Call to Order
Roll Call

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

**CLOSED SESSION:**
A. Closed Session Pursuant to:
   3- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.
   4- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

7:00 P.M. RECONVENE OPEN SESSION

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

Pledge of Allegiance Led by Mayor Cameron Hamilton
Invocation

**PROCLAMATIONS**
   Richard J. Klemma
   Tyler David Plewe

**PRESENTATIONS**
   Employee of the Month – Hortencia Diaz
   Miss Porterville & Her Court
   Outstanding Business

**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. Budget Adjustments for the 2008-09 Fiscal Year  
Re: Approval of budget adjustments in the amount of $40,000 in both revenues and expenditures to account for the expansion of the YES Program.

2. Approval of Revised Airport Budget  
Re: Approving a mid-year update to the 2008/2009 Airport Budget to account for increased activity at the Air Attack Base and fueling operation.

3. Adopting a Resolution Approving a Loan from Risk Management Fund to the Porterville Redevelopment Agency for the Purpose of Amending the Redevelopment Area Boundaries  
Re: Adopting a resolution to document the City Council’s prior approval at its November 18, 2008 Meeting of a $100,000 to the Redevelopment Agency.

4. Acceptance of Project – Airport Toxic Remediation  
Re: Accepting project as complete from Petrosuis Construction for project consisting of remediation of contaminated soil at the Porterville Airport, and directing the preparation of an Operations and Maintenance Agreement outlining ongoing maintenance program and funding source.

5. Termination of Animal Control Services Agreement  
Re: Considering authorization to terminate the agreement for animal control and sheltering services with the City of Lindsay.

6. Searchlight Purchase for Public Safety Air Support (Blue Sky Aviation)  
Re: Approving expenditure of $10,000 from the Police Department’s Asset Forfeiture Account towards the joint agency purchase a searchlight for air support.

7. FY08 Homeland Security Grant  
Re: Authorizing the expenditure of $52,272 in grant funds awarded to the City for the purchase of equipment and the training of personnel.

8. Request for Street Closure – Myer’s Fourteenth Annual Christmas Tree Memorial Service  
Re: Approving the closure of E Street, between Putnam and Cleveland, on December 9, 2008, from 5:00 p.m. to 9:00 p.m., subject to stated conditions.

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

SCHEDULED MATTERS

9. Proposed Change in the Table of Organization Within the Administrative Services Department  
Re: Considering reorganization of the Administrative Services Department.

10. Foreclosed Property Survey Information  
Re: Informational report on programs to deal with neglected foreclosed and/or vacant properties.
11. Request Approval of Location to Establish a Card Room Located at 36 West Oak Avenue  
   Re: Considering approval of locating a card room at the Copperopolis Commercial Building.

12. Authorization to Develop a Retail Recruitment Strategy  
   Re: Considering authorization to pursue the development of a Retail Recruitment Strategy and  
   to negotiate a contract with a consultant, Buxton, to assist in the effort at a cost of approximately  
   up to $80,000.

13. Success Dam Remediation Update  
   Re: Informational report on the Army Corps of Engineers’ findings with regard to  
   alternatives for the remediation of the Success Dam.

14. Use of CMAQ Funds for Concrete Improvements  
   Re: Considering the identification of streets for the installation of concrete improvements  
   utilizing Congestion Mitigation and Air Quality (“CMAQ”) funding.

15. Consideration of a Holiday Decorations Contest  
   Re: Considering a holiday decorations contest for Porterville residents.

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 December 10, 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.
SUBJECT: BUDGET ADJUSTMENTS FOR THE 2008-09 FISCAL YEAR

SOURCE: Administrative Services

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

There are two (2) adjustments proposed for tonight's Council meeting:

No. 1: YES Program (Junior High) Revenue
The Porterville Unified School District, who contracts with the City for personnel servicing after-school programs, has requested an expansion of fifteen (15) part-time employees in support of their junior high programs. This budget adjustment codifies in the budget the anticipated revenues to be received through reimbursement.

No. 2: YES Program (Junior High) Expenditure
The Porterville Unified School District, who contracts with the City for personnel servicing after-school programs, has requested an expansion of fifteen (15) part-time employees in support of their junior high programs. This budget adjustment codifies in the budget the anticipated expenditures.

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

ATTACHMENTS:
1. Budget Adjustment Worksheet
2. Letter of Request from Porterville Unified School District

Item No. 1
<table>
<thead>
<tr>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FUND</th>
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<td>1</td>
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<td>YES Program (Junior High) Expenditure</td>
<td>001-5050-064-020</td>
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</table>
November 20, 2008

Mr. John Lawless, Deputy City Manager
CITY OF PORTERVILLE
291 North Main Street
Porterville, California 93257

Dear Mr. Lawless:

The After School Program (YES) funded by the State of California serving students within Porterville Unified Schools recently received a mandate to fully serve 75% or more of our middle school capacity or the funding would be permanently reduced. Because the funding is extremely beneficial to our community by providing safe and after school learning activities for students, part time employment for a number of citizens of our community, and infuses additional income bases into our community businesses, it is important that the program continue to be supported in a maximum level.

To reach the mandated service level of 75%, it is necessary to increase the number of Recreation Leaders serving at each of the three middle schools. At this time, we request that the number of leaders contracted with via the City Parks and Leisure Services Department be increased by 5 persons for each of the three middle school sites in Porterville Unified Schools. Each of these 15 persons would be employed for a maximum of 3 hours per day on scheduled days of program service.

Your consideration and approval of this request in an expedient manner as possible would be appreciated! All three schools have students prepared and ready to attend this opportunity to increase their learning and citizenship involvement, once the additional employees are assigned.

Sincerely,

Gary Ingraham
Director of Curriculum

Cc: Dr. Gibbs, Business Services
COUNCIL AGENDA: December 2, 2008

SUBJECT: Approval of Revised Airport Budget

SOURCE: City Manager

COMMENT: Because of a very strong utilization of the Air Attack Base during the beginning of the Fiscal Year, revenues and expenditures have grown in the Airport’s fueling operation. This affects the entire budget and it is, therefore, beneficial to modify it at mid-year. Line items are modified to reflect patterns of revenue and expenditure, but the “bottom line” remains consistent with the adopted budget at $36,949.

The proposed modifications to revenue and expenditure are defined in the final column which has been highlighted in yellow.

In addition, for many years the Airport has been charged 9% administrative fee against its revenues. The number has been very large because of the significant gross revenues for the sale of fuel. Of the entire $1,177,268 budgeted for the Airport Enterprise, $987,000 has been budgeted for fuel sales. In other words, a disproportionate revenue source may not fairly represent administrative effort.

Also, a large number for gross fuel sales is inconsistent with a modest amount of net revenue from fuel sales. At this point about $.45 for each gallon sold has been designated as the administrative fee. As a way to address this, the proposed revision to the Airport Budget calculates the 9% administrative fee on the net amount derived from revenue from the sale of fuel, less the cost of the fuel. With this, the revised administrative fee is defined as $31,531.50 and the calculations are documented on the spreadsheet.

Because the fee has been covered by General Fund support for several years, there would not be any immediate impact on the General Fund as a result of the action. Over time, monies could be reduced. However, the Airport Fund has not had the ability to pay in the past, and the charge of the fee was material in developing an overall deficit of nearly $700,000 in the Airport Fund in 2003. This is not suggested as the rationale, however. Instead, it is suggested that charging based on net profits from fuel sales is a fair and equitable approach to this matter that should be consistently applied in the fee formula.

RECOMMENDATION: Approve the final column on the spreadsheet, which would be the revised 2008/09 FY Airport Budget.
### Proposed Revision of City Budget

**Airport for FY 2008/09**

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<th>Through 30-Jun-08</th>
<th>Through 31-Oct-07</th>
<th>Remainder 07/08 FY</th>
<th>Through 31-Oct-08</th>
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<th>Adopted 08/09 FY Budget</th>
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<td><strong>TOTAL REVENUE</strong></td>
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<td><strong>$1,960,100.01</strong></td>
<td><strong>$1,177,268.00</strong></td>
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| Salaries Regular | $53,518.97        | $16,519.50          | $36,999.47        | $18,432.00 | $55,431.47             | $57,816.00                  |
| Salaries Part-time| $26,745.76        | $8,222.21           | $18,523.55        | $12,014.68 | $30,538.23             | $23,000.00                  |
| Salaries Overtime | $519.87           | $0.00               | $519.87           | $0.00    | $519.87                | $0.00                       |
| Benefits          | $22,416.40        | $7,458.88           | $14,957.52        | $6,496.28 | $21,453.80             | $19,184.00                  |
| Vehicle Maintenance| $8,102.90         | $841.06             | $7,261.84         | $3,750.66 | $11,012.70             | $6,674.00                   |
| Building/Grounds Maintenance | $14,210.72 | $6,577.21          | $7,639.51         | $5,104.33 | $12,743.84             | $10,500.00                  |
| Computer Maintenance | $0.00            | $0.00               | $0.00             | $62.00   | $62.00                 | $100.00                     |
| Fueling System Maintenance | $12,386.41 | $0.00               | $12,386.41        | $732.50  | $13,118.91             | $8,500.00                   |
| Other Equipment Maintenance | $948.51         | $40.00              | $908.51           | $276.38  | $1,184.89             | $1,000.00                   |
| **TOTAL EXPENSE** | **$1,300,650.81** | **$513,451.07**     | **$767,205.74**   | **$944,414.00** | **$1,731,619.74** | **$1,140,496.00** |

| REVENUE - EXPENSE | $272,119.28 | $177,030.28 | $96,080.00 | $133,400.27 | $228,480.27 | $36,772.00 |

### Proposed Administrative Expense

| Sale of Fuel     | $1,505,000.00 |
| Purchase of Fuel | $1,350,000.00 |
| Net Fuel Sales   | $155,000.00   |
| Total Revenue - Less Fuel | $195,350.00 |
| Net Fuel Sales   | $155,000.00   |
| Total Revenue    | $350,350.00   |
| Calculation at 9% | $31,531.50   |
CITY COUNCIL AGENDA: DECEMBER 2, 2008

SUBJECT: ADOPTING A RESOLUTION APPROVING A LOAN FROM RISK MANAGEMENT FUND TO THE PORTERVILLE REDEVELOPMENT AGENCY FOR THE PURPOSE OF AMENDING THE REDEVELOPMENT AREA BOUNDARIES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the November 18, 2008 joint meeting of the City Council and the Porterville Redevelopment Agency, City Council approved a loan from the Risk Management fund to the Redevelopment Agency in the amount of $100,000 for the purposes of engaging a consultant to amend the boundaries of Project Area No. 1. Terms of the loan were approved at 3% simple interest, beginning upon the adoption of the amended area and that repayment be due and payable in thirty (30) years.

Attached is a Resolution for adoption by City Council approving the loan from the Risk Management Fund and establishing the previously approved terms of the loan.

RECOMMENDATION: That City Council adopt a resolution approving the loan from Risk Management to the Porterville Redevelopment Agency and establishing the terms for said loan.

ATTACHMENTS: Draft Resolution
RESOLUTION NO.______

A RESOLUTION OF THE CITY OF PORTERVILLE
APPROVING A REQUEST TO PROVIDE A LOAN TO THE
PORTERVILLE REDEVELOPMENT AGENCY
FOR THE AMENDMENT TO THE
REDEVELOPMENT PROJECT AREA BOUNDARIES

WHEREAS, the City Council of the City of Porterville created the Porterville
Redevelopment Agency on March 19, 1981, by Ordinance No. 1227 for the purposes of
considering and pursuing redevelopment activities in the community; and

WHEREAS, during the January 15, 2008 joint meeting of the Porterville City
Council and the Porterville Redevelopment Agency, both entities approved the
Redevelopment Area Amendment as a project to expand the boundaries of
Redevelopment Project Area No. 1; and

WHEREAS, the City Council of the City of Porterville has determined that the
expansion of the boundaries of Redevelopment Project Area No. 1 will be a mechanism
to eliminate and/or mitigate existing and potential physical, social, and economic blight
through community improvement and enhancement; and

WHEREAS, the City has available sufficient retained earnings in the Liability
program account of the Risk Management Fund, and can allocate and transfer such
retained earnings to the Redevelopment Agency for the Amendment to the
Redevelopment Project Area project.

NOW, THEREFORE, THE CITY OF PORTERVILLE DOES RESOLVE AS
FOLLOWS:

1. The City Council finds and determines that the expansion of the
Porterville Redevelopment Project Area No. 1 boundaries will be beneficial in addressing
the elimination and/or mitigation of existing and potential physical, social, and economic
blight through community improvements and enhancements.

2. The City Council finds and determines that no other means of financing
the Agency's Amendment process is available to the Agency.

3. The City Council authorizes a loan agreement between the City and the
Agency to amend the boundaries of Redevelopment Project Area No. 1. The amount of
the loan shall not exceed $100,000. Said loan shall bear simple interest at a rate of 3% beginning upon the adoption of the amendment to Project Area No. 1 and the loan shall become due and payable thirty (30) years thereafter.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

______________________________
By: Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: DECEMBER 2, 2008

SUBJECT: ACCEPTANCE OF PROJECT – AIRPORT TOXIC REMEDIATION

SOURCE: Public Works Department - Engineering Division

COMMENT: Petrosius Construction has completed the Airport Toxic Remediation Project per plans and specifications. The project included the spreading and compaction of contaminated dirt, placement of a 0.3" geo-synthetic clay liner over the contaminated soil, placement of 4 inches of disintegrated granite over the clay liner capped by 2 inches of asphalt concrete.

The Airport Toxic Remediation project was mandated by the Department of Toxic Substances Control (DTSC). Past pesticide loading practices rendered a small area adjacent to the Porterville Air Attack Base contaminated with pesticide residual. The DTSC directed that the City prepare plans and specifications consistent with the City’s approved “Removal Action Work” (RAW) plan. The plan provides the specific guidelines and requirements to properly and legally remediate the contaminated site.

City Council authorized an expenditure of $395,584.49 for construction. Final construction cost is $376,692.22. Funding for the project from Risk Management and COP funds was approved in the 2007/2008 budget.

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

Apart from the construction project, the City must satisfy specific conditions outlined in the Department of Toxic Substance Control (DTSC) approved Removal Action Work Plan (RAW). The RAW stipulates that the City must:

1) Record a deed restriction over the former chemical handling area to prohibit the use of the subject site for other than industrial or commercial purposes.

2) Develop an Operation and Maintenance Agreement between the City and DTSC to ensure the integrity of the encapsulating cap.

Staff recommends that the “agreement” stipulate that the operation and maintenance of the subject site shall be included in the City’s “Pavement Management” plan.

Dir Appropriated/Funded CM Item No. 4
3) Provide language in the “Operations & Maintenance” agreement describing financial assurance mechanism to ensure that funds will “always” be available to maintain the integrity of the encapsulating cap.

Staff recommends that the language in the agreement stipulate that maintenance and repair efforts specific to the remediated site will have priority use of Measure “R” and Special Gas Tax funds.

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;

4. Direct the Public Works Director to prepare or have prepared, in conjunction with the Department of Toxic Substance Control, a Deed Restriction over and around the Airport Toxic Remediation Site; and

5. Direct the Public Works Director to prepare an “Operations & Maintenance” agreement outlining the maintenance vehicle and funding source as described in staff’s report, subject to DTSC approval.

ATTACHMENT: Locator Map

P:\pub\work\Engineering\Council items\Acceptance of Project - Airport Toxic Remediation Project - 2008-12-02.doc
COUNCIL AGENDA: December 2, 2008

SUBJECT: Termination of Animal Control Services Agreement

SOURCE: Police Department

COMMENT: The City of Porterville first entered into an agreement with the City of Lindsay for the provision of animal control services and sheltering of animals in 1991. This agreement was last renewed on July 1, 2003 and was effective for a five year period. According to the terms of the agreement, it will be renewed automatically unless terminated by either party. Either party may terminate the agreement at the end of the fifth fiscal year by delivering written notice of termination on or before the preceding December 31.

Pursuant to direction from the City Council to provide our own animal control services and move away from Lindsay Animal Control, this will serve to terminate the agreement between the two entities.

RECOMMENDATION: That City Council:

1) Approve the action to terminate the agreement with the City of Lindsay for animal control services;

2) Authorize the Mayor to sign the termination letter and all necessary documents.

[Signatures]

Item No. 5
December 2, 2008

Scot B. Townsend, City Manager
City of Lindsay
251 East Honolulu Street
Lindsay, CA 93247

Dear Mr. Townsend:

Through mutual agreement, the City of Lindsay has been providing animal control and
sheltering services for the community of Porterville since 1991. While this agreement has
served our community well, the Porterville City Council has directed staff to provide our
own animal control. This letter is to inform you that the City of Porterville hereby desires
and intends to terminate the Agreement for Animal Control Services with the City of
Lindsay effective December 31, 2008.

We appreciate your services, cooperation and support over the many years of this
agreement and we hope to continue to maintain our positive working relationship.

Sincerely,

Cameron Hamilton, Mayor
City of Porterville

ATTEST:

John Longley, City Clerk
SUBJECT: Searchlight Purchase for Public Safety Air Support (Blue Sky Aviation)

SOURCE: Police Department

COMMENT: The Porterville Police Department along with the Police Departments of Tulare, Woodlake, Lindsay, Exeter and Farmersville has begun utilizing air support provided by Blue Sky Aviation. Over the last three months Blue Sky has assisted the Porterville Police Department on several occasions including the search for a missing child, locating felony suspects that had fled from officers and locating stolen vehicles that had been abandoned in the Tule River.

To date, the air support provided by Blue Sky has been limited to daytime service only due its lack of a proper searchlight. All agencies utilizing the services of the helicopter have agreed that its effectiveness would be more than doubled with the addition of the searchlight to allow for night service. Ron Overacker, CEO of Blue Sky Aviation, has located a searchlight that would meet the needs of the involved agencies at a cost of $12,500. The cost of the framework and mounting equipment for the helicopter is another $11,000.

The Tulare Police Department has agreed to pay $10,000 towards the purchase of the searchlight and mount and it is recommended the Porterville Police Department match the $10,000 contribution. The four remaining, smaller agencies, have verbally committed to contributing $1,000 each to complete the purchase and mounting of the searchlight system. The contributions of each city will be prorated and deducted from future service time provided by the airship.

The total cost to the City of Porterville for the required upgrades is $10,000. A funding source is available through the use of asset forfeiture funds currently available. After the $10,000 credit is deducted from future air support service costs at a prorated rate there will be no actual expense to the city for the purchase of this equipment.

RECOMMENDATION: That the City Council:

1) Approve the expenditure of $10,000, in funds from the Porterville Police Department Asset Forfeiture Account.

[Signature]

Item No. 6
COUNCIL AGENDA: DECEMBER 2, 2008

SUBJECT: FY08 HOMELAND SECURITY GRANT

SOURCE: FIRE DEPARTMENT

COMMENT: The County of Tulare is charged with coordinating the FY08 Homeland Security Grant Program. Under the grant guidelines, the City of Porterville has been awarded $52,272 for the purchase of two (2) Tactical Communication Package, 308 Systems – Tak Paks, and attendance of twelve (12) City personnel at the California Specialized Training Institute (CSTI) training course “Introduction to Emergency Management - Earthquakes.”

Under the terms of the grant program, the Fire Department will purchase the items and employees attend the class, then the Fire Department will submit receipts for reimbursement. The State funds have been allocated and reimbursement will not be an issue.

The funds required to front the purchase are available in the Fire Department’s “Firefighting and Rescue Equipment Replacement Fund #EL-2997.”

RECOMMENDATIONS: That the City Council:

1) Authorize staff to purchase the equipment under the negotiated bid process, and attend the CSTI course.

2) Authorize the disbursement of funds from the Fire Department’s Firefighting and Rescue Equipment Replacement Fund #EL-2997 for the initial costs.

3) Authorize the grant reimbursement fund to be deposited in account #EL-2997.

ATTACHMENTS: List of proposed purchase items.
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<th>PROJECT</th>
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**TOTAL AMOUNT AWARDED:** $18,096
SUBJECT: REQUEST FOR STREET CLOSURE - MYERS' FOURTEENTH ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

SOURCE: ADMINISTRATIVE SERVICES

COMMENT: Richard Mendivil, Director of Myers Funeral Service and Crematory, has requested an assemblies permit for December 9, 2008, in order to hold the lighting ceremony for Myers' Eleventh Annual Christmas Tree Memorial Service. The ceremony will be held in front of Myers Chapel on "E" Street at 7:00 p.m. One thousand people attended the ceremony last year, and Mr. Mendivil has requested an assemblies permit for 1,000 people again this year.

In conjunction with this ceremony, Mr. Mendivil is also requesting that Council approve the closure of "E" Street, between Putnam and Cleveland Avenues, from 5:00 p.m. to 9:00 p.m. on December 9, 2008 for the safety of those attending.

The Police Department has approved the Assemblies Permit, which is attached for the Council’s reference, along with a copy of the required Certificate of Liability Insurance.

RECOMMENDATION: That the City Council approve the closure of "E" Street, between Putnam and Cleveland, on December 9, 2008, from 5:00 p.m. to 9:00 p.m. subject to the conditions specified.

2. Application for Assemblies Permit - Richard Mendivil
3. Insurance Certificate

Item No. 8
To: Porterville City Council

We respectfully request that “E” Street be blocked off at Putnam and Cleveland Avenues the evening of Tuesday, December 9th from approximately 5 to 9 P.M., for the protection and safety of those who will be attending the Fourteenth Annual Myers Christmas Tree Memorial Service.

Last December, Myers Funeral Service held their Thirteenth Annual Christmas Memorial Tree Service at this location. The response from the community was overwhelming although it was raining. Because of this, we were unable to determine the amount of people who were in attendance but we generally have approximately 1,000 people from the local community and outlying areas.

Myers Funeral Service’s purpose in beginning this tradition was to give back to the community in the way of service. It allowed families a way to remember their loved ones who passed away. Many family members place ornaments on the trees prior to the service (or after), commemorating their loved ones.

A beautiful memorial service is planned for the evening of December 9, 2008 at 7:00 P.M. at Myers Funeral Service, when the community will be invited to attend and celebrate the beginning of the season by remembering their loved ones. At the conclusion of the service, the trees will be lit and remain lit throughout December.

As this event has been so well received by the community the past thirteen years, we are requesting that “E” Street be blocked off between Putnam and Cleveland Avenues, thereby assisting the protection/safety of those attending.

Enclosed, you will find an “Assemblies Permit,” signed by Captain Silver Rodriguez of the Porterville Police Department, allowing us to have the service itself.

Thank you for your consideration of this request.

Sincerely,

Richard Mendivil
Funeral Director

RM:dm
Encl.
ORDINANCE NUMBER 927
Section 18-7.2

Application for ASSEMBLIES or MEETINGS on public streets, sidewalks or parks, within the City of Porterville.

This application MUST BE FILED WITHIN FOUR (4) DAYS PRIOR to the date of the assembly or meeting.

A. MYERS FUNERAL SERVICE & CREMATORY
   (Name/Address) 559-784-5454
   (Telephone)

B. 248 North "E" Street, Porterville, CA 93257
   (Name & Address of Organization)
   Richard Mendivil, Funeral Director
   (Authorized Head of Organization) 559-784-5454
   (Telephone)

C. Name of Event Chairman Richard Mendivil - Memorial Christmas Tree Lighting

D. Purpose of event: Lighting of Memorial Tree and Service

E. Date & Time of Event December 4, 2008 7:00 P. M. to 9:00 P. M.

F. Number of persons 1,000+, depending on weather

G. Location of the assembly area of event Myers Funeral Chapel Front Lawn
   248 North "E" Street, Porterville, CA

H. Security Guards required? [ ] yes [ ] no If so, how many? 

I. Plans for the assembly & dispersion of the event. Indicate times thereof 5:00 P. M. to 9:00 P. M.

J. Other information

I HEREBY AGREE TO ABIDE BY ALL PROVISIONS SET FORTH IN CITY ORDINANCE 927, SECTION 18-7.2 AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY OF PORTERVILLE.

Legal signature of applicant Richard Mendivil
Date 10/27/08 Telephone 559-784-5454

Application Approved [ ] Denied [ ]

Chief of Police 10/96
## Certificate of Liability Insurance

**FEDERATED MUTUAL INSURANCE COMPANY**  
5701 W. Talavi Boulevard  
Glendale, AZ 85306  
Phone: 1-888-353-4949  
Home Office: Owatonna, MN 55060

### Insured:

MYERS FUNERAL SERVICE & CREMATORY  
248 NORTH E STREET  
PORTERVILLE CA 93257

### Coverages:

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policies below.

**COMPANIES AFFORDING COVERAGE**

- **Company A:** FEDERATED MUTUAL INSURANCE COMPANY  
- **Company B:** FEDERATED SERVICE INSURANCE COMPANY

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### Description of Operations/locations/Vehicles/Special Items:

Christmas Program - December 6th, 2006

### Certificate Holder:

CITY OF PORTERVILLE  
291 N MAIN  
PORTERVILLE CA 93257

### Cancellation:

Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 10 days written notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

Authorized Representative: [Signature]

President: [Signature]  
ACORD CORPORATION 1980
SUBJECT: PROPOSED CHANGE IN THE TABLE OF ORGANIZATION WITHIN THE ADMINISTRATIVE SERVICES DEPARTMENT

SOURCE: Administration

COMMENT: With the approaching retirement of Mr. John Longley, and the successor appointment of Mr. John Lollis as City Manager for the City of Porterville, several changes are proposed in the Table of Organization affecting the Administrative Services Department. Currently, the Administrative Services Department is comprised of the City Clerk's Office, Finance Division, and Human Resources-Risk Management Division. It is proposed that the Finance Division be established as a separate Finance Department (under the administration of Ms. Maria Bemis as Finance Director), and the City Clerk's Office and Human Resources-Risk Management Division remain combined as the Administrative Services Department (under the administration of Ms. Patrice Hildreth as Administrative Services Manager).

Changing the Table of Organization as proposed would reduce current staffing levels by one (1) full-time position (current Administrative Services Manager) in combination with the promotion of the current Chief Financial Officer to Finance Director, and the Chief Deputy City Clerk to Administrative Services Manager, and would be accomplished within current budget authorization. Proposed changes in the Table of Organization include:

ELIMINATED POSITIONS:
1. Chief Financial Officer; Salary Range 236
2. Administrative Services Manager; Salary Range 245

ADDED POSITIONS:
1. Administrative Services Manager; Salary Range 231
2. Finance Director; Salary Range 248

The proposed reorganization plan would allow the Departments to meet the demands of our growing community, operate within current budget authorization (cost savings), maintain span-of-control, and best utilize the skills and resources of our personnel.

Dir. [Signature] Appropriated/Funded [Signature] C/M [Signature] Item No. [9]
In addition, the responsibilities and title of Deputy City Manager currently held by Mr. Lollis would be appointed to another Department Director with a ten percent (10%) salary augmentation (as has been the past practice), with the Director retaining responsibility for their Department's administration.

RECOMMENDATION: That the City Council:

1. Authorize a change in the Table of Organization and amending the Position Allocation Schedule and Position Pay Plan of the City's Employee Pay and Benefit Plan; and

2. Authorize the establishment of the Administrative Services Manager classification at salary range 231 ($6,561 - $8,007) and Finance Director at salary range 248 ($7,772 - $9,483), effective January 1, 2009, and modify the Classification Plan.

ATTACHMENT: None
SUBJECT: FORECLOSED PROPERTY SURVEY INFORMATION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Staff was recently directed by City Council to survey several cities regarding their programs in dealing with neglected foreclosed residential property. Staff was able to speak briefly with the person in charge of the program in Chula Vista who shared the following information:

- City of Chula Vista, a city of approximately 230,000 population, is currently implementing a “Vacant Property Registration” encouraging lenders to react responsibly to the upkeep of property prior to “Trustee Sale”. These are the properties that are susceptible to vandalism and destruction. The registration fee Chula Vista is charging is $70.00. To date, they have collected approximately $100,000 in registration fees.

- If a property is neglected, the city contacts the service agency who has been assigned by the lender to manage the account. If a service agency does not provide the name of the lender, they are presented with a 30 day notice of compliance to either clean up the property or provide the name of the lender. The notice has fines ranging from $100-$500 per day, retroactive to the date of the notice. Approximately $1,000,000 has been billed with $280,000 collected to date.

The program manager indicated that they have approximately 3,200 foreclosed properties in Chula Vista which is one of the hardest hit areas in the San Diego area. He also stated that the program is extremely labor intensive as the properties need to be inspected. Staff is currently waiting for a follow up email from the program manager with more detailed information. Apparently 31 other cities have contacted him regarding this program, so he is overwhelmed in trying to respond to all of the inquiries. More information will be shared with Council as it is received.

RECOMMENDATION: Information only

ATTACHMENTS: None

Item No. 10
SCHEDULED MATTER

SUBJECT: REQUEST APPROVAL OF LOCATION TO ESTABLISH A CARD ROOM LOCATED AT 36 WEST OAK AVENUE.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting site approval of a proposed card room at the Copperopolis Commercial Building located at 36 W. Oak Avenue. As per the City Manager's suggestion, the applicant has submitted proposed plans to the Project Review Committee (PRC) in order to identify any particular issues associated with locating the card room at the proposed site. By nature of due process, the proposed card room does not require review by the PRC. Due to the recently denied proposed card room location at 34 E. Garden Ave., it was suggested to the applicant to submit a proposed site to PRC and City Council in an effort to avoid any construction and development costs associated with the card room prior to City Council consideration.

The PRC has reviewed the submitted plans (Attachments 1-4) for the proposed card room. Staff considered the proposal in light of prior card rooms downtown and the concerns expressed by the Council at the September 16th 2008 City Council Meeting. Although the proposed site is still downtown, it does not bisect Main Street from the future court house site. It is also in a newly renovated building across from a well lighted and renovated public parking lot. Prior downtown card rooms were located on Main Street for many years and the Police Department has not expressed particular concerns with the proposed site. Staff expressed to the applicant that although the proposed card room use at 34 W. Oak Avenue could be considered compatible to the surrounding uses, the City Council would be the decision making body that would determine allowing such use in the downtown area.

RECOMMENDATION: That the City Council consider approval of the proposed card room location at 36 W. Oak Ave.

ATTACHMENT:
1. Site Plan
2. Zoning Designation Map
3. Locator Map
4. Pictures

DD\[\]M\[\] CM\[\] ITEM NO. 11
The Mint Cardroom

Located at 36 West Oak Avenue

Proposed Cardroom location
SUBJECT: AUTHORIZATION TO DEVELOP A RETAIL RECRUITMENT STRATEGY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Historically the Economic Development Division has focused industry attraction efforts on industrial businesses to bring new jobs, with higher wages, to Porterville. The City has seen success over the past years with the recruitment of Wal-Mart Distribution Center, Foster Farms, ProDocumentSolutions, and, most recently, the new Southern California Edison Service Center. While these industries pay a wage that is typically higher than retail and offer benefits that retail may not provide; industrial businesses do not provide shopping opportunities for our growing community.

Staff has heard community leaders speak of the challenges of recruiting professionals to the area, with one challenge being the lack of retail in the area. For most professionals, they find it necessary to travel to Visalia, Fresno or Bakersfield to shop for clothing, electronics, and other items that are not readily available in Porterville. Not only is this a great inconvenience, but it results in a significant reduction in City sales tax. With the recent announcement of the closure of Mervyns, shopping opportunities in Porterville will become even more limited. Retail recruitment efforts have consisted primarily of writing letters to companies that have been identified as those seeking to expand or those types of retail businesses that are not currently available within the community. At this time, staff believes that the development of a Retail Recruitment Strategy is of utmost importance to provide additional shopping opportunities for our community and to stop further retail sales leakage.

Staff recently attended the International Council of Shopping Centers (ICSC) conference in San Diego which reinforced the fact that retailers are very sophisticated in their approach to placement of new stores. Driving time to retail, population in the trade area, and shopping habits of the community are only a few of the pieces of information that the retailer now looks at when making a decision to locate.

Staff has been in conversations with Buxton, a company which assists communities with developing a comprehensive retail recruitment strategy. While there are a variety of companies that compile data needed for retail recruitment, Buxton has multiple terabytes of buyer purchasing patterns as well as the resources to access data from a number of companies to
provide a complete overview of the community for the retailers’ consideration. Buxton not only provides the demographic information needed for the recruitment strategy, but based on staff’s research Buxton is the only firm that provides customized marketing packages and a list of specific retailers that “fit” our community. It is worth noting that Dinuba has landed several fast-food restaurants, a hotel, and a car dealership using the information provided by Buxton.

The cost for Buxton’s assistance in developing a Retail Recruitment Strategy is approximately $70,000 with emphasis on two areas of the city – Henderson Avenue and the Jaye Street and Highway 190 areas. Keeping downtown vibrant has remained a very high priority, especially with the anticipation of added competition in the Henderson Avenue and Jaye Street/Highway 190 areas. Inclusion of the downtown area to the strategy results in a total cost of $80,000.

Staff has identified funding for a portion of the Buxton services utilizing General Fund carryover allocated to the Main Street Porter Slough (Porter Slough) project. The Porter Slough project has been approved with a combination of CDBG Business Assistance and General Fund carryover. Staff is proposing to use up to $45,000 of the General Fund carryover from the Porter Slough project for the Retail Recruitment Strategy and replacing the funds in the Porter Slough project with additional CDBG Business Assistance funds. The remaining CDBG Business Assistance funds have been set-aside for the creation of a Small Business Revolving Loan Program.

Staff has had conversations with a variety of community leaders to gauge interest for partnership in a retail recruitment strategy. Staff believes that there is opportunity to develop a partnership for the remainder of the funding required. Prior to formalizing the agreements with community partners, staff is requesting Council’s approval to develop a retail recruitment strategy which would include negotiating a contract with Buxton and formalizing financial commitments from community partners.

**RECOMMENDATION:** That City Council:

1) Authorize a budget adjustment of $45,000 from the CDBG Business Assistance funds to the Main Street Porter Slough project and the reallocation of $45,000 of General Fund carryover from the Main Street Porter Slough project to the Retail Recruitment Strategy.

2) Authorize staff to accept financial commitment from community partners for the Retail Recruitment Strategy; and,

3) Authorize staff to negotiate a contract with Buxton for a Retail Recruitment Strategy.
SUBJECT: SUCCESS DAM REMEDIATION UPDATE

SOURCE: Public Works Department - Engineering Division

COMMENT: On November 18, 2008, the Public Works Director attended a Success Reservoir “Stake Holders” meeting in Sacramento. The meeting was specifically designed to address remediation selection criteria and present the Corps of Engineer's (COE) findings to a Scientific Board for questions and comments.

In summary, the COE presented the following:

1. Three alternative remediation options. The three alternatives are:
   a) Construct a new dam immediately downstream of the existing dam. The proposed downstream dam will have a new impermeable core.
   b) Construct an upstream/downstream buttress. Neither buttress will have an impermeable core.
   c) Construct a massive downstream buttress without core. This option will survive a Maximum Credible “Seismic” Event (MCE). However, the core in the existing dam will fail. Substantial repairs to the existing core will have to take place to ensure that the downstream buttress will survive a 2nd MCE.

The COE rated the downstream dam (option a) as the preferred alternative. The estimated cost is $472 million. It should be noted that this alternative is the least expensive but all three alternatives are within 5% of one another.

2. Once construction begins, the project is expected to take 3 ½ years to complete.

3. The tower will not survive a Maximum Credible Event (MCE) and therefore must be reinforced or rebuilt. It is the COE intention to build an outer concrete jacket or “sleeve” to support the existing tower.

4. The latest computer model suggests that the dam is not in as bad a shape as previously thought. The COE is currently preparing “Scope of Service” documents requesting a new risk analysis. It is hoped that the new risk analysis will show that the current pool restricted elevation of 620’ can be raised to a higher elevation.

RECOMMENDATION: None. Information only.
COUNCIL AGENDA: DECEMBER 02, 2008

SUBJECT: USE OF CMAQ FUNDS FOR CONCRETE IMPROVEMENTS

SOURCE: Public Works Department – Engineering Division

COMMENT: On April 24, 2008, staff wrote a letter to TCAG requesting that TCAG maintain the $113,000 federal share originally intended for Date Avenue and combine it with $26,000 of local funds that the City had allocated. TCAG accepted this request and an 81.3% / 18.7% ratio was established. The total available amount for a concrete improvement project is $139,000.

The City Council asked staff to review three candidate streets for CMAQ funds. Staff was directed to determine if installation of concrete improvements could possibly be used on more than one street.

Staff has confirmed field conditions and the following streets are presented to the Council, in order of priority:

1. Indiana Street – 160’ south of Olive Avenue to 1000’ south
2. Prospect Street – 380’ south of Morton Avenue to Tomah Avenue
3. Henderson Avenue – East of Plano Street
   (Not feasible due to expansive soil conditions)

Staff recommends that Indiana Street from Olive Avenue to near Roby Avenue be the recipient of the CMAQ funds. Indiana Street is currently listed as a minor arterial from SR 190 to Olive Avenue in the circulation element of the 2030 General Plan. Due to existing site conditions, developing Indiana Street to minor arterial standards is not feasible as numerous property acquisitions would be required. In addition, Indiana Street improvements south of the Tule River are at a collector status width and no advantage would be achieved by creating a minor arterial north of the Tule River.

Further, Indiana Street was listed as a collector in the previous circulation element. The vehicular capacity of a collector street can easily accommodate the average annual daily traffic of 1520 vehicles per day listed in the new circulation element, and therefore, staff recommends proceeding with a collector status street for Indiana. In addition, the improvements on Indiana Street would provide a benefit towards the proposed Indiana Street low water crossing project.
Prospect Street is not recommended to receive any of the CMAQ funds because power poles along Prospect Street will interfere with the installation of 5' wide sidewalks at numerous locations.

RECOMMENDATION: That the City Council:

1. Accept Public Works' recommendation that the available CMAQ funds be used along Indiana Street from Olive Avenue to near Roby Avenue or portions thereof, for the installation of concrete improvements; and

2. Direct the City Engineer to begin design efforts for the installation of concrete improvements along the street or streets selected by Council.

ATTACHMENT: Locator Map
SUBJECT: CONSIDERATION OF A HOLIDAY DECORATIONS CONTEST

SOURCE: ADMINISTRATIVE SERVICES

COMMENT: A request was made by a Council Member for the Council’s consideration of establishing a holiday decorations contest for this holiday season. The City Council has in the past sponsored such a contest with advertising costs, if any, and award costs being paid out of the Council’s discretionary funds. Past contest rules have included:

➢ Must be a residential address
➢ All contestants must be in the City limits
➢ All contestants must be registered in the contest by 5:00 p.m. on (specify date)
➢ No late entries

Past contests have been judged by the Members of Council utilizing a points system, with up to 20 points being awarded for: 1) overall visual appearance; 2) yard display; 3) roof display; and 4) best use of lights. In the event of a tie, the Mayor has had authority to determine the winner. Certificate Awards for first, second and third places have been presented to contest winners at the second regular City Council Meeting in December. Additionally, a press release was issued with the names and addresses of the contest winners, and signs were placed at the winning locations indicating either first, second or third place. The cost for signage is estimated not to exceed $100.

RECOMMENDATION: That the City Council determine whether to proceed with a holiday decorations contest. In the event the Council wishes to proceed, that the Council:

1. Provide staff direction on the rules and select a deadline for entry;
2. Authorize the expenditure and funding source for advertising costs, if any, and award/signage costs; and
3. Direct staff to publicize and administer the contest.

Item No. 15