer for redevelopment in order to eliminate blight. In direct response to public concerns raised following the United States Supreme Court's decision in Kelo vs. City of New London, the initiative would amend the California Constitution to prohibit a redevelopment agency, the State, or any local government from using eminent domain to acquire an owner-occupied, single-family residence and resell it to a private person. "Owner-occupied, single-family residence" is defined as real property improved with a single-family residence (including a condominium or townhouse) that is the owner's principal place of residence for at least one year prior to the State or local government's initial written offer to purchase the property.

Exceptions

The prohibition on using eminent domain to acquire an owner-occupied, single-family home for resale to a private party would not apply if the acquisition is for a public work or improvement. A "public work or improvement" is defined to include what have been traditionally viewed as public facilities, including those that may be constructed or operated as public/private partnerships (e.g., toll roads). The initiative would also not apply if the acquisition was to abate a nuisance, protect public health and safety from building, zoning or other code violations, prevent serious, repeated criminal activity, respond to an emergency, or remediate hazardous materials.

Effective Date

If passed, the measure would take effect the day following the election on June 3, 2008. The amendments made by this initiative shall not apply to the acquisition of real property if the initial written offer to purchase the property was made on or before the date on which it becomes effective, and a resolution of necessity to acquire the real property by eminent domain is adopted on or before 180 days after that date.

Construction with Other Measures

The initiative provides that if it appears on the same ballot with another initiative measure dealing with the same or similar subject and both measures pass, this measure will prevail over the other if it receives more votes than the other measure. In such event, the provisions of the other measure will be null and void.
Resolution No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE IN OPPOSITION TO PROPOSITION 98

WHEREAS, The Howard Jarvis Taxpayers Association, the California Farm Bureau Federation and the California Alliance to Protect Private Property Right are sponsoring Proposition 98 on the June 2008 ballot; and

WHEREAS: this initiative would make major changes to laws governing use of property, including use of eminent domain and regulation of land use; and

WHEREAS: this initiative provides that government regulation that limits the price a private owner may charge another person to purchase, occupy or use his or her real property requires the payment of just compensation which includes rent control ordinances and inclusionary housing ordinances; and

WHEREAS: this initiative defines "private use" of resources in a way that could effectively make it unlawful to use eminent domain to acquire land and water for the consumption of natural resources which could prohibit a city from using eminent domain to acquire new drinking water resources and also eliminate eminent domain as a tool to acquire conservation and open space easements; and

WHEREAS, Proposition 98 also contains harmful provisions that would negatively impact the local land-use planning process and usurp the authority of cities and counties to make land-use decisions to promote the local economy, and protect the community; and

WHEREAS, this initiative would effect the establishment of public-private partnerships for facilities such as toll roads and prisons; and

WHEREAS, this initiative would make acquiring immediate possession of property more complicated and would shift the balance of power to the courts by removing the presumption of validity and allowing the property owner to introduce evidence to the court that was not previously a part of the administrative record before the public agency; and

WHEREAS, the No on Proposition 98 campaign is represented by the League of California Cities, California State Association of Counties, League of California Homeowners, California Redevelopment Association, California School Boards Association, California Alliance for Retired Americans, and other leading state associations who oppose Proposition 98.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby oppose Proposition 98 for the June 2008 ballot.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Porterville authorizes the use of the City’s name by the No on Proposition 98 campaign in opposition to Proposition 98 and direct staff to fax a copy of this adopted resolution to 916-442-3510.
Resolution No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE IN SUPPORT OF PROPOSITION 99

WHEREAS, in June of 2005 the US Supreme Court ruled in *Kelo v. New London* that government could take a home through eminent domain to give to a private developer; and

WHEREAS, since that decision more than 40 states have reformed their eminent domain laws; and

WHEREAS, California has failed to place a prohibition on the use of eminent domain to take homes for private development; and

WHEREAS, Proposition 99, which will be on the June 2008 ballot, will prohibit government from using eminent domain to take an owner-occupied home to transfer to another private party; and

WHEREAS, the protections in Proposition 99 directly address the issues in the *Kelo* decision and the measure does not contain any unrelated provisions that will result in unintended, harmful consequences for California; and

WHEREAS, the League of California Homeowners supports this measure because it will provide ironclad protections for California homeowners; and

WHEREAS, the Yes on Proposition 99 campaign is represented by a broad based coalition, including the League of California Cities, California States Association of Counties, California Redevelopment Association, League of California Homeowners, California League of Conservation Voters, California Alliance for Retired Americans and other leading state and local associations who support Proposition 99;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby support Proposition 99.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Porterville authorizes the use of the City's name by the Yes on Proposition 99 campaign in support of Proposition 99 and direct staff to fax a copy of this adopted resolution to 916-442-3510.
CONSIDERATION OF APPOINTMENTS TO THE TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE

Administration/City Clerk

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 6, 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. 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.

This item was brought before the City Council on April 15, 2008, at which time the Council extended the expiring terms four days to May 6, 2008 and continued the matter in order to provide public notice of the vacancies. Notice was published in the Porterville Recorder and applications were solicited and accepted through 5:00 p.m., May 6, 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.

Item No. 40
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
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

1
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.


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 resource 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 21st 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) | $500,000 |
| 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 | $91,225 |
| Total 2007-08 Fiscal Year Expenditures | $1,863,680 |
Fiscal Year 2008-09 Additional Sales Tax Revenues (Third full F/Y) $1,938,227

Additional Supplemental Resources (General Fund) $50,000
Total Resources Available $1,988,227

Increase Police Sworn by 1 additional position to the base $91,000
Maintain Expanded Patrol Operations $566,000
Maintain Expanded Gang Suppression and Narcotics Operations $320,763
Maintain 8 additional Sworn Fire personnel $876,030
Safety Equipment $5,000
Maintain Literacy Programs/hours $194,688
Expand Homework Assistance and Creative Expression Program $86,528
Increase Established Capital Reserve Fund for New Fire Station $48,218
Total 2007-08 Fiscal Year Expenditures $988,227

Fiscal Year 2009-10 Additional Sales Tax Revenues (Fourth full F/Y) $2,015,756
Additional Supplemental Resources (General Fund) $75,000
Total Resources Available $2,090,756

Maintain 8 additional Sworn Police personnel
Maintain Expanded Patrol Operations $630,000
Maintain Expanded Gang Suppression and Narcotics Operations $396,651
Maintain 8 additional Sworn Fire personnel $723,352
Maintain Literacy Programs/hours $202,476
Expand Homework Assistance and Creative Expression Program $89,989
Partial Year Debt Service Payment on New Fire Station Financing $48,288
Total 2009-10 Fiscal Year Expenditures $2,090,756

Fiscal Year 2010-11 Additional Sales Tax Revenues (Fifth full F/Y) $2,096,387
Additional Supplemental Resources (General Fund) $150,000
Total Resources Available $2,246,387

Maintain 8 additional Sworn Police personnel
Maintain Expanded Patrol Operations $664,000
Maintain Expanded Gang Suppression and Narcotics Operations $413,983
Maintain 8 additional Sworn Fire personnel $773,352
Maintain Literacy Programs/hours $210,575
Expand Homework Assistance and Creative Expression Program $93,589
Debt Service on New Fire Station Financing $90,889
Total 2010-11 Fiscal Year Expenditures $2,246,387

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

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

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

JOHN LONGLEY, City Clerk

by Patrice Hildreth, Deputy City Clerk
COUNCIL AGENDA – MAY 6, 2008

SUBJECT: CONSIDERATION OF LETTER OF SUPPORT FOR AB 2254

SOURCE: ADMINISTRATION

COMMENT: This item was presented at the meeting of April 15, 2008 at the request of a Council Member. At that meeting, the Council directed that the item be continued so as to provide the entire Council an opportunity to consider said item, and to provide the Council an opportunity to discuss the proposed Bill with its author, Assemblyman Arambula.

RECOMMENDATION: None.

ATTACHMENTS: Legislative Summary of AB 2254
Draft Letter of Support

Item No. 4-1
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 (SPO) 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 rigidness of categorical program funding, flexible approaches to meet student needs can be used without sacrificing critical achievement progress.

AB 2254 Contact: Andrew White (916-319-2031)
AB 2254
Page 1

Date of Hearing: April 2, 2008

ASSEMBLY COMMITTEE ON EDUCATION
Gene Mullin, Chair
AB 2254 (Arambula) - As Introduced: February 20, 2008

SUBJECT: Local education agencies: administration

SUMMARY: Provides, upon the existence of a fiscal emergency, for alternative calculations of funding for low performing school districts, and for the authority in those districts to flexibly redirect both unrestricted and restricted fiscal resources in a discretionary manner under a broad exemption from program requirements, with specified exceptions. Specifically, this bill:

1) Conditions the authority to flexibly use funds in a discretionary manner, as granted in this bill, upon the existence of a fiscal emergency.

2) Defines an eligible school district as a school district meeting each of two requirements:

a) Fifty percent or more of the pupils in the district are enrolled in schools ranked in deciles 1 or 2 of the Academic Performance Index (API).

b) The school district is identified for Program Improvement (PI) under the federal No Child Left Behind (NCLB) Act.

3) Requires that each eligible school district, commencing with the 2009-10 fiscal year and beyond, be provided with maximum flexibility to redirect all fiscal resources in a discretionary manner without restriction, excepting those funds received for special education, adult education, economic impact aid, English learner pupil assistance, child care, after school programs, child nutrition, or career technical education programs.

4) Requires that eligible school districts receive apportionments for K-3 and Grade 9 Class Size Reduction calculated pursuant to an alternative formula, and not be subject to programmatic requirements for either of those programs.

5) Grants eligible districts an exemption from all requirements
and regulations for categorical programs with the exceptions noted in 3), but requires that the districts:

a) Expend funds to implement an educational program that improves achievement of all pupils and addresses specific needs of low-performing pupils.

b) Comply with federal law, including maintenance of effort requirements.

c) Comply with the settlement agreement in Williams v. State of California.

d) Administer statewide assessments pursuant to statute.

e) Comply with instructional time requirements with no reduction.

f) Reduce neither instructional time nor average daily attendance.

g) Expend funds in a manner that ensures no reduction in the level of support and services for educationally disadvantaged pupils.

6) Allows eligible school districts to also apply for application-based or competitive categorical grants; requires that those funds be spent in the first year pursuant to existing program requirements, but allows complete expenditure flexibility in subsequent years.

**EXISTING LAW**:

1) Establishes an accountability system in addition to those under federal law, and ranks schools each year on the Academic Performance Index (API).

2) Defines actions that may be taken by the SPI, SBE, and California Department of Education (CDE) to assist districts that are in danger of being or have already been identified for PI, and shall be taken to assist districts identified for corrective action.

3) Establishes and funds categorical programs that focus resources and/or compliance requirements on specific classes of students or schools, or on specific uses of funds.
identified by the Legislature as priorities. Each of these
categorical programs has a mechanism for allocating or
apportioning program funds; those mechanisms can be formulaic,
application driven, or competitive in nature.

4) Consolidates a number of historical categorical programs into
a smaller set of block grants, where a block grant gives
funding recipients the flexibility to spend the funds across
any of the previously individual programs consolidated into
that block grant.

5) Provides a process whereby school districts may request the
waiver of provisions of the Education Code or regulations,
with certain exceptions.

**FISCAL EFFECT** : Potential for unknown increases in General Fund
Proposition 98 costs due to changes in the calculation of
funding for the K-3 and Grade 9 Class Size Reduction programs.
Potentially creates a redistribution of expenditures at the LEA
level that would not reflect the legislative priorities implicit
in the original budget appropriations.

**COMMENTS** : This bill provides low performing school districts
with alternative funding calculations for the K-3 and Grade 9
Class Size Reduction programs, and provides those districts the
authority to expend funding for most categorical programs
without regard to the fiscal or programmatic requirements and
restrictions associated with those programs. This flexibility,
however, is only provided to eligible districts upon the
existence of a fiscal emergency. It is the stated hope of the
author that "providing the most struggling districts with
categorical flexibility, only during fiscal emergencies, will
help them to continue providing a stable education to their
students."

Proposition 58 in 2004 established Article IV, Section 10 (f)
(1) of the California Constitution, providing the only
definition of a fiscal emergency in state law; it reads as
follows:

If, following the enactment of the budget bill for the
2004-05 fiscal year or any subsequent fiscal year, the
Governor determines that, for that fiscal year, General Fund
revenues will decline substantially below the estimate of

General Fund revenues upon which the budget bill for that
fiscal year, as enacted, was based, or General Fund
expenditures will increase substantially above that estimate
of General Fund revenues, or both, the Governor may issue a
proclamation declaring a fiscal emergency and shall
thereupon cause the Legislature to assemble in special session for this purpose. The proclamation shall identify the nature of the fiscal emergency and shall be submitted by the Governor to the Legislature, accompanied by proposed legislation to address the fiscal emergency.

Conditioning fiscal flexibility on the existence of a fiscal emergency makes this bill one of a number being heard by the Committee that is designed to help local education agencies (LEAs) deal with the current (or later) fiscal crisis that faces the state. These proposals include allowing a relaxation of the budget reserve requirement or allowing various restricted funds to be spent with greater flexibility. Each of these proposals should only be viewed as short-term in nature, since a long-term reduction in reserves would lead to a higher probability of fiscal insolvency in LEAs and a long-term increase in expenditure flexibility would be better achieved through comprehensive structural reform of the categorical funding system.

Since each of these bills, including this bill, come to us as a result of the budget crisis and are of a short-term nature, the issues raised in these bills should most appropriately be discussed in the context of budget actions that the House is considering. In fact, in earlier periods of fiscal crisis, proposals such as this have always been considered in Budget Subcommittee No. 2 on Education Finance, have been enacted with budget trailer bill language, and have not been enacted through policy bills. For these reasons Committee staff recommend that this bill be held by the Committee and that the content of this bill, along with the issues raised and proposals made therein, be conveyed to Budget Subcommittee No. 2 for that Subcommittee's consideration.

Conditioning fiscal flexibility on the existence of a fiscal emergency also creates an ongoing problem for this bill. By its definition a fiscal emergency will never exist until some point in time during the fiscal year for which the Governor proclaims that emergency, and only exists for that specific fiscal year. In practice a fiscal emergency for any given fiscal year would likely not be proclaimed until after the first or even second quarter of that year. This creates a situation under this bill where school districts would be unable to begin to flexibly use resources until well into that fiscal year, could not use that flexibility after the end of that fiscal year, could not reliably plan to use that flexibility in future years, and could be in fiscal difficulties if the flexibility were prematurely used in anticipation of a fiscal emergency that was never proclaimed.
Elimination of the provision in this bill conditioning fiscal flexibility upon the existence of a fiscal emergency would relieve the problem stated in the previous paragraph and would detach this proposal from the current (or later) fiscal crisis; however, eliminating this condition would also significantly broaden the scope of this bill beyond other proposals being discussed in this House. This broadened scope would mean that in any year an eligible district would have the flexibility to use restricted funds from most categorical programs with complete discretion, a situation that would provide no assurances that services were being provided locally in a manner consistent with even the broad spending and programmatic priorities established by the Legislature. Unlike a block granting approach, where flexibility would be provided within the Legislature's broad priorities, this proposal, if amended to delete the fiscal emergency condition, would then provide unlimited flexibility with the exception of the excluded programs.

Related legislation: Four related bills providing fiscal flexibility tied to fiscal conditions are currently pending in the Assembly Education Committee.

1)AB 1908 (Wolk), pending in this Committee, creates an urgency statute that provides fiscal flexibility to local education agencies (LEAs) by allowing discretion in spending restricted fund balances in a fiscal year when Proposition 98 is suspended.

2)AB 2056 (De Leon), pending in this Committee, authorizes LEAs to use unexpended English Language Acquisition Program funds and high school exit examination remediation funds to provide intensive instruction and services to help English learners in grades 9 or 10 who are at risk of not passing one or both portions of the exit examination.

3)AB 2831 (Fuller), pending in this Committee, creates an urgency statute that provides fiscal flexibility to school districts by allowing them for the 2008-09 and 2009-10 fiscal years to transfer restricted fund balances from any prior year to the district's unrestricted general fund.

4)AB 2832 (Fuller) pending in this Committee, is an urgency bill that reduces the minimum amount of funds required to be deposited in a school district's restricted account for the maintenance of school facilities, from 3% to 1.5% of a district's total general fund expenditures, for the 2008-09 and 2009-10 fiscal years.
Committee amendments: If the Committee should choose to pass this bill, then Committee staff recommends two amendments.

1) Clarify the author's intent that funding in any given fiscal year for the K-3 and the Grade 9 Class Size Reduction program is separately based on per pupil amounts, determined by funding received in 2006-07 (respectively) divided by enrollment in the respective grade levels, multiplied by the enrollments in the respective grade levels for that given year.

2) Clarify that expenditure flexibility does not apply to programs excepted in the proposed 52055.80 (a) (1) (A); there is a potential conflict between this exception and the proposed 52055.80 (b).

REGISTERED SUPPORT / OPPOSITION :

Support

None on file.

Opposition

California Alliance for the Arts
California Teachers Association

Analysis Prepared by : Gerald Shelton / ED. / (916) 319-2087
May 6, 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 the dire consequences. With the 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 rigidness 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, please do not hesitate to contact me at (559) 782-7466.

Sincerely,

Cameron Hamilton
Mayor

Cc: Assembly Member Arambula
PROPOSAL FOR COUNTY-WIDE STATE ENTERPRISE ZONE DESIGNATION

It has been proposed by the Tulare County Economic Development Corporation (TCEDC) that a county-wide enterprise zone application be prepared and submitted in 2008. It is anticipated that six (6) enterprise zones will be designated within the next two years, with four (4) in 2008 and two (2) in 2009. There will be no further enterprise zone designations until 2031, unless new designations are created by special legislation.

A significant factor in the consideration of an enterprise zone application is the probability that Tulare County’s continued designation as a Targeted Tax Area (also known as Business Incentive Zone “BIZ”) will no longer be available when the designation expires in 2012. In addition, the enterprise zone designation would allow for all businesses located in the zone to receive incentives, while currently only certain designated industries may receive the benefit in the BIZ. It is proposed that the enterprise zone incorporate substantially the same area that currently is designated as the BIZ. Should the enterprise zone designation be approved, operations as a BIZ would be suspended.

At an anticipated expense of $165,000 for a consultant to prepare the enterprise zone application and local production costs and expenses, a funding proposal has been developed to split the costs among the participating jurisdictions using the same formula which is utilized to fund the BIZ. The following table shows the cost distribution based on the current BIZ formula:

<table>
<thead>
<tr>
<th>Entity:</th>
<th>BIZ Rate:</th>
<th>Cost:</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Exeter</td>
<td>3.39%</td>
<td>$5,594</td>
</tr>
<tr>
<td>City of Dinuba</td>
<td>6.11%</td>
<td>10,082</td>
</tr>
<tr>
<td>City of Farmersville</td>
<td>2.99%</td>
<td>4,934</td>
</tr>
<tr>
<td>City of Lindsay</td>
<td>3.59%</td>
<td>5,924</td>
</tr>
<tr>
<td>City of Porterville</td>
<td>14.58%</td>
<td>24,057</td>
</tr>
<tr>
<td>County of Tulare</td>
<td>12.77%</td>
<td>21,071</td>
</tr>
<tr>
<td>City of Tulare</td>
<td>16.39%</td>
<td>27,044</td>
</tr>
<tr>
<td>City of Visalia</td>
<td>37.69%</td>
<td>62,189</td>
</tr>
<tr>
<td>City of Woodlake</td>
<td>2.49%</td>
<td>4,109</td>
</tr>
</tbody>
</table>

TOTAL: $165,000
It is anticipated that the Notice of Availability for enterprise zone
designations will be issued during this month of May with
applications to be due by August. It is anticipated that as many as
fifteen (15) enterprise zone applications will be submitted for the six
(6) available designations. TCEDC staff has been working with
Chabin Concepts, Inc. to prepare a program of work and budget to
prepare an Enterprise Zone Application. Chabin prepared the 1998
BIZ application and the City of Lindsay enterprise zone application
in 1995. Their clients are consistently ranked in the top scores
among enterprise zone applicants and have worked with a number
of the local jurisdictions, including the City of Porterville.

RECOMMENDATION: That the City Council:

1. Approve the City’s inclusion in the application for a
   County-wide enterprise zone application;
2. Approve the proposed funding distribution for the
   preparation of the application, including the City of
   Porterville’s responsibility of $24,057; and
3. Authorize a budget adjustment of $24,057 from
   unallocated General Fund Reserves.
AGENDA: MAY 6, 2008

JOINT MEETING OF THE
CITY OF PORTERVILLE CITY COUNCIL
AND
PORTERVILLE REDEVELOPMENT AGENCY

SUBJECT: AUTHORIZATION TO NEGOTIATE CONTRACT FOR REDEVELOPMENT PROJECT AREA AMENDMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the January 15, 2008 joint meeting of the City Council and Porterville Redevelopment Agency, the Council and the Agency approved pursuing the Redevelopment Area Amendment (Amendment) and Master Plan (Courthouse Commons) as a project. Included in the approval was the authorization to distribute the Request for Proposals (RFP) for a consultant to assist with the project.

During the recruitment process, staff determined that it could be more efficient and effective to prepare the Amendment and Master Plan as separate projects with consultants that specialize in each area. An addendum to the RFP was issued that separated the projects and allowed consultants to submit proposals for the Amendment, the Master Plan, or both projects. Staff received four (4) proposals for the Amendment and interviewed the top three firms. The firms were ranked as follows:

1. Urban Futures
2. Rosenow Splevacek Group, Inc.
3. GRC Associates, Inc.
4. The Planning Center

With regard to the Master Plan project, staff is considering the benefits of approaching the Master Plan as a Downtown Planning Area Overlay (Overlay). The Overlay (Master Plan) project will be brought back to City Council and the Agency at a future meeting.

The budget that was established during the January 15, 2008 meeting was $300,000 for both projects. The proposals indicate that the cost is more than anticipated and will be approximately $500,000 for both projects. Funding sources approved for the project are from the reallocation of $100,000 budgeted for the preparation of the Enterprise Zone application and a $200,000 loan to the Agency from the Porterville Civic Development Foundation. The remaining $200,000 could be funded through unallocated reserves in the Redevelopment Agency 2007-08 budget. Provided for Council’s and Agency’s information is a Redevelopment budget summary (Attachment 2) which shows the

DDT99 APPROPRIATED/FUNDED [Signature]

ITEM NO. PRA-1
estimated revenues, expenditures and ending fund balance for fiscal years 2007/08 through 2009/10. By utilizing $200,000 of unallocated fund reserves in the 2007/08 fiscal year for the Amendment and Overlay projects, the ending fund balance will be $433,108, and successive years will have ending fund balances in excess of $500,000. It is important to note that the Redevelopment budget summary provides for servicing of new debt incurred in the 2007/08 fiscal year, including a City/Agency loan for the repayment of the Tulare County loan and a Risk Management loan for the reconstruction of the Hockett/Mill parking lot.

RECOMMENDATION: That the City Council:

1. Approve the Redevelopment Area Amendment and Downtown Design Overlay (Master Plan) as separate projects; and
2. Authorize staff to negotiate a contract with Urban Futures for the Redevelopment Area Amendment; and
3. Authorize staff to negotiate a contract with the next highest ranked firm (Rosenow Spevacek Group, Inc.) in the event a contract cannot be negotiated with Urban Futures.

That the Porterville Redevelopment Agency:

1. Approve the Redevelopment Area Amendment and Downtown Design Overlay (Master Plan) as separate projects; and
2. Authorize staff to negotiate a contract with Urban Futures for the Redevelopment Area Amendment; and
3. Authorize staff to negotiate a contract with the next highest ranked firm (Rosenow Spevacek Group, Inc.) in the event a contract cannot be negotiated with Urban Futures; and
4. Approve a 2007-08 budget adjustment of $200,000 for the Redevelopment Area Amendment and Downtown Design Overlay projects; and
5. Authorize the Chairman to sign all documents.

ATTACHMENTS: 1) Proposed Redevelopment Area Amendment Boundaries Map
2) Redevelopment Budget Summary
## REDEVELOPMENT BUDGET SUMMARY

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Beginning Balance</strong></td>
<td>$415,029</td>
<td>$433,103</td>
<td>$539,530</td>
</tr>
<tr>
<td><strong>Revenues:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross Tax Increment</td>
<td>$1,264,493</td>
<td>$1,307,062</td>
<td>$1,350,482</td>
</tr>
<tr>
<td>Interest</td>
<td>$1,000</td>
<td>$1,626</td>
<td>$1,638</td>
</tr>
<tr>
<td>Lease Income from Rental</td>
<td>$16,692</td>
<td>$16,692</td>
<td>$17,193</td>
</tr>
<tr>
<td><strong>Expenditures:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pass Through</td>
<td>($194,534)</td>
<td>($208,790)</td>
<td>($223,332)</td>
</tr>
<tr>
<td>Housing Set Aside</td>
<td>($224,717)</td>
<td>($231,597)</td>
<td>($238,813)</td>
</tr>
<tr>
<td><strong>Debt Service:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REDIP Loan</td>
<td>($27,872)</td>
<td>($27,872)</td>
<td>($27,872)</td>
</tr>
<tr>
<td>City/Agency Loan (1)</td>
<td>($49,082)</td>
<td>($47,065)</td>
<td>($45,049)</td>
</tr>
<tr>
<td>Bond Debt</td>
<td>($394,542)</td>
<td>($390,014)</td>
<td>($392,820)</td>
</tr>
<tr>
<td>Risk Management Loan (2)</td>
<td>$0</td>
<td>$0</td>
<td>($55,000)</td>
</tr>
<tr>
<td><strong>Administration:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Budget (3)</td>
<td>($348,764)</td>
<td>($224,015)</td>
<td>($228,495)</td>
</tr>
<tr>
<td>Bond Administration</td>
<td>($800)</td>
<td>($600)</td>
<td>($600)</td>
</tr>
<tr>
<td>County Administration</td>
<td>($24,000)</td>
<td>($24,000)</td>
<td>($24,000)</td>
</tr>
<tr>
<td>Arbitrage</td>
<td>$0</td>
<td>$0</td>
<td>($4,000)</td>
</tr>
<tr>
<td>ERAF (4)</td>
<td></td>
<td>($65,000)</td>
<td>($65,000)</td>
</tr>
<tr>
<td><strong>Ending Fund Balance</strong></td>
<td>$433,103</td>
<td>$539,530</td>
<td>$604,062</td>
</tr>
</tbody>
</table>

(1) Repayment of Tulare County Loan  
(2) Hockett Street Parking Lot  
(3) Includes $200,000 for Area Amendment and Overlay Project  
(4) Assumed State may attempt future ERAF diversions

ATTACHMENT 2