CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
JULY 15, 2008, 6:00 P.M.

Call to Order
Roll Call

CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   4- Government Code Section 54957 - Public Employee Appointment: Title: City Manager.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Vice-Mayor McCracken
Invocation

PROCLAMATIONS
Barn Theater 60th Anniversary

PRESENTATIONS
City Manager’s Featured Project

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

CONSENT CALENDAR
All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.


2. Request to File Late Claim – The Hartford
   Re: Considering denial of an Application to File Late Claim submitted by The Hartford, for incident that occurred on June 11, 2007.

3. Program Supplement to the Local Agency-State Master Agreement – Traffic Signal No. 10 (Newcomb Street and Westfield Avenue)
   Re: Considering approval of Program Supplement Agreement No. N034, submitted by the Department of Transportation, for the installation of an 8-phase traffic signal at the intersection of Newcomb Street and Westfield Avenue.

4. Approval of Architectural Elevations for Building Pad 4 of Riverwalk Marketplace
Re: Considering approval of proposed architectural elevations, colors and materials for “Carl’s Jr.” located on Building Pad 4 at Riverwalk Marketplace.

5. **City Easement Conveyance to Southern California Edison Company**
Re: Considering approval to convey an easement along the east side of the “Rails to Trails” property between Mill and Oak Avenues to SCE for the installation and maintenance of underground electrical facilities.

6. **Authorization to Execute Consultant Service Agreements for Topographic Surveying - Beverly Street, Newcomb Street and Prospect Street Widening Projects**
Re: Considering authorization to execute Consultant Service Agreements with James Winton & Assoc. of Porterville, Dee Jaspar & Assoc. of Porterville, and Provost & Pritchard of Visalia, for topographic surveying services relative to the Beverly Street, Newcomb Street and Prospect Street Widening projects.

7. **Authorization to Negotiate a Contract with SW Compressors for a Temporary CNG Fueling Station**
Re: Considering authorization to negotiate a minimum 6 month lease agreement with SW Compressors of Rancho Cucamonga for a temporary CNG fueling station at the City Corporation Yard.

8. **Sierra Management Transit Center Lease**
Re: Considering approval of the Transit Center Lease with Sierra Management for the building at 61 West Oak Avenue for the operation of the Fixed Route and Demand Response transportation services.

9. **Feasibility of Transit Bus Conversion Into a Mobile Library**
Re: Consideration of alternatives for the conversion of a transit bus into a mobile library.

10. **Letter of Public Convenience or Necessity/Ali Awnallah – 758 N. Main Street**
Re: Considering approval of a letter supporting the issuance of a Type 20 off-sale (beer and wine) license within Census Tract No. 37, for the Ranchito Market located at 758 N. Main Street.

Re: Consideration of request to authorize the placement of non-advertising displays on public right of way commemorating the “Paint the Town” special event.

12. **Approval for Community Civic Event – Mariachi Academy Foundation – Fabulous Music Under the Stars**
Re: Considering approval of Civic Event to take place at the Porterville Fairgrounds on Saturday, July 19, 2008 from 5:00 p.m. to 12:00 a.m.

Re: Approving a written response to Grand Jury findings addressing the City’s compliance with the provisions of the Ralph M. Brown Act and the Maddy Act.

14. **Attendance Report for City Commissions, Boards and Committees**
Re: Informational report consisting of attendance records as of June 30, 2008 for City Commission, Board and Committee members.

15. **Approval of Additional Financial Support for the Council of Cities in the Retention of Legal Services in Connection with the County of Tulare’s General Plan**
Re: Considering approval of additional financial support in the amount of $448.27 for the Council of Cities.
A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible

PUBLIC HEARINGS
16. Hillside Development Ordinance
   Re: Continuation of the public hearing to the August 5, 2008 City Council Meeting.

17. Landscape and Lighting Districts Annual Assessments
   Re: Confirming the Engineer’s Report and considering approval of the 2008-2009 Assessments for the
   Landscape and Lighting Maintenance Districts.

18. Request to Allow the Modification of Conditional Use Permit 4-2000 to Upgrade an Existing Type 20
    Off-Sale (Beer and Wine) License to a Type 21 Off-Sale (Beer, Wine and Distilled Spirits) License for an
    Existing Convenience Store “Frank’s Stop and Go Market” Located at 610 W. Olive Avenue
   Re: Considering adoption of a resolution approving the modification of Conditional Use Permit 4-2000
   to allow an up-grade from Type 20 license to a Type 21 license.

SECOND READINGS
19. Ordinance 1744, Limits for City Expenditures, Indebtedness, and Revolving Cash Fund
   Re: Second reading of Ordinance No. 1744, an Ordinance of the City Council of the City of Porterville
   Amending Chapter II, Article VII, “Expenditures, Indebtedness, and Revolving Cash Fund,” Sections 2-35
   through 2-37.

SCHEDULED MATTERS
20. Short Range Transit Plan
   Re: Review of the Short Range Transit Plan as required by the Federal Transit Administration Urbanized
   Area Formula, Section 5307, Program.

21. Request to Ratify Budget for Fiscal Year 2008-2009
   Re: Review and ratification of City’s Fiscal Year 2008-2009 Budget.

22. Murry Park Pond Use and Water Quality Goals
   Re: Consideration of recommendations from the Parks & Leisure Services Commission regarding the
   goals for use, and water quality of, the pond within Murry Park.

23. Relocation of Veteran’s Park Playground
   Re: Considering approval of a budget adjustment to allocate $45,655 in additional General Fund-
   carryover towards the relocation of the Veteran’s Park Playground.

24. Council Member to Serve on the Public Safety Building Committee
   Re: Selection of a Council Member to serve as a member on the Public Safety Building Committee,
   which will assist in the development of the new Public Safety Building.

25. Request by Council Member – Consideration of Ballot Measure to Amend City Charter
   Re: Consideration of a request to discuss a ballot measure to amend the City’s Charter.

Adjourn to a joint meeting of the Porterville City Council, the Porterville Redevelopment Agency and the
Porterville Finance Authority.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY/
FINANCE AUTHORITY AGENCY AGENDA
July 15, 2008

Roll Call: Redevelopment Agency Members/Chairperson
Roll Call: Finance Authority Agency Members/Chairperson

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

SCHEDULED MATTER

PRA-1. Refunding Redevelopment Tax Allocation Bonds

Re: Considering the adoption of resolutions to refund the 2002 Tax Allocation Refunding Bonds for the purpose of financing the Porterville Hotel Project.

Adjourn the joint City Council/Redevelopment/Finance Authority 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 July 16, 2008 at 4:00 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.
1. Merchant Services Award of Contract
Call to Order at 6:02 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez (arrived late), Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   2- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.

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

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation - One person participated.

PROCLAMATIONS
“Adult Literacy Day” - April 19, 2007
“Municipal Clerks Week” - April 29 - May 5, 2007
“Cinco de Mayo Week” - April 30 - May 6, 2007
“World Asthma Day” - May 1, 2007

PRESENTATION
Outstanding Business Honoree - KTIP Radio Station
Semi-Annual Report from the Library Board of Trustees
Semi-Annual Report from the Parks & Leisure Services Commission
CAFR
City Manager’s Featured Projects for April 2007
   1. Code Enforcement Officer – Clayton Dignam
   2. WDR Annexation
   3. Date Avenue Housing Project (HOME)

Council Member Pete Martinez thanked the individuals that participate and serve on the Library Board of Trustees. He stated that he would also like to see a Mobile Library implemented in the future to allow those who were not able to go to the library to check out books. He also thanked
the Parks & Leisure Services Commission for their work and ideas. He mentioned that he had previously had the opportunity to work with Mr. Dignam and knew him to be a strong worker, and that he would surely do a good job for the community.

**ORAL COMMUNICATIONS**

- Larry Stoneburner, 1660 N. Newcomb, spoke about Carlos Rivas, a Porterville College student who was recognized for academic achievement and featured in USA Magazine; and spoke of the Granite Hills High School student newspaper that was designated as one of the top three student newspapers in the U.S.
- Robert Davis, 450 W. Morton, presented additional information to accompany the petition he had already presented to Council regarding removing the bike lane in front of the apartments at 450 W. Morton.
- Dick Eckhoff, Downtown Porterville Association, 197 North Main Street, inquired about using the Community Center funds to pay for the City Hall air conditioner.
- Boyd K. Leavitt, 457 East Oak Avenue, thanked the Council because there were no diesels parked in his neighborhood; and spoke of the “Praying with Icons” display at the Museum thru May 17.
- Martha Alcazar Flores, 249 South Indiana Street, stated that she was pleased to see the Code Enforcement Officer hired; spoke of the burglary of her home on March 6; and asked Council to bring back the Neighborhood Watch Program.

**CONSENT CALENDAR**

Items 5, 10, 11, 13, 15 and 16 were removed for further discussion or abstention.

1. **CITY COUNCIL MINUTES OF MARCH 6, 2007**

   **Recommendation:** That the City Council approve the City Council Minutes of March 6, 2007.

   **Documentation:** M.O. 01-041707

   **Disposition:** Approved

2. **CLAIM – MONTALVO**

   **Recommendation:** That the Council reject said claim; refer the matter to the City’s insurance adjuster; and direct the City Clerk to give the Claimant proper notification.

   **Documentation:** M.O. 02-041707

   **Disposition:** Approved

3. **CLAIM – SOUTHERN CALIFORNIA EDISON**

   **Recommendation:** That the Council reject said claim; refer the matter to the City’s insurance adjuster; and direct the City Clerk to give the Claimant proper notification.

   **Documentation:** M.O. 03-041707

   **Disposition:** Approved
4. BUDGET ADJUSTMENTS FOR THE 2006/2007 FISCAL YEAR

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

 Documentation: M.O. 04-041707
Disposition: Approved

6. ACCEPTANCE OF IMPROVEMENTS – MEADOW BREEZE, PHASE ONE (GRAY SMEE – SMEE BUILDERS)

Recommendation: That City Council:
1. Accept the public improvements of Meadow Breeze, Phase One 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. 05-041707
Disposition: Approved

7. CONVEYANCE OF LAND AND STATION BUILDING TO PORTERVILLE HISTORICAL MUSEUM

Recommendation: That the City Council adopt the draft resolution authorizing the quitclaim of the subject property, and authorizing the Mayor to sign all necessary documents.

 Documentation: Resolution 20-2007
Disposition: Approved

8. INTENT TO VACATE TEMPORARY EASEMENTS OF VEHICULAR ACCESS AND STORM WATER FLOW AND RETENTION RELATED TO THE DEVELOPMENT OF SIERRA MEADOWS, PHASE TWO SUBDIVISION (SMEE BUILDERS)

Recommendation: That the City Council:
1. Pass a Resolution of Intent to Vacate easements dedicated to the City of Porterville by document numbers 2004-0134036 and 2004-0134037, recorded December 28, 2004 in the Office of the Tulare County Recorder; and
2. Set the Council Meeting of May 25, 2007, or as soon thereafter, as the time and place for a public hearing.
9. INTENT TO VACATE A PORTION OF PUBLIC WATER, SEWER AND STORM DRAIN FACILITIES EASEMENT RELATED TO THE DEVELOPMENT OF THE SKILLED NURSING FACILITY (SIERRA VIEW DISTRICT HOSPITAL)

Recommendation: That the City Council:
1. Pass a Resolution of Intent to Vacate a portion of an easement for maintenance of water, sewer and storm drain facilities dedicated to the City of Porterville by Document No. 2006-0042458, recorded April 21, 2006 in the Office of the Tulare County Recorder; and
2. Set the Council Meeting of May 15, 2007, or as soon thereafter, as the time and place for a public hearing.

12. APPROVAL OF ADMINISTRATIVE POLICY REGARDING EMPLOYEE IDENTIFICATION CARDS

Recommendation: That the City Council approve and authorize staff to proceed with the implementation of Administrative Policy IV-B-7, “Employee Identification Cards.”

14. ZALUD HOUSE “MEMORIES OF YESTERDAY” FUNDRAISER

Recommendation: That the City Council authorize the “Memories of Yesterday” Zalud House Wine Tasting event on May 12, 2007.

17. APPROVAL FOR COMMUNITY CIVIC EVENT – ROLLIN’ RELICS CAR CLUB—ROLLIN’ RELICS CAR SHOW – MAY 5, 2007

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Rollin’ Relics Car Club, subject to the stated requirements contained in the Application, Agreement and Exhibit “A.”
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED Council Member McCracken by to accept items 1 through 4, 6 through 9, 12, 14 and 17. The motion carried unanimously.

5. OHV PARK BUDGET ADJUSTMENT FOR THE 2006-07 FISCAL YEAR

Recommendation: That the Council authorize a total budget increase of $43,000 to be distributed among the Off Highway Vehicle Park expenditure accounts as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>01-5065-01</td>
<td>Salaries, Regular</td>
<td>$6,500</td>
</tr>
<tr>
<td>01-5065-02</td>
<td>Salaries, Part-time</td>
<td>$8,500</td>
</tr>
<tr>
<td>01-5065-03</td>
<td>Overtime</td>
<td>$400</td>
</tr>
<tr>
<td>01-5065-09</td>
<td>Benefits</td>
<td>$1,000</td>
</tr>
<tr>
<td>01-5065-11</td>
<td>Vehicle Maintenance</td>
<td>$1,775</td>
</tr>
<tr>
<td>01-5065-12</td>
<td>Bldg/Grounds Maint</td>
<td>$4,225</td>
</tr>
<tr>
<td>01-5065-19</td>
<td>Other Equip Maint</td>
<td>$9,545</td>
</tr>
<tr>
<td>01-5065-23</td>
<td>Professional Services</td>
<td>$4,000</td>
</tr>
<tr>
<td>01-5065-23</td>
<td>Rentals</td>
<td>$6,755</td>
</tr>
<tr>
<td>01-5065-35</td>
<td>Tools under $1,000</td>
<td>$300</td>
</tr>
</tbody>
</table>

City Manager Longley presented the item.

Mayor Hamilton asked if refraining from spending the additional revenues on some of the items listed in the recommendation would free up some monies for a water truck. Parks and Leisure Services Director Jim Perrine stated that the additional spending was needed in order to keep operations going. He also stated that the funds going into the vehicle maintenance and other equipment maintenance were to deal with the tractor that needed service, and was anticipated to go out before the end of the fiscal year. Mayor Pro Tem Felipe Martinez asked when it was anticipated the water truck would need to be replaced. Mr. Perrine stated that as part of budget development and grant requests, they would be looking into making a case for equipment replacement as part of the state grant requests. He indicated that if they were successful, it would be replaced next fiscal year; otherwise, money would have to be put aside.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the Council authorize a total budget increase of $43,000 to be distributed among the Off Highway Vehicle Park expenditure accounts as proposed. The motion carried unanimously.

Disposition: Approved

10. WATER CONSERVATION PLAN

Recommendation: That the City Council:

1. Approve the City moving into Phase II as of May 1, 2007;
2. Set a Public Hearing for June 5, 2007 to move into Phase II for the months of June thru September if severe water supply shortage is projected; and
3. If severe water supply shortage is not projected, City staff will only have a Water Conservation Report at the June 5, 2007 Meeting.

City Manager Longley presented the item.

Council Member Pete Martinez requested that the Mayor and Mayor Pro Tem record public service announcements in English and Spanish to air on the radio.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Tem Felipe Martinez to approve the City moving into Phase II as of May 1, 2007; set a Public Hearing for June 5, 2007 to move into Phase II for the months of June thru September if severe water supply shortage is projected; and if severe water supply shortage is not projected, City staff will only have a Water Conservation Report at the June 5, 2007 Meeting. The motion carried unanimously.

Disposition: Approved

11. MEMORANDUM OF UNDERSTANDING BETWEEN THE PORTERVILLE DEVELOPMENT CENTER AND THE CITY OF PORTERVILLE

Recommendation: That the City Council:
1. Review and approve the amended Memorandum of Understanding between the Porterville Developmental Center and the City of Porterville; and
2. Authorize the Memorandum of Understanding to be implemented.

City Manager Longley presented the item.

A brief discussion ensued regarding the safety of City personnel. Fire Chief Garcia confirmed that he was comfortable with the proposed Memorandum of Understanding.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the amended Memorandum of Understanding between the Porterville Developmental Center and the City of Porterville; and authorize the Memorandum of Understanding to be implemented. The motion carried unanimously.

Disposition: Approved

13. RETIREMENT OF POLICE SERVICE DOG “EMOR”

Recommendation: That the City Council:
1. Approve the retirement and sale of K-9 “Emor” to Jake Castellow, his current handler, for one dollar ($1.00); and
2. Authorize the Mayor to execute the agreement necessary to complete the transaction.

City Manager Longley presented the item.

Council Member Hernandez stated that after 7 years of service he would have liked to have seen “Emor” in attendance to honor him and give him a pat.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez to approve the retirement and sale of K-9 “Emor” to Jake Castellow, his current handler, for one dollar ($1.00); and authorize the Mayor to execute the agreement necessary to complete the transaction. The motion carried unanimously.

Disposition: Approved

15. APPROVAL FOR COMMUNITY CIVIC EVENT – BOYS AND GIRLS CLUB OF PORTERVILLE RECEPTION

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Boys & Girls Clubs of the Sequoias, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application.

City Manager Longley presented the item. Council Member Hernandez commented on the need and benefits of programs like the Boys & Girls Club.

- Wendy (last name inaudible), from the Boys & Girls Club stated that they were honored to be coming into the community and looked forward to helping those kids in need.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council approve the Community Civic Event Application and Agreement from the Boys & Girls Clubs of the Sequoias, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application.

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

Disposition: Approved

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

City Manager Longley presented the item.

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

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

Disposition: Approved

PUBLIC HEARINGS

18. MULTIFAMILY HOUSING REVENUE BOND ISSUANCE BY CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR PAM DEVELOPMENT

Recommendation: That the City Council:
1. Hold a Public Hearing for the sale of tax-exempt obligations for the financing of the acquisition and rehabilitation of the Evergreen Apartments and the Alder Apartments;
2. Approve the draft resolution approving the issuance and sale of bonds by the California Statewide Communities Development Authority for the purpose of financing the acquisition and rehabilitation of the Evergreen Apartments and Alder Apartments within the City of Porterville pursuant to the Internal Revenue Code of 1986; and
3. Authorize the Mayor to execute all documents related to the City’s approval of the issuance of the tax-exempt bonds.

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

The hearing opened to the public at 8:28pm, seeing no one, the Mayor closed the public hearing at 8:29pm.

In response to questions posed by Council, Mr. Dunlap elaborated on the nature of the project’s status.

- (First Name inaudible) Cannon, Pam Development, Inc. spoke of their intent to spend $700,000 to $800,000 on Evergreen Apartments to address deferred maintenance, bring the property up to code compliance, and address long-term capital needs. He also confirmed that rents would remain restricted.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Martinez that the Council approve the draft resolution approving the issuance and sale of bonds by the California Statewide Communities Development Authority for the purpose of financing the acquisition and rehabilitation of the Evergreen Apartments and Alder Apartments within the City of Porterville pursuant to the Internal Revenue Code of 1986; and authorize the Mayor to execute all documents related to the City’s approval of the issuance of the tax-exempt bonds. The motion carried unanimously.

Disposition: Approved

19. CONDITIONAL USE PERMIT 1-2007 – PROPOSED FAMILY PIZZERIA/ARCADE TO BE LOCATED AT 45 NORTH SECOND STREET (FORMERLY THE POLICE PAL BUILDING)

Recommendation: That the City Council:
1. Require the developer to install one nostalgic style streetlight; or
2. Honor the developer’s request and allow him to place two exterior wall mounted lights that match the Redevelopment theme, and have the developer pay the in-lieu streetlight fee in the amount of $227; and
3. Adopt the draft resolution approving Conditional Use Permit 1-2007 subject to conditions of approval as amended.

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

The public hearing was opened at 8:36 p.m.
• Pat Mena, 22660 Ave. 178, asked if the Council would allow him to install two wall-mounted lights in front of the building in lieu of the street light, which would be too costly.

• Dick Eckhoff, 197 N. Main, stated that there was a definite need for more lighting, especially on the west side of the street; expressed his support for the project; and indicated that he would like to see consistency in the lighting downtown.

• Mark Hillman, 263 N. Third St., stated that he was confused about the number of wall-mounted lights, and that he was in favor of two lights.

The public hearing was closed and brought back to Council at 8:43 p.m.

Council Member Pedro Martinez suggested that two additional wall-mounted lights be added to the back of the building.

A discussion ensued as to the level of safety, after which the proposed resolution was amended to include lights at the rear of the project.

Council Member McCracken requested that language be added in the conditional use permit indentifying the instance as unique, and not applicable to all downtown redevelopment areas.

COUNCIL ACTION:
MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council honor the developer’s request and allow him to place two exterior wall mounted lights that match the Redevelopment theme; have the developer pay the in-lieu streetlight fee in the amount of $227; and adopt the draft resolution approving Conditional Use Permit 1-2007 subject to conditions of approval, as amended to include the addition of two lights in the back of the building. The motion carried unanimously.

Disposition: Approved, as amended.

20. CONDITIONAL USE PERMIT 2-2007 (JOHN HALOPOFF)

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 2-2007

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

The hearing was opened to the public at 8:55 pm.

• Mark Hillman, 263 N. Third St., representing the applicant, Mr. Halopoff, thanked staff for their work on the project.
The hearing was closed to the public at 8:57 pm.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council adopt the draft resolution approving Conditional Use Permit 2-2007. The motion carried unanimously.

Disposition: Approved

21. CONDITIONAL USE PERMIT 3-2007 (MR. & MRS. JOHAL, OLIVE MINIT MART)

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 3-2007, subject to conditions of approval.

The item was introduced by City Manager Longley, and Development Assistant Jose Ortiz presented the staff report.

Community Development Director Dunlap notified the Council that Conditions 20 and 21 were duplicates. He requested approval to revise condition No. 21 to read that the subject site would be developed in accordance with the site plan, elevation plan, and the building colors and materials labeled Exhibit “A”.

Mr. Ortiz stated that the hours of operation of the minit mart would be weekdays, 6:30 a.m. to 12:00 a.m., and weekends, 7:00 a.m. to 11:00 p.m. Mr. Ortiz also stated that the applicant/agent had indicated the lighting beneath the canopy would be on during business hours only.

The hearing was opened to the public at 9:05 pm.

- Mark Hillman, 263 N. Third, stated that the 28-foot spotlight would be removed and down lights beneath the canopy added to mitigate the problem of light shining on the property to the south. He also referenced a letter written by Bob Hathley, 28 S. Cottage, and addressed to the Council in support of the minit mart, and noted the addition of landscaping.

- Dick Eckhoff, 197 N. Main, noted some confusion in regards to the location description in the staff report.

The hearing was closed to the public at 9:08 pm.

COUNCIL ACTION: MOVED by Council Member Pete Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft resolution approving Conditional Use Permit 3-2007, subject to conditions of approval, as amended noting the revision of Condition No. 21. to read,
“The subject site will be developed in accordance with the site plan, elevation plan, and the building colors and materials labeled Exhibit “A’.” The motion carried unanimously.

Disposition: Approved, as amended.

22. TENTATIVE PARCEL MAP 1-2007 (CITY OF PORTERVILLE)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Mitigated Negative Declaration for Tentative Parcel Map 1-2007; and
2. Adopt the draft resolution approving Tentative Parcel Map 1-2007 subject to conditions of approval.

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

The hearing was opened to the public at 9:21 p.m., seeing no one; the Mayor closed the public hearing at 9:21 p.m.

At Council’s request, Mr. Dunlap provided clarification on the item.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez to adopt the draft resolution approving the Negative Declaration for Tentative Parcel Map 1-2007, as amended to account for modification to mitigation; and adopt the draft resolution approving Tentative Parcel Map 1-2007 subject to conditions of approval. The motion carried unanimously.

Disposition: Approved, as amended.

23. ORDINANCE PROVIDING FOR CODE ENFORCEMENT OFFICER AND ESTABLISHING AN ADMINISTRATIVE CODE ENFORCEMENT CITATION PROGRAM

Recommendation: That the City Council hold a public hearing, consider all public testimony, and give first reading to the proposed ordinance.

City Manager Longley introduced the item, and City Attorney Julia Lew presented the report. Additionally, Chief Garcia provided a Powerpoint presentation on the mechanics and philosophy underlying the program.

The public hearing was opened at 9:40 p.m., seeing no one; the Mayor closed the public hearing at 9:40 p.m.
In response to questions posed by Council, City Manager Longley advised that the hearing officer would be appointed by the City Manager, and that any fines would be collected by the City.

City Manager Longley informed the Council that the hearing officer would be appointed by the City Manager, but had not been designated; and that the fines would be collected by the City.

COUNCIL ACTION:

MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council give first reading to the proposed ordinance being, AN ORDINANCE OF THE COUNCIL OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING AND REPLACING SECTION 1-9 OF CHAPTER 1, ADDING ARTICLE IV, SECTIONS 2-26.1 THROUGH 2-26.4, AND ADDING ARTICLE XIV, SECTIONS 2-141 THROUGH 2-155, TO CHAPTER 2 OF THE PORTERVILLE MUNICIPAL PERTAINING TO CODE ENFORCEMENT OFFICER AND AN ADMINISTRATIVE CODE ENFORCEMENT CITATION PROGRAM. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

24. SUBDIVISION ORDINANCE AMENDMENT – MUNICIPAL CODE AMENDMENT TO CHAPTER 21

Recommendation: 1. Adopt the draft ordinance approving an amendment to Article 21 of the Porterville Municipal Code, and give first reading to the draft ordinance.

2. Waive further reading of the draft ordinance, approving an amendment to Article 21 of the Porterville Municipal Code, and order to print.

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

The hearing was opened to the public at 10:01 p.m.

• Jim Winton, 150 W. Morton, stated that he appreciated staff’s efforts to answer his questions and address his concerns during the revision process, and spoke in support of the ordinance.

The public hearing was closed at 10:02 p.m.

Mr. Dunlap stated that the issues expressed by The Homebuilder’s Association drew into question the legality of the additional requirement of pocket parks requested by the Council.
Mayor Hamilton asked how the legality could be in question if the mechanism was used in the Landscape Maintenance District. Mr. Dunlap clarified that it was not the mechanism for maintenance and improvement, but the requirements of designating land for that purpose that was questionable.

A discussion ensued regarding park impact fees.

**COUNCIL ACTION:**

**Ordinance 1721**

MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez to adopt the draft ordinance approving amendment to Article 21 of the Porterville Municipal Code, give first to the draft ordinance being, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 21 OF THE MUNICIPAL CODE PERTAINING TO SUBDIVISION REGULATIONS, waive further reading of the draft ordinance, and order to print. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

**25. REQUEST TO ESTABLISH FEES FOR APPLICATIONS FOR TEMPORARY SIGNS**

Recommendation: That the City Council:

1. Approve the resolution adopting a $19.75 fee for applications for a Temporary Sign Permit; and
2. That the effective date shall be April 18, 2007.

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

The hearing was opened to the public at 10:24 p.m., seeing no one; the Mayor closed the public hearing at 10:25 p.m.

**COUNCIL ACTION:**

**Resolution 29-2007**

MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve the resolution adopting a $19.75 fee for applications for a Temporary Sign Permit; and that the effective date shall be April 18, 2007. The motion carried unanimously.

Disposition: Approved

**26. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS LAND DEVELOPMENT, INC.)**

Recommendation: That the City Council continue the item to the May 1, 2007 meeting.
Council Member McCracken stated that he hoped progress was being made.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez to continue the item to the May 1, 2007 meeting. The motion carried unanimously.

Disposition: Approved

27. MURRY PARK MASTER PLAN

Recommendation: Receive and file.

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

Disposition: No action taken.

SECOND READING

28. ORDINANCE NO. 1719, REGULATION OF SQUATTER CAMPS

Recommendation: That Council give Second Reading to Ordinance No. 1719, waive further reading, and adopt said ordinance.

The City Manager presented the item and the report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance No. 1719 being, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE VII, SECTIONS 18-76 THROUGH 18-83 TO CHAPTER 18 OF THE PORTERVILLE MUNICIPAL CODE PERTAINING TO THE REGULATION OF SQUATTER CAMPS, waive further reading and adopt said ordinance. The motion carried unanimously.

City Manager read the ordinance by title only.

Disposition: Approved

The City Manager read the ordinance by title only.

SCHEDULED MATTERS

29. “D” OVERLAY SITE REVIEW 2-2007 (MISSION TRAILS)

Recommendation: That the City Council adopt the draft resolution containing findings and conditions in support of approval for “D” Overlay Site Review 2-2007.
City Manager Longley introduced the item, and Community Development Director Dunlap presented the staff report.

Mayor Pro Tem Felipe Martinez inquired about a playground area and bike racks. Mr. Dunlap stated that most of the open area had been utilized for the pool and the clubhouse building, but there was a school nearby, which will allow access to large open play areas. He indicated that the applicant would not mind including bike racks.

Council Member Hernandez stated that he felt the project would enhance the community, but expressed concern regarding the intersection of Matthew and Olive, and the condition of the west side of the street. Mr. Dunlap stated that there was a traffic signal that Public Works Department had designed for that intersection. He added that the property on the west side was a legal non-conforming use.

**COUNCIL ACTION:** MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft resolution containing findings and conditions in support of approval for “D” Overlay Site Review 2-2007 with the addition of bike racks at the clubhouse building. The motion carried unanimously.

Disposition: Approved, as amended.

**30. AUTHORIZATION TO ADVERTISE FOR BIDS FOR HVAC UNIT REPLACEMENT AT CITY HALL AND PUTNAM COMMUNITY CENTER, AND APPROVAL OF AN ASSOCIATED BUDGET ADJUSTMENT**

Recommendation: That the City Council consider the options for HVAC unit replacements at City Hall and the Putnam Community Center; determine which option staff should proceed with implementing; and either

A. Authorize staff to finalize a project manual and advertise for bids as necessary to implement option 1, and approve and direct the $25,000 budget adjustment for the fiscal year ending June 30, 2007; or

B. Authorize staff to finalize a project manual and advertise for bids as necessary to implement option 2, and direct staff to prepare an amendment to the Johnson Controls PDA Agreement for the one unit and air duct work at City Hall; or

C. Direct staff to prepare an amendment to the Johnson Controls PDA Agreement for the single unit and air duct modifications at City Hall as well as redefining the energy savings program to include the Community Center single unit replacement.

City Manager Longley introduced the item, and Parks & Leisure Services Director Perrine presented the staff report.
In response to questions posed by Council, staff provided pros and cons for each option and discussed the equipment replacement fund.

**COUNCIL ACTION:**

MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the Council authorize staff to finalize a project manual and advertise for bids as necessary to implement Option 1, and approve and direct the $25,000 budget adjustment for the fiscal year ending June 30, 2007. The motion carried unanimously.

At Council’s request, staff provided updates on downtown parking, specifically noting the lot at the Singer Building location.

Disposition: Approved

### 31. APPROVAL OF CONSIDERATIONS FOR SOFTBALL CHALLENGE BETWEEN CITIES OF PORTERVILLE AND TULARE

**Recommendation:** That the City Council approve:

1. The Youth Services Foundation as the City of Porterville’s fundraising beneficiary for the event;
2. The Youth Services Foundation to operate the Sports Complex concession during the event;
3. The Youth Services Foundation to share equally with the Tulare Boys & Girls Scouts the parking fees collected at the event; and
4. The Youth Services Foundation to offer a BBQ meal at the conclusion of the event for donations.

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

Council Member Pedro Martinez suggested a photo opportunity and public service announcement to advertise the event. Mayor Hamilton stated that he was glad that the Youth Services Foundation was selected as the beneficiary for the event, because it would increase community awareness of the foundation.

**COUNCIL ACTION:**

MOVED by Council Member Pete Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Youth Services Foundation as the City of Porterville’s fundraising beneficiary for the event; the Youth Services Foundation to operate the Sports Complex concession during the event; the Youth Services Foundation to share equally with the Tulare Boys & Girls Scouts the parking fees collected at the event; and The Youth Services Foundation to offer a BBQ meal at the conclusion of the event for donations. The motion carried unanimously.

Disposition: Approved
32. REQUEST BY COUNCIL MEMBER—DISCUSSION OF STANDARD DOWNTOWN DESIGN REQUIREMENTS AND COLOR PALATE PROGRAM

Recommendation:  None

City Manager Longley presented the item. City Attorney Julia Lew stated for the record that Council Member McCracken had to disqualify himself from any consideration of the item, due to the Political Reform Act restrictions.

Council Member Pedro Martinez asked that Council consider the expansion of the Color Palate Program and extend the boundaries of the program. City Attorney Julia Lew stated that Council Member McCracken could be included in the discussion if the policy being considered was City-wide.

Community Development Director Dunlap asked permission to provide Council with alternatives. Staff was directed to bring back a report.

Disposition:  Direction given.

33. REQUEST BY COUNCIL MEMBER—DISCUSSION OF IMPLEMENTATION OF A PROPERTY IMPROVEMENT AWARD PROGRAM

Recommendation:  None

City Manager Longley presented the item.

COUNCIL ACTION:
MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council direct the Parks & Leisure Services Department to draft a Property Improvement Award Program for Council consideration.

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

Disposition:  Approved

34. CONSIDERATION OF RETAINING A LEGISLATIVE ADVOCATE TO ASSIST WITH ECONOMIC DEVELOPMENT PROJECT

Recommendation:  Authorize the City Manager to negotiate consistent with the terms outlined, and the Mayor to execute an agreement with Michael J. Arnold and Associates, Inc., an agreement for State legislative assistance. Monies for the project in the amount of $36,000 should be budgeted from the City’s Emergency Reserve.
City Manager Longley introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council authorize the City Manager to negotiate an agreement for State legislative assistance with Michael J. Arnold and Associates, Inc., consistent with the terms outlined; authorize the Mayor to execute the agreement; and approve agreement for with Michael J. Arnold And Associates, Inc.; and approve the budgeting of $36,000 from the City’s Emergency Reserve for the project. The motion carried unanimously.

Disposition: Approved

ORAL COMMUNICATIONS
• Dick Eckhoff, 197 N. Main, commented on Item No. 32, suggesting that a sunset clause would be appropriate; stated that the color pallet should be inclusive of all downtown areas, but a little more tolerant; made mention to lighting issues downtown; and spoke in favor of one central theme.

OTHER MATTERS
• Council Member Pedro Martinez:
  1. Requested that Carlos Rivas and Granite Hills be recognized with Proclamations;
  2. Requested that staff look into installing a banner across Main Street;
  3. Spoke about Mayor Hamilton’s grandfather; and
  4. Suggested that the City look into hosting a League meeting.
• Mayor Pro Tem Felipe Martinez:
  1. Spoke of his recent discussion with Senator Ashburn regarding the Courthouse;
  2. Spoke of his recent trip to Sacramento; and
  3. Suggested that the Chamber be invited to Sacramento.
• Council Member Hernandez spoke of his discussion with Police Chief McMillan about a neighborhood watch program.
• Mayor Hamilton spoke briefly about his attendance at an Indian Gaming Seminar.

ADJOURNMENT
The Council adjourned at 11:27 p.m. to the meeting of April 27, 2007.

__________________________________
SEAL Patrice Hildreth, Deputy City Clerk
By: Luisa Herrera

__________________________________
Cameron Hamilton, Mayor
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
DECEMBER 4, 2007, 6:00 P.M.

Call to Order at 6:03 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   2-Government Code Section 54956.9(b) – Conference with Legal Counsel - Anticipated Litigation: One Case
   3-Government Code Section 54956.9(c) – Conference with Legal Counsel - Anticipated Litigation: One Case
   4- Government Code § 54957 - Public Employee Performance Evaluation - Title: City Manager.

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.

PRESENTATIONS
Employee of the Month – Dan Holloway
Introduction of New City Employees

Mayor Pro Tem Felipe Martinez made a statement with regard to Mr. Shelton's allegations. He stated that payments received from David Gonzalez for services rendered had been reported on his Form 700 for the 2007 calendar year. The Mayor Pro Tem added that he had not received any compensation from the Tule Tribe and therefore, had not abstained from voting on items concerning the Tribe. He requested that the City Attorney ask the Fair Political Practices Commission to provide written advice concerning future agenda items, and announced that the Friends of Felipe Martinez Committee would be self-reporting to the FPPC. He apologized for the apparent unease that the situation had caused in the community, and concluded by stating that he did not wish for the community to fall apart as a result of bigotry.

ORAL COMMUNICATIONS
• Mary McClure, 23149 Joseph Court, spoke at length regarding her and the Tribe's alleged
actions related to a card room and the allegations brought forward by Greg Shelton on November 20, 2007, and inquired whether Mayor Pro Tem Martinez would resign.

- Kay Garrett, a resident of Paradise, California, voiced displeasure for what she perceived was unethical behavior by a Council Member.
- Martha Alcazar Flores, 249 S. Indiana, expressed support for a resolution for all of the parties involved in the situation pertaining to Mr. Shelton's allegations.

**CONSENT CALENDAR**

Item No. 14 was removed for further discussion, and Item No. 18 was moved to Scheduled Matters.

1. **CITY COUNCIL MINUTES OF JUNE 5, 2007 AND NOVEMBER 20, 2007**


   Documentation: M.O. 01-120407
   Disposition: Approved

2. **CLAIM - DANNY RAY HENDERSON II**

   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. 02-120407
   Disposition: Approved

3. **AUTHORIZATION TO RELEASE REQUEST FOR PROPOSAL FOR ENTREPRENEURIAL TRAINING MARKET ANALYSIS**

   Recommendation: That the City Council authorize staff to distribute the Request for Proposal for Analysis of Market and Industry Trends for Planning of Entrepreneurial Training and Business Incubator Assessment.

   Documentation: M.O. 03-120407
   Disposition: Approved

4. **MEMORANDUM OF UNDERSTANDING - TULE RIVER & DEER CREEK WATERSHED “INTEGRATED REGIONAL WATER MANAGEMENT PLAN”**

   Recommendation: That the City Council:
   1. Approve the Memorandum of Understanding to participate and become a full member of the Tule Integrated Regional Water Management Plan;
   2. Authorize the Mayor to execute the MOU;
   3. Direct the Chief Financial Officer to execute a budget entry in the amount of $1,000 and that said amount in paid from the Water
Replacement fund;
4. Direct Public Works to make payment to the Tule IRWMP when said TULE IRWMP makes a request for membership payment; and
5. Direct that the Public Works Director be assigned as the City’s representative to the Tule IRWMP.

Documentation: M.O. 04-120407
Disposition: Approved

5. AUTHORIZATION TO ADVERTISE FOR BIDS - OLIVE AVENUE AND HOLCOMB STREET BUS TURNOUT

Recommendation: That City Council:
2. Approve staff’s recommended Plans and Project Manual; and
3. Authorize staff to advertise for bids on the project.

Documentation: M.O. 05-120407
Disposition: Approved

6. AUTHORIZATION TO ADVERTISE FOR BIDS - MATHEW AND WESTFIELD STORM DRAIN PROJECT

Recommendation: That City Council:
4. Approve staff’s recommended Plans and Project Manual; and
5. Authorize staff to advertise for bids on the project.

Documentation: M.O. 06-120407
Disposition: Approved

7. AWARD OF CONTRACT - WELL NO. 29 PROJECT (PUMPING PLANT)

Recommendation: That City Council:
1. Award the Well No. 29 Project (Pumping Plant) to Vulcan Construction in the amount of $599,000;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 07-120407
Disposition: Approved

8. AWARD OF CONTRACT - ‘C’ STREET WATER MAIN & MISCELLANEOUS FIRE HYDRANT PROJECT

Recommendation: That City Council:
1. Award the ‘C’ Street Water Main & Miscellaneous Fire Hydrant Project Base Bid and Add Alternate A to Halapoff & Sons, Inc. in the amount of $137,180.28; and
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 08-120407
Disposition: Approved

9. AWARD OF CONTRACT - TRAFFIC SIGNAL #11 (INDIANA STREET & PUTNAM AVENUE)

Recommendation: That City Council:
1. Award the Traffic Signal #11 project to AC Electric Company in the amount of $257,000.00;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 09-120407
Disposition: Approved

10. ACCEPTANCE OF THE AIRPORT WATER INTER-TIE 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. 10-120407
Disposition: Approved

11. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 269-050-055 - BIG BIDNESS, LLC – 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 Big Bidness, LLC in the amount of $22,060.00 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 120-2007
Disposition: Approved

12. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - CONSTRUCTION OF THE CNG FACILITY

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 121-2007
Disposition: Approved

13. THIS ITEM WAS REMOVED FROM THE AGENDA.

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

Recommendation: That the City Council rescind Resolution No. 100-2000 and adopt the
attached 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.

Documentation: Resolution 122-2007
Disposition: Approved

16. AMENDMENT TO THE SCHEDULE OF SEASONAL AND PART-TIME PAY RATES

Recommendation: That the City Council:
1. Adopt the draft resolution authorizing a change to the Schedule of Wages for Seasonal and Part-Time Employees of the City's Employee Pay and Benefit Plan; and
2. Authorize the Mayor to execute these and other documents necessary to
implement the provisions thereof.

Documentation: Resolution 123-2007
Disposition: Approved

17. CANCELLATION OF JANUARY 1, 2008 CITY COUNCIL MEETING

Recommendation: That the City Council cancel the January 1, 2008 City Council Meeting.

Documentation: M.O. 11-120407
Disposition: Approved

19. CONSIDERATION OF SUPPORT FOR LETTER TO TULARE COUNTY BOARD OF SUPERVISORS CONCERNING PROPOSED COUNTY IMPACT FEE PROGRAM.

Recommendation: That the City Council consider the draft letter concerning the proposed County Impact Fee Program, and authorize the Mayor to sign the letter.
COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member Pedro Martinez that the City Council approve Item Nos. 1 through 13, 15 through 17, and 19. The motion carried unanimously.

14. LETTER OF PUBLIC CONVENIENCE OR NECESSITY/BALDWINDER JOHAL - 709 W. OLIVE AVENUE

Recommendation: That the City Council:

1. Approve a letter supporting the issuance of a Type 21 off-sale of beer, wine and distilled spirits license within Census Tract No. 41.01 for the Olive Mini Mart, located at 709 West Olive Avenue; and
2. Authorize the Mayor to sign said letter.

City Manager Longley introduced the item, and no staff report was given. A brief discussion ensued, in which it was noted that the applicant was requesting an upgrade from a Type 20 to a Type 21, therefore the number of off-sale licenses within the Census Tract would not be increased.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the City Council approve a letter supporting the issuance of a Type 21 off-sale of beer, wine and distilled spirits license within Census Tract No. 41.01 for the Olive Mini Mart, located at 709 West Olive Avenue; and authorize the Mayor to sign said letter.

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

Disposition: Approved

PUBLIC HEARINGS

20. CONDITIONAL USE PERMIT 5-2007 MODIFICATION NO. 1 TO ALLOW FOR A MODIFICATION TO THE EXISTING FLOOR PLAN FOR THE SITE LOCATED AT 1091 W. OLIVE AVENUE

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 5-2007 Modification No. 1 subject to conditions of approval.

City Manager Longley introduced the item. City Attorney Julia Lew explained that there were three Council Members with a conflict of interest: Mayor Hamilton, Council Member Pedro Martinez, and Mayor Pro Tem Felipe Martinez. She recommended that the Mayor Pro Tem be disqualified and not subject to the Rule of Necessity. Council Member Pedro Martinez and Mayor
Hamilton's names were placed in a hat and one was selected at random to determine who would participate in Council's consideration of the item. Council Member Pedro Martinez's name was selected. Mayor Hamilton and Mayor Pro Tem Felipe Martinez recused themselves.

Community Development Director Brad Dunlap presented the staff report, and clarified that the request was to modify the floor plan to provide space that could accommodate game tables or other multi-purpose type uses in the future. He explained that the Council was not considering the approval of game tables, as that would require a separate permitting process. City Attorney Julia Lew noted that a unanimous vote would be required to approve the resolution pursuant to the City’s Charter.

The hearing opened to the public at 7:38 p.m.

- Greg Shelton, 888 N. Williford Dr., commented on statements made regarding bigotry; spoke in opposition of the Conditional Use Permit; and suggested that the problems raised should be addressed prior to the approval.

- Marilyn Winter, resident one block south of the applicant's establishment, spoke against the approval of the Conditional Use Permit, and requested that a decision on the item be delayed.

- Maynard Bradshaw, 1090 W. Roby, complained about the noise from the nightclub, and spoke of the owner’s unfulfilled promise to build a concrete wall behind the property for sound attenuation.

- Luis Farias, Bakersfield resident and applicant, spoke in favor of the CUP, and of his family's desire to work with the neighbors.

- Martha Alcazar Flores, Chair of the Hispanic Chamber of Commerce, spoke in favor of the CUP, and noted the need for the Chamber to support all businesses.

- Rodney Martin, 146 S. Villa, noted a letter to the City Manager for the record, and indicated that a card room would be a separate entity from the Eagle Mountain Casino.

The hearing closed to the public at 7:56 p.m.

Council Member Hernandez expressed concern with the extension of operating hours, and the issue of the noise level. Community Development Director Dunlap stated that staff could work with the applicant and the residents to come up with an amenable solution. Mr. Dunlap indicated that a concrete block wall was already a condition of approval on the existing Conditional Use Permit. After a lengthy discussion, Council directed staff to work with the applicant and residents to resolve the issues that had been raised.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council continue the Public Hearing to the January 15th, 2008 City Council Meeting; and direct staff to work with the applicant and neighboring residents to resolve issues that had been raised.
AYES: McCracken, P. Martinez, Hernandez
NOES: None
ABSTAIN: F. Martinez, Hamilton
ABSENT: None

Disposition: Approved

21. DESIGN REVIEW (D) OVERLAY 8-2007 (CVS PHARMACY)

Recommendation: That the City Council approve Design Overlay Site Review 8-2007 subject to conditions of approval.

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

The hearing opened to the public at 8:40 p.m.

- Bill McDermott, Sacramento resident, Armstrong Development, spoke on behalf of the applicant, expressed concern with the condition of vine placement.
- Ben Ennis, 643 N. Westwood, spoke in favor of the item.

The hearing closed to the public at 8:45 p.m.

A brief discussion ensued about vine placement. During the discussion it was discovered that there had been a miscommunication, and that staff had requested cantilevered trellis work, not lattice work. It was then agreed that the vines would not be a condition of approval, as the lattice would not be incorporated into the architecture, and the trellis would be added per staff’s request.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the City Council approve Design Overlay Site Review 8-2007, as amended to change Condition 7 to require cantilevered trellis instead of lattice work. The motion carried unanimously.

Disposition: Approved, as amended.

22. CONDITIONAL USE PERMIT 12-2007 WIRELESS COMMUNICATIONS TOWER (RON JAMES)

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 12-2007 subject to the conditions of approval.

City Manager Longley introduced the item, and City Planner Kimball presented the staff report.
The hearing opened to the public at 9:00 p.m.

- Ron James, Ridge Communications, representing Verizon Wireless, spoke in favor of the item.
- Mr. Wilson, representing T-Mobile, spoke in favor of the item, and complimented the City's Downtown.

The hearing closed to the public at 9:03 p.m.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the City Council adopt the draft resolution approving Conditional Use Permit 12-2007 subject to the conditions of approval. The motion carried unanimously.

Disposition: Approved

SCHEDULED MATTERS

18. CONSIDERATION OF SUPPORT FOR THE FORMATION OF TULARE COUNTY COUNCIL OF CITIES

Recommendation: That the City Council:
1. Consider support for the formation of the Tulare County Council of Cities; and
2. Select a member of the Council to serve as the City of Porterville representative to the Council of Cities, as well as an alternate.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council support the formation of the Tulare County Council of Cities; and select Mayor Hamilton to serve as the City’s representative to the Council of Cities, and Council Member Hernandez as the alternate. The motion carried unanimously.

Disposition: Approved

23. REPORT CONCERNING LEGALITY OF THE ADOPTION OF LOCAL BIDDING PREFERENCES FOR AWARD OF MUNICIPAL CONTRACTS

Recommendation: That the City Council consider the report and provide any further direction.

City Manager Longley introduced the item, and City Attorney Julia Lew presented the staff report. Following the presentation, a brief discussion ensued and Council Member Pedro Martinez invited former Mayor Pro Tem Ron Irish to come forward and speak of his experiences bidding in other cities. The Council thanked the City Attorney for the information.
Disposition: No action taken.

24. RENEWAL OF PAID TELECOMMUNICATION SERVICE FOR COUNCIL MEMBER LAPTOP COMPUTERS

Recommendation: That the City Council:
1. Select a wireless service provider to provide telecommunication services for Council Members laptop computers; and
2. Authorize Staff to negotiate a service contract with the selected wireless provider.

The City Manager introduced the item, and Management Information Systems Manager Gus Beatty presented the staff report.

The Council directed staff to decide, and the City Manager indicated that he would recommend the City pursue a contract with Verizon. Mr. Beatty concurred that Verizon was the most consistent and stable provider.

Disposition: Direction provided.

ORAL COMMUNICATIONS
- Ron Irish, 768 North Prospect, commended the Council Members for their handling of Item 20; and spoke of the need for higher compensation for Council Members. He suggested that a ballot measure should be pursued, and volunteered his assistance with the effort.
- Greg Shelton, 888 North Williford Drive, made comments as to the wireless service for Council Members' laptop computers.
- Dick Eckhoff, business address of 197 North Main Street, commented that the Council Members handled Item 20 well; inquired how the police reports pertaining to responses to the business at 1091 West Olive compared to responses to other like businesses; inquired as to whether new legislation recently passed would affect the limit of card tables; and noted that the area behind Save Mart on D Street was being maintained better, but suggested a problem existed with traffic traveling in the wrong direction.

OTHER MATTERS
- Council Member Hernandez spoke of his recent trip to San Francisco, emphasizing his pleasure in returning home to Porterville.
- Council Member Pedro Martinez inquired whether the City Attorney could work to draft a ballot measure to increase Council Member compensation. Mr. Longley confirmed that staff would work with Mr. Irish on an agenda item to be brought back to the Council.
- Mayor Pro Tem Felipe Martinez noted Porterville High School's basketball team's winning season; and spoke of his upcoming meeting with the student councils to discuss establishing a Youth Commission, noting the positive benefits it would have on Porterville's youth. Mayor Pro Tem Martinez then commented on Rotary's Camp Royal.
- Council Member Pedro Martinez spoke of the positive comments he had received on the Parks & Leisure Services' recent Fishing Derby.
- Mayor Hamilton noted his approval on proceeding with the preparation of a Day of Prayer Proclamation; and spoke of his recent meeting with the Porterville Developmental Center's
employees and inquired whether other Council Members wished to sign a letter that he was drafting to Receiver Bob Sillen on their behalf. He spoke of the challenges that Sierra View District Hospital and PDC faced, as well as other State hospitals, due to the actions of Mr. Sillen, and voiced support for taking legal action. Mr. Longley confirmed that the matter would be placed on the next Closed Session for discussion.

CLOSED SESSION
The Council recessed at 9:46 p.m. for ten minutes before reconvening Closed Session.

ADJOURNMENT
The Council adjourned at 10:30 p.m. to the meeting of December 8, 2007 at 9:00 a.m. at the Community Room of the Porterville Library, 41 West Thurman Avenue.

__________________________________
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, Council Member Hernandez, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:

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

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

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
• Chris Sanders, 450 Colby, presented a letter to the Council on behalf of Nelly and Jose Elizondo, owners of the Chevron Station located at 244 N. “D” Street, regarding modification to conditional use permit.
• Casey Yandell, address not provided, thanked Council for their support of the Cell Phones for Soldiers campaign, and commented on the information presented by Paul Saldana regarding the rail abandonment.
• Martha Alcazar Flores, Frugal Fashions, 461 N. Main, Chair for the Porterville Chapter of the Tulare Kings Hispanic Chamber of Commerce, extended an invitation to a mixer at Seafood Café, 1091 E. Olive.
• Patty Jorgensen, Assistant Principal at Westfield Elementary, spoke in favor of the Out-Of-School-Time Online Homework Program.
• Donnette Silva Carter, Porterville Chamber of Commerce, 93 N. Main Street, encouraged attendance at the Eagle Mountain Airshow; commended the City Manager for his vision and drive in working with TREDC to bring the event back to Porterville; and extended an invitation to Music on Main Street.

**CONSENT CALENDAR**
Items 4, 6, 9, and 11 were pulled for discussion, and Item 15 was pulled for abstention.


Documentation: M.O. 01-061708
Disposition: Approved

2. **AUTHORIZATION TO ADVERTISE FOR BIDS – TRAFFIC SIGNAL NO. 10 PROJECT (NEWCOMB STREET AND WESTFIELD 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. 02-061708
Disposition: Approved

3. **AWARD OF CONTRACT – GRANITE HILLS MICRO SEAL**

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.

Documentation: M.O. 03-061708
Disposition: Approved
5. AWARD OF CONTRACT – HENDERSON AVENUE STORM DRAIN PROJECT - VILLA STREET TO ‘G’ STREET

Recommendation: That City Council:
1. Award the Henderson Avenue Storm Drain Project – Villa Street to ‘G’ Street to Halapoff & 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.

Documentation: M.O. 04-061708
Disposition: Approved

7. APPROVAL TO NEGOTIATE PURCHASE OF SPECIALIZED EQUIPMENT

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.

Documentation: M.O. 05-061708
Disposition: Approved

8. CALHOME PROGRAM APPLICATION

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.

Documentation: Resolution 50-2008
Disposition: Approved

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

Recommendation: That Council accept the 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.

Documentation: M.O. 06-061708
Disposition: Approved

12. THIS ITEM HAS BEEN REMOVED

13. APPROVAL FOR COMMUNITY CIVIC EVENT – CALVARY CHAPEL – CROWN OF LIFE

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 Murry Park Pavilions #4 and #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.

Documentation: M.O. 07-061708
Disposition: Approved


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.

Documentation: M.O. 08-061708
Disposition: Approved

16. REPORT ON RAILROAD ABANDONMENT BETWEEN STRATHMORE AND JOVISTA BY SAN JOAQUIN VALLEY RAILROAD

Recommendation: Information Only

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member McCracken that the Council accept Item Nos. 1 through 3, 5, 7 and 8, 10, 12 through 14, and 16. The motion carried unanimously.

15. COMMUNITY CIVIC EVENT – EAGLE MOUNTAIN FLY-IN AND AIRSHOW – JUNE 21, 2008

Recommendation: That the Council approve the additional conditions for this Community Civic Event, including the requested street and park closures and beer garden requirements.
COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member McCracken that the Council approve the additional conditions for this Community Civic Event, including the requested street and park closures and beer garden requirements.

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

Disposition: Approved

4. AWARD OF CONTRACT – POLICE DEPARTMENT SPRAYED POLYURETHANE ROOFING PROJECT

Recommendation: That the 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.

Deputy City Manager John Lollis introduced the item. At Council’s request, a staff report was not presented. Council Member Pedro Martinez voiced concern about the contractor’s quality of work, and indicated that he was hesitant to award the contract until his concerns could be investigated further. Public Works Director Baldo Rodriguez agreed to meet with Council Member Martinez to discuss his concerns. City Attorney Julia Lew stated that the City was obligated to award the contract to the lowest responsible bidder, or reject all bids and start over. She indicated however, that the City could review the issues prior to taking action.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council continue the item to the July 1, 2008 City Council meeting to address concerns regarding the contractor.

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

Disposition: Approved

6. AUTHORIZATION TO NEGOTIATE A CONTRACT – PARK PLAYGROUND REPLACEMENT PROJECTS (VETERAN’S PARK, MURRY PARK, ZALUD PARK AND LION’S PARK)

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.

Deputy City Manager Lollis introduced the item, and no staff report was presented. A discussion ensued about whether fencing around the playground had been considered; the number of incidents involving children and traffic that had occurred; and the possibility of approaching service organizations for funding.

Deputy City Manager John Lollis notified the Council of the need to purchase the playground equipment prior to June 28, 2008 to take advantage of a nearly 40% discount in total cost.

After some discussion with regard to the proposed relocation of the Veteran’s Park playground, it was determined that site alternatives and the associated costs be presented prior to approval of the $30,000. Staff was directed to contact the Parks & Leisure Services Commission for their preferred site, and bring back the relocation of the playground at Veteran’s Park for consideration at a future City Council meeting.

Mayor Hamilton inquired about the use of Risk Management funds for the projects. Deputy City Manager Lollis clarified that there were monies budgeted out of Risk Management to accomplish the Lion’s Park project, and General Fund monies budgeted for Veteran’s and Zalud. He continued by explaining that the Lion’s Park project had come out under budget, so the request was being made to lend the remaining budgeted Risk Management funds to the project that went over budget.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem
M.O. 11-061708 Felipe Martinez that the Council authorize staff to negotiate a contract with Gametime in care of California Sports and Recreation through the US Communities Government Purchasing Alliance; authorize Risk Management reappropriation funds to roll into the General Fund carryover to fund the Veteran’s, Zalud, and Lion’s Park projects, as amended to exclude the approval of funds to relocate the playground at Veteran’s Park; authorize the City Purchasing Agent to authorize the purchase orders; authorize staff to make payments up to 100% upon satisfactory completion of the work; and direct staff to bring back the relocation of Veteran’s Park for Council action. The motion carried unanimously.

Disposition: Approved, as amended.
9. OUT-OF-SCHOOL-TIME ONLINE HOMEWORK HELP PROGRAM

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 FY 08-09.

Deputy City Manager Lollis introduced the item. Parks & Leisure Services Director Jim Perrine then informed the Council that the grant awarded was a three year grant, not a four year grant as stated in the staff report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council authorize the acceptance of the grant award, noting the four to three year change; 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 FY 08-09.

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

Disposition: Approved

11. ACTION PLAN TO INCREASE AERATION IN MURRY PARK POND

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

Council Member Hernandez expressed his disappointment in the lack of progress being made in the water quality of the pond. At Council Member Hernandez’s request, Parks & Leisure Services Director Perrine updated Council on the challenges associated with selecting the aeration equipment. Following his update, Mayor Hamilton directed Parks & Leisure to seek the assistance of the Public Works Department regarding aeration.

Disposition: Direction provided.

The Council recessed for ten minutes at 8:18 p.m. Following the break, Mayor Hamilton left due to illness. Mayor Pro Tem Felipe Martinez assumed mayoral duties.

PUBLIC HEARINGS

17. REQUEST TO ADOPT BUDGET FOR FISCAL YEAR 2008-2009
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.

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

The hearing was opened to the public at 8:34 p.m. Seeing no one, the Mayor Pro Tem closed the public hearing at 8:34 p.m.

In response to a request by Council, Deputy City Manager Lollis discussed the methodology used to determine the budgets, particularly for Police and Fire, relative to Measure H requirements. Mr. Lollis indicated that the Measure H Oversight Committee had reviewed the budget and found it to be in conformance with the measure.

City Manager Longley stated that the goal was to present a balanced budget, and avoid structural deficits and departmental freezes. He indicated that there were no winners, and explained how the loss and award of grant monies affected Police and Fire, as well as Parks & Leisure budgets.

A discussion ensued with regard to the State’s budget and it’s affect on the City’s budget.

Council Member McCracken requested that staff address how a reduction in water sales, as a result of the Water Conservation Plan, would affect the budget. Deputy Public Works Director/Field Services Manager Bryan Styles stated that it was anticipated that the Water Conservation Plan would shift the water demand, through implementation of the odd-even watering schedule, but that water sales should not decrease. He indicated that a fund balance transfer of $250,000 was anticipated, and an additional $600,000 in reserves.

Council Member Pedro Martinez brought up the inclusion of mobile lighting in the Capital Projects list, and inquired why it was not considered a purchase of equipment. Staff replied that it was most likely added to the list during the Capital Project process, when staff was evaluating the use of the carry over funds. Council Member Pedro Martinez made reference to unallocated carryover funds and non-allocated cash, and requested that a couple of mobile lighting units be purchased.

Council Member Pedro Martinez made a motion to accept the proposed budget, amended to include funding for a portable lighting system.

Council Member McCracken indicated that the Mayor had wished to approve the budget with the exclusion of the water fund to allow him additional time to investigate concerns, inclusive of but not limited to the water meter increase. City Manager Longley recommended that the budget for water be frozen at the 2007/2008 fiscal year amount. City Attorney Lew explained that there were two resolutions up for approval, and an amended resolution would need to be adopted if the water budget was not approved. Council Member McCracken then offered a friendly amendment to the motion on the floor, freezing the water budget at the previous fiscal year amount.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council
Resolution 51-2008  Member Hernandez 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, as amended, to include the funding of a portable lighting system, and the freezing of the water budget at the previous fiscal year amount.

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

Disposition: Approved

18. PROPOSED CITY ORDINANCES REGARDING REGULATION OF PARKING ON LAWNS AND UNIMPROVED SURFACES

Recommendation: That the City Council:
1. Hold the public hearing and consider any and all public testimony concerning the proposed regulations; and
2. Consider the draft ordinances for approval and first reading, and order the ordinances to print.

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

The hearing opened to the public at 9:15 p.m. Seeing no one, the hearing was closed to the public at 9:15 p.m.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council approve draft ordinance No. 1741, being 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, and Ordinance 1742, being 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, give first reading to the ordinances, and order the ordinances to print.

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

Deputy City Manager Lollis read the ordinances by title only.
19. REIMBURSEMENT AGREEMENT FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY – DATE AVENUE RECONSTRUCTION PROJECT, MAIN STREET TO CORNELL STREET

Recommendation: That the City Council:
1. Open the Public Hearing; take public comments, concerns and questions;
2. Approve the Resolution Implementing Development Charges for Construction of Curbs, Gutters, Sidewalks, and Drive Approaches; and
3. Authorize staff to record a general notice of “Reimbursement Fee” with the office of the Tulare County Clerk-Recorder.

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

The hearing opened to the public at 9:18 p.m.

- Tony Morales, 369 S. “H” Street, asked for clarification regarding the reimbursement triggers relative to planned improvements to his mother’s property. Public Works Director Rodriguez provided Mr. Morales with clarification.

The hearing closed to the public at 9:21 p.m.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council approve the resolution Implementing Development Charges for Construction of Curbs, Gutters, Sidewalks, and Drive Approaches; and authorize staff to record a general notice of “Reimbursement Fee” with the office of the Tulare County Clerk-Recorder.

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

Disposition: Approved

SCHEDULED MATTERS
20. ADOPTION OF ORDINANCE ESTABLISHING CITY POLICY ON ROTATIONAL TOW SERVICES

Recommendation: That the City Council:
1. Approve for first reading the proposed ordinance, and order it to print; and
2. Approve the proposed Tow Service Agreement.

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

Council Member McCracken made a motion to accept staff’s recommendation.

Council Member Pedro Martinez expressed concern with the reference to body art and body piercings made on Page 10, and requested that it be stricken. A brief discussion ensued about offensive or vulgar body art. City Attorney Lew explained that it would be difficult to enforce a content restriction, since the standards for what was considered offensive varied by individual. Captain Kroutil agreed to remove the language regarding body art and piercings from the agreement. Council Member Pedro Martinez then offered a friendly amendment to Council Member McCracken’s motion, which was accepted.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council approve for first reading the proposed ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE VII, ROTATIONAL TOW SERVICES, TO CHAPTER 15 OF THE PORTERVILLE MUNICIPAL CODE REGARDING THE ESTABLISHMENT OF A ROTATION LIST FOR TOWING SERVICES, and order it to print; and approve the draft Tow Service Agreement, as amended to remove language regarding “body art, visible body piercing” from the Tow Service Agreement.

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

The Deputy City Manager read the ordinance by title only.

Disposition: Approved

21. CONSIDERATION OF ACCEPTING TERRA COTTA WARRIOR FOR DISPLAY

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.

Deputy City Manager Lollis introduced the item, and the Executive Director of the Porterville Chamber of Commerce spoke briefly about the item.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council 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; and express the City’s gratitude to the Chamber of Commerce for offering the statuary.

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

Disposition: Approved

22. ALTERNATIVE PAYMENT OPTION

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.

Deputy City Manager Lollis introduced the item, and Chief Financial Officer Bemis presented the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken 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.

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

Disposition: Approved

23. RESOLUTION APPROVING ARTICLES OF INCORPORATION AND BYLAWS – PORTERVILLE AIRPORT AREA DEVELOPMENT CORPORATION

Recommendation: That the City Council review and consider the attached Articles and Bylaws, and adopt the proposed resolution.

City Attorney Lew stated that she did not feel comfortable invoking the Rule of Necessity, and recommended the item be continued to the City Council meeting of July 1, 2008 due to a lack of a quorum.

Disposition: No action taken.
24. REPORT ON COUNCIL OF CITIES SUBCOMMITTEE MEETING WITH COUNTY OF TULARE REPRESENTATIVES

Recommendation: Information Only

Deputy City Manager Lollis introduced the item, and at Council’s request, no staff report was presented.

Disposition: No action taken.

25. REQUEST BY COUNCIL MEMBER – CONSIDERATION OF REQUEST BY FARMERSVILLE FOR PETITION LETTER TO SCE

Recommendation: None.

Deputy City Manager Lollis introduced the item and provided background information.

- Bill Dulane, Southern California Edison Company, spoke in favor of the preferred route for the new transmission line known as The San Joaquin Cross Valley Loop, explained its purpose, and took questions from the Council.

Council Member Hernandez asked for the difference in the cost associated with Route 1 and Route 3, to which Mr. Dulane indicated that there was an estimated $30 million plus difference in cost. Mr. Dulane also stated that there were significant factors relative to construction. He briefly compared each of the routes. Council Member Martinez expressed concern over the impact that Route 1 would have on the scenic route.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council approve a letter of opposition to Edison’s proposed Route One transmission line.

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

Disposition: Approved

The Council adjourned at 10:06 p.m. to a meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
June 17, 2008

Roll Call: Member McCracken, Member P. Martinez, Vice Chair F. Martinez, Member Hernandez
Absent: Chair Hamilton

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
None

SCHEDULED MATTER

PRA-1. REDEVELOPMENT BOND ISSUE REFINANCING

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.

The City Manager Lew announced that the item would have to be continued to the City Council meeting of June 24, 2008 due to a lack of a quorum.

Disposition: No action taken.

PRA-2. REDEVELOPMENT AGENCY 2008-2009 BUDGET

Recommendation: That the Agency Board adopt the proposed 2008-2009 Redevelopment Agency budget.

Deputy City Manager Lollis introduced the item, and Community Development Director Brad Dunlap presented a brief staff report. Mr. Dunlap indicated that staff had attempted to be conservative in their estimates, and had programmed an Educational Revenue Augmentation Fund diversion to be used in the event one was invoked by the State. He stated that the figures were tentative until such time as they fund, and indicated that once the numbers were finalized, a budget adjustment would be necessary.

AGENCY ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member McCracken that the Agency Board adopt the proposed 2008-2009 Redevelopment Agency budget.

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

Disposition: Approved

The Porterville Redevelopment Agency meeting adjourned at 10:06 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
• Greg Woodard, 1055 W. Morton, Chairman of the Chamber Economic Development Committee, spoke in favor of Southern California Edison’s Route 1 transmission line; spoke of the need to support the Edison Service Center; and stated that the reception received by the Edison representative would not favor the community.

OTHER MATTERS
• Council Member Pedro Martinez
  1. Spoke of an insurance issue with the Barn Theater, and asked staff to provide information to the Council; and
  2. Encouraged Council attendance at the Eagle Mountain Fly-In on Saturday, June 21st.

ADJOURNMENT
The City Council adjourned at 10:11 p.m. to the meeting of June 24, 2008 at 6:00 p.m.

Luisa Herrera, Deputy City Clerk

SEAL

Cameron Hamilton, Mayor
SUBJECT: REQUEST TO FILE LATE CLAIM – THE HARTFORD

SOURCE: ADMINISTRATION

COMMENT: The Hartford has filed an Application to File Late Claim for its claim that was deemed filed with the City on January 30, 2008. The date of loss for said claim was June 11, 2007, with the statute of limitations expiring six months later, on December 11, 2007. A timeline of correspondence and notices pertaining to The Hartford’s claim is herein provided for Council’s reference:

October 11, 2007  Claim filed by The Hartford
October 29, 2007  Claim deemed insufficient and returned by City
to Claimant with notice of said insufficiencies.
November 2, 2007  Insufficiency Notice received by Claimant
November 29, 2007 Insufficiency Notice mailed by Claimant to City
                  with form indicating Claimant’s inability to
                  identify the matter.
December 11, 2007 Returned Insufficiency Notice received by City.
December 11, 2007 Insufficiency Notice re-sent to Claimant.
December 14, 2007 Correspondence and settlement offer mailed by
                  Claimant to City.
January 30, 2008  Amended Claim received by City.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council deny said Application to File Late Claim submitted by The Hartford; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

ATTACHMENT: Application to File Late Claim

Item No. 2
VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Patrice Hildreth  
Chief Deputy City Clerk  
City of Porterville  
291 N. Main Street  
Porterville, CA 93257

Re: The Hartford v. City of Porterville

Dear Ms. Hildreth:

Enclosed please find an Application to File Late Claim for the consideration of the City of Porterville.

Very truly yours,

MARDEROSIAN, RUNYON, CERCONE, LEHMAN & ARMO

Michael E. Lehman

MEL:lah

Enclosure
APPLICATION TO FILE LATE CLAIM  
[Government Code § 911.4(a)]

Leave is requested by claimant, THE HARTFORD INSURANCE, to file a late claim pursuant to Government Code § 911.4(a), et seq. The basis for filing this request is that claimant’s adjuster, Richard Corbin, submitted a claim on October 9, 2007, as the worker’s compensation carrier for Diana Standridge, the injured party, in this matter.

Mr. Corbin did not receive the notice of insufficiency from the City of Porterville in time to respond before the six-month deadline lapsed in this matter. Therefore, The Hartford requests it be allowed to file a claim to pursue those items identified in the claim which was filed by counsel on behalf of The Hartford in January 2008.

Attached to this request for late claim filing is a copy of the claim to be submitted to the City of Porterville.

Dated: May 19, 2008.  

MARDEROSIAN, RUNYON, CERCONE, LEHMAN & ARMO

[Signature]

MICHAEL E. LEHMAN  
Attorneys for Claimant, THE HARTFORD
AMENDED CLAIM

CLAIM AGAINST (Name of Entity): CITY OF PORTERVILLE

Claimant’s Name: The Hartford

Claimant’s Address: 12009 Foundation Place, Rancho Cordova, CA 95670

Claimant Telephone No.: (916) 294-1520

Address where notices about claim are to be sent, if different than above: Michael E. Lehman, Marderosian, Runyon, Cercone, Lehman & Armo, 1260 Fulton Mall, Fresno, CA 93721

Date of incident/accident: June 11, 2007

Date injuries, damages, or losses were discovered: June 11, 2007. Attached hereto as Exhibit “A” is the claim regarding this incident served on 10/09/07.

Location of incident or accident: On Cherry Street in the City of Porterville, California

What did entity or employee do to cause this loss damage or injury? Our insured employer had an employee, Diana Standridge, who was talking back to work from the mail box when she tripped and fell on a large crack in a broken City sidewalk. The large crack constituted a dangerous condition. The City did not keep the sidewalk in good repair. As such, the sidewalk had large cracks and some fo the walk had subsided and was broken and hit dirt edge.

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

What specific injuries, damages or losses did claimant receive? Left arm fracture, right eye baleck due to fall and other related injuries.

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a “limited civil case” [See Government Code 910(f)]. The amount being sought is within the jurisdiction of Superior Court (Unlimited) but is currently estimated at $26,000.00.

How was this amount calculated (please itemize): Based upon payments to the insured’s employee, Diana Standridge.

Date Signed: 1/28/08 Signature: Michael E. Lehman

If signed by representative:
Representatives Name: Michael E. Lehman Telephone: (559) 441-7791
Address: Marderosian, Runyon, Cercone, Lehman & Armo, 1260 Fulton Mall, Fresno, CA 93721
Relationship to Claimant: Attorney
CLAIM FOR DAMAGE
TO PERSON OR PROPERTY

INSTRUCTIONS

1. Claims for death, injury to person or to personal property must be filed not later than 6 mos. after the occurrence.
2. Claims for damages to real property must be filed not later than 1 year after the occurrence.
3. Read entire claim before writing.
4. See page 2 for diagram upon which to locate place of accident.
5. This claim form must be signed on page 2 at bottom.
6. Attach separate sheets, if necessary, to give full details. SIGN EACH SHEET.
7. Claim must be filed with City

To: The City of PORTERVILLE, CA.
Name of Claimant: THE HARTFORD
Home Address of Claimant: 1209 FOUNDATION PLACE, RANCHO CORDOVA, CA 95670
Business Address of Claimant: SAME

City and State: SAME

Age of Claimant (if natural person): N/A
Home Telephone Number: HARTFORD 916-294-1520
Business Telephone Number: SAME

Give address to which you desire notices or communications to be sent regarding this claim:

SEE ABOVE ADDRESS. INSURED DAVA STANDRIDGE*

*INSURED WORKER PHONE: (559) 781-3561

How did DAMAGE or INJURY occur? Give full particulars.

OUR INSURED EMPLOYEE HAD AN EMPLOYEE - DAVA STANDRIDGE - WHO TRIPPED AND FELL ON A LARGE CRACK IN A BROKEN CITY SIDEWALK AND SUSTAINED INJURIES, NEAR THE CORNER OF CHERRY ST. (WE ARE PAYING A W.COMP. CLA sân THAT IS OPEN & ONGOING.)

When did DAMAGE or INJURY occur? Give full particulars, date, time of day:

2PM ON 6-11-2007

Where did DAMAGE or INJURY occur? Describe fully, and locate on diagram on reverse side of this sheet, where appropriate, give street names and addresses and measurements from landmarks:

AVA WAS NEAR THE CORNER OF CHERRY ST. AS SHE WALKED BACK TO WORK FROM THE MAIL BOX, SHE SLIPPED AND FELL ON THE SIDEWALK CRACK, INJURING HERSELF.

What particular ACT or OMISSION do you claim caused the injury or damage? Give names of City employees causing the injury or damage, if known:

THE CITY DID NOT KEEP THE SIDEWALK IN GOOD REPAIR. AS SUCH THE SIDEWALK HAD LARGE CRACKS AND SOME OF THE WALK HAD SUBSIDED AND WAS BROKEN AND HIT DIRT EDGE.

What DAMAGE or INJURIES do you claim resulted? Give full extent of injuries or damages claimed:

LEFT ARM FRACURE
RIGHT EYE BLACK DUE TO FALL + OTHER RELATED INJURIES

What AMOUNT do you claim on account of each item of injury or damage as of date of presentation of this claim, giving basis of computation:

HARTFORD RESERVES THE RIGHT TO UPDATE TO THE CITY OUR FINAL LIEN AT SETTLEMENT AND AT CLOSE OF OUR CLAIM FOR W.COMP.

OUR CLAIM IS OPEN AND ONGOING BUT LIEN IS RISING AT 42,000.

Give ESTIMATED AMOUNT as far as known you claim on account of each item of prospective injury or damage, taking basis of computation:

MEDICAL & NURSING CTTO., PD & FUTURE MEDICAL ESTIMATED TO REACH $26,000.

EXHIBIT A THIS CLAIM MUST BE SIGNED ON FRONT OF SIE OR TOTAL.
Insurance payments received, if any, and name of Insurance Company: [Hartford Co # YPT 1C/04637]

NONE — HARTFORD IS ASKING FOR REIMBURSEMENT OF PAYMENTS MADE.

Expenditures made on account of accident or injury: (Date — Item) (Amount)

SEE ATTACHED "LIEU TO DATE I.D.T., LEDGER."

Name and address of Witnesses, Doctors and Hospitals:

SEE ATTACHED FOR VENDORS PAID.

READ CAREFULLY

For all accident claims place on following diagram names of streets, including North, East, South, and West; indicate place of accident by "X" and by showing house numbers or distances to street corners.

If City Vehicle was involved, designate by letter "A" location of City vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw City vehicle; location of City vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X."

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.

FOR AUTOMOBILE ACCIDENTS

FOR OTHER ACCIDENTS

signature of Claimant or person filing on his behalf giving relationship to Claimant: Hartford Ins Co.

Typed Name: Richard Corbin


Date 10-9-2001

Claims must be filed with City Clerk
SUBJECT: PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – TRAFFIC SIGNAL NO. 10 (NEWCOMB STREET AND WESTFIELD AVENUE)

SOURCE: Public Works Department - Engineering Division

COMMENT: The Department of Transportation has submitted Program Supplement Agreement Number N034, and requests that the City execute said agreement. The executed agreement becomes a part of the Agency-State Agreement for Federal-Aid Projects No. 06-5122R.

The Program Supplement attached is for the installation of an 8-phase traffic signal, with disable ramps, signing and striping at the intersection of Newcomb Street and Westfield Avenue. Said agreement describes the special covenants with which the City must comply.

RECOMMENDATION: That the City Council:

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

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

ATTACHMENTS: Program Supplement Agreement No. N034 Resolution
This Program Supplement hereby incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 02/20/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. approved by the Administering Agency on (See copy attached).

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

PROJECT LOCATION:
At the intersection of Newcomb and Westfield.

TYPE OF WORK: Install a full 8-phase traffic signal, with disable ramps, signing & striping

<table>
<thead>
<tr>
<th>Estimated Cost</th>
<th>Federal Funds</th>
<th>Matching Funds</th>
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<tbody>
<tr>
<td>$250,000.00</td>
<td>$400</td>
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<tr>
<td></td>
<td>LOCAL $32,000.00</td>
<td>OTHER $0.00</td>
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</table>

CITY OF PORTERVILLE

By __________________________

Date __________________________

Attest __________________________

Title __________________________

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

Accounting Officer __________________________ Date 6/19/08

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Statutes</th>
<th>Item</th>
<th>Year</th>
<th>Program</th>
<th>BC</th>
<th>Category</th>
<th>Fund Source</th>
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<td>C</td>
<td>262040</td>
<td>892-F</td>
<td>$218,000.00</td>
</tr>
</tbody>
</table>
SPECIAL COVENANTS OR REMARKS

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

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

   Department of Transportation
   Division of Accounting
   Local Programs Accounting Branch, MS #33
   P. O. Box 942874
   Sacramento, CA 94274-0001.

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

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

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

   Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement that is not submitted to the Department on or before 60 days after that applicable fixed fund...
SPECIAL COVENANTS OR REMARKS

reversion date will not be paid from that fiscal year's encumbered funds because all of these unexpended funds will be irrevocably reverted by the Department's Division of Accounting on that date.

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

5. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of any applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations, and invoice payments for any on-going or future federal-aid project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN
PROGRAM SUPPLEMENT NO. N034
TO ADMINISTER THE AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO. 06-5122R

BE IT RESOLVED by the City Council of the City of Porterville that the Mayor is hereby authorized to execute the document known as Program Supplement No. N034 to Local Agency-State Master Agreement No. 06-5122R, for the construction of the Traffic Signal No. 10 (Newcomb Street and Westfield Avenue) Project.

APPROVED AND ADOPTED this 15th day of July, 2008.

Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk
CITY COUNCIL AGENDA: JULY 15, 2008

SUBJECT: APPROVAL OF ARCHITECTURAL ELEVATIONS FOR BUILDING PAD 4 OF RIVERWALK MARKETPLACE

SOURCE COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: On August 1, 2006, the City Council adopted resolution 101-2006 certifying the Environmental Impact Report (EIR) for the Riverwalk Marketplace Commercial Center. On August 15, 2006, the City Council adopted resolution 114-2006 approving Conditional Use Permit (CUP) 4-2006 to adopt a specific plan for a 40± acre commercial center within the Viejo Robles Planned Development. Approval of architectural elevations was deferred until submittal for building permits. The adopted CUP required that building permit elevations be reviewed by City Council. The conditional use permit required that building design be architecturally compatible with the remainder of the shopping center and in compliance with all applicable codes. A unified architectural theme was established for all buildings, signage and accessory amenities to be constructed within the shopping center. The architectural theme established is a Spanish/Mediterranean style with tile roofs and stucco exteriors. Colors include calm desert tones of tan, beige, topaz, sand and honey found on Attachment 1. Building accents include cornice features, tile roofs, stone veneer and a stucco finish.

At this time, the Developer is seeking approval of the architecture for Building Pad 4 (Attachment 2). The colors and materials to be used are shown and identified as beige, gold, and burlap tones with scarlet accents and an Eldorado Stone veneer around the entire building. Staff has reviewed the site plan (Attachment 3), proposed elevations, materials and colors and has found the proposed building is compatible in architecture and colors. The proposed elevations are also compatible with the main anchor tenant’s. Staff is recommending that the following conditions be included in the approval of the proposed architectural elevations and building colors:

- That all secondary doors facing Jaye Street and Vandalia Avenue be painted to match the background color of the building wall in which the doors are located.
- That applicant shall incorporate groundcover, shrubs and trees between buildings facing public streets to help soften the transition between buildings and the public right-of-way.
- That the applicant shall install landscaping along the eastern edge of the drive-through roadway that is sufficient to screen the headlights of vehicles that are in the drive-through roadway from on-coming traffic on Jaye Street.
- That the applicant comply with all conditions of approval contained in Resolution Nos. 101-2006 and 114-2006

Appropriated/Funded: 
CM: 
Item No.: 4
RECOMMENDATION: Staff recommends that the City Council Approve the proposed architectural elevations, colors and materials for “Carl’s Jr.” located on Building Pad 4.

ATTACHMENTS:

1. Riverwalk Color Palette
2. Building elevations with noted materials and colors
3. Site Plan
<table>
<thead>
<tr>
<th>Item</th>
<th>Color Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>PT - 1</td>
<td>Mississippi Moon #10YY 50/469 A0625</td>
</tr>
<tr>
<td>PT - 2</td>
<td>Eternal Beige #10YY 75/084 A0660</td>
</tr>
<tr>
<td>PT - 3</td>
<td>Dapper Tan #10YY 65/163 A0663</td>
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<td>PT - 4</td>
<td>Burlap Gold #10YY 23/261 A763</td>
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<tr>
<td>PT - 5</td>
<td>Light Topaz #10YY 58/295 A0647</td>
</tr>
<tr>
<td>PT - 6</td>
<td>Milk &amp; Honey #10YY 69/130 A0653</td>
</tr>
<tr>
<td>PT - 7</td>
<td>Desert Valley #10YY 52/207 A0767</td>
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<td>PT - 8</td>
<td>Mayan Neutral #10YY 63/162 A0654</td>
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<tr>
<td>PT - 9</td>
<td>Sable Sands #10YY 38/225 A0740</td>
</tr>
<tr>
<td>PT-10</td>
<td>Naturally Calm #10YY 44/215 A0664</td>
</tr>
</tbody>
</table>
SUBJECT: CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA EDISON COMPANY

SOURCE: Public Works Department – Engineering Division

COMMENT: Southern California Edison Company (SCE) is requesting an easement from the City of Porterville for the purpose of installing and maintaining underground electrical supply and communication systems facilities along the east side of the City owned “Rails to Trails” property between Mill Avenue and Oak Avenue. These facilities, consisting of underground conduits and vaults, are necessary for the expansion of SCE’s supply network.

The proposed 12' wide easement is located adjacent to the east side of that portion of the “Rails to Trails” property between the south right of way of Mill Avenue and the north right of way of Oak Avenue.

SCE has provided a written offer of $7,700.00, which they consider to be fair market value for the easement. SCE has lately been offering compensation for easements and has stated that upon receipt of the Grant of Easement for recordation, they will begin processing the compensation check and the City should receive it in approximately two weeks.

The Parks Commission has reviewed SCE's request and per the Parks Director, has given their approval for the proposed easement.

RECOMMENDATION: That the City Council:

1. Accept SCE's request to have the City convey an easement for the installation and maintenance of underground electrical facilities;

2. Accept SCE's $7,700 easement compensation;

3. Authorize the Mayor to sign the Grant of Easement; and

4. Authorize the City Clerk to mail the signed Grant of Easement to SCE for recordation.

ATTACHMENTS: Easement Document
Locator Map
Resolution
CITY OF PORTERVILLE, a municipal corporation (hereinafter referred to as “Grantor”), hereby grants to SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, its successors and assigns (hereinafter referred to as “Grantee”), an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time underground electrical supply systems and communication systems (hereinafter referred to as “systems”), consisting of wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, under, across and along that certain real property in the County of Tulare, State of California, described as follows:

THE EASTERLY 12.00 FEET OF LOTS 2 AND 9 IN BLOCK “C” OF J.P. MURRAY’S ADDITION TO PORTERVILLE, AS PER MAP RECORDED IN BOOK 3, PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THE ABOVE-DESCRIBED STRIP OF LAND CONTAINS 3,060 SQUARE FEET, MORE OR LESS.

This legal description was prepared pursuant to Sec. 8730(c) of the Business & Professions Code.

Grantor agrees for himself, his heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, planter boxes, earth fill or other structures except walls and fences on the above described real property. The Grantee, and its contractors, agents and employees, shall have the right to trim or cut tree roots as may endanger or interfere with said systems and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said property of the Grantor, the Grantee shall make the same in such a manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.
EXECUTED this _____ day of ____________________, 20__.

GRANTOR

CITY OF PORTERVILLE, a municipal corporation

__________________________________________
Signature

__________________________________________
Print Name

Title

__________________________________________
Signature

__________________________________________
Print Name

Title

State of California

County of ____________________________

On ____________________________ before me, ____________________________, personally
(appear) who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Signature ____________________________

(This area for notary stamp)
State of California

County of ____________________________

On __________________ before me, ____________________________, personally (here insert name and title of the officer) appeared ____________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature ____________________________

(This area for notary stamp)
Cindy Green
Spectrum Land Services
725 Town & County Road, Suite 410
Orange, CA 92868

SUBJECT: City of Porterville
2008 DSP Success Circuit
W.O. 6251-5325 A.I. 5-5117
Appraisal # 201104; Parcel: Not applicable
Walking Trail between Putnam Avenue and Oak Street
City of Porterville, Tulare County, CA 93257

In response to your request, I have provided the following appraisal reported in a Summary Appraisal format for the valuation of the DSP Success Circuit easement, located along the common walking trail 12 feet east of the property line owned by city of Porterville. More specifically, the larger parcel is located between Putnam Avenue and Oak Street in the city of Porterville. The following report is intended to comply with the reporting requirements set forth under Standards Rule 2-20(b), of the Uniform Standards of Professional Appraisal Practice (USPAP) for a Summary Appraisal Report. This report incorporates, by reference, the data and valuation analysis contained in the office file. The information contained in this report is specific and confidential to the needs of Southern California Edison Company (the client); the appraiser is not responsible for unauthorized use of this report. Additional supporting information is contained in the appraiser/company work file and may be provided upon request.

Subject Property: The subject property is a common trail between Putnam Avenue and Oak Street. The subject is a common area and no assessor’s parcel numbers is assigned for the property.

The overhead transmission line that is the subject of this assignment is proposed as of the date of inspection over portions of the subject property, which will allow Southern California Edison to install overhead electrical supply system and communication system in the area. Per grant easement, the proposed partial acquisition consists of a 12’ strip of land adjacent to the common walking trail between Mill Street and Oak Street containing approximately 3,060 square feet from 35,664 square feet (0.8187 acres, approximate size of larger parcel between Putnam Avenue and Oak Street).

Interest Appraised: Permanent utility easement for electrical facilities

Easement Defined: An interest in real property that conveys use, but not ownership, of a portion of an owner’s property.

Value estimated: Based on the unencumbered fee unit market value (price per square foot).

Corporate Real Estate Department
Real Estate Valuation

March 3, 2008

Cindy Green
Spectrum Land Services
725 Town & County Road, Suite 410
Orange, CA 92868

SUBJECT: City of Porterville
2008 DSP Success Circuit
W.O. 6251-5325 A.I. 5-5317
Appraisal #201304; Parcel: Not applicable
Walking Trail between Putnam Avenue and Oak Street
City of Porterville, Tulare County, CA 93257

In response to your request, I have provided the following appraisal reported in a Summary Appraisal format for the valuation of the DSP Success Circuit easement, located along the common walking trail 12 feet east of the property line owned by city of Porterville. More specifically, the larger parcel is located between Putnam Avenue and Oak Street in the city of Porterville. The following report is intended to comply with the reporting requirements set forth under Standards Rule 2-2(b), of the Uniform Standards of Professional Appraisal Practice (USPAP) for a Summary Appraisal Report. This report incorporates, by reference, the data and valuation analysis contained in the office file. The information contained in this report is specific and confidential to the needs of Southern California Edison Company (the client); the appraiser is not responsible for unauthorized use of this report. Additional supporting information is contained in the appraiser/company work file and may be provided upon request.

Subject Property:
The subject property is a common trail between Putnam Avenue and Oak Street. The subject is a common area and no assessor's parcel numbers is assigned for the property.
The overhead transmission line that is the subject of this assignment is proposed as of the date of inspection over portions of the subject property, which will allow Southern California Edison to install overhead electrical supply system and communication system in the area. Per grant easement, the proposed partial acquisition consists of a 12' strip of land adjacent to the common walking trail between Mill Street and Oak Street containing approximately 3,060 square feet from 35,664 square feet (0.8187 acres, approximate size of larger parcel between Putnam Avenue and Oak Street).

Interest Appraised: Permanent utility easement for electrical facilities

Easement Defined: An interest in real property that conveys use, but not ownership, of a portion of an owner's property.¹

Value estimated: Based on the unencumbered fee unit market value (price per square foot).

¹Appraisal Institute, Dictionary of Real Estate Appraisal (3rd ed.), p. 110.
BASIS OF VALUATION

The fair market value for the property proposed to be acquired is based upon an appraisal prepared in accordance with accepted appraisal principles and methodologies.

Code of Civil Procedure Section 1263.320 defines Fair Market Value as follows:

a) The fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

b) The fair market value of property taken for which there is no relevant, comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable.

Section 1263.330 provides that the fair market value shall not include an increase or decrease in value attributable to the project for which the property is to be acquired. Recent sales of comparable vacant land parcels are used as appropriate. Full consideration is given to zoning, development potential, and the use the property is capable of producing.

SUBJECT DATA

Location: Located in the common area between Putnam Avenue and Oak Street (larger parcel).
Ownership: City of Porterville.

Subject sales history: According to the property detail report provided by Realquest, the subject has not transferred within the last three years. According to the county records, the subject was condemned by the city of Porterville from Tulare Valley Railroad Co. on April 19, 2004 (case #03-205282).

Size: Per property detail report provided by Realquest, the subject's larger parcel includes approximately 35,664 square feet (0.8187 acres, highlighted in red on the parcel map above).
Interest Appraised: Proposed permanent distribution line easement over assumed fee simple land

Property Type: Single Family Residential

Zoning: Per representative of the City of Porterville (Fernando Rios, 559-782-7460), the subject is zoned "R-1" for Single Family Residence.

Present Use: Single Family Residential

Encumbrances: Unknown – title report not provided.

Improvements: Single Family Residence

Topography: Level

Utility services: Utility services available.

Environmental: Unknown: no specific documentation provided for review. Appraisal assumes no environmental factors to prohibit future development.

Hazardous Materials: None known – appraisal assumes no hazardous materials.

Highest & Best Use: Residential

Purpose and Intended Use: This appraisal is provided for internal Edison valuation purposes to determine the appropriate compensation for the transmission line easement. The intended use is for Edison Corporate Real Estate staff and their representatives to assist in negotiations to acquire the easement. The intended users of this report are the Edison Corporate Real Estate staff and their representatives.

Date of appraisal: The date of the appraisal and the date of value are January 30, 2008. The date of the report is March 3, 2008.

ACQUISITION DATA

Area to be acquired: Permanent Easement, containing a strip of land containing approximately 3,060 square feet (0.0702 acres) per SCE sources.

Location of acquisition: The proposed area of transmission line easement is located along the walking trail 12 feet east of Lots 2 and 9 in Block "C" of J.P. Murray’s Addition to Porterville.

Severance damages: I have concluded that there is no severance damages as a result of the part acquired or the construction in the manner proposed. In the before and after analysis, there is no market evidence that the easement will negatively impact the current use of the land.

The highest and best use of the remainder in the after condition remains the same as the larger parcel in the before condition.

Benefits: None noted.
VALUATION DATA

Scope:

The scope of this assignment is limited to:

- Aerial photos provided by MS Live and LandVision, Visual or site inspections was performed on February 1, 2008.
- Consulted relevant public records for the subject property and sales and relevant portion of zoning ordinance with the city planning department representative.
- Research local real estate market activity for recent sales of similar zoning to the subject property. Where possible, comparable sales were verified with a party to or a real estate broker involved in the transaction.
- Secondary sources such as Realquest, Multiple Listing Services, and brokers
- Interviewed realtors who are active in the subject’s area and surrounding markets
- Analyze the most comparable sales data to determine an appropriate unitary value estimate for the “unencumbered fee land.”

Methodology:

In this appraisal, the most applicable approach is the Sale Comparison Approach. The Cost and Income Approach were not included as the subject property’s portions of land right to be acquired is unimproved and does not affect structural improvements.

Sales Comparison Approach – The Sales Comparison Approach is based on the consideration of comparable land sales and is applicable to the valuation of the land rights to be acquired. Since only a portion of the land rights are proposed to be acquired (and valued), only the land will be analyzed.

Cost Approach – The Cost Approach is based on an analysis of the cost of improvements less depreciation. The larger parcel is improved with an industrial building, which will not be affected by the proposed electrical conduits. In addition, market participants for these uses typically do not consider the cost approach in the marketplace; and since the subject property right being appraised is an easement and does not appear to impact any improvements, the Cost Approach is considered not applicable or appropriate.

Income Capitalization Approach – The Income Approach is based on an analysis of income produced from the property and expenses to the property. The land the easement will encumber is vacant land; it generates no income as is required in the Income Capitalization approach; the Income approach is not applicable or appropriate to value the unencumbered fee.

Therefore, the only applicable and appropriate method to estimate the value of the unencumbered fee land is the Sales Comparison Approach.

It is assumed that the easement being acquired is a permanent easement. SCE engineering personnel advised the appraiser that the location of the proposed electrical facilities would be in a location that is minimally disruptive to the land, while being necessary to the electrical system.

It is also assumed that the easement area required on this property is a strip of land that is along the common walking trail and will encumber the easterly portion of the property. The strip of land consist of poles, guy wires, anchors, crossarms, wires, and other appurtenant fixtures of various materials for overhead electric lines of approximately 3,600 feet (0.7020 acres) per SCE survey.
For the purposes of this appraisal, the unit of comparison used is the price per square foot. This unit is a common unit of comparison used by buyers and sellers of land in this area.

Date of Value: January 30, 2008

Selected Market Data

<table>
<thead>
<tr>
<th>ITEM</th>
<th>Subject</th>
<th>Comp #1</th>
<th>Comp #2</th>
<th>Comp #3</th>
<th>Comp #4</th>
<th>Comp #5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>E/S of Walking Trail between MIL and Oak St.</td>
<td>S, Indiana</td>
<td>775 N hated</td>
<td>343 N Beverly</td>
<td>Grapeview &amp; Putnam</td>
<td>W, Pioneer Lot 2</td>
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<tr>
<td>Parcel Number</td>
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<td>269-021-002</td>
<td>247-023-010</td>
<td>251-323-010</td>
<td>254-081-010</td>
<td>N/A</td>
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<tr>
<td>City</td>
<td>Porterville</td>
<td>Porterville</td>
<td>Porterville</td>
<td>Porterville</td>
<td>Porterville</td>
<td>Porterville</td>
</tr>
<tr>
<td>Land Size (Acre)</td>
<td>0.82</td>
<td>2.514</td>
<td>13.855</td>
<td>9.143</td>
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<td>Data Source</td>
<td>Realquest</td>
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<td>MLS, Realquest</td>
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<tr>
<td>Sale Price</td>
<td>$20,000</td>
<td>$20,000</td>
<td>$85,000</td>
<td>$85,000</td>
<td>$85,000</td>
<td>$85,000</td>
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<td>Price per SF</td>
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<td>$5.59</td>
<td>$5.79</td>
<td>$5.35</td>
<td>$10.76</td>
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<td>Price per Acre</td>
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<td>Document No.</td>
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<td>92030</td>
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<td>53707</td>
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<td>Property Rights</td>
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<td>Fee Simple</td>
<td>Fee Simple</td>
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<td>Condition of Sale</td>
<td>Arms Length</td>
<td>Arms Length</td>
<td>Arms Length</td>
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<tr>
<td>Location/View</td>
<td>Interior</td>
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<td>Access</td>
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<td>Topography</td>
<td>Level</td>
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<td>Similar</td>
<td>Similar</td>
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<td>Improvements</td>
<td>Walking Trail</td>
<td>None</td>
<td>Similar</td>
<td>Similar</td>
<td>Similar</td>
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</tr>
<tr>
<td>Overall Comparison</td>
<td>E/S of Walking Trail between MIL and Oak St.</td>
<td>Superior</td>
<td>Similar</td>
<td>Superior</td>
<td>Similar</td>
<td>Superior</td>
</tr>
</tbody>
</table>

Market Data discussion:

I searched the subject's market area for comparable land sales to compare to the larger total parcel. There were limited sales in the vicinity of the subject close to downtown of Porterville. The market was expanded to the entire city of Porterville. The sales range from $4.36 per SF to $10.76 per SF. The low end of the range is Sale 4, which is similar to the subject. The high end of the range is Comparable 5, which included some improvements and is superior in location. Sales 2 to 4 were given greatest the considerations.

Estimate:

The typical appraisal method for valuing partial interests (as this easement), is the before and after method. In this method, the appraiser values the larger parcel before the taking (or easement) is implied, and then again after the easement is assumed to be in place. The difference (if any) is the amount attributed to the easement and is the value due to the owner. However, when lesser takings, or grants, are involved where such a before and after value would likely be nominal (due to impact, location, etc...) another approach and formula is often applied.

This formula estimates the value of the part taken (as a part of the whole), adds damages to the larger parcel (if any), subtracts special benefits (if any), and the difference is the value of the property interest in question. This method is based on the knowledge that property ownership is known as a "bundle of rights," where an ownership can be divided into separate sticks that comprise the “bundle.” For example, certain sticks or rights represent the right to use the surface of the land, or the air rights around an airport, or the subsurface rights to acquire the right to run a...
pipeline. This latter method has been deemed appropriate and is used in this report. There were no damages or special benefits as a result of this easement.

**Easement percentage of fee:** Based on the use to which the easement will be put and the property rights imposed by the taking of the proposed easement, an appropriate percentage deduction to the previously concluded fee simple value of the property will be estimated. The loss in value has been quantified based on an apportionment of the impact on the subsurface, surface and air rights estates of the property. The contributory value of the easement is roughly 50% of the concluded per unit value of the fee value for the property. Reasoning is provided as follows:

- **50% of fee:** The “bundle of rights” of any ownership can be roughly divided into 3 areas: subsurface rights, surface rights and aerial rights. The percentages of fee commonly attributed to the areas are 25% subsurface, 50% surface, and 25% aerial.

The proposed transmission line will be located along the eastern portion of the walking trail easement. It is assumed the easement will affect the surface and aerial rights; however, the proposed easement will be located along the existing walking trail easement corridor. Based on the location of the proposed area, it is assign a percentage of the unencumbered fee value of 50%.

**Reconciliation:**

The sales noted above exhibit limited recent market activity for vacant land in the greater area of the subject property. Qualitative adjustments for location and physical characteristics were applied. Taking these factors into consideration, and weighing the appropriateness, quantity and quality of the data to support a value, it is my conclusion that the sales were determined to be applicable comparable unit values of the unencumbered land. Based on the subject’s utility, anticipated development in the area and location, the subject is anticipated to be in the low value range per square foot. Considering the information provided, it is my opinion that the unit value for the unencumbered subject property is $5.00 per square foot.

The easement to be located in the part to be taken appears to provide no direct benefit to the subject remainder parcel that can be quantified. The proposed easement terms provided found in the world as such that in my opinion take 50 percent of the bundle of rights from the fee of the land. There is minimal usage of the area affected by the easement is left to the grantor by the virtue of these terms. As such, it is my professional opinion that 50% of otherwise fee value of the land area within the part take proposed by the easement is lost to the grantor. The grantor retains 50% of the rights.
Value Conclusion:

As result of my investigation and analysis, it is my opinion that the value of the easement interest of the subject property, subject to all limiting conditions and assumptions and certification, as of January 30, 2008 is:

Rounded: $7,799 (Seven Thousand Seven Hundred Dollars)

<table>
<thead>
<tr>
<th></th>
<th>Square Feet</th>
<th>Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concluded Fee Simple Value Per Unit:</td>
<td>$ 5.00</td>
<td>$ 217,800</td>
</tr>
<tr>
<td>Easement Area to be acquired:</td>
<td>3,060</td>
<td>0.0702</td>
</tr>
<tr>
<td>Concluded Percent of Fee Simple Value:</td>
<td>59%</td>
<td>$ 2.50 $ 108,900</td>
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<tr>
<td>Calculations:</td>
<td>3,060 SF x 2.50</td>
<td>$7,850.00</td>
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<tr>
<td>Concluded Just Compensation:</td>
<td></td>
<td>$7,799</td>
</tr>
</tbody>
</table>

Marketing Time:

Since the subject of this appraisal is an easement for a proposed utility easement and such easements are not typically a marketable item, marketing time is not applicable.

Exposure Time:

Since the subject of this appraisal is an easement for a proposed utility easement and such easements are not typically exposed to the market for sale purposes, exposure time is not applicable.

Charles A. Thomas,
Southern California Edison
Appraiser #AG037555,
SCE Corporate Real Estate
Assumptions and Limiting Conditions

Standards Rule (S.R.) 2-1 of the Standards of Professional Appraisal Practice of the Appraisal Institute requires the appraiser to "clearly and accurately disclose any extraordinary assumption or limiting condition that directly affect" the report and indicate its impact on the value range. In compliance with S.R. 2-1 and to assist the reader in interpreting this report, such assumptions and limiting conditions are set forth as follows:

1. The term "Market Value," as used in this report, is defined as
   (a) The fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available;
   (b) The fair market value of property taken for which there is no relevant, comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable.\(^2\)

2. The conclusions and opinions expressed in this report apply to the date of value set forth in this report. The dollar amount of any value opinion or conclusion rendered or expressed in this report is based upon the purchasing power of the American dollar existing on the date of value.

3. The appraiser assumes no responsibility for economic, physical, or demographic factors that may affect or alter the opinions in this report if said economic, physical, or demographic factors were not present as of the date of the letter of transmittal accompanying this report. The appraiser is not obligated to predict future political, economic, or social trends.

4. In preparing this report, the appraiser was required to rely on information furnished by other individuals or found in previously existing records and/or documents. Unless otherwise indicated, such information is presumed to be reliable. However, no warranty, either expressed or implied, is given by the appraiser for the accuracy of such information and the appraiser assumes no responsibility for information relied upon later found to be inaccurate. The appraiser reserves the right to make such adjustments to the analyses, opinions, and conclusions set forth in this report as may be required by consideration of additional data or more reliable data that may become available.

5. No opinion as to the title of the subject properties is rendered. Data related to ownership and legal description was provided by SCE sources and is considered reliable. Title is assumed to be marketable and free and clear of all liens, encumbrances, easements and restrictions except those specifically discussed in the report. The properties are valued assuming them to be under responsible ownership and competent management and available for their highest and best use.

6. The appraiser assumes no responsibility for hidden or unapparent conditions of the properties, subsoil, ground water, or structures that render the subject properties more or less valuable. No responsibility is assumed for arranging for engineering, geologic, or environmental studies that may be required to discover such hidden or unapparent conditions.

\(^2\) California Code of Civil Procedure §1263.320.
7. The appraiser has not been provided any information regarding the presence of any material
or substance on or in any portion of the subject properties or improvements thereon, which
material or substance possesses or may possess toxic, hazardous, and/or other harmful and/or
dangerous characteristics. Unless otherwise stated in the report, the appraiser did not become
aware of the presence of any such material or substance during the appraiser's inspection of
the subject properties. However, the appraiser is not qualified to investigate or test for the
presence of such materials or substances. The presence of such materials or substances may
adversely affect the value range of the subject properties. The value estimated in this report is
predicated on the assumption that no such material or substance is present on or in the subject
properties or in such proximity thereto that it would cause a loss in value. The appraiser
assumes no responsibility for the presence of any such substance or material on or in the
subject properties, nor for any expertise or engineering knowledge required to discover the
presence of such substance or material. Unless otherwise stated, this report assumes the
subject properties are in compliance with all federal, state, and local environmental laws,
regulations, and rules.

8. Unless otherwise stated, the subject properties are valued assuming them to be in full
compliance with all applicable zoning and land use regulations and restrictions.

9. Unless otherwise stated, the properties are valued assuming that all required licenses, permits,
certificates, consents or other legislative and/or administrative authority from any local, state,
or national government or private entity or organization have been or can be obtained or
renewed for any use on which the value estimate contained in this report is based.

10. No engineering survey was made by the appraiser. Except as specifically stated, data relative
to size and area of the subject properties was taken from sources considered reliable and no
encroachment of the subject properties are considered to exist.

11. No opinion is expressed as to the value of subsurface oil, gas, or mineral rights or whether the
properties are subject to surface entry for the exploration or removal of such materials, except
as is expressly stated.

12. Maps, plans, and exhibits included in this report are for illustration only to serve as an aid in
visualizing matters discussed within the report. They should not be considered as surveys or
relied upon for any other purpose, nor should they be removed from, reproduced, or used
apart from this report.

13. No opinion is intended to be expressed for matters that require legal expertise or specialized
investigation or knowledge beyond that customarily employed by real estate appraisers.

14. The distribution, if any, of the total valuation in this report between land and improvements
applies only under the stated program of utilization. The separate allocations for land and
improvements must not be used in conjunction with any other report and are invalid if so
used.

15. Possession of this report, or a copy of it, does not carry with it the right of publication.
Without the written consent of the appraiser, this report may not be used for any purpose by
any person other than the party to whom it is addressed. In any event, this report may be used
only with proper written qualification and only in its entirety for its stated purpose.

16. Testimony or attendance in court or at any other hearing is not required by reason of rendering
this appraisal unless such arrangements are made a reasonable time in advance of said
hearing. Further, unless otherwise indicated, separate arrangements shall be made concerning
compensation for the appraiser's time to prepare for and attend any such hearing.
17. In the event that appraiser is subpoenaed for a deposition or judicial or administrative proceeding and is ordered to produce the appraisal report and files, appraiser shall immediately notify the client. Appraiser shall appear at the deposition or judicial or administrative hearing with the appraisal report and files and answer all questions unless client provides appraiser with legal counsel who instructs appraiser not to appear, instructs appraiser not to produce certain documents, or instructs appraiser not to answer certain questions. It shall be the responsibility of client to obtain a protective order.

18. The Americans with Disabilities Act (ADA) became effective on January 26, 1992. I have not made a specific compliance survey and analysis of the properties to determine whether or not they are in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the properties, together with a detailed analysis of the requirements of the ADA, could reveal that the properties are not in compliance with one or more of the requirements of the Act. If so, this could have a negative effect on the properties' value.

19. Where the value of the various components of the property are shown separately, the value of each is segregated only as an aid to better estimating the value of the whole, the independent value of the various components may, or may not, be the market value of the component.

20. A copy of the proposed easement was not available at the time of the appraisal. It is assumed that easement rights valued in this report are identical to similar easement rights that SCE has acquired in the past. The appraiser reserves the right to review the actual easement document when it is written and can revise the appraisal at that time to reflect any changes in property rights to be acquired.

21. The appraiser is not qualified to detect the presence of any threatened or endangered species. The client is urged to retain an expert in this field if there is any question as to the existence of any threatened or endangered species. The value estimated in the report assumes that no threatened or endangered species is present on the property.

22. The appraiser assumes that the proposed improvements do not impact or interfere with the existing water easements and structures. There was no preliminary title or survey provided.
CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.

Signature: ________________________________ Date: 03/03/08
INDICATES 12' WIDE EASEMENT FOR UNDERGROUND ELECTRICAL & COMMUNICATIONS FACILITIES
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING A GRANT DEED OF EASEMENT TO THE SOUTHERN CALIFORNIA EDISON COMPANY

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby grants to Southern California Edison Company, a corporation, its successors and assigns, an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time underground electrical supply systems and communication systems, consisting of wires, underground conduits, cables, vaults, manholes, hand holes, including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, under, across and along that certain real property in the County of Tulare, State of California, described as follows:

The easterly 12.00 feet of Lots 2 and 9, in Block "C" of J. P. Murray's Addition to Porterville, as per Map recorded in Book 3, Page 10 of Maps, in the Office of the County Recorder of said County.

The above-described strip of land contains 3,060 square feet, more or less.

BE IT FURTHER RESOLVED that the foregoing has been authorized by the City Council for the City of Porterville.

APPROVED AND ADOPTED this 15th day of July, 2008.

ATTEST:
John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

Cameron Hamilton, Mayor
COUNCIL AGENDA: JULY 15, 2008

SUBJECT:  AUTHORIZATION TO EXECUTE CONSULTANT SERVICE AGREEMENTS FOR TOPOGRAPHIC SURVEYING – BEVERLY STREET, NEWCOMB STREET AND PROSPECT STREET WIDENING PROJECTS

SOURCE:  Public Works Department - Engineering Division

COMMENT:  On July 7, 2008, City staff evaluated four (4) consulting firms for the topographic surveying of the Beverly Street, Newcomb Street, and Prospect Street Widening Projects. The evaluation process was held in conformance with the policy established by City Council for selecting professional consulting firms. The following is a list of the consulting firms and scores attributed to their evaluation:

<table>
<thead>
<tr>
<th>Consultant</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>BEVERLY STREET:</td>
<td></td>
</tr>
<tr>
<td>James Winton &amp; Associates (Porterville, CA)</td>
<td>1</td>
</tr>
<tr>
<td>Dee Jaspar &amp; Associates (Porterville, CA)</td>
<td>2</td>
</tr>
<tr>
<td>Provost &amp; Pritchard (Visalia, CA)</td>
<td>3</td>
</tr>
<tr>
<td>Quad Knopf (Visalia, CA)</td>
<td>4</td>
</tr>
<tr>
<td>NEWCOMB STREET:</td>
<td></td>
</tr>
<tr>
<td>Dee Jaspar &amp; Associates (Porterville, CA)</td>
<td>1</td>
</tr>
<tr>
<td>James Winton &amp; Associates (Porterville, CA)</td>
<td>2</td>
</tr>
<tr>
<td>Provost &amp; Pritchard (Visalia, CA)</td>
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<tr>
<td>Quad Knopf (Visalia, CA)</td>
<td>4</td>
</tr>
<tr>
<td>PROSPECT STREET:</td>
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<tr>
<td>Provost &amp; Pritchard (Visalia, CA)</td>
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<tr>
<td>Dee Jaspar &amp; Associates (Porterville, CA)</td>
<td>2</td>
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<tr>
<td>James Winton &amp; Associates (Porterville, CA)</td>
<td>3</td>
</tr>
<tr>
<td>Quad Knopf (Visalia, CA)</td>
<td>4</td>
</tr>
</tbody>
</table>

TASK 1 - TOPOGRAPHY SURVEY AND DRAFTING
Each consultant will provide topographic surveying and computer drafting of the given project area as specified in the scope of services. After completion of the topographic survey for each project, the City intends to perform the street design work internally.

BEVERLY STREET:
James Winton & Associates has submitted a schedule to complete all services by August 18, 2008 (21 working days) if the project, as presented to Council, is awarded. The fee proposed by James Winton & Associates to provide these services is $3,900.

DLP Appropriated/Funded CM  Item No. 60
NEWCOMB STREET:
Dee Jaspar & Associates has submitted a schedule to complete all services by August 22, 2008 (25 working days) if the project, as presented to Council, is awarded. The fee proposed by Dee Jaspar & Associates to provide these services is $9,996.

PROPSECT STREET:
Provost & Pritchard has submitted a schedule to complete all services by August 29, 2008 (30 working days) if the project, as presented to Council, is awarded. The fee proposed by Provost & Pritchard to provide these services is $8,121.

The Congestion Mitigation and Air Quality (CMAQ) Grant is the funding source for these projects as stipulated in the 08/09 fiscal year budget.

RECOMMENDATION: That City Council:

1. Authorize the Mayor to execute the Consultant Service Agreement with James Winton & Associates at an agreed fee of $3,900 for the Beverly Street services described herein;

2. Authorize the Mayor to execute the Consultant Service Agreement with Dee Jaspar & Associates at an agreed fee of $9,996 for the Newcomb Street services described herein;

3. Authorize the Mayor to execute the Consultant Service Agreement with Provost & Pritchard at an agreed fee of $8,121 for the Prospect Street services described herein; and

4. Authorize progress payments up to 100% of each of the fee amounts and authorize a 10% contingency per project to cover unforeseen design efforts.

ATTACHMENTS: Locator Maps
Proposed Service Agreements with Scope of Services
PROJECT LOCATION
SERVICE AGREEMENT

DATE: July 15, 2008

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and James Winton & Associates, hereinafter referred to as "CONSULTANT".

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

   Project Name: Beverly Street Widening and Shoulder Stabilization

   Description of Project: Provide topographic surveying and computer drafting (topographic features only) services for the purposes of street widening and shoulder stabilization along Beverly Street.

AGREEMENTS:

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

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described in Exhibit "A", Scope of Services, in connection with the above described project.

SECTION 2. PAYMENT: In consideration for said services and materials,
CITY shall pay CONSULTANT on a time and materials basis, not to exceed Three Thousand, Nine Hundred Dollars, ($3,900) (refer to attached fee schedule, if used.)

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

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will be commenced upon execution of this agreement and all “work directives” shall be completed by August 18, 2008.

    The parties agree that time is of the essence under this contract. Inasmuch as it would be difficult to ascertain the actual amount of damages sustained by delay in performance of said contract, the amount of $100 per calendar day shall be deducted from the contract price for liquidated damages for each calendar day beyond the completion date listed above. Said deduction will not be made if CONSULTANT submits proof in writing that delay in completion was due to a cause beyond its control.

SECTION 4. FAMILIARITY WITH PROJECT: CONSULTANT certifies and agrees that it is fully familiar with all of the details of the project required to perform its services. CONSULTANT agrees it will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information.
SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood that CONSULTANT is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONSULTANT specifically warrants that it will have in full force and effect, valid insurance covering:

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF PORTERVILLE       CONSULTANT

By_________________________         By_________________________

Cameron Hamilton, Mayor

Date_________________________     Date_________________________

HLH:vs
EXHIBIT “A”
Beverly Street Widening and Shoulder Stabilization Project
“Scope of Services”

The City of Porterville requests proposals from qualified engineering and surveying firms for providing topographic surveying and computer drafting (topographic features only) services for the purposes of street widening and shoulder stabilization along Beverly Street. The City of Porterville expects to improve Beverly Street to a collector standard 60’ right of way.

Project Limits

For the most part, the new construction will be within existing City rights of way. General project limits are as follows:

- Beverly Street from Roby Avenue to a location between Heritage and Date Avenues

Please refer to Exhibit “D”, which illustrates the proposed route in more detail.

Cross-section limits shall be extended to the street rights of way on each side of the proposed route, except where concrete improvements exist. Where concrete improvements exist, the cross-section limits shall extend from the existing lip of gutter to the opposing right of way line. However, the consultant will not be required to field establish said right of way lines.

Task 1: Topography Survey and Drafting Services

The City has digital files of aerial orthophotographs and planimetric drawings that cover the project areas, at a one to one scale. These files will be available to the retained consultant. The City’s aerial photographs were flown in 1998 and tied to a monumented half-mile grid that has an accuracy better than 1 in 50,000. The planimetric drawings include limited topographic features and 2-foot contour interval. The consultant may utilize these drawing files in conjunction with the City record drawings as a planning tool and for preparing drawing files compatible with AutoCAD Release 2004 or newer for these municipal street facilities.

Surveying

Surveying services shall include the physical features of the terrain, significant contour changes between cross sections, and the various objects and obstructions that must be considered in the design and construction of the project. Objects, obstructions, etc. that must be included in the survey are, but not limited to:

a. survey monuments
b. valves - gas, water, etc.
c. manholes - sewer, storm drain, Edison, AT&T, etc.
d. culverts, drop storm drain inlets, irrigation systems, etc.
e. curb, gutter, sidewalk, x-gutter, driveways, etc.
f. pavement edges, asphalt dikes
g. traffic control devices - signals, loop detectors, pull boxes, street signs, etc.
h. utilities - power poles, telephone poles, street lights, etc.
i. landscape - trees, shrubs, etc.
j. all other items that may effect design and construction

The topography survey area shall be cross-sectioned at 50-foot intervals, or close thereof, and shall consist of a survey/control line. Cross-sectioned "shots" need not align with one another. Elevations shall be taken at the survey/control line, crown of the street, edge of gutter, edge of pavement, flowline of asphalt dikes, survey limits, ditch banks, ditch flowlines and any contour variation exceeding six (6) inches. Survey/control lines shall be established using existing monumentation located in the area. Elevations shall be tied to the City’s current NAVD88 datum. Please find attached as Exhibit “E”, a map that illustrates the City horizontal control network scheme for both NGVD29 and NAVD88 datums.

Computerized Drafting:

All text will be AutoCAD “Simplex” style unless otherwise approved by the City’s project manager. The drawing file(s) will incorporate the symbols, abbreviations and descriptions established by the City. The City’s symbols, abbreviations and description standards are attached as Exhibit “F”. Data format will be as follows:

A) .dwg File.
B) ASCII file (Point number, Northing, Easting, Elevation, Description).
C) .DXF file and any created file developed from point manipulation through “Cogo” or like routine.
D) Submit files to the City on CDs.

Layering of data will be per the City’s “AutoCAD Layer Scheme for Topography” standard, which is also a part of Exhibit “F”. The consultant will submit a complete set of drawings to the City to be reviewed for quality completeness, accuracy and neatness at the 50% and final stage. Within five (5) working days of receiving each drawings submittal for review, the City will comment and/or accept the drawings as being in compliance with the City’s request or, will reject the drawings for noncompliance with the City’s stated standards and require that they be resubmitted in compliance.

The City is not expecting the consultant to break up the topographic survey into separate sheets. Computerized drafting for the entire survey shall be one seamless drawing. Drafting shall include all the essential topographic features necessary for City staff to properly align, design, and prepared digital improvement plans (plan and profile sheets). All topographic features, survey control lines, existing utilities, etc. must match the City NAD83 coordinate system and again must be one continuous drawing in a .dwg file format (no rotation allowed or sheet isolation). The consultant shall provide stationing on all survey/control lines at 100-foot intervals.

DELIVERABLES:

- Computerized Drafting (topographic features only): Consultant shall provide four sets of plans at 50%, and final completion for City review and comment. Digital submittals are acceptable.
SERVICE AGREEMENT

DATE: July 15, 2008

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and Dee Jaspar & Associates, hereinafter referred to as "CONSULTANT".

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

- Project Name: Newcomb Street Widening and Shoulder Stabilization
- Description of Project: Provide topographic surveying and computer drafting (topographic features only) services for the purposes of street widening and shoulder stabilization along Newcomb Street.

AGREEMENTS:

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

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described in Exhibit "A", Scope of Services, in connection with the above described project.
SECTION 2. PAYMENT: In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis, not to exceed Nine Thousand, Nine Hundred and Ninety-Six Dollars, ($9,996) (refer to attached fee schedule, if used.)

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

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will be commenced upon execution of this agreement and all "work directives" shall be completed by August 22, 2008.

The parties agree that time is of the essence under this contract. Inasmuch as it would be difficult to ascertain the actual amount of damages sustained by delay in performance of said contract, the amount of $100 per calendar day shall be deducted from the contract price for liquidated damages for each calendar day beyond the completion date listed above. Said deduction will not be made if CONSULTANT submits proof in writing that delay in completion was due to a cause beyond its control.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF PORTERVILLE

By ________________________________
Cameron Hamilton, Mayor

CONSULTANT

By ________________________________

Date ________________________________

Date ________________________________

HLH:vs

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EXHIBIT “A”
Newcomb Street Widening and Shoulder Stabilization Project
“Scope of Services”

The City of Porterville requests proposals from qualified engineering and surveying firms for providing topographic surveying and computer drafting (topographic features only) services for the purposes of street widening and shoulder stabilization along Newcomb Street. The City of Porterville expects to improve Newcomb Street to an arterial standard 84’ right of way.

Project Limits

For the most part, the new construction will be within existing City rights of way. General project limits are as follows:

- Newcomb Street from Roby Avenue to a location between Heritage and Date Avenues

Please refer to Exhibit “D”, which illustrates the proposed route in more detail.

Cross-section limits shall be extended to the street rights of way on each side of the proposed route, except where concrete improvements exist. Where concrete improvements exist, the cross-section limits shall extend from the existing lip of gutter to the opposing right of way line. However, the consultant will not be required to field establish said right of way lines.

Task 1: Topography Survey and Drafting Services

The City has digital files of aerial orthophotographs and planimetric drawings that cover the project areas, at a one to one scale. These files will be available to the retained consultant. The City’s aerial photographs were flown in 1998 and tied to a monumented half-mile grid that has an accuracy better than 1 in 50,000. The planimetric drawings include limited topographic features and 2-foot contour interval. The consultant may utilize these drawing files in conjunction with the City record drawings as a planning tool and for preparing drawing files compatible with AutoCAD Release 2004 or newer for these municipal street facilities.

Surveying

Surveying services shall include the physical features of the terrain, significant contour changes between cross sections, and the various objects and obstructions that must be considered in the design and construction of the project. Objects, obstructions, etc. that must be included in the survey are, but not limited to:

a. survey monuments
b. valves - gas, water, etc.
c. manholes - sewer, storm drain, Edison, AT&T, etc.
d. culverts, drop storm drain inlets, irrigation systems, etc.
e. curb, gutter, sidewalk, x-gutter, driveways, etc.
f. pavement edges, asphalt dikes
g. traffic control devices - signals, loop detectors, pull boxes, street signs, etc.
h. utilities - power poles, telephone poles, street lights, etc.
i. landscape - trees, shrubs, etc.
j. all other items that may effect design and construction

The topography survey area shall be cross-sectioned at 50-foot intervals, or close thereof, and shall consist of a survey/control line. Cross-sectioned "shots" need not align with one another. Elevations shall be taken at the survey/control line, crown of the street, edge of gutter, edge of pavement, flowline of asphalt dikes, survey limits, ditch banks, ditch flowlines and any contour variation exceeding six (6) inches. Survey/control lines shall be established using existing monumentation located in the area. Elevations shall be tied to the City’s current NAVD88 datum. Please find attached as Exhibit “E”, a map that illustrates the City horizontal control network scheme for both NGVD29 and NAVD88 datums.

Computerized Drafting:

All text will be AutoCAD “Simplex” style unless otherwise approved by the City’s project manager. The drawing file(s) will incorporate the symbols, abbreviations and descriptions established by the City. The City’s symbols, abbreviations and description standards are attached as Exhibit “F”. Data format will be as follows:

A) .dwg File.
B) ASCII file (Point number, Northing, Easting, Elevation, Description).
C) .DXF file and any created file developed from point manipulation through “Cogo” or like routine.
D) Submit files to the City on CDs.

Layering of data will be per the City’s “AutoCAD Layer Scheme for Topography” standard, which is also a part of Exhibit “F”. The consultant will submit a complete set of drawings to the City to be reviewed for quality completeness, accuracy and neatness at the 50% and final stage. Within five (5) working days of receiving each drawings submittal for review, the City will comment and/or accept the drawings as being in compliance with the City’s request or, will reject the drawings for noncompliance with the City’s stated standards and require that they be resubmitted in compliance.

The City is not expecting the consultant to break up the topographic survey into separate sheets. Computerized drafting for the entire survey shall be one seamless drawing. Drafting shall include all the essential topographic features necessary for City staff to properly align, design, and prepared digital improvement plans (plan and profile sheets). All topographic features, survey control lines, existing utilities, etc. must match the City NAD83 coordinate system and again must be one continuous drawing in a .dwg file format (no rotation allowed or sheet isolation). The consultant shall provide stationing on all survey/control lines at 100-foot intervals.

**DELIVERABLES:**

- Computerized Drafting (topographic features only): Consultant shall provide four sets of plans at 50%, and final completion for City review and comment. Digital submittals are acceptable.
SERVICE AGREEMENT

DATE: July 15, 2008

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

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

Project Name: Prospect Street Widening and Shoulder Stabilization

Description of Project: Provide topographic surveying and computer drafting (topographic features only) services for the purposes of street widening and shoulder stabilization along Prospect Street.

AGREEMENTS:

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

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described in Exhibit "A", Scope of Services, in connection with the above described project.

SECTION 2. PAYMENT: In consideration for said services and materials,
CITY shall pay CONSULTANT on a time and materials basis, not to exceed Eight Thousand, One Hundred and Twenty-One Dollars, ($8,121) (refer to attached fee schedule, if used.)

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

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will be commenced upon execution of this agreement and all “work directives” shall be completed by August 29, 2008.

The parties agree that time is of the essence under this contract. Inasmuch as it would be difficult to ascertain the actual amount of damages sustained by delay in performance of said contract, the amount of $100 per calendar day shall be deducted from the contract price for liquidated damages for each calendar day beyond the completion date listed above. Said deduction will not be made if CONSULTANT submits proof in writing that delay in completion was due to a cause beyond its control.

SECTION 4. FAMILIARITY WITH PROJECT: CONSULTANT certifies and agrees that it is fully familiar with all of the details of the project required to perform its services. CONSULTANT agrees it will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information.
SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood that CONSULTANT is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONSULTANT specifically warrants that it will have in full force and effect, valid insurance covering:

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF PORTERVILLE

By_____________________________________
Cameron Hamilton, Mayor

CONSULTANT

By_____________________________________

Date______________________________

Date______________________________

HLH:vs

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EXHIBIT “A”
Prospect Street Widening and Shoulder Stabilization Project
“Scope of Services”

The City of Porterville requests proposals from qualified engineering and surveying firms for providing topographic surveying and computer drafting (topographic features only) services for the purposes of street widening and shoulder stabilization along Prospect Street.

Project Limits

For the most part, the new construction will be within existing City rights of way. General project limits are as follows:

- Prospect Street from North Grand Avenue to Median Avenue

Please refer to Exhibit “D”, which illustrates the proposed route in more detail.

Cross-section limits shall be extended to the street rights of way on each side of the proposed route, except where concrete improvements exist. Where concrete improvements exist, the cross-section limits shall extend from the existing lip of gutter to the opposing right of way line. However, the consultant will not be required to field establish said right of way lines.

Task 1: Topography Survey and Drafting Services

The City has digital files of aerial orthophotographs and planimetric drawings that cover the project areas, at a one to one scale. These files will be available to the retained consultant. The City’s aerial photographs were flown in 1998 and tied to a monumented half-mile grid that has an accuracy better than 1 in 50,000. The planimetric drawings include limited topographic features and 2-foot contour interval. The consultant may utilize these drawing files in conjunction with the City record drawings as a planning tool and for preparing drawing files compatible with AutoCAD Release 2004 or newer for these municipal street facilities.

Surveying

Surveying services shall include the physical features of the terrain, significant contour changes between cross sections, and the various objects and obstructions that must be considered in the design and construction of the project. Objects, obstructions, etc. that must be included in the survey are, but not limited to:

a. survey monuments
b. valves - gas, water, etc.
c. manholes - sewer, storm drain, Edison, AT&T, etc.
d. culverts, drop storm drain inlets, irrigation systems, etc.
e. curb, gutter, sidewalk, x-gutter, driveways, etc.
f. pavement edges, asphalt dikes
g. traffic control devices - signals, loop detectors, pull boxes, street signs, etc.
h. utilities - power poles, telephone poles, street lights, etc.
i. landscape - trees, shrubs, etc.
j. all other items that may affect design and construction

The topography survey area shall be cross-sectioned at 50-foot intervals, or close thereof, and shall consist of a survey/control line. Cross-sectioned "shots" need not align with one another. Elevations shall be taken at the survey/control line, crown of the street, edge of gutter, edge of pavement, flowline of asphalt dikes, survey limits, ditch banks, ditch flowlines and any contour variation exceeding six (6) inches. Survey/control lines shall be established using existing monumentation located in the area. Elevations shall be tied to the City's current NAVD88 datum. Please find attached as Exhibit "E", a map that illustrates the City horizontal control network scheme for both NGVD29 and NAVD88 datums.

Computerized Drafting:

All text will be AutoCAD "Simplex" style unless otherwise approved by the City's project manager. The drawing file(s) will incorporate the symbols, abbreviations and descriptions established by the City. The City's symbols, abbreviations and description standards are attached as Exhibit "F". Data format will be as follows:

A) .dwg File.
B) ASCII file (Point number, Northing, Easting, Elevation, Description).
C) .DXF file and any created file developed from point manipulation through "Cogo" or like routine.
D) Submit files to the City on CDs.

Layering of data will be per the City's "AutoCAD Layer Scheme for Topography" standard, which is also a part of Exhibit "F". The consultant will submit a complete set of drawings to the City to be reviewed for quality completeness, accuracy and neatness at the 50% and final stage. Within five (5) working days of receiving each drawings submittal for review, the City will comment and/or accept the drawings as being in compliance with the City's request or, will reject the drawings for noncompliance with the City's stated standards and require that they be resubmitted in compliance.

The City is not expecting the consultant to break up the topographic survey into separate sheets. Computerized drafting for the entire survey shall be one seamless drawing. Drafting shall include all the essential topographic features necessary for City staff to properly align, design, and prepared digital improvement plans (plan and profile sheets). All topographic features, survey control lines, existing utilities, etc. must match the City NAD83 coordinate system and again must be one continuous drawing in a .dwg file format (no rotation allowed or sheet isolation). The consultant shall provide stationing on all survey/control lines at 100-foot intervals.

**DELIVERABLES:**

- Computerized Drafting (topographic features only): Consultant shall provide four sets of plans at 50%, and final completion for City review and comment. Digital submittals are acceptable.
SUBJECT: AUTHORIZATION TO NEGOTIATE A CONTRACT WITH SW COMPRESSORS FOR A TEMPORARY CNG FUELING STATION

SOURCE: Public Works Department - Engineering Division

COMMENT: At the April 1, 2008 Council meeting, staff requested authorization from Council to negotiate a contract with Gas Equipment Systems, Inc. (GESI) from Rancho Cucamonga, California, for a temporary CNG fueling station at the City Corporation Yard. GESI has had continual problems with their mobile CNG compressor and has been unable to meet the fueling needs of the City of Porterville Transit Division's four (4) CNG buses. Therefore, the City currently has no way to fuel the CNG buses other than traveling to the City of Tulare's fast fill CNG station.

The Hurricane compressor provided by GESI has repeatedly failed over the past four (4) months. The compressor powers itself from the same natural gas used to fuel the buses. After repeated attempts to fix the compressor, the City informed GESI that it can no longer accept the system provided and requested an alternative electric compressor system. GESI is unable to provide an alternate system in a time frame acceptable to the City due to manufacturing lead times.

The City received two (2) responses to the original request for bids in January 2008. Staff has contacted the second bidder, SW Compressors from La Habra, California. SW Compressors can provide an electric compressor fueling system in a time frame acceptable to the City. The costs associated with transportation and installation of the CNG compressor is $2,000. The lease for the equipment is $2,500 per month for a minimum of six months. Usable infrastructure installed for the current temporary fueling setup will be left in place and paid for through the current contract with GESI.

Funding for all costs associated with the temporary CNG fueling station outlined above will be from Transit Fund Accounts. Lease payments will be deducted from Transit Admin Utilities Acct. No. 20-1170-42; CNG bus fuel charges will be charged to Fixed Route Maintenance Acct. No. 20-1190-11; and City Maintenance and Utility billings will be charged to Utilities Acct. No. 20-1170-42.

Dir Appropriated/Funded    CM

Item No. 7
RECOMMENDATION: That City Council:

1. Authorize staff to negotiate with SW Compressors for a minimum 6 month lease agreement at $2,500.00 per month;

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

3. Authorize staff to make payment to SW Compressors for transportation and installation in the amount of $2,000.00.
COUNCIL AGENDA: July 15, 2008

SUBJECT: SIERRA MANAGEMENT TRANSIT CENTER LEASE

SOURCE: Administration (Transit)

COMMENT: The commercial lease for the Transit Center expired June 30, 2008. Since December 1, 2006, Sierra Management has also been occupying the additional lease space formerly used by Orange Belt Stages and assumed the additional rental fee for that designated space. The total rent being received is $785.00 per month.

The attached lease represents all of the Transit Center office space now occupied entirely by Sierra Management and utilized for the operation of the Fixed Route and Demand Response transportation services.

RECOMMENDATION: That the City Council:

1. Approve the Lease with Sierra Management; and

2. Authorize the Mayor and the City Clerk to execute the Lease which will go into effect as of July 1, 2008.

ATTACHMENT: 1. Commercial Lease with Sierra Management

DD \(\checkmark\) Appropriated/Funded \(\checkmark\) CM \(\checkmark\)

Item No. 8
COMMERCIAL LEASE

The City of Porterville ("Lessor"), hereby offers to lease to Sierra Management ("Lessee") the Property situated in the County of Tulare, State of California, that certain space outlined on the plat map attached and marked as Exhibit "A" in the City of Porterville's Transit Building located at 61 West Oak, Porterville, California, 93257 (the "Property") upon the following TERMS and CONDITIONS:

1. TERM: The tenancy shall be for one year, commencing July 1, 2008 and ending June 30, 2009.

2. RENT: The rent shall be $785.00 per month, plus Lessee's share of utility and maintenance costs as described in Paragraph 12 below, payable as follows: $785.00 on or before the fifteenth day of each month. All rents shall be paid to Lessor, at the following address: 291 North Main Street, Porterville, California 93257. In the event rent is not paid by the date due, Lessee agrees to pay a late charge of $30.00. Lessee further agrees to pay $18.00 for each dishonored bank check. The late charge period is not a grace period, and shall be considered "additional rent", and Lessor is entitled to make written demand for any rent, including "additional rent," if not paid when due. Any unpaid balances remaining after termination of occupancy are subject to 1½% interest per month or the maximum rate allowed by law.

3. USE: The Premises are to be used for Lessee's operational and management services for Fixed Route and Dial-A-Ride public transit services.

4. USES PROHIBITED: Lessee shall not use any portion of the Premises for purposes other than those specified hereinabove, and no use shall be made or permitted to be made upon the Premises, nor acts done, which will increase the existing rate of insurance upon the property, or cause cancellation of insurance policies covering said property.

5. ASSIGNMENT AND SUBLETTING: Lessee shall not assign this Lease or sublet any portion of the Premises without prior written consent of the Lessor. Lessor is entitled to withhold such consent for any reason it deems appropriate. Any such assignment or subletting without consent shall be void and, at the option of the Lessor, may terminate this Lease.

6. ORDINANCES AND STATUTES: Lessee shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the Premises, occasioned by or affecting the use thereof by Lessee. The commencement or pendency of any state or federal court abatement proceeding affecting the use of the Premises shall, at the option of the Lessor, be deemed a breach hereof.

7. MAINTENANCE, REPAIRS, ALTERATIONS: Lessee acknowledges having inspected the Premises and hereby accepts the Premises in their present condition. Lessee shall, at its own expense and at all times, maintain the Premises in good and safe condition, including plate glass, electrical wiring, plumbing and heating installations, and any other system or equipment upon the Premises and shall surrender the same, at termination hereof, in as good condition as received, normal wear and tear excepted. Lessee shall be responsible for all repairs required as a result of inappropriate usage or behavior of Lessee, or any of its employees. Lessor shall be responsible for other repairs to the plate glass, electrical wiring, plumbing and heating installations, due to normal wear and tear or mechanical malfunctions, or acts of vandalism.

No improvement or alteration of the Premises shall be made without the prior written consent of the Lessor. Prior to the commencement of any substantial repair, improvement, or alterations, Lessee shall give Lessor at least two (2) weeks written notice in order that Lessor may post appropriate notices to avoid any liability for liens.

Lessee shall not commit any waste upon the Premises, or any nuisance or act which may disturb the quiet enjoyment of any tenant in the building.
8. ENTRY AND INSPECTION: Lessee shall permit Lessor or Lessor's agents to enter upon the Premises at reasonable times and upon reasonable notice, for the purpose of inspecting the same and will permit Lessor at any time within sixty (60) days prior to the expiration of this Lease, to place upon the Premises any usual "To Let" or "For Lease" signs or "For Sale" signs and permit persons desiring to lease or purchase the same to inspect the Premises thereafter.

9. INDEMNIFICATION OF LESSOR: To the fullest extent permitted by law, Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the leased portions of the premises or any part thereof, and Lessee agrees to hold Lessor harmless from any claims for damages, no matter how caused, save and excepting only those caused by the gross or active negligence of Lessor, and only to the extent caused by the gross or active negligence of Lessor.

10. POSSESSION: If Lessor is unable to deliver possession of the Premises at the commencement hereof, Lessor shall not be liable for any damage caused thereby, nor shall this Lease be void or voidable, but Lessee shall not be liable for any rent until possession is delivered. Lessee may terminate this Lease if possession is not delivered within ten (10) days of the commencement of the term hereof.

11. INSURANCE: Lessee, at its expense, shall procure and maintain for the mutual benefit of Lessor and Lessee, throughout the term of this Lease, public liability insurance including bodily injury and property damage insuring Lessee and Lessor with minimum coverage as follows: $5,000,000.00 for personal injury or death for each person and $5,000,000.00 for personal injury or death of two or more persons in each accident or event. Lessor shall be named as an additional insured and the policy shall contain cross-liability endorsements. Lessor shall also procure and maintain, at its expense, throughout the term of this Lease, insurance against loss or damage to any structures constituting any part of the demised Premises, by fire and lightning, with extended coverage insurance. Furthermore, Lessor shall maintain, for the mutual benefit of Lessor and Lessee, general public liability and property damage insurance covering the common areas against claims for personal injuries, death, or property damage, in the amounts determined by Lessor at its sole discretion.

12. UTILITIES AND SERVICES: Lessee agrees that it shall pay for all utilities. Lessee shall be responsible for 100% of the costs of electricity, gas, refuse, and the electronic security system. Lessee shall be responsible for its own telephone and communications services, and domestic water service. Lessee shall be responsible for water service for landscaping.

13. COMMON AREAS: Lessor shall make available at all times during the term of this lease in any portion of the Building that Lessor from time to time designates or relocates, automobile parking and common areas (jointly referred to as "common areas," as that term is defined below) as Lessor shall from time to time deem appropriate. Lessee shall have the nonexclusive right during the term of this lease to use the common areas for itself, its employees, agents, customers, clients, invitees, and licensees. The term "common areas" means the portions of the Building that, at the time in question, have been designated and improved for common use by or for the benefit of more than one tenant of the Building, including the parking areas; access and perimeter roads; landscaped areas; exterior walks, stairways, elevators, escalators and/or ramps; interior corridors, elevators, stairs, and balconies; directory equipment; the main entry lobby; restrooms; and drinking fountains. Lessor reserves the right to redesignate a common area for a non-common use or to designate as a common area a portion of the Building not previously designated a common area. All common areas shall be subject to the exclusive control and management of Lessor or those designated by Lessor to exercise management and control. Lessor shall have the right to establish, modify, amend and enforce reasonable rules and regulations with respect to the common areas and the Building. Lessee shall fully and faithfully
comply with and observe the rules and regulations for the common areas and the Building of which the leased space is a part. Lessor shall not be liable in any way for failure of any other occupant of the Building of which the leased space is a part to comply with and observe these rules and regulations.

14. **TRADE FIXTURES:** Any and all improvements made to the Premises during the Lessee's occupancy hereof shall belong to the Lessor, except trade fixtures of the Lessee. Lessee may, upon termination hereof, remove all its trade fixtures, but shall repair or pay for all repairs necessary for damages to the Premises occasioned by removal.

15. **DESTRUCTION OF PREMISES:** In the event of a partial destruction of the Premises during the term hereof, from any cause, Lessor shall forthwith repair the same to the extent that proceeds of insurance are available to Lessor, provided that such repairs can be made **within sixty (60) days** under existing governmental laws and regulations, but such partial destruction shall not terminate this Lease, except that Lessee shall be entitled to a proportionate reduction of rent while such repairs are being made, based upon the extent to which the making of such repairs shall interfere with the business of Lessee on the Premises. If such repairs cannot be made **within said sixty (60) days,** Lessor, at its option, may make the same within a reasonable time, this Lease continuing in effect with the rent proportionately abated as aforesaid, and in the event that Lessor shall not elect to make such repairs which cannot be made **within sixty (60) days,** this Lease may be terminated at the option of either party.

In the event the building in which the demised Premises may be situated is destroyed to an extent of not less than one-third of the replacement costs thereof, Lessor may elect to terminate this Lease whether the demised Premises be injured or not. A total destruction of the building in which the Premises may be situated shall terminate this Lease. In either case the election of Lessor shall be without regard to the availability of insurance proceeds available to Lessor.

16. **HAZARDOUS MATERIALS:** Lessee shall not use, store, or dispose of any hazardous substances upon the Premises, except use and storage of such substances if they are customarily used in Lessee's business, and such use and storage complies with all environmental laws. Hazardous substances means any hazardous waste, substance or toxic materials regulated under any environmental laws or regulations applicable to the property.

17. **INSOLVENCY:** In the event a receiver is appointed to take over the business of Lessee, or in the event Lessee makes a general assignment for the benefit of creditors, or Lessee takes or suffers any action under any solvency or bankruptcy act, the same shall constitute breach of this Lease by Lessee.

18. **BREACH OF LEASE/DEFAULT:** The following are deemed to be breaches of this Lease: 1) failure to pay rent for a period of two months; 2) failure of Lessee to maintain the property in a good and safe condition, and in the same condition existing at the time this agreement was executed; 3) failure of Lessee to comply with any provision in this lease; 4) the execution, attachment or other judicial seizure of substantially all of Lessee's assets located at the leased premises or of Lessee's interest in the lease, when the seizure is not discharged within 15 days; or 5) the breach of this lease and abandonment of the lease premises before the expiration of the term of this lease.

19. **REMEDIES OF LESSOR ON DEFAULT:** In the event of any breach of this Lease by Lessee, Lessor may, at its option, terminate the Lease by hand delivering written notice of termination specifying the alleged default, and recover from Lessee: (a) the worth at the time of award of the unpaid rent which was earned at the time of termination; (b) the worth at the time of award of the amount by which the unpaid rent which would have been earned after termination until the time of the award exceeds the amount of such rental loss that the Lessee proves could have been
reasonably avoided; (c) the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss that Lessee proves could be reasonably avoided; and (d) any other amount necessary to compensate Lessor for all detriment proximately caused by Lessee's failure to perform his obligations under the Lease or which in the ordinary course of things would be likely to result therefrom. Upon receiving such notice of termination, Lessee shall vacate the premises. In lieu of, or in addition to, bringing an action for any or all of the recoveries described above, Lessor may bring an action to recover and regain possession of the leased premises in the manner provided by the California law of unlawful detainer then in effect.

Lessor may, in the alternative, continue this Lease in effect, as long as Lessor does not terminate Lessee's right to possession, and Lessor may enforce all its rights and remedies under the Lease, including the right to recover the rent, including "additional rent", as it becomes due under the Lease. If said breach of Lease continues, Lessor may, at any time thereafter, elect to terminate the Lease.

The remedies set forth in this enumerated section are not exclusive; they are cumulative in addition to any remedies now or later allowed by law.

20. **WAIVER OF RIGHT TO JURY TRIAL:** In the event there shall be a dispute between Lessor and Lessee and either party shall file an action against the other party to enforce their rights under this Lease, to interpret the Lease terms, or arising out of their relationship as Lessee and Lessor, the parties agree that the matter shall be tried by the court without a jury and each party specifically waives the right to a jury trial in any such action.

21. **ATTORNEY'S FEES AND COSTS:** In any action or proceeding involving a dispute between Lessor, and Lessee, arising out of the execution of this lease, or to enforce the terms and conditions of this lease, the prevailing party shall be entitled to receive from the other party reasonable attorney's fees, expert fees, appraisal fees, and all other costs incurred in connection with such action or proceedings, to be determined by the court or arbitrator(s).

22. **WAIVER:** No failure of Lessor to enforce any term hereof shall be deemed to be a waiver.

23. **NOTICES:** Any notice which either party may or is required to give other than as otherwise provided in this Lease, shall be given by hand delivery or by mailing the same, postage prepaid, to Lessee or Lessor at the addresses shown below, or at such other places as may be designated by the parties, by notice in writing to the other party, from time to time.

24. **TIME:** Time is of the essence of this Lease.

25. **HEIRS, ASSIGNS, SUCCESSORS:** This Lease is binding upon inures to the benefit of the heirs, assigns and successors in interest to the parties.

26. **LESSOR'S LIABILITY:** The term "Lessor," as used in this paragraph, shall mean only the owner of the real property. In the event of any transfer of such title or interest, the Lessor named herein (or the grantor in case of any subsequent transfers) shall be relieved of all liability related to Lessor's obligations to be performed after such transfer. Provided, however, that any funds in the hands of Lessor or Grantor at the time of such transfer shall be delivered to Grantee. Lessor's obligations hereunder shall be binding upon Lessor's successors and assigns only during their respective periods of ownership.

27. **INDEPENDENT COUNSEL:** Lessee acknowledges it has been advised by all other parties and counsel to seek independent legal counsel to assist in reviewing this document before executing it and ask said legal counsel to explain its import and meaning. Any signature by Lessee
represents, inter alia, that it has had independent counsel assistance, or that it has personally reviewed and studied the Lease, understands each and every term, chooses not to avail itself to the assistance of independent legal counsel, and agrees fully with each and every term of this Lease. All parties acknowledge and understand that this agreement was a freely, openly negotiated document and that those attorneys that did assist in negotiation represented the interests only of their clients and not those of the parties who have chosen to waive the assistance of independent legal counsel.

DATED: ___________________  LESSOR:
CITY OF PORTERVILLE

By:
__________________________
Mayor

__________________________
City Clerk

DATED: ___________________

LESSEE:
SIERRA MANAGEMENT

________________________
Steven Tree, Owner
SUBJECT: FEASIBILITY OF TRANSIT BUS CONVERSION INTO A MOBILE LIBRARY

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council has previously requested staff to research the feasibility of converting a surplus transit bus into a mobile library.

An estimate from LDV, Inc. has been received and reviewed by staff which outlines a retrofit cost of $39,085.00. Staff has thoroughly reviewed vehicle specifications for the intended purpose of a transit vehicle conversion into a mobile library and the proposal received from LDV, Inc. is compliant. If LDV, Inc. is the selected vendor for this project and once an official contract is received a project of this nature takes about 16 to 20 weeks to complete.

With a nominal cost (estimated at $1,000) for the ownership transfer of the existing bus, the cost for conversion and equipping a mobile library is estimated at $144,985. Annual operations cost within the City is estimated at $44,175. Increasing service to outside the city would be an estimated additional $4,500 in annual cost.

An alternative to avoid the equipment conversion cost would be to utilize the surplus transit bus as a "Library Express", transporting passengers to and from the main library on special routes. Operated three months during the year during the summer would cost approximately $29,718. An issue under this scenario is that ridership on the regular transit buses could be detrimentally affected. There would be no way to control passengers from utilizing the "Library Express" as a free transit alternative without visiting the library itself.

Another option would be to have the library issue free one-way transit passes to those with a library card that presumably have utilized the library. The cost for this option would depend on the number of library patrons that take advantage of the service and whether the service is limited to summer months or the full year.

Due to other scheduling conflicts discussions with the county representatives regarding any possible financial participation has not occurred. Efforts to arrange a meeting are being undertaken. It should be noted that the County owns three (3) mobile library vehicles that were removed from regular service approximately 5 years ago due to budgetary concerns.
RECOMMENDATION: That the Council consider the alternatives and request that staff compile and implement a survey of library patrons to determine interest for a mobile library and/or transit use to access the city libraries.

ATTACHMENTS: Cost Estimates
LDV, Inc. Porterville Book Mobile Conversion
## Cost Estimates

### Mobile Library 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>39,085</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>Estimate contingency</td>
<td>5,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$144,985</strong></td>
</tr>
</tbody>
</table>

### Annual Mobile Library 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 Express” Implementation, June through August

<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>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 (5 year depreciation)</td>
<td>9,000</td>
</tr>
<tr>
<td>Liability Insurance</td>
<td>600</td>
</tr>
<tr>
<td>Estimate Contingency</td>
<td>2,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$29,718</strong></td>
</tr>
</tbody>
</table>
SPECIFICATIONS FOR:

PORTERVILLE (CA)
Book Mobile Conversion

LDV MODEL # RETEWC191935-07

July 1, 2008
<table>
<thead>
<tr>
<th>Item</th>
<th>Qty</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.00</td>
<td></td>
<td><strong>BODY:</strong></td>
</tr>
<tr>
<td>1.01</td>
<td>1</td>
<td>Upfit customer supplied bus, includes removal of existing seats.</td>
</tr>
<tr>
<td>2.00</td>
<td></td>
<td><strong>WALLS, CEILING AND FLOOR:</strong></td>
</tr>
<tr>
<td>2.01</td>
<td>4</td>
<td>Double black ABS Literature Rack with clear plexiglas front. Located as shown on drawing.</td>
</tr>
<tr>
<td>2.02</td>
<td></td>
<td>5/8&quot; exterior grade tongue &amp; groove plywood underlayment for floor, ICI 7-2-7-2 G-1 Exposure 1-APA 347 PCUF PS1-95 (or equivalent).</td>
</tr>
<tr>
<td>2.03</td>
<td></td>
<td>Industrial grade carpet (pattern and color to be determined)</td>
</tr>
<tr>
<td>2.04</td>
<td></td>
<td>Install black abs black out panels over windows behind book shelves.</td>
</tr>
<tr>
<td>3.00</td>
<td></td>
<td><strong>SEATING:</strong></td>
</tr>
<tr>
<td>3.01</td>
<td>1</td>
<td><em>United Ergonomic</em> Uni-chair NSX-10 black (or current model) with mid back, no armrests, five caster spider base, and adjustable height.</td>
</tr>
<tr>
<td>3.02</td>
<td></td>
<td>Fabricate and install FRP bench seating below book shelf to be utilized as a mini seat or a step.</td>
</tr>
<tr>
<td>3.03</td>
<td></td>
<td><strong>BENCH SEAT REQUIREMENTS:</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Foam for seat backs and bottoms shall have a minimum density rating of 28, a minimum compression rating of 65 and a support factor of 2.2.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• All bench seating material must meet Federal Motor Vehicle Safety Standards part 571.302 Flammability of Interior Materials.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Seam stitching shall be done with 8-oz. bonded nylon thread.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Material corners shall be squared or angled to fit precise cut of foam.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Foam shall be bonded to plywood backer with industrial grade elastomer adhesive.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Bottom and sides of plywood backer shall be completely sanded.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Stapling of fabric/vinyl to backer with industrial grade upholstery staples.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• No more than a 1/2&quot; space is acceptable between staples around the entire perimeter.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• All fabric shall be stain resistant.</td>
</tr>
<tr>
<td>4.00</td>
<td></td>
<td><strong>CABINETS:</strong></td>
</tr>
<tr>
<td>4.01</td>
<td></td>
<td>Countertops shall be covered in 0.040&quot; <em>Wilsonart</em> laminate. All exposed edges shall be covered with heavy duty flexible PVC T-molding.</td>
</tr>
<tr>
<td>4.02</td>
<td></td>
<td>Bookcase shelves with aluminum lip. Shelves shall be constructed of 3/4&quot; plywood and covered with Veelek 17-oz. ribbed loop pile fabric. (Color = Excalibur Chrome). Shelves shall be angled to prevent the books from falling while the vehicle is in motion. A bungee strap will be located in each shelf area to provide an additional means of securing the books. The book cases shall be located on top of bench seat.</td>
</tr>
<tr>
<td>5.00</td>
<td></td>
<td><strong>120/240VAC ELECTRICAL SYSTEM:</strong></td>
</tr>
<tr>
<td>5.01</td>
<td>1</td>
<td>1000-watt 120 Vac / 60 Hz true sine wave output inverter, LDV 17100023 (or current model).</td>
</tr>
<tr>
<td>5.02</td>
<td>1</td>
<td>Red specification grade 20A-125Vac duplex receptacle with stainless steel wall plate located as shown on drawing. These receptacles are dedicated to the UPS.</td>
</tr>
<tr>
<td>5.03</td>
<td></td>
<td><strong>120/240VAC WIRING REQUIREMENTS:</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• All 120/240Vac main wiring shall be stranded THHN wire and run in non-metallic <em>Carlon</em> Carflex liquid tight conduit.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• All 120/240Vac branch circuit wiring shall be stranded THHN wire (AWG 12 minimum) and run in non-metallic <em>Carlon</em> Carflex liquid tight and <em>Carlon</em> Flex-Plus blue ENT conduit.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• All electrical circuits and appliances shall conform to applicable national electrical codes.</td>
</tr>
<tr>
<td>6.00</td>
<td></td>
<td><strong>12VDC ELECTRICAL SYSTEM:</strong></td>
</tr>
<tr>
<td>6.01</td>
<td>8</td>
<td><em>Thin-Lite</em> model 616 18&quot; white 12Vdc fluorescent light fixtures.</td>
</tr>
<tr>
<td>Item</td>
<td>Qty</td>
<td>12VDC WIRING REQUIREMENTS:</td>
</tr>
<tr>
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<tr>
<td></td>
<td></td>
<td>• 2-gauge minimum copper stranded battery cable shall be used for 12Vdc main supply lines. All cable runs shall be full length, no splices. All cable terminals shall be staked and soldered. All cable shall be enclosed in convoluted polyethylene tubing and the ends of the cable shall be sealed with color-coded shrink-wrap identifying the function of the cable.</td>
</tr>
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<td></td>
<td></td>
<td>• All added electrical circuits shall be protected from over-current by resettable circuit breakers appropriately rated for the load. Only circuit breakers shall be used in the installation of added electrical wiring (plug type fuses are unacceptable).</td>
</tr>
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<td>• Circuit breaker functions shall be identified by engraved or printed labels.</td>
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<td>• All added wiring for load runs shall be AWG 8, 10, 12, 14 and 18 and must conform to MIL-W-16878F.</td>
</tr>
<tr>
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<td>• Wire terminals for added circuits must conform to MIL-T-7928. Terminals shall be insulated, insulation grip, TYPE II, CLASS 2 and shall be crimped with tooling recommended by the terminal manufacturer.</td>
</tr>
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<td>• All wiring shall be numbered or lettered on 6&quot; centers minimum.</td>
</tr>
<tr>
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<td></td>
<td>• Wiring shall be protected from chafing and abrasion with convoluted polyethylene tubing (wire loom) as required.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Where wire passes through sheet metal, bulkheads and structural supports, plastic grommets shall be used to protect both wiring and wire looms.</td>
</tr>
<tr>
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<td></td>
<td>• All wiring shall be supported on 12&quot; centers.</td>
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<tr>
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<td></td>
<td>• All wire bundles shall be tied with trimmed nylon ties on 6&quot; centers minimum.</td>
</tr>
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<td></td>
<td>• The complete 12Vdc wiring system and electrical appliances shall be to modern automotive standards throughout the installation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Extreme care shall be exercised to provide for easy serviceability of the system in future years.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Extreme care must be taken in the installation to avoid the engine manifold, engine exhaust, and muffler, which could expose the wiring to severe overheating during long periods of operation. Proper insulation and heat deflection panels must be installed in such areas.</td>
</tr>
<tr>
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<td>• A high-current 12Vdc system wiring schematic shall be provided.</td>
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<td>• These are the minimum acceptable 12Vdc wiring requirements.</td>
</tr>
<tr>
<td>7.00</td>
<td></td>
<td>MISCELLANEOUS:</td>
</tr>
<tr>
<td>7.01</td>
<td></td>
<td>Pick-up and delivery. LDV to pick up vehicle at customer location to start the work and to bring back to customer after unit is completed. At time of delivery to customers facility an LDV representative will provide up to eight (8) hours of orientation on LDV installed systems.</td>
</tr>
<tr>
<td>7.02</td>
<td></td>
<td>Note: LDV project scope does not include certain tasks or costs that are the responsibility of the customer unless clearly specified as LDV supplied. These items include, but are not limited to:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Radio and telephone system programming.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Activation and service fees for cellular telephones, satellite telephones, satellite TV, satellite internet access.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Loading and configuring computer software.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>In the event of a discrepancy between the drawing and specification, the specification will supersede. LDV reserves the right to make substitutions of equal quality and specifications of those listed in this document.</td>
</tr>
</tbody>
</table>
Total commercial price as specified, continental US $ 39,085.00

Customer is responsible for delivering the unit to LDV and picking it up upon completion (UNLESS OTHERWISE QUOTED)
IF TAX EXEMPT; CUSTOMER TO SEND TAX ID NUMBER
Thank you for the opportunity to offer our quotation for your equipment needs.
Sincerely,

David Dion
Sales Specialist

All prices are firm for 30 days from the date of quotation. Prices are subject to revision after this.
Payments to be net 30.
Acceptance of this order is hereto subject to the LDV, Inc.- Standard Terms and Conditions of Service as attached.

Quoted price does not include any applicable FET, federal, state or local tax unless specified

Order Acceptance:
Sign: ___________________________ Date: _______________________

Print: ___________________________

PLEASE SIGN AND FAX BACK: 262-763-0156
OTE: Please make sure "David Dion" is written on your cover letter or top of this sheet
TITLE: LETTER OF PUBLIC CONVENIENCE OR NECESSITY/ALI AWNALLAH – 758 N. MAIN STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: Mr. Ali Awnallah, the new owner of the Ranchito Market located at 758 North Main Street, is requesting City Council approval of a Letter of Public Convenience or Necessity as required by the Alcoholic Beverage Control Board (ABC) in order to obtain a Type 20 off-sale beer and wine license (no distilled spirits) in a census tract that currently contains the maximum number alcohol licenses allowed.

The business is a legal non-conforming use since it is within 600 feet of North Park, located at the corner of Main Street and Henderson Ave, and does not have a previous conditional use permit for the sale of alcohol. If the use were to discontinue for a period more than ninety (90) days, Pursuant to Section 2100 (D) of the Porterville Zoning Ordinance, the subject site located within 600 linear feet of the nearest property line of any sensitive use would require a conditional use permit, to be reinstated.

Due to some unforeseen complications, Mr. Awnallah was unable to secure and transfer the original alcohol license at the time he purchased the business. He submitted an application to sell beer and wine June 24, 2008, which requires approval of a Letter of Public Convenience or Necessity from the City Council to the ABC. Mr. Awnalla’s request to the ABC and the City of Porterville would make his license the seventh license in the census tract if authorized and approved.

Under the regulations of the Business and Professions Code, applicants for off-sale alcoholic beverage licenses must secure a determination from the City Council that the business serves a public convenience or necessity, if the issuance of the license would result in, or contribute to, an “undue concentration” of licenses within a census tract.

The determination “undue concentration” is based on the average ratio of licenses to population for all census tracts in the county. As many census tracts are primarily residential with no licenses, the comparison causes most commercial areas to be defined as over concentrated.

The Ranchito Market is within Census Tract No. 37 which currently has six (6) Type 20 off-sale beer and wine licenses. Based on the Census Tract 37 population to license ratios, established by the Business and Professions Code, any license in excess of six (6) constitutes an “undue concentration” and requires a Letter of Public Convenience or Necessity from the City Council.

APPROPRIATED/FUNDED CM J

ITEM NO. 10
The Type 20 off-sale beer and wine license represents a viable economic asset to the community which will contribute tax revenues to the local economy. The majority of the alcohol sales from the mini mart are to be in small quantities in conjunction with the purchase of food and other supplies. Furthermore, there is an existing subdivision located to the east of the subject site. The store’s proximity to the neighborhood allows patrons to walk to the store without the need to cross the busy four lane thoroughfare.

For these reasons, staff supports the issuance of the Type 20 off-sale license for beer, wine and distilled spirits for the Ranchito Market, located at 758 North Main Street.

RECOMMENDATION: It is recommended that the City Council approve a letter (draft included as Attachment No. 5) supporting the issuance of a Type 20 off-sale beer and wine license within Census Tract No. 37 for the Ranchito Market located at 758 N. Main Street.

ATTACHMENTS:

1. Letter of Request for City Council approval of a Letter of Convenience and Necessity
2. Locator Map
3. Census Tract 37 Map
4. Business and Professional Code Section 23958.4
5. Draft Letter
6. ABC Liquor License application
7. Zoning Affidavit
8. ABC License Query Summary
HILLMAN BUILDING DESIGNERS INC.

June 30, 2008

To: Porterville City Council
Porterville, CA

Re: Type 20 Liquor License
758 North Main Street

The planning staff has recommended we bring this request for the city council to approve a “letter of Convenience” for a liquor license. Ranchito Market located at 758 North Main Street has a new owner, Mr. Majid Awnallah; he has leased the market which has been open for over 30 years with a liquor license to sell beer and wine. The previous owners have allowed the current license to be voided and there was about a 20 day period where there was not a license on the property. Mr. Awnallah has been within the guide lines of the current ordinance by not having a lapse of more than 30 days without a license. With this market having a license it creates the necessity to ask for your approval of a “letter of convenience,” currently there are 6 license allowed and this would make 7 licenses within the particular tract. Mr. Awnallah was unable to purchase the license from the previous owner and transfer it as would be normal operations in ownership exchanges due to some unforeseen problems with the previous owner.

Thank You,

Mark Hillman
23958.4. (a) For purposes of Section 23958, "undue concentration" means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:

1. The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.

2. As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.

3. As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

(b) Notwithstanding Section 23958, the department may issue a license as follows:

If the local governing body, or its designated subordinate officer or body, does not make a determination within the 90-day period, then the department may issue a license if the applicant shows the department that public convenience or necessity would be served by the issuance. In making its determination, the department shall not attribute any weight to the failure of the local governing body, or its designated subordinate officer or body, to make a determination regarding public convenience or necessity within the 90-day period.
July 15, 2008

California Alcoholic Beverage
Control Board
Fresno District Office
3640 East Ashlan
Fresno, CA 93726

Attention: Joyce Knodel

RE: Plano Handy Market – 758 North Main Street

Dear Ms. Knodel:

The City Council of the City of Porterville has voted to approve submittal of this letter regarding the public convenience or necessity to be served to allow for a Type 20 off-sale beer and wine license for the Ranchito Market located at 758 North Main Street.

The Type 20 off-sale beer and wine license to a type 21 off-sale beer and wine represents a viable economic asset to the community which will contribute tax revenues to the local economy. The majority of the alcohol sales from the mini mart are to be in small quantities in conjunction with the purchase of food and other supplies. Furthermore, there is an existing subdivision located to the east of the subject site. The store's proximity to the neighborhood allows patrons to walk to the store without the need to cross the busy four lane thoroughfare.

For these reasons, the City Council of the City of Porterville supports the issuance of the Type 20 off-sale license for beer, wine and distilled spirits for the Ranchito Market, located at 758 North Main Street.

Sincerely,

Cameron Hamilton, Mayor
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

TO: Department of Alcoholic Beverage Control
3640 E. Ashlan Ave.
Fresno, CA 93726
(559)226-6334

DISTRICT SERVING LOCATION: FRESNO

First Owner:
AWNALLAH MAJID ALI
RANCHITO MARKET

Name of Business:
Location of Business:
758 N MAIN ST
PORTERVILLE, CA 93257-2353

County:
TULARE

Is premise inside city limits? Yes

Mailing Address:
(If different from premises address)

Type of license(s): 20

Transferor's license/name: 417249 / JOHAL BALWIND

Dropping Partner: Yes

License Type Transaction Type Fee Type Master Dup Date Fee
20 OFF-SALE BEER ANL ANNUAL FEE NA Y 0 06/24/08 $220.00
20 OFF-SALE BEER ANL PERSON TO PERSON TRANSF NA Y 0 06/24/08 $50.00
20 OFF-SALE BEER ANL PREMISE TO PREMISE TRANS NA Y 0 06/24/08 $100.00
20 OFF-SALE BEER ANL STATE FINGERPRINTS NA N 2 06/24/08 $78.00
20 OFF-SALE BEER ANL FEDERAL FINGERPRINTS NA N 2 06/24/08 $48.00

Total $496.00

Have you ever been convicted of a felony? No
Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? No
Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premise will have all the qualifications of a licensee, and (b) he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of TULARE

Applicant Name(s)
AWNALLAH MAJID ALI

Date: June 24, 2008

Applicant Signature(s)

ATTACHMENT ITEM NO. 6
ZONING AFFIDAVIT

Instructions to the Applicant: Complete Items 1 - 14. Sign and date the form and submit it to ABC.

1. APPLICANT’S NAME (Last, first, middle)

2. PREMISES ADDRESS (Street number and name, city, zip code)

3. PARCEL NUMBER OF PROPERTY (Obtain from County Assessor’s Office)

4. TYPE OF LICENSE APPLIED FOR

5. UPGRADE OF LICENSED PRIVILEGES
   Yes ☐ No ☐

6. CURRENT LICENSE TYPE AT THIS LOCATION, IF ANY

7. TYPE OF BUSINESS (i.e., restaurant, mini-mart, gas station, etc.)

8. ARE THE PREMISES INSIDE THE CITY LIMITS?
   Yes ☐ No ☐

For answers to Questions 9 - 14, contact your local city or county planning department (if inside the city limits, contact city planning; if outside, contact county planning).

9. HOW ARE APPLICANT PREMISES ZONED? STATE TYPE (i.e., “C” commercial, “R” residential, etc.)

10. DOES ZONING PERMIT INTENDED USE?
    Yes ☑ No ☐

11. IS A CONDITIONAL USE PERMIT (C.U.P.) NEEDED?
    Yes ☐ No ☑

12. IF YES, DATE YOU FILED APPLICATION FOR C.U.P.

13. NAME OF PLANNER CONTACTED AT PLANNING DEPARTMENT

14. PLANNER’S PHONE NUMBER
    (555) 982 - 7460

Under the penalty of perjury, I declare the information in this affidavit is true to the best of my knowledge.

15. APPLICANT’S SIGNATURE (One signature will suffice)

16. DATE SIGNED

FOR DEPARTMENT USE ONLY

☐ C.U.P. Approved

☐ C.U.P. Denied

GENERAL INFORMATION

• Section 23790 of the Business and Professions Code says that ABCC may not issue a retail license contrary to a valid zoning ordinance. This form will help us determine whether your proposed business is properly zoned for alcoholic beverage sales.

• A conditional use permit (CUP) (Item 11) is a special zoning permit granted after an individual review of proposed land-use has been made. CUPs are used in situations where the proposed use may create hardships or hazards to neighbors and other community members who are likely to be affected by the proposed use. The ABC district office will not make a final recommendation on your license application until after the local CUP review process has been completed. If the local government denies the CUP, ABC must deny your license application.

23790. Zoning ordinances. No retail license shall be issued for any premises which are located in any territory where the exercise of the rights and privileges conferred by the license is contrary to a valid zoning ordinance of any county or city.

Premises which had been used in the exercise of those rights and privileges at a time prior to the effective date of the zoning ordinance may continue operation under the following conditions:

(a) The premises retain the same type of retail liquor license within a license classification.

(b) The licensed premises are operated continuously without substantial change in mode or character of operation. For purposes of this subdivision, a break in continuous operation does not include:

(1) A closure for not more than 30 days for purposes of repair, if that repair does not change the nature of the licensed premises and does not increase the square footage of the business used for the sale of alcoholic beverages.

(2) The closure for restoration of premises rendered totally or partially inaccessible by an act of God or a toxic accident, if the restoration does not increase the square footage of the business used for the sale of alcoholic beverages.
<table>
<thead>
<tr>
<th>License Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>License Number: 454254</td>
</tr>
<tr>
<td>Primary Owner: MANA AZIZ NOMAN</td>
</tr>
<tr>
<td>ABC Office of Application: FRESNO</td>
</tr>
<tr>
<td>Business Name</td>
</tr>
<tr>
<td>Doing Business As: BUY &amp; BYE MAKRAT</td>
</tr>
<tr>
<td>Business Address</td>
</tr>
<tr>
<td>Address: 758 N MAIN ST</td>
</tr>
<tr>
<td>City: PORTERVILLE</td>
</tr>
<tr>
<td>State: CA</td>
</tr>
<tr>
<td>Licensee Information</td>
</tr>
<tr>
<td>Licensee: MANA AZIZ NOMAN</td>
</tr>
<tr>
<td>Licensee: MANA MUTAHAR NOMAN</td>
</tr>
<tr>
<td>License Types</td>
</tr>
<tr>
<td>1) License Type: 20 - OFF-SALE BEER AND WINE</td>
</tr>
<tr>
<td>License Type Status: CANCEL</td>
</tr>
<tr>
<td>Status Date: 05-MAY-2008</td>
</tr>
<tr>
<td>Original Issue Date: 05-JUL-2007</td>
</tr>
<tr>
<td>Master: Y</td>
</tr>
<tr>
<td>License Type was Transferred On: From: 381350</td>
</tr>
</tbody>
</table>

Current Disciplinary Action

...No Active Disciplinary Action found...

Disciplinary History

...No Disciplinary History found...

Hold Information

...No Active Holds found...

Escrow

Escrow: CHICAGO TITLE COMPANY 1750 W WALNUT AVE VISALIA,CA 93277

--- End of Report ---

For a definition of codes, view our glossary.

http://www.abc.ca.gov/dataport/LOSdata.asp?ID=2028205801

ATTACHMENT
ITEM NO. 8

6/19/2008
CITY COUNCIL AGENDA: JULY 15, 2008

SUBJECT: REQUEST FOR PROMOTIONAL DISPLAY ON PUBLIC RIGHT-OF-WAY (RELAY FOR LIFE 2008)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The applicants are requesting approval from the City Council to tie ribbons and balloons and posting of signs to features on public right of way on August 2, 2008. The applicants are making the request to bring public awareness to the Relay for Life yearly event held each fall at Granite Hills High School and to public awareness of cancer. This year’s theme of “Paint the Town” is an opportunity for all those involved to conduct public outreach.

Section 2014 B-2 requires authorization by the City Council prior to pasting, posting, noticing, promoting, or commemorating special events in the public right-of-way. The local chapter for the American Cancer Society Relay for Life has filed a group assembly application (Attachment 1) and received approval from the Porterville Police Department to assemble and conduct a procession along Henderson Avenue, Main Street, and Olive Avenue on August 2, 2008. The procession will be held from 9 a.m. to 12 p.m. and be confined to the sidewalk areas along the said streets. Along the route, ribbons and balloons are proposed to be tied around public trees, lights, signs and within public planter areas (Attachment 3).

The Porterville Municipal Code and Zoning Ordinance contains a process for granting a temporary use public right-of-way for promoting events “with the City Council’s approval.” The Council is authorized to include conditions of approval if so desired.

Staff has prepared the following recommended conditions of approval for the promotional event “Paint the Town” by the American Cancer Society Relay for Life:

1. The participants shall comply with all applicable Municipal Code and City Ordinances pertaining to pedestrians and traffic.
2. The assembly and procession shall be restricted to sidewalk areas along Henderson Avenue, Main Street and Olive Avenue as indicated in the assembly application approved by the Police Chief.
3. The applicants shall be responsible for removal and cleanup of any and all ribbons, balloons, promotional signs and material within 30 days of pasting, posting, noticing, promoting and or commemorating the August 2, 2008 event.

DD  Appropriated/Funded  CM  

Item No. 11
4. The applicants shall receive permission from any other utility or public service provider prior pasting, posting, or promoting and materials on corresponding utility poles or service cabinets.

5. The hours of assembly and procession shall be limited to a one day event from 9 a.m. to 12 p.m. on August 2, 2008, consistent with the approved application (Attachment 1) submitted to the Police Department.

RECOMMENDATION: That the City Council authorize the non-advertising displays commemorating the "Paint the Town" special event subject to the recommended conditions of approval.

ATTACHMENTS:

1. Approved Chief of Police assembly permit application
2. Letter of Request to City Council
3. Photo examples of promotional material
ORDINANCE NUMBER 927
Section 18-7.2

Application for ASSEMBLIES or MEETINGS on public streets, sidewalks or parks, within the City of Porterville.

This application MUST BE FILED WITHIN FOUR (4) DAYS PRIOR to the date of the assembly or meeting.

A. American Cancer Society 734.1391
   (Name/Address) (Telephone)

B. 380 N. Willis Ave Visalia, Ca. 2456 W. White Chapel 359.6818
   (Name & Address of Organization) (Telephone)

C. Liz Rogers
   (Authorized Head of Organization) (Telephone)

D. Name of Event Chairman
   Liz Rogers

E. Purpose of event:
   Cancer Awareness - Relay for Life

F. Date & Time of Event 8/2/2008 - 9:00 am - 12 pm

G. Number of persons 30 to 40

H. Location of the assembly area of event
   Main St. Between Henderson & Olive to Newcomb

I. Security Guards required? [ ] yes [X] no IIf so, how many?

J. Plans for the assembly & disparrsement of the event. Indicate times thereof
   12 pm

I HEREBY AGREE TO ABIDE BY ALL PROVISIONS SET FORTH IN CITY ORDINANCE 927,
SECTION 18-7.2 AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY OF
PORTERVILLE.

Legal signature of applicant

Date 6/25/08 Telephone 554.359-6818

Application Approved [X] Denied [ ]

Chief of Police

10/96

ATTACHMENT ITEM NO. 1
City of Porterville  
Porterville City Hall  
291 N. Main St. 
Porterville, CA 93257  

Rob Cox  
American Cancer Society  
300 N. Willis  
Visalia, CA 93291

To Whom It May Concern:

The Relay For Life of Porterville, volunteer committee is requesting permission to engage in a "Paint Your Town Purple" day on Saturday, August 2, 2008. This event is focused on raising awareness for cancer detection and prevention through participation in the Relay For Life of Porterville event to be held on Saturday and Sunday, October 4 – 5, 2008 at the Granite Hills Stadium.

"Paint the Town Purple" would be most effective by having the permission from the city to decorate high traffic areas of Porterville with purple ribbons and balloons. Banners for the Relay For Life of Porterville event would also be visible at designated areas. Posters would be hung in participating business windows. City offices and store-fronts would be encouraged to participate in the event as well by decorating their areas in purple.

Many communities throughout the United States have participated in similar "Paint Your Town Purple" events. We have noticed that communities who participate in this preliminary event will have a more successful Relay For Life event as well.

We look forward to receiving the support and permission to proceed with this event. Please feel free to contact me or any of the committee volunteers for the Relay For Life of Porterville.

Sincerely,

Rob Cox  
Manager, Relay For Life  
American Cancer Society  
(559) 417-5108  
Robert.cox@cancer.org

Visit www.RelayForLife.org
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
MARIACHI ACADEMY FOUNDATION – FABULOUS MUSIC UNDER
THE STARS

SOURCE: Administrative Services - Purchasing Division

COMMENT: The Mariachi Academy Foundation is requesting approval to hold a public fund raising event with entertainment, crafts, food and beer garden at the Porterville Fairgrounds on Saturday, July 19, 2008, from 5 p.m. to 12 a.m.. 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 Mariachi Academy Foundation, 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 and outside amplifier permit, Certificate of Liability Insurance and Daily License Application.

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

Application date: 10-10-08  Event date: 7-19-08
Event time: 5pm - 12am

Name of Event: Fabulous Music Under the Stars

Sponsoring organization: Mariachi Academy Foundation
PHONE # 361-1189
Address: 11645 South Orange Belt Drive
Authorized representative: Johnny Orduna
PHONE # 361-1189
Address: 11645 South Orange Belt Drive
Event chairperson: Robert Roman
PHONE # 920-6481
840 N. Main Street, Suite H3

Location of event (location map must be attached):
300 E. Olive - Porterville Fairgrounds

Type of event: Public - Music, food, crafts, & beer garden

Nonprofit status determination: EIN: 91-202719

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

<table>
<thead>
<tr>
<th>Barricades (quantity):</th>
<th>Street sweeping</th>
<th>Refuse pickup</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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.

M.Janiszewski Foundation
(Name of organization)  

(Signature)  

6-25-08
(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: Fabulous Music Under the Stars

Sponsoring organization: Mariachi Academy Foundation

Location: 300 E. Olive - Porterville Fairgrounds  Event date: 7-19-08  Event time: 5pm-12am

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>JToyz Inc</td>
<td>2409 ONILE Bakersfield 661-378-3305</td>
<td>Yes</td>
<td>toys, glow accessories</td>
</tr>
<tr>
<td>Cecy's D Waffles Boys</td>
<td>3141 Rd by Allensworth (661-586-2582)</td>
<td>Yes</td>
<td>hair bows, sandals</td>
</tr>
<tr>
<td>Home Interiors</td>
<td>144 E. Citrus Dr Farmersville 559-747-0314</td>
<td>Yes</td>
<td>candles, silk flowers</td>
</tr>
<tr>
<td>Unique Sterling Silver</td>
<td>1104 N Luann Porterville 789-7833</td>
<td>Yes</td>
<td>jewelry</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: Fabulous Music Under the Stars

Sponsoring organization: Mariachi Academy Foundation

Event date: 7-19-08
Hours: 5pm - 12am

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
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<tr>
<th>Street Name</th>
<th>From</th>
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<th>Activity</th>
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<td>Sidewalks</td>
<td>From</td>
<td>To</td>
<td>Activity</td>
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</tr>
<tr>
<td>Parking lots and spaces</td>
<td>Location</td>
<td>Activity</td>
<td></td>
</tr>
<tr>
<td>Foreground parking</td>
<td>300 E. Olive</td>
<td>Public</td>
<td></td>
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</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

MARIACHI ACADEMY FOUNDATION

JULY 19, 2008

Business License Supervisor:
   S. Perkins

Vendor list required prior to event.

Public Works Director:
   B. Rodriguez

Provide general clean up after the event.

Community Development Director:
   B. Dunlap

Field Services Manager:
   B. Styles

No comments.

Fire Chief:
   M.G. Garcia

Parks and Leisure Services Director:
   J. Perrine

Parks has no comments or conditions and recommends approval.

Police Chief:
   C. McMillan

Security at Beer Garden.
Amplifier permit until 10 p.m.
Which conforms with ordinance/laws.

Deputy City Manager, Interim:
   J.D. Lollis

See attached exhibit “A”, page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Mariachi Academy Foundation
Event: Fabulous Music Under the Stars
Event Chairman: Robert Roman
Location: Porterville Fairgrounds
Date of Event: July 19, 2008
Time of Event: 5 p.m. to 12 a.m.

RISK MANAGEMENT: Conditions of Approval

That the Mariachi Academy Foundation 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.
A. Porterville Fair
300 E Olive Ave, Porterville, CA - (559) 781-6582

http://maps.google.com/maps?hl=en&ie=UTF8&q=Porterville+Fair&fb=1&near=Portervi... 6/16/2008
CITY OF PORTERVILLE

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

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

1. Name and home address of the applicant:

   Robert Ream
   16321 Palomino Dr, Springville, CA
   Phone # 920-6481

2. Address where amplification equipment is to be used:

   300 E. Olive - Porterville Fairgrounds
   Phone # 781-6582

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

   Frank Sanchez, Johnny Orduna, Robert Ream
   8446 North Main St, Suite #3, Porterville, CA

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

   Public Event - Music, food, crafts, & beer garden

5. Dates and hours of operation of amplification equipment:

   Saturday, July 19, 2008
   5 PM - 10 PM

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

   6-microphones, 24-speakers, 1-2,000 watt amplifier
I hereby certify that all statements and answers on this registration form are true and correct.

[Signature]
Applicant

[Signature]
Chief of Police

7/3/03
Date

7-8-03
Date

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

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

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

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

cc:


3/27/01
ACORD CERTIFICATE OF LIABILITY INSURANCE

UVIS/ Turner & Associates
P.O. Box 757
Lindsay CA 93247
Phone: 559-562-2527 Fax: 559-562-2273

PRODUCER

INSURED
Mariachi Academy for Performing Arts Foundation
c/o Irene Certucha
867 Park Place Dr.
Exeter CA 93221

COVERAGE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFRMS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

<table>
<thead>
<tr>
<th>INSURER A:</th>
<th>Western Heritage Ins Co</th>
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<tr>
<td>INSURER B:</td>
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<tr>
<td>INSURER C:</td>
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</tbody>
</table>

INSURER D: |
INSURER E: |

INR MODE | LTR. MNR. | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS |
---|---|---|---|---|---|---|
A | | COMMERCIAL GENERAL LIABILITY | SCP0665631 | 09/13/07 | 09/13/08 | EACH OCCURRENCE $1,000,000 |
| | | | | | DAMAGE TO RENTED PREMISES (EA occurrence) $100,000 |
| | | | | | MED EXP (Any one person) $15,000 |
| | | | | | PERSONAL & ADV INJURY $1,000,000 |
| | | | | | GENERAL AGGREGATE $1,000,000 |
| | | | | | PRODUCTS - COMPOP AGG $1,000,000 |

AUTOMOBILE LIABILITY

ANY AUTO
ALL OWNED AUTOS
SCHEDULED AUTOS
HIRED AUTOS
NON-OWNED AUTOS

GARAGE LIABILITY

ANY AUTO

EXCESSUAL STERILA LIABILITY

OCCURRENCE CLAIMS MADE

DEDUCIBLE
RETENTION $ |

WORKERS COMPENSATION AND EMPLOYERS LIABILITY

ANY PROPRIETOR/OWNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?

IF YES, DESCRIBE UNDER SPECIAL PROVISIONS below

OTHER

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Ass respects dinner/Dance held at fairgrounds July 19, 2008.

CERTIFICATE HOLDER

PORFAIR

Porterville Fair Board
P.O. Box 369
Porterville CA 93258

CANCELLATION

PORFAIR

SHOULD THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY TO ANY PARTY UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

House account

© ACORD CORPORATION 1988
DAILY LICENSE APPLICATION/AUTHORIZATION - Non Transferable

Instructions: Complete all items. Submit with required fee (Cashier's Check or Money Order) payable to ABC. Once license is issued, fee cannot be refunded.

Pursuant to the authority granted by the organization named below, the undersigned hereby applies for the license(s) described below.

1. ORGANIZATION NAME: Wauchope Academy Foundation

2. LICENSE TYPE (Check appropriate license type AND organization type)
   - Daily General ($35.00) (Includes beer, wine and distilled spirits)
   - Political Party/Affiliate Supporting Candidate for
   - Public Office or Ballot Measure
   - Organization Formed for Specific Charitable or Civic Purpose
   - Special Daily Beer & Wine ($30.00)
   - Special Daily Wine ($15.00)
   - Special Temporary License ($160.00) (Different privileges depending on statute)
   - Television Station per Section 24045.2 or 24045.9 B&P
   - Nonprofit Corporation per Sections 24045.4 and 24045.8 B&P

3. OTHER SPECIAL TEMPORARY LICENSEES, PER SECTION
   - License number
   - Amount $

4. TOTAL # OF GATE
   - 500 - 600

5. ESTIMATED ATTENDANCE
   - 5pm
   - 11pm

6. EVENT DATE(S)
   - July 19, 2008
   - Yes
   - No

7. EVENT LOCATION
   - 300 E Vine Ave - Porterville, Fairgrounds - Porterville, Ca 93257

8. LOCATION IS WITHIN THE CITY LIMITS
   - Yes
   - No

9. TYPE OF ENTERTAINMENT
   - Live Music

10. SECURITY GUARD
    - Yes
    - No

11. AUTHORIZED REPRESENTATIVE
    - Name: John J. Kimbrough
    - Address: 11445 S Osage Blvd Dr. - Porterville, Ca 93257
    - Phone Number: (559) 784-1316

12. ORGANIZATION'S MAILING ADDRESS (If different from #11 above)
    - Same

13. AUTHORIZED REPRESENTATIVE SIGNATURE
    - John J. Kimbrough
    - Phone Number: 781-6582

14. LICENSE APPROVAL BY District/APPRAISABLE
    - District Office Approval by (Sign)
    - 782-7Y85

15. LICENSE ISSUE DATE
    - 6-25-08

16. LICENSE REISSUE DATE
    - 6-20-08

17. LICENSE EXPIRATION DATE
    - 7-7-08

The above-named organization is hereby licensed, pursuant to the California Business and Professions Code Division 5 and California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the above named location for the period authorized above. This license does not include off-sale ("to-go") privileges.

This license may be revoked immediately by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State.
SUBJECT:  RESPONSE TO GRAND JURY REPORT – BOARDS AND COMMISSIONS IN TULARE COUNTY

SOURCE:  ADMINISTRATION/CITY CLERK DIVISION


The Porterville City Council, as well as all standing City Commissions, Boards and Committees, is in full compliance with said regulations. A written response has been prepared as such, and is attached for the Council’s review and approval.

RECOMMENDATION:  That the Council:

1. Review and approve the City’s response to each of the Grand Jury’s findings; and

2. Authorize the Mayor to sign and transmit the Response to the Grand Jury.

2. Draft Response

Item No. 13
Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia CA 93277

(559) 733-6465 * Fax (559) 733-6078

Agency: Porterville City Council - 294 N. Main St.
Attention: 

Attached is a copy of your portion of the 2007-2008 Tulare County Grand Jury Final Report.

ADVANCED RELEASE OR DISCLOSURE OF A GRAND JURY REPORT IS PROHIBITED PRIOR TO PUBLIC RELEASE

At least two working days prior to the release of a Final Report, the Tulare County Grand Jury will provide a copy of the portion of the Final Report that affects a given agency or person to that agency or person.

WHEN, WHERE AND TO WHOM TO RESPOND

PER CALIFORNIA PENAL CODE SECTION 933 you are REQUIRED to respond to the attached document. Depending on the type of respondent you are, a WRITTEN response is REQUIRED as follows:

❖ PUBLIC AGENCY: The governing body of any public agency must respond within NINETY (90) DAYS.

❖ ELECTIVE OFFICE OR AGENCY HEAD: All elected officers or heads of agencies that are required to respond must do so within SIXTY (60) DAYS.

PLEASE PREPARE A SEPARATE RESPONSE FOR EACH REPORT.

YOU MUST SEND YOUR RESPONSE TO EACH OF THE FOLLOWING:

The Honorable Gerald F. Sevier
County Civic Center, Room 303
221 South Mooney Boulevard
Visalia CA 93291

Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia CA 93277

Received by

Debbie Salter

Date

16-16-08

Report Name

Boards & Commissions

Response due date

Sandra L. Newman, Foreman
Tulare County Grand Jury 2007-2008

See reverse for information from the California Penal Code §933.05 regarding how to respond to Grand Jury Reports

grnd_jury@co.tulare.ca.us * www.co.tulare.ca.us
§933.05 Responses to findings

(a) For purposes of subdivision (b) of 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

1. The respondent agrees with the finding
2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of reasons therefore.

(b) For purposes of subdivision (b) of §933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of a analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his/her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

grnd_jury@co.tulare.ca.us * www.co.tulare.ca.us
BOARDs AND COMMISSIONS IN TULARE COUNTY

BACKGROUND

This report addresses 173 separate appointed or elected Boards and Commissions currently operating in Tulare County. In addition to the Board of Supervisors and eight City Councils, there are seven water districts, two citrus pest control districts, fifteen community service districts, one conservation district, one county sanitation district, two county service area districts, one county waterworks district, one drainage district, three fire protection districts, one flood control district, five hospital districts, twenty irrigation districts, fourteen memorial districts, four mosquito abatement districts, one olive pest control district, thirteen cemetery districts, one reclamation district, one resource conservation district, one sanitary district, forty seven school districts, one sewer maintenance district, one storm water district, one water conservation district, and one water storage district. Additionally the county contains nine public utility districts and one planning commission for the County and eight for the various cities and one Office of Education.

Most boards and commissions operating within Tulare County are independent entities and the Board of Supervisors has no responsibility to them or for them. They exist under the authority of various California state agencies.

All of these public boards are subject to the requirements of the Ralph M. Brown Act (Government Code Section 54950 et seq.) which requires the meetings and actions of governing bodies of local government agencies to be open and public.

Additionally, all of these public boards are subject to the requirements of Government Code Section 54970, known as the Maddy Act, which requires the Legislative Body to annually, by December 31, prepare and post a list of "...all regular and ongoing boards, commissions, and committees which are appointed by the legislative body of the local agency...with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position."

REASON FOR INVESTIGATION

The 2007-2008 Tulare County Grand Jury has discovered that many boards and commissions in Tulare County do not function properly. These entities have certain legal and ethical responsibilities that they may not avoid. In addition, the public has an obligation to become informed so that they may require these legal entities to perform adequately on their behalf.
PROCEDURES FOLLOWED

1. Numerous board and commission meetings were attended.
2. Appropriate witnesses were interviewed.
3. Relevant documents were inspected.

FINDINGS

1. PUBLIC COMMENTS: The public may comment on agenda items before or during consideration by a legislative body. Time must be set aside for public to comment on any other matters under the body's jurisdiction. The public may not be asked to register or identify themselves or to pay fees in order to attend public meetings. Each speaker may be limited in the number of minutes allotted.

2. NON-DISCRIMINATORY FACILITIES: Meetings may not be conducted in a facility that excludes persons on the basis of their race, religion, color, national origin, ancestry, or sex, or that is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase.

3. PUBLIC VOTE: All votes, except for those cast in permissible closed session, must be cast in public. No secret ballots, whether preliminary or final, are permitted.

4. CLOSED MEETING ACTIONS/DOCUMENTS: At an open session following a closed session, the body must report on final action taken in closed session under specified circumstances. Where final action is taken with respect to contracts, settlement agreements and other specified records, the public may receive copies of such records upon request.

5. TAPING OR BROADCASTING: Meetings may be broadcast, audio-recorded or video-recorded as long as the activity does not constitute a disruption of the proceeding.

6. PUBLIC RECORDS: Agenda materials provided to a majority of a body which are not exempt from disclosure under the Public Records Act must be provided, upon request, to members of the public without delay.

---

1 Government Code Section 54954.3, Ch. IV & V
2 Government Code Section 54953.3; 54961, Ch. V
3 Government Code Section 54953.2; 54961, Ch. V
4 Government Code Section 54953(c), Ch. V
5 Government Code Section 54957.1, Ch. IV, V & VI
6 Government Code Section 54953.5; 54953.6, Ch. V
7 Government Code Section 54957.5, Ch. V
7. REGULAR MEETINGS: An agenda containing a brief general description of each matter to be considered or discussed must be posted at least 72 hours prior to the meeting.\(^8\)

8. SPECIAL MEETINGS: Twenty-four hour notice must be provided to members of a legislative body and media outlets including brief general description of matters to be considered or discussed.\(^9\)

9. EMERGENCY MEETINGS: One hour notice in case of work stoppage or crippling activity, except in the case of a dire emergency.\(^10\)

10. CLOSED SESSION AGENDAS: All items to be considered in closed session must be described in the notice or agenda for the meeting. Prior to each closed session, the body must orally announce the subject matter of the closed session. If final action is taken in closed session, the body generally must report the action at the conclusion of the closed session.\(^11\)

11. AGENDA EXCEPTION: Special procedures permit a body to proceed without an agenda in the case of emergency circumstances, or where a need for immediate action came to the attention of the body after posting of the agenda.\(^12\)

12. CIVIL REMEDIES: Individuals or the district attorney may file civil lawsuits for injunctive, mandatory or declaratory relief; or to avoid action taken in violation of the Act.\(^13\)

CONCLUSIONS

1. All boards share a fundamental stewardship role which includes the inescapable basic responsibility to promote the health and well-being of their organizations.

2. All citizens share a fundamental role to participate fully in meetings, to educate themselves as to the issues and procedures and to act as watchdogs concerning the process.

\(^8\) Government Code Section 54954.2, Ch. IV
\(^9\) Government Code Section 54956, Ch. IV
\(^10\) Government Code Section 54956.5, Ch. IV
\(^11\) Government Code Section 54954.2; 54954.5; 54957.1 and 54957.7, Ch. IV
\(^12\) Government Code Section 54954.2(b), Ch. IV
\(^13\) Government Code Section 54960; 54960.1, Ch. VII
RECOMMENDATIONS FOR BOARD & COMMISSION MEMBERS

Board and Commission Members should:

1. Regularly attend board meetings and important related meetings.

2. Make a serious commitment to participate actively in board work. Stay informed about board matters, prepare well for meetings, and review and comment on reports and other items under discussion.

3. Volunteer for and willingly accept assignments and complete them thoroughly and on time.

4. Willingly work to achieve positive results on behalf of constituents and not be impaired by conflicts between members.

5. Hire, support, evaluate or discharge the managing officer. Foster a productive working relationship between the board and the managing officer that includes good communication and mutual respect. In conjunction with managing officer, provide leadership on organizational transition, structure and planning.

6. Demonstrate clear understanding of the respective roles of the board and the managing officer and the extent to which management authority may be delegated.

7. Review and approve the annual budget as well as evaluate progress toward program and financial goals. Actively participate in the board’s annual evaluations and planning efforts to assure that the organization’s resources are used efficiently (good value for money spent).

8. Require orientation and training for board members to be adequately prepared to fulfill all responsibilities. Almost all boards can be part of a statewide organization that often provides training and support to its member organizations, i.e. California Special Districts Association. In addition, any Tulare County board or commission can obtain Ethics or Brown Act training from the County Website (tularecountycounsel.org).

9. Comply with requirements outlined in bylaws, policies, codes of conduct, or any other government regulations.

10. Act as the ultimate source of accountability under the law for the performance and actions of the organization.

11. Always ensure transparency of the process – remember you have a responsibility to your key stakeholders.
RECOMMENDATIONS TO THE PUBLIC

1. As a member of the public, you have the right to request a copy of the agenda and minutes as well as the supporting documents for any items on the agenda of interest to you. The attending public should not be afraid to ask questions or request clarification of any agenda item during the public comment portion of the meeting. Customarily,
   a. If the item appears on the agenda, the public is invited to speak on the issue at the time the item comes up for consideration.
   b. If the item does not appear on the agenda, the public is invited to speak on the issue at the beginning of the meeting, before any matters are brought to a vote (often referred to as Public Comments).
   c. For items on the consent agenda, the grand jury recommends that the public approach the appropriate person (most often the clerk or secretary) of the board or commission, before the meeting begins, and ask how that particular board or commission wishes to proceed.

2. As a member of the public, you have the right to request a copy of any financial statements being presented for approval.

3. The public's responsibility is to learn to recognize the appearance of impropriety such as conflicts of interest, Brown Act violations or Maddy Act violations. The public should be prepared to participate in the flag salute and be watchful for off-record discussions amongst board members.

4. The participating public should immediately inform the board when the members voices can not be heard for any reason. Government boards are required to be transparent. It is the public's responsibility to demand that transparency.

5. Most meetings are conducted in English. Some boards provide interpreters or a system to accommodate non-English speaking attendees. If an interpreter is required, the Grand Jury recommends the public contact the board in advance and ask about that particular board's policy.
RESPONSES REQUIRED

This list was gathered from information provided by Tulare County Local Agency Formation Commission (LAFCO), the Tulare County Office of Education and the Grand Jury.

BOARD OF SUPERVISORS
  Tulare County

CITY COUNCILS
  Dinuba
  Exeter
  Farmersville
  Lindsay
  Porterville
  Tulare
  Visalia
  Woodlake

CITRUS PEST CONTROL DISTRICT
  South Tulare County
  Tulare County

COMMUNITY SERVICE DISTRICTS
  Allensworth
  Alpine Village/Sequoia
  Ducor
  East Orosi
  Goshen
  London
  Patterson Tract
  Ponderosa
  Poplar
  Richgrove
  Sultana
  Teviston
  Three Rivers
  Tipton
  Tract 92

CONSERVATION DISTRICT
  Kings River

COUNTY SANITATION DISTRICT
  Selma-Kingsburg-Fowler

COUNTY SERVICE AREA DISTRICTS
  CSA No. 1
  CSA No. 2

COUNTY WATERWORKS DISTRICT
  Tulare County

DRAINAGE DISTRICT
  Tulare Lake

FIRE PROTECTION DISTRICTS
  Orange Cove
  Strathmore
  Woodlake

FLOOD CONTROL DISTRICT
  Tulare County

HOSPITAL DISTRICTS
  Kaweah Delta
  Kingsburg
  North Kern-South Tulare
  Sierra View
  Tulare Local

IRRIGATION DISTRICTS
  Alpaugh
  Alta
  Consolidated
  Corcoran
  Delano-Earlimart
  Ducor
  Exeter
  Hills Valley
  Ivanhoe
  Lindmore
  Lindsay-Strathmore
  Lower Tule
  Orange Cove
  Pixley
  Porterville
  Saucelito
  Stone Corral
  Terra Bella
  Tulare
  Vandalia

MEMORIAL DISTRICTS
  Dinuba
  Exeter
  Ivanhoe
  Lindsay-Strathmore
  Orosi
  Porterville
  Sequoia
  South Tulare County
  Springville
MOSQUITO ABATEMENT DISTRICTS
- Delano
- Delta Vector Control
- Kings
- Tulare

OLIVE PEST CONTROL DISTRICT
- Tulare County

PLANNING COMMISSIONS
- Tulare County
- Dinuba City
- Exeter City
- Farmersville City
- Lindsay City
- Porterville City
- Tulare City
- Visalia City
- Woodlake City

PUBLIC CEMETERY DISTRICTS
- Alta
- Eshom Valley
- Exeter
- Kingsburg
- Lindsay-Strathmore
- Porterville
- Reedley
- Three Rivers
- Tipton-Pixley
- Tulare
- Visalia
- Woodlake
- Woodville

PUBLIC UTILITY DISTRICTS
- Cutler
- Earlimart
- Ivanhoe
- Orosi
- Pixley
- Porter Vista
- Springville
- Strathmore
- Woodville

RECLAMATION DISTRICT
- Homeland #780

RESOURCE CONSERVATION DISTRICTS
- Tulare County

SANITARY DISTRICT
- Lemon Cove

SCHOOL DISTRICT BOARDS
- Allenworth
- Alpaugh Unified
- Alta Vista
- Buena Vista
- Burton
- Citrus South Tule
- College of the Sequoias
- Columbine
- Cutter-Orosi Unified
- Dinuba Unified
- Ducor
- Earlimart
- Exeter Elementary
- Exeter High
- Farmersville Unified
- Hope
- Hot Springs
- Kings River
- Liberty
- Lindsay Unified
- Monson-Sultana
- Oak Valley
- Outside Creek
- Palo Verde
- Pixley
- Pleasant View
- Porterville Unified
- Richgrove
- Rockford
- Saucelito
- Sequoia Union
- Springville
- Stone Corral
- Strathmore Elementary
- Sundale
- Sunnyside
- Terra Bella
- Three Rivers
- Tipton
- Traver
- Tulare City
- Tulare High
- Visalia Unified
- Waukena
- Woodlake Elementary
- Woodlake High
- Woodville
- Tulare County Office of Education
SEWER MAINTENANCE DISTRICT
  Terra Bella
STORM WATER DISTRICT
  Deer Creek
WATER CONSERVATION DISTRICT
  Kaweah Delta
WATER DISTRICTS
  Angiola
  Atwell Island
  Kern-Tulare
  Lewis Creek
  Rag Gulch
  St. John's
  Tea Pot Dome
WATER STORAGE DISTRICT
  Tulare Lake Basin
July 16, 2008

Ms. Sandra L. Newman, Foreperson
Tulare County Grand Jury 2007-2008
5963 South Mooney Boulevard
Visalia, California 93277

Dear Ms. Newman:

RE:    WRITTEN RESPONSE TO REPORT RECEIVED JUNE 16, 2008
       [BOARDS AND COMMISSIONS IN TULARE COUNTY]

To the Members of the Tulare County Grand Jury and The Honorable Gerald F. Sevier:

The following are submitted on behalf of the Porterville City Council and the Porterville City Planning Commission in response to inquiries received June 16, 2008, from the Tulare County Grand Jury relating to Boards and Commissions in Tulare County:

RESPONSES TO FINDINGS:

1. Public Comments:
The Porterville City Council, Porterville Planning Commission, and all other standing City Commissions, Boards and Committees are in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.) and the Maddy Act (Government Code Section 54970).

2. Non-Discriminatory Facilities:
The Porterville City Council, Porterville Planning Commission, and all other standing City Commissions, Boards and Committees are in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.) and the Maddy Act (Government Code Section 54970).

3. Public Vote:
The Porterville City Council, Porterville Planning Commission, and all other standing City Commissions, Boards and Committees are in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.) and the Maddy Act (Government Code Section 54970).
Ms. Sandra L. Newman, Foreman
Tulare County Grand Jury 2007-2008
Re: Written Response to Report Received June 16, 2008
Page Two

4. **Closed Meeting Actions/Documents:**
The Porterville City Council, Porterville Planning Commission, and all other standing City Commissions, Boards and Committees are in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.) and the Maddy Act (Government Code Section 54970).

5. **Taping or Broadcasting:**
The Porterville City Council, Porterville Planning Commission, and all other standing City Commissions, Boards and Committees are in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.) and the Maddy Act (Government Code Section 54970).

6. **Public Records:**
The Porterville City Council, Porterville Planning Commission, and all other standing City Commissions, Boards and Committees are in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.) and the Maddy Act (Government Code Section 54970).

7. **Regular Meetings:**
The Porterville City Council, Porterville Planning Commission, and all other standing City Commissions, Boards and Committees are in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.) and the Maddy Act (Government Code Section 54970).

8. **Special Meetings:**
The Porterville City Council, Porterville Planning Commission, and all other standing City Commissions, Boards and Committees are in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.) and the Maddy Act (Government Code Section 54970).

9. **Emergency Meetings:**
The Porterville City Council, Porterville Planning Commission, and all other standing City Commissions, Boards and Committees are in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.) and the Maddy Act (Government Code Section 54970).

10. **Closed Session Agendas:**
The Porterville City Council, Porterville Planning Commission, and all other standing City Commissions, Boards and Committees are in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.) and the Maddy Act (Government Code Section 54970).
Ms. Sandra L. Newman, Foreman  
Tulare County Grand Jury 2007-2008  
Re: Written Response to Report Received June 16, 2008  
Page Three

11. **Agenda Exception:**  
The Porterville City Council, Porterville Planning Commission, and all other standing City  
Commissions, Boards and Committees are in compliance with the provisions of the Ralph M.  
Brown Act (Government Code Sections 54950 et seq.) and the Maddy Act (Government  
Code Section 54970).

12. **Civil Remedies:**  
The Porterville City Council, Porterville Planning Commission, and all other standing City  
Commissions, Boards and Committees are in compliance with the provisions of the Ralph M.  
Brown Act (Government Code Sections 54950 et seq.) and the Maddy Act (Government  
Code Section 54970).

Please feel free to contact me with any questions you might have.

Sincerely,

Cameron Hamilton,  
Mayor
COUNCIL AGENDA – JULY 15, 2008

SUBJECT: ATTENDANCE REPORT FOR CITY COMMISSIONS, BOARDS AND COMMITTEES

SOURCE: ADMINISTRATION/CITY CLERK DIVISION

COMMENT: At its meeting of May 6, 2008, the City Council expressed a desire to be kept apprised of member attendance at City Commission, Board and Committee meetings. In consideration of that direction, staff is herein providing for informational purposes the attendance records as of June 30, 2008 for the following City Commissions, Boards, and Committees:

➤ Parks & Leisure Services Commission;
➤ Library Board of Trustees;
➤ Transaction and Use Tax Oversight Committee;
➤ CDBG Advisory and Housing Opportunity Committee; and
➤ Redevelopment Advisory Committee.

Updates will henceforth be provided to the City Council on a quarterly basis, unless otherwise so directed.

RECOMMENDATION: Informational Report.

ATTACHMENTS: Attendance Reports
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<tr>
<th>Name</th>
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Meetings for the months of December 2006, March and June 2007 were scheduled one week sooner to enhance attendance capabilities

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*January's meeting was combined with the P & L Commision Board meeting for ethics training.

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<td>Obdulia Guzman Alvarado</td>
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<td>Joe Moreno</td>
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*There was a Special Session on January 22, 2008. Hector was absent and Obdulla had an excused absence.
## Transaction & Use Tax Oversight Committee Attendance

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<tr>
<td>Baumgartner, John</td>
<td>20% (1 of 5 meetings)</td>
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<td>Black, Barbra</td>
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<td>Eckhoff, Dick</td>
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<td>Gillett, Greg</td>
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<td>Gray, Bob</td>
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<td>Guerrero, Josef</td>
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<td>Hickman, Shirley</td>
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<td>Irish, Jack</td>
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<td>McIntyre, Rick</td>
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<td>Shelton, Greg</td>
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CDBG Citizens’ Advisory and  
Housing Opportunity Committee  
Attendance 2006 thru 2008

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<tr>
<th>Committee Member</th>
<th>Year Originally Appointed</th>
<th>3/10/06 Meeting (1 vacancy on committee)</th>
<th>3/12/07 Meeting (2 vacancies on committee)</th>
<th>3/10/08 Meeting</th>
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<td>Pat Contreras</td>
<td>1988</td>
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<tr>
<td>Reuben Fuentes</td>
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<td>Linda Olmedo</td>
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<td>Theb Manivanh</td>
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<td>June 2006</td>
<td>2007</td>
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<tr>
<td>Marlene Marquez</td>
<td>Illness has prohibited attendance. Has indicated desire to continue serving</td>
<td>Illness has prohibited attendance. Has indicated desire to continue serving</td>
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<td>Donnette Silva-Carter</td>
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<td>Steve Tree, Chairman</td>
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<td>Daren Griswold</td>
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<td>Renay Sprague</td>
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No Committee Meeting in 2007
SUBJECT: APPROVAL OF ADDITIONAL FINANCIAL SUPPORT FOR THE COUNCIL OF CITIES IN THE RETENTION OF LEGAL SERVICES IN CONNECTION WITH THE COUNTY OF TULARE'S GENERAL PLAN

SOURCE: Administration

COMMENT: At its meeting on March 18, 2008, the Council authorized the expenditure of $4,516.04 as its allocated share in support of the Council of Cities toward the retention of legal services on the behalf of the Council of Cities to provide comment to the County of Tulare in connection with their General Plan, including providing comment on the environmental impact report prepared for the County General Plan. Initially anticipated not to exceed $25,000 in expense for legal services, total expenses were determined to be $27,482.11, for an additional cost of $2,482.11 as a responsibility for the Council of Cities. Utilizing the original allocation formula that each City should contribute according to its percentage of the total incorporated population of the County (pursuant to TCAG population estimates as of January 2007, the City of Porterville constitutes 18.06% of the County's incorporated population), the City of Porterville is responsible for $448.27 of the $2,482.11 expense.

RECOMMENDATION: That the City Council approve the commitment of additional financial support in the amount of $448.27 for the Council of Cities in the retention of legal services in connection with the County of Tulare's General Plan, and authorize a budget adjustment of the same amount from prior year carryover.

ATTACHMENT: None
PUBLIC HEARING

SUBJECT:     HILLSIDE DEVELOPMENT ORDINANCE

SOURCE:     COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: Staff pulled this item to notice the public hearing for the August 5, 2008 City Council Meeting in order to fully comply with the California Environmental Quality Act (CEQA) noticing time and to resolve a few technical issues that need to be addressed in the document.
COUNCIL AGENDA: JULY 15, 2008

PUBLIC HEARING

SUBJECT: LANDSCAPE & LIGHTING DISTRICTS ANNUAL ASSESSMENTS

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT:
The City has created sixty-one Landscape and Lighting Maintenance Districts since 1989. The original District had seventeen annexed areas for new developments in addition to the original area. Since 1996 new Districts have been formed for each new development, representing Districts 2 through 45.

Annually, a process of evaluating maintenance needs and establishing an assessment for each LMD must be followed. At the July 1, 2008 meeting, the City Council preliminarily approved the annual Engineer’s Report, which indicates the proposed assessments for the 2008-2009 fiscal year. The assessments, once approved by the City Council, are placed upon the tax bill of property owners as a special assessment, and collected by the County of Tulare.

The Engineer’s Report and the summary spreadsheet that follows the Report provide the financial detail on each district. Doug Wilson, Engineer of Record for the Engineer’s Report will be available at the meeting.

RECOMMENDATION:
That the City Council:
1. Conduct a public hearing on the 2008-2009 Assessments for the Landscape and Lighting Maintenance Districts to take comments or receive protests on the proposed assessments; and
2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer’s Report and Assessments for the 2008-2009 fiscal year.

ATTACHMENTS:
1. Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer’s Report and Assessments for the 2008-2009 fiscal year.
2. Engineer’s Report for the Landscape and Lighting Maintenance Districts 2008-2009 fiscal year

Director / Appropriated/Funded / City Manager

ITEM NO.: 17
RESOLUTION NO.: 2008


WHEREAS, the City Council of the City of Porterville did on the 1st day of July 2008, adopt its Resolution of Intention No. 60-2008 to order the therein described work in connection with the continuation of assessment procedures in Landscape and Lighting Maintenance Districts, which Resolution of Intention No. 60-2008 was duly and legally published in the time, form and manner as required by Law, shown by the Affidavit of Publication of said Resolution of Intention on file in the Office of the City Clerk; and

WHEREAS, said City Council having duly received and considered evidence, oral and documentary, concerning the jurisdiction facts in the proceeding and concerning the necessity for the contemplated work and the benefits to be derived therefrom, and said City Council having now acquired jurisdiction to order the proposed work;

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

SECTION 1. IT IS HEREBY RESOLVED by the City Council of the City of Porterville that the public interest and convenience require the continuation of assessment procedures for the district, and said City Council hereby orders that the work and assessment, as set forth and described in said Resolution of Intention No. 60-2008 be done and made; and

SECTION 2. BE IT FURTHER RESOLVED that the report filed by the Engineer is hereby finally approved; and

SECTION 3. BE IT FURTHER RESOLVED that the assessments for fiscal year 2008-2009 and method of assessment in the Engineer’s Report are hereby approved; and

SECTION 4. BE IT FINALLY RESOLVED that the assessments are in compliance with California Code, that they are without regard to property valuation, and in compliance with Chapter 1, Article 4, and Chapter 3, Division 15 of the Streets and Highway Code allowing the placement of the charge on the tax roll for collection.

APPROVED AND ADOPTED this 15th day of July 2008.

Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: ____________________________
    Patrice Hildreth, Chief Deputy City Clerk
CITY OF PORTERVILLE, CALIFORNIA
ENGINEER’S REPORT FOR
LANDSCAPE AND LIGHTING
MAINTENANCE DISTRICTS
2008-2009 FISCAL YEAR

JULY 2, 2008
CITY OF PORTERVILLE, CALIFORNIA
ENGINEER'S REPORT FOR
LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS
2008-2009 FISCAL YEAR

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville, Resolution Number. The report is in compliance with the requirements of Chapter 1, Article 4, and Chapter 3, Division 15 of the Streets and Highways Code, State of California (Landscaping and Lighting Act of 1972).

SECTION 2. General Description

The City Council has heretofore elected to place the permanent landscape area along Westwood Street of Westwood Estates, Unit 1, 2, and 3 subdivisions, into Landscape and Lighting Maintenance District No. 1 and to annex the permanent landscape areas along the perimeter streets of the following developments:

1. Annexation No. 1 = The Hope Drive, Newcomb Street, Thunderbolt Drive and Corsair Drive frontages of the Airport Industrial Park

2. Annexation No. 2 = Hillcrest Street right-of-way, fire access road, Jasmine Drive entries; west perimeter including the parcel on which the water tank is located, viewpoint look-out parcel at the northwest corner of Jasmine Ranch Subdivision, and the pedestrian access to each cul-de-sac from Hillcrest Street

3. Annexation No. 3 = Porter Creek Avenue right-of-way to the center line of the Porter Slough, median entry, 15' landscape area between Porter Creek Subdivision block wall to Westwood Street, the pedestrian access bridge over Porter Slough and all of the maintenance area to the center line of Porter Slough

4. Annexation No. 4 = LaVida Park Subdivision green belt, east on Plum Way Street and the entries east along Beverly Street

5. Annexation No. 5 = Westwood Estates #4 Subdivision, along the north and south entries adjacent to the block wall on Westwood Street and the median divider on White Chapel Lane including all trees in front yard planting strip

6. Annexation No. 6 = Northpointe Subdivision includes subdivision lighting located south of Westfield Avenue and east of Mathew Street

7. Annexation No. 7 = Quail Park Phase II Subdivision located on Lime Street

8. Annexation No. 8 = Westwood Park Unit Three Subdivision located on Westwood Street adjacent to the Tule River

9. Annexation No. 9 = Parcel Map No. 4132 located on the corner of Henderson Avenue and Westwood Street

10. Annexation No. 10 = Westview Subdivision located on the corner of Westfield Avenue and Cobb Street
11. Annexation No. 11 = New Horizons Phase One Subdivision and the remainder parcel located along Springville Ave. and Indiana Street

12. Annexation No. 12 = Sunrise Estates Phase Six Subdivision located on the corner of Prospect Street and Orange Avenue

13. Annexation 13 WITHDRAWN

14. Annexation No. 14 = Wisconsin Manor I Subdivision located on the corner of Wisconsin Way and Mulberry Avenue

15. Annexation No. 15 = Northpointe Phase II Subdivision located on Mathew Street

16. Annexation No. 16 = New Horizons Phase II located on the corner of Indiana Street and Springville Avenue

17. Annexation 17 NOT FORMED;

18. Annexation No. 18 = Westwood Mobile Home Park Phase I Subdivision located on Westwood Street and Olive Avenue

19. Annexation No. 19 = Castle Woods Phase I Subdivision located along Castle Avenue and Newcomb Street

20. District No. 2 = North Creek Estates located on Westwood north of Westfield

21. District No. 3 = New Expressions Phase I Subdivision located along Indiana Street between Springville Avenue and Cleo Avenue

22. District No. 4 = River Springs Phase I Subdivision located along Newcomb Street

23. District No. 5 = Castle Woods Phase II Subdivision located at Median Avenue and Salisbury.

24. District No. 6 = Creekview Estates located between Porter Creek Avenue and the property line in Porter Slough

25. District No. 7 = Ford Estates located on the corner of Roby and Westwood Avenue

26. District No. 8 = River Breeze located on Newcomb Street between Patsy and Spring Streets

27. District No. 9 = Orchard Ridge Phase 3 located on Mathew Street between Nancy Avenue, Cheryll Avenue and Belmont Street

28. District No. 10 = Orchard Ridge Phase 4 located on LaVida Court and Carmelo Street

29. District No. 11 = Orchard Ridge Phase 5 located on Mathew Street between LaVida Avenue, Michael Street and Julieanne Avenue

30. District No. 12 = Westwood Estates, Unit 5, Phase 2, located on Henderson Avenue and Brandy Way

31. District No. 13 = River Ranch 3, located on Lloyd Avenue and Newcomb Street

32. District No. 14 = River Springs, Phase Two Subdivision, located on River Avenue, Beverly Street, Date Avenue and River Springs Drive
33. District No. 15 = Meadowood, Phase One Subdivision, located on Newcomb Street, Cheryl Avenue and York Street
34. District No. 16 = New Expressions, Phase Two Subdivision, located on Lybarger Avenue Cul de Sac at the entry to the Tule River Parkway Trail
35. District No. 17 = Orchard Ridge Phase 6 Subdivision located north of Westfield Avenue between Michael Street and Lombardi Street on Julieann Avenue and Michael Street
36. District No. 18 = Ohio North Subdivision located on Ohio Way Street
37. District No. 19 = Williams Ranch, Phase One located south of Westfield Avenue on Silver Maple Street, Wall Court and San Lucia Court
38. District No. 20 = West View Place Subdivision located on Median Avenue
39. District No. 21 = Orchard Ridge Phase Seven Subdivision located on Pioneer Avenue, Michael Street and Mathew Street
40. District No. 22 = Meadowood Phase Two Subdivision located on Newcomb Street, Pioneer Avenue, Julieann Avenue, Greenfield Street, York Street and Birch Street
41. District No. 23 = Riverview Estates Phase Three Subdivision located on Roby Avenue, Belmont Street, Orange Avenue and Parkwest Street
42. District No. 24 = Orchard Ridge, Phase Eight Subdivision located on Mathew Street, Michael Street, Pamela Avenue and Santa Maria Avenue
43. District No. 25 = Casas Del Rio Subdivision located on Date Street, Casas Del Rio Avenue, Presidio Avenue, Rio Bonito Street, Alamo Court, Camellia Street, Tule Court and Rio Vista Avenue
44. District No. 26 = Orchard Ridge, Phase Nine Subdivision located on Belmont Street, Pamela, Santa Maria and Pioneer Avenues
45. District No. 27 = New Expressions, Phase Three Subdivision located on Springville Avenue, Cleo Avenue and McIntire Avenue along Wisconsin Street
46. District No. 28 = Meadowood, Phase Three Subdivision located on Westfield Avenue, Cheryl Avenue, Salisbury Street, Julieann Avenue and Pioneer Avenue
47. District No. 29 = River Springs, Phase 3 Subdivision located on Date Avenue, River Springs Drive and Atkins Court
48. District No. 30 = Sierra Meadows, Phase 1, Subdivision located at Indiana Street and Gibbons Avenue
49. District No. 31 = Williams Ranch, Phase 2 and 3 Subdivision on Westwood Street between Henderson and Westfield Avenues
50. District No. 32 = Sunrise Villa, Phase 1 Subdivision located at Cottage Street and Mulberry Avenue
51. District No. 33 = New Expressions, Phase 4 Subdivision located on Indiana Street between Springville Avenue and the Tule River
52. District No. 34 = Meadow Breeze, Phase 2 Subdivision located on Castle Avenue and Mathew Street
53. District No. 35 = Meadow Breeze, Phase 1 Subdivision located on Pioneer Avenue and Salisbury Street
54. District No. 36 = Amalene Estates Subdivision located on Westwood between the Tule River and Olive Avenue;
55. District No. 37 = Riverview Estates, Phase 4 Subdivision located south of Olive Avenue, and east of Mathew Street, including Union Lane and Parkwest Street
56. District No. 38 = Ranch Victoria, Phase One Subdivision located on the north side of Putnam Avenue and east of Mathew Street
57. District No. 39 = Williams Ranch Phase 4 Subdivision, including Theta Avenue, Bel-Aire Court, Terry Court, Silver Maple Street and Red Oak Street
58. District No. 40 = Amalene Estates Subdivision located on Westwood between the Tule River and Olive Avenue, including Vine Avenue, Clare Avenue, Clare Court, and Dogwood Street
59. District No. 41 = Beverly Glenn Subdivision, located between Lotus and Beverly Streets, including Date Avenue.
60. District No. 42 = Sierra Estates Subdivision, located east of Leggett Street and including Grand Avenue, South Place, Doree Place and Maurer Street. It also includes stub streets for Belleview and Kanai Streets.
61. District No. 43 = Sierra Meadows Phase Two Subdivision located on Jaye Street and Gibbons Avenue and including Stacie, Yates, and Melinda Avenues and Mesa Oak and Pearson Streets.
62. District No. 44 = Summit Estates, Phase One Subdivision located along Mathew Street and includes Orange Avenue and Lombardi and Argyle Streets.
63. District No. 45 = New Expressions Phase Five Subdivision located along Parkway Drive and Indiana Street and includes Cloverleaf, Wisconsin, Bay Oak and Milo Streets.

SECTION 3. Plans and Specifications

The plans and specifications for the landscaping have been prepared by the developers' engineers and have been approved as part of the improvement plans for the various developments. The plans and specifications for the landscaping are in conformance with the requirements of the City Council's conditions of approval of said Parcel Maps and Subdivisions.

Reference is hereby made to said subdivision maps, parcel maps and assessment diagrams for the exact location of the landscape areas. The plans and specifications by reference are hereby made a part of this report to the same extent as if said plans and specifications were attached hereto.

SECTION 4. Improvements
Landscaping improvements will include landscaping the entry ways, medians and areas behind subdivision block wall.

SECTION 5. Estimated Maintenance Costs

Maintenance is currently being performed by City staff and contract services. Accordingly, the City's record-keeping will be required to be sufficiently accurate to detail the expenses incurred on behalf of each individual annexation so that these costs may be recaptured through assessments.

The City Finance Department presently maintains records of expenditures for each annexation. Because of the restrictions placed upon municipal budgets through the passage of Proposition No. 218 and the lag between the time assessments are made and revenues are collected by the City, it is appropriate that assessments be made in advance of the anticipated expenditures to provide working capital for the maintenance effort. The fund balance for some districts would appear to justify a refund, however, it is clear that some of the costs for some of the districts have not been properly recognized. The staff is committed to identifying the discrepancies and rectifying during this fiscal year. It is recommended that refunds not be included until next year when that effort is complete.

The assessments include costs accumulated to date and estimated costs for the 2008-2009 fiscal year for Landscape and Lighting District No. 1, including Annexations 1 through 19 and District 2 through 45.

SECTION 6. Assessment Diagram

Copies of the assessment diagrams were attached to each individual Engineer's Reports and were labeled "Exhibit A". An Index Map is attached to this report identifying the location of the original district and each annexation.

SECTION 7. Assessment

The City Council, in forming Landscape and Lighting Maintenance District No. 1 and in annexing territories to the district, has maintained the philosophy that the subdivider or developer is responsible for the plantings, irrigation system and the maintenance of the improvements until they become well established. The assessments for maintenance thus only include anticipated costs incurred subsequent to the acceptance of the system by the City Council on behalf of the Maintenance District.

An exception to this philosophy is at Annexation No. 1, Airport Industrial Park, where the owners and the City will share costs for the plantings and irrigation system and the maintenance of improvements.

The maintenance of the landscaping is vital for the protection of both economic and humanistic values of the development. The City Council has heretofore determined that for the preservation of values incorporated within developments adjacent to landscaped areas, the landscaped areas should be included in a maintenance district to ensure satisfactory levels of maintenance. The establishment of the assessment for each development must be on a unit by unit basis which will preserve the integrity of each project. There should be a review of each annexation and District to determine if there are changed conditions that effect the assessment.
The determination of benefit for the lots within the districts takes into consideration the facts for the original districts and all annexations thereto.

Following are estimated maintenance costs and assessments for each District and Annexation.
Landscape and Lighting Maintenance District #1 - Westwood Estates Subdivision
(Original Formation)
2008-2009 Fiscal Year
Approved CPI 2000
(Adj. 2007)
Maximum Assessment $15,242.14

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 13,650 sq. ft. of landscaped area
Project Management 126 Lots

$13,023.18

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance

($5,355.12)

Maintenance, 13,650 sq. ft. of landscaped area
Project Management, 126 lots $1,000 + $4.00 per lot
Eliminate Deficit Fund Balance over 10 years
Reserves 15%

$11,354.58
$1,504.00
$535.51
$2,009.11

Estimated Cost Per Year

$15,403.21

Previous year assessment
C.P.I. Increase of 2.9% since previous adjustment (2007)
applied to reduce deficit = 0.029 x $14,812.58

$14,812.58
$429.56

New Assessment

$15,242.14

ASSESSMENT

1. The purpose of the landscaping is to provide an aesthetic impression for the area.
2. The maintained landscaping benefits all properties in the development.
3. Each lot benefits equally from the other's landscaped area and therefore each lot will share the combined costs equally.
4. The benefit to the lots in the landscaped annexed area benefit by the uniform maintenance and appearance. All lots benefit equally.
5. The landscaping on Westwood Avenue is oriented away from the units adjacent to the landscaped area.

FORMULA FOR ASSESSMENT

\[ A = \frac{T}{L} \]

A = Assessment per lot
L = Number of lots
T = Total annual cost
The 2008-2009 assessment will be spread based upon the total lots. Total lot count is 126 lots.
Estimated Annual Assessment

\[ A = \frac{T}{L} = \frac{15,242.14}{126} = \$120.96 \text{ per lot} \]
Annexation No. 1 - Airport Industrial Park  
2008-2009 Fiscal Year  
Maximum Assessment $3,833.00

**ESTIMATED ACCUMULATED COSTS 2007-2008**

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**ESTIMATED COST 2008-2009**

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<td>Eliminate Deficit Fund Balance over 10 years</td>
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**ASSESSMENT**

1. The purpose of the landscaping is to provide an aesthetic impression for the area.
2. The maintained landscaping benefits all properties in the development.
3. The benefit to the lots not adjacent to the landscaped area benefit by the uniform maintenance and appearance. All lots not abutting the landscaped area benefit equally.
4. It is proposed that the assessment be divided among the property owners based on their lot size in the assessment area.
5. The area along the south side of Hope Avenue will be included for maintenance until such time that the adjacent property to the south is developed.
6. The following parcels are exempt from fees since they were sold and/or developed prior to annexation to Maintenance District No. 1.

   A. Parcel 1 on Parcel Map No. 3503
   B. Parcel 1 on Parcel Map No. 3684
   C. Parcels 1 and 4 on Parcel Map No. 3735

---

**FORMULA FOR ASSESSMENT:**

\[
\text{Total Landscape Maintenance Cost} = \text{Cost per Sq. Ft.} \times \text{Total Net Assessable Square Feet}
\]
$3,833 = $.00374 per sq. ft.
1,024,967 sq. ft.

Assess $.00374 per sq. ft. annual charge for landscape construction and maintenance for fiscal year.

Parcel 2 on P.M. No. 3813 = $156.82
Parcel 1 on P.M. No. 3503 = No Fee
Parcel 1 on P.M. No. 3641 = $261.47
Parcel 1 on P.M. No. 3684 = No Fee
Parcels 1 and 4 on P.M. No. 3735 = No Fee

Remaining property owner - COP = $3,414.71

Total = $3,833.00
Annexation No. 2 - Jasmine Ranch
2008-2009 Fiscal Year
Maximum Assessment $8,000.00

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 22,100 sq. ft. of landscaped area.
Project Management 126 Lots
Total $6,079.45

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance ($3,443.69)

Maintenance, 22,100 sq. ft. of landscaped area $8,000.14
Project Management, 22 lots $1,000 + $4.00 per lot $1,088.00
Reserves $1,414.88

Estimated Cost Per Year $10,447.99

Previous year assessment $8,000.00

New Assessment $8,000.00

ASSESSMENT

1. The purpose of the landscaping is to provide an aesthetic impression for the area.
2. The maintained landscaping benefits all properties in the development.
3. Each lot benefits equally from the other landscaped areas, therefore, each lot will share the combined cost equally.
4. The landscape and pedestrian easement is now abandoned and is eliminated from the Landscape and Lighting Maintenance District No. 1, Annexation #2, no other changes are proposed.

FORMULA FOR ASSESSMENT:

A = Assessment per lot = Total Assessment - FL = Number of lots
F = Assessment for remainder parcel

The 2008-2009 assessment will be spread based upon the above formula. There are 22 lots in Unit One. The 47.89 acre remainder parcel is included on the final subdivision map and will be assessed 20% of the total estimated cost for landscaping maintenance until it is developed at which time it will be combined with the other completed units and assessed fully.

Estimated Assessment
F = $8,000 x 0.20 = $1,600.00 for remainder
A = 8000 - 1600 = $290.92 per lot in Unit One

22
Annexation No. 3 - Porter Creek  
2008-2009 Fiscal Year  
Approved CPI 2000  
Maximum Assessment $26,587.51

*ESTIMATED ACCUMULATED COSTS 2007-2008*

Maintenance 89,200 sq. ft. includes Slough Clean Up  
Project Management 177 Lots  
Total $19,555.84

*ESTIMATED COST 2008-2009*

Projected July 1, 2008 Fund Balance $6,315.40

Maintenance, 89,200 sq. ft. of landscaped area $24,359.29  
Project Management, 177 lots $1,000 + $4.00 per lot $1,708.00  
Reserves (15%) $3,910.09

Estimated Cost Per Year $29,977.38

Previous year assessment $23,643.46

New Assessment $23,643.46

*ASSESSMENT*

1. The purpose of the landscaping is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping benefits all properties in the development.
3. The lots not adjacent to the landscaped area benefit from the uniform appearance of the landscaping. All lots not adjacent to the landscaped area benefit equally.

*FORMULA FOR ASSESSMENT:*

\[
A = \frac{T}{L}
\]

A = Assessment Per Lot  
L = Number of Lots  
T = Total Annual Cost

The 2008-2009 assessment will be spread based upon the total lots. Total lot count is 177 lots.

\[
A = \frac{T = \$23,643.46}{L = 177} = \$133.58
\]

Estimated Assessment  
A = $133.58  
A = Assessment Per Lot  
L = Number of Lots  
T = Total Annual Cost
Annexation No. 4 - LaVida Park
2008-2009 Fiscal Year
Maximum Assessment $2,469.42

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 3,790 sq. ft. of landscaped area
Project Management 17 Lots
Total $2,450.96

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance ($640.78)

Maintenance, 3790 sq. ft. of landscaped area $2,557.22
Project Management, 17 lots $1,000 + $4.00 per lot $1,068.00
Eliminate Deficit Fund Balance over 10 years $64.08
Reserves $553.39

Estimated Cost Per Year $4,242.69

Previous year assessment $2,469.42

New Assessment $2,469.42

ASSESSMENT

1. The purpose of the landscaping is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping benefits all properties in the development.
3. The lots not adjacent to the landscaped area benefit from the appearance of the landscaping. All lots not adjacent to the landscaping benefit equally.

FORMULA FOR ASSESSMENT:

\[ A = \frac{T}{L} \]

\[ A = \frac{2,469.42}{17} = 145.26 \]

Estimated Assessment
\[ A = \$145.26 \]
Annexation No. 5 - Westwood Estates Unit Four,
Unit Five (Phase 1)
2008-2009 Fiscal Year
Approved CPI 1999
(Adj. 2007)
Maximum Assessment $6,533.43

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 14,700 sq. ft. of landscaped area
Project Management 47 Lots
Total

$5,420.90

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance

($10,931.89)

Maintenance, 14,700 sq. ft. of landscaped area
Project Management, 47 lots $1,000 + $4.00 per lot
Eliminate Deficit Fund Balance over 10 years
Reserves

$6,364.81
$1,188.00
$1,093.19
$1,296.90

Estimated Cost Per Year

$9,942.90

Previous year assessment
C.P.I. Increase since previous adjustment (2007)
applied to reduce deficit = 0.029 x $6,349.30

$6,349.30
$184.13

New Assessment

$6,533.43

ASSESSMENT

1. The purpose of the landscaping is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping benefits all properties in the development.
3. The lots not adjacent to the landscaped area benefit from the uniform appearance of the landscaping. All lots not adjacent to the landscaped area benefit equally. Trees in the front yard right-of-way are included in the District on White Chapel Avenue.

The cost of planting and installing improvements is to be paid by the developer and no assessment is to be made therefore.

It is proposed that Lots 1 through 34 be assessed for maintenance of the landscaped area. It has been determined that the relative benefit of developed lots as compared to the reminder parcel is as shown in the formula below.

FORMULA FOR ASSESSMENT:
A = Assessment per lot
L = Number of lots
T = Total annual cost

\[
A = \frac{T}{L} = \frac{\$6,533.43}{47} = \$139.00
\]

Estimated Assessment
A = $139.00
Annexation No. 6 - Northpointe  
2008-2009 Fiscal Year  
Maximum Assessment $1,722.52

ESTIMATED ACCUMULATED COSTS 2007-2008

- Lighting 11 ea., 5,800 lumen, 8 ea., 9,500 lumen
- Project Management 81 Lots
- Total $683.72

ESTIMATED COST 2008-2009

- July 1, 2008 Fund Balance $5,884.11
- Lighting 11 ea., 5,800 lumen @ $30.21 $622.63
- 8 ea., 11,000 lumen @ 36.29
- Project Management, 81 lots $400 + $3.00 per lot $643.00
- Reserves $63.28
- Estimated Cost Per Year $1,328.91
- Previous year assessment $1,722.52
- New Assessment $1,328.91

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

\[ P = \text{Portion to be assessed to developed lots} \]
\[ TA = \text{Total Assessment ($)} \]
\[ L = \text{Assessment for each developed lot ($)} \]
\[ N = \text{Number of assessable lots in Phase One (81)} \]

\[ P = \frac{TA}{N} = \frac{1,328.91}{81} = 16.40 \text{ per lot} \]

Estimated Assessment
\[ P = 16.40 \]

ONE TIME ADJUSTMENT

There will be a one time adjustment in the assessment to reduce the Fund Balance.
OTA = One time adjustment amount
OTAA = One time Assessment
OTP = One time portion to be assessed to developed lots

OTAA = TA - OTA
OTAA = $1,328.91 - 379.47

OTAA = $949.44

\[ OTP = \frac{OTAA}{N} \]

OTP = $949.44
\[ 81 \]
OTP = $11.72
Annexation No. 7 - Quail Park Phase II
2008-2009 Fiscal Year
Maximum Assessment $410.40

ESTIMATED ACCUMULATED COSTS 2007-2008

- Lighting 2 ea., 5,800 lumen
- Project Management 12 Lots
- Total $224.44

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance $943.20

- Lighting, 2 ea., 5,800 lumen @ $30.21 $60.42
- Project Management, 12 lots $400 + $3.00 per lot $436.00
- Reserves $24.82

- Estimated Cost Per Year $521.24
- Previous year assessment $410.40

- New Assessment $410.40

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{\$410.40}{12} = \$34.20 \text{ per lot}
\]

Estimated Assessment
A = $34.20
Annexation No. 8 - Westwood Park Unit Three
2008-2009 Fiscal Year
Maximum Assessment $2,481.27

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 28,460 sq. ft. of landscaped area
Project Management 36 Lots
Total .................................................. $1,510.30

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance ........................................ $8,065.53

Maintenance, 28,460 sq. ft. of landscaped area, Lighting
5 ea., 5,800 lumens, and 1 ea., 16,000 lumens ................ $2,066.99
Project Management, lots $1,000 + $4.00 per lot ............. $1,144.00
Reserves ...................................................... $481.65

Estimated Cost Per Year ........................................ $3,692.64

Previous year assessment ..................................... $2,481.27

New Assessment ............................................... $2,481.27

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C) / Number of Lots (L)

\[
A = \frac{\$2,481.27}{36} = \$68.92 \text{ per lot}
\]

Estimated Assessment
\[ A = \$68.92 \]
ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting 1 ea., 16,000 lumens  
Project Management 2 Parcels  
Total $209.32

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance $1,281.86

Lighting 1 ea., 16,000 lumens $47.47
Project Management, lots $400 + $3.00 per lot $406.00
Reserve $22.67

Estimated Cost Per Year $476.14

Previous year assessment $396.47

New Assessment $396.47

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

It has been determined that the relative benefit of Parcel 2 as compared to Parcel 1 (developed parcel) is as shown below. This determination of the relative benefit was made based upon an estimate of lighting cost of $47.47, an administrative cost of $300, and a reserve of $49.00.

\[
P_1 = \text{Portion to be assessed to Parcel 1 (developed parcel)}
\]
\[
P_2 = \text{Portion to be assessed to Parcel 2}
\]
\[
TA = \text{Total Assessment (}$\)
\]
\[
AE = \text{Administration and Engineering Cost}
\]
\[
A_1 = \text{Area of Parcel 1 (acres)}
\]
\[
L = \text{Lighting Cost}
\]
\[
T = \text{Total area (acres)}
\]

\[
P_2 = \frac{AE \times A_1}{T} = \frac{349 \times 4.81}{6.61} = 253.96\]

\[
P_1 = AE - P_2 + L = 349 - 253.96 + 47.47 = 142.52\]
Based on benefit in the district, the estimated assessment will be spread based on the preceding formula. Estimated Assessment

\[ P_2 = $253.96 \]
\[ P_1 = $142.52 \]
Annexation No. 10 – Westview Subdivision
2008-2009 Fiscal Year
Maximum Assessment $1,824.30

ESTIMATED MAINTENANCE COST

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 1,307 sq. ft. of landscaped area and
Lighting 4 ea., 5,800 lumens
Project Management 16 Lots
Total $1,243.57

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance $3,667.92

Maintenance, 1,307 sq. ft. of landscaped area and
Lighting 4 ea., 5,800 lumens $1,392.45
Project Management, 16 lots $1,000 + $4.00 per lot $1,064.00
Reserves $368.47

Estimated Cost Per Year $2,824.92

Previous year assessment $1,824.30

New Assessment $1,824.30

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C)
Number of Lots (L)

A = $1,824.30 = $114.02 per lot
16

Estimated Assessment
A = $114.02
Annexation No. 11 - New Horizon's Phase One
2008-2009 Fiscal Year
Maximum Assessment $1,045.80

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting
6 ea., 5,800 lumen, 11 ea., 9,800 lumen, and
2 fixtures, 16,000 lumen
Project Management 63 Lots
Total
$715.37

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance
$6,089.10

Lighting
6 ea., 5,800 lumen, 11 ea., 9,800 lumen, and
2 ea., 16,000 lumen
Project Management, 63 lots $400 + $3.00 per lot
Reserves
$675.39
$589.00
$63.22

Estimated Cost Per Year
$1,327.61

Previous year assessment
$1,045.80

New Assessment
$1,045.80

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

A = \frac{$1,045.80}{63} = $16.60 per lot

Estimated Assessment

A = $16.60
ONE TIME ADJUSTMENT

There will be a one time adjustment in the assessment to reduce the Fund Balance.

OTA = One time adjustment amount
OTAA = One time Assessment
OTP = One time portion to be assessed to developed lots

OTAA=TA-OTA
OTAA=$1,045.80 -421.25

OTAA=$624.55

OTP = OTAA
OTP = $624.55
OTP = $9.92
Annexation No. 12 - Sunrise Estates Phase Six
2008-2009 Fiscal Year
Maximum Assessment $1,429.00

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 2,840 sq. ft. of landscaped are and
Lighting, 7 ea., 5,800 lumens
Project Management 32 Lots
Total $1,644.19

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance ($363.76)

Maintenance, 2,840 sq. ft. of landscaped area, and
Lighting, 7 ea., 5,800 lumens $1,278.39
Project Management, 32 lots $1,000 + $4.00 per lot $1,128.00
Eliminate Deficit Fund Balance over 10 years $36.38
Reserves $366.42

Estimated Cost Per Year $2,809.18

Previous year assessment $1,429.00

New Assessment $1,429.00

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:
Assessment (A) = Cost (C) / Number of Lots (L)

A = $1,429.00 / 32 = $44.66 per lot

Estimated Assessment
A = $44.66
Annexation No. 14 - Wisconsin Manor I Subdivision  
2008-2009 Fiscal Year  
Maximum Assessment $1,824.69

**ESTIMATED ACCUMULATED COSTS 2007-2008**

- Maintenance 3,030 sq. ft. of landscaped area and
- Lighting, 3 ea., 5,800 lumens
- Project Management 8 Lots

Total $1,740.11

**ESTIMATED COST 2008-2009**

Projected July 1, 2008 Fund Balance $(2,186.50)

- Maintenance, 3,030 sq. ft. of landscaped area and
- Lighting, 3 ea., 5,800 lumens $2,193.13
- Project Management, 8 lots $1,000 + $4.00 per lot $1,032.00
- Eliminate Deficit Fund Balance over 10 years $218.65
- Reserves $516.57

- Estimated Cost Per Year $3,960.34
- Previous year assessment $1,824.69
- New Assessment $1,824.69

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

---

**FORMULA FOR ASSESSMENT:**

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

\[ A = \frac{1,824.69}{8} = 228.00 \text{ per lot} \]

Estimated Assessment
\[ A = 228.08 \]
Annexation No. 15 - Northpointe Phase II Subdivision
2008-2009 Fiscal Year
Maximum Assessment $2,816.00

**ESTIMATED ACCUMULATED COSTS 2007-2008**

- Lighting 5 ea., 5,800 lumens, and 1 ea., 9,500 lumens
- Project Management 59 Lots
- Total

  $401.02

**ESTIMATED COST 2008-2009**

July 1, 2008 Fund Balance

- Lighting 5 ea., 5,800 lumens and 1 ea., 9,500 lumens
- Project Management, 59 lots $1,000 + $4.00 per lot
- Reserves

  $187.34
  $577.00
  $38.22

- Estimated Cost Per Year

  $802.56

- Previous year assessment

  $864.51

- New Assessment

  $802.56

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

---

**FORMULA FOR ASSESSMENT:**

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

\[
A = \frac{802.56}{59} = \$13.60 \text{ per lot}
\]

**Estimated Assessment**

\[
A = \$13.60
\]

**ONE TIME ADJUSTMENT**

There will be a one time adjustment in the assessment to reduce the Fund Balance.

\[
\text{OTA} = \text{One time adjustment amount}
\]

\[
\text{OTAA} = \text{One time Assessment}
\]

\[
\text{OTP} = \text{One time portion to be assessed to developed lots}
\]
OTAA = TA - OTA
OTAA = $802.56 - 802.56

OTAA = $0.00

OTP = OTAA  
N  
OTP = $0.00  
59.00  
OTP = $0.00
Annexation No. 16 - New Horizon's Phase II Subdivision  
2008-2009 Fiscal Year  
Maximum Assessment $1,803.34

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting  
8 ea., 5,800 lumens and 8 ea., 9,500 lumens  
Project Management 81 Lots  
Total $608.02

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance $5,047.37

Lighting, 8 ea., 5,800 lumens and 8 ea., 9,500 lumens $532.00
Project Management, 81 lots $400 + $3.00 per lot $643.00
Reserves $58.75

Estimated Cost Per Year $1,233.75

Previous year assessment $1,803.34

New Assessment $1,233.75

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{$1,233.75}{81} = $15.22 \text{ per lot}
\]

Estimated Assessment
A = $15.22

ONE TIME ADJUSTMENT

There will be a one time adjustment in the assessment to reduce the Fund Balance.
OTA = One time adjustment amount
OTAA = One time Assessment
OTP = One time portion to be assessed to developed lots

OTAA = TA - OTA
OTAA = $1,233.75 - 269.22
OTAA = $964.53

OTP = OTAA
    \[\text{N}\]
OTP = $964.53 - 81.00
OTP = $883.53
OTP = $11.90
Annexation No. 18 - Westwood Village Mobile Home Park, Phase I
2008-2009 Fiscal Year
Maximum Assessment $787.35

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting
5 ea., 16,000 lumens
Project Management 1 Lots
Total $350.72

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance $2,190.76

Lighting, 5 ea., 16,000 lumens $237.35
Project Management, 1 lots $400 + $3.00 per lot $403.00
Reserves $32.02

Estimated Cost Per Year $672.37

Previous year assessment $787.35

New Assessment $672.37

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

\[ A = \frac{672.37}{1} = 672.36 \text{ per lot} \]

Estimated Assessment
\[ A = 672.36 \]

ONE TIME ADJUSTMENT

There will be a one time adjustment in the assessment to reduce the Fund Balance.
OTA = One time adjustment amount
OTAA = One time Assessment
OTP = One time portion to be assessed to developed lots

OTAA = TA - OTA
OTAA = $672.36 - 34.72

OTAA = $637.64

OTP = OTAA
\[ \frac{N}{1.00} \]
OTP = $637.64
Annexation No. 19 - Castle Woods Phase I Subdivision
2008-2009 Fiscal Year
Maximum Assessment $919.20

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting
9 ea., 5,800 lumens and 1 ea., 16,000 lumens
Project Management 30 Lots
Total $436.37

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance $2,388.29

Lighting, 9 ea., 5,800 lumens and 1 ea., 16,000 lumens $319.36
Project Management, 30 lots $400 + $3.00 per lot $490.00
Reserves $109.84

Estimated Cost Per Year $919.20

Previous year assessment $919.20

New Assessment $919.20

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C)
                Number of Lots (L)

A = $919.20 = $30.64 per lot

30

Estimated Assessment
A = $30.64
District No. 2 - North Creek Subdivision
2008-2009
CPI Approved 1998
Maximum Assessment $16,998.44

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 12,677 sq. ft. of landscaped area
Project Management 104 Lots
Total $6,207.94

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance $18,591.80

Maintenance, 12,677 sq. ft. of landscaped area $12,119.50
Project Management, 104 lots $1,000 + $4.00 per lot $1,416.00
Reserves $2,030.33

Estimated Cost Per Year $15,565.83

Previous year assessment $12,611.05

New Assessment $12,611.05

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C)
Number of Lots (L)

$A = \frac{12,611.04}{104} = 121.26$ per lot

Estimated Assessment $A = 121.26$
District No. 3 - New Expressions, Phase 1
2008-2009
CPI Approved 1998
Maximum Assessment $1,296.59

**ESTIMATED ACCUMULATED COSTS 2007-2008**

**Lighting**
10 ea., 5,800 lumens
Project Management 56 Lots
Total $897.72

**ESTIMATED COST 2008-2009**

Projected July 1, 2008 Fund Balance $2,489.63

Lighting, 10 ea., 5,800 lumens $302.10
Project Management, 56 lots $400 + $3.00 per lot $568.00
Reserves $93.32

Estimated Cost Per Year $963.42
Previous year assessment $963.42
New Assessment $963.42

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

**FORMULA FOR ASSESSMENT:**

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

\[
A = \frac{\$963.42}{56} = \$17.20 \text{ per lot}
\]

Estimated Assessment
A = $17.20
District No. 4 - River Springs, Phase 1
2008-2009
CPI Approved 1998
Maximum Assessment $3,057.72

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 2,100 sq. ft. of landscaped area, and
Lighting, 8 ea., 5,800 lumens and 2 ea., 16,000
Project Management 51 Lots
Total $2,253.90

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance $3,381.66

Maintenance, 2,100 sq. ft. of landscaped area $2,277.93
Project Management, 51 lots $1,000 + $4.00 per lot $1,204.00
Reserves $522.29

Estimated Cost Per Year $4,004.22

Previous year assessment $2,719.14

New Assessment $2,719.14

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{2,719.14}{51} = 53.32 \text{ per lot, per year}
\]

Estimated Assessment

\[
A = 53.32
\]
ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 1,715 sq. ft. of landscaped area, and
Lighting 8 ea., 5,800 lumens
Project Management 25 Lots
Total $1,266.41

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance ($815.13)

Maintenance, 1,715 sq. ft. of landscaped area $1,036.42
Project Management, 25 lots $1,000 + $4.00 per lot $1,100.00
Eliminate Deficit Fund Balance over 10 years $81.51
Reserves $332.69

Estimated Cost Per Year $2,550.63

Previous year assessment $968.35
C.P.I. Increase since previous adjustment (2007) applied to reduce deficit = (0.029)*968.35 $28.08

New Assessment $996.44

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = \( \frac{\text{Cost (C)}}{\text{Number of lots (L)}} \)

\[ A = \frac{996.44}{25} = 39.86 \text{ per lot} \]

Estimated Assessment
A = $39.86
DISTRICT NO. 6 - CREEK VIEW
2008-2009
CPI APPROVED BY VOTE 1999
(Adj. 2007)
MAXIMUM ASSESSMENT $4,749.91

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 23,600 sq. ft. of landscaped area and
Lighting 5 ea., 5,800 lumen
Project Management 19 Lots
Total $5,832.85

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance ($20,557.29)

Maintenance, 23,600 sq. ft. of landscaped area and
Lighting 5 ea., 5,800 lumen $5,472.50
Project Management, 19 lots $1,000 + $4.00 per lot $1,076.00
Eliminate Deficit Fund Balance over 10 years $2,055.73
Reserves $1,290.63

Estimated Cost Per Year $9,894.87

Previous year assessment $4,616.04
C.P.I. Increase since previous adjustment (2007)
applied to reduce deficit = 0.029 x 4616.04 $133.87

New Assessment $4,749.91

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C) / Number of lots (L)

A = $4,749.91 / 19 = $250.00 lot

Estimated Assessment
A = $250.00
District No. 7 - Ford Estates  
2008-2009  
CPI Approved 1999  
Maximum Assessment $2,787.81

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 1,365 sq. ft. of landscaped area and  
Lighting 4 ea., 5,800 lumen, and 1 ea., 16,000 lumens  
Project Management 20 Lots  
Total $1,775.60

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance $9,128.65

Maintenance, 1,365 sq. ft. of landscaped area and  
Lighting 4 ea., 5,800 lumen, and 1 ea. 16,000 lumens $1,659.20  
Project Management, 20 lots $1,000 + $4.00 per lot $1,080.00  
Reserves $410.88

Estimated Cost Per Year $3,150.08

Previous year assessment $2,163.40

New Assessment $2,163.40

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Unit Cost = \( \text{Cost (C)} \)  
Number of front feet

Phase 1 = $2,163.40 = $6.94 per foot  
311.72 feet

Ultimate cost to maintain entire Westwood Street frontage:  
1,065.95 feet X $6.94 per foot = $7,397.69

Ultimate cost per lot to maintain entire Westwood Street frontage:  
$7,397.69 = $67.88 per lot  
109 lots
Estimated Assessment
$2,163.40 - ($67.88 \times 20) = $805.80 = \text{remainder parcel assessment}

Phase 1 Assessment = $67.88 per lot
Remainder Parcel Assessment = $805.80
District No. 8 - River Breeze  
2008-2009  
CPI Approved 1999  
Maximum Assessment $4,919.69

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance, 1,000 sq. ft. of landscaped area,  
25,600 sq. ft. of fire break, and  
Lighting, 8 ea., 5,800 lumen, and 1 ea., 16,000 lumen  
Project Management 37 Lots  
Total $1,447.67

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance $16,912.66

Maintenance, 1,000 sq. ft. of landscaped area,  
25,600 sq. ft. of fire break, and  
Lighting, 8 ea., 5,800 lumen, and 1 ea., 16,000 lumen $4,081.95  
Project Management, 37 lots $1,000 + $4.00 per lot $1,148.00  
Reserves $784.49

Estimated Cost Per Year $6,014.44

Previous year assessment $4,374.93

New Assessment $4,374.93

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{4,374.93}{37} = $118.24 \text{ per lot}
\]

Estimated Assessment  
A = $118.24
District No. 9 - Orchard Ridge, Phase 3
2008-2009
CPI Approved 1999
Maximum assessment $1,269.33

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting, 10 ea., 5,800 lumen  $477.29
Project Management 56 Lots
Total

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance  $4,019.15

Lighting, 10 ea., 5,800 lumen  $302.10
Project Management, 56 lots $400 + $3.00 per lot  $568.00
Reserves  $114.93
Estimated Cost Per Year  $985.03

Previous year assessment  $985.03
New Assessment  $985.03

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = \frac{\text{Cost (C)}}{\text{Number of Lots}}

A = \frac{985.03}{56} = \$17.58 \text{ per lot}

Estimated Assessment
A = 17.58

ONE TIME ADJUSTMENT

There will be a one time adjustment in the assessment to reduce the Fund Balance.

OTA = \text{One time adjustment amount}
OTAA = One time Assessment
OTP = One time portion to be assessed to developed lots

OTAA = TA-OTA
OTAA = $985.03 - 255.67

OTAA = $729.36

OTP = \frac{\text{OTAA}}{N}
OTP = \frac{729.36}{56.00}
OTP = $13.02
District No. 10 - Orchard Ridge, Phase 4
2008-2009
CPI Approved 1999
Maximum Assessment $351.16

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting, 4 ea., 5,800 lumens
Project Management 19 Lots
Total $274.91

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance $251.62

Lighting, 4 ea., 5,800 lumens $123.68
Project Management, 19 lots $400 + $3.00 per lot $457.00
Reserves $29.03

Estimated Cost Per Year $609.71

Previous year assessment $312.28

New Assessment $312.28

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{312.28 - 16.44}{19} = 16.44 \text{ per lot}
\]

Estimated Assessment
A = $16.44
District No. 11 - Orchard Ridge, Phase 5
2008-2009
CPI Approved 1999
Maximum Assessment $1,552.67

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting, 14 ea., 5,800 lumens
Project Management 76 Lots
Total $527.20

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance $5,073.67

Lighting, 14 ea., 5,800 lumens $422.94
Project Management, 76 lots $400.00 + $3.00 per lot $628.00
Reserves $100.98

Estimated Cost Per Year $1,151.92

Previous year assessment $1,151.92

New Assessment $1,151.92

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C) / Number of Lots (L)

A = $1,151.92 / 76 = $15.16 per lot

Estimated Assessment
A = $15.16

ONE TIME ADJUSTMENT

There will be a one time adjustment in the assessment to reduce the Fund Balance.

OTA = One time adjustment amount
OTAA = One time Assessment
OTP = One time portion to be assessed to developed lots

OTAA = TA-OTA
OTAA = $1,151.92 - 352.64

OTAA = $799.28

OTP = OTAA
N
OTP = $799.28
76
OTP = $10.52
District No. 12 - Westwood Estates, Unit 5, Phase 2
2008-2009
CPI Approved 1999
Maximum Assessment $9,495.66

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 19,112 sq. ft. of landscaped area and
Lighting, 12 ea., 5,800 lumen, and 4 ea., 16,000 lumen
Project Management 34 Lots
Total $5,046.71

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance $15,759.75

Maintenance 19,112 sq. ft. of landscaped area and.
Lighting, 12 ea., 5,800 lumen, and 4 ea., 16,000 lumen $7,538.88
Project Management, 34 lots $1,000 + $4.00 per lot $1,136.00
Reserves $1,301.23

Estimated Cost Per Year $9,976.12

Previous year assessment $7,368.84

New Assessment $7,368.84

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C)
               Number of Lots (L)

A = $7,368.84 = 216.72 per lot
    34

Estimated Assessment
A = $216.72
District No. 13 - River Ranch, #3
2008-2009
CPI Approved 2000
Maximum assessment $2,418.16

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 1,000 sq. ft. of landscaped area, and
Lighting, 7 ea., 5,800 lumens and 1 ea., 16,000 lumens
Project Management 35 Lots
Total

$436.93

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance

$12,081.37

Maintenance 1,000 sq. ft. of landscaped area, and
Lighting, 7 ea., 5,800 lumens and 1 ea., 16,000 lumens
Project Management, 35 lots $1,000 + $4.00 per lot
Reserves
Estimated Cost Per Year
Previous year assessment
New Assessment

$1,740.29
$1,140.00
$432.04
$3,312.34
$2,150.40
$2,150.40

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C)
Number of Lots (L)

A = $2,150.40 = $61.44 per lot
35

Estimated Assessment
A = $61.44

ONE TIME ADJUSTMENT

There will be a one time adjustment in the assessment to reduce the Fund Balance.
OTA = One time adjustment amount
OTAA = One time Assessment
OTP = One time portion to be assessed to developed lots

OTAA = TA - OTA
OTAA = $2,150.40 - $428.87

OTAA = $1,721.53

OTP = \frac{OTAA}{35}

OTP = \frac{$1,721.53}{35}

OTP = $49.18
District No. 14 - River Springs, Phase Two Subdivision
2008 - 2009
CPI Approved 2000
Maximum Assessment $1,169.96

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting, 11 ea., 5,800 lumens
Project Management 50 Lots
Total

$451.49

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance

$3,852.88

Lighting, 11 ea., 5,800 lumens
Project Management, 50 lots $400 + $3.00 per lot
Reserves

$332.31
$550.00
$158.10

Estimated Cost Per Year
Previous year assessment
New Assessment

$1,040.41
$1,040.41
$1,040.41

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

\[ A = \frac{1,040.41}{50} = 20.80 \text{ per lot} \]

Estimated Assessment
\[ A = 20.80 \]

ONE TIME ADJUSTMENT

There will be a one time adjustment in the assessment to reduce the Fund Balance.
OTA = One time adjustment amount
OTAA = One time Assessment
OTP = One time portion to be assessed to developed lots

OTAA = TA - OTA
OTAA = $1,040.41 - 214.72

OTAA = $825.69

OTP = OTAA
   \[ \frac{N}{50} \]
OTP = $16.52
District No. 15 - Meadowood, Phase 1 Subdivision
2008 - 2009
CPI Approved 2001
Maximum Assessment $7,991.08

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 7,723 sq. ft. of landscaped area and
Lighting, 10 ea., 5,800 lumens,
1 ea., 9,500 lumens and 3 ea. 16,000 lumens
Project Management 48 Lots
Total $5,455.82

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance $23,414.01

Maintenance 7,723 sq. ft. of landscaped area and
Lighting, 10 ea., 5,800 lumens,
1 ea., 9,500 lumens and 3 ea. 16,000 lumens $6,052.86
Project Management, 48 lots $1,000 + $4.00 per lot $1,192.00
Reserves $1,086.73

Estimated Cost Per Year $8,331.59
Previous year assessment $6,810.24

New Assessment $6,810.24

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:
Assessment (A) = Cost (C) / Number of Lots (L)

A = $6,810.24 / 48 = $141.88 per lot

Estimated Assessment
A = $141.88
District No. 16 - New Expressions, Phase 2  
2008 - 2009  
CPI Approved 2001  
Maximum Assessment $6,547.61

ESTIMATED ACCUMULATED COSTS 2007-2008

- Maintenance 5,800 sq. ft. of landscaped area,
- Playground area, 30%, and Lighting, 13 ea., 5,800 lumens
- Project Management 54 Lots
- Total $2,142.22

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance $23,911.37

- Maintenance, 5,800 sq. ft. of landscaped area, $4,830.83
- Playground area, 30%, and Lighting, 13 ea., 5,800 lumens
- Project Management, 54 lots $1,000 + $4.00 per lot $1,216.00
- Reserves $907.02
- Estimated Cost Per Year $6,953.85
- Previous year assessment $5,580.07
- New Assessment $5,580.07

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{\$5,580.07}{54} = \$103.34 \text{ per lot} 
\]

Estimated Assessment
\[
A = \$103.34
\]

ONE TIME ADJUSTMENT

There will be a one time adjustment in the assessment to reduce the Fund Balance.

\[
\text{OTA} = \text{One time adjustment amount}
\]
OTAA = One time Assessment
OTP = One time portion to be assessed to developed lots

OTAA = TA -OTA
OTAA = $5,580.07 - $609.96
OTAA = $4,970.11

OTP = \frac{OTAA}{N}
OTP = \frac{4,970.11}{54}
OTP = $92.04
District #17 - Orchard Ridge Phase 6
2008 - 2009
CPI Approved 2001
(Adj. 2007)
Maximum Assessment $617.82

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting, 7 ea., 5,800 lumens
Project Management 32 Lots
Total

$350.58

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance

$211.47
Project Management, 32 lots $400 + $3.00 per lot
$496.00
Eliminate Deficit Fund Balance over 10 years
Reserves

$x22.11
$36.48

Estimated Cost Per Year

$766.06

Previous year assessment

$600.41
C.P.I. Increase of 3.2% since previous adjustment (2007)
applied to reduce deficit = (0.029 x $600.41

$17.41

New Assessment

$617.82

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C) / Number of Lots (L)

A = $617.82 = $19.30 per lot
32

Estimated Assessment
A = $19.30
District #18 - Ohio North
2008 - 2009
CPI Approved 2002
(Adj.2007)
Maximum Assessment $185.59

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting, 2 ea., 5,800 lumens
Project Management 10 Lots
Total

$50.44

ESTIMATED COST 2008-2009

Projected July 1, 2008 Fund Balance

($261.15)

Lighting, 2 ea., 5,800 lumens
Project Management, 10 lots $400 + $3.00 per lot
Eliminate Deficit Fund Balance over 10 years
Reserves

$60.42
$430.00
$26.11
$25.83

Estimated Cost Per Year

$542.36

Previous year assessment
C.P.I. Increase of 3.2% since previous adjustment (2007)
applied to reduce deficit = (0.029)x $180.36

$180.36
$5.23

New Assessment

$185.59

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C) / Number of Lots (L)

A = $185.59 / 10 = $18.56 per lot, per year

Estimated Assessment
A = $18.56
District No. 19 - Williams Ranch Phase 1
2008 - 2009
CPI Approved 2002
Maximum Assessment $6,855.51

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 13,910 sq. ft. of landscaped area and
Lighting 11 ea., 5,800 lumens, and 2 ea., 9,500 lumens
Project Management 41 Lots
Total

$6,446.69

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance

Maintenance, 13,910 sq. ft. of landscaped area and
Lighting 11 ea., 5,800 lumens, and 2 ea., 9,500 lumens
Project Management, 41 lots $1,000 + $4.00 per lot
Reserves

Estimated Cost Per Year

Previous year assessment
C.P.I. Increase since previous adjustment (2002)
applied to reduce deficit = (.022+.005+.021+.032+.032+.029)x $5,965.16
New Assessment

$7,927.73

$5,965.16

$890.35

$6,855.51

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

A = $6,855.51
41

Estimated Assessment
A = $167.20
District No. 20 - West View Place  
2008 - 2009  
CPI Approved 2002  
(Adj. 2007)  
Maximum Assessment $273.45

**ESTIMATED ACCUMULATED COSTS 2007-2008**

- Lighting 3 ea., 5,800 lumens, and 1 ea., 9,500 lumens  
  Project Management 10 Lots  
  **Total**  
  **$104.69**

**ESTIMATED COST 2008-2009**

- **July 1, 2008 Fund Balance**  
  **$155.70**

- Lighting 3 ea., 5,800 lumens, and 1 ea., 9,500 lumens  
  Project Management, 10 lots $400 + $3.00 per lot  
  Eliminate Deficit Fund Balance over 10 years  
  Reserves  
  **Estimated Cost Per Year**  
  **$584.77**

- Previous year assessment  
  **$265.74**

- New Assessment  
  **$265.74**

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

**FORMULA FOR ASSESSMENT:**

\[
\begin{align*}
\text{Assessment (A)} &= \frac{\text{Cost (C)}}{\text{Number of Lots (L)}} \\
A &= \frac{265.74}{10} = 26.58 \\
\text{Total Assessment} &= A = 26.58
\end{align*}
\]
District No. 21 - Orchard Ridge Phase 7
2008-2009
CPI Approved 2002
(Adj. 2007)
Maximum Assessment $1,686.13

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 2412 sq. ft. (30/74 of 5950 sq. ft.) landscaped area
and Lighting, 6 ea. 5,800 lumens
Project Management 30 Lots
Total $1,525.34

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance ($460.13)

Maintenance 2412 sq. ft. (30/74 of 5950 sq. ft.) landscaped area
and Lighting, 6 ea. 5,800 lumens $1,485.28
Project Management, 30 lots $1,000 + $4.00 per lot $1,120.00
Eliminate Deficit Fund Balance over 10 years $46.01
Reserves $397.69

Estimated Cost Per Year $3,048.99

Previous year assessment $1,638.61
C.P.I. Increase since previous adjustment (2007)
applied to reduce deficit = (0.029)x$1,638.61 $47.52

New Assessment $1,686.13

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C) / Number of Lots (L)

A = $1,686.13 = $56.20
30

Estimated Assessment
A = $56.20
District No. 22 - Meadowood Phase 2
2008 - 2009
CPI Approved 2002
Maximum Assessment $5,466.96

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 4,940 sq. ft. of landscaped area and
Lighting, 14 ea., 5,800 lumens, 3 ea., 9,500 lumens, and 2 ea., 16,000 lumens
Project Management 55 Lots
Total $684.98

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance $17,986.50

Maintenance 4,940 sq. ft. of landscaped area and
Lighting, 14 ea., 5,800 lumens, 3 ea., 9,500 lumens,
and 2 ea., 16,000 lumens $4,022.12
Project Management, 55 lots $1,000 + $4.00 per lot $1,220.00
Reserves $786.32

Estimated Cost Per Year $6,028.43

Previous year assessment $4,861.60

New Assessment $4,861.60

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C) / Number of Lots (L)

A = $4,861.60 / 55 = $88.38 per lot

Estimated Assessment

A = $88.38
District No. 23 - River View Estates Phase 3
2008 - 2009
CPI Approved 2002
Maximum Assessment $819.83

ESTIMATED ACCUMULATED COSTS 2007-2008

- Lighting 11 ea., 5,800 lumens
- Project Management 36 Lots
- Total: $451.49

ESTIMATED COST 2008-2009

- July 1, 2008 Fund Balance: $2,054.05
- Lighting 11 ea., 5,800 lumens: $332.31
- Project Management, 36 lots $400 + $3.00 per lot: $508.00
- Reserves: $42.02
- Estimated Cost Per Year: $882.33
- Previous year assessment: $713.36
- New Assessment: $713.36

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

\[ A = \frac{713.36}{36} = $19.82 \]

Estimated Assessment
\[ A = $19.82 \]
District No. 24 - Orchard Ridge, Phase Eight
2008-2009
CPI Approved 2003
(Adj. 2007)
Maximum Assessment $2,543.21

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 3538 sq. ft. (44/74 of 5950 sq. ft.) landscaped area
and Lighting, 11 ea. 5,800 lumens
Project Management 44 Lots
Total $3,704.66

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance ($708.95)

Maintenance 3538 sq. ft. (44/74 of 5950 sq. ft.) landscaped area
and Lighting, 11 ea. 5,800 lumens $1,755.13
Project Management, 44 lots $1,000 + $4.00 per lot $1,176.00
Reserves $450.30

Estimated Cost Per Year $3,452.33

Previous year assessment $2,471.54

C.P.I. Increase since previous adjustment (2007)
applied to reduce deficit = (0.029)x$2,471.54 $71.67

New Assessment $2,543.21

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C)
Number of Lots (L)

A = $2,543.21 / 44 = $57.80 per lot

Estimated Assessment
A = $57.80
District 25 - Casas Del Rio Subdivision
2008-2009
CPI Approved 2003
Maximum Assessment $32,301.04

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 55,950 sq. ft. of landscaped and recreation area
Project Management 118 Lots
Total $8,324.94

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance $61,544.50

Maintenance 55,950 sq. ft. of landscaped and recreation area $24,783.24
Project Management, 118 lots $1,000 + $4.00 per lot $1,472.00
Reserves $3,938.29

Estimated Cost Per Year $30,193.53
Previous year assessment $28,724.33
New Assessment $28,724.33

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C)
Number of Lots (L)

A = $28,724.33 = $243.43
118

Estimated Assessment
A = $243.42
**District No. 26 - Orchard Ridge, Phase Nine**

2008-2009

CPI Approved 2004

Maximum Assessment $884.64

**ESTIMATED ACCUMULATED COSTS 2007-2008**

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lighting 10 ea., 5,800 lumens</td>
<td>$252.29</td>
</tr>
<tr>
<td>Project Management 47 Lots</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$252.29</strong></td>
</tr>
</tbody>
</table>

**ESTIMATED COST 2008-2009**

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1, 2008 Fund Balance</td>
<td>$1,830.52</td>
</tr>
<tr>
<td>Lighting 10 ea., 5,800 lumens</td>
<td>$302.10</td>
</tr>
<tr>
<td>Project Management, 47 lots $400 + $3.00 per lot</td>
<td>$430.00</td>
</tr>
<tr>
<td>Reserves</td>
<td>$58.52</td>
</tr>
<tr>
<td>Estimated Cost Per Year</td>
<td>$790.62</td>
</tr>
<tr>
<td>Previous year assessment</td>
<td>$790.62</td>
</tr>
<tr>
<td>New Assessment</td>
<td>$790.62</td>
</tr>
</tbody>
</table>

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

**FORMULA FOR ASSESSMENT:**

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

\[
A = \frac{\$790.62}{47} = \$16.82 \text{ per lot}
\]

Estimated Assessment

\[
A = \$16.82
\]

**ONE TIME ADJUSTMENT**

There will be a one time adjustment in the assessment to reduce the Fund Balance.

- \(\text{OTA} = \) One time adjustment amount
- \(\text{OTAA} = \) One time Assessment
- \(\text{OTP} = \) One time portion to be assessed to developed lots
OTAA = TA-OTA
OTAA = $790.62 - $790.62
OTAA = $0.00

OTP = OTAA
N
OTP = $0.00
47
OTP = $0.00
District No. 27 - New Expressions, Phase 3 Subdivision
2008-2009
CPI Approved 2004
Maximum Assessment $2,081.30

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 748 ft. of landscaped berm and wall,
30 % of playground maintenance, and Lighting, 11 ea., 5,800 lumens
Project Management 50 Lots
Total

$1,117.49

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance

$4,161.30

Maintenance 748 ft. of landscaped berm and wall,
30 % of playground maintenance, and Lighting, 11 ea., 5,800 lumens
Project Management, 50 lots $1,000 + $4.00 per lot
Reserves
Estimated Cost Per Year
Previous year assessment
New Assessment

$1,311.99
$1,200.00
$376.80
$2,888.78
$1,860.09
$1,860.09

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C) / Number of Lots (L)

A = $1,860.09 / 50 = $37.20 per lot
District No. 28 - Meadowood, Phase Three Subdivision
2008-2009
CPI Approved 2004
Maximum Assessment $1,764.11

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting 17 ea., 5,800 lumens, and 6 ea., 9,500 lumens
Project Management 78 Lots
Total $603.04

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance $3,379.20

Lighting 17 ea., 5,800 lumens, and 6 ea., 9,500 lumens $731.31
Project Management, 78 lots $400 + $3.00 per lot $634.00
Reserves $211.30

Estimated Cost Per Year $1,576.61

Previous year assessment $1,576.61

New Assessment $1,576.61

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C)
Number of Lots (L)

A = $1,576.61 = $20.20 per lot
78

Estimated Assessment
A = $20.20

ONE TIME ADJUSTMENT

There will be a one time adjustment in the assessment to reduce the Fund Balance.

OTA = One time adjustment amount
OTAA = One time Assessment
OTP = One time portion to be assessed to developed lots
OTAA = TA - OTA
OTAA = $1,576.61 - $1,576.61

OTAA = $0.00

OTP = OTAA
  N
OTP = $0.00
  78
OTP = $0.00
District No. 29 - River Springs, Phase 3 Subdivision
2008-2009
CPI Approved 2004
(Adj. 2007)
Maximum Assessment $733.30

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting 9 ea., 5,800 lumens
Project Management 36 Lots
Total

$227.05

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance

$427.02

Lighting 9 ea., 5,800 lumens
Project Management, 36 lots $400 + $3.00 per lot
Reserves

$271.89
$508.00
$38.99

Estimated Cost Per Year

$818.88

Previous year assessment

$712.64

New Assessment

$712.64

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{712.64}{36} = 19.80 \text{ per lot}
\]

Estimated Assessment
A = $19.80
District No. 30 – Sierra Meadows, Phase 1 Subdivision
2008-2009
Formed and CPI Approved 2006
Maximum Assessment $16,362.37

ESTIMATED ACCUMULATED COSTS 2007-2008

- Maintenance 2739 ft. of wall, 26,639 sq. ft., and
- Lighting, 23 ea., 5,800 lumens, 4 ea., 9,500 lumens, and 5 ea., 16,000 lumens
- Project Management 56 Lots
- Total

$8,001.44

ESTIMATED COST 2008-2009

- July 1, 2008 Fund Balance
  - Maintenance 2739 ft. of wall, 26,639 sq. ft., and
  - Lighting, 23 ea., 5,800 lumens, 4 ea., 9,500 lumens, and
  - 5 ea., 16,000 lumens
  - Project Management, 56 lots $1,000 + $4.00 per lot
  - Reserves

- Estimated Cost Per Year
- Previous year assessment
- New Assessment

$18,393.57
$13,514.53
$672.00
$2,127.98
$16,314.51
$15,408.17
$15,408.17

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

\[ A = \frac{15,408.17}{56} = 275.14 \text{per lot} \]

Estimated Assessment
\[ A = 275.14 \]
**District No. 31 – Williams Ranch, Phase 2 and 3**  
2008-2009
**Formed and CPI Approved 2006**  
Maximum Assessment $2,247.02

**ESTIMATED ACCUMULATED COSTS 2007-2008**

- Maintenance 437 ft. of wall, 6,512 sq. ft. of landscaping, and
- Lighting 24 ea., 5,800 lumens, and 2 ea., 16,000 lumens
- Project Management 85 Lots
- Total $2,054.81

**ESTIMATED COST 2008-2009**

- July 1, 2008 Fund Balance $992.32
- Maintenance 437 ft. of wall, 6,512 sq. ft. of landscaping, and Lighting 24 ea., 5,800 lumens, and 2 ea., 16,000 lumens $819.98
- Project Management, 85 lots $1,000 + $4.00 per lot $1,340.00
- Reserves $324.00
- Estimated Cost Per Year $2,483.98
- Previous year assessment $2,115.98
- New Assessment $2,115.98

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

**FORMULA FOR ASSESSMENT:**

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

\[
A = \frac{2,115.98}{85} = 29.22 \text{ per lot}
\]

Estimated Assessment  
\[A = 29.22\]
District No. 32 – Sunrise Villa, Phase 1 Subdivision
2008-2009
Formed and CPI Approved 2006
(Adj 2007)
Maximum Assessment $220.54

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting 2 ea., 5,800 lumens
Project Management 8 Lots
Total $50.44

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance ($79.38)

Lighting 2 ea., 5,800 lumens $60.42
Project Management, 8 lots $400 +$3.00 per lot $424.00
Reserves $24.62

Estimated Cost Per Year $516.98

Previous year assessment $214.33

C.P.I. Increase since previous adjustment (2006)
applied to reduce deficit = (0.032) x 207.48 $6.22

New Assessment $220.54

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{220.54}{8} = 27.56 \text{per lot}
\]

Estimated Assessment
A = $27.56
District No. 33 – New Expressions, Phase 4 Subdivision
2008-2009
Formed and CPI Approved 2006
Maximum Assessment $1,467.97

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 220 ft. of wall, and
Lighting, 11 ea., 5,800 lumens, 2 ea., and 9,500 lumens
Project Management 58 Lots
Total $335.59

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance $1,723.85

Maintenance 220 ft. of wall, and
Lighting, 11 ea., 5,800 lumens, 2 ea., and 9,500 lumens $537.39
Project Management, 58 lots $1,000 + $4.00 per lot $696.00
Reserves $185.01

Estimated Cost Per Year $1,418.40
Previous year assessment $1,382.36
New Assessment $1,382.36

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C) / Number of Lots (L)

A = $1,382.36 / 58 = $23.82 per lot

Estimated Assessment
A = $23.82
District No. 34 – Meadow Breeze, Phase 2 Subdivision
2008-2009
Formed and CPI Approved 2006
Maximum Assessment $1,881.02

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting 14 ea., 5,800 lumens, and 5 ea., 9,500 lumens
Project Management 78 Lots
Total $1,653.10

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance $989.61

Lighting 14 ea., 5,800 lumens, and 5 ea., 9,500 lumens $604.29
Project Management, 78 lots $400 +$3.00 per lot $936.00
Reserves $231.04

Estimated Cost Per Year $1,771.33
Previous year assessment $1,771.33

New Assessment $1,771.33

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C) / Number of Lots (L)

A = $1771.33 / 78 = $22.70 per lot

Estimated Assessment
A = $22.70
District No. 35 – Meadow Breeze, Phase 1 Subdivision  
2008-2009  
Formed and CPI Approved 2006  
Maximum Assessment $976.84

ESTIMATED ACCUMULATED COSTS 2007-2008

- Lighting 9 ea., 5,800 lumens
- Project Management 44 Lots
- Total $498.35

ESTIMATED COST 2008-2009

- July 1, 2008 Fund Balance $653.21
- Lighting 9 ea., 5,800 lumens $271.89
- Project Management, 44 lots $400 +$3.00 per lot $528.00
- Reserves $119.99
- Estimated Cost Per Year $919.87
- Previous year assessment $919.87
- New Assessment $919.87

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

\[
A = \frac{C}{L}
\]

Assessment (A) = Cost (C) 
Number of Lots (L)

A = $919.87 = $20.90 per lot 
44

Estimated Assessment 
A = $20.90
District No. 36 – Amalene Estates Subdivision
2008-2009
Formed and CPI Approved 2006
Maximum Assessment $2,521.94

**ESTIMATED ACCUMULATED COSTS 2007-2008**

Maintenance 339 ft. of wall, 1870 landscape, and
Lighting 10 ea. 5,800 lumens, and 1 ea. 16,000 lumens
Project Management 24 Lots
Total $168.60

**ESTIMATED COST 2008-2009**

July 1, 2008 Fund Balance ($998.83)

Maintenance 339 ft. of wall, 1870 landscape, and
Lighting 10 ea. 5,800 lumens, and 1 ea. 16,000 lumens $0.00
Project Management, 24 lots $1,000 +$4.00 per lot $0.00
Reserves $0.00

Estimated Cost Per Year $0.00

Previous year assessment $2,374.87

C.P.I. Increase since previous adjustment (2006) applied to reduce deficit = (0.029) x 2,374.87 $0.00

New Assessment $0.00

See District 40 for Assessment

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

---

**FORMULA FOR ASSESSMENT:**

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

\[ A = \frac{\$0.00}{24} = \$0.00 \, \text{per lot} \]

Estimated Assessment
\[ A = \$0.00 \]
District No. 37 – Riverview Estates, Phase 4 Subdivision
2008-2009
Formed and CPI Approved 2006
(Adj 2007)
Maximum Assessment $496.36

**ESTIMATED ACCUMULATED COSTS 2007-2008**

- Lighting 5 ea., 5,800 lumens
- Project Management 17 Lots
- Total $126.18

**ESTIMATED COST 2008-2009**

- July 1, 2008 Fund Balance ($61.44)
- Lighting 5 ea., 5,800 lumens $151.05
- Project Management, 17 lots $400 + $3.00 per lot $451.00
- Reserves $30.41
- Estimated Cost Per Year $638.60
- Previous year assessment $482.37
- C.P.I. Increase since previous adjustment (2007) applied = (0.029) x $482.37 $13.99
- New Assessment $496.36

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

---

**FORMULA FOR ASSESSMENT:**

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

\[
A = \frac{496.36}{17} = 29.20 \text{ per lot}
\]

Estimated Assessment

\[
A = 29.20
\]
District No. 38 – Ranch Victoria, Phase One Subdivision
2008-2009
Formed and CPI Approved 2007
Maximum Assessment $516.90

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting 2 ea., 5,800 lumens
Project Management 6 Lots
Total $456.00

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance ($556.24)

Lighting 2 ea., 5,800 lumens $84.32
Project Management, 6 lots $400 + $3.00 per lot $418.00
Reserves $25.12

Estimated Cost Per Year $527.44

Previous year assessment $502.33

C.P.I. Increase since previous adjustment (2007) applied = (0.029)*502.33 $14.57

New Assessment $516.90

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

\[
A = \frac{$516.90}{6} = $83.72 \text{ per lot}
\]

Estimated Assessment
\[
A = $83.72
\]
District No. 39 – Williams Ranch Phase 4 Subdivision
2008-2009
Formed and CPI Approved 2007
Maximum Assessment $1,178.24

ESTIMATED ACCUMULATED COSTS 2007-2008

Lighting 5 ea., 5,800 lumens
Project Management 59 Lots
Total $456.00

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance $564.80

Lighting 5 ea., 5,800 lumens $513.51
Project Management, 59 lots $400 + $3.00 per lot $577.00
Reserves $54.53

Estimated Cost Per Year $1,145.04

Previous year assessment $1,145.03

New Assessment $1,145.03

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

\[
A = \frac{C}{L}
\]

Assessment (A) = Cost (C)  
Number of Lots (L)

\[
A = \frac{1,145.03}{59} = 19.40 \text{ per lot}
\]

Estimated Assessment
\[
A = 19.40
\]
District No. 40 – Amalene Estates Subdivision
2008-2009
Formed and CPI Approved 2007
Maximum Assessment $7,460.68

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 736 ft. of wall, 5445 sq. ft., and
Lighting, 16 ea., 5,800 lumens, and 1 ea., 16,000 lumens
Project Management 53 Lots

Total $2,620.98

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance $843.39

Maintenance 736 ft. of wall, 5445 sq. ft., and
Lighting, 16 ea., 5,800 lumens, and 1 ea., 16,000 lumens $5,275.55
Portion due Ford Estates Dist 7, 37.25 percent $3,038.80
Project Management, 53 lots $1,212.00
Reserves $973.13

Estimated Cost Per Year $7,460.68
Previous year assessment $7,460.68
New Assessment $7,460.68

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

A = \frac{7,460.68}{59} = \$122.40 \text{ per lot}

Estimated Assessment
A = \$122.40

Formula for Assessment

Assessment (A) = \boxed{\text{Cost (C)}}
Number of Lots (L)

\[ A = \frac{7,460.68}{53} = 140.76 \text{ per lot} \]

Estimated Assessment

\[ A = 140.76 \]

Assessment of Remainder (AR) = A * Number Lots proposed Remainder (LR)-Number Lights proposed for Remainder * $30.21

\[ AR = 29 * 140.76 - 6 * 30.21 = 3900.78 \]

Assessment = $140.76 ea for 24 developed lots and $3900.78 for the remainder

Total Assessment for 2008-2009 = $7,279.02

Total developed lot count is 24 lots plus a remainder.
District No. 41 - Beverly Glenn Subdivision
2008-2009
Formed and CPI Approved 2008
Maximum Assessment $629.77

**ESTIMATED ACCUMULATED COSTS 2007-2008**

  Lighting 3 ea., 5,800 lumens
  Project Management 19 Lots
  Total $0.00

**ESTIMATED COST 2008-2009**

  July 1, 2008 Fund Balance $0.00

  Lighting 3 ea., 5,800 lumens $90.63
  Project Management, 19 lots $400 + $3.00 per lot $457.00
  Reserves $82.14

  Estimated Cost Per Year $629.77

  Previous year assessment $0.00

  New Assessment $629.77

**ASSESSMENT**

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

---

**FORMULA FOR ASSESSMENT:**

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

\[
A = \frac{629.77}{19} = 33.14
\]

Estimated Assessment

\[
A = 33.14
\]
ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 330 L.F. Masonry wall, 43,873 sq ft landscaped area
Lighting 14 ea. 5,800 lumens
Project Management 48 Lots
Total $0.00

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance $0.00

Maintenance 330 L.F. Masonry wall, 43,873 sq ft landscaped area
Lighting 14 ea. 5,800 lumens $19,946.73
Project Management, 48 lots $1,000 + $4.00 per lot $1,192.00
Reserves $3,095.81

Estimated Cost Per Year $23,734.54

Previous year assessment $0.00

New Assessment $23,734.54

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C) / Number of Lots (L)

\[ A = \frac{23,734.54}{48} = 494.46 \]

Estimated Assessment
\[ A = 494.46 \]
District No. 43 - Sierra Meadows, Phase 2 Subdivision
2008-2009
Formed and CPI Approved 2008
Maximum Assessment $18,109.23

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 2,614 L.F. Masonry wall, 27,960 sq ft landscaped area
Lighting 28 ea. 5,800 lumens, 8 ea. 16,000 lumens
Project Management 61 Lots
Total $0.00

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance $0.00

Maintenance 2,614 L.F. Masonry wall, 27,960 sq ft landscaped area $14,503.16
Lighting 28 ea. 5,800 lumens, 8 ea. 16,000 lumens $1,244.00
Project Management 61 lots $1,000 + $4.00 per lot
Reserves $2,362.07
Estimated Cost Per Year $18,109.23
Previous year assessment $0.00

New Assessment $18,109.23

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C) / Number of Lots (L)

\[ A = \frac{\$18,109.23}{61} = \$296.86 \]

Estimated Assessment
\[ A = \$296.86 \]
District No. 44 - Summit Estates, Phase 1 Subdivision
2008-2009
Formed and CPI Approved 2008
Maximum Assessment $5,491.45

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 242 L.F. Masonry wall, 4,300 sq ft landscaped area
Lighting 20 ea. 5,800 lumens, 3 ea. 9,500 lumens
Project Management 70 Lots
Total $0.00

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance $0.00

Maintenance 242 L.F. Masonry wall, 4,300 sq ft landscaped area $3,495.17
Lighting 20 ea. 5,800 lumens, 3 ea. 9,500 lumens $1,280.00
Project Management 70 lots $1,000 + $4.00 per lot $716.28
Reserves

Estimated Cost Per Year $5,491.45

Previous year assessment $0.00

New Assessment $5,491.45

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

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

\[ A = \frac{5,491.45}{70} = 78.44 \]

Estimated Assessment
\[ A = 78.44 \]
District No. 45 - New Expressions, Phase 5 Subdivision
2008-2009
Formed and CPI Approved 2008
Maximum Assessment $14,043.67

ESTIMATED ACCUMULATED COSTS 2007-2008

Maintenance 880 L.F. Masonry wall and berm, 15,250 sq ft landscaped park area
Lighting 22 ea. 5,800 lumens, 1 ea. 9,500 lumens
Project Management 70 Lots
Total $0.00

ESTIMATED COST 2008-2009

July 1, 2008 Fund Balance $0.00

Maintenance 242 L.F. Masonry wall, 4,300 sq ft landscaped area
Lighting 22 ea. 5,800 lumens, 1 ea. 9,500 lumens $10,859.89
Project Management 88 lots $1,000 + $4.00 per lot $1,352.00
Reserves $1,831.78

Estimated Cost Per Year $14,043.67

Previous year assessment $0.00
New Assessment $14,043.67

ASSESSMENT

1. The purpose of the landscaping and lighting is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. All lots benefit equally from the landscaping and lighting.

FORMULA FOR ASSESSMENT:

Assessment (A) = Cost (C) / Number of Lots (L)

A = $14,043.67 / 88 = $159.58

Estimated Assessment A = $159.58

This concludes the 2008-2009 Landscape and Lighting District Engineers Report.
Douglas Wilson, RCE 20989
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PUBLIC HEARING

SUBJECT: REQUEST TO ALLOW THE MODIFICATION OF CONDITIONAL USE PERMIT 4-2000 TO UP-GRADE AN EXISTING TYPE 20 OFF-SAEL (BEER AND WINE) LICENSE TO A TYPE 21 OFF-SAEL (BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR AN EXISTING CONVENIENCE STORE "FRANK'S STOP AND GO MARKET" LOCATED AT 610 W. OLIVE AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval for the modification of Conditional Use Permit 4-2000 to allow an up-grade from Type 20 off-sale (beer and wine) license to a Type 21 off-sale (beer, wine and distilled spirits) license at the Frank’s Stop and Go Market located at 610 West Olive Avenue. Conditional Use Permit 4-2000 was approved by the City Council on November 21, 2000 to permit the sale of alcohol under an off-sale license within 600 feet of a school (Porterville High School). The subject business was, and still is, a convenience store.

BACKGROUND: Alcohol sales have occurred at the subject site for several years, under several owners. The current owner of the business received a license to sell beer and wine at the subject property in October 1995. One year later, in October 1996, the owner plead no contest to a charge of attempted receiving of stolen property, which is a felony. In April 1997, an Administrative Law Judge revoked the owner’s alcohol license as a result of the felony plea.

In April 1999, the business owner applied for a new alcohol license. The City Council denied the request for a Conditional Use Permit at that time due to the prior violation and an unusually high number of calls for police service to the subject business. The business owner persisted in his efforts to secure a Conditional Use Permit. He appeared several times before the City Council to apologize for the prior mistake and to request another opportunity to sell alcohol. In November 2000, the City Council approved the Conditional Use Permit with the condition, which read:

"The developer/applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this, or any other condition of approval is violated, the City Council may modify or revoke the Conditional Use Permit as provided in Article 31 of the Porterville Zoning Ordinance."

DD APPROPRIATED/FUNDED CM ITEM NO. 18
On July 31, 2003, the reinstatement of alcohol sales at the subject location, the business owner violated the law by selling alcohol to an underage person. On that occasion, the Porterville Police Department and California Department of Alcoholic Beverage Control conducted a “decoy” operation in which an underage subject attempted to purchase alcohol from several Porterville convenience markets. Of the eleven tested locations, three sold alcohol to the test subject. The subject business was the only one of those three in which the license holder was the individual who made the alcohol sale. The license holder has stipulated to the violation in the review process administered by the Department of Alcoholic Beverage Control and has agreed to pay a fine in lieu of a fifteen day suspension of the alcohol license.

Novroz Ali Rahim has owed and operated “Frank’s Stop and Go Market” for approximately twelve (12) years and since the 2003 incident, staff is confident that he has operated and managed “Frank’s Stop and Go Market” in a manner that has maintained the public safety, health and welfare, and has prevented the use from becoming a nuisance. Staff is confident that he has complied with all laws, ordinances and regulations regarding the sale of alcohol. During Project Review Committee, the Porterville Police Department Staff member indicated that very few service complaints in regard to alcohol related incidence have been registered at this location. As a result, the Porterville Police Department has no objection to the proposed up-grade.

RECOMMENDATION: That the City Council adopt the draft resolution approving the Modification of Conditional Use Permit 4-2000 subject to conditions of approval

ATTACHMENT: Complete Staff Report
MODIFICATION OF CONDITIONAL USE PERMIT 04-2000
FOR CITY COUNCIL MEETING OF JULY 15, 2008

Proposed up-grade from a Type 20 off-sale (beer and wine) license to a Type 21 off-sale (beer, wine, and distilled spirits) license at the Frank's Stop and Go Market located at 610 W. Olive Avenue.

APPLICANT:
Novroz Ali Rahim
610 W. Olive Avenue
Porterville, CA 93257

PROPERTY OWNER:
Frank's Stop and Go Market.
Novroz Ali Rahim
610 W. Olive Avenue
Porterville, CA 93257

PROJECT DESCRIPTION:
The applicant is requesting approval for the modification of Conditional Use Permit 4-2000 to allow an up-grade from a Type 20 off-sale (beer and wine) license to a Type 21 off-sale (beer, wine and distilled spirits) license at the Frank's Stop and Go Market located at 610 West Olive Avenue.

SIZE OF PROPERTY:
.115± acres

GENERAL PLAN CLASSIFICATION:
General and Service Commercial

ZONING CLASSIFICATION:
C-3 (General and Service Commercial)

SURROUNDING ZONING LAND USE:
North: City PO - City R-3 - Professional offices/ High Density Residential
West: City C-3 - General and Service Commercial
South: City R-1 - Single family residential subdivision
East: City C-3 - General and Service Commercial
LEGAL NOTICES:

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ENVIRONMENTAL SETTING:

Pursuant to “General Rule” Exemption 14 Ca. Admin. Code 15061 (b) (3) of CEQA guidelines the project as proposed is categorically exempt.

PROJECT DESCRIPTION/ANALYSIS:

The applicant is requesting approval for the modification of Conditional Use Permit 4-2000 to allow an up-grade from Type 20 off-sale (beer and wine) license to a Type 21 off-sale (beer, wine and distilled spirits) license at the Frank's Stop and Go Market located at 610 West Olive Avenue. Conditional Use Permit 4-2000 was approved by the City Council on November 21, 2000 to permit the sale of alcohol under an off-sale license within 600 feet of a school (Porterville High School). The subject business was, and still is, a convenience store.

The applicant was informed that the City of Porterville Staff is aware of the history of the existing convenience store. Based on the history of the convenience store additional information and input from the Porterville Police Department and Staff was recommended for the approval of the modification of conditional use permit 4-2000, to allow an up-grade from a Type 20 off-sale (beer and wine) to a Type 21 off-sale (beer, wine and distilled spirits).

The applicant advised the Project Review Committee, that upon approval of the modification to conditional use permit 4-2000 to allow for the distilled spirits, the distilled spirits would be located behind the clerk’s counter and not accessible to the general public.

The Porterville Police Department has indicated that very few service complaints in regard to alcohol related incidence have been registered at this location, since the incident in 2003. As a result, the Porterville Police Department has no objection to the proposed up-grade.

The subject site is located in Census Track 38.01. based on the population of this census track, a maximum of four (4) off-sale alcohol licenses may be allowed without creating an “over concentration”. Currently two (2) off-sales alcohol license exist, therefore a letter of Public Convenience or Necessity will not be required.
STAFF RECOMMENDATION:

Staff recommends that the City Council adopt the draft resolution approving the Modification of Conditional Use Permit 4-2000 subject to conditions of approval

ATTACHMENTS:

1. Locator Map
2. Floor Plan indicating location of proposed display of beer and wine
3. Department of Alcoholic Beverage Control Report
4. Porterville Police Department Report
5. Letter of support from the applicant
6. Draft Resolution

Fernando Rios
Project Planner

July 15, 2008
Date
Locator Map

Proposed license up-grade
Frank's Stop and Go Market
610 W. Olive Avenue

Land Use/ Zoning

△ General & Service Commercial/ C-3

Education (Porterville High School)

Low Density Residential/ R-1

High Density Residential/ R-3

ATTACHMENT ITEM NO. 1
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Date: 12-23-05

MARGARITA RAHIM
(Licensee)

610 W. OLIVE AVE.
(Address)

PORTERVILLE, CA 93257

Re: License # 20-362755

Dear MARGARITA RAHIM,
(Licensee)

On 12-22-05, the PORTERVILLE POLICE DEPT/ABC conducted a minor decoy operation at various licensed establishments in your city. A decoy, under the age of 21, was sent into your establishment in an attempt to purchase alcoholic beverages. Your business was successful in preventing this activity. Thank you for a job well done.

Sincerely,

Chief of Police/District Administrator

Distribution:
White X mailed to licensee; or ___ left copy at premises. Pink to file. Canary to PD.
FACSIMILE TRANSMITTAL PAGE

FAX NUMBER: 781-6437

TO: Fernando

COMMENTS: 610 W Place

FROM: PORTERVILLE POLICE DEPT.
515
350 N. D STREET
PORTERVILLE CA 93257

FAX NUMBER (559) 784-1070

NUMBER OF PAGES: 2 (INCLUDING THIS TRANSMITTAL PAGE)

SHOULD ANY PROBLEM OCCUR IN TRANSMISSION, PLEASE CALL (559) 782-7428

TRANSMITTED BY:

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**Dates:** 051407/051408  
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Respectable Mayor and Members of the Porterville City Council,

My name is Novroz Ali Rahim, and I am the owner of Frank’s Stop & Go Market. I have conducted my business for many years following all the rules and guidelines, attempting to have the most successful business in the area. Our strict policies in the sale to minors have been very successful, and I would like to extend my business a bit more in receiving a Liquor License.

I would like to show you proof of mine and my employees efforts to prevent any kind of alcoholic sale to minors. We are aware that there have been attempts with decoys to prove otherwise, but we have turned every one away. We have passed every test that has been given to us, and I believe that we deserve the opportunity of obtaining a Liquor License.

I know that my business will continue to apply its strict policies regardless of the outcome of your decision. I do believe though, that we have proven ourselves capable of undertaking the more difficult tasks that this license will bring. I would greatly appreciate your approval of our business. We would be very grateful for this opportunity. Thank you very much for your time.

Novroz Ali Rahim
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF THE MODIFICATION
APPROVAL OF CONDITIONAL USE PERMIT 4-2000 TO ALLOW AN UP-GRADE FROM
A TYPE-20 BEER AND WINE LICENSE TO A TYPE 21 BEER, WINE AND DISTILLED
SPIRITS LICENSE AT THE FRANK’S STOP AND GO MARKET, 610 WEST OLIVE
AVENUE

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled
meeting of July 15, 2008, conducted a public hearing to consider the modification of Conditional
Use Permit 4-2000, being a request to allow for an up-grade from a Type 20 off-sale (beer and
wine) license to a Type 21 off sale (beer, wine and distilled spirits) license for the Frank’s Stop
and Go Market located at 610 West Olive Avenue.

WHEREAS: Section 2100 D of the Porterville Zoning Ordinance states the following:

“Any use involving the sale of alcoholic beverages under an off-
sale license within 600 linear feet of the nearest property line of
any sensitive use as defined in this article shall be subject to
obtaining approval of a Conditional Use Permit”.

WHEREAS: Conditional Use Permit 4-2000 was approved by the City Council on
November 21, 2000 to permit the sale of alcohol under an off-sale license within 600 feet of a
school (Porterville High School).

WHEREAS: Census Tract 38.01, in which the subject site is located, is not over
concentrated with alcoholic licenses according to the Department of Alcoholic Beverage Control
Board’s method for determining over concentration.

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan, zoning and land use
for the site.

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

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

4. That pursuant to Section 15301, Class I, - (Exiting Facilities) of the California
Environmental Quality Act Guidelines, the Conditional Use Permit to allow the
sale of beer and wine under an off-sale license is Categorically Exempt.
5. That due to the nature of the request to up-grade the existing Type 20 off-sale (beer and wine) license to a Type 21 off-sale (beer, wine and distilled spirits) license, the City Council finds that granting the proposed intensification of use would result in an undesirable effect on the community by establishing a City wide precedent allowing other convenience stores to seek similar intensifications thereby impacting the health, safety and general welfare of citizens residing in the community.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 4-2000 subject to the following conditions:

1. That any future changes in operation which substantially alters the condition or nature of the subject business will require approval by the City Council if such modification involves the sale of alcoholic beverages.

2. That the hours of operation shall be:
   - Monday thru Friday- 6:00 a.m. to 11:00 p.m.
   - Saturday and Sunday- 7:00 a.m. to 11:00 p.m.

3. Upon approval of the modification of the conditional use permit, any future Violations of the codes relating to the sales or consumption of alcohol and/or excessive service calls to the Police Department resulting from the sales of alcohol, will result in revocation of the conditional use permit.

4. That the applicant shall install security lighting on the exterior of the building and/or in the parking lot sufficient enough to allow reasonable surveillance of the parking area to the satisfaction of the Porterville Police Department and the Zoning Administrator.

5. No alcohol advertising shall be displayed on the outside of the proposed building.

6. At all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

7. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this, or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Article 31 of the Porterville Zoning Ordinance.

8. The developer/applicant shall install a barrier separating the proposed site and the adjacent unimproved parcel to the north with concrete wheel stops, railroad ties or a similar barrier alternative as per code section 2206 (C) of the Zoning Ordinance.
9. That the consumption of alcoholic beverages shall be prohibited on-site.

10. The developer/applicant is to keep the distilled spirits in a secure place with access only available to the employees.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: SECOND READING – ORDINANCE 1744, LIMITS OF EXPENDITURES, INDEBTEDNESS AND REVOLVING CASH FUND

SOURCE: ADMINISTRATION/CITY CLERK DIVISION

COMMENT: Ordinance No. 1744, an Ordinance of the City Council of the City of Porterville Amending Chapter II, Article VII, “Expenditures, Indebtedness, and Revolving Cash Fund,” Sections 2-35 through 2-37, was given First Reading on July 1, 2008, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1744, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1744

Item No. 19
ORDINANCE NO. 1744

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 2, ARTICLE VII, "EXPENDITURES, INDEBTEDNESS, AND REVOLVING CASH FUND," SECTIONS 2-35 THROUGH 2-37

WHEREAS, Section 48 of the City of Porterville's Charter, as amended on May 2, 2003, provides that the City Council may, by ordinance adopted by a four-fifths vote effective January 1, 2004, and following every Council election thereafter, adjust the amount of money that may be expended, or the indebtedness that may be incurred, on behalf of the City, without prior specific Council authorization; and

WHEREAS, Section 48 of the City's Charter further provides that the City Council may, by ordinance adopted by a four-fifths vote effective January 1, 2004, and following every Council election thereafter, establish a Revolving Cash Fund, to be paid to the City Manager and used by him for the payment in cash, of expenditures provided for in budgets that cannot be conveniently paid otherwise;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PORTERVILLE, AS FOLLOWS, TO WIT:

SECTION 1. That Porterville Municipal Code, Chapter 2, Article VII, is hereby amended as follows:

ARTICLE VII. EXPENDITURES, INDEBTEDNESS, AND REVOLVING CASH FUND

Sec. 2-35. Expenditures.

Any expenditure or purchase of less than $5,000.00 shall not require specific council authorization. Any expenditure or purchase of $5,000.00 or more shall first require specific council authorization as provided by Section 48 of the Charter.

Sec. 2-36. Indebtedness.

Any indebtedness to be incurred by the City of less than $5,000.00 shall not require specific council authorization. Any indebtedness to be incurred by the City of $5,000.00 or more shall first require specific council authorization as provided by Section 48 of the Charter.

Sec. 2-37. Revolving Cash Fund.

A revolving cash fund in the amount of not more than $1,000.00 is hereby established pursuant to Section 48 of the Charter.
SECTION 2. This ordinance shall be in full force and effect thirty days after its passage and adoption.

ADOPTED, SIGNED AND APPROVED this ____ day of July, 2008.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

______________________________
By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: SHORT RANGE TRANSIT PLAN

SOURCE: Administration (Transit)

COMMENT: One of the requirements of the Section 5307 program is to periodically update the City of Porterville Short Range Transit Plan. This required update is timely due to a number of factors that are impacting our public transportation system.

Because the City is a small urbanized area and receives Federal funding, we are also entitled to Section 5303 planning funds to assist us with the required studies and updates, including this Short Range Transit Plan. Charles Clouse, of TPG Consulting, Inc., the City’s Transportation Consultant, will be available to review the Plan he has prepared for the City and will address options provided for consideration. Staff will also be available to assist with answering any specific questions the Council may have in determining the future service levels and funding requirements.

The first four chapters of the Plan address required elements relating to community profile and service area, description and overview of the current service, policies and standards and on-board passenger surveys. Chapter 5 is a discussion of the analysis of the system, Chapter 6 deals with service strategies and management and marketing plans, followed by Chapter 7 which outlines the capital program. Chapter 8 summarizes in detail the Financial Plan for the system with projected expenditures and revenues. Key points that will be addressed include:

- Porterville Transit farebox ratios increased in FY 2006/07 to the highest levels experienced by the service in the last five fiscal years.
- The annual cost per passenger on Porterville Transit has increased approximately 54% over the past five fiscal years. This increase reflects the increases in annual operating costs.
- Vehicle maintenance costs continue to rise for Porterville Transit; and while ridership totals for FY 2007/08 are expected to show a 10% increase over FY 2006/07 totals,

DD \[\checkmark\] Appropriated/Funded \[\checkmark\] CM \[\checkmark\]  

Item No. 20
the associated increase in revenue is not strong enough to keep pace with rising operational costs.

- Even with the service restriction implemented for the COLT (Demand-Response) system during FY 2006/07, the service's overall efficiency is still not as productive as it could be. While ridership decreased by more than half, operating costs have only decreased by 23%.

- COLT’s farebox ratios have been declining over the past five years, in conjunction with the high cost of providing demand-response service. Farebox ratios can improve if cost increases can be reduced and productivity can be increased.

- The COLT system will continue to place an undue hardship on Porterville Transit to “carry” the burden of maintaining the blended 20% required farebox ratio unless the number of vehicle service hours can be reduced by combining trips, thus covering more service area with fewer vehicles. Additionally, an increase in fares is also needed to assist with the lagging Demand Response farebox ratio. The current fare of $1.50 has been in effect since January 1, 2003.

- Route 8, previously addressed and approved through the Short Range Transit Plan of 2006, will be implemented in August, and detailed route changes for Routes 6, 7 and 8 will be reviewed.

RECOMMENDATION: That the City Council review the Short Range Transit Plan and give staff direction which options the Council would like to pursue. Staff will then proceed to schedule a public hearing to address any service level increases/reductions, or fare increases that may be a part of any option.

ATTACHMENTS: Short Range Transit Plan
Transit Route Maps
REQUEST TO RATIFY BUDGET FOR FISCAL YEAR 2008-2009

At its regular meeting on June 17, 2008, the City Council adopted the proposed budget for the 2008-2009 Fiscal Year, with the exception of “freezing” the Water Fund budget consistent with the 2007-2008 Fiscal Year for further analysis and discussion, as well as directing the inclusion of a General Fund expenditure ($19,000.00) for the purchase of two (2) mobile tower lighting units. In addition, due to the recent City Council election, the Council that adopted the proposed budget in June 2008 does not have the same membership as the current Council, which will implement the budget over the next fiscal year. Accordingly, the current Council is afforded the opportunity to ratify the adopted budget.

Budget Summary: 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: $90,193,195
* General Fund Revenues/Transfers for 08-09 FY: $23,820,952
* General Fund Expenditures/Transfers for 08-09 FY: $25,551,587
* General Fund cash deficit for 08-09 FY: $1,730,635
* 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.

Water Fund: The Council directed the “freezing” of the Water Fund budget consistent with the 2007-2008 Fiscal Year budget, pending further analysis and discussion, to include:
1. Removal of proposed CIEDB loan projects expenditures and recommended meter rate increase revenues for independent consideration (please see attached memorandum); and
2. Analysis of impact to Water Fund operations with focus toward water conservation efforts (please see attached memorandum).
RECOMMENDATION: The City Manager proposes that the Council ratify the adopted 2008-2009 Fiscal Year Budget, as modified.

ATTACHMENTS: Draft Resolution
Memorandum: CIEDB Loan for Water Improvements
Memorandum: Potential Financial Impact of Current Conservation Efforts
Water Fund Budget Worksheet
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 Water Fund Operating and Replacement 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 Water Fund of the City of Porterville for the 2008-2009 Fiscal Year;

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Porterville Water Fund Operating and Replacement Budgets for the 2008-2009 fiscal year are adopted in the following amounts:

   Operating Budget $4,580,256
   Capital Projects 2,338,591
   Debt Service 360,000
   Total $7,278,847

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

   ________________________________
   Cameron Hamilton, Mayor

ATTEST:

______________________________
John Longley, City Clerk
**RECERTIFICATION FOR 2008-09 FISCAL YEAR**

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:

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<td>Increase Police Sworn by 1 additional position to the base</td>
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<td>Maintain Expanded Patrol Operations</td>
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<td>Maintain Expanded Gang Suppression and Narcotics Operations</td>
<td>$490,871**</td>
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<td>Maintain 8 additional Sworn Fire personnel</td>
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<td>Safety Equipment</td>
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<td>Maintain Literacy Programs/hours</td>
<td>$340,972**</td>
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<tr>
<td>Expand Homework Assistance and Creative Expression Program</td>
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<td>Increase Established Capital Reserve Fund for New Fire Station</td>
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<td><strong>Subtotal</strong></td>
<td><strong>$2,659,949</strong></td>
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| 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
July 15, 2008
Memo

To: City Council Members
From: Baldo Rodriguez, Public Works Director
CC: Bryan Styles, DPWD/Field Services Manager
Date: July 9, 2008
Re: CIEDB Loan for Water Improvements, and Debt Service Implications

City Council has resolved to pursue a $8.55 million loan for an extensive and necessary number of capital improvements over the next few years. The process has begun with an application to the California Infrastructure Economic Development Bank (CIEDB) for the funding, and the City anticipates hearing whether or not the funds can be made available in August 2008. The projects are intended to provide the City with the water infrastructure necessary to make future development possible. The current system is being taxed to its limit during summer months. This reduces the Council’s options for aggressively pursuing new economic development.

The project includes a 550,000 gallon water tank, booster pump and related piping at Rocky Hill as well as a 3 million gallon tank and booster pump station on Martin Hill. Monies are also allocated for a water study and a well conversion project.

When our application is approved and the funding is available, the following processes/procedures will need to occur:

1) Formal approval of the loan documents and amounts,
2) Development of a revenue plan to determine if the water rate structure will cover the loan repayment schedule,
3) A public hearing can be set by Council for comment on any proposed water rate changes needed to cover the loan payments, and
4) If directed, staff will prepare a revised budget for both the Water Operating Fund and the Water Replacement Fund that reflects the new debt service repayment schedule for City Council approval.

As of this date, the CIEDB Loan funding approval is expected in August 2008. A revised revenue plan is expected to be complete for Council review in late August 2008. At the first meeting in September 2008, Council will have the opportunity to review the revenue plan; and if it is Council’s desire to set a public hearing for any water rate changes that are necessary, staff would request the public hearing be set for the last Council Meeting of October 2008. This will allow enough time to notify customers of the public hearing to consider a meter rate increase.
Memo

To: City Council
From: Baldo Rodriguez, Public Works Director
CC: Bryan Styles, DPWD/Field Services Manager
Date: 7/10/2008
Re: Potential Financial Impacts of Current Water Conservation Efforts

During the month of June, 2008 the City experienced a 10% reduction in water production compared to June 2007. While the reduction could be attributed to conservation efforts, such a conclusion is premature until the City gets deeper into the summer and water production volumes can be better evaluated. It is the intent of the water conservation program to promote voluntary conservation; and staff anticipates that it will occur. How much conservation and for how long is unknown.

Assuming that voluntary conservation reduces water production by approximately 10% over the course of the summer, the reduction in revenues will be approximately $238,000. Staff estimates that the power savings that correspond to the reduced pumping needed will be about $90,000 to $110,000 over the same period. The net loss to the Water Operating Fund therefore would be about $128,000. The scenario described above assumes that the principal conservation effort will be in the warmest months and will be largely a reduction in landscape irrigation; usually, April through September.

The financial impact of a $128,000 loss for this year can be managed by reducing the typical 5 to 10% funds transfer from the Water Operating Fund to the Water Replacement Fund rather than adjusting rates. The budget projection for fiscal year 08/09 suggests a transfer of $167,500 from the Water Operating Fund to the Water Replacement Fund without the conservation losses. Under this scenario, the typical Water Operation/Water Replacement Fund transfers become static and reduce the City's ability to expand the City's water system.

Should reduced revenues exceed expectations; monies can be drawn back from the Water Replacement Fund to deal with the temporary nature of such a loss. Should the drought continue for several more years, more compelling water use restrictions may become necessary. Restrictions and/or possible actions may include:

- Adjustment to the water rates as part of a more comprehensive conservation effort.

- Implement a "chill" hiring practice and develop a Field Services Worker Inter-discipline program that allows workers from for example the Street Division to assist the Water Division.

- Curtail $80,000 in surface water purchases.

- Reduce services on non-crucial activities commensurate with staffing levels as a result of the "chill" hiring practice.
CITY OF PORTERVILLE
ANNUAL BUDGET
2008-2009

WATER OPERATING FUND

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<td>Interest income</td>
<td>$ 41,522</td>
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<td>$ 45,479</td>
<td>$ 47,143</td>
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<td>Water sales</td>
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<td>$ 4,665,753</td>
<td>$ 4,626,619</td>
<td>$ 4,652,467</td>
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<tr>
<td>Service fees</td>
<td>$ 147,546</td>
<td>$ 145,000</td>
<td>$ 168,154</td>
<td>$ 151,000</td>
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<td>Other revenues</td>
<td>$ 108,776</td>
<td>$ 109,355</td>
<td>$ 111,951</td>
<td>$ 113,000</td>
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<td><strong>Total</strong></td>
<td><strong>4,898,759</strong></td>
<td><strong>5,165,108</strong></td>
<td><strong>4,952,203</strong></td>
<td><strong>4,963,610</strong></td>
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Less:

Appropriations for:

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<tbody>
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<td>Meter Reading</td>
<td>$ 217,276</td>
<td>$ 242,387</td>
<td>$ 224,782</td>
<td>$ 271,402</td>
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<td>Water Quality Assurance</td>
<td>$ 339,916</td>
<td>$ 488,207</td>
<td>$ 334,838</td>
<td>$ 596,556</td>
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<td>Hydrant Testing</td>
<td>$ 22,917</td>
<td>$ 25,953</td>
<td>$ 32,543</td>
<td>$ 25,813</td>
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<td><strong>Subtotal</strong></td>
<td><strong>3,986,236</strong></td>
<td><strong>4,709,385</strong></td>
<td><strong>4,014,818</strong></td>
<td><strong>4,436,156</strong></td>
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<td>Debt service principal</td>
<td>$ 315,000</td>
<td>$ 335,000</td>
<td>$ 335,000</td>
<td>$ 360,000</td>
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<td><strong>Total</strong></td>
<td><strong>4,301,236</strong></td>
<td><strong>5,044,385</strong></td>
<td><strong>4,349,818</strong></td>
<td><strong>4,796,156</strong></td>
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Less:

Transfer to Water Replacement   | $ 493,416        | $ 120,723                   | $ 602,385                 | $ 167,454         |

**Total**                       | **493,416**      | **120,723**                 | **602,385**               | **167,454**       |

Available balance, end of year  | $ -              | $ -                         | $ -                       | $ -               |
WATER REPLACEMENT FUND

This fund was established in 1931 to reserve funds for extension and replacement of lines in the City's water system. Funds are provided by acreage fees on new services and development and by depreciation payments from the Water Operating Fund. This fund is also utilized to accumulate funds from the Water Operating Fund for the replacement of equipment.

Expenditures from this fund are made through the Capital Projects Fund. Projects proposed for 2008-2009 total $2,338,591, and include:

<table>
<thead>
<tr>
<th>Project</th>
<th>New Appropriation</th>
<th>Re-appropriated</th>
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</thead>
<tbody>
<tr>
<td>Cathodic protection – Rocky Hill</td>
<td>$</td>
<td>$25,000</td>
</tr>
<tr>
<td>East side design Martin Hill reservoir/booster pump</td>
<td>160,000</td>
<td></td>
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<tr>
<td>Master plan payback</td>
<td>24,000</td>
<td>419,591</td>
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<td>Master plan update</td>
<td>100,000</td>
<td>100,000</td>
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<tr>
<td>Olive – Plano to Second – Pipe</td>
<td></td>
<td>170,000</td>
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<tr>
<td>Scenic Heights tank &amp; Rocky Hill analysis</td>
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<td>20,000</td>
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<tr>
<td>Water balancing study</td>
<td></td>
<td>50,000</td>
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<tr>
<td>Water well #29</td>
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<td>620,000</td>
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<tr>
<td>Water well #31 – construction</td>
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<tr>
<td>West to central booster</td>
<td></td>
<td>210,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$ 284,000</strong></td>
<td><strong>$ 2,054,591</strong></td>
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CITY OF PORTERVILLE
ANNUAL BUDGET
2008-2009

WATER REPLACEMENT FUND

<table>
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<tr>
<th></th>
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<tbody>
<tr>
<td>Available balance, beginning of year</td>
<td>$ 6,105,592</td>
<td>$ 5,322,775</td>
<td>$ 4,898,305</td>
<td>$ 3,664,609</td>
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Add:

Revenues from:

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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Interest income</td>
<td>302,713</td>
<td>150,000</td>
<td>129,691</td>
<td>130,000</td>
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<tr>
<td>Service fees</td>
<td>11,525</td>
<td>35,000</td>
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<td>Development fees</td>
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<td>200,000</td>
<td>98,057</td>
<td>100,000</td>
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<td>Interdepartmental service charges</td>
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<td>Depreciation reserve</td>
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<td>155,162</td>
<td>155,162</td>
<td>155,162</td>
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<tr>
<td>Financing revenue</td>
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<td>-</td>
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<tr>
<td>Other revenue</td>
<td>51</td>
<td>174,200</td>
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<td>-</td>
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Transfer from:

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<tbody>
<tr>
<td>Water Operating Fund</td>
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<tr>
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<td>252,723</td>
<td>676,274</td>
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Appropriations for:

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<tbody>
<tr>
<td>Equipment replacement</td>
<td>-</td>
<td>-</td>
<td>130,351</td>
<td>144,100</td>
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<tr>
<td>Capital projects - CIEDB</td>
<td>-</td>
<td>3,150,500</td>
<td>250,000</td>
<td>-</td>
</tr>
<tr>
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<td>160,995</td>
<td>630,000</td>
<td>630,000</td>
<td>95,000</td>
</tr>
<tr>
<td>Capital projects - development fees</td>
<td>2,583,897</td>
<td>5,096,843</td>
<td>1,500,000</td>
<td>2,243,591</td>
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<tr>
<td><strong>Total</strong></td>
<td>2,744,892</td>
<td>8,877,343</td>
<td>2,510,351</td>
<td>2,482,691</td>
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</tbody>
</table>

Available balance, end of year | 4,898,305        | 563,017                    | 3,664,609                   | 1,932,534        |

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<thead>
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</thead>
<tbody>
<tr>
<td>Equipment replacement fund</td>
<td>1,072,272</td>
<td>-</td>
<td>1,205,656</td>
<td>1,263,156</td>
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<tr>
<td>Available for capital expenditures</td>
<td>$ 3,826,033</td>
<td>$ 563,017</td>
<td>$ 2,458,953</td>
<td>$ 669,378</td>
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</tbody>
</table>
COUNCIL AGENDA: JULY 15, 2008

SUBJECT: MURRY PARK POND USE AND WATER QUALITY GOALS

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council has requested an improvement in the water quality of the pond within Murry Park. A preliminary report on the matter was presented to the Council several months ago. The earlier report along with a recent Public Works Department memorandum is attached hereto. Staff was originally given direction to proceed with refining the alternative for providing additional aeration, and that direction was later refined to supplemental aeration for seasonal algae control. Effort has been directed for months towards equipment manufacturers with almost no success. One manufacturer of a solar-powered water-mixer was as close as staff could get. There is no easy answer and staff has found the problem which we are charged with resolving to be somewhat vague.

Staff research suggests that improvements and/or modifications/renovations to the pond have occurred at about 30 to 40 year intervals in its history. The last modifications were made approximately 30 years ago. The challenges with Murry Pond are its earthen bottom, the accumulation of sediments, the island, the relatively shallow water depth, and the waterfowl. Not knowing the exact amount and the organic content of the sediment in the bottom of the pond, together with the constant organic additions contributed by the waterfowl make changing the water characteristics a potentially costly and ongoing process.

If the water was made clear the sunlight would penetrate the shallow water depth, resulting in new plant material growth from the bottom that would make fishing much more difficult and could result in the spread of noxious weeds further downstream. If we do nothing, the pond will eventually fill in with sediments. If the pond was dredged of accumulated sediments and deepened, some new plant growth would occur and, if left to natural occurrences, stratification would occur, resulting in seasonal pond turnover – a sulfurous (rotten egg) odor would emanate for a week or so a few times a year.

For staff the largest detriment and health concern at the pond is the large population of waterfowl that defecate everywhere outside of the pond. Simply walking around the pond potentially presents some challenge to health and the senses.

The above information has been provided to the Parks & Leisure Services Commission with a request for input on recommended pond goals for use and water quality. Results of the Commission’s July 10, 2008 discussion will be communicated to the City Council at the Council’s meeting.
RECOMMENDATION: That the City Council receive recommendations from the Parks & Leisure Services Commission and provide direction to staff on the goals for use and water quality of Murry Park Pond.

ATTACHMENTS: March 28, 2008 Memorandum
July 1, 2008 Memorandum
OPTIONS TO ADDRESS MURRY PARK POND

PARKS AND LEISURE SERVICES DEPARTMENT

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

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

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

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

ATTACHMENTS: City of Porterville – Murry Park Pond Enhancement Alternatives

ITEM NO.: 18
CITY OF PORTERVILLE - MURRY PARK
POND ENHANCEMENT ALTERNATIVES

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

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

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

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

The water quality is perceived as poor in appearance, turbid, with visible seasonal algal blooms, and an elevated bacterial level found in the single sampling. Most of the pond is relatively shallow (4 to 6 feet), so stratification is not perceived as a current concern.
It is believed that the rate of decomposition of organic waste within the pond needs to be improved. Increasing the amount of oxygen and/or complete mixing of the water are methods to enhance natural decomposition processes. A single fountain currently exists along the north side of the pond. This fountain has become plugged and the pump motor may have been damaged. When it functions, its purpose is to provide movement of the surface water and thus serves little role in assisting with organic decomposition.

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

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

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

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

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

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

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

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

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

DATE: 11/29/07
TO: Bryan Styles
FROM: Michael Cotton

SUBJECT: Water Sample from Murry Park

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

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

Sample results:

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<tr>
<th>Parameter</th>
<th>Value</th>
<th>Drinking Water Std.</th>
</tr>
</thead>
<tbody>
<tr>
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<td>6-9</td>
</tr>
<tr>
<td>EC</td>
<td>415</td>
<td>900</td>
</tr>
<tr>
<td>DO</td>
<td>7.7</td>
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<tr>
<td>Turbidity</td>
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<td>&lt;5</td>
</tr>
<tr>
<td>Total Coliforms</td>
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<td>&lt;2.2</td>
</tr>
<tr>
<td>Fecal Coliforms</td>
<td>&gt;1600</td>
<td>&lt;2.2</td>
</tr>
</tbody>
</table>

(2,200 short term max)
# Analysis Results

Sample Date: 11/26/2007  
Report Date: 11/29/2007  
Analyst: MC  
Sampler: J. VILLARD  

## Project: Murry Park Pond Water

<table>
<thead>
<tr>
<th>Lab ID</th>
<th>Sample #</th>
<th>Time Sampled</th>
<th>Analysis</th>
<th>Result</th>
<th>Units</th>
<th>Method</th>
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<tbody>
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<td>MPN</td>
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<tr>
<td>15042-1</td>
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<td>Fecal Coliform</td>
<td>&gt;1600</td>
<td>MPN</td>
<td>SM 9221</td>
</tr>
</tbody>
</table>
Memo

To: Jim Perrine, Parks and Leisure Services Director
From: John Baker, WWTF Superintendent
CC: Bryan Styles, Field Services Manager, Baldo Rodriguez, public Works Director
Date: 7/1/08
Re: Protocol for the evaluation of Murray Pond

Purpose and intent:

The intent is to reduce the unsightly poor water quality in the pond. Improve the water turbidity to acceptable levels, evaluate the potential to restore the depth of the pond achieved in the late 1970's, and improve the overall affect of the pond and surrounding area.

Methods:

1) Obtain and review past evaluations, and master plans for park and pond.
2) Prepare a list of field work that will verify and supplement the past work products.
3) Conduct field work on a prepared schedule.
4) Sampling for DO and water depth sediments for organic and silt content.
5) Do field observations to evaluate sources of organic contamination and silt.

Evaluation:

Prepare a report of the results of the literature review, supplemental field work and report preparation and a recommendation action plan:

Field work includes:

a. Collect samples of pond waters, pond water sources, pond bottom samples,
b. Physically evaluate the storm water systems contributing to the pond,
c. Identify the current aquatic plants and algae in and around the pond,
d. Survey the pond bottom for depth, silt and organic content, and
e. Consider the water foul and their impact upon the ponds environment.

Evaluate methods to:

1) To reduce sources of nitrogen and other bio-stimulators as well as silt.
2) Establish the permeability of the ponds for supplemental water sources and quantities identified.
3) The total annual water required to maintain a healthy environment in and around the pond.

4) Develop a management plan developed that includes a time and effort estimate to meet the continuing demands of keeping the ponds environment healthy and anticipates the changes that will occur when additional sun light reaches the ponds bottom.

5) Evaluate trends and opportunities to improve efficiencies of operating the ponds through written best management practices plan that includes such items as,
   a. A written description of the expectations of the City on what type of environment is expected for the Murray Park Pond,
   b. A budget that supports the Park Pond.

Background:

The pond appears to have undergone several renovations since the 1941 plans and initial construction was done. The pond was initially 5 feet deep, and the island was about twice its current size. The evidence of some of the renovations are mortared stone sides that were not in the 1941 plans and the reduction of the island size as well as improvements to the inlet and outlets of the pond. Staff believes the pond was deepened to about 10 feet in the late 1970’s and has sense partially refilled with sediments to about 5 feet. Ponds filling with sediments are the way ponds and lakes become meadows over time.

The Park pond is a storm water retention pond that is used, in part, to slow storm water run-off into the ponds receiving stream. The ponds capacity to do this is a function of the water levels it is operated at during the rainy season, and its area and depth. A thorough evaluation of the usefulness of the pond for a retention pond should be part of any considerations for pond improvements.

Current water quality issues and environmental factors that influence the pond’s water quality are not well understood and require more critical study. To provide both analysis of the existing conditions and influences on the ponds water, and those factors that cause the poor water quality, treatment options and timing of any treatment require a field study and literature search for corrective options.

The health, depth, sources of water and quality of the water along with other factors impact the uses of the pond. A healthy pond can support a number of activities, such as fishing and water foul that frequent the pond.
COUNCIL AGENDA: JULY 15, 2008

SUBJECT: RELOCATION OF VETERANS PARK PLAYGROUND

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council has previously approved the replacement of playground equipment in several parks. The Council also was interested in possible relocation of the Veterans Park playground to a location more distant from roadways. Staff was asked to further refine the original estimate of the cost to create a new playground for the installation of the replacement play equipment. A conceptual site was determined by staff for cost estimating purposes as being approximately 100 feet southeast of the existing playground, near the existing pedestrian pathway.

The cost estimate to implement a basic new play area is $34,385. Providing park benches, trees and interconnection sidewalk would increase the cost to approximately $45,655. No current funding source is identified. Staff suggests that general fund carry-over be utilized, unless the City Council determines to reallocate funding from another project or source.

The precise geometric shape of the play area could be refined once the general location is determined. The Parks and Leisure Services Commission is to consider this matter and is expected to provide a recommendation during their meeting of July 10, 2008. The information from the Commission meeting will be communicated to the City Council at the Council’s meeting.

RECOMMENDATION: That the City Council:
1. Receive the recommendations from the Parks & Leisure Services Commission and provide direction to staff on the location for installation of the replacement Veterans Park playground equipment, and
2. Direct the preparation of a budget adjustment to allocate $45,655 in additional general fund carry-over to the Veterans Park Playground Replacement Project.

ATTACHMENTS: Site plans for Veterans Park Playground Replacement Cost Estimate for Veterans Park Playground – Proposed New Location
### VETERAN'S PARK PLAYGROUND - PROPOSED NEW LOCATION

**City of Porterville**  
**Preliminary Cost Estimate**

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
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<tr>
<td>1</td>
<td>Install 12&quot;x24&quot; Perimeter Curb for Playground Area</td>
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<td>325</td>
<td>$20.00</td>
<td>$6,500.00</td>
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<tr>
<td>2</td>
<td>12&quot; Soil Excavation Depth for Wood Fiber Placement</td>
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<td><strong>Landscape Irrigation System Removal / Relocation</strong></td>
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<td>$15,000.00</td>
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**Sub Total** $29,900.00  
**10% Contingency** $2,990.00  
**5% Staff and Testing** $1,495.00

**Total** $34,385.00

### ALTERNATE ITEMS:

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<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
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<td>Park Benches for Playground Area</td>
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<tr>
<td>5</td>
<td>&quot;24&quot; Box Trees</td>
<td>EA</td>
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<td>$225.00</td>
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<td>6</td>
<td>Install 5' Wide Sidewalk for Interconnection</td>
<td>SF</td>
<td>1085</td>
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**Sub Total** $9,800.00  
**10% Contingency** $980.00  
**5% Staff and Testing** $490.00

**Total w/ Alternates** $45,655.00

**Notes:**  
- Estimated costs determined in collaboration with Parks & Leisure Services Department
SUBJECT: Council Member to Serve on the Public Safety Building Committee

SOURCE: Fire Department

COMMENT: Fire and Police Department staff recently met and discussed what reasonable expectations are needed in the development of the new Public Safety Building. An in-house committee has been formed, and staff is requesting that a Council Member be selected to serve as a member on the Public Safety Building Committee.

The expectations of the Committee Members are to attend scheduled committee meetings, tour existing Public Safety facilities, and provide critical information to the selected design professionals to assist them in the design as well as identify the needs of the Fire and Police Departments.

RECOMMENDATIONS: That the City Council:

1. Select and assign a representative to serve on the Public Safety Building Committee.

2. Authorize the Public Safety Building Committee to begin the process for the new Public Safety Building.

ATTACHMENT: None
SUBJECT: REQUEST BY COUNCIL MEMBER – CONSIDERATION OF BALLOT MEASURE TO AMEND CITY CHARTER

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.

Item No. 25
JOINT MEETING OF
PORTERVILLE CITY COUNCIL,
PORTERVILLE REDEVELOPMENT AGENCY,
AND
PORTERVILLE PUBLIC FINANCING AUTHORITY

SUBJECT: REFUNDING REDEVELOPMENT TAX ALLOCATION BONDS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: At the June 17, 2008 Redevelopment Agency meeting, staff was directed to proceed with the refunding of the 2002 Tax Allocation Refunding Bonds for the purpose of financing the Porterville Hotel Project.

Attached for the City Council, Redevelopment Agency, and Public Finance Authority's information are two (2) Interoffice Memorandums from Raymond Haight, Bond Counsel, explaining the refunding process for both the housing and non-housing portions of the bond issuance and summaries of Resolutions to be adopted, order of adoption, and actions to be taken.

At the February 19, 2008 Redevelopment Agency meeting, the Agency appointed the law firm of Raymond Haight as Bond Counsel and Disclosure Counsel and the firm of Wulff, Hansen & Company as underwriter. Additionally, the Agency authorized the Chairman, Executive Director, Secretary, and Treasurer to sign all documents necessary to achieve the refunding.

The financial aspects of the refunding have been evaluated by the Agency's Financial Consultant, Rosenow, Spevacek Group, Inc. (RSG). RSG findings indicate that the Agency has ample coverage to satisfy the annual debt service. Staff took additional precautionary steps and asked the Agency's Counsel to review the bond documents with regard to any legal implications that may result from the Bond refunding. Counsel is satisfied with the bond documents.

It is important to note that the Agency has the option not to refund the bonds should the interest rates be too high or if other issuance costs are not favorable for the Agency. Should the bonds not be sold, nothing is due to bond counsel, disclosure counsel, or to the underwriter.

A complete copy of the draft bond documents are on file and available for public review in the Community Development Department.
RECOMMENDATION: That the Porterville Redevelopment Agency:

1. Adopt the attached resolution approving the issuance and sale by the Porterville Redevelopment Agency of its Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) to finance and refinance redevelopment activities within, or of benefit, to Porterville Redevelopment Project Area No. 1 approving the form and authorizing the execution of related documents and approving related actions; and

2. Adopt the attached resolution approving the issuance and sale by the Porterville Redevelopment Agency of its Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series D (housing projects) to finance and refinance low and moderate income housing activities within, or of benefit, to Porterville Redevelopment Project Area No. 1 approving the form and authorizing the execution of related documents and approving related actions.

That the Porterville City Council:

1. Adopt the attached resolution approving the issuance by the Porterville Redevelopment Agency of its Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) to finance and refinance redevelopment activities within or of benefit to Porterville Redevelopment Project Area No. 1; and

2. Adopt the attached resolution approving the issuance by the Porterville Redevelopment Agency of its Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008...
Series D (housing projects) to finance and refinance low and moderate income housing activities within, or of benefit, to Porterville Redevelopment Project Area No. 1; and

3. Authorize the Mayor to sign all necessary documents.

That the Porterville Public Financing Authority:

1. Adopt the attached resolution approving the purchase and sale of the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and the Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) and approving related documents and actions; and

2. Adopt the attached resolution approving the purchase and sale of the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and the Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series D (housing projects) and approving related documents and actions; and

3. Authorize the Chair to sign all necessary documents.

ATTACHMENTS: 1. Memo regarding Series A and B Bonds
2. Memo regarding Series C and D Bonds
3. Redevelopment Agency Resolution – Series A and B Bonds
4. Redevelopment Agency Resolution – Series C and D Bonds
5. City of Porterville Resolution – Series A and B Bonds
6. City of Porterville Resolution – Series C and D Bonds
7. Porterville Public Financing Resolution – Series A and B Bonds
8. Porterville Public Financing Resolution – Series C and D Bonds
INTEROFFICE MEMORANDUM

TO: Porterville City Council
    Porterville Redevelopment Agency
    Porterville Public Financing Authority

FROM: Raymond M. Haight, Bond Counsel

DATE: July 15, 2008

SUBJECT: Porterville Redevelopment Agency, Redevelopment Project Area No. 1, Tax Allocation Refunding Bonds, 2008 Series A (Redevelopment Projects)

        Porterville Redevelopment Agency, Redevelopment Project Area No. 1, Taxable Tax Allocation Bonds, 2008 Series B (Redevelopment Projects)

At the joint meeting of your respective agencies on July 15, 2008, there will be presented for your consideration and approval various resolutions pertaining to the Porterville Redevelopment Agency, Redevelopment Project Area No. 1, Tax Allocation Refunding Bonds, 2008 Series A (Redevelopment Projects) (herein the "Series A Bonds") and the Porterville Redevelopment Agency, Redevelopment Project Area No. 1, Taxable Tax Allocation Bonds, 2008 Series B (Redevelopment Projects) (herein the "Series B Bonds," and, together with the Series A Bonds, the "Bonds") . Different agencies will be considering different resolutions as shown below.

The purpose of the resolutions is to allow the agencies in a collective effort to assist in effectuating the issuance and sale of the Bonds in a principal amount of not to exceed $4,600,000 for the Series A Bonds and $2,600,000 for the Series B Bonds (the actual amount of the bond issues is anticipated to be less). The proceeds of the Series A Bonds will be utilized for the purpose of paying the non-housing portion of the remaining outstanding principal amount (together with any interest and premium due thereon) of those certain Porterville Redevelopment Agency, Porterville Redevelopment Project Area No. 1, 2002 Tax Allocation Refunding Bonds issued by the Agency on February 13, 2002 (the "2002 Bonds") in the original principal amount of $6,100,000, the proceeds of which were utilized (i) to refund the Porterville Public Financing Authority’s 1992 Revenue Bonds (the "1992 Bonds") (the “Authority”) that were issued primarily to fund certain redevelopment activities within Porterville Redevelopment Project Area No. 1 and (ii) to pay certain costs incurred in connection with the issuance, sale and delivery of the 2002 Bonds. The balance of the proceeds of the Series A Bonds would be utilized to obtain a reserve account surety bond in place of a reserve account, which is what is intended (or, in the alternative, establish a reserve account), and pay costs of issuance in connection with the Series A Bonds, including, without limitation, any necessary premiums to insure the issue.

The proceeds of the Series B Bonds would be utilized (i) to fund redevelopment activities within and of benefit to Redevelopment Project Area No. 1, (ii) to obtain a reserve account surety bond in place of a reserve account, which is what is intended (or, in the alternative, establish a reserve account), and pay costs of issuance in connection with the Series B Bonds, including, without limitation, any necessary premiums to insure the issue.

If the agencies are in agreement and approve going forward with the bond issues, it is anticipated
that the issues would close on or about August 12, 2008. A report will be presented to you from Bud Levine of Wulff, Hansen & Co. ("Underwriter") relating to the sizing, costs, and other financial aspects of the bond issues. This report will be under separate cover and is to be made part of this package.

The enclosed resolutions take effect immediately upon adoption. These resolutions, among other things, establish a framework that allows for the simultaneous purchase of the Bonds by the Porterville Public Financing Authority from the Agency and the sale thereof by the Authority to the Underwriter. This assists the Porterville Redevelopment Agency in issuing and selling the bonds by facilitating a negotiated sale of the Bonds instead of an advertised sale of the Bonds, as would otherwise be required under the Redevelopment Law of the State of California (Sections 33000 et seq. of the California Health and Safety Code) ("Redevelopment Law"). In fact, this is one of the reasons for the creation of the Porterville Public Financing Authority, as the Marks-Roos Local Bond Pooling Act of 1985 (Sections 6584 et seq. of the California Government Code) allows a joint powers agency, the Authority, to purchase bonds of other agencies and sell bonds on a negotiated basis, and does not require an advertised sale. By doing a negotiated sale it is anticipated that a better interest rate and greater efficiency in the sale of Bonds will be achieved.

The Authority will receive from the Underwriter the money for the purchase of the Bonds in return for the covenant to simultaneously sell the Bonds to the Underwriter once they are purchased by the Authority from the Porterville Redevelopment Agency. While the process is a little complex, it does work rather well and achieves its aims.

Attached for your convenience is a brief summary of the resolutions to be adopted by the various agencies. The resolutions are to be adopted in the order presented.
SUMMARY OF RESOLUTIONS TO BE ADOPTED, 
ORDER OF ADOPTION, AND ACTIONS TO BE TAKEN

PART I: PORTERVILLE REDEVELOPMENT AGENCY

The following resolution is to be adopted by the City of Porterville Redevelopment Agency:

1. Resolution No. RDA __-2008, Resolution Approving the Issuance and Sale by the Porterville Redevelopment Agency of its Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds, 2008 Series A (Redevelopment Projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds, 2008 Series B (Redevelopment Projects) to Finance and Refinance Redevelopment Activities Within or of Benefit to Porterville Redevelopment Project Area No. 1, Approving the Form and Authorizing the Execution of Related Documents and Approving Related Actions.

This resolution authorizes the issuance of not to exceed $4,600,000 of Series A Bonds for the purpose of refunding the remaining non-housing portion of the outstanding principal amount (together with any interest and premium due thereon) of those certain 2002 Tax Allocation Refunding Bonds issued by the Agency on February 13, 2002 (the “2002 Bonds”) in the original principal amount of $6,100,000, the proceeds of which were utilized as set forth above, and which remain currently outstanding in the principal amount of $4,905,000; and using the balance of the proceeds to establish a reserve account and pay costs of issuance in connection with the Series A Bonds, provided the underwriter's discount (this does not include original issue discount since the same does not represent compensation to the underwriter) shall not exceed 2.00% of the par amount of the Series A Bonds and the average annual interest rate shall not exceed 5.50%.

This resolution also authorizes the issuance of not to exceed $2,600,000 of Series B Bonds for the purpose of funding redevelopment activities within or of benefit to the Redevelopment Project, and using the balance of the proceeds to establish a reserve account and pay costs of issuance in connection with the Series B Bonds, provided the underwriter's discount (this does not include original issue discount since the same does not represent compensation to the underwriter) shall not exceed 2.50% of the par amount of the Series B Bonds and the average annual interest rate shall not exceed 8.00%.

The amount of not to exceed $4,600,000 for the Series A Bonds is higher than the anticipated par amount of the Series A Bonds, and the amount of not to exceed $2,600,000 is higher than the anticipated par amount of the Series B Bonds. The difference in each case represents a hedge against any unanticipated costs or increases in costs due to rising interest rates. The hedge in each case allows the respective transactions to proceed even if the size of the bond issue exceeds, in the given case, the anticipated par amount, but still represents a transaction worth doing, without having to suffer “lost” time in a rising interest rate market by having to go back to the agencies for approval of a larger par amount.

Further, the transactions, as structured, contemplate the use of a “reserve account surety bond” in place of a reserve account. The provisions set forth in the Indenture and the Preliminary Official Statement contemplate the use of a reserve account but allow the alternative of a reserve account surety bond in place thereof. This is standard language. We fully intend to utilize a reserve account surety bond (hopefully we can), as the same will be very cost effective by keeping the par amount of the bonds at their anticipated levels. Otherwise, the par amount of the issues would be larger.
This resolution also approves the proposed form of the several agreements set forth below:

A. **(i) Indenture of Trust.** The resolution approves the proposed form of the Indenture of Trust between the Agency and U.S. Bank National Association, as trustee (the "Indenture") (the “Trustee”) and the form of the bonds (Exhibits A and B attached thereto). The Indenture provides the terms and conditions with respect to issuance of the Bonds, their execution, transfer and exchange, and the like, as well as the maturities of the Bonds, their interest rates, redemption premium, and related matters. The maturities and interest rates for the Bonds will be provided upon pricing and execution of the Bond Purchase Contract. The trustee will maintain all funds and accounts created in, and except as otherwise provided in, the Indenture.

The Indenture contains a wealth of provisions relating to consistency with the Redevelopment Law. Various terms are defined in the Indenture, including but not limited to, Tax Revenues. The Tax Revenues (as defined and limited in the Indenture) are pledged to the payment of debt service on the bond issues. Tax Revenues, as defined in the Indenture, do not include Housing Tax Revenues, as defined in the Indenture. Housing Tax Revenues are for use in connection with the Series C and the Series D Bonds, which are the subject of a companion memorandum presented to you at your meeting.

In this regard, it is to be noted that the Agency has executed various Pass-Through Agreements ("Pass-Through Agreements") with various taxing agencies (including, but not limited to, the County of Tulare). None of the Pass-Through Agreements contain a provision for subordination with respect to tax revenues (to which such agencies are entitled) to the payment of bond indebtedness of the Agency in connection with the redevelopment project area ("Redevelopment Project Area").

Staff and the Underwriter do not believe any subordination is necessary due to the fact that the tax increment revenues presently available to the Agency from the Redevelopment Project Area, after payment of the required 20% set aside for Low and Moderate Income Housing purposes and payment of all tax increment revenues due to the other taxing entities (including, but not limited to, the County of Tulare), is in an amount that provides a significant debt coverage ratio.

The Indenture allows for the issuance of Parity Bonds (as defined) and contains provisions relating to events of default and amendment of the Indenture, among other things.

(ii) **Schedule of Fees.** The resolution approves the Schedule of Fees of U.S. Bank National Association for the various services it will be performing for the Agency in connection with the bond issues and thereafter. The Schedule of Fees relates to the Trustee's services as trustee, paying agent, dissemination agent, and escrow bank.

B. **Bond Purchase Contract.** The resolution approves the proposed form of the Bond Purchase Contract between the Agency, Authority and Underwriter. The Underwriter will purchase the Bonds for the par amount thereof less the underwriter's discount, and less any original issue discount that may be necessary to provide to the ultimate investor(s). The Underwriter's compensation is in the form of a discount and is 2.00% of the par amount of the Series A Bonds and 2.5% of the par amount of the Series B Bonds. There are various provisions relating to the ability of the Underwriter to withdraw from the agreement, including, without limitation, the occurrence of events or circumstances which constitute a material adverse effect on the Bonds, the bond market, and the like.

The Bond Purchase Contract specifies various costs associated with the bond issues that are to be paid by the Agency including, but not limited to, charges of rating agencies for rating the Bonds (if this is
done), consultant fees, costs of printing the Bonds, the Preliminary Official Statement and the Official Statement, bond insurance premiums and premiums for a reserve fund surety bond to be utilized in place of a reserve fund (which would save a significant amount of costs to the Agency), as well as costs to be paid by the Underwriter, including fees and expenses of Underwriter’s counsel. The Bond Purchase Contract has blanks that need to be filled in once the Bonds are priced. This will not occur until several days after adoption of the resolution.

The proposed form of Bond Purchase Contract is being provided under separate cover by the Underwriter (Wulff, Hansen & Co.) and is to be made a part of this package.

C. Bond Counsel/Disclosure Counsel Fee Agreement. The resolution approves the form of Bond Counsel/Disclosure Counsel Fee Agreement of Raymond M. Haight, dated as of July 15, 2008 on file with the Secretary. The Chairman, Vice-Chairman, Treasurer or Executive Director of the Agency are authorized to execute said agreement, with such changes or additions thereto as the Chairman, Vice-Chairman, Treasurer or Executive Director may deem necessary; and the Secretary of the Agency is authorized and directed to attest said Fee Agreement. The fees and expenses of bond counsel and disclosure counsel shall be assessed as an incidental expense of the proceedings, payable from bond proceeds and not otherwise. If bonds are not issued, no fees or expenses shall be due. The fees and expenses of bond counsel and disclosure counsel (combined) for the Series A and Series B Bonds is a flat rate of $46,500 (which is inclusive of costs $1,500).

D. Continuing Disclosure Certificate. The resolution also approves the proposed form of the Continuing Disclosure Certificate of the Agency. This certificate is required in order for the Underwriter to be in compliance with Rule 15c2-12 of the Securities and Exchange Commission (the Underwriter can’t market the Bonds without the certificate). An annual report is to be provided each year to repositories as set forth in the certificate (basically, audited financial statements of the Agency for the preceding fiscal year, and the like) not later than March 31st of each year, commencing March 31, 2009. In addition, any material event, such as a default in payment of the Bonds or similar item as listed in the agreement, must be reported. The Trustee, acting in its capacity as dissemination agent (“Dissemination Agent”) is to execute its acceptance of the provisions of the Continuing Disclosure Certificate.

E. Escrow Deposit and Trust Agreement. The resolution approves the proposed form of the Escrow Deposit and Trust Agreement between the Agency, the Authority and the Trustee, acting in its capacity as escrow bank (“Escrow Bank”). The Trustee acts as the Escrow Bank for purposes of holding proceeds of the Series A Bonds and the Series C Bonds to be utilized to pay the non-housing and housing balances, respectively, due on the 2002 Bonds on their redemption date, as referenced above. (Please Note: There is actually only one Escrow Agreement which covers both the Series A and Series C Bonds. I have referenced the Escrow Agreement in the memorandum relating to the Series C and Series D Bonds and in this memorandum for consistency.)

F. Official Statement. The resolution approves the proposed form of the Preliminary and Official Statements. These documents constitute the disclosure material with respect to the bond transaction which potential investors review in order to make an informed investment decision. The Preliminary Official Statement contains necessary blanks that can’t be filled in until such time as the issue is priced by the Underwriter. At that time we will know the interest rates of the various maturities, what the original issue discount will be, if any, and so on. The Preliminary Official Statement becomes the Official Statement with the blanks filled in. The resolution authorizes and approves use of the Preliminary Official Statement and an Official Statement in connection with the offering and sale of the Bonds. Under the law, the Preliminary Official Statement is to be deemed final except for certain financial-related information (the
blanks) that SEC Rule 15c2-12 allows to be placed in the Official Statement.

G. Form of Bonds (Exhibits A and B of the Indenture). The resolution approves the forms of the Bonds attached as Exhibit A and B to the Indenture (and incorporated therein by reference).

The Series A Bonds are designated as "Bank Qualified" on the face thereof. This means the Series A Bonds are a "qualified tax-exempt obligation" within the meaning of Section 265 of the Internal Revenue Code of 1986, as amended (the "Code"). This designation allows certain financial institutions the ability to deduct a portion of interest costs incurred in connection with the purchase of the Series A Bonds. It allows for greater marketability of the Series A Bonds. Your adoption of the resolution approving the Indenture (and along with it Exhibits A and B, Forms of Bonds) will constitute approval of this designation.

The resolution also provides that the Chairman, Vice-Chairman, Treasurer or Executive Director of the Agency is authorized and directed to execute the Indenture and the Schedule of Fees and the other documents referenced below, all in the form presented at this meeting with such changes and additions thereto as may be deemed necessary by the Chairman, Vice-Chairman, Treasurer or Executive Director of the Agency, said execution being conclusive evidence of such approval; provided, that with respect to the Official Statement, it shall be in substantially the form of the Preliminary Official Statement with such changes and additions thereto as the Chairman, Vice-Chairman, Treasurer or Executive Director of the Agency may deem necessary. The Secretary of the Agency is authorized and directed to attest to the execution of the final form of the documents referenced herein and to affix the seal of the Agency thereto.

The resolution further provides that the Chairman, the Vice-Chairman, the Treasurer, the Executive Director and the Secretary of the Agency, and any and all other officers of the Agency, are authorized and directed, for and in the name and on behalf of the Agency, to do any and all things and take any and all actions, including execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and sale of the Bonds as described therein; and, further, whenever in the resolution any officer of the Agency is authorized to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in case such officer shall be absent or unavailable.

The compensation of, and the services to be provided by, the Underwriter, the Dissemination Agent, the Escrow Bank, and bond counsel/disclosure counsel are as set forth in the various agreements or schedules relating thereto and on file with the Secretary. In all cases, fees and expenses are payable solely from Bond proceeds; and no fees or expenses shall be due unless and until Bonds are issued and the proceeds thereof received. If no Bonds are issued, no fees or expenses shall be due.

PART II: PORTERVILLE CITY COUNCIL

The following resolution is to be adopted by the City Council of the City of Porterville:

1. Resolution No. __2008, Resolution Approving the Issuance by the Porterville Redevelopment Agency of its Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds, 2008 Series A (Redevelopment Projects), and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds, 2008 Series B (Redevelopment Projects) to Finance and Refinance Redevelopment Activities Within or of Benefit to Redevelopment Project Area No. 1.
This resolution approves the issuance of the Bonds by the Agency and the sale thereof to the Authority for simultaneous resale to the Underwriter. The approval of the bond issuance of the Agency by the City is required per Section 35640 of the Redevelopment Law.

**PART III: PORTERVILLE PUBLIC FINANCING AUTHORITY**

The following resolution is to be adopted by the City of Porterville Public Financing Authority:

1. Resolution No. PFA --08, Resolution Approving the Purchase and Sale of the Porterville Redevelopment Agency Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds, 2008 Series A (Redevelopment Projects), and the Porterville Redevelopment Agency Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds, 2008 Series B (Redevelopment Projects) and Approving Related Documents and Actions

Please see discussion under item 1 of Part I, above, relating to the corresponding resolution before the Porterville Redevelopment Agency.

This resolution generally provides that the Chairman, Vice-Chairman, Treasurer or the Executive Director of the Authority are authorized and directed to execute the final form of the Bond Purchase Agreement and the final form of the Escrow Agreement for and in the name and on behalf of the Authority, together with such additions thereto and changes therein as the Chairman, the Vice-Chairman, the Treasurer or the Executive Director of the Agency shall deem necessary, desirable or appropriate, and the execution thereof by the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency shall be conclusive evidence of the approval of any such additions and changes. Pursuant to the resolution, the Authority approves the negotiated sale of the Bonds to the Underwriter as set forth in the Bond Purchase Agreement.

Further, the resolution provides that the Chairman, the Vice-Chairman, the Treasurer, the Executive Director and the Secretary of the Authority, and any and all other officers of the Authority, are authorized and directed, for and in the name and on behalf of the Authority, to do any and all things and take any and all actions, including execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and sale of the Bonds as described herein. Whenever in the resolution any officer of the Authority is authorized to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in case such officer shall be absent or unavailable.

Bud Levine and John Fitzgerald of Wulff, Hansen & Co. ("Underwriter") and I will be in attendance at your meeting to address any questions you may have.

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INTEROFFICE MEMORANDUM

TO: Porterville City Council
    Porterville Redevelopment Agency
    Porterville Public Financing Authority

FROM: Raymond M. Haight, Bond Counsel

DATE: July 15, 2008

SUBJECT: Porterville Redevelopment Agency, Redevelopment Project Area No. 1, Tax Allocation Refunding Bonds, 2008 Series C (Housing Projects)

                                 Porterville Redevelopment Agency, Redevelopment Project Area No. 1, Taxable Tax Allocation Bonds, 2008 Series D (Housing Projects)

At the joint meeting of your respective agencies on July 15, 2008, there will be presented for your consideration and approval various resolutions pertaining to the Porterville Redevelopment Agency, Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds, 2008 Series C (Housing Projects) (herein the "Series C Bonds") and the Porterville Redevelopment Agency, Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds, 2008 Series D (Housing Projects) (herein the "Series D Bonds," and, together with the Series C Bonds, the "Bonds"). Different agencies will be considering different resolutions as shown below.

The purpose of the resolutions is to allow the agencies in a collective effort to assist in effectuating the issuance and sale of the Series C Bonds in a principal amount of not to exceed $1,200,000 (the actual amount of the bond issue is anticipated to be less) and the Series D Bonds in a principal amount of not to exceed $750,000 (the actual amount of the bond issue is anticipated to be). The proceeds of the Series C Bonds will be utilized for the purpose of paying the housing portion of the remaining outstanding principal amount (together with any interest and premium due thereon) of those certain Porterville Redevelopment Agency, Porterville Redevelopment Project Area No. 1, 2002 Tax Allocation Refunding Bonds issued by the Agency on February 13, 2002 (the "2002 Bonds") in the original principal amount of $6,100,000, the proceeds of which were utilized (i) to refund the Porterville Public Financing Authority's 1992 Revenue Bonds (the "1992 Bonds") (the "Authority") that were issued primarily to fund certain redevelopment activities within Porterville Redevelopment Project Area No. 1 and (ii) to pay certain costs incurred in connection with the issuance, sale and delivery of the 2002 Bonds. The balance of the proceeds of the Series C Bonds would be utilized to obtain a reserve account surety bond in place of a reserve account, which is what is intended (or, in the alternative, establish a reserve account), and pay costs of issuance in connection with the Series C Bonds, including, without limitation, any necessary premiums to insure the issue.

The proceeds of the Series D Bonds would be utilized (i) to fund low and moderate income housing activities within and of benefit to Redevelopment Project Area No. 1, (ii) to obtain a reserve account surety bond in place of a reserve account, which is what is intended (or, in the alternative, establish a reserve account), and pay costs of issuance in connection with the Series D Bonds, including, without limitation, any necessary premiums to insure the issue.
If the agencies are in agreement and approve going forward with the bond issues, it is anticipated that the issues would close on or about August 12, 2008. A report will be presented to you from Bud Levine of Wulff, Hansen & Co. ("Underwriter") relating to the sizing, costs, and other financial aspects of the bond issues. This report will be under separate cover and is to be made part of this package.

The enclosed resolutions take effect immediately upon adoption. These resolutions, among other things, establish a framework that allows for the simultaneous purchase of the Bonds by the Porterville Public Financing Authority from the Agency and the sale thereof by the Authority to the Underwriter. This assists the Porterville Redevelopment Agency in issuing and selling the bonds by facilitating a negotiated sale of the Bonds instead of an advertised sale of the Bonds, as would otherwise be required under the Redevelopment Law of the State of California (Sections 33000 et seq. of the California Health and Safety Code) ("Redevelopment Law"). In fact, this is one of the reasons for the creation of the City of Porterville Public Financing Authority, as the Marks-Roos Local Bond Pooling Act of 1985 (Sections 6584 et seq. of the California Government Code) allows a joint powers agency, the Authority, to purchase bonds of other agencies and sell bonds on a negotiated basis, and does not require an advertised sale. By doing a negotiated sale it is anticipated that a better interest rate and greater efficiency in the sale of Bonds will be achieved.

The Authority will receive from the Underwriter the money for the purchase of the Bonds in return for the covenant to simultaneously sell the Bonds to the Underwriter once they are purchased by the Authority from the Porterville Redevelopment Agency. While the process is a little complex, it does work rather well and achieves its aims.

Attached for your convenience is a brief summary of the resolutions to be adopted by the various agencies. The resolutions are to be adopted in the order presented.
SUMMARY OF RESOLUTIONS TO BE ADOPTED, ORDER OF ADOPTION, AND ACTIONS TO BE TAKEN

PART I: PORTERVILLE REDEVELOPMENT AGENCY

The following resolution is to be adopted by the City of Porterville Redevelopment Agency:

1. Resolution No. RDA 2008-2008, Resolution Approving the Issuance and Sale by the Porterville Redevelopment Agency of its Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds, 2008 Series C (Housing Projects), and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds, 2008 Series D (Housing Projects) to Finance and Refinance Low and Moderate Income Housing Activities Within or of Benefit to Porterville Redevelopment Project Area No. 1, Approving the Form and Authorizing the Execution of Related Documents and Approving Related Actions.

This resolution authorizes the issuance of not to exceed $1,200,000 of Series C Bonds for the purpose of refunding the remaining housing portion of the outstanding principal amount (together with any interest and premium due thereon) of those certain 2002 Tax Allocation Refunding Bonds issued by the Agency on February 13, 2002 (the “2002 Bonds”) in the original principal amount of $6,100,000, the proceeds of which were utilized as set forth above, and which remain currently outstanding in the principal amount of $4,905,000; and using the balance of the proceeds to establish a reserve account and pay costs of issuance in connection with the Series C Bonds, provided the underwriter's discount (this does not include original issue discount since the same does not represent compensation to the underwriter) shall not exceed 2.00% of the par amount of the Series C Bonds and the average annual interest rate shall not exceed 5.50%.

This resolution also authorizes the issuance of not to exceed $750,000 of Series D Bonds for the purpose of funding redevelopment activities within or of benefit to the Redevelopment Project, and using the balance of the proceeds to establish a reserve account and pay costs of issuance in connection with the Series D Bonds, provided the underwriter's discount (this does not include original issue discount since the same does not represent compensation to the underwriter) shall not exceed 2.50% of the par amount of the Series D Bonds and the average annual interest rate shall not exceed 8.00%.

The amount of not to exceed $1,200,000 for the Series C Bonds is higher than the anticipated par amount of the Series C Bonds, and the not exceed amount of $750,000 for the Series D Bonds is higher than the anticipated par amount of the Series D Bonds. The difference in each case represents a hedge against any unanticipated costs or increases in costs due to rising interest rates. The hedge in each case allows the respective transactions to proceed even if the size of the bond issue exceeds in the given case the anticipated par amount, but still represents a transaction worth doing, without having to suffer “lost” time in a rising interest rate market by having to go back to the agencies for approval of a larger par amount.

Further, the transactions, as structured, contemplate the use of a “reserve account surety bond” in place of a reserve account. The provisions set forth in the Indenture and the Preliminary Official Statement contemplate the use of a reserve account but allow the alternative of a reserve account surety bond in place thereof. This is standard language. We fully intend to utilize a reserve account surety bond (hopefully we can), as the same will be very cost effective by keeping the par amount of the bonds at their anticipated levels. Otherwise, the par amount of the bond issues would be larger.

This resolution also approves the proposed form of the several agreements set forth below:
A.  (i) **Indenture of Trust.** The resolution approves the proposed form of the Indenture of Trust between the Agency and U.S. Bank National Association, as trustee (the "Indenture") (the "Trustee") and the form of the bonds (Exhibits A and B attached thereto). The Indenture provides the terms and conditions with respect to issuance of the Bonds, their execution, transfer and exchange, and the like, as well as the maturities of the Bonds, their interest rates, redemption premium, and related matters. The maturities and interest rates for the Bonds will be provided upon pricing and execution of the Bond Purchase Contract. The trustee will maintain all funds and accounts created in, except as otherwise provided in, the Indenture.

The Indenture contains a wealth of provisions relating to consistency with the Redevelopment Law. Various terms are defined in the Indenture, including but not limited to, Tax Revenues. The Tax Revenues (as defined and limited in the Indenture) are pledged to the payment of debt service on the bond issues. Tax Revenues, as defined in the Indenture, do not include Housing Tax Revenues, as defined in the Indenture. Housing Tax Revenues are for use in connection with the Series C and the Series D Bonds, which are the subject of a companion memorandum presented to you at your meeting.

Staff and the Underwriter believe the Housing Tax Revenues presently available to the Agency from the Redevelopment Project Area (the "20% set aside") for Low and Moderate Income Housing purposes, provide a significant debt coverage ratio.

The Indenture allows for the issuance of Parity Bonds (as defined) and contains provisions relating to events of default and amendment of the Indenture, among other things.

(ii) **Schedule of Fees.** The resolution approves the Schedule of Fees of U.S. Bank National Association for the various services it will be performing for the Agency in connection with the bond issues and thereafter. The Schedule of Fees relates to the Trustee's services as trustee, paying agent, dissemination agent, and escrow bank.

B. **Bond Purchase Contract.** The resolution approves the proposed form of the Bond Purchase Contract between the Agency, Authority and Underwriter. The Underwriter will purchase the Bonds for the par amount thereof less the underwriter's discount, and less any original issue discount that may be necessary to provide to the ultimate investor(s). The Underwriter's compensation is in the form of a discount and is 2.00% of the par amount of the Series C Bonds and 2.5% of the par amount of the Series D Bonds. There are various provisions relating to the ability of the Underwriter to withdraw from the agreement, including, without limitation, the occurrence of events or circumstances which constitute a material adverse effect on the Bonds, the bond market, and the like.

The Bond Purchase Contract specifies various costs associated with the bond issue that are to be paid by the Agency including, but not limited to, charges of rating agencies for rating the Bonds (if this is done), consultant fees, costs of printing the Bonds, the Preliminary Official Statement and the Official Statement, bond insurance premiums and premiums for a reserve fund surety bond to be utilized in place of a reserve fund (which would save a significant amount of costs to the Agency), as well as costs to be paid by the Underwriter, including fees and expenses of Underwriter's counsel. The Bond Purchase Contract has blanks that need to be filled in once the Bonds are priced. This will not occur until several days after adoption of the resolution.
The proposed form of Bond Purchase Contract is being provided under separate cover by the Underwriter (Wulff, Hansen & Co.) and is to be made a part of this package.

C. **Bond Counsel/Disclosure Counsel Fee Agreement.** The resolution approves the form of Bond Counsel/Disclosure Counsel Fee Agreement of Raymond M. Haight, dated as of July 15, 2008 on file with the Secretary. The Chairman, Vice-Chairman, Treasurer or Executive Director of the Agency are authorized to execute said agreement, with such changes or additions thereto as the Chairman, Vice-Chairman, Treasurer or Executive Director may deem necessary; and the Secretary of the Agency is authorized and directed to attest said Fee Agreement. The fees and expenses of bond counsel and disclosure counsel shall be assessed as an incidental expense of the proceedings, payable from bond proceeds and not otherwise. If bonds are not issued, no fees or expenses shall be due. The fees and expenses of bond counsel and disclosure counsel (combined) for the Series C and Series D Bonds is a flat rate of $16,500 (which is inclusive of costs $1,500).

D. **Continuing Disclosure Certificate.** The resolution also approves the proposed form of the Continuing Disclosure Certificate of the Agency. This certificate is required in order for the Underwriter to be in compliance with Rule 15c2-12 of the Securities and Exchange Commission (the Underwriter can't market the Bonds without the certificate). An annual report is to be provided each year to repositories as set forth in the certificate (basically, audited financial statements of the Agency for the preceding fiscal year, and the like) not later than March 31st of each year, commencing with March 31, 2009. In addition, any material event, such as a default in payment of the Bonds or similar item as listed in the agreement, must be reported. The Trustee, acting in its capacity as dissemination agent ("Dissemination Agent") is to execute its acceptance of the provisions of the Continuing Disclosure Certificate.

E. **Escrow Deposit and Trust Agreement.** The resolution approves the proposed form of the Escrow Deposit and Trust Agreement between the Agency, the Authority and the Trustee, acting in its capacity as escrow bank ("Escrow Bank"). The Trustee acts as the Escrow Bank for purposes of holding proceeds of the Series C Bonds to be utilized to pay the housing balance due on the 2002 Bonds on their redemption date, as referenced above. In the same capacity, the Trustee also holds proceeds of the Series A Bonds to be utilized to pay the non-housing balance due on the 2002 Bonds on their redemption date. (Please Note: There is actually only one Escrow Agreement which covers both the Series A and the Series C Bonds. I have referenced the Escrow Agreement in the memorandum relating to the Series A and Series B Bonds and in this memorandum for consistency.)

F. **Official Statement.** The resolution approves the proposed form of the Preliminary and Official Statements. These documents constitute the disclosure material with respect to the bond transaction which potential investors review in order to make an informed investment decision. The Preliminary Official Statement contains necessary blanks that can't be filled in until such time as the issue is priced by the Underwriter. At that time we will know the interest rates of the various maturities, what the original issue discount will be, if any, and so on. The Preliminary Official Statement becomes the Official Statement with the blanks filled in. The resolution authorizes and approves use of the Preliminary Official Statement and an Official Statement in connection with the offering and sale of the Bonds. Under the law, the Preliminary Official Statement is to be deemed final except for certain financial-related information (the blanks) that SEC Rule 15c2-12 allows to be placed in the Official Statement.

G. **Form of Bonds (Exhibits A and B of the Indenture).** The resolution approves the forms of the Bonds attached as Exhibit A and B to the Indenture (and incorporated therein by reference).

The Series C Bonds are designated as "Bank Qualified" on the face thereof. This means the Series
C Bonds are a "qualified tax-exempt obligation" within the meaning of Section 265 of the Internal Revenue Code of 1986, as amended (the "Code"). This designation allows certain financial institutions the ability to deduct a portion of interest costs incurred in connection with the purchase of the Series C Bonds. It allows for greater marketability of the Series C Bonds. Your adoption of the resolution approving the Indenture (and along with it Exhibits A and B, Forms of Bonds) will constitute approval of this designation.

The resolution also provides that the Chairman, Vice-Chairman, Treasurer or Executive Director of the Agency is authorized and directed to execute the Indenture and the Schedule of Fees and the other documents referenced below, all in the form presented at this meeting with such changes and additions thereto as may be deemed necessary by the Chairman, Vice-Chairman, Treasurer or Executive Director of the Agency, said execution being conclusive evidence of such approval; provided, that with respect to the Official Statement, it shall be in substantially the form of the Preliminary Official Statement with such changes and additions thereto as the Chairman, Vice-Chairman, Treasurer or Executive Director of the Agency may deem necessary. The Secretary of the Agency is authorized and directed to attest to the execution of the final form of the documents referenced herein and to affix the seal of the Agency thereto.

The resolution further provides that the Chairman, the Vice-Chairman, the Treasurer, the Executive Director and the Secretary of the Agency, and any and all other officers of the Agency, are authorized and directed, for and in the name and on behalf of the Agency, to do any and all things and take any and all actions, including execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and sale of the Bonds as described therein; and, further, whenever in the resolution any officer of the Agency is authorized to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in case such officer shall be absent or unavailable.

The compensation of, and the services to be provided by, the Underwriter, the Dissemination Agent, the Escrow Bank, and bond counsel/disclosure counsel are as set forth in the various agreements or schedules relating thereto and on file with the Secretary. In all cases, fees and expenses are payable solely from Bond proceeds; and no fees or expenses shall be due unless and until Bonds are issued and the proceeds thereof received. If no Bonds are issued, no fees or expenses shall be due.

PART II: PORTERVILLE CITY COUNCIL

The following resolution is to be adopted by the City Council of the City of Porterville:

1. Resolution No. __-2008, Resolution Approving the Issuance by the Porterville Redevelopment Agency of its Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds, 2008 Series C (Housing Projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds, 2008 Series D (Housing Projects) to Finance and Refinance Low and Moderate Income Housing Activities Within or of Benefit to Porterville Redevelopment Project Area No. 1.

This resolution approves the issuance of the Bonds by the Agency and the sale thereof to the Authority for simultaneous resale to the Underwriter. The approval of the bond issuance of the Agency by the City is required per Section 33640 of the Redevelopment Law.
PART III: PORTERVILLE PUBLIC FINANCING AUTHORITY

The following resolution is to be adopted by the Porterville Public Financing Authority:

1. Resolution No. PFA ___-2008, Resolution Approving the Purchase and Sale of the Porterville Redevelopment Agency Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds, 2008 Series C (Housing Projects), and the Porterville Redevelopment Agency Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds, 2008 Series D (Housing Projects) and Approving Related Documents and Actions.

Please see discussion under item 1 of Part I, above, relating to the corresponding resolution before the Porterville Redevelopment Agency.

This resolution generally provides that the Chairman, Vice-Chairman, Treasurer or the Executive Director of the Authority are authorized and directed to execute the final form of the Bond Purchase Agreement and the final form of the Escrow Agreement for and in the name and on behalf of the Authority, together with such additions thereto and changes therein as the Chairman, the Vice-Chairman, the Treasurer or the Executive Director of the Agency shall deem necessary, desirable or appropriate, and the execution thereof by the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency shall be conclusive evidence of the approval of any such additions and changes. Pursuant to the resolution, the Authority approves the negotiated sale of the Bonds to the Underwriter as set forth in the Bond Purchase Agreement.

Further, the resolution provides that the Chairman, the Vice-Chairman, the Treasurer, the Executive Director and the Secretary of the Authority, and any and all other officers of the Authority, are authorized and directed, for and in the name and on behalf of the Authority, to do any and all things and take any and all actions, including execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and sale of the Bonds as described herein. Whenever in the resolution any officer of the Authority is authorized to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in case such officer shall be absent or unavailable.

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Bud Levine and John Fitzgerald of Wulff, Hansen & Co. ("Underwriter") and I will be in attendance at your meeting to address any questions you may have.

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PORTERVILLE REDEVELOPMENT AGENCY

RESOLUTION NO. RDA ___-2008

RESOLUTION APPROVING THE ISSUANCE AND SALE BY THE PORTERVILLE REDEVELOPMENT AGENCY OF ITS REDEVELOPMENT PROJECT AREA NO. 1 TAX ALLOCATION REFUNDING BONDS, 2008 SERIES A (REDEVELOPMENT PROJECTS), AND ITS REDEVELOPMENT PROJECT AREA NO. 1 TAXABLE TAX ALLOCATION BONDS, 2008 SERIES B (REDEVELOPMENT PROJECTS) TO FINANCE AND REFINANCE REDEVELOPMENT ACTIVITIES WITHIN OR OF BENEFIT TO PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1, APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS AND APPROVING RELATED ACTIONS

RESOLVED, by the Porterville Redevelopment Agency (the "Agency") as follows:

WHEREAS, the Porterville Redevelopment Agency (the "Agency") is undertaking the redevelopment of the Porterville Redevelopment Project Area No. 1 (the "Redevelopment Project") pursuant to the Community Redevelopment Law of the State of California, constituting Part 1 of Division 24 of the California Health and Safety Code (the "Law");

WHEREAS, the Agency has determined at this time, due to prevailing interest rates in the municipal bond market, to issue its Porterville Redevelopment Agency, Porterville Redevelopment Project Area No. 1, Tax Allocation Refunding Bonds, 2008 Series A (Redevelopment Projects) (the "Series A Bonds"), and its Porterville Redevelopment Agency, Porterville Redevelopment Project Area No. 1, Taxable Tax Allocation Bonds, 2008 Series B (Redevelopment Projects) (the "Series B Bonds" and, together with the Series A Bonds the "Redevelopment Bonds") under the provisions of Division 24, Part 1, Chapter 6, Article 5 (commencing with Section 33640 et seq.) of the California Health and Safety Code (the "Bond Law"), the principal of and interest on which will be payable from the tax increment revenues from the Redevelopment Project, to finance certain redevelopment activities within or of benefit to the Redevelopment Project and to refund the non-housing portion of the Agency's Porterville Redevelopment Agency, Porterville Redevelopment Project Area No. 1, 2002 Tax Allocation Refunding Bonds, issued by the Agency on February 13, 2002 (the "2002 Bonds");

WHEREAS, the purposes stated above will be accomplished by the City of Porterville Public Financing Authority (the "Authority") purchasing the Redevelopment Bonds from the Agency and simultaneously selling the Redevelopment Bonds to Wulff, Hansen & Co. (the "Underwriter") pursuant to the Marks-Roos Local Bond Pooling Act of 1985 (California Government Code Sections 6584 et seq.) (the "Marks-Roos Law"); and

WHEREAS, the Agency has duly considered such transactions and wishes at this time to authorize proceedings for the issuance and sale of the Redevelopment Bonds;

NOW, THEREFORE, it is hereby ORDERED and DETERMINED, as follows:

Section 1. Authorization of Series A Bonds. The Agency hereby approves the issuance and sale of the Series A Bonds to fund redevelopment activities within and of benefit to the Redevelopment Project, provided the principal amount of the Series A Bonds shall not exceed $4,600,000, the average

ATTACHMENT
ITEM NO. 3
annual interest rate with respect to the Series A Bonds shall not exceed 5.50%, and the Underwriter's discount with respect to the Series A Bonds, excluding original issue discount which does not constitute compensation to the Underwriter, shall not exceed 2.00%.

Section 2. Authorization of Series B Bonds. The Agency hereby approves the issuance and sale of the Series B Bonds to fund redevelopment activities within and of benefit to the Redevelopment Project, provided the principal amount of the Series B Bonds shall not exceed $2,600,000, the average annual interest rate with respect to the Series B Bonds shall not exceed 8.00%, and the Underwriter's discount with respect to the Series B Bonds, excluding original issue discount which does not constitute compensation to the Underwriter, shall not exceed 2.50%.

Section 3. Sale of Redevelopment Bonds to Authority. The sale of the Redevelopment Bonds to the Authority and their resale by the Authority to the Underwriter, all pursuant to the Marks-Roos Law, is hereby approved.

Section 4. Issuance of the Redevelopment Bonds: Approval of the Indenture and Schedule of Fees. The Redevelopment Bonds shall be issued pursuant to the Bond Law and pursuant to an Indenture of Trust, dated as of August 1, 2008, by and between the Agency and U.S. Bank National Association, as trustee (the "Redevelopment Bond Indenture"). The Agency hereby approves the Redevelopment Bond Indenture in substantially the form on file with the Secretary, together with such additions thereto and changes therein as the Chairman, the Vice-Chairman, the Treasurer or the Executive Director of the Agency shall deem necessary, desirable or appropriate, and the execution thereof by the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency shall be conclusive evidence of the approval of any such additions and changes. The Chairman, the Vice-Chairman, the Treasurer or the Executive Director of the Agency is hereby authorized and directed to execute, and the Secretary is hereby authorized and directed to attest and affix the seal of the Agency to, the final form of the Redevelopment Bond Indenture for and in the name and on behalf of the Agency. The Agency hereby authorizes the delivery and performance of the Redevelopment Bond Indenture. In addition, the Schedule of Fees ("Schedule of Fees") of U.S. Bank National Association, acting in its capacities as Trustee, Escrow Bank and Dissemination Agent, on file with the Secretary, is hereby approved.

Section 5. Refunding of the 2002 Bonds. A portion of the proceeds of the Series A Bonds shall be utilized to refund the non-housing portion of the 2002 Bonds pursuant to an escrow deposit and trust agreement, dated August 1, 2008 ("Escrow Agreement"), by and among the Agency and U.S. Bank National Association, as escrow bank (the "Escrow Agreement"). The Agency hereby approves the Escrow Agreement in substantially the form on file with the Secretary, together with such additions thereto and changes therein as the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency shall deem necessary, desirable or appropriate, and the execution thereof by the Chairman, the Vice-Chairman, the Treasurer or the Executive Director of the Agency shall be conclusive evidence of the approval of any such additions and changes. The Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency is hereby authorized and directed to execute, and the Secretary is hereby authorized and directed to attest and affix the seal of the Agency to, the final form of the Escrow Agreement for and in the name and on behalf of the Agency. The Agency hereby authorizes the delivery and performance of the Escrow Agreement.

Section 6. Bond Purchase Agreement. The Agency hereby approves the bond purchase agreement, by and among the Underwriter, the Agency and the Authority, in substantially the form on file with the Secretary (the "Redevelopment Bond Purchase Agreement"), together with such additions thereto and changes therein as the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency shall deem necessary, desirable or appropriate, and the execution thereof by the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency shall be conclusive evidence of the
approval of any such additions and changes. The Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency is hereby authorized and directed to execute the final form of the Redevelopment Bond Purchase Agreement for and in the name and on behalf of the Agency. The Agency hereby approves the negotiated sale of the Redevelopment Bonds to the Underwriter pursuant to the Redevelopment Bond Purchase Agreement.

Section 7. Official Statement. The Agency hereby approves and deems final within the meaning of Rule 15c2-12 of the Securities Exchange Act of 1934 except for permitted omissions, a preliminary form of official statement (the "Preliminary Official Statement") describing the Redevelopment Bonds in the form on file with the Secretary. Distribution of the Preliminary Official Statement by the Underwriter to prospective purchasers of the Redevelopment Bonds is hereby approved. The Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency is hereby authorized and directed to execute a final official statement (the "Final Official Statement"), including as it may be modified by such additions thereto and changes therein as the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency shall deem necessary, desirable or appropriate, and the execution of the Final Official Statement by the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency shall be conclusive evidence of the approval of any such additions and changes. The Agency hereby authorizes the distribution of the Final Official Statement by the Underwriter. The Final Official Statement shall be executed for and in the name and on behalf of the Agency by the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency.

Section 8. Bank Qualified. The Series A Bonds are to be designated as "Bank Qualified" on the face thereof. This means the Series A Bonds are "qualified tax-exempt obligations" within the meaning of Section 265 of the Internal Revenue Code of 1986, as amended. This designation allows certain financial institutions the ability to deduct a portion of interest costs incurred in connection with the purchase of the Series A Bonds. It allows for greater marketability of the Series A Bonds.

Section 9. Bond Counsel/Disclosure Counsel Fee Agreement. The Agency hereby approves the form of Fee Agreement, dated July 15, 2008, on file with the Secretary, of Raymond M. Haight relating to his services as bond counsel and disclosure counsel. The Chairman, Vice-Chairman, Treasurer or Executive Director of the Agency are hereby authorized and directed to execute said agreement, with such changes or additions thereto as the Chairman, Vice-Chairman, Treasurer or Executive Director of the Agency may deem necessary; and the Secretary of the Agency is hereby authorized and directed to attest to said Fee Agreement. The fees and expenses of bond counsel and disclosure counsel shall be assessed as an incidental expense of the proceedings, payable from Redevelopment Bond proceeds and not otherwise. If the Redevelopment Bond are not issued, no fees or expenses shall be due.

Section 10. Official Actions. The Chairman, the Vice-Chairman, the Treasurer, the Executive Director and the Secretary of the Agency, and any and all other officers of the Agency, are hereby authorized and directed, for and in the name and on behalf of the Agency, to do any and all things and take any and all actions, including execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and sale of the Redevelopment Bonds as described herein. Whenever in this resolution any officer of the Agency is authorized to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in case such officer shall be absent or unavailable.
Section 11. Effective Date. This Resolution shall take effect from and after the date of its passage.

ATTEST:

__________________________
Chairman

__________________________
Secretary

(SEAL)

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I, the undersigned Secretary of the Porterville Redevelopment Agency, hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Agency at a meeting thereof on the 15th day of July 2008, by the following vote of the members thereof:

AYES:  BOARDMEMBERS:
NOES:  BOARDMEMBERS:
ABSTAIN:  BOARDMEMBERS:
ABSENT:  BOARDMEMBERS:

__________________________________
Secretary
CERTIFICATE OF SECRETARY REGARDING RESOLUTION

The undersigned hereby states and certifies:

(i) that he is the duly appointed, qualified and acting Secretary of the Porterville Redevelopment Agency, a redevelopment agency duly organized and existing under the laws of the State of California (the "Agency"), and as such, is familiar with the facts herein certified and is authorized to certify the same;

(ii) that on July 15, 2008, the members of the Agency duly adopted Resolution No. RDA 2008 (the "Resolution"), entitled "RESOLUTION APPROVING THE ISSUANCE AND SALE BY THE PORTERVILLE REDEVELOPMENT AGENCY OF ITS REDEVELOPMENT PROJECT AREA NO. 1 TAX ALLOCATION REFUNDING BONDS, 2008 SERIES A (REDEVELOPMENT PROJECTS), AND ITS REDEVELOPMENT PROJECT AREA NO. 1 TAXABLE TAX ALLOCATION BONDS, 2008 SERIES B (REDEVELOPMENT PROJECTS) TO FINANCE AND REFINANCE REDEVELOPMENT ACTIVITIES WITHIN OR OF BENEFIT TO PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1, APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS AND APPROVING RELATED ACTIONS," which Resolution has not been amended, supplemented, modified, rescinded or repealed and remains in full force and effect as of the date hereof.

Dated: July 15, 2008

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Secretary

PORTERVILLE REDEVELOPMENT AGENCY
PORTERVILLE REDEVELOPMENT AGENCY

RESOLUTION NO. RDA __-2008

RESOLUTION APPROVING THE ISSUANCE AND SALE BY THE PORTERVILLE REDEVELOPMENT AGENCY OF ITS REDEVELOPMENT PROJECT AREA NO. 1 TAX ALLOCATION REFUNDING BONDS, 2008 SERIES C (HOUSING PROJECTS), AND ITS REDEVELOPMENT PROJECT AREA NO. 1 TAXABLE TAX ALLOCATION BONDS, 2008 SERIES D (HOUSING PROJECTS) TO FINANCE AND REFINANCE LOW AND MODERATE INCOME HOUSING ACTIVITIES WITHIN OR OF BENEFIT TO PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1, APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS AND APPROPRIATING RELATED ACTIONS

RESOLVED, by the Porterville Redevelopment Agency (the "Agency") as follows:

WHEREAS, the Porterville Redevelopment Agency (the "Agency") is undertaking the redevelopment of the Porterville Redevelopment Project Area No. 1 (the "Redevelopment Project") pursuant to the Community Redevelopment Law of the State of California, constituting Part I of Division 24 of the California Health and Safety Code (the "Law");

WHEREAS, the Agency has determined at this time, due to prevailing interest rates in the municipal bond market, to issue its Porterville Redevelopment Agency, Porterville Redevelopment Project Area No. 1, Tax Allocation Refunding Bonds, 2008 Series C (Housing Projects) (the "Series C Bonds"), and its Porterville Redevelopment Agency, Porterville Redevelopment Project Area No. 1, Taxable Tax Allocation Bonds, 2008 Series D (Housing Projects) (the "Series D Bonds" and, together with the Series C Bonds the "Housing Bonds") under the provisions of Division 24, Part 1, Chapter 6, Article 5 (commencing with Section 33640 et seq.) of the California Health and Safety Code (the "Bond Law"), the principal of and interest on which will be payable from the tax increment revenues from the Redevelopment Project, to finance certain low and moderate income housing activities within or of benefit to the Redevelopment Project and to refund the housing portion of the Agency's Porterville Redevelopment Agency, Porterville Redevelopment Project Area No. 1, 2002 Tax Allocation Refunding Bonds, issued by the Agency on February 13, 2002 (the "2002 Bonds");

WHEREAS, the purposes stated above will be accomplished by the City of Porterville Public Financing Authority (the "Authority") purchasing the Housing Bonds from the Agency and simultaneously selling the Housing Bonds to Wulff, Hansen & Co. (the "Underwriter") pursuant to the Marks-Roos Local Bond Pooling Act of 1985 (California Government Code Sections 6584 et seq.) (the "Marks-Roos Law"); and

WHEREAS, the Agency has duly considered such transactions and wishes at this time to authorize proceedings for the issuance and sale of the Housing Bonds;

NOW, THEREFORE, it is hereby ORDERED and DETERMINED, as follows:

Section 1. Authorization of Series C Bonds. The Agency hereby approves the issuance and sale of the Series C Bonds to fund low and moderate income housing activities within and of benefit to the Redevelopment Project, provided the principal amount of the Series C Bonds shall not exceed
$1,200,000, the average annual interest rate with respect to the Series C Bonds shall not exceed 5.50%, and the Underwriter's discount with respect to the Series C Bonds, excluding original issue discount which does not constitute compensation to the Underwriter, shall not exceed 2.00%.

Section 2. Authorization of Series D Bonds. The Agency hereby approves the issuance and sale of the Series D Bonds to fund redevelopment activities within and of benefit to the Redevelopment Project, provided the principal amount of the Series D Bonds shall not exceed $750,000, the average annual interest rate with respect to the Series D Bonds shall not exceed 8.00%, and the Underwriter's discount with respect to the Series D Bonds, excluding original issue discount which does not constitute compensation to the Underwriter, shall not exceed 2.50%.

Section 3. Sale of Housing Bonds to Authority. The sale of the Housing Bonds to the Authority and their resale by the Authority to the Underwriter, all pursuant to the Marks-Roos Law, is hereby approved.

Section 4. Issuance of the Housing Bonds: Approval of the Indenture and Schedule of Fees. The Housing Bonds shall be issued pursuant to the Bond Law and pursuant to an Indenture of Trust, dated as of August 1, 2008, by and between the Agency and U.S. Bank National Association, as trustee (the "Redevelopment Bond Indenture"). The Agency hereby approves the Redevelopment Bond Indenture in substantially the form on file with the Secretary, together with such additions thereto and changes therein as the Chairman, the Vice-Chairman, the Treasurer or the Executive Director of the Agency shall deem necessary, desirable or appropriate, and the execution thereof by the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency shall be conclusive evidence of the approval of any such additions and changes. The Chairman, the Vice-Chairman, the Treasurer or the Executive Director of the Agency is hereby authorized and directed to execute, and the Secretary is hereby authorized and directed to attest and affix the seal of the Agency to, the final form of the Redevelopment Bond Indenture for and in the name and on behalf of the Agency. The Agency hereby authorizes the delivery and performance of the Redevelopment Bond Indenture. In addition, the Schedule of Fees ("Schedule of Fees") of U.S. Bank National Association, acting in its capacities as Trustee, Escrow Bank and Dissemination Agent, on file with the Secretary, is hereby approved.

Section 5. Refunding of the 2002 Bonds. A portion of the proceeds of the Series C Bonds shall be utilized to refund the housing portion of the 2002 Bonds pursuant to an escrow deposit and trust agreement, dated August 1, 2008 ("Escrow Agreement"), by and among the Agency and U.S. Bank National Association, as escrow bank (the "Escrow Agreement"). The Agency hereby approves the Escrow Agreement in substantially the form on file with the Secretary, together with such additions thereto and changes therein as the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency shall deem necessary, desirable or appropriate, and the execution thereof by the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency shall be conclusive evidence of the approval of any such additions and changes. The Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency is hereby authorized and directed to execute, and the Secretary is hereby authorized and directed to attest and affix the seal of the Agency to, the final form of the Escrow Agreement for and in the name and on behalf of the Agency. The Agency hereby authorizes the delivery and performance of the Escrow Agreement.

Section 6. Bond Purchase Agreement. The Agency hereby approves the bond purchase agreement, by and among the Underwriter, the Agency and the Authority, in substantially the form on file with the Secretary (the "Redevelopment Bond Purchase Agreement"), together with such additions thereto and changes therein as the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency shall deem necessary, desirable or appropriate, and the execution thereof by the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency shall be conclusive evidence of the
approval of any such additions and changes. The Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency is hereby authorized and directed to execute the final form of the Redevelopment Bond Purchase Agreement for and in the name and on behalf of the Agency. The Agency hereby approves the negotiated sale of the Housing Bonds to the Underwriter pursuant to the Redevelopment Bond Purchase Agreement.

Section 7. Official Statement. The Agency hereby approves and deems final within the meaning of Rule 15c2-12 of the Securities Exchange Act of 1934 except for permitted omissions, a preliminary form of official statement (the "Preliminary Official Statement") describing the Housing Bonds in the form on file with the Secretary. Distribution of the Preliminary Official Statement by the Underwriter to prospective purchasers of the Housing Bonds is hereby approved. The Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency is hereby authorized and directed to execute a final official statement (the "Final Official Statement"), including as it may be modified by such additions thereto and changes therein as the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency shall deem necessary, desirable or appropriate, and the execution of the Final Official Statement by the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency shall be conclusive evidence of the approval of any such additions and changes. The Agency hereby authorizes the distribution of the Final Official Statement by the Underwriter. The Final Official Statement shall be executed for and in the name and on behalf of the Agency by the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Agency.

Section 8. Bank Qualified. The Series C Bonds are to be designated as "Bank Qualified" on the face thereof. This means the Series C Bonds are "qualified tax-exempt obligations" within the meaning of Section 265 of the Internal Revenue Code of 1986, as amended. This designation allows certain financial institutions the ability to deduct a portion of interest costs incurred in connection with the purchase of the Series C Bonds. It allows for greater marketability of the Series C Bonds.

Section 9. Bond Counsel/Disclosure Counsel Fee Agreement. The Agency hereby approves the form of Fee Agreement, dated July 15, 2008, on file with the Secretary, of Raymond M. Haight relating to his services as bond counsel and disclosure counsel. The Chairman, Vice-Chairman, Treasurer or Executive Director of the Agency are hereby authorized and directed to execute said agreement, with such changes or additions thereto as the Chairman, Vice-Chairman, Treasurer or Executive Director of the Agency may deem necessary; and the Secretary of the Agency is hereby authorized and directed to attest to said Fee Agreement. The fees and expenses of bond counsel and disclosure counsel shall be assessed as an incidental expense of the proceedings, payable from Housing Bond proceeds and not otherwise. If the Housing Bonds are not issued, no fees or expenses shall be due.

Section 10. Official Actions. The Chairman, the Vice-Chairman, the Treasurer, the Executive Director and the Secretary of the Agency, and any and all other officers of the Agency, are hereby authorized and directed, for and in the name and on behalf of the Agency, to do any and all things and take any and all actions, including execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and sale of the Housing Bonds as described herein. Whenever in this resolution any officer of the Agency is authorized to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in case such officer shall be absent or unavailable.
Section 11. **Effective Date.** This Resolution shall take effect from and after the date of its passage.

____________________________________
Chairman

ATTEST:

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Secretary

(SEAL)

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I, the undersigned Secretary of the Porterville Redevelopment Agency, hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Agency at a meeting thereof on the 15th day of July 2008, by the following vote of the members thereof:

AYES: BOARDMEMBERS:
NOES: BOARDMEMBERS:
ABSTAIN: BOARDMEMBERS:
ABSENT: BOARDMEMBERS:

________________________________________
Secretary
CERTIFICATE OF SECRETARY REGARDING RESOLUTION

The undersigned hereby states and certifies:

(i) that he is the duly appointed, qualified and acting Secretary of the Porterville Redevelopment Agency, a redevelopment agency duly organized and existing under the laws of the State of California (the "Agency"), and as such, is familiar with the facts herein certified and is authorized to certify the same;

(ii) that on July 15, 2008, the members of the Agency duly adopted Resolution No. RDA ___-2008 (the "Resolution"), entitled "RESOLUTION APPROVING THE ISSUANCE AND SALE BY THE PORTERVILLE REDEVELOPMENT AGENCY OF ITS REDEVELOPMENT PROJECT AREA NO. 1 TAX ALLOCATION REFUNDING BONDS, 2008 SERIES C (HOUSING PROJECTS), AND ITS REDEVELOPMENT PROJECT AREA NO. 1 TAXABLE TAX ALLOCATION BONDS, 2008 SERIES D (HOUSING PROJECTS) TO FINANCE AND REFINANCE LOW AND MODERATE INCOME HOUSING ACTIVITIES WITHIN OR OF BENEFIT TO PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1, APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS AND APPROVING RELATED ACTIONS," which Resolution has not been amended, supplemented, modified, rescinded or repealed and remains in full force and effect as of the date hereof.

Dated: July 15, 2008

PORTEVERVILLE REDEVELOPMENT AGENCY

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Secretary
CITY OF PORTERVILLE

RESOLUTION NO. ___-2008

RESOLUTION APPROVING THE ISSUANCE BY THE PORTERVILLE REDEVELOPMENT AGENCY OF ITS REDEVELOPMENT PROJECT AREA NO. 1 TAX ALLOCATION REFUNDING BONDS, 2008 SERIES A (REDEVELOPMENT PROJECTS), AND ITS REDEVELOPMENT PROJECT AREA NO. 1 TAXABLE TAX ALLOCATION BONDS, 2008 SERIES B (REDEVELOPMENT PROJECTS) TO FINANCE AND REFINANCE REDEVELOPMENT ACTIVITIES WITHIN OR OF BENEFIT TO PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1

RESOLVED, by the City Council (the "Council") of the City of Porterville (the "City") as follows:

WHEREAS, the Porterville Redevelopment Agency (the "Agency") has determined at this time, due to prevailing interest rates in the municipal bond market, to issue its Porterville Redevelopment Agency, Porterville Redevelopment Project Area No. 1, Tax Allocation Refunding Bonds, 2008 Series A (Redevelopment Projects) (the "Series A Bonds"), and its Porterville Redevelopment Agency, Porterville Redevelopment Project Area No. 1, Taxable Tax Allocation Bonds, 2008 Series B (Redevelopment Projects) (the "Series B Bonds," and, together with the Series A Bonds, the "Redevelopment Bonds") under the provisions of Division 24, Part 1, Chapter 6, Article 5 (commencing with Section 33640 et seq.) of the California Health and Safety Code (the "Bond Law"), the principal of and interest on which will be payable from the tax increment revenues from the Agency's Redevelopment Project Area No. 1 (the "Redevelopment Project"), to finance redevelopment activities within or of benefit to the Redevelopment Project and to refund the non-housing portion of the Agency's Porterville Redevelopment Agency, Porterville Redevelopment Project Area No. 1, 2002 Tax Allocation Refunding Bonds; and

WHEREAS, in accordance with the requirements of Section 33640 et seq. of the California Health and Safety Code, the Council wishes at this time to approve the issuance and sale of the Redevelopment Bonds by the Agency;

NOW, THEREFORE, it is hereby ORDERED and DETERMINED, as follows:

Section 1. Approval of the Redevelopment Bonds. The issuance and sale of the Redevelopment Bonds for the purpose of refunding the non-housing portion of the 2002 Bonds and to finance redevelopment activities within or of benefit to the Redevelopment Project is hereby approved.

Section 2. Sale of Bonds to Authority. The sale of the Bonds to the Porterville Public Financing Authority (the "Authority") and their simultaneous resale by the Authority to Wulff, Hansen & Co., as underwriter, all pursuant to the Marks-Roos Local Bond Pooling Act of 1985 (California Government Code Sections 6584 et seq.), is hereby approved.
Section 3. **Effective Date.** This Resolution shall take effect from and after the date of its passage.

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Mayor

ATTEST:

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City Clerk

(SEAL)

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I, the undersigned City Clerk of the City of Porterville, hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the City Council at a meeting thereof on the 15th day of July 2008, by the following vote of the members thereof:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

_________________________________________

City Clerk
CERTIFICATE OF CITY CLerk REGARDING RESOLUTION

The undersigned hereby states and certifies:

(i) that he is the duly appointed, qualified and acting City Clerk of the City of Porterville, a municipal corporation (charter) duly organized and existing under the laws of the State of California (the "City"), and as such, is familiar with the facts herein certified and is authorized to certify the same;

(ii) that on July 15, 2008, the members of the City Council duly adopted Resolution No. ___-2008 (the "Resolution"), entitled "RESOLUTION APPROVING THE ISSUANCE BY THE PORTERVILLE REDEVELOPMENT AGENCY OF ITS REDEVELOPMENT PROJECT AREA NO. 1 TAX ALLOCATION REFUNDING BONDS, 2008 SERIES A (REDEVELOPMENT PROJECTS), AND ITS REDEVELOPMENT PROJECT AREA NO. 1 TAXABLE TAX ALLOCATION BONDS, 2008 SERIES B (REDEVELOPMENT PROJECTS) TO FINANCE AND REFINANCE REDEVELOPMENT ACTIVITIES WITHIN OR OF BENEFIT TO PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1," which Resolution has not been amended, supplemented, modified, rescinded or repealed and remains in full force and effect as of the date hereof.

Dated: July 15, 2008

CITY OF PORTERVILLE

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City Clerk
CITY OF PORTERVILLE

RESOLUTION NO. ___-2008

RESOLUTION APPROVING THE ISSUANCE BY THE PORTERVILLE
REDEVELOPMENT AGENCY OF ITS REDEVELOPMENT PROJECT AREA
NO. 1 TAX ALLOCATION REFUNDING BONDS, 2008 SERIES C (HOUSING
PROJECTS), AND ITS REDEVELOPMENT PROJECT AREA NO. 1 TAXABLE
TAX ALLOCATION BONDS, 2008 SERIES D (HOUSING PROJECTS) TO
FINANCE AND REFINANCE LOW AND MODERATE INCOME HOUSING
ACTIVITIES WITHIN OR OF BENEFIT TO PORTERVILLE
REDEVELOPMENT PROJECT AREA NO. 1

RESOLVED, by the City Council (the "Council") of the City of Porterville (the "City") as
follows:

WHEREAS, the Porterville Redevelopment Agency (the "Agency") has determined at this time,
due to prevailing interest rates in the municipal bond market, to issue its Porterville Redevelopment
Agency, Porterville Redevelopment Project Area No. 1, Tax Allocation Refunding Bonds, 2008 Series C
(Housing Projects) (the "Series C Bonds"), and its Porterville Redevelopment Agency, Porterville
Redevelopment Project Area No. 1, Taxable Tax Allocation Bonds, 2008 Series D (Housing Projects)
(the "Series D Bonds," and, together with the Series C Bonds, the "Housing Bonds") under the provisions
of Division 24, Part 1, Chapter 6, Article 5 (commencing with Section 33640 et seq.) of the California
Health and Safety Code (the "Bond Law"), the principal of and interest on which will be payable from the
tax increment revenues from the Agency's Redevelopment Project Area No. 1 (the "Redevelopment
Project"), to finance low and moderate income housing activities within or of benefit to the
Redevelopment Project and to refund the housing portion of the Agency's Porterville Redevelopment
Agency, Porterville Redevelopment Project Area No. 1, 2002 Tax Allocation Refunding Bonds; and

WHEREAS, in accordance with the requirements of Section 33640 et seq. of the California
Health and Safety Code, the Council wishes at this time to approve the issuance and sale of the Housing
Bonds by the Agency;

NOW, THEREFORE, it is hereby ORDERED and DETERMINED, as follows:

Section 1. Approval of the Housing Bonds. The issuance and sale of the Housing Bonds for the
purpose of refunding the housing portion of the 2002 Bonds and to finance low and moderate income
housing activities within or of benefit to the Redevelopment Project is hereby approved.

Section 2. Sale of Bonds to Authority. The sale of the Bonds to the Porterville Public Financing
Authority (the "Authority") and their simultaneous resale by the Authority to Wulff, Hansen & Co., as
underwriter, all pursuant to the Marks-Roos Local Bond Pooling Act of 1985 (California Government
Code Sections 6584 et seq.), is hereby approved.
Section 3. **Effective Date.** This Resolution shall take effect from and after the date of its passage.

__________________________________________

Mayor

ATTEST:

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City Clerk

(SEAL)

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I, the undersigned City Clerk of the City of Porterville, hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the City Council at a meeting thereof on the 15th day of July 2008, by the following vote of the members thereof:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

City Clerk
CERTIFICATE OF CITY CLERK REGARDING RESOLUTION

The undersigned hereby states and certifies:

(i) that he is the duly appointed, qualified and acting City Clerk of the City of Porterville, a municipal corporation (charter) duly organized and existing under the laws of the State of California (the "City"), and as such, is familiar with the facts herein certified and is authorized to certify the same;

(ii) that on July 15, 2008, the members of the City Council duly adopted Resolution No. 2008 (the "Resolution"), entitled "RESOLUTION APPROVING THE ISSUANCE BY THE PORTERVILLE REDEVELOPMENT AGENCY OF ITS REDEVELOPMENT PROJECT AREA NO. 1 TAX ALLOCATION REFUNDING BONDS, 2008 SERIES C (HOUSING PROJECTS), AND ITS REDEVELOPMENT PROJECT AREA NO. 1 TAXABLE TAX ALLOCATION BONDS, 2008 SERIES D (HOUSING PROJECTS) TO FINANCE AND REFINANCE LOW AND MODERATE INCOME HOUSING ACTIVITIES WITHIN OR OF BENEFIT TO PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1," which Resolution has not been amended, supplemented, modified, rescinded or repealed and remains in full force and effect as of the date hereof.

Dated: July 15, 2008

CITY OF PORTERVILLE

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City Clerk
PORTERVILLE PUBLIC FINANCING AUTHORITY

RESOLUTION NO. PFA __-2008

RESOLUTION APPROVING THE PURCHASE AND SALE OF THE PORTERVILLE REDEVELOPMENT AGENCY REDEVELOPMENT PROJECT AREA NO. 1 TAX ALLOCATION REFUNDING BONDS, 2008 SERIES A (REDEVELOPMENT PROJECTS), AND THE PORTERVILLE REDEVELOPMENT AGENCY REDEVELOPMENT PROJECT AREA NO. 1 TAXABLE TAX ALLOCATION BONDS, 2008 SERIES B (REDEVELOPMENT PROJECTS) AND APPROVING RELATED DOCUMENTS AND ACTIONS

RESOLVED, by the Board of Directors of the Porterville Public Financing Authority (the "Authority") as follows:

WHEREAS, the Porterville Redevelopment Agency (the "Agency") is undertaking the redevelopment of the Porterville Redevelopment Project Area No. 1 (the "Redevelopment Project") pursuant to the Community Redevelopment Law of the State of California, constituting Part 1 of Division 24 of the California Health and Safety Code;

WHEREAS, the Agency has determined at this time, due to prevailing interest rates in the municipal bond market, to issue its Porterville Redevelopment Agency, Porterville Redevelopment Project Area No. 1, Tax Allocation Refunding Bonds, 2008 Series A (Redevelopment Projects) (the "Series A Bonds") and its Porterville Redevelopment Agency, Porterville Redevelopment Project Area No. 1, Taxable Tax Allocation Bonds, 2008 Series B (the "Series B Bonds," and, together with the Series A Bonds, the "Redevelopment Bonds"), under the provisions of Division 24, Part 1, Chapter 6, Article 5 (commencing with Section 33640 et seq.) of the California Health and Safety Code (the "Bond Law"), the principal of and interest on which will be payable from the tax increment revenues from the Redevelopment Project, to finance certain redevelopment activities within or of benefit to the Redevelopment Project and to refund the non-housing portion of the Porterville Redevelopment Agency, Porterville Redevelopment Project Area No. 1, 2002 Tax Allocation Refunding Bonds issued by the Agency on February 13, 2002; and

WHEREAS, the purposes stated above will be accomplished by the Authority purchasing the Redevelopment Bonds from the Agency and, simultaneously, selling the Redevelopment Bonds to Wulff, Hansen & Co. (the "Underwriter") pursuant to the Marks-Roos Local Bond Pooling Act of 1985 (California Government Code Sections 6584 et seq.); and

WHEREAS, the Authority has duly considered such transactions and wishes at this time to approve the purchase and sale of the Redevelopment Bonds, and to authorize and approve related documents and actions;

NOW, THEREFORE, it is hereby ORDERED and DETERMINED, as follows:

Section 1. Purchase and Sale of the Redevelopment Bonds. The purchase of the Redevelopment Bonds by the Authority from the Agency and their simultaneous resale by the Authority to the Underwriter, all pursuant to the Marks-Roos Local Bond Pooling Act of 1985 (California Government Code Sections 6584 et seq.), is hereby approved.

ATTACHMENT
ITEM NO. 7
Section 2. Approval of Bond Purchase Agreement. The Authority hereby approves the bond purchase agreement, by and among the Underwriter, the Agency and the Authority, in substantially the form on file with the Secretary (the "Redevelopment Bond Purchase Agreement"), together with such additions thereto and changes therein as the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Authority shall deem necessary, desirable or appropriate, and the execution thereof by the Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Authority shall be conclusive evidence of the approval of any such additions and changes. The Chairman, the Vice-Chairman, the Treasurer or Executive Director of the Authority is hereby authorized and directed to execute the final form of the Redevelopment Bond Purchase Agreement for and in the name and on behalf of the Authority. The Authority hereby approves the negotiated sale of the Redevelopment Bonds to the Underwriter pursuant to the Redevelopment Bond Purchase Agreement.

Section 3. Official Actions. The Chairman, the Vice-Chairman, the Treasurer or Executive Director and the Secretary of the Authority, and any and all other officers of the Authority, are hereby authorized and directed, for and in the name and on behalf of the Authority, to do any and all things and take any and all actions, including execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful purchase and sale of the Redevelopment Bonds as described herein. Whenever in this resolution any officer of the Authority is authorized to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in case such officer shall be absent or unavailable.

Section 4. Effective Date. This Resolution shall take effect from and after the date of its passage.

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Chairman

ATTEST:

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Secretary

(SEAL)
I, the undersigned Secretary of the Porterville Public Financing Authority, hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Authority at a meeting thereof on the 15th day of July 2008, by the following vote of the members thereof:

AYES: BOARDMEMBERS:
NOES: BOARDMEMBERS:
ABSTAIN: BOARDMEMBERS:
ABSENT: BOARDMEMBERS:

______________________________
Secretary
PORTERVILLE REDEVELOPMENT AGENCY
PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1
TAX ALLOCATION REFUNDING BONDS, 2008 SERIES A
(REDEVELOPMENT PROJECTS)

CERTIFICATE OF SECRETARY REGARDING RESOLUTION

The undersigned hereby states and certifies:

(i) that he is the duly appointed, qualified and acting Secretary of the Porterville Public Financing Authority, a joint exercise of powers authority duly organized and existing under the laws of the State of California (the "Authority"), and as such, is familiar with the facts herein certified and is authorized to certify the same;

(ii) that on July 15, 2008, the members of the Authority duly adopted Resolution No. PFA -2008 (the "Resolution"), entitled "RESOLUTION APPROVING THE PURCHASE AND SALE OF THE PORTERVILLE REDEVELOPMENT AGENCY REDEVELOPMENT PROJECT AREA NO. 1 TAX ALLOCATION REFUNDING BONDS, 2008 SERIES A (REDEVELOPMENT PROJECTS), AND THE PORTERVILLE REDEVELOPMENT AGENCY REDEVELOPMENT PROJECT AREA NO. 1 TAXABLE TAX ALLOCATION BONDS, 2008 SERIES B (REDEVELOPMENT PROJECTS) AND APPROVING RELATED DOCUMENTS AND ACTIONS," which Resolution has not been amended, supplemented, modified, rescinded or repealed and remains in full force and effect as of the date hereof.

Dated: July 15, 2008

PORTERVILLE PUBLIC FINANCING
AUTHORITY

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Secretary