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

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Vice Mayor Pete McCracken
Invocation

PROCLAMATIONS
Day of Prayer – May 7, 2009

PRESENTATIONS
Employee of the Month – Irene Anaya
Muscular Dystrophy Association’s Fill-the-Boot Campaign

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

CONSENT CALENDAR
All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.
1. City Council Minutes of April 7, 2009 and April 14, 2009

2. Claim – Estefanie Forman
   Re: Considering rejection of a claim for damages and personal injury that the claimant alleges were sustained when her vehicle was struck by a Porterville Police patrol vehicle at the intersection of Porter Road and Olive Avenue on September 27, 2008.

3. Authorization to Advertise for Bids – Scranton Avenue and Indiana Street Reconstruction Project
   Re: Considering approval of staff’s recommended plans and project manual for the project consisting of the reconstruction of Scranton Avenue and Indiana Street to arterial standards.

4. Authorization to Advertise for Bids – Indiana Street (South), Prospect Street, and Henderson Avenue Shoulder Stabilization Project
   Re: Considering approval of staff’s recommended plans and project manual for the project consisting of the installation of new curbs, gutters and sidewalk along Indiana Street between Olive Avenue and Roby Avenue, Prospect Street between Olive Avenue and Tomah Avenue, and Henderson Avenue at a location 1200’ east of Plano Street.

5. Authorization to Advertise for Bids – Airport Electrical Upgrade Project
   Re: Considering approval of staff’s recommended plans and project manual for the project consisting of the installation of electrical conduit with conductor, taxiway lighting and related upgrades at the Porterville Municipal Airport.

6. Acceptance of Improvements - Sierra Estates (K. Hovnanian Forecast Homes Northern, Inc.)
   Re: Considering acceptance of public improvements for maintenance from K. Hovnanian Forecast Homes Northern, Inc. for Sierra Estates subdivision.

7. Alert TC Tulare County Notification System
   Re: Considering approval of Alert TC User Agreement and Procedural Guidelines for the web-based application that enables authorized County and City officials to rapidly disseminate public information to the residents of Tulare County.

8. Approval of Mandatory Race Conscious Disadvantaged Business Enterprise (DBE) Program
   Re: Considering approval of a resolution adopting the 2009/2010 Race Conscious Disadvantaged Business Enterprise Program which is required for receipt of federal-aid funds.

9. Intent to Vacate a Portion of Garden Avenue (City of Porterville)
   Re: Considering approval of a resolution of intent to vacate Garden Avenue between Fig Street and the west right-of-way of the “Rails to Trails” property.

10. Acceptance of Final Subdivision Map – Meadow Breeze, Phase Three (Gary Smee)
    Re: Considering approval of the final map of Meadow Breeze, Phase Three Subdivision, for the development of a fourteen (14) lot single family residential development from Nicholson & Smee, LLC.
11. **Street Performance Measure – 3rd Quarter Update**  

12. **Code Enforcement Update**  

13. **Interim Financial Status Reports and Grants Summary Report**  
Re: Acceptance of the interim financial status reports and grants summary report for the third fiscal quarter, in accordance with Council Minute Order Nos. 13-041602 and 10-011607.

14. **Quarterly Portfolio Summary**  
Re: Acceptance of the quarterly Portfolio Summary for the third fiscal quarter in accordance with California Government Code Section 27000, etc., Section 53600, etc., and the City of Porterville’s Statement of Investment Policy.

15. **Attendance Report for City Commissions, Boards and Committees – 3rd Quarter Update**  
Re: Informational report consisting of the third quarter FY2008/2009 attendance records for the Parks & Leisure Services Commission; Library Board of Trustees; Transaction and Use Tax Oversight Committee; CDBG Advisory and Housing Opportunity Committee; and Redevelopment Advisory Committee.

16. **Request to Retain Praxair Services, Inc. to Perform Enhanced Leak Detection Final Test**  
Re: Considering authorization of an expenditure of $8,160 to perform testing of the Airport fuel system to determine whether there is leakage of Jet-A fuel.

17. **Edward Byrne Memorial Justice Assistance Grant Formula Program/Memorandum of Understanding**  
Re: Considering approval of the City’s participation in the request to jointly apply for the Edward Byrne Memorial Justice Assistance Grant Program funding and the associated draft Memorandum of Understanding between the City and County.

18. **Law Enforcement Joint Use Helicopter Program**  
Re: Considering approval of a Joint Powers Agreement for Airborne Law Enforcement Services for helicopter support service for Tulare County law enforcement agencies.

19. **Status Report on Costs for City-Funded Supplemental Insurance for Historical Parades**  
Re: Informational report regarding research on costs for supplemental special event coverage for the City’s three historical parades – Cinco de Mayo, Veteran’s, and the Children’s Christmas Parade.

20. **Tulare County Workforce Investment Board Youth@Work Community Improvement Projects Program in the City of Porterville**
Re: Informational report regarding a summer at-risk youth work program and the proposed placement of up to 150 youth to work on various projects within the Porterville community.

21. Memorandum of Understanding with Community Services Employment Training, Inc. (CSET) as Operator of Porterville Employment Connection One-Stop Center
Re: Considering approval of a Memorandum of Understanding with CSET regarding the operation of the Employment Connection Centers in Porterville.

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

PUBLIC HEARINGS
22. Adoption of the 2009/2010 Action Plan for Investment of Community Development Grant Block (CDBG) Entitlement Funds
Re: Considering the adoption of a resolution approving the 2009/2010 Action Plan, accompanying Program Models, and proposed use of Community Development Block Grant Funds.

23. An Extension of Time for an Interim Ordinance to Defer Collection of Certain Development Impact Fees to Occupancy – Update Report
Re: Considering approval of a three month and fifteen day extension of the Interim Urgency Ordinance to defer the collection of certain development impact fees to occupancy for the purpose of implementing permanent changes to the applicable sections of the City’s Code.

24. Vacation of a Portion of Villa Street North of Olive Avenue (Novroz Rahim)
Re: Considering approval of a resolution of vacation, including reservations, for a portion of Villa Street north of the Olive Avenue right-of-way.

25. Establishing Fees for Animal Control Services and Sheltering
Re: Considering adoption of a resolution establishing fees for animal control services and sheltering.

SCHEDULED MATTERS
26. Printing and Distribution of Leisure Update
Re: Considering proposed options for the printing and distribution of the Parks & Leisure Services Department’s annual “Leisure Update”.

Re: An informational report summarizing the current City eligibility and participation in American Recovery and Reinvestment Act programs and funds.

Re: Considering a request from Mayor Cameron Hamilton to review the Municipal Code Regulations regarding off-street parking in residential zones.
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 a Joint Meeting of the City Council and Parks and Leisure Services Commission on May 12, 6:00 p.m., in the Community Room, 2nd Floor, Porterville Municipal Library, 41 West Thurman Avenue, Porterville.

*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 Office of City Clerk at (559) 782-7464. 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 during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City’s website at www.ci.porterville.ca.us.
Call to Order at 6:00 p.m.
Roll Call: Vice Mayor McCracken, Council Member Pedro Martinez (arrived late), Council Member Felipe Martinez, Council Member Ward, Mayor Hamilton

ORAL COMMUNICATIONS
None

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

Public Works Director Baldo Rodriguez noted a typographical error on Closed Session Agenda Item No. A-5. He advised that APN 302-100-103 should read APN 302-100-013.

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

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

PROCLAMATIONS
Adult Literacy Day – April 16, 2009
Arbor Day – April 24, 2009
PRESENTATIONS
  Employee of the Month – Susan Duke

ORAL COMMUNICATIONS
  - Vikki Cervantes, came forward as a member of the Time Marches on Committee, and thanked everyone for their support of the Tri-Tip Dinner Fundraiser recently held.
  - Yvonne Eckles, spoke of a lack of support for local seniors, of limitations at the Santa Fe Depot, and of the need for the City’s assistance.
  - Bob Reeves, voiced concern with a lack of venues and activities for seniors in the Porterville area, and requested the City’s assistance.
  - Yvonne Eckles, 1100 West Westfield, voiced concern with the City’s requirement for weed abatement at her property, and suggested that the City should pay for the service.
  - Marti Irish, spoke of a TEA (“Taxed Enough Already”) Party scheduled to take place in Porterville at Centennial Park on April 15, 2009 from 11:00 a.m. to 2:00 p.m. and invited everyone to attend.
  - Dick Eckhoff, business address at 197 N. Main Street, requested that he have an opportunity to speak on Item No. 27; and posed inquiries as to Items 28 and 31.
  - Tim Day, President of Rollin’ Relics Car Club, spoke in favor of the Council’s approval of Item No. 19, and provided the Council Members with a publication from the prior year’s event.
  - Bob Nuckols, voiced concern with comments made in the recent article in the Porterville Recorder regarding the farming operation, and spoke of disputed facts related to the farming contract, and of unintentional overbilling on his part. Mr. Nuckols requested that a meeting be scheduled so as to reconcile what was owed to him and the City.

CONSENT CALENDAR
  Item Nos. 3,4,9,11,16 and 17 were removed for further discussion.


  Documentation: M.O. 01-040709
  Disposition: Approved with noted abstention by Pedro Martinez for March 27, and March 31, 2009 Minutes.

  2. AUTHORIZATION TO ADVERTISE FOR BIDS – INDIANA STREET SHOULDER STABILIZATION PROJECT (OLIVE AVENUE TO PUTNAM AVENUE)

  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. 02-040709
  Disposition: Approved
5. ACCEPTANCE OF PROJECT – SCREENING AND GRIT TOWER EQUIPMENT UPGRADE 2007

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

Documentation: M.O. 03-040709
Disposition: Approved

6. ACCEPTANCE OF PROJECT – MURRY PARK RESTROOM SITE IMPROVEMENTS

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.

Documentation: M.O. 04-040709
Disposition: Approved

7. RATIFICATION OF APPROVAL OF AGREEMENT WITH PIONEER WATER COMPANY

Recommendation: That the City Council ratify its approval of the Agreement between the City of Porterville and the Pioneer Water Company dated February 9, 2009.

Documentation: M.O. 05-040709
Disposition: Approved

8. RESOLUTION FOR PREPAYMENT OF LEASE PAYMENTS

Recommendation: That the City Council:
   1. Adopt the draft resolution;
   2. Authorize staff to begin escrow, with the City paying escrow fees, making payment in the amount of $233,275.98 plus accrued interest until close of escrow;
   3. Authorize the Mayor to sign all necessary documents; and
   4. Authorize the City Clerk to record all documents with the County Recorder.

Documentation: Resolution 20-2009
10. WATER CONSERVATION PLAN

Recommendation: That City Council:
   1. Declare May as Water Awareness month; and
   2. Schedule a Public Hearing for May 19, 2009, to consider revisions to
      the Water Conservation Plan and moving into Phase II.

Documentation: M.O. 06-040709
Disposition: Approved

12. APPROVAL OF ENCROACHMENT AGREEMENT – TULE AERO BUILDING
    (SOUTHERN CALIFORNIA EDISON COMPANY)

Recommendation: That the City Council:
   1. Approve the Encroachment Agreement between Southern California
      Edison Company, the City of Porterville and Tule River Aero
      Industries, Inc.;
   2. Authorize the Mayor and City Clerk to sign the Encroachment
      Agreement; and
   3. Authorize the City Clerk to mail the signed Encroachment Agreement
      to SCE for recordation.

Documentation: Resolution 21-2009
Disposition: Approved

13. APPROVAL OF MEASURE ‘R’ SUPPLEMENTAL AGREEMENT SCRANTON
    AVENUE AND INDIANA STREET RECONSTRUCTION PROJECT

Recommendation: That the City Council:
   1. Approve the proposed resolution affirming the City Council’s support of
      the Scranton Avenue and Indiana Street Reconstruction project;
   2. Authorize the Mayor and City Manager to execute the Scranton Avenue
      and Indiana Supplemental Agreement;
   3. Direct the City Clerk to transmit the executed Supplemental Agreement
      to the Tulare County Authority; and
   4. Direct the Public Works Director to proceed with final construction
      documentation.

Documentation: Resolution 22-2009
Disposition: Approved

14. INTENT TO ABANDON A PORTION OF VILLA STREET (FRANK’S STOP N GO)

Recommendation: That City Council:
1. Pass a resolution of intent to abandon a portion of Villa Street from north of the north right of way of Olive Avenue; and
2. Set the Council meeting of May 5, 2009, as the time and place for a public hearing.

Documentation: Resolution 23-2009
Disposition: Approved

15. AIRPORT LEASE RENEWAL – LOT 35

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mrs. Chantal Stewart and Ms. Paula M. Jackson of Petaluma, CA, for Lot 35 at the Porterville Municipal Airport.

Documentation: M.O. 07-040709
Disposition: Approved

18. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE UNIFIED SCHOOL DISTRICT, PORTERVILLE CELEBRATES READING, APRIL 25, 2009

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

Documentation: M.O. 08-040709
Disposition: Approved

19. APPROVAL FOR COMMUNITY CIVIC EVENT – ROLLIN’ RELICS CAR SHOW – MAY 2, 2009

Recommendation: That the Council approve the proposed Community Civic Event Application and Agreement submitted by the Rollin’ Relics Car Club, subject to the stated requirements contained in the Application, Agreement, and Exhibit “A”.

Documentation: M.O. 09-040709
Disposition: Approved

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

Documentation: M.O. 10-040709
Disposition: Approved with noted abstention by Pedro Martinez.

21. PROPOSED CHANGE IN THE TABLE OF ORGANIZATION WITHIN THE COMMUNITY DEVELOPMENT DEPARTMENT

Recommendation: That the City Council adopt the draft Resolution authorizing a change in the Table of Organization in the Planning Division of the Community Development Department.

Documentation: Resolution 24-2009
Disposition: Approved

22. CONSIDERATION OF REQUEST FOR DESIGNATION AS A PASSPORT ACCEPTANCE FACILITY

Recommendation: That the City Council authorize the City Clerk’s office to file a request for designation with the U.S. Department of State Bureau of Consular Affairs to serve as a Passport Acceptance Facility.

Documentation: M.O. 11-040709
Disposition: Approved

23. SCHEDULING OF SPECIAL JOINT MEETINGS OF THE CITY COUNCIL AND CITY BOARDS AND COMMISSIONS

Recommendation: That the City Council approve the scheduling of special joint meetings between the Council and the City’s Library board of Trustees (Tuesday, April 14th, 6:00 PM) and the Parks & Leisure Services Commission (Tuesday, May 12th, 6:00 PM).

Documentation: M.O. 12-040709
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Pedro Martinez that the City Council accept Item Nos. 1, 2, 5-8, 10, 12 through 15, and 18 through 23.
3. AWARD OF CONTRACT – MURRY & ZALUD PARK PAVILION REPLACEMENT PROJECTS

Recommendation: That City Council:

1. Award the Murry & Zalud park Pavilion Replacement Projects to Webb & Son in the amount of $85,992.00;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs, and 5% for staff time and construction engineering.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

Council Member Ward expressed concern with the cost of the project and proposed utilizing staff for projects to save money. A discussion ensued regarding ways to reduce costs, such as looking into partnerships with non-profit organizations. City Manager Lollis indicated that C-SET was interested in teaching pavilion construction as a skill set for students, and estimated that it would be four to five months before it came to fruition.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Pedro Martinez that the City Council reject staff’s recommendation to award the Murry & Zalud Park Pavilion Replacement Project to Webb & Son in the amount of $85,992.00.

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

Vice Mayor McCracken spoke about the need to replace the pavilions; requested that staff look into solutions involving partnerships with service clubs and groups for future projects; and voiced his disappointment with the amount of time it has taken to address the pavilion replacement.

Council Member Felipe Martinez spoke in opposition of approaching service groups.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council award the Murry & Zalud park Pavilion Replacement Projects to Webb & Son in the amount of $85,992.00; authorize progress payments up to 90% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs, and 5% for staff time and construction engineering.
4. AUTHORIZATION TO EXECUTE ADDITIONAL WORK – TRANSIT MAINTENANCE & CNG FUELING FACILITY PROJECT

Recommendation: That the City Council authorize staff to issue a change order to TTS Construction in the amount of $62,230.00 for asphalt maintenance work at the City Corporation Yard.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

Council Member Ward inquired about the additional work not going out to bid, being that the cost exceeded five thousand dollars. Public Works Director Baldo Rodriguez indicated that the extra work was within the scope of the work being done, would be covered within the approved project budget, and would save the City money. Council Member Ward reiterated his concerns and inquired about compliance with the City’s Charter. City Attorney Lew advised that there was no violation of the Charter if the additional work was within the scope and within a certain percentage of the project as Mr. Rodriguez had indicated. City Manager Lollis described how the issue of additional work was typically addressed, and a discussion ensued with regard to the fairness of awarding additional work without going through the bid process.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the City Council authorize staff to issue a change order to TTS Construction in the amount of $62,230.00 for asphalt maintenance work at the City Corporation Yard.

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

Disposition: Approved

9. MODIFICATION TO CONSULTANT SELECTION POLICY

Recommendation: That the City Council:

1. Review and approve the proposed modifications to the City of Porterville’s “Policy for Selecting Consultants to Provide Architectural, Engineering and Similar Services”; and
2. Direct the Public Works Director to incorporate and implement said modifications when considering future consultant services.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

Council Member Pedro Martinez inquired about the reasoning behind the request for modification of the current policy.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Felipe Martinez that the City Council review and approve the proposed modifications to the City of Porterville’s “Policy for Selecting Consultants to Provide Architectural, Engineering and Similar Services”; and direct the Public Works Director to incorporate and implement said modifications when considering future consultant services.

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

Disposition: Approved

11. WATER CONSERVATION AND RECYCLING MAGNETS

Recommendation: That City Council:
1. Approve including the water schedule and recycling information magnets in the City billing; and
2. Authorize the expenditure of approximately $7,250 to cover expenses.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

Council Member Ward requested that staff prepare a “Pre/Post” cost-benefit analysis.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Felipe Martinez that the City Council approve including the water schedule and recycling information magnets in the City billing; and authorize the expenditure of approximately $7,250 to cover expenses. The motion carried unanimously.

Disposition: Approved

16. RETAIL RECRUITMENT UPDATE AND AUTHORIZATION FOR TRAVEL
Recommendation: That City Council approve travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers Conference.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

Mayor Hamilton stated that he had pulled the item to bring it to the public’s attention.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers Conference. The motion carried unanimously.

Disposition: Approved

17. REQUEST TO APPROVE SPONSORSHIP OF THE PORTERVILLE MUNICIPAL AIRPORT AIRSHOW

Recommendation: That the City Council:

1. Authorize the City to provide insurance for the Airshow from Risk Management and General Fund sources in an amount set by the City’s risk manager. Allocate the remainder of $7,500 from General Fund sources to support Airshow logistics and operations; and

2. Authorize $4,000 from Airport general operating monies to be utilized to support Airshow logistics and operations.

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

- Dave Nenna, spoke about the history of the Fly-In.

Council Member Pedro Martinez spoke in favor of the event and requested that the bus route be extended for the event.

Council Member Felipe Martinez spoke about a dinner/dance fundraising event scheduled to take place on April 18th, 2009 at the Airport.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council authorize the City to provide insurance for the Airshow from Risk Management and General Fund sources in an amount set by the City’s risk manager; allocate the remainder of $7,500 from General Fund sources to support Airshow logistics and operations; and authorize $4,000 from Airport general operating monies to be utilized to support Airshow logistics and operations. The motion carried unanimously.

Disposition: Approved
The Council recessed for ten minutes.

The City Council adjourned at 8:27 p.m. to a Joint Meeting of the City Council and Porterville Redevelopment Agency.

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA**

**APRIL 7, 2009**

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

**ORAL COMMUNICATIONS**

- Dick Eckhoff, address on record, spoke in favor of expanding the Redevelopment Project Area.

**JOINT COUNCIL/REDEVELOPMENT PUBLIC HEARING**


Recommendation: 1. That the City Council and Redevelopment Agency hold a Joint Public Hearing regarding the approval of an Affordable Housing Agreement for the sale of the property at 131 W. Putnam to Porterville Housing Partners, L.P;

2. That the City Council adopt the draft resolution consenting to the approval by the Porterville Redevelopment Agency of an Affordable Housing Agreement by and between the Agency and Porterville Housing Partners, L.P., a California Limited Partnership, and making findings in connection therewith and authorize the Mayor to sign all necessary documents; and

3. That the Redevelopment Agency adopt the draft resolution approving an Affordable Housing Agreement by and between the Porterville Redevelopment Agency and Porterville Housing Partners, L.P., a California Limited Partnership, and making findings in connection therewith and authorize the Chairman to sign all necessary documents.

City Attorney Lew indicated that Vice Mayor McCracken and Council Member Felipe Martinez had conflicts of interest due to being within 500 feet of the project. They recused themselves and left the Council Chambers.

Community Development Director Brad Dunlap presented the staff report. During the staff report Mr. Dunlap referenced a memorandum that was distributed to the Council which outlined some technical changes.

The hearing opened to the public at 8:33 p.m. Seeing no one, the Mayor closed the public hearing at 8:34 p.m.
**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council adopt the draft resolution consenting to the approval by the Porterville Redevelopment Agency of an Affordable Housing Agreement by and between the Agency and Porterville Housing Partners, L.P., a California Limited Partnership, and making findings in connection therewith and authorize the Mayor to sign all necessary documents.

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

**AGENCY ACTION:** MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Ward that the Redevelopment Agency adopt the draft resolution approving an Affordable Housing Agreement by and between the Porterville Redevelopment Agency and Porterville Housing Partners, L.P., a California Limited Partnership, and making findings in connection therewith and authorize the Chairman to sign all necessary documents.

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

**Disposition:** Approved

**JOINT COUNCIL/REDEVELOPMENT SCHEDULED MATTERS**

25. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CERTAIN SECTIONS OF PREVIOUSLY ADOPTED RESOLUTION NO. 77-2008 TO REPLACE AND SUPERSEDE THE SURVEY AREA MAP INCLUDED THEREWITH AND CERTAIN OTHER MATTERS**

**Recommendation:** That the Council of the City of Porterville adopt the draft resolution Amending Certain Sections of Previously Adopted Resolution no. 77-2008 to Replace and Supercede the Survey Area Map Included Therewith and Certain Other Matters.

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

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council adopt the draft resolution Amending Certain Sections of Previously Adopted Resolution no. 77-2008 to Replace and Supercede the Survey Area Map Included Therewith and Certain Other Matters. The motion carried unanimously.
26. ADOPTION OF THE PRELIMINARY PLAN AND ADDED TERRITORY BOUNDARIES FOR THE PROPOSED 2010 AMENDMENT OF THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1

Recommendation: That the City Council acting as the Planning Commission:
1. Adopt a Resolution Selecting Added Territory Boundaries for the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No.1;
2. Adopt a Preliminary Plan as the Basis for Preparing Said Amendment;
3. Transmit said Preliminary Plan to the Porterville Redevelopment Agency for its Consideration and Action; and
4. Authorize Mayor to Sign All Documents.

That the Porterville Redevelopment Agency:
1. Adopt a Resolution Accepting the Preliminary Plan for the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1;
2. Authorize Preparation of the Preliminary Report, other documents, and Directing Transmittal of Certain Documents and Information, and Establishing a Base Year Assessment Roll to be Used for Allocation of Taxes from within the Added Territory; and
3. Authorize Chairman to Sign All Documents.

Community Development Director Dunlap presented the conflict of interest map and noted the following for the record:

- Mayor Hamilton’s residence was outside the proposed project area but his business was within the area.
- Vice Mayor McCracken’s residence was not within the proposed project area but his business was within the area.
- Council Member Felipe Martinez’s two residences and business were within 500 feet of the proposed project area.
- Council Members Pedro Martinez and Council Member Ward had no conflict of interest.

He indicated that of the three conflicted council members, Felipe Martinez was the least conflicted and would be brought back by Rule of Necessity.

Mayor Hamilton and Vice Mayor McCracken recused themselves and left the Council Chambers.
Mr. Dunlap presented the staff report.

- Ernie Glover, consultant, spoke about characteristics that illustrated conditions of blight; and addressed questions posed by the City Council.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Felipe Resolution 27-2009 Martinez that the City Council, acting as the Planning Commission adopt a Resolution Selecting Added Territory Boundaries for the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No.1; adopt a Preliminary Plan as the Basis for Preparing Said Amendment; transmit said Preliminary Plan to the Porterville Redevelopment Agency for its Consideration and Action; and authorize Mayor to Sign All Documents.

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

**AGENCY ACTION:** MOVED by Agency Member Felipe Martinez, SECONDED by Agency Member Ward that the Redevelopment Agency adopt a Resolution Accepting the Preliminary Plan for the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1; authorize Preparation of the Preliminary Report, other documents, and Directing Transmittal of Certain Documents and Information, and Establishing a Base Year Assessment Roll to be Used for Allocation of Taxes from within the Added Territory; and authorize Chairman to Sign All Documents.

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

Disposition: Approved

The Joint City Council/Redevelopment Agency Meeting adjourned at 9:15 p.m. to a meeting of the Porterville City Council.

The Council recessed for five minutes.

**PUBLIC HEARINGS**
27. CONSIDERATION OF AN AMENDMENT TO THE MUNICIPAL CODE (INCLUDING THE ZONING ORDINANCE) TO ALLOW THE KEEPING OF RACING, HOMING, AND SPORTING PIGEONS IN THE CITY OF PORTERVILLE

Recommendation: That the City Council:

1. Approve the proposed ordinance and give first reading to the draft ordinance;
2. Waive further reading and order the ordinance to print.

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

The hearing opened to the public at 9:17 p.m.

- Dick Eckhoff, address on record, former pigeon breeder, raised various questions regarding the proposed ordinance.

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

A brief discussion ensued with regard to the types of pigeons and enforcement of the code relative to the keeping of pigeons.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the City Council approve the proposed ordinance and give first reading to the draft ordinance; and waive further reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING THE KEEPING OF RACING, HOMING, AND SPORTING PIGEONS TO THE MUNICIPAL CODE. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

SCHEDULED MATTERS

28. SUBCOMMITTEE REPORT ON RECLAMATION AREA OPERATIONS

Recommendation: That the City Council:

1. Review staff’s report along with the entire Reclamation Area Lease “Request for Proposal” (under separate cover) and add, delete, or otherwise modify said proposal;
2. Direct the Public Works Director to update the “Request for Proposal” to include Council’s comments;
3. Authorize the Public Works Director to advertise the “Proposals for Reclamation Area Lease” services;
4. Direct the Reclamation Area Subcommittee to review, analyze and tabulate the scoring of each proposal received; and
5. Direct the Public Works Director to present the Subcommittee’s findings with recommendations to the full Council no later than June 16, 2009.

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

Vice Mayor McCracken commented on the proposal selection criteria and weighting, and Mr. Rodriguez explained the purpose of the criteria. Vice Mayor McCracken expressed concern with the inclusion of “marketing and sales experience for crops” as criteria.

A discussion ensued with regard to the contractual responsibilities under the new agreement, and the reasons for the change in format.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council member Felipe Martinez that the City Council direct the Public Works Director to update the “Request for Proposal” to include Council’s comments; authorize the Public Works Director to advertise the “Proposals for Reclamation Area Lease” services; direct the Reclamation Area Subcommittee to review, analyze and tabulate the scoring of each proposal received; and direct the Public Works Director to present the Subcommittee’s findings with recommendations to the full Council no later than June 16, 2009. The motion carried unanimously.

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

Disposition: Approved

29. INTERIM URGENCY ORDINANCE TO DEFER THE COLLECTION OF CERTAIN DEVELOPMENT IMPACT FEES TO OCCUPANCY

**Recommendation:** That the City Council:
1. Approve the proposed ordinance and give first reading to the draft ordinance; and
2. Waive further reading and order the ordinance to print.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

**COUNCIL ACTION:** MOVED by the Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve the proposed ordinance and give first reading to the draft ordinance; and waive further reading and order the ordinance to print, being AN INTERIM ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF PORTERVILLE ADOPTING INTERIM DEFERRAL OF DEVELOPER IMPACT FEES. The motion carried unanimously.

The City Attorney read the ordinance by title only.

Disposition: Approved

30. CONSIDER PARKS & LEISURE COMMISSION STUDIED AREAS FOR THE PROP 84 DEVELOPMENT & COMMUNITY REVITALIZATION PROGRAM STATEWIDE GRANT APPLICATION PROCESS

Recommendation: That the City Council receive the recommendation of the Parks & Leisure Services Commission and provide staff with direction to initiate planning efforts for recommendation of 2 general locations and example types of projects for Council consideration of preparing Prop 84 grant application(s).

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member M.O. 21-040709 Ward that the City Council continue the item to allow more time for the Council to review. The motion carried unanimously.

Disposition: Approved

31. COUNCIL MEMBER REQUEST – STATUS OF EXCHANGE CLUB OF PORTERVILLE’S ANNUAL FOURTH OF JULY COMMUNITY FIREWORKS SHOW

Recommendation: None.

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

City Attorney Lew advised that although Council Member Felipe Martinez did not have a financial conflict of interest, she would recommend that he abstain from the item due to being a board member of the Exchange Club.

- Joe Graves, Springville resident, Fireworks Committee Chair, spoke of decrease in fundraising revenue, measures taken to raise funds, and the costs to put on the event.

  Council Member Pedro Martinez spoke in favor of exploring solutions to continue the tradition.

  Council Member Ward suggested alternative locations and festivities for the holiday.
Fire Chief Mario Garcia spoke of requirements of the State Fire Marshall’s office that would prohibit fireworks in certain areas. A brief discussion ensued during which alternative locations were explored.

Mayor Hamilton inquired as to whether a $13,000 contribution from the City would be sufficient to put on the show. Vice Mayor McCracken suggested that the City authorize $4,000 to allow more time for fundraising before additional monies are allocated.

A discussion then ensued regarding charging for admission, during which it was explained that money raised on admission would go towards the purchase of the fireworks.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council direct staff to “locate” $13,000, and bring an item to authorize a budget allocation.

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

Disposition: Approved

ORAL COMMUNICATIONS
None

OTHER MATTERS
- Council Member Pedro Martinez:
  1. Spoke of an item that he would be requesting in May regarding a self-evaluation of the Council and the Mayorship.
  2. Spoke of the upcoming Easter Egg Hunt on Friday, 10:30 a.m. at Veteran’s Park; and of the Easter Egg Hunt scheduled for Saturday at the Landmark Christian Church.
- Council Member Felipe Martinez announced that Music on Main Street began April 3rd, and advised that a reggae band would be performing on Friday, April 10th.
- Council Member Pedro Martinez spoke of the need for a review of Committee and Commission actions and direction to staff.

ADJOURNMENT
The City Council adjourned at 10:22 p.m. to the meeting of April 21, 2009 at 6:00 p.m.

______________________________
Luisa Herrera, Deputy City Clerk

Cameron Hamilton, Mayor
Called to order at 6:00 p.m.

Roll Call: Porterville City Council – Vice Mayor McCracken, Council Member Pedro Martinez, Council Member Felipe Martinez, Council Member Ward

Absent: Mayor Hamilton

Roll Call: Porterville Library Board of Trustees – Chair Jose Moreno, Board Member Obdulia Guzman Alvarado, Board Member Ellen Nichols, Board Member Sharon Patterson

Absent: Vice Chair Hector Villicana

Pledge of Allegiance led by Council Member Felipe Martinez

Invocation – a moment of silence was observed.

**ORAL COMMUNICATIONS**

None

**SCHEDULED MATTERS**

1. **JOINT CITY COUNCIL/LIBRARY BOARD OF TRUSTEES DISCUSSION**

   City Manager John Lollis stated the meeting was scheduled at the request of the City Council to engage in dialogue regarding the Board’s successes, goals, and effectiveness.

   Vice Mayor McCracken indicated that Council Member Pedro Martinez, who had not yet arrived, had requested the meeting, and inquired as to whether the Council had any questions for the Library Board of Trustees.

   Chairman Moreno gave a brief presentation, during which he indicated that the Board was proud of the City’s Library; expressed the Board’s interest in providing the community with the best possible new library; and apprised the Council of recent discussions regarding the utilization of space at the current library.

   Board Member Nichols commented on the ambiance of the Genealogy Room versus the Community Room.

   Council Member Pedro Martinez arrived at 6:11 p.m., and was asked to share his reasons for requesting the meeting. Council Member Pedro Martinez indicated that it was important that the Council and its boards and committees are on the same page; identified the Library as a priority of the Council; spoke of the correlation between reading level and crime; and encouraged an increase in dialogue and interest.
Board Member Patterson commended Council Member Pedro Martinez’s enthusiasm, and praised library staff for being very responsive to the needs of the community. She spoke of an increase in publicity for the library’s programs and activities; limitations of the facility’s current location; long-term means of acquiring funds; and thanked the City Council for their interest.

Chair Moreno indicated that he had visited new library facilities and spoke of amenities that he had found impressive. He expressed his excitement about the Library Planning Committee.

Board Member Patterson spoke of the difficulty in attracting young boys to the library, and the need for a “cool” facility.

Council Member Felipe Martinez inquired about patrons of the library who were not residents of Porterville. A discussion ensued regarding the tracking of non-city residents utilizing the City’s library and the reporting of such information to the County. Staff confirmed that the information was entered into the State’s database, but not reported to the County directly.

Council Member Pedro Martinez stated that there was a need for the County to provide library services to the outlying communities; indicated that he would like to see the Community Room have more of a book store feel with coffee and couches for reading; and commented on the Library Board’s need to be informed of Measure H criteria.

City Manager Lollis spoke briefly about Council direction relative to Measure H, and provided clarification on the expenditure plan.

Council Member Felipe Martinez inquired about electronic materials data on the spreadsheet provided by the Board and Library staff. City Librarian Vikki Cervantes explained that the expenses were low due to the City’s membership with the San Joaquin Valley Library System.

Board Member Patterson asked if the Millennium Fund was allocated by the County at the County Board of Supervisors’ discretion, and mentioned that five hundred thousand had been allocated to the City of Tulare. Council Member Pedro Martinez alluded to the advantages of the City being in charge of its own facility, without interference from the County.

The Council recessed for ten minutes.

Following the break, Council Member Pedro Martinez provided copies of the Measure H Expenditure Plan to those who were in attendance. City Manager Lollis briefly reviewed the expenditure plan’s accounting structure.

Council Member Pedro Martinez brought up the Library Board’s desire to better utilize the Community Room, and City Manager Lollis spoke of the many groups that currently use the room for classes, meetings, etc. Parks & Leisure Service Director Perrine indicated that an investigation was underway regarding the terms of conveyance relative to the Community Room.
It was requested by Council Member Pedro Martinez that the Library Board of Trustees submit two to three recommendations for use of the Community Room to the Council for consideration. Council Member Ward stated that the Council was not bound by traditions, and requested that the Board’s recommendations be correlated with the needs of the community when it is presented to the Council for consideration.

Council Member Pedro Martinez requested that a joint meeting be scheduled annually; spoke in favor of expanding the computer lab; and of the increase in demand of free services in times of economic hardship. He thanked the Board and staff for their time and participation.

ORAL COMMUNICATIONS
None

OTHER MATTERS
- Vikki Cervantes, City Librarian, responded to some comments made by the Council earlier in the meeting.
- Tony Arellano, Library Supervisor, provided some clarification on the issue of reporting.
- Joe Moreno, Chair of Library Board of Trustees, announced that Porterville Public Library was recognized as one of the Honor Boards.
- Council Member Ward suggested use of an e-mail list which would allow mass distribution of newsletters and notices regarding library programs and activities to its patrons.

ADJOURNMENT
The Porterville City Council adjourned at 7:53 p.m. to the meeting of April 21, 2009 at 6:00 p.m., City Hall Council Chambers.

The Porterville Library Board of Trustees adjourned at 7:53 p.m. to the meeting of May 14, 2009 at 4:30 p.m., Municipal Library, Local History Room.
SUBJECT: CLAIM – ESTEFANIE FORMAN

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Ms. Estefanie Forman has filed a claim against the City for damages and personal injury. Claimant alleges that her vehicle was struck by a Porterville Police patrol vehicle at the intersection of Porter Road and Olive Avenue on September 27, 2008.

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.

Item No. 02
RECEIVED
OCT 16 2008
CITY OF PORTERVILLE
CITY CLERK OFFICE

CLAIM AGAINST (Name of Entity: CITY OF PORTERVILLE
Claimant's Name: [Redacted]
DOB: [Redacted]
Claimant's Address: 738 Bounty Dr. #3820, Foster City, CA 94404
Claimant's Telephone No. (Home) 1-550-341-9119 (Work)
Address where notices about claim are to be sent, if different from above:

Date of incident/accident: 9-27-08 9:25 am
Date injuries, damages, or losses were discovered: 9-27-08
Location of incident or accident: 87 E. Morton Ave., Porterville, CA 93257
What did entity or employee do to cause this loss, damage, or injury? Our insured was stopped at a red light, and was rear ended by one of your police officers.
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? dent on rear bumper, neck injury (was taken to hospital via ambulance).
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(1)].
estimate for damage to vehicle enclosed, medical bills will follow.
How was this amount calculated (please itemize): please see estimate of damages to vehicle.

Date Signed: 10/15/08
Signature: [Redacted]

If signed by representative:
Representative's Name: Wendy Clark
Telephone: 1-910-827-1570 x 2268
Address: Mercury Insurance Group PO Box 997195 Sacramento, CA 95899
Relationship to Claimant: Insurance Company
CHILTON AUTO BODY
381 Quarry Road, San Carlos, CA 94070
(650) 591-4700
Fax: (650) 591-7768

Damage Assessed By: RON HALBUR
Appraiser For: WENDY CLARK

Deductible: 500.00
Claim Number: 088016005624-0000101

Owner: ESTEFANIE FORMAN
Address: 738 COUNTY DR G9283, FOSTER CITY, CA 94404
Telephone: Work Phone: (650) 400-2174
Home Phone: (650) 341-9119

Mitchell Service: 910017

Description: 2004 Honda Accord LX
Body Style: 4D Sed
VIN: JHGMF55324CB09250
Mileage: 56,341
OEM/ALT: 0
Color: TAN
Options: AIR CONDITIONING, AUTOMATIC TRANSMISSION

Drive Train: 2.4L I 4 Cyl 5A FWD
License: 5ENG973 CA
Search Code: None

All Crash parts on this estimate are "new" original equipment manufacturer parts, unless otherwise specified. Parts described as rechromed, recored, remanufactured or, reconditioned are considered "rebuilt" parts. Crash parts described as "quality replacement part" are non-original equipment manufacturer aftermarket new parts.

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* - Judgment Item
C - Included in Clear Coat Calc

Remarks

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Mitchell Data Version: OEM: AUG 08 A
UltraMate is a Trademark of Mitchell International
(C) 2004-2008 Mitchell International
All Rights Reserved
Prior Damage:
REAR CENTER OF BUMPER COVER.

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**Estimate Totals**

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**NOT RESPONSIBLE FOR ANY PERSONAL ITEMS LEFT IN VEHICLE**

**ESTIMATE RECALL NUMBER:** 10/02/2008 09:02:31 080015005624-0000101

**Mitchell Data Version:** AUG_08_A

**UltraMate Version:** 8.5.620

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**All Rights Reserved**
I hereby authorize the above repair work to be done along with the necessary materials. You and your employees may operate the above vehicle for purposes of testing, inspection or delivery at my risk. An express mechanic's lien is acknowledged on the above 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. STORAGE WILL BE CHARGED FOURTY-EIGHT AFTER REPAIRS ARE COMPLETED. IN THE EVENT LEGAL ACTION IS NECESSARY TO ENFORCE THIS CONTRACT, I WILL PAY REASONABLE ATTORNEY'S FEES AND COURT COSTS.

SIGNED ____________ Date ____________

Terms: STRICTLY CASH Unless Arrangements Made.

Repair as per ____________ Insurance estimate

Insurance Company

_____ Tear down & inspect vehicle for damage & prepare estimate

_____ Disassembly will prevent reassembly of vehicle to condition as received

_____ Repairs may require sublet work to complete

_____ Supplement Repairs Authorized

_____ No ATM cards or credit cards accepted

_____ All parts should be considered OEM unless otherwise noted on estimate

INSURANCE COMPANY REQUIRES PROMPT PICK-UP OF VEHICLE UPON COMPLETION. FAILURE TO DO SO MAY RESULT IN RENTAL CHARGES BILLED TO CUSTOMER.

X

DATE DRIVEN OR TOWED IN? 10/01/08
DATE INSPECTED? 10/01/08
NUMBER OF PHOTOS? 10
NUMBER OF DAYS TO REPAIR? 2
ESTIMATE GIVEN TO OWNER? n
CLOSING TYPE? REPAIRABLE
SEND CHECK TO FACILITY? NO
LIQ. PARTS AVAILABLE (YES OR NO) NO PARTS NEEDED
SOURCE: PHONE AND REFERENCE:
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – SCRANTON AVENUE AND INDIANA STREET RECONSTRUCTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Scranton Avenue and Indiana Street Reconstruction Project. The project consists of the reconstruction of Scranton Avenue and Indiana Street to arterial standards (84' wide right of way). The project encompasses all of Indiana Street from Gibbons Avenue to Scranton Avenue and Scranton Avenue from Indiana Street to a point about 400 feet east of State Route 65. The project consists of storm drain pipeline, fire hydrants, asphalt paving, curb, gutter, and street lighting. The storm drain system includes the installation of 18", 24", 36", and 48" reinforced concrete pipe, which will incorporate any future development within this area.

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

The Engineer’s Estimate for constructing the project is $2,554,666.40. An additional $255,466.64 is necessary for construction contingency (10%); an additional $127,733.32 is required for construction management, quality control and inspection. An additional cost for the Street Lights is $29,262.98, which will be paid directly to Southern California Edison. The total estimated cost associated with the project is $2,967,129.34.

Funding for the project was approved in the 2008/2009 budget and will be paid with “Regional” Measure ‘R’ funds.

RECOMMENDATION: That the City Council:

1. Approve staffs recommended Plans and Project Manual for the Scranton Avenue and Indiana Street Reconstruction and Storm Drain Project;

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

3. Authorize the City Engineer to sign the SCE application and issue $29,262.98 payment.

ATTACHMENTS: Locator Map

Engineer’s Estimate

P:\pubworks\Engineer\ng\Council\items\Authorization to Advertise for Bids - Scranton and Indiana Reconstruction Project - 2009-05-05.doc

Dir Appropriated/Funded CM Item No. 3
Reconstruction of Indiana Street and Scranton Avenue
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<td>Remove and Relocate Ex. Pipe, Valve, and Meter per detail as shown on plans (Teapot Irrigation Line)</td>
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<td>1</td>
<td>$10,000.00</td>
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<td>2</td>
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<td>Adjust Sewer Manhole Rim to grade</td>
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<td>$5,000.00</td>
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<tr>
<td>20</td>
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<td>$27,000.00</td>
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<td>$48,000.00</td>
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<td>32</td>
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**Sub Total** $2,322,424.00

10% Contingency $232,242.40

**Total** $2,554,666.40

---

Project Manager: Daniel Cueto 3-26-09
City Engineer: Miguel P. Reed 3-26-09
Public Works Director: Baldomero Rodriguez 4-29-09
City Manager: 4-29-09
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – INDIANA STREET (SOUTH), PROSPECT STREET, AND HENDERSON AVENUE SHOULDER STABILIZATION PROJECT

COMMENT: Caltrans, by the attached E-76, has authorized the City to advertise for construction bids for the Indiana Street, Prospect Street, and Henderson Avenue Shoulder Stabilization Project. The project consists of the installation of new curbs, gutters and sidewalk along Indiana Street between Olive Avenue and Roby Avenue, Prospect Street between Olive Avenue and Tomah Avenue, and Henderson Avenue at a location 1200' east of Plano Street.

The Estimate of Probable Cost is $120,715 with $12,071.50 required for the construction contingency (10%). An additional $6,035.75 is required for construction management, quality control and inspection (5%). The total estimated cost associated with the project is $138,822.25. An add alternate is included in the project with an estimated probable cost of $58,966, requiring $5,896.60 for construction contingencies (10%), and $2,948.30 for construction management, quality control and inspection (5%), for a total add alternate estimated cost of $67,810.90. An Estimate of Probable Cost is attached for Council’s review.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council’s review. Funding for the project was approved in the 2008/2009 budget and will be paid with a CMAQ grant and Surface Transportation Program funds.

RECOMMENDATION: That the City Council:

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

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

ATTACHMENTS: E-76 from Caltrans
Locator Map
Estimate of Probable Cost
FEDERAL AID PROGRAM
DLA LOCATOR 06-TUL-0-PRTR
PREFIX CML
PROJECT NO 5122 (057)
SEQ NO 1
DIST-EA 06-928245L
AGENCY PORTERVILLE
ROUTE FED. RR NOS
TIP DATA: FUC CODE(S)
MPO/YEAR TCAG
DATE 08/09
STIP REF: ENV STATUS CAT. EXCL. - ST DOC 03/16/09APPR CODES L400
BEGIN MP .000
END MP .000
BEGIN FT .000
END FT .000
URBANIZED PORTERVILLE
URB/RURAL URBAN AREA
BRIDGE NO 3

--- PHASE --- PROJECT COST --- FEDERAL COST --- AC COST ---
PREV. OBLIGATION .00 .00 .00
CON THIS REQUEST 138,822.00 113,000.00 .00
SUBTOTAL 138,822.00 113,000.00 .00
TOTAL 138,822.00 113,000.00 .00

PPNO - 06-AMEND. # 2 06-TUL.06-027

STATE REMARKS

This project proposes to install new curb, gutter, and sidewalks with minor AC pave out along Indiana St (from Olive Ave to Roby Ave), Prospect St (from Tomah Ave to Olive Ave) and Henderson Ave (from Plano St to 1000 feet east) SK 04/07/09.

-04/17/09 SEQ#1: This Authorization to Proceed is contingent upon satisfying the following conditions prior to advertising: 1) the administering agency must adopt and receive Caltrans' approval of a new RC DBE Implementation Agreement; 2) the administering agency must amend the contract provisions to include the new RC DBE; and 3) the administering agency must submit an updated F&S&E Checklist showing that it has met the new RC DBE to Caltrans DLAE.zh.

-04/17/09 SEQ#2: The purpose of this request is to authorize $113,000 of L400 federal fund for the Constr. & CENG phase.zh.

FMM-76 (VERSION E-76)

California Department of Transportation

Authorized to Proceed with

Prepared by

Reviewed by

Signed by

Authorized by

Signed by

Prepared by

Executed by
### BASE BID - PART "A" (INDIANA)

<table>
<thead>
<tr>
<th>ITEM NO.</th>
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<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
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<td>$4,000.00</td>
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<td>$2,000.00</td>
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<td>LS</td>
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<td>$2,000.00</td>
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<tr>
<td></td>
<td>and replacement, and landscape replacement</td>
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<td>$3,000.00</td>
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<td></td>
<td>and detectable warning surface</td>
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<td>Removal</td>
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<td>2</td>
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<td>$400.00</td>
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<td>Regrade Behind Back of Walk</td>
<td>SF</td>
<td>300</td>
<td>$2.00</td>
<td>$600.00</td>
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<tr>
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<td>$1,500.00</td>
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**Part "A" Subtotal: $74,507.00**

### BASE BID - PART "B" (PROSPECT)

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<td>and replacement, and landscape replacement</td>
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<td>24</td>
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**Part "B" Subtotal: $31,252.00**
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**Part "C" Subtotal:** $14,956.00

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**ADD-ALT Subtotal:** $58,968.00

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**BASE BID**

**Combined Subtotal:** $120,715.00
10% Contingency: $12,071.50
5% Staff and Testing: $6,035.75
**Total:** $138,822.25

---

**ADD ALTERNATE**

**Combined Subtotal:** $58,968.00
10% Contingency: $5,896.80
5% Staff and Testing: $2,948.30
**Total:** $67,810.90

---

*Project Manager*

*City Engineer*

*Public Works Director*

*City Manager*
COUNCIL AGENDA: MAY 5, 2009

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – AIRPORT ELECTRICAL UPGRADE PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Airport Electrical Upgrade Project. The project includes the installation of electrical conduit with conductor, an area light on mounted pole, removal and replacement of taxiway lights, emergency generator and electrical upgrades to the segmented circle.

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

The estimate of probable cost for the project which includes a base bid and three “add alternates” is $617,150 with $61,715 required for the construction contingency (10%) and an additional $30,850 (5%) required for construction management, quality control and inspection. The total estimated cost associated with the project is $709,715.00. An Estimate of Probable Cost is attached for Council’s review.

Funding was approved in the 2008/2009 Annual Budget and all work will be paid with FAA Grant and Airport Development funds.

RECOMMENDATION: That City Council:

1. Approve Staff’s recommended Plans and Project Manual; and

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

ATTACHMENTS: Locator Map
Estimate of Probable Cost

P:\pubwork\Engineering\Council Items\Authorization to Advertise for Bids - Airport Electrical Upgrade Project - 2009-05-05.doc

Dir Appropriated/Funded MB CM Item No. 5
### Porterville Municipal Airport

**Airfield Electrical Upgrades**

Engineer's Construction Cost Estimate  
AIP 3-06-0190-08/09  
Bid No: 08/09-CP1694  
April 28, 2009

#### Base Bid Schedule

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<tr>
<td>2</td>
<td>Sawcut</td>
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<td>3</td>
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<td>4</td>
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<tr>
<td>5</td>
<td>Area Light: Pole Mounted, with Concrete Foundation and Double Fixture</td>
<td>EA</td>
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<td>$6,000.00</td>
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<tr>
<td>6</td>
<td>Paved Trench Repair</td>
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<td>$14.00</td>
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<td>7</td>
<td>Electrical Junction Box</td>
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<tr>
<td>8</td>
<td>Remove and Replace Taxiway Edge Light</td>
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**ESTIMATED TOTAL - Base Bid**  
$278,670.00

#### Additive Alternate Schedule A

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<td>A4</td>
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**ESTIMATED TOTAL - Additive Alternate Schedule A**  
$29,330.00
## Additive Alternate Schedule B

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## Additive Alternate Schedule C

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John A. Smith, Project Engineer  
Date: 4/29/09

Baldomero Rodriguez, Public Works Director  
Date: 4/29/09
COUNCIL AGENDA: MAY 5, 2009

SUBJECT: ACCEPTANCE OF IMPROVEMENTS – SIERRA ESTATES (K. HOVNANIAN FORECAST HOMES NORTHERN, INC.)

SOURCE: Public Works Department - Engineering Division

COMMENT: The subdivider, K. Hovnanian Forecast Homes Northern, Inc., has requested that the public improvements constructed for their subdivision be accepted by the City for maintenance. All required improvements, including sidewalks, have been completed, inspected by City staff and found to be acceptable.

The subdivider has submitted a one (1) year maintenance guarantee for five percent of the total cost of improvements.

RECOMMENDATION: That the City Council:

1. Accept the public improvements of Sierra Estates Subdivision for maintenance;

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

3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

ATTACHMENT: Locator Map

P:\PUBWORKS\ENGINEERING\COUNCIL ITEMS\ACCEPTANCE OF IMPROVEMENTS - SIERRA ESTATES - 2009-05-5.DOC

Dir Appropriate/Funded \A CM \ Item No. 10

SIERRA ESTATES
SUBJECT: Alert TC Tulare County Notification System

SOURCE: Fire Department

COMMENT: The County of Tulare, through a grant, has implemented an alerting/notification system called Alert TC (Reverse 911 System). Alert TC is a web-based application that enables authorized County and City officials to disseminate public information rapidly to the residents of Tulare County. The Alert TC will be used during disasters when timely calls are made to warn residents of approaching and imminent threats to their safety. The system can also be used as a quick and effective way to provide residents with important public information about government services.

The County and each of the seven participating incorporated cities will have unlimited access to the Alert TC for the purpose of creating, sending and tracking voice and text messages to residents, businesses and employees. The criteria for activation of the Alert TC for County and City governments are as follows:

1. Rapid public notification in the event of a manmade or natural disaster such as a chemical spill or other catastrophic events.
2. Distribution of public information that may be critical in the event of a local emergency situation, such as a missing child or elderly person.
3. Notification of employees in emergency or disaster situations, such as to relay information about disaster reporting and assignments.
4. Distribution of specific information generated to elicit a response from clients, such as a message pertaining to public assistance eligibility requirements.
5. Distribution of useful, time-sensitive information to residents, employees and businesses.

Messages that are personal or political in nature are strictly prohibited. Use of Alert TC shall be limited to official government business, including emergency communications. At no time should this system be used for commercial notifications.

In order to implement the Alert TC Notification System in our City, the City needs to develop City of Porterville Alert TC Procedural Guidelines on the use of the Alert TC Notification System and sign a User Agreement.

Dir
Funded CM

Item 7
The City Attorney has reviewed and approved the City of Porterville Alert TC Procedural Guidelines on the use of the Alert TC Notification System.

RECOMMENDATIONS: That the City Council:

1. Approve the City of Porterville Alert TC Procedural Guidelines on the use of the Alert TC Notification System.

2. Authorize the Mayor to sign documentation related to the User Agreement.


Note: A complete copy of the Alert TC User Agreement and Procedural Guidelines may be viewed at the City Clerk’s Office.
City of Porterville, Alert TC Procedural Guide Outline

I. System Administration
The following positions shall be Administrators for City of Porterville use of the Tulare County, Alert TC system, and shall appoint designees as necessary.
- Administrative Services Manager
- Fire Chief
- Chief of Police

The Fire and Police Departments shall update employee information in the Alert TC system at least monthly. All other departments shall forward updated employee information to the Administrative Services Manager at least monthly for inclusion in the Alert TC system.

II. Local Activation Criteria
The following criteria shall define the conditions under which use of the system will be allowed. These criteria shall be used by County and City system administrators in determining whether or not a call is permissible and should be disseminated through the Alert TC system.
- Rapid public notification in the event of a manmade or natural disaster such as a chemical spill or other catastrophic event.
- Distribution of public information that may be critical in the event of a local emergency situation, such as a missing child or elderly person.
- Notification to employees in emergency disaster situations, such as to relay information about disaster reporting assignments.
- Distribution of specific information generated to elicit a response from clients, such as a message pertaining to public assistance eligibility requirements.
- Distribution of useful, time-sensitive information to residents, employees and businesses.

Messages that are personal or political in nature are strictly prohibited. Use of Alert TC shall be limited to official government business, including emergency communications. At no time should this system be used for commercial notifications.

III. Emergency Message Approval
All emergency and time sensitive messages shall be approved prior to sending by one of the following or their designee, depending on the type of emergency:
- City Manager
  i. Designee: Deputy City Manager
- Fire Chief
  i. Designee: Battalion Chief
  ii. Designee: Incident Commander
- Chief of Police
  i. Designee: Captain
  ii. Designee: Watch Commander
· EOC Manager

IV. Authorization to Send Emergency/Time Sensitive Notifications (Tier 2 Users)
The following positions within the City of Porterville shall be authorized to access the Alert TC system to send approved emergency and time sensitive notifications to residents and business’s within City boundaries:
· Chief of Police
· Porterville Police/Fire Dispatcher
· Police Department; Captain
· Police Department; Watch Commander
· Fire Chief
· Fire Department; Battalion Chief
· Fire Department; Incident Commander
· City of Porterville; Public Information Officer

V. Authorization to Send Notifications to City Employees (Tier 3 Users)
The following positions or their designee shall be authorized to send notifications to city employees within their respective departments.
· City Manager – All City employees
· Administrative Services Manager – All City employees
· Community Development Director
· Public Works Director
· Parks and Leisure Services Director
· Chief of Police
· Fire Chief

VI. Notification Procedures
The following information describes the criteria for determining whether a notification should be processed at the City or County level, and the procedures for processing notifications. The City of Porterville’s alerting zone shall be defined as its city limit boundaries. Any incident which requires notification of persons or businesses outside of the city limits, including notification of persons in County islands, shall be forwarded to the county for dissemination. This will eliminate unnecessary message duplication and ensure that a single message is communicated to County residents. Emergency messages shall be coordinated among local communication centers and first responders so as to avoid duplication and confusion.

1. County Notification Procedures
Notifications that include areas outside of the territorial boundaries of the City of Porterville, shall be forwarded to the appropriate county agency contact as identified below for processing.

Emergency Notifications:
All emergency or disaster-related notification requests shall be forwarded to the Tulare County Sheriff’s Office or the Tulare County Fire Department (depending on the disaster type) for processing.

Tulare County Sheriff’s Dispatch: (559) 733-6218
Tulare County Fire Dispatch: (559) 733-6549

Non-Emergency Notifications:
Notification requests for non-emergency matters received during the Tulare County Health and Human Services Agency’s regular business hours (currently 7:30 a.m.-5:30 p.m. Mon.-Thu. and 8:00 a.m.-12:00 noon Fri.) shall be forwarded to the Tulare County Health & Human Services Agency Media Specialist for approval and dissemination.

HHSA Media Specialist: Office (559) 737-4660 x2607
Cell (559) 731-7259

Notification requests for non-emergency matters received outside the Tulare County Health & Human Services Agency’s regular business hours (see above), shall be forwarded to the Tulare County Sheriff’s Office for dissemination.

2. City of Porterville Notification Procedures
The City of Porterville shall process notifications when one or more of the following conditions exist:

- Notification will be sent only to residents and/or businesses within City of Porterville boundaries.
- Notification will be sent only to City of Porterville clients and/or employees.

Emergency Notifications:
All emergency or disaster-related notification requests shall be processed utilizing one of the following methods. The method selected shall be determined based on situational needs, with primary considerations of efficiency, accuracy, and timeliness.

a. Forward the approved emergency or disaster related notification request to the City of Porterville, Joint Police/Fire Dispatch Center for processing.
   Police/Fire Dispatch Line #1: (559) 782-7526
   Police/Fire Dispatch Line #2: (559) 782-7427

b. If the City of Porterville Emergency Operations Center is activated and functional, emergency or disaster-related notification requests can be processed through the EOC with approval of the EOC Manager. The Dispatch Center shall immediately be informed of the notification.

c. Authorized Tier 2 Users may process approved emergency or disaster-related notification requests from the field utilizing computers with
internet access, land based, or cellular telephones. This method may be desirable if the dispatch center is inundated with emergency traffic, and or the EOC has not been activated. The Dispatch Center shall immediately be informed of the notification, as shall the City Manager, Chief of Police, and Fire Chief.

**Non-Emergency Notifications:**

a. Notification requests for non-emergency matters received during the City of Porterville’s regular business hours (currently 8:00 a.m.-5:00 p.m. Mon.-Fri.) shall be forwarded to the City of Porterville City Managers Office for approval and dissemination. If the requested notification meets the authorized notification criteria, the Public Information Officer or designee will process the notification.

   City Manager: Office (559) 782-7466  
               Cell (559) 333-0370

b. Notification requests for non-emergency matters received outside the City of Porterville’s regular business hours (see above), shall be forwarded to the Joint Police/Fire Dispatch Center for approval and dissemination. As soon as practical thereafter, the City Manager shall be informed.

3. **Notification Types**

The Alert TC system may be used to send three types of notifications: Priority Communication, Community Outreach, and Interactive Survey.

3.a. **Priority Communication**

Priority communication calls shall be defined as urgent or critical notifications to residents and/or businesses, such as for emergency or disaster-related situations. Priority communication notifications will be sent to ALL available numbers, email addresses and SMS numbers for each selected contact within the database. **This feature should be used with extreme caution.**

Examples of Priority Communication calls include:

- Severe Weather Conditions
- Natural Disasters
- Terrorism Threats
- Hostage Situations
- Amber Alerts/Missing Persons
- Imminent Danger from a Fire
- HazMat Incidents
- Bomb Threats
b. Community Outreach
Community outreach calls shall be defined as general announcements that do not require immediate action and do not concern emergency or disaster situations. Community outreach calls shall be sent only to the primary number listed on an individual’s account.

Examples of Community Outreach messages include:
- Planned Power Outages
- Temporary Water Shut-off
- Road Closures
- Senior Citizen Wellness Calls

c. Interactive Survey
The Interactive survey feature shall be defined as user-created messages in the form of a customized survey or question, in which the recipients hear a message that they are asked to respond to via their telephone keypad. Interactive survey calls will be sent only to the primary phone number listed on an individual’s account. Interactive survey calls cannot be sent via text to any email address, PDA or other device capable of receiving text messages. Survey results will be tabulated by the AlertTC system and published to users via the website and e-mail reports.

4. Developing Notification Messages
AlertTC messages shall be brief (defined as no longer than 60 seconds). Messages shall be professional, timely, pertinent, and vitally necessary for dissemination to a wide audience. The system shall not be used so frequently that people tire of hearing from government officials

5. Call-back Line
For people with Caller-ID, an AlertTC call will show the following phone number 1-866-942-2644. This number is an announcement line only (i.e., it will not accept messages from the recipient of the call). If this number is called, it will provide a short message about AlertTC and direct the caller to another number during normal business hours with any questions about the service. People with Call-Block will need to program their phone(s) to accept calls from 1-866-942-2644.

City Call-back Lines
The City of Porterville shall designate a separate call-back number for notifications so that recipients can be directed to the most appropriate resource for more information. This number may be to city administration or an information line, and should not be an emergency dispatch number. The AlertTC system is intended to alleviate dispatch centers from receiving non-emergency calls.

The City of Porterville Call Back Line shall be:
SUBJECT: APPROVAL OF MANDATORY RACE CONSCIOUS DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM.

SOURCE: Public Works Department - Engineering Division

COMMENT: With the distribution of Federal Stimulus funds, the Federal Highway Administration (FHWA) has approved the California Department of Transportation’s (Caltrans) 2008/2009 Disadvantaged Business Enterprise (DBE) Annual Overall Goal. FHWA’s approval requires the immediate implementation of the new DBE Program that includes a Race Conscious component. Effective immediately, Caltrans and local agencies receiving federal-aid funds must begin transitioning to the new Race Conscious DBE Program.

The new DBE program requires that contracts include an appropriate DBE race conscious goal to include African American, Asian-Pacific American, Women and Native American businesses in advertised contracts that include federal funds. The four groups are referred to as Underutilized Disadvantaged Business Enterprises (UDBE). Hispanic American and Subcontinent Asian American businesses are not included in the race conscious portion of the program but do count towards meeting the race neutral portion of the goal.

Local agencies have until June 2, 2009 to transition to the newly approved Race Conscious Disadvantaged Business Enterprise Program. This transition period allows local agencies to adopt and execute the new Race Conscious Program. In summary, all projects awarded after June 2, 2009, that contains Federal funds must include the Race Conscious provisions. A copy of the Race Conscious Program with a 2.5% Race Conscious component and a 5% Race Neutral component, and supporting resolution is attached for Council’s review and comment.

RECOMMENDATION: That the City Council:

1. Approve the Race Conscious Disadvantaged Business Enterprise Program;

2. Authorize the Public Works Director to sign the Race Conscious Disadvantaged Business Enterprise Program; and

3. Approve the Resolution of Adoption.

ATTACHMENTS: Race Conscious Disadvantaged Business Enterprise Program Resolution

P:pubworks\Engineering\Council Item\Approval of Race Conscious Program FY 2009-2010 - 2009-05-05.doc

Dir Appropriated/Funded CM Item No. 8
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE ADOPTING
THE 2009/2010 RACE CONSCIOUS DISADVANTAGED
BUSINESS ENTERPRISE PROGRAM

WHEREAS, the Department of Transportation's new Race Conscious
Disadvantaged Business Enterprise Program (Program) has been approved by the
Federal Highway Administration; and

WHEREAS, the new Program requires a "Race Conscious" goal of 2.5% and
Race Neutral goal of 5% for an overall goal of 7.5% on all Federally funded projects
beginning June 2, 2009 through September 30, 2009;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Porterville hereby approves the new Race Conscious Disadvantaged Business
Enterprise Program.

PASSED, ADOPTED AND APPROVED this 5th day of May, 2009.

______________________________
Cameron Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

______________________________
By: Patrice Hildreth, Chief Deputy City Clerk
CALIFORNIA

DEPARTMENT OF TRANSPORTATION

DISADVANTAGED BUSINESS ENTERPRISE

PROGRAM

IMPLEMENTATION AGREEMENT

FOR

LOCAL AGENCIES

March 4, 2009
CALIFORNIA DEPARTMENT OF TRANSPORTATION DISADVANTAGED BUSINESS ENTERPRISE IMPLEMENTATION AGREEMENT

For the City of Porterville, hereinafter referred to as “RECIPIENT.”

I Definition of Terms

The terms used in this agreement have the meanings defined in 49 CFR § 26.5.

II OBJECTIVE/POLICY STATEMENT (§26/1. 26/23)

The RECIPIENT intends to receive federal financial assistance from the U. S. Department of Transportation (DOT) through the California Department of Transportation (Caltrans), and as a condition of receiving this assistance, the RECIPIENT will sign the California Department of Transportation Disadvantaged Business Enterprise Program Implementation Agreement (hereinafter referred to as Agreement). The RECIPIENT agrees to implement the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan (hereinafter referred to as the DBE Program Plan) as it pertains to local agencies. The DBE Program Plan is based on U.S. Department of Transportation (DOT), 49 CFR, Part 26 requirements.

It is the policy of the RECIPIENT to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also their policy:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- To create a level playing field on which DBE's can compete fairly for DOT-assisted contracts.
- To ensure that their annual overall DBE participation percentage is narrowly tailored, in accordance with applicable law.
- To ensure that only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs.
- To help remove barriers to the participation of DBEs in DOT-assisted contracts.
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

III Nondiscrimination (§26.7)

RECIPIENT will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR, Part 26 on the basis of race, color, sex, or national origin. In administering the local agency components of the DBE Program Plan, the RECIPIENT will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

March 4, 2009
IV Annual DBE Submittal Form (§26.21)

The RECIPIENT will provide to the Caltrans District Local Assistance Engineer (DLAE) a completed Local Agency DBE Annual Submittal Form (Exhibit 9-B) by June 1 of each year for the following Federal Fiscal Year (FFY). This form includes an Annual Anticipated DBE Participation Level (AADPL), methodology for establishing the AADPL, the name, phone number, and electronic mailing address of the designated DBELO, and the choice of Prompt Pay Provision to be used by the RECIPIENT for the following FFY.

V Race-Neutral Means of Meeting the Overall Statewide Annual DBE Goal (§26.51)

RECIPIENT must meet the maximum feasible portion of its AADPL by using race-neutral means of facilitating DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE goal, or even if there is a DBE goal, wins a subcontract from a prime contractor that did not consider its DBE status in making the award (e.g., a prime contractor that uses a strict low-bid system to award subcontracts).

Race-neutral means include, but are not limited to, the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);

2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);

3. Providing technical assistance and other services;

4. Carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);

5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;

6. Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of types of work, handle increasingly significant projects, and achieve eventual self-sufficiency;

7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;

8. Ensuring distribution of your DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and

9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

March 4, 2009
VI   Race Conscious Means of Meeting the Overall Statewide Annual DBE Goal (§26.51(d))

RECIPIENT must establish contract goals for Underutilized Disadvantaged Business Enterprises (UDBEs) to meet any portion of your AADPL you do not project being able to meet using race-neutral means. UDBEs are limited to these certified DBEs that are owned and controlled by African Americans, Native Americans, Women, and Asian Pacific Americans.

VII Quotas (§26.43)

RECIPIENT will not use quotas or set-asides in any way in the administration of the local agency component of the DBE Program Plan.

VIII DBE Liaison Officer (DBELO) (§26.25)

RECIPIENT has designated a DBE Liaison Officer. The DBELO is responsible for implementing the DBE Program Plan, as it pertains to the RECIPIENT, and ensures that the RECIPIENT is fully and properly advised concerning DBE Program Plan matters. The DBELO is the Public Works Director and has a Registered Professional Engineer and Construction Manager assigned to the DBE program on a full-time project by project basis and a secretary who devote a significant portion of her time to the program. The name, address, telephone number, electronic mail address, and an organization chart displaying the DBELO’s position in the organization are found in Attachment 1 to this Agreement. This information will be updated annually and included on the DBE Annual Submittal Form.

The DBELO is responsible for developing, implementing, and monitoring the RECIPIENT’s requirements of the DBE Program Plan in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to determine projected Annual Anticipated DBE Participation Level.
4. Ensures that bid notices and requests for proposals are made available to DBEs in a timely manner.
5. Analyzes DBE participation and identifies ways to encourage participation through race-neutral means.
6. Participates in pre-bid meetings.
7. Advises the CEO/governing body on DBE matters and DBE race-neutral issues.
8. Provides DBEs with information and recommends sources to assist in preparing bids, obtaining bonding and insurance.
10. Provides outreach to DBEs and community organizations to fully advise them of contracting opportunities.

March 4, 2009
IX  Federal Financial Assistance Agreement Assurance (§26.13)

RECIPIENT will sign the following assurance, applicable to and to be included in all DOT-assisted contracts and their administration, as part of the program supplement agreement for each project.

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract, or in the administration of its DBE Program, or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR, Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient’s DBE Program, as required by 49 CFR, Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.). [Note – this language is to be used verbatim, as it is stated in §26.13(a).]

X  DBE Financial Institutions (§26.27)

It is the policy of the RECIPIENT to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

Information on the availability of such institutions can be obtained from the DBELO. The Caltrans’ Disadvantaged Business Enterprise Program may offer assistance to the DBELO.

XI  Directory (§26.31)

RECIPIENT will refer interested persons to the Unified Certification Program DBE directory available from the Caltrans Disadvantaged Business Enterprise Program’s website at www.dot.ca.gov/hq/bep.

XII  Required Contract Clauses (§§26.13, 26.29)

RECIPIENT ensures that the following clauses or equivalent will be included in each DOT-assisted prime contract:

A. CONTRACT ASSURANCE

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as recipient deems appropriate.

[Note – This language is to be used verbatim, as is stated in §26.13(b). See Caltrans Sample Boiler Plate Contract Documents on the Internet at www.dot.ca.gov/hq/LocalPrograms under “Publications.”]
B. PROMPT PAYMENT

Prompt Progress Payment to Subcontractors

The local agency shall require contractors and subcontractors to be timely paid as set forth in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10-days is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30 days may take place only for good cause and with the agency’s prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies of that Section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Prompt Payment of Withheld Funds to Subcontractors

The local agency shall ensure prompt and full payment of retainage from the prime contractor to the subcontractor within thirty (30) days after the subcontractor’s work is satisfactorily completed and accepted. This shall be accompanied by including either (1), (2), or (3) of the following in their federal-aid contracts to ensure prompt and full payment of retainage to subcontractors in compliance with 49 CFR 26.29.

1. No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency’s prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

2. No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30 days after the subcontractor’s work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency’s prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

March 4, 2009
3. The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency’s prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

XIII Local Assistance Procedures Manual

The RECIPIENT will advertise, award and administer DOT-assisted contracts in accordance with the most current published Local Assistance Procedures Manual (LAPM).

XIV Transit Vehicle Manufacturers (§ 26.49)

If FTA-assisted contracts will include transit vehicle procurements, RECIPIENT will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on transit vehicle procurements, to certify that it has complied with the requirements of 49 CFR Part 26, Section 49.

XV Bidders List (§26.11(c))

The RECIPIENT will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on its DOT-assisted contracts. The bidders list will include the name, address, DBE/nonDBE status, age, and annual gross receipts of the firm.

XVI Reporting to the DLAE

RECIPIENT will promptly submit a copy of the Local Agency Bidder/Proposer-DBE Commitment (Consultant Contract), (Exhibit 10-O(1) “Local Agency Bidder/Proposer-DBE Commitment (Consultant Contract)” or Exhibit 15-G(1) “Local Agency Bidder-DBE Commitment (Construction Contract) to the DLAE at the time of award of the consultant or construction contracts.

RECIPIENT will promptly submit a copy of the Local Agency Bidder-DBE Information (Exhibit 15-G(2) “Local Agency Bidder-DBE (Construction Contracts) – Information” or Exhibit 10-O(2) “Local Agency Proposer/Bidder-DBE (Consultant Contracts)-Information” of the LAPM) to the DLAE at the time of execution of consultant or construction contract.

RECIPIENT will promptly submit a copy of the Final Utilization of DBE participation to the DLAE using Exhibit 17-F “Final Report – Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors” of the LAPM immediately upon completion of the contract for each consultant or construction contract.

March 4, 2009
XVII Certification (§26.83(a))

RECIPIENT ensures that only DBE firms currently certified by the California Unified Certification Program will participate as DBEs on DOT-assisted contracts.

XVIII Confidentiality

RECIPIENT will safeguard from disclosure to third parties, information that may reasonably be regarded as confidential business information consistent with federal, state, and local laws.

By ________________________________

Signature

Phone Number: _______________________

(Print Name and Title) ADMINISTERING AGENCY

(Authorized Governing Body Representative)

This California Department of Transportation's Disadvantaged Business Enterprise Program Implementation Agreement is accepted by:

__________________________________________

Signature of DLAE

Date: ________________________________

__________________________________________

Print Name of DLAE

Distribution: (1) Original – DLAE
(2) Signed copy by the DLAE – Local Agency

(Updated: March 4, 2009)

March 4, 2009
SUBJECT: INTENT TO VACATE A PORTION OF GARDEN AVENUE (City of Porterville)

SOURCE: Public Works Department – Engineering Division

COMMENT: Potential development of the Porterville Fairgrounds is triggering a request to vacate an unimproved segment of Garden Avenue between Fig Street and the west right-of-way of the “Rails to Trails” property, formerly known as the A.T. & S.F. Railroad. The proposed vacation is consistent with a prior vacation of Garden Avenue between Fourth Street and the west right-of-way line of the “Rails to Trails” property. The City of Porterville represents the proprietary interest to all the property fronting the proposed street vacation and is hereby the requesting party.

The July 18, 1905 recording of the “Map of J.P. Murry’s Addition to Porterville” created an ambiguity related to the City interest in Garden Avenue southwesterly of the Pioneer Ditch. The dashed right-of-way lines vs. the solid right-of-way lines shown on the subdivision map and illustrated on Exhibit “C”, attached, are creating the confusion. The Tulare County Assessor’s Office for years has felt this segment of Garden Avenue to be held by the City for street purposes. Since the City is the owner of properties on both sides of the street in question, staff felt it would be best to vacate the street, making way for clear transfer of title when the property develops.

A legal description Exhibit “A”, and a plat Exhibit “B”, illustrating the proposed Garden Avenue vacation are attached for Council’s reference. Easements will be reserved for existing utilities, pedestrian access and maintenance of the Pioneer Ditch, all within this segment of Garden Avenue. After Council takes action, the utility companies will be notified of the intent to vacate this portion of Garden Avenue.

RECOMMENDATION: That City Council:

1. Pass a resolution of intent to vacate Garden Avenue between Fig Street and the west right-of-way of the “Rails to Trails” property; and

2. Set the Council meeting of June 2, 2009, as the time and place for a public hearing.

ATTACHMENTS: Resolution
Exhibit ‘A’ - Legal Description
Exhibit ‘B’ - Map of Right of Way Vacation
Exhibit ‘C’ – Garden Avenue as shown on J.P. Murry’s Map
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE
GARDEN AVENUE LOCATED BETWEEN FIG STREET
AND THE WEST RIGHT OF WAY OF THE "RAILS TO TRAILS" PROPERTY

SECTION 1: The Council of the City of Porterville, California, pursuant to Division 9, Part 3, Section 8320, of Streets and Highways Code of the State of California, does hereby resolve as follows, to-wit:

That it is the intention of the Council of the City of Porterville to abandon and close to public use that certain public right of way located in the City of Porterville, County of Tulare, State of California, and known generally as Garden Avenue, between Fig Street and the west right of way of the "Rails to Trails" property, formerly known as the A.T.& S.F Railroad.

SECTION 2: A map or plan of said public rights of way intended to be vacated, abandoned and closed to public use is on file in the office of the City Clerk of the City of Porterville, reference to which is hereby made.

SECTION 3: That the public convenience and necessity requires the reservation of easements and rights of way for structures enumerated in Section 8330 of the California Streets and Highways Code.

SECTION 4: The City of Porterville, in the abandonment of said public rights of way to public use, reserves and excepts from the vacation the permanent easement and right at any time, or from time to time to construct, maintain, operate, replace, remove and renew sanitary sewers, water lines, and storm drains and appurtenant structures in, upon, over, and across said street or part thereof proposed to be vacated and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipes, conduits, cables, wires, poles and other convenient structures, equipment and fixtures for the operation of gas pipe lines, telegraph and telephone lines, railroad lines, and from the transportation or distribution of electric energy, petroleum and its products, ammonia, water and incidental purposes, including the access and the right to keep the property free from flammable materials and wood growth, and otherwise protect the same from all hazards in, upon and over the street or part thereof herein proposed to be vacated.
SECTION 5: Notice is further given that on Tuesday, the 2nd day of June, 2009, at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chambers in the City Hall in the City of Porterville, at 291 North Main Street, is hereby fixed for the time and place for hearing any objections to the vacation, abandonment and closing to public use of said public rights of way.

PASSED, ADOPTED AND APPROVED this 5th day of May, 2009.

__________________________________________
Cameron Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

__________________________________________
By: Patrice Hildreth, Chief Deputy City Clerk
Garden Avenue Vacation – City of Porterville

That portion of the Southeast quarter of the Southwest quarter of Section 25, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, according to the Official Plat thereof, more particularly described as follows:

**BEGINNING AT** the Southeast corner of Block “F” as shown on that certain map entitled “Map of J.P. Murry’s Addition to Porterville”, filed for record in Book 3 of Maps at Page 10 in the Office of the Tulare County Recorder;

**THENCE**, along the south line of said Block “F”, North 87°12’50” West, a distance of 298.82 feet to a point in the west line of the Southeast quarter of the Southwest quarter of said Section 25;

**THENCE**, along said west line, South 01°55’11” East, a distance of 60.20 feet to the intersection with the westerly prolongation of the south line of Garden Avenue;

**THENCE**, along the south line of Garden Avenue, South 87°12’50” East, a distance of 326.94 feet to an angle point in said south line;

**THENCE**, continuing along said south line South 89°27’45” East, a distance of 51.53 feet to the intersection with the south line of the Pioneer Ditch;

**THENCE**, along said south line of the Pioneer Ditch, North 74°13’52” West, a distance of 64.55 feet;

**THENCE**, departing said south line of the Pioneer Ditch, North 23°41’26” West, a distance of 48.57 feet to the **POINT OF BEGINNING**.

**RESERVING UNTO** the City of Porterville a 20 foot wide pedestrian access easement over and across the following described parcel:

**BEGINNING AT** the Southeast corner of Block “F” as shown on that certain map entitled “Map of J.P. Murry’s Addition to Porterville”, filed for record in Book 3 of Maps at Page 10 in the Office of the Tulare County Recorder;

**THENCE**, along the south line of said Block “F”, North 87°12’50” West, a distance of 148.31 feet;

**THENCE**, South 88°57’51” West, a distance of 150.02 feet to a point in the west line of the Southeast quarter of the Southwest quarter of said Section 25, said point also being the Northeast corner of a 20 foot wide pedestrian access easement reserved in favor of the City of Porterville by Document No. 2006-0127688, recorded December 11, 2006, Tulare County Records;
THENCE, along the west line of the Southeast quarter of the Southwest quarter of said Section 25, South 01°55’11” East, a distance of 20.07 feet to the Southeast corner of said existing 20 foot wide pedestrian access easement;

THENCE, North 88°57’51” East, a distance of 150.02 feet;

THENCE, South 87°12’50” East and parallel with the south line of Block “F”, a distance of 156.63 feet;

THENCE, North 23°41’26” West, a distance of 22.34 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM all rights and interest associated with the Pioneer Ditch as it presently exists.

END OF DESCRIPTION

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

Signature: [Signature]
Michael K. Reed, Licensed Land Surveyor

Date: 4-28-2009
SUBJECT: ACCEPTANCE OF FINAL SUBDIVISION MAP – MEADOW BREEZE, PHASE THREE (Gary Smee)

SOURCE: Public Works Department - Engineering Division

COMMENT: The subdivider, Nicholson & Smee, LLC, has submitted for Council’s approval, the Meadow Breeze Phase Three Final Map for the development of a fourteen (14) lot single family residential development. The subdivider is requesting approval prior to the acceptance of the required improvements.

The subdivider has submitted the required guarantee to the City to complete and/or accept all necessary public improvements for the project. A subdivision agreement between the subdivider and the City has been signed by the subdivider, and all fees have been paid.

The final map is in conformance with the approved tentative map and City Council Resolution No. 85-2008. The improvement plans, specifications, dedications and the final map have been approved by the Public Works Director and City Engineer.

The development required improvements outside of City jurisdiction along the north side of Castle Avenue. These improvements include the construction of a ¾ width street to allow for the improved flow of traffic and pedestrian safety through the new subdivision.

During the April 21, 2009 Tulare County Board of Supervisors meeting, a consent item was approved that allows for City of Porterville to acquire the northern half of Castle Avenue adjacent to the subject development. According to Streets and Highways Code Section 1810 “A city may acquire, by purchase or eminent domain, property outside of its boundaries in the unincorporated area of the county in which the city is located, if it is necessary to connect or widen an existing street. The portion of the acquired property used to connect or widen a city street shall be deemed a city street for all purposes”. Attached is the Tulare County Resolution No. 2009-0278 for Council’s reference.

Parcel Map No. 4451, located on the north side of Castle Avenue was processed within County jurisdiction and as part of the process, an Irrevocable Offer of Dedication for road right of way (north side of Castle Avenue) was required by the County. With the Board action of April 21, 2009, the City may now accept the Offer of Dedication, allowing for the construction of public improvements in the area in question.

Dir Appropriated/Funded CM Item No. 10
The Boards' action also allows the City to acquire north side Castle Avenue right of way west of Parcel Map No. 4451. The owner, Kevin Jones, has executed the dedications documents and they have been processed in accordance with Resolution No. 1590, which defers acceptance authority to the City Engineer.

RECOMMENDATION: That City Council:

1. Approve the final map of Meadow Breeze, Phase Three Subdivision;

2. Accept all offers of dedication within the development boundaries defined by the final map;

3. Accept the Irrevocable Offer of Dedication as shown on Parcel Map No. 4451 and as consented by Tulare County Board of Supervisors;

4. Authorize the City Clerk to record a Resolution accepting the offer as shown on Parcel Map No. 4451 with the County Recorder's Office; and

5. Authorize the City Clerk to file said map with the County Recorder.

ATTACHMENTS: Final Map – Meadow Breeze, Phase Three Board of Supervisor's Resolution No. 2009-0278 City Resolution of Acceptance Parcel Map No. 4451
BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF ACQUISITION OF
PROPERTY LOCATED IN TULARE ) RESOLUTION NO. 2009-0278
COUNTY FOR CITY OF )
PORTERVILLE STREET PURPOSES )
ON CASTLE AVENUE (AVENUE 168) )

UPON MOTION OF SUPERVISOR ENNIS, SECONDED BY SUPERVISOR
ISHIDA, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT
AN OFFICIAL MEETING HELD APRIL 21, 2009, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, VANDER POEL, COX, WORTHLEY AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: Deputy Clerk

Consented to the city of Porterville's acquisition of property located in Tulare
County's jurisdiction along the northerly side of Castle Avenue (Avenue 168) from
west of Salisbury Street to west of Mathew Street (Road 164), for maintenance and
operation of City road improvements.

RMA
DAY
4/22/09
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ACCEPTING THE IRREVOCABLE OFFER TO DEDICATE REAL PROPERTY
AS SHOWN ON PARCEL MAP NO. 4451

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of
Porterville, that the City of Porterville hereby accepts the Irrevocable Offer to Dedicate
road right-of-way as shown on Parcel Map No. 4451, recorded in Book 45 of Parcel
Maps, Page 56, Tulare County Recorder for public street purposes in the City of
Porterville, County of Tulare, State of California, to-wit:

The south 30 feet of Parcel Map No. 4451, recorded in Book 45 of Parcel Maps,
Page 56, Tulare County Recorder.

BE IT FURTHER RESOLVED that the Resolution be recorded in the Office of the
Tulare County Recorder.

PASSED, ADOPTED AND APPROVED this 5th day of May, 2009.

__________________________
Cameron Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

__________________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: STREET PERFORMANCE MEASURE – 3rd QUARTER UPDATE

SOURCE: Public Works Department - Engineering Division

COMMENT: The purpose of this staff report is to provide Council with an update on the progress made on street reconstruction, overlay, micro-overlay and pothole repair efforts for the 3rd quarter in FY 2008/2009.

For Council’s edification, the light blue bar represents staff’s estimated quantity of “work” for each category. The black overlaid bar represents the quantity of work accomplished to date. The prior street performance report is included to show what has been accomplished since the last report.

Public Works expected to complete approximately 20,000 lineal feet of street lanes in FY 2008/2009. The streets programmed for reconstruction include the Scranton/Indiana, Prospect (Median to W. North Grand) and the Henderson (Jaye to SJVRR) Street Reconstruction projects. Unfortunately, right of way issues and difficulties securing Caltrans authorization to proceed with construction will probably result in the reconstruction of Henderson Avenue. This project will represent approximately 2,000 LF of street lanes. The two remaining projects will probably begin in late summer.

RECOMMENDATION: Information Only

ATTACHMENTS: 3rd Quarter Street Performance Chart
2nd Quarter Street Performance Chart
<table>
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<tr>
<th>Task</th>
<th>Q1 Off</th>
<th>Q2 Off</th>
<th>Q3 Off</th>
<th>Q4 Off</th>
<th>YTD Off</th>
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<tr>
<td>2. Replace Hydrant 2005</td>
<td></td>
<td></td>
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<tr>
<td>3. Install Backflow Preventers</td>
<td></td>
<td></td>
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<tr>
<td>4. Water Pinch</td>
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</tbody>
</table>

2nd Quarter Report | October 1, 2006 - December 31, 2006
SUBJECT: CODE ENFORCEMENT UPDATE

SOURCE: FIRE DEPARTMENT

COMMENT: FOR INFORMATION ONLY

The Code Enforcement Officers have been very busy in dealing with new and outstanding code issues, citizen complaints, and educating the public while obtaining voluntary compliance from the citizens of this community.

At the direction of Council, this quarterly report is prepared for your information concerning the activities and code issues that Code Enforcement have addressed and the impact that the program has contributed to making this a safer community.

(See attached Code Enforcement Stats for January 1 – March 31, 2009.)

Attachment: Code Enforcement Stats for January 1 – March 31, 2009
## CODE ENFORCEMENT STATS FROM 1-1-2009 TO 3-31-2009

### General Complaints

<table>
<thead>
<tr>
<th>Description</th>
<th>Count</th>
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<tbody>
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</tr>
<tr>
<td>Complaints received</td>
<td>127</td>
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<tr>
<td>Letters sent</td>
<td>103</td>
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<tr>
<td>Notice of Violation issued</td>
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<td>Administrative Citations issued</td>
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### Weed Abatement

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<td>Weed Abatement Hours</td>
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<tr>
<td>Annual Notices Mailed</td>
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### Business License

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<tr>
<td>License checks</td>
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<tr>
<td>Permit checks</td>
<td>34</td>
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### Building Permits

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<th>Description</th>
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<td>Permit Checks</td>
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</table>

### Inoperable Vehicles

<table>
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<tr>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Notices mailed for Inoperable Vehicles</td>
<td>23</td>
</tr>
</tbody>
</table>
To add some clarity to the code enforcement stats, the number of 868 daily contacts reflects our contacts with the citizens of Porterville. Our contacts range from a single contact providing information to the public for a particular violation, to multiple contacts when following up and working with violators who are hesitant to comply.

We issued 7 Administrative Citations during the quarter in question for violations of the Municipal Code. They were issued for no business license, no building permits, fire hazards and no peddler permit.

As for the letters sent, 103, were issued for zoning violations such as improper vehicle parking, storage of boats, trailers, campers, etc. We sent 23 letters out for inoperable vehicles and lawn parking violations, with the remainder of the letters being sent for fire hazard and solid waste accumulations.

Of the Notice of Violations that were issued (34), 9 were for business license violations, 7 were for lawn parking and inoperable vehicles, 7 were for zoning violations, the remainder were issued for misc. violations.

During the first quarter of every year, the Fire Department gears up for the annual weed abatement program. In the first week of March, Annual Notices are mailed out to property owners who have bare parcels of land or issues that have been identified as a potential fire hazard. Every year the list grows, this year the number of letters sent out was 890.
SUBJECT: INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT

SOURCE: Administrative Services - Finance Division

COMMENT: The City Charter requires financial status reports to be provided to City Council members on a monthly basis. Council Minute Order #13-041602 and #10-011607 established the requirement and parameters for the preparation and presentation of interim financial status reports.

In accordance with Council Minute Order #13-041602 and #10-011607, the interim financial status reports for the 3rd fiscal quarter ended March 31, 2009, are submitted.

RECOMMENDATION: That the City Council accept the interim financial status reports and grants summary report as presented.

ATTACHMENTS: Interim financial reports
Grants summary report

D.D. MB Appropriated/Funded MB C.M. Item No. 13
## CITY OF PORTERVILLE

### REVENUE STATUS REPORT - GENERAL FUND

**FOR THE NINE MONTHS ENDED MARCH 31, 2009 AND MARCH 31, 2008**

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<tr>
<td>PROPERTY TAXES</td>
<td>$7,275,000</td>
<td>$3,699,153</td>
<td>50.85%</td>
<td>$7,070,000</td>
<td>$3,608,107</td>
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<td>OTHER TAXES:</td>
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<tr>
<td>SALES AND USE TAX</td>
<td>3,700,000</td>
<td>2,450,351</td>
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<td>3,500,000</td>
<td>2,633,316</td>
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<td>UTILITY USERS TAX</td>
<td>3,750,000</td>
<td>2,746,508</td>
<td>73.23%</td>
<td>3,650,000</td>
<td>2,645,371</td>
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<td>TRANSIENT OCCUPANCY TAX</td>
<td>350,000</td>
<td>161,087</td>
<td>46.02%</td>
<td>300,000</td>
<td>149,726</td>
<td>49.91%</td>
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<tr>
<td>PROPERTY TRANSFER TAX</td>
<td>100,000</td>
<td>34,202</td>
<td>34.20%</td>
<td>75,000</td>
<td>45,292</td>
<td>60.39%</td>
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<td>FRANCHISE TAX</td>
<td>1,551,137</td>
<td>800,497</td>
<td>51.61%</td>
<td>1,651,137</td>
<td>968,986</td>
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<td>SALES TAX - PUBLIC SAFETY</td>
<td>150,000</td>
<td>107,858</td>
<td>71.91%</td>
<td>150,000</td>
<td>69,447</td>
<td>46.30%</td>
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<td>LICENSES AND PERMITS:</td>
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<td>BUSINESS LICENSES</td>
<td>423,150</td>
<td>407,069</td>
<td>96.20%</td>
<td>423,150</td>
<td>400,776</td>
<td>94.71%</td>
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<td>CONSTRUCTION PERMITS</td>
<td>480,000</td>
<td>352,114</td>
<td>73.36%</td>
<td>480,000</td>
<td>552,110</td>
<td>115.02%</td>
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<td>MOTOR VEHICLE IN-LIEU TAX</td>
<td>250,000</td>
<td>95,514</td>
<td>38.21%</td>
<td>230,000</td>
<td>172,693</td>
<td>75.08%</td>
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<td>OTHER TAXES</td>
<td>30,000</td>
<td>16,345</td>
<td>54.45%</td>
<td>30,000</td>
<td>4,916</td>
<td>16.39%</td>
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<td>REVENUE FROM AGENCIES-GRANTS</td>
<td>688,052</td>
<td>166,524</td>
<td>23.86%</td>
<td>107,500</td>
<td>83,644</td>
<td>77.81%</td>
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<td>USE OF MONEY AND PROPERTY</td>
<td>300,001</td>
<td>267,719</td>
<td>89.24%</td>
<td>380,706</td>
<td>248,553</td>
<td>65.29%</td>
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<td>FINES AND FORFEITURES</td>
<td>59,000</td>
<td>52,179</td>
<td>94.87%</td>
<td>57,000</td>
<td>48,487</td>
<td>85.06%</td>
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<td>PLANNING AND ENGINEERING</td>
<td>160,100</td>
<td>108,738</td>
<td>67.92%</td>
<td>142,100</td>
<td>152,843</td>
<td>107.56%</td>
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<td>POLICE</td>
<td>221,200</td>
<td>141,909</td>
<td>64.15%</td>
<td>181,200</td>
<td>134,551</td>
<td>74.26%</td>
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<td>FIRE</td>
<td>24,200</td>
<td>27,840</td>
<td>115.04%</td>
<td>17,000</td>
<td>12,987</td>
<td>76.40%</td>
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<td>LIBRARY</td>
<td>33,000</td>
<td>27,781</td>
<td>84.18%</td>
<td>30,000</td>
<td>24,554</td>
<td>81.85%</td>
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<td>RECREATIONAL</td>
<td>1,285,500</td>
<td>927,280</td>
<td>72.13%</td>
<td>1,161,591</td>
<td>759,279</td>
<td>65.37%</td>
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<td>INTERDEPARTMENTAL</td>
<td>1,750,000</td>
<td>1,202,044</td>
<td>68.69%</td>
<td>1,757,000</td>
<td>1,256,762</td>
<td>71.53%</td>
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<tr>
<td>OTHER</td>
<td>2,000</td>
<td>500</td>
<td>25.00%</td>
<td>2,500</td>
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<tr>
<td>OTHER REVENUES</td>
<td>144,365</td>
<td>317,705</td>
<td>220.07%</td>
<td>1,017,538</td>
<td>1,025,914</td>
<td>100.82%</td>
</tr>
</tbody>
</table>

**SUBTOTALS** | $22,732,705 | $14,110,706 | 62.07% | $22,413,422 | $14,998,314 | 66.92%

**DEBT SERVICE TRANSFERS** | 727,500 | 545,625 | 75.00% | 727,500 | 545,625 | 75.00%

**TOTALS** | $23,460,205 | $14,656,331 | 62.47% | $23,140,922 | $15,543,939 | 67.17%
CITY OF PORTERVILLE

REVENUE STATUS REPORT - ALL OTHER FUNDS
FOR THE NINE MONTHS ENDED
MARCH 31, 2009 AND MARCH 31, 2008

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>MEASURE H SALES TAX</td>
<td>$2,850,000</td>
<td>$1,910,539</td>
<td>67.0%</td>
<td>$2,810,000</td>
<td>$2,085,803</td>
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<tr>
<td>REDEVELOPMENT AGENCY</td>
<td>1,119,090</td>
<td>3,063,295</td>
<td>273.7%</td>
<td>896,696</td>
<td>508,104</td>
<td>56.7%</td>
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<td>SPECIAL GAS TAX</td>
<td>3,284,700</td>
<td>1,223,612</td>
<td>37.3%</td>
<td>2,014,100</td>
<td>1,476,806</td>
<td>73.3%</td>
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<tr>
<td>LOCAL TRANSPORTATION FUNDS (LTF)</td>
<td>6,556,181</td>
<td>1,365,751</td>
<td>20.8%</td>
<td>3,147,886</td>
<td>1,036,660</td>
<td>32.9%</td>
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<tr>
<td>TRAFFIC SAFETY FUND</td>
<td>125,100</td>
<td>135,382</td>
<td>108.2%</td>
<td>125,500</td>
<td>108,437</td>
<td>86.4%</td>
</tr>
<tr>
<td>ZALUD ESTATE</td>
<td>6,000</td>
<td>4,964</td>
<td>82.7%</td>
<td>5,000</td>
<td>5,667</td>
<td>113.3%</td>
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<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>1,982,102</td>
<td>685,663</td>
<td>34.6%</td>
<td>3,317,295</td>
<td>2,206,033</td>
<td>66.5%</td>
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<td>TRANSIT</td>
<td>3,435,759</td>
<td>684,899</td>
<td>19.9%</td>
<td>4,895,715</td>
<td>3,496,057</td>
<td>71.4%</td>
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<tr>
<td>SPECIAL SAFETY GRANTS</td>
<td>102,000</td>
<td>50,766</td>
<td>49.8%</td>
<td>153,116</td>
<td>113,345</td>
<td>74.0%</td>
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<tr>
<td>SEWER OPERATING</td>
<td>6,796,950</td>
<td>4,920,525</td>
<td>72.4%</td>
<td>6,539,861</td>
<td>4,998,229</td>
<td>76.4%</td>
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<tr>
<td>REFUSE REMOVAL</td>
<td>5,510,251</td>
<td>3,953,101</td>
<td>71.7%</td>
<td>5,156,418</td>
<td>3,925,615</td>
<td>76.1%</td>
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<td>AIRPORT OPERATIONS</td>
<td>1,700,350</td>
<td>1,261,050</td>
<td>74.2%</td>
<td>1,094,450</td>
<td>960,127</td>
<td>87.7%</td>
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<tr>
<td>GOLF COURSE</td>
<td>306,999</td>
<td>225,461</td>
<td>73.4%</td>
<td>322,532</td>
<td>209,763</td>
<td>65.0%</td>
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<tr>
<td>WATER OPERATING</td>
<td>4,963,610</td>
<td>3,891,548</td>
<td>78.4%</td>
<td>5,165,108</td>
<td>3,888,660</td>
<td>75.3%</td>
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<tr>
<td>RISK MANAGEMENT</td>
<td>3,816,500</td>
<td>3,388,211</td>
<td>88.8%</td>
<td>3,621,850</td>
<td>3,235,354</td>
<td>89.3%</td>
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<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>2,359,785</td>
<td>1,788,117</td>
<td>75.8%</td>
<td>2,047,168</td>
<td>1,654,346</td>
<td>80.8%</td>
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<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>228,199</td>
<td>130,862</td>
<td>54.9%</td>
<td>194,000</td>
<td>82,142</td>
<td>42.3%</td>
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<tr>
<td>WATER REPLACEMENT</td>
<td>583,162</td>
<td>292,227</td>
<td>50.1%</td>
<td>714,362</td>
<td>344,914</td>
<td>48.3%</td>
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<tr>
<td>SOLID WASTE RESERVE</td>
<td>540,000</td>
<td>421,831</td>
<td>78.1%</td>
<td>500,250</td>
<td>411,907</td>
<td>82.3%</td>
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<tr>
<td>SEWER REVOLVING</td>
<td>325,000</td>
<td>159,074</td>
<td>48.9%</td>
<td>445,400</td>
<td>196,787</td>
<td>44.2%</td>
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<tr>
<td>TRANSPORTATION DEVELOPMENT</td>
<td>625,000</td>
<td>273,770</td>
<td>43.8%</td>
<td>1,350,000</td>
<td>1,426,839</td>
<td>105.7%</td>
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<tr>
<td>PARK DEVELOPMENT</td>
<td>81,000</td>
<td>40,736</td>
<td>50.3%</td>
<td>70,000</td>
<td>60,565</td>
<td>86.5%</td>
</tr>
<tr>
<td>TREATMENT PLANT RESERVE</td>
<td>882,000</td>
<td>591,097</td>
<td>67.0%</td>
<td>1,025,000</td>
<td>686,267</td>
<td>67.0%</td>
</tr>
<tr>
<td>STORM DRAIN DEVELOPMENT</td>
<td>440,000</td>
<td>212,109</td>
<td>48.2%</td>
<td>417,800</td>
<td>406,547</td>
<td>97.3%</td>
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<tr>
<td>BUILDING CONSTRUCTION</td>
<td>50,000</td>
<td>45,253</td>
<td>90.5%</td>
<td>50,000</td>
<td>50,819</td>
<td>101.6%</td>
</tr>
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</table>

TOTALS                                              | $48,679,738                   | $30,719,841                     | 63.1%                   | $46,079,507                   | $33,575,692                     | 72.9%                    |
## CITY OF PORTERVILLE

**EXPENDITURE STATUS REPORT - GENERAL FUND**

**FOR THE NINE MONTHS ENDED**

**MARCH 31, 2009 AND MARCH 31, 2008**

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<tbody>
<tr>
<td><strong>LEGISLATIVE:</strong></td>
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<td></td>
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<tr>
<td>CITY COUNCIL</td>
<td>$ 194,089</td>
<td>$ 102,153</td>
<td>52.6%</td>
<td>$ 214,381</td>
<td>$ 176,024</td>
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<tr>
<td>COMMUNITY PROMOTION</td>
<td>229,240</td>
<td>169,931</td>
<td>74.1%</td>
<td>234,665</td>
<td>157,801</td>
<td>67.2%</td>
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<td><strong>ADMINISTRATIVE &amp; LEGAL:</strong></td>
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<tr>
<td>CITY MANAGER</td>
<td>267,461</td>
<td>229,625</td>
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<td>272,916</td>
<td>197,840</td>
<td>72.5%</td>
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<td>CITY CLERK</td>
<td>222,808</td>
<td>141,632</td>
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<td>195,023</td>
<td>135,817</td>
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<td>HUMAN RESOURCES</td>
<td>244,345</td>
<td>126,353</td>
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<td>259,585</td>
<td>127,667</td>
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<td>CITY ATTORNEY</td>
<td>180,000</td>
<td>100,453</td>
<td>55.8%</td>
<td>180,000</td>
<td>139,767</td>
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<td>722,189</td>
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<td>INFORMATION SERVICES</td>
<td>372,978</td>
<td>276,318</td>
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<td>221,144</td>
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<td>ADMINISTRATIVE SERVICES</td>
<td>413,666</td>
<td>293,113</td>
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<td>385,162</td>
<td>296,601</td>
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<td>POLICE PROTECTION</td>
<td>7,531,699</td>
<td>5,649,941</td>
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<td>5,234,135</td>
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<td>FIRE PROTECTION</td>
<td>3,602,801</td>
<td>2,565,372</td>
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<td>3,603,801</td>
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<tr>
<td><strong>COMMUNITY DEVELOPMENT:</strong></td>
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<tr>
<td>PLANNING &amp; ZONING</td>
<td>510,060</td>
<td>347,428</td>
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<td>ENGINEERING &amp; BUILDING</td>
<td>941,702</td>
<td>568,011</td>
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<td>887,770</td>
<td>552,200</td>
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<td>STREET MAINTENANCE</td>
<td>408,003</td>
<td>279,070</td>
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<td>404,058</td>
<td>313,702</td>
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<td>SIGNALS, SIGNING &amp; STRIPING</td>
<td>358,714</td>
<td>234,377</td>
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<td>238,492</td>
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<td>STREET LIGHTING</td>
<td>390,550</td>
<td>296,688</td>
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<td>384,222</td>
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<td>STORM DRAINS</td>
<td>102,400</td>
<td>56,139</td>
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<td>119,146</td>
<td>39,270</td>
<td>33.0%</td>
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<td>PARKING LOTS</td>
<td>47,142</td>
<td>26,264</td>
<td>60.0%</td>
<td>38,537</td>
<td>29,570</td>
<td>76.7%</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>PARK MAINTENANCE &amp; OPERATION</td>
<td>1,877,190</td>
<td>1,174,938</td>
<td>62.6%</td>
<td>1,752,668</td>
<td>1,117,928</td>
<td>63.8%</td>
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<tr>
<td>STREET TREES &amp; PARKWAYS</td>
<td>256,006</td>
<td>176,320</td>
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<td>223,750</td>
<td>127,278</td>
<td>56.9%</td>
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<td>COMMUNITY CENTERS</td>
<td>244,851</td>
<td>166,847</td>
<td>66.1%</td>
<td>243,785</td>
<td>157,607</td>
<td>64.7%</td>
</tr>
<tr>
<td>LEISURE SERVICES</td>
<td>220,575</td>
<td>179,436</td>
<td>83.2%</td>
<td>240,365</td>
<td>167,864</td>
<td>68.9%</td>
</tr>
<tr>
<td>LEISURE SERVICES - SPECIAL PROG</td>
<td>1,175,720</td>
<td>879,188</td>
<td>74.8%</td>
<td>1,035,071</td>
<td>690,190</td>
<td>66.7%</td>
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<td>SWIMMING POOL</td>
<td>158,583</td>
<td>92,750</td>
<td>58.5%</td>
<td>151,268</td>
<td>104,690</td>
<td>69.2%</td>
</tr>
<tr>
<td>LIBRARY OPERATIONS</td>
<td>615,400</td>
<td>444,003</td>
<td>72.1%</td>
<td>613,254</td>
<td>458,145</td>
<td>74.7%</td>
</tr>
<tr>
<td>SPECIAL PROJECTS</td>
<td>50,165</td>
<td>34,150</td>
<td>68.1%</td>
<td>45,591</td>
<td>27,809</td>
<td>45.9%</td>
</tr>
<tr>
<td><strong>SUB TOTALS</strong></td>
<td>$ 21,620,984</td>
<td>$ 15,232,772</td>
<td>70.5%</td>
<td>$ 21,017,515</td>
<td>$ 14,111,978</td>
<td>67.1%</td>
</tr>
<tr>
<td><strong>DEBT SERVICE</strong></td>
<td>1,823,504</td>
<td>1,367,628</td>
<td>75.0%</td>
<td>1,831,296</td>
<td>1,373,472</td>
<td>75.0%</td>
</tr>
<tr>
<td><strong>$ 23,424,488</strong></td>
<td><strong>$ 16,600,400</strong></td>
<td><strong>70.9%</strong></td>
<td><strong>$ 22,848,811</strong></td>
<td><strong>$ 15,485,450</strong></td>
<td><strong>67.8%</strong></td>
<td></td>
</tr>
</tbody>
</table>
# CITY OF PORTERVILLE

## EXPENDITURE STATUS REPORT - ALL OTHER FUNDS

FOR THE NINE MONTHS ENDED

MARCH 31, 2009 AND MARCH 31, 2008

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>MEASURE H SALES TAX</td>
<td>$2,640,857</td>
<td>$1,904,225</td>
<td>72.1%</td>
<td>$2,043,050</td>
<td>$1,189,143</td>
<td>58.2%</td>
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<tr>
<td>REDEVELOPMENT AGENCY</td>
<td>1,056,076</td>
<td>332,502</td>
<td>31.5%</td>
<td>808,080</td>
<td>486,922</td>
<td>60.3%</td>
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<tr>
<td>ZALUD ESTATE</td>
<td>31,292</td>
<td>19,275</td>
<td>61.6%</td>
<td>28,480</td>
<td>18,535</td>
<td>65.1%</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>482,841</td>
<td>107,892</td>
<td>22.3%</td>
<td>480,489</td>
<td>105,829</td>
<td>22.0%</td>
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<tr>
<td>TRANSIT</td>
<td>2,846,572</td>
<td>1,279,190</td>
<td>44.9%</td>
<td>3,566,206</td>
<td>2,760,088</td>
<td>77.4%</td>
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<tr>
<td>SPECIAL SAFETY GRANTS</td>
<td>165,023</td>
<td>88,439</td>
<td>53.3%</td>
<td>406,782</td>
<td>307,017</td>
<td>75.5%</td>
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<tr>
<td>SEWER OPERATING</td>
<td>5,924,539</td>
<td>3,943,303</td>
<td>66.6%</td>
<td>5,787,837</td>
<td>3,814,384</td>
<td>65.9%</td>
</tr>
<tr>
<td>REFUSE REMOVAL</td>
<td>5,409,828</td>
<td>3,879,543</td>
<td>71.7%</td>
<td>5,010,353</td>
<td>3,688,268</td>
<td>73.6%</td>
</tr>
<tr>
<td>AIRPORT</td>
<td>1,694,933</td>
<td>1,139,439</td>
<td>67.2%</td>
<td>1,460,108</td>
<td>927,429</td>
<td>63.5%</td>
</tr>
<tr>
<td>GOLF COURSE</td>
<td>375,999</td>
<td>274,507</td>
<td>73.0%</td>
<td>381,532</td>
<td>250,102</td>
<td>65.6%</td>
</tr>
<tr>
<td>WATER OPERATING</td>
<td>4,436,156</td>
<td>3,056,179</td>
<td>68.9%</td>
<td>4,709,385</td>
<td>2,955,545</td>
<td>62.8%</td>
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<tr>
<td>RISK MANAGEMENT</td>
<td>3,681,150</td>
<td>3,132,825</td>
<td>85.1%</td>
<td>3,621,850</td>
<td>2,730,317</td>
<td>75.6%</td>
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<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>2,316,949</td>
<td>1,703,973</td>
<td>73.5%</td>
<td>2,026,013</td>
<td>1,514,359</td>
<td>74.7%</td>
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<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>216,020</td>
<td>109,056</td>
<td>50.5%</td>
<td>197,379</td>
<td>99,369</td>
<td>50.3%</td>
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</tbody>
</table>

**TOTALS**

$31,279,135 $20,970,347 67.0% $30,527,544 $20,853,309 68.3%
CITY OF PORTERVILLE  
INTERIM PERFORMANCE REPORT - MEASURE H  
For the Nine Months Ended March 31, 2009 and March 31, 2008

<table>
<thead>
<tr>
<th></th>
<th>FY 2008-09</th>
<th>FY 2007-08</th>
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</thead>
<tbody>
<tr>
<td><strong>REVENUES</strong></td>
<td>$1,910,639</td>
<td>$2,085,803</td>
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<td><strong>EXPENDITURES</strong></td>
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<tr>
<td>Police Department</td>
<td>919,160</td>
<td>639,708</td>
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<tr>
<td>Fire Department</td>
<td>740,211</td>
<td>394,072</td>
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<tr>
<td>Library &amp; Literacy</td>
<td>244,854</td>
<td>155,363</td>
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<td>Capital Projects</td>
<td>1,787</td>
<td>132</td>
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<tr>
<td><strong>TOTAL EXPENDITURES</strong></td>
<td>1,906,013</td>
<td>1,189,275</td>
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<td><strong>REVENUE OVER/(UNDER) EXPENDITURES</strong></td>
<td>$4,526</td>
<td>$896,528</td>
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# CITY OF PORTERVILLE
## INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
For the Nine Months Ended March 31, 2009 and March 31, 2008

<table>
<thead>
<tr>
<th>FUND</th>
<th>REVENUES</th>
<th>EXPENSES</th>
<th>3/31/2009 NET PROFIT (LOSS)</th>
<th>3/31/2008 NET PROFIT (LOSS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zalud Estate</td>
<td>$4,964</td>
<td>$(19,275)</td>
<td>$(14,311)</td>
<td>$(12,867)</td>
</tr>
<tr>
<td>Sewer Operating</td>
<td>4,920,525</td>
<td>(3,943,303)</td>
<td>977,222</td>
<td>1,183,845</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>3,953,101</td>
<td>(3,879,543)</td>
<td>73,557</td>
<td>237,347</td>
</tr>
<tr>
<td>Airport</td>
<td>1,261,050</td>
<td>(1,139,439)</td>
<td>121,611</td>
<td>32,698</td>
</tr>
<tr>
<td>Golf</td>
<td>225,461</td>
<td>(274,507)</td>
<td>(49,046)</td>
<td>(40,339)</td>
</tr>
<tr>
<td>Water Operating</td>
<td>3,891,548</td>
<td>(3,056,179)</td>
<td>835,368</td>
<td>933,014</td>
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</tbody>
</table>

**NOTE:** The Transit Fund is not included as it does not contain any retained earnings
<table>
<thead>
<tr>
<th>Grant/Subsidized Loan Description</th>
<th>City/Point-of-Contact</th>
<th>Granting Agency</th>
<th>Grant Number</th>
<th>City Capital Project No</th>
<th>Amount of Grant Award</th>
<th>Match</th>
<th>Proceeds Received to Date</th>
<th>Last Drawdown Request Date</th>
<th>Drawdown Received Date</th>
<th>Final Grant Date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMUNITY DEVELOPMENT DEPARTMENT:</td>
<td>B. Durfaps</td>
<td>HUD</td>
<td>2008 CDBG entitlement allocation</td>
<td>704,102</td>
<td>373,888.00</td>
<td>4/24/2009</td>
<td>3/25/2009</td>
<td>Balance to be expended or drawn: $704,102</td>
<td></td>
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<tr>
<td>2007 CDBG entitlement allocation</td>
<td>B. Durfaps</td>
<td>HUD</td>
<td>729,205</td>
<td>473,824.00</td>
<td>4/17/2009</td>
<td>5/6/2009</td>
<td>Balance to be expended or drawn: $56,178</td>
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<tr>
<td>2005 CalHOME</td>
<td>B. Durfaps</td>
<td>HCD</td>
<td>560,000</td>
<td>505,083.00</td>
<td>6/3/2008</td>
<td>6/30/2008</td>
<td>Balance to be expended or drawn: $94,917</td>
<td></td>
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<tr>
<td>HOME 2006 grant - FTHB and HRLP</td>
<td>B. Durfaps</td>
<td>HCD</td>
<td>800,000</td>
<td>803,000.00</td>
<td>6/30/2008</td>
<td>9/30/2008</td>
<td>Balance to be expended or drawn: $59,917</td>
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<tr>
<td>Workforce Housing Funds - 06</td>
<td>B. Durfaps</td>
<td>HCD</td>
<td>209,086</td>
<td></td>
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<td></td>
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<tr>
<td>TRANSIT:</td>
<td>L. Clark</td>
<td>FTA</td>
<td>Transit Operating Assistance</td>
<td>300,000</td>
<td>300,000.00</td>
<td>10/10/2008</td>
<td>10/16/2008</td>
<td>Annually</td>
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<tr>
<td>CNG bus</td>
<td>L. Clark</td>
<td>FTA</td>
<td>315,200</td>
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<tr>
<td>Bus turnouts</td>
<td>L. Clark</td>
<td>FTA</td>
<td>CA00472</td>
<td></td>
<td></td>
<td></td>
<td>New</td>
<td></td>
<td></td>
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<tr>
<td>Bus shelters/benches</td>
<td>L. Clark</td>
<td>FTA</td>
<td>CA00472</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signs/poles</td>
<td>L. Clark</td>
<td>FTA</td>
<td>CA00472</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Electronic fareboxes</td>
<td>L. Clark</td>
<td>FTA</td>
<td>120,000</td>
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</tr>
<tr>
<td>Bus Maintenance Facility</td>
<td>L. Clark</td>
<td>FTA</td>
<td>CA00472</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Bus Maintenance Facility</td>
<td>L. Clark</td>
<td>FTA</td>
<td>PTM/SEAProp 1B</td>
<td>434,207</td>
<td>434,207.00</td>
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<tr>
<td>Active (2)</td>
<td>L. Clark</td>
<td>FTA</td>
<td>CA00472</td>
<td>96,000</td>
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</tr>
<tr>
<td>AIRPORT:</td>
<td>J. Longley</td>
<td>FAA</td>
<td>Runway Guidance System (Design)</td>
<td>AIP 3-06-0190-07</td>
<td>50,000</td>
<td>50,000.00</td>
<td>4/10/2009</td>
<td>Design phase awarded</td>
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<tr>
<td>ACIP Lighting Construction</td>
<td>J. Longley</td>
<td>FAA</td>
<td>600,000</td>
<td>100,000.00</td>
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<tr>
<td>CAAP grant</td>
<td>J. Longley</td>
<td>DOT-Div of Aeronautics</td>
<td>10,000</td>
<td></td>
<td>10,000.00</td>
<td>12/29/2009</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>PARKS AND LEISURE SERVICES DEPARTMENT:</td>
<td>J. Perrine</td>
<td>CA Resources Agency</td>
<td>Tule River Parkway, Ph III</td>
<td>CA00472/CA00473</td>
<td>250,000</td>
<td>84,200</td>
<td>12/27/2009</td>
<td>Awarded and extended</td>
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<tr>
<td>Porterville OHV Park - Oper &amp; Maint</td>
<td>J. Perrine</td>
<td>CA Dept of Parks &amp; Rec</td>
<td>151,000</td>
<td>25,000</td>
<td>3/8/2009</td>
<td>4/14/2009</td>
<td>Funds awarded in 12/07</td>
<td></td>
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<tr>
<td>Porterville OHV Park - Development</td>
<td>J. Perrine</td>
<td>CA Dept of Parks &amp; Rec</td>
<td>49,000</td>
<td>25,000</td>
<td>3/8/2009</td>
<td>4/14/2009</td>
<td>Funds awarded in 12/07</td>
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<tr>
<td>Porterville OHV Park - Law Enforcement</td>
<td>J. Perrine</td>
<td>CA Dept of Parks &amp; Rec</td>
<td>10,000</td>
<td>25,000</td>
<td>3/8/2009</td>
<td>4/14/2009</td>
<td>Funds awarded in 12/07</td>
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<tr>
<td>CA Library Literacy and English</td>
<td>J. Perrine</td>
<td>CA State Library</td>
<td>20,000</td>
<td>26,041.00</td>
<td>12/16/2009</td>
<td>12/30/2009</td>
<td>Annually</td>
<td></td>
<td></td>
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<tr>
<td>POLICE DEPARTMENT:</td>
<td>C. McMillan</td>
<td>State of CA, Dept of Public Safety</td>
<td>Citizens Option for Public Safety (COPS)</td>
<td>AB3229</td>
<td>100,000</td>
<td>100,000.00</td>
<td>1/10/2009</td>
<td>Annually</td>
<td></td>
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<tr>
<td>Office of Traffic Safety</td>
<td>C. McMillan</td>
<td>State of CA</td>
<td>4,000</td>
<td>4,000.00</td>
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<tr>
<td>PUBLIC WORKS DEPARTMENT:</td>
<td>B. Rodriguez</td>
<td>CALTRANS - H BRR</td>
<td>Plano St @ Tule River Bridge widening project</td>
<td>85-9701</td>
<td>630,000</td>
<td>80,000</td>
<td>5/1/2007</td>
<td>Need construction authorization by Caltrans</td>
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<tr>
<td>Joye St @ Tule River Bridge widening project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - H BRR</td>
<td>85-9703</td>
<td>360,000</td>
<td>80,000</td>
<td>2/2/2007</td>
<td>N/A</td>
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<tr>
<td>Core area curb, gutter &amp; sidewalk project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td>89-9167</td>
<td>1,495,178.00</td>
<td>4/22/2009</td>
<td>2/20/2009</td>
<td>Construction authorized</td>
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<tr>
<td>Traffic Signal @ Matthew and Olive</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td>89-9120</td>
<td>95,000</td>
<td>95,000.00</td>
<td>7/22/2007</td>
<td>Completed</td>
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<tr>
<td>Main St &amp; College Ave Roundabout project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td>200,000</td>
<td>85,550.00</td>
<td>10/12/2008</td>
<td>12/30/2008</td>
<td>in process</td>
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<tr>
<td>Henderson - Joye to SJVRR</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td>89-9150</td>
<td>5,000</td>
<td>85,550.00</td>
<td>11/25/2008</td>
<td>12/20/2008</td>
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<tr>
<td>Indian St sidewalk &amp; shoulder stabilization - North</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td>148,000</td>
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<tr>
<td>Indian St sidewalk &amp; shoulder stabilization - South</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td>201,000</td>
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<tr>
<td>Prospect St sidewalk</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td>255,000</td>
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<tr>
<td>CNG Facility</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td>89-9163</td>
<td>1,408,200</td>
<td>533,519.00</td>
<td>3/1/2009</td>
<td>4/17/2009</td>
<td>Completed</td>
<td></td>
<td></td>
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<tr>
<td>Shop upgrades for CNG Facility</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td>117,500</td>
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<td></td>
<td></td>
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<tr>
<td>FINANCING THROUGH C.I.E.D.B.</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
<td>5,356,000</td>
<td>5,314,713.00</td>
<td>11/14/2009</td>
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<tr>
<td>Sewer system expansion</td>
<td>B. Rodriguez</td>
<td>CEDB-B505-057</td>
<td>5,356,000</td>
<td>5,314,713.00</td>
<td>11/14/2009</td>
<td>Completed</td>
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4/20/2009
SUBJECT:  QUARTERLY PORTFOLIO SUMMARY

SOURCE:  Finance Department

COMMENT:  This report reflects the investment portfolio of the City of Porterville as of March 31, 2009, and is in compliance with California Government Code Section 27000, etc., Section 53600, etc., and the City of Porterville's Statement of Investment Policy. Investments are selected based on the statutory objectives of safety, liquidity and yield.

Items identified in the summary include the portfolio composition, weighted average rate of earnings, weighted average days to maturity, and the percentage of liquid holdings.

RECOMMENDATION:  That the City Council accept the quarterly Portfolio Summary.

ATTACHMENTS:  Quarterly Portfolio Summary

<table>
<thead>
<tr>
<th>INVESTMENT OR CUSIP NUMBER</th>
<th>INSTITUTION</th>
<th>PURCHASE PRICE</th>
<th>MARKET VALUE</th>
<th>COUPON INTEREST RATE</th>
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**TOTALS**

$ 51,934,503  $ 52,099,649

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<th>WEIGHTED AVERAGE RATE OF EARNINGS</th>
<th>CURRENT PORTFOLIO HOLDINGS</th>
<th>WEIGHTED AVERAGE DAYS TO MATURITY</th>
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<td>3/31/2008</td>
<td>4.381%</td>
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<td>3.928%</td>
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<td>9/30/2008</td>
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<td>3.913%</td>
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<td>12/31/2008</td>
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<td>3/31/2009</td>
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<tr>
<td>71.635%</td>
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Comments:
Portfolio holdings as of March 31, 2009, are in compliance with the current Investment Policy. With 71.635% of the portfolio being held in liquid instruments, the cash needs of the City will be met. The next portfolio report will be calculated for the second calendar quarter ended June 30, 2009, and will be presented during the August 4, 2009 Council meeting.
COUNCIL AGENDA – MAY 5, 2009

SUBJECT: ATTENDANCE REPORT FOR CITY COMMISSIONS, BOARDS AND COMMITTEES – 3rd QUARTER UPDATE

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: At its meeting of May 6, 2008, the City Council expressed a desire to be kept apprised of member attendance at City Commission, Board and Committee meetings. As such, staff is herein providing for informational purposes the attendance records as of the Third Quarter FY 2008/2009 ended March 31, 2009 for the following City Commissions, Boards, and Committees:

- Parks & Leisure Services Commission;
- Library Board of Trustees;
- Transaction and Use Tax Oversight Committee;
- CDBG Advisory and Housing Opportunity Committee; and
- Redevelopment Advisory Committee.

RECOMMENDATION: Informational Report.

ATTACHMENTS: Attendance Reports
### Parks & Leisure Services Commissioner's Record of Attendance

#### 2007

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<tr>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>June</th>
<th>July</th>
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<th>Sept</th>
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<th>Appt. 10/07</th>
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<td>P</td>
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<tr>
<td>George Luna</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>E</td>
<td>P</td>
<td>P</td>
<td>E</td>
<td>E</td>
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<td>P</td>
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<tr>
<td>Cathy Capone</td>
<td>E</td>
<td>P</td>
<td>E</td>
<td>A</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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P = Present at meeting    E = Excused Absence    A = Absent

#### 2008

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<th>Jan</th>
<th>Feb</th>
<th>Feb</th>
<th>Apr</th>
<th>May</th>
<th>May</th>
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<th>T</th>
<th>A</th>
<th>P</th>
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</thead>
<tbody>
<tr>
<td>Greg Shelton</td>
<td>P*</td>
<td>T</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>George Luna</td>
<td>T</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>E</td>
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</tr>
<tr>
<td>Joe Ruiz</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>E</td>
<td>P</td>
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</tr>
<tr>
<td>Tom O'Sullivan</td>
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<td>P</td>
<td>P</td>
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<tr>
<td>John Hardin</td>
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<td>P</td>
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<tr>
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<td>E</td>
<td>P</td>
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<tr>
<td>Cathy Capone</td>
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|               | 5 | 7 | 7 | 6 | 6 |  |

#### Parks & Leisure Services Commissioner's Record of Attendance

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<td>Feb</td>
<td>Feb</td>
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<tbody>
<tr>
<td>Greg Shelton</td>
<td>P*</td>
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<td></td>
</tr>
<tr>
<td>George Luna</td>
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<td>P</td>
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</tr>
<tr>
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<tr>
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|               | 5 | 7 | 7 | 6 | 6 |   |
LIBRARY BOARD OF TRUSTEES - Attendance Record

P = Present  A = Absent  E = Excused absence

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<td>Mar</td>
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<td>E</td>
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<td>P</td>
<td>A</td>
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*There was a Special Session on January 22, 2008. Hector was absent and Obdulia had an excused absence.

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<td></td>
<td></td>
</tr>
<tr>
<td>Obdulia Guzman Alvarado</td>
<td>T</td>
<td>E</td>
<td>P</td>
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<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Joe Moreno</td>
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</tr>
<tr>
<td>Ellen Nichols</td>
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<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Sharon Patterson</td>
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*Board Members attending a joint commission ethics training on November 6th in lieu of their regular meeting.
Transaction & Use Tax Oversight Committee
Attendance

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<th>Committee Member</th>
<th>Attendance</th>
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<td>Baumgartner, John</td>
<td>20% (1 of 5 meetings)</td>
</tr>
<tr>
<td>Black, Barbra</td>
<td>60% (3 of 5 meetings)</td>
</tr>
<tr>
<td>Eckhoff, Dick</td>
<td>60% (3 of 5 meetings)</td>
</tr>
<tr>
<td>Gillett, Greg</td>
<td>100%</td>
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<tr>
<td>Gray, Bob</td>
<td>80% (4 of 5 meetings)</td>
</tr>
<tr>
<td>Guerrero, Josef</td>
<td>100%</td>
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<tr>
<td>Hickman, Shirley</td>
<td>100%</td>
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<tr>
<td>Irish, Jack</td>
<td>80% (4 of 5 meetings)</td>
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<tr>
<td>McIntyre, Rick</td>
<td>100%</td>
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<tr>
<td>Shelton, Greg</td>
<td>100%</td>
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<td>Committee Member</td>
<td>Year Originally Appointed</td>
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<tr>
<td>Pat Contreras</td>
<td>1988</td>
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<tr>
<td>Linda Olmedo</td>
<td>1997</td>
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<td>Grace Munoz-Rios</td>
<td>1992</td>
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<td>1997</td>
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<td>John Dennis</td>
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<tr>
<td>Rebecca Vigil</td>
<td>2008</td>
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<tr>
<td>Kelle Jo Lowe</td>
<td>2009</td>
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<td>------------------</td>
<td>-----------</td>
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<tr>
<td>Dean Craig</td>
<td>X</td>
</tr>
<tr>
<td>Marlene Marquez</td>
<td>Illness has prohibited attendance. Has indicated desire to continue serving</td>
</tr>
<tr>
<td>Donnette Silva-Carter</td>
<td>X</td>
</tr>
<tr>
<td>Steve Tree, Chairman</td>
<td>X</td>
</tr>
<tr>
<td>Daren Griswold</td>
<td>X</td>
</tr>
<tr>
<td>Francisco Mardigal</td>
<td>X</td>
</tr>
<tr>
<td>Renay Sprague</td>
<td>-</td>
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<tr>
<td>Janice Castle</td>
<td>-</td>
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<tr>
<td>Dick Eckhoff</td>
<td>-</td>
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X = In Attendance
SUBJECT: REQUEST TO RETAIN PRAXAIR SERVICES, INC. TO PERFORM ENHANCED LEAK DETECTION FINAL TEST

SOURCE: Porterville Airport

COMMENT:

Consistent with a requirement of the Regional Water Quality Control Board, in April of 2008, Praxair Services, Inc. performed a test on the Airport fuel system to determine whether there was any leakage of Jet-A fuel that could jeopardize any well located in the area of the fueling facility. The specific requirement is that testing must be performed if a fueling system is within 1,000 feet of a public drinking water well.

When the testing was performed for the Jet-A, contamination was found with the middle tank and was the strongest near the vapor recovery. Though testing for the 100 low lead Avgas should be obtained, at this point there is not an agency or firm that provides the testing so the RWQCB has not required the testing at this time.

Because the testing in April, 2008 disclosed contamination, the Airport Operations Manager has determined that it may come from a vapor recovery system which is partially located above ground. To address this, the vapor recovery system has been abandoned and a quote has been requested from Praxair Services, Inc to retest the system.

Previously authority was received from the City Council to perform the testing consistent with RWQCB requirements. The initial testing cost $11,625 and its cost was shared by the Water Department and the Porterville Airport.

A quote has been received for the new test in the amount of $8,160. The request is to authorize the test and to allocate $4,160 to the Airport and $4,000 to the Water Department.

If the determination is that contamination continues to exist, a larger remediation effort will be required. The assistance of the Public Works Director will be very beneficial in this regard and a plan of work will be defined specifying the cost of the effort and allocating the cost for the remediation. This would be returned to the Council for its consideration of the scope of work and the allocation of resources to accomplish the remediation program.

RECOMMENDATION

Authorize the expenditure of $8,160 to perform an On-site Enhanced Leak Detection retest allocating the cost between the Water Department and Porterville Airport.

[Signatures]

Appropriated/Funded: [Signature] CM: [Signature] Item No. 16
SUBJECT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FORMULA PROGRAM/MEMORANDUM OF UNDERSTANDING

SOURCE: Police Department

COMMENT: On February 17, 2009, President Obama signed into law the landmark American Recovery and Reinvestment Act of 2009 (the "Recovery Act"). As one of its many elements, the Recovery Act provides the U.S. Department of Justice (DOJ) with funding for grants to assist state, local, and tribal law enforcement (including support for hiring), to combat violence against women, to fight internet crimes against children, to improve the functioning of the criminal justice system, to assist victims of crime, and to support youth mentoring.

In determining proper allocations to each jurisdiction, the formula used by the Bureau of Justice Assistance determined that Tulare County is a disparate jurisdiction. This is due to the fact that the sum of the awards for each jurisdiction is greater than 400% over the award for the County. Jurisdictions certified as disparate must identify a fiscal agent that will submit a joint application for the total eligible allocation. The joint application must specify the award distribution to each unit of local government and the purposes for which the funds will be used. When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant/fiscal agent for joint funds, must be completed, and signed by the Authorized Representative for each participating jurisdiction.

After much discussion between all the participating jurisdictions, an agreement was reached. This agreement identifies the Tulare County District Attorney’s Office as the applicant/fiscal agent for the joint funds, as well as reallocating a portion of each jurisdiction’s award to the County. When awarded, the City of Porterville will receive an award of $107, 860. It is the intention of the Police Department to use these monies to fund an Animal Control Officer, the two part-time Cold Case Detectives, and part of the remaining costs of our third School Resource Officer who is primarily funded by the two school districts. No matching funds are required for this grant award.
RECOMMENDATION: That the City Council:

1) Approve the City's participation in the joint request to apply for the Edward Byrne Memorial Justice Assistance Grant Program funding; and
2) Authorize the Chief of Police to sign the Memorandum of Understanding between the City and County and enter into the agreement.

Attachment: Memorandum of Understanding
RESOLUTION NO. ______-2009

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AUTHORIZING THE PARTICIPATION IN AN
AGREEMENT WITH THE COUNTY OF TULARE TO RECEIVE MONIES FROM
THE RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT FORMULA PROGRAM

BE IT HEREBY RESOLVED by the City Council of the City of Porterville as follows:

1. That the City of Porterville agrees to participate in the Memorandum of
Understanding between the County and the City with regard to the
Recovery Act: Edward Byrne Memorial Justice Assistance Grant Formula
Program; and

2. That the funds received through this grant be used in accordance with the
description listed in the Memorandum of Understanding, specifically to
preserve four positions within the Police Department: Animal Control
Officer, two part-time Investigators, and School Resource Officer.

APPROVED AND ADOPTED this 5th day of May, 2009.

________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Lollis, City Clerk

________________________________________
By: Patrice Hildreth, Chief Deputy City Clerk
MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF TULARE, CALIFORNIA
AND THE CITIES OF VISALIA, TULARE, PORTERVILLE, DINUBA, LINDSAY,
EXETER, WOODLAKE, AND FARMERSVILLE, CALIFORNIA

RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into this ___________ day of __April__, 2009, by and
between The COUNTY of TULARE, acting by and through its governing body, the Board of
Supervisors, hereinafter referred to as the COUNTY, and the cities of VISALIA, TULARE,
PORTERVILLE, DINUBA, LINDSAY, EXETER, WOODLAKE, and FARMERSVILLE,
acting by and through their respective governing bodies, the City Councils, hereinafter referred
to as the CITIES or CONTRACTOR(S), all of TULARE County, State of CALIFORNIA,
witnesseth:

WHEREAS, this Agreement is made under the authority of the California Joint
Powers Act contained in Government Code Sections 6500 et seq.: and

WHEREAS, each governing body, in performing governmental functions or in
paying for the performance of governmental functions hereunder, shall make that performance or
those payments from current revenues legally available to that party: and

WHEREAS, each governing body finds that the performance of this Agreement is in
the best interests of both parties, that the undertaking will benefit the public, and that the division
of costs fairly compensates the performing party for the services or functions under this
agreement: and

WHEREAS, the CITIES agree to provide the COUNTY $330,835 from the
Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) JAG Formula Program
award: and

WHEREAS, the CITY and COUNTY believe it to be in their best interests to
reallocating the JAG funds.

WHEREAS, all purchases and activities under the JAG award will be completed
between June 1, 2009 and June 30, 2011.
INTERLOCAL AGREEMENT
RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

NOW THEREFORE, the COUNTY and CITY agree as follows:

Section 1.

As the jurisdiction is certified as disparate, the County of Tulare, District Attorney’s Office will serve as the fiscal agent and submit a joint application to the U.S. Department of Justice, Office of Justice Programs for the total allocation available under the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

Section 2.

The total JAG grant award is $1,170,879, of which the CITIES agree that $330,835 will be allocated to the COUNTY. The award distribution to each unit of local government and the purposes for which funds will be used are as follows:

1) County of Tulare, District Attorney’s Office: $136,146
   a. Preserve Elder Abuse Investigator position.

2) County of Tulare, Sheriff’s Department: $136,146
   a. Purchase equipment and supplies, and other operating expenses necessary to support Community Oriented Policing Unit.

3) County of Tulare, Probation Department: $43,000
   a. Purchase laptop computers for Probation case management system.

4) City of Visalia, Police Department: $351,363
   a. Purchase equipment and supplies essential for operations of Administrations, Patrol, Traffic, Investigations, SWAT, Commanders, Special Enforcement Bureau, and Violent Crime;
   b. Develop Gang Strategic Plan; and
   c. Preserve three contracted positions: DA Victim Coordinator, DA Prosecution Assistant, and Probation Officer.

5) City of Tulare, Police Department: $183,472
   a. Purchase switching station and broadband licenses;
   b. Purchase three police vehicles for, and equipment essential to operations of, Problem Orientated Policing Unit;
   c. Audio/Video recording system for interview room; and
   d. Helicopter high intensity search light.

6) City of Porterville, Police Department: $107,860
   a. Preserve four positions: Animal Control Officer, two part-time Investigators, and School Resource Officer.
INTERLOCAL AGREEMENT
RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

7) City of Dinuba, Police Department: $68,213
   a. Purchase DATALUX Mobile Data Terminals.

8) City of Exeter, Police Department: $17,887
   a. Purchase Mobile Video Surveillance System.

9) City of Lindsay, Police Department: $32,521
   a. Purchase mandated Project 25 (P-25) compliant portable handheld radios.

10) City of Farmersville, Police Department: $20,190
    a. Purchase mandated Project 25 (P-25) compliant portable handheld radios.

11) City of Woodlake, Police Department: $15,448
    a. Purchase in-car video systems for patrol units.

12) County of Tulare, District Attorney’s Office: $58,543
    a. Grant Administration: Project Director, Grants and Program Coordinator, and Administrative Services Officer.

Section 3.

Each party to this agreement will ensure that, in accordance with the Office of Justice Programs Financial Guide (Part II, Chapter 3), federal funds will be used to supplement existing state and local funds for program activities and will not replace, or supplant, those funds that have been appropriated for the same purpose.

Section 4.

The parties to this Agreement will ensure that, pursuant to section 1602 of the Recovery Act, grant funds will be used in a manner that maximizes job creation and economic benefit.

Section 5.

Each party to this agreement will track, account for, and report on funds from the Recovery Act grant separately from all other funds (including funds from non-Recovery Act grants awarded for the same or similar purposes or programs), and consistent with the Recovery Act emphasis on accountability and transparency, will not commingle Recovery Act funds with funds from any other source.

Section 6.

Each party to this agreement will track and report on the specific outcomes and benefits attributable to use of Recovery Act funds.
INTERLOCAL AGREEMENT
RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

Section 7.

The parties to this Agreement will ensure that, in accordance with the requirements set forth in Section 1512(c) of the Recovery Act, quarterly financial and programmatic reports (including reports on subawards) will be submitted within ten (10) calendar days after the end of each calendar quarter, starting July 10, 2009; further, that consistent with the Recovery Act emphasis on accountability and transparency, receipt of funds will be contingent on meeting the Recovery Act reporting requirements.

Section 8.

As the fiscal agent for these grant funds, the COUNTY will be responsible for oversight of subawardee spending and monitoring of specific outcomes and benefits attributable to use of Recovery Act funds, in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide.

Section 9.

In the event that any portion of the District Attorney's expenditure claims fail to qualify, or are disallowed for reimbursement, by the Federal agency, it is then the responsibility of the District Attorney, and Department Head or City Manager submitting the claim, to jointly notify the County Administrative Officer and Board of Supervisors. Department Head or City Manager will be financially responsible for repayment of unallowable expenditures.

Section 10.

The reimbursement requests shall be documented in such reasonable detail as the District Attorney's Office may require, consistent with the requirements of the County Auditor's Office, the Office of Justice Programs, and the American Recovery and Reinvestment Act of 2009 (Public Law 111-5). Documentation shall establish that the funds were expended for the intended purposes stated in the MOU and grant application. The reimbursement request shall include the claim period, MOU/Agreement number, and be submitted within five (5) calendar days after the end of each month.

Section 11.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Tort Claims Act.
Section 12.

Nothing in the performance of this Agreement shall impose any liability for claims against CITIES other than claims for which liability may be imposed by the Tort Claims Act.

Section 13.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 14.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 15.

It is mutually agreed that if the Recovery Act of the Federal Government for the current year and/or any subsequent years covered under this agreement does not appropriate sufficient funds for the program, this agreement shall be of no further force and effect. In this event, the COUNTY shall have no liability to pay any funds whatsoever to the Contractor to furnish any other consideration under this agreement and the Contractor shall not be obligated to perform any provisions of this agreement.

Termination with Cause: This Agreement may be terminated with cause by either party should the other party:

1. be adjudged a bankrupt, or
2. become insolvent or have a receiver appointed, or
3. make a general assignment for the benefit of creditors, or
4. suffer any judgment which remains unsatisfied for thirty (30) days, and which would substantively impair the ability of the judgment debtor to perform under this Agreement, or
5. materially breach this Agreement.

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

COUNTY will pay to the CONTRACTOR the compensation earned for work performed and not previously paid for to the date of termination. COUNTY will not pay lost anticipated profits or other economic loss, nor will the COUNTY pay compensation or make reimbursement to cure a breach arising out of or resulting from such termination. If the expense of finishing the CONTRACTOR’s scope of work exceeds the unpaid balance of the agreement, the CONTRACTOR must pay the difference to the COUNTY. The payment of such compensation is subject to the restrictions on payment of compensation otherwise provided in this Agreement, and is conditioned upon receipt from CONTRACTOR of any and all plans, specifications and estimates, and other documents prepared by CONTRACTOR by the date of termination in accordance with this Agreement. Sanctions taken will be possible rejection of future proposals based on specific causes of non-performance.

Effects of Termination: Expiration or termination of this Agreement shall not terminate any obligations to indemnify, to maintain and make available any records pertaining to the Agreement, to cooperate with any audit, to be subject to offset, or to make any reports of pre-termination contract activities. Where CONTRACTOR’s services have been terminated by the COUNTY, said termination will not affect any rights of the COUNTY to recover damages against the CONTRACTOR.

Suspension of Performance: Independent of any right to terminate this Agreement, the authorized representative of COUNTY for which CONTRACTOR’s services are to be performed, may immediately suspend performance by CONTRACTOR, in whole or in part, in response to health, safety or financial emergency, or a failure or refusal by CONTRACTOR to comply with the provisions of this Agreement, until such time as the cause for suspension is resolved, or a notice of termination becomes effective.

Section 16.

This Agreement shall be executed in duplicate originals, with each party to retain a fully-executed duplicate original. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all such counterparts shall together constitute but one and the same document. Facsimile signatures shall be considered as binding as original signatures.
INTERLOCAL AGREEMENT
RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

Section 17.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

COUNTY of TULARE, California
Chairman, Board of Supervisors

CITY of DINUBA, California
City Manager or Chief of Police

COUNTY of TULARE, California
District Attorney

CITY of EXETER, California
City Manager or Chief of Police

COUNTY of TULARE, California
Sheriff

CITY of LINDSAY, California
City Manager or Chief of Police

COUNTY of TULARE, California
Chief Probation Officer

CITY of FARMERSVILLE, California
City Manager or Chief of Police

CITY of VISALIA, California
City Manager or Chief of Police

CITY of WOODLAKE, California
City Manager or Chief of Police

CITY of TULARE, California
City Manager or Chief of Police

APPROVED AS TO FORM:

COUNTY of TULARE, California
County Counsel

CITY of PORTERVILLE, California
City Manager or Chief of Police
SUBJECT: LAW ENFORCEMENT JOINT USE HELICOPTER PROGRAM

SOURCE: Police Department

COMMENT: On October 7, 2008, the Council received an informational staff report with regards to Blue Sky Aviation, Inc. The Council was informed that Tulare County does not currently have an air support program for law enforcement. We have relied on the CHP helicopter based out of Fresno or other neighboring counties that have air support divisions. Any request for air support is determined on the availability of the helicopter, which generally is committed to other incidents. In most instances, the police department receives air support in critical incidents. It is not usually available or used proactively in providing law enforcement services.

In July 2008, the TCCA met with Blue Sky Aviation to review the proposal for providing helicopter support service for Tulare County law enforcement agencies. Blue Sky Aviation designed their service to include all aspects of air support. Their company installed communication equipment in the helicopter allowing communications with each agency in Tulare County. Additionally, Blue Sky Aviation conducted a pilot program with Tulare Police Department by providing helicopter service on law enforcement incidents within the City of Tulare. Mr. Overacker offered to conduct a pilot program for the Porterville Police Department as well. Since that meeting, Blue Sky Aviation has been conducting the pilot program with our department and that program has proven successful. In addition, a searchlight for the helicopter has been purchased and has been installed. The availability of the helicopter has been greatly increased, and it is now able to be utilized during hours of darkness.

Since the last informational staff report, a Joint Powers Agreement for Airborne Law Enforcement Services has been drafted. This agreement creates a separate legal entity, known as the Airborne Law Enforcement Services ("ABLE"). ABLE will be managed by a Board consisting of the Chiefs of Police of each member agency, or their designees. At this time, the proposed member agencies are the Cities of Porterville, Tulare, Lindsay, Exeter, Farmersville, Woodlake, and Dinuba. The attached Agreement delineates the responsibilities and liabilities of each member agency with regard to the program and has been reviewed by the City Attorney.
RECOMMENDATION: That the City Council:

1) Approve the Joint Powers Agreement for Airborne Law Enforcement Services; and
2) Authorize the Mayor to execute the agreement on behalf of the City of Porterville.

Attachment: Joint Powers Agreement for Airborne Law Enforcement Services
JOINT POWERS AGREEMENT FOR
AIRBORNE LAW ENFORCEMENT SERVICES

This Agreement is made and entered into by and between the Cities of: Tulare, Porterville, Lindsay, Exeter, Farmersville, Woodlake and Dinuba, collectively referred to as "Member Agencies." This Agreement is dated April 14, 2009 for reference purposes.

RECITALS

WHEREAS, the Member Agencies have and possess the power to acquire and maintain a public law enforcement helicopter service and facilities for the benefit of the lands and inhabitants within their respective boundaries; and

WHEREAS, the Member Agencies propose to join together to establish, operate and maintain a helicopter service for the benefit of their respective lands and inhabitants; and

WHEREAS, it is in the public interest to provide a means by which other public agencies acquire helicopter service for the benefit of their lands and inhabitants.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein the parties hereto agree as follows:

I
PURPOSE

1.01 The purpose of this Agreement is to cooperate with each Member Agency in the exercise of some or all of their powers to establish a regional air support unit in the manner set forth in this Agreement.

1.02 Each Member Agency expressly retains all rights and powers to finance, plan, develop, construct, equip, maintain, repair, manage, operate, and control equipment, facilities, properties, and projects that it deems in its sole discretion to be necessary or desirable and that are authorized by the laws governing it. This Agreement shall in no way impair any of the Member Agencies' respective rights, powers or title to such equipment, facilities, properties and projects.

1.03 Each Member Agency expressly retains all rights and powers to use other funds or funding sources to finance, plan, develop, construct, equip, maintain, repair, manage, operate and control equipment and facilities for a law enforcement helicopter service system.

II
CREATION OF REGIONAL AIR SUPPORT UNIT

2.01 By this Agreement, the Member Agencies hereby create a separate legal entity to be known as the Airborne Law Enforcement Services ("ABLE"). The Member Agencies may agree on a different call name for ABLE.

2.02 ABLE shall possess in its own name and the Member Agencies delegate to it the following enumerated powers:
(a) To make and enter into contracts consistent with this Agreement, including, but not limited to, contracts to lease or purchase and/or dispose of supplies and equipment, including helicopters;

(b) To receive compensation, gifts, contributions and donations of property, funds, services and other forms of financial assistance from persons, firms, corporations, and any governmental entity;

(c) To sue and be sued in its own name;

(d) To apply for an appropriate grant or grants under any Federal, State, or local programs for assistance in developing any of its programs or providing helicopter services to other public entities;

(e) To adopt rules, regulations, policies, by-laws and procedures governing the operation of ABLE;

(f) To add Member Agencies to ABLE and execute agreements and resolutions consistent with the terms of this Agreement;

(g) To contract with public entities to provide helicopter services to their land and residents;

(h) To appoint officers, employees or agents.

(i) It is the intent of the parties to this agreement that ABLE shall constitute a separate legal entity separate and apart from the member agencies, and that its debts, obligations and liabilities are its own and not that of the member agencies, except as specifically provided for herein.

2.03 Said powers shall be exercised in the manner provided in the California law, Joint Exercise of Powers, Government Code section 6500, et seq., and, except as expressly set forth herein, shall be subject to the restrictions upon the manner of exercising such powers as are imposed upon the Member Agency whose employee or officer is designated as ABLE Treasurer/Controller pursuant to section 3.12 below.

III

ORGANIZATION

3.01 The membership of ABLE shall be the original Member Agencies, and any additional Member Agencies, which are public entities that contribute aircraft, equipment, flight crews and/or other employees and/or funding for aircraft, equipment, flight crews and/or other employees to ABLE and have executed this Agreement, and any subsequent amendments thereto, and which have not withdrawn from ABLE.

3.02 ABLE shall be managed by a Board consisting of the Chiefs of Police of each Member Agency or an appointee from each Member Agency designated by each Chief of Police to represent their department for a total of seven (7) Board Members. Each Member agency may appoint an alternate to represent them on the board. Each Board member, or in the absence of a Board member, the alternate shall have one vote on all matters before the Board. The
members of the Board appointed by the Chiefs of Police may be replaced from time to time at
the appointing Chief’s discretion.

3.03 Each Board member and alternate shall hold office until a successor is selected, elected or
appointed, as the case may be, under the powers of each Member Agency. The term of the
Board member or alternate who is a public official or employee of a Member Agency shall
terminate upon such Board Member or alternate leaving office and the vacancy shall be filled by
selection, election or appointment, as the case may be, under the powers of each Member
Agency.

3.04 Board members and alternates shall not receive additional compensation for the service on
ABLE Board.

3.05 The principal office of ABLE shall be established by the Board and shall be located within
the County of Tulare. The Board may change the principal office from one location to another
within the County of Tulare. Any change of address shall be noted by the Board but shall not be
considered an amendment to this Agreement.

3.06 The Board shall meet at a location as may be designated by the Board. The time and place
of regular meetings of the Board shall be determined by resolution adopted by the Board. A
copy of such resolution shall be furnished to the Member Agencies. All meetings of the Board,
including regular, adjourned, and special meetings, shall be called and held in a manner as
provided in the Ralph M. Brown Act, Chapter 9, Division 2, Title 5 of the California Government
Code commencing with section 54950 et seq., as amended.

3.07 All of the powers and authority of ABLE shall be exercised by the Board unless specifically
delegated to the extent permitted by law or reserved to the Member Agencies under this
Agreement. Unless otherwise provided herein, each Board Member shall be entitled to one (1)
vote. Except as otherwise provided herein, an affirmative majority vote of the full membership
of the Board, or their alternate, may adopt any motion, resolution, or order and take any other
action appropriate to carry forward the objectives of ABLE pursuant to this agreement.

3.08 The Board shall designate a recording secretary to keep the minutes of all open meetings
of the Board, and shall cause a copy of such minutes to be forwarded to each Member Agency
within a reasonable time after each meeting.

3.09 The Board may adopt from time to time policies, rules and regulations for the conduct of its
affairs and that of ABLE as may be required and consistent with this Agreement.

3.10 Where this Agreement requires an approval of a resolution by Member Agencies in any
matter, the approval shall be evidenced by a certified copy of the resolution of the governing
body of such Member Agency filed with ABLE. It shall be the responsibility of the Board to
obtain certified copies of said actions.

3.11 On an annual basis, the Board shall appoint a Board member to be the presiding officer for
the purpose of conducting the Board meetings.

3.12 The Board shall appoint an officer or employee of a Member Agency to hold the offices of
Treasurer and Controller ("Treasurer/Controller"), whose duties shall be in conformance with
Government Code sections 6505 and 6505.5. The Treasurer/Controller shall also administer all
contracts subsequent to the Board's approval and shall contract with a certified public accountant to make an annual audit of the accounts and records of ABLE as provided in Government Code section 6505. The annual audit shall be submitted to the Board and each Member Agency when completed. The budget, covering a budget cycle set by the Board, shall be prepared by the Treasurer/Controller for the approval by the Board. ABLE’s investment policies shall be the policies of the Member Agency of the Treasurer/Controller as those may be modified by the Board of ABLE.

3.13 The Board shall have the power to appoint additional officers, employees, or agents. Any officer, employee or agent of ABLE shall also be an officer, employee or agent of any of the Member Agencies, provided, however, that ABLE may appoint employees of ABLE that are subject to the personnel system of ABLE and said employees would not be employees of the Member Agencies. The appointment by the Board of such a person from a Member Agency shall be evidence that the two positions are compatible.

3.14 The City Attorneys or their Deputies of the Member Agencies shall serve jointly as counsel to ABLE, to the extent permitted by such waivers of conflict of interests to authorize such representation as may be executed by the Member Agencies and ABLE Board.

3.15 The officers shall perform all duties normal to their respective offices and:
   (a) The presiding officer shall sign all contracts on behalf of ABLE board.
   
   (b) The secretary shall perform such duties as assigned by the Board and shall keep minutes of the board meetings.
   
   (c) The Treasurer/Controller shall be bonded in the amount to be determined by the Board and the bond fee shall be paid by ABLE. The Treasurer/Controller shall perform the duties as set forth in Sections 3.12, 4.02, 4.03, 4.04, 4.05, 4.09 and 4.10.

3.16 The Board shall appoint a Commander to manage and oversee day-to-day operations of ABLE. The Commander shall manage the daily operations of ABLE and supervision of the other employees appointed by ABLE Board, or contracted by ABLE to include the helicopter crews and mechanics of ABLE and mechanics of other Member Agencies as directed by ABLE.

3.17 All of the privileges and immunities from liability, exemption from laws, ordinances and rules, all relief, pension, disability, worker's compensation, and other benefits which apply to the activity of officers, employees, or agents of any of the Member Agencies when performing their respective functions for their respective Member Agency shall apply to them to the same degree and extent while they are assigned to ABLE to perform any of the functions and other duties of ABLE under this Agreement. None of the officers, agents or employees of a Member Agency appointed to the Board or performing services at the direction of ABLE shall be deemed by reason of their appointment or service to be employed by any of the other Member Agencies or ABLE or be subject to any of the requirements of the other Member Agencies.
IV
BUDGET AND DISBURSEMENTS

4.01 The Board shall adopt a budget for the ensuing fiscal year(s) pursuant to procedures developed by the Board. At the conclusion of each fiscal year, the Treasurer/Controller shall make a report to the Board regarding the excess or deficiency of revenues over (or under) expenditures. Such report shall include “budget to actual” comparisons based upon the adopted budget. Upon receipt of the report, the Board shall determine what extent, if any, unexpended budgetary appropriations shall be re-appropriated or whether any excess of revenues over expenditures shall be allocated or expended.

4.02 The Treasurer/Controller shall draw warrants upon the approval and written order of the Board or the Board’s designated Presiding Officer. The Board shall requisition the payment of funds only upon approval of such claims or disbursements and such requisition for payment in accordance with rules, regulations, policies, procedures, and by-laws adopted by the Board.

4.03 All funds received by the Treasurer/Controller for helicopter services provided by ABLE, will be placed in object accounts, and the receipt, transfer, or disbursement of such funds during the term of this Agreement shall be accounted for in accordance with generally accepted accounting principles applicable to governmental entities. There shall be strict accountability of all funds. All revenues and expenditures shall be reported to the Board on a quarterly basis.

4.04 All expenditures within the approved budget shall be made upon the approval of the Treasurer/Controller in accordance with the rules, policies and procedures adopted by the Board. No expenditure in excess of those budgeted shall be made without the approval of the Board and the budget shall thereafter be revised and amended.

4.05 The records and accounts of ABLE shall be audited annually by an independent certified public accountant and the cost of the audit shall be paid by ABLE. The minimum requirements shall be those prescribed by the State Controller under California Government Code section 26909 and in conformance with generally accepted auditing standards. Copies of such audit report shall be filed with the County Auditor and each Member Agency no later than fifteen (15) days after receipt of said audit by the Board.

4.06 The Member Agencies have agreed by resolution through their respective City Councils to fund on an as-needed basis ABLE helicopter operations fund through annual budget appropriations. The subject resolutions shall not limit the authority of each Member Agency to cease appropriations for ABLE helicopter operations as determined by their respective City Councils, provided, however, that a decision to cease appropriations shall be subject to the terms of Section 6.2, below.

4.07 The Member Agencies acknowledge and agree that ABLE will act as a conduit for the management, direction and provision of law enforcement helicopter services to the Member Agencies and to other public agencies that contract with ABLE for such services. The Commander shall keep a written account of the actual flight hours of the services provided to each Member Agency, and other documentation as may be requested by the board. The written account of such flight hours shall be provided to the Board on a monthly basis.
4.08 Based on information provided by the Commander, the Treasurer/Controller shall keep a written account of services provided to Member Agencies by ABLE. All revenues received from Member Agencies contracting or receiving services from ABLE for helicopter services shall be offset each Member Agency’s obligation to fund ABLE’s operations pursuant to sections 4.06. Such revenues shall be applied equally against the monthly invoice to each Member Agency that used ABLE services for said funding for the month following the month in which the revenues are received.

V
LIABILITIES

5.01 ABLE and the Member Agencies agree that the Member Agencies should be fully protected from any loss, injury, liability, damage, claim, lawsuit, cost or expense arising out of, or in any way related to, the performance of this Agreement by ABLE. Accordingly, the provisions of this Agreement should be broadly construed in favor of protection for the Member Agencies and interpreted to provide the fullest possible protection to the Member Agencies and Member Agency’s officers and employees. ABLE acknowledges that the Member Agencies would not have entered into this Agreement in the absence of the commitments of ABLE as specified in this Article V.

5.02 The Member Agencies acknowledge that each agency is assigning its own personnel to a cooperative pool of personnel to be managed by ABLE. ABLE shall be solely responsible for and retain all debts, liabilities, and other obligations for all activities for which ABLE has insurance coverage in effect at the time of any such claim, loss, liability or obligation. The Member Agencies shall equally share and retain all debts, liabilities, insurance, and other obligations for its personnel assigned to ABLE and for any claims or liabilities for which ABLE does not have insurance coverage.

5.03 ABLE shall, to the fullest extent permitted by law, protect, defend, indemnify and hold free and harmless the Member Agencies and their respective elected and appointed boards, officers, and employees from and against any and all liabilities, damages, claims, expenses, actions or proceedings of any kind or nature, including, but not by way of limitation, claims for personal injury by ABLE employees, and attorney fees and costs, for injury to or death of any person, and for injury or damage to any property, including consequential damages, resulting or arising out of or in any way connected with the negligent acts or failure to act in the performance of this Agreement by ABLE and for which ABLE has insurance coverage in effect at the time of any such claim, loss, liability or obligation.

5.04 Any contract with a non-member public agency receiving services pursuant to this Agreement shall include a mutual indemnification provision wherein AGENCY and ABLE shall agree to defend and indemnify the other in an amount equal to its proportionate share of liability on a comparative fault basis. The contract shall also provide: 1) That the indemnity obligation shall exist with respect to any claim, loss, liability, damage, lawsuit, cost, or expense that arises out of, or in any way related to, the performance of services by ABLE pursuant to the contract; and 2) The obligation of AGENCY and ABLE pursuant to the indemnification provision will extend, to the fullest extent permitted by law, without limitation, to an injury, death, loss or damage which occurs in the performance of the contract and which is sustained by any third party, any agent or contractor of AGENCY or ABLE.

5.05 Member Agencies shall be responsible for the continued provision of worker’s compensation coverage for the officers or agents of the Member Agencies that are assigned to ABLE to perform this Agreement and/or serve as officers or employees of ABLE. In this regard,
each Member Agency shall defend, indemnify and hold harmless ABLE and any other Member Agencies, and their respective officers, employees, contractors, agents and representatives with respect to any claim, loss, liability, damage, lawsuit, cost or expense that arises out of, or is in any way related, to any industrial/worker compensation injury sustained by an employee of the indemnifying Member Agency during the performance of service by ABLE or the responding Member Agencies under this Agreement.

5.06 ABLE shall employ the principles of sound risk management in its aviation operations. Risks of loss shall be identified, evaluated, and treated in a manner that protects ABLE and each Member Agency from adverse financial consequences.

VI
ADMISSION AND WITHDRAWAL OF PARTIES

6.01 Additional public agencies that contribute aircraft equipment and/or funding may become Member Agencies to ABLE upon such terms and conditions as provided by the Board and upon the unanimous consent of the existing Member Agencies as evidenced by approval of resolutions therefore and the execution of a written amendment to this Agreement by all of the Member Agencies, including the additional Member Agency.

6.02 The withdrawal of any Member Agency, either voluntarily or involuntarily shall, unless otherwise provided for by the Board, be conditioned as follows:

(a) Involuntary withdrawal shall mean those circumstances where a Member Agency must withdraw due to fiscal or budgetary impacts which discontinue the ability of that agency to fund flight operations;

(b) In the case of a voluntary withdrawal, written notice shall be given one hundred twenty (120) days prior to the end of fiscal year except that such notice may be shortened by unanimous approval of the Board;

(c) Neither voluntary or involuntary withdrawal shall relieve the withdrawing Member Agency of its proportionate share of any debts or other liabilities incurred by ABLE, on behalf of that agency, prior to the effective date of the Member Agency's withdrawal, nor any liabilities imposed upon or incurred by the Member Agency pursuant to this Agreement prior to the effective date of the Member Agency's withdrawal;

(d) Withdrawal shall not result in the forfeiture of that Member Agency's rights and claims relating to revenues received by ABLE during the time period that the Member Agency provided services under ABLE direction.
VII
TERMINATION AND DISPOSITION OF ASSETS

7.01 ABLE shall continue to exist and exercise the powers herein until this Agreement is
terminated by action of the Member Agencies; provided, however, that no termination shall be
complete and final until ABLE has satisfactorily disposed of all financial obligations and claims,
distributed all assets, and performed all other functions deemed necessary by the Board to
conclude the affairs of ABLE.

7.02 Termination shall occur upon the written consent of all Member Agencies, upon the
withdrawal from ABLE of a sufficient number of the Member Agencies to leave fewer than two
(2) Member Agencies remaining in ABLE and full satisfaction of all outstanding financial
obligations of ABLE. However, no such termination shall occur until all other contractual
obligations of ABLE have been satisfied.

7.03 In the event of the termination of this Agreement, any funds remaining following the
discharge of all obligations shall be disposed of by returning to each current Member Agency of
ABLE immediately prior to the termination of this Agreement, a share of such funds
proportionate to the contribution made to ABLE by said Member Agency, to the extent
determined by the Board in its sole discretion to be fair and equitable.

VIII
MISCELLANEOUS

8.01 Amendments.

This Agreement may be amended with the unanimous approval of all Member Agencies;
provided, however, that no amendment may be made which would adversely affect the
interests of the owners of bonds, letters of credit or other financial obligations of ABLE.

8.02 Notices.

Any notice or instrument required to be given or delivered by depositing the same in any United
States Post Office, registered or certified, postage prepaid, addressed to the Member Agencies,
shall be deemed to have been received by the Member Agency to whom the same is addressed
at the expiration of seventy-two (72) hours after deposit of the same in the United States Post
Office for transmission by registered or certified mail as aforesaid.

8.03 Effective Date.

This Agreement shall be effective at such time as this Agreement has been executed by any
two or more of the Member Agencies enumerated in the introduction of this Agreement.

8.04 Conflicts of Interest.
No officer or employee of any Member Agency shall have any financial interest, direct or
indirect, in ABLE. Nor shall any such officer or employee participate in any decision relating to
ABLE which affects his or her financial interests or those of a corporation, partnership, or
association in which he or she is directly or indirectly interested, in violation of any State law or
regulation. All officers and employees shall comply with the applicable provisions of the California Political Reform Act and the applicable sections of Government Code Section 1090 et seq.

8.05 Mediation.

(a) Any controversy or claim between any two or more Member Agencies, or between any such Member Agency or Member Agencies and ABLE, with respect to ABLE's operations, or to any claims, disputes, demands, differences, controversies, or misunderstandings arising under, out of, or in relation to this Agreement, shall be submitted to Mediation, with the Mediator mutually agreed to by the parties involved in the controversy or claim.

(b) If the parties are unable to resolve the controversy or claim via Mediation, the parties may proceed with any available remedies provided by applicable law. Venue for any legal action shall be Tulare County.

8.06 Partial Invalidity.

If any one or more of the terms, provisions, sections, promises, covenants or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable or void for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, sections, promises, covenants and conditions of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

8.07 Successors.

This Agreement shall be binding upon and shall inure to the benefit of the successors of the Member Agencies hereto.

8.08 Assignment.

A Member Agency shall not assign any rights or obligations under this Agreement without the written consent of all other Member Agencies.

8.09 Execution.

The legislative bodies of the Member Agencies enumerated herein have each authorized execution of this Agreement, as evidenced by the authorized signatures below, respectively.

8.10 Entire Agreement.

This Agreement, supersedes any and all other agreements whether oral or written, between the parties hereto with respect to the subject matter hereof and contains all of the covenants and agreements between the parties with respect to said matter, and each party to this Agreement acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not
embodied herein, and that any other agreement or modification of this Agreement shall be effective only if executed in writing and signed by ABLE and all Member Agencies.

CITY OF PORTERVILLE
Dated: ________________

Cameron Hamilton, Mayor

CITY OF TULARE
Dated: ________________

Craig Vejvoda, Mayor

CITY OF LINDSAY
Dated: ________________

Ed Murray, Mayor

CITY OF EXETER
Dated: ________________

Leon Ooley, Mayor

CITY OF FARMERSVILLE
Dated: ________________

Leonel Benavides, Mayor

CITY OF WOODLAKE
Dated: ________________

Raul Gonzales, Jr., Mayor

CITY OF DINUBA
Dated: ________________

Mark Wallace, Mayor
SUBJECT: STATUS REPORT ON COSTS FOR CITY-FUNDED SUPPLEMENTAL INSURANCE FOR HISTORICAL PARADES

SOURCE: ADMINISTRATIVE SERVICES DEPT./RISK MANAGEMENT

COMMENT: Pursuant to Council direction, staff is in the process of obtaining quotes for supplemental special event coverage for the City’s three historical parades – Cinco de Mayo, Veteran’s, and the Children’s Christmas Parade. Because of the increasing costs for insurance coverage and the historical importance of the three parades in the community, Council expressed an interest to consider a policy to annually fund supplemental coverage.

In order to obtain a quote for special event coverage for each parade, a separate, highly detailed application requiring historical data for each event is required. Because City staff does not have direct access to much of the data required, staff is working with the Porterville Chamber of Commerce to complete the applications. Once the applications are completed and submitted, and the quotes for each parade obtained, staff will bring the item back to the Council for its consideration.

It is important to note, the required insurance coverage for the 2009 Cinco de Mayo Parade was provided by Comision Honorifica Americana. The Comision has, however, requested the City’s future assistance in this regard citing the increasingly-prohibitive costs for providing such coverage.

RECOMMENDATION: Informational report only.
SUBJECT: Tulare County Workforce Investment Board Youth@Work Community Improvement Projects Program in the City of Porterville

SOURCE: City Manager

COMMENT: From funds received through the American Recovery and Reinvestment Act (ARRA) of 2009, the Tulare County Workforce Investment Board (WIB) has received $4 million to be invested in putting at-risk youth to work this summer on projects in communities throughout the County. Community Services Employment Training, Inc. (CSET) has partnered with WIB in the administration of the summer at-risk youth work program, and has proposed to the City of Porterville the placement of up to 150 youth to work within the Porterville community. Staff is working to define projects and identify necessary equipment and materials that will be required to support the summer work program. In addition, staff is also working to identify supervision capabilities for the youth, as CSET has funds available to commit to only four supervisors for the program. With the number of youth involved in the program, at least fifteen supervisors will be required for the program, most of which will come from current City staff. It is anticipated that at least $50,000 in City funds will need to be appropriated to support the program with equipment, materials, and some specialized part-time supervision (carpentry, concrete, etc).

For information and reference, City staff has defined the following summer work program projects:
- Airport Operations and Maintenance
- Animal Shelter Operations and Maintenance
- Curb Striping and Sidewalk Weed Abatement
- Department Office and Library Operations Support
- Downtown Tree Well Maintenance
- Facility Cleaning/Maintenance/Painting
- Main Street Brick Cap Cleaning and Planter Maintenance
- Median Irrigation Improvements and Maintenance
- Parks Concrete and Landscape Maintenance
- "Rails to Trails" and Tuile Parkway Landscape Maintenance
- Slough Weed Abatement
- Summer Youth Day Camp Support
- Zalud House Arbor and Trellis Rebuilding

RECOMMENDATION: Information Only
SUBJECT: MEMORANDUM OF UNDERSTANDING WITH COMMUNITY SERVICES EMPLOYMENT TRAINING, INC. (CSET) AS OPERATOR OF PORTERVILLE EMPLOYMENT CONNECTION ONE-STOP CENTER

SOURCE: City Manager

COMMENT: The Tulare County Workforce Investment Board (WIB) is modifying its operation of the Employment Connection Centers (ECC) within the County, seeking service providers to operate the "One-Stop" offices beginning in July 2009. CSET has served as an active partner in the ECC since their inception, and is seeking the contract with the WIB to operate the "One-Stop" office in Porterville. The WIB’s proposal for operation requires the identification of other agencies and organizations that would partner in support, promotion, advisement, and offer/use of services of the ECC. CSET has requested the City of Porterville’s partnership in the ECC, and a Memorandum of Understanding has been provided to codify the partnership. Should another service provider seek the City’s support for partnership, the City is not prohibited from supporting that service provider in their application as well.

RECOMMENDATION: That the City Council approve the Memorandum of Understanding with CSET regarding the operation of the ECC in Porterville, and to authorize the Mayor to sign the agreement.

ATTACHMENT: Memorandum of Understanding
Memorandum of Understanding
between
Community Services Employment Training, Inc. / One-Stop Operator
and
City of Porterville

This MOU is made and entered into between Community Services Employment Training, Inc. (hereinafter called "CSET") and City of Porterville (hereinafter called "City") for the purpose of integrating resources for the Porterville Employment Connection One-Stop Center.

1. ROLES AND RESPONSIBILITIES:
   A. The City of Porterville agrees to:
      1. Inform and refer businesses and residents to Porterville Employment Connection One-Stop Center services such as:
         - Customized recruitments
         - Work Keys Assessment
         - Lay-off aversion services
         - EDD CalJOBS to register job openings
         - Training and jobs for job seekers
      2. Provide employer seminars offered as part of the City’s Economic Development and other programs
      3. Offer courses on entrepreneurship and business sustainability
      4. Offer business information services that support local business growth and success
   B. CSET (One-Stop Operator) agrees to:
      1. Provide and offer Integrated One-Stop Career Coaching to One-Stop customers and
         a. Keep the City informed of business services and resources
         b. Present resources and services at meetings and events as requested
         c. Market economic development and other services to One-Stop business customers
         d. Provide resources and access to customized recruitments, job training reimbursement, and available and job ready candidates.

2. HOLD HARMLESS PROVISION: City and CSET each agree to indemnify and hold harmless the other, its officers, agents, and employees from all claims or demands of liability caused by the indemnifying party during or after the completion of this MOU.

3. TERMS: This MOU shall be in effect from July 1, 2009 through June 30, 2010 contingent on funding availability. Both parties understand that this MOU is written before ascertaining program funding. An MOU with specific commitments for the contract period will be written upon receipt of an executed agreement with the Tulare County Workforce Investment Board.

4. CONTACTS:
   CSET:
   Mary Rodarte, Workforce Division Director
   P.O. Box 1350, Visalia, CA 93279
   Phone: (559) 732-4194
   Fax: (559) 732-0233
   Email: mary.rodarte@cset.org

   City of Porterville Chamber
   John Lollis, City Manager
   291 N. Main St, Porterville, CA 93257
   Phone: (559) 782-7466
   Fax: (559)
   Email: jlollis@ci.porterville.ca.us

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

For CSET:  
Signature ___________________________ Date ________________
Carolyn Rose, Executive Director

For City of Porterville:  
Signature ___________________________ Date ________________
Cameron Hamilton, Mayor
PUBLIC HEARING

SUBJECT: ADOPTION OF THE 2009/2010 ACTION PLAN FOR INVESTMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDS.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The U.S. Department of Housing and Urban Development (HUD) requires all CDBG entitlement cities to prepare a three- or five-year Consolidated Plan. Porterville’s 2005 Five-Year Consolidated Plan was adopted by the City Council on May 3, 2005 and subsequently submitted to and approved by HUD. This 2009/2010 Action Plan reflects the fifth year investment plan within the scope of the Consolidated Plan.

The Annual Action Plan, provided as Attachment No. 1, identifies activities the City will undertake during the next year to address priority needs of lower income households. Proposed activities are designed to benefit lower income households by maintaining affordable housing, achieving public housing improvements, removing barriers to affordable housing, evaluating and reducing lead-based hazards, reducing the number of households with incomes below the poverty line, improving job availability, enhancing the institutional structure to address the needs of lower income households, addressing obstacles to meeting under served needs, and enhancing coordination between public and private housing and social service agencies.

The Action Plan presents ongoing and proposed CDBG funded programs for the Fiscal Year (FY) beginning July 1, 2009 through June 30, 2010. Implementation of the Action Plan includes administering approximately $704,102 of 2009 CDBG Entitlement funds for a variety of programs and projects accompanied by program income generated by the First-Time Low Income Home Buyer Program, the Owner Occupied Housing Rehabilitation Program, the Public Utility Revolving Loan Fund, and the Business Assistance Loan Program.

Providing ongoing youth activities is a high priority within the community. In 1997, the City’s Parks & Leisure Services Department assumed operation of the City’s Youth Center previously administered by Porterville Youth, Inc. Anticipated CDBG funding to the Parks & Leisure Services Department to continue an ongoing youth recreational program within Census Tract 41 is $114,615 which represents the allowed 15% of the entitlement for a public service project plus an additional percentage of the previous year’s program income as allowed by HUD. The Parks & Leisure Services proposal and budget for operating the youth center is included in the Action Plan, Section VIII.
With several large projects on the horizon, it is proposed to add $63,514 in new entitlement funds to the existing entitlement and program income funds for the planned continuation of the Business Assistance Program which also includes the possibility of the development and/or reconstruction of downtown parking lots and the implementation of the City’s Entrepreneurial Training and Business Incubator Program.

Since the Public Utility Loan Program fund is nearing depletion and there is a real demand for these funds due to the annexation of the county islands, it is proposed to allocate an additional $50,000 to the fund from the 2009/2010 entitlement.

The carry over funds have been depleted for the Homebuyer Education Program, so $3,000 is being proposed to be allocated in new entitlement funds for the continuation of this program.

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

The Murry Park Improvement Project will have expended all of the allocated funds in 2008/09, so this project is no longer being funded from CDBG entitlement.

In 2005/06, the City completed the construction of the Heritage Center building in Census Tract 41. Since the completion of the building, construction of the tot lot and the parking lot adjacent to the future ballfields have been completed. The entitlement allocation for debt payments on the Section 108 loan in 2009/10 will be $327,136, or 46% of the entitlement allocation. It is also important to note that the amount of debt service payments will continue to increase by $3,500 annually until 2019/20 when the debt payment will be $357,733. The total debt will be paid in 2023/24.

In summary, the proposed expenditure of $704,102 in 09/10 Entitlement funds includes (Administration includes 20% of estimated Program Income):

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Administration</td>
<td>$154,837</td>
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<td>City-Operated Youth Center</td>
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<td>Homebuyer Education Program</td>
<td>$ 3,000</td>
</tr>
<tr>
<td>Section 108 Debt Service</td>
<td>$327,136</td>
</tr>
</tbody>
</table>

The proposed Action Plan and accompanying program models are provided as Attachment No. 2.
On March 9, 2009, the CDBG Citizens’ Advisory and Housing Opportunity Committee held a public hearing to consider the proposed 2009/2010 Action Plan and subsequently unanimously recommended approval of the proposed Action Plan. A public notice was also published announcing the thirty day comment and review period for the proposed Action Plan which ended April 16, 2009. No written comments were received from the public.

The Annual Community Assessment for Program Year 2007/2008 is provided as Attachment No. 3. This is HUD’s review of the City’s performance in implementing its fiscal year objectives. In this review, HUD found that the City was in compliance with its goals and objects and expenditure ratios.

RECOMMENDATION: That the City Council:

1. Conduct a public hearing to solicit comments on the 2009/2010 Action Plan;

2. Adopt the 2009/2010 Action Plan resolution of approval; and

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

ATTACHMENTS: 1. Draft resolution approving the 2009/2010 Action Plan
3. 2009/2010 Program Year Annual Community Assessment
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING THE 2009/2010 ACTION PLAN, ACCOMPANYING PROGRAM MODELS AND PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

BE IT HEREBY RESOLVED that the City Council of the City of Porterville does hereby approve the 2009/2010 Action Plan, accompanying Program Models, and proposed use of Community Development Block Grant Funds with a 2009 Program Year Entitlement Allocation as follows:

<table>
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</tr>
</tbody>
</table>

Total Funding: $704,102

____________________________
Cameron Hamilton, Mayor

ATTEST:

John Lollis, City Clerk

By ____________________________
      Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENT NO. 1
DRAFT

CITY OF PORTERVILLE

COMMUNITY DEVELOPMENT BLOCK GRANT

2009/2010 ACTION PLAN

ENTITLEMENT APPLICATION

May 2009

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

Attachment No. 2
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Executive Summary

City of Porterville
Community Development Block Grant (CDBG)
2009/2010 Action Plan

The 2009/2010 Action Plan reflects the City’s fifth year investment plan within the scope of the Five-Year Consolidated Plan adopted May 2005. Community development and services remain a high priority for the City of Porterville. Carrying out this Action Plan includes Porterville’s plans for administering $704,102 of CDBG funds based on Congressional budget approvals. These funds will be primarily spent on the Business Assistance Program including parking lot development, Public Utility Loan Program, the Community Youth Center Program, Homebuyer Education Program, and administration of all the CDBG programs, and debt service payments for the Section 108 loan which funded the construction of the Heritage Community Center.

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

Providing ongoing youth activities is a high priority within the community. The City’s Parks & Leisure Services Department has been operating the City’s Youth Center since 1997 and has been located at the Heritage Center for three years. Anticipated CDBG funding to the Parks & Leisure Services Department to administer the ongoing youth recreational program inclusive of new program elements within Census Tract 41 is $114,615 which represents the allowed 15% of the entitlement for a public service project plus an additional 15% of the previous year’s program income as allowed by HUD.

For the 2009/10 program year, a proposed entitlement allocation of $50,000 for the Public Utility Loan Program and $63,514 for the Business Assistance Program is planned to supplement program income and current entitlement allocations in both funds in order to continue the availability of these assistance programs. $3,000 is new entitlement allocation is needed for the continuation of the monthly Homebuyer Education Program.

In 2005/06, the City completed the construction of the Heritage Center building in Census Tract 41 utilizing Section 108 loan funds. Additional improvements, including the development the parking lot for the future ball fields, will utilize the remaining loan funds. The entitlement allocation for debt payments on the Section 108 loan in 2009/10 will be $327,136 or 46% of the
entitlement allocation.

The Owner Occupied Housing Rehabilitation Loan Program (HRLP) and the First Time Low-Income Home Buyer Program (FTHB) will be funded from other grant sources (ie. HOME and CalHOME), unexpended entitlement funds and program income. The Public Utility Loan Program, and the Business Assistance Program will also utilize unexpended entitlement funds from previous years’ allocations and program income.

The 2009/2010 Action Plan Investment Programs for the $704,102 Entitlement allocation are summarized as follows, including the designated HUD performance objectives and outcomes as found in the program models for the activities:

<table>
<thead>
<tr>
<th>Program</th>
<th>09/10 Entitlement Allocation</th>
<th>Objectives, Outcomes, and Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$154,837 (not to exceed 20%)</td>
<td>N/A</td>
</tr>
<tr>
<td>City-Operated Youth Center</td>
<td>$105,615 + $9,000 ($114,615) of current entitlement to be equal or less than the 15% public service cap.</td>
<td>Availability or accessibility for the purpose of creating a suitable living environment; public service activity which tracks the number of low income youth served</td>
</tr>
<tr>
<td>Business Assistance Program</td>
<td>$ 63,514</td>
<td>Sustainability for the purpose of creating economic opportunities; number of businesses assisted, number of jobs created, or number of blighted parcels improved</td>
</tr>
<tr>
<td>Public Utility Loan Program</td>
<td>$ 50,000</td>
<td>Affordability for the purpose of providing decent affordable housing; number of low income households assisted</td>
</tr>
<tr>
<td>Homebuyer Education Program</td>
<td>$ 3,000</td>
<td>Affordability for the purpose of providing decent affordable housing; number of low income households completing course</td>
</tr>
<tr>
<td>Section 108 Debt Service</td>
<td>$ 327,136</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Other programs funded with previous years’ entitlement and program income:

<table>
<thead>
<tr>
<th>Program</th>
<th>CDBG Funds Available</th>
<th>Objective, Outcome, and Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Time Low Income Homebuyer Program</td>
<td>$26,000</td>
<td>Affordability for the purpose of providing decent affordable housing; number of low income households assisted</td>
</tr>
<tr>
<td>Owner Occupied Housing Rehabilitation Program</td>
<td>$160,000</td>
<td>Affordability for the purpose of providing decent affordable housing; number of low income households assisted</td>
</tr>
<tr>
<td>Business Assistance Program</td>
<td>$600,000</td>
<td>Sustainability for the purpose of creating economic opportunities; number of businesses assisted, number of jobs created, or number of blighted parcels improved</td>
</tr>
</tbody>
</table>
INTRODUCTION

The U.S. Department of Housing and Urban Development (HUD) regulations require all Community Development Block Grant (CDBG) entitlement cities to prepare a three- or five-year "Consolidated Plan." In compliance with this requirement, the City of Porterville submitted a five-year vision for investing CDBG and other appropriate funds in May of 2005. This 2009/2010 Action Plan reflects the fifth year investment plan within the scope of the Five-Year Consolidated Plan.

The 2009/2010 Action Plan reflects programs to address the high priority needs for the City of Porterville established in the Consolidated Plan. Community Development Department administration of CDBG programs, maintenance of the City’s Youth Center, residential connections to public utilities, assistance to businesses, continuation of the Homebuyer Education Program and debt service payments for the Section 108 loan are designated to utilize the 2009/2010 Entitlement funds. In addition, with program income and other grant funding resources, the City plans to continue owner-occupied housing rehabilitation and low-income first-time home buyer assistance, both of which are successful programs and priorities for the City in meeting housing needs. Since the completion of the Heritage Community Center utilizing Section 108 funds, the debt service on the loan must be paid from the CDBG annual entitlement.

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

Priorities, objectives and activities to implement the City’s 2009/2010 Action Plan are outlined in the following paragraphs. These are in accordance with the Five Year Consolidated Plan. It is the City’s primary goal to sustain existing developments and public services, and promote new housing, job opportunities, and public services for its residents and employers.
Priority Needs (as established in the 2005 Consolidated Plan)

A. Housing

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

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

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

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

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

B. Community Development Needs

1. Public Facility Needs

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

2. **Infrastructure Improvement**

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

3. **Public Service Needs**

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

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

4. **Accessibility Needs**

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

5. **Historic Preservation Needs**

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

Economic development remains a high priority for the City as unemployment rates continually are higher than most areas of the state and job creation is the number one goal of the City, Chamber, and job development agencies. The number one goal of the City is to promote economic development through business attraction, retention, and expansion. The City continues to utilize the adopted Economic Development Management Plan (Jobs Plan) as the basis for programs and activities for the community, and the newly adopted General Plan contains an Economic Development Element which lays the foundation for future economic growth.

One product of the Jobs Plan has been the formation of a strong Partners Network, consisting of the City, Chamber, job development agencies, educators, and service providers. The Partners Network continues to meet on a regular basis to address economic development and workforce development issues. Another product of the Jobs Plan has been the Plant Managers Group. This group meets informally several times throughout the year to discuss issues that impact industrial users, provide information that may be beneficial to employers, and to promote open communication between the City and industry leaders.

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

The dominance of agriculture in the community is prone to natural disasters which result in a downturn in the economy. To address the need for diversification, as well as providing new opportunities for small business, the City, utilizing a planning grant from the U.S. Department of Commerce, Economic Development Administration, conducted an analysis of market and industry trends to identify business clusters that could benefit from entrepreneurial training and a business incubator program. The analysis identified food processing and renewable energy as major industry clusters that provided the best opportunities for Porterville. Additionally, while the study indicates that a facility-based incubator may not be warranted at this time, a number of activities to enhance the entrepreneurial spirit within the community were outlined for action. The City Council has approved the development of a new strategic plan utilizing the information provided in the planning grant.

To assist small business start-up and expansion, the City has implemented a Revolving Loan Program (RLP) to fill the financing gap that is often faced by small businesses. New industry will redistribute the existing economic activity leading to future growth, new employment opportunities, and increased educational opportunities to ensure a quality workforce.
7. **Other Community Development Needs**

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

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

8. **Planning**

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

**ACTIVITIES FOR THE NEXT YEAR**

**A. Local Objectives**

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

**Objective 1**

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

Programs to assist in meeting this objective include:

**a. Owner Occupied Housing Rehabilitation Loan Program (HRLP)**

This program involves the continuation of the revolving loan program to assist in the rehabilitation of low and moderate income owner occupied housing within the City of Porterville. This program will be funded utilizing CDBG Entitlement and Program Income and HOME 2008 grant and Program Income funds. The HRLP program will provide low interest deferred loans to low and moderate income homeowners with the proceeds from the loan paybacks being utilized to fund additional loans. It is anticipated that the City will be investing approximately $320,000 in rehabilitating 10 homes during 2009/10. Five (5) of the households
assisted are expected to be low income (less than 50% AMI) and five (5) will be moderate income (between 51 and 80% AMI).

This past year, the City revised the Program Guidelines to allow higher levels of assistance, up to $40,000, and incorporate lead based paint inspection and mitigation procedures so that older homes are eligible for greater assistance. The Five Year Consolidated Plan identifies physical defects of owner occupied units as a high priority need. The outcome/objective for this program is “affordability for the purpose of providing decent affordable housing”.

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

b. Public Utility Assistance Loan Program

The City will continue implementation of a revolving loan program to assist low and moderate income families in connecting to City sanitary sewer and water facilities, and where appropriate to connect to underground utilities installed by Southern California Edison. Such connection will be beneficial to the health of the families involved by improving their services. This program will be funded with CDBG Entitlement and Program Income funds estimated to be $50,000 for 2009/2010. This program has become more popular due to the annexation of several county islands into the city. Many of these households have shown a desire to connect to City services since they are now eligible for these assistance funds.

The funds will be loaned at 0% interest with the proceeds from the loan repayment being utilized to assist additional families. It is anticipated that this program will assist six (6) families over the year with the possibility of additional families being assisted as the loans are repaid.

c. Homebuyer Education Program

As a requirement of participating in the City’s homebuyer assistance programs, applicants must complete a nine hour course educating them on all aspects of homeownership and the process of becoming a homeowner. This class is presented in both English and Spanish on a monthly basis. It is anticipated that the City will expend approximately $3,000 during 2009/2010 on the homebuyer education classes with 20-30 participants monthly, translating into 10-15 households monthly. New entitlement funds are being allocated this year to meet the obligations for the 09/10 program year.

d. First Time Low Income Homebuyers Loan Program

In order to facilitate homeownership opportunities, the City plans to continue its very successful First Time Low Income Homebuyer Program (FTHB) which provides down payment/closing cost assistance and "silent second mortgages". These mortgages will lower the initial
downpayments that are required as well as reduce the monthly mortgage payments. When available, the City will supplement CDBG funds with proceeds from State of California HOME grants, CalHome grants, BEGIN Program funds, Redevelopment Agency Low and Moderate Income Housing Set Aside funds, and Program Income to provide the loans for the program. The City was awarded a 2008 HOME grant for continuation of the FTHB program, but did not receive a new award of CalHome funds. The City will continue to apply for available funding for this important program. Last year with the dramatic increase in the cost of housing in the area, the City had increased the assistance to a maximum $60,000. As the state of the housing market has now dropped considerably, the City is once again reduced its assistance level to $40,000 which, of course, allows more households to be assisted. In addition, the City will be receiving Neighborhood Stabilization Program funds to be used to assist with the foreclosed homes in the city, but not all of the program structure for expenditure of these funds has been decided. At this point in time with the new grant funds, the goal of the program will be to assist at least ten (10) FHTB families in 2009/2010 with additional families assisted as the loans are paid back or other grants are secured. It is anticipated that the City will provide approximately $400,000 for this program during 09/10. The outcome/objective for this program is “affordability for the purpose of providing decent affordable housing”.

e. Rental and Public Housing

The City of Porterville is committed to encouraging rental housing opportunities throughout the City. The City will continue to work cooperatively with the Housing Authority of Tulare County (HATC) as they are the main provider of public housing. HATC will provide direct rental assistance by provision of affordable project units (281 existing units in Porterville) and by administration of Section 8 vouchers and certificates for about 553 households (nearly $3 million to be provided in the Porterville area during FY 2009/2010). An additional 170 existing units are available from two nonprofit low-income unit providers. These 170 units are managed by the HATC. Additionally, five low income housing tax credit projects provide 383 units for low income, many 3-4 bedrooms. Finally, the Farmers Home Administration provide 167 existing low-income rental units at two project sites in Porterville. Cumulatively, rental assistance will be provided to about 1,584 households in FY2008/2009.

Seventy three (73) percent of Section 8 recipients and “households provided housing units at lower than market rate rents” are below 50 percent of AMI. Three hundred and twenty two (322) families are low-income large family households with four or more persons. A high priority need was assigned to addressing physical defects of units occupied by large renter households with incomes less than 50 percent of AMI.

The Housing Authority of Tulare County will spend about $100,000 during 09/10 in federal funds to rehabilitate existing HATC units, most of which are occupied by small families, through the Comprehensive Grant Program. These funds will be used for fencing, siding, painting, flooring, counter tops, drapes, asphalt repair, landscaping, appliances, etc. Of the households residing in these units, sixty seven (67) families are of low-income status (below 50 percent of AMI). Addressing physical defects for small family, renter occupied households earning between 31 to 50 percent of AMI was identified as a medium priority by the City’s Consolidated Plan.
During the program year, it is the City’s intent to work with developers to assist in the development of additional multiple family housing opportunities within the City, especially concentrating on infill development. In 07/08, the construction of Sequoia Village at River’s Edge, the 64 unit HOME and tax credit funded apartment complex located on the western edge of the Redevelopment Area, was completed and immediately fully occupied. In 09/10, the City and the Redevelopment Agency will be implementing the conditions of the Development and Disposition Agreement (DDA) and pursuing additional funding for another multifamily project (70 units) located within the Redevelopment Area, known as Villa Siena. This project is planned to produce a good percentage of the one bedroom apartments needed to replace the units that have been lost at the Porterville Hotel, the Single Room Occupancy Project, on Main Street.

f. Homelessness

Homeless Prevention

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

Although the Consolidated Plan establishes a low priority for CDBG funding for both categories of homeless families and individuals due to a lack of resources available to directly contribute to applicable programs, a high priority need for providing emergency shelters and transitional housing is prominent in the Continuum of Care Strategic Plan, along with substance abuse treatment, case management, mental health care, life skills training, etc. Besides providing new emergency shelters and transitional housing, the plan identifies other programs to deal with the homeless and potentially homeless, such as developing a linked service delivery system and
outreach programs. During 09/10, the Kings/Tulare Continuum of Care will continue as the State Local Designated Board (DLB) for administering the State’s Emergency Housing Assistance Program (EHAP) for the Kings/Tulare region, if these funds are available in the tumult of the current state fiscal crisis. The Continuum recently released a Request for Proposals for the development of a ten year plan to end homelessness and are awaiting submittals from consultants for the project. At least five cities have pledged funds towards this planning effort. Building on the success of the first Project Homeless Connect event in Porterville, Visalia, and Hanford, the City of Porterville will once again sponsor this event in the fall that served over 277 in 2008. It is the desire of the City of Porterville to take an active role in the implementation of the strategies identified in the adopted Strategic Plan and the ten year plan that will be developed this year. A City staff member is currently serving on the executive committee of the Continuum. The City will also support applications of member organizations and agencies for other funding sources, including the HUD programs such as McKinney Act Funds and Emergency Shelter Grants.

Objective No. 2

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

The Owner Occupied Housing Rehabilitation Program, the First Time Low Income Homebuyer Program, and the Public Utility Loan Program already discussed above all assist in achieving the objective of maintaining the integrity of the neighborhoods. Details of these programs are found in the Program Models (Attachment). The City will continue to look for funds to assist public improvement projects in existing neighborhoods.

Objective No. 3

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

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

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

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

The City's aggressive Economic Development Program has helped to create employment opportunities over the past five years while elevating many of the City's very low income households above poverty status as defined by the Census and helping in the prevention of homelessness. The number one goal of the City is to promote economic development through business attraction, retention, and expansion. The City will continue to utilize the adopted Economic Development Management Plan as the basis for programs and activities for the community, and the newly adopted General Plan contains an Economic Development Element which lays the foundation for future economic growth.

The dominance of agriculture in the community is prone to natural disasters which result in a downturn in the economy. To address the need for diversification, as well as providing new opportunities for small business, the City, utilizing a planning grant from the U.S. Department of Commerce, Economic Development Administration, conducted an analysis of market and industry trends to identify business clusters that could benefit from entrepreneurial training and a business incubator program. The analysis identified food processing and renewable energy as major industry clusters that provided the best opportunities for Porterville. Additionally, while the study indicates that a facility-based incubator may not be warranted at this time, a number of activities to enhance the entrepreneurial spirit within the community were outlined for action. The City Council has approved the development of a new strategic plan utilizing the information provided in the planning grant.

To assist small business start-up and expansion, the City has implemented a Revolving Loan Program (RLP) to fill the financing gap that is often faced by small businesses. New industry will redistribute the existing economic activity leading to future growth, new employment opportunities, and increased educational opportunities to ensure a quality workforce.
a. **Business Assistance Program**

Assistance is available to commercial and industrial businesses in order to create jobs for low and moderate income persons and help eliminate blight. These funds will be used for the rehabilitation of commercial, commercial/residential, industrial, and professional office structures on a city-wide basis. Rehabilitation will include facelift and interior remodel of the buildings, addressing seismic retrofit, heating/cooling system upgrades, accessibility improvements for persons with disabilities, structural and facade renovations, infrastructure improvements, and electrical wiring upgrades. Parking lot development and facade improvements can also be assisted through this program. The City is carrying forward approximately $600,000 in previously allocated Entitlement funds and Program Income for the Business Assistance Program for FY2009/2010. With several large projects on the horizon, it is proposed to allocate an additional $63,514 in entitlement to this program this year. This will be the second year of payments on the ProDocument loan, so it is anticipated that $31,585 will be received from them in Program Income. The prevailing wage laws in California have made expenditure of the CDBG funds more challenging, but the BAP remains as one of the few incentives available to the City for business attraction. The City hopes to assist at least one business during FY09/10 expending approximately $100,000 and producing 3 jobs for low income individuals (one job for every $35,000 of CDBG expenditure).

To assist small business start-up and expansion, the City has implemented a Revolving Loan Program (RLP) to fill the financing gap that is often faced by small businesses. The RLP will only provide funds to bridge the “financial gap” that allows business to move forward and is designed to provide no more than one-half of a small business’s total financing requirements. RLP assistance is a minimum of $1,000 and a maximum of $50,000 and will be directed towards businesses that have the greatest potential for long-term job creations. The City anticipates that it can assist three business start-ups or expansions with the RLP expenditures in 2009/10. An additional $6,000 in loan repayments from the new revolving loan program are anticipated to be added to program income. The guidelines were recently adopted for this program, but it is anticipated that the program will be eligible under the microenterprise development activity found at 570.201(0).

b. **Parking Lot Improvements and Development**

If available, business assistance funds may also be used to provide improvements to downtown public parking lots and construction of new public parking lots. Use of these funds will assist in enhancing the infrastructure needed to attract employers to currently vacant and underutilized buildings. The lots in need of reconstruction were originally constructed 30+ years ago, and they are currently in need of substantial reconstruction in order to adequately serve the surrounding commercial businesses. These lots are in the heart of downtown, and their deteriorated conditions have contributed substantially to the extensive and prolonged high vacancy rate of adjacent buildings. In conjunction with the CDBG Business Assistance Program, which will provide funding for improvements to the buildings, the reconstruction of the parking lots can eliminate blighted conditions and
provide economic development opportunities. The downtown area serves the entire community and is the commercial activity center located immediately adjacent to the area’s two most economically disadvantaged census tracts (Census Tracts 39 and 41).

As a result of developing the Porterville Redevelopment Agency Strategic Plan, it became evident that for downtown to thrive, improvements were necessary to increase pedestrian access and safety, and to promote downtown as a destination place to go to, not through. In these respects, sidewalks were improved, street lighting and streetscape designs developed, and one-way traffic was redirected to two-way traffic. Another major element of the Redevelopment Strategic Plan was the need for improvements to existing public parking lots and developing new public parking areas to assist in downtown revitalization. The City received an infrastructure grant from the State in 2002 that was used to reconstruct a strategic downtown parking lot which enhanced the area and, in conjunction with the Business Assistance Program, provides enticements for economic development in the downtown area. As part of the project, the City acquired a deteriorated building adjacent to the parking lot, but the funding was not sufficient in the infrastructure grant for demolition of the building and expansion of the parking lot. Recently with other funding secured, the City completed the demolition of the building and the construction of the parking lot. The funding for this project was eighty percent (80%) from Federal Transit Administration Section 5307 funds with the twenty percent (20%) local match from Local Transportation Funds. This project is strategically located to provide parking for the regional transportation center across the street as well as that area of the Central Business District.

Additionally, the Redevelopment Agency is under construction for improvements to the city-owned Hackett Street/Mill Avenue parking lot one block north of the new parking lot across from the Transit Center. This lot had major deterioration due to the roots of the original trees that have pushed up the asphalt making it nearly impossible to park in some stalls. A building adjacent to the lot was recently renovated and a new restaurant and offices have opened that are in great need of these parking spaces. The improvements are anticipated be completed in April 2009.

Funds to improve parking lots in the Central Business District will compliment nearly $4 million in capital improvements completed toward implementing the Porterville Redevelopment Agency Strategic Plan. Additional improvements are necessary in order to entice businesses to locate within the core of the City’s central business district. Competition from commercial areas in surrounding communities, along with steadily increasing costs incurred in addressing the rehabilitation needs of the aging historical buildings, are just two of a number of factors which have led to a high vacancy rate along the City’s Main Street corridor.

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

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

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

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

Objective No. 4

The City will encourage the development of its youth.

a. Porterville Youth Center

The provision of ongoing youth activities is a high priority within the community. The City Parks and Leisure Services Department has been operating the Center and providing an ongoing youth counseling and activity program within the City for many years. The Youth Center is located in the new Heritage Center which will allow for the expansion of programs and an increase in youth attendance. It is anticipated that the City will utilize its 15% allowance for public services for the continuation of this program and part of the15% of the previous years’ program income for a budget of $114,615 for FY 09/10. Daily attendance at the youth center in the new Heritage Center is expected to be 46 which adds up to over 12,000 visits to the center for the year. A detailed budget for the operation of the Youth Center is attached in the Program Models.

b. Heritage Community Center (Section 108 Loan)

To meet the need for permanent facilities within the community to provide broad based youth activities, the City received a $3.885 million Section 108 Loan guarantee to fund the construction of the Heritage Center in one of the lowest income areas of the City. The construction of the building was completed in 05/06, and the ancillary project of developing a parking lot adjacent to
the future ball fields was completed in 2008/09. The Heritage Center was developed in partnership with the Porterville School District as it was constructed adjacent to the newest elementary school, Sante Fe. This allows for joint use of both City and School facilities for library and recreation activities, thereby leveraging the resources available. The Porterville Youth Center is located at the Heritage Center along with other City programs. The loan was executed in late 2003/04 with repayments starting in the 04/05 program year. The debt payment for FY09/10 is $327,136, which is 46% of the annual entitlement allocation.

Administration

One hundred fifty four thousand, eight hundred thirty seven dollars ($154,837) will be allocated for general administration of the CDBG Program, including ongoing fair housing and Continuum of Care activities, professional services (if required), equipment purchases, etc. This amount includes twenty percent of anticipated program income for the fiscal year.

BARRIERS TO AFFORDABLE HOUSING

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

- The City allows for a broad range of residential densities, up to 43 dwelling units per acre, and in no way discourages proposals for higher density housing through burdensome permit processes or exactions.

- Permit processing times are relatively brief for typical development projects.

- City fees are relatively low, and there are few development exactions.

- Most residential zones allow for alternative housing types, including mobile homes, second dwelling units, and group homes.

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

Since 1987, the City has expended $33.5 million in Certificates of Participation to provide new wells, major sewer and water trunk connections, and expansion of the Wastewater Treatment Facility to accommodate residential growth, and ensure maintenance of affordable housing, for the next 20 years. The 1987 Certificates of Participation also provided the City with a new west area fire station, a new police station, and the expansion and renovation of City Hall. Additionally, the City has completed the expenditure of the remainder of another $20 million in Certificates of Participation to provide funding for an extensive street improvement program throughout the City.
Notwithstanding this fact, the City will continue to evaluate its zoning ordinance and general plan policies to ensure no undue hardship is created in the development of low- and moderate-income housing. Specifically, the Housing Element adopted in 2004 establishes, as one of its action plan goals, “to reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to lower and moderate income households. To accomplish this goal, the following zoning ordinance revisions were recommended and the first three of the five have been adopted by City Council with the remaining two to be included in the Comprehensive Zoning Code Update which is currently in process after the adoption of the General Plan Update in March 2008.

a. Definition of Family Household

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

b. Residential-Agricultural (R-A) District

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

c. Density Bonus

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

- 20 percent of the total units of a housing development for lower income households
- 10 percent of the total units of a housing development for very low income households
- 50 percent of the total units of a housing development for seniors
- 20 percent of the total units in a condominium project for moderate income households
d. Emergency Shelters and Transitional Housing

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

e. Compliance with ADA

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

Moreover, through its First Time Low Income Home Buyers Assistance Program, the City has attempted to mitigate one of the single largest barriers to affordable housing, namely the need for a substantial down payment. It is the City’s intent to continue this program with current and new grant funds during 2009/2010.

The City is also in the process of updating its Housing Element for the period of 2009-2014. New goals will be added to the update which is expected to be certified by the state by August 31, 2009.

Affirmatively Furthering Fair Housing

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

□ Expanding Affordable Housing Opportunities

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

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

- **Improving Access to Information**

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

- **Revising Public Policies and Programs**

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

  The City will continue to pursue affordable housing development programs identified in the 2003-2008 Housing Element and the new 2009-2014 Housing Element. To the extent feasible, the City will facilitate the development of housing affordable to lower and moderate income households according to the Regional Housing Needs Analysis (RHNA) identified in the Housing Element.

- **Promoting Outreach to Lenders**

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

- **Facilitating Fair Housing Services**

  The City will explore with Tulare County and nearby communities the feasibility of sponsoring a fair housing program to provide landlord/tenant mediation counseling for Porterville residents and residents in the region. Specifically, the City will encourage the fair housing provider to provide a “renters” workshop to discuss fair housing issues for tenants and landlords, ways to improve credit, and rights and responsibilities. The City held a “Housing Opportunity” Fair and Foreclosure Workshop in April 2008 which was an event to reach out to the community regarding fair housing rights. The City plans to hold additional workshops to address this issue.

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

Lead Based Paint

The Tulare County Health Department will conduct follow-up investigations on documented incidents of childhood lead poisoning and implement eradication action as required by law. The City of Porterville will not directly undertake a lead based paint eradication program during FY 2009/2010 unless such action is in conjunction with CDBG, HOME, CalHome and Redevelopment Agency Low Income Housing Set-a-Side funded owner occupied housing rehabilitation projects.

Anti-Poverty Strategy

As stated previously in the Economic Development Needs Section of this Action Plan, the City of Porterville pursues a very aggressive Economic Development Program on an ongoing basis. This program will continue during the 2009/2010 Program Year, with implementation of the Business Assistance Program and its objective to create low-and moderate-income jobs. Additionally, approximately ten (10) households are anticipated to qualify for the purchase of a home under the City’s First-Time Low-Income Home Buyers Program funded with CDBG, State HOME, CalHome funds. Neighborhood Stabilization Funds will possibly allow for the sale of addition foreclosed homes to first time homebuyers.

Institutional Structure

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

Coordination of Efforts

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

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

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<tr>
<th>Entitlement Grant</th>
<th>$704,102</th>
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<tr>
<td>Unprogrammed Prior Year's Income Not Previously Reported</td>
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<td>Surplus Funds</td>
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<td>Return of Grant Funds</td>
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<td>Total Estimated Program Income (from detail below)</td>
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<td>Total Reprogrammed Funds</td>
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<td><strong>Total Funding Sources</strong></td>
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<th>Estimated CDBG Program Income</th>
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<tr>
<td><strong>Description</strong></td>
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<tr>
<td>1. Housing Rehabilitation Revolving Loans</td>
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<td>2. First-Time Home Buyer Revolving Loans</td>
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<td>3. Citywide Sewer/Water Connection Loans</td>
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<td>4. Commercial/Residential Rehabilitation Loans</td>
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<td><strong>Total Estimated Program Income</strong></td>
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Formula Grant Sources
The City anticipates a CDBG grant in the amount of $704,102 for FY 2009/2010.

HUD Sources
The City received a 2008 HOME grant for $800,000 which will be used for both the Housing Rehabilitation Program and the First Time Low Income Homebuyer Program. The City may also be applying for a HOME multifamily project grant in 09/10. In addition, the City will be
entering into a Joint Powers Agreement with the County of Tulare in order to be part of the application to HCD for the designated allocation of federal Neighborhood Stabilization Program funds to be used on foreclosed residential properties.

Non HUD

No new grant funds available at this time, but the City will be applying for more funds when they become available. Program income generated from previous state grants will be used for the First Time Low Income Homebuyer Program.

Program Income

The City anticipates that it will receive approximately $70,085 in CDBG program income, and approximately $60,000 in State of California HOME program income during FY 2009/2010. HOME program income is reported quarterly to the State. CalHome loans are deferred for the life of the loan, but there may be some monthly prepayment of loans and some total payoffs if the houses are sold or refinanced.
II

Action Plan Development Process and Citizen Participation

Prior to preparing the 2009/2010 Action Plan, City of Porterville Community Development Department staff developed a time schedule of events and dates necessary for completing the Plan. On February 25, 2009, a public hearing notice (hearing conducted by the Citizens Advisory and Housing Opportunity Committee) was published in the Porterville Recorder, a local newspaper. The public hearing notice was also published on February 27, 2009, in the Noticiiero Semanal, a local Spanish newspaper. On March 9, 2009, the Citizens Advisory and Housing Opportunity Committee held the public hearing. The hearing was conducted to obtain the views of citizens, public agencies and other interested parties on the City’s housing and community development needs and proposed use of funds to achieve objectives, priorities, and actions for addressing those needs during FY 2009/2010. Views obtained during this hearing were considered for the final Action Plan.

A summary of the proposed Action Plan, and a notice of a second public hearing for the regularly scheduled City Council meeting of May 5, 2009, was published in the Porterville Recorder on March 16, 2009 and in the Noticiiero Semanal on March 20, 2009. Also on this date, drafts of the Action Plan were provided for the public’s review at the Porterville City Library and the City Hall Community Development Counter. This publication initiated the 30-day review period to submit comments regarding the proposed Action Plan. No public comments were received. A courtesy public hearing notice was published in the Porterville Recorder on April 25, 2009.

On May 5, 2009, the Porterville City Council will conduct the public hearing to solicit comments on the 2009/2010 Action Plan at its regularly scheduled meeting.
III

MONITORING

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

CERTIFICATIONS
CPMP Non-State Grantee Certifications

Many elements of this document may be completed electronically, however a signature must be manually applied and the document must be submitted in paper form to the Field Office.

This certification does not apply.

This certification is applicable.

NON-KSTATE GOVERNMENT CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:
1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee’s workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about —
   a. The dangers of drug abuse in the workplace;
   b. The grantee’s policy of maintaining a drug-free workplace;
   c. Any available drug counseling, rehabilitation, and employee assistance programs; and
   d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will —
   a. Abide by the terms of the statement; and
   b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted —
   a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
   b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.
Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:
9. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
9. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
10. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

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<tr>
<td>John Lollis</td>
<td>Date</td>
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<tr>
<td>Name</td>
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<tr>
<td>City Manager</td>
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<tr>
<td>Title</td>
<td></td>
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<tr>
<td>291 N. Main Street</td>
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<td>Address</td>
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<tr>
<td>Porterville, CA 93257</td>
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<td>City/State/Zip</td>
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<tr>
<td>(559) 782-7460</td>
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CPMP Non-State Grantee Certifications 2

Error! Not a valid link.
Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

11. Maximum Feasible Priority - With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

12. Overall Benefit - The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2007, 2008, 2009, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

13. Special Assessments - It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

14. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations;
15. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K and R, of title 24;

Compliance with Laws -- It will comply with applicable laws.

---

Signature/Authorized Official

John Lollis
Name
City Manager
Title
291 N. Main Street
Address
Porterville, CA 93257
City/State/Zip
(559) 782-7460
Telephone Number

May 5, 2009
Date
This certification does not apply.
☐ This certification is applicable.

OPTIONAL CERTIFICATION
CDBG

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities, which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Signature/Authorized Official

Name

Title

Address

City/State/Zip

Telephone Number

Date
Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature/Authorized Official

Date

Name

Title

Address

City/State/Zip

Telephone Number
HOPWA Certifications

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,

2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

Signature/Authorized Official

Name

Title

Address

City/State/Zip

Telephone Number

Date
ESG Certifications

I, _____________, Chief Executive Officer of Error! Not a valid link., certify that the local government will ensure the provision of the matching supplemental funds required by the regulation at 24 CFR 576.51. I have attached to this certification a description of the sources and amounts of such supplemental funds.

I further certify that the local government will comply with:

1. The requirements of 24 CFR 576.53 concerning the continued use of buildings for which Emergency Shelter Grants are used for rehabilitation or conversion of buildings for use as emergency shelters for the homeless; or when funds are used solely for operating costs or essential services.


3. The requirements of 24 CFR 576.56, concerning assurances on services and other assistance to the homeless.


5. The requirements of 24 CFR 576.59(b) concerning the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

6. The requirement of 24 CFR 576.59 concerning minimizing the displacement of persons as a result of a project assisted with these funds.


8. The requirements of 24 CFR 576.56(a) and 576.65(b) that grantees develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted with ESG funds and that the address or location of any family violence shelter project will not be made public, except with written authorization of the person or persons responsible for the operation of such shelter.

9. The requirement that recipients involve themselves, to the maximum extent practicable and where appropriate, homeless individuals and families in policymaking, renovating, maintaining, and operating facilities assisted under the ESG program, and in providing services for occupants of these facilities as provided by 24 CFR 76.56.

10. The requirements of 24 CFR 576.57(e) dealing with the provisions of, and regulations and procedures applicable with respect to the environmental review...
responsibilities under the National Environmental Policy Act of 1969 and related authorities as specified in 24 CFR Part 58.

11. The requirements of 24 CFR 576.21(a)(4) providing that the funding of homeless prevention activities for families that have received eviction notices or notices of termination of utility services will meet the requirements that: (A) the inability of the family to make the required payments must be the result of a sudden reduction in income; (B) the assistance must be necessary to avoid eviction of the family or termination of the services to the family; (C) there must be a reasonable prospect that the family will be able to resume payments within a reasonable period of time; and (D) the assistance must not supplant funding for preexisting homeless prevention activities from any other source.

12. The new requirement of the McKinney-Vento Act (42 USC 11362) to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. I further understand that state and local governments are primarily responsible for the care of these individuals, and that ESG funds are not to be used to assist such persons in place of state and local resources.

13. HUD’s standards for participation in a local Homeless Management Information System (HMIS) and the collection and reporting of client-level information.

I further certify that the submission of a completed and approved Consolidated Plan with its certifications, which act as the application for an Emergency Shelter Grant, is authorized under state and/or local law, and that the local government possesses legal authority to carry out grant activities in accordance with the applicable laws and regulations of the U. S. Department of Housing and Urban Development.

______________________________  
Signature/Authorized Official

______________________________
Date

______________________________
Name

______________________________
Title

______________________________
Address

______________________________
City/State/Zip

______________________________
Telephone Number
APPENDIX TO CERTIFICATIONS

Instructions Concerning Lobbying and Drug-Free Workplace Requirements

Lobbying Certification
This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making of entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Drug-Free Workplace Certification
1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplace at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code) Check if there are workplaces on file that are not identified here. The certification with regard to the drug-free workplace is required by 24 CFR part 21.

<table>
<thead>
<tr>
<th>Place Name</th>
<th>Street</th>
<th>City</th>
<th>County</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Porterville</td>
<td>291 N. Main Street</td>
<td>Porterville</td>
<td>Tulare</td>
<td>CA</td>
<td>93257</td>
</tr>
<tr>
<td>Heritage Community Center</td>
<td>256 E. Orange Ave</td>
<td>Porterville</td>
<td>Tulare</td>
<td>CA</td>
<td>93257</td>
</tr>
<tr>
<td>Porterville High School</td>
<td>465 W. Olive Ave</td>
<td>Porterville</td>
<td>Tulare</td>
<td>CA</td>
<td>93257</td>
</tr>
<tr>
<td>Granite High School</td>
<td>1701 E. Putnam</td>
<td>Porterville</td>
<td>Tulare</td>
<td>CA</td>
<td>93257</td>
</tr>
<tr>
<td>Santa Fe Elementary School</td>
<td>286 E. Orange Ave</td>
<td>Porterville</td>
<td>Tulare</td>
<td>CA</td>
<td>93257</td>
</tr>
<tr>
<td>Porterville Municipal Ball Park</td>
<td>300 E. Olive Ave</td>
<td>Porterville</td>
<td>Tulare</td>
<td>CA</td>
<td>93257</td>
</tr>
<tr>
<td>Porterville College</td>
<td>100 E. College Ave</td>
<td>Porterville</td>
<td>Tulare</td>
<td>CA</td>
<td>93257</td>
</tr>
<tr>
<td>Murry Park</td>
<td>East Putnam</td>
<td>Porterville</td>
<td>Tulare</td>
<td>CA</td>
<td>93257</td>
</tr>
<tr>
<td>Veterans' Park</td>
<td>Henderson &amp; Morton Ave</td>
<td>Porterville</td>
<td>Tulare</td>
<td>CA</td>
<td>93257</td>
</tr>
<tr>
<td>Centennial Park</td>
<td>Morton &amp; Main &amp; Cleveland</td>
<td>Porterville</td>
<td>Tulare</td>
<td>CA</td>
<td>93257</td>
</tr>
</tbody>
</table>

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees’ attention is called, in particular, to the following definitions from these rules: "Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15); "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of
sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes; "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance; "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including:
All "direct charge" employees;
all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and
a. temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Note that by signing these certifications, certain documents must completed, in use, and on file for verification. These documents include:
1. Analysis of Impediments to Fair Housing
2. Citizen Participation Plan
3. Anti-displacement and Relocation Plan

May 5, 2009

Signature/Authorized Official
John Lollis
Name
City Manager
Title
291 N. Main Street
Address
Porterville, CA 93257
City/State/Zip
(559) 782-7460
Telephone Number
V

HUD-424 FORM
The SF 424 is part of the CPMP Annual Action Plan. SF 424 form fields are included in this document. Grantee information is linked from the 1CPMP.xls document of the CPMP tool.

### SF 424

Complete the fillable fields (blue cells) in the table below. The other items are pre-filled with values from the Grantee Information Worksheet.

<table>
<thead>
<tr>
<th>Date Submitted: May 11, 2009</th>
<th>Applicant Identifier: 09/10</th>
<th>Type of Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Received by state:</td>
<td>State Identifier:</td>
<td>Application:</td>
</tr>
<tr>
<td>Date Received by HUD:</td>
<td>Federal Identifier:</td>
<td>Pre-application:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Construction:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Construction:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non Construction:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non Construction:</td>
</tr>
</tbody>
</table>

**Applicant Information**

- Jurisdiction: City of Porterville
- UOG Code: UOG Code
- Street Address Line 1: 291 N. Main Street
- Organizational DUNS: Organizational DUNS
- Street Address Line 2: Organizational Unit
- City Porterville: California
- Department: Department
- ZIP 93257: Country U.S.A.
- Division: Division
- Employer Identification Number (EIN): 94-6000398
- Program Year Start Date (MM/DD): 07/09

**Applicant Type:** Specify Other Type if necessary
- Local Government: Township
- Specify Other Type

**Program Funding:**

- U.S. Department of Housing and Urban Development
- Catalogue of Federal Domestic Assistance Numbers; Descriptive Title of Applicant Project(s); Areas Affected by Project(s) (cities, Counties, localities etc.); Estimated Funding

### Community Development Block Grant

- 14,218 Entitlement Grant $704,102
- CDBG Project Titles
  - Youth Services, Business Assistance Program, Public Utilities Loan Program, Section 108 Debt Service Payment, Owner Occupied Housing Rehab Program, First Time Low Income Homebuyer Program, Homebuyer Education Program
- Description of Areas Affected by CDBG Project(s)

### Additional Federal Funds Leveraged

- $960,000 (State HOME funds)
- $700,000 (State NSP funds)
- $Additional HUD Grant(s) Leveraged: Describe
- $Additional Federal Funds Leveraged
  - $Additional State Funds Leveraged: CalHome ($30,000)
- $Locally Leveraged Funds
- $Anticipated Program Income
  - $70,085
- Total Funds Leveraged for CDBG-based Project(s)
  - $1,630,085

### HOME Investment Partnerships Program

- 14,239 HOME
- HOME Project Titles
- Description of Areas Affected by HOME Project(s)
<table>
<thead>
<tr>
<th>Grant Amount</th>
<th>Additional HUD Grant(s) Leveraged</th>
<th>Describe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Federal Funds Leveraged</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Locally Leveraged Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anticipated Program Income</td>
<td>Other (Describe)</td>
<td></td>
</tr>
</tbody>
</table>

Total Funds Leveraged for HOME-based Project(s)

**Housing Opportunities for People with AIDS (14.241 HOPWA)**

<table>
<thead>
<tr>
<th>Project Title</th>
<th>Description of Areas Affected by HOPWA Project(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOPWA Grant Amount</td>
<td></td>
</tr>
<tr>
<td>Additional HUD Grant(s) Leveraged</td>
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<tr>
<td>Additional Federal Funds Leveraged</td>
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</tr>
<tr>
<td>Locally Leveraged Funds</td>
<td></td>
</tr>
<tr>
<td>Anticipated Program Income</td>
<td>Other (Describe)</td>
</tr>
</tbody>
</table>

Total Funds Leveraged for HOPWA-based Project(s)

**Emergency Shelter Grants Program (14.231 ESG)**

<table>
<thead>
<tr>
<th>Project Title</th>
<th>Description of Areas Affected by ESG Project(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ESG Grant Amount</td>
<td></td>
</tr>
<tr>
<td>Additional HUD Grant(s) Leveraged</td>
<td></td>
</tr>
<tr>
<td>Additional Federal Funds Leveraged</td>
<td></td>
</tr>
<tr>
<td>Locally Leveraged Funds</td>
<td></td>
</tr>
<tr>
<td>Anticipated Program Income</td>
<td>Other (Describe)</td>
</tr>
</tbody>
</table>

Total Funds Leveraged for ESG-based Project(s)

**Congressional Districts of:**

<table>
<thead>
<tr>
<th>Applicant Districts 21st</th>
<th>Project Districts 21st</th>
<th>Is application subject to review by state Executive Order 12372 Process?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No</td>
</tr>
</tbody>
</table>

Program is covered by EO 12372

Program has not been selected by the state for review

**Person to be contacted regarding this application**

<table>
<thead>
<tr>
<th>First Name</th>
<th>Middle Initial</th>
<th>Last Name</th>
<th>Phone</th>
<th>Fax</th>
<th>eMail</th>
<th>Website</th>
<th>Other Contact</th>
<th>Date Signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denise</td>
<td>L.</td>
<td>Marchant</td>
<td>(559) 782-7460</td>
<td>(559) 781-6437</td>
<td>d <a href="mailto:marchant@ci.porterville.ca.us">marchant@ci.porterville.ca.us</a></td>
<td><a href="http://www.ci.porterville.ca.us">www.ci.porterville.ca.us</a></td>
<td>Bradley Dunlap Community Development Director</td>
<td>May 5, 2009</td>
</tr>
</tbody>
</table>
VI

MAP OF CDBG PROJECTS
VII

LOW/MOD INCOME
AREA MAP
VIII

PROGRAM MODELS
1982 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(REVISED MARCH 2009)
HOUSING REHABILITATION REVOLVING LOAN PROGRAM

2009 FUNDING RECOMMENDATION: $ 8,000

CDBG Program Income

PRIOR YEAR CDBG FUNDING:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1982</td>
<td>$282,000</td>
<td>Entitlement</td>
</tr>
<tr>
<td>1983</td>
<td>$ 43,000</td>
<td>Entitlement</td>
</tr>
<tr>
<td>1986</td>
<td>$ 70,000</td>
<td>Entitlement</td>
</tr>
<tr>
<td>1986</td>
<td>$ 15,000</td>
<td>Reallocation from other CDBG Programs</td>
</tr>
<tr>
<td>1990</td>
<td>$103,000</td>
<td>Entitlement</td>
</tr>
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<td>1991</td>
<td>$ 47,000</td>
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<tr>
<td>1992</td>
<td>$169,000</td>
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<tr>
<td>1993</td>
<td>$211,000</td>
<td>Entitlement</td>
</tr>
<tr>
<td>1998</td>
<td>$ 50,000</td>
<td>Entitlement</td>
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<tr>
<td>1999</td>
<td>$ 18,000</td>
<td>CDBG Program Income</td>
</tr>
<tr>
<td>2000</td>
<td>$ 8,500</td>
<td>CDBG Program Income</td>
</tr>
<tr>
<td>2001</td>
<td>$10,000</td>
<td>CDBG Program Income</td>
</tr>
<tr>
<td>2002</td>
<td>$ 10,000</td>
<td>CDBG Program Income</td>
</tr>
<tr>
<td></td>
<td>$200,000</td>
<td>HOME Grant</td>
</tr>
<tr>
<td>2003</td>
<td>$10,000</td>
<td>CDBG Program Income</td>
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<td>2004</td>
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<td>2005</td>
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<td>2006</td>
<td>$ 7,500</td>
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<td>$100,000</td>
<td>HOME 2006 Grant</td>
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<td>2007</td>
<td>$ 7,500</td>
<td>CDBG Program Income</td>
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<td>2008</td>
<td>$ 7,500</td>
<td>CDBG Program Income</td>
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<tr>
<td></td>
<td>$400,000</td>
<td>HOME 2008 Grant</td>
</tr>
</tbody>
</table>

PROGRAM PLAN:

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

SPECIFIC PROGRAM OBJECTIVES:

To make progress toward satisfying the objectives of the Action Plan and the Housing Element of the City's General Plan, and to meet one of the National Objectives of the Community Development Block Grant Program, 24 CFR 570.208(a)(3), the City will participate in a meaningful and effective housing rehabilitation program to assist low and moderate-income homeowners and to supplement previous funding allocated over the past 27 years to the Housing Rehabilitation Loan Program (HRLP). The outcome/objective for this program in the new HUD Performance Measurement System is "affordability for the purpose of providing decent affordable housing".
SPECIFIC PROGRAM ACTION:

These additional funds, allocated to the Housing Rehabilitation Loan Program, will be utilized according to the policies and procedures approved for the administration of the HRLP.

Applications from City-wide homeowners are submitted by prospective eligible applicants, then reviewed and verified for accuracy prior to submission to the Community Development Financial Assistance Review Committee (CDFARC). The City provides zero percent deferred loans up to $40,000. Program income derived from repayment of these loans is used to provide funding for new expenditures in the HRLP.

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

The administration of the program is accomplished by City staff in accordance with Federal regulations.
1993 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(REVISIRED MARCH 2009)
FIRST-TIME LOW-INCOME HOME BUYER LOAN PROGRAM

2009 FUNDING RECOMMENDATION
$ 24,000 CDBG Program Income
$ 50,000 HOME Program Income

PRIOR YEAR CDBG FUNDING:
1993: $300,000 CDBG Entitlement
1993: $300,000 HOME
1994: $750,000 HOME
1994: $187,500 RDA 1994 HOME Match
1995: $429,662 BEGIN
1995: $107,416 RDA 1995 BEGIN Match
1997: $200,000 CDBG Entitlement
1998: $172,000 CDBG
1999: $176,765 CDBG Reallocation from other CDBG Programs
2000: $130,350 CDBG
      $500,000 HOME Grant
      $500,000 CalHome Grant
2001: $180,000 CDBG plus $60,000 HOME Program Income, $120,000
      HOME 2000 Grant Funds
2002: $ 50,000 CDBG Program Income
      $600,000 HOME Grant
2003: $ 79,000 CDBG Program Income
2004: $ 60,000 CDBG Program Income
      $1.2 mil HOME Grant
2005: $ 60,000 CDBG Program Income
      $500,000 CalHome Grant
2006: $ 42,000 CDBG Program Income
      $600,000 HOME 2006 Grant
2007: $42,000 CDBG Program Income
2008 $ 50,000 CDBG Program Income
      $100,000 HOME Program Income
      $ 50,000 CalHome Program Income
      $400,000 HOME 2008 Grant

PROGRAM PLAN:

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

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

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

SPECIFIC PROGRAM OBJECTIVES:

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

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

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

In marketing the program, the City will be advertising and conducting general informational workshops to inform the public about the general guidelines of the program. The City will also meet with developers, Realtors, and community groups to disseminate information about the program. The local media will be used for press releases relating to the program.
2002 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(Revised MARCH 2009)
HOME BUYER EDUCATION PROGRAM

2009 FUNDING RECOMMENDATION: $3,000

PRIOR YEAR FUNDING:

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<td></td>
</tr>
<tr>
<td>2008</td>
<td>$0</td>
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PROGRAM PLAN:

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

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

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

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

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

SPECIFIC PROGRAM ACTION:

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

The City will take an aggressive approach in marketing the program through advertising and promotional displays. The City will also meet with developers, Realtors, and community groups to disseminate information about the program. The local media will be used for press releases relating to the program.
1984 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(REVISED MARCH 2009)
BUSINESS ASSISTANCE LOAN PROGRAM AND
PARKING LOT IMPROVEMENTS AND DEVELOPMENT

2009 FUNDING RECOMMENDATION: $63,514
$37,585

ENTITLEMENT
PROGRAM INCOME

PRIOR YEAR FUNDING: 1984 $140,000 CDBG ENTITLEMENT
1988 $370,000 REALLOCATION
1989 $155,000 REALLOCATION
1997 $200,000 CDBG ENTITLEMENT
1998 $57,000 CDBG ENTITLEMENT & REALLOCATION
1999 $795,555 CDBG ENTITLEMENT & REALLOCATION
2000 $1,650 CDBG PROGRAM INCOME
2001 $225,000 CDBG ENTITLEMENT
2002 $0
2003 $63,651 CDBG PROGRAM INCOME
2004 $262,950 ENTITLEMENT
$45,000 PROGRAM INCOME
2005 $64,603 ENTITLEMENT
$42,472 PROGRAM INCOME
2006 $0
2007 $90,035 ENTITLEMENT
2008 $66,046 ENTITLEMENT
$32,165 PROGRAM INCOME

PROGRAM PLAN:

Commercial and Industrial Development:

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

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

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

Additionally, the City, in partnership with Porterville College and California University at Fresno, Lyles Center of Innovation and Entrepreneurship, will be implementing an Entrepreneurial Training program at Porterville College for those persons seeking to start or expand a small business. The curriculum will include business basics, such as Writing a Business Plan, Marketing, and Understanding Profit and Loss Statements, which will assist the small business owner in becoming more successful in his/her entrepreneurial endeavors. The City proposes to utilize a portion of the Business Assistance funding to implement a Revolving Loan Program (RLP) to assist small business start-up and expansion as part of the City’s Entrepreneurial Training and Business Incubator Program. In addition, a portion of the RLP may be used to assist low and medium income persons with tuition for the Entrepreneurial Training program. The guidelines were developed for the program in 2008. This activity will be eligible under Federal Regulations 24 CFR Section 570.201(O) and the National Objective will be either job creation for low and moderate income persons (LMJ) or assistance to Limited Clientele (LMC).
Parking Lot Improvements and Development:

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

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

SPECIFIC PROGRAM OBJECTIVES:

Commercial and Industrial Development:

The rehabilitation of commercial, commercial/residential, industrial, and professional office structures on a city-wide basis and/or the acquisition of vacant land for commercial and industrial use accomplishes a multitude of objectives. The first, and most obvious, is that of revitalizing by providing for facelifting and interior remodel of the shopping, industrial, and professional office places of Porterville residents. To the extent that these areas are shown to be enhanced significantly in the offering of these program funds, the City benefits, in that Porterville is a safer and more attractive place to shop, maintain an office, or industrial operations. These efforts make Porterville more appealing to the consumer; the subsequent effect being a retention of jobs, and the addition of employment opportunities.

The development of upper stories of historical, commercial buildings provides a wider degree of
choice in housing opportunities and housing in attractive surroundings which is accessible to services and also expands business location options. The development of housing over commercial structures downtown would provide for the housing of special needs groups, specifically those who desire studio or efficiency apartments which are close to services and provide for an attractive environment apart from traditional housing sources.

The renovation of structures in commercial areas of Porterville removes blight conditions, attracts businesses, and serves to provide an anchor of on-going services for neighborhoods and the community as a whole. Renovating industrial structures or assisting in the acquisition of property for expansion or new construction will assist manufacturing, warehousing, and service industries desiring to locate or expand in Porterville.

Parking Lot Improvements and Development:

The parking lot reconstruction and new construction development projects will result in the local community being enhanced by removing blighted conditions thereby encouraging viable businesses to become established, expand, or relocate to the area. The parking lot improvements will also provide one of the main infrastructure necessities for businesses, and therefore create employment and economic opportunities for low- and moderate-income persons. It will address factors contributing to the area’s blighted conditions, high unemployment rate, and low-income levels.

The outcome/objective for this program in the HUD Performance Measurement System is “sustainability for the purpose of creating economic opportunities”.

SPECIFIC PROGRAM ACTION:

Commercial and Industrial Development:

Servicing of loans should be accomplished through City staff or the use of a private sector entity. Control of the terms of the financing will have the effect of enabling the City to ensure benefit to low- and moderate-income persons.

Parking Lot Improvements and Development:

The reconstruction of the parking lots downtown will be designed and constructed as funds are available. Priority needs will be determined for the phasing of the reconstruction parking lot projects.

New construction efforts will be contingent upon yet to be specified commercial, professional office, or industrial projects or upon additional parking needs in the downtown area.
1983 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL

PUBLIC UTILITY ASSISTANCE REVOLVING LOAN PROGRAM
(FORMERLY THE SEWER AND WATER REVOLVING LOAN FUND AND THE
UNDERGROUND UTILITY REVOLVING LOAN FUND)
(Revised March 2009)

2009 FUNDING RECOMMENDATION: $50,000 CDBG Entitlement Funds
                                 $  500 CDBG Program Income

PRIOR YEAR FUNDING:

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Program Plan:

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

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

Specific Program Objectives:

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

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

Specific Program Action:

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

All loans are secured by a property lien and payable at time of property sale or transfer of ownership of the subject property. Minimum payments can be made voluntarily during the life of the loan.
1994 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL  
(REVISED MARCH 2009) 
CITY OPERATED YOUTH CENTER  
(Formerly Porterville Community Youth Center - Non-Profit Subrecipient Grant) 

2009 FUNDING RECOMMENDATION:  $105,615 ENTITLEMENT

PRIOR YEAR FUNDING:  

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BACKGROUND:  

Porterville Youth Incorporated (PYI), a non-profit community service organization since 1978 which provided youth-oriented assistance programs, received CDBG funding from the City of Porterville in 1994 in order to expand their existing youth programs to include a community-based youth center in a low- and moderate-income neighborhood. PYI continued to receive funding from the CDBG grant program in the next three program years, through early 1997, by offering new service components to the youth center each year and complying with requirements set out in the regulatory agreement for subrecipients. On October 1, 1997, the City permanently accepted responsibility for the youth community center at the written request of PYI's Board of Directors.

PROGRAM PLAN:  

The City-Operated Youth Center was established in 1994 as the Porterville Community Youth Center Program Model. It met the Community Development Block Grant National HUD Objective of being a “direct benefit to low and moderate income persons” under Federal Regulation 24 CFR 570.208 (a)(2). The City of Porterville Parks and Leisure Services Department will continue to administer, manage, and meet budget and financial obligations for the Porterville Youth Center in accordance with all applicable Federal Regulations. The annual operating grant is eligible under 24 CFR 570.201 (e).

The new Heritage Center is now the home of the youth center activities. The Center is located well within Census Tract 41, where over 70 percent of the households earn less than 80 percent of the area median income and where the greatest concentration of the City’s minority population
resides. Census Tract 41 is bounded on the north by Olive Avenue, on the east by Plano Street, on the south by Gibbons Avenue, and on the west by State Highway 65. This activity meets the HUD National Objective of direct benefit to low-and moderate-income area under Federal Regulation 24CFR 570.208(a)(1). Demographic documentation on youth participating in programs offered through the youth center will still be maintained.

SPECIFIC PROGRAM OBJECTIVES:

The main objective of the Community Youth Center will be to provide an equal opportunity for all youth, including low and moderate income ages 10 to 18, to become self-sufficient and productive members of the community. The community youth center will enable an increased number of youth to improve their self-esteem and to develop the social skills compatible with mainstream society.

A major prerequisite of delinquent behavior is not only a lack of appropriate support, positive role modeling, parenting skills, logical and immediate consequences, social conscience, or breakdown of the traditional family, but also a lack of positive alternative activities for youth that allows them the opportunity to choose between the positive and the negative. Many youth who have had little of the above can still manage to become productive citizens of the community provided that positive alternatives are available where the ideal balance of these fundamentals can be made accessible.

Using the HUD Performance Measurement System, the outcome/objective for this activity is “availability or accessibility for the purpose of creating a suitable living environment”.

SPECIFIC PROGRAM ACTION: (See attached program proposal.)
CDBG FUNDING REQUEST
7/1/2009 - 6/30/2010

FOR PORTERVILLE COMMUNITY YOUTH CENTER

I. SCOPE OF SERVICE

The contractor for this project will be the City of Porterville. This contractor shall ensure that the Porterville Community Youth Center (PCYC) continues to operate the existing youth center recreation program established in September 1994 through the CDBG 2009-2010 fiscal year.

The Porterville Community Youth Center will continue to operate in Porterville Census Tract 41 at 256 E. Orange Ave. The program will prevent and divert youth ages 10 - 18 from negative behavior and surround them in a productive and positive environment.

No youth from within the City of Porterville will be excluded from participation in PCYC activities. However, it is intended through use of CDBG funds that a minimum of 51% of the youth participating will come from low and moderate income households.

A. OBJECTIVES

The purpose of this program will be to:
1. Enhance self-esteem.
2. Build leadership skills.
3. Learn teamwork and the ability to cooperate with others.
4. Improve physical and mental health.
5. Empower teens to develop interpersonal skills.
6. Engage in positive alcohol and drug-free behavior.
7. Promote an atmosphere where trustworthiness, respect, responsibility, fairness, caring and citizenship are core values.
8. Provide a drop-in center for recreational opportunities.

B. CLIENTS TO BE SERVED

The contractor shall ensure service by the City of Porterville Community Youth Center to a minimum of 51% low and moderate income residents of Porterville, between the ages of 10 to 18. Participants shall be recruited through local schools, community organizations, social service agencies, and law enforcement.

C. CONTINUED ACTIVITIES TO BE PERFORMED

The contractor shall ensure the provisions of services through continued implementation of the current COPCYC supervised recreation program over a sixteenth one-year period. The center will be open five days per week for no less than 20 hours. The youth center will run for a minimum of 42 weeks throughout the one-year period. A minimum of 100 unduplicated youth will participate in the following youth center activities each quarter of the one-year grant period.
1. A general recreation area within the same facility to provide youth with other positive activities.
   This general recreation area includes games such as pool, ping-pong, table soccer, video games, music, computers and board games. Arts & crafts, homework tutoring, nutrition and music classes, and special projects also take place in this area. Youth will be involved in occasional tournaments, holiday specific activities, and city-wide special events to help maintain their interest.
2. Homework tutoring in the classroom.
   Staff hired with CDBG funds will administer a homework tutoring program. An incentive program is in place to encourage youth to complete their homework prior to going home.
3. Arts & crafts.
   Arts & crafts projects and classes are held throughout each month.
4. Outdoor paved area.
   An outdoor paved area next to the youth center provides a place for hockey, badminton, volleyball, handball and more.
5. Outdoor grass area.
   An outdoor grass area behind the youth center provides a place for flag football, soccer, frisbee, golf, baseball, dodge ball and more.
6. Off site recreational activities.
   The basketball, arena soccer, and baseball programs will continue to be offered at the available playing fields specified further in the text. Youth are also encouraged to participate in track and field which is held at the local junior college.

D. NEW ACTIVITIES TO BE PERFORMED

   The contractor shall ensure the provision of new services through the inclusion of younger children, continuation of tutorial programs in reading, writing, science and math. Outdoor activities for a minimum of 42 weeks over the 2009-2010 CDBG funding cycle shall be implemented. For a minimum of 12 hours per week, at least 4 days each week, supervised athletics will be available for 10-18 year old youth. A minimum of 50 unduplicated youth will participate in these activities each quarter.

   In addition, a minimum of 8 hours of supervised community service work will be completed weekly by 10-18 year old youth. A minimum of 25 unduplicated youth will participate in this program each quarter of the CDBG funding cycle. Also, a minimum of 2 days per week will be open for non-league play so youth can participate in athletic activities on a less formal, just-for-fun basis. Program details are provided below:

1. Equipment – A weight room is available for the youth to get some exercise. An assortment of other equipment is provided enabling a wide array of recreational opportunities.
2. Community service - Hours of community service are served by Youth Center members working such events as the egg hunt, fishing derby, concerts in the park, runs, arena soccer construction, youth sports and projects around the Youth Center.
3. Classes - Staff classes are taught on an ongoing basis in arts & crafts, drawing, bicycle
repair, music, sport instruction and health & fitness.
4. Athletics - Open athletic play and leagues are available. League play is offered in the following sports: basketball, baseball, arena soccer, track & field and fall soccer. A coach for each sport will be provided. Youth also compete against other Youth Center’s around the valley in various sports throughout the year.
5. Fund raising - Staff will continue to create fund raising for the participants to generate additional funding to offset cost of excursions and special activities. Donation solicitations are made to local businesses as the need arises.

E. SITE LOCATION

Within the Census Tract 41, the original Porterville Community Youth Center services shall be provided at the following location: 256 E. Orange Ave., Porterville, CA 93257. Sign-ups for athletic play, leagues, tutorial programs, arts & crafts, and outdoor activities will take place at this location. Additional program implementation will take place at the following locations: Municipal Ball Park, Porterville Sports Complex, Porterville College, Municipal Pool, and Santa Fe School.

The main location is within the boundaries of Census Tract 41 and the other locations will provide access to youth over a broader range of low and moderate income areas within the city.

F. PROJECT STAFF

(1) Leisure Services Superintendent $32.28/hr 15 hrs 52/wks
(1) Leisure Services Coordinator $20.22/hr 30 hrs 52/wks
(1) Recreation Leader III $12.00/hr 22 hrs 52/wks
(2) Recreation Leader II $9.00/hr 20 hrs 52/wks

G. BUDGET

Total CDBG funds requested are $114,615.
<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Hours</th>
<th>%</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Salaries</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>01</td>
<td>Superintendent $32.28/hr</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Coordinator $20.22/hr</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>02</td>
<td>1-Rec Leader III $12.00/hr</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2-Rec Leader II $9.00/hr</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>15hrs</td>
<td></td>
<td>52/wks $25,178</td>
</tr>
<tr>
<td></td>
<td></td>
<td>30hrs</td>
<td></td>
<td>52/wks $31,543</td>
</tr>
<tr>
<td></td>
<td></td>
<td>22hrs</td>
<td></td>
<td>52/wks $13,728</td>
</tr>
<tr>
<td></td>
<td></td>
<td>20hrs</td>
<td></td>
<td>52/wks $18,720</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$89,169</td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>09</td>
<td>Superintendent $25,178</td>
<td>x</td>
<td></td>
<td>$8,409</td>
</tr>
<tr>
<td></td>
<td>Coordinator $31,543</td>
<td>x</td>
<td></td>
<td>$9,999</td>
</tr>
<tr>
<td></td>
<td>Rec Leaders $18,720</td>
<td>x</td>
<td></td>
<td>$728</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$19,136</td>
</tr>
<tr>
<td><strong>Professional Services</strong></td>
<td>Temp Office Service $100</td>
<td></td>
<td></td>
<td>$100</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$100</td>
</tr>
<tr>
<td><strong>Supplies and Material</strong></td>
<td>Office / Computer Supplies $100</td>
<td></td>
<td></td>
<td>$100</td>
</tr>
<tr>
<td></td>
<td>Tools / Equipment $200</td>
<td></td>
<td></td>
<td>$200</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$300</td>
</tr>
<tr>
<td><strong>Other Operating Cost</strong></td>
<td>Utilities $500</td>
<td></td>
<td></td>
<td>$500</td>
</tr>
<tr>
<td></td>
<td>Uniform Allowance $200</td>
<td></td>
<td></td>
<td>$200</td>
</tr>
<tr>
<td></td>
<td>Publication and Dues / Leisure Update $700</td>
<td></td>
<td></td>
<td>$700</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$1,400</td>
</tr>
<tr>
<td><strong>Other Expenses</strong></td>
<td>Special Activities, Supplies &amp; Fieldtrips $4,010</td>
<td></td>
<td></td>
<td>$4,010</td>
</tr>
<tr>
<td></td>
<td>Rec Equipment &amp; Supplies $500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$4,510</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Grand Total $114,615</td>
<td></td>
<td></td>
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</table>
1995 COMMUNITY DEVELOPMENT BLOCK GRANT MODEL  
(REVISED MARCH 2009)  
SECTION 108 LOAN

<table>
<thead>
<tr>
<th>FUNDING RECOMMENDATION:</th>
<th>2009</th>
<th>$327,136</th>
<th>Entitlement Funds used for Debt Service on Loan</th>
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</thead>
<tbody>
<tr>
<td>PRIOR YEAR FUNDING:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$3.885 Million</td>
<td>Section 108 Loan Received by the City</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2004</td>
<td>$118,115</td>
<td>Entitlement Funds used for Debt Service on Loan</td>
</tr>
<tr>
<td></td>
<td>2005</td>
<td>$310,252</td>
<td>Entitlement Funds used for Debt Service on Loan</td>
</tr>
<tr>
<td></td>
<td>2006</td>
<td>$316,045</td>
<td>Entitlement Funds used for Debt Service on Loan</td>
</tr>
<tr>
<td></td>
<td>2007</td>
<td>$320,007</td>
<td>Entitlement Funds used for Debt Service on Loan</td>
</tr>
<tr>
<td></td>
<td>2008</td>
<td>$323,988</td>
<td>(Debt Service)</td>
</tr>
</tbody>
</table>

PROGRAM PLAN:

**Neighborhood Community Center (Heritage Center):**

This program utilized $3.885 million in Section 108 loan funds to plan and construct a neighborhood community center. The center is located within Census Tract 41 where over 70 percent of the households earn less than 80 percent of the area median income and the greatest concentration of the City’s minority population resides. Census Tract 41 is bounded on the north by Olive Avenue, on the east by Plano Street, on the south by Gibbons Avenue, and on the west by State Highway 65. The proposed facility is an eligible activity under 24 CFR 570.201 (c) Public Facilities and Improvements and predicated on the Community Development Block Grant (CDBG) HUD National Objective of direct benefit to low- and moderate-income area under Federal Regulation 24 CFR 570.208(a)(1).

It is anticipated after construction is complete, that the operations and maintenance of the center, up to the allowed expenditure, will be funded from annual entitlement allocations.

**SPECIFIC PROGRAM OBJECTIVE:**

**Neighborhood Community Center:**

The main objective of the neighborhood community center will be to provide an equal opportunity for all persons, including low-income youth, to become self-sufficient and productive members of the community. The neighborhood community center will enable an increased number of youth to improve their self-esteem and to develop the social skills compatible with mainstream society.

Major prerequisites of delinquent behavior include a lack of appropriate support, positive role modeling, parenting skills, recognition between logical and immediate consequences, social conscience, breakdown of traditional family values and, also, a lack of positive, alternative activities for youth that allow them the opportunities to choose between positive and negative
actions. Many youth experiencing a small degree of these prerequisites manage to become productive citizens of the community provided that positive alternatives are available where the ideal balance of these fundamentals can be made accessible.

Additionally, the neighborhood community center will provide a location to conduct activities for senior citizens. The center may also provide a location for programs such as health screening and a tutorial center, including a library and computers. It could function as a starting, ending, and gathering place for City sponsored walk/run or bike events, and provide recreational areas, including ball fields, for use by the community.

SPECIFIC PROGRAM ACTION:

**Neighborhood Community Center**

After an extensive environmental clearance process, ground breaking for this project took place in March 2003. Construction was completed on the main building in fall 2005. Additional improvements to the grounds, including a tot lot were constructed in 2006, and the final expenditure of funds for additional improvements to the parking lot adjacent to the future ballfields was completed in 2008.

CDBG Entitlement funds are allocated to provide the annual debt service payment on the Section 108 loan.
GRANTEE PRIORITY
NEEDS TABLES

(As reflected in the City of Porterville
2005 Five Year Consolidated Plan)
IV. PRIORITY NEEDS - OBJECTIVES - STRATEGIES

PRIORITIZED NEEDS
The priority needs tables establish the relative need for each category based upon the needs analysis and the proposed programs to address those needs as decided upon by the City. The definition of high, medium, and low priorities reflects, not the entire priority need of the community, but the priorities that the City is planning on funding with the resources available:

High Priority:
Activities to address this need will be funded by the locality with federal funds, either alone, or in conjunction, with the investment of other public or private funds during the period of time designated in the strategy portion of this document.

Medium Priority:
If funds are available, activities to address this need may be funded by the locality with federal funds, either alone or in conjunction with the investment of other public or private funds during the period of time designated in the strategy portion of this document. Also, the locality will take other actions to help this group locate other sources of funds.

Low Priority:
The locality will not fund activities to address this need during the period of time designated in the strategy portion of this document. The locality will consider certifications of consistency for other entities’ application for Federal assistance.

The basis for assigning needs prioritized in the HUD table is described in this section for each category of need, including relative priority where required. Priorities were preliminarily assigned by City staff based on public input during the plan preparation process and after review of the Housing and Homeless Needs Assessment and Housing Market Analysis contained in Sections II and III. Priorities will be reviewed and changed by staff, as appropriate, as additional review and discussion takes place by the City Council, the CDBG Citizen Advisory and Housing Opportunity Committee, and between various City departments. The priorities will be finalized as needs are verified by estimating the number of units to be assisted and the relative magnitude of dollars required over the 5-year planning period to address the needs.

Naturally, the needs of the community far outstrip the City’s resources. The City, through the Summary of Specific Housing/Community Development Objectives (Table 2C), is attempting to be very realistic in what activities and projects it can undertake with the limited resources available, and yet leave room for flexibility as needs are subject to change as the economy of the community changes. In dealing with the Program Income generated from the revolving loan accounts (Housing Rehab, First Time Homebuyer, Public Utility Assistance, and Business Assistance), the City plans on being flexible in order to be able to move funds between the revolving loan accounts, which is
allowed by HUD. This is especially necessary in the light of low mortgage interest rates that trigger refinchings and produce unexpected revenues to the First Time Homebuyer Program and Housing Rehab Program as those loans are paid off to the City. The City can determine if the funds might be needed more at that time in one of the other revolving loan accounts and reallocate a percentage of the funds to those accounts. However, the City will follow the established policy for processing an amendment to the Consolidated Plan and Action Plan if the funds to be reallocated are considered to be substantial. Further, the needs identified by the City may be met through a variety of other resources. These could include private grants and funding, community based non-profit organizations, other public programs (Housing Authority of the County of Tulare, Tulare County Mental Health, other HUD programs, etc.), City General and Redevelopment Agency funds, and State funded programs.

1. Priority Homeless Needs (Special Populations) (Table 1A,1B,1C)

Priorities were assigned based on in-put from service providers and the information gathered for the regional Continuum of Care Strategic Plan. In the adopted Plan, highest priorities were assigned to the provision of transitional shelters and permanent supportive housing for families while also recognizing the great need for additional emergency shelter beds.

Although these are high priorities in the adopted Continuum of Care Plan, for the purpose of the Consolidated Plan Priority Needs Table, the City will be assigning a Low Priority, since there is such limited CDBG resources to commit to these projects. However, the City will cooperate as an active participant in the Kings/Tulare Continuum of Care in their efforts to pursue other funding, especially, other HUD sources, such as the Federal Emergency Shelter Grants (FESG) and the McKenny/Vento funds.

Table 1B identifies the priority need of special needs populations that are non-homeless. Once again, even though there is a real need for resources in these areas, the City has designated these low priorities for the limited CDBG funds that are available and therefore no goals are identified. The Continuum of Care, in collaborating with several other agencies, is addressing many of these areas in their quest to prevent homelessness, and thus, through the City’s active participation in the Continuum, these needs are receiving attention and possible resource allocation. Therefore, the homeless and special needs objectives identified in Table 1C are those taken from the Strategic Plan adopted by the regional Continuum of Care.
### Table 1A

**Homeless and Special Needs Populations**

#### Continuum of Care: Housing Gap Analysis Chart

<table>
<thead>
<tr>
<th></th>
<th>Current Inventory</th>
<th>Under Development</th>
<th>Unmet Need/Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Individuals</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Beds</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Shelter</td>
<td>100</td>
<td>53</td>
<td>56</td>
</tr>
<tr>
<td>Transitional Housing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permanent Supportive Housing</td>
<td>0</td>
<td>0</td>
<td>419</td>
</tr>
<tr>
<td>Total</td>
<td>172</td>
<td>76</td>
<td>573</td>
</tr>
</tbody>
</table>

| **Persons in Families With Children** |                   |                   |                |
| **Beds**                            |                   |                   |                |
| Emergency Shelter                   | 4                 | 0                 | 75             |
| Transitional Housing                | 0                 | 40                | 253            |
| Permanent Supportive Housing        | 310               | 0                 | 109            |
| Total                                | 350               | 40                | 437            |

#### Continuum of Care: Homeless Population and Subpopulations Chart

<table>
<thead>
<tr>
<th><strong>Part 1: Homeless Population</strong></th>
<th>Sheltered</th>
<th>Unsheltered</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Emergency</td>
<td>Transitional</td>
<td></td>
</tr>
<tr>
<td>1. Homeless Individuals</td>
<td>46</td>
<td>41</td>
<td>332</td>
</tr>
<tr>
<td>2. Homeless Families with Children</td>
<td>15</td>
<td>13</td>
<td>58</td>
</tr>
<tr>
<td>2a. Persons in Homeless Families with Children</td>
<td>46</td>
<td>41</td>
<td>332</td>
</tr>
<tr>
<td>Total (lines 1 + 2a)</td>
<td>107</td>
<td>95</td>
<td>664</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Part 2: Homeless Subpopulations</strong></th>
<th>Sheltered</th>
<th>Unsheltered</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Chronically Homeless</td>
<td>226</td>
<td>116</td>
<td>342</td>
</tr>
<tr>
<td>2. Seriously Mentally Ill</td>
<td>165</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Chronic Substance Abuse</td>
<td>66</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Veterans</td>
<td>77</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Persons with HIV/AIDS</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Victims of Domestic Violence</td>
<td>100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Youth</td>
<td>22</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 1B
Special Needs (Non-Homeless) Populations

<table>
<thead>
<tr>
<th>SPECIAL NEEDS SUBPOPULATIONS *</th>
<th>Priority Need Level</th>
<th>Unmet Need</th>
<th>Dollars to Address Unmet Need</th>
<th>Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elderly</td>
<td>Low</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Frail Elderly</td>
<td>Low</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Severe Mental Illness</td>
<td>Low</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Developmentally Disabled</td>
<td>Low</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Physically Disabled</td>
<td>Low</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Persons w/ Alcohol/Other Drug Addictions</td>
<td>Low</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Persons w/HIV/AIDS</td>
<td>Low</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Other</td>
<td>Low</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

TOTAL

* Since there are no resources available to address these special needs subpopulations directly, they have all been given a low priority and the calculation of the unmet need, funding required, and goals, which are very hard to determine, have not been included. These subpopulations will be addressed through the regional Continuum of Care, especially as they relate to preventing homelessness.
<table>
<thead>
<tr>
<th>Obj #</th>
<th>Specific Objectives</th>
<th>Performance Measure</th>
<th>Expected Units</th>
<th>Actual Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Public Awareness:</strong> Engage the broader public and local governmental agencies in a public dialog about the issues of chronic homelessness in the region. As part of this process, the CoC has and will sponsor housing conferences on homelessness, present power point programs to City Councils, Boards of Supervisors and community- based and faith-based organizations, and provide information and education regarding best practices.</td>
<td>Track the number of presentations and the increase of participation in the Continuum by these agencies.</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td><strong>Collaborative Coordinator:</strong> CoC will prepare and obtain grants to hire a CoC Coordinator to support the implementation of the 5 year strategic plan</td>
<td>Amount of funding obtained and the hiring of a coordinator.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td><strong>Referral System:</strong> Create a better system of referral to transitional, supportive and permanent housing. The CoC plans on developing a Continuum-wide, multi-system community re-entry plan that includes housing.</td>
<td>The creation and implementation of the plan.</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td><strong>HMIS:</strong> Implement a CoC-wide Homeless management Information System (HMIS) to track homelessness, assess needs and gaps, and evaluate outcomes. In order to accomplish this, the CoC will work with all HUD applicants to include HMIS components as part of their applications and the CoC will contract with the Fresno Housing Authority to implement the Fresno/Madera CoC's HMIS software and supporting system in Kings and Tulare Counties.</td>
<td>The execution of the contract with the Fresno/Madera CoC and the implementation of use of the HMIS.</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td><strong>Emergency Shelter:</strong> Creation of new emergency shelter targeted at meeting the need of the chronically homeless. The CoC will work with area agencies to develop plans to increase the number of beds available for emergency housing.</td>
<td>The number of beds created.</td>
<td></td>
<td>76</td>
</tr>
<tr>
<td></td>
<td><strong>Transitional Housing:</strong> Work with agencies, to develop additional housing programs designed to be effective for the chronically homeless with mental illnesses and/or substance abuse issues.</td>
<td>The number of new programs and beds/units created.</td>
<td>80</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td><strong>Permanent Housing:</strong> Work with Self-Help Enterprise, and Habitat for Humanity, and other developers to develop additional affordable permanent housing projects</td>
<td>The number of new projects and beds/units developed.</td>
<td>60</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th><strong>Special Needs Objectives</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None (see narrative)</td>
</tr>
</tbody>
</table>
2. Priority Housing Needs (Table 2A)

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

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

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

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

A high priority is assigned all income groups 31-80% of MFI who can most readily benefit from first-time homebuyer’s, self-help, and other homebuyer’s assistance programs. Owner-occupied units with physical defects are also assigned a high priority, as these households most often benefit from housing rehabilitation and neighborhood improvement programs.
| Renter       | Small Related | 0-30% | M | 583 | 0   |
|             |               | 31-50%| M | 653 | 0   |
|             |               | 51-80%| M | 359 | 0   |
| Large Related| 0-30%         | M     | 342| 0   |
|             | 31-50%        | M     | 246| 0   |
|             | 51-80%        | M     | 206| 0   |
| Elderly     | 0-30%         | M     | 64 | 0   |
|             | 31-50%        | M     | 138| 0   |
|             | 51-80%        | M     | 79 | 0   |
| All Other   | 0-30%         | M     | 207| 0   |
|             | 31-50%        | M     | 202| 0   |
|             | 51-80%        | M     | 116| 0   |
| Owner       | 0-30%         | H     | 270| 2   |
|             | 31-50%        | H     | 270| 24  |
|             | 51-80%        | H     | 342| 67  |
| Special Needs| Homeless     | L     | 283| 0   |
| Total Goals |               |       |    |     |
| Total 215 Goals |             |       | 93 |
| Total 215 Renter Goals |       |       | 0  |
| Total 215 Owner Goals |       |       | 93 |
3. Priority Community Development Needs (Table 2B)

a. Public Facility Needs

The highest priority need for public facilities in this five year plan is for parks and/or recreation facilities. The City is in the midst of a multi year improvement project for the nearly 100 year old Murry Park. Even though the new Neighborhood Community Center is just nearing completion and will be serving this need, a high priority is assigned to senior centers, youth centers, and neighborhood facilities since the City will be paying debt service on the Section 108 loan that was utilized for the construction of the facility. Child care, health facilities, and other public facilities are assigned a low priority as these are categories for which the City does not have resources and there are other agencies, such as the County, that provide these services. However, Parking is designated as a high priority as public parking development can be a major issue in the implementation of downtown revitalization and economic development strategy.

b. Infrastructure Improvement

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

c. Public Service Needs

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

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

d. Accessibility Needs

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

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

f. Economic Development

Economic development remains a high priority for the City as unemployment is still in the double digits in Porterville and job creation is the number one goal of the City, Chamber, and job development agencies. The City has formed a strong Partners Network with these agencies, organizations and businesses, a product of the adopted Economic Development Management Plan. These Partners meet on a regular basis. In light of the agriculture industry domination of the area, which can be very prone to economic downturns from natural disasters, it is desirable that the area strive for diversification of employment opportunities.

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

g. Other Community Development Needs

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

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

h. Planning

Planning and administration is given a high priority based on the identified need for specific planning for the Murry Park improvements and low and moderate income job creation within undeveloped industrial areas. There would be no successful CDBG projects without the careful planning and administration for those projects.
### TABLE 2B
COMMUNITY DEVELOPMENT NEEDS

<table>
<thead>
<tr>
<th>PUBLIC FACILITY NEEDS (projects)</th>
<th>Priority Need Level</th>
<th>Unmet Priority Need</th>
<th>Dollars to Address Unmet Priority Need</th>
<th>Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Centers</td>
<td>L</td>
<td>0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Handicapped Centers</td>
<td>L</td>
<td>0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Homeless Facilities</td>
<td>L</td>
<td>1</td>
<td>$2,000,000</td>
<td>0</td>
</tr>
<tr>
<td>Youth Centers</td>
<td>L</td>
<td>1</td>
<td>$77,500</td>
<td>0</td>
</tr>
<tr>
<td>Child Care Centers</td>
<td>L</td>
<td>1</td>
<td>$2,000,000</td>
<td>0</td>
</tr>
<tr>
<td>Health Facilities</td>
<td>L</td>
<td>0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Neighborhood Facilities</td>
<td>H</td>
<td>1</td>
<td>$1,400,000</td>
<td>1</td>
</tr>
<tr>
<td>Parks and/or Recreation Facilities</td>
<td>H</td>
<td>1</td>
<td>$4,200,000</td>
<td>1</td>
</tr>
<tr>
<td>Parking Facilities</td>
<td>H</td>
<td>2</td>
<td>$1,170,000</td>
<td>1</td>
</tr>
<tr>
<td>Non-Residential Historic Preservation</td>
<td>M</td>
<td>5</td>
<td>$5,000,000</td>
<td>0</td>
</tr>
<tr>
<td>Other Public Facility Needs</td>
<td>L</td>
<td>2</td>
<td>$4,000,000</td>
<td>0</td>
</tr>
<tr>
<td>INFRASTRUCTURE (projects)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water/Sewer Improvements</td>
<td>H</td>
<td>20</td>
<td>$4,000,000</td>
<td>10</td>
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<tr>
<td>Street Improvements</td>
<td>M</td>
<td>5</td>
<td>$6,400,000</td>
<td>0</td>
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<tr>
<td>Sidewalks</td>
<td>M</td>
<td>5</td>
<td>$877,500</td>
<td>0</td>
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<tr>
<td>Solid Waste Disposal Improvements</td>
<td>M</td>
<td>2</td>
<td>$877,500</td>
<td>0</td>
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<tr>
<td>Flood Drain Improvements</td>
<td>M</td>
<td>2</td>
<td>$1,870,000</td>
<td>0</td>
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<td>Other Infrastructure Needs</td>
<td>M</td>
<td>3</td>
<td>$117,000</td>
<td>0</td>
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<tr>
<td>PUBLIC SERVICE NEEDS (people)</td>
<td></td>
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<tr>
<td>Senior Services</td>
<td>L</td>
<td>UD**</td>
<td>$87,750</td>
<td>0</td>
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<td>Handicapped Services</td>
<td>L</td>
<td>UD</td>
<td>$5,850</td>
<td>0</td>
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<td>Youth Services</td>
<td>H</td>
<td>UD</td>
<td>$620,000</td>
<td>53 daily</td>
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<td>Child Care Services</td>
<td>L</td>
<td>UD</td>
<td>$87,750</td>
<td>0</td>
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<tr>
<td>Transportation Services</td>
<td>L</td>
<td>UD</td>
<td>$500,000</td>
<td>0</td>
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<tr>
<td>Substance Abuse Services</td>
<td>L</td>
<td>UD</td>
<td>$1,170,000</td>
<td>0</td>
</tr>
<tr>
<td>Employment Training</td>
<td>L</td>
<td>UD</td>
<td>$1,170,000</td>
<td>0</td>
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<tr>
<td>Health Services</td>
<td>L</td>
<td>UD</td>
<td>$117,000</td>
<td>0</td>
</tr>
<tr>
<td>Lead Hazard Screening</td>
<td>M</td>
<td>UD</td>
<td>$146,250</td>
<td>0</td>
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<tr>
<td>Crime Awareness</td>
<td>L</td>
<td>UD</td>
<td>$87,750</td>
<td>0</td>
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<tr>
<td>Other Public Service Needs</td>
<td>L</td>
<td>UD</td>
<td>$58,500</td>
<td>0</td>
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<tr>
<td>ECONOMIC DEVELOPMENT</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>ED Assistance to For-Profits(businesses)</td>
<td>H</td>
<td>UD</td>
<td>$500,000</td>
<td>2</td>
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<tr>
<td>ED Technical Assistance(businesses)</td>
<td>M</td>
<td>UD</td>
<td>$58,500</td>
<td>0</td>
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<tr>
<td>Micro-Enterprise Assistance(businesses)</td>
<td>M</td>
<td>UD</td>
<td>$58,500</td>
<td>0</td>
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<tr>
<td>Rehab; Publicly- or Privately-Owned</td>
<td>H</td>
<td>UD</td>
<td>$1,755,000</td>
<td>3</td>
</tr>
<tr>
<td>Commercial/Industrial (projects)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C/I* Infrastructure Development (projects)</td>
<td>H</td>
<td>UD</td>
<td>$965,250</td>
<td>1</td>
</tr>
<tr>
<td>Other C/I* Improvements(projects)</td>
<td>H</td>
<td>UD</td>
<td>$1,170,000</td>
<td>1</td>
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<tr>
<td>PLANNING</td>
<td></td>
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<tr>
<td>Planning</td>
<td>H</td>
<td>UD</td>
<td>$820,000</td>
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TOTAL ESTIMATED DOLLARS NEEDED:

* Commercial or Industrial Improvements by Grantee or Non-profit
** UD = undetermined
<table>
<thead>
<tr>
<th>Obj #</th>
<th>Specific Objectives</th>
<th>Performance Measure</th>
<th>Expected Units</th>
<th>Actual Units</th>
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<tr>
<td></td>
<td><strong>Rental Housing Objectives</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Date Avenue Project using HOME PI funds</td>
<td>number of units produced</td>
<td>4</td>
<td></td>
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<tr>
<td></td>
<td>Continue working cooperatively with Housing Authority to maintain and possibly</td>
<td>number of affordable units available to low income</td>
<td>1500 (currently available through rental assistance)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>increase rental units owned or manages by the Authority and the number of Section 8</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>vouchers available in the community.</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td><strong>Owner Housing Objectives</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Housing Rehabilitation Loan Program</td>
<td>Number of households assisted</td>
<td>28</td>
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<td></td>
<td>Public Utility Loan Program</td>
<td>Number of households assisted</td>
<td>10</td>
<td></td>
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<tr>
<td></td>
<td>Homebuyer Education Program</td>
<td>Number of persons completing course</td>
<td>1200</td>
<td></td>
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<td></td>
<td>First Time Low Income Homebuyer Program</td>
<td>Number of Households assisted</td>
<td>65</td>
<td></td>
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<td></td>
<td><strong>Community Development Objectives</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Infrastructure Objectives</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>NA</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td><strong>Public Facilities Objectives</strong></td>
<td>Improvements completed</td>
<td>NA</td>
<td></td>
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<tr>
<td></td>
<td>Murry Park Improvement Project</td>
<td></td>
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<td></td>
<td><strong>Public Services Objectives</strong></td>
<td>Daily Attendance of Youth</td>
<td>53</td>
<td>Daily</td>
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<td></td>
<td>Youth Center</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Economic Development Objectives</strong></td>
<td>Number of jobs created</td>
<td>90 jobs</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Business Assistance Program</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Honorable Cameron Hamilton  
Mayor of Porterville  
291 N. Main Street  
Porterville, CA 93257  

Dear Mayor Hamilton:

SUBJECT: City of Porterville, California  
Annual Community Assessment Report  
Program Year 2007

The U.S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD) annually reviews the performance of communities managing Community Development Block Grant (CDBG), HOME, Emergency Shelter Grant (ESG), and Housing for Persons With AIDS (HOPWA) program funds. The City of Porterville is a recipient of the Community Development Block Grant (CDBG) and was awarded $729,295 in CDBG funds in PY 2007.

Our office reviewed the City's 2007 Consolidated Annual Performance and Evaluation report (CAPER). During the program year, the City spent $1,146,562 of its CDBG resources, including program income, and met the timeliness requirements under the CDBG program rules. Based upon our review and other available information, we have determined that the City of Porterville has the continuing capacity to implement and administer its CDBG program.

Our review of the CAPER found that Porterville continues to make progress in addressing its performance goals. Access to decent housing is provided through the First Time Low Income Homebuyer and Owner-Occupied Housing Rehabilitation programs. Public services maintain a focus on youth services, parks and recreation, and public utilities improvements. The City's Business Assistance program provides economic development assistance to improve the business environment and stimulate business expansion and job growth.
We look forward to continuing our partnership with the City of Porterville to help achieve its economic development, affordable housing, and community development goals. If you have any questions, please do not hesitate to contact Mr. Michael Dawe, Community Planning and Development Representative, at (415) 489-6580.

Sincerely,

Original Signed By
Maria F. Cremer
Acting Director, Community Planning and Development Division

Cc: John Longley, City Manager
Bradley D. Dunlap, Comm. Dev. Dir.
PUBLIC HEARING

SUBJECT: AN EXTENSION OF TIME FOR AN INTERIM ORDINANCE TO DEFER COLLECTION OF CERTAIN DEVELOPMENT IMPACT FEES TO OCCUPANCY – UPDATE REPORT

SOURCE: Public Works Department – Engineering Division

COMMENT: On March 31, 2009, the City Council authorized Staff to proceed with the preparation of an Interim Urgency Ordinance, and subsequent permanent ordinance to defer the collection of certain impact fees to the occupancy of the development. This provision is intended to apply to all types of development whether it is residential or non-residential.

On April 7, 2009, the City Council approved an Interim Urgency Ordinance to defer the collection of certain development impact fees to occupancy. The Interim Urgency Ordinance will preserve the public health, safety and general welfare in supporting the continued production of clean, decent and safe housing during the current economic crisis. The deferral of impact fees allows the HBA and other development interests to obtain financing for the production of incrementally more housing units and commercial/industrial jobs within the constrained credit market.

While action is proposed on an interim basis, the proposal has long term merit. Therefore, staff has proposed a second-tier measure to follow the interim ordinance with an ordinance for the permanent deferral.

INTERIM ORDINANCE AUTHORITY:

Government Code Section 65858 provides for a city to adopt an interim ordinance that prohibits any use that may be in conflict with a contemplated general plan or zoning ordinance update. In this case, an interim urgency ordinance is the mechanism for the deferral of development impact fees to occupancy while a permanent code amendment can be implemented and thereby protect the health, safety and general welfare of the residents and community at large of the City of Porterville.

The interim ordinance has been effective since adoption on April 7, 2009, but will expire 45 days from the date of adoption. This public hearing is scheduled pursuant to Government Code Section 65858. The public hearing allows for receiving public input on extending the ordinance. At
this time, staff is requesting the City Council to extend the interim ordinance for up to 3 months and 15 days, for the sole purpose of implementing permanent changes to the applicable sections of the City's Code. The Council can also repeal the ordinance or let it expire or appropriately amend the City's Municipal Code.

As required under Government Code Section 65853, staff is actively amending the applicable sections within the code that will permanently allow for the collections of certain impact fees at occupancy of development. Council was provided draft code amendments by memorandum dated April 23, 2009. Staff will present the first reading of these code amendments during the May 19, 2009 City Council meeting.

RECOMMENDATION: That the City Council hold the public hearing, consider any and all public testimony, and extend the Interim Urgency Ordinance deferral of certain development fees to occupancy for a period of 3 months and 15 days.

ATTACHMENTS: Attachment 1 - Interim Ordinance No. 1752, Adopted April 7, 2009
Attachment 2 - Draft Extension of Interim Ordinance
ORDINANCE NO. 1752

AN INTERIM ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE ADOPTING
INTERIM DEFERRAL OF DEVELOPER IMPACT FEES

BE IT ORDAINED by the City Council of the City of Porterville, as follows, to wit:

WHEREAS, on March 23, 2009 the City of Porterville Staff met with local Developers and other interested members of the community to discuss and develop a plan for the interim deferral of developer impact fees; and

WHEREAS, a plan was developed through a process of soliciting significant input from all parties gathered that produced a consensus of proposed provisions to incorporate during this current economic situation and to assist Developers; and

WHEREAS, Assembly Bill No. 2604 amended Section 66007 of the Government Code requiring local agencies to collect impact fees at the time of final inspection or issuance of a Certificate of Occupancy, whichever occurs first; and

WHEREAS, Impact fees are collected to construct master plan public infrastructure, such as, streets, water, sewer, storm drain facilities; and

WHEREAS, Deferral of developer impact fees will be implemented on all development; and

WHEREAS, Costs due from Developers at time of plan submittal will be service oriented fees; and

WHEREAS, the payment of deferred developer impact fees at the time of occupancy could delay payback to Developers that have constructed master plan improvements; and

WHEREAS, Payback for the construction of master plan improvements will be made once funds are available; and

WHEREAS; Payback will be made on a first come first serve basis; and

WHEREAS; Submittal of detailed information will be required for payback; and

WHEREAS; Payback will be made in a lump sum and not on an incremental basis; and

WHEREAS; Developer shall submit reimbursement information within 90 days of completion of the project; and
BE IT FURTHER RESOLVED, payment of impact fees shall be required upon request of final inspection or "Certificate of Occupancy," whichever occurs first; and

BE IT FURTHER RESOLVED, This Ordinance shall remain in full force and effect for a period of forty-five (45) days from and after its passage and adoption unless extended by the City Council; and

BE IT FURTHER RESOLVED, The City Council does herewith direct the City Staff to prepare and submit to the City Council, for consideration of approval and issuance by the City Council, a written report describing the measures taken and to be taken to alleviate the conditions which led to the adoption of this Ordinance; and that said report shall be submitted to the City Council at least 10 days prior to the expiration of this Ordinance.

PASSED, ADOPTED AND APPROVED this 7th day of April, 2009

BY:

[Signature]
Cameron Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

[Signature]
Patrice Hildreth, Chief Deputy City Clerk
STATE OF CALIFORNIA  
CITY OF PORTERVILLE      (SS)  
COUNTY OF TULARE  

I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1752, an Interim Ordinance, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 7th day of April, 2009, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance is to be in full force and effect immediately upon adoption.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

<table>
<thead>
<tr>
<th>COUNCIL:</th>
<th>McCracken</th>
<th>P. Martinez</th>
<th>F. Martinez</th>
<th>Ward</th>
<th>Hamilton</th>
</tr>
</thead>
<tbody>
<tr>
<td>AYES:</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>NOES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>ABSTAIN:</td>
<td></td>
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<tr>
<td>ABSENT:</td>
<td></td>
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</tbody>
</table>

JOHN D. LOLLIS, City Clerk

[Signature]

By: Luisa Herrera, Deputy City Clerk
ORDINANCE NO.______

AN INTERIM ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE ADOPTING
INTERIM DEFERRAL OF DEVELOPER IMPACT FEES

BE IT ORDAINED by the City Council of the City of Porterville, as follows, to wit:

WHEREAS, on March 23, 2009 the City of Porterville Staff met with local Developers and other interested members of the community to discuss and develop a plan for the interim deferral of developer impact fees; and

WHEREAS, The City Council of the City of Porterville has previously enacted Ordinance 1752 as an Urgency Ordinance and said Ordinance expires on May 22, 2009; and

WHEREAS, a plan was developed through a process of soliciting significant input from all parties gathered that produced a consensus of proposed provisions to incorporate during this current economic situation and to assist Developers; and

WHEREAS, Assembly Bill No. 2604 amended Section 66007 of the Government Code requiring local agencies to collect impact fees at the time of final inspection or issuance of a Certificate of Occupancy, whichever occurs first; and

WHEREAS, Impact fees are collected to construct master plan public infrastructure, such as, streets, water, sewer, storm drain facilities; and

WHEREAS, Deferral of developer impact fees will be implemented on all development; and

WHEREAS, Costs due from Developers at time of plan submittal will be service oriented fees; and

WHEREAS, The payment of deferred developer impact fees at the time of occupancy could delay payback to Developers that have constructed master plan improvements; and

WHEREAS, Payback for the construction of master plan improvements will be made once funds are available; and

WHEREAS; Payback will be made on a first come first serve basis; and

WHEREAS; Submittal of detailed information will be required for payback; and

WHEREAS; Payback will be made in a lump sum and not on an incremental basis; and

ATTACHMENT
ITEM NO. 2
WHEREAS; Payback will be made in a lump sum and not on an incremental basis; and

WHEREAS; Developer shall submit reimbursement information within 90 days of completion of the project; and

BE IT FURTHER RESOLVED, Payment of impact fees shall be required upon request of final inspection or “Certificate of Occupancy, whichever occurs first; and

BE IT FURTHER RESOLVED, Pursuant to Government Code Section 65858(d), Staff prepared a written report and submitted it to the City Council for consideration describing the measures taken and to be taken to alleviate the conditions which lead to the adoption of this Ordinance; and that said report was submitted to City Council on April 24, 2009, a least 10 days prior to the expiration of the Interim Ordinance; and

BE IT FURTHER RESOLVED, Work has begun on the code amendments, however additional time is needed to complete the process of developing new language in the code to fully implement the fee deferral process. A duly noticed hearing concerning this extension was held May 5, 2009, and any and all public testimony was considered concerning this extension; and

BE IT FURTHER RESOLVED, The City Council hereby extends this Interim Ordinance for a period of three (3) months and fifteen (15) days. Said period shall commence May 5, 2009, and shall expire August 19, 2009 unless an additional extension, as permitted by law, is approved by the City Council; and

BE IT FURTHER RESOLVED, The City Council does herewith direct the City Staff to prepare and submit to the City Council, for consideration of approval and issuance by the City Council, a written report describing the measures taken and to be taken to alleviate the conditions which led to the adoption of this Ordinance; and that said report shall be submitted to the City Council at least 10 days prior to the expiration of this Ordinance.

PASSED, ADOPTED AND APPROVED this 5th day of May, 2009.

Cameron Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

Patrice Hildreth, Chief Deputy City Clerk
PUBLIC HEARING

SUBJECT: VACATION OF A PORTION OF VILLA STREET NORTH OF OLIVE AVENUE (NOVROZ RAHIM)

SOURCE: Public Works Department – Engineering Division

COMMENT: This is the time and place set for the public hearing on the proposed vacation of a portion of Villa Street north of Olive Avenue. Mr. Novroz Rahim, owner of Frank’s Stop n Go Market, represents the proprietary interest to all the property fronting the proposed street vacation and is the requesting party.

The excess street right-of-way was created when realigning Villa Street north and south of Olive Avenue. The left over portion of Villa Street in front of the market is oddly shaped and in order to avoid any ambiguities, staff felt it would be best to consummate the vacation by recording a Quitclaim Deed with the Tulare County Recorder’s Office. The deed, once recorded, will clearly define ownership of the area proposed for vacation.

Several public underground utilities exist within the area proposed for vacation and it is the City’s intent to retain maintenance rights on behalf of all utility companies. Exhibit “C” of the attached Resolution reserves these rights.

RECOMMENDATION: That City Council:

1. Adopt the Resolution of Vacation, including reservations, for a portion of Villa Street north of the Olive Avenue right-of-way;

2. Authorize the City Clerk to record the Resolution of Vacation; and

3. Authorize the Mayor and City Clerk to execute and record a Quitclaim Deed with the County Recorder.

ATTACHMENTS: Resolution
Exhibit “A” - Legal Description
Exhibit “B” - Map of Right of Way Abandonment
Exhibit “C” - Reservations and Exceptions
Quitclaim Deed

Item No. 41

Dir Appropriated/Funded 41 CM
RESOLUTION NO.______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ORDERING THE VACATION AND CLOSING, TO PUBLIC USE, A PORTION OF VILLA STREET NORTH OF THE OLIVE AVENUE RIGHT-OF-WAY

WHEREAS, by Resolution No. 23-2009, passed on April 7, 2009, the Council of the City of Porterville declared its intention to vacate a portion of Villa Street north of the Olive Avenue right of way, hereinafter more particularly described, and set the hour of 7:00 p.m. on the 5th day of May, 2009, in the Council Chambers of said City as the time and place for hearing all persons objecting to the proposed vacation; and

WHEREAS, such public hearing has been held at said time and place, and there were no protests, oral or written, to such vacation;

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

SECTION 1: The Council hereby finds, from all the evidence submitted, that the street right of way hereinafter described is unnecessary for present or prospective right of way, and the City Council hereby makes its order vacating said portion of Villa Street north of the Olive Avenue right of way which is described in the legal description attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2: The subject street vacation shall be subject to the reservations and exceptions set forth in Exhibit "C" which is attached hereto and by reference made a part hereof.

SECTION 3: The City Clerk shall cause a copy of this resolution to be recorded in the office of the County Recorder of Tulare County, California.

SECTION 4: The City Clerk shall certify to the passage and adoption of this resolution and it shall thereupon take effect and be in force.

PASSED, ADOPTED AND APPROVED this 5th day of May, 2009.

ATTEST:
John D. Lolli, City Clerk

Cameron Hamilton, Mayor

By: Patrice Hildreth, Chief Deputy City Clerk
Exhibit “A”

Villa Street Vacation – Novroz Rahim

That portion of the Southwest quarter of the Southwest quarter of Section 26, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, according to the Official Plat thereof, more particularly described as follows:

COMMENCING AT the Southeast corner of Lot 22 of Williams and Premo Villa Tract as per map recorded in Book 7, page 64 of Maps in the Office of the County Recorder of said County;

THENCE, North along the East line of said Lot 22, to a point in a line which is 25.00 feet north of and parallel to the South line of said Lot 22, said point being the POINT OF BEGINNING;

THENCE, continuing North along said East line of Lot 22, a distance of 99.31 feet, to a point in a non-tangent curve, concave northeasterly, having a radius of 230.00 feet, from said point a radial line bears North 78°41′05″ East;

THENCE, southeasterly, along said curve, through a central angle of 9°44′53″, an arc length of 39.13 feet, to the beginning of a reverse curve concave southwesterly, having a radius of 170.00 feet;

THENCE, southeasterly along said curve, through a central angle of 17°44′33″, an arc length of 52.64 feet, to the beginning of a compound curve, concave northwesterly, having a radius of 10.00 feet;

THENCE, southerly and westerly along said curve, through a central angle of 93°35′09″, an arc length of 16.33 feet, to a point in a line which is 25.00 feet north of and parallel to the easterly prolongation of the South line of said Lot 22;

THENCE, West along said parallel line, a distance of 13.06 feet, to the POINT OF BEGINNING.

CONTAINING: (1,362.7) square feet more or less.

END OF DESCRIPTION

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

Signature: __________________________

Michael K. Reed, Licensed Land Surveyor

Date: __________________________
That portion of the Southwest quarter of the Southwest quarter of Section 26, Township 21, South, Range 27 East, Mount Diablo Base and Meridian.

City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
(559) 782-7462

OWNER: Franks Stop N go

AREA: □ 1,138.69 S.F.
□ 224.01 S.F.

ACRES: □ 0.026 AC
□ 0.005 AC

DRAWN BY: AV

CHC'K BY: MKR
EXHIBIT "C"

RESOLUTION NO.: ________

Reservations and Exceptions:

The City reserves and excepts from the vacation the permanent public utility easement and right at any time, or time to time, to construct, maintain, operate, replace, remove, renew, enlarge, and expand public utilities, and/or appurtenant structures in, upon, over and across any street or alley or part thereof proposed to be vacated and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operations of gas pipe lines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and incidental purposes, including access and the right to keep the property free from inflammable materials, and wood growth, and otherwise protect the same from all hazards in, upon, and over the street or alley or part thereof proposed to be vacated.
RECORDING REQUESTED BY
AND WHEN RECORDED MAIL THIS
DEED AND TAX STATEMENTS TO:

City of Porterville
291 N. Main St.
Porterville, CA 93257

NO FEE PURSUANT TO GOVERNMENT
SECTION 27383

Space above this line for Recorder's Use

QUITCLAIM DEED

<table>
<thead>
<tr>
<th>Atlas</th>
<th>Section</th>
<th>Township</th>
<th>Range</th>
<th>Street/Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>F 7</td>
<td>26</td>
<td>T 21 S</td>
<td>R 27 E</td>
<td>Villa Street</td>
</tr>
</tbody>
</table>

THE CITY OF PORTERVILLE, a municipal corporation does hereby release and quitclaim to NOVROZ ALI RAHIM and MARGARITA RAHIM, husband and wife, as joint tenants, all that certain real property in the City of Porterville, County of Tulare, State of California, described as follows:

See Exhibit “A” and shown on Exhibit “B” attached hereto and made a part hereof by reference, consisting of two pages.
Dated this _______ day of__________________, 2009

______________________________
Cameron Hamilton, Mayor

______________________________
John D. Lollis, City Clerk

STATE OF CALIFORNIA
County of ______________________

On this the _____ day of ________________ 20 _____, before me, ____________________________, Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared ____________________________, Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.

(Notary Public’s signature in and for said County and State)

(for notary seal or stamp)

(Notary Public’s signature in and for said County and State)
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING A QUITCLAIM DEED FOR REAL PROPERTY TO NOVROZ ALI RAHIM AND MARGARITA RAHIM

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby approves a Quitclaim Deed to Novroz Ali Rahim and Margarita Rahim, husband and wife, as joint tenants, for real property, in the City of Porterville, County of Tulare, State of California, to-wit:

See Exhibits “A” and “B” attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the Mayor be authorized to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

______________________________
Cameron Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

______________________________
By: Patrice Hildreth, Chief Deputy City Clerk
Legal Description – Exhibit “A”

That portion of the Southwest quarter of the Southwest quarter of Section 26, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, according to the Official Plat thereof, more particularly described as follows:

COMMENCING AT the Southeast corner of Lot 22 of Williams and Premo Villa Tract as per map recorded in Book 7, page 64 of Maps in the Office of the County Recorder of said County;

THENCE, North along the East line of said Lot 22, to a point in a line which is 25.00 feet north of and parallel to the South line of said Lot 22, said point being the POINT OF BEGINNING;

THENCE, continuing North along said East line of Lot 22, a distance of 99.31 feet, to a point in a non-tangent curve, concave northeasterly, having a radius of 230.00 feet, from said point a radial line bears North 78°41’05” East;

THENCE, southeasterly, along said curve, through a central angle of 9°44’53”, an arc length of 39.13 feet, to the beginning of a reverse curve concave southwesterly, having a radius of 170.00 feet;

THENCE, southeasterly along said curve, through a central angle of 17°44’33”, an arc length of 52.64 feet, to the beginning of a compound curve, concave northwesterly, having a radius of 10.00 feet;

THENCE, southerly and westerly along said curve, through a central angle of 93°35’09”, an arc length of 16.33 feet, to a point in a line which is 25.00 feet north of and parallel to the easterly prolongation of the South line of said Lot 22;

THENCE, West along said parallel line, a distance of 13.06 feet, to the POINT OF BEGINNING.

RESERVING unto all current entities, rights to construct, maintain, operate, replace, remove, renew, enlarge and expand public utilities and/or appurtenant structures in, upon, over and across said property described herein.

CONTAINING: (1,362.7) square feet more or less.

END OF DESCRIPTION

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

Signature: 

Michael K. Reed, Licensed Land Surveyor

Date: ____________________
City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA 93257
(559) 782-7462

That portion of the Southwest quarter of the Southwest quarter of Section 26, Township 21, South, Range 27 East, Mount Diablo Base and Meridian.

OWNER: Franks Stop N' Go
AREA: 1,138.69 S.F.
224.01 S.F.
ACRES: 0.026 AC
0.005 AC
DRAWN BY: RV
CHECK BY: MRR
SUBJECT: ESTABLISHING FEES FOR ANIMAL CONTROL SERVICES AND SHELTERING

SOURCE: Police Department

COMMENT: The City’s Animal Control Unit has been in operation since January 1, 2009. As part of the shelter operation, various services are provided to the public. Some of the services provided include: adoptions, boarding of impounded animals, dog licensing, enforcement of animal control laws, etc. These services result in increased administrative efforts by staff and incur expenses from other providers, such as for veterinarian care and services.

In furtherance of the Animal Control program and the efforts to effectively operate the shelter, it is appropriate to implement a fee schedule. The fees charged would be in place to offset the costs incurred by the Animal Control Unit for some of the services provided or actions taken to resolve animal related problems in the community. The proposed fee amounts are the result of estimates of the actual cost incurred in providing the service, or an average of the fee being charged by animal shelters in Tulare County and adjacent counties.

The Animal Control Unit has begun issuing dog licenses to Porterville residents; however, this has been done at no charge. While building the licensing database, staff will not be charging for this process in the first year. During this time, there will be a strong campaign to license all dogs in Porterville. The Public Hearing regarding the setting of fees on this matter has been properly noticed by City staff.

RECOMMENDATION: That City Council:

1) Conduct a Public Hearing on the proposed Animal Control/Shelter fees; and

2) Adopt the fees as delineated in the attached Draft Resolution.

ATTACHMENT: Draft Resolution
Ordinance No. 1726- Animal Control Ordinance

Item No. 25
RESOLUTION NO. _____-2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE ADOPTING POLICE FEES FOR ANIMAL CONTROL
SERVICES AND SHELTERING

WHEREAS, the City of Porterville has implemented an Animal Control Unit to provide
animal control services to the residents of the community; and

WHEREAS, the Animal Control Unit incurs costs for the provision of adoption services, dog
licensing, boarding of impounded animals and providing animals with veterinary care, shelter, water
and nutrition; and

WHEREAS, the City Council desires to implement a spay and neuter requirement policy for
all animals to be adopted out by the Porterville Animal Control Unit; and

WHEREAS, the proposed fees are necessary to effectively carry out shelter operations and
the regulations as delineated in Porterville Municipal Code, Ordinance No. 1726, Chapter 5,
pertaining to animal control;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that
the following fees are hereby adopted and shall be effective on May 6, 2009:

<table>
<thead>
<tr>
<th>Fee Service Name/Description</th>
<th>Recommended Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Adoption- Dog or Cat (includes Spay/Neuter/Vaccinations)</td>
<td>$70.00</td>
</tr>
<tr>
<td>Deceased Animal Disposal</td>
<td>$10.00</td>
</tr>
<tr>
<td>Animal Relinquishment (For Euthanasia)</td>
<td>$60.00</td>
</tr>
<tr>
<td>Animal Relinquishment- Cat/Dog/Litter of puppies or kittens (For Re-Adoption)</td>
<td>$55.00</td>
</tr>
<tr>
<td>Animal Redemption (Upon Impound)</td>
<td></td>
</tr>
<tr>
<td>o Impound Fee</td>
<td>$20.00</td>
</tr>
<tr>
<td>o Boarding Fee (Per Day at Kennel)</td>
<td>$8.00</td>
</tr>
<tr>
<td>o Boarding Fee (Per Day at Veterinarian)</td>
<td>Actual Costs Charged by Vet</td>
</tr>
<tr>
<td>Kennel Quarantine (10 Days)</td>
<td>$80.00</td>
</tr>
<tr>
<td>Home Quarantine (10 Days)</td>
<td>$30.00</td>
</tr>
<tr>
<td>License- Dogs (Spayed/Neutered) Annual Fee</td>
<td>$10.00</td>
</tr>
<tr>
<td>License- Dogs (Non-Spayed/Neutered) Annual Fee</td>
<td>$22.00</td>
</tr>
<tr>
<td>License- Delinquent Fees (Applied when renewal is more than 30 days late)</td>
<td>$10.00</td>
</tr>
<tr>
<td>License- Replacement Tag</td>
<td>$2.00</td>
</tr>
<tr>
<td>Kennel Permit- 1 to 10 Animals</td>
<td>$75.00</td>
</tr>
<tr>
<td>Kennel Permit- 11 or more Animals</td>
<td>$100.00</td>
</tr>
<tr>
<td>Kennel Permit- Annual Renewal (Any Size)</td>
<td>$15.00</td>
</tr>
<tr>
<td>Service Animal Licensing &amp; Registration</td>
<td>No Fee</td>
</tr>
</tbody>
</table>
APPROVED AND ADOPTED this 5th day of May, 2009.

____________________________
Cameron Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

____________________________
By Patrice Hildreth, Chief Deputy City Clerk
ORDINANCE NO. 1726

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING CHAPTER 5, SECTIONS 5.1 THROUGH 5.4.6, AND REPLACING IT WITH CHAPTER 5, SECTIONS 5.1.0 THROUGH 5.5.1, OF THE PORTERVILLE MUNICIPAL CODE PERTAINING TO ANIMAL CONTROL

WHEREAS, the City desires to adopt comprehensive modifications to its regulations pertaining to animal control within the City; and

WHEREAS, in adopting this ordinance the City Council desires to clarify the requirements, violations, and remedies regarding the control of animals and dogs with the City limits;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN, AS FOLLOWS:

SECTION 1: Chapter 5, Sections 5.1 through 5.4.6, of the Porterville Municipal Code is repealed in its entirety and replaced with the following:

Chapter 5
ANIMAL CONTROL

Article I
General Provisions

Sections:
5.1.0 Definitions
5.1.1 Shelter Supervisor
5.1.2 Records
5.1.3 Animal Shelter
5.1.4 Impounding Animals
5.1.5 Right to Enter Premises
5.1.6 Interference with Duties

5.1.0 DEFINITIONS.

(a) The term "owner," as used in this Chapter, means any person, firm or corporation owning, harboring, having an interest in, or having control, custody or possession of an animal. In the case of an animal, which is owned by a minor, the parent or guardian of the minor shall constitute the "owner" of such animal for the purposes of this Chapter.

(b) The term "at large," as used in this Chapter, means an animal off the premises of its owner which is not under restraint by leash and which is not under the control and in the immediate presence of the owner.
(c) The term "dangerous animal," as used in this Chapter, means a dog or other animal which has attacked, bitten or injured any human being or other animal without reasonable provocation, or which has been so declared pursuant to this Chapter, or under the facts and circumstances has acted in a threatening manner towards any human being or displayed characteristics of being trained for fighting, or there is other evidence to show such training or fighting.

(d) The term "attack," as used in this Chapter means any unprovoked aggressive behavior toward a person or animal. Aggressive behavior in defense of property or territory of the owner shall constitute an attack unless the dog or other animal is securely contained within an enclosure sufficient to prevent physical contact with a person or animal outside such enclosure.

(e) The term "field officer" as used in this Chapter shall mean the animal control agents or peace officers that respond to any complaint or incident.

5-1.1 SHELTER SUPERVISOR/DEPARTMENT OF ANIMAL CONTROL. The office of Shelter Supervisor shall be established. The Shelter Supervisor shall be appointed or contracted by the City Council and may be either a person, firm, association, corporation, public entity or joint powers authority. The Shelter Supervisor shall serve for such period of time and shall receive such compensation as shall be established by the City Council by ordinance or by contract. If an association or corporation is appointed as Shelter Supervisor, each officer and employee authorized by such association or corporation to perform duties under this Chapter shall be deemed to be a Shelter Supervisor and shall have all of the rights and duties of the Shelter Supervisor which are set forth in this Chapter. The Police Department shall carry out the duties of a Department of Animal Control, and the Chief of Police shall serve as the ex-officio Director. The Director shall perform all duties of the Shelter Supervisor unless the City Council has entered into a contract with another person, firm, association, corporation, or public entity, or has otherwise provided for such services via a joint powers authority, to furnish animal control services, in which case the Director shall administer said contract on behalf of the City Council.

5-1.2 RECORDS. The Shelter Supervisor shall keep a record of every animal impounded pursuant to this Chapter which shall include a description of the animal, the date of receipt, the date and manner of disposal, the name of the person redeeming or purchasing, and the fees, charges and proceeds of sales received on account of said animal, and such additional records as may be required by the City Council from time to time.

5-1.3 ANIMAL SHELTER. There shall be provided by the Shelter Supervisor, upon such terms and conditions as may be mutually agreed upon by the Shelter Supervisor and the City Council, a suitable building or enclosure to keep and safely hold all animals to be impounded pursuant to the provisions of this Chapter, and said building or enclosure shall be known and designated as the "Shelter."
5-1.4 IMPOUNDING ANIMALS. The Shelter Supervisor shall take up, impound and safely keep any dog that is found running at large contrary to the provisions of this Chapter within the incorporated territory of the City.

5-1.5 RIGHT TO ENTER PREMISES. The Shelter Supervisor, and his or her agents, shall be authorized to enter upon any premises for the purpose of enforcing the provisions of this Chapter.

5-1.6 INTERFERENCE WITH DUTIES. It shall be unlawful for any person to interfere with the Shelter Supervisor in the performance of his/her official duties.

Article II
Dogs

Sections:
5-2.1 License Required
5-2.2 Issuance of License and Tag
5-2.3 Time Limits
5-2.4 Vaccination Certificate Required
5-2.5 Term of License
5-2.6 License Fees
5-2.7 License Fees: Spayed or Neutered Dogs
5-2.8 Exemption: Service or Assistance Dog
5-2.9 Delinquent Penalties
5-2.10 Extension of Time: Dogs too Ill to be Vaccinated
5-2.11 Replacing Lost or Stolen Tags
5-2.12 License Transferable
5-2.13 Affixing Dog Tag
5-2.14 Impounding Dogs without Tags
5-2.15 Impounding Biting or Attacking Animals
5-2.16 Notice to Owner of Licensed Dog or Other Animal
5-2.17 Redemption of Impounded Dogs or Other Animals
5-2.18 Fees for Impounding and Keeping Dogs and Other Animals
5-2.19 Sale and Destruction of Impounded Dogs and Other Animals Wearing Tags
5-2.20 Sale and Destruction of Impounded Dogs and Other Animals Not Wearing Tags
5-2.21 Sale of Impounded Dogs
5-2.22 Licensing Impounded Dogs
5-2.23 Removal of Tag
5-2.24 Display of Tag
5-2.25 Keeping Dangerous Dogs or Other Animals
5-2.26 Interference with Highways
5-2.27 Permitting Dogs to Run At Large
5-2.28 Barking Dogs
5-2.29 Hearing to Determine if Animal is Dangerous
5-2.30 Hearing: Conduct
5-2.31 Hearing: Decision
5-2.32 Disposition of Dangerous Animal
5-2.33 Dog or Other Animal Declared Not Dangerous

5-2.1 LICENSE REQUIRED. Every owner of a dog, within the City, shall secure a license from the Shelter Supervisor, or from the City Finance Department, for each such dog within the time limits set forth in this Chapter. It shall be unlawful for any owner to fail to secure said license in accordance with the provisions of this Chapter. A license need not be secured for a dog which is brought into the City for the sole purpose of being entered in a dog show or dog exhibition, provided that such dog is entered in such show or exhibition and is removed from the City within thirty (30) days after the date on which the dog was brought into the City.

5-2.2 ISSUANCE OF LICENSE AND TAG. Application for a license required by this Chapter shall be filed with the Shelter Supervisor, Finance Department, or Police Department, on a form prescribed by the Shelter Supervisor. Upon payment of the required fee and upon compliance with the other requirements of this Chapter, the Shelter Supervisor shall issue a dog license. Either the application or the license shall contain a brief description of the dog including the age, sex, color and breed of the dog, and the name and address of the owner. The license shall contain a serial number, the expiration date of the license and such other information as the Shelter Supervisor may determine. The Shelter Supervisor shall keep a copy of the application and license on file in his office and the application and license shall be open to public inspection. With each license issued, the Shelter Supervisor shall also issue a tag made of some durable material. Said tag shall bear the words "City of Porterville," the serial number on the dog license, the date of expiration of the license, and such other information as the Shelter Supervisor may determine. Said tag shall be securely worn by the animal for which the license was issued.

5-2.3 TIME LIMITS.

(a) An owner of a dog shall secure a license for his dog within thirty (30) days after s/he acquires ownership of the dog. However, if a dog is less than four (4) months of age when the owner acquires it, the owner shall secure a license for the dog within thirty (30) days after the dog becomes four (4) months of age.

(b) Any person who enters the City and dwells in the City for a period of thirty (30) days or more, and who has brought a dog with him from outside the City, shall secure a license for the dog within thirty (30) days after the person first enters the City.

(c) Prior to the time that a license is issued, the dog shall not be allowed to run at large, and any dog found running at large shall be impounded pursuant to this section, even though the time limits for securing the license which are set forth herein above have not expired.
5-2.4 VACCINATION CERTIFICATE REQUIRED.

(a) A license for a dog shall not be issued unless the owner of the dog presents for filing a certificate signed by a veterinarian or other professional as authorized pursuant to applicable State law showing that said dog has been vaccinated against rabies, which indicates that the period of time elapsing from the date of the vaccination to the date of expiration of the license does not exceed thirty (30) months in the case of vaccination with live virus rabies vaccine or eighteen (18) months in the case of vaccination with killed virus rabies vaccine, as those types of vaccines are defined in section 2606 et seq. of Chapter 17 of the California Code of Regulations. During any period when the City is designated as a rabies area pursuant to sections 1900-1921 of the Health and Safety Code of the State of California, no killed virus vaccine shall be used other than vaccine of bovine nerve tissue origin.

(b) Every duly licensed veterinarian or other authorized professional, after vaccinating any dog owned by a resident of the City of Porterville, shall sign a certificate in triplicate containing the following information:

(1) The type of vaccination used.
(2) The date of the vaccination.
(3) The breed, age, color and sex of the vaccinated dog.
(4) The serial number of the vaccination tag issued.
(5) The name and address of the owner of the dog.

The veterinarian or other authorized professional shall immediately present the original vaccination certificate to the owner of the dog, and shall deliver the duplicate copy to the Shelter Supervisor. The veterinarian or other authorized professional shall keep the triplicate copy.

5-2.5 TERM OF LICENSE. Dog licenses shall be issued on a fiscal year basis, commencing on July 1st and terminating on the next June 30th. The owner of a dog shall secure a license for his dog annually after the expiration of the original license. During the period from July 1st through August 31st of each year, an owner who has secured a license for his dog for the prior fiscal year shall not be in violation of this Chapter, and such dog shall not be impounded pursuant to this Chapter if the dog is wearing the tag issued for the prior fiscal year.

5-2.6 LICENSE FEES.
(a) This section applies only to dogs, which have not been spayed or neutered, and to dogs which are not otherwise unable, for physical or medical reasons, to bear or produce offspring.

(b) The annual license fee for each dog shall be established by the City Council as adopted from time to time. Such Resolution may provide for the proration of fees depending upon length of ownership of the dog and portion of year remaining on the license.

5
5-2.7 LICENSE FEES: SPAYED OR NEUTERED DOGS.
(a) This section applies only to dogs which have been spayed or neutered, or which are unable to bear or produce offspring for physical or medical reasons.

(b) A certificate from a licensed veterinarian that the dog comes within one of the provisions in subsection (a) of this Section shall accompany the application for a license or the fees set forth in this Section shall be paid.

(c) The annual license fee for each dog shall be established by Resolution of the City Council as adopted from time to time. Such Resolution may provide for the proration of fees depending upon length of ownership of the dog and portion of year remaining on the license.

5-2.8 EXEMPTION: SERVICE OR ASSISTANCE DOG. Any other provision of this Chapter notwithstanding, no charge shall be made for a license issued for a seeing eye dog used as a service or assistance dog, guide dog, or signal dog as defined by applicable State law, or being trained for such use. Proof of such use or training shall be provided by the applicant at the time of license application in a form satisfactory to the City.

5-2.9 DELINQUENT PENALTIES. Commencing on the 1st day of September each year, a delinquent penalty shall be collected in an amount equal to the regular license fee, in addition to the regular license fee, before issuing a license if the time limits for securing licenses which are set forth in this Chapter have expired at the time that the license is issued.

5-2.10 EXTENSION OF TIME: DOGS TOO ILL TO BE VACCINATED. If a dog is too ill to be vaccinated against rabies at the time that the time limits, set forth in this Chapter, expire, then the date for securing the dog license is extended until thirty (30) days after the date on which the dog is well enough to be vaccinated, and no delinquent penalties shall be charged for issuance of the dog license during said thirty (30) day period. However, an extension of time shall not be granted pursuant to this section unless the application for the license is accompanied by a certificate signed by a veterinarian setting forth facts, which show that the dog comes within the provisions of this chapter. Prior to the time that a license is issued for a dog pursuant to this section, the dog shall not be allowed to run at large and any such dog found running at large shall be impounded pursuant to this Chapter.

5-2.11 REPLACING LOST OR STOLEN TAGS. Whenever a tag issued for the then current year has been stolen or lost, the owner of the dog for which the tag was issued may, upon the payment of a fee to the Shelter Supervisor, receive a duplicate tag. The fee for a duplicate tag shall be set by Resolution of the City Council as adopted from time to time.
5-2.12 LICENSE TRANSFERABLE. The license and tag issued pursuant to this Chapter may be transferred when the ownership of the dog is transferred. The new owner or the previous owner of the dog shall notify the Shelter Supervisor in writing of the change in ownership of the dog and the name and address of the new owner. If such written notice is not given the Shelter Supervisor shall send all required notices concerning said dog to the person whose name and address are on file with the Shelter Supervisor.

5-2.13 AFFIXING DOG TAG. It shall be unlawful for the owner of the dog to permit the dog to run at large without the tag issued pursuant to this Chapter being securely affixed to the dog by means of a collar, harness or other suitable device. It shall be unlawful for any person to affix the tag required by this Chapter to any dog except the dog for which it was issued and it shall be unlawful for the owner of a dog to allow the dog to wear a tag other than the tag issued for the current year.

5-2.14 IMPOUNDING DOGS WITHOUT TAGS. The Shelter Supervisor, and any peace officer, shall take up every dog which is not wearing the required tag and which is found running at large within the City of Porterville. When such a dog is taken up by a peace officer, he shall deliver the dog to the Shelter Supervisor. All such dogs shall be impounded in the Porterville Shelter.

5-2.15 IMPOUNDING BITING OR ATTACKING ANIMALS.

(a) The Shelter Supervisor, any of its authorized agents, and any peace officer, shall have the power to summarily and immediately impound a dog or other animal where there is evidence it has attacked, bitten or injured any human being or other animal, or where there is evidence that a dog has acted in a threatening manner towards any human being, a dog has exhibited characteristics of being trained for fighting or attacking, or there is other evidence to show such training or fighting, pending any court proceeding or dog license or animal permit revocation proceeding arising from the attack, bite or injury; or pending a hearing pursuant to Section 5-2.29 and 5-2.30 of this Chapter. The Shelter Supervisor may enter and inspect private property to enforce the provisions of this section. Failure to surrender to the Shelter Supervisor upon demand a dog or other animal which is being impounded pursuant to this section is a misdemeanor. The Shelter Supervisor shall also, as soon as reasonably possible, notify the bite victim of the rabies vaccination status of the biting dog.

A dog or other animal wearing a license tag, impounded pursuant to the authority of this Chapter, shall be returned to the owner or custodian as provided by this Chapter or when it is no longer required as evidence, or if a notice that the Shelter Supervisor has declared the dog or other animal dangerous has not been served on the owner or custodian within six days after the impoundment provided that, within those six days, the owner has made application to redeem the dog or other animal.
A dog or other animal not wearing a license tag, impounded pursuant to the authority of this section shall be destroyed in a humane manner if, within six business days after being impounded, the owner has failed to make application to redeem the dog or other animal. If, within six business days after being impounded, the owner has applied to redeem the dog or other animal, then the dog or other animal shall be returned to the owner as provided by this Chapter or when it is no longer required as evidence, or if a notice that the Shelter Supervisor has declared the dog or other animal dangerous has not been served on the owner within six days of the filing of the application to redeem the dog or other animal.

(b) In lieu of impound, the Shelter Supervisor may permit the dog or other animal to be confined at the owner's or custodian's expense in a licensed dog kennel or veterinary facility approved by the Shelter Supervisor, or at the owner's or custodian's residence provided that the owner or custodian:

1. Shall not remove the dog or other animal from the kennel, veterinary facility or residence without the prior written approval of the Shelter Supervisor.
2. Shall make the dog or other animal available for observation and inspection by the Shelter Supervisor or members of law enforcement or their authorized representatives.

(c) The Shelter Supervisor may have a dog or other animal impounded or confined as provided in (a) or (b) above, permanently identified by means of photo identification prior to release from impound or confinement.

5-2.16 NOTICE TO OWNER OF LICENSED DOG OR OTHER ANIMAL. Within two (2) days after a dog or other animal which is wearing a license tag is impounded, the Shelter Supervisor shall mail a notice of the impounding to the owner at the address shown on the application for the license which is on file with the Shelter Supervisor, and advise the owner of the procedure whereby he or she may apply to regain custody of the dog or other animal.

5-2.17 REDEMPTION OF IMPOUNDED DOGS OR OTHER ANIMALS.

(a) The owner of any dog or other animal impounded other than pursuant to this Chapter may redeem the dog or other animal at any time prior to its sale or destruction. A person desiring to redeem a dog or other animal shall deliver to the Shelter Supervisor an application for redemption and a statement in a form prescribed by the Shelter Supervisor which shall contain a description of the dog or other animal to be redeemed, the name and address of the claimant, and the statement that he or she is the owner of the dog or other animal. The Shelter Supervisor shall issue to such person a written statement containing the name and address of the claimant, a description of the dog or other animal redeemed, the date on which the dog or other animal was impounded, and the accrued fees, and said statement shall serve as a certificate of redemption and receipt for the fees paid.
(b) The owner of any dog or other animal impounded pursuant to this Chapter may redeem the dog or other animal pursuant to (a) above only after six days from impoundment if he or she has not received notice that the dog or other animal has been declared a dangerous animal and of the right to a hearing pursuant to this Chapter or if, after a hearing, an order is made to return the dog or other animal to the owner.

5-2.18 FEES FOR IMPOUNDING AND KEEPING DOGS AND OTHER ANIMALS. The owner of a dog which has been impounded shall pay to the Shelter Supervisor an impounding fee and shall also pay a fee for keeping said dog for each day, or portion thereof, that said dog has been impounded. The owner of an animal other than a dog, which has been impounded, shall also pay an impoundment fee and a fee per day for keeping said animal unless the amount required to keep the animal is higher in which case the owner shall pay the actual cost of keeping the animal. Impoundment fees and the fees per day for keeping animals will be set by Resolution of the City Council as adopted from time to time.

5-2.19 SALE AND DESTRUCTION OF IMPOUNDED DOGS AND OTHER ANIMALS WEARING TAGS.

(a) Unless a dog or other animal wearing a license tag has been redeemed within six (6) days after being impounded or unless it is being held for evidence in a hearing pursuant to this Sections 5-2.29 through 5-2.33 of this Article, it may be sold by the Shelter Supervisor to the person other than the owner offering to pay the highest cash amount therefore. But no dog or other animal which has been declared a dangerous animal pursuant to Sections 5-2.29 through 5-2.33 of this Article shall be sold pursuant to this section nor shall any dog or other animal which has been impounded pursuant to Section 5-2.15 and subsequently found not dangerous but improperly trained, handled or maintained be sold except to a person who is willing to properly train, handle and maintain the dog or other animal, as determined by the Shelter Supervisor.

(b) Unless a dog or other animal wearing a license tag has been redeemed within six (6) business days after being impounded or unless it is being held for evidence in a hearing pursuant to Sections 5-2.29 through 5-2.33, and it has not been sold pursuant to (a) above, it may be destroyed by the Shelter Supervisor in a humane manner. A dog or other animal not wearing a license tag impounded pursuant to section 5-2.15 shall be humanely destroyed by the Shelter Supervisor if, within six days after it is impounded, the owner has failed to make application to redeem the dog or other animal.

(c) If the owner of a dog or other animal gives permission in writing to do so, the dog or other animal may be sold or destroyed at any time after it is delivered to the Shelter, provided that no dog or other animal pursuant to Sections 5-2.29 through 5-2.33 of this Article shall be sold even with the permission of the owner.
5-2.20 SALE AND DESTRUCTION OF IMPOUNDED DOGS AND OTHER ANIMALS NOT WEARING TAGS.

(a) Unless a dog or other animal which is not wearing a license tag has been redeemed within six (6) business days after being impounded or unless it is being held for evidence in a hearing pursuant to Sections 5-2.29 through 5-2.33 of this Article, it may be sold by the Shelter Supervisor to the person offering to pay the highest cash amount therefore. But no dog or other animal not wearing a license tag impounded pursuant to Section 5-2.15, for which no application for redemption has been made by the owner, shall be sold pursuant to this section.

(b) If any impounded dog or other animal which is not wearing a license tag has not been redeemed within six (6) business days after being impounded or unless it is being held for evidence in a hearing pursuant to Sections 5-2.29 through 5-2.33 of this Article, and it has not been sold pursuant to (a) above, it may be destroyed by the Shelter Supervisor in a humane manner. A dog or other animal not wearing a license tag impounded pursuant to Section 5-2.15 shall be destroyed by the Shelter Supervisor in a humane manner if, within six business days after it is impounded, the owner has failed to make application to redeem the dog or other animal.

(c) If the owner of a dog or other animal given permission in writing to do so, the dog or other animal may be sold or destroyed in accordance with subsections (a) and (b) above at any time after it is delivered to the Shelter.

5-2.21 SALE OF IMPOUNDED DOGS. When a dog is sold by the Shelter Supervisor pursuant to the provisions of this Chapter, the Shelter Supervisor shall deliver to the purchaser of said dog a statement in writing containing a description of the dog, the date of sale, and the amount of the purchase price. All sales shall convey a good and valid title to the purchaser, and the previous owner of the dog shall thereafter be barred from all right to recover said dog.

5-2.22 LICENSING IMPOUNDED DOGS.

(a) The Shelter Supervisor shall not release an unlicenced dog to its owner or sell an unlicenced dog to any person who resides in the City, unless the owner or purchaser, respectively, signs an agreement that he or she will secure the required license within ten (10) days after he or she is given possession of the dog and pays a deposit in an amount set by the City Council by Resolution. Said deposit shall be refundable to the owner if the owner submits evidence of compliance with this section. It shall be unlawful to fail to secure said license within said ten (10) day period. If the owner or purchaser fails to secure said license within said ten (10) day period, he shall be required to return the dog to the Shelter Supervisor, and the dog may be impounded.
(b) The Shelter Supervisor shall not release to the owner or purchaser any dog whose license has been revoked after a hearing pursuant to this Chapter unless the owner or purchaser shows proof that he or she has enrolled the dog in a class to re-train the dog or proof that he or she is qualified to re-train the dog and the owner or purchaser signs an agreement that, until the dog is re-trained as evidenced by a certificate of successful completion of the training program, it will be securely confined when not under the immediate control of a responsible attendant and that he or she will secure the required license within ten (10) days after he or she is given possession of the dog. It shall be unlawful for the owner or purchaser to not keep the dog securely confined as agreed and to fail to secure said license with said ten (10) day period and any dog which is not so confined or for which said license is not secured within the required ten (10) day period shall be immediately impounded by the Shelter Supervisor and, without further notice, humanely destroyed or sold to a person willing to comply with the above requirements for re-training and confinement of the dog.

5-2.23 REMOVAL OF TAG. It shall be unlawful for any person to remove from a dog, without authority from the owner, any collar, harness, or other device to which is attached a license tag for the current year, or to remove such tag there from.

5-2.24 DISPLAY OF TAG. It shall be unlawful for any person to refuse to show the Shelter Supervisor or any peace officer, on request, the license certificate and the tag for any dog kept or remaining within his home or upon any enclosed premises under his immediate control.

5-2.25 KEEPING DANGEROUS DOGS OR OTHER ANIMALS. It shall be unlawful for a person to keep a dangerous dog or other animal. Any dog which has been found to be a dangerous or vicious animal pursuant to this Chapter, or the ordinance code of any other county or city or pursuant to any state statute, shall be conclusively presumed to be dangerous.

5-2.26 INTERFERENCE WITH HIGHWAYS. It shall be unlawful for the owner to allow or permit a dog to habitually or repeatedly attack pedestrians, cyclists, vehicles or other users of the public highways.

5-2.27 PERMITTING DOGS TO RUN AT LARGE. It shall be unlawful for the owner or other person in lawful possession or control of a dog to allow or permit the dog to run at large in any public park, public square, school or school grounds in any area of the City; or upon any property, whether public or private, except with the consent of the property owner, where such property is located within the City limits. Every dog found running at large in violation of the provisions of this section shall be seized and impounded.

5-2.28 BARKING DOGS. It shall be unlawful for any owner of a dog to keep said dog in the City, which dog shall by loud or excessive barking, howling, whining or making any other noise disturb the comfort or quiet of any neighborhood or any person; provided that said owner has been made aware of the disturbance created by the dog.
5-2.29 HEARING TO DETERMINE IF ANIMAL IS DANGEROUS.

(a) The Field Officers shall declare any dog or other animal to be a dangerous animal whenever it has attacked, bitten or caused injury to any human being or other animal, or where there is evidence that a dog has acted in a threatening manner towards any human being, a dog has exhibited characteristics of being trained for fighting or attacking, or there is other evidence to show such training or fighting. Within two (2) days after a dog or other animal, which is wearing a license tag, is impounded pursuant to this section, the Shelter Supervisor shall mail a notice of the finding that the dog or other animal is dangerous and of the owner's right to a hearing on the issue of whether or not the animal is dangerous.

(b) The owner of an animal confined or impounded pursuant to this section may, within the six (6) day time period provided for application for redemption of the dog or other animal, request a hearing to determine whether or not the dog or other animal is a dangerous animal. Requests must be received by the Shelter Supervisor no more than six (6) days after impoundment.

(c) When a hearing is requested pursuant to subsection (b) above, a date and time for such a hearing shall be set, and notice thereof shall be sent by regular mail at least five (5) business days, including Saturday, before such date to the owner at the address set forth on his or her request and shall notify the victim of such hearing.

5-2.30 HEARING: CONDUCT.

(a) A hearing requested in accordance with this chapter shall be conducted before the Director or a person appointed as a hearing officer by the Director.

(b) The hearing shall be open to the public. The owner may be represented by counsel. The hearing officer shall hear all pertinent evidence offered by all interested persons. The technical rules of evidence shall not be applicable to the hearing, except that the hearing officer's decision may not be based wholly on hearsay evidence. All persons giving evidence shall be sworn before testifying. The owner may employ a shorthand reporter to report the hearing.

(c) Any dog or other animal which has attacked, bitten or caused injury to a human being or other animal is presumed to be dangerous and the burden is on the owner to present evidence that the animal is not dangerous.

(d) In making a determination that a dog or other animal is or is not dangerous, evidence of the following shall be considered:

(1) Any previous history of the dog or other animal attacking, biting or causing injury to a human being or other animal.

(2) The nature and extent of injuries inflicted and the number of victims involved.
(3) The place where the bite, attack or injury occurred.
(4) The presence or absence of any provocation for the bite, attack or injury.
(5) The extent to which property has been damaged or destroyed.
(6) Whether the dog or other animal exhibits any characteristics of being trained for fighting or attack or other evidence to show such training or fighting.
(7) Whether the dog or other animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or dogs or other animals.
(8) Whether the dog or other animal can be effectively trained or re-trained to change its temperament or behavior.
(9) The manner in which the dog or other animal had been maintained by its owner or custodian.
(10) Any other relevant evidence concerning the maintenance of the dog or other animal.
(11) Any other relevant evidence regarding the ability of the owner or custodian to protect the public safety in the future if the dog is permitted to remain in the City.
(12) Any other relevant evidence concerning the characteristics or behavior of the dog, or concerning the circumstances of the incident.

5-2.31 HEARING: DECISION.

(a) At the conclusion of the hearing the hearing officer may determine:

(1) That the dog or other animal is not a dangerous animal and should be returned to its owner; or
(2) That the dog or other animal is not dangerous but that the attack, bite or injury was the result of improper or negligent training, handling or maintenance and that the license or animal permit should be revoked; or
(3) That the dog or other animal is a dangerous animal and that it should be humanely destroyed no sooner than the sixth business day following the mailing of notice of the hearing officer's decision.

(b) The decision of the hearing officer shall be in writing and shall be delivered personally to the owner or mailed to him or her by regular mail at the address appearing on the request for hearing.

(c) The owner may, within ten (10) days of the mailing of the hearing officer's written decision to the owner, appeal the hearing officer's decision to the Tulare County Superior Court pursuant to California Code of Civil Procedure Section 1094.6.

5-2.32 DISPOSITION OF DANGEROUS ANIMAL.

(a) It shall be unlawful for any person to own, possess, harbor or keep any dog or other animal declared to be dangerous.
(b) Any dog or other animal declared to be dangerous, if not already impounded, shall be immediately surrendered to the Shelter Supervisor, and it is the duty of the Shelter Supervisor to take up and impound any such dog or other animal.

(c) Any dog or other animal declared to be a dangerous animal shall be humanely destroyed as permitted pursuant to this Chapter or otherwise prescribed by law.

5-2.33 DOG OR OTHER ANIMAL DECLARED NOT DANGEROUS.

(a) If it is determined that the dog or other animal is not dangerous, but that the bite, attack, injury, or other behavior was the result of improper or negligent training, handling or maintenance, the dog license or animal permit shall be revoked.

(b) The dog license or animal permit may be reissued with reasonable terms, conditions or restrictions imposed for the training, handling or maintenance of the dog or other animal to protect the public health, safety and welfare only if it is determined that the owner or custodian is able and willing to properly train, handle or maintain the dog or other animal and a similar incident is not likely to occur in the future with proper training, handling or maintenance.

(c) If it is determined that the dog or other animal is not dangerous, but that the bite, attack or injury was the result of improper or negligent training, handling or maintenance and that the owner is unable or unwilling to properly train, handle or maintain the dog or other animal and that a similar incident is not likely to occur in the future with proper training, handling or maintenance, the dog or other animal will be disposed of pursuant to section 5-2.32.

Article III
Kennels

Sections:
5-3.1 Kennel Defined
5-3.2 Kennel Permit and Application Fee
5-3.3 Vaccination Certificate Required
5-3.4 Preliminary Inspection
5-3.5 Permit
5-3.6 Term of Permit
5-3.7 Delinquent Penalties, Securing Individual Licenses if Kennel Permit Denied, Time Limits
5-3.8 Permitting Dogs to Run At Large
5-3.9 Inspection of Kennel
5-3.10 Vaccination of Additional Dogs
5-3.11 Delivery of Vaccination Certificates to Purchasers
5-3.12 Effect of Revocation of Kennel Permit

5-3.1 KENNEL DEFINED. The term "kennel," as used in this Chapter, means a building or enclosure where five (5) or more dogs over four (4) months of age are kept.
5-3.2 KENNEL PERMIT AND APPLICATION FEE. In lieu of securing the permit required by this Chapter for each of the dogs in a kennel, a person owning or operating a kennel may obtain a kennel permit covering all of the dogs maintained in the kennel. It shall be unlawful to fail to secure either the permit required by this Chapter or the permit authorized by this chapter. The application for a kennel permit shall be filed with the Shelter Supervisor on a form prescribed by the him/her. The fees for kennel permits shall be set by Resolution of the City Council as adopted from time to time.

5-3.3 VACCINATION CERTIFICATE REQUIRED. The Shelter Supervisor shall not issue a kennel permit unless the person applying for the permit files with him a certificate or certificates signed by a licensed veterinarian showing that all of the dogs in the kennel which are over four (4) months of age have been vaccinated against rabies and which indicates that the period of time elapsing from the dates of the vaccinations to the date of expiration of the kennel permit does not exceed thirty (30) months in the case of vaccination with live virus rabies vaccine or eighteen (18) months in the case of vaccination with killed virus rabies vaccine, as those types of vaccines are defined in section 2606 et seq. of Chapter 17 of the California Code of Regulations. During any period when the City of Porterville is designated as a rabies area pursuant to sections 1900-1921 of the Health and Safety Code of the State of California, no killed virus vaccine shall be used other than vaccine of bovine nerve tissue origin.

However, if one or more dogs in the kennel are too ill to be vaccinated against rabies at the time the application for the kennel permit is filed with the Shelter Supervisor, and the application for the kennel permit is accompanied by a certificate signed by a veterinarian which so states, the Shelter Supervisor shall process and issue the kennel permit in compliance with this Chapter. The owner of the kennel shall thereafter have each such dog vaccinated within thirty (30) days after the date on which it becomes well enough to be vaccinated and, within ten (10) days after such dog has been vaccinated, the owner of the kennel shall file the vaccination certificate with the Shelter Supervisor. If satisfactory evidence is presented to the City Council that a person holding a kennel permit has failed to have a dog vaccinated pursuant to this section, the City Council shall direct the Shelter Supervisor to immediately revoke the kennel permit and to give the holder of the kennel permit written notice of such revocation.

5-3.4 PRELIMINARY INSPECTION: The Shelter Supervisor shall inspect the kennel and determine whether the kennel is constructed and operated in such a manner as to prevent the dogs confined therein from running at large.

5-3.5 LICENSE. If the Shelter Supervisor has determined that the kennel is constructed and operated in such a manner as to prevent dogs confined therein from running at large, and if the required vaccination certificates have been filed in compliance with the provisions of this Chapter, the Shelter Supervisor shall issue a kennel permit to the applicant. Otherwise, the Shelter Supervisor shall refuse to issue the kennel permit. The kennel permit issued by the Shelter Supervisor shall contain a serial number, the expiration date of the permit, the address of the kennel, and such other information as the Shelter Supervisor may require. The Shelter Supervisor shall not issue individual permit tags for the dogs in the kennel.
5-3.6 TERM OF PERMIT. Kennel permits shall be issued on a City fiscal year basis, commencing on July 1st and terminating on the next June 30th. During the period from July 1st through August 31st of each year, an owner who has secured a kennel permit for his dogs for the prior fiscal year shall not be in violation of this Chapter.

5-3.7 DELINQUENT PENALTIES: SECURING INDIVIDUAL PERMITS IF KENNEL PERMIT DENIED: TIME LIMITS. Commencing on the 1st day of September each year, the Shelter Supervisor shall collect a delinquent penalty, in addition to the regular permit fee, before issuing any kennel permit if the time limits set forth in this Chapter have expired for any dog in the kennel at the time that the application for the permit is filed. The delinquent penalty shall be in an amount equal to the regular permit fee as set forth in this Chapter. If an application for a kennel permit is filed before the time limits set forth in this Chapter have expired and if, after the expiration of such time limits, the Shelter Supervisor determines that a kennel permit shall not be issued, the Shelter Supervisor shall send the owner of the kennel written notice that the kennel permit shall not be issued. It shall be unlawful for the owner of the kennel to fail to secure individual permits for each of the dogs in the kennel, pursuant to the provisions of this Chapter, within thirty (30) days after receipt of such written notice of such violation. During the period between the date on which the application for the kennel permit is filed with the Shelter Supervisor until thirty (30) days after receipt of said written notice, the owner of the kennel shall not be in violation of this chapter.

5-3.8 PERMITTING DOGS TO RUN AT LARGE. It shall be unlawful for any person who has secured a kennel permit to allow or permit any dog in his kennel to run at large at any time. Every dog found running at large in violation of the provisions of this section shall be seized and impounded. If satisfactory evidence is presented to the City Council that a person holding a kennel permit has allowed or permitted a dog housed in said kennel to run at large, the City Council shall direct the Shelter Supervisor to immediately revoke the kennel permit and to give the holder of the kennel permit written notice of such revocation.

5-3.9 INSPECTION OF KENNEL. The Shelter Supervisor may from time to time inspect any kennel for which a kennel permit has been issued. If the Shelter Supervisor determines that the kennel is not constructed or operated in such a manner as to prevent the dogs confined therein from running at large, s/he shall immediately revoke the kennel permit and give the holder of the kennel permit written notice of such revocation.

5-3.10 VACCINATION OF ADDITIONAL DOGS. After a kennel permit has been issued, the owner of the kennel shall thereafter have each additional dog which is maintained in said kennel vaccinated against rabies by a permit veterinarian within thirty (30) days after he acquires ownership of the dog. However, if the dog is less than four (4) months of age when it is acquired, it shall be vaccinated within thirty (30) days after the dog becomes four (4) months of age. If a dog is too ill to be vaccinated against rabies at the time that the time limits set forth above expire, then the owner of the kennel shall thereafter have each such dog vaccinated within thirty (30) days after the date on which it becomes well enough to be vaccinated. Within ten (10) days after a dog has been vaccinated in accordance with this section, the owner of the kennel shall file the vaccination certificate with the City Shelter.
Supervisor. If satisfactory evidence is presented to the City Council that a person holding a kennel permit has failed to comply with the provisions of this section, the City Council shall direct the Shelter Supervisor to immediately revoke the kennel permit and to give the holder of the kennel permit written notice of such revocation.

5-3.11 DELIVERY OF VACCINATION CERTIFICATES TO PURCHASERS. Whenever a person holding a kennel permit sells any dog in the kennel, he shall deliver his copy of the vaccination certificate for the dog to the purchaser. If satisfactory evidence is presented to the City Council that a person holding a kennel permit has failed to comply with the provisions of this section, the City Council shall direct the Shelter Supervisor to immediately revoke the kennel permit and to give the holder of the kennel permit written notice of such revocation.

5-3.12 EFFECT OF REVOCATION OF KENNEL PERMIT. If the Shelter Supervisor revokes a kennel permit pursuant to the provisions of this chapter, it shall be unlawful for the owner of the kennel to fail to secure individual dog permits for each of the dogs in the kennel, pursuant to this Chapter, within thirty (30) days after receipt of written notice of such revocation from the Shelter Supervisor. Any person whose kennel permit has been revoked by the Shelter Supervisor shall not be permitted to apply for a kennel permit until the next ensuing fiscal year.

Article IV
Rabies Control

Sections:
5-4.1 Application of Article
5-4.2 Animal Showing Signs of Rabies
5-4.3 Isolation of Rabid Animals and Clinically Suspected Rabid Animals
5-4.4 Animals Biting Persons
5-4.5 Animals in Contact with Rabid Animals
5-4.6 Violation of Quarantine

5-4.1 APPLICATION OF ARTICLE. This Chapter shall be in effect only at those times when the City of Porterville is not designated as a rabies area pursuant to sections 1900-1921 of the Health and Safety Code of the State of California. During those periods when the City of Porterville is designated as a rabies area, the provisions of said sections 1900-1921 of the Health and Safety Code, and the rules and regulations adopted pursuant thereto, are applicable rather than the provisions of this Article.

5-4.2 ANIMAL SHOWING SIGNS OF RABIES. Whenever the owner of an animal observes or learns that such animal shows symptoms of rabies or acts in a manner which would lead to a reasonable suspicion that it may have rabies, such person shall immediately notify the Shelter Supervisor. Said person shall thereafter allow the Shelter Supervisor, or his/her representative to make an inspection or examination of said animal.
5-4.3 ISOLATION OF RABID ANIMALS AND CLINICALLY SUSPECTED RABID ANIMALS. The owner of any rabid animal or clinically suspected rabid animal shall isolate the animal in strict confinement under proper care and under the observation of a veterinarian, in a Kennel, veterinary hospital, or other adequate facility in a manner approved by the Shelter Supervisor, and said animal shall not be destroyed or released from confinement for at least ten (10) days after the onset of symptoms suggestive of rabies and until the Shelter Supervisor gives written authorization for the release of the animal, with the exception that such animal may be sacrificed with the permission of the Shelter Supervisor for the purpose of a laboratory examination for rabies using the fluorescent rabies antibody test in an approved public health laboratory.

5-4.4 ANIMALS BITING PERSONS. Whenever the owner of an animal has knowledge that such animal has bitten any person, the owner shall immediately report that fact to the Shelter Supervisor and report the name and address of the person bitten and the time and place that such person was bitten. Upon order of the Shelter Supervisor, the owner shall quarantine the animal for the period of time specified in section 2606 of Chapter 17 of the California Administrative Code with regard to rabies areas, and shall allow the Shelter Supervisor or his/her representative to make inspections and examinations of the animal from time to time during such period. The Shelter Supervisor shall quarantine said animal upon the premises of the owner. However, if the owner of the animal so desires, the Shelter Supervisor shall place the animal in quarantine in a veterinary hospital, at the expense of the owner, in lieu of quarantine of the animal on the premises of the owner. Quarantine shall be made by written notice delivered to the owner of said animal stating that the animal is quarantined and the instructions to be followed. If the quarantine is upon the premises of the owner of the animal, the animal shall be confined within a locked enclosure so constructed that the animal cannot escape or have contact with any other animal or human being other than the person responsible for its care or, at the discretion of the Shelter Supervisor, the animal may be kept under restraint by leash in charge of a responsible person, or under such restrictions as the Shelter Supervisor may prescribe. Said animal shall be kept in quarantine until the Shelter Supervisor gives written authorization for the release of the animal from quarantine. Notwithstanding the foregoing provisions, such animal may be sacrificed with the permission of the Shelter Supervisor for the purpose of a laboratory examination for rabies using the fluorescent rabies antibody test in an approved public health laboratory.

5-4.5 ANIMALS IN CONTACT WITH RABID ANIMALS. Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal or has been in intimate contact with a rabid or suspected rabid animal shall be quarantined by the owner in a place and manner approved by the Shelter Supervisor, for a period of six (6) months or destroyed; provided, however, that the following alternatives are permitted in the case of dogs and cats: If the dog or cat has been vaccinated against rabies within two (2) years but not less than thirty (30) days with a live virus vaccine, or within one (1) year but not less than thirty (30) days with a killed virus vaccine, as those types of vaccines are defined in section 2606 et seq. of Chapter 17 of the California Administrative Code, the dog or cat may be re-vaccinated in a manner approved by the Shelter Supervisor and quarantined in a place and manner approved by the Shelter Supervisor for a period of thirty (30) days.
The provisions of this Chapter concerning quarantine shall also apply to the quarantine of animals pursuant to this section.

5-4.6 VIOLATION OF QUARANTINE. When any animal is quarantined by the Shelter Supervisor, it shall be unlawful for the owner of the animal to violate the quarantine by removing said animal from the premises where it is quarantined, allowing it to run at large, destroying it without authorization from the Shelter Supervisor, concealing it from the Shelter Supervisor or disobeying any of the quarantine restrictions which have been imposed by the Shelter Supervisor.

Article V
Violations

Sections:
5-5.1 Violations

5-5.1 VIOLATIONS.

(a) Misdemeanor. Any person violating any of the provisions of section this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars ($1,000.00) or by imprisonment for a term not exceeding six (6) months or by both such fine and imprisonment.

(b) Separate Offense. Each day that any provision of this chapter is violated is a separate and distinct offense and shall be punishable as separate and distinct offense.

(c) Infraction. Notwithstanding the classification of a violation of this Chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of this Chapter, the trial court, upon recommendation of the prosecuting attorney, may reduce the charged offense from a misdemeanor to an infraction. Any person convicted of an infraction under this Chapter shall be punished by:

(1) A fine not exceeding one hundred dollars ($100.00) for a first violation;
(2) A fine not exceeding two hundred dollars ($200.00) for a second violation of this Chapter within one (1) year; and
(3) A fine not exceeding five hundred dollars ($500.00) for each additional violation of this Chapter within one (1) year.

(d) Administrative Citation. Upon a finding by the city official or representative vested with the authority to enforce the various provisions of this Chapter, that a violation exists, he or she may issue an Administrative Citation and proceed with enforcement pursuant to Chapter 2, Article XIV, of the Municipal Code.

(e) Civil Action. The City Attorney, or an Attorney hired for such purposes by and at the request of the City Council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition found to be in violation of the provisions of the Chapter, or State Codes specifically adopted by reference, as provided by law, and the City shall be entitled to its attorneys fees and costs.

(f) These remedies shall not supplant or replace the procedures concerning dangerous animals as specified in Sections 5-2.15, and 5-2.29 through 5-2.33.
SECTION 2: This Ordinance shall be in full force and effect thirty (30) days from and after its passage, adoption, and approval.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Acting Chief Deputy
STATE OF CALIFORNIA  
CITY OF PORTERVILLE   )  (SS)
COUNTY OF TULARE    )

I, JOHN LONGLEY, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1726, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 6th day of November, 2007, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective on December 6, 2007, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

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JOHN LONGLEY, City Clerk

By: Patrice Hildreth, Acting Chief Deputy
SUBJECT: PRINTING AND DISTRIBUTION OF LEISURE UPDATE

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: At the meeting of April 21, 2009, Council directed Staff to reject the bids for printing and mailing of the Parks & Leisure Services Department’s annual “Leisure Update,” and rebid the project in an effort to attract greater competition. Since the annual brochure includes all the programs, activities and facilities offered by the Parks Department commencing June 1, 2009, it is necessary that the Leisure Update be published, sorted and in the mail as close to the middle of May as possible. The Purchasing Agent has reviewed the project and determined that the formal bid process will not allow the Parks Department to meet that schedule. At best, we could not award a Purchase Order until early June, making delivery of the Leisure Update too late for the start of the summer programs.

In the alternative, Staff proposes removing the mailing component from the project and to sort and deliver the brochures to the Post Office using its own forces, thereby requiring printing services only. This will allow greater competition since we can source our regular and contracted printing companies. We anticipate being able to bring the cost down below $5,000, which is within Staff approval authority.

After thorough research and discussions with involved Staff, Council needs to consider the following options:

1. Council authorize Staff to re-evaluate the specifications, removing the mailing component from the project, and negotiate with the lowest bidder to obtain the best value for the City in a timely manner; or
2. Council direct Staff to re-bid and re-advertise the project, with the understanding that the Leisure Update will not be available to households in the community until approximately July 1.

RECOMMENDATION: TO BE DETERMINED BY COUNCIL
SUBJECT: REPORT ON CITY PARTICIPATION IN AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

SOURCE: City Manager

COMMENT: On February 17, 2009, President Barack Obama signed the American Recovery and Reinvestment Act (ARRA) of 2009, involving $787 billion in funds investment in many programs, including energy, health care, housing, infrastructure, public safety, and transportation. With assistance from the League of California Cities and other entities, staff has been following and investigating funding opportunities through ARRA funds. This report is intended to serve as a summary of current City eligibility and participation in ARRA programs and funds.

Community Development Block Grant (CDBG)
* Total Funding Available: $1 Billion
As a CDBG entitlement agency, the City has been appropriated $191,221. Though funds have not yet been released, the City will be required to obligate the funds within 120 days of the funds being made available, as well as execute an amendment to the CDBG Action Plan. No specific project(s) has yet been defined, however, staff has discussed several potential projects including sewer and water extension and/or Murry Park improvements.

Neighborhood Stabilization Program
* Total Funding Available: $2 Billion
The City has already entered into a Joint Powers Authority with the County of Tulare to access $770,699 allocated for the purchase of foreclosed or abandoned homes and to rehabilitate, resell, or redevelop the homes to stabilize neighborhoods. Applications for funding are not yet available, however, such applications are likely to be due by June and the funds expended within twelve months.

HOME Investment Partnerships
* Total Funding Available: $2.25 Billion
These funds provide additional capital investment in Low Income Housing Tax Credit Projects that have been stymied since they haven't been able to sell the tax credits due to the state of the economy. Staff is waiting to see if the Villa Siena Project might be eligible for funds since it was awarded credits, but the developer had to return the award due to the market situation. The State is in the process of issuing new guidelines and policies for these funds.
Homelessness Prevention
* Total Funding Available: $1.5 Billion
These funds are for homelessness prevention and rapid re-housing activities. The Kings/Tulare Continuum of Care is discussing having a lead agency in each county apply directly for the funds and then disburse them to eligible service agencies to distribute through their existing programs. Specific guidance for the program is in the process of being developed.

Economic Development Administration
* Total Funding Available: $150 Million
Projects funded under the EDA must be identified on the most recent Comprehensive Economic Development Strategy (CEDS) submitted by the Agency’s Economic Development Corporation and must include a job creation component. City projects on the CEDS that meet the “shovel ready” criteria include development of Industrial Technology Flexible Space or acquisition of the former JC Penney site and enclosure of the Porter Slough which traverses under the property. The State is in the process of issuing new guidelines and policies for these funds.

Transit Capital Assistance
* Total Funding Available: $6.9 Billion
As an eligible 5307 program, the City has been appropriated $1,300,000, which has been proposed to be utilized for the purchase of three new CNG transit buses, as well as $100,000 applied to the upgrade of the City’s shop facility to accommodate the City’s growing fleet of transit vehicles.

Highway Infrastructure
* Total Funding Available: $27.5 Billion
Funding will be apportioned to the states, with thirty percent (30%) of the funds then being distributed to regional areas (TCAG in Tulare County). After State distribution and County distribution, the City has $318,000 appropriated for street infrastructure improvements. City staff is considering the rehabilitation of Olive Avenue from Main Street west to “E” Street.

Airport Improvement Program (AIP)
* Total Funding Available: $1.1 Billion
The AIP provides grants to public agencies for the planning and development of public-use airports. The City has submitted the rehabilitation of the Airport runway for FAA consideration for funding, seeking funding of approximately $3,000,000.

Byrne Justice Assistance Grant (JAG) Program - Formula
* Total Funding Available: $2 Billion
The JAG Program allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system. The Police Department has applied for this grant in
cooperation with the County of Tulare and law enforcement jurisdictions within the County. The City’s appropriation from the grant will be $107,860. These monies are proposed to fund an Animal Control Officer, two part-time investigators (cold cases), and partially offset costs of the third School Resource Officer not covered by the local school districts.

**Byrne Justice Assistance Grant (JAG) Program - Competitive**
* Total Funding Available: $225 Million
The Police Department is coordinating with the District Attorney’s Office in an application for this grant. If funded, the grant will be used to establish a paralegal within the Police Department who will act as the liaison between the Department and District Attorney’s Office. This person will be responsible for witness coordination, pre-review of submitted case reports, and case tracking of submitted case reports.

**Assistance to Firefighters Grants**
* Total Funding Available: $210 Million
Grant funding from the ARRA can be used to modify, upgrade, or construct non-Federal fire stations. The Fire Department will submit an application for grant assistance, seeking funding for land acquisition and/or construction for the new Public Safety Station when this funding becomes available.

**Clean Water and Drinking Water Grants and Loans**
* Total Funding Available: $6 Billion
Funding provided for clean water grants and loans through the State’s existing CWSRF program. City staff has submitted over $5,000,000 in “shovel ready” projects for funding consideration.

**Brownfields**
* Total Funding Available: $100 Million
Eligible uses for these funds are likely to be site assessment, clean-up grants, and revolving loans and job training. Currently, as a component of the Porterville Hotel Project, an assessment is being prepared of an oil-water separator which was associated with a steam cleaning unit previously used to wash down car engines and miscellaneous parts located behind the Hotel. If the site is determined to contain hazardous waste by the assessment, then funds could be pursued to prepare plans for bids in the removal of all hazardous waste.

**Energy Efficiency and Conservation Block Grants**
* Total Funding Available: $3.2 Billion
The program is broadly established to reduce energy use and fossil fuel emissions, and for improvements in energy efficiency. By formula set by Federal law, the city has been appropriated $496,000. Staff has been approached with many options to utilize these funds, including: City facility energy efficiency retrofits; Roundabout construction funds for the planned
College Avenue roundabout; transitioning to a paperless technology solutions; as well as investment in other community energy efficiency projects.

Weatherization Assistance
* Total Funding Available: $5 Billion
This program provides cost-effective energy efficiency measures for existing residential and multifamily housing with low-income residents. Funds are distributed to states through existing federal weatherization program formulas. Staff has been in conversation with C-SET who is planning on targeting Porterville as one of the areas for this program. Self-Help also operates a weatherization program.

Broadband Technology Opportunities Program
* Total Funding Available: $4.7 Billion
The Program includes competitive grants for broadband deployment in unserved and underserved areas. City staff is considering broadband capabilities in connecting City Hall, Fire Department, Library, and the Police Department. However, specific guidance for the program is in the process of being developed.

Consolidated Omnibus Budget Reconciliation Act (COBRA) Subsidy
* Total Funding Available: $21.4 Billion
ARRA funds will subsidize sixty-five percent (65%) of COBRA premiums for eligible employees who are laid off from their jobs involuntarily between September 1, 2008 and December 31, 2009. The remaining thirty-five percent (35%) is required to be paid by the employee. There may be former employees of the City eligible for this subsidy due to having been terminated from employment due to performance issues. However, to date, these employees have not pursued COBRA coverage.

RECOMMENDATION: Information only

ATTACHMENT: None

SOURCE: City Manager

COMMENT: Mayor Cameron Hamilton requested that the Municipal Code Appendix for Zoning which regulates off street parking in residential zones be brought before the Council for discussion. Pursuant to Article 22, Section 2205 of the Appendix for Zoning, "No truck exceeding a one ton capacity, or boat, trailer or camper shall be parked or stored over twenty-four (24) hours on any lot within the required front yard setback of any residentially zoned premises."

RECOMMENDATION: As directed by Council.

ATTACHMENT: Municipal Code Appendix: Zoning; Article 22, Section 2205
Required off street parking spaces shall be located as follows:

A. Dwellings, including multiple-family dwellings, boarding and lodging houses, fraternities and sororities, shall have all required parking facilities on the same lot or building site. No truck exceeding a one ton capacity, or boat, trailer or camper shall be parked or stored over twenty four (24) hours on any lot within the required front yard setback of any residentially zoned premises.

B. In the case of theaters, stadiums, auditoriums (including school stadiums and auditoriums), funeral chapels, churches, bowling lanes, dance halls and other similar places of assembly, the required parking spaces shall be not more than three hundred feet (300') from the building or use served thereby.

C. For all other uses, the required parking facilities shall be not more than six hundred feet (600') from the building or use served thereby.

D. The distance requirements mentioned in subsection B of this section shall not apply to any parking spaces provided on the same lot or building site provided exclusively for the owners, their employees or agents.

E. Distance as herein mentioned shall refer to the distance measured from the nearest point of the parking facility to the nearest access to the building or use, along a pedestrianway. (Ord. 1198, 5-6-1980)