CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
AUGUST 19, 2008, 6:00 P.M.

Call to Order
Roll Call

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

CLOSED SESSION:
A. Closed Session Pursuant to:
   4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   5- 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 Council Member Brian Ward
Invocation

PRESENTATIONS
   Featured Project of the Month
   Outstanding Business
   Library Services
   Introduction of New City Employees

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

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

1. Approval of City Council Minutes of December 18, 2007 and January 15, 2008
2. **Claim – Daniel Ceballos**  
   **Re:** Considering rejection of a claim in an amount of $422.67 for rim and tire damages that the claimants alleges were sustained when he struck a pot hole while driving on Third Street in front of American Carwash on July 21, 2008.

3. **Authorization to Advertise for Bids – Transit Maintenance & CNG Fueling Facility Project**  
   **Re:** Considering approval of staff's recommended plans and project manual for the construction of a public access compressed natural gas fueling facility and transit maintenance facility improvements at the City Corporation Yard at 555 N. Prospect.

4. **Acceptance of Project - Newcomb Street Shoulder Stabilization Project**  
   **Re:** Accepting project as complete from Halopoff & Sons, Inc., and authorizing the filing of the Notice of Completion for the project consisting of the installation of new curbs, gutters and sidewalk along Newcomb Street between Olive Avenue and Morton Avenue.

5. **Acceptance of Project – Police Department Sprayed Polyurethane Roofing Project**  
   **Re:** Accepting project as complete from George Roofing, Inc., and authorizing the filing of the Notice of Completion for the project consisting of the installation of a sprayed polyurethane foam roofing system and related appurtenances at the Porterville Police Department.

6. **Reimbursement for the Construction of Master Plan Improvements – Sunrise Villa, Phase Two & Three Subdivision (Gary Smee)**  
   **Re:** Considering acceptance of the Master Plan public improvements of Sunrise Villa, Phase Two & Three Subdivision for maintenance, and authorizing reimbursement to Mr. Gary Smee in the amount of $345,148.60 pursuant to Porterville Municipal Code Sections 25-32.3c and 25-45.1c.

7. **Amendment to Heritage Ballfields Phase 1 Parking Lot Project**  
   **Re:** Considering approval of a budget adjustment to reallocate the Section 108 funds for the installation of landscaping and irrigation at the entry of the Heritage Center and the installation of artificial turf in the common area of the Heritage Center/Santa Fe Elementary School complex in an amount not to exceed $145,000.

8. **City of Porterville Conflict of Interest Code – Biennial Report and Amendment**  
   **Re:** Acceptance of the Conflicts and Disclosure Monitor Agency 2008 Biennial Report as required by Government Code Section 87306.5.

9. **Proposed Changes in the Table of Organization Within the Parks & Leisure Services and Police Departments**  
   **Re:** Considering approval of changes in the Table of Organization within both the Parks and Leisure Services Department and the Police Department, and amending the Position Allocation Schedule of the City’s Employee Pay and Benefit Plan.

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

**PUBLIC HEARINGS**

10. **Request for a Conditional Use Permit 7-2008 to Allow a Type 20, Beer and Wine Off-Sale License and a Letter of Public Convenience or Necessity in Conjunction with the Mini-Mart and Gasoline Pumps, Located at 244 North “D” Street (Chevron Food Mart)**
Re: Consideration of a Conditional Use Permit to allow off-sale of beer and wine at Chevron Food Mart on North “D” Street.

SECOND READINGS
11. Ordinance 1745, Downtown “D” Overlay Zone
Re: Second reading of Ordinance No. 1745, an Ordinance of the City Council of the City of Porterville Pursuant to Article 27 of the Porterville Zoning Ordinance Approving Zone Change Amendment 2-2008 to Establish a “D” Overlay Zone to the Properties Located in Downtown Porterville, Between Morton and Olive Avenues and Second and Hockett Streets.

12. Ordinance 1746, Designating Transit Parking in Hockett/Oak Lot
Re: Second reading of Ordinance No. 1746, an Ordinance of the City Council of the City of Porterville Amending a Section of Chapter 17, Article XI – Stopping, Standing or Parking Restricted or Prohibited on Certain Streets and Public Parking Lot.

SCHEDULED MATTERS
13. Council Support of an Amendment to Measure R to Fund the Preservation of Railroad Rights-of-Way and Related Infrastructure
Re: Considering adoption of a resolution to indicate support of using Measure R funds to preserve existing rail lines serving the east side of the Valley within Tulare County.

14. City Webpage Re-Design
Re: Update on staff’s efforts to date on the redesign of the City’s webpage, and the designation of two Council Members to serve on the ad hoc Webpage Design Committee.

15. Consideration of Legislative Issues: 2008-09 State Budget; AB 1884; Proposition 7 (2008)
Re: Considering approval of letter to legislators urging the balancing of the State budget without local government funds; a letter to Governor Schwarzenegger requesting his signature of AB 1884; and opposition to Proposition 7.

16. Request to Consider Mobile Computer Lab
Re: Consideration of a request to discuss the development of a mobile computer laboratory.

Adjourn to a meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
August 19, 2008

Roll Call: Agency Members/Chairperson

ORAL COMMUNICATIONS

SCHEDULED MATTER
Re: Considering the adoption of resolutions amending Porterville Redevelopment Resolution Nos. 2008-05 and 2008-06 to provide for increased bond parameters.

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

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

ADJOURNMENT - to the meeting of September 2, 2008 at 6:00 p.m.

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

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

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

1. Re-Organization of Police Department
2. Police Department Website
3. Municipal Well No. 29 Project
Called 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:
   3-Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Two Cases.
   5-Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
None

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

PROCLAMATIONS
Day of Prayer

PRESENTATIONS
Employee Service Awards
Miss Porterville & Her Court

ORAL COMMUNICATIONS
- Greg Shelton, 888 North Williford Drive, spoke against Item No. 9, commenting that spending one-half million dollars did not make sense, especially on a parking lot that would not provide a place for the children to play ball.
• Joe Engelbrecht, Executive Director of the Boys & Girls Club of the Sequoias, came forward and updated everyone on the opening of the Porterville Boys & Girls Club on October 23rd. He spoke of their successful fund raising drive from which $87,000 thus far had been raised, and reminded the City of its commitment to match up to $15,000.

 Council Member Hernandez spoke favorably of the Porterville Boys and Girls Club, noting the positive impact the Club would have on Porterville’s youth.

 Council Member Pedro Martinez inquired whether the City had made payment of the $15,000 to the Club. Mr. Longley confirmed that once Mr. Engelbrecht provided the necessary documentation, a check in the amount of $15,000 would be immediately provided.

• Dick Eckhoff, business address at 197 North Main Street, voiced concern with proceeding with the parking lot for the Heritage Center Ballfields, rather than something on which the children could play.

• Rhonda McKinney, a Porterville resident and Pharmacy Technician at the Porterville Development Center (“PDC”), voiced concern with the prison system luring a large number of qualified staff to the prison system with higher pay. She noted that services would soon be compromised, and requested that the Council write to the Department of Developmental Services to request a resolution to the disparity.

• Janet Alexander, a Porterville resident and RN at PDC, voiced concern with the mass exodus of staff from the Developmental Center to the prison system due to the lure of higher wages. She requested that the City assist them in seeking a solution.

• Patty Breland, Porterville resident and RN at PDC, voiced concern with the disparity in wages between the Developmental Center and the prison system, and the consequential loss of PDC staff to the prisons. She requested the Council’s assistance in resolving the issue.

• Bree Vasanchos, representing SCIU, a union representing some of the affected employees at the Developmental Center, voiced concern with the increased wages at the prison system, and the subsequent negative impact on PDC.

• Herb Forrester, 606 West Mulberry, voiced concern with the location of proposed park areas on the draft General Plan, and suggested that the proposed park location at the extension of Villa Street and Westfield would be better if is was connected to the Monte Vista School playground.

**CONSENT CALENDAR**

 Item No. 9 was removed for further discussion; and Item No. 21 was removed for abstention by Council Member Pedro Martinez and Mayor Pro Tem Felipe Martinez.

1. CITY COUNCIL MINUTES OF FEBRUARY 2, 2007 AND FEBRUARY 16, 2007


 Documentation: M.O. 01-121807

 Disposition: Approved
2. CLAIM – CATALINA PANIAGUA

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. 02-121807
Disposition: Approved

3. CLAIM – WILLIAM MCCORRY

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

Documentation: M.O. 03-121807
Disposition: Approved

4. CLAIM – RUBEN ROMANDIA

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

Documentation: M.O. 04-121807
Disposition: Approved

5. CLAIM – JUAN ARMENTA

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

Documentation: M.O. 05-121807
Disposition: Approved

6. AUTHORIZATION TO ADVERTISE FOR BIDS – AIRPORT TOXIC REMEDIATION PROJECT

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

Documentation: M.O. 06-121807
Disposition: Approved
7. AUTHORIZATION TO ADVERTISE FOR BIDS – RELOCATION OF ELECTRICAL SERVICE PANEL FOR LIFT STATION #15

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

Documentation: M.O. 07-121807
Disposition: Approved

8. AUTHORIZATION TO ADVERTISE FOR BIDS – MATHEW AND WESTFIELD STORM DRAIN PROJECT

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

Documentation: M.O. 08-121807
Disposition: Approved

10. AWARD OF CONTRACT – EFFLUENT PIPELINE AND LAND LEVELING

Recommendation: That the City Council:
1. Award the Effluent Pipeline and Land Leveling Project to Guinn Construction in the amount of $862,479.50;
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. 09-121807
Disposition: Approved

11. AIRPORT FIRE FACILITY

Recommendation: That the City Council:
1. Approve the purchase and transfer of title for the one acre parcel in the Airport Industrial Area to the General Fund for future Fire Department use;
2. Approve the appropriated fund and payment of the one acre parcel as delineated in the Summary Budget report; and
3. Authorize the Mayor to sign all documents.

Documentation: M.O. 10-121807
Disposition: Approved
12. AGREEMENT WITH PRAXAIR SERVICES, INC., FOR TESTING NEAR AIRPORT WATER DEPARTMENT WELL

Recommendation: Authorize the City Manager to accept Proposal 38986El from Praxair Services, Inc.

Documentation: M.O. 11-121807
Disposition: Approved

13. AIRPORT HANGAR PURCHASE – DR. W. CREAGER, LOT 31C AIRPORT HANGAR

Recommendation: That City Council:
1. Authorize the budget adjustment of $82,000 for the purchase of the hangar complete (and escrow fees) from the Airport Capital Fund;
2. Authorize the Mayor to sign all necessary documents;
3. Authorize staff to open an escrow with a deposit $5,000 earnest money and the City paying usual and customary escrow fees;
4. Authorize staff to make the payment to Dr. Westel Creager in the amount of $80,000 less his share of the escrow fees; and
5. Authorize staff to record all necessary documents with the County Recorder.

Documentation: M.O. 12-121807
Disposition: Approved

14. AIRPORT LEASE RENEWAL – LOT 17

Recommendation: That the Council approve the Lease Agreement between the City of Porterville and Mr. Eddie G. Wood of Porterville Aviation, Inc., for Lot 17A at the Porterville Municipal Airport; and further, that Council approve the revised site description for Lot 17 and Property Plat.

Documentation: M.O. 13-121807
Disposition: Approved

15. THIS ITEM HAS BEEN REMOVED

16. RIVERWALK ARCHITECTURAL ELEVATIONS

Recommendation: That the City Council approve the proposed architectural elevations, colors and materials for building pads, 1, 2, 5 and Mayor “D”.

Documentation: M.O. 14-121807
Disposition: Approved
17. AUTHORIZATION TO PROCEED – DESIGN AND INSTALLATION OF STREETLIGHT AT CASAS BUENA VISTA COMMON AREA

Recommendation: That City Council:
1. Authorize staff to notify Edison to proceed with design of the streetlight;
2. Authorize staff to request informal bids for installation of required conduit and hand holes and, if bids are $5,000 or less, proceed with construction; and
3. Authorize staff to release payment to Edison for installation of the streetlight.

Documentation: M.O. 15-121807
Disposition: Approved

18. AMENDMENT TO THE EMPLOYEE PAY & BENEFIT PLAN

Recommendation: That the City Council adopt the draft resolution amending the Employee Pay and Benefit Plan and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

Documentation: Resolution 126-2007
Disposition: Approved

19. AMENDMENT TO THE SEASONAL AND PART-TIME PAY RATES

Recommendation: That the City Council:
Adopt the draft resolution amending the City’s Employee Pay and Benefit Plan, Seasonal and Part-time Pay Rates for FY 2007-08, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

Documentation: Resolution 127-2007
Disposition: Approved

20. RELEASE AND COMPROMISE AGREEMENT BETWEEN CITY OF PORTERVILLE AND CHARTER COMMUNICATIONS CORPORATION

Recommendation: That the City Council approve the Release and Compromise Agreement between the City and Charter Communications

Documentation: M.O. 16-121807
Disposition: Approved

22. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM – CONSIDERATION OF SUPPORT OF A RESOLUTION URGING ACTION TO EQUALIZE PAY
Recommendation: As a result of on-going discussions regarding the issue, it is recommended that the City Council approve the draft Resolution Urging Action to Equalize Pay between Development Service and Correctional Employees, and authorize the Mayor to execute the Resolution.

Documentation: Resolution 128-2007
Disposition: Approved

21. REQUEST TO NOTIFY ASSEMBLYMAN BILL MAZE THAT THE CITY OF PORTERVILLE SUPPORTS LEGISLATION

Recommendation: That the City Council advise Assemblyman Maze that the City would support legislation similar to the Elk Valley Rancheria law (AB1172) of 2003.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the City Council advise Assemblyman Maze that the City would support legislation similar to the Elk Valley Rancheria law (AB1172) of 2003.

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

Disposition: Approved

9. AWARD OF CONTRACT FOR HERITAGE BALL FIELDS PHASE 1 PARKING LOT & PICNIC AREA PROJECT

Recommendation: That the City Council:
1. Award the Heritage Ball Fields Project Phase 1 Parking Lot & Picnic Area Base Bid and Add Alternate 1 to Halopoff & Sons, Inc. in the amount of $506,132.11;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

The City Manager Longley introduced the item. In response to questions posed by Council, Parks & Leisure Services Director Perrine addressed funding for ballfields, and Community Development Director Dunlap elaborated on the use of Section 108 funds.
COUNCIL ACTION:  MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the City Council award the Heritage Ball Fields Project Phase 1 Parking Lot & Picnic Area Base Bid and Add Alternate 1 to Halopoff & Sons, Inc. in the amount of $506,132.11; authorize progress payments up to 90% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs. The motion carried unanimously.

Disposition:  Approved

Before the Public Hearing Item, and at the Mayor’s request, Police Chief McMillan introduced Sergeant Bryan Clower, who had been promoted to a Supervisor.

PUBLIC HEARINGS

23. COMPREHENSIVE GENERAL PLAN UPDATE, INCLUDING ASSOCIATED ENVIRONMENTAL IMPACT REPORT AND URBAN WATER MANAGEMENT PLAN

Recommendation: That the City Council receive public testimony on the City’s Draft Comprehensive General Plan Update, including associated Environmental Impact Report and Urban Water Management.

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

The Council recessed for 10 minutes.

The hearing opened to the public at 8:57 p.m.

- Greg Shelton, 888 N. Williford Drive, spoke of parks and their placement; the impact of the General Plan on individuals; the complicated nature of the Plan; requested that the zoning definitions be provided; and inquired about the valuable inland property.

- Dick Eckhoff, 197 N. Main, expressed concern over the water supply; spoke of the need to minimize waste use and increase re-use; spoke favorably of the focus on the downtown area; and acknowledged staff and the consultants for their hard work.

- Eleanor Forrester, 606 W. Mulberry, applauded the plan, and suggested that parks be positioned adjacent to schools to allow for shared parking.

- Mitch Brown, 14200 Road 284, voiced concern with the plan’s impact on his properties, and stated that it needed more work.

- Henry Garibay, Highway 65 corridor, inquired about a four-way stop at Highway 65 and Avenue 181.
• Mary McClure, 23149 Joseph Court, voiced concern with the zoning of her property on Highway 190; commented on proposed housing along North Main Street; and indicated that she had difficulty deciphering the map she purchased from the City.

• John Snavely, 538 West Kanai Avenue, Member of the General Plan Advisory Committee, Superintendent for the Porterville Unified School District, and Chamber of Commerce Board member, spoke in favor of the Plan and commended staff for their hard work and public notification.

• Steve Riddle, 234 Avenue 178, spoke against the proposed General Plan; stated his property was designated for a school; indicated that the Plan needed more work and more exposure to the public; and suggested a mailing list.

• John Miller, Ducor resident, spoke of the difficulty he had understanding the map, and expressed concerns he had about open space, air quality, and alternative energy sources.

• Al Saleash, property owner at Westfield and Prospect, spoke of his local businesses.

• Jim Tank, 1658 North Prospect, voiced concern with the Plan; noted the impact of action; and spoke of nearby recreational opportunities.

• Steve Riddle, address on record, spoke of the State’s disinterest in properties that were former dairies, and expressed concern with his property being designated for school development.

• Greg Woodard, 1055 West Morton, Member of the General Plan Advisory Committee, and Chairperson of the Chamber’s Economic Development Committee, spoke in favor of the proposed General Plan, and thanked staff for their hard work.

• Don Brown, 971 Jennifer, Superintendent of the Burton School District, noted the tentative nature of the school locations; commended staff for their long range vision; and requested that the Council stick with the Plan.

      The hearing closed to the public at 9:48 p.m.

      In response to questions posed by Council, Mr. Dunlap elaborated on the notification efforts made by staff throughout the General Plan development process.

      Council Member Pedro Martinez requested that the public hearing be continued, and an additional meeting be scheduled for the second week of January to receive additional public comment. Staff was directed to notify members of the public who gave testimony, and to make “easy to read” maps available for public viewing.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council continue the public hearing to an adjourned meeting scheduled for Saturday, January 12, 2008. The motion carried unanimously.

Disposition: Approved

The Council recessed for five minutes.

SCHEDULED MATTERS

24. BURTON SCHOOL DISTRICT REIMBURSEMENT – MATHEW STREET IMPROVEMENTS

Recommendation: That the City Council:
1. Approve staff’s plan to assess the Mathew Street improvement costs on the Nazarene Church site based on a proportional basis (acreage) and advance the monies collected to the Burton School District;
2. Approve collecting the remaining reimbursement costs when the ball field area is developed and in a time line consistent with Resolution 89-2006;
3. Approve in concept staff’s plan to exercise an “option” to expand the City’s recreational program in partnership with the Nazarene Church; and
4. Direct the City Attorney and Public Works to develop an agreement between the City and Nazarene Church, and authorize the Mayor to execute the agreement based upon the direction provided in the staff report.

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

Mayor Hamilton opened the item up for public comment.

- Don Brown, Superintendent of Burton School District, stated that he had hoped the City would make good on its promise to recover the funds expended by the school district for the widening of Mathew Street.

- Pastor Mark Pitcher, Church of the Nazarene, stated he greatly appreciated the City meeting with them to discuss the complex issue.

A discussion ensued regarding the issue of improvements along Mathew Street, the associated costs and proposed reimbursement on a prorated basis.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve staff’s plan to assess the Mathew Street improvement costs on the Nazarene Church site based on a proportional basis (acreage) and advance the monies collected to the Burton School District; approve collecting the remaining reimbursement costs when the ball field area is developed and in a time line consistent with Resolution 89-2006; approve in concept staff’s plan to exercise an “option” to expand the City’s recreational program in partnership with the Nazarene Church; and direct the City Attorney and Public Works to develop an agreement between the City and Nazarene Church, and authorize the Mayor to execute the agreement based upon the direction provided in the staff report. The motion carried unanimously.

Disposition: Approved

25. POLICE DEPARTMENT RE-ORGANIZATION

Recommendation: That the City Council review and approve the re-organization of the Police Department.

City Manager Longley introduced the item, and Police Chief McMillan presented the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council approve the re-organization of the Police Department. The motion carried unanimously.

Disposition: Approved

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Hernandez:
  1. Spoke of the tragic loss of a Tulare County Sheriff’s Deputy in the line of duty; and
  2. Requested that a study session be scheduled to discuss the branding initiative, preferably in early February.

- Mayor Pro Tem Felipe Martinez:
  1. Spoke of the recent passing of resident Ted Cornell, and suggested that he would be a good candidate for the Wall of Fame; and
  2. Commented on the new Boys and Girls Club location in Porterville, and invited all to check it out; and
  3. Wished everyone a Merry Christmas.
• Council Member Pedro Martinez:
  1. Spoke of the Toys for Tots event on December 23rd, and invited all to participate;
  2. Commented on the successful event with Santa at the Police Department on Monday, and requested that a thank you letter be sent to Santa;
  3. Commended the food distribution efforts by Love Inc., noting the great need in the community for such philanthropy; and
  4. Wished everyone a Merry Christmas.
• Council Member McCracken wished everyone a Merry Christmas and a Happy New Year.
• Mayor Hamilton advised of a Council of Cities Meeting scheduled for Wednesday, December 19th at 4:00 p.m., and inquired whether any of the Council Members would like to attend.

The Council recessed for ten minutes at 10:48 p.m. before reconvening Closed Session.

CLOSED SESSION
  The Council reconvened Open Session at 11:10 p.m., reporting that no action had been taken.

ADJOURNMENT
  The Council adjourned at 11:11 p.m. to the meeting of January 15, 2008 at 6:00 p.m.

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

Cameron Hamilton, Mayor
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
JANUARY 15, 2008, 6:00 P.M.

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

ORAL COMMUNICATIONS
• Larry Newby, 42 North Kanai Drive, came forward on behalf of the Porterville City Fire Association and requested the Council’s approval of an agreement with the Association that would move more towards salary parity with comparable agencies. Mr. Newby spoke of the history of negotiations and of the consequences of having such a large disparity in salaries and benefits.
• Steve Ross, 893 E. Cleveland, voiced his support for the Porterville Fire Department personnel.
• Edith LaVonne, spoke in favor of supporting the Fire personnel.

CLOSED SESSION:
A. Closed Session Pursuant to:
3- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Josten v. City of Porterville.
4- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. Aceves et al., Tulare County Superior Court Case No. 07-225028.
5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
6- Government Code Section 54956.9(c) - Conference with Legal Counsel -Anticipated Litigation – One Case.
8-Government Code Section 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 the following action:

COUNCIL ACTION: The Council unanimously authorized staff to make payment to Jack in the Box Inc. in the amount of $2,349; authorized the Mayor to sign all necessary documents; and authorized staff to record all documents with the County Recorder.

Disposition: Approved

Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. Aceves et al., Tulare County Superior Court Case No. 07-225028.

COUNCIL ACTION: The Council unanimously approved the settlement in the matter of the City of Porterville v. Aceves (Celito Lindo), which was comprised of site plan changes with regard to the neighboring property, and various agreements between the two property owners.

Ms. Lew indicated that there was no monetary requirement for the City in the settlement.

Disposition: Approved

Pledge of Allegiance led by Council Member Pedro Martinez.

Invocation – One individual participated.

PRESENTATIONS
Employee of the Month – Josie Castaneda
City Manager’s Featured Projects
Outstanding Business Presentation – Chamber of Commerce
Edison’s “State of the Utility System” (continued to February 08)
Charter Communications Presentation of Check to the City

ORAL COMMUNICATIONS
- Robert Davis, 450 W. Morton Avenue, thanked the Council and staff for resolving the issue of illegal signs in Porterville.
- Dick Eckhoff, 197 North Main Street, came forward as Chairman of the City of Hope Auxiliary, and advised every one of auditions to take place on Tuesday, January 22nd for the 46th Annual City of Hope Spectacular to be held at the Buck Shaffer Auditorium on February 23, 2008. He invited all to attend.
- Martha Alcazar Flores, 249 South Indiana Street, thanked the Council and staff for their work in passing the Ordinance on sexual offenders, and spoke of the need for victim services in Porterville. She indicated she would be seeking participation from community members, as well as the City, to resolve the problem.
CONSENT CALENDAR
Item No. 2 was removed by staff and continued to the next City Council Meeting. Item No. 16 was removed by Council for further discussion.

1. CITY COUNCIL MINUTES OF DECEMBER 26, 2007
Recommendation: That the City Council approve the Minutes of December 26, 2007.
Documentation: M.O. 02-011508
Disposition: Approved

3. AWARD CONTRACT – PORTABLE COMBUSTION/EMISSIONS ANALYZER
Recommendation: That Council award the contract for a new portable combustion/emissions analyzer to Don Wolf & Associates, Inc., of Chatsworth, CA, in the amount of $8,844.03. Further, that Council authorize payment upon satisfactory delivery of the equipment.
Documentation: M.O. 03-011508
Disposition: Approved

4. AWARD CONTRACT – ONE-TON CAB & CHASSIS TRUCK
Recommendation: That Council award the contract for a new one-ton cab & chassis truck to Downtown Ford of Sacramento, CA, in the amount of $19,611.32. Further, that Council authorize payment upon satisfactory delivery of the equipment.
Documentation: M.O. 04-011508
Disposition: Approved

5. AWARD CONTRACTS – PICKUP TRUCKS
Recommendation: That Council award the contracts for four (4) new one-half ton pickup trucks in the amount of $56,712.83 and one (1) new 4x4 pickup truck in the amount of $17,802.42 to Downtown Ford of Sacramento, CA. Further, that Council authorize payment upon satisfactory delivery of the equipment.
Documentation: M.O. 05-011508
Disposition: Approved

6. AWARD OF CONTRACT – OLIVE AVENUE AND HOLCOMB STREET BUS TURNOUT
Recommendation: That City Council:
1. Award the Olive Avenue & Holcomb Street Bus Turnout project to V & G Builder’s Inc. in the amount of $29,985.00;
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. 06-011508
Disposition: Approved

7. ACCEPTANCE OF PROJECT – ENGINATOR & AIR/FUEL RATION CONTROLLER

Recommendation: That Council accept the project as complete.

Documentation: M.O. 07-011508
Disposition: Approved

8. ACCEPTANCE OF PROJECT – REMODEL OF FIRE STATION #1 RESTROOM

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion;
3. Authorize the immediate release of the 10% retention provided Gary Interrante Construction transmits certified letters to the City by noon on January 15, 2008 from each supplier/subcontractor stipulating agreement to the immediate release of retained funds and that Gary Interrante Construction provide to the City by noon on January 15, 2008 a letter certifying that every supplier and subcontractor was given a copy and signed the “immediate release of retention” letter; or
4. Authorize the release of the 10% retention thirty-five (35) days after recordation if Gary Interrante Construction fails to provide the necessary documents in the timeline identified above and provided no stop notices have been filed.

Documentation: M.O. 08-011508
Disposition: Approved

9. LEASE AGREEMENT – WIRELESS TOWER AT FIRE STATION #2

Recommendation: That City Council:
1. Approve the Land Lease Agreement between the City of Porterville and Verizon Wireless; and
2. Authorize the Mayor to sign all necessary documents.

Documentation: M.O. 09-011508
Disposition: Approved
10. NEW AIRPORT LEASE – FBO LOT NO. 11

Recommendation: That the Council approve the Lease Agreement between the City of Porterville and R & B Resources, Inc., for FBO Lot 11 at the Porterville Municipal Airport.

Documentation: M.O. 10-011508
Disposition: Approved

11. RATIFICATION OF EXPENDITURE – RELOCATION OF ELECTRICAL PANEL AT SEWER LIFT STATION

Recommendation: That the City Council ratify and approve the expenditure of approximately $2,700 to cover the balance of the existing contract with Blair Electric.

Documentation: M.O. 11-011508
Disposition: Approved

12. APPROVAL OF AGREEMENT FOR DESIGN SERVICES- AIRPORT RUNWAY GUIDANCE SYSTEM

Recommendation: That the City Council:
1. Approve the Engineering Services Agreement between the City of Porterville and Tartaglia Engineering for design of the Airport’s Runway Vertical/Visual Guidance System; and
2. Authorize the Mayor to execute the Engineering Services Agreement.

Documentation: M.O. 12-011508
Disposition: Approved

13. RATIFICATION OF AIRPORT CAPITAL IMPROVEMENT PROJECT

Recommendation: That the City Council ratify the submission to the FAA of the Fiscal Year 2009-2013 Airport Capital Improvement Plan (ACIP) based on the projects outlined in Section 1 of the staff report.

Documentation: M.O. 13-011508
Disposition: Approved

14. APPROVAL OF SERVICE AGREEMENT BETWEEN CITY OF PORTERVILLE AND WILDLANDS, INC. FOR CONSTRUCTION OF THE CITY’S HEADGATE MITIGATION SITE

Recommendation: That the City Council:
1. Approve the Grant Deed to the City of Porterville for the 0.7 acres from Wildlands Inc.;
2. Authorize staff to record all documents with the County Recorder;
3. Approve the Service Agreement with Wildlands Inc. for the construction of the City’s Headgate Mitigation Site in the amount of $137,729.79;
4. Authorize the Mayor to sign all appropriate documents as necessary to create the Mitigation Site; and
5. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: Resolution 02-2008
Disposition: Approved

15. RIVERWALK MARKETPLACE SIGN PROGRAM

Recommendation: That the City Council by resolution, approve the draft sign program for Riverwalk Marketplace Phase 1.

Documentation: Resolution 03-2008
Disposition: Approved

17. REVIEW AND APPROVE ‘WALL OF FAME’ NOMINATIONS

Recommendation: That the City Council review the ‘Wall of Fame’ nomination and approve the designation of Edward B. “Ted” Cornell.

Documentation: M.O. 14-011508
Disposition: Approved

18. APPROVAL OF SIGN DISCLOSURE REGARDING REAL ESTATE AGENCY RELATIONSHIPS FOR FAIR GROUNDS PROPERTY

Recommendation: That the City Council authorize and direct the Mayor and City Clerk to sign the Disclosure Regarding Real Estate Agency Relationships with Melson Realty, Inc. by Vickie Hildreth.

Documentation: M.O. 15-011508
Disposition: Approved

19. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE BREAKFAST ROTARY CANCER RUN, MAY 3, 2008

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, subject to the Restrictions and Requirements contained in application, agreement and exhibit “A” of the Community Civic Event application form.

Documentation: M.O. 16-011508
Disposition: Approved
20. APPROVAL OF COUNCIL MEMBERS’ TRAVEL TO WASHINGTON D.C.

Recommendation: That the City Council, consistent with Council practice, confirm out-of-state travel for Mayor Pro Tem Felipe Martinez, Council Member Eddie Hernandez, and Public Works Director Baldo Rodriguez on February 4-8, 2008.

Documentation: M.O. 17-011508
Disposition: Approved

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the City Council approve Item Nos. 1, 3 through 15, and 17 through 20. The motion carried unanimously.

2. REQUEST TO FILE LATE CLAIM – EL FUTURO CREDIT UNION (CONTENTS PORTION OF CLAIM)

Recommendation: That the City Council deny said Application for Leave to Present a Late Claim related to the contents portion of the claim, and direct the City Clerk to give the Claimant proper notification.

Disposition: Item continued to February 5, 2008 Meeting.

16. MURRY PARK POND WATER QUALITY

Recommendation: That the City Council consider the water quality information along with the Parks & Leisure Services Commission authorized sign wording, and provide to staff any further necessary direction.

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

Council Member Pedro Martinez suggested that sign language be expanded to state water not suitable for drinking or swimming. A discussion ensued regarding the ducks that inhabit the pond and the estimated price for addressing the water quality.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member Pedro Martinez that the City Council direct staff to provide options to the Council for addressing cleanliness of the pond. The motion carried unanimously.

Disposition: Approved

Mayor Hamilton and Mayor Pro Tem Felipe Martinez briefly spoke about Item No. 17 and Edward B. “Ted” Cornell’s contributions to the community.
PUBLIC HEARINGS

21. CONTINUED – CONDITIONAL USE PERMIT 5-2007 – SEAFOOD CAFÉ/EL REVENTON

Recommendation: That the City Council:
1. Approve the inclusion of conditions No. 11 and No. 13; and
2. Approve Conditional Use Permit Modification No. 1, subject to the revised conditions of approval.

During presentation of this item at the December 4, 2007 meeting, Mayor Pro Tem Felipe Martinez, Mayor Hamilton and Council Member Pedro Martinez noted conflicts of interests, and the need to recuse themselves from participation on the item. In light of the lack of a quorum, the Rule of Necessity was invoked, and it was decided that Council Member Pedro Martinez could participate. Consistent with that previous decision, Mayor Hamilton and Mayor Pro Tem Felipe Martinez recused themselves, and Council Member Pedro Martinez remained to consider the item.

City Manager Longley introduced the item, and Community Development Director Brad Dunlap presented the staff report. During the report, Mr. Dunlap indicated that there was a lack of clarity in the conditions and requested the item be continued to allow staff the opportunity to clarify Phase I and Phase II conditions.

The hearing was opened to the public at 7:55 p.m.

• Greg Shelton, 888 North Williford Drive, stated that he had mixed feelings about the item; voiced concern about the business not being the best neighbor, and the request to extend hours of operation; indicated that he appreciates small businesses; and was against moving forward in light of the pending investigation.

• Luis Farias, 1091 W. Olive Ave., applicant, clarified actual hours of operation.

The hearing was continued to the meeting of February 5, 2008.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council continue the public hearing to the February 5, 2008 Council Meeting to allow for a presentation of conditions of approval relative to phasing.

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

Disposition: Approved

The Council recessed for five minutes.
SCHEDULED MATTERS

22. CITY WIDE STREET LIGHT POLICY IMPLEMENTATION

Recommendation: That the City Council:
1. Accept the staff report presented herein; and
2. Direct the Public Works Director to provide an analysis with pertinent comments in a manner consistent with the staff report to support the “City Wide Street Light Policy”.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council accept the staff report; and direct the Public Works Director to provide an analysis with pertinent comments in a manner consistent with the staff report to support the “City Wide Street Light Policy”. The motion carried unanimously.

Disposition: Approved

23. CITY POLICY GOVERNING THE PLACEMENT OF MEMORIALS AND MONUMENTS ON PUBLIC PROPERTY

Recommendation: That the City Council consider and adopt the proposed resolution adopting a policy governing the placement of memorials and monuments in City parks.

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

Staff was directed to send thank you letters to special counsel for their assistance.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council adopt the proposed resolution adopting a policy governing the placement of memorials and monuments in City parks. The motion carried unanimously.

Disposition: Approved

24. CONSIDERATION OF SETTING PRIORITY PROJECTS

Recommendation: That the City Council review the list of priority projects and specify a list of approximately ten projects among various City departments for the coming year.

City Manager Longley introduced the item and presented the staff report.
A brief discussion ensued with regard to the number of projects per department, and it was noted that the proposed Fire Station was actually a “Public Safety Station”.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the City Council accept the twelve projects named in the staff report as the priority projects for 2008. The motion carried unanimously.

Disposition: Approved

25. CONSIDERATION OF STATE LEGISLATIVE ISSUES

Recommendation: That the City Council define the Legislative priorities for 2008 as:

1. Courthouse development funding;
2. Being proactive with the State Budget and its impact on the City of Porterville;
3. Proposition 84 (or other funding) for the development of a new sports facility; and
4. Legislation permitting JPA between the City and Tribe. At the last meeting of the Council, support was provided for a joint exercise of powers bill through Assemblyman Maze that would allow the Tribe and City and the Tribe and the County to enter into a governmental partnership.

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

Mayor Pro Tem Felipe Martinez stated that he would have to recuse himself from the consideration of No. 4 of staff’s recommendation. City Manager Longley noted that the Council had already directed taking separate action regarding No. 4 at a previous meeting, so he would remove that from the recommendation.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council define Legislative priorities for 2008 as Courthouse development funding; being proactive with the State Budget and its impact on the City of Porterville; and Proposition 84 (or other funding) for the development of a new sports facility. The motion carried unanimously.

Disposition: Approved

Council Member Pedro Martinez requested that funding for educational opportunities be added to the list of Legislative priorities.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council include funding for educational opportunities as a Legislative priority for 2008. The motion carried unanimously.
Disposition: Approved

26. CONSIDERATION OF EMPLOYMENT AGREEMENT MODIFICATION WITH CITY MANAGER

Recommendation: That the City Council consider potential modifications to the employment agreement for approval.

City Manager Longley introduced the item and read the agreement into record, as follows:

AMENDMENT NO. 2 TO MODIFIED EMPLOYMENT AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND JOHN R. LONGLEY, JR.

WHEREAS, the City of Porterville, hereinafter referred to as “City”, and John R. Longley, Jr., hereinafter referred to as “City Manager,” originally entered into an employment agreement dated January 14, 2002, and a subsequent amendment was executed on August 19, 2003;

WHEREAS, on March 15, 2005, the parties entered into a Modified Employment Agreement;

WHEREAS, on January 16, 2007, the parties entered into Amendment No. 1 to Modified Employment Agreement; and

WHEREAS, the evaluation process for the City Manager has been completed in accordance with the terms and conditions of said Employment Agreement and Amendment;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree to an Amendment to his Modified Employment Agreement as City Manager for the City of Porterville, as follows:

Section 1. Compensation

The City Council agrees to increase the City Manager’s salary as follows, consistent with the minimum salary adjustment provisions of Section 1 of the Modified Employment Agreement: 1) Effective August 1, 2007, the City Council agrees to a 4% increase in City Manager’s current salary; and 2) effective October 1, 2008, the City Council agrees to a 5.6% increase in the City Manager’s salary. Said compensation shall be paid at the same times and in the same manner as other employees of the City are paid. All other terms and provisions of Section 1 not inconsistent with the Amendment shall remain in effect.

Section 2. Term of Service

This Agreement is effective until January 13, 2009, and upon the completion of this term of service the City Manager shall retire. During this term the City Council shall appoint a successor City Manager, and the term of the successor shall commence on January 14, 2009. The City Manager, during the term of this Agreement, agrees to fully cooperate with the successor appointed for the term commencing January 14, 2009, in preparing the successor for the transition. The City Manager, during the term of this Agreement, shall cooperate with any appointed successor in the development of the budget for the period through June 30, 2009, and agrees that his duties and responsibilities may be redefined during the term of the Agreement to assist with the transition. All other terms and provisions of Section 2 and Section 3 of the Modified
Employment Agreement dated March 15, 2005, not inconsistent with this Amendment, remain in full force and effect.

Section 6. Supplemental Benefits
The City agrees to continue the annual allocation of $5,000.00 per hear deferred compensation (years credit for prior military service), as set forth in Section 6.c. of the Modified Employment Agreement, through the term of this Agreement. Said deferred compensation shall be allocated to a health savings account, in accordance with applicable law. Additionally, pay out of any accrued vacation hours at the end of the contract term shall be allocated to this account. The City Manager shall also make a monthly contribution from his salary to this account in the amount of $600, commencing January 1, 2008. For the period of January 1, 2009 through January 13, 2009, the City Manager shall receive 3 hours of administrative leave, and 1.5 hours of Civil Air Patrol leave. All other terms and provisions of Section 6 (in the Modified Agreement and Amendment No. 1) not consistent with these modifications shall remain in full force and effect.

All other terms of the Modified Employment Agreement dated March 15, 2005, and Amendment No. 1 to Modified Employment Agreement Between the City of Porterville and John R. Longley, Jr., dated January 16, 2007, not inconsistent with this Amendment, remain in full force and effect.

DATED this 15th date of January, 2008.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve amendment to Employment Agreement consisting of amendments to compensation; an extension of term of service to 1/13/09; requirement to assist in transition to successor; and miscellaneous supplemental benefits. The motion carried unanimously.

Disposition: Approved

The Council adjourned at 8:35 p.m. to a Joint Meeting of the City Council and Porterville Redevelopment Agency.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA
January 15, 2008

Roll Call: Agency Member McCracken, Member P. Martinez, Member Hernandez, Vice-Chairman F. Martinez, Chairman Hamilton

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
- Greg Shelton, 888 North Williford Drive, voiced concern with the item, recalling that it was his understanding that the Council had decided not to pursue renewing the Enterprise Zone. A discussion ensued, during which it was stated that the item pertained to
expanding the Redevelopment Area, not renewing the Enterprise Zone. Mr. Shelton then spoke in favor of a program to encourage enterprise on the eastside of Porterville, suggesting that East Porterville suffered from lack of development.

- Dick Eckhoff, address on record, disagreed with the comments made by Mr. Shelton, suggesting instead that many developers were indeed interested in development on the eastside of town.

**SCHEDULED MATTER**

**PRA-1. AUTHORIZATION FOR REDEVELOPMENT PROJECT AREA AMENDMENT & MASTER PLAN**

Recommendation: That the City Council:

1. Approve the Redevelopment Area Amendment and Master Plan as a project; and
2. Authorize staff to distribute the Request for Proposals for a consultant to assist with the project; and
3. Authorize the Mayor to sign all documents.

That the Porterville Redevelopment Agency:

1. Approve the draft resolution for the loan agreement with the Porterville Civic Development Foundation for a loan not to exceed $200,000 for the Redevelopment Area Amendment and Master Plan project;
2. Authorize staff to distribute the Request for Proposals for a consultant to assist with the project; and
3. Authorize the Chairman to sign all documents.

City Manager Longley introduced the item, and Redevelopment Agency Director Dunlap presented the staff report.

Council/Agency Member McCracken recused himself due to a conflict of interest. Mayor Pro Tem/Vice-Chair Felipe Martinez and Mayor/Chair Hamilton noted conflicts of interest. After conferring with the City Attorney it was decided that the Rule of Necessity would be invoked and Mayor/Chair Hamilton would remain to consider the item. Mayor Pro Tem/Vice-Chair Felipe Martinez recused himself.

**COUNCIL ACTION:**

MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the City Council approve the Redevelopment Area Amendment and Master Plan as a project; authorize staff to distribute the Request for Proposals for a consultant to assist with the project; and authorize the Mayor to sign all documents.

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

AGENCY ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Hernandez that the Agency approve the draft resolution for the loan agreement with the Porterville Civic Development Foundation for a loan not to exceed $200,000 for the Redevelopment Area Amendment and Master Plan project; authorize staff to distribute the Request for Proposals for a consultant to assist with the project; and authorize the Chairman to sign all documents.

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

Disposition: Approved

The Joint City Council/Redevelopment Agency meeting adjourned at 8:55 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
- Dick Eckhoff, address on record, spoke on various items, including: Item No. 24 – noting the importance of prioritizing parking lots in Downtown Porterville, and inquired as to the status of the Hockett/Mill parking lot reconstruction, to which staff provided an estimated timeline. He then spoke in favor of the Commons Master Plan, noting the importance of planning well in advance for the Courthouse project; Item No. 16 – suggested that not all of the ducks at the pond were wild, and spoke in favor of aerating the pond by some cost effective means; Item No. 23 – voiced concern with the possible content of potential donations, and inquired as to who would determine whether the content was appropriate. He also noted concern with the cost of long term maintenance of a donated monument. Mr. Eckhoff lastly inquired as to the status of the sound system for Centennial Park/Main Street. Mr. Longley advised Mr. Eckhoff that the project was slowly progressing.

OTHER MATTERS
- Council Member Hernandez:
  1. Spoke in favor of the Neighborhood Policing Team, commending Chief McMillan and his department for the proactive approach to law enforcement;
  2. Acknowledged the lifetime accomplishments and community contributions of the late Ted Cornell, and thanked the Council for approving the nomination to add Mr. Cornell to the Wall of Fame; and
  3. Spoke of his recent attendance at the Governor’s press conference in Dinuba, noting that the fiscal irresponsibility of the State will likely have local consequences.
Mayor Pro Tem Felipe Martinez thanked the Council for approving his upcoming travel to Washington D.C. with TCAG. He also briefly mentioned a possible trip to Stockton for a Council of Governments function.

Council Member McCracken noted that the League of California Cities held planning sessions and suggested that Council Member attendance at one or more of said sessions might be beneficial.

Council Member Pedro Martinez:
1. Noted the presence of two youth in the audience and commended them for attending the Meeting. At his request, the individuals identified themselves as Monache High School students; and
2. Spoke of the upcoming election and suggested that one of the new Council Members volunteer to provide a public service address encouraging people to vote. City Attorney Lew recommended that only those not running for office make such an announcement. It was then clarified that Council Member Martinez was referring to the Presidential Primary in February. Mayor Hamilton noted he would remind citizens to vote during his weekly radio spot. When none of the other Council Members readily volunteered, Council Member Martinez indicated that he would do an announcement.

Mayor Hamilton:
1. Indicated that Porterville High School had won the Polly Wilhelmsen Tournament, and that the Council would be recognizing that achievement with a Proclamation; and
2. Stated that the Council would also be recognizing a gentleman at Sierra Hills who would be turning 100 years old with a Proclamation, and invited his fellow Council Members to attend the upcoming event.

The Council recessed for ten minutes at 9:15 p.m. before reconvening Closed Session.

CLOSED SESSION
The Council reconvened Open Session at 10:00 p.m., reporting that no action had been taken.

ADJOURNMENT
The Council adjourned at 10:01 p.m. to the meeting of January 30, 2008 at 6:00 p.m.

Patrice Hildreth, Chief Deputy City Clerk
By: Luisa Herrera

Cameron Hamilton, Mayor
SUBJECT: CLAIM – DANIEL CEBALLOS

SOURCE: Administration

COMMENT: Mr. Daniel Ceballos has filed a claim against the City in an amount of $422.67 for damages to a rim and tire on his vehicle. Claimant alleges that his vehicle sustained said damages on July 21, 2008 when he struck a pot hole while driving on Third Street in front of American Carwash.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLAIM AGAINST (Name of Entity: CITY OF PORTERVILLE)

Claimant's Name: Daniel Ceballos DOB: [Redacted]

Claimant's Address: 320 Baxley Porterville CA 93257

Claimant's Telephone No. (Home) (559) 359-5692 (Work)

Address where notices about claim are to be sent, if different from above: 320 Baxley Porterville CA 93257

Date of incident/accident: 7-21-2008

Date injuries, damages, or losses were discovered: 7-21-2008

Location of incident or accident: Third St. in front of American Carwash

What did entity or employee do to cause this loss, damage, or injury? Damaged my rim and tire

(Use back of this form or separate sheet if necessary to answer this question in detail.)

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

Unknown

What specific injuries, damages, or losses did claimant receive? Cracked rim and a punctured tire 10' Velocity/225/302/0

(Use back of this form or separate sheet if necessary to answer this question in detail.)

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)].

Just estimate at wheel shop 422.67

How was this amount calculated (please itemize): Tire shop estimate

See attached

(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 7/23/08 Signature: Daniel Ceballos

If signed by representative:
Representative's Name __________________________ Telephone: __________________________

Address e # __________________________

Relationship to Claimant __________________________
## WORK ORDER

**Customer Name:** DANIEL CEBALLOS  
**Salesman:** GAGE  
**Date:** 7/23/08

**Car Color:** GREEN  
**Phone:**  
**Cell:**  
**Waiting:** □

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### LICENSE NO.  

### MILEAGE

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### All Parts New Unless Otherwise Indicated

I hereby authorize the repair work to be done along with the necessary materials. You and your employees may operate vehicle for purposes of testing, inspection or delivery at my risk. An express mechanic's lien is acknowledged on vehicle to secure the amount of repairs thereto. You will not be held responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft, accident or any other cause beyond your control.

| ORIGINAL ESTIMATE $ | 422.67 |

### AUTHORIZED BY

X

WORK ORDER ONLY. COMPUTER GENERATED INVOICES NECESSARY FOR WARRANTY. NO CASH REFUNDS.
crack
RECOMMENDATION: That City Council:

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

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

ATTACHMENTS: Estimate of Probable Cost
Locator Map

P:\pubworks\Engineering\Council Items\Authorization to Advertise for Bids - Transit Maintenance & CNG Fueling Facility Project - 2008-08-19.doc
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<td>5</td>
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<td>8</td>
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<td>Concrete Ramped Curb Return with Detectable Surface (exclusive of curb &amp; gutter)</td>
<td>$2,500.00</td>
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<td>9</td>
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<td>Concrete Curb &amp; Gutter</td>
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<td>10</td>
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<td>Modify Landscape &amp; Irrigation</td>
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<td>Relocate Recycle Center Sign Structure</td>
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<td>15</td>
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<td>Modification of Street Lighting System</td>
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<td>16</td>
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<td>LS</td>
<td>Electrical System (Upgrade to existing service, main panel upgrades and feeder for CNG equipment)</td>
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<td>1.</td>
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<td>Mobilization and Demobilization</td>
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<td>Demolition Clearing and Grubbing</td>
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<td>Excavation, Backfilling, and Compaction</td>
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<td>4.</td>
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<td>6&quot; Sewer Lateral Complete</td>
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<td>1/2&quot; Air Line Service Complete</td>
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<td>2&quot; Water Service Complete</td>
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<td>Extend 18&quot; Storm Drain Pipe</td>
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<td>2&quot;x6&quot; Redwood Header Board</td>
<td>$3.00</td>
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<td>Two (2) Metal Parking Canopy Structures – Time Fill</td>
<td>$329,950.00</td>
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<tr>
<td>15.</td>
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<td>Electrical System (2\textsuperscript{nd} panel and various feeders for bus wash and canopies)</td>
<td>$199,210.00</td>
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<tr>
<td>16.</td>
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<td>Concrete Encasement of 42&quot; RCP</td>
<td>$31,000.00</td>
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<tr>
<td>17.</td>
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<td>EA</td>
<td>Bus Wash Facility</td>
<td>$185,000.00</td>
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<td>18.</td>
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<td>LS</td>
<td>Two (2) Metal Parking Canopy Structures – Field Services</td>
<td>$277,350.00</td>
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<td>TOTAL PART B-TRANSIT MAINTENANCE COMPONENTS</td>
<td>(FIGURES)</td>
<td>$1,275,185</td>
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**BASE BID TOTAL - $2,835,017**

**ADD ALTERNATE A BID**

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<th>Description</th>
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<th>Cost</th>
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<td>6</td>
<td>1</td>
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<td>Concrete Encasement of 42'' RCP</td>
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<td>TOTAL ALT A BID</td>
<td>(FIGURES)</td>
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**ADD ALTERNATE B BID**

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<th>Amount</th>
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<tr>
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<td>1</td>
<td></td>
<td>Suction Dryer – Provide single-tower suction-side gas dryer with manual regeneration (Xebec model STR36-NGX or equal), in place of cartridge-type discharge-side dryer (listed cost shall reflect net cost).</td>
<td>$85,000.00</td>
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<td>TOTAL ALT B BID</td>
<td>(FIGURES)</td>
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**ADD ALTERNATE C BID**

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<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
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<tr>
<td>1</td>
<td>1</td>
<td></td>
<td>Signing, Striping &amp; Pavement Marking</td>
<td>$7,000.00</td>
<td>$7,000.00</td>
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<td></td>
<td>TOTAL ALT C BID</td>
<td>(FIGURES)</td>
<td>$7,000.00</td>
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</tbody>
</table>

---

Estimate Certified

[Signatures]

Project Manager  Date  City Engineer  Date

[Signatures]

Public Works Director  Date  City Manager  Date
COUNCIL AGENDA: August 19, 2008

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – TRANSIT MAINTENANCE & CNG FUELING FACILITY PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Transit Maintenance & CNG Fueling Facility Project. The Base Bid includes construction of a public access “fast fill” and private “time fill” compressed natural gas fueling facility and transit maintenance facility improvements that includes parking canopies and a bus wash at the City Corporation Yard.

Modifications to the horse shoe recycle center are included to accommodate the public access fast fill island while continuing to allow for recycle drop off. Ten (10) time fill posts are proposed in the project with piping for ten (10) future time fill posts for transit CNG buses, future refuse trucks and City owned vehicles. Two additional parking canopies for the Field Services Division are included in the base bid.

The project includes add alternates.
- Add Alternate A - Additional paving area south east of the transit/time fill canopies.
- Add Alternate B - A suction side gas dryer to replace the base bid cartridge discharge gas dryer.
- Add Alternate C - Signing, striping and pavement marking which City forces will complete if not awarded.

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

The estimate of probable cost for construction of the Base Bid is $2,835,017. An additional $198,452 is needed for the construction contingency (7%) and an additional $60,000 is needed for construction management, quality control and inspection. The total estimated cost associated with the Base Bid is $3,093,469. Should the City receive a favorable bid, Add Alternates A, B and C will be added in the order listed to the extent budgeted funds will allow. An Estimate of Probable Cost is attached for Council’s review.

Funding was approved in the 08/09 Annual Budget for CNG Facility - $1,550,000 (Special Gas Tax/CMAQ), Bus Maintenance Facility - $1,159,207 (Section 5307 Federal Funding, LTF, PTMISEA Funds), General Fund Cary Over - $135,000 and Sewer Revolving Fund - $265,000 for a total project budget of $3,109,207.

[Signatures]

Item No. 3
COUNCIL AGENDA: AUGUST 19, 2008

SUBJECT: ACCEPTANCE OF PROJECT – NEWCOMB STREET SHOULDER STABILIZATION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Halopoff & Sons, Inc. has completed the Newcomb Street Shoulder Stabilization Project per plans and specifications. The project included the installation of new curbs, gutters and sidewalk as needed along Newcomb Street between Olive Avenue and Morton Avenue.

City Council authorized an expenditure of $160,442.62 for construction. Final construction cost is $160,392.32. The project was funded by a Congestion Mitigation & Air Quality (CMAQ) grant and LTF.

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

RECOMMENDATION: That City Council:

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

ATTACHMENT: Locator Map

P:\pub\works\Engineering\Council Items\Acceptance of Project - Newcomb Street Shoulder Stabilization Project - 2008-08-19.doc

[Signatures]

Item No. 4
COUNCIL AGENDA: AUGUST 19, 2008

SUBJECT: ACCEPTANCE OF PROJECT – POLICE DEPARTMENT SPRAYED POLYURETHANE ROOFING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: George Roofing, Inc. has completed the Police Department Sprayed Polyurethane Roofing Project per plans and specifications. The project included installation of sprayed polyurethane foam roofing system and related appurtenances at the Porterville Police Department.

City Council authorized an expenditure of $79,007.50 for construction. Final construction cost is $73,325.00. Funding is provided by general fund carryover and was approved in the 07/08 Annual Budget.

George Roofing, Inc. requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;

2. Authorize the filing of the Notice of Completion.

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

ATTACHMENT: Locator Map

P:\pub\work\Engineering\Council Items\Acceptance of Project - Police Department Sprayed Polyurethane Roofing Project - 2008-08-19.doc
Porterville Police Dept.

Harrison Ave.

16,900 SqFt Foam Roof

Thurman Ave.

Re-Roof Project 2008

Scale: 1" = 50'
SUBJECT: REIMBURSEMENT FOR THE CONSTRUCTION OF MASTER PLAN IMPROVEMENTS – SUNRISE VILLA, PHASE TWO & THREE SUBDIVISION (Gary Smee)

SOURCE: Public Works Department - Engineering Division

COMMENT: The developer of the subject subdivision, Smee Builders, Inc., is requesting reimbursement for the cost of constructing Storm Drain Master Plan improvements as a part of their phased development.

The subject phase of this development is generally located south of Mulberry Avenue between Cottage Street and Howland Street. The improvements constructed consist of 2230 lineal feet of 18-inch storm drain pipeline and related appurtenances. The underground improvements will allow for the drainage of Sunrise Villa, Phase Two & Three Subdivision and surrounding area, to Hayes Field (Drainage Reservoir # 8).

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

The costs associated with the storm drain improvements constructed along Mulberry Avenue as part of Sunrise Villa, Phase Two & Three Subdivision were prepared by the Civil Engineer in charge and found to be acceptable to staff. A brief summary of reimbursement amounts per category is as follows:

<table>
<thead>
<tr>
<th>STORM DRAIN MASTER PLAN IMPROVEMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2230 L.F. 18-inch Storm Drain Pipeline</td>
</tr>
<tr>
<td>Trench Resurfacing</td>
</tr>
<tr>
<td>Appurtenances</td>
</tr>
<tr>
<td>Plan Check &amp; Inspection</td>
</tr>
<tr>
<td>Administration, Engineering &amp; Construction Staking</td>
</tr>
</tbody>
</table>

Total Master Plan Reimbursement: $345,148.60

% Appropriated/Funded

CM

Item No. 60
These improvements were constructed in conjunction with said subdivision and were necessary for the orderly development of the area. Staff has inspected the improvements and found them to be acceptable.

RECOMMENDATION: That City Council:

1) Accept the Master Plan public improvements of Sunrise Villa, Phase Two & Three Subdivision for maintenance; and

2) Approve reimbursement to Mr. Gary Smee per Section 25-32.3c and 25-45.1c of the City of Porterville Municipal Code. The total reimbursement amount to be disbursed shall not exceed $345,148.60.

ATTACHMENT: Locator Map

P:\pubworks\Engineering\Council Items\Reimbursement for the Construction of Master Plan Improvements - Sunrise Villa, Ph. 2&3-2008-8-19.doc
MASTER PLAN REIMBURSEMENT
2,230 L.F. OF 18" STORM DRAIN PIPE

HAYES FIELD
(DR. #8)

SUBJECT LOCATION
CITY COUNCIL AGENDA: AUGUST 19, 2008

SUBJECT: AMENDMENT TO HERITAGE BALLFIELDS PHASE 1 PARKING LOT PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On December 4, 2007, Council awarded the contract for the Heritage Ball Fields Phase 1 Parking Lot Project to Halopoff & Sons, Inc. (HSI). The project is funded from Section 108 Loan funds.

A review of the Section 108 balance indicates that there is $145,000, available to allow the completion of the landscaping in the plaza area created by the parking lot project and to install artificial turf in the courtyard between the community center and multipurpose building in an area that was never landscaped after the City’s construction project. This effort will complete the Phase 1 improvements. The available balance in Section 108 funds is a result of savings from the cost-sharing agreement recently finalized with Porterville Unified School District (PUSD) as well as interest and dividends earnings resulting from the prolonged period of time required to expend the funds.

Phase 1 of the Parking Lot Project is nearing completion; however, conflicts between the improvements and underground utilities were encountered during construction which resulted in the reconfiguration of hardscape features to retain accessibility to the infrastructure. This resulted in landscape planters around the gazebo and picnic tables that can either be left bare or landscaped. The gazebo and picnic tables in the subject area were included in the contract with HIS and are complete.

Landscaping and irrigation in the landscaped area is estimated to be $110,934. Also included in this amendment is the installation of artificial turf in the unlandscaped portion of the courtyard in front of the multipurpose building. The installation of artificial turf in this area has been discussed with PUSD, and they are in favor of this approach as it will require little or no maintenance. Cost for the artificial turf is estimated to be $31,200. Since funds remain limited, staff is proposing to rely upon the remaining contingency in the parking lot project ($8,500.00) and forego drawing administrative costs for implementing the construction project from the available funds to make the project feasible.

As per the Section 108 contract with the Department of Housing and Urban Development (HUD), funds are to be utilized at the Heritage Center and the property is utilized as security for the loan. HUD has approved
three extensions of time to expend the Section 108 funds, which ultimately extended the expenditure deadline to September 30, 2008. Each request for extension has resulted in a multi-month effort with lack of real certainty that the extension would be granted taking this option off of the table to meet the current deadline. Although it is not likely that the landscaping and irrigation for the entry/gazebo area can be completed by the September 30, 2008 deadline, the project can be completed within twenty (20) working days. As such, Staff has contacted HUD to receive approval to complete the project with the amendment and expend the remaining funds. HUD staff has indicated that this approach is acceptable as the project is contracted, work completed and the outstanding issue is the retention of 10% for a short period of time.

The 2008/2009 budget includes an appropriation of $68,572 from Section 108 funds for an equipment storage building at the Heritage Center. Due to the above referenced time constraints and interest in completing the referenced improvements, the project could not be completed within the remaining timeline. As such, a budget adjustment reallocating the funds from the equipment storage building to the landscape and irrigation plan will be required to complete the proposed project in the required timeframe.

The above figures for the completion of landscaping and irrigation are budget estimates and may vary slightly. The quotes are expected to be submitted to the City Engineer by Tuesday, August 19, 2008 at which time staff will prepare an addendum to this report if the quotes exceed the estimates.

RECOMMENDATION: That City Council:

1) Approve a budget adjustment to reallocate the Section 108 funds to the landscape and irrigation project; and

2) Approve an amendment with Halopoff & Sons, Inc. for the installation of landscaping and irrigation at the entry of the Heritage Center and the installation of artificial turf in the common area of the Heritage Center/Santa Fe Elementary School complex in an amount not to exceed $145,000, exclusive of contingency and administration.

ATTACHMENTS: 1. Plaza Site Plan
2. Courtyard Site Plan
SUBJECT: CITY OF PORTERVILLE CONFLICT OF INTEREST CODE — BIENNIAL REPORT AND AMENDMENT

SOURCE: ADMINISTRATION/CITY CLERK DIVISION

COMMENT: Government Code Section 87306.5 requires local agencies to submit to their code reviewing body a biennial report identifying changes in its code, or a statement that their code is not in need of amendment. If it is determined that amendment of the code is necessary, the amendments or revisions are required to be submitted to the code reviewing body.

The City Council is the code reviewing body for the City of Porterville. The City Manager, as Administrative Supervisor of the Conflicts and Disclosure Monitor Agency, has reviewed the City’s Conflict of Interest Code and has prepared the attached report.

The proposed amendments are attached for Council’s reference. Pursuant to the requirements of the statute, staff will submit the amended Code to the City Council for approval within 90 days.

RECOMMENDATION: That the City Council accept the Conflicts and Disclosure Monitor Agency 2008 Biennial Report.

ATTACHMENT: Conflict of Interest Code Report Proposed Amendments

Item No. 8
CONFLICTS AND DISCLOSURE MONITOR AGENCY
2008 BIENNIAL REPORT
FOR
THE CITY OF PORTERVILLE

This Agency has reviewed its Conflict of Interest Code and has determined that:

☒ The Agency's Code needs to be amended and the following amendments are necessary:

☒ Include new positions which must be designated.

☒ Revise the titles of existing positions.

☒ Delete the titles of positions that have been abolished.

☐ Delete the positions that manage public investments.

☐ Revise disclosure categories.

☐ Other ________________________________

☐ No amendments are necessary. Our Agency's Code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions; and the Code includes all other provisions required by Government Code Section 87302.

Dated this _____ day of August, 2008.

CONFLICTS AND DISCLOSURE MONITOR AGENCY

[Signature]

John Longley, Administrative Supervisor
DESIGNATED EMPLOYEES*  
EXHIBIT "A"

A. ADMINISTRATION:  
1. Deputy City Manager

B. DEPARTMENT DIRECTORS:  
1. Community Development Director  
2. Fire Chief  
3. Parks and Leisure Services Director  
4. Police Chief  
5. Public Works Director

C. DEPARTMENTAL EMPLOYEES AS FOLLOWS:  
1. Administrative Services Department  
   a. Purchasing Agent

2. Community Development Department:  
   a. City Planner  
   b. Development Associate  
   c. Project Manager

3. Fire Department:  
   a. Chief of Fire Operations  
   a. Battalion Chief/Fire Marshall  
   b. Battalion Chief of Operations

4. Public Works Department  
   a. Chief Building Official  
   b. City Engineer  
   c. Field Services Manager  
   b. Deputy Public Works Director/City Engineer  
   c. Deputy Public Works Director/Field Services Manager

D. CONSULTANTS: Consultants shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitations:

The Administrative Supervisor may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Administrative Supervisor's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

* This designation does not include the following City officials or employees required to report their financial interests pursuant to Article 2 of Chapter 7 of the Act, Government Code Sections 87200, et seq.:  
   a. City Council Members  
   b. City Manager  
   c. City Attorney  
   d. Administrative Services Manager (In lieu of Finance Director)  
   e. Chief Financial Officer (In lieu of Treasurer)
SUBJECT: PROPOSED CHANGES IN THE TABLE OF ORGANIZATION WITHIN THE PARKS & LEISURE SERVICES AND POLICE DEPARTMENTS

SOURCE: Administrative Services

COMMENT: Staff is recommending changes in the Table of Organization within both the Parks & Leisure Services Department and the Police Department.

The City recently experienced the retirement of the individual employed in the position of Parks Maintenance Worker I assigned to the Police Department. In review of this assignment upon vacancy with consideration given to the unique circumstances specific to the Police Department, including the directing of criminal trustees in the performance of building and landscaping tasks, it is recommended by staff to change the Table of Organization to reflect a change in the departmental and supervisory responsibilities of the position from the Parks and Leisure Services Department to the Police Department.

Changing the Table of Organization would maintain current staffing levels, and would be accomplished within current budget authorization.

NEW AlLOCATED POSITION:
1. Parks Maintenance Worker I/II (Police Department)

UNALLOCATED POSITION:
1. Parks Maintenance Worker I (P & LS Department)

To effect the change, a draft Resolution has been prepared for the Council's consideration and approval.
RECOMMENDATION: That the City Council:

1. Adopt the attached draft Resolution authorizing changes in the Table of Organization and amending the Position Allocation Schedule of the City's Employee Pay and Benefit Plan;

2. Authorize a budget adjustment in the amount of $52,489 between the Parks & Leisure Services and Police Departments to account for salary and benefit costs;

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

ATTACHMENT: Draft Resolution
RESOLUTION NO. ___ - 2008


Whereas, the City Council has acted to provide for the reorganization and staffing allocation of the Parks & Leisure Services and Police Departments; and

Whereas, the reorganization and change in staffing allocations of City departments is periodically beneficial to enhance the economy and efficiency of City operations; and

Whereas, the City Manager has considered the current organization and staffing levels of the Parks & Leisure Services and Police Departments, and in consultation with the Department Directors has defined an organizational structure that will enhance organizational integration and effectiveness; and

Whereas, the 2008-2009 General Fund Budget is amended to reflect changes in the administration budgets for the Police Department by appropriating $52,489 from the Parks & Leisure Services Department; and

Whereas, this organizational structure and budget amendment has been recommended to the City Council for consideration and adoption to be implemented.

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

Amend Section II, Position Allocation Schedule and Position Pay Plan of the Employee Pay and Benefit Plan to reflect:
1. The addition of a Parks Maintenance Worker I/II position in the Police Department and a decrease of a Parks Maintenance Worker I position in the Parks & Leisure Services Department.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

ATTEST:

John Longley, City Clerk

Patrice Hildreth, Chief Deputy City Clerk

Cameron Hamilton, Mayor
PUBLIC HEARING

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT 7-2008 TO ALLOW A TYPE 20, BEER AND WINE OFF-SALE LICENSE AND A LETTER OF PUBLIC CONVENIENCE OR NECESSITY IN CONJUNCTION WITH THE MINI-MART AND GASOLINE PUMPS, LOCATED AT 244 NORTH “D” STREET (CHEVRON FOOD MART)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of Conditional Use Permit 7-2008 to allow a Type 20, beer and wine off-sale license and a Letter of Public Convenience or Necessity in conjunction with gasoline pumps, located at 244 North “D” Street (“D” Street Chevron Station).

BACKGROUND: On July 16, 1996, the Porterville City Council at a public hearing denied Conditional Use Permit 4-96 for the Chevron Food Mart to allow for the sale of beer and wine under an off-sale license in conjunction with the operation of a proposed food market and a gasoline station located at 244 North “D” Street.

Although the Conditional Use Permit that was denied included the sale of alcohol and the fuel pumps, the record of the proceedings, and the objections raised by the neighboring community contain only discussion on the issue of the sale of alcohol. However, there was no separate effort made to approve a Conditional Use Permit for the fuel pumps. Building permits were subsequently issued for the fuel pumps and they have been constructed and are currently operating. In order to insure their legality as a conditional use in this zoning classification, the applicant has included them in the project description for this Conditional Use Permit.

On May 20, 2008 the applicant requested permission from City Council to be allowed to re-submit for a conditional use permit similar to Conditional Use Permit 4-94, including authorization for a Type 20 beer and wine off-sale license. The applicant was required to meet the criteria from Zoning Ordinance Section 3200.D, which states that:

“The Council or Zoning Administrator shall not receive for filing or consider any new application which includes property which was the subject of an application upon which a hearing was conducted, for the same zone, variance purpose, Conditional Use Permit purpose or extra-heavy M-2 use permit purpose, unless the Council or Zoning Administrator shall find at a preliminary hearing that there is relevant and material evidence which the applicant can offer of a substantial change of conditions.”

APPROPRIATED/FUNDED  ITEM NO. 10
The City Council found that circumstance in the economy and surrounding neighborhood had changed significantly and proceeded to approve the request for the applicant to allow for a re-submittal for a conditional use permit similar to Conditional Use Permit 4-94.

The Department of Alcoholic Beverage Control Board has informed Staff that at present, a moratorium for off-sale Type 20 licenses (beer and wine) is in effect, thus limiting the issuance of new licenses. The Department of Alcoholic Beverage Control Board will still approve the off-sale Type 20 licenses pursuant to approval of a Letter of Public Convenience or Necessity by the Governing Body. Also, after checking with the Department of Alcoholic Beverage Control Board, they indicated that there are five (5) Type 20 off-sale beer and wine licenses allowed and seven (7) currently existing in Census Track 38.02, where the subject site is located.

RECOMMENDATION: Approve Conditional Use Permit 7-2008 to allow a Type 20 beer and wine off-sale license and Letter of Public Convenience or Necessity for the Chevron mini-mart and gasoline pumps.

ATTACHMENT: Complete Staff Report
CITY COUNCIL STAFF REPORT
City of Porterville
August 19, 2008

CONDITIONAL USE PERMIT 07-2008
FOR CITY COUNCIL MEETING OF AUGUST 19, 2008

APPLICANT/ PROPERTY OWNER: Jose and Nellie Elizondo
244 North “D” Street
Porterville, CA 93257

PROJECT DESCRIPTION: The applicant is requesting approval of Conditional Use Permit 7-2008 to allow a Type 20 beer and wine off-sale license and a Letter of Public Convenience or Necessity in conjunction with a mini-mart and gasoline pumps.

SIZE OF PROPERTY: .295± acres

GENERAL PLAN CLASSIFICATION: Downtown Retail

ZONING CLASSIFICATION: C-2 (Central Commercial)

SURROUNDING ZONING AND LAND USE:
North: Mixed Uses – PO (Professional Office), OA (Public/ Institutional), C-2 (Central Commercial)
West: Mixed Uses – OA (Public/ Institutional), R-3/C-2 (Downtown Mixed Use)
South: C-2 – Downtown Retail
East: C-2 – Downtown Retail

LEGAL NOTICES:

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<th>Date Notice Mailed to Property Owners within 300 feet of property</th>
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ENVIRONMENTAL SETTING:

Pursuant to Administration Code 15301 of the California Environmental Quality Act the project as proposed qualifies as a Class 1 Categorical Exemption.

PROJECT DESCRIPTION/ANALYSIS:

The applicant is requesting approval of Conditional Use Permit 7-2008 to allow a Type 20, beer and wine off-sale license and a Letter of Public Convenience or Necessity in conjunction with the operation of a food market and gasoline pumps, located at 244 North “D” Street (“D” Street Chevron Station).

On July 16, 1996, the City Council held a public hearing. Two local residents address the council regarding their concerns with the project. There concerns were;

- There already exist two liquor stores just two blocks to the North and South of the existing church
- That according to the Department of Alcoholic Control Board, there is an over concentration of Type 20 beer and wine license in this Census Track, where the subject site is located
- That there are two facilities offering substance abuse rehabilitation within one block of the proposed site.

The Council proceeded to deny the Conditional Use Permit, due to the concerns of the residences.

Although the Conditional Use Permit that was denied included the sale of alcohol and the fuel pumps, the record of the proceedings, and the objections raised by the neighboring community contain only discussion on the issue of the sale of alcohol. However, there was no separate effort made to approve a Condition Use Permit for the fuel pumps. Building permits were subsequently issued for the fuel pumps and they have been constructed and are currently operating. In order to insure their legality as a conditional use in this zoning classification, the applicant has included them in the project description for this Conditional Use Permit.

On May 20, 2008 the applicant requested permission from City Council to be allowed to re-submit for a conditional use permit similar to Conditional Use Permit 4-94, including authorization for a Type 20 beer and wine off-sale license. The applicant was required to meet the criteria from Zoning Ordinance Section 3200.D, which states that:

“The Council or Zoning Administrator shall not receive for filing or consider any new application which includes property which was the subject of an application upon which a hearing was conducted, for the same zone, variance purpose, Conditional Use Permit purpose or extra-heavy M-2 use permit purpose, unless the Council or Zoning Administrator shall find at a preliminary hearing that there is relevant and material evidence which the applicant can offer of a substantial change of conditions.”
The City Council found that circumstances in the economy and surrounding neighborhood had changed significantly and proceeded to approve the request for the applicant to allow for a re-submittal for a conditional use permit similar to Conditional Use Permit 4-94.

The Department of Alcoholic Beverage Control Board has informed Staff that at present, a moratorium for off-sale Type 20 licenses (beer and wine) is in effect, thus limiting the issuance of new licenses. The Department of Alcoholic Beverage Control Board will still approve the off-sale Type 20 licenses pursuant to approval of a Letter of Public Convenience or Necessity by the Governing Body. Also, after checking with the Department of Alcoholic Beverage Control Board, they indicated that there are five (5) Type 20 off-sale beer and wine licenses allowed and seven (7) currently existing in Census Track 38.02, where the subject site is located.

RECOMMENDATION: Approve Conditional Use Permit 7-2008 to allow a Type 20 beer and wine off-sale license and Letter of Public Convenience or Necessity for the Chevron mini-mart and gasoline pumps.

ATTACHMENTS:

1. Locator Map
2. Site Plan
3. Department of Alcoholic Beverage Control Report
4. Existing licenses in Census Tract 38.02
5. Draft Resolution

Fernando Rios
Project Planner

August 19, 2008
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5 allowed   7 existing
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE PERMIT 7-2008 TO ALLOW A TYPE 20, BEER AND WINE OFF-SALES LICENSE AND A LETTER OF PUBLIC CONVENIENCE OR NECESSITY IN CONJUNCTION WITH MINI-MART AND GASOLINE PUMPS, LOCATED AT 244 NORTH “D” STREET (CHEVRON FOOD MART)

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of August 19, 2008, conducted a public hearing to consider Conditional Use Permit 7-2008, to allow the operation of the Chevron mini-mart with gasoline pumps, located at 244 North “D” Street (Chevron Food Mart)

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of August 19, 2008, conducted a public hearing to consider Conditional Use Permit 7-2008, to allow a Type 20 off-sale, beer and wine license and a Letter of Public Convenience or Necessity in conjunction with mini-mart and gasoline pumps, located at 244 North “D” Street (Chevron Food Mart)

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: Census Tract 38.02, in which the subject site is located, is over concentrated with alcoholic licenses according to the Department of Alcoholic Beverage Control Board’s method for determining over concentration.

WHEREAS: The Department of Alcoholic Beverage Control Board has informed Staff that at present, a moratorium for off-sale licenses Type 20 (beer and wine) is in effect. As a result, the Department of Alcoholic Beverage Control Board will only approve the off-sale Type 20 licenses with an approval of a Letter of Public Convenience or Necessity by the Governing Body.

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 1, - (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.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 7-2008 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- 5:00 a.m. to 9:00 p.m.
   - Saturday- 5:30 a.m. to 9:00 p.m.
   - Sunday- 5:30 a.m. to 8:00 p.m.

3. That upon approval 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, shall 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. That no alcoholic beverages advertising shall be displayed on the outside of the proposed building.

6. That 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. That 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. That the 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. That conditional use permit shall become null and void if not undertaken actively and continuously pursued within one (1) year.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________

Patrice Hildreth, Chief Deputy City Clerk
August 19, 2008

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

Attention Joyce Knodel:

RE: Chevron Food Mart – 224 North “D” Street

Dear Ms. Knodel:

The City Council of the City of Porterville has elected to approve submittal of this letter regarding the public convenience or necessity to be served through issuance of an off-sale beer and wine license in conjunction with the Chevron Food Mart, located at 244 North “D” Street.

Approval of this letter was based on the following:

1. Per Section 23958.4 of the “Business and Professions Code”, the subject site is located within Census Tract 38.02 which allows five (5) off-sale type 20 beer and wine licenses. At present there are seven (7) issued licenses.

2. On August 19, 2008, the City Council conditionally approved Conditional Use Permit 07-2008 (see attached resolution) to allow the off-sale of beer and wine in conjunction with the Chevron Food Mart, located at 244 North “D” Street. As a condition of approval, a Letter of Public Convenience or Necessity was required to be approved by the City Council.

3. In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of an off-sale beer and wine license in conjunction with the Chevron Food Mart.
Further issuance of an off-sale license allowing only beer and wine sales 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 Chevron Food Mart are to be in small quantities in conjunction with the purchase of other merchandise.

For these reasons, the City Council of the City of Porterville supports issuance of an off-sale beer and wine license for the Chevron Food Mart, located at 244 North "D" Street.

Sincerely,

Cameron Hamilton, Mayor
COUNCIL AGENDA – AUGUST 19, 2008

SUBJECT: SECOND READING – ORDINANCE 1745, DOWNTOWN “D” OVERLAY ZONE

SOURCE: ADMINISTRATION/CITY CLERK DIVISION

COMMENT: Ordinance No. 1745, an Ordinance of the City Council of the City of Porterville Pursuant to Article 27 of the Porterville Zoning Ordinance Approving Zone Change Amendment 2-2008 to Establish a “D” Overlay Zone to the Properties Located in Downtown Porterville, Between Morton and Olive Avenues and Second and Hockett Streets, was given First Reading on August 5, 2008, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1745, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1745

Item No. 11
ORDINANCE NO. 1745

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
PURSUANT TO ARTICLE 27 OF THE PORTERVILLE ZONING ORDINANCE
APPROVING ZONE CHANGE AMENDMENT 2-2008 TO ESTABLISH A “D” OVERLAY
ZONE TO THE PROPERTIES LOCATED IN DOWNTOWN PORTERVILLE, BETWEEN
MORTON AND OLIVE AVENUES AND SECOND AND HOCKETT STREETS

WHEREAS: On March 4, 2008 the City Council adopted a comprehensive General
Plan Update that included a vision for the preservation and enhancement of the downtown area; and

WHEREAS: Part of the implementation of the adopted General Plan Update includes
the creation of a new Zoning Ordinance to realize the vision, goals and objectives of the new
General Plan; and

WHEREAS: There is a need for an interim effort to preserve and enhance the
downtown area until a new Zoning Ordinance can be prepared and adopted; and

WHEREAS: On March 4, 2008, the City Council certified the Final Environmental
Impact Report for the Porterville 2030 General Plan, and no further environmental review is
needed; and

WHEREAS: Pursuant to Article 27 of the Porterville Zoning Ordinance, the City
Council of the City of Porterville at its regularly scheduled meeting of August 5, 2008,
conducted a public hearing to consider Zone Change Amendment 2-2008 to establish a “D”
Overlay zone to the properties located in Downtown Porterville, between Morton and Olive
Avenues and Second and Hockett Streets; and

WHEREAS: That this zoning classification will serve to ensure that any future
development of the proposed area will be in conformance with the existing General Plan,
Redevelopment Guidelines and City Codes, and will not adversely impact the surrounding area.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of
Porterville does ordain as follows:

SECTION 1: The City Council of the City of Porterville, after proceedings duly had and
taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the
City of Porterville, and the laws of the State of California, determined that the public interest
would best be served by approval of the proposed Zone Change Amendment 2-2008; and

SECTION 2: Based upon the evidence and reason for the request for the amendment
and pursuant to Section 1706 of the Porterville Zoning Ordinance, the City Council makes the
following findings:
1. That the proposed “D” Overlay zoning classification is consistent with and will implement the policies of the General Plan.

2. That the proposed “D” Overlay will not alter the density standards for development in this area.

3. That the proposed “D” Overlay is appropriate in location, character and timing and in accordance with requirements set forth by Section 1704 of the Zoning Ordinance.

4. That the proposed “D” Overlay will not alter the permitted and conditional uses, currently allowed in the project area.

5. That the proposed “D” Overlay will provide an improved level of aesthetic and architectural quality to the downtown area.

6. That the location of the proposed “D” Overlay is in accordance with the objectives of the Zoning Ordinance and the purpose of the General Plan Land Use designation in which the site is located.

7. That the standards of population density, site area and dimensions, site coverage, yard spaces, height of structure, distance between structures and off-street parking and off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objective of this ordinance.

SECTION 3: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change Amendment 2-2008, is hereby re-zoned to include a “D” Overlay zoning classification, for property located in Downtown Porterville, between Morton, Olive, Second, and Hockett Avenues, more particularly shown on the attached map, incorporated herein by reference as Exhibit “A”; and

SECTION 4: That all future development within the project area shall comply with the standards contained in the attached Downtown Porterville Architectural Design Guidelines, incorporated herein by reference as Exhibit “B” according to the following:

The following potential developments in the downtown area would be subject to the Architectural Design Guidelines under this ordinance:

1. Awning Improvements
2. Any Construction within the Public Right-Of-Way
3. New Signs
4. Painting of Buildings
The following potential developments in the downtown area would require that the entire building be brought up to the standards contained in the Architectural Design Guidelines under this ordinance:

1. New Buildings
2. Additions to Existing Buildings
3. Façade Improvements
4. Any Improvements with a Valuation of over $75,000, Including Interior Remodels; and

SECTION 5: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that the subject properties, is hereby re-zoned to include a “D” Overlay zoning classification, for property located in Downtown Porterville, between Morton and Olive Avenues and Second and Hockett Streets, more particularly shown on the attached map, incorporated herein and referenced as Exhibit “A”; and

SECTION 6: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: SECOND READING – ORDINANCE 1746, DESIGNATING TRANSIT PARKING IN HOCKETT/OAK LOT

SOURCE: ADMINISTRATION/CITY CLERK DIVISION

COMMENT: Ordinance No. 1746, an Ordinance of the City Council of the City of Porterville Amending a Section of Chapter 17, Article XI – Stopping, Standing or Parking Restricted or Prohibited on Certain Streets and Public Parking Lot, was given First Reading on August 5, 2008, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1746, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1746

Item No. 102
ORDINANCE NO. 1746

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING A SECTION OF CHAPTER 17, ARTICLE XI STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS AND PUBLIC PARKING LOTS

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

A. That Section 17-11.11 of the Code of the City of Porterville is hereby added as follows:

Section 17-11.11 Off –Street/ Public Owned Facilities.

(a) The City Traffic Engineer shall designate parking stalls or spaces in public owned, leased, or controlled off-street parking facilities for exclusive use by physically disabled persons.

(b) The City Traffic Engineer shall designate eleven (11) parking spaces for transit users within the publicly owned parking lot located at the southeast corner of Hockett Street and Oak Avenue. The City Traffic Engineer shall issue rules and regulations needed for the administration and enforcement of transit users parking within transit user designated parking spaces including but not limited to criteria and procedures for issuance and revocation of a parking permit.

When signs authorizing the provision of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

Citation fees shall be set by resolutions of the City Council if deemed to warrant fees.

B. This ordinance and code amendment shall be in full force and effect thirty (30) days from and after its publication and passage.

APPROVED AND ADOPTED this 5th day of August, 2008.

Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
CITY COUNCIL AGENDA: AUGUST 19, 2008

SUBJECT: COUNCIL SUPPORT OF AN AMENDMENT TO MEASURE R TO FUND THE PRESERVATION OF RAILROAD RIGHTS-OF-WAY AND RELATED INFRASTRUCTURE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the City Council meeting of August 5, 2008, Council directed staff to bring the consideration of support for an amendment to Measure R funds for the preservation of the railroad rights-of-way back at a future meeting. Additionally, Council requested that Ted Smalley from the Tulare County Association of Governments be present to provide additional information regarding the status of the rail.

A copy of the August 5, 2008 City Council item regarding this matter is attached for reference. As indicated in the report, Measure R funds are intended for improving air quality through the transit/bike/environmental program. Rail service has the potential for meeting these goals in a way that is considered cost-effective.

Staff believes that a number of issues remain in question regarding the preservation of the rail. Those issues are outlined below:

- What is the overall plan for the rail effort?
  - At a minimum, the following steps are required for the preservation of the rail:
    - Resubmit an Offer of Financial Assistance (OFA) for the purchase of the rail segment (does not include the underlying property) from Jovista to Strathmore. If the OFA is approved, and negotiations with San Joaquin Valley Rail is successful, the County will be mandated to continue rail service for at least two years before another submittal for abandonment can be submitted. Measure R funds are proposed to accomplish the purchase of the rail line.
    - Formalize a business plan and enter into agreements between the County and municipalities for the operation of the rail.
    - Determine an equitable distribution between entities for operational costs.
    - Obtain an operator to operate the rail.
- Is there a business plan for the acquisition/operation of the rail line?
  - A business plan has yet to be developed which would outline each entity's responsibilities, expected costs, revenues, and goals and objectives of the rail. At the July 10, 2008 meeting of the rail subcommittee, Supervisor Ishida stressed the need for a business plan; however, it is unclear to staff as to who is charged with the preparation of the business plan or the extent of participation by each entity for costs, operations, etc.

DBG Appropriated/Funded CM Item No. 13
• What is the amount of Measure R funds proposed to be utilized for the rail preservation?
  o The proposed resolution indicates an amount of two to three ($2-3) million dollars will be utilized from the Transit/Bike/Environmental category. It is unclear how the funding will be calculated and to what extent other Transit/Bike/Environmental projects will be affected within the County and/or particular municipalities.

• What is the plan for the expenditure of the Measure R funds?
  o It is staff’s understanding that the Measure R funds are to be utilized for the acquisition of the lease rights of the existing rail lines. The proposed resolution clearly indicates that the operation of the rail is not part of Measure R funding.

• What are the short-term goal(s) of initiating this effort?
  o The short-term goal is to protect the existing rail from being removed as scrap metal and, thereby, eliminating any possibility of future rail service on the rail line from Jovista to Strathmore.

• What are the long-term goal(s) of initiating this effort?
  o The long-term goal is to establish a functional rail for movement of goods.

• Will the Measure R funds be utilized for the purchase of the railroad right-of-way property?
  o It is unclear if the funds will be used for acquisition of the property or only of the lease rights of the existing rail; however the $2-3 million currently being discussed in not for right-of-way acquisition. According to the study conducted by Shepstone Management Company, Union Pacific, owner of the underlying rail property, has placed a value of $8.3 million. The report is unclear as to the area covered by the valuation, but it is assumed that the $8.3 million is for the railroad property from Jovista to Exeter.

• What is the plan for the rail right-of-way should Measure R funds be utilized to lease the existing rail lines?
  o Based on information from the Rail Subcommittee meetings, it is staff’s understanding that the operation of the rail will be leased to a third-party operator at a minimal cost, with additional public financing estimated to be $100,000 - $140,000 annually. There is no clear understanding of how the annual operations funding is to be financed. Additionally, there is no clear indication that a sufficient volume of rail cars will utilize the line to support the operations without the imposition of a surcharge – an issue that has halted the modest use of the line to date.

• What is the impact should the preservation efforts for the right-of-way fail?
  o While it is unclear if an operating rail line is feasible due to demand and condition of the rail; the loss of the right-of-way would preclude any future use of the property for other methods of travel, such as light rail or bike and walking trails. If the right-of-way is lost, it would seem improbable, if not impossible, to regain the right-of-way for future endeavors.
While there are a number of issues that surround the preservation of the rail, it is important to look to future opportunities that that right-of-way may offer. As such, staff recommends approval of the use of Measure R funds to acquire the right-of-way of the rail line.

A draft resolution has been prepared and is attached indicating Council support using Measure R funds.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution to indicate support of using Measure R funds to preserve existing rail lines.

ATTACHMENTS:
1. Draft Resolution
2. August 5, 2008 Council Agenda Item
RESOLUTION NO. ____-2008

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE REQUESTING
AN AMENDMENT TO MEASURE R TO FUND THE PRESERVATION
OF RAILROAD RIGHTS-OF-WAY AND RELATED INFRASTRUCTURE

WHEREAS, Tulare County’s rail system is instrumental to regional economic development, goods movement, and multimodal transportation strategies for a growing population; and

WHEREAS, Tulare County’s rail system has fallen into disrepair and is in danger of being abandoned and dismantled; and

WHEREAS, it is in County’s best interest to preserve existing rail corridors and related infrastructure to mitigate current and future highway traffic congestion, to promote highway safety, to reduce fuel consumption and costs, and improve air quality; and

WHEREAS, a goal of Measure R is to improve air quality through the Transit/Bike/Environmental Program of the Expenditure Plan; and

WHEREAS, Measure R funds are the most effective means to accomplish this.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby petitions the Tulare County Transportation Authority to program Measure R funds for the preservation of rail corridors and related infrastructure, with the following stipulations:

SECTION 1: That a Rail Preservation Fund be created within the Transit/Bike/Environmental Category in the amount of two-to-three (2-3) million dollars.

SECTION 2: That the Rail Preservation Fund would be used for rail system preservation only and not for rail operations. This Fund would be similar to the Regional Light Rail ROW preservation fund that already exists in the Measure R Expenditure Plan, Table 5.

PASSED, APPROVED AND ADOPTED this ____ day of August, 2008.

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy

Cameron Hamilton, Mayor
CITY COUNCIL AGENDA: AUGUST 5, 2008

CONSENT CALENDAR

SUBJECT: COUNCIL SUPPORT OF AN AMENDMENT TO MEASURE R TO FUND
THE PRESERVATION OF RAILROAD RIGHTS-OF-WAY AND RELATED
INFRASTRUCTURE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Elected representatives from Porterville, Exeter and Lindsay have served on the
Tulare County Rail Committee along with Allen Ishida, Tulare County Association
of Governments (TCAG) staff, and private citizens in an effort to preserve the rail
lines serving the east side of the Valley within Tulare County. The existing rail line
between these three cities has fallen into a state of neglect and disrepair and is in
danger of being abandoned and dismantled. There is concern that once abandoned
it would be significantly difficult to re-establish rail service in the future. With
increasing fuel costs, growth pressures and air quality issues, rail service may be an
economical and efficient way of moving goods in the future. Preserving existing
lines would greatly increase the feasibility of re-establishing that service.

Measure R funds are intended for improving air quality through the
transit/bike/environmental program. Rail service has the potential for meeting
these goals in a way that is considered cost-effective.

A draft resolution has been prepared and is attached indicating Council support
using Measure R funds.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution to indicate support of using
   Measure R funds to preserve existing rail lines.

ATTACHMENTS:
1. Draft Resolution
2. Letter of Support from the City of Lindsay

DPGW Appropriated/Funded CM Item No. 18

ATTACHMENT ITEM NO. 2
RESOLUTION NO. _____-2008

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE REQUESTING
AN AMENDMENT TO MEASURE R TO FUND THE PRESERVATION
OF RAILROAD RIGHTS-OF-WAY AND RELATED INFRASTRUCTURE

WHEREAS, Tulare County's rail system is instrumental to regional economic development, goods movement, and multimodal transportation strategies for a growing population; and

WHEREAS, Tulare County's rail system has fallen into disrepair and is in danger of being abandoned and dismantled; and

WHEREAS, it is in County's best interest to preserve existing rail corridors and related infrastructure to mitigate current and future highway traffic congestion, to promote highway safety, to reduce fuel consumption and costs, and improve air quality; and

WHEREAS, a goal of Measure R is to improve air quality through the Transit/Bike/Environmental Program of the Expenditure Plan; and

WHEREAS, Measure R funds are the most effective means to accomplish this.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby petitions the Tulare County Transportation Authority to program Measure R funds for the preservation of rail corridors and related infrastructure, with the following stipulations:

SECTION 1: That a Rail Preservation Fund be created within the Transit/Bike/Environmental Category in the amount of two-to-three (2-3) million dollars.

SECTION 2: That the Rail Preservation Fund would be used for rail system preservation only and not for rail operations. This Fund would be similar to the Regional Light Rail ROW preservation fund that already exists in the Measure R Expenditure Plan, Table 5.

PASSED, APPROVED AND ADOPTED this ____ day of August, 2008.

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy

Cameron Hamilton, Mayor
July 17, 2008

Mr. Ted Smalley
Executive Director
TCAG Administration
5961 S Mooney Blvd
Visalia, CA 93277-9394

Dear Mr. Smalley:

The City of Lindsay intends to petition the Tulare County Transportation Authority to program two-to-three (2-3) million dollars in Measure R funds for the preservation of rail corridors and related infrastructure. A resolution requesting this is on the Lindsay City Council agenda for July 22, 2008 and once adopted will be forwarded to your staff.

The City of Lindsay believes that Tulare County’s rail system is instrumental to regional economic development, goods movement, and multimodal transportation strategies for a growing population. Unfortunately segments of this rail system have fallen into disrepair and are in danger of being abandoned and dismantled.

Tulare County and the greater San Joaquin Valley have serious air quality issues, including smog. The San Joaquin Valley Air Pollution Control District reports that within the Valley, heavy duty trucks produce 27% of smog forming emissions, autos and light trucks produce 13% of smog forming emissions, and other mobile sources produce 23% of smog forming emissions. Growth Options for the 21st Century (Go21), a national, non-profit, public interest organization reports that one intermodal train can replace 280 truck trailers or 1000 autos, can move one ton of cargo over 400 miles on one gallon of fuel, and produces six-to-twelve times fewer pollutants than competing modes of transportation. Considering these factors it is in the County’s best interest to preserve its existing rail corridors and related infrastructure to mitigate current and future highway traffic congestion, to promote highway safety, to reduce fuel consumption and costs, and to improve air quality.

One of the goals of Measure R is to improve air quality through the Transit/Bike/Environmental Program of the Expenditure Plan; therefore, the City of Lindsay believes that these Measure R funds are appropriate for preserving rail corridors and related infrastructure in support of this goal. The Transportation Authority’s consideration in this matter is greatly appreciated.

Very Sincerely Yours,

Pamela Kimball, Mayor Pro Tem
City of Lindsay

ATTACHMENT
ITEM NO. 2

HEART OF CENTRAL
CALIFORNIA ORANGE AREA
SUBJECT: CITY WEBPAGE RE-DESIGN

SOURCE: Administrative Services

COMMENT: As a component of the Technology Assessment project within the Administrative Services Department, staff has began to undertake the re-design of the City webpage. Having not undergone a major facelift since its inception in 2001, the goals of the webpage re-design project include:

1. Present a stylish up-to-date theme with new graphics and pictures and overall organization to reflect the desire to market Porterville first and the City government second;
2. Remove limitations of current webpage design, including box style, screen/page sizing, and limited editing capability;
3. Enhanced focus on Economic Development opportunities, Parks & Leisure Services activities, upcoming community events, City news and information, FAQs (frequently asked questions), and job opportunities.
4. Development of capabilities for e-services, including online utility payments, building permit processing, code enforcement complaint filing and tracking, and GIS support.
5. Highlight community partners including Porterville College, Chamber of Commerce, Porterville Recorder, local school districts etc.
6. Maintain site security and administration access.

The following schedule has been developed toward project implementation:

1. Identify Web Design Committee Staff (June 2008)
2. Begin Designing Overall Theme/Features (August 2008)
3. Identify Graphics Designer/Artist (July 2008)
4. Determine Budget/Identify Funding (August 2008)
5. Review Proposed Themes/Designs (September 2008)
6. Select New City’s Theme and Design (October 2008)
7. Select Content Management Software (October 2008)
8. Finalize City Website Front Page (November 2008)
9. Design Sample Department Pages (November 2008)
10. Train Department Users (December 2008)
11. Begin Department Pages (December 2008)
12. Finalize Department Pages (January 2009)
13. Go Live With New City Website (February 2009)

Dir. Appropriated/Funded C/M Item No. 14
An ad hoc Webpage Design Committee has been formed in support of this project, including representatives from each of the City’s departments, as well as representatives from the City’s current vendor, Olson Computers. The City has contracted with a webpage graphics design/artist in the development of the new theme and design. Staff recommends that the Council designate two (2) Councilmembers to serve on this Committee in support of this project.

RECOMMENDATION: That the City Council designate two (2) Councilmembers to serve on the ad hoc Webpage Design Committee.
COUNCIL AGENDA: August 19, 2008

SUBJECT: Consideration of Legislative Issues: 2008-09 State Budget; AB 1884; Proposition 7 (2008)

SOURCE: City Manager

COMMENT: Several legislatively related issues are presented to the Council for consideration:

1. **STATE BUDGET LETTER:** This year’s State Budget has proven to be very difficult. The issues include spending caps, new taxes and program impacts. It appears at this point that booking fees will be lost. There are several calculations, but worse case scenario is about $150,000. In addition, the City will have to pay additional criminal lab fees in an estimated amount of $140,000. Both of these issues will add to the non-structural $500,000 deficit in the adopted budget. Though these matters are troubling, they are “workable” and pale against the potential “borrowing” by the State of some $1,200,000 in ERAF property tax and Proposition 42 and Redevelopment monies. The attached letter is provided to emphasize the City’s interest in borrowing against the local monies.

2. **AB 1884 LETTER:** The Assembly has concurred in AB 1884, which would permit PAADA to be established under State Law. The next step is to obtain a signature from the Governor and the attached letter states the City’s position regarding the legislation. A troubling aspect of the matter is that there were about 20 votes during concurrence. In the past the Governor has vetoed JPAs between local governments and tribes. AB 1884 was specifically drafted to address the avowed basis of past vetoes.

3. **RECOMMENDATION ON PROPOSITION 7:** California Proposition 7 has become a controversial measure with the voters. If the measure were approved, it would require California utilities to procure half of their power from renewable resources by 2025. Also, California utilities would have to increase their purchase of electricity generated from renewable resources by 2% annually to meet the standard. The obvious benefit of the measure is to base State energy on renewable resources, moving away from limited resources such as imported oil. The downside is outlined as how the measure is drafted, opening the door to many potential adverse, unanticipated consequences. Attached for the Council’s review is the ballotpedia presentation on Proposition 7. The League of California Cities has recommended a NO vote.

RECOMMENDATION:

1. Authorize the letter to be sent to the BIG 5 and our legislators regarding the State Budget.

2. Authorize the letter to be sent to the Governor regarding AB 1884.

3. Consistent with the League of Cities, recommend a NO vote on Proposition 7.

Item No. 15
August 13, 2009

Senator/ Assembly Member
California State Senate/Assembly
Sacramento, CA 95814

Re: 2008-09 State Budget

Dear Senator/Assembly Member:

This letter is written to you on behalf of the City of Porterville seeking your commitment to solve the State’s fiscal crisis without diverting our local government revenues and transportation money to balance the State budget.

The Porterville City Council has had to make tough choices to balance our City budget in a declining economic environment. We had to make expenditure cuts in our City functional areas. The City Council has had to make difficult decisions to help cover the higher costs for municipal purchases as well as to pay for the costs of new State mandates. Any State take-a-away of local government revenues and transportation money would create financial distress for the City of Porterville.

We urge you to balance the State budget aligning available State revenues with needed basic State expenditures and NOT use the funds from cities for another temporary fix to avoid addressing the State’s core fiscal problems.

We look forward to the passing of the State budget that is suitable to both our needs. Please feel free to call us if you have questions or concerns.

Thank you.

Cameron Hamilton
Mayor
August 13, 2008

Governor Arnold Schwarzenegger  
Attention: Legislative Unit  
State Capitol Building  
Sacramento, CA 95814

Re: AB 1884 (Maze) – SIGNATURE REQUESTED

Dear Governor:

I write on behalf of the City of Porterville to request that AB 1884 (Maze) be signed into law.

AB 1884 is sponsored by the City of Porterville and the Tule River Tribal Council. This bill permits the Tule River Tribal Council to enter into a joint powers agreement with the City of Porterville.

The sole intent of this bill is to allow for the collaborative effort between the City of Porterville and the Tule River Tribe in a Redevelopment Project of lands near the Porterville Airport and the creation of the Porterville Area Airport Development Authority (PAADA). The project calls for the redevelopment of approximately 200 acres, 40 of which are tribal owned lands, from industrial to commercial. This bill is required so both Tribal and City government can exercise government responsibilities within the 'Economic Development Zone' that will be PAADA. This bill will also allow BOTH Tribal and City government resources to come to bear in the form of financing, special grants and set asides for the development and operation of the project.

AB 1884 as been carefully drafted to provide specificity and avoid ambiguous language. The purpose of the JPA is clearly stated and limited. The power of eminent domain is explicitly denied to the Tule River Tribal Council. In addition, bonding authority is strictly limited. The authorization for the JPA will expire 30 years from the enactment of the bill.

For these reasons we respectfully request that you sign AB 1884 by Assembly Member Bill Maze.

Thank you for your consideration of our comments.

Sincerely,

Cameron Hamilton  
Mayor
California Proposition 7 (2008)

From Ballotpedia

California Proposition 7, would, if approved, require California utilities to procure half of their power from renewable resources by 2025. In order to make that goal, levels of production of solar, wind and other renewable energy resources will more than quadruple from their current output of 10.9%. It will also require California utilities to increase their purchase of electricity generated from renewable resources by 2% annually to meet Renewable Portfolio Standard (RPS) requirements of 40% in 2020 and 50% in 2025. Current law AB32 requires an RPS of 20% by 2010.

The 42 page measure is an initiated state statute that has qualified for the November 2008 ballot in California. The petition drive to qualify the measure for the ballot was conducted by Progressive Campaigns, Inc. at a cost of $1.367 million.

Perhaps to distinguish it from Proposition 10, which also is about alternative fuels, some California pundits are starting to refer to Prop. 7 as Big Solar and Prop. 10 as Big Wind.

Provisions in the initiative

- All electric utilities (including municipally-owned utilities) will be required to provide half of their electricity from solar and clean energy facilities by 2025. This requirement doubles what utilities will be required to do by 2025 under the Renewable Portfolio Standard. That law requires the state’s energy mix to be 20 percent renewable by 2010. California utilities are currently at a mix of 10.9% renewable.
- The California Energy Commission will be required to identify solar and clean energy zones, primarily in the desert, to jump-start clean power plants.
- Renewable plant construction permits would be fast-tracked for approval by the California Energy Commission once all environmental reviews are in place. Fast-tracking would limit the period for local comments and participation to 100 days. Compliance with the California Environmental Quality Act, and the Desert Protection Act are necessary for approval.
- Penalties levied on utilities for specific acts of non-compliance would be reduced from 5% to 1%, but the total cap on fines that can be imposed on a utility would be eliminated thus effectively increasing the total incurred financial penalties.
- The California Energy Commission (CEC) will have the authority and responsibility to allocate funds from these penalties into the construction and implementation of new and existing transmission lines to provide access for renewable energy to the grid.
- Utilities will be prohibited from passing along penalties to their electric rate-payers.
- Guarantees capping price impacts on consumer's electricity bills at less than 3 percent with studies indicating long term trends of costs will decline.
- Renewable energy sources will be defined and recognized as solar thermal, photovoltaic, wind, geothermal, small hydro, biomass, and tidal.
- Utilities entering into contracts with alternative fuel providers will be required to sign 20-year contracts, the standard contract for traditional fossil fuel and nuclear providers.
- Create production incentives for the development and construction of solar and clean energy plants and related transmission facilities.

Estimated fiscal impact

The California Legislative Analyst's Office, the nonpartisan state agency charged with providing a neutral estimate about the fiscal impact on the state of ballot initiatives and state legislative bills, has arrived at the following summary of Prop. 7’s estimated costs:

- State administrative costs of up to $3.4 million annually for the regulatory activities of the Energy Resources Conservation and Development Commission and the California Public Utilities Commission, paid for by fee revenues. The total cost to taxpayers of Proposition 7, using 2007-2008 state budget for comparison, would be 0.00002% of the state budget.

- Potential, unknown increased costs and reduced revenues, particularly in the short term, to state and local governments resulting from the measure’s potential to increase retail electricity rates, with possible offsetting cost savings and revenue increases, to an unknown degree, over the long term to the extent the measure hastens renewable energy development.

Supporters

The official committee supporting Prop 7 is called Californians for Solar and Clean Energy.

The primary financial backer of the initiative is Peter Sperling. Peter Sperling has been a member of the board of directors of the Apollo group since 1997, but has been part of the Apollo group since 1983. Sperling was involved with the effort to protect the Santa Barbara grasslands in the city of Goleta, located on Elwood Mesa.

Jim Gonzalez, a former San Francisco supervisor, is the initiative's chief spokesperson. Gonzalez says of Prop. 7, "It's OK to pat yourself on the back for buying a twisty bulb or hybrid car, but wouldn't it be better to go out and vote for something that’s going to reduce tons of emissions?"[5]

Notable supporters of Proposition 7 include:

- Neil Eisenberg - Chairman of the Board, The Oceanic Society*
- James Gollin - Chair, Board of Directors, Rainforest Action Network
- Senator Martha Escutia (ret.) - Former Chair of the State Senate Energy Committee
- Randall Hayes - environmental activist
- Dolores Huerta - Co-Founder of the United Farmworkers Union*
- Gordon Roddick - Environmental Activist and Co-Founder, The Body Shop*
- Christine Pelosi - Former Executive Director, California Democratic Party[6]

Donors who support Prop. 7

As of July 15, two donors have contributed $5,000 or more to support Prop. 7. They are:
The opposition campaign

The formal group opposing Prop. 7 is called Californians Against Another Costly Energy Scheme. The coalition includes the California Democratic Party, the California Republican Party, AFSCME, the League of California Cities and the California League of Conservation Voters.

See also: List of Proposition 7 opponents.

Arguments made against Prop. 7

Arguments that have been made against Proposition 7 include:

- It could "slam the brakes on renewable energy development in the state."[8]
- The measure is "poorly written and so complicated that it could hurt the cause of renewable energy in the state."[9]
- Ralph Cavanaugh of the Natural Resources Defense Council told the Los Angeles Times that the "initiative was put together by people who didn't know what they were doing." As a result, he says, it "opens the way for many unintended consequences".[9]
- It's too complicated. Cavanaugh says, "If you're going to legislate at the ballot box, keep it simple, don't write 70 pages. Our objection isn't to their good intentions, but to their bad initiative."[9]

Donors who oppose Prop. 7

As of August 2, three donors are listed as having given $5,000 or more to defeat this initiative. They are:

- PG&E, $12,895,250.
- Edison, $10,720,250.
- Sempra, $104,000.[10],[5],[11]

Campaign consultants

The opposition coalition as of July 14, 2008 had paid about $175,000 to the campaign consulting firm of Townsend, Raimundo, Besler & Usher.[12]

Polling information

A poll released on July 22, 2008 by Field Poll showed Proposition 7 with 63% support and 24% opposition. 82% of those surveyed had no initial awareness of Proposition 7. [13]

<table>
<thead>
<tr>
<th>Month of Poll</th>
<th>In Favor</th>
<th>Opposed</th>
<th>Undecided</th>
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<td>July 2008</td>
<td>63 percent</td>
<td>24 percent</td>
<td>13 percent</td>
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Lawsuits over ballot language

Supporters and opponents of Proposition 7 filed lawsuits in Sacramento Superior Court regarding the wording of ballot arguments that voters will see in the official voter's guide.

The lawsuit filed by proponents of Prop. 7 claimed that the opposition’s ballot arguments contained “false or misleading statements” that should be deleted. Opponents to Prop. 7 responded by filing a counter suit claiming a similar argument.

The lawsuit filed by opponents of Prop. 7 argued that Proposition 7 would have "serious, negative unintended consequences" that are not adequately captured in the voter's guide. They particularly wanted a judge to delete three statements in the voter's guide, including statements by proponents that:

- Prop 7 will help create over 370,000 new prevailing wage jobs
- Prop 7 prohibits the utilities from passing on their penalty costs to consumers if they fail to meet renewable energy standards
- Prop 7 is guaranteed to never add more than 3% per year to consumer electricity bills.

However, on Thursday, August 7th, Sacramento Superior Court Judge Michael Kenny upheld both proponents and opponents arguments, essentially ruling both arguments were correct and effectively prohibiting either one from printing "false or misleading statements". [14]

Speaking for opponents, Sue Kateley, Executive Director of the California Solar Energy Industries Association, said, “After carefully reviewing the facts and both sides’ extensive legal filings, the judge upheld our argument that Proposition 7 contains language that could devastate small renewable energy providers in California and force them out of the market. Prop. 7 would exclude renewable power facilities smaller than 30 megawatts from counting toward the measure’s new requirements. This would likely drive California’s small solar, wind and renewable power providers out of business, eliminating a major source of clean energy and thousands of jobs.”

Speaking for proponents, Jim Gonzalez, former San Francisco County Supervisor, said, “We applaud the Court’s decision upholding the Yes on 7 ballot arguments without any changes. This will make clear that Prop. 7 is about fighting global warming and achieving energy independence. The Court’s decision clarifies the real choices for solar and clean energy facing California voters on November 4th.” [15] He also noted the court found that Prop. 7’s text supports a conclusion that the new law will not have any impact on the market for small renewable energy companies.

External links

- Solar and Clean Energy (http://www.solarandcleanenergy.org/), website of supporters.
- No on Prop 7 (http://www.noprop7.com/), website of opponents.
- Solar & Clean Energy Initiative campaign committee (http://cal-access.sos.ca.gov/Campaign/Committees/Detail.aspx?id=1302703&view=general) Details of income and expenditures
- Arguments in favor of 7 (http://www.sos.ca.gov/elections/bp_11042008_pres_general/prop_7_arg_in_favor.pdf), proposed for official ballot book.
- Arguments against 7
  (http://www.sos.ca.gov/elections/bp_11042008_pres_general/prop_7_arg_against.pdf), proposed for official ballot book.

References

1. ↑ California Distributed Energy Resources Guide
   (http://energyalmanac.ca.gov/electricity/electricity_resource_mix_pie_charts/index.html)
3. ↑ Sacramento Bee: "Renewable power initiative poised for ballot, draws fire, April 8, 2008
4. ↑ Campaign expenditure details
5. ↑ 5.0 5.1 5.2 Sacramento News & Review, "California ballot: Betting on Big Solar", July 3, 2008
6. ↑ Titles for identification purposes only.
7. ↑ Donors to Prop. 7
8. ↑ Los Angeles Times, "Opponents say California power initiative is ill-advised", April 8, 2008
10. ↑ List of large donors opposing Prop 7
11. ↑ Money talks loudly in Prop 7 contest
12. ↑ Anti-7 expenditures
13. ↑ July 22 Field Poll results on Proposition 7
14. ↑ Ballot language battle could be key for Prop. 7, August 6, 2008

http://www.noprop7.com

Additional reading

- It ain't easy legislating green, Wall Street Journal, April 9, 2008
- California voters may toughen renewal targets, Reuters, April 8, 2008
- Geothermal Markets are heating up Energy Current May 5, 2008

To connect to everything on Ballotpedia about California and its ballot—laws, history, statewide ballot measures, ballot access, and more, visit:

California on Ballotpedia
- California ballot measures (all)
- Statewide ballot measures (2008)
- Local initiatives
- California hub
- California ballot news

Retrieved from "http://ballotpedia.org/wiki/index.php/California_Proposition_7_%282008%29"
SUBJECT: Request to Consider Mobile Computer Lab

SOURCE: City Manager

COMMENT: In the past the Council has considered the development of a bookmobile for deployment in Porterville. To consider the concept a meeting was conducted with Supervisor Ennis and the Director of Tulare County Libraries Brian Lewis, Councilmember Pedro Martinez, Mr. Jim Perrine, and John Longley. One modern option to a library is a computer laboratory.

A member of the Council has requested the Council’s consideration of this option. The estimated startup cost for converting a surplus transit bus is $44,200. The annual operations and maintenance cost is estimated to be $56,350.

At the request of the City Manager, a summary memorandum has been prepared defining concept and cost.

At this time, no source of funding has been defined.

RECOMMENDATION: If the Council wishes to pursue the project and define a source of funding, direction should be given and the matter returned at a subsequent Council meeting.
MEMORANDUM

DATE: August 8, 2008

TO: John Longley, City Manager

FROM: Vikki Cervantes, City Librarian

THROUGH: Jim Perrine, Director of Parks & Leisure Services

SUBJECT: Mobile Computer Lab

Staff was directed to provide an overview of information that illustrates the feasibility of a mobile computer lab through the conversion of an 8 year old transit bus.

We acknowledge in this summary that a majority of our community do not have access to the internet or other computer applications, which limits the ones ability to become computer literate, search for employment, register for various government programs, email, build a resume, seek online homework assistant, research family history, keep apprised of current events, and other various information available on the World Wide Web or other applications modern technology provides.

The strategy would be to deliver a computer lab service so our community can access technological resources. Our target users will be underserved school areas, so that children who do not have internet at home or resources to travel to our facilities can access online homework assistance. Mobile Computer Lab services will be provided to 12 schools and offer 1.5 hours per visit, Monday through Thursday. For adults, Saturday only stops will be planned to extend computer literacy instruction, online employment, resume building, and other information needs.

Staff is in conversation with the vendor to determine mobile technology needs and electrical support suitable for 10 computer workstations.

A source of funding has yet to be determined.

There are vehicles available that were manufactured for the specific purpose that is proposed. For example, staff has identified a 2005 Freightliner that is currently available at http://www.farberspecialty.com/used/used.htm.
**Cost Estimate Breakdown of Mobile Computer Lab Operations**

**Startup expenses:**
- Surplus Purchase $1,000
- Environmental & Safety Upgrade 9,000
- Vehicle Retrofit 13,000**
- Computer Equipment 15,000
- Software 2,000
- Printer 200
- Office furniture 4,000

Estimated Total Startup $44,200

**Annual operations & maintenance:**
- Staff & Benefits $25,000
- Fuel 1,300
- Vehicle Maintenance 1,500
- Equipment Replacement (7 year depreciation) 17,850
- Liability Insurance 600
- Computer Equipment Service 9,600
- Printer supplies 500

Estimated Total Annual Cost $56,350

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* Assumed nominal value
** Staff is contacting vendor to determine conversion cost and has preliminarily assumed 1/3 of book mobile conversion cost.
AGENDA: AUGUST 19, 2008

PORTERVILLE REDEVELOPMENT AGENCY

SUBJECT: AMENDING RESOLUTION NUMBERS 2008-05 AND 2008-06
ADOPTED ON JULY 15, 2008, APPROVING THE ISSUANCE AND
SALE OF REDEVELOPMENT PROJECT AREA NO. 1 TAX
ALLOCATION REFUNDING BONDS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: At the July 15, 2008 Redevelopment Agency (Agency) meeting, the
Agency adopted Resolution Numbers 2008-05 and 2008-06 for the
issuance and sale of Redevelopment Project Area No. 1 Tax Allocation
Refunding Bonds.

Due to economic conditions in the municipal bond market, including the
downgrade of the ratings assigned to several municipal bond insurers,
more stringent requirements for municipal bond insurance for the
remaining AAA municipal bond insurers, and a market requirement that
the bonds be secured by a cash reserve fund, the previously approved
financial parameters have changed. This necessitates the amendment of
the original resolution to provide for increased bond parameters.

The Agency has ample coverage to satisfy the increase in annual debt
service but in order to provide for greater flexibility to account for
economic factors, staff will bring back an item in a joint meeting to
restructure agency debt to the City. 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 at the time of
issuance. Should the bonds not be sold, no payment is due to bond
counsel, disclosure counsel, or to the underwriter.

RECOMMENDATION: That the Porterville Redevelopment Agency:

1. Adopt the attached resolution amending 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 amending 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; and

3. Authorize the Chairman to sign all necessary documents.

ATTACHMENTS:

1. Amended Redevelopment Agency Resolution – Series A and B Bonds
2. Amended Redevelopment Agency Resolution – Series C and D Bonds
PORTERVILLE REDEVELOPMENT AGENCY

RESOLUTION NO. RDA 2008—__

RESOLUTION AMENDING RESOLUTION NO. RDA 2008-05, ADOPTED ON JULY 15, 2008, 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 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;

WHEREAS, on July 15, 2008, the Agency adopted its Resolution No. 2008-05, approving the issuance of the Redevelopment Bonds and approving the forms and authorizing the execution of various documents (the “Original Resolution”); and

WHEREAS, certain events in the municipal bond market, including the downgrade of the ratings assigned to several municipal bond insurers, more stringent requirements for municipal bond insurance for the remaining AAA municipal bond insurers and a market requirement that the Redevelopment Bonds be secured by a cash funded reserve fund, necessitates the amendment of the Original Resolution to provide for increased bond parameters;
NOW, THEREFORE, it is hereby ORDERED and DETERMINED, as follows:

Section 1. Amendment of the Original Resolution.

(a) Section 1 of the Original Resolution is hereby amended in full as follows:

Section 1. Authorization of Series A Bonds. The Agency hereby approves the issuance and sale of the Series A Bonds to refinance redevelopment activities within or of benefit to the Redevelopment Project, provided the principal amount of the Series A Bonds shall not exceed $4,750,000, the average annual interest rate with respect to the Series A Bonds shall not exceed 6.25%, 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%.

(b) Section 2 of the Original Resolution is hereby amended in full as follows:

Section 2. Authorization of Series B Bonds. The Agency hereby approves the issuance and sale of the Series B Bonds to finance redevelopment activities within or of benefit to the Redevelopment Project, provided the principal amount of the Series B Bonds shall not exceed $2,700,000, the average annual interest rate with respect to the Series B Bonds shall not exceed 8.75%, 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 2. Remaining Provisions of Original Resolution Ratified. Except as amended by this Resolution, all provisions of the Original Resolution shall remain in full force and effect and are hereby ratified.

Section 3. 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. 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 4. **Effective Date.** This Resolution shall take effect from and after the date of its passage.


Cameron Hamilton, Chairman

ATTEST:


John Longley, Secretary

(SEAL)

*****
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 19th day of August, 2008, by the following vote of the members thereof:

AYES: BOARDMEMBERS:
NOES: BOARDMEMBERS:
ABSTAIN: BOARDMEMBERS:
ABSENT: BOARDMEMBERS:

__________________________
John Longley, Secretary
PORTERVILLE REDEVELOPMENT AGENCY
PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1
TAX ALLOCATION REFUNDING BONDS, 2008 SERIES A
(REDEVELOPMENT PROJECTS)

PORTERVILLE REDEVELOPMENT AGENCY
PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1
TAXABLE TAX ALLOCATION BONDS, 2008 SERIES B
(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 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 August 19, 2008, the members of the Agency duly adopted Resolution No. RDA 2008-___ (the “Resolution”), entitled “RESOLUTION AMENDING RESOLUTION NO. RDA 2008-05, ADOPTED ON JULY 15, 2008, 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: August 19, 2008

PORTERVILLE REDEVELOPMENT
AGENCY

__________________________
John Longley, Secretary
PORTERVILLE REDEVELOPMENT AGENCY

RESOLUTION NO. RDA 2008-

RESOLUTION AMENDING RESOLUTION NO. RDA 2008-06, ADOPTED ON JULY 15, 2008, 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

RESOLVED, by the Porterville Redevelopment Agency (the “Agency”) as follows:

WHEREAS, 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 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;

WHEREAS, on July 15, 2008, the Agency adopted its Resolution No. 2008-06, approving the issuance of the Housing Bonds and approving the forms and authorizing the execution of various documents (the “Original Resolution’’); and

WHEREAS, certain events in the municipal bond market, including the downgrade of the ratings assigned to several municipal bond insurers, more stringent requirements for municipal bond insurance for the remaining AAA municipal bond insurers and a market requirement that the Housing Bonds be secured by a cash funded reserve fund, necessitates the amendment of the Original Resolution to provide for increased bond parameters;
NOW, THEREFORE, it is hereby ORDERED and DETERMINED, as follows:

Section 1. Amendment of the Original Resolution.

(a) Section 1 of the Original Resolution is hereby amended in full as follows:

Section 1. Authorization of Series C Bonds. The Agency hereby approves the issuance and sale of the Series C Bonds to refinance low and moderate income housing activities within the City of Porterville (the “City”), provided the principal amount of the Series C Bonds shall not exceed $1,500,000, the average annual interest rate with respect to the Series C Bonds shall not exceed 6.25%, 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%.

(b) Section 2 of the Original Resolution is hereby amended in full as follows:

Section 2. Authorization of Series D Bonds. The Agency hereby approves the issuance and sale of the Series D Bonds to finance low and moderate income housing activities within the City, provided the principal amount of the Series D Bonds shall not exceed $850,000, the average annual interest rate with respect to the Series D Bonds shall not exceed 8.75%, 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 2. Remaining Provisions of Original Resolution Ratified. Except as amended by this Resolution, all provisions of the Original Resolution shall remain in full force and effect and are hereby ratified.

Section 3. 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. 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.

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Section 4. **Effective Date.** This Resolution shall take effect from and after the date of its passage.

______________________________
Cameron Hamilton, Chairman

ATTEST:

______________________________
John Longley, Secretary

(SEAL)

*******
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 19th day of August, 2008, by the following vote of the members thereof:

AYES: BOARDMEMBERS:

NOES: BOARDMEMBERS:

ABSTAIN: BOARDMEMBERS:

ABSENT: BOARDMEMBERS:

______________________________
John Longley, 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 August 19, 2008, the members of the Agency duly adopted Resolution No. RDA 2008-____ (the “Resolution”), entitled “RESOLUTION AMENDING RESOLUTION NO. RDA 2008-06, ADOPTED ON JULY 15, 2008, 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 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: August 19, 2008

PORTERVILLE REDEVELOPMENT AGENCY

John Longley, Secretary