CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
JUNE 17, 2008, 6:00 P.M.

Call to Order
Roll Call

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

CLOSED SESSION:
A. Closed Session Pursuant to:

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Eddie Hernandez
Invocation

PROCLAMATION
Cell Phones for Soldiers Awareness Week – June 15 through 21, 2008

PRESENTATIONS
City Manager’s Featured Project
Auto Theft Reward Program
Paul Saldana – Update on Rail Abandonment

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 October 16, 2007, May 20, 2008 and June 10, 2008**

2. **Authorization to Advertise for Bids – Traffic Signal No. 10 Project (Newcomb Street and Westfield Avenue)**
   Re: Approving staff’s recommended plans and project manual consisting of the signalization of the intersection of Westfield Avenue and Newcomb Street including disabled ramps and appurtenances.

3. **Award of Contract – Granite Hills Micro Seal**
   Re: Awarding contract to Valley Slurry Seal Company of West Sacramento in the amount of $124,544.00 for the project consisting of the repair of minor pavement patches, crack filling, installation of Type II Slurry Seal, striping and pavement marking.

4. **Award of Contract – Police Department Sprayed Polyurethane Roofing Project**
   Re: Awarding contract to George Roofing, Inc. of Visalia in the amount of $71,825.00 for the project consisting of the installation of sprayed polyurethane foam roofing system and related appurtenances at the Porterville Police Department.

5. **Award of Contract – Henderson Avenue Storm Drain Project – Villa Street to ‘G’ Street**
   Re: Awarding contract to Halopoff & Sons, Inc of Porterville in the amount of $284,408.47 for the project 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.

6. **Authorization to Negotiate a Contract – Park Playground Replacement Projects (Veteran’s Park, Murry Park, Zalud Park and Lion’s Park)**
   Re: Considering approval to negotiate a contract with Gametime in care of California Sports and Recreation For playground structure replacement.

7. **Approval to Negotiate Purchase of Specialized Equipment**
   Re: Considering approval to negotiate the purchase of an off-road utility vehicle to be utilized in the enforcement of ATV violations.

8. **CalHome Program Application**
   Re: Considering approval of the submittal of a CalHome Program funding application for continuation of the City-wide First Time Low Income Homebuyer Loan Program and the Owner Occupied Housing Rehabilitation Program.

9. **Out-of-School-Time Online Homework Help Program**
   Re: Acceptance of a grant from the California State Library, which uses Library Services and Technology Act funds for supporting an Out-of-School-Time Homework Help Program.

10. **Status Report on the Feasibility of Transit Bus Conversion into a Mobile Library**
    Re: Acceptance of a status report on the feasibility of transit bus conversion into a mobile library.
11. **Action Plan to Increase Aeration in Murry Park Pond**  
   Re: Acceptance of a progress report on actions to increase aeration in the Murry Park Pond.

12. **This item has been removed from the agenda.**

13. **Approval for Community Civic Event – Calvary Chapel – Crown of Life**  
   Re: Considering approval of Civic Event to take place at the Murry Park Pavillions 4 and 5 on Saturday, June 28, 2008, from 1:00 p.m. to 8:00 p.m.

14. **Approval for Community Civic Event – World of Victory Church – Community Christian Outreach on June 28, 2008**  
   Re: Considering approval of Civic Event, including the closure of E street, to take place on June 28, 2008 at World of Victory Church on E Street.

15. **Community Civic Event – Eagle Mountain Fly-In and Airshow – June 21, 2008**  
   Re: Considering approval of additional conditions for the Eagle Mountain Fly-In and Airshow, scheduled for Saturday, June 21, 2008, 8:00 a.m. to 5:00 p.m., at the Porterville Airport.

16. **Report on Railroad Abandonment Between Strathmore and Jovista by San Joaquin Valley Railroad**  
   Re: Acceptance of informational report on the approved abandonment between Strathmore and Jovista by the San Joaquin Valley Railroad.

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

**PUBLIC HEARINGS**

17. **Request to Adopt Budget for Fiscal year 2008-2009**  
   Re: Considering adoption of the proposed Budget for the 2008-2009 Fiscal Year.

18. **Proposed City Ordinances Regarding Regulation of Parking on Lawns and Unimproved Surfaces**  
   Re: Considering adoption of Ordinances prohibiting the parking or storing of vehicles on front yard setbacks except in areas defined as “driveways” or “improved areas”.

19. **Reimbursement Agreement for Concrete Improvements Constructed by the City – Date Avenue Reconstruction Project, Main Street to Cornell Street**  
   Re: Considering approval of a resolution establishing a reimbursement fee for the construction of concrete improvements by the City during the Date Avenue Reconstruction Project, Main Street to Cornell Street.

**SCHEDULED MATTERS**

20. **Adoption of Ordinance Establishing City Policy on Rotational Tow Services**  
   Re: Considering the adoption of an ordinance regulating tow services utilized by the City of Porterville.
21. **Consideration of Accepting Terra Cotta Warrior for Display**  
*Re: Acceptance of a Terra Cotta Warrior statuary from China for display by the City.*

22. **Alternative Payment Option**  
*Re: Consideration of the audit committee’s recommendation to enter into an agreement with Paymentus Corporation for electronic bill payment services, and to discontinue the acceptance of Point of Sale credit card payments, with the exclusion of the Porterville Airport.*

23. **Resolution Approving Articles of Incorporation and Bylaws – Porterville Airport Area Development Corporation**  
*Re: Consideration of a resolution approving articles and bylaws for a proposed nonprofit corporation (the “Porterville Airport Area Development Corporation”) to aid in the financing and administering of funds for the public works projects and improvements associated with development on the Tribal owned land at the Porterville Airport.*

24. **Report on Council of Cities Subcommittee Meeting with County of Tulare Representatives**  
*Re: Informational report on the June 4, 2008 joint meeting between representatives from the Council of Cities and the County of Tulare.*

25. **Request by Council Member – Consideration of Request by Farmersville for Protest Letter to SCE**  
*Re: Consideration of a request to discuss a letter in opposition of the Route 1 transmission line being proposed by Southern California Edison.*

Adjourn to a meeting of the Porterville Redevelopment Agency.

---

**PORTERVILLE REDEVELOPMENT AGENCY AGENDA**  
June 17, 2008

Roll Call: Agency Members/Chairperson

**WRITTEN COMMUNICATIONS**

**ORAL COMMUNICATIONS**

**SCHEDULED MATTER**

PRA-1. **Redevelopment Bond Issue Refinancing**  
*Re: Consideration of options for the refinancing of the existing Redevelopment 2002 Bond Issue to provide additional funding for the Porterville Hotel project.*

PRA-2. **Redevelopment Agency 2008-2009 Budget**  
*Re: Considering approval of a resolution adopting the 2008-2009 Redevelopment Agency Budget.*

Adjourn the Redevelopment Agency meeting to a meeting of the Porterville City Council.
**ORAL COMMUNICATIONS**

**OTHER MATTERS**

**CLOSED SESSION**

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

**ADJOURNMENT** - to the meeting of June 24, 2008 at 6:00 p.m.

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

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

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, during normal business hours.
CITY MANAGER’S FEATURED PROJECTS
FOR JUNE 2008

1. VELB Mitigation Site
Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member P. Martinez, Mayor Pro Tem F. Martinez, Council Member Hernandez, Mayor Hamilton

**ORAL COMMUNICATIONS**
None

City Manager John Longley advised the Council that a request to add a Closed Session item to the Agenda had been received after the distribution of the Agenda Packets. He stated that the item pertained to a Single Party Compensation Agreement with Melson Realty, Inc. regarding the City’s fairgrounds property on Olive Avenue, and that action was required by Friday, October 19, 2007. He indicated that if the Council authorized adding the item to Closed Session, the terms and price related to the potential sale of the property would be discussed.

City Attorney Julia Lew clarified that the request met the qualifications for adding an urgency item to the Agenda. She indicated that because the item was brought to the attention of staff after the posting of the Agenda and because action was required prior to the next Council Meeting, no additional notice regarding the item was required. She stated that a 4/5 majority was needed to add the item.

**COUNCIL ACTION:** The Council unanimously approved adding the item to the Agenda under Closed Session.

M.O. 01-101607

Disposition: Approved

**CLOSED SESSION:**
A. Closed Session Pursuant to:

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

**REPORT ON ANY ACTION TAKEN IN CLOSED SESSION**
City Attorney Julia Lew reported that no action had been taken.

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

“Porterville Chamber of Commerce Day” – November 3, 2007

PRESENTATIONS

• Employee Service Awards
• Introduction of New City Employees
• City Manager’s Featured Projects
• Library Board of Trustees’ Semi-Annual Report

ORAL COMMUNICATIONS

• Dana Babcock, representing Central Valley Asphalt, came forward with regard to Item No. 28. He requested a two-week continuance of the Item so as to allow Central Valley Asphalt time to research the issue and discuss the matter. He then provided to the Council copies of documentation related to the Rails to Trails Project.
• Rebecca Carley came forward and identified herself as an applicant for the Library Board of Trustees, and requested the Council’s consideration.
• Don Beardsly, 910 Williford Drive, introduced himself to the Council as an applicant for the Parks & Leisure Services Commission, and requested the Council’s consideration.
• Greg Shelton, 888 North Williford Drive, spoke regarding Item No. 28, indicating that construction debris remained at the site. He then inquired as to the drainage issue referenced in staff’s report.
• Martha Alcazar Flores, Frugal Fashions, 461 North Main Street, came forward as the Chair for the Porterville Chapter of the Tulare/Kings Hispanic Chamber of Commerce. She invited all to attend the mixer to take place on October 25, 2007 at the CHMA Centro Cultural, formerly the Porterville Community Center, on Putnam Avenue. Ms. Alcazar Flores then spoke of the efforts and contributions made by Mr. Jim Perrine to the Hispanic Chamber and community. She stated that the City of Porterville Parks & Leisure Services Department was to be recognized as the Chapter Business Organization of the Year at the Annual Installation of Officers and Business Awards Banquet to take place on November 17, 2007 at the Holiday Inn in Visalia. She then added that Eagle Mountain Casino would also be recognized as the Large Business of the Year; as would Gil Aguilar as Man of Year.
• Donnette Silva Carter, Porterville Chamber of Commerce, spoke in favor of Item No. 32 and commended the Council Member who requested the item. She then voiced appreciation of the recognitions of which Ms. Alcazar Flores spoke.

CONSENT CALENDAR

Item Nos. 6 and 18 were removed for further discussion.

1. CITY COUNCIL MINUTES OF JULY 9, 2007 AND AUGUST 27, 2007

Recommendation: That the City Council approve the Minutes of July 9, 2007 and August 27, 2007.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council accept the Minutes of July 9, 2007 and August 27, 2007.
AYES: McCracken, F. Martinez, Hernandez, Hamilton
NOES: None
ABSTAIN: P. Martinez
ABSENT: None

Disposition: Approved

2. CLAIM – DENNIS E. CONNOR

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

Documentation: M.O. 03-101607
Disposition: Approved

3. CLAIM – MARIA OLIVEROS

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

Documentation: M.O. 04-101607
Disposition: Approved

4. CLAIM – AJIT PANNU

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

Documentation: M.O. 05-101607
Disposition: Approved

5. CLAIM – GARY MEEKS

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

Documentation: M.O. 06-101607
Disposition: Approved

7. AUTHORIZATION TO ADVERTISE FOR BIDS – ‘C’ STREET WATER MAIN AND MISCELLANEOUS FIRE HYDRANT PROJECT
Recommendation: That City Council:
1. Approve staff’s recommended plans and project manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 07-101607
Disposition: Approved

8. AUTHORIZATION TO ADVERTISE FOR BIDS – TRAFFIC SIGNAL NO. 11 (INDIANA STREET AND PUTNAM AVENUE)

Recommendation: That City Council:
1. Approve staff’s recommended plans and project manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 08-101607
Disposition: Approved

9. REJECT ALL BIDS – WWTF SCREENING AND GRIT EQUIPMENT UPGRADE 2007 PROJECT

Recommendation: That the City Council
1. Reject all bids for the WWTF Screening and Grit Equipment Upgrade 2007 Project;
2. Authorize staff to re-advertise the WWTF Screening and Grit Equipment Upgrade 2007 project;
3. Authorize staff to use Wastewater Treatment Facility Capital Reserve funds to pay for the WWTF Screening and Grit Equipment Upgrade 2007 project;
4. Authorize the Finance Director to make a budget adjustment in the amount of $910,000 from the WWTF Capital Reserve fund to the FY 2007/2008 budget; and
5. Authorize staff to use all remaining Sewer CIEDB funds to pay for the Effluent Pipeline and Land Leveling project, and to seek reimbursement for design related costs from the CIEDB loan.

Documentation: M.O. 09-101607
Disposition: Approved

10. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APNs 260-208-021, 260-208-023, 260-208-012 – LAWRENCE E. COLEMAN – JAYE STREET WIDENING PROJECT

Recommendation: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Lawrence E. Coleman, as Trustee
of the Lawrence E. Coleman 2004 Revocable Trust, Dated March 10, 2004, in the amount of $26,340.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 96-2007
Disposition: Approved

11. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 259-050-054 – PORTERVILLE SM, LLC & VIC-NIC IV, LLC – WELL NO. 31 PROJECT

Recommendation: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Porterville SM, LLC, a California Limited Liability Company, as to an undivided one-half interest; and VIC-NIC IV, LLC, a California Limited Liability Company, as to an undivided one-half interest in the amount of $80,000.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 97-2007
Disposition: Approved

12. ACCEPTANCE OF IMPROVEMENTS – SIERRA MEADOWS (GARY SMEE – SMEE BUILDERS)

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

Documentation: M.O. 10-101607
Disposition: Approved

13. ACCEPTANCE OF THE HVAC REPLACEMENT 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.
14. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – TRAFFIC SIGNAL NO. 9 (OLIVE AVENUE AND MATHEW STREET) PROJECT

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

Documentation: Resolution 98-2007
Disposition: Approved

15. AUGMENTATION FUNDS FOR THE WEST STREET INDUSTRIAL PARK PROJECT – ADDITIONAL STORM DRAIN FUNDS

Recommendation: That City Council:
1. Authorize the appropriation $246,762.07 from the Storm Drain Master Plan Payback account to finance the extension of storm drain facilities to the dual use drainage facility within the Sports Complex;
2. Authorize staff to execute a Change Order that redirects the temporary drainage reservoir contract cost items to help finance the installation of the proposed storm drain facilities;
3. Authorize the staff to continue with a 10% contingency in the amount of $144,000 for the duration of the project; and
4. Authorize staff to issue payments to utility companies within the allocated budget and as depicted in the agreement dated June 5, 2007 between the City of Porterville and SCE.

Documentation: M.O. 12-101607
Disposition: Approved

16. OPEN ESCROW – DAVICK DEV. CORP. (JAMES CHOATE) PROPERTY

Recommendation: That the City Council:
1. Authorize staff to use Water Replacement funds to purchase the 1.9 acre site and pipeline easements from DAVICK DEV. CORP. in the amount of $195,000;
2. Authorize the Finance Director to initiate a budget adjustment in the amount of $195,000 from the Water Replacement Fund to the FY 2007/2008 budget;
3. Authorize staff to begin escrow, with the City paying escrow fees;
4. Authorize staff to make payment to DAVICK DEV. CORP. in the amount of $195,000 after completion of escrow;
5. Authorize the Mayor to sign the draft resolution; and
6. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 99-2007
Disposition: Approved

17. PROPOSAL FOR GASB 34 CITY INFRASTRUCTURE INVENTORY AND VALUATION SERVICES

Recommendation: That the Council authorize staff to utilize the solicitation of proposals conducted by the City of Tulare in the selection of CBIZ to perform the City’s GASB 34 appraisal services, and proceed with the GASB 34 valuation in compliance with CAFR requirements, utilizing carryover funds allocated to the Finance division during the 2006-2007 fiscal year.

Documentation: M.O. 13-101607
Disposition: Approved

19. BROWN ACT AND ETHICS SEMINAR FOR PUBLIC OFFICIALS

Recommendation: That City Council confirm its authorization of the scheduling of the seminar per the staff report, and appropriate $3,000 for activity.

Documentation: M.O. 14-101607
Disposition: Approved

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council accept Items 2 through 5, 7 through 17, and 19. The motion carried unanimously.

6. APPROVAL FOR COMMUNITY CIVIC EVENT – MARIACHI ACADEMY FOUNDATION – FABULOUS MUSIC JAM

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

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

A brief discussion ensued with regard to the beer garden and the precautionary actions that would be taken to address concerns.

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

Disposition: Approved

18. AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN, AND EMPLOYEE RETIREMENT SYSTEM

Recommendation: That the City Council adopt the draft resolution amending the Employee Pay and Benefit Plan for Fiscal Years 2007-08 and 2008-09, and the Employee Retirement System, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

City Manager Longley introduced the item, and Deputy City Manager Lollis presented the staff report. City Attorney Julia Lew indicated that approval must be contingent on approval by the Association.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council adopt the draft resolution amending the Employee Pay and Benefit Plan for Fiscal Years 2007-08 and 2008-09, and the Employee Retirement System, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARINGS

20. BUDGET ADJUSTMENT/CITIZENS’ OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING

Recommendation: That City Council:
1. Conduct the public hearing to receive public comment;
2. Authorize the use of these funds to offset costs for the full-time sworn officer, the community services officer, and all necessary training, equipment, and overtime costs; and
3. Approve an increase to the Police Department’s 2007-2008 budget, in the amount of $100,000.

City Manager Longley introduced the item, and Police Captain Eric Kroutil presented the staff report.

The hearing opened to the public at 7:54 p.m., seeing no one, the Mayor closed the hearing to the public at 7:55 p.m.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize the use of these funds to offset costs for the full-time sworn officer, the community services officer, and all necessary training, equipment, and overtime costs; and approve an increase to the Police Department’s 2007-2008 budget, in the amount of $100,000. The motion carried unanimously.

Disposition: Approved

21. ZONE CHANGE 4-2007, DESIGN REVIEW (D) OVERLAY 7-2007, CONDITIONAL USE PERMIT 10-2007 & VACATION OF A PORTION OF “C” STREET (CVS PHARMACY)

Recommendation: That the City Council:
1. Adopt the draft ordinance approving Zone Change 4-2007;
2. Waive further reading of the draft ordinance, approving the Zone Change 4-2007, and order it to print;
3. Adopt the draft resolution containing findings and conditions in support of approval of Design Overlay Site Review 7-2007 contingent upon Zone Change 4-2007 and Vacation for a portion of “C” Street;
4. Adopt the draft resolution containing findings and conditions in support of approval of Conditional Use Permit 10-2007 contingent upon Zone Change 4-2007, Vacation of a portion of “C” Street and approval of D-Overlay 7-2007;
5. Approve letter supporting the issuance of a type 21 off-Sale Alcohol License within Census Tract 41.1 for the proposed CVS Pharmacy at the southeast corner of Olive Avenue and “C” Street;
6. Approve the “Property Exchange & Development Agreement;
7. Adopt the Resolution of Vacation, including reservation, for a portion of “C” Street between Olive Avenue and Vine Avenue;
8. Authorize the City Clerk to record the Resolution of Vacation and Easement Deed upon execution of the “Property Exchange and Development Agreement” with the County Recorder; and
9. Authorize the Mayor to sign all documents related to the CVS Pharmacy project.

City Manager Longley introduced the item, and Community Development Director Brad Dunlap presented the staff report.

The hearing opened to the public at 8:08 p.m.

Bill McDermitt, Armstrong Development, Gold River, CA, developer for CVS Pharmacy in the Central Valley, thanked staff for their assistance, spoke of the expansion of CVS, and stated that he was available to answer questions.
• Tom Souza, Director of Sansome Pacific Properties, San Francisco, CA, spoke on behalf of CVS Pharmacy, and noted the benefits to the community.

• Chip Ericson, Main/Olive LLC, San Francisco, CA, Owner/Developer of neighboring Starbucks building, spoke in favor of the project and stated that he would change the color of his Starbucks project to coincide with the CVS project.

• Dick Eckhoff, 197 N. Main St., spoke in favor of the project and the divider, voiced concern with containers and truck parking.

• Greg Shelton, 888 N. Williford Dr., spoke against the location, suggested that there was a rush to move forward, and voiced concern with traffic flow and making C Street open to one way traffic only.

The hearing closed to the public at 8:24 p.m.

Mayor Hamilton clarified that “C” Street would not be a one-way street as was mentioned in public comments.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council adopt the draft ordinance approving Zone Change 4-2007; and waive further reading of the draft ordinance, approving the Zone Change 4-2007, and order it to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING FINDINGS SUPPORTING FACTS THAT SUBSTANTIAL FACTS HAVE OCCURRED FOR ZONE CHANGE 4-2007 ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF OLIVE AVENUE AND “C” STREET. The motion carried unanimously.

City Manager Longley read the ordinance by title only.

Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft resolution containing findings and conditions in support of approval of Design Overlay Site Review 7-2007 contingent upon Zone Change 4-2007 and Vacation for a portion of “C” Street; adopt the draft resolution containing findings and conditions in support of approval of Conditional Use Permit 10-2007 contingent upon Zone Change 4-2007, Vacation of a portion of “C” Street and approval of D-Overlay 7-2007; approve letter supporting the issuance of a type 21 off-Sale Alcohol License within Census Tract 41.1 for the proposed CVS Pharmacy at the southeast corner of Olive Avenue and “C” Street; approve the “Property Exchange & Development Agreement; adopt the Resolution of Vacation, including
reservation, for a portion of “C” Street between Olive Avenue and Vine Avenue; authorize the City Clerk to record the Resolution of Vacation and Easement Deed upon execution of the “Property Exchange and Development Agreement” with the County Recorder; and authorize the Mayor to sign all documents related to the CVS Pharmacy project. The motion carried unanimously.

Disposition: Approved

The Council recessed for 10 minutes.

22. CONDITIONAL USE PERMIT 9-2007 (MR. IGBAL SINGH AND MR. PARMJIT KAUR, FRIENDLY LIQUOR)

Recommendation: Staff recommends that the City Council adopt the draft resolution approving Conditional Use Permit 9-2007, subject to conditions of approval.

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

The hearing opened to the public at 8:50 p.m.

- Donna Shamley, Roberts Engineering, spoke on behalf of the applicant, and thanked staff for their efficiency.
- Greg Shelton, address on record, spoke in favor of the project.
- Dick Eckhoff, address on record, inquired about the canopy and suggested that the design was inappropriate for the area.

The hearing closed to the public at 8:53 p.m.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council adopt the draft resolution approving Conditional Use Permit 9-2007, subject to conditions of approval. The motion carried unanimously.

Disposition: Approved

23. CONDITIONAL USE PERMIT 8-2007 AND TENTATIVE PARCEL MAP 4-2007 FOR THAT SITE LOCATED ON THE SOUTHEAST CORNER OF MAIN STREET AND THURMAN AVENUE (ENNIS COMMERCIAL)

Recommendation: That the City Council:
1. Adopt the draft resolution approving Conditional Use Permit 8-2007
2. Adopt the draft resolution approving Tentative Parcel Map 4-2007.
Council Member McCracken recused himself due to a perceived conflict of interest.

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

The hearing opened to the public at 9:00 p.m.

- Jim Winton, 150 W. Morton, spoke on behalf of the project and stated that he was available for questions.

The hearing closed to the public at 9:02 p.m.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council adopt the draft resolution approving Resolution 106-2007 Conditional Use Permit 8-2007; and adopt the draft resolution approving Resolution 107-2007 Tentative Parcel Map 4-2007.

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

Disposition: Approved

24. AUTHORIZATION TO FORM AN UNDERGROUND UTILITY DISTRICT (RULE 20B AND RULE 32) – JAYE STREET CORRIDOR

Recommendation: That City Council adopt the resolution establishing an underground district.

City Manager Longley recused himself due to a conflict of interest, and Deputy City Manager Lollis introduced the item. Public Works Director Baldo Rodriguez presented the staff report.

The hearing opened to the public at 9:06 p.m., seeing no one, the Mayor closed the public hearing at 9:07 p.m.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the resolution establishing an underground district. The motion carried unanimously.

Disposition: Approved

25. ORDINANCE SETTING FORTH COMPREHENSIVE CHANGES TO THE CITY’S ANIMAL CONTROL REGULATIONS

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

City Manager Longley introduced the item, and City Attorney Julia Lew presented the staff report.

The hearing opened to the public at 9:13 p.m.

• Dick Eckhoff, address on record, thanked Council and the City Attorney for addressing his concerns.

The hearing closed to the public at 9:15 p.m.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve and give first reading to the Ordinance of the City Council of the City of Porterville Repealing Chapter 5, Sections 5-1 through 5-4.6, and Replacing it with Chapter 5, Sections 5-1 through 5-5.1 of the Porterville Municipal Code Pertaining to Animal Control, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING CHAPTER 5, SECTIONS 5-1 THROUGH 5-4.6, AND REPLACING IT WITH CHAPTER 5, SECTIONS 5-1.0 THROUGH 5-5.1, OF THE PORTERVILLE MUNICIPAL CODE PERTAINING TO ANIMAL CONTROL. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

SCHEDULED MATTERS

26. YOUTH GROUP FIELD USE FEES

Recommendation: That the City Council accept the report on the Youth Group Field Use Fees and take no further action to consider modifications to the fees.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council accept the report on the Youth Group Field Use Fees and take no further action to consider modifications to the fees. The motion carried unanimously.
27. APPOINTMENTS TO LIBRARY BOARD OF TRUSTEES AND PARKS AND LEISURE SERVICES COMMISSION

Recommendation: Consider the submitted Requests for Appointment and appoint two residents to the Library Board of Trustees, and three residents to the Parks & Leisure Services Commission.

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

COUNCIL ACTION: Council Member Pedro Martinez nominated Obdulia Guzman Alvarado for the Library Board of Trustees.
M.O. 18-101607

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

Disposition: Approved

COUNCIL ACTION: Mayor Pro Tem Felipe Martinez nominated Hector Villicana for the Library Board of Trustees.
M.O. 19-101607

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

Disposition: Approved

COUNCIL ACTION: Mayor Pro Tem Felipe Martinez nominated George Luna for the Parks and Leisure Services Commission.
M.O. 20-101607

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

Disposition: Approved

COUNCIL ACTION: Council Member McCracken nominated Charles Webber for the Parks and Leisure Services Commission.
M.O. 21-101607
AYES: McCracken, P. Martinez, F. Martinez, Hernandez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: None

Disposition: Approved

COUNCIL ACTION: Council Member Pedro Martinez nominated Don Beardsley for the Parks and Leisure Services Commission.

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

Disposition: Approved

28. ACCEPTANCE OF THE RAILS TO TRAILS PARKWAY PROJECT

Recommendation: That City Council:
1. Accept the project as complete under the following conditions: (A) Authorize staff to retain the $10,991.40 remaining from Purchase Order #06-03495 to remediate the drainage issue. (B) Any remaining funds go to satisfy liquidate damages; and
2. Authorize the filing of the Notice of Completion.

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

• Nick Strange, Central Valley Asphalt, spoke of an investigation by the bonding company and of efforts made to address drainage issues.

A discussion ensued regarding the drainage issue and staff’s need to complete the project and report to Caltrans. City Manager Longley clarified that the firm could complete the work and receive the payment, or the City could utilize the money retained to complete the project.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council accept the project as complete under the following conditions: (A) Authorize staff to retain the $10,991.40 remaining from Purchase Order #06-03495 to remediate the drainage issue. (B) Any remaining funds go to satisfy liquidate damages; and authorize the filing of the Notice of Completion. The motion carried unanimously.

Disposition: Approved
29. INTENT TO VACATE SANITARY SEWER AND WATER EASEMENTS RELATED TO TARGET STORE EXPANSION BUILDING PERMIT

Recommendation: That City Council:
1. Pass a Resolution of Intent to Vacate Sanitary Sewer and Water Easements described in a Partnership Grant Deed recorded February 18, 1992 as Document No. 92-011075 of Tulare County Official Records; and
2. Set the Council meeting of November 20, 2007 as the time and place for a public hearing.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council pass a Resolution of Intent to Vacate Sanitary Sewer and Water Easements described in a Partnership Grant Deed recorded February 18, 1992 as Document No. 92-011075 of Tulare County Official Records; and set the Council meeting of November 20, 2007 as the time and place for a public hearing.

Disposition: Approved

30. AWARD OF CONTRACT – “BANKING SERVICES”

Recommendation: That City Council:
1. Accept the Audit Committee’s recommendation to set aside the merchant services aspect of the Banking Services RFP and initiate a separate Merchant Services RFP; and
2. Accept the Audit Committee’s recommended ranking of the banking service responders; and
3. Select a banking services provider from the RFP responders; and
4. Authorize staff to enter into an agreement with the selected responder for banking services for the period beginning January 1, 2008, and ending June 30, 2013.

City Manager Longley introduced the item, and Chief Financial Officer Maria Bemis presented the staff report.

Council Member McCracken briefly explained the Audit Committee’s reasoning behind the recommendation to separate the merchant services aspect.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council accept the Audit Committee’s recommendation to set aside the merchant services aspect of the Banking Services RFP and initiate a separate Merchant Services RFP;
accept the Audit Committee’s recommended ranking of the banking service responders; approve the selection of Union Bank of California banking services from the RFP responders; and authorize staff to enter into an agreement with the selected responder for banking services for the period beginning January 1, 2008, and ending June 30, 2013. The motion carried unanimously.

Disposition:  Approved

31. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM – CONSIDERATION OF SUPPORT IN THE FORMATION OF A TULARE COUNTY CITIES ASSOCIATION

Recommendation: None

City Manager Longley introduced the item and provided some background information.

COUNCIL ACTION:  MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council support the formation of a Tulare County cities association. The motion carried unanimously.

Disposition:  Approved

32. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM – CONSIDERATION OF THE CREATION OF A YOUTH COMMISSION

Recommendation: None

City Manager Longley introduced the item.

COUNCIL ACTION:  MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize the addition of an item regarding the consideration of a Youth Commission to the November 6, 2007 Council Meeting agenda.

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

Disposition:  Approved

ORAL COMMUNICATIONS

Dick Eckhoff, address on record, inquired whether the Long’s Drugs’ construction on ‘D’ Street had been completed, noting the loading and unloading of stock occurring on the roadway and the continued storage of pallets. He then noted Mayor Pro Tem Martinez’s
comments regarding his position as a committee member with regard to the Buck Shaffer Clock as discussed in Item No. 6, and inquired whether the Mayor Pro Tem should have recused himself from the vote on that item.

**OTHER MATTERS**

- Council Member Pedro Martinez:
  1. Spoke of the recent “Soccer Shoot” event held at the Sports Complex in partnership with the Parks & Leisure Services Department, and advised of the success of the recent events held;
  2. Spoke of the Candlelight Vigil to be held at Veterans Parks and inquired whether other Council Members would be attending; and
  3. Requested that the Council, at an upcoming meeting, recognize the Paar Center for its service to the Porterville Community.

- Council Member Hernandez mentioned the recent passing of John Longley, Sr. and Carmen Gonzales, and spoke of the significant contributions to the Porterville community made by each.

- Council Member Pedro Martinez echoed the comments made by Council Member Hernandez.

- Mayor Pro Tem Felipe Martinez thanked his fellow Council Members and City staff for their time in meeting to discuss strategies towards addressing gangs in Porterville.

- Mayor Hamilton:
  1. Spoke of the selection of Porterville Police Officer Morales as Officer of the Year at the recent Latinos Peace Officers’ Dinner, and congratulated Officer Morales for this achievement; and
  2. Spoke of the success of the Open House held by the Porterville Fire on Saturday, October 6, 2007.

**ADJOURNMENT**

The Council adjourned at 10:09 p.m. to the meeting of October 17, 2007 at 6:30 p.m.

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

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

Adjourn to a Joint Meeting of the Porterville City Council and Porterville Redevelopment Agency.

JOINT COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

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

ORAL COMMUNICATIONS
None

REDEVELOPMENT AGENCY CLOSED SESSION:

A. Closed Session Pursuant to:

Adjourned to a meeting of the Porterville City Council.

CLOSED SESSION:

B. 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 AGENCY OR CITY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action had been taken.
Pledge of Allegiance Led by Mayor Cameron Hamilton
Invocation – One individual participated.

PROCLAMATIONS
“Freedom Days” – June 14, 2008 through July 4, 2008

PRESENTATIONS
Employee Service Awards
City Manager’s Featured Project
La Sierra High School – Project Citizen

ORAL COMMUNICATIONS
• Sharon Patterson, Co-Chair of the Porterville City Library Centennial Committee, commended Kathy Poundstone for 30 years of service to the library, thanked Jim Perrine for his assistance, and reminded the Council that the library was dedicated 100 years ago.
• Obdulia Alvarado, Co-Chair of the Porterville City Library Centennial Committee, read a statement regarding her fond childhood memories of “the book mobile” that would visit her neighborhood in Woodville, and spoke about the library’s upcoming anniversary event.
• Bob Keenan, President of HBA, spoke against an increase in fees, and spoke of the effects the increase will have on home buyers.
• Jim Nanamura, address not given, thanked Parks & Leisure Services for the senior dances, spoke of the benefits of dancing; and thanked Police Chief McMillan and the Police Department for the opportunity to volunteer.

CONSENT CALENDAR
Items 12, 17, and 20 were removed for further discussion. Item 14 was removed for abstention.

1. CITY COUNCIL MINUTES OF FEBRUARY 19, 2008
Recommendation: That the City Council approve the Minutes of February 19, 2008
Documentation: M.O. 01-052008
Disposition: Approved

2. BUDGET ADJUSTMENT
Recommendation: That the City Council:
1. Authorize staff to accept the grant funds and to authorize a budget adjustment to the Fire Department in the amount of $1,000; and
2. Approve the use of the funds to purchase smoke detectors and provide them free of charge to the citizens of the City of Porterville who cannot afford to purchase a smoke detector for their home.
3. **AUTHORIZATION TO ADVERTISE FOR BIDS – ALLEY RECONSTRUCTION BETWEEN D STREET AND HOCKETT STREET**

Recommendation: That City Council:
1. Approve staff’s recommended plans and project manual; and
2. Authorize staff to advertise for bids on the project.

4. **AWARD OF CONTRACT – AIRPORT TOXIC REMEDIATION PROJECT**

Recommendation: That the City Council:
1. Award the Airport Toxic Remediation project to Petrosius Construction, Inc. in the amount of $359,622.26;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs, and 3.5% for construction management and soil testing services.

5. **ACCEPTANCE OF PROJECT – DATE AVENUE RECONSTRUCTION – ‘A’ STREET RECONSTRUCTION & STORM DRAIN PROJECT**

Recommendation: That the 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.

6. **ACCEPTANCE OF PROJECT – OAK AVENUE IMPROVEMENT PROJECT**

Recommendation: That City Council:
1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.
7. ACCEPTANCE OF PROJECT – TRAFFIC SIGNAL # 11 (INDIANA STREET AND PUTNAM AVENUE)

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. 07-052008
Disposition: Approved

8. ACCEPTANCE OF PROJECT – MATHEW AND WESTFIELD STORM DRAIN 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. 08-052008
Disposition: Approved

9. CITY-COUNTY AGREEMENTS RELATED TO SCRANTON – INDIANA WIDENING PROJECT

Recommendation: That City Council:
1. Approve the Maintenance & Operation Agreement and City/County Cooperative Agreements as written;
2. Authorize the Mayor and City Clerk to execute two (2) of each agreement with Tulare County; and
3. Authorize the City Clerk to forward the agreements to Tulare County for Board of Supervision action.

Documentation: M.O. 09-052008
Disposition: Approved

10. APPROVAL OF AGREEMENT WITH CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)

Recommendation: That the City Council:
1. Approve Agreement No. 4CA00049 between the Department of Forestry and Fire Protection (Cal Fire) and the City of Porterville; and
2. Authorize the City Manager to sign said Agreement and transmit same to Cal Fire.

Documentation: M.O. 10-052008
Disposition: Approved

11. CITY EASEMENT CONVEYANCE TO VERIZON WIRELESS

Recommendation: That the City Council:
1. Accept Verizon Wireless request to have the City convey an easement for the installation and maintenance of underground electrical facilities;
2. Authorize the Mayor to sign the Grant of Easement; and
3. Authorize the City Clerk to mail the signed Grant of Easement to Verizon Wireless for recordation.

Documentation: Resolution 41-2008
Disposition: Approved

13. FOLLOW-UP ON EFFECTIVENESS OF CASAS BUENA VISTA BUMP-OUTS

Recommendation: None

Disposition: Informational Report

15. THIRD ANNUAL NATIONAL DUMP THE PUMP DAY

Recommendation: None

Disposition: Informational Report

16. STATE DEPARTMENT OF FINANCE – POPULATION AND HOUSING ESTIMATES

Recommendation: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville January 1, 2008, population of 51,863.

Documentation: M.O. 11-052008
Disposition: Approved

18. AUTHORIZE LIBRARY CENTENNIAL CELEBRATION ALONG WITH STREET CLOSURE AND WINE RECEPTION

Recommendation: That the City Council:
1. Authorize staff to facilitate the efforts of the Porterville City Library Centennial Committee in conducting a library centennial celebration;
2. Authorize the street closure of Thurman from Hockett to Division from 9:00 AM to 11:00 AM on October 11, 2008;

3. Authorize the conducting of a no-fee invitation only wine reception during the evening of Friday, October 10, 2008, subject to an acceptable alcohol liability insurance certificate, age appropriate access controls to the Community Room, and that the event commence no sooner than 30 minutes following public closure of the Library; and

4. Authorize the creation and selling of Centennial Library Cards and other memorabilia for Library fundraising purposes.

Documentation: M.O. 12-052008
Disposition: Approved

19. PROPOSED CHANGES IN THE TABLE OF ORGANIZATION WITHIN THE PUBLIC WORKS DEPARTMENT, FIELD SERVICES DIVISION

Recommendation: That City Council:

1. Adopt the draft resolution authorizing a change in the Table of Organizations and amending the Position Allocation Schedule and Position Pay Plan of the City’s Employee Pay and Benefit Plan;

2. Authorize the establishment of a Deputy Public Works Director/Field Services Manager classification at salary range 236 ($6,896-$8,416), and Assistant Field Services Manager classification at salary range 211 ($5,376-$6,561), a Laboratory Superintendent classification at salary range 206 ($5,115-$6,242) and the Water Systems Specialist classification at salary range 167 ($3,469-$4,233), and modifying the Classification Plan; and

3. Authorize the Mayor to execute these and other documents necessary to implement the provision hereof.

Documentation: Resolution 42-2008
Disposition: Approved

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council accept Items 1 through 11, 13, 15, 16, 18 and 19. The motion carried unanimously.

12. ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

Recommendation: Consistent with agreements and previous instructions, this report is provided for information purposes. It is recommended that the City Council use this information to inform any citizens that may inquire about fee adjustments.

City Manager Longley introduced the item, and spoke briefly about the purpose of the fees and the increase. Public Works Director Baldo Rodriguez provided some comparative information at a Council Member’s request. City Attorney Julia Lew explained that the increase was automatic, and
affirmative action would be required to change it. Mayor Hamilton spoke briefly about the arguments against the increase, and requested that the Council vote on the item.

Mayor Hamilton made a motion to waive the collection of the escalated amount for the period of one year. City Manager Longley explained that the purpose of the fee increase was to recover costs, and the money was used for the purpose of improving the system to support redevelopment. A discussion ensued about the reasoning behind previous increases and the effects of waiving the increase. Mayor Hamilton’s motion died for lack of a second.

- Bob Keenan, President of HBA, spoke against the increase.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council accept the scheduled 3.3% increase in fees.

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

Disposition: Approved

14. CONSIDER APPROVAL OF RULE 20-A FUNDS PROJECT

Recommendation: That the City Council:
1. Approve Division Street from Putnam Avenue to Olive Avenue as the Council’s choice to receive Rule 20-A Underground Utility funds;
2. Authorize the Mayor to execute the attached Rule 20-A Resolution identifying Division Street from Putnam Avenue to Olive Avenue as the preferred street to have adjacent overhead utilities underground; and
3. Authorize the City Clerk to transmit said resolution to Southern California Edison.

City Manager Longley introduced the item, and Council Member McCracken recused himself due to a conflict of interest. Council Member Hernandez stated that he was employed within the sphere of influence, but City Attorney Julia Lew clarified that there was no conflict and explained the need to assign the funds to a project.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council approve Division Street from Putnam Avenue to Olive Avenue as the Council’s choice to receive Rule 20-A Underground Utility funds; authorize the Mayor to execute the Rule 20-A Resolution identifying Division Street from Putnam Avenue to Olive Avenue as the preferred street to have adjacent overhead utilities underground; and authorize the City Clerk to transmit said resolution to Southern California Edison.
AYES: P. Martinez, F. Martinez, Hernandez, Hamilton
NOES: None
ABSTAIN: McCracken
ABSENT: None

Disposition: Approved

17. STATUS REPORT ON THE FEASIBILITY OF TRANSIT BUS CONVERSION INTO A MOBILE LIBRARY

Recommendation: That the City Council accept the status report and allow staff to gather additional information from LDV, Inc. to confirm that the transit bus vehicle can be converted for mobile library use.

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

After some discussion about the costs associated with the Mobile Library and the City’s county residents, the Council directed staff to contact the County Supervisor to discuss the possibility of a partnership.

Disposition: Direction provided.

20. RENEWAL OF CONTRACT FOR LEGISLATIVE ADVOCACY SERVICES, AND PROPOSED INCREASED SERVICES

Recommendation: That the Council authorize the Mayor to execute the contract with Michael J. Arnold and Associates as proposed, an agreement for State legislative advocacy services.

City Manager Longley introduced the item. No staff report was presented.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council authorize the Mayor to execute the contract for State legislative services with Michael J. Arnold and Associates, as amended to authorize that the monies to support the increase in contract services be paid for using the City Council’s Contingency Funds. The motion carried unanimously.

Disposition: Approved, as amended.

The Council recessed for ten minutes.
21. CONDITIONAL USE PERMIT – TYPE 20 BEER AND WINE

Recommendation: That the City Council:
1. Solicit comments on Conditional Use Permit 3-2008;
2. Adopt the draft resolution approving Conditional Use Permit 3-2008 subject to conditions of approval; and
3. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

City Manager Longley introduced the item, and City Planner Benjamin Kimball presented the staff report.

The public hearing opened at 8:29 p.m.

- Eileen Dick, 235 Montgomery St, San Francisco, spoke, on behalf of Wal-Mart, of the installation of security cameras and the training of employees to address concerns.

The hearing closed to the public at 8:33 p.m.

Council Member Pedro Martinez expressed concern with the number of Conditional Use Permits granted, and the lack of consequences associated with violations. Mayor Hamilton concurred and suggested that the Council review all off-sale alcohol permits in order to grant the Council the ability to revoke any permits.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the City Council adopt the draft resolution approving Conditional Use Permit 3-2008 subject to conditions of approval, and authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

22. ZONE CHANGE AMENDMENT 1-2008 (CONCEPTUAL PLAN), TENTATIVE SUBDIVISION MAP “GARDEN COURT VILLAS” AND CONDITIONAL USE PERMIT 5-2008 (SPECIFIC PLANS) – (WOODARD HOMES)

Recommendation: That the City Council:
1. Adopt the draft ordinance approving Zone Change Amendment 1-2008 to include the Conceptual Plan (Exhibit “B”);
2. Approve the Tentative Subdivision Map for “Garden Court Villas”; and
3. Adopt the Draft Resolution approving Conditional Use Permit 5-2008 (Specific Plan) subject to conditions of approval.
City Manager Longley introduced the item, and City Planner Benjamin Kimball presented the staff report.

The hearing opened to the public at 8:53 p.m.

- Jim Winton, 150 W. Putnam, spoke in favor of the item, and commended staff for their assistance.
- Greg Shelton, 888 N. Williford Drive, inquired about density and complimented the projects unique design.
- Dennis Townsend, 633 N. Westwood, spoke in favor of the type of development and its affordability.
- Greg Woodard, 1055 W. Morton, thanked staff for their help streamlining the process, and spoke favorably of the projects features and amenities.
- John Martins, 1914 W. Forest, spoke in opposition of the item, stated that he was concerned with safety and requested a six-foot cinder block fence to deter crime.
- Rosemary Martins, 1914 W. Forest, spoke about fencing concerns and problems with current fence, and issues with the two-story units.

The hearing closed to the public at 9:13 p.m.

A discussion ensued with regard to fire safety access and the fencing. After which, Mr. Kimball requested that the term “unit condominium” within the resolution approving the tentative subdivision map be changed to “residential units”.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft ordinance approving Zone Change Amendment 1-2008 to include the Conceptual Plan (Exhibit “B”), being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE PURSUANT TO ARTICLE 27 OF THE PORTERVILLE ZONING ORDINANCE APPROVING ZONE CHANGE AMENDMENT 1-2008 FROM R-2 (FOUR FAMILY RESIDENTIAL) ZONE TO PD (R-2) (PLANNED UNIT DEVELOPMENT-FOUR FAMILY RESIDENTIAL) ZONE FOR THOSE ELEVEN (11) LOTS ORIGINALLY APPROVED FOR RIVER VIEW ESTATES PHASE THREE LOCATED ON THE NORTH AND SOUTH SIDES OF ROBY AVENUE. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council
Resolution 45-2008  Member Hernandez that the Council approve the Tentative Subdivision Map for “Garden Court Villas”, as amended to replace “unit condominium” with “residential units” within the resolution. The motion carried unanimously.

Disposition:  Approved, as amended.

COUNCIL ACTION:  MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve the Tentative Subdivision Map for “Garden Court Villas”, as amended to replace “unit condominium” with “residential units” within the resolution. The motion carried unanimously.

Resolution 46-2008  Moved by Mayor Pro Tem Felipe Martinez, seconded by Council Member Hernandez that the Council approve the draft resolution approving Conditional Use Permit 5-2008 (Specific Plan) subject to conditions of approval. The motion carried unanimously.

Disposition:  Approved

23. AN EXTENSION OF TIME FOR AN INTERIM ORDINANCE ADOPTING AN INTERIM ZONING MATRIX AND IMPLEMENTATION PLAN FOR THE PORTERVILLE 2030 GENERAL PLAN – UPDATE REPORT

Recommendation: That the City Council hold the public hearing, consider any and all public testimony, and extend the Interim Urgency Ordinance for the implementation of the newly adopted 2030 General Plan for a period of 10 months and 15 days.

City Manager Longley introduced the item, and City Planner Benjamin Kimball presented the staff report.

The hearing opened to the public at 9:37 p.m., seeing no one, the Mayor closed the hearing to the public at 9:37 p.m.

COUNCIL ACTION:  MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council extend the Interim Urgency Ordinance for the implementation of the newly adopted 2030 General Plan for a period of 10 months and 15 days, being AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING AN INTERIM GENERAL PLAN AND ZONING CONSISTENCY PLAN AND MATRIX TO IMPLEMENT THE PORTERVILLE 2030 GENERAL PLAN. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition:  Approved

SCHEDULED MATTERS

24. DESIGN (D) OVERLAY REVIEW 2-2008 – JAYE STREET CROSSING

Item 24 was held over to the June 3rd, 2008 City Council Meeting.

25. REQUEST TO ALLOW RE-SUBMITTAL FOR A CONDITIONAL USE PERMIT 4-96 TO ALLOW A TYPE 20, BEER AND WINE OFF-SALE LICENSE AND MINI-
MART WITH GAS PUMPS, LOCATED AT 244 NORTH “D” STREET (“D” STREET CHEVRON STATION)

Recommendation: Action to be determined by City Council.

Council Member McCracken and Mayor Pro Tem Felipe Martinez recused themselves due to conflicts of interest.

City Manager Longley introduced the item, and City Planner Kimball presented the staff report. Mr. Kimball provided the Council with two options for consideration.

1. Determine that there is material evidence of a substantial change in circumstances, continue the public hearing and authorize re-application for a project similar to Conditional Use Permit 4-96.
2. Determine that there is no such evidence of a substantial change in circumstances and deny re-application at this time.

A discussion ensued with regard to the history of the request and the obscurity of the record as it pertained to a Conditional Use Permit for the existing gas pumps. Council concurred that the conundrum surrounding the item warranted the selection of Option 1.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member Pedro Martinez that the Council authorize the re-application and approve the continuance of the public hearing.

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

Disposition: Approved

26. STATUS REPORT – PROPOSED ORDINANCE PER AD HOC NON-DRIVEWAY PARKING COMMITTEE AND CITY COUNCIL RECOMMENDATIONS

Recommendation: Report only. No action required.

City Manager Longley introduced the item, and City Attorney Julia Lew presented a brief status report. The City Attorney was directed by Council to proceed with the $25,000 trigger language and present the draft ordinance at the June 3, 2008 City Council Meeting.

Disposition: Direction provided.

27. DRAFT ARTICLES OF INCORPORATION AND BY-LAWS – PORTERVILLE AIRPORT AREA DEVELOPMENT CORPORATION
Recommendation: That the City Council review and consider the drafts, and provide any direction to the City Attorney and its STIG/PAADA representatives.

Council Member Pedro Martinez and Mayor Pro Tem Felipe Martinez recused themselves due to a conflict of interest.

City Manager Longley introduced the item and presented the staff report. Council Member McCracken requested clarification on the subject of the officers, and how they were to be selected. City Attorney Lew explained that the officers of the corporation would also serve as the officers of the board, and clarified that the non-profit was designed to mirror the organization of the STIG/PAADA Committee. City Attorney Lew was directed by Council to include language clarifying the items discussed.

Disposition: Direction provided.

The Council adjourned at 10:08 p.m. to a meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
May 20, 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. AUTHORIZATION TO SUBORDINATE PROMISSORY NOTE – CENTENNIAL PLAZA

Recommendation: That the Porterville Redevelopment Agency:
1. Approve the subordination of the Promissory Note from Ennis Commercial Properties, LLC to Smith Commercial Properties, LLC; and
2. Authorize the Chairman and Secretary to sign all necessary documents.

Development Associate Linda Wommack presented the staff report.

AGENCY ACTION: MOVED by Agency Member McCracken, SECONDED by Agency Member Hernandez that the Redevelopment Agency approve the subordination of the Promissory Note from Ennis Commercial Properties, LLC to Smith Commercial Properties, LLC; and authorize the Chairman and Secretary to sign all necessary documents. The motion carried unanimously.
The Redevelopment Agency meeting adjourned at 10:11 p.m. to a meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

- Council Member Hernandez
  1. Spoke briefly about his Sacramento trip with Mayor Hamilton;
  2. Commented on the proclamation for Pastor Braun; stating that he and the Mayor read the Proclamation at the Porterville Believers Church services; and
  3. Stated that Dr. Mekeel was re-hired as Burton School District Superintendent. He thanked Dr. Brown for serving as the Superintendent for the last 23 years.
- Council Member Pedro Martinez
  1. Suggested that staff look into the possibility of the Council reviewing all CUP applications regarding off-sales of alcohol;
  2. Noted the Memorial Day festivities to take place on Monday, May 26th; and
  3. Announced that the San Francisco Giants have sponsored a Jr. Giants Summer Baseball League for children ages 5-18.
- Mayor Hamilton requested that a STIG appointment be placed on the next agenda.

**ADJOURNMENT**

The Council adjourned at 10:18 p.m. to the meeting of May 27, 2008 at 6:00 p.m.

______________________________
Luisa Herrera, Deputy City Clerk

SEAL

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

Pledge of Allegiance led by Council Member Pedro Martinez
Invocation -- A moment of silence was observed.

PROCLAMATIONS

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
1. THE FAIRGROUNDS AND COURTHOUSE PROJECT

City Manager Longley introduced the item, and explained that the Study Session was to discuss the impact of a potential Courthouse Project at the Porterville Fairgrounds and to provide an opportunity for public input. Community Development Director Brad Dunlap presented the status report.

Mr. Dunlap began his presentation by identifying the existing Fairgrounds site as the preferred location for the Superior Courthouse Project. He noted that a minimum site size requirement and location were key factors in identifying the 7.4 acres of City-owned land as a potential site for the nine room courthouse. Mr. Dunlap explained that the construction of a new courthouse at the preferred site would require the relocation of the City’s fair, which was a process that the Fair Board was interested in and committed to.

Mr. Dunlap continued by identifying the preferred site for the relocation of the Fairgrounds as an area located at the corner of Scranton and West Street. He referred to a bubble diagram that outlined areas of land that would accommodate the fairgrounds, the OHV Park, Sport Complex and a possible resort. Mr. Dunlap explained that the relocation of the Fair and the construction of a new courthouse would benefit the community and accommodate the projected increase in population.

At the Mayor’s request, City Manager John Longley briefly addressed the costs associated with the relocation of the Fairgrounds and the issue of funding.

Community Development Director Dunlap spoke about the new courthouse as it pertained to the General Plan. He explained that it was important that a public facility such as the courthouse be located downtown, close to restaurants, services, and offices that would provide support for the facility. The
City, he added, was in the process of identifying how the proposed courthouse site could be connected through accessibility and related uses to Main Street from a planning standpoint. Mr. Dunlap also noted that the area located within the boundaries of Scranton Avenue from the North, Westwood Street from the East, Teapot Dome Ave from the South, and West Street from the West was identified for Commercial/Recreation as an alternative land use in the General Plan in the event that resort and recreational type activities come to fruition.

Council Member Pedro Martinez inquired about how the residential area would be impacted by the proposed courthouse, and if there was a possibility of a jail facility being constructed. Mr. Dunlap indicated that the majority of the impact would be relative to the design, which the City had not been informed of. It was expected however, that the City would have the opportunity to work with the State as the courthouse facility is designed. With regard to a jail facility, Mr. Dunlap responded that the City anticipated that the County would require support facilities, for which land is available, but that there were no known plans for development at that time.

With regard to the Armory, Mr. Dunlap stated that staff had met with the Director of National Guard Real Estate to discuss the concept reflected within the General Plan, which would accommodate an armory in the area of the airport; and although they liked the site and the concept of being in such close proximity to residential areas, the timing and the ability to make the move was questionable.

Those members of the public in attendance were invited to ask questions or comment.

- An unidentified individual, inquired about the Fair Board: 1) how the board members are selected, 2) leasing agreements with the City, 3) if they are in favor of the move, 4) and if they want the City to pay for the move. She also asked about the possibility of the State building a court house in Lindsay or other cities.

  Mayor Hamilton addressed the questions pertaining to the Fair Board, and City Manager Longley spoke of the State’s study identifying Porterville as the preferred location.

- Marvin Hughes, 17355 Road 202, inquired about the ditch on the north perimeter of the existing Fairgrounds and the lit ball field.

  Community Development Director Dunlap stated that the ditch was still in use, and could be piped in the future. He stated that the City was researching funding options to be used towards the construction of new lit ball fields.

- Margaret Hughes, 17355 Road 202, inquired about the accessibility of the proposed fairgrounds site to through traffic, and expressed concern regarding traffic congestion.

  Mr. Dunlap elaborated on the consideration of land use relative to street types and street capacity, as it pertained to the General Plan, and added that streets would receive the necessary improvements as development occurred.

  Council Member-Elect Brian Ward, inquired about alternatives to the proposed fairgrounds site and funding. Mayor Hamilton spoke of the possible sites, and indicated that the Fair Board had
expressed that the preferred site was the site located at the corner of West Street and Scranton Avenue. Mr. Dunlap added that the Fair Board was searching for potential funding sources to facilitate the move, because it was clear that the City would be unable to fund the entire cost of the relocation. He then elaborated on a phased or staged approach that would occur if the fair was to relocate to the proposed site. Mr. Dunlap concluded by clarifying that the City was looking at contingencies and that nothing was absolute.

ORAL COMMUNICATIONS
None

ADJOURNMENT
The Council adjourned at 7:08 p.m. to the meeting of June 14, 2008 at 9:00 a.m.

_____________________________
Luisa Herrera, Deputy City Clerk

SEAL

_____________________________
Cameron Hamilton, Mayor
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – TRAFFIC SIGNAL NO. 10 (NEWCOMB STREET AND WESTFIELD AVENUE)

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the signalization of the intersection of Westfield Avenue and Newcomb Street including disabled ramps and appurtenances.

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 $220,000.00 with $20,000.00 required for the construction contingency (9.09%). An additional $10,000.00 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $250,000.00. An Estimate of Probable Cost is attached for Council's review.

Funding was approved in the 2007/2008 Annual Budget and will be paid with a CMAQ grant at 88.53% and from Local Transportation Funds at 11.43%.

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: Locator Map
Estimate of Probable Cost

P:\pubwork\Engineering\Council Items\Authorization to Advertise for Bids-Traffic Signal #10 Westfield & Newcomb - 2008-06-17.doc

Dir Appr/Funded CM

Item No. 2
## TRAFFIC SIGNAL #10 – NEWCOMB ST. & WESTFIELD AVE.
ENGINEER’S ESTIMATE – April 16, 2007

<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>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>2.</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>3.</td>
<td>1</td>
<td>L.S.</td>
<td>Complete Traffic Signal w/Signing &amp; Striping</td>
<td>$190,000.00</td>
<td>$190,000.00</td>
</tr>
<tr>
<td>4.</td>
<td>4</td>
<td>EA</td>
<td>Curb Returns w/Disable Ramps</td>
<td>$6,000.00</td>
<td>$24,000.00</td>
</tr>
</tbody>
</table>

**Total Estimated Probable Cost of Project**  
$220,000.00

---

**ESTIMATE CERTIFIED**

**Project Manager**  
6-10-08

**City Engineer**  
6-10-08

---

**Public Works Director**  
6-10-08

**City Manager**  
6-10-08
SUBJECT: AWARD OF CONTRACT – GRANITE HILLS MICRO SEAL

SOURCE: Public Works Department - Engineering Division

COMMENT: On June 4, 2008, staff received three (3) bids for the Granite Hills Micro Seal Project. The project includes repair 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 Engineer’s estimate of probable cost for the project is $161,620. The low bid is 22.9% below the Engineer’s estimate. An additional $12,454.40 is required for the construction contingency (10%). An additional $10,000.00 is required for construction management, quality control and inspection.

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

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Valley Slurry Seal Company</td>
<td>$124,544.00</td>
</tr>
<tr>
<td>West Sacramento, CA</td>
<td></td>
</tr>
<tr>
<td>2. California Pavement Maintenance Co.</td>
<td>$139,676.25</td>
</tr>
<tr>
<td>Sacramento, CA</td>
<td></td>
</tr>
<tr>
<td>3. Asphalt Maintenance Co. Of California</td>
<td>$148,538.30</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
</tbody>
</table>

RECOMMENDATION: That City Council:

1. Award the Granite Hills Micro Seal Project to Valley Slurry Seal Company in the amount of $124,544.00;

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. 3
SUBJECT: AWARD OF CONTRACT – POLICE DEPARTMENT SPRAYED POLYURETHANE ROOFING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On June 5, 2008, staff received three (3) bids 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 Engineer's estimate of probable construction cost for the project is $109,850. The low bid is 34.6% below the Engineer's estimate. An additional $7,182.50 is required for the construction contingency (10%). An additional $10,000.00 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $89,007.50.

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

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. George Roofing, Inc. Visalia</td>
<td>$71,825.00</td>
</tr>
<tr>
<td>2. Phoenix Coatings, Inc. Madera</td>
<td>$83,000.00</td>
</tr>
<tr>
<td>3. Universal Coatings, Inc. Fresno</td>
<td>$89,401.00</td>
</tr>
</tbody>
</table>

RECOMMENDATION: That City Council:

1. Award the Police Department Sprayed Polyurethane Roofing Project to George Roofing, Inc. in the amount of $71,825.00;

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

P:\pubwork\Engineering\Council Items\Award of Contract - Police Department Sprayed Polyurethane Roofing Project - 2008-06-17.doc

Dir Appropriated/Funded CM Item No. 4
COUNCIL AGENDA: JUNE 17, 2008

SUBJECT: AWARD OF CONTRACT – HENDERSON AVENUE STORM DRAIN PROJECT – VILLA STREET TO ‘G’ STREET

SOURCE: Public Works Department - Engineering Division

COMMENT: On June 5, 2008, staff received six (6) bids 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 Engineer’s estimate of probable construction cost for the project is $394,580. The low bid is 27.9% below the Engineer’s estimate. An additional $28,440.85 is required for the construction contingency (10%). An additional $20,000 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $332,849.32.

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

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Halopoff &amp; Sons, Inc. Porterville</td>
<td>$284,408.47</td>
</tr>
<tr>
<td>4. Browning Contractors, Inc. Fresno</td>
<td>$334,056.00</td>
</tr>
<tr>
<td>5. Golden Construction &amp; Excavation Bakersfield</td>
<td>$379,748.17</td>
</tr>
<tr>
<td>6. Emmett's Excavation, Inc. Clovis</td>
<td>$404,803.00</td>
</tr>
</tbody>
</table>

Dir Appropriated/Funded CM Item No. 5
RECOMMENDATION: That City Council:

1. Award the Henderson Avenue Storm Drain Project - Villa Street to ‘G’ Street to Halopoff & Sons, Inc. in the amount of $284,408.47;

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

3. Authorize a 10% contingency to cover unforeseen construction costs, and 5% for staff time and construction engineering.

ATTACHMENT: Locator Map

P:\pubworks\Engineering\Council Items\Award of Contract - Henderson Ave Storm Drain Project Villa to G - 2008-06-17.doc
SUBJECT: AUTHORIZATION TO NEGOTIATE A CONTRACT - PARK PLAYGROUND REPLACEMENT PROJECTS (VETERAN'S PARK, MURRY PARK, ZALUD PARK AND LION'S PARK)

SOURCE: Parks and Leisure Services Department / Public Works Department

COMMENT: On May 23, 2008, staff received proposals and design layouts from GameTime in care of California Sports & Recreation (Fresno, CA) for the Park Playground Replacement Projects at Veteran's Park, Murry Park, Zalud Park and Lion's Park. After review by City staff, several revisions were requested in order to have the playground equipment better integrate into each park site. On June 4, 2008, City staff received the modified proposals and design layouts and was in agreement with the changes provided. The complete proposal package was presented to the Parks and Leisure Services Commission at their June 5, 2008 meeting and the action to proceed with the projects was endorsed.

The Parks and Leisure Services Commission also requested an additional allocation of funds to move the Veteran's Park playground location southeast due to concerns with the existing playground's proximity to Henderson Avenue and Newcomb Street. This would require the construction of a new concrete curb perimeter and excavation to accommodate the new play structures. Once the existing play structures are removed from their current location, the then bare sandlot and benches would remain as an open play area. No funding source is currently available for this option. If this option is not selected, the new play structures will be placed at the current playground location.

Tabulated below are the total costs and budget for each playground, including the proposed new location for Veteran's Park. These costs cover the purchase of the play structures, associated installation costs, freight, and tax. The City will be responsible for the demolition of each existing play structure and excavation and removal of the existing sand. It should be noted that Zalud Park will be a handicap accessible playground, which is demonstrated by the higher cost as compared to the other playgrounds.

<table>
<thead>
<tr>
<th>Location</th>
<th>Cost</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Veteran's Park</td>
<td>$42,719.64</td>
<td>$59,000</td>
</tr>
<tr>
<td>a. New location</td>
<td>$30,000.00</td>
<td></td>
</tr>
<tr>
<td>2. Zalud Park</td>
<td>$78,782.97</td>
<td>$59,000</td>
</tr>
<tr>
<td>3. Lion's Park</td>
<td>$27,753.96</td>
<td>$36,000</td>
</tr>
<tr>
<td>TOTAL:</td>
<td>$149,256.57</td>
<td>$154,000</td>
</tr>
<tr>
<td>w/ new Veteran's option</td>
<td>$179,256.57</td>
<td></td>
</tr>
<tr>
<td>4. Murry Park</td>
<td>$43,249.64</td>
<td>$246,000**</td>
</tr>
</tbody>
</table>

Dire Appropriated/Funded J CM J Item No. 60
** It should be noted that Murry Park was separated from the other parks since its funding source is CDBG grant monies. In addition, about $50,000 of the $246,000 shown was allocated for the park playground replacement. The remaining balance is reserved for the Murry Park restroom project and other projects.

Due to the critical timeline of these projects, these playground replacements are proposed to be purchased directly from the supplier through the US Communities Government Purchasing Alliance, of which the City of Porterville is a participant. This process is similar to the California Multiple Award Schedule (CMAS) contracts. The advantage of purchasing this equipment through US Communities is that the City receives nearly a 40% discount in total cost. Staff was advised that purchases should be made prior to June 28, 2008 as a surcharge of seven percent (7%) will apply after this date.

The Veteran’s and Zalud Park projects are being funded through General Fund carryovers, Lion’s Park with Risk Management reappropriation funds and Murry Park by CDBG grant monies. The CDBG process requires that prevailing wage be implemented as part of the work for Murry Park, which has been included in the proposal.

RECOMMENDATION: That City Council:

1. Authorize staff to negotiate a contract with Gametime in care of California Sports and Recreation through the US Communities Government Purchasing Alliance;

2. Authorize Risk Management reappropriation funds to roll into the General Fund carryover to fund the Veteran’s, Zalud, and Lion’s Park projects;

3. Authorize the City Purchasing Agent to authorize the purchase orders; and

4. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

ATTACHMENTS: Veteran’s Park Locator Map, Layout, and Rendering
Murry Park Locator Map, Layout, and Rendering
Zalud Park Locator Map, Layout, and Rendering
Lion’s Park Locator Map, Layout, and Rendering
This play equipment is recommended for children ages 2-5.5 - 12.

1. All material surfaces should be placed in the use zone of all equipment, as specified by each type of equipment, and at certain levels of the critical fall height as specified by the U.S. Consumer Product Safety Commission, ASTM standard F 1487 and Canadian Standard CAN/CSA-Z234.

2. All includes play events and specific design specifications for special needs users. It is the opinion of the manufacturer that these play events and features of their design in the accessibility requirements of the ADA (Americans with Disabilities Act).

Total Elevated Components
1

Total Elevated Components Accessible by Ramp
0

Total Elevated Components Accessible by Transfer
0

Total Accessible Ground Level Components Shown
3

Total Different Types Of Ground Level Components
3

Scale: INCHES

Drawing Date: 03/15/06
SUBJECT: APPROVAL TO NEGOTIATE PURCHASE OF SPECIALIZED EQUIPMENT

SOURCE: Police Department

COMMENT: The City of Porterville Parks and Leisure Department has received an OHV grant which contained a $10,000 law enforcement component for the enforcement of ATV violations. This $10,000 requires a $12,500 match. However, this match can be spent out of existing budgets and does not require any additional monies to be added. The Police Department has the monies to meet this match and agreed to participate in the law enforcement component of the grant.

The Police Department has identified the purchase of an off-road utility vehicle and peripheral items as equipment that will provide a great deal of benefit in the enforcement of ATV violations. A majority of the violations occur in the Tule River areas, areas that cannot be patrolled in conventional police vehicles. An off-road utility vehicle will allow for pro-active enforcement in these areas, and will enhance police response to community concerns with regard to ATV violations. Also, this off-road utility vehicle would be utilized to patrol parks, Rails to Trails areas, and specialized events within the City.

Further, the Police Department has researched the market and identified one specific off-road utility vehicle that can best meet the majority of their needs. This off-road utility vehicle is the Polaris Ranger Crew. The Polaris Ranger Crew provides for greater carrying capacity, speed, towing capacity, and safety than other off-road utility vehicles and thus, is an item that is specific to the needs of the department. Because of this, developing a set of specifications will not draw in any other brands or models of off-road utility vehicles.

In addition, the City of Porterville currently has a vendor that is a dealer for this item (Sprague's) and the Police Department requests Council approval to enter direct negotiations with this vendor in accordance with the City's Purchasing Policy & Procedure Manual, as amended by Resolution No. 122-87, adopted by Council on October 10, 1987.
RECOMMENDATION: That the City Council:

1) Authorize Staff to begin negotiations for the purchase of a Polaris Ranger Crew; and
2) Authorize payment upon satisfactory delivery of the equipment.
SUBJECT: CALHOME PROGRAM APPLICATION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The California Department of Housing and Community Development (HCD) has issued a Notice of Funding Availability (NOFA) for funds under the CalHome Program with funding provided by Proposition 1c, the Housing and Emergency Shelter Trust Fund Act of 2006. The program NOFA is designed to make funds available to cities, counties, and nonprofit corporations to support existing homeownership programs aimed at low and very low-income households and operated by the local public agency or the nonprofit corporation. The City has previously received two CalHome grants of $500,000 each for funding the First Time Low Income Homebuyer Program.

Eligible activities for CalHome program funding include: 1) First-Time Homebuyer Mortgage Assistance and 2) Owner-Occupied Rehabilitation. A separate NOFA for the development of new homeownership housing has also been released.

City staff is preparing a CalHome Program application for $900,000 which is the maximum individual program or aggregate program application amount for all activities. The City proposes to apply for $600,000 for continuation of the City-wide First Time Low Income Homebuyer Loan Program and $300,000 for the continuation of the Owner Occupied Housing Rehabilitation Program. These funds will assist approximately fifteen (15) homebuyers to purchase a home within the city limits of Porterville and approximately twelve (12) homeowners to rehabilitate their homes within a target area that encompasses Census Tracts 38.02 and 41.01 (Attachment 1).

The application to HCD is due June 25, 2008. Award of funds is expected to be made in Fall 2008, with the execution of a Standard Agreement with HCD several months later. The term of the Standard Agreement shall be for 36 months from the date of the award letter.

The CalHome Program requires that the loans to the homebuyers through this program must have principal and interest payments deferred for the 30 year term of the loan and that the first time homebuyer applicants must attend at least eight hours of homebuyer education.

A governing board resolution granting authority to make application to HCD for a funding commitment from the CalHome Program is a requirement of the application. No match is required besides the cost of administration of the
program. Certain activity delivery costs are reimbursable through the grant.

In applying for these CalHome Program funds, the City is once again taking measures to implement programs outlined in the City's Housing Element, 2005 Five Year Consolidated Plan, and the Redevelopment Implementation Plan.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the submittal of a CalHome Program funding application to the California Department of Housing and Community Development;

2. Authorize the Mayor to execute all documents pertaining to the CalHome Program; and

3. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development for administration of the CalHome Program.

Attachment: 1. Census Tract Maps (3)
2. Draft Resolution
RESOLUTION NO._

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE CALHOME PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE CALHOME PROGRAM

WHEREAS: The City of Porterville, a political subdivision of the State of California, wishes to apply for and receive an allocation of funds through the CalHome Program; and

WHEREAS: The California Department of Housing and Community Development (hereinafter referred to as “HCD”) has issued a Notice of Funding Availability (“NOFA”) for the CalHome Program established by Chapter 84, Statutes of 2000 (SB 1656 Alarcon), and codified in Chapter 6 (commencing with Section 59650) of Part 2 of Division 31 of the Health and Safety Code (the “statute”). Pursuant to the statute, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature to the CalHome Program, subject to the terms and conditions of the statute and the CalHome Program Guidelines adopted by HCD on April 2004; and

WHEREAS: The City of Porterville wishes to submit an application to obtain from HCD an allocation of CalHome funds in the amount of $900,000.

NOW, THEREFORE BE IT RESOLVED: That the City Council of the City of Porterville, State of California, hereby approve the submittal to HCD of an application to participate in the CalHome Program in response to the NOFA issued on April 18, 2008 to request $600,000 for the First-Time Homebuyer Mortgage Assistance Program ($600,000) to be used within the city limits of Porterville and $300,000 for the Owner-Occupied Rehabilitation Program ($300,000) to be used within the qualified census tracts 38.02 and 41.01 within the city limits of Porterville. If the application for funding is approved, the City of Porterville hereby agrees to use the CalHome funds for eligible activities in the manner presented in the application as approved by HCD and in accordance with program guidelines cited above. It also may execute any and all other instruments necessary or required by HCD for participation in the CalHome Program.

BE IT FURTHER RESOLVED: The City of Porterville authorizes the Mayor to execute in the name of the City of Porterville, the application, the Standard Agreement and all other documents required by HCD for participation in the CalHome Program, and any amendments thereto and that the City of Porterville authorizes the Community Development Director to execute in the name of the City of Porterville project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development for administration of the CalHome Program.

Cameron J. Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: OUT-OF-SCHOOL-TIME ONLINE HOMEWORK HELP PROGRAM GRANT

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City has been approved for a grant from the California State Library using Library Services and Technology Act (LSTA) funds for supporting an Out-of-School-Time Homework Help program. Funding is very competitive and selection criteria are based on the following:

✓ Evidence a student population will use online homework assistance
✓ Evidence of the library's successful provision of other electronically-accessed services
✓ An aggressive marketing plan to promote the Out-of-School-Time Online Homework Help program, and
✓ A feasible plan for continuing the program beyond the first year

Extra points were awarded to libraries that could share the cost during the first year.

The Friends of the Library have pledged 10 percent of the annual cost to support this project for at least the first and second years. The State Library funding schedule would then be setup at 90% the first year, 65% the second, 50% the third, 25% the fourth. It would be at the discretion of the City to discontinue this service at the end of each year. Staff envisions the utilization of Measure H funds for continuation of the program after the first year.

The grant requires the library to negotiate the best subscription rate possible with the online homework help vendor of its choice. Currently, two vendors provide online homework help: Tutor.com and Brainfuse. At this time staff is recommending Brainfuse as their quoted annual cost was locked in for next two years at $6,360 per year. In addition, Brainfuse has incorporated a skill-building component for students with specific subject deficiencies.

We serve a diverse student population of over 16,000. The library has created partnerships to promote the program with the Porterville Unified School District and Burton School District. The goal is to reach students grades third through twelve who will be able to utilize this service remotely from home or inside our library facilities.

RECOMMENDATION: That Council authorize the acceptance of the grant award, permit the Parks & Leisure services Director to execute all related documents, including the contract with the selected vendor, and direct that a budget adjustment be prepared to accommodate the program expenditures for FY08/09.

ATTACHMENTS: Letters of Support / Brainfuse product brochure
May 14, 2008

Letter of Support for the Out-of-School Time Grant

Having spoken with Vicky Cervantes from the City Library, I am enthusiastic about the possibility of adding yet another layer of support to our students in the Porterville area. Looking at the national statistics on literacy, south San Joaquin Valley shows that, in general, we are the least literate in the United States. This grant will in some small way take a step towards a broader literacy in our area.

I commend Mrs. Cervantes for her initiative in seeking this grant, and I fully and completely support it as an educator in this area.

Our district has in place Study Island and some other online homework support program that have been proven to be very effective. The proliferation of these programs through the City Library will have a significant, positive effect on the participants.

Sincerely,

Donald Brown, PhD
Superintendent

DB:kss
May 14, 2008

To Whom It May Concern:

As you well know the demands of an educator are many. We are deeply aware of the needs of our students and those concerns do not cease at the end of the school day. That is why when I received an invitation to have an open dialogue with several other assistant principals and Vicki Cervantes, Porterville City Librarian, regarding an after school online tutoring program I was happy to attend.

Often our students arrive home and are willing to do their homework but have very little support. In our small part of the Central Valley, we have many families who have both parents working or who have parents who do not speak English. The Out-Of-School-Time online homework help program would be a tremendous asset to our students in that they would have this resource, possibly their only resource, available to them for several hours after school.

The No Child Left Behind legislation has put a tremendous burden on educators, and support staff, as we do our best to ensure academic proficiency for all our students. This program would offer us a means by which our students would be able to access the help they need at the very time they need it. It could also be used to assist our parents if they had any questions about how best to help their students. The extra benefit of having the tutoring available in Spanish is exactly what our Spanish speaking parents have requested for a very long time. The help that it would provide for our classroom teachers and after school program is obvious.

As you can see I am hopeful that this might be one answer, in part, to the problem of how to best help our students after the school day has ended. I am projecting that it might even alleviate a large amount of classroom time used in tracking down unfinished homework because the homework will be done. All of these topics were discussed during the meeting and the general consensus was that this online program would be user friendly and very beneficial to the academic growth of our students. In addition, this program has the potential to establish strong lines of communication between Porterville Library, Porterville Unified School District and our parents and guardians. This, of course, is a very beneficial component to an already academically strong program.

Thank you,

Patricia Jorgensen
Assistant Principal
Westfield Elementary

"EVERY STUDENT SUCCEEDING"
May 14, 2008

Susan Hildreth, State Librarian of California

RE: Out-of-School-Time Online Homework Help 2008/09 Application

Dear State Librarian:

On behalf of the Friends of the Library, I would like to personally thank you for this opportunity to seek grant funding for a much-needed service to our community.

It is our mission to focus public attention on the Library and its needs and to stimulate the use of the Library's resources and services. We feel strongly about the efforts made by library staff to seek this grant opportunity and lend our support.

The Friends have committed to pledge 10 percent to support this project for the first and second years with additional consideration for financial support beyond.

Sincerely,

[Signature]

Martha Adams, President
Friends of the Porterville Library
What PEOPLE are saying about Brainfuse

"Brainfuse helps me a lot. I'm not good at math, but the tutors help me to understand it. Right now I am studying Geometry and the tutors have made it easier to do my homework."

STUDENT, California

"They understood the demands of our younger patrons who needed fast and reliable homework assistance"

LIBRARIAN, California

"Because of their K-12 background, I've found that their online classroom is perfectly designed for students."

LIBRARIAN, New York

"Brainfuse doesn't cheat the student! They offer unlimited tutoring sessions, which I've seen really help our struggling students who need extra time with their homework"

LIBRARIAN, California

"After being tutored by Brainfuse, I noticed my students' test scores and grades improve dramatically"

TEACHER, Illinois

"Brainfuse's tutors are top-notch, and extremely patient. They went out of their way to improve my child's math and reading skills."

PARENT, Kentucky

"Brainfuse's tutors helped my daughter go from a lower C average, to nearly an A average in all of her subjects! She finally began to enjoy learning!"

PARENT, North Carolina

"Thank You! Brainfuse helped Randal's grades and his attitude toward school a lot. I really liked that the sessions were so interactive."

PARENT, Florida

"Brainfuse is Wonderfull! I tried other online tutoring programs, but Brainfuse had a live tutor asking my daughter questions and going over the lessons in real time."

PARENT, California

"The best part was that I could do it from home. I get nervous in class, but with Brainfuse the tutors are patient and I can focus on the lesson."

STUDENT, Illinois
SUBJECT: STATUS REPORT ON THE FEASIBILITY OF TRANSIT BUS
CONVERSION INTO A MOBILE LIBRARY

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT:
This report is a continuation of Council’s initial request for staff to research
the feasibility of converting a surplus transit bus into a mobile library. In
addition, at the City Council meeting held on May 20, 2008, Council asked
staff to explore the feasibility of issuing tokens to passengers who need
transportation to and from the library, and if the County would consider
contributing to the cost of mobile library operations.

An estimate from LDV, Inc. has been delayed due to additional requests of
vehicle specifications. Staff anticipants an estimate to come by July 15,
2008.

Staff met with Linda Clark to discuss the prospects of token use for library
passengers. Transit options for library passengers did not prove favorable
considering the numerous responsibilities the drivers are required by law to
perform and the collection of data for audit & evaluation reports. Staff
considered the option of giving out “return to destination” tokens to library
patrons who paid their way initially to reach the library. However, this would
be difficult to monitor and staff would not be able to account for negligent
use. Staff would suggest the following alternative for consideration: Staff
proposes that the surplus transit vehicle remain a passenger transportation
vehicle and run during the summer months, from the beginning of June until
the end of August, for service to the library only. Staff has outlined the
annual cost for this service to be $26,568.

Alternate route considerations for delivering mobile library services outside
city limits would increase Annual Operations and Maintenance cost by
$4,500.

RECOMMENDATION: That Council accepts this status report and allow staff additional time
to gather information from County Representatives regarding County
Library Tax and retrofit estimates from LDV, Inc. Staff expects a
complete report to be available at the July 15, 2008, City Council
meeting.

ATTACHMENTS: Cost Estimates of Mobile Library & Operations

[Signatures]
Cost Estimates Breakdown of Mobile Library Operations

**Startup Expenses:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surplus Purchase</td>
<td>$1,000</td>
</tr>
<tr>
<td>Environmental &amp; Safety Upgrades</td>
<td>9,000</td>
</tr>
<tr>
<td>Vehicle Retrofit</td>
<td>N/A</td>
</tr>
<tr>
<td>Library Materials</td>
<td>84,400</td>
</tr>
<tr>
<td>Computer Equipment</td>
<td>4,500</td>
</tr>
<tr>
<td>Software</td>
<td>600</td>
</tr>
<tr>
<td>Printers</td>
<td>600</td>
</tr>
<tr>
<td>Office furniture</td>
<td>800</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$100,900+</strong></td>
</tr>
</tbody>
</table>

**Annual Operations & Maintenance:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff &amp; Benefits</td>
<td>$11,360</td>
</tr>
<tr>
<td>Fuel</td>
<td>700</td>
</tr>
<tr>
<td>Vehicle Maintenance</td>
<td>765</td>
</tr>
<tr>
<td>Equipment Replacement (7 year depreciation)</td>
<td>17,850</td>
</tr>
<tr>
<td>Liability Insurance</td>
<td>600</td>
</tr>
<tr>
<td>Library Materials</td>
<td>10,000</td>
</tr>
<tr>
<td>Computer Equipment Service</td>
<td>2,400</td>
</tr>
<tr>
<td>Printer &amp; Processing Supplies</td>
<td>500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$44,175</strong></td>
</tr>
</tbody>
</table>

**Library Summer Transportation June – August:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff &amp; Benefits</td>
<td>$5,678</td>
</tr>
<tr>
<td>Fuel</td>
<td>1,675</td>
</tr>
<tr>
<td>Vehicle Maintenance</td>
<td>765</td>
</tr>
<tr>
<td>Equipment Replacement (7 year depreciation)</td>
<td>17,850</td>
</tr>
<tr>
<td>Liability Insurance</td>
<td>600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$26,568</strong></td>
</tr>
</tbody>
</table>
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 asked Willdan & Associates to provide technical review and assistance with obtaining manufacturers design services and data.

Willdan & Associates communicated with manufacturers to provide design evaluations. All of the manufacturers are reluctant in recommending their equipment. The equipment that has been recommended is multiple large, protruding devices. The aesthetics of the pond would be greatly compromised with the installation of these devices.

The three major challenges the pond presents are the earthen bottom, the relatively shallow depth, and the island.

RECOMMENDATION: Accept the progress report on actions to increase aeration in Murry Park Pond.

\[\checkmark\] Director \(\checkmark\) Appropriated/Funded \(\checkmark\) City Manager

ITEM NO.: 11
This item has been removed from the agenda.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
CALVARY CHAPEL – CROWN OF LIFE
JUNE 28, 2008

SOURCE: Administrative Services - Finance Division

COMMENT: The Visalia Calvary Chapel is requesting approval to hold a Crown of Life event at the Murray Park Pavilion #4 & #5 on Saturday, June 28, 2008, from 1:00 p.m. until 8:00 p.m. This event will include BBQ, and music and will be open to the public. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

The application has been routed according to ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached Exhibit "A."

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from Visalia Calvary Chapel to hold their Crown of Life event at the Murray Park Pavilion #4 & #5 on Saturday, June 28, 2008 from 1:00 p.m. until 8:00 p.m., subject to the Restrictions and Requirements contained in Exhibit “A” of the Community Civic Event Application and Agreement.

ATTACHMENT: Community Civic Event Application & Agreement and Exhibit “A”, outside amplifier permit.

D.D. Appropriated/Funded C.M. Item No. 13
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 5/7/08  Event date: JUNE 28 2008
Event time: 1:00PM - 8:00PM

Name of Event: CROWN OF LIFE

Sponsoring organization: VISION CALVARY CHAPEL VISALIA
Address: 465 W. KANAI PORTERVILLE, CA 93257
Phone # 310-0543

Authorized representative: SHANNON RUNNING
Address: 465 W. KANAI PORTERVILLE, CA 93257
Phone # 310-0543

Event chairperson: SAME
Phone # SAME

Location of event (location map must be attached): MURRAY PARK TABLE 4-5

Type of event: CHURCH OUTREACH AND COMMUNITY BBQ - CONCERT

Nonprofit status determination: CALVARY CHAPEL VISALIA
Shannon 805-3499: day

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

Barricades (quantity): __________  Street sweeping Yes ______ No ______
Police protection Yes ______ No ______  Refuse pickup Yes ______ No ______
Other: N/A

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

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

Approve Deny

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

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

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.

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

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

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department call 559.788.1199, or fax information to, 559.788.1313.

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

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

[Signature]
(Name of organization)
5/8/08
(Date)
CITY OF PORTERVILLE

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

Name of event: ____________________________________________________________

Sponsoring organization: ______________________________________________________

Location: ___________________________ Event date: ________ Event time: ______

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

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

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

Name of event: Crown of Life

Sponsoring organization: Visalia Calvary Chapel

Event date: 6-28-08 Hours: 1PM - 8PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
</table>

Closed

Withdrawn

Sidewalks

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

Parking lots and spaces

<table>
<thead>
<tr>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 spaces by Tables 4 &amp; 5</td>
<td>Parking</td>
</tr>
</tbody>
</table>

4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

VISALIA CALVARY CHAPEL

CROWN OF LIFE

JUNE 28, 2008

Business License Supervisor:  
S. Perkins  
No vendors, no requirements.

Public Works Director:  
Baldo Rodriguez  
Clean up after event.

Community Development Director:  
B. Dunlap  
No comments.

Field Services Manager:  
B. Styles  
No comments.

Fire Chief:  
Mario G. Garcia  
No comments.

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

Police Chief:  
C. McMillian  
No comments.

Deputy City Manager:  
J.D. Lollis, Interim  
See Exhibit “A”, page 2.

EXHIBIT “A,”

Page 1
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Calvary Church
Event: Crown of Life
Event Chairperson: Shannon Running
Location: Murray Park Pavilion #4 & #5
Date of Event: June 28, 2008
Time of Event: 1:00 p.m. to 8:00 pm

RISK MANAGEMENT: Conditions of Approval

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

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

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A.VII, and the insurance company must be an “admitted” insurer in the State of California.
This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:
   Shannon Running
   465 W. Kanai Porterville, CA 93257
   Phone # 810-0543

2. Address where amplification equipment is to be used:
   Murray Park
   Phone # Pay # 4 & # 5

3. Names and addresses of all persons who will use or operate the amplification equipment:
   Shannon Running 465 W. Kanai Porterville, CA 93257
   Ray Bradley 1655 Road 192 Porterville, CA 93257

4. Type of event for which amplification equipment will be used:
   Concert (Christian)

5. Dates and hours of operation of amplification equipment:
   6/28/08 1:00 PM - 8:00 PM

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

[Signature]

Applicant

[Signature]

Chief of Police

Date

5/1/08

Date

5/22/08

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

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

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

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

cc: __________________________

__________________________

__________________________

3/27/01
COUNCIL AGENDA: JUNE 17, 2008

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
WORLD OF VICTORY CHURCH – COMMUNITY CHRISTIAN
OUTREACH, ON JUNE 28, 2008

SOURCE: Administrative Services - Finance Division

COMMENT: The World of Victory Church is requesting approval to hold a carnival
games outreach event including music, in front of their church on “E”
Street, Saturday, June 28, 2008, from 2:00 p.m. to 8:00 p.m. Street
closure requested is in front of their church, from Orange Street to the
end of their church building on “E” street. This application is submitted
in accordance with the Community Civic Events Ordinance No. 1326,
as amended.

The application has been routed according to the ordinance
regulations and reviewed by all the departments involved. All
requirements are listed on the attached copy of the Application,
Agreement and Exhibit “A.”

RECOMMENDATION: That the Council approve the Community Civic Event
Application and Agreement from the World of Victory
Church, subject to the Restrictions and Requirements
contained in the Application, Agreement, and Exhibit “A”
of the Community Civic Event Application.

ATTACHMENT: Community Civic Event Application and Agreement,
Exhibit “A”, map, outside amplifier permit form.

D.D. Appropriated/Funded C.M. Item No. 14
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 5-19-08  Event date: 6-28-08
Event time: 2 PM - 8 PM

Name of Event: Word of Victory Church Community Outreach

Sponsoring organization: Word of Victory Church  PHONE #
Address: 163 W. Orange St.

Authorized representative: Pastor: Angel Secure  PHONE # 782-1573
Address: 114 W. Brown Ave, Porterville CA 93257

Event chairperson: Angel Secure  PHONE # 782-1573

Location of event (location map must be attached): 163 W. Orange St  
Porterville CA

Type of event: Christian Event

Nonprofit status determination: 501c  Non File w/Bus. License Dept.

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

Barricades (quantity): 10-15  Street sweeping Yes  No
Police protection  Yes  No  Refuse pickup  Yes  No
Other: 

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

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

Approve  Deny
Bus Lic Spvr
Pub Works Dir
Comm Dev Dir
Field Svcs Mgr
Fire Chief
Parks Dir
Police Chief
Deputy City Mgr
CITY OF PORTERVILLE

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

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

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.

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

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

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department call 559.788.1199, or fax information to, 559.788.1313.

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

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

[Signature]
(Name of organization)

5-19-08
(Date)
CITY OF PORTERVILLE

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

Name of event: 

Sponsoring organization: 

Location: Event date: Event time: 

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NONE</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3 of 4
**CITY OF PORTERVILLE**

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

Name of event: **Word of Victory Church Community Outreach**

Sponsoring organization: **Word of Victory Church**

Event date: **6-28-08**

Hours: **2 PM - 8 PM**

**ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:**

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;E.&quot; St.</td>
<td>church building</td>
<td>end of church building</td>
<td>Carnival</td>
</tr>
<tr>
<td>ORANGE</td>
<td>ORANGE</td>
<td>(small prizes)</td>
<td>No rides @ Carnival</td>
</tr>
<tr>
<td>Sidewalks</td>
<td>From</td>
<td>To</td>
<td>Activity</td>
</tr>
<tr>
<td>Parking lots and spaces</td>
<td>Location</td>
<td>Activity</td>
<td></td>
</tr>
</tbody>
</table>

**EXCEPT FOR CHURCH MEMBERS, BAND + PATRONS OF COMMUNITY**
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

WORLD OF VICTORY CHURCH

COMMUNITY CHRISTIAN OUTREACH

JUNE 2, 2008

Business License Supervisor: S. Perkins

No requirements, council may need clarification on carnival event.

Public Works Director: B. Rodriguez

No comments.

Community Development Director: B. Dunlap

No comments.

Field Services Manager: B. Styles

Pick up barricades at 555 N. Prospect.

Fire Chief: M.G. Garcia

Leave a 12' access road along the east side of street for emergency vehicle access.

Parks and Leisure Services Director: J. Perrine

Police Chief: C. McMillan

Amplifier permit approved. Street closure requires council approval. Some concerns Regarding traffic flow with partial street Closure. Might consider alternate options to Street closure.

Acting Deputy City Manager: J.D. Lollis

See attached Exhibit A.

EXHIBIT "A," Page 1
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: World of Victory Church
Event: Community Christian Outreach
Event Chairman: Angel Segura
Location: World of Victory Church parking lot/front of church
Date of Event: June 28, 2008
Time of Event: 2:00 pm to 8:00 pm

RISK MANAGEMENT: Conditions of Approval

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

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

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

"E. St.

From Here To End of Church Building

Church

Chase to Fire Orange

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

1. Name and home address of the applicant:
   
   Angel Secora  
   
   1184 W. Orange St. Brown Ave  
   
   Phone # 782-1573

2. Address where amplification equipment is to be used:
   
   163 W. Orange St.  
   
   Phone # 782-1573

3. Names and addresses of all persons who will use or operate the amplification equipment:
   
   Jose Gonzalez, Chris Gonzalez, Baltazar
   
   Danny

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

5. Dates and hours of operation of amplification equipment:
   
   6-28-08  2:00 PM to 8:00 PM

6. A general description of the sound amplifying equipment to be used:
   
   Electric Guitar, Bass Guitar, Drums, Keyboard
I hereby certify that all statements and answers on this registration form are true and correct.

Pastel Angel Segura (sig) 5-19-08
Applicant

Date

Chief of Police

Date

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

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

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

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

cc: __________________________

_____________________________

_____________________________

3/27/01

SOURCE: Administration

COMMENT: During its regular meeting on November 6, 2007, the City Council gave approval to the Eagle Mountain Fly-In and Airshow as a Community Civic Event, scheduled for Saturday, June 21, 2008. Several additional items are presented for the Council’s consideration in the presentation of this event.

In addition to the previously-approved closure of Hope Avenue beginning at Wildcat Way to the west until the street terminates at the airport proper, the FAA is requiring the closure of Newcomb Street from Hope Avenue to the south to Tea Pot Dome Avenue, as well as the closure of Tea Pot Dome Avenue from Newcomb Street to the west to West Street. The additional street closures would only be in effect during the actual Airshow, between 12:00 and 2:00 PM.

Also in support of additional FAA concerns regarding personal safety, staff recommends the closure of the Sports Complex during the Airshow period, between 12:00 and 2:00 PM. There are currently no activities scheduled at the Sports Complex on this date.

RECOMMENDATION: That the Council approve the additional conditions for this Community Civic Event, including the requested street and park closures and beer garden requirements.

ATTACHMENT: None

D.D. Appropriated/Funded C.M. Item No. 15
COUNCIL AGENDA: June 17, 2008

SUBJECT: REPORT ON RAIL ABANDONMENT BETWEEN STRATHMORE AND JOVISTA BY SAN JOAQUIN VALLEY RAILROAD

SOURCE: Administration

COMMENT: On Friday, June 6, 2008, the Federal Surface Transportation Board approved an application by San Joaquin Valley Railroad for the abandonment of 30.57-mile segment of railroad between Strathmore and Jovista (please see enclosed report). Mr. Paul Saldana, Chief Executive Officer for Tulare County Economic Development Corporation, will provide a presentation to the City Council during the meeting concerning the approved abandonment, and what next action steps might be in protecting the Porterville’s rail connectivity.

RECOMMENDATION: Information Only

ATTACHMENT: Surface Transportation Board Decision and Notice of Interim Trail Use or Abandonment

Dir. Appropriated/Funded C/M Item No. 14
SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-398 (Sub-No. 7X)

SAN JOAQUIN VALLEY RAILROAD COMPANY
—ABANDONMENT EXEMPTION—
IN TULARE COUNTY, CA

Decided: June 6, 2008

By petition filed on February 19, 2008, the San Joaquin Valley Railroad Company (SJVR) seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 30.57-mile portion of the South Exeter Branch between milepost 268.60 at Strathmore and milepost 299.17 at Jovista in Tulare County, CA. Notice of the filing was served and published in the Federal Register on March 10, 2008 (73 FR 12796).

On March 31, 2008, a protest was jointly filed by the Tulare County Economic Development Corporation and the Tulare County Association of Governments (TCAG) (jointly, the County). The Tulare County Board of Supervisors (Tulare Board) filed a letter on April 3, 2008, joining the County’s protest. TCAG also requested issuance of a notice of interim trail use (NITU). On April 10, 2008, SJVR filed a rebuttal along with a motion for leave to file a rebuttal. The County responded on April 30, 2008. We will accept these supplemental filings in the interest of a more complete record.

SJVR contends that there is insufficient traffic available to justify the costs of maintaining and operating the line, and that investing capital in the line would not be a prudent use of carrier resources. According to SJVR, abandonment will permit the carrier to rationalize its system, avoid rehabilitation and maintenance costs, and dispose of the line. In support of its

---

1 On February 28, 2008, SJVR filed a petition for exemption in STB Docket No. AB-398 (Sub-No. 8X) to abandon an adjoining 9.20-mile portion of the South Exeter Branch located north of the subject line between milepost 259.40 near Exeter, CA, and milepost 268.60 at Strathmore. Notice instituting that proceeding was served and published in the Federal Register on March 19, 2008 (73 FR 14874). In a decision being served concurrently with this decision, we are denying SJVR’s petition for exemption in STB Docket No. 398 (Sub-No. 8X).

2 The County’s protest includes letters from Sierra Forest Products (Sierra), Britz Fertilizers, Inc. (Britz), Tuff Stuff Products, Inc. (Tuff Stuff), and resolutions by the Tulare County Association of Governments, Tulare County Board of Supervisors, Tulare City Council, and the Visalia City Council opposing the proposed abandonment.
petition, SJVR has submitted verified statements from the Director of Finance of RailAmerica, Inc. (RailAmerica),\(^3\) discussing SJVR’s revenues and costs from operating the line, and the Chief Engineer of RailAmerica,\(^4\) discussing the value of the track and materials on the line, the cost to rehabilitate the line, and the cost to maintain the line once it is rehabilitated.

We will grant the petition for exemption, subject to trail use, environmental, and standard employee protective conditions.

BACKGROUND

SJVR became a rail carrier in 1992 when it consummated an agency-authorized transaction to lease and operate 354.70 miles of rail lines in Fresno, Tulare, Kern and Kings Counties, CA, owned by the Southern Pacific Transportation Company (SPT) and Visalia Electric Railroad Company (VE), and to assume trackage rights over a number of other rail lines owned exclusively by SPT or jointly by SPT and The Atchison, Topeka and Santa Fe Railway Company.\(^5\) Subsequently, SJVR purchased 206.77 miles of track and rail assets that it had previously leased, and SJVR leased the land underlying the right-of-way from SPT.\(^6\) SPT’s successor, the Union Pacific Railroad Company (UP), has continued to own the underlying real estate.

TRAFFIC AND REVENUES

According to SJVR, it has served three shippers located on the line since 2004: Tri K Truss (Tri K), Sierra, and Britz. Tri K received 36 carloads in 2004, 33 carloads in 2005, and 9 carloads in 2006. Sierra received 37 carloads in 2004, 8 carloads in 2005, and 3 carloads in 2006. Britz received 8 carloads in 2004, 11 carloads in 2005, and 20 carloads in 2006. No traffic has moved over the line since October 2006. According to SJVR, the annual revenues generated by these shippers totaled $30,582 in 2004, $27,294 in 2005 and $12,300 in 2006. SJVR calculates forecast year traffic based on 2006 data showing 32 carloads handled and $12,300 in attributable revenues. No one has challenged this revenue estimate.\(^7\)

\(^3\) Robert M. Frelitch, Jr.
\(^4\) Mark D. Garvin.
\(^7\) As discussed below, the County has questioned whether revenues derived from the storage of rail cars for another railroad should be included in analyzing the profitability of the line.
OPERATING COSTS

RailAmerica’s Director of Finance calculates forecast year costs as totaling $117,793. According to the Director of Finance, the costs consist of $10,151\(^8\) for annual operating expenses, which he calculates, and $107,642 for maintenance of way costs, which RailAmerica’s Chief Engineer calculates. The maintenance of way costs developed by the Chief Engineer consist of vegetation control, crossing maintenance, and track inspection and maintenance.

The County questions the daily expense for the locomotive used on the line. The Director of Finance reports a daily rental of $114 per day. According to the County, this is the same amount as reported in STB Docket No. AB-398 (Sub-No. 8X). The County suggests that SJVR may have double counted the daily expense for locomotive rental, noting that this line and the other segment of the South Exeter Branch proposed for abandonment in STB Docket No. AB-398 (Sub-No. 8X) are typically operated by one crew serving both segments. The County asserts that these costs are inflated, but submits no support for this assertion. On the other hand, RailAmerica’s Director of Finance has indicated that locomotive rental is based on total hours operated on the subject line and has provided calculations to support this cost. We will accept SJVR’s locomotive rental as part of the forecast year operating costs.

Our analysis of SJVR’s data has determined that the Director of Finance’s calculation of locomotive fuel cost omitted a necessary variable. He multiplied the cost per gallon times the total hours spent serving the line, but he failed to include the amount of gallons per hour. Including the variable of 7.8 gallons per hour noted in the application would increase the locomotive fuel cost to $6,176, increasing the annual operating cost on the line to $15,536. No one has challenged any other operating costs estimated by SJVR. With this adjustment, the total avoidable costs for the forecast year total $123,178.

SUMMARY OF OPERATING COSTS AND REVENUES

As indicated, SJVR’s estimated costs and revenues show that the carrier will incur an avoidable loss of $110,878 from operations in the forecast year. Except as noted, these estimates are unchallenged and appear reasonable, and we will accept them.\(^9\)

OPPORTUNITY COSTS

Opportunity costs (or total return on value of road property) reflect the economic loss experienced by a carrier from forgoing a more profitable alternative use of its assets. Under Abandonment Regulations—Costing, 3 I.C.C.2d 340 (1987), the opportunity cost of road property is computed on an investment base equal to the sum of: (1) allowable working capital; (2) the

\(^8\) SJVR’s petition indicates that operating costs for the forecast year total $10,223. However, the Director’s (Mr. Frellich) statement at p.87 reports that the forecast year avoidable costs total $10,151.

\(^9\) See Exhibit-1 attached to this decision.
net liquidation value (NLV) of the line; and (3) current income tax benefits (if any) resulting from abandonment. The investment base (or valuation of the road properties) is multiplied by the current nominal rate of return, to yield the nominal return on value. Under 49 CFR 1152.34(d), the rate of return used to calculate return on value represents the individual railroad’s current pre-tax nominal cost of capital. Our most recent after-tax cost of capital finding for the railroad industry is used as a basis for developing the appropriate nominal rate of return. The nominal return is then adjusted by applying a holding gain (or loss) to reflect the increase (or decrease) in value a carrier will expect to realize by holding assets for one additional year.

SJVR estimates that it would incur opportunity costs of $175,072 if it were to continue operating the line. No party has challenged that estimate. SJVR’s estimate is based on RailAmerica’s Chief Engineer’s estimate of the net salvage value of the line in the amount of $995,574, consisting of the value of the rail and track materials less the cost of their removal and transportation. Because UP owns the underlying real estate, SJVR has not included any real estate value in its estimate and SJVR has not included any income tax benefits that would result from abandonment. SJVR has estimated the working capital requirement at $4,843, has not included a holding gain or loss due to the current volatility in the market for scrap and reusable steel, and has applied a nominal rate of return of 17.50% in calculating its opportunity costs. As we noted previously, we have adjusted the forecast year operating cost to $15,536. Using this adjusted operating cost results in an increase in working capital to $5,062. In addition, we have adjusted the nominal rate of return to reflect our most recent cost of capital determination in Railroad Cost of Capital – 2006, STB Ex Parte No. 558 (Sub No. 10) (STB served Apr. 15, 2008). Applying the properly adjusted nominal rate of return of 14.98% to the investment base, including our adjustment for working capital discussed above, yields an opportunity cost of $149,895. SJVR’s estimate for opportunity costs, with our adjustments, as just discussed, appears reasonable, and we will adopt that adjusted estimate.  

REHABILITATION

SJVR asserts that it would have to incur substantial expenses to rehabilitate the line if it continued to provide service on the line. RailAmerica’s Chief Engineer testifies that the line is currently in Federal Railroad Administration (FRA) excepted condition.  

SJVR states it has maintained the line to carry the small amount of traffic tendered to it. The Chief Engineer estimates that to return the excepted portions of the line to FRA Class 1 condition would require capital expenditures of $1,327,920, consisting of $69,200 for bridge work, $1,071,723 for ties, and $186,997 for resurfacing. No one has challenged these estimates with specific evidence. Given the evidence submitted and the lack of specific challenges, we will accept SJVR’s rehabilitation estimate.

---

10 See attached Exhibit-1.
11 See 49 CFR 213.9.
12 V.S. of Mr. Garvin at 77.
LOCAL COMMUNITY AND SHIPPER INTEREST

The County opposes the proposal, arguing that SJVR’s petition fails to provide sufficient information to permit the Board to adequately assess the future financial viability of the line. The County also criticizes SJVR for failing to adequately address the impact of the loss of rail service on air quality, given the County’s nonattainment status. SJVR responds that it has fully substantiated the costs of continued operation of the line, showing that the line currently is not financially viable and will not be financially viable in the future. As for potential environmental harm, SJVR points out that there will be no diversion of current rail traffic to truck (because there is no current rail traffic) and that the 2004 traffic level of 81 rail carloads would result in diversions to trucks well below the Board’s threshold for nonattainment areas.

The County expresses concern that it cannot develop economically without rail service. It notes that many industrial sites located along the line are available for potential rail users, and that new and existing businesses, which have used rail service in the past, have indicated a desire to use rail service if provided. The County points out that potential shippers were discouraged when SJVR imposed a $900 per car surcharge in June 2000. The surcharge was lifted in 2002 for some portions of the line, but a $950 per car surcharge was imposed in April 2006 that allegedly discouraged all rail business development. It points to letters from Sierra and Britz stating that those companies would use rail service if the surcharge was lifted. In its letter, Tuff Stuff indicates that it moved to its location in August 2007 and expects to be in operation by September 2008. Tuff Stuff cites the need for competitive rail service and objects to the surcharge.

SJVR responds that it deferred maintenance on the line for years to keep rates low and attract business. SJVR points out that traffic dropped to 81 carloads in 2004, generating $30,582 in revenues, and continued to drop to 52 carloads in 2005, to 32 carloads in 2006, to no traffic in 2007 or 2008 to date. SJVR emphasizes that the $30,582 in revenues in 2004 failed to cover even the annual maintenance of the line of $107,642, and that it subsequently imposed the surcharge in 2006 to try to generate the revenue necessary to cover the costs of the line. SJVR points out that both Sierra and Britz continue to refuse to pay the surcharge and are using transportation alternatives and that Tuff Stuff located on the line in August 2007, when the surcharge was in effect. SJVR notes that none of the shippers has committed to a volume of traffic to warrant continued rail service. SJVR points out that adequate transportation alternatives exist, as California Highway 65 runs parallel to the line for almost its entire length and shippers have been using alternatives to its rail service on the line.

The County suggests that SJVR could have realized additional revenues from other sources. According to the County, SJVR could have bifurcated the proposed abandonment by abandoning the portion of the line south of milepost 287.10, where no shippers are located, and by using funds realized from salvage of that portion to rehabilitate the remainder of the line. The

13 Using 2004 as an example, the revenue generated if the $950 per car surcharge had been in place and paid, SJVR would have realized some $107,582, still short of covering all of SJVR’s costs.
County asserts that SJVR also arbitrarily established the beginning of the abandonment at milepost 268.60 instead of milepost 264.10, where the last shipper is located on SJVR’s connecting line, thereby improperly excluding consideration in this proceeding of revenues derived from storing boxcars for UP on the line between those mileposts.\(^\text{14}\) Finally, the County indicates that SJVR could have reduced crossing signal expenses by eliminating automatic crossing signals.

In response to the County’s suggestion regarding salvaging the southern portion of the line and using the funds to rehabilitate the northern portion, SJVR points out that the County has failed to consider that SJVR would first have to repay debt from the proceeds for any salvaged track and material. SJVR further notes that, regardless of the amount available, past traffic volume suggests that such an investment would not be economically justified. As for boxcar storage, SJVR indicates that, because the cars were not stored on the subject line, the storage fees it derived did not constitute revenue attributable to the line. SJVR further notes that storage of the boxcars was temporary, and that UP recalled the boxcars from storage, so that SJVR could not properly have included the revenue derived from storage in the forecast year. Further, SJVR indicates that eliminating crossing signals would have required that it get approval from FRA to remove the signals, incurring another cost and raising safety implications.

The County also states that the San Joaquin Valley Air Pollution Control District (District), together with nearby cities and other governmental agencies, have expended $14.2 million to finance rail line repairs to other rail lines and could be a funding source to upgrade the subject line. SJVR, however, notes that the District has not committed funds to the line nor has SJVR applied for such funds. According to SJVR, traffic levels do not warrant government investment in the line.

The County asserts that the map submitted by SJVR does not depict a spur line between Ducor and Ultra that connects with SJVR’s line at milepost 287.10. Apparently, Britz is located on the Ultra spur. The County questions whether SJVR included costs for service on the Ultra spur and whether SJVR included the spur in its valuation of the line. SJVR responds that the spur is owned by the Tulare Valley Railroad Company (TVR),\(^\text{15}\) that TVR has not operated over the line since 2006, and that TVR has not opposed the abandonment of the line. Apparently, SJVR has been providing rail service on TVR lines under a contract,\(^\text{16}\) which terminated in 2006.\(^\text{17}\)

\(^{14}\) We note that parties have argued for the inclusion of these storage revenues in SJVR’s revenue estimates for the line proposed for abandonment in STB Docket No. AB-398 (Sub-No. 8X), as well. We have denied the petition for exemption in that proceeding, in part due to questions regarding the storage revenues, which were properly considered in that proceeding.


Under these circumstances, we agree that the Ultra spur was not required to have been shown on SJVR’s map. However, SJVR has properly included revenues generated by Britz and the costs it incurred to serve Britz, which are based on the mileage SJVR operated on its own line to reach milepost 287.10. SJVR’s costs do not include the Ultra spur, and SJVR’s valuation data do not include the Ultra spur trackage.

Finally, the County states that it intends to make an offer of financial assistance (OFA) under 49 U.S.C. 10904 to acquire the line but that SJVR has not provided sufficient information in its petition to enable it to make an offer. SJVR points out in its rebuttal that the County may request that SJVR provide that information pursuant to 49 CFR 1152.27(a) under the OFA process. Given the County’s apparent interest in purchasing only a portion of the line, SJVR also has provided in its rebuttal a detailed estimate of $802,612 for the NLV of track and materials for the segment between milepost 268.60 and milepost 287.10 and an estimate of $344,992 for track and materials for the segment between milepost 287.10 and milepost 299.17. SJVR has not included the value of real estate because the underlying property is owned by UP.

The County notes that the petition does not include any details about UP’s interest in the right-of-way other than saying that UP owns the real estate. It questions whether UP may have retained any common carrier obligation to resume service if SJVR abandons the line. Noting that SJVR’s rebuttal indicates that UP must be compensated for its property if an OFA is filed to acquire the line for continued rail service, the County questions whether any rights UP retained could preclude an OFA or request for interim trail use. We need not address these matters at this time, however. Should an OFA be filed, we would consider the forced sale of SJVR’s interest in the line. Any questions about compensation owed to UP may be addressed during the OFA process. Similarly, the impact on trail use may be addressed during the trail use negotiation period should the County not acquire the line through the OFA process.

---

18 The attachment to SJVR’s filing identifies the beginning milepost as milepost 264.10. That portion of SJVR’s line is included in its petition pending in STB Docket No. 398 (Sub-No. 8X). Any discrepancy can be worked out in the OFA process.
19 We note that SJVR does not report incurring any cost showing payments made to UP for using the right-of-way.
20 We note that a decision of the Board’s predecessor, the Interstate Commerce Commission (ICC), in Southern Pacific Transportation Company–Abandonment Exemption—In Fresno County, CA, Docket No. AB-12 (Sub-No. 179X), et al. (ICC served May 8, 1995), involving another line that SJVR acquired from SPT in the transaction that was authorized by the ICC in Finance Docket No. 31993 (Sub-No. 1), see supra note 6, determined that SPT did not retain a common carrier obligation over the line. The ICC’s reasoning in that decision would appear to apply equally here.
DISCUSSION AND CONCLUSIONS

Under 49 U.S.C. 10903, a rail line may not be abandoned without our prior approval. Under 49 U.S.C. 10502, however, we must exempt a transaction or service from regulation when we find that: (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not necessary to protect shippers from the abuse of market power.

Based on the revenue and cost evidence submitted, SJVR will incur an avoidable loss from operations of $110,878 in the forecast year. In addition, the record indicates that SJVR will have opportunity costs of $149,895, and will be subject to rehabilitation costs of $1,327,920, if SJVR must continue operating the line. Moreover, no traffic has moved over the line since October 2006, and there is no credible evidence in the record showing that shippers have made a commitment to resume rail shipments to the extent necessary to warrant requiring SJVR to continue to provide rail service over this line. And the County has failed to show that the questioned storage revenues are properly considered in this proceeding, especially given that we have considered them in our decision denying SJVR’s petition in STB Docket No. AB-398 (Sub-No. 8X).

SJVR has imposed a surcharge in an attempt to generate the revenue necessary to cover its costs associated with the line, and no one has challenged the lawfulness of the surcharge.21 The letters from Sierra and Britz indicate that these shippers have decided that SJVR’s rail service over the line was not valuable enough for them to pay SJVR sufficient revenue to cover those costs. And Tuff Stuff has chosen to locate on the line with the surcharge in place, but opposes the surcharge. Even with the surcharge, SJVR states that the revenues it would have realized would not have covered the cost of maintenance and the cost of operations at the pre-surcharge traffic level in 2004.22

Contrary to the County’s position, the record contains ample information to assess the future financial viability of the line as set forth above. Also, the County’s arguments regarding the potential for additional revenues and funds for the line are unpersuasive. The selection of the

21 As pointed out by SJVR, the Board has granted abandonment exemptions when a surcharge was imposed and shippers stopped using rail service. See Mississippi Tennessee Holdings, LLC–Abandonment Exemption–in Union, Pontotoc and Chickasaw Counties, MS, STB Docket No. AB-868X, et al. (STB served July 26, 2004); Dakota Rail, Inc.–Abandonment Exemption–in McLeod, Carver and Hennepin Counties, MN, STB Docket No. AB-472 (Sub-No. 1X) (STB served Nov. 30, 2001); Central Kansas Railway, L.L.C.–Abandonment Exemption–in Reno, Kingman, Harper, Rice and McPherson Counties, KS, STB Docket No. AB-406 (Sub-No. 13X) (STB served Aug. 14, 2001); Florida Midland Railroad Company–Abandonment Exemption–in Sumter and Lake Counties, FL, STB Docket No. AB-325 (Sub-No. 2X) (STB served Feb. 23, 2001); and Idaho Northern & Pacific Railroad Company–Abandonment Exemption–in Wallowa and Union Counties, OR, Docket No. AB-433X (STB served Mar. 12, 1997).

22 SJVR’s rebuttal at 7, n.10.
end points for SJVR’s abandonment request involve the end of the line to the south and Strathmore to the north, which appears to be the northernmost town subject to the 2006 surcharge cited by the County in Attachment 3 to its protest. As such, these appear to be logical termini. And, while we understand the concerns of the County regarding the impact of the loss of rail service on future economic development, the potential, speculative harm to the County arising from abandonment does not outweigh the concrete, demonstrated harm to SJVR resulting from requiring continued rail service over the line.

Based on our analysis as explained in this decision, the record shows that continued operation of the line will impose a substantial economic burden on SJVR and on interstate commerce. Accordingly, we conclude that continued operation of the line is not warranted.

Detailed scrutiny under 49 U.S.C. 10903 is not necessary to carry out the rail transportation policy. By minimizing the administrative expense of the application process, an exemption will reduce regulatory barriers to exit [49 U.S.C. 10101(2) and (7)]. An exemption also will foster sound economic conditions and encourage efficient management by permitting the rationalization of an unnecessary rail line from SJVR’s system [49 U.S.C. 10101(5) and (9)]. Other aspects of the rail transportation policy will not be adversely affected.

Regulation of the proposed transaction is not necessary to protect shippers from the abuse of market power. No traffic has moved over the line since October 2006. As SJVR notes, the line runs parallel to California Highway 65 for almost its entire length, and that motor carriage is available. Nevertheless, to ensure that shippers are aware of our action, we will require SJVR to serve a copy of this decision on each shipper on the line within 5 days of the service date of this decision and to certify to us that it has done so. Given our market power finding, we need not determine whether the proposed abandonment is limited in scope.

LABOR ISSUES

Under 49 U.S.C. 10502(g), we may not use our exemption authority to relieve a carrier of its statutory obligation to protect the interests of its employees. Accordingly, as a condition to granting this exemption, we will impose the employee protective conditions set forth in Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979).

ENVIRONMENTAL ISSUES

SJVR has submitted an environmental and historic report with its petition and has notified the appropriate Federal, state, and local agencies of the opportunity to submit information concerning the energy and environmental impacts of the proposed action. See 49 CFR 1105.11. Our Section of Environmental Analysis (SEA) has examined the

---

SJVR made its filing in STB Docket No. 398 (Sub-No. 8X) involving a connecting line segment only days after making its filing in this proceeding without any explanation. No one, however, has demonstrated on this record that SJVR has engaged in improper segmentation in its filings.
environmental report, verified the data it contains, and analyzed the probable effects of the proposed action on the quality of the human environment. SEA served an environmental assessment (EA) on April 18, 2008, requesting comments by May 19, 2008.

Addressing concerns raised by the County about the impact on air quality from the abandonment proposal due to increased truck traffic, the EA determined that the increased truck traffic that would be generated would not exceed the Board’s thresholds of an increase of more than 10% of the average daily truck traffic (ADT) or 50 vehicles a day on any affected road segment. See 49 CFR 1105.7(c)(5)(C). SEA based its analysis on the 32 carloads that moved in 2006 and noted that no rail traffic had moved over the line since then. The EA concluded that the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

In the EA, SEA stated that the California Public Utilities Commission (PUC) submitted comments requesting that the Board require SJVR to remove the rail and ties along the right-of-way and at all highway-rail crossings along the line within 2 years of granting the abandonment exemption. PUC also requested that a “tracks out of service” sign be posted at crossings until the tracks are removed from the roadways, and that warning devices also be removed along with the tracks within 2 years of granting the abandonment exemption. SEA also stated, that, according to PUC, tracks left in the roadway and not maintained cause traffic and pedestrian safety hazards, and local agencies should not be left financially accountable for removal or maintenance of the crossings. To address these concerns, SEA recommended that SJVR be required to consult with PUC prior to conducting any salvage activities along this line.

SEA also stated that it had not heard from the California Office of Historic Preservation (SHPO) and, therefore, had not been able to consider the SHPO’s opinion before determining if the rail line may be eligible for listing in the National Register of Historic Places (National Register). Accordingly, SEA recommended that SJVR be required to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project ROW (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA). SEA also has recommended that SJVR be required to report back to SEA regarding any consultations with the SHPO and any other section 106 consulting parties, and that SJVR not be allowed to file its consummation notice or initiate salvage activities related to abandonment (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed this condition.

Comments to the EA were due on May 19, 2008. SEA has received one comment, which was filed by TCAG. SEA concludes that no new environmental conditions are warranted.

Regarding TCAG’s position that the EA should address the impacts of the proposed abandonment on the Ultra spur, SEA points out that the spur is not part of SJVR’s line proposed for abandonment and, if the track is subject to the Board’s abandonment jurisdiction, the environmental impacts of the abandonment of the spur track are properly addressed in the environmental review conducted at the time of its abandonment. TCAG also argues that SEA should have examined rail traffic information prior to SJVR’s imposition of surcharges on the
line in determining whether Board thresholds for rail to truck conversions would be exceeded due to the proposed abandonment. SEA states that it uses recent rail traffic information in making those calculations, because that information most accurately reflects the current conditions and the environmental impacts of the pending abandonment proposal. Finally, regarding TCAG's suggestion that SEA's proposed condition 2 be changed from requiring SJVR to consult with PUC to requiring SJVR to abide by PUC's determinations, SEA observes that this change is unnecessary as SJVR will address PUC's concerns during the course of consultation and will comply with PUC's reasonable requests.

Accordingly, the conditions recommended by SEA in the EA will be imposed. Based on SEA's recommendations, we conclude that the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

SEA has indicated in its EA that the right-of-way may be suitable for other public use under 49 U.S.C. 10905. In its protest, TCAG had indicated that it intended to file a request for a public use condition, but TCAG has not submitted the information required by the Board's procedures at 49 CFR 1152.28(a)(2). No other request for a public use condition has been received. Accordingly, no public use condition will be imposed.

TRAIL USE

As previously noted, TCAG has requested the issuance of a NITU under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act) and 49 CFR 1152.29 in order to negotiate with SJVR for rail banking and interim trail use of the right-of-way. TCAG has submitted a statement of willingness to assume financial responsibility for the right-of-way, and has acknowledged that use of the right-of-way is subject to possible future reconstruction and reactivation for rail service, as required under 49 CFR 1152.29. By letter dated April 14, 2008, SJVR states that it is willing to negotiate with TCAG for interim trail use. Because TCAG's request complies with the requirements of 49 CFR 1152.29, and SJVR is willing to enter into negotiations, we will issue a NITU for the line. The parties may negotiate an agreement during the 180-day period prescribed below. If an agreement is executed, no further Board action is necessary. If no agreement is reached within 180 days, SJVR may fully abandon the line, subject to the conditions imposed below. See 49 CFR 1152.29(d)(1). Use of the right-of-way for trail purposes is subject to restoration for railroad purposes.

The parties should note that operation of the trail use procedures could be delayed, or even foreclosed, by the financial assistance process under 49 U.S.C. 10904. As stated in Rail Abandonments—Use of Rights-of-Way as Trails, 2 I.C.C.2d 591, 608 (1986), OFAs to acquire rail lines for continued rail service take priority over interim trail use/rail banking. Accordingly, if an OFA is timely filed under 49 CFR 1152.27(c)(1), the effective date of this decision and notice will be postponed beyond the effective date indicated here. See 49 CFR 1152.27(e)(2).

---

24 Public use requests were due no later than 20 days after publication of the notice of the petition in the Federal Register, or by March 31, 2008.
addition, the effective date may be further postponed at later stages in the OFA process. See 49 CFR 1152.27(f). Finally, if the line is sold under the OFA procedures, the petition for abandonment exemption will be dismissed and trail use precluded. Alternatively, if a sale under the OFA process does not occur, the trail use process may proceed.

It is ordered:

1. The supplemental filings by SJVR and the County are accepted into the record.

2. Under 49 U.S.C. 10502, we exempt from the prior approval requirements of 49 U.S.C. 10903 the abandonment by SJVR of the above-described line, subject to the employee protective conditions set forth in Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979), and subject to the conditions that SJVR shall: (1) retain its interest in and take no steps to alter the historic integrity of all sites, buildings, structures, and objects within the right-of-way that are eligible for listing or are listed in the National Register until the section 106 process of the NHPA has been completed, report back to SEA regarding any consultations with the SHPO, any other section 106 consulting parties identified, and the public, and not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed this condition; (2) prior to conducting any salvage activities along this rail line, consult with PUC regarding its concerns that abandoned track could cause safety hazards on roadways; and (3) comply with the interim trail use/rail banking procedures set forth below.

3. SJVR is directed to serve a copy of this decision and notice on Tri K, Sierra and Britz within 5 days after the service date of this decision and notice and to certify to the Board that it has done so.

4. If an interim trail use/rail banking agreement is reached, it must require the trail user to assume, for the term of the agreement, full responsibility for the management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against, the right-of-way.

5. Interim trail use/rail banking is subject to the future restoration of rail service and to the user's continuing to meet the financial obligations for the right-of-way.

6. If interim trail use is implemented and subsequently the user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

7. If an agreement for interim trail use/rail banking is reached by December 3, 2008, interim trail use may be implemented. If no trail use agreement is reached by that time, SJVR may fully abandon the line, provided the conditions imposed above are met.

8. An OFA under 49 CFR 1152.27(c)(1) to allow rail service to continue must be received by SJVR and the Board by June 16, 2008, subject to time extensions authorized under
49 CFR 1152.27(c)(1)(i)(C). The offeror must comply with 49 U.S.C. 10904 and 49 CFR 1152.27(c)(1). Each OFA must be accompanied by the filing fee, which currently is set at $1,300. See 49 CFR 1002.2(f)(25).

9. OFAs and related correspondence to the Board must refer to this proceeding. The following notation must be typed in bold face on the lower left-hand corner of the envelope: “Office of Proceedings, AB-OFA.”

10. Provided no OFA has been received, this exemption will be effective on July 6, 2008. Petitions to stay must be filed by June 23, 2008, and petitions to reopen must be filed by July 1, 2008.

11. Pursuant to the provisions of 49 CFR 1152.29(e)(2), SJVR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by SJVR’s filing of a notice of consummation by June 6, 2009, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. If a legal or regulatory barrier to consummation exists at the end of the 1-year period, the notice of consummation must be filed no later than 60 days after satisfaction, expiration, or removal of the legal or regulatory barrier.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Anne K. Quinlan
Acting Secretary
<table>
<thead>
<tr>
<th>Revenues attributable for:</th>
<th>STB revised forecast year operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Freight originated and/or terminated on branch</td>
<td></td>
</tr>
<tr>
<td>2. Bridge Traffic</td>
<td></td>
</tr>
<tr>
<td>3. All other revenue and income</td>
<td></td>
</tr>
<tr>
<td>4. Total revenues attributable (lines 1 through 3)</td>
<td>12,300</td>
</tr>
</tbody>
</table>

| Avoidable costs for:                      |                                      |
|-------------------------------------------|                                      |
| 5. On-branch costs (lines 5a through 5k)  | 123,178                              |
| a. Maintenance of way and structures       | 107,642                              |
| b. Maintenance of equipment               |                                      |
| c. Transportation                         | 15,536                               |
| d. General administrative                  |                                      |
| e. Deadheading, taxi, and hotel           |                                      |
| f. Overhead Movement                      |                                      |
| g. Freight car costs (other than return on freight cars) |                                      |
| h. Return on value-locomotives            |                                      |
| i. Return on value-freight cars           |                                      |
| j. Revenue taxes                          |                                      |
| k. Property taxes                         |                                      |
| 6. Off-branch costs                       | 0                                    |
| a. Off-branch costs (other than return on freight cars) |                                      |
| b. Return on value-freight cars           |                                      |
| 7. Total avoidable costs(line 5 plus line 6) | 123,178                              |

| Subsidization costs for:                  |                                      |
|-------------------------------------------|                                      |
| 8. Rehabilitation *                       | 1,327,920                            |
| 9. Administration costs (subsidy year only)** |                                      |
| 10. Casualty reserve account              |                                      |
| 11. Total subsidization costs (lines 8 through 10) | 1,327,920                            |

| Return on value:                          |                                      |
|-------------------------------------------|                                      |
| 12. Valuation of property (lines 12a through 12c) | 1,000,636                            |
| a. Working capital                        | 5,062                                |
| b. Income tax consequences                | 0                                    |
| c. Net liquidation value                   | 995,574                              |
| 13. Nominal rate of return                 | 0.1498                               |
| 14. Nominal return on value (line 12 time line 13)** | 149,895                              |
| 15. Holding gain (loss)                    | 0                                    |
| 16. Total return on value (line 14 minus line 15) | 149,895                              |
| 17. Avoidable loss from operations (line 4 minus line 7) | (110,878)                            |
| 18. Estimated forecast year loss from operations (line 4 minus lines 7 and 16) | (260,773)                            |
| 19. Estimated subsidy (line 4 minus 7,11, and 16) | (1,588,893)                           |

* This projection shall be computed in accordance with § 1152.33(m).
** Omit in applications pursuant to §1152.22.
*** If a negative for the "forecast year operations" insert "0" in this line.
PUBLIC HEARING

SUBJECT: REQUEST TO ADOPT BUDGET FOR FISCAL YEAR 2008-2009

SOURCE: Administration

COMMENT: Consistent with the City Charter, the City Manager has submitted for Council consideration a draft Budget for the 2008-2009 Fiscal Year. Section 51 of the City Charter provides that the City Manager shall provide not later than thirty (30) days before the end of the City’s fiscal year, an estimate of expenditures and revenues of the City departments for the ensuing year.

Budgetary Approach: Attached is the budgetary message presented with the draft document with its release. The budgetary approach consists of:

- A three (3) year strategic budget plan
- A one (1) year budget
- Periodic review of budget targets
- Revision of expenditures when necessary to accomplish budget targets

Financial Factors: The level of revenue, expenditure, and standing for City funds proposed in the 2008-2009 FY budget are:

* All Fund Revenues for 08-09 FY: $79,613,084
* All Fund Expenditures for 08-09 FY: $90,175,195
* General Fund Revenues/Transfers for 08-09 FY: $23,820,952
* General Fund Expenditures/Transfers for 08-09 FY: $25,533,587
* General Fund cash deficit for 08-09 FY: $1,712,635
* General Fund structural deficit for 08-09 FY: $577,635

Generally, the overall reduction in Fund balances proposed will result from using monies accumulated for capital expenditure being used to implement projects.

Budget Adoption: The City Charter also provides that “after duly considering the estimate and making such corrections or modifications thereto as shall seem advisable to it, the Council shall by resolution adopt a general budget and such resolution shall operate as an appropriation of funds to the amounts and for the purposes set forth in the budget so adopted.”

Dir. Appropriated/Funded C/M Item No. 17
This year, the recent election will cause some change in City Council positions. As a result, the Council considering the Budget at this meeting will not have the same membership as the Council which implements the Budget over the 2008-2009 Fiscal Year.

All spending authority from the current 2007-2008 Fiscal Year budget expires after June 30, 2008. Therefore, it is essential that a budget be adopted which allows payroll to be paid and routine expenditures to be incurred. The City Manager recommends that the Council adopt the draft budget (as modified by the City Council) subject to the ratification of the new City Council after it has been seated. The adopted budget would be presented to the newly-seated City Council at its meeting of July 1, 2008.

RECOMMENDATION: The City Manager proposes that the Council adopt the proposed 2008-2009 Fiscal Year Budget, as modified, subject to the ratification of a newly-seated City Council at the July 1, 2008 meeting.

ATTACHMENTS: Budget Message
Draft Resolution for General Fund Budget
Draft Resolution for Special Revenue, Enterprise, Internal Service, and Capital Budgets
April 28, 2008

Honorable Mayor and Council Members:

Included with this message is the draft City Budget for the 2008/09 Fiscal Year. Our approach to budgeting involves a number of elements, including

- A three-year Strategic Budget plan
- A one-year Budget
- Periodic review of Budget targets
- Revision of expenditures when necessary to accomplish budget targets.

1. **General Fund Budgetary Overview:** For the 2008/09 Fiscal Year, the city manager is proposing a budget that is essentially balanced on a structural basis, but which carries an overall cash deficit.

   The proposed budgetary General Fund revenue estimates for 2008/09 FY is an overall increase of 6.03%, which includes a 2.85% increase in taxes and a 7.98% increase in service charges. A number of factors are in play in defining the estimate including new transient room taxes and progress with new commercial projects within the City. It also includes a 20.26% increase in the Parks & Leisure Department’s recreation program revenues, particularly the reimbursement grant for the YES program which corresponds to a parallel increase in the program expenditures.

   For the coming 2008/09 Fiscal Year, general fund expenditures are proposed to increase by 3.32%. A major component of this expenditure is the utilization of carryover funds for operating and capital assistance.

2. **General Fund Targets:** As of March 31 of the current Fiscal Year, the City’s General Fund expenditure is approximately at 67.5% of budget. It is projected that expenditures will be within 5% of the budget by the end of the current fiscal year.

   For future Fiscal Years, the following targets are proposed:

   **General Fund revenues and transfers:** $23,820,952, which is up by 6.03% from taxes and service charges increases from the revised amount of $22,452,101 in the 07/08 Fiscal Year.
General Fund expenditures and transfers: $25,533,587, which is up 4.7% from program improvements and increases in operational costs, from the revised amount of $24,376,056 in the 07/08 Fiscal Year.

General Fund cash deficit for 08/09 FY: ($1,712,635) which is primarily the result of the use of carry-over monies for projects of $1,135,000 and programs in the amount of $98,400.

General Fund deficit for 08/09 FY: ($577,635) which is projected to be balanced by year’s end with non-specific departmental savings from vacancies and turnovers.

General Fund cash deficit for 09/10 FY: The deficit is projected at ($503,867), which does not include any carry-over expenditures.

General Fund cash deficit for 10/11 FY: The deficit is projected at ($456,571), which does not include any carry-over expenditures.

Budgetary Allocation of General Fund Monies: At the end of each Fiscal Year, a Consolidated Financial Report is prepared which defines cash within the General, Special, Enterprise and other funds of the City. As an estimate, the amount of cash available to the General Fund at year’s end is estimated to be $12,935,485.

This amount is estimated to be available at the beginning of the 2008/09 Fiscal Year. Though it is not allocated within the CAFR to various purposes, the outline of estimates below defines the category for allocation:

- Lock Box (Rainy Day) Cash: $1,154,000
- Debt Service Lock Box: $459,000
- Equipment Replacement Funds: $4,500,000
- Unallocated Carry-Over Funds: $2,200,000
- High/Low Cash Cover: $3,000,000
- Non-Allocated Cash: $1,622,485

**Total Estimated Cash** $12,935,485

3. **Proposed Project Expenditures/Above the Line:** These are specific projects beyond the program modifications in the paragraph above, which are included in the draft budget and for which funding is recommended.

   a. Porterville Hotel Project $105,000 Reapprop GenFund
   b. Entrepreneurial Analysis $140,000 Grant
   c. Tule River/Porter Slough Clean Up $10,000 GenFund
   d. Tule River – JPA Administration $8,000 GenFund
   e. Success Lake Enlargement Construction $253,925 Reapprop GenFund
   f. Elderberry Mitigation $60,000 GenFund/Carry-Over
   g. PAADA $150,000 Gen Fund Carry-Over
h. Main St Porter Slough Parking Lot  $250,000  GenFund Carry-Over
i. Equipment Canopy  $135,000  GenFund Carry-Over
j. PD Range Relocation  $200,000  GenFund Carry-Over
k. FD Classroom Equipment  $50,000  GenFund Carry-Over
l. Library Restroom Remodel  $100,000  GenFund Carry-Over
m. Heritage Center Equipment Bldg  $130,000  GenFund Carry-Over
n. City Hall Roofing  $100,000  GenFund Carry-Over
o. Tule River Parkway, Phase III  $247,000  Grant

4. **Priority Projects:** In January of 2008, the Council approved Priority Projects. While the City is managing well more than 100 specific projects, the following are presented as major priorities during the 2008/09 Fiscal Year:

- Courthouse, Fairgrounds and related projects
- Porterville Hotel Project
- New Library Project
- South Jaye Street/Gibbons Project
- Comprehensive Zoning Code Update Project
- Remove Cease and Desist Order Project
- New Public Safety Station Project
- Technology Assessment Project
- Indiana Street Low Water Crossing Project
- Courthouse Commons Master Plan Project
- Effluent Pipeline and Land Leveling of Sewer Property
- Jaye Street Widening, Hwy 190 to Springville Project

5. **Major City Funds**

**Measure H Fund:** The approved Measure H expenditure plan will continue to be implemented, including the hire of an additional Police Officer. The fund budget is proposed in consideration of the following factors of anticipated revenues: Fire (42.50%), Police (42.50%), and Literacy (15.00%). Capital Reserve funds in the amount of $68,000 are proposed to be appropriated for the purchase of two (2) police vehicles, one for the new Police Officer and one for the Police Sergeant authorized by the City Council during FY2007-2008. Capital Reserve monies in the amount of $500,000 are recommended to be re-appropriated for the acquisition of land for a new Public Safety Station, as well as $220,000 re-appropriated toward the feasibility and needs assessment for a new Library.

**Gas Tax Funds, Local Transportation Funds:** Public Works has allocated approximately $268,000 in Local Transportation/Special Gas Tax (LTF/SGT) funds for the FY 2008/2009 “Annual Street Program” projects. Annual street projects include miscellaneous alley, curb & gutter, overlay, signal upgrades, and street record of survey work. This year the City will
undertake a number of Congestion Mitigation & Air Quality (CMAQ) projects. The most significant project includes the design and construction of a Compressed Natural Gas (CNG) facility at the Corporation Yard. The CNG facility will not only fuel the City's new CNG transit buses and future CNG refuse trucks but will also be available for the fueling of private vehicles. CMAQ funds will also pay for the construction of a traffic signal at the intersection of Newcomb & Westfield. The cost to design and construct the CNG facility is estimated at $1,650,000 and the traffic signal project is estimated at $250,000.

All CMAQ projects require a "local" match as a condition of the grant funding. The City will use LTF for its local share. $190,000 will be spent on the CNG facility and $32,000 on the traffic signal project.

The lion's share of LTF in FY2008/2009 will be allocated to the Montgomery/Jaye St Roundabout and the S. Jaye Street Extension Project. Absent "Certificate of Participation" bond funds, the S. Jaye Street Extension Project will be limited in its scope. The project will include the reconstruction of Jaye Street from Montgomery Avenue to Brown Avenue and the extension of a two lane street along the Jaye St. alignment from Brown Avenue to Gibbons Avenue. If COP bonds are secured, the reconstruction limits will extend north along Jaye St. to Hwy 190 and the two lane extension of Jaye St. will be widened to 4 lanes. If COP bonds become available, the project will include the reconstruction of the south half of Gibbons Avenue from Jaye St. to Indiana St.

**Zalud Estate:** An ongoing funding solution for the Zalud House continues to be elusive. The annual drawdown from the Trust Fund is projected to be around $11,500. Monies are being carried over in the budget for Parks and Leisure Services to master plan the Zalud House and the adjacent property. This may provide some additional insight on operational strategies on the City asset. At the current rate, the fund will have about another 6 years of life beyond FY08-09.

**Community Development Block Grant:** There continues to be competing interests at the national level that threaten to cut the CDBG funding more than it already has. This year's entitlement allocation is approximately $25,000 less than last year, which represents a 3 percent reduction from last year and over a 17 percent reduction since the high of $851,000 in FY 04/05. The CDBG Program continues to provide much needed assistance to the community through several programs including homeownership assistance, home rehabilitation assistance, business assistance, and funding of the Heritage Center youth program. Approximately 46 percent of the annual entitlement is dedicated to debt service on the Section 108 loan used to construct the Heritage Center. The remaining entitlement funds are designated for administration, continued operation of the Heritage Center, public utility loan program, and the business assistance program.

**Transit Fund:** Fixed Route ridership has increased approximately 7½% over the last Fiscal Year. Transit currently has several major projects pending, including the completion of the Singer Pedestrian Mall/Parking Lot; the development of the Bus Maintenance Facility, which is the companion project to the CNG Fueling Station by Public Works; and the conversion to CNG transit buses. Four new CNG buses have been operating periodically, and will
comprise four of the eight primary fleet vehicles shortly with the completion of the
temporary CNG fueling station. Four transit grants are still active, with total Federal Funds
exceeding $3,641,000. A new Federal grant will be submitted shortly with requested funding
of $835,200. Additionally, the City successfully applied for $434,000 in Proposition 1B
transit funding to supplement its Bus Maintenance Facility project, expected to be completed
in Fiscal Year 2008/2009.

**Sewer Fund:** The Sewer Funds are in order and appear stable. Significant project work was
completed during the 2007/08 Fiscal Year to address the cease-and-desist order. Staff
worked with the regional water quality control board staff and the board approved lifting the
cease-and-desist order.

**Solid Waste Funds:** The City’s solid waste operations are stable. The proposed fund
balance shows a positive balance, which is consistent with the fund’s financial plan.

**Airport Fund:** In Fiscal Year 2001, the cash deficit in the Airport Fund was ($600,416).
Through a policy of reduced expenditure, the General Fund covering the normal overhead
allocation, and careful pricing, the deficit has declined significantly since then. The
estimated Airport operating fund deficit at the end of FY2008-09 should be less than
$100,000. During the same period, a replacement and development capital fund has
developed from the sale of released property at the Airport. At the end of June 2008, the
estimated amount in this fund will be around $290,000. These monies are used to match
grants and develop the airport.

For the coming Fiscal Year, the budget proposed significant capital expenditures including a
partially FAA funded lighting design of $135,254. The full cost of the lighting construction
is estimated at $600,000. Specific allocations of Airport replacement and development cash
include:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACIP Lighting Design</td>
<td>$13,500</td>
</tr>
<tr>
<td>ACIP Construction</td>
<td>$60,000</td>
</tr>
<tr>
<td>Airport Business/Operations Office</td>
<td>$90,000</td>
</tr>
<tr>
<td>Airport Hangars</td>
<td>$150,000</td>
</tr>
<tr>
<td>Airport Community Room</td>
<td>$9,000</td>
</tr>
<tr>
<td>Airport Lounge</td>
<td>$2,500</td>
</tr>
</tbody>
</table>

These costs will exceed the cash amount in the improvement fund by about $35,000. The
largest element of expenditure is the new airport hangar. The exact amount may be defined
during the fiscal year when the design is completed. At that time, a more specific financial
plan can be developed including borrowing some of the funds for the project from the
California Division of Aeronautics. In the end, the goal will be to not exceed available
designated cash in the monies accumulated from released properties.

In addition to the building projects, the Airport proposed to use $90,000 in vehicle
replacement monies to purchase a used fuel truck to replace a 1963 Ford with an aviation fuel
pump that requires replacement. To replace just the aviation fuel pump would not be economical for it would cost equal to or greater than the value of the entire truck.

The City has added to those hangars owned by the City. They now include:

<table>
<thead>
<tr>
<th>Hangar Type</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>City corrugated hangars</td>
<td>5</td>
</tr>
<tr>
<td>Former Coulter hangars</td>
<td>10</td>
</tr>
<tr>
<td>Former Creager hangars</td>
<td>6</td>
</tr>
<tr>
<td><strong>Current Total City Hangars</strong></td>
<td><strong>21</strong></td>
</tr>
</tbody>
</table>

The plan at this time is to add over the course of the next two years, approximately 17 additional hangar slots. The proposals are:

<table>
<thead>
<tr>
<th>Hangar Type</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Woodmansee</td>
<td>5</td>
</tr>
<tr>
<td>New City hangar</td>
<td>12</td>
</tr>
</tbody>
</table>

With these additions, the City will operate approximately 38 hangar bays/covered tie downs on the two-year plan. This should provide a gross cash flow of approximately $55,000 to the City each year.

The City Manager suggests the five-year plan for city hangar ownership should be 50. Based upon this, 12 additional hangar bays would have to be developed or purchased. This number of hangars would provide a substantial income base for the airport, estimated at $65,000 per year. The hangars available should be designed to address a mix of aircraft types.

The total airport budget is around one million two hundred thousand dollars ($1,200,000). Without the fueling operation, it would take about $300,000 to operate the airport. This is expense beyond that necessary to operate the fueling operation at the airport. From a planning perspective based on 50 city-owned rental hangars, the revenues to cover this cost (in 2008 dollars), including the expanded hangar rentals would be:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reimbursement of Overhead paid to General Fund</td>
<td>$106,000</td>
<td>(35%)</td>
</tr>
<tr>
<td>Hangar rentals</td>
<td>$ 65,000</td>
<td>(22%)</td>
</tr>
<tr>
<td>Hangar land rentals</td>
<td>$  55,000</td>
<td>(18%)</td>
</tr>
<tr>
<td>Agricultural &amp; Park land rental</td>
<td>$  30,000</td>
<td>(10%)</td>
</tr>
<tr>
<td>Landing Fees (Cal Fire/USFS)</td>
<td>$  30,000</td>
<td>(10%)</td>
</tr>
<tr>
<td>Property Tax pass-through</td>
<td>$  12,000</td>
<td>(04%)</td>
</tr>
<tr>
<td>Miscellaneous (Tie-downs, etc)</td>
<td>$    2,000</td>
<td>(01%)</td>
</tr>
<tr>
<td><strong>Estimated Revenue Base (not including fueling operations)</strong></td>
<td><strong>$300,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

Net revenue estimated from the fueling operation is $44,000. This is derived from a total revenue amount of $989,000 and the sale of 240,000 gallons of fuel for the year.
The City General Fund reimburses the Airport for the overhead allocation. In addition, about $15,263 will be applied to the fair market value of the fire property purchase. With $39,000 being collected in FY07-08 for the property, the additional $15,263 should reduce money owed on the purchase to $20,737, based on the fair market value of $75,000 for the fire station development site on Hope Avenue.

Except for the Airport Community Room/Museum/Classroom and the purchase of the Woodmansee Hangar for the airport business and operations office and aircraft hangar facilities, the projects are consistent with previous approvals. The Airport Community Room designates the former volunteer fire facility as an airport community room, airport museum and classroom for ground schools and other specific uses. About $9,000 is allocated to install sheet rock on two sides with hangar insulation for the remaining perimeter. Currently, the room has been used for airport tenant meetings. The new community room would be available to airport tenants and community based organizations for this purpose. Potentially, in the future it could be further developed by the City and tenant(s) in partnership, as a fully functional classroom to support airport users.

The Wood manse Hangar is being investigated as an Airport business and operations office. The current office would become a pilot flight planning room. Purchasing the Woodmansee Hangar would create essentially a city operational block at the Airport and would consolidate city uses.

**Golf Course Operations:** The proposed budget projects another stable year financially. Revenue is expected to remain flat for the third consecutive year. The recently completed improvements to the driving range, new junior player and ladies programs introduced by the Head Professional, are projected to stimulate an increase in play for future years. The regular golf cart replacements are scheduled for this year, with the number of carts available assisting to better attract small tournaments and special group events.

The General Fund continues to reimburse the Golf Course for the overhead allocation averaging about $27,000 per year. In FY2008-09, the Golf Course will receive a total of $59,000 from the General Fund to cover the overhead allocation plus additional financial support.

**Water Funds:** The Budget defines major activities in the Fund this year including important projects such as the Eastside tanks, Martin Hill reservoir and well development projects. The City is securing CIEDB loan monies to cover the costs of these projects. The last few years’ revenues are declining compared to growing expenses, in part to water conservation efforts. This places pressure on rate levels. It is proposed to increase the water meter rate to cover debt payment obligations on the CIEDB loan. The City will continue to develop supply by completing Well #29 and remains in negotiations to purchase Well #30 near the Airport.

**Risk Management Fund:** The City continues to experience relative stability within the Risk Management Fund, with the Employees Medical program experiencing the most significant recent increases in expenditures. During FY2006-2007, the Employee Medical program
experienced a positive balance of $15,983, which was a tremendous turnaround from significant losses the Fund experienced in previous years, with a $500,000 loss as recently as FY2003-2004. It is proposed that $124,000 of Fund monies be appropriated for the replacement of pavilions at both Murry and Zalud Parks, and $36,000 be re-appropriated for safety improvements to the Lion’s Park playground.

**Equipment Maintenance Fund:** The Fund handles the operations of the City Shop. Rate adjustments will become effective July 1, 2008 to ensure the continued solvency of the fund.

**Building Construction Fund:** Monies for this fund will be re-appropriated to install a sound system for Centennial Park and its environs.

In summary, the proposed budget reflects spending priorities consistent with the City Council Priority Projects. The three-year budget concept and annual budget with periodic review is presented as a successful approach to address revenue raising and spending planning.

A preliminary budget study session has been scheduled for May 12, 2008 and a Public Hearing for June 3, 2008.

Sincerely,

Maria Bemis
Chief Finance Officer

John Longley
City Manager

John Lollis
Deputy City Manager
RESOLUTION NO. __________


WHEREAS, the City Manager, under provisions of the City Charter of the City of Porterville, has presented to the City Council for its consideration, a proposed General Fund Operating and Capital Improvement Budget for the period beginning July 1, 2008, and ending June 30, 2009; and

WHEREAS, the City Council after thorough review, has determined said budget, as modified and corrected, is in all respects suitable and adequate for the purposes of said budgets and cover the necessary expenses of the General Fund of the City of Porterville for the 2008-2009 Fiscal Year based on the cash reserves balance;

NOW, THEREFORE, BE IT RESOLVED

1. The City of Porterville General Fund Budget for the 2008-2009 fiscal year is adopted in the following amounts:

<table>
<thead>
<tr>
<th>Budget Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Budget</td>
<td>$21,699,158</td>
</tr>
<tr>
<td>Capital Projects</td>
<td>2,010,925</td>
</tr>
<tr>
<td>Debt Service</td>
<td>1,823,504</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$25,533,587</strong></td>
</tr>
</tbody>
</table>

2. Staff will update Council on the condition of the budget and ongoing validity of assumptions utilized to create it during the months of November and January and April of the fiscal year, or at any time information becomes available that would alter the viability of this budget.
3. The City Manager is authorized to transfer General Fund operating budget appropriations between functions as required.

4. Increased service levels that require additional appropriations shall not be implemented without prior City Council approval.

ATTEST:

______________________________
Cameron Hamilton, Mayor

______________________________
John Longley, City Clerk
RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE ADOPTING THE SPECIAL REVENUE,
ENTERPRISE, INTERNAL SERVICE AND CAPITAL
BUDGETS FOR FISCAL YEAR 2008-2009

WHEREAS, the City Manager, under provisions of the City Charter of the City of Porterville, has presented to the City Council for its consideration, a proposed Operating and Capital Improvement Budget for the period beginning July 1, 2008, and ending June 30, 2009; and

WHEREAS, the City Council after thorough review, has determined said budgets, as modified and corrected, are in all respects suitable and adequate for the purposes of said budgets and cover the necessary expenses of the Special Revenue, Enterprise and Internal Service Funds of the City of Porterville for the 2008-2009 Fiscal Year:

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Porterville Special Revenue, Enterprise and Internal Service Funds budgets for the 2008-2009 fiscal year are adopted in the following amounts:

   Operating Budget             $29,934,404
   Capital Projects             33,235,399
   Debt Service                 2,389,522
   Total                        $65,559,325

2. Pursuant to Ordinance No. 1684, the Porterville Police, Fire and Emergency Response 9-1-1 Measure Expenditure Plan, is hereby recertified for the 2008-2009 fiscal year and the document, attached as Exhibit "A", reflects the financial consequences of the receipt, expenditure and allocation of Measure H Sales Tax Revenues for the 2008-2009 fiscal year.

3. Increased service levels that require additional appropriations shall not be implemented without prior City Council approval.

ATTEST:

Cameron Hamilton, Mayor

John Longley, City Clerk
MEASURE H EXPENDITURE PLAN

Proposed Expenditure Plan for the City of Porterville Public Safety Sales Tax Measure Based on 1/2 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 2008-09 Additional Sales Tax Revenues (Third full F/Y) $2,800,000**

Interest $50,000**

Increase Police Sworn by 1 additional position to the base $91,000
Maintain Expanded Patrol Operations $650,000**
Maintain Expanded Gang Suppression and Narcotics Operations $490,871**
Maintain 8 additional Sworn Fire personnel $745,578**
Safety Equipment $255,000**
Maintain Literacy Programs/hours $340,972**
Expand Homework Assistance and Creative Expression Program $86,528
Increase Established Capital Reserve Fund for New Fire Station $**

Subtotal $2,659,949

Allocation for Facility Planning for the Library Building Project as a Literacy Project $220,000**
Allocation for Land Acquisition for Fire Station #3 $500,000**

Subtotal $720,000**

Total 2008-09 Fiscal Year Expenditures $3,379,949**

* Assumptions consistent with original Ordinance 1684.
** Certification of new amount and revision of Measure H Expenditure Plan.

John Longley, City Manager/City Clerk
June 17, 2008
PUBLIC HEARING

SUBJECT: PROPOSED CITY ORDINANCES REGARDING REGULATION OF PARKING ON LAWNS AND UNIMPROVED SURFACES

SOURCE: CITY ATTORNEY’S OFFICE

COMMENT: Pursuant to direction of the City Council at the June 3, 2008 City Council Meeting, attached are draft regulations that if adopted would prohibit the parking or storing of vehicles on front yard setbacks except in areas defined as “driveways” or “improved areas.” The draft ordinance also contains the prohibition on the storing of vehicles on blocks, jacks, or stands, but also clarifies that this prohibition should be read in conjunction with the City’s regulations concerning inoperable/abandoned vehicles.

While the first ordinance will not apply to properties that do not have a driveway, a separate draft ordinance (amending the zoning ordinance) is also provided that would require all new residences be constructed with paved driveways, and that improvements to existing residences at a cost of $25,000 or more (in a two year period) will trigger a requirement for the installation of a paved driveway. The latter draft ordinance also contains exemption language consistent with the cost exemptions allowed concerning the installation of curb or sidewalk concrete improvements.

RECOMMENDATION: That the City Council:

1) Hold the public hearing and consider any and all public testimony concerning the proposed regulations; and
2) Consider Draft Ordinance No. 1741 and No. 1742 for approval and first reading, and order the ordinances to print.

ATTACHMENTS: 1) Draft Ordinance No. 1741, An Ordinance of the City Council of the City of Porterville Amending Section 18-25 of Chapter 18, Article I of the Porterville Municipal Code Regarding Non-Driveway Parking;

2) Draft Ordinance No. 1742, An Ordinance of the City Council of the City of Porterville Amending Appendix A (Zoning), Article 26, Section 2621 of the Porterville Municipal Code Regarding Development Standards in Residential Zones;

3) Chapter 17, Article 17 of the Municipal Code (Inoperable Vehicles); and

4) Section 20-40.3 of the Municipal Code

Item No. 18
ORDINANCE NO. 1741

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 18-25 OF CHAPTER 18, ARTICLE I OF THE
PORTERVILLE MUNICIPAL CODE REGARDING NON-DRIVEWAY PARKING

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

Section 1.  Code Amendment.  Chapter 18, Section 18-25 of the
Porterville Municipal Code is hereby amended to read as follows:

Section 18-25 Parking or Storing of Vehicles on Lawns

A.  Purpose/Findings.

The Parking or storing of vehicles on residential area lawns is
unsightly, poses a potential threat to groundwater quality, and
constitutes a public nuisance.

B.  Definitions

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

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

3. Park or store:  The parking or storing of a vehicle for any period of
time.

C.  Prohibition

1. The parking of vehicles is prohibited on any front yard setback
   within a residentially zoned area, except in an area defined as a
   driveway or improved area.  This prohibition shall not apply to
   properties that do not have a driveway or improved area as defined
   in this Section.

2. The parking or storing of vehicles on blocks, jacks, or stands,
   regardless of whether said vehicle is on a non-driveway area or a
driveway or improved area, is prohibited. To the extent said vehicles are abandoned, wrecked, dismantled or in an inoperative condition, Chapter 17, Article 17 of this Code shall apply.

**Section 2.** *Severability.* Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

**Section 3.** *Effective Date.* This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

**Section 4.** *Certification.* The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

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

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

__________________________
By: Patrice Hildreth, Chief Deputy
ORDINANCE NO. 1742

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING APPENDIX A (ZONING), ARTICLE 26, SECTION 2621 OF THE
PORTERVILLE MUNICIPAL CODE REGARDING DEVELOPMENT
STANDARDS IN RESIDENTIAL ZONES

WHEREAS, the City Council of the City of Porterville wishes to require
that new residential properties be built with paved driveways, and that existing
residential properties be required to construct paved driveways when undertaking
construction of improvements in the amount of $25,000 or more;

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

Section 1. Code Amendment. Appendix A (Zoning), Article 26, Section
2621 of the Porterville Municipal Code is hereby amended to read as follows:

Section 18-2621 Development Standards in Residential Zones

A. The following minimum standards shall apply to all single-family structures in
the R-A, R-E, R-1-8, R-1, R-2, R-3 and R-4 zones.

(1) The minimum width of a residential structure shall be twenty (20) feet.

(2) Exterior siding materials for any residential structure shall be stucco,
wood, masonry, or any combination of the above or equivalent, alternate
acceptable to the building official, said exterior siding material shall extend
to the top of the perimeter foundation or to the ground if other than a
perimeter foundation is used.

(3) Roof materials shall be tile, wood shake or shingle, asphalt composition or
equivalent alternate acceptable to the building official.

(4) Energy conservation requirement shall be a minimum of R-19 for roofs, R-
11 for walls, and R-11 for floors if appropriate.

(5) The construction of new residences shall include the construction of a
paved driveway consisting of asphalt, concrete or other surface materials
approved by the Zoning Administrator. Owners of residences without a
paved driveway, when making residential improvements at a cost of
$25,000 or more within a two (2) year period, shall be required to
construct a paved driveway on the property in conformity with this section.
This requirement shall not apply to repair and maintenance as specified in
and as limited by 20-40.3 of this Code.

ATTACHMENT 2
B. Variance from the standards listed above may be approved by the zoning administrator under procedures contained in article thirty, provided that the alternative proposed is at least the equal in quality both in functions and appearance to the standard or material specified.

C. Standards for manufactured homes.

(1) The installation of a manufactured home in accordance with section 201 A(1) or 221 A(1) of Ordinance No. 1198 shall not be permitted if more than ten (10) years have elapsed between the date of manufacture of the manufactured home and the date of issuance of a permit to install the manufactured home.

(2) Every manufactured home for which a permit is issued after the effective date of this ordinance, May 18, 1989, shall comply with the following architectural requirements:

a. Roof overhang: Shall not be less than twelve (12) inches around the entire perimeter of the manufactured home as measured from the vertical side of the home. The overhang requirement may be waived at the point of connection where an accessory structure is attached to the manufactured home.

b. Roof material: Shall consist of material customarily used for conventional one-family dwellings, such as tile, composition shingles, and wood shakes and shingles. If shingles and/or wood shakes are used, the pitch of the roof shall be not less than a nominal three (3) inches vertical to twelve (12) inches horizontal.

c. Siding material: Shall consist of exterior material customarily used for conventional one-family dwellings, such as stucco, wood, brick, stone or decorative concrete. Metal siding, if utilized, shall be non-reflective and horizontally lapping. Siding material utilized as skirting shall be the same as the material used on the exterior wall surface of the manufactured home.

d. Skirting: All mobilehomes and manufactured homes for which a permit is issued after the effective date of this ordinance, May 18, 1989, shall have the perimeter of the space between the ground and undercarriage of the mobile-home structure enclosed by construction materials approved pursuant to the Uniform Building Code, as adopted by the City of Porterville Municipal Code. Such requirement shall also be applicable to a mobilehome or manufactured home which is to be placed on a foundation system pursuant to section 18551 of the Health and Safety Code of the State of California.
Section 2. _Severability_. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 3. _Effective Date_. This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

Section 4. _Certification_. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

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

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy
CHAPTER 17
MOTOR VEHICLES AND TRAFFIC

ARTICLE XVII. ABATEMENT AND REMOVAL
OF ABANDONED VEHICLES

SECTION:
17-17: Parking And Storing Prohibited
17-17. 1: Misdemeanor
17-17. 2: Public Nuisance; Definitions
17-17. 3: Exceptions
17-17. 4: Supplement To Other Codes, Regulations
17-17. 5: Enforcement
17-17. 6: Franchise
17-17. 7: Administrative Costs
17-17. 8: Notice Of Abatement Or Removal
17-17. 9: Request For Hearing
17-17.10: Procedure For Hearing
17-17.11: Appeals

17-17: PARKING AND STORING PROHIBITED: It shall be unlawful and a misdemeanor for any person to abandon, park, store or leave or permit the abandonment, parking, storing or leaving of any licensed vehicle or part thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property not including highways within the city for a period in excess of ten (10) days unless such vehicle or part thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with a business of a licensed dismantler, licensed vehicle dealer or a junkyard. (Ord. 1162 § 1, 12-5-1978)

17-17.1: MISDEMEANOR: It shall be unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned,
wrecked, dismantled or inoperative vehicle or part thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this article or state law where such state law is applicable. (Ord. 1162 § 1, 12-5-1978)

17-17.2: PUBLIC NUISANCE; DEFINITIONS: In addition to and in accordance with the determination made and the authority granted by the state of California under section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the city hereby makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property not including highways is hereby found to create a condition tending to reduce the value of private property; to promote blight and deterioration; to invite plundering; to create fire hazards; to constitute an attractive nuisance creating a hazard to the health and safety of minors; to create a harborage for rodents and insects; and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this article. As used in this article, the following terms shall mean:

HIGHWAY: A way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

PUBLIC PROPERTY: This term does not include "highway".

VEHICLE: A device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. (Ord. 1162 § 1, 12-5-1978)

17-17.3: EXCEPTIONS: This article shall not apply to:

A. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or

City of Porterville
other public or private property, or located behind a solid fence six feet (6') in height or which is not plainly visible from a highway.

B. A vehicle or part thereof which is stored or parked by a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than chapter 10 (commencing with section 22650) of division 11 of the Vehicle Code and this article. (Ord. 1162 § 1, 12-5-1978)

17-17.4: SUPPLEMENT TO OTHER CODES, REGULATIONS: This article is not exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, the state or any other legal entity or agency having jurisdiction. (Ord. 1162 § 1, 12-5-1978)

17-17.5: ENFORCEMENT: Except as otherwise provided herein, the provisions of this article shall be administered and enforced by the city manager or his duly appointed agent. In the enforcement of this article, such officer and his deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle declared to be a nuisance pursuant to this article. (Ord. 1162 § 1, 12-5-1978)

17-17.6: FRANCHISE: When the city council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article. (Ord. 1162 § 1, 12-5-1978)

17-17.7: ADMINISTRATIVE COSTS: The city council has determined that the administrative costs shall be fixed by resolution. (Ord. 1162 § 1, 12-5-1978; Ord. 1167 § 1, 2-20-1979)
NOTICE OF ABATEMENT OR REMOVAL:

A. A ten (10) day notice of intention to abate and remove the vehicle or parts thereof as a public nuisance shall be mailed by registered mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to Chapter 17, Section 17-17.2 of the Porterville City Code has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to ______________, license number __________, which constitutes a public nuisance pursuant to the provisions of Chapter 17, Section 17-17.2 of the Porterville City Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City of Porterville and the costs thereof, together with administrative costs, assessed to you as the owner of the land on which said vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the City Manager within such 10-day period, the locally designated officer shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing.

City of Porterville
You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed__________________
/s/______________________________
City Manager or duly appointed agent

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of last registered and/or legal owner of record of vehicle - Notice should be given to both if different)

As last registered (and/or legal) owner of record of (description of vehicle - Make, model, license, etc.), you are hereby notified that the undersigned, pursuant to Chapter 17, Section 17-17.2 of the Porterville City Code, has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Chapter 17-17.2 of the Porterville City Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice.

As registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 10 days after the mailing of the notice of intention, request a public hearing and if such a request is not received by the City Manager
within such 10-day period, the locally designated officer shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

Notice Mailed

/s/

City Manager Or duly appointed agent

B. Notice shall be given to the department of motor vehicles within five (5) days after the date of removal identifying the vehicle or part thereof and any evidence of registration available, including, but not limited to, the registration card, certificates of ownership or license plates. (Ord. 1537 § B58, 8-6-1996)

17-17.9: REQUEST FOR HEARING: Upon request by the owner of the vehicle or owner of the land received by the city manager within ten (10) days after the mailing of the notice of intention to abate and remove, a public hearing shall be held by the city council on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten (10) day period, said statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least ten (10) days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within ten (10) days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing. (Ord. 1162 § 1, 12-5-1978)

17-17.10: PROCEDURE FOR HEARING: All hearings under this article shall be held before the chief of police, who shall hear all facts and testimony he deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or parts thereof and the

City of Porterville
circumstances concerning its location on the private property or public property.

The chief of police shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing, or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The chief of police may impose such conditions and take such action as he deems appropriate under the circumstances to carry out the purpose of this article. He may delay the time for the removal of the vehicle or parts thereof if, in his opinion, the circumstances justify it. At the conclusion of the hearing, the chief of police may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the chief of police shall not assess the cost of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

If the owner of the land submits a sworn statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the chief of police but does not appear, he shall be notified in writing of the decision. (Ord. 1162 § 1, 12-5-1978; Ord. 1167 § 3, 2-20-1979)

17-17.11:  **APPEALS:** In the case of any contested hearing, the owner of the land contesting said hearing shall have the right to appear before the city council and present evidence relevant to the matters being contested. Said appeal shall be conducted in the written communications portion of the council meeting and thus must be preceded by written notification from the owner of the land to the council. The findings of the council shall be final. (Ord. 1167 § 4, 2-20-1979)
20-40.3: REPAIR AND MAINTENANCE OF RESIDENTIAL BUILDINGS; APPLICATION OF PROVISIONS:

A. Whenever it is deemed by the city that in the best interest of public health, safety or welfare it is necessary to maintain and repair a building or dwelling used exclusively for residential purposes or to correct damage caused by fire, flood, earthquake or act of God, the provisions of this article and chapter shall not apply, unless that within any consecutive twelve (12) month period the total dollar amount of building permits issued to maintain and repair the building or dwelling will exceed fifty percent (50%) of the total current building cost value of the building or dwelling following the completion of the repairs. As used herein the term “necessary maintenance and repair” shall be defined as maintenance and repair required by any law, ordinance, code or regulation of any political subdivision in effect in the city of Porterville.

B. Whenever it is deemed by the city that improvements, maintenance, or repairs to a building or dwelling used exclusively for residential purposes are for the purpose of weatherization, the provisions of this article and chapter shall not apply, unless that within any consecutive twelve (12) month period the total dollar amount of building permits issued to maintain and repair the building or dwelling will exceed fifty percent (50%) of the total current building cost value of the building or dwelling following the completion of the repairs. (Ord. 826 § A, 8-5-1965; Ord. 1070 § B, 1-28-1975; Ord. 1644 § 3, 1-20-2004)
PUBLIC HEARING

SUBJECT: PROPOSED CITY ORDINANCES REGARDING REGULATION OF PARKING ON LAWNS AND UNIMPROVED SURFACES

SOURCE: CITY ATTORNEY'S OFFICE

COMMENT: Pursuant to direction of the City Council at the June 3, 2008 City Council Meeting, attached are draft regulations that if adopted would prohibit the parking or storing of vehicles on front yard setbacks except in areas defined as “driveways” or “improved areas.” The draft ordinance also contains the prohibition on the storing of vehicles on blocks, jacks, or stands, but also clarifies that this prohibition should be read in conjunction with the City’s regulations concerning inoperable/abandoned vehicles.

While the first ordinance will not apply to properties that do not have a driveway, a separate draft ordinance (amending the zoning ordinance) is also provided that would require all new residences be constructed with paved driveways, and that improvements to existing residences at a cost of $25,000 or more (in a two year period) will trigger a requirement for the installation of a paved driveway. The latter draft ordinance also contains exemption language consistent with the cost exemptions allowed concerning the installation of curb or sidewalk concrete improvements.

RECOMMENDATION: That the City Council:

1) Hold the public hearing and consider any and all public testimony concerning the proposed regulations; and
2) Consider Draft Ordinance No. 1741 and No.1742 for approval and first reading, and order the ordinances to print.

ATTACHMENTS: 1) Draft Ordinance No. 1741, An Ordinance of the City Council of the City of Porterville Amending Section 18-25 of Chapter 18, Article I of the Porterville Municipal Code Regarding Non-Driveway Parking;

2) Draft Ordinance No. 1742, An Ordinance of the City Council of the City of Porterville Amending Appendix A (Zoning), Article 26, Section 2621 of the Porterville Municipal Code Regarding Development Standards in Residential Zones;

3) Chapter 17, Article 17 of the Municipal Code (Inoperable Vehicles); and

4) Section 20-40.3 of the Municipal Code
ORDINANCE NO. 1741

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 18-25 OF CHAPTER 18, ARTICLE I OF THE
PORTERVILLE MUNICIPAL CODE REGARDING NON-DRIVEWAY PARKING

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

Section 1. Code Amendment. Chapter 18, Section 18-25 of the
Porterville Municipal Code is hereby amended to read as follows:

Section 18-25 Parking or Storing of Vehicles on Lawns

A. Purpose/Findings.

The Parking or storing of vehicles on residential area lawns is
unsightly, poses a potential threat to groundwater quality, and
constitutes a public nuisance.

B. Definitions

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

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

3. Park or store: The parking or storing of a vehicle for any period of
time.

C. Prohibition

1. The parking of vehicles is prohibited on any front yard setback
within a residentially zoned area, except in an area defined as a
driveway or improved area. This prohibition shall not apply to
properties that do not have a driveway or improved area as defined
in this Section.

2. The parking or storing of vehicles on blocks, jacks, or stands,
regardless of whether said vehicle is on a non-driveway area or a
driveway or improved area, is prohibited. To the extent said vehicles are abandoned, wrecked, dismantled or in an inoperative condition, Chapter 17, Article 17 of this Code shall apply.

**Section 2. Severability.** Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

**Section 3. Effective Date.** This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

**Section 4. Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

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

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

__________________________
By: Patrice Hildreth, Chief Deputy
ORDINANCE NO. 1742

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING APPENDIX A (ZONING), ARTICLE 26, SECTION 2621 OF THE PORTERVILLE MUNICIPAL CODE REGARDING DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES

WHEREAS, the City Council of the City of Porterville wishes to require that new residential properties be built with paved driveways, and that existing residential properties be required to construct paved driveways when undertaking construction of improvements in the amount of $25,000 or more;

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

Section 1. Code Amendment. Appendix A (Zoning), Article 26, Section 2621 of the Porterville Municipal Code is hereby amended to read as follows:

Section 18-2621 Development Standards in Residential Zones

A. The following minimum standards shall apply to all single-family structures in the R-A, R-E, R-1-8, R-1, R-2, R-3 and R-4 zones.

(1) The minimum width of a residential structure shall be twenty (20) feet.

(2) Exterior siding materials for any residential structure shall be stucco, wood, masonry, or any combination of the above or equivalent, alternate acceptable to the building official, said exterior siding material shall extend to the top of the perimeter foundation or to the ground if other than a perimeter foundation is used.

(3) Roof materials shall be tile, wood shake or shingle, asphalt composition or equivalent alternate acceptable to the building official.

(4) Energy conservation requirement shall be a minimum of R-19 for roofs, R-11 for walls, and R-11 for floors if appropriate.

(5) The construction of new residences shall include the construction of a paved driveway consisting of asphalt, concrete or other surface materials approved by the Zoning Administrator. Owners of residences without a paved driveway, when making residential improvements at a cost of $25,000 or more within a two (2) year period, shall be required to construct a paved driveway on the property in conformity with this section. This requirement shall not apply to repair and maintenance as specified in and as limited by 20-40.3 of this Code.

ATTACHMENT 2
B. Variance from the standards listed above may be approved by the zoning administrator under procedures contained in article thirty, provided that the alternative proposed is at least the equal in quality both in functions and appearance to the standard or material specified.

C. Standards for manufactured homes.

(1) The installation of a manufactured home in accordance with section 201 A(1) or 221 A(1) of Ordinance No. 1198 shall not be permitted if more than ten (10) years have elapsed between the date of manufacture of the manufactured home and the date of issuance of a permit to install the manufactured home.

(2) Every manufactured home for which a permit is issued after the effective date of this ordinance, May 18, 1989, shall comply with the following architectural requirements:

a. *Roof overhang*: Shall not be less than twelve (12) inches around the entire perimeter of the manufactured home as measured from the vertical side of the home. The overhang requirement may be waived at the point of connection where an accessory structure is attached to the manufactured home.

b. *Roof material*: Shall consist of material customarily used for conventional one-family dwellings, such as tile, composition shingles, and wood shakes and shingles. If shingles and/or wood shakes are used, the pitch of the roof shall be not less than a nominal three (3) inches vertical to twelve (12) inches horizontal.

c. *Siding material*: Shall consist of exterior material customarily used for conventional one-family dwellings, such as stucco, wood, brick, stone or decorative concrete. Metal siding, if utilized, shall be non-reflective and horizontally lapping. Siding material utilized as skirting shall be the same as the material used on the exterior wall surface of the manufactured home.

d. *Skirting*: All mobilehomes and manufactured homes for which a permit is issued after the effective date of this ordinance, May 18, 1989, shall have the perimeter of the space between the ground and undercarriage of the mobile-home structure enclosed by construction materials approved pursuant to the Uniform Building Code, as adopted by the City of Porterville Municipal Code. Such requirement shall also be applicable to a mobilehome or manufactured home which is to be placed on a foundation system pursuant to section 18551 of the Health and Safety Code of the State of California.
Section 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 3. Effective Date. This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

Section 4. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

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

________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

________________________
By: Patrice Hildreth, Chief Deputy
CHAPTER 17
MOTOR VEHICLES AND TRAFFIC

ARTICLE XVII. ABATEMENT AND REMOVAL
OF ABANDONED VEHICLES

SECTION:
17-17: Parking And Storing Prohibited
17-17. 1: Misdemeanor
17-17. 2: Public Nuisance; Definitions
17-17. 3: Exceptions
17-17. 4: Supplement To Other Codes, Regulations
17-17. 5: Enforcement
17-17. 6: Franchise
17-17. 7: Administrative Costs
17-17. 8: Notice Of Abatement Or Removal
17-17. 9: Request For Hearing
17-17.10: Procedure For Hearing
17-17.11: Appeals

17-17: PARKING AND STORING PROHIBITED: It shall be unlawful and a misdemeanor for any person to abandon, park, store or leave or permit the abandonment, parking, storing or leaving of any licensed vehicle or part thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property not including highways within the city for a period in excess of ten (10) days unless such vehicle or part thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with a business of a licensed dismantler, licensed vehicle dealer or a junkyard. (Ord. 1162 § 1, 12-5-1978)

17-17.1: MISDEMEANOR: It shall be unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned,
wrecked, dismantled or inoperative vehicle or part thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this article or state law where such state law is applicable. (Ord. 1162 § 1, 12-5-1978)

17-17.2: PUBLIC NUISANCE; DEFINITIONS: In addition to and in accordance with the determination made and the authority granted by the state of California under section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the city hereby makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property not including highways is hereby found to create a condition tending to reduce the value of private property; to promote blight and deterioration; to invite plundering; to create fire hazards; to constitute an attractive nuisance creating a hazard to the health and safety of minors; to create a harborage for rodents and insects; and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this article. As used in this article, the following terms shall mean:

HIGHWAY: A way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

PUBLIC PROPERTY: This term does not include "highway".

VEHICLE: A device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. (Ord. 1162 § 1, 12-5-1978)

17-17.3: EXCEPTIONS: This article shall not apply to:

A. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or

City of Porterville
other public or private property, or located behind a solid fence six feet (6') in height or which is not plainly visible from a highway.

B. A vehicle or part thereof which is stored or parked by a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than chapter 10 (commencing with section 22650) of division 11 of the Vehicle Code and this article. (Ord. 1162 § 1, 12-5-1978)

17-17.4: SUPPLEMENT TO OTHER CODES, REGULATIONS: This article is not exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, the state or any other legal entity or agency having jurisdiction. (Ord. 1162 § 1, 12-5-1978)

17-17.5: ENFORCEMENT: Except as otherwise provided herein, the provisions of this article shall be administered and enforced by the city manager or his duly appointed agent. In the enforcement of this article, such officer and his deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle declared to be a nuisance pursuant to this article. (Ord. 1162 § 1, 12-5-1978)

17-17.6: FRANCHISE: When the city council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article. (Ord. 1162 § 1, 12-5-1978)

17-17.7: ADMINISTRATIVE COSTS: The city council has determined that the administrative costs shall be fixed by resolution. (Ord. 1162 § 1, 12-5-1978; Ord. 1167 § 1, 2-20-1979)
NOTICE OF ABATEMENT OR REMOVAL:

A. A ten (10) day notice of intention to abate and remove the vehicle or parts thereof as a public nuisance shall be mailed by registered mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to Chapter 17, Section 17-17.2 of the Porterville City Code has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to ________________, license number __________, which constitutes a public nuisance pursuant to the provisions of Chapter 17, Section 17-17.2 of the Porterville City Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City of Porterville and the costs thereof, together with administrative costs, assessed to you as the owner of the land on which said vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the City Manager within such 10-day period, the locally designated officer shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing.
You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed_________________
/s/__________________________
City Manager or duly appointed agent

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of last registered and/or legal owner of record of vehicle - Notice should be given to both if different)

As last registered (and/or legal) owner of record of (description of vehicle - Make, model, license, etc.), you are hereby notified that the undersigned, pursuant to Chapter 17, Section 17-17.2 of the Porterville City Code, has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Chapter 17-17.2 of the Porterville City Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice.

As registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 10 days after the mailing of the notice of intention, request a public hearing and if such a request is not received by the City Manager

City of Porterville
within such 10-day period, the locally designated officer shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

Notice Mailed______________________________
/s/_______________________________
City Manager Or duly appointed agent

B. Notice shall be given to the department of motor vehicles within five (5) days after the date of removal identifying the vehicle or part thereof and any evidence of registration available, including, but not limited to, the registration card, certificates of ownership or license plates. (Ord. 1537 § B58, 8-6-1996)

17-17.9: REQUEST FOR HEARING: Upon request by the owner of the vehicle or owner of the land received by the city manager within ten (10) days after the mailing of the notice of intention to abate and remove, a public hearing shall be held by the city council on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten (10) day period, said statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least ten (10) days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within ten (10) days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing. (Ord. 1162 § 1, 12-5-1978)

17-17.10: PROCEDURE FOR HEARING: All hearings under this article shall be held before the chief of police, who shall hear all facts and testimony he deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or parts thereof and the
circumstances concerning its location on the private property or public property.

The chief of police shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing, or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The chief of police may impose such conditions and take such action as he deems appropriate under the circumstances to carry out the purpose of this article. He may delay the time for the removal of the vehicle or parts thereof if, in his opinion, the circumstances justify it. At the conclusion of the hearing, the chief of police may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the chief of police shall not assess the cost of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

If the owner of the land submits a sworn statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the chief of police but does not appear, he shall be notified in writing of the decision. (Ord. 1162 § 1, 12-5-1978; Ord. 1167 § 3, 2-20-1979)

17-17.11: **APPEALS:** In the case of any contested hearing, the owner of the land contesting said hearing shall have the right to appear before the city council and present evidence relevant to the matters being contested. Said appeal shall be conducted in the written communications portion of the council meeting and thus must be preceded by written notification from the owner of the land to the council. The findings of the council shall be final. (Ord. 1167 § 4, 2-20-1979)
20-40.3: REPAIR AND MAINTENANCE OF RESIDENTIAL BUILDINGS; APPLICATION OF PROVISIONS:

A. Whenever it is deemed by the city that in the best interest of public health, safety or welfare it is necessary to maintain and repair a building or dwelling used exclusively for residential purposes or to correct damage caused by fire, flood, earthquake or act of God, the provisions of this article and chapter shall not apply, unless that within any consecutive twelve (12) month period the total dollar amount of building permits issued to maintain and repair the building or dwelling will exceed fifty percent (50%) of the total current building cost value of the building or dwelling following the completion of the repairs. As used herein the term "necessary maintenance and repair" shall be defined as maintenance and repair required by any law, ordinance, code or regulation of any political subdivision in effect in the city of Porterville.

B. Whenever it is deemed by the city that improvements, maintenance, or repairs to a building or dwelling used exclusively for residential purposes are for the purpose of weatherization, the provisions of this article and chapter shall not apply, unless that within any consecutive twelve (12) month period the total dollar amount of building permits issued to maintain and repair the building or dwelling will exceed fifty percent (50%) of the total current building cost value of the building or dwelling following the completion of the repairs. (Ord. 826 § A, 8-5-1965; Ord. 1070 § B, 1-28-1975; Ord. 1644 § 3, 1-20-2004)
PUBLIC HEARING

SUBJECT: REIMBURSEMENT AGREEMENT FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY – DATE AVENUE RECONSTRUCTION PROJECT, MAIN STREET TO CORNELL STREET

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place for a Public Hearing to discuss the establishment of a reimbursement fee for the construction of concrete improvements by the City during the Date Avenue Reconstruction Project, Main Street to Cornell Street. The concrete improvements include curbs, gutters, sidewalks and drive approaches in front of undeveloped properties and/or developed properties that lack these public improvements.

Section 20-40.1 of the Municipal Code stipulates that concrete improvements, once constructed, shall be reimbursed to the City of Porterville upon the issuance of a new building permit. Section 20-40.2 of the Municipal Code allows the City to recover the cost of the concrete improvements when the owner pulls a building permit(s) from the City and said permit(s) has a valuation of $17,544 or more within a two (2) year period.

Section 20-40.8 of the Municipal Code requires that each property owner affected by the project be notified of this Public Hearing. The owners have been notified of this meeting and made aware of the reimbursement amount due upon development of their property in accordance with Section 20-40.2 of the Municipal Code.

Upon approval of the attached Resolution, the City will record a general notice of "reimbursement fee" with the office of the Tulare County Clerk-Recorder. The recorded document will officially notify the current owner and potential buyers that the property is subject to a concrete reimbursement fee.

Staff has calculated the cost of the concrete improvements constructed as a part of the project. The calculations are based on actual costs incurred by the City. A map of the affected property owners and the associated concrete reimbursement fee is attached for Council’s reference.

Dir Appropriated/Funded CM Item No. 19
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE IMPLEMENTING DEVELOPMENT CHARGES FOR CONSTRUCTION OF CURB, GUTTER, SIDEWALK AND DRIVE APPROACH IMPROVEMENTS IN CONNECTION WITH THE DATE AVENUE RECONSTRUCTION PROJECT, MAIN STREET TO CORNELL STREET

WHEREAS, the City of Porterville ("City") has installed street improvements (i.e., sidewalk, curb, gutter and driveways) to serve properties with the Date Avenue Reconstruction Project, shown on the locator map (Exhibit "A") attached hereto and hereby made a part hereof; and

WHEREAS, City has paid the entire cost of the construction of said street improvements as shown in the tabulation contained in Exhibit "B", which is attached and made a part hereof; and

WHEREAS, construction of said street improvements, including curb, gutter, sidewalk and drive approaches, was necessary to properly finish the street; and

WHEREAS, the property owner benefits from the improvements constructed across the frontage of his/her property; and

WHEREAS, equitable distribution of the cost of constructing said street improvements can only be obtained if the owner pays for the portion of construction of the improvements that benefit his/her property; and

WHEREAS, the owners of adjacent property have not paid, assumed or discharged any of the costs in connection with the construction of the street improvements listed on Exhibit "B"; and

WHEREAS, the described charges are a one-time charge and shall be used to reimburse the City and pay the City's obligations with regard to the Local Transportation Fund used to fund the Date Avenue Reconstruction Project; and

WHEREAS, the City Council has held a duly noticed public hearing concerning these charges;
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES RESOLVE AS FOLLOWS:

1. The fees as set forth in Exhibit “B” will be required as a condition of development with regard to the properties listed. “Development” shall include building permits for substantial modifications in conformity with Porterville Municipal Code Section 20-40.2 or any other grants of approval for development of the parcel.

2. City shall deposit, invest, account for, and expend the fees, pursuant to the Mitigation Fee Act.

3. For existing single family residences subject to the charge, property owners may, at the time reimbursement is required, enter into a contract with the City for payment of the costs over a five year period.

4. At the time of Development, at the request of the property owner, the City shall verify the costs to the owner by field measurements to ensure the accuracy of the charge.

5. If the Development by the owner requires removal of any portion of the city installed improvements, the cost of such portion of improvements shall be deducted from the cost to be reimbursed by the owner.

6. Upon adoption of this Resolution, City shall record abstracts notifying property owners of the imposition of the charges with the Tulare County Recorder’s Office.

7. The fees shall go into effect in accordance with California law and the specific conditions of approval established concerning the applicable permits and applications.

ADOPTED this _______ day of ____________, 2008.

__________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

__________________________
By Patrice Hildreth, Chief Deputy City Clerk
**Exhibit "B"**

**Date Ave. Reconstruction Project**

**Reimbursement for City Installed Improvements**

<table>
<thead>
<tr>
<th>APN</th>
<th>Owner Address</th>
<th>Owner Address</th>
<th>Curb/Gutter</th>
<th>Sidewalk</th>
<th>Driveway</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>261-080-032</td>
<td>Domingo Gil D &amp; Louisa A - 416 S. Main St.</td>
<td>560 N Ryan Terraces</td>
<td>$2,086.76</td>
<td>$1,269.00</td>
<td>$644.40</td>
<td>$4,010.16</td>
</tr>
<tr>
<td>261-080-037</td>
<td>Benavidez Alejandro &amp; Teresa - 33 E. Date Ave.</td>
<td>33 E Date Ave</td>
<td>$2,740.32</td>
<td>$1,920.42</td>
<td>$298.64</td>
<td>$4,959.38</td>
</tr>
<tr>
<td>261-080-007</td>
<td>Tenberge Bryan C &amp; Maria - 53 E. Date Ave.</td>
<td>4549 Lomina Ave.</td>
<td>$2,076.00</td>
<td>$761.40</td>
<td>$886.05</td>
<td>$3,712.45</td>
</tr>
<tr>
<td>261-080-038</td>
<td>Lambarena Joe F &amp; Belen - 65 E. Date Ave.</td>
<td>1364 N. Lime #B</td>
<td>$1,598.62</td>
<td>$1,049.04</td>
<td>$241.65</td>
<td>$2,889.21</td>
</tr>
<tr>
<td>261-080-039</td>
<td>Lambarena Lila - 79 E. Date Ave.</td>
<td>79 E. Date Ave</td>
<td>$1,808.12</td>
<td>$1,311.30</td>
<td>$163.05</td>
<td>$3,282.47</td>
</tr>
<tr>
<td>261-092-009</td>
<td>Medrano Arturo &amp; Delia - 388 S. Main St.</td>
<td>88 S. Atkins St.</td>
<td>$2,179.80</td>
<td>$1,370.52</td>
<td>$386.64</td>
<td>$3,936.96</td>
</tr>
<tr>
<td>261-093-007</td>
<td>Ruiz Jose A - 40 E. Date Ave.</td>
<td>2202 White Chapel Way</td>
<td>$2,740.32</td>
<td>$1,235.16</td>
<td>$906.60</td>
<td>$4,882.08</td>
</tr>
<tr>
<td>261-093-019</td>
<td>Cruz Joe M &amp; Evaline B (TRS) - 387 S. B St.</td>
<td>25125 Avenue 124</td>
<td>$2,864.88</td>
<td>$1,607.40</td>
<td>$692.73</td>
<td>$5,165.01</td>
</tr>
<tr>
<td>261-094-009</td>
<td>Morales Clemente - 388 S. B St.</td>
<td>360 South H St.</td>
<td>$2,781.84</td>
<td>$1,725.64</td>
<td>$515.52</td>
<td>$5,022.00</td>
</tr>
<tr>
<td>261-094-008</td>
<td>Ortiz Rogelio N &amp; Joandrew Zelency - 387 S. A St.</td>
<td>1370 W. Jean Ave.</td>
<td>$2,864.88</td>
<td>$1,992.72</td>
<td>$354.42</td>
<td>$5,212.02</td>
</tr>
<tr>
<td>261-169-019</td>
<td>Alcantar Miguel &amp; Orfelinda - 182 E. Date Ave.</td>
<td>182 E. Date Ave.</td>
<td>$2,906.40</td>
<td>$1,979.64</td>
<td>$289.96</td>
<td>$5,476.02</td>
</tr>
<tr>
<td>261-169-005</td>
<td>Rodriguez Javier - 381 S. Wallace St.</td>
<td>381 S. Wallace St.</td>
<td>$2,869.44</td>
<td>$2,436.48</td>
<td>$0.00</td>
<td>$5,318.92</td>
</tr>
<tr>
<td>261-168-008</td>
<td>Ramirez Bernabe S &amp; Luz M - 384 S. Wallace</td>
<td>384 S. Wallace St.</td>
<td>$3,010.20</td>
<td>$2,081.16</td>
<td>$354.42</td>
<td>$5,445.78</td>
</tr>
<tr>
<td>261-168-008</td>
<td>Dever Timothy R &amp; Edna A - 389 S. Cornell St.</td>
<td>1000 S Westwood</td>
<td>$2,869.44</td>
<td>$2,436.48</td>
<td>$0.00</td>
<td>$5,406.32</td>
</tr>
<tr>
<td>261-080-036</td>
<td>Monroya Sarah R - 167 E. Date Ave.</td>
<td>492 N Belmont</td>
<td>$2,366.64</td>
<td>$2,470.32</td>
<td>$812.18</td>
<td>$5,449.14</td>
</tr>
</tbody>
</table>

**Totals** | $70,024.12


SUBJECT: ADOPTION OF ORDINANCE ESTABLISHING CITY POLICY ON ROTATIONAL TOW SERVICES

SOURCE: Police Department

COMMENT: The City of Porterville and the Porterville Police Department has a rotational tow list comprised of tow companies that are used for needed tow operations in the City. Currently, the program does not have specific guidelines that regulate the companies, the owners, or the operators and has been operated for many years on unwritten practices. Those practices included limiting the number of tow companies allowed to be on the list at one time, and requirements that tow companies and operators meet most of the standards set forth by the California Highway Patrol. This has worked in the past, but the Police Department believes that an actual ordinance regulating tow services utilized by the City of Porterville should be in place.

The Police Department believes that a codified policy be in place because tow operators provide essential services to the Police Department and the public. However, not all tow operators who desire to provide tow services are capable of fulfilling this role. It would be detrimental to the City’s image to allow those with relevant criminal records or a history of poor operational practices and equipment to provide tow services under City contract. A codified policy will set clear standards, rules and guidelines and ensure that tow operators who respond at the request of City personnel will provide quality service.

RECOMMENDATION: That the City Council:
1) Approve for first reading the proposed ordinance, and order it to print; and
2) Approve the attached Tow Service Agreement.

ATTACHMENTS: 1) Proposed Ordinance
2) Tow Service Agreement

Item No. 20
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE

ARTICLE VII, ROTATIONAL TOW SERVICES, TO CHAPTER 15

OF THE PORTERVILLE MUNICIPAL CODE REGARDING

THE ESTABLISHMENT OF A ROTATION LIST FOR TOWING SERVICES

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

Section 1. Code Amendment. Chapter 15 of the Porterville Municipal Code is hereby amended to add Article VII, Rotational Tow Services, Sections 15-66.1 through 15-66.15, as follows:

ARTICLE VII. ROTATIONAL TOW SERVICES

Sec. 15-66.1 Purpose. The City Council hereby finds that it is in the public interest to establish a rotation list for towing services to provide the police department with an expedient means of moving damaged and disabled vehicles, illegally parked vehicles, vehicles that must be moved for safekeeping and evidentiary purposes, and abandoned, wrecked, dismantled or inoperative vehicles constituting a nuisance.

Sec. 15-66.2 Definitions. "Chief" means the Chief of Police of the City. For purposes of this article, "Chief" also includes any appropriate designee of the Chief of Police.

"Patrol Division Commander" means the person commanding the Patrol Division of the Department.

"Department" means the City Police Department.

"Eligibility list" means the City's list of towing operators who have filed an application to participate in the rotation list and who the chief has determined to be qualified to participate in the rotation list.

"Rotation list" means the City's list of towing operators who have been selected from the eligibility list to be used by the department for the purpose of providing tow truck services in accordance with the provisions of this article.

"Rules and specifications" means the City's rules and specifications for towing services, drivers and vehicle storage facilities, which shall be promulgated by the Patrol Division Commander pursuant to Section 15-68.

"Tow" or "towing" means the act of moving damaged or disabled vehicles, illegally parked vehicles, vehicles that must be moved for safekeeping and evidentiary purposes, and abandoned, wrecked, dismantled or inoperative vehicles constituting a nuisance.

"Tow truck" means a motor vehicle that has been altered or designed and equipped for and exclusively used in the business of towing vehicles by means of a crane, tow bar, tow line, dolly or rollback carrier or is otherwise used to render emergency assistance to disabled and other vehicles.
"Towing operator" means any person, firm or corporation with a valid business license from the city and engaged in the business of towing and storing vehicles in the city.

Sec. 15-66.3 Rules and specifications.
(a) The Patrol Division Commander shall promulgate written rules and specifications governing the provision of towing services, the qualifications and conduct of drivers, and the requirements for vehicle storage facilities. The rules and specifications may be modified from time to time as deemed appropriate by the chief. All towing services provided pursuant to the rotation list shall be subject to the requirements set forth in the rules and specifications.

(b) The rules and specifications shall include, but not be limited to, provisions requiring that all towing operators participating in the rotation list do the following:

1. Obtain a city business license;

2. Enter into a Tow Service Agreement (TSA) with the city;

3. Pass a background check as determined by the Patrol Division Commander, and;

4. Abide by the provisions of this article and the rules and specifications promulgated by the Patrol Division Commander and the Tow Service Agreement.

Sec. 15-66.4 Determination of the number of towing operators needed.
(a) The Patrol Division Commander shall determine the number of towing operators needed to provide towing services to the Police Department. On or before July 1st of each calendar year, the Patrol Division Commander shall make a determination as to the appropriate number of towing operators to be placed on the rotation list for the following year. The Patrol Division Commander's determination shall be based upon the number of towing service providers that may be required by the public convenience and necessity and for the efficient operation of the department. In determining the required number of towing operators, the Patrol Division Commander shall consider the following factors:

1. The operational needs of the police department;

2. The population growth in the city;

3. The additional land area annexed into the city;

4. The number of currently authorized towing operators and their average response times;

5. The administrative burdens imposed by the number of towing operators to be included on the rotation list; and

6. Other relevant, objective factors to be determined by the Patrol Division Commander.

(b) The Patrol Division Commander's determination shall be made in writing and shall include the number of towing operators to be included on the rotation list.
Sec. 15-66.5 Application for Rotation Tow List.
(a) Any persons requesting to be on the PPD rotation tow listing shall submit a letter of interest to the Patrol Division Commander between July 1st and July 15th of each calendar year. This letter of interest shall be accompanied by:

(1) A signed Porterville Police Department Tow Service Agreement;

(2) A completed Rotation Tow Listing Application (CHP 234A)
   (a) Under CHP AREA on the form, mark N/A

(3) A completed Tow Operator/Driver Information form (CHP 234F) for each person who will be driving for the business, and;

(4) All documentation required by the Porterville Police Department Tow Service Agreement, including documentation of a satisfactory Level One inspection and local tow truck inspection.

Sec. 15-66.6 Referral to the Patrol Division Commander.
(a) During July of each calendar year, an open enrollment meeting shall be conducted to discuss any changes in the new TSA as well as any issues concerning the Rotation Tow Program. Upon receiving an application, the Patrol Division Commander shall cause an investigation to be conducted to determine the applicant’s qualifications to comply with the provisions of this article. Within thirty days after the filing of the application, the Patrol Division Commander shall determine whether the towing operator is eligible for the rotation list. The Patrol Division Commander shall determine eligibility pursuant to guidelines set forth in the rules and specifications. If the Patrol Division Commander determines that a towing operator is qualified, the towing operator’s name shall be placed on the eligibility list. Qualified towing operators shall be placed on the eligibility list in the order in which their complete applications were received. If the Patrol Division Commander determines that a towing operator is not qualified, the towing operator shall receive a written statement of the reasons for the Patrol Division Commander’s decision.

(1) In response to the department’s duty to protect the public, and upon completion of a background check, the Patrol Division Commander may disqualify an operator or driver for various reasons. These reasons include, but are not limited to:
   (a) Prior felony conviction
   (b) Pattern of thefts
   (c) Crimes of moral turpitude

Sec. 15-66.7 Towing rotation list.
(a) Towing operators selected to provide towing services to the city and to participate in the rotation list shall abide by the rules and specifications set forth in this article and the Tow Service Agreement.

(b) Based on the number of towing operators needed, as determined by the Patrol Division Commander pursuant to Section 15-69, the Patrol Division Commander shall select from the eligibility list the appropriate number of towing operators to be placed on the rotation list and participate in the towing rotation program for the following year. The Patrol Division Commander shall select towing operators from the eligibility list in the order in which their complete applications were received. If a towing operator is currently on the rotation list and is deemed to
be in good standing, that operator shall be granted a place on the next rotation list providing they meet the terms and conditions set forth in the TSA for that year.

(c) When the Patrol Division Commander or Chief of Police determines that an emergency exists, nothing shall prohibit a City employee from requesting services from a towing operator who is not on the list.

(d) The rotation list may be amended from time to time as part of the Chief's promulgation or modification of the rules and specifications.

Sec. 15-66.8 Appeal.
Any applicant deemed ineligible by the Patrol Division Commander shall have the right to appeal the decision to the Chief of Police. Appeals must be made by filing a notice of appeal with the Chief of Police within ten days of receipt of a notice of the Patrol Division Commander's decision. The Chief of Police shall hear the appeal within thirty days after the appeal is filed. The Chief of Police shall notify the applicant of the decision within ten days after the decision is made. The Chief of Police may affirm or overrule the Patrol Division Commander's decision. The Chief of Police's decision shall be final.

Sec. 15-66.9 Annual renewal application.
To continue to participate in the rotation program, each towing operator on the rotation list must file with the Patrol Division Commander a renewal application for the following year. The renewal application must be filed during the annual enrollment period in the year prior to the year for which the renewal is sought. The application must describe any changes regarding the information in the original application. If there are no material changes and if the Patrol Division Commander determines that the towing operator has performed well during the preceding year, the Patrol Division Commander may place the towing operator on the rotation list for the following year. If there are material changes or if the Patrol Division Commander determines that the towing operator has not performed well, the renewal application will be treated as if it were an original application and will be subject to the procedures for reviewing new applications, as set forth in this article and in the rules and specifications.

Sec. 15-66.10 Removal from the rotation list.
(a) The Patrol Division Commander may remove a towing operator from the rotation list on any of the following grounds:

(1) A finding that a towing operator falsified any portion of its application or failed to include required or important information on the application;

(2) A finding that the towing operator has failed to comply with or violated any of the terms or conditions of either this article, the towing services agreement or the rules and specifications;

(3) A finding that the towing operator has engaged in misconduct or a pattern of behavior, by or through its agents or otherwise, that is either inconsistent with the goals of providing quality service to the community or not in the best interests of the City or its residents.

(b) If the towing operator does not agree with the Patrol Division Commander's decision to remove the towing operator from the rotation list, it may file an appeal with the Chief of Police, following the procedures set forth in Section 15-73 of this article.
Sec. 15-66-11 Execution of agreements.
All towing operators selected to participate in the rotation list shall enter into a towing services agreement with the city. The written agreement shall be in a form approved by the City Attorney.

Sec. 15-66.12 Exceptions.
Nothing in this article shall prohibit or otherwise restrict owners or operators of a vehicle from selecting and calling a towing vehicle of their own choice.

Sec. 15-66.13 Authority for city to maintain its own towing operations and towing storage yard.

Nothing in this article shall be construed to restrict or prohibit the City from conducting its own towing operations or maintaining its own towing storage yard, either in lieu of or in addition to the towing services provided by and the towing storage yards maintained by any towing operators participating in the rotation list.

Sec. 15-66.14 Violation - Penalty.

Any towing operator or officer, official, employee or agent thereof who violates any provision of this article shall be guilty of a misdemeanor. In addition to any other penalties, any towing operator violating any provision of this article shall be subject to removal from the rotation list.

Sec. 15-66.15 Severability.

If any section, subsection, sentence, clause or phrase of this article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this article. The council declares that it would have adopted this article, including every section, subsection, sentence, clause and phrase, irrespective of whether one or more sections, subsections, sentences, clauses or phrases is held invalid.

SECTION 2. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED AND ADOPTED, this 17th day of June, 2008.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
PORTERVILLE POLICE DEPARTMENT
TOW SERVICE AGREEMENT

This Tow Service Agreement (TSA) contains terms and conditions that a company agrees to comply with in order to receive and maintain a rotation tow listing with the Porterville Police Department (PPD). Participation in the PPD Rotation Tow Program is voluntary. An operator, by agreeing to participate in the program, does not acquire a contractual right as against the PPD, and is not acting as an agent for the PPD or the City of Porterville when performing services under the TSA unless transporting, on behalf of the PPD, evidence of a crime within its jurisdiction. Exceptions to compliance with the TSA shall not be authorized by verbal agreement. Any exceptions shall be documented by the Patrol Division Commander as a written addendum to the TSA.

1. ROTATION LISTS

A. A call to an operator shall constitute one turn on the list and the operator shall be moved to the bottom of the list.

   1) This includes when the operator fails to answer the phone, is unable to respond, is unable to perform the required service, refuses to respond or provide service, or is canceled due to excessive response time.

B. If it is determined the operator is not needed and is canceled by the PPD, up to and including arrival on scene and standby time which does not result in a tow, there shall be no charges and the operator shall be placed back at the top of the list.

C. If the operator responds to a PPD call and is canceled by the vehicle’s registered owner or agent, prior to the operator taking possession of the vehicle, there shall be no charge and the operator shall be placed back at the top of the list.

   1) Possession is deemed to arise when the vehicle is removed and is in transit, or when vehicle recovery operations or load salvage operations have begun. (Section 3068.1[a] of the Civil Code)

D. Nothing in the TSA shall prohibit a Watch Commander, Supervisor or other employee from requesting a specific tow company when, in their opinion, the necessary resources to clear a hazard are not available from the tow company currently at the top of the rotation tow list.

   1) In such an instance, the selected company would then go to the bottom of the list and those tow companies which were by-passed, would remain in the same list order.
E. Nothing shall prohibit a Class B, C, or D operator from maintaining a position on a lighter class rotation list, provided the tow truck meets the equipment specifications for that class of operation.

1) Regardless of the class of tow truck utilized or responding to the call, charges shall not be more than for the class of vehicle towed or serviced, except when vehicle recovery operations require a larger class tow truck.

2. TOW OPERATORS

A. Operators applying for the rotation tow program shall have a minimum of three (3) verifiable years for-hire towing experience, as an owner or principal, prior to the final filing date of an enrollment period in order to qualify for a rotation tow listing.

1) The three (3) verifiable years for-hire experience shall be decided by the PPD.

B. Operators and owners who do not meet the three (3) verifiable years for-hire towing experience, may be considered if a full-time manager is employed who possesses three (3) verifiable years for-hire tow experience, as an owner, principal or full-time manager.

1) The three (3) verifiable years for-hire experience, as an owner, principal, or full-time manager shall be decided by the PPD.

C. Management experience shall be decided and qualified by the PPD as follows:

1) The designation of “manager” implies general power and permits reasonable inferences that the employee so designated is invested with the general conduct and control of his employer’s business.

2) An individual who has charge and control of a business and is vested with a certain amount of discretion and independent judgment.

D. If the manager ceases to be employed by the company, the TSA shall be terminated until a new manager is approved by the PPD.

E. Operators shall have all tow truck drivers involved with PPD rotation tow operations participate in a controlled substance and alcohol testing (CSAT) program.

1) Drivers requiring a Class A, Class B, or commercial Class C license (endorsed for hazardous materials transportation) shall participate in a CSAT program as defined in the Code of Federal Regulations, Title 49, Parts 40 and 382.
2) Drivers not required to possess a Class A, Class B, or commercial Class C license shall be enrolled in a CSAT program substantially similar to the requirements as outlined in Section 1 above.

3) The operator shall ensure selection pools for commercially and non-commercially licensed drivers are maintained separately. The operator shall provide records of their CSAT programs to the PPD during enrollment period.

4) A driver possessing a non-commercial driver’s license who returns with a positive test result shall meet the same reinstatement requirements as a driver required to possess a commercial driver’s license.

F. Operators shall have a Carrier Identification (CA) number and a valid Motor Carrier Property (MCP) permit. MCP documentation shall be provided to the PPD during the enrollment period.

1) Expiration of an operator’s MCP and/or suspension of the MCP, pursuant to Section 34623 VC, shall result in the immediate suspension of the tow operator, as well as additional disciplinary action which may be imposed by the Patrol Division Commander.

3. TOW OPERATOR’S BUSINESS

A. An operator’s place of business shall have a sign which clearly identifies it to the public as a tow service.

1) The sign shall have letters which are clearly visible to the public from the street and shall be visible at night.

B. Business hours shall be posted in plain view to the public.

C. An operator’s place of business shall be sufficiently staffed to allow customers to talk face-to-face with a tow company’s owner, manager, or employee during normal business hours.

1) “Normal business hours” shall not be less than 8 a.m. to 5 p.m., Monday through Friday, except for the following state recognized holidays: New Year’s Day, Martin Luther King Day, Labor Day, Lincoln’s Birthday, President’s Day, Cesar Chavez Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran’s Day, Thanksgiving Day, day after Thanksgiving Day, and Christmas Day (Section 22851[b] VC).

D. Offices staffed with only one employee may be closed for one hour at lunch.
1) A sign shall be posted which reflects a lunch closure and a phone number where a request by a vehicle’s owner/agent shall result in an immediate response to release property or a vehicle.

2) Response to the office shall be within the time frame required for a normal PPD Class A tow.

E. The operator shall maintain records of all tow services furnished at the operator’s primary office.

1) Invoices shall at a minimum include a description of each vehicle, nature of service, start time, end time, location of call, itemized costs of towing and storage, the tow truck driver’s name, and truck used.

F. The operator’s primary office shall also maintain business records relating to personnel, insurance, personnel taxes, payroll, applicable operating authorities, local operating authorities, lien sale actions, and Federal Communication Commission licensing (if applicable), and non-PPD tows.

G. The PPD may inspect all operator records without notice during normal business hours.

H. Operators shall permit the PPD to make copies of business records at their place of business, or to remove business records for the purpose of reproduction.

1) The PPD shall provide a receipt for any record removed from the place of business.

I. Records shall be maintained and available for inspection for a period of two (2) years plus the current term of this TSA.

1) Failure of the operator to comply with the aforementioned inspection requirements shall be cause for disciplinary action.

4. FINANCIAL INTEREST

A. No operator or applicant shall be directly involved in the towing-related business of any other operator or applicant within the Porterville area.

B. The sale or transfer of the controlling interest in a company shall immediately terminate the TSA. A new owner may apply for the rotation tow program at any time during the remainder of the current TSA term, regardless of the PPD’s enrollment period.

C. No operator or applicant shall share equipment with any other operator or applicant involved with the PPD rotation tow list (excluding equipment which may be unavailable due to repairs or equipment replacement.
5. RESPONSE TO CALLS

A. The operator shall respond to calls 24 hours a day, seven (7) days a week, within the maximum response time limits established by the Patrol Division Commander.

B. An appropriately licensed operator or tow truck driver shall respond with a properly equipped tow truck of the class required to tow the vehicle and be in possession of the appropriate class of license and applicable endorsements.

   1) Any applicable permits (e.g., load variance, oversize, etc.) shall be valid and maintained in the tow truck.

C. The operator shall advise PPD dispatch, at the time of notification, if they are either unable to respond or unable to meet the maximum response time.

   1) If, after accepting the call, the operator is unable to respond or will be delayed in responding, the operator shall immediately notify the PPD Communications Center.

D. A failure to respond to towing or service calls, and/or repeated failures to meet maximum response time requirements, shall result in disciplinary action.

E. If service, other than towing, recovery, and load salvage, is canceled by the vehicle’s registered owner or agent, no lien shall arise for the service unless the operator has presented a written statement to the vehicle’s registered owner or agent for the signed authorization of services to be performed pursuant to Section 3068(a) of the Civil Code.

   1) The operator shall not attempt to take possession of a vehicle in order to establish a lien for any non-towing services performed, or begun and subsequently canceled.

F. Nothing shall prohibit a Class B, C, or D operator from maintaining a place on a lighter class rotation tow list, provided the tow truck meets the equipment specifications for that class of operation.

   1) Regardless of the class of tow truck utilized or responding to the call, charges shall not be more than for the class of vehicle towed or serviced.

G. The Patrol Division Commanders may establish policy which allows an operator to dispatch more than one tow truck to a multiple vehicle collision scene in response to a rotation tow call.
H. If two or more operators are called to the same incident, distribution of the vehicles shall be at the discretion of the PPD employee responsible for handling the incident.

I. When an operator will be temporarily unavailable to provide services due to a pre-planned or scheduled activity, the operator shall notify the PPD at least 24 hours prior to the date that services will be unavailable, noting the times and dates of the unavailability.

J. Only tow truck personnel and equipment requested shall respond to a PPD call (e.g., tow truck driver bringing girlfriend, children, or their dog, is not allowed).
1) Exception would be responding a tow truck driver trainee with an approved rotation tow truck driver only if an approved CHP 234F, Tow Operator/Driver Information, and documentation of tow truck driver training has already been submitted for the trainee to the PPD.

K. An operator/employee shall not respond to a PPD call assigned to another operator or re-assign a call to another tow operator, unless requested to do so by the PPD.
1) Nothing would preclude the assigned operator/employee from responding to an incident to ascertain if additional assistance or equipment is required.
2) There shall be no additional charge for any personnel or equipment which is not necessary to perform the required service.

L. There may be times when the operator/employee assigned the initial call may require assistance from an additional operator/employee.
1) The assigned operator/employee may, with the concurrence of the scene manager, request a specific operator for additional assistance.
2) The operator/employee’s request shall be routed through the PPD.

M. There may be times when an operator/employee, who was not called to the scene, comes upon a collision scene where a vehicle or vehicles are blocking a roadway and the on-scene officer requests assistance in clearing the roadway.
1) In such a case, the operator/employee may be requested by the officer to move the vehicle to a safe location and leave it.
2) There shall be no charge for this assistance and the assistance provided shall not change the operator’s place in the rotation.
6. STORAGE FACILITY

A. The operator shall be responsible for the safekeeping and prevention of vandalism of all vehicles and contents which are stored or impounded by the PPD.

   1) At a minimum, a securely fenced or enclosed storage area shall be provided.

B. The primary storage facility shall be at the same location as the business address.

   1) This requirement may be waived by an addendum from the Patrol Division Commander.

C. Tow operators shall maintain sufficient storage spaces.

   1) A secondary storage facility shall only be utilized if the primary storage facility is full.

      a) This requirement may be waived by an addendum from the Patrol Division Commander.

   2) Secondary storage facilities shall be located reasonably close to the main business office.

      a) There shall be no charge to the vehicle’s owner/agent for towing a vehicle from a secondary storage facility to the primary storage facility.

D. Storage facilities owned by an operator and shared with another operator shall only be approved if the owner/operator charges for the space exclusively on a flat monthly rate rather than a vehicle-by-vehicle basis, or combination thereof.

E. Storage facilities shared by operators, or other business establishments not owned by the operator, shall be physically separated and secured from each other.

F. Prior to the utilization of new storage facilities, which were not listed on the CHP 234A, Rotation Tow Listing Application, the operator shall obtain the Patrol Division Commander’s approval.

G. An operator’s employee shall be properly trained to conduct business transactions related to towing, storage, and release of vehicles/property.

H. Upon approval from the PPD, the operator or their employee shall release personal property from a vehicle which has been stored/impounded by the
PPD at the request of the vehicle’s registered owner or agent (personal property is considered to be items which are not affixed to the vehicle).

1) A receipt shall be provided for the removed property, with a copy placed in the stored vehicle.

   a) This procedure shall also apply to the removal of property by the tow operator and/or their employee to a secured area within the business.

I. The requirement to obtain approval from the PPD prior to the release or removal of property may be excused by the Patrol Division Commander if it is determined proper safeguards and procedures are utilized by the operator.

1) This requirement may not be waived in cases where a vehicle has been impounded for evidence or investigation.

J. Personal property and/or the vehicle shall be released at the primary storage facility.

1) Personal property or a vehicle release from a secondary storage facility shall only be granted if it’s acceptable to the vehicle’s registered owner or agent.

K. No fee shall be charged for the release of personal property during normal business hours pursuant to Section 22581(b) VC.

1) The maximum charge for a non-business hours release shall be one-half the hourly tow rate charged, or less, for initially towing the vehicle pursuant to Section 22851(b) VC.

2) No lien shall attach to any personal property in or on the vehicle pursuant to Section 22851(b) VC.

L. The operator shall keep a written record of every vehicle stored for a period longer than 12 hours pursuant to Section 10650(a) VC.

1) The record shall contain the name and address of the person storing or requesting the tow, the names of the owner and driver of the vehicle (if ascertainable), and a brief vehicle description (make, model, license plate number, and any vehicle damage) pursuant to Section 10650(b) VC.

7. TOW TRUCK DRIVERS

A. The operator shall ensure tow truck drivers responding to calls initiated by the PPD are competent and have completed a Tow Service Agreement Advisory
Committee (TSAAC) approved tow truck driver training program within the past five (5) years.

1) The TSAAC approved tow truck driver training course list is contained in Attachment A of this TSA.
   a) Acceptable tow truck driver training programs shall be approved by the TSAAC.

2) Documentation of a completed tow truck driver training program shall be submitted along with the CHP 234F, Tow Operator/Driver Information.
   a) Tow truck driver training documentation should be for the appropriate class of tow truck (e.g., a Class D driver should have heavy duty tow driver’s training documentation).
   b) An operator shall be provided with written notification regarding the reason(s) for denial of an operator/driver’s CHP 234F within 30 days.

B. Completion and/or documentation of a tow truck driver’s training do not indicate a sufficient level of competence.

C. Tow truck drivers shall perform all towing and recovery operations in the safest and most expedient manner possible.

D. Tow truck drivers shall be at least 18 years of age and shall possess the proper class of license and endorsements for the towed and towing vehicle.

E. All tow truck drivers and owner/operators shall be enrolled in the Employer Pull Notice (EPN) program.

1) The operator shall provide a current list of drivers and a copy of the current EPN report, or in the case of a newly hired tow truck driver, proof of enrollment in the EPN program, for all drivers to the PPD during enrollment.

2) Upon the addition of new drivers, an operator shall be granted a maximum of 30 days to enroll drivers in the EPN.

3) The EPN shall be kept on file, signed, and dated by the operator.

F. The operator shall maintain a current list of drivers.

G. Uniforms: PPD rotation tow drivers shall wear an identifiable uniform (either shirt and pants, or coveralls) displaying the company and driver’s names while engaged in PPD rotation tow operations.
H. Personal Appearance: PPD rotation tow drivers shall represent a professional image. An unacceptable representation would include: unbathed, excessively dirty/torn uniform, body art, visible body piercing, etc.

I. Safety Vests: PPD rotation tow drivers shall wear appropriate warning garments (e.g., vests, jackets, shirts, retro reflective clothing) for daylight and hours of darkness in accordance with California Code of Regulations, Title 8, Section 1598.

8. TOW TRUCK CLASSIFICATIONS

A. An operator shall equip and maintain tow trucks covered under the TSA in accordance with the provisions set forth in the California Vehicle Code (VC), Title 13 of the California Code of Regulations (Title 13), the specifications contained in this TSA, and in a manner consistent with industry standards and practices.

B. All tow trucks shall have recovery and wheel lift capabilities meeting the specifications contained in this TSA and the most recent electronic version of the CHP 234B, Tow Truck Inspection Guide.

1) Class D tow trucks used exclusively for salvage and recovery operations are not required to possess wheel lift capabilities.

2) An operator who has a car carrier is exempted from the recovery, wheel lift, and boom capability requirements. However, the car carrier must be an additional unit and shall not be used for recovery.

C. A violation of the gross vehicle weight rating (GVWR) and/or safe loading requirements of a tow truck should be cause for immediate suspension. This includes exceeding the tow truck’s GVWR, front axle weight rating, rear axle weight rating, maximum tire weight ratings, or not maintaining 50 percent of the tow truck’s unladen front axle weight on the front axle when towing.

D. There are four (4) classes of tow trucks covered under this TSA.

1) Class A - Light Duty

   a) An operator should maintain a minimum of one tow truck which has a manufacturer’s GVWR of at least 14,000 pounds.

      (1) After June 30, 2006, Class A 4-wheel drive tow trucks with a GVWR of less than 14,000 pounds may be listed as special equipment on the CHP 234A, Rotation Tow Listing Application. These tow trucks shall be used only for recoveries requiring the use of 4-wheel drive.
2) **Class B - Medium Duty**

   a) An operator should maintain a minimum of one tow truck with a GVWR of at least 26,001 pounds. The truck shall be equipped with air brakes and a tractor protection valve or device, and be capable of providing and maintaining continuous air to the towed vehicle.

      (1) All Class B tow trucks with a GVWR of less than 26,001 pounds currently approved for the PPD Class B rotation tow list will be allowed to remain on the Class B rotation tow list until June 30, 2010.

      (2) Tow companies continuously used on rotation for the PPD, whose equipment was previously approved and owned by the same operator but lacks air brakes, and/or a tractor protection valve or device, may apply for and receive a Class B rotation tow listing if the tow truck is capable of supplying service brake air to the towed vehicle and has a single control for application.

3) **Class C - Heavy Duty**

   a) An operator should maintain at least one three-axle tow truck with a GVWR of at least 48,000 pounds. The truck shall be equipped with air brakes and must be capable of providing and maintaining continuous air to the towed vehicle.

      (1) All Class C tow trucks with a GVWR of less than 48,000 pounds currently approved for the PPD Class C rotation tow list will be allowed to remain on the Class C rotation tow list until June 30, 2010.

4) **Class D - Super Heavy Duty**

   a) An operator should maintain at least one three-axle tow truck with a GVWR of at least 52,000 pounds. The truck shall be equipped with air brakes and must be capable of providing and maintaining continuous air to the towed vehicle.

      (1) All Class D tow trucks with a GVWR of less than 52,000 pounds currently approved for the PPD Class D rotation tow list will be allowed to remain on the Class D rotation tow list until June 30, 2010.

      (2) If this class of tow truck is used exclusively for salvage and recovery operations, there is no
requirement for providing and maintaining continuous air to the towed vehicle.

9. GENERAL EQUIPMENT SPECIFICATIONS

A. Tow Truck and Car Carrier Classifications: Tow truck and car carrier classifications are based on the truck chassis GVWR and the classification system used by the American Trucking Association (ATA) and truck manufacturers. Tow truck and car carrier classifications shall meet all applicable state and/or federal standards.

B. Identification Labels: Each piece of towing equipment shall have a label or identification tag permanently affixed to the equipment in a prominent location to identify the manufacturer, serial number, model, and rated capacity.

C. Recovery Equipment Rating: The basic performance rating of the recovery equipment is the weight the equipment can lift in a winching mode, when the boom is static at a 30 degree elevation with the load lines vertical and the lifting cables sharing the load equally, measured with a live load (weight or load cell).

1) The structural design of the recovery equipment must have a higher load capacity than the performance ratings.

2) Winches shall conform to or exceed the specifications set forth by the Recovery Equipment Rating, Society of Automotive Engineers (SAE) Handbook, SAE J706.

3) All ratings for cable and chain assemblies are for the undamaged assembly condition. All cable and chain assemblies should be the same type, construction, and rating as specified by the original equipment manufacturer (OEM) for the equipment.

D. Control/Safety Labels: All controls shall be clearly marked to indicate proper operation, as well as any special warnings or cautions.

10. INSPECTIONS

A. All tow trucks utilized in response to a request for a rotation tow shall have no less than one annual inspection completed by the CHP.

1) The PPD may conduct additional inspections without notice during normal business hours.

B. The operator shall not dispatch a tow truck which has not been inspected and approved by the CHP.
C. The annual inspection shall consist of a Level One inspection (CHP 407F, Safetynet Driver/Vehicle Inspection Report) conducted by a commercial enforcement officer and a tow truck inspection (CHP 234B, Tow Truck Inspection Guide) conducted by the local CHP Area tow officer, commercial enforcement officer, or officer.

1) Upon the successful completion of a Level One inspection, a Commercial Vehicle Safety Alliance (CVSA) decal shall be issued.

D. If 80 percent of the operator’s tow trucks fail the initial annual inspection, the operator’s application shall be denied and the operator may reapply during the next open enrollment period.

E. The PPD will honor annual inspections performed by any CHP Area office.

1) To meet requirements for honoring inspections, a Level One Inspection from a CHP Inspection Facility must have been conducted within the last 30 days and a completed CHP 407F presented.

11. RATES

A. Fees charged for calls originating from the PPD shall be reasonable, valid, and not in excess of those rates charged for similar services provided in response to requests initiated by a public agency or private person.

1) Reasonableness shall be determined as compared to other rates.

2) Validity shall be based upon the following: telephone quotes, invoices, posted rates, charges to retail customers, etc.

NOTE: Element 11.A, shall not apply if the operator responds to a PPD call in a location where towing rates for all tow companies are established by an Official Police Garage (OPG) or city/county ordinance pursuant to Section 21100(g) VC.

B. Based upon the average of the proposed fees submitted, the Patrol Division Commander shall determine the reasonableness and validity of all submitted rates (i.e., storage, non-skilled labor, special equipment, etc.).

C. An operator who submits a rate, which is determined by the Patrol Division Commander to be unreasonable and/or invalid, shall be allowed to re-submit rates only once.

1) If the re-submitted rate is unreasonable and/or invalid, the operator shall be disqualified until the next enrollment period.

2) An operator shall be provided with written notification regarding the disqualification within 30 days.
D. Rate requirements represent the maximum an operator may charge on a PPD call.

1) An operator is not precluded from charging less when deemed appropriate by the operator.

2) These requirements shall not be construed as requiring a charge if an operator would not normally charge for such service.

E. Any operator who charges rates above the submitted rates for a PPD call shall be subject to disciplinary action.

F. In an effort to remain competitive in the open market, the operator may lower retail rates at any time by notifying the PPD.

1) When an operator lowers the retail rate, that retail rate becomes the operator’s new approved rate.

G. A valid bank credit card or cash payment shall be accepted for payment of storage and/or towing when a vehicle is stored pursuant to Section 22651 VC (Section 22651.1 VC).

H. No operator or employee shall refer to any rate as a required or “PPD Rate.”

I. The approved schedule of rates charged by the operator shall be available in the tow truck, and shall be presented upon demand to the vehicle owner/agent for whom the tow service was provided or any PPD officer at the scene.

J. There shall be no additional charge for moving (i.e., driving, towing, pushing, utilizing a forklift, etc.) a stored vehicle from inside an operator’s storage yard to the front of the business establishment.

K. Operators may only raise rates during the enrollment period or upon approval after a midterm review.

L. Tow Rates

1) The rate for towing should be computed from portal to portal when a vehicle is towed to the operator’s storage yard.

   a) Portal to portal is defined as follows: Time shall start from either the point of dispatch or upon departure from the place of business, whichever is closer to the location of the call, and shall end at the estimated time of return to the place of business or completion of the call, if another call is pending, whichever is shorter.
2) The time expended, for towing a vehicle back to the operator’s storage yard, should be charged at a rate not to exceed the hourly rate.

a) Time expended in excess of the hourly rate shall be calculated in no more than one-minute increments.

b) There shall be no additional charges for mileage, etc.

3) The operator may submit two retail hourly tow rates to the PPD: One rate for calls originating during normal business hours and one rate for calls originating after business hours.

4) The operator shall base towing charges upon the class of vehicle being towed, regardless of the class of truck used.

M. Service Call

1) The operator may charge up to a 30 minute minimum per call for any service which is performed when the vehicle operator or agent is present and the vehicle is not stored at the direction of an officer or returned to the operator’s storage yard.

2) Rates for a service call (out-of-gas, lockouts, tire changes, etc.) should be from portal to end of service.

3) Charges, in excess of a 30-minute service call, may be charged in no more than one-minute increments.

4) Fuel charges for gasoline dispensed on out-of-gas service calls shall be at the prevailing market rate.

N. Fees for Special Operations

1) Fees shall be reasonable and consistent with industry standards for similar operations.

2) Operators involved in the two (2) tow truck Salvage and Recovery list may charge a minimum two-hour rate.

a) Time expended in excess of the two-hour minimum shall be at the hourly rate in no more than one-minute increments.

b) If it is determined that only one truck is required, the second truck may claim portal to portal and time expended on scene until determination was made that it was not required.

3) Hourly rates shall be established for the following:
a) Auxiliary and contracted equipment, e.g., airbags, converter gear/dolly, additional trailers, fork lift, front loaders.

b) Contract labor.

4) Operators shall submit a mark-up rate (percentage of the cost to the operator) for rental equipment and specialized labor not otherwise listed on the CHP 234A, Rotation Tow Listing Application.

5) If an operator performs a service for which a required rate was not submitted and approved by the PPD, the operator shall only be entitled to charge for the actual cost of that service plus ten (10) percent.

O. Storage Fees

1) A vehicle stored 24 hours or less shall be charged nor more than one day storage pursuant to Section 3068.1(a) of the Civil Code (CC).

   a) If the vehicle is released from storage after 24 hours has lapsed, charges may be allowed on a full, calendar-day basis for each day of storage, or part thereof pursuant to Section 3068.1(a) CC.

2) Storage of vehicles in combination should be charged a per vehicle rate except for dollies, con-gear, vehicle on a car carrier/trailer, etc.

   a) Dollies and con-gear, not in combination, may be charged a storage rate not to exceed Class A storage fees.

3) Inside storage fees shall only be charged when inside storage is requested by the PPD, registered owner, legal owner, insurance company, or when the inside storage can be justified by the tow operator.

4) The operator shall display in plain view at all cashier stations, a sign as described in Section 3070(d)(2)(E) CC, disclosing all storage fees and charges in force, including the maximum storage rate.

12. COLLUSION

A. An operator and/or applicant shall not conspire, attempt to conspire, or commit any other act of collusion with any other operator or applicant for the purpose of secretly, or otherwise, establishing an understanding regarding rates or conditions to the TSA that would bring about any unfair condition which could be prejudicial to the PPD, the motoring public, or other operators.
B. A finding by the PPD that any operator or applicant has been involved in collusion shall be cause for denial of an application or shall nullify the TSA. Any operator or applicant found to be involved in any act, or attempted act of collusion, shall be disqualified from participation on all PPD rotation tow lists for the current term, plus three years.

13. INSURANCE

A. The operator shall maintain the following minimum levels of insurance from an insurance carrier admitted in California, or admitted in the state in which the operator’s business is located, and is authorized to do business in California:

1) Minimum Level of Financial Responsibility (as required by Section 34631.5 of the California Vehicle Code) - Bodily injury and property damage with a combined single limit of not less than $750,000 for Class A tow trucks. The combined limits for Classes B, C, and D shall not be less than $1,000,000. These minimum standards are to include non-owned and hired auto coverage.

2) Uninsured Motorist - Legal minimum, combined single limit.

3) On-Hook Coverage/Cargo - Insuring the vehicle in tow with limits based on the size of the tow truck.
   a) Class A tow truck $50,000
   b) Class B tow truck $100,000
   c) Class C tow truck $200,000
   d) Class D tow truck $250,000

4) Garage Liability - Includes premises and operations. Coverage for bodily injury and property damage with a combined single limit of not less than $500,000.

5) Garage Keeper’s Liability – Shall be the same minimum as on-hook coverage for vehicles in the care, custody, and control of the operator in the storage yard.

B. An operator shall provide proof of insurance for all storage facilities listed on the CHP 234A, Rotation Tow Listing Application.

C. Proof of insurance shall be in the form of a certificate of insurance. The operator’s insurance policy shall provide for not less than 30 days written notice to the PPD in the event the insurance policy is canceled or is due to expire.

D. Failure of the operator to maintain the minimum insurance requirements set forth in the TSA shall immediately nullify the TSA, remove the operator from
the rotation tow list, and subject to disciplinary action by the Patrol Division Commander.

14. ANNUAL OPEN ENROLLMENT/MEETINGS

A. The Patrol Division Commander shall conduct, at a minimum, one (1) annual open enrollment meeting to discuss the forthcoming TSA term and issues concerning the rotation tow program.

1) The PPD shall give the operator a 30-day written notice of the meeting.

2) If an operator or operator's designee fails to attend the annual open enrollment meeting, the operator's application for the forthcoming TSA term shall be denied.

       a) The operator shall be provided with written notification of the denial and may re-apply during the next open enrollment.

B. Any subsequent meetings shall be mandatory for the operator or operator's designee.

1) The PPD shall give a 30-day written notice, if practical, of the meeting.

2) Failure to attend a meeting shall result in action by the PPD as provided in Section 19.

15. DEMEANOR AND CONDUCT

A. While involved in PPD rotation tow operations or related business, the tow operator and/or employee(s) shall refrain from any acts of misconduct including, but not limited to, any of the following:

1) Rude or discourteous behavior.

2) Lack of service, selective service, or refusal to provide service which the operator is capable of performing.

3) Any act of sexual harassment or sexual impropriety.

4) Unsafe driving practices.

5) Exhibiting any objective symptoms of alcohol or drug use.

       a) The operator/tow truck driver shall submit to a preliminary alcohol screening test upon demand of the PPD if an odor of an alcoholic beverage is detected upon their person.
16. TOW COMPLAINTS

A. All PPD related tow service complaints received or initiated by the PPD against a tow operator or tow operator’s employees, shall be accepted and investigated in a fair and impartial manner.

1) The tow operator and their employees shall cooperate with PPD investigators during the course of an investigation.

B. The operator shall be notified in writing of the findings within 30-days of the conclusion of any investigation.

C. Should the filing of criminal charges be a possibility, the PPD shall conduct the investigation to conclusion or assist the lead investigating agency and request prosecution if warranted.

D. Complaints for violations of the law not normally investigated by PPD shall be referred to the agency with investigation jurisdiction.

E. Alleged violations of the TSA shall be investigated by the PPD Area covered by the TSA.

17. COMPLIANCE WITH LAW

A. The tow operator and employees shall, at all times, comply with federal, state, and local laws and ordinances.

B. Any conviction of the operator or employee involving a stolen or embezzled vehicle, fraud related to the towing business, stolen or embezzled property, a crime of violence, a drug-related offense, felony driving while under the influence of alcohol or drugs, misdemeanor driving while under the influence of alcohol or drugs, or moral turpitude should be cause for suspension or removal of an operator/employee, or denial of an operator/employee’s application, or termination of the TSA.

C. PPD personnel, as well as tow operators and their employees, shall not be offered nor accept gratuities pursuant to Section 12110(a) VC.

D. No tow operator or their employees shall accept any gratuities from a repair shop for the delivery of a vehicle, not owned by the repair shop or tow company, for the purpose of storage or repair pursuant to Section 12110(c) VC.

E. Failure of an operator to satisfy a court order mandating reimbursement to the vehicle or property owner for the damage or loss which occurred while the vehicle was in the operator’s custody.
F. An operator or employee arrested/charged for a violation involving any of the above crimes should be suspended until the case is adjudicated.

18. COMPLIANCE WITH TSA

A. The operator agrees, as a condition of inclusion in the rotation tow program, to comply with the terms and conditions of the TSA. Furthermore, the operator or operator's agent agrees that failure to comply with these terms and conditions shall be cause for disciplinary action (i.e., written reprimand, suspension, termination, or denial of an application).

B. A violation of the equipment requirements, related to safety, shall be cause for immediate suspension.

1) The suspension shall remain in effect until the suspension period is completed and the PPD has inspected the equipment and concluded the operator is in compliance.

C. A violation of the GVWR and/or safe loading requirements of a tow truck may be cause for disciplinary action.

1) This includes exceeding the tow truck's GVWR, FAWR, RAWR, maximum tire weight ratings, or not maintaining 50 percent of the tow truck’s laden front axle weight on the front axle when in tow.

D. A violation of intentionally overcharging or a pattern of overcharging shall be cause for suspension.

1) The suspension shall remain in effect until the suspension period is completed and proof of reimbursement to the aggrieved customer has been provided to the PPD.

E. Any unsatisfactory terminal evaluation rating issued by the Motor Carrier Safety Unit (MCSU) shall be cause for suspension.

1) The suspension shall remain in effect until proof of a satisfactory compliance rating from the MCSU has been provided to the Area commander.

F. Allowing an incompetent tow truck driver to respond to a PPD call shall be cause for disciplinary action of the operator.

G. An operator responding a tow truck driver to a PPD call (i.e., those drivers dispatched by the tow operator's business) for whom the following information has not been submitted and approved by the PPD, shall be cause for disciplinary action of the operator:

1) CHP 234F, Tow Operator/Driver Information.
2) Documentation indicating completion of a TSAAC approved tow truck driver training program within the past five (5) years.

3) Enrollment in an annual random drug testing program and Employer Pull Notice program.

19. ACTION FOR NONCOMPLIANCE/VIOLATIONS

A. The Patrol Division Commander shall take action against an operator for violations investigated and sustained. Furthermore, the operator agrees that failure by the operator, or their agent, to comply with these terms and conditions shall be cause for action including written reprimand, suspension, denial of an application, or termination from the PPD Rotation Tow Program.

1) The Patrol Division Commander shall retain discretion regarding the length of any suspension imposed pursuant to the terms and conditions of this TSA.

B. Nothing shall preclude the PPD from taking the appropriate enforcement or administrative action for any violations of law.

C. Nothing herein shall be deemed to prohibit the PPD from immediately suspending, terminating, or denying an application of any operator or employee whose conduct, in the opinion of the Patrol Division Commander, is deemed to be a danger to the motoring public, or who has engaged in conduct constituting a flagrant violation of the TSA (e.g., registered sex offender).

D. Records of violations shall be retained by the PPD for 36 months.

20. TERMS OF ACTION FOR NONCOMPLIANCE/VIOLATIONS

A. Violations of the terms and conditions of the TSA may be cause for action in the following manner:

1) First violation within a 12 month period – letter of written reprimand.

2) Second violation within a 12 month period – 1 to 30-day suspension.

3) Third violation within a 12 month period – 60 to 90-day suspension.

4) Fourth violation within a 12 month period – termination of the TSA.

NOTE: In lieu of termination, the PPD may impose additional suspensions for longer periods, if deemed appropriate.
B. Violations of the terms and conditions of the TSA which warrant suspension for the first violation are categorized as major violations. Any subsequent or continuing major violation may be cause for termination.

1) When considering action for a major violation of the TSA, an Area commander should take into consideration all violations which have occurred within 36 months prior to the date of the current violation.

C. A terminated or suspended operator, and/or the tow business owner at the time of the suspension or termination, shall not be eligible for a rotation listing for the duration of the suspension or termination.

1) This provision applies to the operator working in any capacity within any tow business or operating any tow business, even if operated under new ownership.

D. If the operator is serving a suspension for one year or more, the operator shall be required to have complied with all terms and conditions of the current TSA at the time of reinstatement.

21. HEARING/APPEAL

A. A hearing shall be granted, upon an operator’s request, within ten (10) calendar days, for any of the following circumstances:

1) Operator is served with action for noncompliance/violations.

2) Denial of an operator’s rotation tow application (CHP 234A, Rotation Tow Listing Application) or an operator/driver application (CHP 234F, Tow Operator/Driver Information).

B. A hearing shall be held as soon as practicable.

C. The hearing shall be conducted by the Patrol Division Commander or designee, and the operator shall be entitled to present all relevant facts and circumstances in support of the operator’s position.

1) The operator shall be entitled to present testimony of at least one qualified person.

D. The operator shall be notified in writing of the Patrol Division Commander’s decision(s) within ten (10) business days of the date of completion of the hearing.

E. Following a hearing, if the operator is dissatisfied with the Patrol Division Commander’s decision(s), the operator may appeal by submitting a written request to the PPD Chief of Police within ten (10) calendar days.
F. The appeal shall be conducted by the Chief of Police or designee and shall be held as soon as practicable.

1) The operator shall have the same rights as afforded at the previous hearing.

2) The operator shall be notified in writing of the Chief of Police’s decision(s) within ten (10) business days of the appeal.

3) The Chief of Police’s decision(s) shall be subject to no further administrative appeal.

G. Action by the PPD shall not take effect until the hearing and appeal process has been exhausted, with the exception of operators whose conduct is deemed to be a danger to the motoring public or who continue to violate the terms and conditions of this TSA.

H. If an operator fails to request a hearing or appeal within the specified time or fails to appear at a scheduled hearing or appeal, the action taken by the PPD Patrol Division Commander shall be final and the action shall take effect upon written notification to the operator by the Patrol Division Commander.

22. MIDTERM REVIEW

A. The purpose of this section is to provide a process for a midterm review of the terms and conditions of the TSA in the event there is a legitimate and substantial change in conditions or law affecting the majority of the operators or the PPD.

B. A midterm review, when granted by the Chief of Police or designee, will not automatically authorize a change in the terms and conditions of the TSA.

1) If a midterm review is announced by the Chief of Police or designee, it is the responsibility of the Patrol Division Commander to conduct a review of the conditions which initially caused the request to be communicated and to determine if the change is justified.

23. ADVERTISING

The operator shall not display any sign or engage in any advertisement indicating an official or unofficial connection with the PPD or the Department of Motor Vehicles.

24. CANCELLATION

This TSA may be canceled by either party by giving written notice to the other party.

25. OPERATOR APPROVAL
I certify that all drivers operating under this Tow Service Agreement (TSA) are qualified and competent. I further certify that I have read and understand this TSA and agree to abide by all the provisions. I further agree, to the fullest extent permitted by law, to indemnify, defend, and save harmless the City of Porterville, its officers, agents, and employees from any and all claims and losses accruing or resulting to the operator in connection with the performance of the TSA, and from any and all claims and losses accruing or resulting to any person, firm, or corporation who may be injured or damaged by the operator in the performance of this TSA. The operator, and the agents and employees of the operator, in the performance of this TSA, shall act in an independent capacity and not as officers or employees or agents of the City of Porterville. The effective dates of this TSA are:

_________________________ to _______________________.

(Date)                      (Date)

Operator Name:______________________________

Company:______________________________

Title:______________________________

Business Address:______________________________

Phone Number:______________________________

Motor Carrier Permit Number:______________________________

Signature:______________________________ Date:______________________________

TSA Approved:    ☐    Denied:    ☐

Porterville Police Department Representative:______________________________

Page 24 of 25
ATTACHMENT A

TOW SERVICE AGREEMENT ADVISORY COMMITTEE
APPROVED TOW TRUCK DRIVER TRAINING COURSES

Automobile Club of Southern California
3333 Fairview Road
Costa Mesa, CA 92622
Contact: Rob Wade at (714) 885-1333
E-mail: wade.robert@cada-calif.com

California Tow Truck Association
823 South Williams Road
Palm Springs, CA 92264-3472
Contact: Steve Cardinale a (800) 874-2860 or (760) 325-5840
E-mail: ctatow@aol.com

California State Automobile Association
Automotive Services
150 Van Ness Avenue
San Francisco, CA 94102-5279
Contact: Ben Sims at (415) 565-4373

International Institute of Towing & Recovery (Instructor Led / Self Study Course)
c/o CSAA ERS Communications
150 Van Ness Avenue
San Francisco, CA 94102-5279
Contact: Peter Fuernst at (415) 565-2080
E-mail: pete_fuernst@csaa.com

Randy Resch
Randy Resch Training
21020 Fog Ridge
Alpine, CA 91901
Telephone: (619) 807-3177
E-mail: rreschran@aol.com

Tow Pros, LLC
4615 East Brundage Lane
Bakersfield, CA 93307
Contact: Ken Kay at (661) 979-0747
E-mail: kktownman@towpros.com

Towing & Recovery Association of America (Correspondence Course)
2121 Eisenhower Avenue, Suite 200
Alexandria, VA 22314
Telephone: (800) 728-0136
E-mail: towserver@aol.com

WreckMaster Incorporated
P.O. Box 473
Lewiston, NY 14092
Telephone: (800) 267-2266
E-mail: www.WreckMaster.com
SUBJECT: Consideration of Accepting Terra-Cotta Warrior for Display

SOURCE: City Manager

COMMENT: The Chamber of Commerce President has advised the City that a Terra Cotta Warrior from China is available for display by the City. The statuary has the following characteristics:

- Is a replica of the famous Terra-Cotta Warriors of China
- Is made of a kind of clay
- Must be displayed indoors
- No special care is required for the warrior
- It is about 6 feet tall and weighs about 500 pounds
- “It is as stable as a building”
- It will be shipped as soon as the City accepts it

The City has several venues which could be used for the display including

- City Hall,
- Library, and
- Police Department. (CM’s personal favorite site)
- Other City facilities

RECOMMENDATION: Accept the Terra-Cotta Warrior for display in a Porterville City facility. Direct the City Manager, working through the Departmental Directors to select a site. Express the City’s gratitude to the Chamber of Commerce for offering the statuary.
SUBJECT: ALTERNATIVE PAYMENT OPTION

SOURCE: Administrative Services - Finance Division

COMMENT: In accordance with Council direction, the Audit Committee had looked into ways to reduce or eliminate the cost of processing credit card payments. With the moratorium on the use of credit cards in place, the City pays over $20,000 in fees. Without the moratorium, the City spends over $60,000.

Staff found “Paymentus Corporation” which specializes in electronic bill payment services. They provide a bill payment network where residents can pay their bills using their credit card, debit card or e-check, online through the City’s website or by automated phone (IVR), 24x7. The customer will receive instant confirmation of payment and the City staff will be able to track and confirm the payment in real-time.

There is no cost to the City to implement this service. There are no set-up cost, no installation cost, no maintenance cost, and no credit card fees. The customer is charged a convenience or service fee for this payment option.

Staff contacted City of Azusa Light and Water which is currently using Paymentus services and received a positive response regarding this service. Both their staff and their customers are very happy with the service. Their customers like the convenience and ease of using this payment option and also the lower fees that they are paying compared to the previous provider. Their staff likes the real-time payment confirmation and Paymentus’ customer service.

In their June 6, 2008 meeting, the Audit Committee unanimously voted to recommend to the City Council the services of Paymentus Corporation, to provide the customers with an easy and convenient way to make their payments and eliminate the cost of processing credit card payments to the City, except at the Porterville Airport. This payment option will save the City between $12,000 and $42,000 in credit card fees. Every effort will be made to make this payment option available at the Golf Course. The Porterville Airport will continue to accept point-of-sale credit card payments for fuel purchases while staff continues efforts to find ways to make the same option work at the Airport.

RECOMMENDATION: That the City Council accept the audit committee’s recommendation to enter into an agreement with Paymentus Corporation for electronic bill payment services and discontinue the acceptance of Point of Sale credit card payments except at the Porterville Airport.

ATTACHMENTS: Paymentus Overview
Paymentus Services Agreement
Schedule of Credit Card Processing Fees

Paymentus provides a real-time, next generation bill payment solution designed for recurring billers such as utilities, government, healthcare, telecom, insurance, real estate & self-storage.

- Improve customer satisfaction. Provide convenient, real-time payment options that are available 24x7.
- Any channel (Mobile, Web, IVR, Agent!), Any Method (Credit/Debit, ATM, eCheck), Anytime (24x7).
- Give your customer service, accounting and collections agents the real-time tools they need.
- Improve cash flow, decrease collections costs and reduce days outstanding.
- No longer pay credit card and payment processing fees with the user-pay option (Utility, Govt).

The Real-Time Phenomenon and Revolutionary Receivable Management

Paymentus is changing the landscape of the bill payments industry. By simplifying and providing industry leading functionality, Paymentus has eliminated many of the challenges faced by conventional bill payment vendors. The Paymentus team of experts has built the next generation of bill payment solutions.

Paymentus delivers:
- Real time payment confirmation and notification
- Industry leading 4 week standard implementation
- Simplified and stress tested 24x7 payment options for your customers
- Flexible business models including convenience fee, hybrid fee, biller absorbed
- No upfront costs. No monthly minimum requirements.

24x7 payment options allow your customers to:
- Pay online, by automated phone, or using a mobile phone
- Pay by credit card, debit card, or electronic check
- Enrol online to view bill details, make a payment, schedule payments, monthly recurring payments and view payment history, at no additional cost.

No cost to you
- No upfront, setup, or ongoing costs
- No monthly minimum requirements
- No credit card fees (Utility, Govt), or payment processing fees (convenience fee model)

Up and running in 4 weeks
- Industry leading implementation
- Minimal IT resource impact
- Turn-key, fully hosted and managed solution

Paymentus is one of the fastest growing companies in the North American bill payment industry, located in Atlanta, Georgia and Toronto, Canada. The Paymentus Next Generation, Real-Time Bill Payment Platform continues to re-define the bill payment industry with industry leading simplicity and functionality. The Paymentus team consists of industry experts who have architected and built the EBPP and payments platforms for some of the largest installations across North America.
# MASTER SERVICES AGREEMENT

<table>
<thead>
<tr>
<th>Customer:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer Address:</td>
<td></td>
</tr>
<tr>
<td>Contact for Notices to Customer:</td>
<td></td>
</tr>
</tbody>
</table>

This Master Services Agreement ("Master Agreement") is entered into as of the Effective Date above, by and between the Customer ("Customer") identified above and **Paymentus Corporation**, a Delaware Corporation ("Paymentus").

**WHEREAS** Paymentus desires to provide and the Client desires to receive certain services under the terms and conditions set forth in this Agreement. Paymentus provides electronic bill payment services to utilities, municipalities, insurance and other businesses.

**NOW, THEREFORE,** in consideration of the mutual covenants hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, hereby covenant and agree as follows. This Agreement consists of this signature page, General Terms and Conditions, and the attachments ("Attachments") with schedules ("Schedules") listed below:

### Schedule A: Paymentus Service Fee Schedule

This Agreement represents the entire understanding between the parties hereto with respect to its subject matter and supersedes all other written or oral agreements heretofore made by or on behalf of Paymentus or Customer with respect to the subject matter hereof and may be changed only by agreements in writing signed by the authorized representatives of the parties.

**IN WITNESS WHEREOF,** the parties have caused this Agreement to be executed by their duly authorized representatives

<table>
<thead>
<tr>
<th>Customer:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>By:</td>
<td></td>
</tr>
<tr>
<td>Name:</td>
<td></td>
</tr>
<tr>
<td>Title:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Paymentus:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>By:</td>
<td></td>
</tr>
<tr>
<td>Name:</td>
<td></td>
</tr>
<tr>
<td>Title:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>
GENERAL TERMS AND CONDITIONS

1 Definitions:

For the purposes of this Agreement, the following terms and words shall have the meaning ascribed to them, unless the context clearly indicates otherwise.

1.1 "Agreement" or "Contract" shall refer to this Agreement, as amended from time to time, which shall constitute an authorization for the term of this contract for Paymentus to be the exclusive provider of services, stated herein, to the Customer.

1.2 "User" shall mean the users of the Customer's services.

1.3 "Effective Date" shall be the last date upon which the parties signed this Agreement. The Agreement will not be effective against any party until the said date.

1.4 "Launch Date" shall be the date on which Customer launches this service to the Users.

1.5 "Payment" shall mean Users to make payments for Customer's services or Customer's bills.

1.6 "Payment Amount" shall mean the bill amount User wants to pay to the Customer.

1.7 "Services" shall include the performance of the Services outlined in section 2 of this Agreement.

1.8 "Paymentus Authorized Processor" shall mean a Paymentus authorized merchant account provider and payment processing gateway.

1.9 "Reversed or Charged-back Transactions" shall mean cancelled transactions due to User error, or a User's challenge to Paymentus authenticity.

1.10 "Average Bill Amount" shall mean the total amount of Payments collected through Paymentus system in a given month divided by the number of the Payments for the same month.

2 Description of Services to be performed

2.1 Scope of Services

Paymentus shall provide Users the opportunity to make Payments by Credit Cards and other payment methods as deemed necessary by Paymentus. Payments may be made by Interactive Telephone Voice Response System ("IVR") or secure Internet interface provided at the Paymentus Corporation's web site or other websites part of Paymentus' Instant Payment Network ("WebSites"), collectively referred to as the ("System").

Paymentus shall, on behalf of the Customer, collect and process Payments from Users using Visa, MasterCard or other credit cards ("hereinafter referred to as a "Card"). Paymentus may also offer other payment options such as eChecks or Debit Cards.

2.2 Professionalism

Paymentus shall perform in a professional manner all Services required to be performed under this Agreement.
3 Compensation

3.1 No Cost Installation

Paymentus will charge no fees related to the initial setup and personalization of its standard service for both Web and IVR interfaces.

3.2 Paymentus Service Fee

System will charge each User a Service fee for each transaction processed (hereinafter called as "Paymentus Service Fee"). Such Paymentus Service Fee is to be collected in addition to the corresponding Payment as part of the transaction.

For each payment, the Paymentus Service Fee collected will be used to pay the corresponding credit card transaction fees or transaction fees associated with debit cards or eChecks (hereinafter called as "Transaction Fees") and processing charges related to Paymentus (hereinafter called as "Paymentus Fees").

A schedule of Paymentus Service Fee is attached hereto as Schedule A. Paymentus and Customer may mutually review Paymentus Service Fee schedule at regular intervals. However, Paymentus can amend this schedule upon prior written notice to the Customer, if such change is needed due to Visa and MasterCard regulations or change in credit card fees or change in the Average Bill Amount.

4 Payment Processing

4.1 Explicit User Confirmation

Paymentus shall confirm the dollar amount of all Payments and the corresponding Paymentus Service Fee to be charged to a Card and electronically obtain the User approval of such charges prior to initiating Card authorizations transaction. Paymentus will provide User with electronic confirmation of all transactions.

4.2 Merchant Account

Paymentus will arrange for the Customer to have a merchant account with the Paymentus Authorized Processor for processing and settlement of the credit card transactions.

4.3 Card Authorization

For authorization purposes, Paymentus will electronically transmit all Card transactions to the appropriate Card-processing center, in real time as the transactions occur.

4.4 Settlement

Paymentus together with its authorized Card processor shall forward the payment transactions and corresponding Paymentus Service Fee to the appropriate card organizations for settlement directly to the Customer's depository bank account previously designated by the Customer (hereinafter the "Customer Bank Account").

Paymentus together with Paymentus Authorized Processor will continuously review its settlement and invoicing processes for it simplicity and efficiencies. Customer and Paymentus agree to fully co-operate with each other if Paymentus were to change its settlement and invoicing processes.

4.5 Reversed or Chargeback Transactions
Reversed or Chargeback Transactions can be reversed by the Customer using Agent Dashboards. The bill payment amount will be refunded to the User, however, Paymentus Service Fee is non-refundable, and therefore corresponding Paymentus Service fees will not be refunded to the User. The remittance file will contain a record of such transaction whenever such transactions occur.

With respect to all Reversed or Chargeback Card Transactions that are substantiated by a User and approved by an authorized representative of Paymentus and the Customer: (i) the Customer authorizes Paymentus and Paymentus Authorized Processor (or the respective card organization) to debit the Customer Bank Account for the amount of the corresponding Payment and (ii) Paymentus shall refund to the Card organization (for credit back to the User) the corresponding Paymentus Service Fees. The Customer agrees that it shall not refund in cash to a User any Payment made using Paymentus’ Services.

Paymentus together with Paymentus Authorized Processor will continuously review its processes for Reversed or Charged-back transactions, for simplicity and efficiencies. Customer and Paymentus agree to fully co-operate with each other if Paymentus were to change its settlement and invoicing processes for such transactions.

5 General Conditions of Services

5.1 Service Reports

Paymentus shall provide Customer with reports summarizing use of the Services by Users for a given reporting period.

5.2 User Adoption Communication by Customer

Customer will make Paymentus’ Services available to its residential and commercial customers by different means of customer communication including a) through bills, invoices and other notices; b) by providing IVR and Web payment details on the Customer’s website including a “Pay Now” or similar link on a mutually agreed prominent place on the web site; c) through customer’s general IVR/Phone system; and d) other channels deemed appropriate by the Customer.

Paymentus shall provide Customer with logos, graphics and other marketing materials for Customer’s use in its communications with its users regarding the Services and/or Paymentus.

Both parties agree that Paymentus will be presented as a payment method option. Customer will communicate Paymentus option to its end residential and commercial customers wherever Customer usually communicates its other payment methods.

5.3 Independent Contractor

Customer and Paymentus agree and understand that the relationship between both parties is that of an independent contractor.

5.4 Customer’s Responsibilities

In order for Paymentus to provide Services outlined in this Agreement, the Customer shall co-operate with Paymentus by:

(i) Customer will enter into all applicable merchant Card or cash management agreements.

(ii) For the duration of this Agreement, Customer will keep a bill payment link connecting to Paymentus System at a prominent and mutually agreed location on the Customer website. The phone number for the IVR payment will also be added to the web site. Customer will also add the IVR payment option as part of the Customer’s general phone system.

(iii) User Adoption marketing as described in 5.2.
(iv) Within 30 days of the merchant account setup, Customer will launch the service to the Users.

6 **Governing Laws**

This Agreement shall be governed by the laws of the state of California.

7 **Communications**

7.1 **Authorized Representative**

Each party shall designate an individual to act as a representative for the respective party, with the authority to transmit instructions and receive information. The parties may from time to time designate other individuals or change the individuals.

7.2 **Notices**

All notices of any type hereunder shall be in writing and shall be given by Post or by hand delivery to an individual authorized to receive mail for the below listed individuals, all to the following individuals at the following locations:

To Customer

c/o ____________________

____________________

____________________

(____) ______-_______ (Phone)

(____) ______-_______ (Fax)

To Paymentus

c/o President and CEO

3455 Peachtree Road N.E. 5th Floor
Atlanta, GA 30326

(888) 476-8910 (Phone)
(877) 882-1676 (Fax)

Notices shall be declared to have been given or received on the date the notice is physically received if given by hand delivery, or if notices given by US Post, then notice shall be deemed to have been given upon on date said notice was deposited in the mail addressed in the manner set forth above. Any party hereto by giving notice in the manner set forth herein may unilaterally change the name of the person to whom notice is to be given or the address at which the notice is to be received.
7.3 Interpretation

It is the intent of the parties that no portion of this Agreement shall be interpreted more harshly against either of the parties as the drafter.

7.4 Amendment of Agreement

Modifications or changes in this Agreement must be in writing and executed by the parties bound to this Agreement.

7.5 Severability

If a word, sentence or paragraph herein shall be declared illegal, unenforceable, or unconstitutional, the said word, sentence or paragraph shall be severed from this Agreement, and this Agreement shall be read as if said word, sentence or paragraph did not exist.

7.6 Attorney’s Fees

Should any litigation arise concerning this Agreement between the parties hereto, the parties agree to bear their own costs and attorney’s fees.

7.7 Confidentiality

Customer will not disclose to any third party or use for any purpose inconsistent with this Agreement any confidential or proprietary non-public information it obtains during the term of this Agreement about Paymentus’ business, operations, financial condition, technology, systems, no-how, products, services, suppliers, customers, marketing data, plans, and models, and personnel. Paymentus will not disclose to any third party or use for any purpose inconsistent with this Agreement any confidential User information it receives in connection with its performance of the services.

7.8 Intellectual Property

In order that the Customer may promote the Services and Paymentus’ role in providing the Services, Paymentus grants to Customer a revocable, non-exclusive, royalty-free, license to use Paymentus’ logo and other service marks (the “Paymentus Marks”) for such purpose only. Customer does not have any right, title, license or interest, express or implied in and to any object code, software, hardware, trademarks, service mark, trade name, formula, system, know-how, telephone number, telephone line, domain name, URL, copyright image, text, script (including, without limitation, any script used by Paymentus on the IVR or the Website) or other intellectual property right of Paymentus (“Paymentus Intellectual Property”). All Paymentus Marks, Paymentus Intellectual Property, and the System and all rights therein (other than rights expressly granted herein) and goodwill pertain thereto belong exclusively to Paymentus.

7.9 Force Majeure

Paymentus will be excused from performing the Services as contemplated by this Agreement to the extent its performance is delayed, impaired or rendered impossible by acts of God or other events that are beyond Paymentus’ reasonable control and without its fault or judgment, including without limitation, natural disasters, war, terrorist acts, riots, acts of a governmental entity (in a sovereign or contractual capacity), fire, storms, quarantine restrictions, floods, explosions, labor strikes, labor walk-outs, extra-ordinary losses, utilities (including telecommunications services), external computer “hacker” attacks, and/or delays of common carrier.

7.10 Time of the Essence

Paymentus and Customer acknowledge and agree that time is of the essence for the completion of the Services to be performed and each parties respective obligations under this Agreement.
8 Indemnification

8.1 Paymentus Indemnification and Hold Harmless

Paymentus agrees to the fullest extent permitted by law, to indemnify and hold harmless the Customer and its governing officials, agents, employees, and attorneys (collectively, the "Customer Indemnitees") from and against all liabilities, demands, losses, damages, costs or expenses (including reasonable attorney's fees and costs), incurred by any Customer Indemnitee as a result or arising out of (i) the willful misconduct or negligence of Paymentus in performing the Services or (ii) a material breach by Paymentus of its covenants.

8.2 Customer Indemnification and Hold Harmless

Customer agrees to the fullest extent permitted by law, to indemnify and hold harmless Paymentus, its affiliates, officers, directors, stockholders, agents, employees, and representatives, (collectively, the "Paymentus Indemnitees") from and against all liabilities, demands, losses, damages, costs or expenses (including without limitation reasonable attorney's fees and expenses) incurred by any Paymentus Indemnitee as a result or arising out of (i) the willful misconduct or negligence of Customer related to the Services or (ii) a material breach of Customer's covenants.

8.3 Warranty Disclaimer

Except as expressly set forth in this Agreement, Paymentus disclaims all other representations or warranties, express or implied, made to the Customer or any other person, including without limitation, any warranties regarding quality, suitability, merchantability, fitness, for a particular purpose or otherwise of any services or any good provided incidental to the Services provided under this Agreement.

8.4 Limitation of Liability

Notwithstanding the foregoing, the parties agree that neither party shall be liable to the other for any lost profits, lost savings or other special, indirect or consequential damages, even if the party has been advised of or could have foreseen the possibility of such damages. Paymentus' total liability for damages for any and all actions associated with this Agreement or the Services shall in no event exceed the specific dollar amount of the Paymentus Service Fee paid to Paymentus for the particular payment transaction which is the subject matter of the claim of damage.
9 Term and Termination

9.1 Term

The term of this Agreement shall commence on the effective date of this Agreement and continue for a period of 3 (three) years ("Initial Term") from the Launch Date and can be renewed for another period of 2 (two) years. Services under this Agreement shall begin within 30 days of the merchant account setup.

At the end of the initial 3-year Term, this Agreement will automatically renew for successive two (2) year periods unless either Customer or Paymentus provide the other party with not less than 6 (six) months prior written notice before such automatic renewal date that such party elects not to automatically renew the term of this Agreement for such further 2 year period on such automatic renewal date.

9.2 Material Breach

A material breach of this Agreement shall be cured within 90 (ninety) days ("Cure Period") after a party notifies the other of such breach. In the event, such material breach has not been cured within the Cure Period, the non-breaching party can terminate this Agreement by providing the other party with a 30 (thirty) days notice.

9.3 Upon Termination

Upon termination of this Agreement, the parties agree to cooperate with one another to ensure that all Payments are accounted for and all refundable transactions have been completed. Upon termination, Paymentus shall cease all Services being provided hereunder unless otherwise directed by the Customer in writing.
Schedule A – Paymentus Service Fee Schedule

Paymentus Service Fee charged to the User will be based on the following model.

<table>
<thead>
<tr>
<th>Payment Amount</th>
<th>Paymentus Service Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Utility Bill</td>
<td>□ Flat fee of $3.50</td>
</tr>
<tr>
<td>- Average bill amount of $75.00</td>
<td></td>
</tr>
<tr>
<td>- Maximum of $200.00</td>
<td></td>
</tr>
<tr>
<td>□ Business Licenses</td>
<td>□ Flat fee of $2.95</td>
</tr>
<tr>
<td>- Average bill amount of $25.00</td>
<td></td>
</tr>
<tr>
<td>- Maximum of $100.00</td>
<td></td>
</tr>
<tr>
<td>□ Building Permits</td>
<td>□ Flat fee of $4.95 up to $180.00. All amounts over $180.00 will be charged a service fee of 2.75%</td>
</tr>
<tr>
<td>- Range from $150.00 to $30,000.00</td>
<td></td>
</tr>
<tr>
<td>- No transaction limit</td>
<td></td>
</tr>
</tbody>
</table>

*Note:* The Paymentus Service Fee will be collected in addition to the Payment Amount. Paymentus may apply different limits per transactions depending upon such factors as user adoption and/or to mitigate risks.
<table>
<thead>
<tr>
<th></th>
<th>FY 05-06</th>
<th>FY 06-07</th>
<th>FY07-08 (thru Apr)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Golf Course</td>
<td>1,611.08</td>
<td>2,537.02</td>
<td>2,214.01</td>
</tr>
<tr>
<td>Parks</td>
<td>282.56</td>
<td>674.26</td>
<td>551.80</td>
</tr>
<tr>
<td>Public Works</td>
<td>24,190.80</td>
<td>27,494.40</td>
<td>454.06</td>
</tr>
<tr>
<td>Finance</td>
<td>5,991.25</td>
<td>10,233.60</td>
<td>9,728.11</td>
</tr>
<tr>
<td>Total</td>
<td>32,075.69</td>
<td>40,939.28</td>
<td>12,947.98</td>
</tr>
</tbody>
</table>

| Airport              | 16,152.17| 19,284.82| 10,682.83          |
| Total                | 48,227.86| 60,224.10| 23,630.81          |

Note: A moratorium on the use of credit cards to limit the maximum payment allowed to $250.00 was put in place effective April 1, 2007 and continued through December 31, 2007.
RESOLUTION APPROVING ARTICLES OF INCORPORATION AND BYLAWS – PORTERVILLE AIRPORT AREA DEVELOPMENT CORPORATION

CITY ATTORNEY

The Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Development Association (STIG/PAADA) is developing articles and bylaws for a proposed nonprofit corporation (the “Porterville Airport Area Development Corporation”). The corporation's purpose would be to aid in the financing and administering of funds for the public works projects and improvements associated with any development on the Tribal-owned land by the airport. It is anticipated that this corporation would work in conjunction with the activities of the current STIG/PAADA, and with any joint powers authority created in the event special State legislation is adopted authorizing the creation of such an authority.

Attached are drafts of the Articles of Incorporation and Bylaws. The drafts include the comments provided by the Council at the May 20, 2008 Council Meeting and additional revisions per the STIG/PAADA Board. The drafts are now ready for consideration and approval by the City and Tribe before being submitted to the California Secretary of State.

The Directors of the Corporation parallel the Directors of STIG/PAADA. While there would be four initial incorporators/directors, these directors shall appoint a fifth director, by unanimous vote of those present. An affirmative vote of the majority of the total number of Board members is required for all other decisions to be effective. The current drafts provide for President, Vice-President, Secretary and Treasurer of the Corporation, and subordinate offices could be created. The corporation would be a tax-exempt organization pursuant to Internal Revenue Code Section 501(c)(3). The organization would be subject to the Brown Act.

RECOMMENDATION: That the City Council review and consider the attached Articles and Bylaws, and adopt the attached Resolution

ATTACHMENTS: 1) Resolution No. _____, a Resolution of the City Council of the City of Porterville Authorizing the Formation of the Porterville Area Airport Development Corporation, a Public Benefit Nonprofit Corporation Organized Pursuant to Internal Revenue Code Section 501(c)(3), Authorizing the Filing of the Articles of Incorporation, and Approving the Bylaws

2) Articles of Incorporation of the Porterville Airport Area Development Corporation

3) Bylaws of the Porterville Airport Area Development Corporation

Item No. 23
RESOLUTION NO. _____-2008


WHEREAS, on November 19, 2002, the City of Porterville and the Tule River Indian Tribe formed the Southeastern Tulare County Intergovernmental Coordinating Committee ("STIG") to address joint opportunities and issues of concern for the parties;

WHEREAS, since this time the Committee has met regularly to discuss potential opportunities, and in particular have discussed the potential development of Tribe-owned property located within the City of Porterville and currently subject to a land fee-to-trust application pending before the Bureau of Indian Affairs;

WHEREAS, on January 30, 2008, the parties approved a Memorandum of Understanding Between the City of Porterville and the Tule River Indian Tribe to Advance Further Negotiations and the Performance of Governmental Processes;

WHEREAS, the parties have determined, that in order to assist the City and the Tribe with the administering of funding for STIG’s objectives, and for the creation of economies and efficiencies of purpose, the formation of a California nonprofit, public benefit corporation would be beneficial;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES RESOLVE AS FOLLOWS:

1. The City Council of the City of Porterville hereby approves the Articles of Incorporation of the Porterville Area Airport Development Corporation, attached hereto as Exhibit
"A," authorizes the City-appointed STIG Committee members to execute the Articles as two of the four Incorporators, and authorizes the filing of said Articles, upon execution by the Tribe-appointed STIG members, with the appropriate authorities of the State of California.

2. The City Council hereby approves the draft Bylaws, attached as Exhibit "B," for consideration and approval by the Corporation at its first organizational meeting.

3. The City Council hereby authorizes the execution of any other documents, and authorizes any other actions necessary for the formation of the nonprofit corporation.

APPROVED AND ADOPTED this _____ day of June, 2008.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

______________________________
By: Patrice Hildreth, Chief Deputy City Clerk
ARTICLES OF INCORPORATION [DRAFT]

OF THE

PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION

ARTICLE I

The name of this corporation is: Porterville Area Airport Development Corporation.

ARTICLE II

A. This corporation is a nonprofit Public Benefit Corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public purposes.

B. The specific purposes for which this corporation is organized include the following: to assist the City of Porterville (the "City"), and the Tule River Indian Tribe (the "Tribe") and potentially other public agencies with which the City and Tribe are engaged with, in connection with the financing, acquiring, studying, planning, leasing, constructing, developing and/or improving of land, equipment, facilities, public works projects or any other public improvements for the use, benefit and enjoyment of the members of the public served by City, the Tribe and such agencies, any other public purpose incidental thereto, the administering of funds for these objectives, and to create economies and efficiencies of purpose.

ARTICLE III

The name and address in the State of California of this corporation's initial agent for service of process is:

Julia M. Lew
McCormick, Kabot, Jenner & Lew
1220 West Main Street
Visalia, CA 93291
ARTICLE IV [DRAFT]

A. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3), Internal Revenue Code.

B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

ARTICLE V

The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, organization, corporation, or governmental entity which is organized and operated exclusively for charitable or public purposes and which has established its tax exempt status.

IN WITNESS WHEREOF, for the purposes of forming the corporation under the laws of the State of California, the undersigned has executed these Articles of Incorporation this ____ day of ______________________, 2008.

__________________________________________  ____________________________

Incorporator  Incorporator

__________________________________________

Incorporator  Incorporator
Bylaws [DRAFT 6/10/08]
- of the -
Porterville Area Airport Development Corporation

ARTICLE I

Name, Organization and Purpose, Principal Office

Section 1.1. Name. The name of this corporation is PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION (hereinafter referred to as the “Corporation”).

Section 1.2. Organization, Purpose and Use of Funds. The Corporation is a nonprofit public benefit corporation organized under the Nonprofit Public Benefit Corporation Law of the State of California (the “Law”) exclusively for the promotion of charitable purposes within the meaning of 501(c)(3) of the Internal Revenue Code (the “Code”) and to assist the City of Porterville (the “City”) and the Tule River Indian Tribe (the “Tribe”), and other public agencies in the State of California of which the City is a member or is otherwise engaged with, in connection with the financing, acquiring, studying, planning, leasing, constructing, developing and/or improving of land, equipment, facilities, public works projects or any other public improvement for the use, benefit and enjoyment of the members of the public served by City, Tribe and such agencies, any other public purpose incidental thereto, the administering of funds for these objectives, and to create economies and efficiencies of purpose. The activities of the Corporation shall be limited to the activities described in its Articles of Incorporation. No gains, profits or dividends shall be distributed to any of the Directors or officers of the Corporation; and no part of the net earnings, funds or assets of the Corporation shall inure to the benefit of any Director or any other person, firm or corporation excepting only the as described herein.

Section 1.3. Principal Office. The principal office of the Corporation is hereby fixed and located at 2780 West Yowlumne Avenue, Suite 2, Porterville, California 93257. The Board of Directors is hereby granted full power and authority to change said principal office from one location to another. Any such change shall be noted by the Secretary opposite this section, but shall not be considered an amendment to these Bylaws.
ARTICLE II  [DRAFT]

No Members

Section 2.1.  No Members. Pursuant to Section 5310 of the Law, the bylaws of a nonprofit corporation may provide that the corporation shall have no members. This Corporation shall have no members.

ARTICLE III

Directors

Section 3.1. Powers. Subject to limitation of the Articles of Incorporation, the Bylaws, and the Law, and subject to the duties of Directors as prescribed by the Bylaws, all powers of the Corporation shall be exercised by or under the authority of, and the business and affairs of the Corporation shall be controlled by, the Board of Directors. No Director shall be responsible for any error in judgment or for anything that such Director may do or refrain from doing in good faith. Without prejudice to such general powers, but subject to the same limitations, it is hereby expressly declared that the Directors shall have the following powers, to wit:

1. To select and remove all appointed officers, agents and employees of the Corporation, prescribe such powers and duties for such officers, agents and employees as may not be inconsistent with law or the Articles of Incorporation or Bylaws, fix their compensation and require from such officers, agents and employees security for faithful service;

2. To conduct, manage and control the affairs and business of the Corporation and to make such rules and regulations therefor not inconsistent with law, the Articles of Incorporation or Bylaws, as the Directors may deem best; and

3. To borrow money and incur indebtedness for the purposes of the Corporation, and to cause to be executed and delivered therefor, in the name of the Corporation or otherwise, promissory notes, bonds, certificates of participation, debentures, deeds of trust, mortgages, pledges, hypothecation or other evidences of debt and securities therefor.

Section 3.2. Number of Directors. The authorized number of Directors shall be five until changed by amendment of the Articles of Incorporation or by amendment of the Bylaws.
Section 3.3. Selection and Term of Office. The initial Directors of the Corporation shall include four (4) incorporators, two (2) of whom are designated by the Porterville City Council and whom are current Porterville City Council Members (hereinafter referred to as "City - Appointed Directors") and two (2) of whom are designated by the Tule River Tribal Council and are current or prior Tule River Tribal Council Members (hereinafter referred to as “Tribe – Appointed Directors”). The four initial directors shall appoint, by unanimous vote of those present, one additional director, who shall be a resident of Tulare County (hereinafter referred to as the “Board - Appointed Director”). This director may be the same individual appointed to the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association by the four members of that organization. Except as hereinafter provided and in accordance with Section 5220(d) of the law, each City and Tribe Appointed Director shall hold office until removed by its respective legislative body. The Board-Appointed Director shall hold office for a term of one year, but said term may run consistent and in conjunction with his/her term as a member of the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association.

Section 3.4. Vacancies. Subject to the provisions of Section 5224 of the Law, any Director may resign effective upon giving written notice to the President or the Secretary, unless the notice specifies a later time for the effectiveness of such resignation. No such resignation shall be effective, however, unless and until such Director shall have resigned from the Board of Directors of the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association.

A vacancy or vacancies on the Board of Directors shall be deemed to exist upon the expiration of a Director’s term, if the authorized number of Directors comprising the Board of Directors of the District is increased, or upon the events specified in Government Code § 1770 including but not limited to the death, or resignation, on the Board of Directors of the District.

City-Appointed Director vacancies on the Board of Directors shall be filled by the Porterville City Council. Tribal-Appointed vacancies on the Board of Directors shall be filled by the Tule River Tribal Council. A Board-Appointed vacancy on the Board of Directors shall be filled by the four other (City and Tribal-Appointed) Directors, by a unanimous vote of the Directors present.

Section 3.5. Organization and Annual/Quarterly Meetings. The Board of Directors shall hold at least one annual meeting for the purpose of organization and the transaction of business of the corporation. The Board of Directors shall appoint, from its own body, a President, Vice-President, Secretary, and Treasurer, and these officers shall serve as
specified in Article IV. Subject to Section 3.11 hereof, quarterly meetings of the Board of Directors shall be held on the first ___________ in the month of ____________, but in no case held later than June 1 of each year.

Section 3.6. Regular Meetings. The Board of Directors by resolution may provide for the holding of regular meetings and may fix the time and place of holding such meetings.

Section 3.7. Special Meetings; Notice Waiver. A special meeting of the Board of Directors shall be held whenever called in accordance with the Ralph M. Brown Act, commencing at Section 54950 of the Government Code of the State of California and Section 5211(a)(2) of the Law and Section 3.11 hereof.

Section 3.8. Adjourned Meetings; Notice of Adjournment. The Board of Directors may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a majority may so adjourn from time to time. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this Section 3.8, the resulting adjourned regular meeting is a regular meeting for all purposes.

Section 3.9. Majority. A majority, or at least three (3), of the total number of Board of Directors (5) shall constitute a quorum for the transaction of any business. An affirmative vote of a majority, or at least three (3), of the total number of Board of Directors is required for every act or decision of the Board of Directors.

Section 3.10. Fees and Compensation. Directors shall receive no compensation or expenses from the Corporation for services as Directors of the Corporation.

Section 3.11. Ralph M. Brown Act. Notwithstanding any of the provisions of these Bylaws to the contrary, all meetings of the Board of Directors shall be subject to the Ralph M. Brown Act, commencing at Section 54950 of the Government Code of the State of California.

Section 3.12. Conduct of Meetings. The President or, in the absence of the President, the Vice President, or, in the absence of the Vice President, a Chairman chosen by a majority of the Directors present, shall preside at meetings of the Board of Directors.
ARTICLE IV [DRAFT]

Officers

Section 4.1. Officers. The officers of the Corporation shall include a President, a Vice President, a Secretary and a Treasurer, all of whom shall be appointed from the Board of Directors. The Corporation may also have, at the discretion of the Board of Directors, one or more additional Assistant Secretaries, one or more Assistant Treasurers, and such other officers as may be appointed by the Board of Directors and are not members of the Board of Directors. One person may hold two or more offices, except that the offices of President and Secretary or President and Treasurer may not be combined.

Section 4.2. President. The person serving from time-to-time as the President of the Board of Directors of the Corporation shall serve as the President of the Corporation. The President shall preside at all meetings of the Board of Directors.

Section 4.3. Vice-President. The person serving from time-to-time as Vice President of the Board of Directors shall serve as Vice-President of the Corporation. The Vice-President shall preside at meetings of the Board of Directors in the event that the President is unable to do so.

Section 4.4. Secretary. The person serving from time-to-time as Secretary of the Board of Directors shall serve as Secretary of the Corporation. The Secretary shall keep at the principal office of the Corporation a book of minutes of all meetings of Directors, with the time and place of holding, how called or authorized, the notice thereof given, and the names of those present at Directors’ meetings.

Section 4.5. Treasurer. The person serving from time-to-time as the Treasurer of the Board of Directors shall serve as Treasurer of the Corporation. The Treasurer shall keep and maintain adequate and correct books of account showing the receipts and disbursements of the Corporation, and an account of its cash and other assets, if any. Such books of account shall at all reasonable times be open to inspection by any Director.

The Treasurer shall deposit all moneys of the Corporation with such depositories as are designated by the Board of Directors, and shall disburse the funds of the Corporation as may be ordered by the Board of Directors, and shall render to the President or the Board of Directors, upon request, statements of the financial condition of the Corporation.

Section 4.6. Subordinate Officers. Subordinate officers shall perform such duties as shall be prescribed from time to time by the Board of Directors.
Section 4.7. Term of Office. The term of office of the President and Vice-President of the Corporation shall coincide with the term of office of the President and Vice-President of the Board of Directors of the Corporation. The term of office of the Secretary and Treasurer of the Corporation, respectively, shall coincide with the term of office of the Secretary and Treasurer of the Board of Directors respectively.

ARTICLE V [DRAFT]

Miscellaneous

Section 5.1. Execution of Documents. The Board of Directors may authorize any officer or officers as agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of the Corporation and such authority may be general or confined to specific instances; and unless so authorized by the Board of Directors, no officer, agent or other person shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable for any purpose or to any amount. Said authority shall be granted by Resolution or Minute Order and shall appear in the minutes.

Section 5.2. Inspection of Bylaws. The Corporation shall keep in its principal office the original or a copy of these Bylaws, as amended or otherwise altered to date, certified by the Secretary, which shall be open to inspection by members of the public and the Directors at all reasonable times during office hours.

Section 5.3. Annual Report. The Corporation, having no members, hereby expressly dispenses with the annual report referred to in Section 6321 of the Law.

Section 5.4. Fiscal Year. The fiscal year of the Corporation shall begin July 1 of each year and end on the last day of June of the succeeding year, except the first fiscal year which shall run from the date of incorporation to June 30, 2009.

Section 5.5. Dissolution. In the event of dissolution of the Corporation in any manner and for any cause, after the payment or adequate provision for the payment of all of its debts and liabilities, all of the remaining funds, assets and properties of the Corporation shall be paid or distributed to a nonprofit fund, foundation, organization or corporation which is organized and operated exclusively for charitable or public purposes and which has established its tax exempt status.
Section 5.6. Construction and Definitions. Unless the context otherwise requires, the general provisions, rules of construction and definitions contained in the Law shall govern the construction of these Bylaws. If any section, subsection, sentence, clause or phrase of these Bylaws, or the application thereof, is contrary to the Law, the provisions of the Law shall prevail. Without limiting the generality of the foregoing the masculine gender includes the feminine and neuter, the singular number includes the plural and the plural number includes the singular, and the term “person” includes a corporation as well as a natural person.

ARTICLE VI [DRAFT]

Amendments

Section 6.1. Power of Directors. New Bylaws may be adopted or these Bylaws may be amended or repealed by an affirmative vote of a majority of the total number of the Board of Directors. The Bylaws shall be amended to remain consistent with any organizational changes to the Porterville Airport Area Development Association, and/or Authority if and when a valid Joint Powers Agreement is executed. No amendment to these Bylaws shall be effective until approved by an affirmative majority vote of the Board of Directors as provided in these Bylaws.

CERTIFICATE OF SECRETARY

OF

PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION

I hereby certify that I am the duly elected and acting Secretary of said corporation and that the foregoing Bylaws, comprising 7 pages, constitute the Bylaws of said corporation as duly adopted at a meeting of the Board of Directors thereof held on ____________________, 2008.

________________________________________
, Secretary

E:\Julia\Porterville\Tribe\Bylaws_PAADA61008.doc
REPORT ON COUNCIL OF CITIES SUBCOMMITTEE MEETING WITH COUNTY OF TULARE REPRESENTATIVES

SOURCE: Administration

COMMENT: Representatives for the Council of Cities and the County of Tulare met at the County Board of Supervisors building in Visalia on June 4, 2008, in support of an effort toward better coordination of issues in Tulare County. The purpose of this joint meeting was to provide the County an opportunity to present several summaries of funding issues for the benefit of the cities.

The first County presentation by the County was of property tax distribution within the County. The presentation handouts are enclosed with this report, however, it is of interest to note that the City of Porterville receives, by percentage of distribution, 2.44% less than the average city property tax distribution (at an estimated loss of $256,713), while Porterville schools receive the largest percentage aside from Farmersville schools (please see table below).

Property Tax Distribution (by percentage)

<table>
<thead>
<tr>
<th>City (%)</th>
<th>County (%)</th>
<th>Schools (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dinuba (18.79)</td>
<td>Tulare (19.44*)</td>
<td>Dinuba Schools (56.97)</td>
</tr>
<tr>
<td>Woodlake (15.76)</td>
<td>Tulare (17.08*)</td>
<td>Woodlake Schools (59.26)</td>
</tr>
<tr>
<td>Exeter (15.32)</td>
<td>Tulare (16.20*)</td>
<td>Exeter Schools (58.80)</td>
</tr>
<tr>
<td>Lindsay (14.79)</td>
<td>Tulare (18.67*)</td>
<td>Lindsay Schools (57.78)</td>
</tr>
<tr>
<td>Tulare (14.09)</td>
<td>Tulare (16.32)</td>
<td>Tulare Schools (61.75)</td>
</tr>
<tr>
<td>Farmersville (11.81)</td>
<td>Tulare (15.37*)</td>
<td>Farmersville Schools (67.24)</td>
</tr>
<tr>
<td>Porterville (11.80)</td>
<td>Tulare (18.15)</td>
<td>Porterville Schools (66.56)</td>
</tr>
<tr>
<td>Visalia (11.57)</td>
<td>Tulare (20.13*)</td>
<td>Visalia Schools (63.22)</td>
</tr>
</tbody>
</table>

(*) Includes County Library distribution

The County next presented an overview of its General Fund, as well as a review of its Discretionary Funds within. Handouts were not provided of this presentation, however, it can be reported that the County’s General Fund budget and its allocation of resources resembles most city budgets, in that the majority of resources are allocated toward public safety and that revenues have been impacted due to sluggish sales tax and State government capturing of funds.

Dir. Appropriated/Funded C/M Item No. 24
The County next presented a review of its Capital Improvement Projects (CIP) and Millennium Fund (please see enclosed presentation handouts). Of particular note is the reference of a South County Justice Facility in Porterville at a current cost estimate of $24.2 million, which is included on the 10-year County CIP plan but indicated as unfunded.

The final presentation of the meeting was by the County Transportation Authority on the Measure R program (please see enclosed presentation handouts). Of particular note is that of nearly $22.7 million in Measure R revenues currently received, the City of Porterville has received almost $715,000 in local program distributions for local street projects.

RECOMMENDATION: Information Only

ATTACHMENT: County of Tulare “Property Tax Distribution”
County of Tulare Review of Capital Improvement Projects and Millennium Fund
Tulare County Transportation Authority Measure R Presentation
AGENDA

Council of Cities/County of Tulare
Sub-Committee Meeting

June 4, 2008
3:00 p.m.
Board of Supervisors Conference Rooms A/B
2800 W. Burrel
Visalia, CA 93291

SUB-COMMITTEE DISCUSSION REGARDING TULARE COUNTY FINANCIAL OVERVIEW:

a. Review of Property Tax Distribution
   Jean Rousseau, County Administrative Officer

b. Explanation of General Fund and Discretionary Funds
   Jean Rousseau, County Administrative Officer

c. Review of Capital Improvement Projects and Millennium Fund
   Jean Rousseau, County Administrative Officer

d. *(The following item will be tabled for discussion at the next meeting.)*
   Explanation of Solid Waste Enterprise Fund
   Britt Fussel – Assistant Resource Management Agency Director - Engineering

e. Measure R Funding Update
   Ted Smalley, Executive Director Tulare County Association of Governments
County of Tulare
Property Tax Distribution
Council of Cities/County of Tulare
Sub-Committee Meeting

June 4, 2008
County of Tulare
Property Tax Distribution
Comments

- Recap of Auditor’s “2007-2008 Gross Levy Report by Tax Rate Area”
- Tax Rate Equivalents are an agency’s percentage share of the 1% ad valorem tax
- Tax Rate Equivalents/Factors Used Reflect ERAF I & II (State Money Grabs)
- Tax Rate Area Used Reflects Auditor’s Common/Generic Tax Rate Distribution Model
## 2007-2008 Property Tax Allocations Post ERAF Tax Rate Equivalents

City of Dinuba

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>County General Fund</td>
<td>17.92%</td>
</tr>
<tr>
<td>County Library</td>
<td>1.52%</td>
</tr>
<tr>
<td>Schools</td>
<td>56.97%</td>
</tr>
<tr>
<td>Special Districts</td>
<td>4.80%</td>
</tr>
<tr>
<td>City of Dinuba</td>
<td>18.79%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>
# 2007-2008 Property Tax Allocations

Post ERAF Tax Rate Equivalents

City of Exeter

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>County General Fund</td>
<td>14.93%</td>
</tr>
<tr>
<td>County Library</td>
<td>1.27%</td>
</tr>
<tr>
<td>County Fire Fund</td>
<td>4.65%</td>
</tr>
<tr>
<td>Schools</td>
<td>58.80%</td>
</tr>
<tr>
<td>Special Districts</td>
<td>5.03%</td>
</tr>
<tr>
<td>City of Exeter</td>
<td>15.32%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>
## 2007-2008 Property Tax Allocations
### Post ERAF Tax Rate Equivalents
#### City of Lindsay

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>County General Fund</td>
<td>17.21%</td>
</tr>
<tr>
<td>County Library</td>
<td>1.46%</td>
</tr>
<tr>
<td>Schools</td>
<td>57.78%</td>
</tr>
<tr>
<td>Special Districts</td>
<td>8.75%</td>
</tr>
<tr>
<td>City of Lindsay</td>
<td>14.79%</td>
</tr>
<tr>
<td></td>
<td>100.00%</td>
</tr>
</tbody>
</table>
### 2007-2008 Property Tax Allocations

**Post ERAF Tax Rate Equivalents**

**City of Porterville**

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>County General Fund</td>
<td>18.15%</td>
</tr>
<tr>
<td>Schools</td>
<td>66.56%</td>
</tr>
<tr>
<td>Special Districts</td>
<td>3.48%</td>
</tr>
<tr>
<td>City of Porterville</td>
<td>11.80%</td>
</tr>
</tbody>
</table>

100.00%
## 2007-2008 Property Tax Allocations
### Post ERAF Tax Rate Equivalents
#### City of Tulare

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>County General Fund</td>
<td>16.32%</td>
</tr>
<tr>
<td>Schools</td>
<td>61.75%</td>
</tr>
<tr>
<td>Special Districts</td>
<td>7.84%</td>
</tr>
<tr>
<td>City of Tulare</td>
<td>14.09%</td>
</tr>
</tbody>
</table>

100.00%
## 2007-2008 Property Tax Allocations
### Post ERAF Tax Rate Equivalents
#### City of Visalia

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>County General Fund</td>
<td>18.55%</td>
</tr>
<tr>
<td>County Library</td>
<td>1.58%</td>
</tr>
<tr>
<td>Schools</td>
<td>63.22%</td>
</tr>
<tr>
<td>Special Districts</td>
<td>5.08%</td>
</tr>
<tr>
<td>City of Visalia</td>
<td>11.57%</td>
</tr>
</tbody>
</table>

100.00%
## 2007-2008 Property Tax Allocations
### Post ERAF Tax Rate Equivalents
### City of Woodlake

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>County General Fund</td>
<td>15.74%</td>
</tr>
<tr>
<td>County Library</td>
<td>1.34%</td>
</tr>
<tr>
<td>Schools</td>
<td>59.26%</td>
</tr>
<tr>
<td>Special Districts</td>
<td>7.92%</td>
</tr>
<tr>
<td>City of Woodlake</td>
<td>15.76%</td>
</tr>
</tbody>
</table>

100.00%
## 2007-2008 Property Tax Allocations
### Post ERAF Tax Rate Equivalents
#### City of Farmersville

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>County General Fund</td>
<td>14.17%</td>
</tr>
<tr>
<td>County Library</td>
<td>1.20%</td>
</tr>
<tr>
<td>Schools</td>
<td>67.24%</td>
</tr>
<tr>
<td>Special Districts</td>
<td>5.58%</td>
</tr>
<tr>
<td>City of Farmersville</td>
<td>11.81%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.00%</strong></td>
</tr>
<tr>
<td>TAX RATE AREA CODE</td>
<td>AGENCY TITLE</td>
</tr>
<tr>
<td>-------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>001-000</td>
<td>COUNTY GENERAL</td>
</tr>
<tr>
<td>016</td>
<td>LIBRARY FUND</td>
</tr>
<tr>
<td>099</td>
<td>EDUCAT REV AUG 92/93</td>
</tr>
<tr>
<td>106</td>
<td>DINUBA UNF BL MTCE</td>
</tr>
<tr>
<td>093</td>
<td>STATE CENTER COM COLL</td>
</tr>
<tr>
<td>098</td>
<td>ALTA CEMETARY</td>
</tr>
<tr>
<td>098</td>
<td>ALTA HOSP DIST-MTCE</td>
</tr>
<tr>
<td>098</td>
<td>DELTA VECTOR CONTROL</td>
</tr>
<tr>
<td>108</td>
<td>DINUBA MEMORIAL</td>
</tr>
<tr>
<td>090</td>
<td>DINUBA CITY</td>
</tr>
<tr>
<td>091</td>
<td>TULARE CO AIR POLLUT</td>
</tr>
<tr>
<td>092</td>
<td>TULARE CO FLOOD CONT</td>
</tr>
<tr>
<td>098</td>
<td>EDUCAT REV AUG 93/94</td>
</tr>
</tbody>
</table>

001-000 TRA - TOTAL 1.000000 193.7616- 1.000000 118,077.24 118,077.24

001-001 TRA - TOTAL 1.000000 193.7616- 1.000000 2,917,810.93 2,917,810.93
<table>
<thead>
<tr>
<th>TAX RATE AREA CODE</th>
<th>TAX RATE AGENCY TITLE</th>
<th>PROBEN FACTOR</th>
<th>FROZEN % CHANGE</th>
<th>ADJUSTED FACTOR</th>
<th>GROSS LEVY</th>
<th>ADJUSTED LEVY</th>
</tr>
</thead>
<tbody>
<tr>
<td>001-049 098</td>
<td>TULARE CO FLOOD CONT</td>
<td>0.065414</td>
<td>60.8128-</td>
<td>0.02513</td>
<td>3.50</td>
<td>1.37</td>
</tr>
<tr>
<td></td>
<td>EDUCAT REV AUG 93/94</td>
<td>0.196165</td>
<td></td>
<td></td>
<td></td>
<td>107.44</td>
</tr>
<tr>
<td>001-049 TRA - TOTAL</td>
<td></td>
<td>1.000000</td>
<td>193.7616-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>002-000 011</td>
<td>COUNTY GENERAL</td>
<td>0.301866</td>
<td>50.5344-</td>
<td>0.14520</td>
<td>327,494.56</td>
<td>310,393.95</td>
</tr>
<tr>
<td>016</td>
<td>LIBRARY FUND</td>
<td>0.014077</td>
<td>9.9033-</td>
<td>0.012663</td>
<td>29,282.52</td>
<td>29,282.52</td>
</tr>
<tr>
<td>017</td>
<td>FIRE FUND</td>
<td>0.035032</td>
<td>34.8594</td>
<td>0.046543</td>
<td>91,700.04</td>
<td>96,855.88</td>
</tr>
<tr>
<td>009</td>
<td>EDUCAT REV AUG 92/93</td>
<td>0.019150</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>109</td>
<td>EXETER UNION EL MT</td>
<td>0.163652</td>
<td>163.652</td>
<td>63.652</td>
<td>340,601.51</td>
<td>346,010.51</td>
</tr>
<tr>
<td>143</td>
<td>EXETER HI MTC</td>
<td>0.185966</td>
<td>185.966</td>
<td>9.59866</td>
<td>308,888.21</td>
<td>308,888.21</td>
</tr>
<tr>
<td>151</td>
<td>COLL/SEQUOIA COM COLL</td>
<td>0.043548</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>158</td>
<td>COUNTY SCHOOL SSR MT</td>
<td>0.020108</td>
<td>20.108</td>
<td>0.020108</td>
<td>41,799.07</td>
<td>41,799.07</td>
</tr>
<tr>
<td>307</td>
<td>DELTA VECTOR CONTROL</td>
<td>0.019190</td>
<td>19.190</td>
<td>0.019190</td>
<td>39,890.43</td>
<td>24,004.19</td>
</tr>
<tr>
<td>321</td>
<td>EXETER CHMTRY</td>
<td>0.005233</td>
<td>5.233</td>
<td>0.005233</td>
<td>10,678.46</td>
<td>6,992.64</td>
</tr>
<tr>
<td>322</td>
<td>EXETER CITY</td>
<td>0.020840</td>
<td>20.840</td>
<td>0.020840</td>
<td>433,370.60</td>
<td>318,401.28</td>
</tr>
<tr>
<td>326</td>
<td>EXETER MEMORIAL</td>
<td>0.014077</td>
<td>14.077</td>
<td>0.014077</td>
<td>33,456.37</td>
<td>29,452.37</td>
</tr>
<tr>
<td>327</td>
<td>EXETER AMBLDIST(HOSP)</td>
<td>0.019190</td>
<td>19.190</td>
<td>0.019190</td>
<td>39,890.43</td>
<td>39,890.43</td>
</tr>
<tr>
<td>401</td>
<td>TULARE CO AIR POLLUT</td>
<td>0.000285</td>
<td>0.00285</td>
<td>0.000285</td>
<td>552.46</td>
<td>552.46</td>
</tr>
<tr>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>0.004458</td>
<td>60.8128-</td>
<td>0.017477</td>
<td>3,631.63</td>
<td>3,631.63</td>
</tr>
<tr>
<td>098</td>
<td>EDUCAT REV AUG 93/94</td>
<td>0.211875</td>
<td></td>
<td></td>
<td>440,403.83</td>
<td></td>
</tr>
<tr>
<td>002-000 TRA - TOTAL</td>
<td></td>
<td>1.000000</td>
<td>202.4012-</td>
<td></td>
<td>2,078,795.33</td>
<td>2,078,795.33</td>
</tr>
<tr>
<td>002-001 011</td>
<td>COUNTY GENERAL</td>
<td>0.295778</td>
<td>50.5344-</td>
<td>0.148287</td>
<td>24,328.61</td>
<td>12,034.29</td>
</tr>
<tr>
<td>016</td>
<td>LIBRARY FUND</td>
<td>0.013985</td>
<td>9.9033-</td>
<td>0.012600</td>
<td>1,135.00</td>
<td>1,022.60</td>
</tr>
<tr>
<td>017</td>
<td>FIRE FUND</td>
<td>0.034790</td>
<td>32.8594</td>
<td>0.046222</td>
<td>2,823.41</td>
<td>3,751.17</td>
</tr>
<tr>
<td>009</td>
<td>EDUCAT REV AUG 92/93</td>
<td>0.162680</td>
<td></td>
<td>0.162680</td>
<td>13,241.02</td>
<td>13,241.02</td>
</tr>
<tr>
<td>109</td>
<td>EXETER UNION EL MT</td>
<td>0.147532</td>
<td>14.7532</td>
<td>11,997.05</td>
<td>11,973.05</td>
<td></td>
</tr>
<tr>
<td>151</td>
<td>COLL/SEQUOIA COM COLL</td>
<td>0.043263</td>
<td></td>
<td>0.043263</td>
<td>3,511.02</td>
<td>3,511.02</td>
</tr>
<tr>
<td>158</td>
<td>COUNTY SCHOOL SSR MT</td>
<td>0.019970</td>
<td>19.970</td>
<td>0.019970</td>
<td>1,620.69</td>
<td>1,620.69</td>
</tr>
<tr>
<td>307</td>
<td>DELTA VECTOR CONTROL</td>
<td>0.013049</td>
<td>32.8594</td>
<td>0.11469</td>
<td>2,545.52</td>
<td>930.76</td>
</tr>
<tr>
<td>321</td>
<td>EXETER CHMTRY</td>
<td>0.005197</td>
<td>5.197</td>
<td>0.003341</td>
<td>421.75</td>
<td>271.10</td>
</tr>
<tr>
<td>322</td>
<td>EXETER CITY</td>
<td>0.206983</td>
<td>20.6983</td>
<td>0.152072</td>
<td>16,797.76</td>
<td>12,341.47</td>
</tr>
<tr>
<td>326</td>
<td>EXETER MEMORIAL</td>
<td>0.019900</td>
<td>11.9730</td>
<td>0.014068</td>
<td>1,296.84</td>
<td>1,141.64</td>
</tr>
<tr>
<td>327</td>
<td>EXETER AMBLDIST(HOSP)</td>
<td>0.019054</td>
<td>11.9730</td>
<td>0.014068</td>
<td>1,546.30</td>
<td>1,546.30</td>
</tr>
<tr>
<td>401</td>
<td>TULARE CO AIR POLLUT</td>
<td>0.000285</td>
<td>0.00285</td>
<td>0.000285</td>
<td>23.05</td>
<td>23.05</td>
</tr>
<tr>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>0.004429</td>
<td>60.8128-</td>
<td>0.017376</td>
<td>359.44</td>
<td>140.85</td>
</tr>
<tr>
<td>098</td>
<td>EDUCAT REV AUG 93/94</td>
<td>0.210396</td>
<td></td>
<td></td>
<td>17,074.96</td>
<td></td>
</tr>
<tr>
<td>002-001 TRA - TOTAL</td>
<td></td>
<td>1.000000</td>
<td>202.4012-</td>
<td></td>
<td>81,155.45</td>
<td>81,155.45</td>
</tr>
<tr>
<td>TAX RATE AREA</td>
<td>CODE</td>
<td>AGENCY TITLE</td>
<td>GROSS LEVY FACTOR</td>
<td>% CHANGE</td>
<td>ADJUSTED FACTOR</td>
<td>GROSS LEVY</td>
</tr>
<tr>
<td>--------------</td>
<td>------</td>
<td>------------------------------</td>
<td>-------------------</td>
<td>----------</td>
<td>-----------------</td>
<td>------------</td>
</tr>
<tr>
<td>002-024</td>
<td>326</td>
<td>EXETER MEMORIAL</td>
<td>0.20862</td>
<td>11.9677-</td>
<td>0.16365</td>
<td>8.35-</td>
</tr>
<tr>
<td></td>
<td>327</td>
<td>EXETER AMBULIST (HOSP)</td>
<td>0.26475</td>
<td></td>
<td>0.26475</td>
<td>9.96-</td>
</tr>
<tr>
<td></td>
<td>328</td>
<td>KERNER DELTA WATERS</td>
<td>0.26608</td>
<td></td>
<td>0.26608</td>
<td>10.65-</td>
</tr>
<tr>
<td></td>
<td>401</td>
<td>TULARE CO AIR POLLUT</td>
<td>0.00370</td>
<td></td>
<td>0.00370</td>
<td>.14-</td>
</tr>
<tr>
<td></td>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>0.005779</td>
<td>60.8128-</td>
<td>0.002265</td>
<td>2.30-</td>
</tr>
<tr>
<td></td>
<td>098</td>
<td>EDUCAT REV AUG 93/94</td>
<td></td>
<td></td>
<td>1.65416</td>
<td></td>
</tr>
<tr>
<td><strong>002-024</strong></td>
<td></td>
<td><strong>TRA - TOTAL</strong></td>
<td>1.000000</td>
<td></td>
<td>202.4012-</td>
<td>1.000000</td>
</tr>
<tr>
<td>002-025</td>
<td>011</td>
<td>COUNTY GENERAL</td>
<td>0.22587</td>
<td>50.5344-</td>
<td>0.111588</td>
<td>25,285.49</td>
</tr>
<tr>
<td></td>
<td>016</td>
<td>LIBRARY FUND</td>
<td>0.017788</td>
<td>9.9013-</td>
<td>0.016026</td>
<td>1,994.09</td>
</tr>
<tr>
<td></td>
<td>017</td>
<td>FIRE FUND</td>
<td>0.044259</td>
<td>32.8594-</td>
<td>0.058802</td>
<td>4,961.59</td>
</tr>
<tr>
<td></td>
<td>026</td>
<td>LIBRy FD PASS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>027</td>
<td>FIRE FD PASS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>099</td>
<td>EDUCAT REV AUG 92/93</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>109</td>
<td>EXETER UNION EL MT</td>
<td>0.205999</td>
<td></td>
<td>0.205999</td>
<td>23,205.43</td>
</tr>
<tr>
<td></td>
<td>143</td>
<td>EXETER Hl MTCR</td>
<td>0.187725</td>
<td></td>
<td>0.187725</td>
<td>21,044.73</td>
</tr>
<tr>
<td></td>
<td>151</td>
<td>COLL/SEQUOIA COM COLL</td>
<td>0.055020</td>
<td></td>
<td>0.055020</td>
<td>6,167.95</td>
</tr>
<tr>
<td></td>
<td>190</td>
<td>COUNTY SCHOOL SER MT</td>
<td>0.02406</td>
<td></td>
<td>0.02406</td>
<td>2,848.11</td>
</tr>
<tr>
<td></td>
<td>307</td>
<td>DELTA VECTOR CONTROL</td>
<td>0.04524</td>
<td>39.7930-</td>
<td>.04524</td>
<td>3,716.71</td>
</tr>
<tr>
<td></td>
<td>321</td>
<td>EXETER CEMETARY</td>
<td>0.006612</td>
<td>35.7203-</td>
<td>.006612</td>
<td>741.21</td>
</tr>
<tr>
<td></td>
<td>322</td>
<td>EXETER CITY</td>
<td>0.155796</td>
<td>25.5291-</td>
<td>.146466</td>
<td>17,465.59</td>
</tr>
<tr>
<td></td>
<td>326</td>
<td>EXETER MEMORIAL</td>
<td>0.020333</td>
<td>11.9677-</td>
<td>.019700</td>
<td>2,279.39</td>
</tr>
<tr>
<td></td>
<td>327</td>
<td>EXETER AMBULIST (HOSP)</td>
<td>0.024244</td>
<td></td>
<td>0.024244</td>
<td>2,117.03</td>
</tr>
<tr>
<td></td>
<td>373</td>
<td>COUNTY SERVICE AREA 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>401</td>
<td>TULARE CO AIR POLLUT</td>
<td>0.00361</td>
<td></td>
<td>0.00361</td>
<td>40.44</td>
</tr>
<tr>
<td></td>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>0.005634</td>
<td>60.8128-</td>
<td>.002208</td>
<td>631.58</td>
</tr>
<tr>
<td></td>
<td>098</td>
<td>EDUCAT REV AUG 93/94</td>
<td></td>
<td></td>
<td>1.60414</td>
<td></td>
</tr>
<tr>
<td><strong>002-025</strong></td>
<td></td>
<td><strong>TRA - TOTAL</strong></td>
<td>1.000000</td>
<td></td>
<td>202.4012-</td>
<td>1.000000</td>
</tr>
<tr>
<td>003-000</td>
<td>011</td>
<td>COUNTY GENERAL</td>
<td>0.247095</td>
<td>50.5344-</td>
<td>.172088</td>
<td>680,545.41</td>
</tr>
<tr>
<td></td>
<td>016</td>
<td>LIBRARY FUND</td>
<td>0.016224</td>
<td>9.9033-</td>
<td>0.014617</td>
<td>11,736.74</td>
</tr>
<tr>
<td></td>
<td>099</td>
<td>EDUCAT REV AUG 92/93</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>151</td>
<td>COLL/SEQUOIA COM COLL</td>
<td>0.050188</td>
<td></td>
<td>0.050188</td>
<td>98,176.37</td>
</tr>
<tr>
<td></td>
<td>156</td>
<td>LINDSAY UNIF MTCR</td>
<td>0.299608</td>
<td></td>
<td>0.299608</td>
<td>566,524.87</td>
</tr>
<tr>
<td></td>
<td>198</td>
<td>COUNTY SCHOOL SER MT</td>
<td>0.023174</td>
<td></td>
<td>0.023174</td>
<td>45,333.05</td>
</tr>
<tr>
<td></td>
<td>344</td>
<td>LINDSAY HOSPITAL MTCR</td>
<td>0.062846</td>
<td></td>
<td>0.062846</td>
<td>123,937.55</td>
</tr>
<tr>
<td></td>
<td>345</td>
<td>LINDSAY/STRATMRR CEM</td>
<td>0.14061</td>
<td>28.6013-</td>
<td>.10425</td>
<td>28,561.43</td>
</tr>
<tr>
<td></td>
<td>346</td>
<td>LINDSAY/STRATMRR MEM</td>
<td>0.13229</td>
<td>9.8204-</td>
<td>.01930</td>
<td>25,078.41</td>
</tr>
<tr>
<td></td>
<td>351</td>
<td>LINDSAY CITY</td>
<td>0.17678</td>
<td>16.3103-</td>
<td>.167383</td>
<td>345,750.49</td>
</tr>
<tr>
<td></td>
<td>401</td>
<td>TULARE CO AIR POLLUT</td>
<td>0.000358</td>
<td></td>
<td>0.000358</td>
<td>642.46</td>
</tr>
<tr>
<td></td>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>0.005136</td>
<td>60.8128-</td>
<td>.002013</td>
<td>10,051.20</td>
</tr>
<tr>
<td></td>
<td>098</td>
<td>EDUCAT REV AUG 93/94</td>
<td></td>
<td></td>
<td>1.61845</td>
<td></td>
</tr>
<tr>
<td><strong>003-000</strong></td>
<td></td>
<td><strong>TRA - TOTAL</strong></td>
<td>1.000000</td>
<td></td>
<td>175.9823-</td>
<td>1.000000</td>
</tr>
<tr>
<td>TAX RATE AREA CODE</td>
<td>AGENCY TITLE</td>
<td>FROZEN FACTOR</td>
<td>% CHANGE</td>
<td>ADJUSTED FACTOR</td>
<td>GROSS LEVY</td>
<td>ADJUSTED GROSS LEVY</td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------------------</td>
<td>---------------</td>
<td>----------</td>
<td>-----------------</td>
<td>------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>003-032</td>
<td>LINDSAY UNIF MTCE</td>
<td>.335348</td>
<td></td>
<td>.335348</td>
<td>49.12</td>
<td>49.12</td>
</tr>
<tr>
<td>190</td>
<td>COUNTY SCHOOL SR MT</td>
<td>.026834</td>
<td></td>
<td>.026834</td>
<td>3.93</td>
<td>3.93</td>
</tr>
<tr>
<td>344</td>
<td>LINDSAY HOSPITAL MTCE</td>
<td>.072771</td>
<td></td>
<td>.072771</td>
<td>10.66</td>
<td>10.66</td>
</tr>
<tr>
<td>351</td>
<td>LINDSAY CITY</td>
<td>.157605</td>
<td></td>
<td>.157605</td>
<td>5.05</td>
<td>5.05</td>
</tr>
<tr>
<td>401</td>
<td>TULARE CO AIR POLLUT</td>
<td>.000380</td>
<td></td>
<td>.000380</td>
<td>0.05</td>
<td>0.05</td>
</tr>
<tr>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>.005950</td>
<td></td>
<td>.005950</td>
<td>0.87</td>
<td>0.87</td>
</tr>
<tr>
<td>098</td>
<td>EDUCAT REV AUG 93/94</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>TRA - TOTAL</strong></td>
<td>1.000000</td>
<td></td>
<td>1.000000</td>
<td>146.49</td>
<td>146.49</td>
</tr>
<tr>
<td>003-033</td>
<td>COUNTY GENERAL</td>
<td>.310573</td>
<td>50.5344-</td>
<td>.153672</td>
<td>2,228.05</td>
<td>1,102.12</td>
</tr>
<tr>
<td>016</td>
<td>LIBRARY FUND</td>
<td>.000000</td>
<td></td>
<td>.000000</td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td>099</td>
<td>EDUCAT REV AUG 93/93</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>151</td>
<td>COLL/SEQUOIA COM COLL</td>
<td>.058114</td>
<td></td>
<td>.058114</td>
<td>416.89</td>
<td>416.89</td>
</tr>
<tr>
<td>156</td>
<td>LINDSAY UNIF MTCE</td>
<td>.335348</td>
<td></td>
<td>.335348</td>
<td>2,405.72</td>
<td>2,405.72</td>
</tr>
<tr>
<td>198</td>
<td>COUNTY SCHOOL SR MT</td>
<td>.026834</td>
<td></td>
<td>.026834</td>
<td>192.50</td>
<td>192.50</td>
</tr>
<tr>
<td>344</td>
<td>LINDSAY HOSPITAL MTCE</td>
<td>.072771</td>
<td></td>
<td>.072771</td>
<td>522.04</td>
<td>522.04</td>
</tr>
<tr>
<td>351</td>
<td>LINDSAY CITY</td>
<td>.157605</td>
<td></td>
<td>.157605</td>
<td>132.58</td>
<td>132.58</td>
</tr>
<tr>
<td>355</td>
<td>LINDSAY RDA &amp; AMD#3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>401</td>
<td>TULARE CO AIR POLLUT</td>
<td>.000380</td>
<td></td>
<td>.000380</td>
<td>2.72</td>
<td>2.72</td>
</tr>
<tr>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>.005950</td>
<td></td>
<td>.005950</td>
<td>42.68</td>
<td>42.68</td>
</tr>
<tr>
<td>098</td>
<td>EDUCAT REV AUG 93/94</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>TRA - TOTAL</strong></td>
<td>1.000000</td>
<td></td>
<td>1.000000</td>
<td>7,173.82</td>
<td>7,173.82</td>
</tr>
<tr>
<td>004-000</td>
<td>COUNTY GENERAL</td>
<td>.365947</td>
<td>50.5344-</td>
<td>.181513</td>
<td>3,860,676.05</td>
<td>1,909,706.57</td>
</tr>
<tr>
<td>099</td>
<td>EDUCAT REV AUG 93/93</td>
<td></td>
<td></td>
<td>.00</td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td>121</td>
<td>PORTERVIL UNP HL MTCE</td>
<td>.397739</td>
<td></td>
<td>.397739</td>
<td>2,080,419.63</td>
<td>2,080,419.63</td>
</tr>
<tr>
<td>144</td>
<td>PORTERVIL UNP HI MTCE</td>
<td>.129422</td>
<td></td>
<td>.129422</td>
<td>1,361,655.79</td>
<td>1,361,655.79</td>
</tr>
<tr>
<td>152</td>
<td>KERN COMMUNITYCOLLEGE</td>
<td>.075720</td>
<td></td>
<td>.075720</td>
<td>796,652.77</td>
<td>796,652.77</td>
</tr>
<tr>
<td>198</td>
<td>COUNTY SCHOOL SR MT</td>
<td>.024444</td>
<td></td>
<td>.024444</td>
<td>257,173.76</td>
<td>257,173.76</td>
</tr>
<tr>
<td>365</td>
<td>PORTERVILLE CEMETARY</td>
<td>.006937</td>
<td>33.4820-</td>
<td>.004614</td>
<td>72,983.39</td>
<td>48,547.09</td>
</tr>
<tr>
<td>366</td>
<td>PORTERVILLE CITY</td>
<td>.164164</td>
<td>28.0966-</td>
<td>.115039</td>
<td>1,727,312.39</td>
<td>1,241,896.53</td>
</tr>
<tr>
<td>370</td>
<td>PORTERVILLE MEMORIAL</td>
<td>.009295</td>
<td>11.5199-</td>
<td>.009295</td>
<td>100,948.65</td>
<td>99,319.47</td>
</tr>
<tr>
<td>378</td>
<td>SERRA VIEW HOSP MTCE</td>
<td>.019265</td>
<td></td>
<td>.019265</td>
<td>202,685.40</td>
<td>202,685.40</td>
</tr>
<tr>
<td>401</td>
<td>TULARE CO AIR POLLUT</td>
<td>.000347</td>
<td></td>
<td>.000347</td>
<td>3,647.81</td>
<td>3,647.81</td>
</tr>
<tr>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>.005420</td>
<td>60.8128-</td>
<td>.002124</td>
<td>57,021.70</td>
<td>22,345.31</td>
</tr>
<tr>
<td>098</td>
<td>EDUCAT REV AUG 93/94</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>TRA - TOTAL</strong></td>
<td>1.000000</td>
<td></td>
<td>1.000000</td>
<td>10,521,038.53</td>
<td>10,521,038.53</td>
</tr>
<tr>
<td>TAX RATE AREA CODE</td>
<td>AGENCY TITLE</td>
<td>PROSENE FACTOR</td>
<td>% CHANGE</td>
<td>ADJUSTED FACTOR</td>
<td>GROSS LEVY</td>
<td>ADJUSTED GROSS LEVY</td>
</tr>
<tr>
<td>-------------------</td>
<td>---------------------------------</td>
<td>----------------</td>
<td>----------</td>
<td>-----------------</td>
<td>------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>004-144 402</td>
<td>TULARE CO FLOOD CONT 098</td>
<td>0.004727</td>
<td>60.8128-</td>
<td>0.001852</td>
<td>121.71</td>
<td>47.69</td>
</tr>
<tr>
<td>004-144</td>
<td>TRA - TOTAL</td>
<td>1.000000</td>
<td>255.7422-</td>
<td>1.000000</td>
<td>32,467.55</td>
<td>32,467.55</td>
</tr>
<tr>
<td>004-145 011</td>
<td>COUNTY GENERAL</td>
<td>0.366947</td>
<td>50.5344-</td>
<td>0.181513</td>
<td>24,347.02</td>
<td>12,043.40</td>
</tr>
<tr>
<td>005-000 011</td>
<td>COUNTY GENERAL</td>
<td>0.328870</td>
<td>50.5344-</td>
<td>0.163172</td>
<td>2,346,230.25</td>
<td>1,160,576.87</td>
</tr>
<tr>
<td>099</td>
<td>EDUCAT REV AUG 92/93</td>
<td>0.165499</td>
<td></td>
<td>0.165499</td>
<td>1,160,445.75</td>
<td>1,160,445.75</td>
</tr>
<tr>
<td>135</td>
<td>TULARE RL MTCE</td>
<td>0.147723</td>
<td></td>
<td>0.147723</td>
<td>1,050,686.03</td>
<td>1,050,686.03</td>
</tr>
<tr>
<td>146</td>
<td>TULARE JT MTCE</td>
<td>0.165949</td>
<td></td>
<td>0.165949</td>
<td>156,290.53</td>
<td>156,290.53</td>
</tr>
<tr>
<td>151</td>
<td>COLL/SEQUOIA COM COLL</td>
<td>0.147723</td>
<td></td>
<td>0.147723</td>
<td>158,703.34</td>
<td>158,703.34</td>
</tr>
<tr>
<td>152</td>
<td>KERN COMMUNITY COLLEGE</td>
<td>0.165949</td>
<td></td>
<td>0.165949</td>
<td>158,703.34</td>
<td>158,703.34</td>
</tr>
<tr>
<td>198</td>
<td>COUNTY SCHOOL SER MT</td>
<td>0.123887</td>
<td></td>
<td>0.123887</td>
<td>26,537.32</td>
<td>17,073.50</td>
</tr>
<tr>
<td>366</td>
<td>PORTERVILLE CEMETARY</td>
<td>0.003287</td>
<td></td>
<td>0.003287</td>
<td>17,073.50</td>
<td>17,073.50</td>
</tr>
<tr>
<td>370</td>
<td>PORTERVILLE MENTUAL</td>
<td>0.003287</td>
<td></td>
<td>0.003287</td>
<td>17,073.50</td>
<td>17,073.50</td>
</tr>
<tr>
<td>378</td>
<td>SIEARA VIEW HOSP MTCE</td>
<td>0.003287</td>
<td></td>
<td>0.003287</td>
<td>17,073.50</td>
<td>17,073.50</td>
</tr>
<tr>
<td>401</td>
<td>TULARE CO AIR POLLUT</td>
<td>0.003287</td>
<td></td>
<td>0.003287</td>
<td>17,073.50</td>
<td>17,073.50</td>
</tr>
<tr>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>0.003287</td>
<td></td>
<td>0.003287</td>
<td>17,073.50</td>
<td>17,073.50</td>
</tr>
<tr>
<td>004-145</td>
<td>TRA - TOTAL</td>
<td>1.000000</td>
<td>154.457-</td>
<td>1.000000</td>
<td>66,349.79</td>
<td>66,349.79</td>
</tr>
<tr>
<td>005-000</td>
<td>TRA - TOTAL</td>
<td>1.000000</td>
<td>228.0282-</td>
<td>1.000000</td>
<td>7,098,995.65</td>
<td>7,098,995.65</td>
</tr>
</tbody>
</table>

* TULARE COUNTY AUDITOR'S OFFICE
* 2007-2008 GROSS LEVY REPORT BY TAX RATE AREA
* **** EBAF ****

Tulare
<table>
<thead>
<tr>
<th>TAX RATE AREA</th>
<th>TAX CODE</th>
<th>AGENCY TITLE</th>
<th>FROZEN FACTOR</th>
<th>% CHANGE</th>
<th>ADJUSTED FACTOR</th>
<th>GROSS LEVY</th>
<th>ADJUSTED GROSS LEVY</th>
</tr>
</thead>
<tbody>
<tr>
<td>005-120</td>
<td>098</td>
<td>EDUCAT REV AUG 93/94</td>
<td>1.000000</td>
<td>228.0282</td>
<td>249.89</td>
<td>58.46</td>
<td></td>
</tr>
<tr>
<td>005-120</td>
<td>098</td>
<td>TRA - TOTAL</td>
<td>1.000000</td>
<td>228.0282</td>
<td>249.89</td>
<td>58.46</td>
<td></td>
</tr>
<tr>
<td>006-000</td>
<td>011</td>
<td>COUNTY GENERAL</td>
<td>.373626</td>
<td>50.5344</td>
<td>1.18416</td>
<td>4,935,908.63</td>
<td>2,443,576.82</td>
</tr>
<tr>
<td>016</td>
<td>016</td>
<td>LIBRARY FUND</td>
<td>.017424</td>
<td>9.9033</td>
<td>.016598</td>
<td>230,183.42</td>
<td>207,387.67</td>
</tr>
<tr>
<td>099</td>
<td>099</td>
<td>EDUCAT REV AUG 92/93</td>
<td>.053900</td>
<td>34.6474</td>
<td>.053900</td>
<td>712,061.87</td>
<td>712,061.87</td>
</tr>
<tr>
<td>152</td>
<td>152</td>
<td>COLL/SEQUOIA COM COLL</td>
<td>.307926</td>
<td>36.4436</td>
<td>.307926</td>
<td>4,059,062.98</td>
<td>4,059,062.98</td>
</tr>
<tr>
<td>157</td>
<td>157</td>
<td>VISALIA UNIF MTCE</td>
<td>.024888</td>
<td>39.7930</td>
<td>.024888</td>
<td>328,794.37</td>
<td>328,794.37</td>
</tr>
<tr>
<td>198</td>
<td>198</td>
<td>COUNTY SCHOOL SER MT</td>
<td>.023739</td>
<td>39.7930</td>
<td>.023739</td>
<td>312,819.16</td>
<td>312,819.16</td>
</tr>
<tr>
<td>307</td>
<td>307</td>
<td>DELTA VECTOR CONTROL</td>
<td>.009607</td>
<td>39.7930</td>
<td>.009607</td>
<td>126,911.91</td>
<td>126,911.91</td>
</tr>
<tr>
<td>336</td>
<td>336</td>
<td>KAWAH DELTA HOSPITAL</td>
<td>.025192</td>
<td>39.7930</td>
<td>.025192</td>
<td>333,719.91</td>
<td>333,719.91</td>
</tr>
<tr>
<td>338</td>
<td>338</td>
<td>KAWAH DELTA WATER</td>
<td>.000353</td>
<td>39.7930</td>
<td>.000353</td>
<td>4,661.76</td>
<td>4,661.76</td>
</tr>
<tr>
<td>401</td>
<td>401</td>
<td>LEVEES #1 SP-F</td>
<td>.000353</td>
<td>39.7930</td>
<td>.000353</td>
<td>4,661.76</td>
<td>4,661.76</td>
</tr>
<tr>
<td>402</td>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>.005553</td>
<td>50.5344</td>
<td>.005553</td>
<td>72,899.85</td>
<td>28,569.41</td>
</tr>
<tr>
<td>418</td>
<td>418</td>
<td>TULARE CO AIR POLLIFT</td>
<td>.024888</td>
<td>39.7930</td>
<td>.024888</td>
<td>23,941.62</td>
<td>23,941.62</td>
</tr>
<tr>
<td>419</td>
<td>419</td>
<td>TULARE CITY</td>
<td>.154084</td>
<td>39.7930</td>
<td>.154084</td>
<td>2,035,566.24</td>
<td>1,525,783.10</td>
</tr>
<tr>
<td>431</td>
<td>431</td>
<td>VISALIA MEMORIAL</td>
<td>.001961</td>
<td>39.7930</td>
<td>.001961</td>
<td>21,091.65</td>
<td>21,091.65</td>
</tr>
<tr>
<td>098</td>
<td>098</td>
<td>EDUCAT REV AUG 93/94</td>
<td>.025192</td>
<td>39.7930</td>
<td>.025192</td>
<td>333,719.91</td>
<td>333,719.91</td>
</tr>
<tr>
<td>006-000</td>
<td>011</td>
<td>TRA - TOTAL</td>
<td>1.000000</td>
<td>224.0683</td>
<td>1.000000</td>
<td>13,202,041.05</td>
<td>13,202,041.05</td>
</tr>
<tr>
<td>006-001</td>
<td>011</td>
<td>COUNTY GENERAL</td>
<td>.375088</td>
<td>50.5344</td>
<td>.185340</td>
<td>14.18</td>
<td>7.01</td>
</tr>
<tr>
<td>016</td>
<td>016</td>
<td>LIBRARY FUND</td>
<td>.017572</td>
<td>9.9033</td>
<td>.016592</td>
<td>6.68</td>
<td>.61</td>
</tr>
<tr>
<td>099</td>
<td>099</td>
<td>EDUCAT REV AUG 92/93</td>
<td>.053900</td>
<td>34.6474</td>
<td>.053900</td>
<td>2.09</td>
<td>2.09</td>
</tr>
<tr>
<td>152</td>
<td>152</td>
<td>COLL/SEQUOIA COM COLL</td>
<td>.307926</td>
<td>36.4436</td>
<td>.307926</td>
<td>11.73</td>
<td>11.73</td>
</tr>
<tr>
<td>157</td>
<td>157</td>
<td>VISALIA UNIF MTCE</td>
<td>.024888</td>
<td>39.7930</td>
<td>.024888</td>
<td>.93</td>
<td>.93</td>
</tr>
<tr>
<td>198</td>
<td>198</td>
<td>COUNTY SCHOOL SER MT</td>
<td>.023739</td>
<td>39.7930</td>
<td>.023739</td>
<td>.37</td>
<td>.37</td>
</tr>
<tr>
<td>307</td>
<td>307</td>
<td>DELTA VECTOR CONTROL</td>
<td>.009607</td>
<td>39.7930</td>
<td>.009607</td>
<td>.37</td>
<td>.37</td>
</tr>
<tr>
<td>336</td>
<td>336</td>
<td>KAWAH DELTA HOSPITAL</td>
<td>.025192</td>
<td>39.7930</td>
<td>.025192</td>
<td>.61</td>
<td>.61</td>
</tr>
<tr>
<td>338</td>
<td>338</td>
<td>KAWAH DELTA WATER</td>
<td>.000353</td>
<td>39.7930</td>
<td>.000353</td>
<td>.66</td>
<td>.66</td>
</tr>
<tr>
<td>401</td>
<td>401</td>
<td>LEVEES #1 SP-F</td>
<td>.000353</td>
<td>39.7930</td>
<td>.000353</td>
<td>.66</td>
<td>.66</td>
</tr>
<tr>
<td>402</td>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>.005553</td>
<td>50.5344</td>
<td>.005553</td>
<td>.09</td>
<td>.09</td>
</tr>
<tr>
<td>418</td>
<td>418</td>
<td>TULARE CO AIR POLLIFT</td>
<td>.024888</td>
<td>39.7930</td>
<td>.024888</td>
<td>.09</td>
<td>.09</td>
</tr>
<tr>
<td>419</td>
<td>419</td>
<td>TULARE CITY</td>
<td>.154084</td>
<td>39.7930</td>
<td>.154084</td>
<td>.84</td>
<td>.84</td>
</tr>
<tr>
<td>431</td>
<td>431</td>
<td>VISALIA MEMORIAL</td>
<td>.001961</td>
<td>39.7930</td>
<td>.001961</td>
<td>.84</td>
<td>.84</td>
</tr>
<tr>
<td>098</td>
<td>098</td>
<td>EDUCAT REV AUG 93/94</td>
<td>.025192</td>
<td>39.7930</td>
<td>.025192</td>
<td>.84</td>
<td>.84</td>
</tr>
<tr>
<td>006-001</td>
<td>011</td>
<td>TRA - TOTAL</td>
<td>1.000000</td>
<td>224.0683</td>
<td>1.000000</td>
<td>37.92</td>
<td>37.92</td>
</tr>
<tr>
<td>006-002</td>
<td>011</td>
<td>COUNTY GENERAL</td>
<td>.366041</td>
<td>50.5344</td>
<td>.181064</td>
<td>21,706.77</td>
<td>10,737.38</td>
</tr>
<tr>
<td>TAX RATE AREA CODE</td>
<td>AGENCY TITLE</td>
<td>PROZEN FACTOR</td>
<td>% CHANGE</td>
<td>ADJUSTED FACTOR</td>
<td>GROSS LEVY</td>
<td>ADJUSTED GROSS LEVY</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>---------------------------------</td>
<td>---------------</td>
<td>----------</td>
<td>----------------</td>
<td>------------</td>
<td>--------------------</td>
<td></td>
</tr>
<tr>
<td>007-005 198</td>
<td>COUNTY SCHOOL SRB MT</td>
<td>.021192</td>
<td></td>
<td>.021192</td>
<td>17.35</td>
<td>17.35</td>
<td></td>
</tr>
<tr>
<td>207</td>
<td>DELTA VECTOR CONTROL</td>
<td>.020213</td>
<td>39.7930-</td>
<td>.012170</td>
<td>16.56</td>
<td>9.77</td>
<td></td>
</tr>
<tr>
<td>401</td>
<td>TULARE CO AIR POLLUT</td>
<td>.000301</td>
<td></td>
<td>.000301</td>
<td>.25</td>
<td>1.25</td>
<td></td>
</tr>
<tr>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>.004659</td>
<td>60.8128-</td>
<td>.001584</td>
<td>3.86</td>
<td>1.39</td>
<td></td>
</tr>
<tr>
<td>403</td>
<td>TULARE CO RESOURC CON</td>
<td>.000585</td>
<td>96.8115-</td>
<td>.000585</td>
<td>.00</td>
<td>.00</td>
<td></td>
</tr>
<tr>
<td>432</td>
<td>WOODLAKE CITY</td>
<td>.152426</td>
<td>18.1216-</td>
<td>.157554</td>
<td>158.10</td>
<td>129.10</td>
<td></td>
</tr>
<tr>
<td>436</td>
<td>WOODLAKE CEMETERY</td>
<td>.011541</td>
<td>26.5049-</td>
<td>.009482</td>
<td>3.49</td>
<td>6.97</td>
<td></td>
</tr>
<tr>
<td>437</td>
<td>WOODLAKE FIRE</td>
<td>.049772</td>
<td>9.5623-</td>
<td>.048412</td>
<td>40.90</td>
<td>36.63</td>
<td></td>
</tr>
<tr>
<td>438</td>
<td>WOODLAKE MEMORIAL</td>
<td>.012486</td>
<td>7.7055-</td>
<td>.011533</td>
<td>10.29</td>
<td>9.30</td>
<td></td>
</tr>
<tr>
<td>098</td>
<td>EDUCATE REV AUG 93/94</td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
<td>170.08</td>
<td></td>
</tr>
<tr>
<td>007-005</td>
<td>TRA - TOTAL</td>
<td>1.000000</td>
<td>320.1492-</td>
<td>1.000000</td>
<td>821.68</td>
<td>821.68</td>
<td></td>
</tr>
<tr>
<td>007-006 011</td>
<td>COUNTY GENERAL</td>
<td>.318125</td>
<td>50.5344-</td>
<td>.157362</td>
<td>246,843.91</td>
<td>122,102.82</td>
<td></td>
</tr>
<tr>
<td>016</td>
<td>LIBRARY FUND</td>
<td>.014836</td>
<td>9.9033-</td>
<td>.013367</td>
<td>11,511.05</td>
<td>10,371.62</td>
<td></td>
</tr>
<tr>
<td>137</td>
<td>WOODLAKE EL MTCE</td>
<td>.190973</td>
<td></td>
<td>.190973</td>
<td>148,181.62</td>
<td>148,181.62</td>
<td></td>
</tr>
<tr>
<td>147</td>
<td>WOODLAKE HI MTCE</td>
<td>.116949</td>
<td></td>
<td>.116949</td>
<td>90,744.20</td>
<td>90,744.20</td>
<td></td>
</tr>
<tr>
<td>151</td>
<td>COLL/SEQUOIA COM COLL</td>
<td>.045894</td>
<td></td>
<td>.045894</td>
<td>15,643.47</td>
<td>15,643.47</td>
<td></td>
</tr>
<tr>
<td>198</td>
<td>COUNTY SCHOOL SRB MT</td>
<td>.021192</td>
<td>39.7930-</td>
<td>.021192</td>
<td>16,443.47</td>
<td>16,443.47</td>
<td></td>
</tr>
<tr>
<td>207</td>
<td>DELTA VECTOR CONTROL</td>
<td>.020213</td>
<td></td>
<td>.012170</td>
<td>15,681.85</td>
<td>9,442.78</td>
<td></td>
</tr>
<tr>
<td>401</td>
<td>TULARE CO AIR POLLUT</td>
<td>.000301</td>
<td></td>
<td>.000301</td>
<td>233.41</td>
<td>233.41</td>
<td></td>
</tr>
<tr>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>.004699</td>
<td>60.8128-</td>
<td>.001841</td>
<td>3,645.95</td>
<td>1,426.75</td>
<td></td>
</tr>
<tr>
<td>403</td>
<td>TULARE CO RESOURC CON</td>
<td>.000585</td>
<td>96.8115-</td>
<td>.000585</td>
<td>453.80</td>
<td>14.47</td>
<td></td>
</tr>
<tr>
<td>432</td>
<td>WOODLAKE CITY</td>
<td>.152426</td>
<td>18.1216-</td>
<td>.157554</td>
<td>149,307.64</td>
<td>122,850.54</td>
<td></td>
</tr>
<tr>
<td>433</td>
<td>WOODLAKE RDA</td>
<td></td>
<td></td>
<td></td>
<td>.00</td>
<td>.00</td>
<td></td>
</tr>
<tr>
<td>436</td>
<td>WOODLAKE CEMETERY</td>
<td>.011541</td>
<td>26.5049-</td>
<td>.008482</td>
<td>6,954.87</td>
<td>6,531.40</td>
<td></td>
</tr>
<tr>
<td>437</td>
<td>WOODLAKE FIRE</td>
<td>.049772</td>
<td>9.5623-</td>
<td>.048412</td>
<td>38,619.40</td>
<td>34,772.02</td>
<td></td>
</tr>
<tr>
<td>438</td>
<td>WOODLAKE MEMORIAL</td>
<td>.012486</td>
<td>7.7055-</td>
<td>.011533</td>
<td>9,695.86</td>
<td>8,948.75</td>
<td></td>
</tr>
<tr>
<td>098</td>
<td>EDUCATE REV AUG 93/94</td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
<td>168,803.58</td>
<td></td>
</tr>
<tr>
<td>007-006</td>
<td>TRA - TOTAL</td>
<td>1.000000</td>
<td>320.1492-</td>
<td>1.000000</td>
<td>775,929.91</td>
<td>775,929.91</td>
<td></td>
</tr>
<tr>
<td>007-007 011</td>
<td>COUNTY GENERAL</td>
<td>.318125</td>
<td>50.5344-</td>
<td>.157362</td>
<td>1,388.17</td>
<td>686.67</td>
<td></td>
</tr>
<tr>
<td>016</td>
<td>LIBRARY FUND</td>
<td>.014836</td>
<td>9.9033-</td>
<td>.013367</td>
<td>64.69</td>
<td>58.28</td>
<td></td>
</tr>
<tr>
<td>099</td>
<td>EDUCATE REV AUG 93/93</td>
<td>.318125</td>
<td></td>
<td>.157362</td>
<td>832.76</td>
<td>832.76</td>
<td></td>
</tr>
<tr>
<td>137</td>
<td>WOODLAKE EL MTCE</td>
<td>.190973</td>
<td></td>
<td>.190973</td>
<td>632.76</td>
<td>632.76</td>
<td></td>
</tr>
<tr>
<td>147</td>
<td>WOODLAKE HI MTCE</td>
<td>.116949</td>
<td></td>
<td>.116949</td>
<td>509.96</td>
<td>509.96</td>
<td></td>
</tr>
<tr>
<td>151</td>
<td>COLL/SEQUOIA COM COLL</td>
<td>.045894</td>
<td></td>
<td>.045894</td>
<td>200.09</td>
<td>200.09</td>
<td></td>
</tr>
<tr>
<td>198</td>
<td>COUNTY SCHOOL SRB MT</td>
<td>.021192</td>
<td>39.7930-</td>
<td>.021192</td>
<td>92.40</td>
<td>92.40</td>
<td></td>
</tr>
<tr>
<td>207</td>
<td>DELTA VECTOR CONTROL</td>
<td>.020213</td>
<td></td>
<td>.012170</td>
<td>98.06</td>
<td>93.02</td>
<td></td>
</tr>
<tr>
<td>401</td>
<td>TULARE CO AIR POLLUT</td>
<td>.000301</td>
<td></td>
<td>.000301</td>
<td>1.20</td>
<td>1.20</td>
<td></td>
</tr>
<tr>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>.004699</td>
<td>60.8128-</td>
<td>.001841</td>
<td>20.39</td>
<td>7.99</td>
<td></td>
</tr>
<tr>
<td>403</td>
<td>TULARE CO RESOURC CON</td>
<td>.000585</td>
<td>96.8115-</td>
<td>.000585</td>
<td>2.43</td>
<td>0.8</td>
<td></td>
</tr>
<tr>
<td>TAX RATE AREA</td>
<td>CODE</td>
<td>AGENCY TITLE</td>
<td>FRONEN FACTOR</td>
<td>CHANGE FACTOR</td>
<td>ADJUSTED FACTOR</td>
<td>GROSS LEVY</td>
<td>ADJUSTED GROSS LEVY</td>
</tr>
<tr>
<td>--------------</td>
<td>------</td>
<td>--------------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>-----------------</td>
<td>------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>007-022</td>
<td>437</td>
<td>WOODLAKE FIRE</td>
<td>.045295</td>
<td>.040783</td>
<td>.00</td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td>007-022</td>
<td>438</td>
<td>WOODLAKE MEMORIAL</td>
<td>.015331</td>
<td>.014150</td>
<td>.00</td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td>007-022</td>
<td>098</td>
<td>EDUCAT REV AUG 93/94</td>
<td>.017473</td>
<td></td>
<td></td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>TRA - TOTAL</td>
<td>1.000000</td>
<td>233.3377</td>
<td>1.000000</td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td>008-000</td>
<td>011</td>
<td>COUNTY GENERAL</td>
<td>.286424</td>
<td>.141681</td>
<td>77,296.73</td>
<td>38,235.29</td>
<td></td>
</tr>
<tr>
<td>008-000</td>
<td>016</td>
<td>LIBRARY FUND</td>
<td>.013357</td>
<td>.012034</td>
<td>3,604.53</td>
<td>3,247.56</td>
<td></td>
</tr>
<tr>
<td>008-000</td>
<td>099</td>
<td>EDUCAT REV AUG 92/93</td>
<td></td>
<td></td>
<td></td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td>008-000</td>
<td>110</td>
<td>FARMERSVILLE UN MT</td>
<td>.414833</td>
<td>.111,949.46</td>
<td>111,949.46</td>
<td>111,949.46</td>
<td></td>
</tr>
<tr>
<td>008-000</td>
<td>151</td>
<td>COLL/SEQUOIA COM COLL</td>
<td>.041319</td>
<td></td>
<td>11,150.50</td>
<td>11,150.50</td>
<td></td>
</tr>
<tr>
<td>008-000</td>
<td>198</td>
<td>COUNTY SCHOOL SER MT</td>
<td>.019080</td>
<td></td>
<td>5,148.94</td>
<td>5,148.94</td>
<td></td>
</tr>
<tr>
<td>008-000</td>
<td>307</td>
<td>DELTA VECTOR CONTROL</td>
<td>.018198</td>
<td></td>
<td>4,910.93</td>
<td>2,956.72</td>
<td></td>
</tr>
<tr>
<td>008-000</td>
<td>321</td>
<td>EXETER CEMETERY</td>
<td>.004966</td>
<td></td>
<td>1,353.52</td>
<td>861.30</td>
<td></td>
</tr>
<tr>
<td>008-000</td>
<td>326</td>
<td>EXETER MEMORIAL</td>
<td>.015271</td>
<td></td>
<td>4,120.95</td>
<td>3,627.77</td>
<td></td>
</tr>
<tr>
<td>008-000</td>
<td>328</td>
<td>FARMERSVILLE CITY</td>
<td>.153816</td>
<td></td>
<td>42,069.33</td>
<td>33,986.60</td>
<td></td>
</tr>
<tr>
<td>008-000</td>
<td>338</td>
<td>KAWISHA DELTA WATER</td>
<td>.026235</td>
<td></td>
<td>7,079.84</td>
<td>7,079.84</td>
<td></td>
</tr>
<tr>
<td>008-000</td>
<td>401</td>
<td>TULARE CO AIR POLLUT</td>
<td>.006271</td>
<td></td>
<td>72.96</td>
<td>72.96</td>
<td></td>
</tr>
<tr>
<td>008-000</td>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>.004230</td>
<td></td>
<td>1,141.48</td>
<td>447.31</td>
<td></td>
</tr>
<tr>
<td>008-000</td>
<td>098</td>
<td>EDUCAT REV AUG 93/94</td>
<td>.197207</td>
<td></td>
<td></td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>TRA - TOTAL</td>
<td>1.000000</td>
<td>232.9429</td>
<td>1.000000</td>
<td>269,865.57</td>
<td>269,865.57</td>
</tr>
<tr>
<td>008-001</td>
<td>011</td>
<td>COUNTY GENERAL</td>
<td>.287727</td>
<td>.143226</td>
<td>189,233.40</td>
<td>93,605.44</td>
<td></td>
</tr>
<tr>
<td>008-001</td>
<td>016</td>
<td>LIBRARY FUND</td>
<td>.013418</td>
<td>.012089</td>
<td>8,524.74</td>
<td>7,950.80</td>
<td></td>
</tr>
<tr>
<td>008-001</td>
<td>099</td>
<td>EDUCAT REV AUG 92/93</td>
<td></td>
<td></td>
<td></td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td>008-001</td>
<td>110</td>
<td>FARMERSVILLE UN MT</td>
<td>.416732</td>
<td></td>
<td>274,078.10</td>
<td>274,078.10</td>
<td></td>
</tr>
<tr>
<td>008-001</td>
<td>151</td>
<td>COLL/SEQUOIA COM COLL</td>
<td>.041507</td>
<td></td>
<td>27,288.49</td>
<td>27,288.49</td>
<td></td>
</tr>
<tr>
<td>008-001</td>
<td>198</td>
<td>COUNTY SCHOOL SER MT</td>
<td>.019165</td>
<td></td>
<td>12,605.33</td>
<td>12,605.33</td>
<td></td>
</tr>
<tr>
<td>008-001</td>
<td>307</td>
<td>DELTA VECTOR CONTROL</td>
<td>.018261</td>
<td></td>
<td>12,023.08</td>
<td>7,236.74</td>
<td></td>
</tr>
<tr>
<td>008-001</td>
<td>321</td>
<td>EXETER CEMETERY</td>
<td>.004968</td>
<td></td>
<td>3,280.52</td>
<td>2,108.71</td>
<td></td>
</tr>
<tr>
<td>008-001</td>
<td>326</td>
<td>EXETER MEMORIAL</td>
<td>.015341</td>
<td></td>
<td>10,089.12</td>
<td>8,881.68</td>
<td></td>
</tr>
<tr>
<td>008-001</td>
<td>328</td>
<td>FARMERSVILLE CITY</td>
<td>.155530</td>
<td></td>
<td>102,946.65</td>
<td>79,021.82</td>
<td></td>
</tr>
<tr>
<td>008-001</td>
<td>338</td>
<td>KAWISHA DELTA WATER</td>
<td>.021768</td>
<td></td>
<td>14,329.43</td>
<td>14,329.43</td>
<td></td>
</tr>
<tr>
<td>008-001</td>
<td>401</td>
<td>TULARE CO AIR POLLUT</td>
<td>.006272</td>
<td></td>
<td>178.62</td>
<td>178.62</td>
<td></td>
</tr>
<tr>
<td>008-001</td>
<td>402</td>
<td>TULARE CO FLOOD CONT</td>
<td>.004250</td>
<td></td>
<td>2,794.84</td>
<td>1,095.22</td>
<td></td>
</tr>
<tr>
<td>008-001</td>
<td>098</td>
<td>EDUCAT REV AUG 93/94</td>
<td>.198105</td>
<td></td>
<td></td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>TRA - TOTAL</td>
<td>1.000000</td>
<td>232.9429</td>
<td>1.000000</td>
<td>657,682.32</td>
<td>657,682.32</td>
</tr>
<tr>
<td>008-002</td>
<td>011</td>
<td>COUNTY GENERAL</td>
<td>.332672</td>
<td>.164536</td>
<td>220.16</td>
<td>108.90</td>
<td></td>
</tr>
<tr>
<td>008-002</td>
<td>016</td>
<td>LIBRARY FUND</td>
<td>.015512</td>
<td>.013976</td>
<td>10.27</td>
<td>9.25</td>
<td></td>
</tr>
<tr>
<td>008-002</td>
<td>099</td>
<td>EDUCAT REV AUG 92/93</td>
<td></td>
<td></td>
<td></td>
<td>.00</td>
<td>.00</td>
</tr>
</tbody>
</table>
## Capital Projects Current Fiscal Year Budget Summary

<table>
<thead>
<tr>
<th>Description</th>
<th>Budgeted</th>
<th>Estimated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Fiscal Year Expenditures</td>
<td>$24,783,230</td>
<td>$27,331,360</td>
</tr>
<tr>
<td>Current Fiscal Year Committed Projects</td>
<td>$4,453,173</td>
<td>$5,403,173</td>
</tr>
<tr>
<td>Current Fiscal Year Non-Discretionary Projects</td>
<td>$12,556,651</td>
<td>$14,254,781</td>
</tr>
<tr>
<td>All Other Budgeted Discretionary Costs</td>
<td>$7,782,484</td>
<td>$7,782,484</td>
</tr>
</tbody>
</table>
| Current Fiscal Year Funding Deficiency                            |              | ($2,648,130)
## Capital Projects Current Committed Projects

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimate</th>
<th>Millennium Funding</th>
<th>Other Funding</th>
<th>Grant Funding</th>
<th>Budget Deficit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Pool Relocation</td>
<td>$950,000</td>
<td>$775,000</td>
<td>$0</td>
<td>$0</td>
<td>$(175,000)</td>
</tr>
<tr>
<td>Fire Station #1</td>
<td>$1,500,000</td>
<td>$375,000</td>
<td>$350,000</td>
<td>$0</td>
<td>$(775,000)</td>
</tr>
<tr>
<td>Woodland Avenue</td>
<td>$250,000</td>
<td>$250,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Lindsay Library</td>
<td>$750,000</td>
<td>$750,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Fire Department</td>
<td>$250,000</td>
<td>$150,000</td>
<td>$100,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Cutler Sheriff Substation</td>
<td>$967,662</td>
<td>$967,662</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Countywide Planning</td>
<td>$735,511</td>
<td>$735,511</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Totals</td>
<td>$5,403,173</td>
<td>$4,003,173</td>
<td>$450,000</td>
<td>$0</td>
<td>$(950,000)</td>
</tr>
</tbody>
</table>
## Capital Projects Current Non-Discretionary Projects

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimate</th>
<th>Millennium Funding</th>
<th>Other Funding</th>
<th>Grant Funding</th>
<th>Budget Deficit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm Labor Museum</td>
<td>$3,150,000</td>
<td>$0</td>
<td>$0</td>
<td>$1,451,870</td>
<td>$(1,698,130)</td>
</tr>
<tr>
<td>Visalia Library Remodel</td>
<td>$5,873,781</td>
<td>$1,613,813</td>
<td>$920,493</td>
<td>$3,339,475</td>
<td>$0</td>
</tr>
<tr>
<td>Harmon Field Maintenance</td>
<td>$5,100,000</td>
<td>$0</td>
<td>$5,100,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Library Projects</td>
<td>$131,000</td>
<td>$0</td>
<td>$131,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>$14,254,781</td>
<td>$1,613,813</td>
<td>$6,151,493</td>
<td>$4,791,345</td>
<td>$(1,698,130)</td>
</tr>
</tbody>
</table>
## All Other Budgeted Costs

<table>
<thead>
<tr>
<th>Project</th>
<th># of</th>
<th>Cost Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric Projects – Hillman Health Center</td>
<td>1</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>Flooring Projects - Countywide</td>
<td>5</td>
<td>$ 150,000</td>
</tr>
<tr>
<td>HVAC Projects - Countywide</td>
<td>2</td>
<td>$ 125,000</td>
</tr>
<tr>
<td>County Expansion Projects</td>
<td>0</td>
<td>$ 3,500,000</td>
</tr>
<tr>
<td>Painting Projects - Countywide</td>
<td>6</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>Paving Projects - Countywide</td>
<td>4</td>
<td>$ 500,000</td>
</tr>
<tr>
<td>Roof Projects - Countywide</td>
<td>6</td>
<td>$ 810,000</td>
</tr>
<tr>
<td>Plumbing Projects - Countywide</td>
<td>2</td>
<td>$ 750,000</td>
</tr>
<tr>
<td>ADA Projects - Countywide</td>
<td>1</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>Underground Tank Monitoring – Various County Sites</td>
<td>2</td>
<td>$ 125,000</td>
</tr>
<tr>
<td>RMA Maintenance Project support - Countywide</td>
<td>1</td>
<td>$ 150,000</td>
</tr>
<tr>
<td>Program Administration</td>
<td>1</td>
<td>$ 20,000</td>
</tr>
<tr>
<td>Service &amp; Supplies</td>
<td>1</td>
<td>$ 12,500</td>
</tr>
<tr>
<td>Staff</td>
<td>1</td>
<td>$ 270,688</td>
</tr>
<tr>
<td>IT Upgrades - Visalia Server Room</td>
<td>1</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>Undesignated Major Maintenance Projects - Countywide</td>
<td>12</td>
<td>$ 1,069,296</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>46</td>
<td><strong>$ 7,782,484</strong></td>
</tr>
</tbody>
</table>
Capital Projects Revenue & Expense Summary
FY 2000 to Present

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Actual Revenue</th>
<th>Actual Expense</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999/2000</td>
<td>$ 7,836,511</td>
<td>$ 7,438,368</td>
</tr>
<tr>
<td>2000/2001</td>
<td>$ 6,772,794</td>
<td>$ 4,447,589</td>
</tr>
<tr>
<td>2001/2002</td>
<td>$ 2,476,604</td>
<td>$ 1,998,692</td>
</tr>
<tr>
<td>2002/2003</td>
<td>$ 2,539,899</td>
<td>$ 1,166,687</td>
</tr>
<tr>
<td>2003/2004</td>
<td>$ 1,482,771</td>
<td>$ 2,257,571</td>
</tr>
<tr>
<td>2004/2005</td>
<td>$ 2,716,604</td>
<td>$ 2,042,331</td>
</tr>
<tr>
<td>2005/2006</td>
<td>$ 5,021,934</td>
<td>$ 3,620,211</td>
</tr>
<tr>
<td>2006/2007</td>
<td>$ 5,280,838</td>
<td>$ 5,080,629</td>
</tr>
<tr>
<td>2007/2008</td>
<td>$ 5,958,181</td>
<td>$ 6,716,294 (to date)</td>
</tr>
<tr>
<td>Total</td>
<td>$ 40,086,136</td>
<td>$ 34,768,372</td>
</tr>
</tbody>
</table>

- Capital request for fiscal year 2005/2006 totaled more than $22,000,000.
- The Millennium draw for that year was $2,500,000
Capital Projects $425,000 and over Completed FY 2000 to Present

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Project</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999/2000</td>
<td>Dinuba Courthouse</td>
<td>$ 3,042,702</td>
</tr>
<tr>
<td>2000/2001</td>
<td>Tulare Agriculture Building</td>
<td>$ 2,976,426</td>
</tr>
<tr>
<td>2002/2003</td>
<td>Major Maintenance (Flooring, Roofing, Paving, ADA and HVAC)</td>
<td>$ 845,000</td>
</tr>
<tr>
<td>2003/2004</td>
<td>Visalia Courthouse Window &amp; Major Maintenance</td>
<td>$ 1,501,518</td>
</tr>
<tr>
<td>2004/2005</td>
<td>Visalia Library Haz-Mat Demolition &amp; Major Maintenance</td>
<td>$ 1,289,744</td>
</tr>
<tr>
<td>2005/2006</td>
<td>Hillman Lab BSL-3 Upgrades, IT Upgrades &amp; Major Maintenance</td>
<td>$ 2,646,409</td>
</tr>
<tr>
<td>2006/2007</td>
<td>Oat Mountain Repeater Station, Cutler Sheriff Substation (50%)</td>
<td>$ 1,372,338</td>
</tr>
<tr>
<td>2007/2008</td>
<td>Cutler Sheriff Substation (100%), Visalia Library (75%)</td>
<td>$ 5,417,525</td>
</tr>
</tbody>
</table>
Anticipated Capital Projects for FY 2008-2011

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Ranking</th>
<th>Project</th>
<th>Funding Source</th>
<th>Cost Estimate</th>
<th>FY Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/2009</td>
<td>1</td>
<td>Farm Labor Museum</td>
<td>Millennium/Grant</td>
<td>$3,150,000</td>
<td></td>
</tr>
<tr>
<td>2008/2009</td>
<td>2</td>
<td>Fire Station #1</td>
<td>Millennium</td>
<td>$1,500,000</td>
<td>$5,600,000</td>
</tr>
<tr>
<td>2008/2009</td>
<td>3</td>
<td>Motor Pool</td>
<td>Millennium</td>
<td>$950,000</td>
<td></td>
</tr>
<tr>
<td>2009/2010</td>
<td>1</td>
<td>Fire Station #9</td>
<td>Millennium</td>
<td>$1,200,000</td>
<td>$3,400,000</td>
</tr>
<tr>
<td>2009/2010</td>
<td>2</td>
<td>Pixley Sheriff Station</td>
<td>Millennium</td>
<td>$2,200,000</td>
<td></td>
</tr>
<tr>
<td>2010/2011</td>
<td>1</td>
<td>Animal Control Exp.</td>
<td>Millennium</td>
<td>$900,000</td>
<td>$3,100,000</td>
</tr>
<tr>
<td>2010/2011</td>
<td>2</td>
<td>Sheriff Support Facility</td>
<td>Millennium</td>
<td>$2,200,000</td>
<td></td>
</tr>
</tbody>
</table>

Sub Total  $12,100,000

Millennium Fund Anticipated Revenue  $10,500,000

Funding Gap  $(1,600,000)

- Projections are based on an annual Millennium revenue draw of $3,500,000.
- Does Not include any major maintenance projects.
## Additional Unfunded Capital Projects for the 10 Year County CIP

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriff Headquarters &amp; Visalia Substation Facility</td>
<td>$ 15,000,000</td>
</tr>
<tr>
<td>Replacement Fire Stations – 8 Countywide</td>
<td>$ 16,000,000</td>
</tr>
<tr>
<td>Library Upgrades/Improvements – Countywide (Orosi, Springville, Dinuba, etc.)</td>
<td>$ 10,000,000</td>
</tr>
<tr>
<td>Radio Repeater Sites – Blue Ridge and other sites</td>
<td>$ 1,500,000</td>
</tr>
<tr>
<td>County Parks Improvements – Countywide (Mooney, Balch, Bartlett etc.)</td>
<td>$ 20,000,000</td>
</tr>
<tr>
<td>South County Justice Facility - Porterville</td>
<td>$ 24,200,000</td>
</tr>
</tbody>
</table>

**Sub Total**  $ 86,700,000

| New County Civic Center – Visalia                                     | $ 250,000,000   |

**Grand Total**  $ 336,700,000

- All cost estimates are based upon today's dollars with no inflation factor included.
Status of County Facilities

- In 2007, the County developed a master plan for a new County Civic Center.

- One element of the plan was to conduct a preliminary condition assessment study of 90% of the County owned facilities (74 facilities).

- The County owns a total of 1,780,865 square feet of space.

Results:

- 29% are 0 to 15 years old (11 facilities @ 545,557 sq/ft)
- 23% are 16 to 29 years old (13 facilities @ 361,421 sq/ft)
- 48% are 30 years or older (52 facilities @ 777,747 sq/ft)
Status of County Facilities cont.

- In the last 20 years the County has constructed 14 new facilities (624,198 sq/ft). (Bob Wiley Detention, Juvenile Justice Center, Pre-Trial Facility, Tulare Ag Building, Animal Control Facility, Tulare County Warehouse)

- This represents 35% of the total number of facilities owned by the County.

- 54% of this new space was for Detention Facilities.

- During this same period the County population increased by 40% and County staffing increased by 88%.

- This equates to approximately 31% of facility growth deficiency in relation to the staffing growth.
Status of County Facilities cont.

- FY 2005/2006, 84 projects were requested totaling over $22,000,000.

- The Millennium draw was $2,500,000.

- Since 2003, in addition to Capital projects, an average of $1.67 million dollars has been expended annually on major maintenance projects.

- Fiscal Year 2008 has over 46 major maintenance projects budgeted and/or completed at $7,782,484.

- While the millennium fund is a steady source of revenue for the County's Capital Projects and Major Maintenance needs, it is insufficient to address all or even most of the County's requirements.

- Additional sources of revenue must be identified for the County to maintain current levels of service delivery and meet growth related space needs.
Overview
- Status of Measure R Revenues
- Local Program Distributions
- Local Program Highlights
- Transit/Bike/Environmental Program
- Transit/Bike/Environmental Highlights
- Regional Programs
- Measure R Accounting

Status of Measure R Revenues
- The first Measure R revenues were received in June 2007.
- As of the 21st of May 2008 the Authority has received $22,619,525.77.
- One more clean up disbursement for FY 2007/08 is expected on the 25th of June 2008.
- The projected amount to be received for Measure R revenues for FY 2007/08 is $26,302,192.37.

Status of Measure R Revenues (cont.)
- Funding categories and disbursements for Measure R as of the 21st of May 2008:
  - Regional Projects (50%)-$11,309,812.89
  - Local Programs (35%)-$7,916,889.02
  - Administration (1%)-$225,196.26
  - Transit/Bike/Environmental Projects (14%)-$3,166,747.61

Local Program Distributions
- As of the 21st of May 2008 the Local Program portion of Measure R has been allocated $7,916,889.02. The funds have been distributed as follows:
  - Distribution of funding is based on the following formula:
    - 50% Population
    - 25% Maintained Miles
    - 25% Daily Vehicle Miles traveled (1,000)
      (Represents the calculated Average Daily Vehicle miles of travel that occurs within a jurisdiction)

Local Program Distributions (cont.)
- City of Dinuba-$270,140.27
- City of Exeter-$144,019.90 (advanced $250,000)
- City of Farmersville-$131,678.53
- City of Lindsay-$142,596.01
- City of Porterville-$714,967.60
- City of Tulare-$741,177.99
- City of Visalia-$1,780,816.03
- City of Woodlake-$44,079.00 (advanced $250,000)
- County of Tulare-$3,907,393.30
Local Program Highlights

- The local agencies in Tulare County know their needs and how best to address those needs. The Local Program section of Measure R allows these agencies to have the flexibility to use their funds for all phases of project development and implementation.
- Projects that were completed by member agencies using their local program funds:
  - The City of Dinuba chip sealed/slurry sealed 580,000 sq. yards of city streets totaling $280,000 of Measure R dollars
  - The City of Exeter completed a slurry seal project throughout the city. The project covered a total of 719,177 square feet

Local Program Highlights (cont.)

- The City of Tulare had a road rehabilitation project on Tulare Drive from Cross Avenue to West Street. Measure R contributed $400,000 to this project.
- The City of Visalia continued their PS&E/environmental work on Burke Street and Preston Street. Measure R funds are also being used for Design/ROW on Acacia Avenue.
- The City of Woodlake completed a partial overlay/reconstruction on East Lakeview from Pomegranate to Castle Rock. This project was partially funded by $217,000 worth of Measure R Funds.
- The County of Tulare used $2,240,000 for pothole repairs and blade patching throughout the County unincorporated areas. They also used $96,000 for materials and equipment and $175,581 for slurry seal projects.

Transit/Bike/Environmental Program

- $3,168,747.61 received as the 21st of May 2008 for the Transit/Bike/Environmental Program
- Transit Expansion distributions are as follows:
  - City of Dinuba-$50,000 annually
  - City of Visalia-$68,000 annually
  - City of Tulare-$100,000 annually
  - City of Lindsay-$100,000 annually
  - City of Woodlake-$50,000 annually
  - County of Tulare-$500,000 annually

Transit/Bike/Environmental Highlights

- City of Visalia has expanded their Route 7 and increased bus capacity on Mooney
- County has expanded routes 10, 20, 30 and 40 throughout the County, plus funded the “Loop” Youth bus in Goshen and Ivanhoe
- TCAG Staff has selected a consultant for the Santa Fe Trail Connection to achieve project approval and environmental documentation
- Environmental mitigation study was completed for potential mitigation banking

Regional Programs

- Regional Program portion of Measure R has received $11,309,812.89 in revenues
- The Road 108 widening project in the City of Tulare is the only project that has been funded with Regional funds in the amount of ($496,733.53) for FY 07/08
- Multiple projects will be ready to begin construction in FY 08/09
Measure R Accounting

- All Measure R transactions are handled out of trust fund 783 (Measure R)
- The Measure R Work Plan serves as the budget for all Measure R expenditures and revenues
- Fund 783 serves as a separate fund from the TCAG fund (784) and the County general fund (001)

Comments

- Additional input
- Questions
SUBJECT: REQUEST BY COUNCIL MEMBER – CONSIDERATION OF THE CITY OF FARMERSVILLE’S REQUEST FOR LETTER OF OPPOSITION TO EDISON’S PROPOSED CROSS VALLEY LOOP, ROUTE ONE

SOURCE: ADMINISTRATION

COMMENT: A request has been made by a Council Member to add the above subject matter to this agenda for discussion and potential referral to staff for further action.

RECOMMENDATION: None.
June 4, 2008

Cameron Hamilton
291 N. Main Street
Porterville, CA 93257

Dear Cam:

Southern California Edison has submitted an application to construct a new transmission line called the Cross Valley Loop. There is no doubt that Tulare County can use the additional energy. The problem with the proposed route is it divides the parcels where the City has an industrial park proposed as well as the parcel the City is desperately trying to get a grocery store built. We have no grocery store in town.

SCE has an alternate Route 3 which would be a better choice and benefit the County in two ways. First, it would replace and update the existing 85 year old lines in the existing right of way along Road 148 to Stokes Mountain. Second, Route 3 would only require a new line approximately 7 miles long. The new line would be over grazing land and affect only 8 land owners. This line would not require elimination of grazing industry under the lines. The proposed Route 1 not only eliminates buildings and parking lots under the lines but it affects over 185 families and farms along the 23 mile line that would have to be built from the ground up.

What we need from each city is a simple letter that:
1) protests SCEs application and attempt to have the CPUC rule on it with no hearings,
2) states that there is considerable controversy about SCEs preferred route,
3) SCEs route has a major impact on the area,
4) the CPUC should schedule hearings on this application, in order to get a complete record,
5) the CPUC should schedule Public Participation Hearings (PPH) in your area to get public input.

I am asking if you might take this issue to the Woodlake Council and see if your City would support our City in requesting the California PUC hear the case. Route 3 would make necessary improvements while bringing in much needed new energy. We appreciate your consideration of this issue.

Yours truly,

[Signature]
Leonel Benavides
Mayor
THE SAN JOAQUIN CROSS VALLEY LOOP PROJECT

Tulare County is one of the fastest growing regions in California. This increased growth has resulted in an increased demand for electricity. Southern California Edison (SCE) has determined that the existing transmission lines, which deliver electricity to Rector Substation located southeast of Visalia, are operating at or near their limits and will be unable to deliver sufficient electricity to safely and reliably serve this increased demand. As a result, SCE is proposing to construct the San Joaquin Cross Valley Loop Project, which consists of the construction of a new 19 mile double-circuit 220 kilovolt transmission line. This line would connect to an existing 220 kilovolt line, which would allow SCE to deliver additional power from SCE's Big Creek hydroelectric facilities in the Sierra Nevada Mountains into Rector Substation.

Project Background

In 2006 and early 2007, SCE held two public open houses for the project and conducted various meetings with local government representatives, community leaders and stakeholders, and individual property owners. As a result of comments received, SCE delayed the filing of an application for a Certificate of Public Convenience and Necessity for the proposed project with the California Public Utilities Commission in order to evaluate whether other feasible alternatives and potential route modifications existed.

Over the past year, SCE conducted additional environmental and engineering analyses of potential and modified route alternatives and continued to seek input from community leaders and stakeholders. SCE now is advising the community that it will file a Certificate of Public Convenience and Necessity application in May 2008, and with this application, will seek approval to construct a similar but modified version of the project that was shared with the community in late 2006 and early 2007 (referred to as Alternative 1). Modifications to Alternative 1 include:

- Construction of the transmission line to stay at or near existing property lines, roads and electrical utility right-of-way where possible.
- Re-routing of the line southeast of the Lemon Cove area.

Alternative 1 is SCE's preferred route because it has the fewest environmental impacts and is the most economical.

In addition, SCE will include two alternative routes in its application. Both alternative routes (Alternative 2 and Alternative 3) are further described below. Alternative 3 was developed by SCE over the past year.

For more information, please visit www.sce.com/crossvalley
Alternative 2

The Alternative 2 transmission line route is approximately 23 miles long. The transmission line would begin at Rector Substation and proceed north for 11 miles within SCE’s existing right-of-way. SCE proposes to replace two existing single-circuit 220 kilovolt lines, currently side by side in the right-of-way, with one double-circuit 220 kilovolt transmission line. This would create sufficient space in the right-of-way to accommodate construction of the first 11 miles of the new double-circuit 220 kilovolt transmission line. The remaining 12 miles of the proposed transmission line would be constructed within a new 100-foot wide right-of-way to be acquired by SCE and would run east until the line intersects with the Big Creek 3 - Springville 220 kilovolt transmission line approximately two miles north of the city of Woodlake (See Figure 2 below). The Alternative 2 transmission line would be constructed on approximately 157 tubular poles and 9 lattice steel towers ranging in height from 120 to 150 feet.
Figure 4. The proposed double-circuit 220 kilovolt transmission line would be constructed on tubular poles and lattice steel towers ranging in height from 120 to 160 feet, as shown in the graphics and visual simulation below.

Typical Tubular Steel Pole

Typical Lattice Steel Tower

Simulation of the proposed double-circuit 220 kilovolt transmission line from Avenue 320 looking west.
The Path of Electricity

The information below shows how the specific SCE project being proposed fits into the bigger picture of the delivery of electricity.

- **Generation**
  Electricity is produced in generators. Generators require other sources of energy. These resources include natural gas, a fossil fuel; falling water in hydroelectric plants; nuclear energy and renewable resources, like solar and wind.

- **Transmission**
  The electricity flows onto transmission lines. These are large lines on metal frame towers. They are often compared to freeways because they transfer huge amounts of electricity over long distances.

- **Transmission Substation**
  At a transmission substation the power on the largest lines is divided among other transmission or sub-transmission lines of equal or smaller voltage and sent off to other locations.

- **Distribution Substation**
  At distribution substations, voltage is reduced again to distribution voltages.

- **Distribution Lines**
  Distribution lines bring power to your neighborhood, either overhead or underground.

- **Customers**
  The customer's lights, appliances and other equipment put electricity to work.

---

About SCE

An Edison International (NYSE:EIX) company, Southern California Edison is the largest electric utility in California, serving a population of more than 13 million via 4.8 million customer accounts in a 50,000-square-mile service area within Central, Coastal and Southern California.

Good Neighbor

For many years, SCE has been committed to being a good neighbor in the San Joaquin Valley. This commitment is demonstrated by SCE’s:

- Operation of the Agricultural Technology Center (AgTec).
- Construction of a new customer service center in Porterville.
- Sponsorship of community organizations and programs.
SUBJECT: REDEVELOPMENT BOND ISSUE REFINANCING

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: As the Redevelopment Agency is aware, the City Council and the Agency have authorized staff to proceed with due diligence on the Porterville Hotel project. In an effort to accomplish the desired outcome of demolishing the existing hotel building(s) and assisting a developer in constructing replacement housing for the units lost at the Porterville Hotel, staff has been researching the possibility of refinancing the existing Redevelopment 2002 Bond Issue which is divided between the general redevelopment fund and the required 20% in the low-moderate housing fund. Several options have been developed that will refinance the current debt and provide additional funding for this project.

In discussions with the bond counsel, it became clear that a combination of taxable and tax exempt bonds would be most desirable due to the private activity test limitations of pure tax exempt bonds. In a tax exempt issuance, only 5% of the proceeds may be used for private activity with for profit entities, such as developers. Whereas, taxable bonds do not carry the constraint of staying within the 5%. In other words, when the property is cleared and leveled for development, the Agency would be able to sell the property at fair market value to a developer if taxable bonds are issued. However, if the tax exempt bonds were expended for the project, the Agency would be required to grant most of the property to a developer which in turn could create the trigger for prevailing wages to be paid on the construction project. This would likely make such a future project infeasible.

The attached three options (Attachment 1) have been developed between staff and bond counsel to be the most desirable alternatives. The difference in the options is the total amount of additional bond proceeds, the division of the bonds between taxable and tax exempt, and the amount of debt service from each fund. Current debt service on the 2002 bond issue is approximately $495,000 annually.

Interest rates on the tax exempt issuance over the 30 year period range from 2.4% to 4.85% and the interest rate on the taxable portion remains constant at 7.25%. All figures presented are preliminary and are subject to change by bond closing date. However, these figures are intended to represent the magnitude of the bond refinance. Staff is intending on presenting the final approval of the refinance at the July 15, 2008 meeting as per the attached schedule (Attachment 2).
RECOMMENDATION: That the Redevelopment Agency authorize staff to proceed with the refinance of the 2002 bond issue utilizing Option 1, provided that the numbers don’t substantially change.

Attachment: 1. Refinancing Options
2. Financing Schedule
## REDEVELOPMENT BOND ISSUE REFINANCING OPTIONS

<table>
<thead>
<tr>
<th>OPTION 1</th>
<th>OPTION 2</th>
<th>OPTION 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PROS</strong></td>
<td><strong>CONS</strong></td>
<td><strong>PROS</strong></td>
</tr>
<tr>
<td>(tax exempt)</td>
<td>(tax exempt)</td>
<td>(tax exempt)</td>
</tr>
<tr>
<td>Proceeds from refinance for projects:</td>
<td>$2,162,950</td>
<td>Proceeds from refinance for projects:</td>
</tr>
<tr>
<td>(taxable)</td>
<td>(taxable)</td>
<td>(taxable)</td>
</tr>
<tr>
<td>Proceeds from refinance for housing:</td>
<td>$ 544,850</td>
<td>Proceeds from refinance for housing:</td>
</tr>
<tr>
<td>(taxable)</td>
<td>(taxable)</td>
<td>(taxable)</td>
</tr>
<tr>
<td>Total Debt Service</td>
<td>$ 562,000</td>
<td>Total Debt Service</td>
</tr>
</tbody>
</table>

### PROS

- **OPTION 1**
  - Enough funding to complete hotel project and assist construction of replacement housing"  
- $67,000 in additional annual debt service will be funded from tax increment
- Provides the greatest flexibility for structuring future project deals
- Taxable bonds don’t trigger private activity rules (5%)
- Bond issuance cost is higher than Option 2 & 3: ($606,325)
- Project property can be sold to developer at market value
- Prevailing wage would likely not be required on commercial construction
- Housing assistance can be structured as a loan so that debt service can be used for repayment of other Agency debts

### CONS

- **OPTION 1**
  - Higher interest rate on taxable portion of bonds
- Taxable bonds for the Housing don’t trigger private activity rules (5%)
- Bond issuance cost is lower than Options 1 & 3 ($534,125)
- Higher interest rate on taxable portion of bonds and greater cost over the life of the issuance
- Project property must be granted or sold at below market rate
- Housing assistance is structured as a loan so that debt service can be used for repayment of other Agency debts

### PROS

- **OPTION 2**
  - "Enough funding to complete hotel project and assist construction of replacement housing"
- "Proceeds exclude funds available for contingencies"
- "Taxable bonds for the Housing don’t trigger private activity rules (5%)"
- "Bond issuance cost is lower than Options 1 & 3 ($534,125)"
- "Higher interest rate on taxable portion of bonds and greater cost over the life of the issuance"
- "Project property must be granted or sold at below market rate"
- "Housing assistance is structured as a loan so that debt service can be used for repayment of other Agency debts"

### CONS

- **OPTION 2**
  - Higher interest rate on taxable portion of bonds
- Higher interest rate on taxable portion of bonds
- Higher interest rate on taxable portion of bonds
- Higher interest rate on taxable portion of bonds
- Higher interest rate on taxable portion of bonds
- Higher interest rate on taxable portion of bonds

### PROS

- **OPTION 3**
  - "Enough funding to complete hotel project and assist construction of replacement housing"
- "Proceeds limit funds available for contingencies"
- "Taxable bonds for the Housing don’t trigger private activity rules (5%)"
- "Bond issuance cost is mid point: ($544,125)"
- "Higher interest rate on taxable portion of bonds"
- "Prevailing wage will be required on construction of new commercial building"
<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTIVITY</th>
<th>PARTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/19/08</td>
<td>Agency approves resolution of intention to issue 2008 Tax Allocation Bonds (Bonds) and appointing bond and disclosure counsel and underwriter</td>
<td>Complete</td>
</tr>
<tr>
<td>3/20/08</td>
<td>Agency selects Fiscal Consultant, Rosenow Sevacek Group, Inc.</td>
<td>Complete</td>
</tr>
<tr>
<td>3/28/08</td>
<td>Fiscal Consultant authorized to begin Fiscal Consultant Report</td>
<td>Complete</td>
</tr>
<tr>
<td>5/09/08</td>
<td>First draft of Fiscal Consultant Report distributed</td>
<td>Complete</td>
</tr>
<tr>
<td>5/23/08</td>
<td>Final draft of Fiscal Consultant Report distributed</td>
<td>Complete</td>
</tr>
<tr>
<td>6/17/08</td>
<td>Council session to select financing alternative</td>
<td>Agency</td>
</tr>
<tr>
<td>6/18/08</td>
<td>Financing structure given go-ahead</td>
<td>Agency</td>
</tr>
<tr>
<td>6/23/08</td>
<td>Distribute first draft POS and legal documents</td>
<td>BC/DC, UC</td>
</tr>
<tr>
<td>6/25-26/08</td>
<td>Conference call to review draft POS and legal documents</td>
<td>All</td>
</tr>
<tr>
<td>7/03/08</td>
<td>Distribute second draft POS and legal documents to Agency staff</td>
<td>BC/DC, UC</td>
</tr>
<tr>
<td>7/09/08</td>
<td>Distribute final draft of legal documents and POS to City Clerk for July 15th agenda, including to rating agency and bond insurers</td>
<td>BC/DC, UC, U</td>
</tr>
<tr>
<td>7/15/08</td>
<td>Agency approves Bond issue and authorized distribution of POS and Executive Director to sign the Bond Purchase Agreement</td>
<td>Agency</td>
</tr>
<tr>
<td>7/17/08</td>
<td>Print and mail POS</td>
<td>BC/DC, UC, U</td>
</tr>
<tr>
<td>7/21/08</td>
<td>Receive rating and select bond insurer</td>
<td>U</td>
</tr>
<tr>
<td>7/29/08</td>
<td>Price Bond issue</td>
<td>U</td>
</tr>
<tr>
<td>7/30/08</td>
<td>Sign Bond Purchase Agreement</td>
<td>Agency, U</td>
</tr>
<tr>
<td>8/11/08</td>
<td>Pre-closing</td>
<td>All</td>
</tr>
<tr>
<td>8/12/08</td>
<td>Closing and Agency receives proceeds</td>
<td>BC/DC, UC, U, Agency</td>
</tr>
</tbody>
</table>

Council meets 1st and 3rd Tuesdays

**PARTIES**
- Agency: Porterville Redevelopment Agency (Issuer)
- BC/DC: Raymond M. Haight, Attorney at Law (Bond and Disclosure Counsel)
- U: Wulf, Hansen & Co. (Underwriter)
- UC: Quint & Thimmig LLP (Underwriter's Counsel)
- FC: Rosenow Sevacek Group, Inc. (Fiscal Consultant)
REDEVELOPMENT AGENCY MEETING AGENDA: JUNE 17, 2008

SUBJECT: REDEVELOPMENT AGENCY 2008-2009 BUDGET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Section 33606 of the California Health and Safety Code requires the Redevelopment Agency to adopt an annual budget which contains the following information: proposed expenditures of the agency, proposed indebtedness to be incurred by the agency, the anticipated revenues of the agency, the work program and goals for the coming year, and an examination of the previous year's achievements and a comparison of the achievements with the goals of the previous year's work program.

The 2008-2009 work program includes the following items that may require Agency direction:

- Preparation of a Redevelopment Project Area Amendment to expand the boundaries of Project Area No. 1.
- Refinancing of the Redevelopment Bonds to provide funds for the redevelopment of the Porterville Hotel site and related housing project(s).
- Negotiation of an in-lieu agreement with Macfarlane Costa Housing Partners (formerly Simpson Housing Solutions) for construction of a tax-credit housing project that will provide replacement units lost in the Porterville Hotel.
- Preparation of a Master Plan or Overlay Area for the uniform development within the area of the proposed Superior Court.
- Acquisition and revitalization of the former JC Penney site.

The annual budget for 2008-2009 has been prepared in accordance with Section 33606 and is provided as an attachment for Agency review and adoption.

RECOMMENDATION: That the Agency Board adopt the attached 2008-2009 Redevelopment Agency budget.

ATTACHMENTS: 1. Draft Resolution adopting the 2008-2009 Redevelopment Budget

2. Proposed 2008-2009 Redevelopment Budget

APPROPRIATED/FUNDED BY CM ITEM NO. PRA-2
RESOLUTION NO.
A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT
AGENCY APPROVING THE 2008-2009 BUDGET
PURSUANT TO HEALTH AND SAFETY CODE SECTION 33606

WHEREAS, by Ordinance No. 1227 adopted February 17, 1981, the City Council of the City of Porterville (the “City Council”) activated the Porterville Redevelopment Agency (the “Agency”) and declared itself to constitute the Agency; and

WHEREAS, by Resolution No. PRA 81-3 adopted April 7, 1981, the Agency approved a Cooperative Agreement by and between the City Council and the Agency wherein the City agreed to establish an “Agency General Fund” with money appropriated by the City Council to pay for the Agency’s administrative expenses as authorized by Health and Safety Code Section 33610; and

WHEREAS, by Ordinance No. 1436 adopted July 10, 1990, the City Council approved the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1 (the “Plan”); and

WHEREAS, Health and Safety Code Section 33606 requires that the Agency adopt an annual budget; and

WHEREAS, for the purpose of fulfilling its obligations to effectuate the Plan and conduct redevelopment activities pursuant thereto, the Agency has estimated its 2008-2009 fiscal year expenditures, indebtedness, anticipated revenues and proposed work program to be as provided in the budget hereinafter referred to as the “Redevelopment Agency Budget” attached hereto as Attachment “A” and incorporated herein by reference; and

WHEREAS, the Agency is required to determine annually that the planning and administrative expenses in the Low and Moderate Income Housing Fund are necessary for the production, improvement, or preservation of low and moderate-income housing.

NOW, THEREFORE, BE IT RESOLVED by the Porterville Redevelopment Agency that the Agency approves and adopts the Redevelopment Agency Budget for the 2008-2009 fiscal year in conformance with Health and Safety Code Section 33606, determines that the planning and administrative expenses in the Low and Moderate Income Housing Fund are necessary for the production, improvement, or preservation of low and moderate-income housing, and authorizes and directs the Executive Director to submit said Budget to the City Council pursuant to Health and Safety Code Section 33611.

Porterville Redevelopment Agency

By: __________________________
Cameron Hamilton, Chairperson

ATTEST:

By: __________________________
John Longley, Executive Secretary

ATTACHMENT
ITEM NO. 1
PORTERVILLE
REDEVELOPMENT AGENCY

SEQUOIA VILLAGE: AFTER

2008-2009 BUDGET

ATTACHMENT NO. 2
CONTENTS

I. PREFACE
II. FINANCIAL SUMMARY
III. WORK PROGRAM 2008-2009
IV. PREVIOUS YEAR'S ACTIVITIES
I. PREFACE

The Redevelopment Agency is administered by the Community Development Department. The Agency was created pursuant to California Health and Safety Code Community Redevelopment Law. Redevelopment revitalizes targeted areas of blight and deterioration through several methods of Agency participation.

Porterville’s Redevelopment Project Area No. 1, implemented in August 1990, originally encompassed approximately 471 acres. During the 2004-2005 Fiscal Year, the process to remove 2 sites (26 acres) from the project area was completed, leaving approximately 445 acres in Project Area No. 1. The area is primarily commercially and industrially zoned.

Section 33080.1 of the Health and Safety Code requires the redevelopment agency to submit to its legislative body annually a list of the fiscal years that the agency expects specified time limits to expire. As required by Section 33080.1, the Porterville Redevelopment Agency hereby reports the following:

1. The time limit for incurring debt was originally July 3, 2010. The term was amended in 2004 pursuant to SB211 to extend the term for the life of the plan to July 3, 2030.
2. The effectiveness of the plan is for a term of forty (40) years (July 3, 2030).
3. The repayment of indebtedness and collection of tax increment is for a ten (10) year period after the effectiveness of the plan (July 3, 2040).

This budget has been prepared in accordance with California Health and Safety Code Section 33606, which requires each agency to adopt an annual budget.
II. **FINANCIAL SUMMARY**

<table>
<thead>
<tr>
<th>AGENCY DEBT</th>
<th>AS OF 6-30-07</th>
<th>A. AS OF 6-30-08</th>
<th>B. PROPOSED INDEBTEDNESS 2008-2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Redevelopment Agency Bond Indebtedness</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Original Bond Debt Incurred December 1992</td>
<td>$5,120,000</td>
<td>$4,905,000</td>
<td>$4,685,000</td>
</tr>
<tr>
<td>Refinanced 2002</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Redevelopment Agency Debt to State of California Rural Economic Development Infrastructure Program (REDIP)</td>
<td></td>
<td>$228,913</td>
<td>$207,751</td>
</tr>
<tr>
<td>Redevelopment Agency Debt to City of Porterville</td>
<td></td>
<td>$195,000</td>
<td>$156,000</td>
</tr>
<tr>
<td>Refinanced Agency Debt with County of Tulare Incurred 2007</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Redevelopment Agency Debt to City of Porterville</td>
<td></td>
<td>$1,145,425</td>
<td>$1,145,425</td>
</tr>
<tr>
<td>Fund Advance Agreement #1 Incurred 1981-1990; Principal plus interest</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Redevelopment Agency Debt to City Risk Management Fund Advance Agreement #3 Incurred 1997; Principal plus interest</td>
<td></td>
<td>$151,316</td>
<td>$153,434</td>
</tr>
<tr>
<td>Redevelopment Agency Debt to City Risk Management Fund Advance Agreement #4 Incurred 2007; Payments begin 1-year after completion of project</td>
<td></td>
<td>$405,000</td>
<td>$405,000</td>
</tr>
<tr>
<td>Porterville Civic Development Foundation Incurred 2008; Payments begin in 2010-11</td>
<td></td>
<td>$200,000</td>
<td>$200,000</td>
</tr>
<tr>
<td><strong>TOTAL DEBT INCURRED</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>As of 06-30-07</td>
<td></td>
<td>$7,445,654</td>
<td></td>
</tr>
<tr>
<td>As of 06-30-08</td>
<td></td>
<td>$7,172,610</td>
<td></td>
</tr>
<tr>
<td>As of 06-30-09</td>
<td></td>
<td></td>
<td>$6,893,957</td>
</tr>
</tbody>
</table>
REDEVELOPMENT PROJECT AREA #1
BOND ISSUE #1
PROJECT FUNDING REPORT

1992 Bond Issue¹

Redevelopment Fund $4,682,242
Low and Moderate Income Housing Fund $1,170,561
Issuance Costs $332,197

1992 Total Bond Issue $6,185,000

Projects Funded by Redevelopment Fund

Main Street Streetscape $3,700,000
Parking Lot Acquisition & Development $905,000²
Second & Olive Ave
Second & Harrison
Fourth & Harrison
Building Façade Program $400,000
Chamber of Commerce Building $120,500³
Loan Repayment to Risk Mgmt Fund $241,000
Fund Advance Agreement #2

Total Projects Funded by Redevelopment Fund $5,366,500⁴

Projects Funded by Low and Moderate Income Housing Fund

First Time Low Income Homebuyer –
Match for HOME grants $375,000
Target Area $100,000
Casas Buena Vista $425,000
St. James Place – Match for HOME grant $256,500
Date Avenue Family Apartments $115,000
Casas Buena Vista –
Common Area, Water and Sewer $265,000
Improvments
Debt Service $86,000
Implementation Plan/Al/Housing Element $53,000

Total Projects Funded by Low and Moderate Income Housing Fund $1,675,500³

Bond Issuance Costs $332,197

Total Expenditures Utilizing Bond Funds and Earned Interest $7,374,197

¹Bond issue in process of being refunded for additional project funds. When figures are known budget adjustment will be processed
²Does not include $285,000 loan from Tulare County and $110,000 loan from Risk Management Fund
³Acquisition and demolition of Frontier Building, construction of public paseo
⁴Includes additional funds from interest earned
ANTICIPATED REVENUES 2008-2009 – REDEVELOPMENT FUND

Income:
Gross Tax increment Revenue $1,307,062
Lease of Redevelopment Property1 $ 16,692
Interest2 $ 1,626

$1,325,380

Less:
Pass Through to other Agencies $ 208,790
20% Housing Set-Aside
  County Allocation $ 20,928
  City Allocation $ 210,669
County Administration Fee $ 24,000

($ 464,387)

NET REVENUE $ 860,993

PROPOSED EXPENDITURES 2008-2009 – REDEVELOPMENT FUND

Debt Service:
  Bond Payments $390,014
  REDIP Loan $ 27,872
  City Loan $ 47,065
  Bond Administration $ 600
  ERAF3 $ 65,000
  Agency Administration $ 224,015
  Project Area Amendment $ 200,000

TOTAL PROPOSED EXPENDITURES $ 954,566

Transfer to (From) Reserves ($ 93,573)

Estimated Redevelopment Fund Reserve Balances:

<table>
<thead>
<tr>
<th></th>
<th>06/30/07</th>
<th>06/30/08</th>
<th>06/30/09</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$414,971</td>
<td>$633,104</td>
<td>$539,530</td>
</tr>
</tbody>
</table>

Notes:
1 Income from the lease of the Stout building is included in the budget estimates with the assumption building will be leased continually for the 12-month period.
2 Includes $626 interest earned on restricted funds on deposit with financial institutions.
3 Assumes an ERAF diversion to be enacted, although no legislative activity as of May 2008. If ERAF is not required, these funds will be used to help fund downtown improvements including a mural, banners, and streetscape amenities.
4 Does not include any maintenance for the Stout building.
ANTICIPATED REVENUES 2008-2009 – HOUSING FUND

Tax Increment Revenue 2008-2009:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Allocation</td>
<td>$20,928</td>
</tr>
<tr>
<td>City Allocation</td>
<td>$210,669</td>
</tr>
<tr>
<td>Interest</td>
<td>$2,500</td>
</tr>
</tbody>
</table>

TOTAL ANTICIPATED REVENUE $234,097

PROPOSED EXPENDITURES 2008-2009 – HOUSING FUND

Administration and Debt Service:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency Administration</td>
<td>$82,502</td>
</tr>
<tr>
<td>Bond Payments</td>
<td>$97,504</td>
</tr>
<tr>
<td>Bond Administration</td>
<td>$150</td>
</tr>
</tbody>
</table>

TOTAL PROPOSED EXPENDITURES $180,156

Transfer to (from) Fund Balances $53,941

Estimated Housing Fund Balances:

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>06/30/07</td>
<td>$535,732</td>
</tr>
<tr>
<td>06/30/08</td>
<td>$586,648</td>
</tr>
<tr>
<td>06/30/09</td>
<td>$140,589</td>
</tr>
</tbody>
</table>

Notes: 1 Includes $500,000 reserved for Simpson Housing Solutions, now MacFarlane Costa Housing Partners, per Agency action of April 1, 2008.
II. WORK PROGRAM

The work program for the 2008-2009 Fiscal Year is based on the continued implementation of both the Redevelopment Strategic Plan adopted in 1992 and the Five-Year Implementation Plan adopted in 2004. The general redevelopment priority projects established for the expenditure of the Agency's first bond issue have been completed to the extent of available funding. The Agency will be managing and monitoring the Redevelopment projects that have been completed and planning ahead for future projects when funding becomes available. Therefore, the work program for 2008-2009 is as follows:

1. Implementation Plan

A. Continue implementation of the 2005-2009 Redevelopment Implementation Plan for the Redevelopment Agency that contains the specific goals and objectives of the Agency for the project area, the specific programs, including potential projects, and estimated expenditures proposed to be made during the five-year period beginning 2005.

2. Housing Strategic Plan Implementation

A. Continue implementation of the Housing Strategic Plan that established policies for the expenditure of the low and moderate-income housing funds. Review status of housing funds and determine priorities for expenditure of available funds.

B. Continue monitoring Casas Buena Vista subdivision in terms of compliance with the CalHFA loan requirements, the recorded affordability covenants on each home, and the Landscape Maintenance District.

C. Continue to monitor the St. James Place historical renovation project for compliance with the terms of the Regulatory Agreements and HOME requirements.

D. Continue to monitor the Date Avenue Family Apartment rental project for compliance with the terms of the Affordable Housing Agreement between the Agency and 148 Date Avenue, LP and Corporation for Better Housing.

E. Continue to monitor Sequoia Village on River's Edge, a 64-unit apartment complex in the Redevelopment Project Area that executed a Payment In Lieu of Taxes Agreement with the Agency. The majority of the funding for the project was from a HOME loan from the City and a low-income housing tax credit allocation.
F. Participate in the planning and implementation of the Porterville Hotel project with the planned demolition of the building and the development of the required affordable replacement units in one or two locations within or adjacent to the downtown. Administer the contract with Rosenow Spevacek Group, Inc., Redevelopment consultants, on the financial feasibility of the project. Continue to negotiate a Development and Disposition Agreement with MacFarlane Costa Housing Partners, formerly Simpson Housing, to develop a 70 unit apartment complex on the southeast corner of Putnam Avenue and "E" Street with Redevelopment Low and Moderate Housing Fund assistance of at least $500,000 which has been reserved by the Agency for this project. Coordinate and cooperate with the developer in applying for and securing other sources of financing to make the project feasible. Determine if additional Redevelopment funds can be contributed to the project.

3. Administration

A. In the 2007-2008 fiscal year, the Agency Board approved staff to negotiate a contract with a consultant to prepare an amendment to Project Area No. 1. During the 2008-2009 fiscal year, staff will enter into a contract with a consultant to prepare the necessary findings to amend Project Area No. 1 with expanded boundaries. Staff will monitor and assist the consulting firm throughout the entire amendment process.

4. Building Façade Rehabilitation

A. Continue review of guidelines from cities with successful Façade Rehabilitation programs for consideration of implementation within the Project Area. The Chamber of Commerce’s Branding Committee has expressed an interest in the resurrection of the façade program and will be instrumental in providing input from local business with regard to the program guidelines. Staff continues to investigate funding sources for implementation of an updated Façade program.

B. Continue to review guidelines and executed agreements for the Building Façade program to address the issues arising from the improvements paid for by the program that may be beyond their useful life.

5. Public Parking

A. Monitor and maintain all Agency owned parking lots.

B. Monitor and assure adequate funding for the completion of the reconstruction of the parking lot on Hockett Street between Mill Avenue and Oak Avenue.
6. Public Street and Streetscape Improvements

A. Continue to monitor the Main Street streetscape improvements.

B. Continue to pursue funding for required traffic circulation improvements, replacement or installation of sidewalks, crosswalks, curb, gutters, storm drains, street lighting, and landscaping to improve their functioning and attractiveness.

C. During the 2007-2008 fiscal year, the City, working with the Agency, entered into a Development and Disposition Agreement (DDA) with Garfield Beach CVS, LLC for public improvements necessary for the proper design of their facility to be located at Olive Avenue and C Street. In accordance with the negotiated DDA, C Street will be narrowed through the project area, with installation of decorative approaches at both ends of “C” Street into the project area, realignment of the alley on the east boundary of the property resulting in a properly designed signalized intersection at Second Street, installation of new traffic poles and arms, interconnect loop, and conduit for the Second Street traffic signal, installation of a concrete and landscaped median island in Olive Avenue at Main Street, repaving of entire width of “C” Street and the alley along both property boundaries, and installation of a public space area at the northeast portion of the site. During the 2008-2009 fiscal year, staff will monitor the project for compliance with the executed Development and Disposition Agreement.

7. Downtown Revitalization

A. Centennial Plaza – Monitor the project for compliance with the Operating Covenants included within the executed Development and Disposition Agreement.

B. Porterville Hotel – Agency staff, working with the Fiscal Consultant, will continue to pursue funding to acquire and redevelop the Porterville Hotel site with a mixed use development, most likely consisting of retail and office space. Provided that funding is obtained, it is anticipated that demolition would occur in the 2008-2009 fiscal year and the process of soliciting qualifications of developers would commence immediately thereafter.

C. Master Plan Area – A portion of the Porterville Fair site has been identified as the prospective location for a new Superior Court facility. In anticipation of the development in and around the area, the Agency will continue to pursue a Master Plan or Overlay Area for the uniform development within Project Area No. 1 and the surrounding properties.
In the 2008-2009 fiscal year, the Agency will pursue formulation of the planning document.

D. Through the efforts of the Redevelopment Agency and Economic Development Division encourage downtown revitalization. As part of this effort, the City will place an emphasis on filling vacant and underutilized buildings, as well as the development of vacant parcels, within Redevelopment Project Area No. 1, with a focus on the former JC Penney site.

E. Continue to work with the Porterville Chamber of Commerce’s Branding Committee to provide guidelines for development in and around the downtown area. The Branding Committee has expressed a desire to maintain the historic character of the downtown and will be instrumental in supporting either a Master Plan or Overlay Area, as discussed in Item 7.C. (above).

8. Porterville Heritage Center

Continue monitoring the expenditures for the construction of the parking lot and the lighted ball fields at the Porterville Heritage Center in conjunction with the Community Development Block Grant (CDBG) program utilizing Section 108 funding.

9. Public Improvement Projects

Coordinate with the City’s Engineering Division on the reconstruction of the Plano Street Bridge and the Jaye Street Bridge that are adjacent to the Project Area.

10. Tule River Parkway and Rails to Trails Projects

Coordinate with the City’s Engineering Division and the Parks and Leisure Services Department on the planning and construction of the phases of the Tule River Parkway and the Rails to Trails projects that are within the Redevelopment Project Area.

11. Annexation and General Plan Land Use

Support annexation of additional industrial land and circulation improvements in the south/southwest area of the City in accordance with the General Plan Land Use Diagram.
III. PREVIOUS YEAR’S ACHIEVEMENTS

In reviewing the activities of the Redevelopment Agency in 2007-08 significant progress was made in accomplishing the goals of the work program established in last year’s budget. Following are the elements of that work program and a description of the progress made in each area:

1. Implementation Plan

   Goal: Continue implementation of the 2005-2009 Redevelopment Implementation Plan for the Redevelopment Agency that contains the specific goals and objectives of the Agency for the project area, the specific programs, including potential projects, and estimated expenditures proposed to be made during the five-year period beginning 2005.

   Action: The Redevelopment Agency, through the actions discussed below, has continued implementation of the 2005-2009 Implementation Plan for the Redevelopment Agency.

2. Housing Strategic Plan Implementation

   Goal: Continue implementation of the Housing Strategic Plan that established policies for the expenditure of the low and moderate-income housing funds. Review status of housing funds and determine priorities for expenditure of available funds.

   Action: The Agency continued the implementation of the Housing Strategic Plan with the assistance to the development of the Sequoia at River’s Edge 64 unit apartment complex and the three single family homes and one duplex on Date and A Streets all within the Project Area. These projects will now be monitored by staff annually to assure compliance with all regulatory agreements and affordability covenants.

   In addition, the Agency’s main focus has been the replacement housing for the units lost at the closed Porterville Hotel which was a single room occupancy project. The Agency has been working with MacFarlane Costa Housing Partners, formerly Simpson Housing, on the development of a 70 unit multifamily project adjacent to the downtown area and within the Redevelopment Project Area. Twenty four units will be one bedroom and will partially fulfill the 45 unit replacement requirement. Assistance funding has been conditionally reserved by the Agency for this project. The developers and the City/Agency will be applying for several additional sources of funding for this project including HOME funds and low income housing tax credits. Rosenow Specvacek Group Inc. (RSQ), Redevelopment consultants, has been hired by the City to assist with the financial feasibility studies for this project including both the demolition of the
Porterville Hotel building and the construction of the new housing. This process will include a review of all of the available housing funds and the additional funds that may be realized from the possible refunding of the current Redevelopment bond issue. Discussions with the owner of the hotel building and the California Department of Housing and Community Development (HCD) have continued to work toward a resolution of all of the issues involved.

**Goal:** Continue monitoring Casas Buena Vista subdivision in terms of compliance with the CalHFA loan requirements, the recorded affordability covenants on each home, and the Landscape Maintenance District.

**Action:** The Agency has been monitoring all of the loan agreements and affordability covenants, working through issues as they arise dealing with refinancings, sales of homes to income qualified buyers, and loan servicing problems.

**Goal:** Continue to monitor the St. James Place historical renovation project for compliance with the terms of the Regulation Agreements and HOME requirements.

**Action:** The annual monitoring, including physical inspection of the property, was conducted with the Agency requesting additional information to be submitted to determine compliance with the Agency and HOME requirements.

**Goal:** Continue to monitor the Date Avenue Family Apartments rental project for compliance with the terms of the Affordable Housing Agreement between the Agency and 148 Date Avenue, LP and Corporation for Better Housing.

**Action:** The annual income certifications for occupancy were received by the Agency showing 55 of the 77 units being occupied by low-income households with 22 vacant units. Thirty three percent of those households were 50% of Area Median Income (AMI) with the remaining forty five percent between 51% and 80% of AMI. The current management firm made significant progress in resolving several major issues in the project especially with the eviction of problem tenants. This however led to the large number of vacancies that were hard to fill due to the Date Avenue Reconstruction Project that made access to the apartment complex extremely difficult. Although greatly improved, there is still a problem with false fire alarms and charges that have accrued with the City’s response to these false fire alarms. The owner, the management company, and City staff are working cooperatively to come up with viable solutions to help relieve this problem.
Goal: Assist in administering the completion of Sequoia Village on River's Edge, a 64-unit apartment complex in the Redevelopment Project Area funded with a HOME grant to the City and a low-income housing tax credit allocation. Initiate monitoring of the project for compliance with HOME and Redevelopment agreements.

Action: As stated above, this development was completed this year and immediately fully occupied. The project completion report for the HOME funds was submitted and staff will now be administering the monitoring of the project for compliance with the loan and regulatory agreements, the payment in lieu of taxes agreement, and the affordability covenants.

Goal: Participate in the planning and implementation of the Porterville Hotel project for replacement housing either on-site or at another location adjacent to the downtown. Determine funding assistance level that Redevelopment can contribute to the project.

Action: As previously discussed, negotiations continue with the owner of the hotel building, HCD, and MacFarlane Costa Housing Partners with the ultimate goal to demolish the Porterville Hotel building, prepare the site for sale to a commercial developer, and develop an affordable housing project adjacent to downtown that would provide a considerable amount of the affordable replacement units required by HCD. RSG is assisting the City/Agency in the financial feasibility analysis for the project.

3. Administration

Goal: To provide for a more efficient administration of the Agency’s activities, Article II, Section 201 of the Agency’s By-Laws’ are proposed to be amended as follows: “The City Manager shall serve as appoint the Executive Director of the Agency”. The amendment proposal was approved by the agency during the June 19, 2007, Redevelopment Agency meeting. During the 2007-08 fiscal year, the Agency will finalize the restructure required by this amendment.

Action: At the close of the 2007-08 fiscal year, the Community Development Director was appointed as the Agency’s Executive Director. The appointment provides for more efficient administration as Agency staff divides their time between Community Development Department functions and Redevelopment Agency functions.
4. Building Façade Rehabilitation

Goal: Review guidelines and executed agreements for the Building Façade program to address the issues arising from the improvements paid for by the program that may be beyond their useful life.

Action: Staff has begun review of the Agency’s guidelines, as well as Façade Program guidelines from other cities to provide alternatives for the Agency’s consideration. Additionally, staff has been investigating various funding mechanisms to reinitiate a successful Façade Program.

5. Public Parking

Goal: Monitor and maintain all Agency owned parking lots.

Action: Staff continues to monitor and maintain the Redevelopment parking lots, coordinating with Parks and Leisure Services on any landscape maintenance items and Southern California Edison on any light standard issues.

Goal: Coordinate for the demolition of the Singer building with Transit to facilitate the completion of the parking lot at Hockett Street and Oak Avenue.

Action: The Singer building was demolished during the 2006-2007 Fiscal Year. During the 2007-08 Fiscal Year, Transit completed the parking lot at Hockett Street and Oak Avenue and street improvements along Oak Avenue. The project included stamped concrete and other improvements complementary to the Redevelopment Design Guidelines.

Goal: Pursuant to an agreement between the City and the Agency, funding was made available for the reconstruction of the parking lot on Hockett Street between Mill Avenue and Oak Avenue. The renovation of this parking lot is needed for the continued growth and revitalization of the downtown area. The project will include preparation of cost estimates, design plans, administration, and construction and is anticipated to be complete in the 2007/2008 Fiscal Year.

Action: During the 2007-2008 fiscal year, the Agency entered into a loan agreement with the City’s Risk Management Fund for the reconstruction of the parking lot on Hockett Street between Mill Avenue and Oak Avenue. Funding was approved at an amount not to exceed $405,000. The contract for design of the parking lot was awarded during the 2007-2008 fiscal year, and design is anticipated to be complete in early 2008-2009. During the design phase it has
become evident that additional funding may be required to install an adequate irrigation system for root control of the parking lot trees as they mature. Should the cost estimate determine that additional funding will be necessary, staff will bring an item to the Agency for approval to request additional funding from the City’s Risk Management Fund. Construction of the parking lot is slated for completion in the 2008-2009 fiscal year.

Goal: Pursue solutions for traffic circulation and parking improvements in the South Main Street – South “C” Street; Olive Avenue – Vine Street area to expand development opportunities, reduce blight, and address safety conditions in the area.

Action: City and Agency staff worked cooperatively with a private developer to negotiate a Disposition and Development Agreement (DDA) to provide for street improvements in the South Main Street – South “C” Street; Olive Avenue – Vine Street area to be constructed as part of the developer’s project. The improvements will include the demolition of a burned house that was visible from Olive Avenue, reconstruction of “C” Street through the project site, realignment of the “C” Street alley resulting in a property designed signalized intersection at Second Street, installation of nostalgic lighting as detailed in the Redevelopment Streetscape Guidelines, and installation of a public space area at the northeast portion of the site. The project will be complete during the 2008-09 Fiscal Year.

6. Public Street and Streetscape Improvements

Goal: Continue to monitor the Main Street streetscape improvements.

Action: Staff continues to monitor the Main Street streetscape improvements.

Goal: Continue to pursue funding for required traffic circulation improvements, replacement of installation of sidewalks, crosswalks, curb, gutters, storm drains, street lighting, and landscaping to improve their functioning and attractiveness.

Action: Staff continues to pursue funding sources to meet the traffic circulation, infrastructure, and streetscape issues for areas within the Project Area.

7. Downtown Revitalization

Goal: Centennial Plaza – Monitor the project for compliance with the executed Development and Disposition Agreement.
Action: A Project Liaison has been assigned to the Centennial Plaza project, working with the developer to facilitate compliance with the Development and Disposition Agreement (DDA). During the 2007-08 Fiscal Year, the developer completed the documents that divided the building into condominium units and sold the units that do not front Main Street to Smith Commercial Properties, LLC, as allowed in the DDA. The remaining units fronting Main Street are in escrow to Smith Commercial Properties, LLC, with escrow due to close prior to the end of the 2007-08 Fiscal Year. The $15,000 Promissory Note from the developer will be subordinated to the new owner through the escrow. During the 2008-2009 fiscal year, staff will pursue working with Smith Commercial Properties, LLC to satisfy the Promissory Note.

Goal: Porterville Hotel – Continue to explore options regarding future utilization of the Porterville Hotel site, including funding sources and replacement housing required to meet the needs of the project.

Action: During the 2007-2008 fiscal year, the Agency approved the concept of refinancing the Redevelopment Bonds to provide funds for the Porterville Hotel Project. As part of the Agency’s due diligence for the bond refinancing and to assist staff in identifying costs associated with the redevelopment of the Porterville Hotel, a contract was negotiated with a Fiscal Consultant. During this reporting year, the Fiscal Consultant has prepared a Fiscal Report for inclusion in the proposed bond financing’s Official Statement.

Goal: Master Plan Area – The Porterville Fair area has been identified as a potential site for a new County court facility. In anticipation of the improvements in and around the area, the Agency desires to pursue a Master Plan for the uniform development within Project Area No. 1 and the surrounding properties. In the 2007-2008 Fiscal Year, the Agency will seek funding from the City and other sources to provide for the development of the Master Plan.

Action: During the 2007-08 Fiscal Year, the Agency further defined boundaries for a Master Plan for the area surrounding the Porterville Fair, which was given the project name of the Courthouse Commons. The Agency approved the release of a Request for Proposals and staff evaluated the responses. Based on the responses, staff is considering the benefits of approaching the Master Plan as a Downtown Planning Area Overlay which will be more cost effective and provide the Agency/City with design guidelines and circulation connectivity within the boundaries of the Courthouse Commons, as well as a mechanism to implement the guidelines through the Zoning Ordinance.
Goal: Project Area Amendment – To assist with the implementation of the Master Plan Area and further the benefits of redevelopment in the community, it may prove beneficial to amend Project Area No. 1 or adopt Project Area No. 2 to include all properties identified within the Master Plan Area and other qualified areas. If necessary to fulfill the Redevelopment goals, the Agency may seek additional funding to amend Project Area No. 1 or create Project Area No. 2.

Action: During the 2007-08 Fiscal Year, the Agency identified sources of funding to implement the Project Area Amendment which included a loan from the Porterville Civic Development Foundation and reallocation of funds previously set aside for an Enterprise Zone application. Upon Agency’s approval of the project and the responses to the Request for Proposals, staff has begun negotiating a contract with a consultant to complete the preparation of the amendment.

Goal: Through the efforts of the Redevelopment Agency and Economic Development Division, encourage downtown revitalization. As part of this effort, the City will place an emphasis on filling vacant and underutilized buildings, as well as the development of vacant parcels, within Redevelopment Project Area No. 1.

Action: Agency and City staff worked cooperatively to negotiate an agreement with Garfield Beach CVS, LLC for the redevelopment of the vacant and blighted property located at Olive Avenue and “C” Street. Furthermore, during the 2007-2008 fiscal year, staff began exploring funding sources for the acquisition and rehabilitation the vacant JC Penney site.

8. Porterville Heritage Center

Goal: Continue monitoring the expenditures for the construction of the entry and the lighted ball fields at the Porterville Heritage Center in conjunction with the Community Development Block Grant (CDBG) program utilizing Section 108 funding.

Action: During the 2006-2007 fiscal year, the City Council adopted a project master plan for the Heritage Center, which provides for a three-field softball complex along with other improvements. Due to the limitations of the Section 108 funds, the remainder of the funds will be utilized for design services for the full master planned facility and the initial construction phase that will be focused upon the site entry area improvements. During the 2007-2008 fiscal year, construction on the entry was well underway, with completion slated for early 2008-2009.
9. Public Improvement Projects

Goal: Coordinate with the City Engineering Division on the planning and reconstruction of the Plano Street Bridge, the Jaye Street Bridge, and Date Avenue that are all projects either within the Redevelopment Project Area or adjacent to it.

Action: The Redevelopment Strategic Plan and the adopted Streetscape Design for the Redevelopment Area were used extensively in the planning and design of the Plano Street Bridge project and construction is scheduled to begin Spring 2009. The Jaye Street street widening project is complete and the Jaye Street Bridge project is slated for Summer 2009. The Date Avenue street project was completed during the 2007-2008 fiscal year.

10. Tule River Parkway and Rails to Trails Projects

Goal: Coordinate with the City Engineering Division and the Parks and Leisure Services Department on the planning and construction of the phases of the Tule River Parkway and the Rails to Trails projects that are within the Redevelopment Area.

Action: Staff has participated in the planning and coordination of both of these projects that are within the Redevelopment Area.

11. Annexation and General Plan Land Use

Goal: Support annexation of additional industrial land and circulation improvements in the south/southeast area of the City in accordance with the General Plan and Circulation Element.

Action: Utilizing Certificates of Participation, the City will be improving and extending streets in the southern area of the City.