CALL TO ORDER
ROLL CALL

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

CLOSED SESSION:
A. Closed Session Pursuant to:
   4- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation – Schnars v. City of Porterville, Tulare County Superior Court Case No. 09-233408.
   5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case
   6- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases

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

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation

PRESENTATIONS
Southern California Edison’s State of the Utility System

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 March 3, 2009

2. Claim – Blanca Hernandez
   Re: Considering rejection of a claim in an amount of $1,476.80 for damages the Claimant alleges her vehicle incurred while traveling through a construction zone on June 11, 2009 at 265 W. Henderson Avenue.

3. Claim – Acapulco Car Wash
   Re: Considering rejection of a claim in an amount yet to be determined for damages associated with a utility pole that the Claimant alleges is in need of repair after a City refuse vehicle struck it while servicing a dumpster at 2401 W. Olive on or about March 16, 2009.

4. Authorization to Augment CXT Purchase Order Amount and Acceptance of Project – Murry Park Restroom Building Improvements
   Re: Authorizing the City to increase the purchase order total with CXT, Inc. for the Murry Park Restroom project by $2,921.72 to cover sales tax charges, and accepting the project as complete.

5. Authorization to Reject Bid and Re-Advertise – CNG Pickup Trucks
   Re: Authorizing staff to reject the sole bid for six (6) one-half ton full-size pickup trucks with CNG conversion, and re-bid the equipment when the 2010 models are available in an effort to stay within budget.

6. Award of Service Agreement - Asphalt Pavement and Recycling Technologies (APART), Inc.
   Re: Approving a “not to exceed” $20,000 contract with APART, Inc. of Shafter, CA or the purpose of performing a mix design that will allow the recycling of asphalt concrete on Olive Avenue.

7. Amendment to Traffic Resolution No. 10-2001 - Intersection Safety Improvement – Intersection Safety Improvement – Designation of Newcomb Street and Scranton Avenue as a 4-Way Stop Intersection
   Re: Approving a resolution amending Traffic Resolution No. 10-2001, designating Newcomb Street and Scranton Avenue as a 4-way stop intersection.

8. Airport Lease Renewal – Lot 36
   Re: Approving an extension of the Lease Agreement between the City of Porterville and Mr. Robert Nichols of Porterville, CA, for Lot 36 at the Porterville Municipal Airport.

9. Royal Oaks Vesting Subdivision Map Extension of Time
   Re: Adopting a resolution approving a 36 month extension of time for the Royal Oaks Vesting Subdivision Map, located north of Poplar Ditch and east of Indiana Street.

10. Update Status – Fairway Tract Water Connection Project
    Re: Affirming the decision to continue with advertisement for construction of the Fairway Tract Water Main Project, and the securing of a Memorandum of Understanding executed by all affected parties.
11. **Rescheduling of Public Hearing – Landscape and Lighting Districts Annual Assessments**  
Re: Approving the rescheduling of the public hearing on Landscape and Lighting Districts Annual Assessments for Fiscal Year 2009/2010 to the meeting of August 4, 2009 at 7:00 p.m.

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

**SCHEDULED MATTERS**

12. **Authorize Submission of an Energy Efficiency & Conservation Block Grant for City Facility Improvement Measures and Negotiation of a Performance Contract with Johnson Controls, Inc. for the Project Implementation**  
Re: Considering authorization to negotiate a performance contract with Johnson Controls, Inc. for facility management, and to submit a grant application in the amount of $496,000 for lighting and plumbing retrofits and other improvements at City facilities.

13. **Proposed City Ordinance Regarding Maintenance and Safety of Railroad Crossings**  
Re: Considering approval of an ordinance pertaining to the obstruction, use, construction and demolition activities within the rights of way of City streets, concerning intersecting railroad facilities and crossings.

14. **Council Member Request – Discussion and Consideration of Ways to Improve Communications with Other Public Agencies**  
Re: Considering a Council Member’s request to discuss and consider ways in which communications might be improved between public agencies serving Porterville residents.

15. **Council Member Request – Consideration of Resolution in Opposition to SB 54**  
Re: Considering a Council Member’s request to consider proceeding with a resolution in opposition to Senate Bill 54.

16. **Council Member Request – Consideration of Expanded Family Hours at the City Pool.**  
Re: Considering expanding family hours at Murry Park Pool.

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

**JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA**  
*July 21, 2009*

Roll Call: Agency Members

**WRITTEN COMMUNICATIONS**

**ORAL COMMUNICATIONS**

**SCHEDULED MATTERS**

PRA-1. **Acceptance of Project – Hockett/Mill/Oak Parking Lot Reconstruction**  
Re: Accepting project as complete from JWT General Engineering, Inc., and authorizing the filing of the Notice of Completion for the project that consisted of the reconstruction of the parking lot located south of Mill Avenue between Hockett and Division Streets.
Adjourn to a meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**

**OTHER MATTERS**

**CLOSED SESSION**

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

**ADJOURNMENT** - to the meeting of July 28, 2009 at 6:00 p.m.

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

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the 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.
Called 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:
   4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Three Cases.
   5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Three Cases.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Nancy Jenner reported that no action had been taken.

Pledge of Allegiance Led by Council Member Brian Ward
Invocation – a moment of silence was observed.

PRESENTATIONS
Employee of the Month – Larry Rodriguez
Student Entrepreneur Challenge
   • Students Lauren Hurt, Christian Gomez, Imran Noorali, Cameron Patel, and Sunny Basra made presentations, and Instructor Tony Grande spoke of the program and the achievements of the students.
Mosquito Abatement Update – LAFCO
   • Tulare County Supervisor/LAFCO Commissioner Allen Ishida spoke of the need for a feasibility study and introduced John Bliss of SCI Consultants who elaborated on the process for conducting a Prop 218 Benefit Assessment Election.
ORAL COMMUNICATIONS

- Grace Munoz-Rios, 345 West Belleview, spoke of the challenges faced by many in the community due to the economy, and advised of an upcoming City-wide food drive, “Fill the Trolley.” Ms. Munoz-Rios acknowledged the Comision Honorifica Americana, Porterville Chamber of Commerce, and K-TIP for their assistance, thanked the City for allowing use of its trolley, and advised that the event would be in need of volunteers and that her organization would likely seek a proclamation from the City Council.

- Donnette Silva Carter, Chamber of Commerce, 93 North Main Street, spoke of the Future Business Leaders of America event recently held, and acknowledged student Lauren Hurt on her 1st place finish.

- Tony Grande, Instructor at Monache High School, spoke of the Future Business Leaders of America program, acknowledged the efforts of many local students, including Miss Hurt, and noted that Ms. Silva Carter was at one time a participant in the program.

- Dick Eckhoff, 197 North Main Street, came forward on behalf of the Porterville Auxiliary of the City of Hope, and spoke of the success of the City of Hope Spectacular recently held. Mr. Eckhoff acknowledged the Auxiliary’s Board Members and the Porterville Explorers for their efforts, and presented the Explorers with a commemorative plaque. He then inquired as to the status of the Plano Street bridge project, noting its deteriorated condition, and requested that temporary patches be pursued while the complete project is pending.

- Dr. Paul Israel, spoke generally of his desire to become more involved in the community, and voiced appreciation for the success of the students acknowledged that evening.

- Vince Johnson, 17723 Road 232, voiced concern with the manner in which customers are billed for utilities, particularly as it relates to landlords being held accountable for tenants who do not pay their bills. Mr. Johnson proposed options for addressing the issue, such as increasing security deposits to cover the cost of an average month’s billing, or shortening the delay in the billing cycle.

City Manager John Lollis advised that the City had received correspondence from Mr. Bill Roberts of Roberts Engineering dated March 2, 2009 pertaining to the changes in the Storm Drain Master Plan, as proposed in Item No. 14. He advised that in the letter, Mr. Roberts proposed that Appendix C, Page 4 of the 1994 Storm Drain Master Plan and City Standard Plan D-4 be changed to reflect the allowance of the first day percolation volume when field percolation test results meet or exceed 1” per hour rather than the 6” per hour as recommended by City staff.

CONSENT CALENDAR

Items 4, 11 and 14 were removed for further discussion.

1. CITY COUNCIL MINUTES OF DECEMBER 16, 2008

Recommendation: That the City Council approve the Minutes of December 16, 2008.
2. CLAIM – NATALIE PRIETO AND JOVITA PRIETO

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

Documentation: M.O. 02-030309
Disposition: Approved

3. ACQUISITION OF ANIMAL CONTROL VEHICLE FROM TULARE COUNTY

Recommendation: That the City Council:
   1. Accept the surplus Animal Control vehicle from Tulare County for local use; and
   2. Authorize the Purchasing Agent to transfer ownership of the vehicle to the City of Porterville.

Documentation: M.O. 03-030309
Disposition: Approved

3a. PURCHASE OF UNMARKED VEHICLE FOR POLICE AUTO-THEFT INVESTIGATIONS

Recommendation: That the City Council approve the expenditure of $24,297.88 in funds from the Porterville Police Department’s Asset Forfeiture Account.

Documentation: M.O. 04-030309
Disposition: Approved

5. AWARD OF CONTRACT – ONE-HALF TON FLEETSIDE PICK UP TRUCK

Recommendation: That the Council award the contract for a new one-half ton fleetside pickup truck to Hoblit Dodge of Woodland, CA, in the amount of $17,271.13. Further, that the Council authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 05-030309
Disposition: Approved

6. AWARD OF CONTRACT – ‘G’ STREET RECONSTRUCTION PROJECT (HENDERSON AVENUE TO 700’ ± SOUTH)
Recommendation: That the Council:

1. Award the ‘G’ Street Reconstruction Project, Henderson Avenue to 700’ ± South to Halopoff & Sons, Inc. in the amount of $140,146.91; and
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs, and $10,000 for staff time and construction engineering.

Documentation: M.O. 06-030309
Disposition: Approved

7. AWARD CONTRACT – VARIABLE FREQUENCY DRIVE

Recommendation: That the Council award the contract for 125 hp. variable frequency drive to Graybar, of Fresno, CA, in the amount of $8,495.20. Further, that the Council authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 07-030309
Disposition: Approved

8. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 261-110-021 – FRUIT GROWERS SUPPLY COMPANY, A CALIFORNIA CORPORATION – SCRANTON/INDIANA STREET PROJECT

Recommendation: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Fruit Growers Supply Company, a California Corporation, in the amount of $18,000.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution No. 15-2009
Disposition: Approved

9. ACQUISITION OF RIGHT OF WAY – PROPERTY LOCATED AT APN 268-110-005 OWNERS CALIFORNIA RANCH COMPANY, A LIMITED PARTNERSHIP – SCRANTON/INDIANA STREET PROJECT

Recommendation: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to California Ranch Company, a Limited Partnership in the amount of $44,000.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.
10. CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA GAS COMPANY

Recommendation: That the City Council:
1. Accept Southern California Gas company’s request to have the City convey an easement for the installation and maintenance of an underground gas pipeline and related facilities;
2. Authorize the Mayor to sign the Grant of Easement; and
3. Authorize the City Clerk to mail the signed Grant of Easement to Southern California Gas Company for recordation.

12. APPROVING AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING

Recommendation: That the City Council approve Amendment No. 1 to Professional Services Agreement with Willdan Engineering, and authorize and direct the Mayor to execute same.

13. AIRPORT LEASE RENEWAL – LOT 34B

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Bruce Kaiser of Porterville for Lot 34B at the Porterville Municipal Airport.

15. CONSIDERATION OF PROPOSED BUDGET CALENDAR FOR FISCAL YEAR 2009-2010

Recommendation: That the City Council approve the proposed budget calendar for the 2009-2010 fiscal year.
16. REQUEST BY COUNCIL MEMBER – OPPOSITION LETTER REGARDING ROLE OF WHITE HOUSE IN 2010 CENSUS

Recommendation: That the City Council ratify its approval of the draft letter to President Barack Obama opposing an increased White House role in the 2010 U.S. Census; and direct staff to transmit said letter.

Documentation: M.O. 11-030309
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council ratify its approval of the draft letter to President Barack Obama opposing an increased White House role in the 2010 U.S. Census; and direct staff to transmit said letter. The motion carried unanimously.

4. APPROVAL OF BUDGET AMENDMENT AND AUTHORIZATION TO ADVERTISE FOR BIDS – MURRY AND ZALUD PARK PAVILION REPLACEMENT PROJECTS

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

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

Council Member Ward and Vice Mayor McCracken inquired about the reservation schedule of the pavilions at Zalud and Murry Parks, and how it would be affected by the construction. Staff provided information relative to the booking of the pavilions and the amount of time required for the project.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve staff’s recommended budget adjustment; approve staff’s recommended plans and project manual; and authorize staff to advertise for bids on the project.

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

Disposition: Approved
11. GENERAL PLAN CONSISTENCY REFERRAL – ALTA VISTA SCHOOL DISTRICT – NEW ELEMENTARY SCHOOL

Recommendation: That the City Council determine that the proposed elementary school, to be located generally 700 feet east of the intersection of East Olive Avenue and Tulsa Street, (APN 255-170-022) just east of the existing Granite Hills High School, is consistent with the General Plan of the City of Porterville.

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

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the City Council determine that the proposed elementary school, to be located generally 700 feet east of the intersection of East Olive Avenue and Tulsa Street, (APN 255-170-022) just east of the existing Granite Hills High School, is consistent with the General Plan of the City of Porterville.

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

Disposition: Approved

14. AMENDMENT TO STORM DRAIN MASTER PLAN, CITY STANDARD PLANS AND SPECIFICATIONS – DRAINAGE RESERVOIR DESIGN CRITERIA

Recommendation: That City Council:
1. Approve and adopt the draft resolution changing Appendix C, Page 4 of the 1994 Storm Drain Master Plan and City Standard Plan D-4 to reflect the allowance of the first day percolation volume when field percolation test results meet or exceed 6” per hour; and
2. Direct the City Engineer to bring forth at the earliest time possible; modified design criteria for drainage systems for incorporation into the 1994 Storm Drain Master Plan, Standard Plans and Specifications.

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

Public Works Director Rodriguez indicated that staff did not agree with the recommendation received by Mr. Bill Roberts of Roberts Engineering, and spoke in favor of staff’s recommendation.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Resolution 18-2009 Felipe Martinez that the City Council approve and adopt the draft
resolution changing Appendix C, Page 4 of the 1994 Storm Drain Master Plan and City Standard Plan D-4 to reflect the allowance of the first day percolation volume when field percolation test results meet or exceed 6” per hour; and direct the City Engineer to bring forth at the earliest time possible; modified design criteria for drainage systems for incorporation into the 1994 Storm Drain Master Plan, Standard Plans and Specifications. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARINGS

17. CITY OF PORTERVILLE 2009-2014 HOUSING ELEMENT

Recommendation: That the City Council approve the draft City of Porterville 2009-2014 Housing Element for submittal to the State Department of Housing and Community Development.

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

The public hearing was opened at 8:10 p.m. Seeing no one, the Mayor closed the public hearing at 8:11 p.m.

Council Member Pedro Martinez expressed concern with property owners not properly maintaining properties, and inquired about ways to address the issue. Staff indicated that those types of issues were handled collaboratively by the Building Division, Code Enforcement, and the Health Department on a complaint basis. A brief discussion ensued with regard to aesthetic improvements such as fencing, and remedies available for renters.

COUNCIL ACTION:

MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve the draft City of Porterville 2009-2014 Housing Element for submittal to the State Department of Housing and Community Development. The motion carried unanimously.

Disposition: Approved

18. REQUEST TO ALLOW FOR A CONDITIONAL USE PERMIT 4-2008 TO UPGRADE AN EXISTING TYPE 20, BEER AND WINE OFF-SALE LICENSE TO A TYPE 21, BEER, WINE AND DISTILLED SPIRITS OFF-SALE LICENSE AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR AN EXISTING MINI-MART LOCATED AT 809 E. PUTNAM AVENUE

Recommendation: That the City Council:

1. Consider Conditional Use Permit 4-2008 for an alcohol license update from an off-sale Type 20 beer and wine to an off-sale Type 21
beer, wine, and distilled spirits subject to conditions of approval, by adopting the proposed resolution; and
2. Authorize the Mayor to sign the letter of public convenience or necessity.

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

The continued public hearing was opened at 8:30 p.m.

- Applicant, spoke in favor of the upgrade; and addressed issues with applicant’s lack of permit for and failure to submit the new floor plan.

- Dick Eckhoff, address on record, inquired about concerns with the location of distilled spirits versus beer; and spoke in favor of the conditional use permit.

Vice Mayor McCracken inquired about legal non-conforming uses, and proposed looking into a procedure to update their permit when upgrades or other changes are requested.

Council Member Ward stated that he did not see that the circumstances had changed to warrant approval.

In response to concerns raised by the Mayor about infractions, staff provided the Council options to address the infractions as well as inconsistencies with the conditional use permit. A discussion ensued with regard to the increase in the number of permit infractions and how they are typically handled by staff. Staff elaborated on the difference between flagrant non-compliance and ignorance on the part of contractors and applicants.

Council Member Pedro Martinez expressed concern with the number of permits per census tract, and the lack of reasoning behind the argument of convenience.

Mayor Hamilton excused himself to make a personal phone call, and returned at 9:05 p.m.

- Applicant, responded to concerns raised by Council Member Pedro Martinez.

Council Member Felipe Martinez suggested that the Council reward the good behavior of the business.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Felipe Martinez that the City Council consider Conditional Use Permit 4-2008 for an alcohol license update from an off-sale Type 20 beer and wine to an off-sale Type 21 beer, wine, and distilled spirits subject to conditions of approval, by adopting the proposed resolution; and authorize the Mayor to sign the letter of public convenience or necessity.
AYES: McCracken, F. Martinez, P. Martinez, Hamilton
NOES: Ward
ABSTAIN: None
ABSENT: None

Disposition: Approved

The Council recessed for ten minutes at 9:30 p.m.

SCHEDULED MATTERS

19. APPROVAL OF ECONOMIC DEVELOPMENT PROGRAM – SHOP LOCAL CAMPAIGN

Recommendation: That the City Council:
1. Approve the “Shop Porterville First” campaign; and
2. Authorize the use of salary savings realized through reimbursement by the Economic Development Administration grant for the project; and
3. Authorize waiver of the Transit portion of bus advertisement rental revenue and advertising related to the Shop Porterville First Campaign.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the “Shop Porterville First” campaign; authorize the use of salary savings realized through reimbursement by the Economic Development Administration grant for the project; and authorize waiver of the Transit portion of bus advertisement rental revenue and advertising related to the Shop Porterville First Campaign. The motion carried unanimously.

Disposition: Approved

20. REQUEST AUTHORIZATION TO CONNECT TO CITY WATER AT 943 W. WESTFIELD

Recommendation: That the City Council:
1. Direct staff to prepare all annexation and water connection fees on behalf of Mr. Saleh;
2. Accept payment of annexation and water connection fees from Mr. Saleh prior to connection of water service;
3. Direct staff to move expeditiously to annex Mr. Saleh’s property located at 943 W. Westfield;
4. Direct the Public Works Director to install a commercial water
service to 943 W. Westfield and record that the water service shall remain in place whether the annexation is approved or disapproved; and

5. Direct applicant to sign a “consent to annex” form prior to processing the application in the event the annexation is not successful.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council direct staff to prepare all annexation and water connection fees on behalf of Mr. Saleh; accept payment of annexation and water connection fees from Mr. Saleh prior to connection of water service; direct staff to move expeditiously to annex Mr. Saleh’s property located at 943 W. Westfield; direct the Public Works Director to install a commercial water service to 943 W. Westfield and record that the water service shall remain in place whether the annexation is approved or disapproved; and direct applicant to sign a “consent to annex” form prior to processing the application in the event the annexation is not successful. The motion carried unanimously.

Disposition: Approved

21. SCHEDULING OF CITY COUNCIL CITIZEN FORUMS

Recommendation: That City Council consider the format and location of the citizen forums, and provide direction to staff in the selection of forum dates.

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

A discussion took place about the scheduling of the meetings, and staff was directed by the Council to notice the meetings as Council Meetings and work with the Council to select dates.

Disposition: Staff direction given.

22. COUNCIL MEMBER REQUEST – MURRY PARK MASTER PLAN POND RENOVATIONS

Recommendation: This item is for informational purposes at the request of a member of the City Council, and no action is requested by staff.

City Manager Lollis introduced the item, and Council Member Pedro Martinez initiated discussion about the island and the importance of upkeep. The general consensus of the Council was to keep the island.
Council Member Pedro Martinez proposed the formation of a Murry Park citizen committee.

Parks & Leisure Services Director Jim Perrine spoke of the benefits of pond removal, and urged the Council to give due consideration to the Master Plan as it pertained to the pond.

Council Member Pedro Martinez spoke in favor of keeping the island. City Manager Lollis spoke briefly about the Council’s options and the issue of water contamination.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council approve keeping the island at Murry Park.

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

Disposition: Approved

23. COUNCIL MEMBER REQUEST –DRAFT LETTER TO CONGRESSMAN JOE BACA IN SUPPORT OF H.R. 750 – “STAMP OUT GANG VIOLENCE ACT”

Recommendation: That the City Council consider the draft letter of support.

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

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council approve the draft letter of support of H.R. 750. The motion carried unanimously.

Disposition: Approved

**ORAL COMMUNICATIONS**

- Greg Shelton, 888 North Williford Drive, spoke against the “all or nothing” approach with the Murry Park Master Plan, and proposed instead that smaller more accomplishable projects be undertaken, such as the Murry Park Pond, and suggested various solutions to addressing the issue with the water quality.
- Dick Eckhoff, address on record, stated that on many occasions, hearing the Council’s motions was difficult for audience members, and requested that the motions be restated. He then spoke in favor of keeping the island at Murry Park Pond.
OTHER MATTERS

- Council Member Ward 1) followed up with City Manager Lollis on scheduling a meeting with him to discuss the mistletoe matter; and 2) inquired as to the status of scheduling a meeting regarding the Neighborhood Watch program.
- Council Member Felipe Martinez 1) spoke of individuals in the vicinity of the restrooms at Murry Park, and proposed that cameras be installed to ensure the safety of Murry Park patrons, particularly children; 2) proposed partnering with the Forest Service for the abatement of mistletoe; and 3) thanked the Council Members for approving the letter of support for HR 750.
- Vice Mayor McCracken spoke of a fund raising breakfast sponsored by the Boy Scouts of America to take place the morning of Tuesday, March 10, 2009 at the First United Methodist Church.
- Council Member Pedro Martinez 1) proposed establishing a permanent site for the collection of hazardous waste such as paint and fluorescent light bulbs, etc., as opposed to offering drop-off sites only twice per year; and 2) requested that an item be added to a future agenda to consider potential changes to the policy regarding alcohol sales.
- Mayor Hamilton inquired as to the proposed roundabout in the area of Jaye Street and Highway 190, particularly as to a cost analysis regarding the installation of a traffic signal versus a roundabout.
- City Manager Lollis 1) advised that a request had been received for use of the City trolley for a food drive, as had been mentioned in Oral Communications by Ms. Munoz-Rios; and 2) updated the Council on the recent Plant Managers meeting that had recently taken place.

ADJOURNMENT

The Council adjourned at 10:29 p.m. to the meeting of March 17, 2009 at 6:00 p.m.

_________________________________
Luisa Herrera, Deputy City Clerk

SEAL

_________________________________
Cameron Hamilton, Mayor
SUBJECT: CLAIM – BLANCA HERNANDEZ

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Ms. Blanca Hernandez has filed a claim against the City for damages in an amount of $1,476.80. Claimant alleges that her vehicle incurred damages while traveling through a construction zone on June 11, 2009 at 265 W. Henderson Avenue.

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

Claimant's Name: Blanca E. Hernandez  DOB: [omitted]
Claimant's Address: 1068 North Lime St, Porterville CA 93257
Claimant's Telephone No. (Home) (559) 361-0192 (Work) [omitted]

Address where notices about claim are to be sent, if different from above: [omitted]

Date of incident/accident: 6/11/2009
Date Injuries, damages, or losses were discovered: 6/11/2009
Location of incident or accident: entrance of Hoos Preschool, 265 W Henderson Ave

1. What did entity or employee do to cause this loss, damage, or injury? See separate sheet

2. What specific injuries, damages, or losses did claimant receive? See separate sheet

3. What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: if Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)].

   $1476.80

4. How was this amount calculated (please itemize): See separate sheet

5. If signed by representative:
   Representative's Name
   Telephone:
   Address:
   Relationship to Claimant

Date Signed: 6/16/2009  Signature: Blanca E. Hernandez
Due to Henderson is under construction and the road or street it's too low and the sidewalk too high. I was trying to get into the Hoops Preschool parking lot when I notice that it was impossible for me to go in, but a worker named Juvenicio who was supervising the other workers told me to go in on reverse and I did. As I was approaching I noticed that it was impossible for me to go in, and I told him that my car was too low and that my car would hit or scrape on the sidewalk. He told me that my car would be okay and the only thing I needed to do was to press on the gas. I believed him because he was outside and he had a better idea of what was happening and plus I didn't want to get late for my job. However when I pressed on the gas the bottom lip of my car scraped on the sidewalk causing my fog lights to crack, my bottom lip cracked, and my entire front bumper is now lose.

The bottom lip of my car is scraped and cracked, my fog lights are cracked too and my entire front bumper is lose.

The car was taken to Golden State paint and body at 1915 W. Olive here in Porterville and they gave me an estimate of $1476.90 not counting additional parts and labor.
GOLDEN STATE PAINT AND BODY
License #: AH141571 Federal ID #: 770575597
Always Quality First
1915 W. Olive
PORTERVILLE, CA 93257
(559) 781-3604 Fax: (559) 781-5802

PRELIMINARY ESTIMATE

Written By: Pat McDougall
Adjuster:

Insured:
Owner: ALEXANDER SANCHEZ
Address: 1068 N.LIME
Porterville, CA 93257
Cellular: (559) 361-0979
Cellular: (559) 361-0192

Policy #
Claim #
Deductible:
Date of Loss:
Type of Loss:
Point of Impact: 12. Front

Inspect: GOLDEN STATE PAINT AND BODY
Business: (559) 781-3604
Location: 1915 W. Olive
PORTERVILLE, CA 93257

Insurance
Company:

3 Days to Repair

2006 CHRY 300 SRT8 8-6.1L-FI 4D SED Silver Int:
VIN: 2C3LA73W36H189304 Lic: 3EU5320 CA Prod Date: 06/2005 Odometer: 24427
Air Conditioning Rear Defogger Tilt Wheel
Cruise Control Telescopic Wheel Intermittent Wipers
Keyless Entry Alarm Steering Wheel Controls
Parking Sensors Message Center Body Side Moldings
Dual Mirrors Console/Storage Traction Control
Fog Lamps - Xenon Headlamps Rear Spoiler
Clear Coat Paint Power Steering Power Brakes
Power Windows Power Locks Power Driver Seat
Power Passenger Seat Power Mirrors Heated Mirrors
Power Trunk/Tailgate Power Adjustable Pedals Memory Package
AM Radio FM Radio Stereo
Search/Seek CD Player Anti-Lock Brakes (4)
Driver Air Bag Passenger Air Bag 4 Wheel Disc Brakes
Leather Seats Bucket Seats Heated Seats
Automatic Transmission Overdrive 20" Or Larger Wheels

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<th>NO.</th>
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<th>QTY</th>
<th>EXT. PRICE</th>
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<td>1</td>
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<td>FRONT BUMPER</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Repl Add for h'lam p washer</td>
<td>1</td>
<td>0.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>O/H bumper assy</td>
<td>1</td>
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<td>Repl Bumper cover w/SRT8</td>
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<td>612.00</td>
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<td>25.20</td>
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<td>8</td>
<td></td>
<td>FENDER</td>
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<td>9</td>
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<td>Repl RT Fender liner</td>
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<td>Repl LT Fender liner retainer</td>
<td>3</td>
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PRELIMINARY ESTIMATE
2006 CHRY 300 SRT8 8-6.1L-FI 4D SED Silver Int:

<table>
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<th>NO.</th>
<th>OP.</th>
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<th>EXT.</th>
<th>PRICE</th>
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<td>13#</td>
<td>Repl</td>
<td>SPRAY TEST PANEL / TINT COLOR</td>
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<td>14#</td>
<td>Rpr</td>
<td>DENIB/TEXTURE SAND &amp; POLISH</td>
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<td>15#</td>
<td>Subl</td>
<td>HAZARDOUS WASTE REMOVAL</td>
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Subtotals => 759.00 4.6 4.2

Estimate Notes:
may have further damage unknow until repairs are started

Parts 754.00
Body Labor 4.6 hrs @ $ 58.00/hr 266.80
Paint Labor 4.2 hrs @ $ 58.00/hr 243.60
Paint 4.2 hrs @ $ 30.00/hr 126.00
Sublet/Misc. 5.00

SUBTOTAL $ 1395.40
Sales Tax $ 880.00 @ 9.2500% 81.40

GRAND TOTAL $ 1476.80

CUSTOMER PAY $ 0.00
INSURANCE PAY $ 1476.80

THIS ESTIMATE IS BASED ON OUR INSPECTION AND DOES NOT COVER ADDITIONAL PARTS OR LABOR WHICH MAY BE REQUIRED AFTER THE WORK HAS BEEN STARTED. AFTER THE WORK HAS BEEN STARTED, WORN OR DAMAGED PARTS WHICH WERE NOT EVIDENT ON FIRST INSPECTION MAY BE DISCOVERED. NATURALLY, THIS ESTIMATE CANNOT COVER SUCH CONTINGENCIES. ALL PARTS WILL BE REPLACED WITH NEW PARTS UNLESS STATED OTHERWISE.

If, on further inspection, additional parts or repairs are needed, you will be contacted for authorization. We are not responsible for personal property left in your vehicle during repairs. All tests will be made by our employees at your risk. All repairs must be paid for in full, including the deductible, before vehicle can be released, unless prior arrangements are made.
SUBJECT: CLAIM – ACAPULCO CAR WASH

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Acapulco Car Wash has filed a claim against the City for damages in an amount to be determined. Claimant alleges that a City sanitation truck damaged a wooden utility pole while servicing a dumpster at 2401 W. Olive on or about March 16, 2009, and claimant is asserting future damages in loss of income due to loss of power when said utility pole is repaired.

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.
RECEIVED
APR 14 2009
CITY OF PORTERVILLE
CITY CLERK OFFICE

(Please Type Or Print)
CLAIM AGAINST (Name of Entity: CITY OF PORTERVILLE)
Claimant's Name: Apolena Carmash
Claimant's Address: 2401 W. Olive Ave, Porterville
Claimant's Telephone No. (Home): 361-1485 (Work) 789-9504
Address where notices about claim are to be sent, if different from above: Same

Date of incident/accident: Unsure of exact day on or about March 16, 2009
Date injuries, damages, or losses were discovered: 1 month ago Approx.
Location of incident or accident: 2401 W. Olive Ave, Porterville

What did entity or employee do to cause this loss, damage, or injury?
Entered business with City truck, picked up trash receptacle &
Count was on Dumpster. Broke electric pole.

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

What specific injuries, damages, or losses did claimant receive? Pole is leaning
and will eventually fall.

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)].

Replace pole. Reimburse business for lost work due to no electricity. To be determined based on day of
("$2,000/day + Electrician's invoice $680")

Date Signed: 4/14/09 Signature: Raulino Miyagana

If signed by representative:
Representative's Name
Telephone:
Address e #
Relationship to Claimant
SUBJECT:  AUTHORIZATION TO AUGMENT CXT PURCHASE ORDER AMOUNT AND ACCEPTANCE OF PROJECT – MURRY PARK RESTROOM BUILDING IMPROVEMENTS

SOURCE:  Public Works Department - Engineering Division

COMMENT:  Bailey Construction, a CXT, Inc. subcontractor, has completed the Murry Park Restroom Building Improvements per CXT, Inc. plans and specifications. This building was purchased from CXT, Inc. through the California Multiple Award Schedule (CMAS) list. The CMAS list consists of preapproved products that a government agency can use to directly buy items without having to go through a typical bid process. The project included installation of a pre-manufactured restroom with hookup to sewer, water, and electrical utilities.

After the installation of the new restroom building, there had been ongoing issues with the anti-graffiti coating. Graffiti that was marked on the interior of the building would not come off as guaranteed by the manufacturer. An inspection of the coating, with the cost borne by CXT, revealed that the coating was not applied correctly. CXT had the building completely recoated both inside and outside, which intended to create the anti-graffiti coating that should have been there in the first place. Unfortunately, shortly after the new coating was completed, graffiti appeared on the men’s interior of the building that could not be removed. While waiting for CXT representatives to address the issue, the building was tagged with graffiti again, this time on the front exterior. Graffiti appeared once more inside the women’s area until the City notified CXT that City forces would be addressing the graffiti issues. With this decision, the $10,100 cost of the VandilGuard10 anti-graffiti coating was removed from the contract and will not be paid by the City. Due to the non-performance of the VandilGuard coating, it is highly unlikely to find a product that can provide an effective anti-graffiti coating as this coating was marketed to the City as the best and only one available of its kind.

A related matter came up during the payment process to CXT. Originally, Council was presented with CXT’s proposal amount identifying the total cost for the building to be placed at the site. Once payment processing began with CXT, it was determined that sales tax charges were not included as part of the original purchase price. Therefore, the appropriate purchase order total should have been as follows:

<table>
<thead>
<tr>
<th>CXT Contract (Original)</th>
<th>Sales Tax Charges</th>
<th>CXT Contract (Updated)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$205,816.29</td>
<td>$13,584.97</td>
<td>$219,671.26</td>
</tr>
</tbody>
</table>

Dir [Signature] Appropriated/Funded  CM [Signature]  Item No. 4
With the removal of the VandlGuard10 anti-graffiti coating, the new costs changed as follows:

<table>
<thead>
<tr>
<th>CXT Contract (- VandlGuard)</th>
<th>Sales Tax Charges</th>
<th>CXT Contract (Final)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$195,716.29</td>
<td>$13,021.72</td>
<td>$208,738.01</td>
</tr>
</tbody>
</table>

Public Works regrets the error and respectfully asks that the City Council augment the purchase order total by $2,921.72. Staff has reviewed the project account balance and there are sufficient CDBG funds remaining in the account to cover the increased charges.

City Council authorized an expenditure of $272,750.36 for construction. Final construction cost is $208,738.01. Funding for the project was approved in the 2008/2009 Annual Budget under Community Development Block Grant monies.

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

RECOMMENDATION: That City Council:

1. Authorize the City to increase the purchase order total with CXT, Inc. for the Murry Park Restroom project by $2,921.72 to cover the sales tax charges;

2. Send the final payment to CXT to closeout the contract; and

3. Accept the project as complete.

ATTACHMENT: Locator Map
MURRY PARK

PROPOSED RESTROOM LOCATION
SUBJECT: AUTHORIZATION TO REJECT BID AND RE-ADVERTISE – CNG PICKUP TRUCKS

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: Staff solicited bids for six (6) new one-half ton full-size pickup trucks with CNG conversion. Only one bid was received, primarily due to an earlier than normal factory production cut-off resulting from the economic downturn affecting the auto industry. Dealers were unable to locate 2009 model one-half tons, and the 2010 models have not yet met California Air Resources Board certification on the CNG conversion. The sole bid was from San Francisco Ford in the total amount of $248,814.75. The bid substituted six in-stock 2009 F250 (three-quarter ton) Ford pickup trucks, thereby not only exceeding the original bid specs, but also the budget by almost $30,000.

Staff have evaluated the bid and determined that it would be in the best interest of the City to reject the bid and re-bid the project in late October or November when the 2010 model one-half ton pickup trucks will be available to all dealers. The purchase of the CNG pickup trucks is authorized by a Federal grant administered by CalTrans in the amount of $194,766, with a local match of $25,234. Total estimated project cost is $220,000. It is therefore requested that Council give staff the authorization to reject the bid of San Francisco Ford and re-bid the equipment later in the fall of 2009 in an effort to stay within budget.

RECOMMENDATION: That the Council rejects the sole bid for the six (6) one-half ton full-size pickup trucks with CNG conversion and authorize Staff to re-bid the equipment when the 2010 models are available.
SUBJECT: AWARD OF SERVICE AGREEMENT – ASPHALT PAVEMENT AND RECYCLING TECHNOLOGIES (APART), INC.

SOURCE: PUBLIC WORKS DEPARTMENT - ENGINEERING DIVISION

COMMENT: Public Works seeks Council's authorization to engage the services of a firm that specializes in asphalt concrete technology for the purpose of performing a mix design that will allow the recycling of asphalt concrete. This relatively new technology has been evaluated by staff for the purpose of stretching our American Recovery and Reinvestment Act (ARRA 2009) monies for road improvements. These funds have been slated for Olive Avenue, between Main Street and the San Joaquin Valley Railroad, west of D Street.

About $300,000 is available to the City for this project and initially staff felt it best to reconstruct this small segment of Olive Avenue. Since that decision, staff has obtained soil borings and traffic counts, and all indications lead us to believe that Olive Avenue from State Route 65 to Plano Street is a strong candidate for Cold-In-Place Recycling (CIPR). There are two reasons why, and they are 1) projected traffic index (truck traffic) has not increased as originally expected when Olive Avenue was reconstructed during the late 1970's and 2) existing structural section materials are of high quality. The existing subgrade material is a silty sand non-expansive material, existing base meets Caltrans Class 2 Aggregate Base specifications and the same is true for the asphalt concrete. The CIPR process is significantly cheaper than a total reconstruction project, which may extend the Olive Avenue project limits from Main Street to Villa Street.

Asphalt Pavement and Recycling Technologies, Inc., better known as APART, Inc. (Shafter, CA), is essentially the only firm within the Southern San Joaquin Valley that provides mix designs for CIPR construction projects. Their laboratory in Shafter, CA has completed mix designs for several successful projects within the Western United States. APART, Inc. has provided staff with a $5,375 fee proposal for a CIPR mix design. Staff was also interested in a fee proposal for review of technical specifications and construction technical support. APART, Inc.'s fee for these additional services is $125 per hour for reviewing and commenting on technical specifications prepared by staff. The fee for assistance during construction is $195 per day for site observation expenses and $125 per hour for technical support in the field.

Dir Appropriated/Funded CM  
Item No. 60
The consultant has estimated two (2) days of project specifications review and two (2) days of construction technical services for an estimated cost of $4000. Public Works also believes that additional services may be required once APART, Inc. reviews all pertinent information (as-built plans, additional soil borings, etc.) and as always there are unforeseen conditions that arise during construction that may cause a change to the design. The Engineering staff would be reliant upon the consultant to perform all testing and reporting should unforeseen field conditions cause a CIPR design modification.

Public Works respectfully requests that a not-to-exceed $20,000 agreement be authorized with APART, Inc. that will cover the herein described services. A standard City Service Agreement and APART Inc.'s proposal are attached for Council's review and approval. The Service Agreement makes it clear that services outlined in APART Inc.'s proposal and all potential additional services shall not exceed $20,000.

Consulting service funds are available as defined by the recently adopted 2009/10 fiscal year budget. Local Transportation Fund is the funding source for these design services related to the Olive Avenue ARRA 2009 Project.

RECOMMENDATION: That the City Council:

1. Approve a "not to exceed" $20,000 contract with APART, Inc.;

2. Authorize the Mayor to sign the Service Agreement; and

3. Authorize the City Engineer to approve additional work, not to exceed $20,000, for work that may become necessary to appropriately prepare CIPR bidding documents and CIPR design modifications.

ATTACHMENTS: Consultant Proposal
Service Agreement
SERVICE AGREEMENT

DATE:    July 13, 2009

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred
to as "CITY"; and Asphalt Pavement and Recycling Technologies, Inc. (APART), hereinafter referred to as "CONSULTANT".

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

    Project Name: Olive Avenue Reconstruction

    Description of Project: Professional services for preparing a mix
design for Cold-In-Place Recycling of the existing asphalt concrete
on Olive Avenue between Main Street and Villa Street.

AGREEMENTS:

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

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to
provide the following services and materials, in a timely manner as
described in Exhibit ‘A’ (attached), in connection with the above described
project.

SECTION 2. PAYMENT: In consideration for said services and materials,
CITY shall pay CONSULTANT on a time and materials basis for
COMPONENT ONE, not to exceed Twenty Thousand Dollars, ($20,000).

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

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will be commenced upon execution of this agreement and Task 1 shall be completed by September 15, 2009. There is no time limit for Tasks 2 and 3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 12. DISPUTES; VENUE: If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.
IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE

By__________________________________________

Pete V. McCracken, Mayor

Date________________________________________

CONSULTANT

By__________________________________________

Steven Escobar

Date________________________________________

By__________________________________________

Robert Staugaard

Date________________________________________

BSR:vs

P:\pw\world\Engineering\Projects\Mike Reed\OLive Ave. ARRA Project\Service Agreement - APART.doc
Asphalt Pavement And Recycling Technologies, Inc.

5207 Minter Field Avenue
Shafter, CA 93263
Telephone: 661-393-2748
Fax: 661-393-2804
E-mail Address: apart@hughes.net
Website: Asphalt-RAP-HMA-Testing.com

To: Mike Reed/City of Porterville

Subject: Price Quotation for ARRA Project – Olive Avenue

June 18, 2009

We want to thank you, Nathan & Daniel, for inviting us last Friday to discuss the feasibility of using the Cold-In-Place Recycling (CIPR) process on a segment of Olive Avenue. From the information supplied by your core analysis and our discussions at the meeting, we believe the Olive Drive is good candidate for this process.

At the meeting you requested a price quotation from us covering a mix design for the Cold-In-Place Recycling segment for Olive Avenue, technical support during the CIPR process for at least two days and technical assistance in reviewing project specification.

1. Cold-In-Place Recycling Mix Design:

   This mix design would include test results for the emulsified recycling agent used for the design.

   Price is $5,375.00.

2. Technical Support During CIPR Construction:

   This would cover technical assistance during the construction phase of the CIPR.

   Price is $195.00/day for expenses plus $125.00/hr. on the project.

3. Technical Assistance in Reviewing Project Specification:

   This would cover technical assistance in reviewing project specification and suggesting any needed changes or clarifications. Since we have no define scope on what is needed, we can only provide an hourly rate.

   Price is $125.00/hr.

This price quotation is valid until September 15, 2009.

We appreciate the opportunity to quote on this project.

Regards!

Steven Escobar

Robert Staugaard
SUBJECT: AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 - INTERSECTION SAFETY IMPROVEMENT - DESIGNATION OF NEWCOMB STREET AND SCRANTON AVENUE AS A 4-WAY STOP INTERSECTION

SOURCE: Public Works Department - Engineering Division

COMMENT: Article IV, Section 17-4 of the City's Traffic Ordinance No. 1162 authorizes the City Engineer to place and maintain or cause to be placed and maintained traffic control devices as he may deem necessary or proper to regulate traffic. The Traffic Engineer must make such determinations based on traffic engineering principals and traffic investigations. Section 17-4 stipulates that the public must be notified of the application of a traffic control device so as to be effective when the traffic control device is installed. Article VII, Section 17-7 of the Traffic Ordinance states that a resolution must be affected prior to the installation of the traffic control device.

The City Engineer, after careful consideration and review of field conditions, has determined that the intersection of Newcomb Street and Scranton Avenue warrants the placement of stop signs for north, south, east and west bound traffic. Taken under consideration was the fact that the east leg of Scranton Avenue is experiencing a significant increase in eastbound and westbound traffic when comparing current counts with 2004 counts. Some of this traffic could be attributed to the recent opening of Young's Trucking on the south side of Scranton Avenue, west of Newcomb Street. The west leg of Scranton Avenue has sight distance issues causing an unsafe condition for eastbound traffic.

Traffic accidents have increased slightly over the last few years. The following is a summary of accidents that have been reported to date:

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<thead>
<tr>
<th>TRAFFIC ACCIDENT SUMMARY*</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>1</td>
</tr>
</tbody>
</table>

* No fatalities

Traffic Ordinance No. 1162, Traffic Resolution No. 10-2001 defines and establishes certain streets and parts of streets as one way streets, through streets, stop intersections, no parking areas, diagonal parking zones, no parking zones, truck routes and commercial vehicles prohibited streets. An amendment to Traffic Resolution No. 10-2001 is necessary for Newcomb Street and Scranton Avenue to be designated as a 4-way stop intersection.

Dir Bde Appropriated/Funded N/A CM Item No. 7
RECOMMENDATION: That City Council:

1. Pass a resolution amending Traffic Resolution No. 10-2001, designating Newcomb Street and Scranton Avenue as a 4-way stop intersection;

2. Authorize the City Engineer to notify the public, by any effective means, of the application of a traffic control device, namely a 4-way stop, at the intersection of Newcomb Street and Scranton Avenue; and

3. Authorize the City Engineer to install traffic control devices, namely 4-way stop signs, at the intersection of Newcomb Street and Scranton Avenue.

ATTACHMENT: Resolution
RESOLUTION NO._________

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE
AMENDING TRAFFIC RESOLUTION NO. 10-2001

WHEREAS, Traffic Ordinance No. 1162, Traffic Resolution No. 10-2001 defines and establishes certain streets and parts of streets in the City of Porterville as one way streets, through streets, stop intersections, no parking areas, diagonal parking zones, no parking zones, truck routes and commercial vehicles prohibited streets; and

WHEREAS, the Traffic Resolution needs to be amended;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the following change is made to Section 21 of Traffic Resolution No. 10-2001:

A. Section 21. Through Streets and Stop Intersections. Add to Section 21 the following:

   21-150. The intersection of Newcomb Street and Scranton Avenue.

PASSED, ADOPTED AND APPROVED this 21st day of July, 2009.

__________________________________________
Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: JULY 21, 2009

SUBJECT: AIRPORT LEASE RENEWAL – LOT 36

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: Mr. Robert Nichols is the current leaseholder of Lot 36 at the Porterville Municipal Airport. The lease expired on May 31, 2009; however, the lease terms allow for an option to extend the lease for an additional five (5) years, provided the City receives a request to exercise the option 120 days prior to expiration. Paragraph 2 of the Lease Agreement (attached) further states the City’s granting of the option is discretionary, but will not be unreasonably withheld. We received a request from Mr. Nichols dated June 29, 2009, asking to continue the lease on Lot 36. Staff recommends that Council waive the 120-day notice requirement and grant the five-year option to extend the lease to 2014.

RECOMMENDATION: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Robert Nichols of Porterville, CA, for Lot 36 at the Porterville Municipal Airport.

ATTACHMENT: Locator Map
Letter from Mr. Nichols requesting renewal
Paragraph 2 of original Lease Agreement

D.D. Appropriated/Funded C.M. 8 Item No. 8
June 29, 2009

Susan Hartman, Purchasing Agent
City of Porterville
291 No. Main Street
Porterville, CA 93257

Susan,

Please refer to your letter of May 5, 2009. It is my intention to extend the lease for LOT 36 another 5 years.
I believe insurance is in effect until mid-August 2009 at which time a certificate will be forwarded to our office.
Please advise if anything is further required at this time.

Sincerely,

[Signature]

R. L. Nichols, Owner
LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California, the first day of June 1, 1999, by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as "City" and Robert L. Nichols hereinafter referred to as "Lessee".

WHEREAS. City owns and operates an airport in the City of Porterville, State of California, commonly known and described as "Porterville Municipal Airport"; and

WHEREAS. Lessee desires to lease a portion of said airport for the construction of a hangar; and

WHEREAS. it is the desire of City to utilize said airport for the general public by its development and use in providing aeronautical-related facilities and service.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises: Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as Lot 36 at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. Term: The term of this lease shall commence on June 1, 1999, both parties having executed the same, and shall terminate on May 31, 2009, provided Lessee is not in default with respect to any of the conditions or covenants of this lease. Lessee shall have an option to request an extension of the terms hereof for an additional period of five (5) years, by giving written notice thereof to Lessor not less than 120 days prior to expiration of this agreement or any five (5) year extension. Lessor is not obligated to grant any extension but said option shall not be unreasonably withheld.
CONSENT CALENDAR

SUBJECT: ROYAL OAKS VESTING SUBDIVISION MAP EXTENSION OF TIME

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Frank Wittich
Bank of the Sierra
90 North Main Street
Porterville, Ca 93257

COMMENT: The applicant is requesting approval of a 36 month extension of time for the Royal Oaks Vesting Subdivision Map.

ORDINANCE CHARACTERISTICS: Section 66452.6 (d) of the State Map Act allows the City Council to grant extensions of time for tentative maps (both subdivisions and parcel maps) for a period not to exceed a total of five (5) years.

BACKGROUND: On August 1, 2006 the City Council adopted a Vesting Subdivision Map for Royal Oaks, located north of Poplar Ditch and east of Indiana Street. The Vesting Subdivision Map for Royal Oaks proposed the division of a 40.39± acre vacant parcel, zoned R-1 (One Family Residential), into 193 lots, 191 of which were single family residential lots. Of the two remaining lots, one lot, approximately 1.1 acres in size, was dedicated as a City pocket park. The other lot was conveyed to the Poplar Irrigation Company.

On the same day, a Mitigated Negative Declaration was adopted, satisfying the requirements of the California Environmental Quality Act. The proposed mitigation measures were made conditions of approval of the approved map. No further environmental review is necessary.

On July 1, 2008 the City Council adopted a twelve (12) month extension of time for the Royal Oaks Vesting Subdivision Map. Said extension of time commenced on July 1, 2008 and was due to expire on July 1, 2009.

PROJECT LOCATION: The site is generally located north of the Poplar Ditch, south of State Route 190, west of Jaye Street and east of Indiana Street.

SPECIFIC REQUEST: On June 29, 2009, the applicant submitted a letter requesting approval of an extension of time for the Royal Oaks Vesting Subdivision Map. The extension of time is for a period of 36 months. The reason for the request is because Royal Oaks Vesting Subdivision Map was due to expire on July 1, 2009. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the proposed subdivision.

DD Alphabet Appropriated/Funded CM Item No. 9
RECOMMENDATION: That the City Council adopt the draft resolution approving a 36 month extension of time for the Royal Oaks Vesting Subdivision Map.

ATTACHMENT:

1. Locator Map  
2. Vesting Subdivision Map  
3. Letter requesting the Extension of Time  
4. Amended letter from applicant for 36 month extension  
5. City Council Resolution 99-2006  
6. City Council Resolution 100-2006  
7. City Council Resolution 57-2008  
8. Draft Resolution approving the 36 month extension of time
June 29, 2009

City of Porterville  
291 N. Main St  
Porterville Ca 93257

Re: Extension for Royal Oaks Subdivision, tentative map

To Whom It May Concern:

This letter is to request an additional 12 month extension on the Royal Oaks Subdivision tentative map (see copy of Resolution No. 57-2008 dtd 7/1/08). Please also see enclosed check #250045 for $316.00 for the requested extension fee.

If you have any questions or concerns please contact, Frank Wittich at Bank of The Sierra 559-782-4500 ext 4944.

Sincerely,

[Signature]

Tina DeLussa  
Real Estate Loan Officer
July 7, 2009

City of Porterville
291 N. Main St
Porterville Ca 93257

Re: Extension for Royal Oaks Subdivision, tentative map

To Whom It May Concern:

This letter is to revise our previous request for an additional 12 month extension on the Royal Oaks Subdivision tentative map and instead request an additional 36 months.

If you have any questions or concerns please contact, Frank Wittich at Bank of The Sierra 559-782-4500 ext 4944.

Sincerely,

[Signature]
Tina DeLussa
Real Estate Loan Officer

RECEIVED

JUL - 8 2009

Community Development Department

ATTACHMENT
ITEM NO. 4
RESOLUTION NO. 99-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE ROYAL OAKS VIEW VESTING TENTATIVE SUBDIVISION MAP FOR THAT 40.39± ACRE SITE LOCATED GENERALLY ON THE EAST SIDE OF INDIANA BETWEEN BROWN AVENUE AND POPLAR DITCH IN SOUTHWEST PORTERVILLE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 1, 2006 conducted a public hearing to consider approval of Royal Oaks View Vesting Tentative Subdivision Map, being a division of a 40.39± acre parcel zoned Single Family Residential (One-Family Zone) into a 193 lot single family residential subdivision to be developed in two (2) phases for that site generally located at the east side of Indiana Street between Brown Avenue and Poplar Ditch in southwest Porterville; and

WHEREAS: On June 6, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Mitigated Negative Declaration (Exhibit A) was prepared for the project in accordance with the California Environmental Quality Act.

2. That the Mitigated Negative Declaration prepared for this project was made available for public review and comment. The 20-day review period was from June 12, 2006 to July 2, 2006. Comments have been received from the Lower Tule River Irrigation District and the SJVAPCD. Comments have been noted in the file and addressed as appropriate. Comment letters are attached to the staff report.

3. That the proposed project could have a significant effect on the environment, but through implementation of the Mitigation Monitoring Program as defined (Exhibit B) will not create adverse environmental impacts.

The proposed Mitigated Negative Declaration was evaluated in light of the prepared environmental Initial Study, comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level through the implementation of the attached mitigation measures.

4. That the City Council is the decision-making body for the project.
5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Exhibit B and included as Condition 59 in the proposed resolution of approval for the Royal Oaks View Vesting Tentative Subdivision Map.

6. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of the project with the implementation of the Mitigation Monitoring Program.

A reconnaissance-level biological assessment (included in the appendices of the environmental Initial Study and available for review) was conducted on-site. Two mature Valley oak trees and one blue elderberry shrub are located on the project site. These sites may provide habitat for Valley Elderberry Longhorn Beetle and avian predators or other resident or migratory birds. The blue elderberry shrub and the valley oak trees will be preserved and incorporated into the pocket park.

7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. seq. of the Fish and Game Code.

8. That the environmental assessment and analysis prepared for this project supporting the Mitigated Negative Declaration reflects the independent judgment of the City of Porterville.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Mitigated Negative Declaration for Royal Oaks View Vesting Tentative Subdivision Map as described herein.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Chief Deputy City Clerk
STATE OF CALIFORNIA  )
CITY OF PORTERVILLE  )    SS
COUNTY OF TULARE    )

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 1st day of August, 2006.

THAT said resolution was duly passed adopted by the following vote:

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<th>McCracken</th>
<th>P. Martinez</th>
<th>F. Martinez</th>
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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO. 100-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE IN SUPPORT OF APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP FOR THE ROYAL OAKS VIEW PROJECT FOR THAT 40.39± ACRE SITE LOCATED GENERALLY ON THE EAST SIDE OF INDIANA BETWEEN BROWN AVENUE AND POPLAR DITCH IN SOUTHWEST PORTERVILLE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 1, 2006 conducted a public hearing to consider approval of Royal Oaks View Vesting Tentative Subdivision Map, being a division of a 40.39± acre parcel zoned Single Family Residential (One-Family Zone) into a 193 lot single family residential subdivision to be developed in two (2) phases for that site generally located at the east side of Indiana between Brown Avenue and Poplar Ditch in southwest Porterville; and

WHEREAS: On June 6, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The Subdivision Review Committee on June 28, 2006, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant’s agent and incorporated into the draft resolution of approval; and

WHEREAS: The City Council received testimony from all interested parties relative to the proposed vesting tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the General Plan, as required by the California government Code Section 65473.5.

   The Land Use Element of the General Plan designates the site for Low Density Residential development (2-7 d.u./acre). The proposed subdivision will be developed to a density of 4.19 d.u./acre.

   The average size lot ranges from 6000 sq. ft. to 6,500 sq. ft. and the project site is generally square. The north portion of the site fronts on Brown Avenue. The south portion fronts along the north side of the Poplar Ditch, which will be enhanced by a pedestrian trail. Indiana Street extends north and south and will provide primary access to the City circulation system. Pin Oak Avenue provides primary access into the subdivision as it extends east of Indiana Street. Pin Oak Avenue is 60ft in width between Indiana Street and Royal Oak Street, and narrows to 50ft east of Royal Oak Street to South Chess Terrace as does Red Oak Avenue just to the north. The north/south interior street of the subdivision terminate south of Pin Oak into cul-de-
sacs and are built to a standard width of 50ft, except Royal Oak Street and Cottage Street, which are 60 feet in width. Willow Oak Avenue, which runs east/west in the northern part of the subdivision, is a 60ft wide collector street that connects Royal Oak Street to South Chess terrace Street. Brown Avenue, an existing street at the northern boundary of the project site, will be improved to a 30ft eastbound lane and a 13ft westbound lane. This will provide for improved access and circulation to the subdivision.

2. That the site is physically suitable for the type and density of the proposed development.

3. That the design of the project, or proposed improvements could have a significant effect on the environment, but through implementation of the Mitigation Monitoring Program as defined will not create adverse environmental impacts. Condition 59 of this resolution requires the developer/applicant to comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to the resolution.

4. The Initial Study prepared for this project indicates that all potential impacts will be mitigated to less than significant levels. Through the implementation of the mitigation measures contained in the Mitigation Monitoring Program, the result in impacts addressed will be less than significant.

5. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.

The General Plan designates the site for Low Density Residential uses. Residential developments are located to the north and south. The adjacent property to the east is vacant land. To the west of the proposed subdivision a rural residence, a drainage basin/pond, and vacant land are located on the west side of Indiana Street.

6. That the standards of population density, site area dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

The proposed project complies with all the requirements of the Subdivision Ordinance. The development standards of the R-1 (One Family Residential) Zone including lot sizes, site coverage, parking, etc., will apply to the site.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Royal Oaks View Tentative Subdivision Map subject to the following conditions:

1. The developer shall designate lot 46 as a pocket park. A portion of the pocket park shall be reserved for a municipal well site. The pocket park will also include the existing oak trees and blue elderberry shrub on site.

2. One tree of minimum #15 specimen size and approved as a city street tree is required in the front yard of each lot. One additional tree is required on corner lots. Root barriers are required for all trees planted within ten feet of public sidewalks.

3. The pocket park, pedestrian trail, and Indiana Streetscape shall comply with Ordinance No. 1483, the Water Efficient Landscape Ordinance. Landscape and irrigation criteria must be approved. Two (2) sets of landscape and irrigation plans are required with a $25.00 plan check fee.

4. The applicant/developer shall dedicate Lot #46 to the City for a pocket park. The park shall be fully landscaped by the applicant/developer with no greater than 35% turf coverage, pedestrian pathways, interspersed tables and benches, and sufficient trees to provide a minimum of 70% shading within seven years. Turfed areas shall be at least 20 feet distant from the Elderberry and Oak Tree. The Elderberry and Oak tree shall be protected through implementation of recommendations prepared by a qualified urban tree preservation arborist. A report on the proposed plant preservation and necessary pruning work shall be supplied by the developer/applicant to the Parks and Leisure Services Director. The Director’s approval of the report must be achieved prior to commencing any construction activity (including the construction or grading of a ditch access roadway), within one hundred feet of the existing Elderberry or Valley Oak tree.

5. The applicant/developer shall construct a 6-foot high PCC or masonry fence along all common lines with residential lots that border the pocket park and pedestrian trail space. The fence shall be reduced in height at front yard setback lines and otherwise fully comply with fence height requirements.

6. The developer/applicant shall dedicate to the City a pedestrian trail space across the southerly portion of the site. The pedestrian trail space shall be a minimum of 18-feet wide, with an 8-foot wide pathway, 2-foot wide shoulders, a landscape area adjacent to the residential lots, and shall be constructed in compliance with the construction plans filed with the Parks and Leisure Services Department on May 23, 2006.

7. A PCC or masonry fence with an articulated alignment shall be constructed by the applicant/developer along the Indiana Street frontage of all lots. A minimum 6-foot wide landscape area shall be provided between the masonry wall and the public sidewalk. The masonry wall shall be located to ensure adequate sight distance at street intersections. A 5-foot wide wall and landscape maintenance easement shall be conveyed to the City of Porterville along the rear and side yards of lots abutting Indiana Street.
8. Prior to the approval of improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans. The developer/applicant shall petition, on a form provided by the City, to have the development included within a Lighting and Landscape Maintenance District. Submit with the petition the $375.00 fee. The following shall be included and maintained in said district: (1) Lighting, (2) Recreational Open Space, (3) Public landscaping, if any; (4) Public walls/fences, if any; (5) Drainage reservoirs, if any, and (6) any other public improvement.

9. The developer/applicant shall prepare an Engineer's Report for the establishment of assessments in order to provide for ongoing maintenance of subdivision improvements to be included within the Lighting and Landscape Maintenance District. The Lighting and Landscape Maintenance District shall be established, or the annexation into an existing District shall be concluded, and landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the project.

10. Exclusive of assessments for a Lighting and Landscape Maintenance District, the developer/applicant shall pay all service fees and maintain all new lighting and landscape improvements in a safe and healthy manner for the greater of a minimum ninety-day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the Lighting and Landscape Maintenance District.

11. Prior to commencing landscape improvement construction, the developer/applicant shall obtain soil analysis to determine amendments and conditioning of soils to be utilized within the landscape areas. A copy of the soil analysis and recommendations shall be provided to the Parks and Leisure Services Director for approval. The developer/applicant shall fully implement the required amendments and conditioning of landscape soils to ensure an adequate media for healthy and vigorous plant growth.

12. Construction of a masonry block wall, no less than six feet in height and landscaping along the full length of the Indiana Street frontage will be required. Said area to be placed in a Landscape Maintenance District to include the proposed pocket park. Particular attention shall be directed to provide a graffiti free design through the use of a combination of trees, shrubs and vines to be planted to screen the wall. The wall(s) shall meet the following standards:

   a. The wall(s) shall match one of the colors in the color palette approved by the City Council and maintained by the Community Development Director.

   b. The wall(s) shall include articulation at intervals of approximately 80 feet except where such articulation is precluded by design constraints. In no case shall a wall exceed 160 feet without articulation. Methods of articulation may include the following:
      i. A minimum of 24-inch change of plane.
      ii. A minimum of an 18-inch change in height.
iii. A section of semi-open fence, except where such a feature would interfere with required sound protection.

iv. A change of material.


14. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code section 66020(a). You have 90 days from the date fees are paid to file a written protest.

15. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23). The Indiana Street alignment is non-standard and shall comply with the alignment dedicated by prior developments in the area. The development variance associated with Sierra Meadows Subdivision shifted the construction centerline of Indians Street (collector width) 6ft west of the Section line. The locator of existing high transmission power poles and lines instigated the variance request.

16. The developer/applicant shall cause all unnecessary easements to be vacated prior to or in conjunction with the Final Map processing.

17. The developer/applicant shall relinquish access rights along lots fronting Indiana Street on the Final Map.

18. The developer/applicant shall provide and show all required utility easements on the Final Map.

19. The developer/applicant shall dedicate a one-foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.

20. The developer/applicant has complied with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provided a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer. Additional reporting requirements are as indicated below:
a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans.

21. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

22. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months of recording the final map for each phase.

23. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for "backflow” prevention pursuant to Resolution No. 9615 for all wells that will remain in service.

24. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue use.

25. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).

26. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.

27. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).

28. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The
developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

29. San Joaquin Valley Air Pollution Control District (District) Adoption of Rules 9510 and 3180 – Indirect Source Rule (ISR) effective March 1, 2006, the District will enforce the Indirect Source Rule. ISR applies to projects that are at least:

- 50 residential units
- 2,000 square feet of commercial space
- 9,000 square feet of educational space
- 10,000 square feet of government space
- 20,000 square feet of medical or recreational space
- 25,000 square feet of light industrial space
- 39,000 square feet of general office space
- 100,000 square feet of heavy industrial space
- Or, 9,000 square feet of any land use not identified above.

Projects that meet the above thresholds but are found through the application process to have mitigated emissions of less than two tons per year each of nitrogen oxides and PM10 (particulate matter 10 microns and smaller) will not be subject to the emission-reduction requirements of the rule.

It is the applicants’ responsibility to file an application (found at http://www.valleyair.org/ISR/ISR.htm) with the District. The application must be filed with the District no later than concurrent with an application for final discretionary approval with a public agency. An application maybe filed with the District prior to applying for a final discretionary permit from the local agency, at the discretion of the applicant. This timing was included in the rule so that applications filed with the District would not interfere with the local agency development approval process and so that local agencies could consider the benefits of the ISR program emission reductions in their environmental documents. The District recognizes the land use authority of local land use agencies and will not impose any design requirements upon ISR projects. The District will provide a letter of rule compliance status to the local agency upon request. The ISR Program does not place any requirements upon the agency.

ISR applicants can take credit for those measures that are required by the local agency or included in the design of the project that have a quantifiable air quality benefit. ISR applicants can also take emission reduction credit for those measures that are not required by the local agency, but have been voluntarily identified by the applicant.
The District will be responsible for enforcing compliance for those measures identified by the applicant that are not required by the local agency and do not affect the design or construction standards. Examples of District enforced measures are operational measures such as businesses offering transit subsidies to employees and transportation demand management programs. The District will enforce those measures through a Monitoring and Reporting Schedule (MRS).

The District will notify the local agency when a project’s application is deemed complete, and when it is approved. The District will send copies of the preliminary and finalized MRS to the local agency for voluntary review for consistency with local regulations and programs. If the local agency, or applicant or district determines that a measure on the MRS is not consistent with local agency regulations and programs, that measure will be removed from the MRS and the project will be re-assessed.

For more information regarding the Indirect Source Rule, please contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000. The Central Region office in Fresno is leading the ISR enforcement.

30. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), pavement lane transitions (offsite), traffic safety marking and signs, etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

31. Building or foundation permits shall not be issued until all of the following items are accepted as complete.

a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;

b. The water system is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);

c. Street base rock for accessibility by the public safety officials and building inspectors;

d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, a Drainage and Soils Report, and a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommends contained in the Preliminary Soils Report;

e. Lot corners are marked;

f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

32. The developer/applicant has provided a Hydraulic analysis that reflects compliance with City standards and the Storm Drain Master Plan. The pad grades and top of curb grades have been
illustrated as a component of the Hydraulic analysis.

33. The developer/applicant shall install pipe to Drainage Reservoir No. 55 and obtain Caltrans approval to cross State Route 190 or connect to the existing 24" pipe. Alternatives are:

a.) Provide on-site drainage reservoir and convey an easement to City of Porterville. Maintenance of the reservoir shall be a component of the Landscape and Lighting District.

b.) Provide off-site drainage reservoir by obtaining rights to convey storm water to an existing low area west of the proposed development and convey an easement to the City of Porterville.

c.) Initiate a change to the City’s Storm Drain Master Plan, acquire existing low area west of the proposed development for an off-site reservoir and convey to the City of Porterville. The developer/applicant shall construct improvements necessary to comply with City standards. Refer to condition No. 44, which relates to the reimbursement of master plan facility improvements.

d.) City to modify the Storm Drain Master Plan and negotiate for the purchase of the existing low area west of the proposed development for is on-site drainage or obtaining rights to convey storm water to a low area west of the proposed development. An easement shall be dedicated to the City for an onsite drainage reservoir and the off-site drainage reservoir.

34. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of storm water associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into waters of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

35. Rear yard setbacks shall be at least 34 feet for any two-story residences on lots along Indiana Street. Lot 19, as identified on the map, shall have a 34-foot side yard setback if a two-story home is built at that location.
36. A minimum 6-foot block wall along Indiana Avenue must be constructed. Wall returns shall be installed on the subdivision entry lots on either side of the intersection of Indiana Street and Pin Oak Avenue and on the southeastern corner of the intersection of Indiana Street and Brown Avenue as shown on the Vesting Tentative Subdivision map.

37. To accommodate refuse vehicles and street-sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.

38. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate with Knox padlock to accommodate emergency service vehicles at such time that phased development of the subdivision results in creation of dead end cul-de-sac streets in excess of 600 feet long. This road shall be designed to avoid and preserve the oak tree near the southwest boundary of the project at the property line.

39. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.

40. The developer/applicant shall construct City standard barricades at the end of all dead end streets.

41. The developer/applicant shall install a forty-eight (48) inch high chain link fence along the north property line, on the north side of Brown Ave, except at Chess Terrace Street. Type “N” signs, three (3) total, shall be placed on the chain link fence at the intersection of Cottage Street and Brown Avenue.

42. The developer/applicant shall connect Chess Terrace Street (north of project area) to Brown Avenue. Street structural section shall comply with City standards and Caltrans Design Manual. Curb, gutter and sidewalk are not required along Chess Terrace.

43. The developer/applicant shall provide a mid lot access street to the adjacent easterly property.

44. The developer/applicant shall construct disabled ramps at all street intersections that comply with American Disability Act (ADA). Compliance with ADA Standards and any changes thereto, is a requirement for the life of the Vesting Tentative Map.

45. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision.

46. The developer/applicant shall move existing utility structures (for example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 DSA) or provide surety in lieu of (Section 2616.1 of the Zoning Ordinance).
47. Prior to acceptance of improvements, the developer/applicant shall provide streetlights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer. Street light spacing shall be at 160ft intervals, staggered throughout the proposed subdivision. The following street light luminaries are requirements for this development, e.g.:

<table>
<thead>
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<tr>
<td>Indiana Street</td>
<td>9500</td>
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<tr>
<td>Brown Avenue</td>
<td>5800</td>
</tr>
<tr>
<td>Internal Streets</td>
<td>5800</td>
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</table>

48. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.

49. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.

50. The developer/applicant shall dedicate property to the Poplar Ditch Company as required for maintenance.

51. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.

52. The developer/applicant shall obtain written direction from the Poplar Ditch Company that addresses the improvements required along the Poplar Ditch. The irrigation district shall also address the interest they may or may not have in the land designated as lot 197 on the Vesting Tentative Map.

53. The developer/applicant shall also obtain written direction from the Poplar Ditch Company that address the City's intention of having a pedestrian trail along the north side of the ditch. The City would anticipate a minimum of a 10ft trail with a chain link fence along or near the top of the ditch bank. The trail shall be confined to the boundaries of the subdivision and eventually continue to Jaye Street. The trail, including the landscaping and irrigation, shall be constructed and dedicated to the City as a part of the development. Pedestrian trail and landscape maintenance shall be included in the landscape and maintenance district.

54. The developer/applicant shall provide access to the trail via cul-de-sac(s) ending at or near the southerly boundary of the subdivision.
55. The developer/applicant has resolved all issues related to improvements adjacent to the Poplar Ditch with the controlling district prior to approval.

56. Signs require a separate permit.

57. Comply with latest applicable codes.

58. When any portion of the building to be protected is in excess of 150ft from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required flow.

59. Additional fire hydrants will be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site. An approved detector check valve must be installed per City standards on any hydrant located on private property.

60. The City will test and maintain all fire hydrants in the City whether on private property or not. An “easement” is required from the owner.

61. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more that 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

62. Fire hydrants spacing shall be as follows: In Residential development, one hydrant shall be installed at every 500 feet intervals.

63. Fire hydrants for the development shall be placed as required per the Fire Department.

64. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.

65. All turns on driveways must meet the minimum radius allowed set by City standards.

66. Project must meet minimum fire flow requirements per table in Appendix III-A & III-B of the California Fire Code.

67. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Sec. 22500.1.

68. Any gates installed in the project that restrict access must be fitted with a Knox Key.

69. Additional requirements for compliance with the Uniform Fire Code may be added at the time of building permit review when more information regarding the building type and use are provided.
70. Hydrants will be required along streets that do not have structures facing them at a maximum spacing distance of 1000’ per CFC Appendix III-B Table A-III-B-1 note number 3.

71. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. Prior to recording the final map, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.

72. At all times, the facility shall be operated and maintained to comply with current State Law, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

73. The term of the vesting tentative map shall conform to the provisions of Government Code Sections 66452.6(e) and 66498.5.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Chief Deputy City Clerk
STATE OF CALIFORNIA  
CITY OF PORTERVILLE  
COUNTY OF TULARE  

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 1st day of August, 2006.

THAT said resolution was duly passed adopted by the following vote:

<table>
<thead>
<tr>
<th>Council:</th>
<th>McCracken</th>
<th>P. Martinez</th>
<th>F. Martinez</th>
<th>Stadtherr</th>
<th>Hamilton</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO. 57-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF A TWELVE (12) MONTH EXTENSION OF TIME FOR ROYAL OAKS VESTING SUBDIVISION MAP GENERALLY LOCATED ON THAT SITE NORTH OF POPLAR DITCH AND EAST OF INDIANA STREET.

WHEREAS: On June 6, 2006, the City Council of the City of Porterville adopted a Mitigated Negative Declaration of environmental impact for the Royal Oaks View Vesting Tentative Subdivision map; and

WHEREAS: On June 6, 2006, the City Council of the City of Porterville adopted a Vesting Tentative Subdivision Map for the Royal Oaks Subdivision; and

WHEREAS: The Porterville City Council at its regularly scheduled meeting of July 1, 2008, considered a twelve (12) month extension of time request for Royal Oaks Vesting Subdivision Map, generally located on that site North of Poplar Ditch;

WHEREAS: Section 66452.6 (e) of the State Map Act allows the City Council to grant extension of time for tentative map (both subdivision and parcel maps) for a period not to exceed a total of five (5) years;

WHEREAS: That the extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the proposed subdivision.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a twelve (12) month extension of time for Royal Oaks Vesting Subdivision Map and that the conditions specified in City Council Resolution 99-2006 and 100-2006 shall remain in full force and effect. Said extension of time shall commence July 1, 2008, and shall expire on July 1, 2009.

APPROVED, AND ADOPTED this 1st day of July, 2008.

Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

Patrice Hildreth, Chief Deputy City Clerk
STATE OF CALIFORNIA
CITY OF PORTERVILLE
COUNTY OF TULARE

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 1st day of July, 2008.

THAT said resolution was duly passed, approved, and adopted by the following vote:

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<thead>
<tr>
<th>Council:</th>
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<th>F. Martinez</th>
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<th>Hamilton</th>
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<tbody>
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<td>NOES:</td>
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</tbody>
</table>

JOHN LONGLEY, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL
OF A 36 MONTH EXTENSION OF TIME FOR ROYAL OAKS
VESTING SUBDIVISION MAP GENERALLY LOCATED ON
THAT SITE NORTH OF POPLAR
DITCH AND EAST OF INDIANA STREET.

WHEREAS: On June 6, 2006, the City Council of the City of Porterville adopted a
Mitigated Negative Declaration of environmental impact for the Royal Oaks View Vesting
Tentative Subdivision map; and

WHEREAS: On June 6, 2006, the City Council of the City of Porterville adopted a
Vesting Tentative Subdivision Map for the Royal Oaks Subdivision;

WHEREAS: On July 1, 2008, the City Council of the City of Porterville approved
a twelve (12) month extension of time request for the Royal Oaks Vesting Subdivision Map,
generally located on that site North of Poplar Ditch; and

WHEREAS: The Porterville City Council at its regularly scheduled meeting of July
21, 2009, considered a 36 month extension of time request for the Royal Oaks Vesting
Subdivision Map;

WHEREAS: Section 66452.6 (e) of the State Map Act allows the City Council to
grant extension of time for tentative map (both subdivision and parcel maps) for a period not
to exceed a total of five (5) years;

WHEREAS: That the extension of time will allow the developer an opportunity to
keep the map active and fulfill the development requirements for the proposed subdivision.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does
hereby approve a 36 month extension of time for Royal Oaks Vesting Subdivision Map and
that the conditions specified in City Council Resolution 99-2006 and 100-2006 shall remain
in full force and effect. Said extension of time shall commence July 21, 2009, and shall

______________________________
Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By __________________________
   Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENT
ITEM NO. 8
SUBJECT: UPDATE STATUS – FAIRWAY TRACT WATER CONNECTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On March 27, 2009, City Council approved and directed staff to provide emergency water to the Fairway Tract Subdivision due to pump motor difficulties with their well. Subsequent to delivery of emergency water, Fairway Tract repaired their well pump.

Staff recommended in March that the City move forward with the installation of a water main up to but not connecting Fairway Tract to City water. In consideration for connecting Fairway Tract to City water, the Council directed that an annexation agreement between all parties be prepared and executed so that the parties recognize and affirm their responsibilities regarding annexation, payment of fees, one day water assessment fee, construction improvements and other miscellaneous issues.

Public Works is advertising for construction bids on approximately 250’ of 8” water main. The Engineer’s Estimate is $32,100. When the March report was prepared, staff understood that a Department of Water Resources (DWR) grant was near award. With that understanding, all construction activities and water related impact fees would be reimbursed to the City immediately before or as construction progressed. Today’s reality is that the grant award date is unknown and reimbursement may be delayed indefinitely. Staff seeks Council affirmation to continue with construction advertisement knowing that all costs associated with construction and water impact fees will be borne by the City. Funds for the project will come from the Water Reserve Fund and is budgeted in the City’s 2009/2010 Capital Projects program.

RECOMMENDATION: That the City Council:

1. Affirm its decision to continue with advertisement for construction of the Fairway Tract Water Main Project;

2. Execute an annexation agreement with affected parties describing all pertinent issues and responsibilities regarding these pertinent issues; and

3. Direct the Public Works Director to bring this matter before the City Council for award of construction contract when bids have been received and the Memorandum of Understanding has been executed;

ATTACHMENT: Engineer’s Estimate, Locator Map
# FAIRWAY TRACT EMERGENCY WATER PROJECT

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<th>ITEM</th>
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<th>UNIT PRICE</th>
<th>AMOUNT</th>
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<td>LS</td>
<td>Mobilization &amp; Demobilization</td>
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<td>4</td>
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<td>8&quot; Class 150 PVC (AWWA C-900) or Class 50 Ductile Iron Pipe, including Tracing Wire</td>
<td>$40.00</td>
<td>$9,600.00</td>
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<td>6</td>
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<td>EA</td>
<td>Permanent Blow Off with Valve and All appropriate fittings and Appurtenances and Installation of 8&quot; water line.</td>
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<td>Remove Plug and Join to Existing 8&quot; Water line with all Appropriate Fittings and Appurtenances</td>
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<td>$1,000.00</td>
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<tr>
<td>8</td>
<td>250</td>
<td>LF</td>
<td>Water Line A.C. Trench Patch (3' wide)</td>
<td>$15.00</td>
<td>$3,750.00</td>
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<td>9</td>
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<td>All Other Appurtenant Construction Items Shown on Plans and not Included in Bid Items</td>
<td>$3,000.00</td>
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Subtotal | $30,550.00
10% Estimating Contingency | $3,055.00

**TOTAL ENGINEERING ESTIMATE** | $32,077.50

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<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
</tbody>
</table>

Subtotal | $30,550.00
10% Estimating Contingency | $3,055.00

**TOTAL CONSTRUCTION ESTIMATE** | $33,622.50

6/2/2009
Project Manager

7/3/09
City Engineer

7/10/09
Public Works Director

FOR JDL 7/15/09
City Clerk
COUNCIL AGENDA – JULY 21, 2009

SUBJECT: RESCHEDULING OF PUBLIC HEARING – LANDSCAPE AND LIGHTING DISTRICTS ANNUAL ASSESSMENTS

SOURCE: PARKS & LEISURE SERVICES DEPARTMENT

COMMENT: At the meeting of July 7, 2009 the Council set a public hearing for July 21, 2009 regarding the Engineer’s Report and proposed assessments for the Landscape and Lighting Maintenance Districts for Fiscal Year 2009-2010. Notice of the public hearing was not published in the Porterville Recorder ten days in advance as required. As a result, the public hearing must be rescheduled.

ATTACHMENT: None

RECOMMENDATION: That the City Council reschedule the public hearing on Landscape and Lighting Districts Annual Assessments to the meeting of August 4, 2009 at 7:00 p.m.

Item No. 11

DIR

N/A

Appro./Funded

CM
SUBJECT: AUTHORIZE SUBMISSION OF AN ENERGY EFFICIENCY & CONSERVATION BLOCK GRANT FOR CITY FACILITY IMPROVEMENT MEASURES AND NEGOTIATION OF A PERFORMANCE CONTRACT WITH JOHNSON CONTROLS, INC. FOR THE PROJECT IMPLEMENTATION

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council has previously authorized the preparation and submission of a grant application for the $496,000 of federal stimulus program formula funds designated for Porterville as a part of the Energy Efficiency & Conservation Block Grant Program. An application was prepared within the one week period provided to staff and as it was being uploaded for transmission when the federal agency sent notice of a 45-day application deadline extension. The new deadline for application submission is August 10, 2009, although they are requesting that applications be submitted at the earliest possible opportunity so that they can be processed and approved more expediently.

The draft application proposed to retrofit both lighting and plumbing fixtures at various City facilities. The information utilized to justify the energy savings and budget cost was extracted from the Infrastructure and Operational Enhancements Report compiled previously by Johnson Controls, Inc. Without refining the project estimate the City would be expected to have a local share of the project cost amounting to $30,251, and receive an approximate $60,000 annual savings in utility cost. If directed, staff could modify this suggested project to stay within the $496,000 of federal funds, with the City performing design and project management activities.

Alternatively, the City could retain Johnson Controls, Inc. to perform the entire $1,646,188 of energy conservation work previously proposed and apply the $496,000 of federal funding to achieve a local cost of approximately $1,150,188. With this alternative, the local funding could be allocated as a loan from the Building Construction Fund. In return the current utility budgets could generate approximately $81,000 of annual cash flow repaying the loan over a 20-year period with 4% annualized interest to create a Facilities Maintenance & Replacement Fund.

The Council also has the option of not making application for the federal funding and therefore not implementing energy efficiency modifications to the City facilities at this time.
RECOMMENDATION: That the City Council:

1. Authorize negotiation of a performance contract with
   Johnson Controls, Inc. for facility energy efficiency
   improvement measures, and

2. Authorize the submission of an Energy Efficiency &
   Conservation Block Grant in the amount of $496,000 for
   lighting and plumbing retrofits and improvements at City
   facilities to be applied towards the Johnson Controls, Inc.
   project, and

3. Direct that a budget amendment be prepared that will
   allocate funds as a loan from the Building Construction Fund
   to this project along with the establishment and funding of a
   Facilities Maintenance & Replacement Fund from utility
   savings resulting from the implementation of the above.

ATTACHMENTS: Draft Grant Application Package
Grant Application Package

<table>
<thead>
<tr>
<th>Opportunity Title</th>
<th>Recovery Act 7 Energy Efficiency and Conservation Block</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offering Agency</td>
<td>National Energy Technology Laboratory</td>
</tr>
<tr>
<td>CFDA Number</td>
<td>01.128</td>
</tr>
<tr>
<td>CFDA Description</td>
<td>Energy Efficiency &amp; Conservation Block Grant Program</td>
</tr>
<tr>
<td>Opportunity Number</td>
<td>DE-POA-0000013</td>
</tr>
<tr>
<td>Competition ID</td>
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<td>Opportunity Open Date</td>
<td>03/26/2009</td>
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<tr>
<td>Opportunity Close Date</td>
<td>06/25/2009</td>
</tr>
<tr>
<td>Agency Contact</td>
<td>Sue Miltnerber</td>
</tr>
<tr>
<td></td>
<td>Contract Specialist</td>
</tr>
<tr>
<td></td>
<td>E-mail: <a href="mailto:EBCG9@netl.doe.gov">EBCG9@netl.doe.gov</a></td>
</tr>
</tbody>
</table>

This opportunity is only open to organizations, applicants who are submitting grant applications on behalf of a company, state, local or tribal government, academia, or other type of organization.

* Application Filing Name: City of Porterville, CA.

### Mandatory Documents

<table>
<thead>
<tr>
<th>Application for Federal Assistance (SF-424)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Attachments Form</td>
</tr>
<tr>
<td>Project/Performance Site Location(s)</td>
</tr>
</tbody>
</table>

### Optional Documents

**Disclosure of Lobbying Activities (SF-LLL)**

### Instructions

1. **Enter a name for the application in the Application Filing Name field.**
   - This application can be completed online; however, you will need to login to the Grants.gov website during the submission process.
   - You can save your application at any time by clicking the “Save” button at the top of your screen.
   - The “Save & Submit” button will not be functional until all required data fields in the application are completed and you clicked on the “Check Package for Errors” button and confirmed all data required data fields are completed.

2. **Open and complete all of the documents listed in the “Mandatory Documents” box. Complete the SF-424 form first.**
   - It is recommended that the SF-424 form be the first form completed for the application package. Data entered on the SF-424 will populate data fields in other mandatory and optional forms and the user cannot enter data in these fields.
   - The forms listed in the “Mandatory Documents” box and “Optional Documents” may be predefined forms, such as SF-424, forms where a document needs to be attached, such as the Project Narrative or a combination of both. “Mandatory Documents” are required for this application. “Optional Documents” can be used to provide additional support for this application or may be required for specific types of grant activity. Reference the application package instructions for more information regarding “Optional Documents”.
   - To open and complete a form, simply click on the form’s name to select the item and then click on the “>” button. This will move the document to the appropriate “Documents for Submission” box and the form will be automatically added to your application package. To view the form, scroll down the screen or select the form name and click on the “Open Form” button to begin completing the required data fields. To remove a form/document from the “Documents for Submission” box, click the document name to select it, and then click the “<” button. This will return the form/document to the “Mandatory Documents” or “Optional Documents” box.
   - All documents listed in the “Mandatory Documents” box must be moved to the “Mandatory Documents for Submission” box. When you open a required form, the fields which must be completed are highlighted in yellow with a red border. Optional fields and completed fields are displayed in white. If you enter invalid or incomplete information in a field, you will receive an error message.

3. **Click the “Save & Submit” button to submit your application to Grants.gov.**
   - Once you have properly completed all required documents and attached any required or optional documentation, save the completed application by clicking on the “Save” button.
   - Click on the “Check Package for Errors” button to ensure that you have completed all required data fields. Correct any errors or if none are found, save the application package.
   - The “Save & Submit” button will become active; click on the “Save & Submit” button to begin the application submission process.
   - You will be taken to the applicant login page to enter your Grants.gov username and password. Follow all onscreen instructions for submission.
Application for Federal Assistance SF-424

1. Type of Submission:
   - [ ] Preapplication
   - [X] Application
   - [ ] Changed/Corrected Application

2. Type of Application:
   - [X] New
   - [ ] Continuation
   - [ ] Revision

3. Date Received:
   - [ ] Completed by Grants.gov upon submission.

4. Applicant Identifier:
   - Jim Perrine

5a. Federal Entity Identifier:
   - 95-250-4430

5b. Federal Award Identifier:
   - City of Porterville, CA.

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

   a. Legal Name:
      - City of Porterville, CA.

   b. Employer/Taxpayer Identification Number (EIN/TIN):
      - 94-6000398

   c. Organizational DUNS:
      - 030969406

   d. Address:
      - Street1: 291 N. Main St.
      - City: Porterville
      - County: 
      - *State: CA: California
      - Province: 
      - *Country: USA: UNITED STATES
      - *Zip / Postal Code: 93257

   e. Organizational Unit:
      - Department Name: 
      - Division Name: 

   f. Name and contact information of person to be contacted on matters involving this application:
      - Prefix: Mr.
      - *First Name: Jim
      - Middle Name: 
      - *Last Name: Perrine
      - Suffix: 
      - Title: Director Parks & Leisure Services
      - Organizational Affiliation:
        - City of Porterville, CA.
      - *Telephone Number: (559) 782-7536
      - Fax Number: (559) 791-7854
      - Email: jmperrine@ci.porterville.ca.us
**Application for Federal Assistance SF-424**

<table>
<thead>
<tr>
<th>9. Type of Applicant 1: Select Applicant Type:</th>
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<tbody>
<tr>
<td>City or Township Government</td>
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<td>Type of Applicant 2: Select Applicant Type:</td>
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<tr>
<td>Type of Applicant 3: Select Applicant Type:</td>
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<td>* Other (specify):</td>
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<tr>
<th>10. Name of Federal Agency:</th>
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<tr>
<td>National Energy Technology Laboratory</td>
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</table>

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<th>11. Catalog of Federal Domestic Assistance Number:</th>
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<tr>
<td>81.128</td>
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<tr>
<td>CFDA Title:</td>
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<tr>
<td>Energy Efficiency &amp; Conservation Block Grant Program</td>
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<th>12. Funding Opportunity Number:</th>
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<th>13. Competition Identification Number:</th>
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<tr>
<th>14. Areas Affected by Project (Cities, Counties, States, etc.):</th>
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<tbody>
<tr>
<td>City owned buildings, parks and property</td>
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</table>

<table>
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<tr>
<th>15. Descriptive Title of Applicant’s Project:</th>
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</thead>
<tbody>
<tr>
<td>Energy Efficiency and water conservation project</td>
</tr>
</tbody>
</table>

Attach supporting documents as specified in agency instructions.
16. Congressional Districts Of:
   * a. Applicant: CA-021
   * b. Program/Project: CA-021
   Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:
   * a. Start Date: 01/04/2010
   * b. End Date: 04/23/2010

18. Estimated Funding ($):
   * a. Federal: 496,000.00
   * b. Applicant: 30,251.00
   * c. State: 0.00
   * d. Local: 0.00
   * e. Other: 0.00
   * f. Program Income: 0.00
   * g. TOTAL: 526,251.00

19. Is Application Subject to Review By State Under Executive Order 12372 Process?
   □ a. This application was made available to the State under the Executive Order 12372 Process for review on
   □ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
   ✗ c. Program is not covered by E.O. 12372.

20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)
   □ Yes    ✗ No

21. "By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements
    herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to
    comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims
    may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)
    ✗ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency
specific instructions.

Authorized Representative:

Prefix: Mr.  
First Name: Jim
Middle Name: 
* Last Name: Perrine
Suffix: 
* Title: Director of Parks & Leisure Services

* Telephone Number: (559) 782-7536  
Fax Number: (559) 791-7854

* Email: jperrine@ci.porterville.ca.us

* Signature of Authorized Representative: Completed by Grants.gov upon submission.  
* Date Signed: Completed by Grants.gov upon submission.
Application for Federal Assistance SF-424

* Applicant Federal Debt Delinquency Explanation

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.
Other Attachment File(s)

*Mandatory Other Attachment Filename: [CA-CITY-PORTERVILLE-Attachment B1 - Application Ps]

Add Mandatory Other Attachment  | Delete Mandatory Other Attachment  | View Mandatory Other Attachment

To add more "Other Attachment" attachments, please use the attachment buttons below.

Add Optional Other Attachment  | Delete Optional Other Attachment  | View Optional Other Attachment
Project/Performance Site Location(s)

Project/Performance Site Primary Location

I am submitting an application as an individual, and not on behalf of a company, state, local or tribal government, academia, or other type of organization.

Organization Name: City of Porterville

DUNS Number: 0309694060000

* Street: 291 N. Main Street

Street2:

* City: Porterville  County: Tulare

* State: CA: California

Province:

* Country: USA: UNITED STATES

* ZIP / Postal Code: 93257-3737  * Project/Performance Site Congressional District: CA-021

Project/Performance Site Location 1

I am submitting an application as an individual, and not on behalf of a company, state, local or tribal government, academia, or other type of organization.

Organization Name: City of Porterville

DUNS Number: 0309694060000

* Street: 41 W. Thurman

Street2:

* City: Porterville  County: Tulare

* State: CA: California

Province:

* Country: USA: UNITED STATES

* ZIP / Postal Code: 93257-3737  * Project/Performance Site Congressional District: CA-021

Project/Performance Site Location 2

I am submitting an application as an individual, and not on behalf of a company, state, local or tribal government, academia, or other type of organization.

Organization Name: City of Porterville

DUNS Number: 0309694060000

* Street: 350 North D Street

Street2:

* City: Porterville  County:

* State: CA: California

Province:

* Country: USA: UNITED STATES

* ZIP / Postal Code: 93257-3737  * Project/Performance Site Congressional District: CA-021
Project/Performance Site Location(s)

Project/Performance Site Location 3

Organization Name: City of Porterville
DUNS Number: 0309694060000
* Street: 30 W. Cleveland
Street2: 
* City: Porterville County: 
* State: CA: California Province: 
* Country: USA: UNITED STATES
* ZIP / Postal Code: 93257-3737 * Project/Performance Site Congressional District: CA-021

Project/Performance Site Location 4

Organization Name: City of Porterville
DUNS Number: 0309694060000
* Street: 1893 S. Newcomb
Street2: 
* City: Porterville County: 
* State: CA: California Province: 
* Country: USA: UNITED STATES
* ZIP / Postal Code: 93257-3737 * Project/Performance Site Congressional District: CA-021

Project/Performance Site Location 5

Organization Name: City of Porterville
DUNS Number: 0309694060000
* Street: 555 N. Newcomb
Street2: 
* City: Porterville County: 
* State: CA: California Province: 
* Country: USA: UNITED STATES
* ZIP / Postal Code: 93257-3737 * Project/Performance Site Congressional District: CA-021
Project/Performance Site Location(s)

Project/Performance Site Location 6

I am submitting an application as an individual, and not on behalf of a company, state, local or tribal government, academia, or other type of organization.

Organization Name: City of Porterville
DUNS Number: 0309694060000

* Street1: 466 E. Putnam
Street2:
* City: Porterville
County: 
* State: CA: California
Province: 
* Country: USA: UNITED STATES
* ZIP / Postal Code: 93257-3737
* Project/Performance Site Congressional District: CA-021

Project/Performance Site Location 7

I am submitting an application as an individual, and not on behalf of a company, state, local or tribal government, academia, or other type of organization.

Organization Name: City of Porterville
DUNS Number: 0309694060000

* Street1: 256 E. Orange
Street2:
* City: Porterville
County: 
* State: CA: California
Province: 
* Country: USA: UNITED STATES
* ZIP / Postal Code: 93257-3737
* Project/Performance Site Congressional District: CA-021
June 24, 2009

U.S. Department of Energy
1000 Independence Avenue
Washington, DC 20585

RE: EECBG – Formula Grants, Assurance Submittal Requirement
Authorized Applicant Assurance
CFDA Number: 81.128
CFDA Description: Energy Efficiency and Conservation Block Grant Program
Opportunity #: DE-FOA-0000013

The City of Porterville designates Jim Perrine to be our representative and proper authority to apply for and receive funding based on Title V, Subtitle E, Energy Efficiency and Conservation Block Grants, Sections 541(3)(A) or 541(3)(B) of ESA 2007, Public Law 110-140.

As the City Manager and the duly authorized official within the City of Porterville, I, John Lollis, certify that Jim Perrine is authorized to receive funds and implement the EECBG Program.

Acknowledgment:

Designator
John Lollis, City Manager

[Signature]

Date
June 24, 2009

Phone Number
559-782-7466

Email
jlollis@ci.porterville.ca.us

Designee
Jim Perrine, Director of Parks & Leisure Svcs.

[Signature]

Date
June 24, 2009

Phone Number
559-782-7536

Email
jperrine@ci.porterville.ca.us

City Manager’s Office
291 North Main Street, Porterville, California 93257
(559) 782-7466 Fax (559) 715-4013 Email: mgr-Office@ci.porterville.ca.us
DEPARTMENT OF PARKS and LEISURE SERVICES
June 24, 2009

U.S. Department of Energy
1000 Independence Avenue
Washington, DC 20585

RE: EECBG – Formula Grants, Assurance Submittal Requirement: Davis-Bacon

CFDA Number: 81.128

CFDA Description: Energy Efficiency and Conservation Block Grant Program

Opportunity #: DE-FOA-0000013

The City of Porterville will comply with the requirements of the U.S. Department of Labor statutes including Davis-Bacon and related Acts (29 CFR 1.5 and 1.6(c)). We acknowledge all laborers and mechanics performing work services on projects funded directly by or assisted in whole or in part by and through funding appropriated by the Act are paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by subchapter IV of Chapter 31 of title 40, United States Code (Davis-Bacon Act).

We understand the Wage and Hour Division of the U.S. Department of Labor determines prevailing wage rates to be paid on federally funded or assisted construction projects. We will comply with the regulations and ensure that the proper Davis-Bacon wage determination(s) is/are applied to such construction contract(s).

Acknowledgment:

Jim Perrine, Director of Parks & Leisure Services

Printed Name and Title

Signature

June 24, 2009
Date

291 N. Main Street, Porterville, CA 93257*(559) 782-7536*Fax(559) 7891-7854* parks_leisure@ci.porterville.ca.us
EECBG Activity Worksheet

Grantee: City of Porterville
DUNS #: 30969406
Program Contact Name: Jim Ferrine
Program Contact Email: jperrine@ci.porterville.ca.us
Date: 06/25/2009

Project Title: City of Porterville Energy Efficiency Upgrades
Activity: Energy Efficiency Retrofits
Sector: Public

Proposed Number of Jobs Created: 6.00
Proposed Number of Jobs Retained: 2.00
Proposed Energy Saved and/or Renewable Energy Generated: 61,440
Proposed GHG Emissions Reduced (CO2 Equivalents): 507,000
Proposed Funds Leveraged: $36,251.00
Proposed EECBG Budget: 2.00

Project Contact First Name: Jim
Last Name: Ferrine
Email: jperrine@ci.porterville.ca.us

Metric Activity: Building Retrofits
Project Summary: Lighting & Plumbing Conversions for City Owned Facilities. Project is to reduce City energy use of electricity and water utilities.

If you are proposing more than one activity, save this file as many times as needed with successive page numbers. For example: "OH-CITY-Columbus-Project Activity page 1.pdf," "OH-CITY-Columbus-Project Activity page 2.pdf," and continue as needed.
FINANCIAL MANGEMENT ASSESSMENT

This assessment should be completed, signed and certified by the Applicant's Financial Officer.

1. Have you previously done business with DOE?  YES  NO

2. Have you previously done business with any other Federal Agency?  YES  NO
   If so, please identify:
   (Such as: HUD, Department of Justice, EPA, U.S. Fish & Wildlife, Federal Highway Administration,
   FEMA, U.S. Army Corps of Engineers)  Federal Aviation Administration, FEMA, EDA
   HUD, Dept. of Justice, Federal Transit Administration, Dept. of Transportation

3. Can the Applicant's Financial Officer or Independent Auditor certify that the Applicant has
   a financial management system sufficient to meet the requirements of 10 CFR 690.220?  YES  NO
   If yes, please skip to question #10 and sign/certify below.

4. Does your accounting system have the ability to track costs on a reimbursable basis?  YES  NO

5. Does your system allow for accurate, current and complete financial reporting, and record
   keeping as well as the maintaining of adequate source documentation?  YES  NO

6. Does your system allow for effective internal controls and accountability?  YES  NO

7. Does your system allow for effective and efficient cash management procedures?  YES  NO

8. Does your system prohibit subaward at any tier to any party which is debarred, suspended
   or otherwise excluded from or ineligible for participation in Federal assistance programs?  YES  NO

9. The expenditure of $500,000 or more of Federal funds in a fiscal year requires an
    organization to have an audit performed in accordance with OMB Circular A-133.
    Has your organization had such an audit performed?  YES  NO

10. If yes, please provide the most recent report or a copy of the SF-SAC forms filed with
    the Federal Audit Clearinghouse. If no, proceed to the next statement and certify by
    checking the YES block.

   I understand the audit requirements and will comply with the provisions of OMB Circular A-133.  YES  NO

Janie Rodriguez, Accountant  889-782-7560  0-23-09

PRINTED NAME, TITLE AND PHONE NUMBER OF INDIVIDUAL COMPLETING FORM  DATE

By signing this form, the above individual certifies that the responses provided to this survey are accurate as of the date.

If "NO" has been selected for any of the statements above, please provide further explanation on page 2.
Data Collection Form for Reporting on AUDITS OF STATES, LOCAL GOVERNMENTS, AND NON-PROFIT ORGANIZATIONS for Fiscal Year Ending Dates in 2008, 2009, or 2010

Complete this form, as required by OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

PART 1  GENERAL INFORMATION (To be completed by auditee, except for Items 6, 7, and 8)

1. Fiscal period ending date for this submission
   Month  /  Day  /  Year
   06  /  30  /  2008

2. Type of Circular A-133 audit
   1 □ Single audit
   2 □ Program-specific audit

3. Audit period covered
   1 □ Annual
   2 □ Biennial
   [ ] Months

4. Auditee Identification Numbers
   a. Primary Employer Identification Number (EIN)
      9 4 6 0 0 0 3 9 8
   b. Are multiple EINs covered in this report? 1 □ Yes  2 □ No
   c. If Part I, Item 4b is "Yes," complete Part I, Item 4c on the continuation sheet on Page 4.

5. AUDITEE INFORMATION
   a. Auditee name
      CITY OF PORTERVILLE
   b. Auditee address (Number and street)
      211 NORTHEAST MAIN STREET
      CITY
      PORTERVILLE
      STATE
      CA
   c. Auditee contact
      Name
      MARIA BENS
      Title
      ORO
   d. Auditee contact telephone
      (559) 781-7635
   e. Auditee contact FAX
      (559) 784-4569
   f. Auditee contact E-mail
      maria.bens@cityofporterville.ca.us

9. AUDITEE CERTIFICATION STATEMENT – This is to certify that, to the best of my knowledge and belief, the auditee has: (1) engaged an auditor to perform an audit in accordance with the provisions of OMB Circular A-133 for the period described in Part I, Items 1 and 3; (2) the auditor has completed such audit and presented a signed audit report which states that the audit was conducted in accordance with the provisions of the Circular; and, (3) the information included in Parts I, II, and III of this data collection form is accurate and complete. I declare that the foregoing is true and correct.

Auditee certification
Date
NOT FOR SUBMISSION

Name of certifying official
NOT FOR SUBMISSION

Title of certifying official
NOT FOR SUBMISSION

7a. Add Secondary auditor information? (Optional)
   1 □ Yes  2 □ No
   [ ]

6. PRIMARY AUDITOR INFORMATION
   (To be completed by auditor)

   a. Primary auditor name
      PRESSLEY & ASSOCIATES, INC.
   b. Primary auditor address (Number and street)
      5551 CALIFORNIA AVE, SUITE 140
      CITY
      BAKERSFIELD
      STATE
      CA
   c. Primary auditor contact
      Name
      J. STEVEN PRESSLEY
      Title
      CA
   d. Primary auditor contact telephone
      (661) 283-6865
   e. Primary auditor contact FAX
      (661) 283-6867
   f. Primary auditor contact E-mail
      Steven@PressleyInc.com

9. AUDITOR STATEMENT – The data and information included in this form are limited to those prescribed by OMB Circular A-133. The information included in Parts I and II of the form, except for Part IIA, Items 1, 6, and 9a-f1, was transferred from the auditor's report(s) for the period described in Part I, Items 1 and 3 and is not a substitute for such reports. The auditor has not performed any auditing procedures since the date of the auditor's report(s). A copy of the reporting package required by OMB Circular A-133, which includes the complete auditor's report(s) as available to the auditor in the address provided in Part I of this form, as required by OMB Circular A-133, this information in Parts IIA and III of this form was entered in this form by the auditor based on information included in the reporting package. The auditor has not performed any additional auditing procedures in connection with the completion of this form.

Auditor certification
Date
NOT FOR SUBMISSION

3/29/2009 6:40:02 PM
**PART II**

**FINANCIAL STATEMENTS (To be completed by auditor)**

1. Type of audit report
   - Mark either: 1 □ Unqualified opinion  OR
   - any combination of: 2 □ Qualified opinion 3 □ Adverse opinion 4 □ Disclaimer of opinion

2. Is a "going concern" explanatory paragraph included in the audit report? 1 □ Yes 2 □ No

3. Is a significant deficiency disclosed? 1 □ Yes 2 □ No – SKIP to Item 5

4. Is any significant deficiency reported as a material weakness? 1 □ Yes 2 □ No

5. Is a material noncompliance disclosed? 1 □ Yes 2 □ No

**PART III**

**FEDERAL PROGRAMS (To be completed by auditor)**

1. Does the auditor's report include a statement that the auditee's financial statements include departments, agencies, or other organizational units exceeding $500,000 or more in Federal awards that have separate A-133 audits which are not included in this audit? (AICPA Audit Guide, Chapter 12) 1 □ Yes 2 □ No

2. What is the dollar threshold to distinguish Type A and Type B programs? ($500,000)

3. Did the auditee qualify as a low-risk auditee? ($50,000) 1 □ Yes 2 □ No

4. Is a significant deficiency disclosed for any major program? (§ 510(a)(1)) 1 □ Yes 2 □ No – SKIP to Item 5

5. Is any significant deficiency reported for any major program as a material weakness? (§ 510(a)(1)) 1 □ Yes 2 □ No

6. Are any known questioned costs reported? (§ 510(a)(3) or (4)) 1 □ Yes 2 □ No

7. Were Prior Audit Findings related to direct funding shown in the Summary Schedule of Prior Audit Findings? (§ 515(b)) 1 □ Yes 2 □ No

8. Indicate which Federal agencies have current year audit findings related to direct funding or prior audit findings shown in the Summary Schedule of Prior Audit Findings related to direct funding (Mark (X) all that apply or None)

- [ ] U.S. Agency for International Development
- [ ] Agriculture
- [ ] Appalachian Regional Commission
- [ ] Corporation for National and Community Service
- [ ] Defense
- [ ] Education
- [ ] Energy
- [ ] Environmental Protection Agency
- [ ] General Services Administration
- [ ] Health and Human Services
- [ ] Homeland Security
- [ ] Housing and Urban Development
- [ ] Institute of Museum and Library Services
- [ ] Interior
- [ ] Justice
- [ ] Labor
- [ ] Legal Services Corporation
- [ ] National Aeronautics and Space Administration
- [ ] National Archives and Records Administration
- [ ] National Endowment for the Arts
- [ ] National Endowment for the Humanities
- [ ] National Science Foundation
- [ ] Office of National Drug Control Policy
- [ ] Social Security Administration
- [ ] U.S. Department of State
- [ ] Treasury
- [ ] Veterans Affairs
- [ ] Other – Specify: [ ]
### Part III  Federal Programs - Continued

#### 9. Federal Awards Expended During Fiscal Year

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<tr>
<th>CFDA Number</th>
<th>Research and development</th>
<th>Name of Federal program</th>
<th>Amount expended</th>
<th>Direct award</th>
<th>Major program</th>
<th>Type(s) of compliance requirement(s)</th>
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<td>Economic Adjustment</td>
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<td>Yes</td>
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<td>14.218</td>
<td>Yes</td>
<td>Community Development Block Grants/Entitlement Program</td>
<td>$646,610.00</td>
<td>Yes</td>
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<td>O</td>
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<td>14.239</td>
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<td>Home Investment Partnership Program</td>
<td>$1,679,461.00</td>
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<td>14.248</td>
<td>No</td>
<td>Section 196 - Loan Guarantee Program</td>
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<td>20.507</td>
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**Total Federal Awards Expended**

$4,681,754.00

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1. See Appendix 1 of instructions for valid Federal Agency two-digit prefixes.
2. Or other identifying number when the Catalog of Federal Domestic Assistance (CFDA) number is not available. (See Instructions)
3. If major program is marked "Yes," enter only one letter (U = Unqualified opinion, Q = Qualified opinion, A = Adverse opinion, D = Disclaimer of opinion) corresponding to the type of audit report in the adjacent box. If major program is marked "No," leave the type of audit report box blank.
4. Enter the letter(s) of all type(s) of compliance requirement(s) that apply to audit findings. (i.e., noncompliance, significant deficiency (including material weaknesses), questioned costs, fraud, and other items reported under § 510(a) reported for each Federal program.

A. Activities allowed or unallowed
B. Allowable costs/cost principles
C. Cash management
D. Davis – Bacon Act
E. Eligibility
F. Equipment and real property management
G. Matching, level of effort, earmarking
H. Period of availability of Federal funds
I. Procurement and suspension and debarment
J. Program income
K. Real property acquisition and relocation assistance
L. Reporting
M. Subrecipient monitoring
N. Special tests and provisions
O. None
P. Other

5. N/A for NONE
**PART I  GENERAL INFORMATION – Continued**

8. Part I, Item 8, Secondary Auditor's Contact Information. (List the Secondary Auditor's Contact Information)

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To Representatives:

Re: CITY OF PORTERVILLE 6/30/2008

The Form SF-SAC and the A-133 reporting package for CITY OF PORTERVILLE for the fiscal period ending 6/30/2008 have been transmitted electronically to the Federal Audit Clearinghouse (FAC). The FAC will process the submission and send you an email with the results. If the submission has any problems, you will receive an email detailing those problems. You may check the processing status of your submission at http://harvester.census.gov/fac/dissem/disclaim.html

Sincerely,
Federal Audit Clearinghouse
U.S. DEPARTMENT OF ENERGY

ENVIRONMENTAL QUESTIONNAIRE

I. BACKGROUND

The Department of Energy (DOE) National Environmental Policy Act (NEPA) Implementing Procedures (10 CFR 1021) require careful consideration of the potential environmental consequences of all proposed actions during the early planning stages of a project or activity. DOE must determine at the earliest possible time whether such actions will require either an Environmental Assessment or an Environmental Impact Statement, or whether they qualify for a Categorical Exclusion. To comply with these requirements, an Environmental Questionnaire must be completed for each proposed action to provide DOE with the information necessary to determine the appropriate level of NEPA review.

II. INSTRUCTIONS

Separate copies of the Environmental Questionnaire should be completed by the principal proposer and appropriate proposer's subcontractor. In addition, if the proposed project includes activities at different locations, an independent questionnaire should be prepared for each location. Supporting information can be provided as attachments.

In completing this Questionnaire, the proposer is requested to provide specific information and quantities, when applicable, regarding air emissions, wastewater discharges, solid wastes, etc., to facilitate the necessary review. The proposer should identify the location of the project and specifically describe the activities that would occur at that location. In addition, the proposer will be required to submit an official copy of the project's statement of work (SOW) or statement of project objective (SOPO) that will be used in the contract/agreement between the proposer and DOE.

III. QUESTIONNAIRE

A. PROJECT SUMMARY

1. Solicitation/Project Number: CFDA Number: 81.128, Opportunity Number: DE-POA-0000013
2. Proposer: City of Porterville
3. Principal Investigator: Jim Perrine
   Telephone Number: 559-782-7536
4. Project Title: City of Porterville EECB Grant
5. Duration: 12/04/2009 - 04/30/2010
6. Location(s) of Performance (City/Township, County, State): Porterville, Tulare, California
   291 N. Main Street
   Porterville, CA 93257
7. Identify and select checkbox with the predominant project work activities under Group A-7b or A-7c.

   ☑ Group A-7b

   Work or project activities does NOT involve new building/facilities construction and site preparation activities. This work typically involves routine operation, modification, and retrofit of existing utility and transportation infrastructure, laboratories, commercial buildings/properties, offices and homes, test facilities, factories/power plants, vehicles test stands and components, refueling facilities, greenspace infrastructure, or other existing facilities.
Group A-7c

- Work or project activities typically involves major building or facility construction, site preparation; the installation, replacement, or major modifications of energy system prototypes and infrastructure, access right-of-ways and roads; utility, greenspace, and transportation infrastructure, vehicle test facilities; commercial buildings/properties, fuel refinery/mixing facilities, factories/power plants; and other types of energy efficiency/conservation related systems, structures, and facilities. This work can require new or modified regulatory permits, environmental sampling and monitoring requirements, master planning, public involvement, and environmental impact review.

- Other types of work or project activities not listed. (please describe):

8. Summarize the objectives of the proposed work. List activities planned at the location as covered by this Environmental Questionnaire. Retrofit of building lighting and plumbing systems with energy efficient and water conserving fixtures.

9. List all other locations where proposed work or project would be performed by project's proposer and subcontractors:
   - Airport (Admin Building)
   - City Corporate Yard
   - City Hall
   - Community Center
   - Computer Building
   - Fire Offices
   - Fire Station No. One
   - Fire Station No. Two
   - Golf Course Clubhouse
   - Heritage Center
   - Library
   - Police Department
   - Barn Theatre

10. Identify major project operation related materials and waste that would be used, consumed, and produced by this project or activity. PCBs from lighting and possibly lead in toilet fixtures that would be disposed of in an manner and documented.

11. Provide a brief description of the project location (physical location, surrounding area, adjacent structures). City of Porterville, CA. Central California has most of the scope areas down town in wood framed buildings.

12. Attach a site plan or topographic map of the project work area.

B. ENVIRONMENTAL IMPACTS

This section is designed to obtain information for objectively assessing the environmental impacts of a proposed project. NEPA procedures require evaluations of possible effects (including land use, energy resource use, natural, historic and cultural resources, and pollutants) from proposed projects on the environment.

1. Land Use

   a. Characterize present land use where the proposed project would be located.
      - [ ] Urban
      - [X] Suburban
      - [ ] Industrial
      - [ ] Rural
      - [ ] Commercial
      - [ ] Residential
      - [ ] University Campus
      - [ ] Agricultural
      - [ ] Research Facilities
      - [ ] Forest
b. Describe how land use would be affected by planned construction and project activities.
   ☒ No construction would be anticipated for this project.
   The work is limited to the footprints of existing buildings

c. Describe any plans to reclaim/replant areas that would be affected by the proposed project.
   ☒ No land areas would be affected.

d. Would the proposed project affect any unique or unusual landforms (e.g., cliffs, waterfalls, etc.)?
   ☒ No  ☐ Yes (describe)

e. Would the proposed project be located in or near a national park or wilderness area?
   ☒ No  ☐ Yes (describe)

If project work activities falls under item A-7b; then proceed directly to question B.6 (Atmospheric Conditions/Air
Quality) and continue to fill out questionnaire.

If project work falls under item A-7c; then proceed directly below to question B.2 (Construction Activities and/or
Operations) and continue to fill out questionnaire.

2. Construction Activities and/or Operations

a. Identify any roads, trails, or utility right of ways that traverse the proposed site or will be constructed and clearly mark
   them on project site maps.
   ☒ None

b. Would the proposed project require the construction of settling ponds?
   ☒ No  ☐ Yes (describe and identify location, and estimate surface area disturbed)

c. Would the proposed project affect any existing body of water?
   ☒ No  ☐ Yes (describe)

d. Would the proposed project be located in or impact a floodplain or wetland?
   ☒ No  ☐ Yes (describe)

e. Would the proposed project be likely to cause runoff/sedimentation/erosion?
   ☒ No  ☐ Yes (describe)

3. Vegetation and Wildlife Resources

a. Identify any State- or Federal-listed endangered or threatened plant or animal species affected by the proposed project.
   ☒ None

b. Would any foreign substances/materials be introduced into ground or surface waters, or other earth/geologic resource
   because of project activities? Would these foreign substances/materials affect the water, soil, and geologic resources?
   ☒ No  ☐ Yes (describe)

c. Would any migratory animal corridors be impacted or disrupted by the proposed project?
   ☒ No  ☐ Yes (describe)

4. Socioeconomic and Infrastructure Conditions.

a. Would local socio-economic changes result from the proposed project?
b. Would the proposed project generate increased traffic use of roads through local neighborhoods, urban or rural areas?
   - No ☒  ☐ Yes (describe)

c. Would the proposed project require new transportation access (roads, rail, etc.)? Describe location, impacts, costs.
   - No ☒  ☐ Yes (describe)

d. Would any new transmission lines and/or power line right-of-ways be required?
   - No ☒  ☐ Yes (describe location, voltage, and length of line)

5. Historical/Cultural Resources
   a. Describe any historical, archeological, or cultural sites in the vicinity of the proposed project; note any sites included on the National Register of Historic Places.
      - None

      The Zalud House Museum is listed on the National Register of Historical Places and is located one block north of the project area.

   b. Would construction or operational activities planned under the proposed project disturb any historical, archeological, or cultural sites?
      - No planned construction ☒  ☐ No historic sites  ☐ Yes (describe)

c. Would the proposed project interfere with visual resources (e.g., eliminate scenic views) or alter the present landscape?
   - No ☒  ☐ Yes (describe)

*For all proposed project work activities identified under item A-7b, respond to item B6 directly below and continue filling out environmental questionnaire.*

6. Atmospheric Conditions/Air Quality
   a. Identify air quality conditions in the immediate vicinity of the proposed project with regard to attainment of National Ambient Air Quality Standards (NAAQS). This information is available under the NAAQS tables from the U.S. EPA Air and Radiation Division.

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<td>✓</td>
</tr>
<tr>
<td>Lead</td>
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</table>

   b. Would proposed project require issuance of new or modified major source air quality permits?
      - No ☒  ☐ Yes (describe)

c. Would the proposed project be in compliance with the National Emissions Standards for Hazardous Air Pollutants?
   - No (explain) ☒  ☐ Yes

d. Would the proposed project be classified as either a New Source or a major modification to an existing source?
   - No ☒  ☐ Yes (describe)

e. Would the proposed project be in compliance with the New Source Performance Standards?
   - Not Applicable ☒  ☐ No (explain)  ☐ Yes
f. Would the proposed project be subject to prevention of significant deterioration air quality review?
   ☒ Not applicable  ☐ No (explain)  ☐ Yes (describe)

g. What types of air emissions, including fugitive emissions, would be anticipated from the proposed project?
   none

h. Would any types of emission control or particulate collection devices be used?
   ☒ No  ☐ Yes (describe, including collection efficiencies)

i. If no control devices are used, how would emissions be vented? N/A

7. Hydrologic Conditions/Water Quality

a. What is the closest body of water to the proposed project area and what is its distance from the project site?
   Lake Success / 10 Miles

b. What sources would supply potable and process water for the proposed project?
   City of Porterville Municipal Water system, which utilizes underlaying groundwater supplies.

c. Quantify the daily or annual amount of wastewater that would be generated by the proposed project.
   None will be generated in the performance of the project and a reduction in historical flows will be achieved as a result of the project.

d. Identify the local treatment facility that would receive wastewater from the proposed project.
   ☒ No discharges to local treatment facility

e. Describe how wastewater would be collected and treated.
   N/A

f. Would any run-off or leachates be produced from storage piles or waste disposal sites?
   ☒ No  ☐ Yes (describe source)

g. Would project require issuance of new or modified water permits to perform project work or site development?
   ☒ No  ☐ Yes (describe)

h. Where would wastewater effluents from the proposed project be discharged?
   ☒ No wastewater produced

i. Would the proposed project be permitted to discharge effluents into an existing body of water?
   ☒ No  ☐ Yes (describe water use and effluent impact)

j. Would a new or modified National Pollutant Discharge Elimination System (NPDES) permit be required?
   ☒ No  ☐ Yes (describe)

k. Would the proposed project adversely affect the quality or movement of groundwater?
   ☒ No  ☐ Yes (describe)

8. Solid and Hazardous Wastes

a. Describe and estimate major nonhazardous solid wastes that would be generated from the project. Solid wastes are defined as any solid, liquid, semi-solid, or contained gaseous material that is discarded or has served its intended purpose, or is a manufacturing or mining by-product (40 CFR 260, Appendix I). N/A

b. Would project require issuance of new or modified solid waste and/or hazardous waste related permits to perform project work activities?
c. How and where would solid waste disposal be accomplished?
☐ On-site (identify and describe location)
☒ Off-site (identify location and describe facility and treatment) In an approved waste facility

d. How would wastes for disposal be transported?
in sealed containers

c. Describe and estimate the quantity of hazardous wastes (40 CFR 261.31) that would be generated, used, or stored under this project.
☒ None

f. How would hazardous or toxic waste be collected and stored?
☒ None used or produced

g. If hazardous wastes would require off-site disposal, have arrangements been made with a certified TSD (Treatment, Storage, and Disposal) facility?
☐ Not required  ☒ Arrangements not yet made  ☐ Arrangements made with a certified TSD facility (identify):  

C. DESCRIBE ANY ISSUES THAT WOULD GENERATE PUBLIC CONTROVERSY REGARDING THE PROPOSED PROJECT.
☒ None

IV. CERTIFICATION BY PROPOSER
I hereby certify that the information provided herein is current, accurate, and complete as of the date shown immediately below.

SIGNATURE: [Signature]
DATE: 06/24/2009

TYPED NAME: Jim Perrine
TITLE: Director of Parks & Leisure
ORGANIZATION: City of Porterville

V. REVIEW AND APPROVAL BY DOE
I hereby certify that I have reviewed the information provided in this questionnaire, have determined that all questions have been appropriately answered, and judge the responses to be consistent with the efforts proposed.

PROJECT MANAGER:
SIGNATURE: [Signature]
DATE: 06/24/2009

TYPED NAME: Jim Perrine
City of Porterville
2009 Projects

LEGEND
1. Airport (Admin Building)
2. City Corporate Yard
3. City Hall
4. Community Center
5. Computer Building
6. Fire Offices
7. Fire Station No. 1
8. Fire Station No. 2
9. Golf Course Clubhouse
10. Heritage Center
11. Library
12. Police Department
13. Barn Theatre
14. Murry Park
15. Sports Complex
# ATTACHMENT C

U.S. Department of Energy

FEDERAL ASSISTANCE REPORTING CHECKLIST

AND INSTRUCTIONS

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<th>2. Program/Project Title:</th>
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<td>291 N. Main Street</td>
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<td>Porterville, CA 93257</td>
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| B. SCIENTIFIC/TECHNICAL REPORTING | |
|-----------------------------------|-----------|---------------|-----------|
| Report/Product                    | Form      |               | 291 N. Main Street |
| Final Scientific/Technical Report | DOE F 241.3 |               | Porterville, CA 93257 |
| Conference papers/proceedings*    | DOE F 241.3 |               |               |
| Software/Manual                   | DOE F 241.4 |               |               |
| Other (see Special Instructions)  | DOE F 241.3 |               |               |
| * Scientific and technical conferences only | |

| C. FINANCIAL REPORTING | Q, F | TBD |
|                       |     |     |
| SF-425, Federal Financial Report |     |     |

| D. CLOSEOUT REPORTING | F | TBD |
|                       |   |     |
| Patent Certification  |   |     |
| Property Certification|   |     |
| Other (see Special Instructions) |   |     |

| E. OTHER REPORTING | Q, F, A | TBD |
|                   |         |     |
| Annual Indirect Cost Proposal |         |     |
| Annual Inventory Report of Federally Owned Property, if any |         |     |
| Other – See Section 5 below: |         |     |

**FREQUENCY CODES AND DUE DATES:**

- **A -** Within 5 calendar days after events or as specified.
- **F -** Final; 90 calendar days after expiration or termination of the award.
- **Y -** Yearly; 90 days after the end of the reporting period.
- **S -** Semiannually; within 30 days after end of reporting period.
- **Q -** Quarterly; within 30 days after end of reporting period.

5. Special Instructions: Forms are available at https://www.eere-pmc.energy.gov/forms.asp.

Other Reporting is as follows:
- Energy Efficiency and Conservation Strategy (if applicable)
- ANNUAL REPORTS
- ARRA – Performance Progress Report

See Federal Assistance Reporting Instructions on following pages for more details.

Please note: All quarterly reports are due no later than 30 days after the end of the reporting period. Because this award is funded under the Recovery Act, the ARRA Performance Progress Report is due no later than 10 days after the end of the reporting period.
Federal Assistance Reporting Instructions

Reporting requirements under the EECBG Program consist of the following types of reports:

SPECIAL STATUS REPORT

The recipient must report the following events by e-mail as soon as possible after they occur:

1. Developments that have a significant favorable impact on the project.

2. Problems, delays, or adverse conditions which materially impair the recipient's ability to meet the objectives of the award or which may require DOE to respond to questions relating to such events from the public. For example, the recipient must report any of the following incidents and include the anticipated impact and remedial action to be taken to correct or resolve the problem/condition:

   a. Any single fatality or injuries requiring hospitalization of five or more individuals.
   b. Any significant environmental permit violation.
   c. Any verbal or written Notice of Violation of any Environmental, Safety, and Health statutes or regulations.
   d. Any incident which causes a significant process or hazard control system failure.
   e. Any event which is anticipated to cause a significant schedule slippage or cost increase.
   f. Any damage to Government-owned equipment in excess of $50,000.
   g. Any other incident that has the potential for high visibility in the media.

FINANCIAL REPORTING


CLOSEOUT REPORTING

Property Certification

The recipient must provide the Property Certification, including the required inventories of non-exempt property, located at http://grants.pr.doe.gov.

EECS STRATEGY (for units of local government and Indian tribes only)

- FOR UNITS OF LOCAL GOVERNMENT AND INDIAN TRIBES: units of local government and Indian tribes that do not submit an Energy Efficiency and Conservation Strategy (EECS) with their application must submit one not later than one-hundred twenty (120) days after the effective date of the award. The EECS shall be a comprehensive strategy that covers, at a minimum, all items details in Attachment D as well as the following:
  - Jurisdictional area covered by plan and governing body and/or office with direct authority over plan
  - Plan implementation partners and any leverages funds from private or other public sources
  - Baseline energy use and GHG emissions inventory and forecast
  - Goals/objectives for total energy use and emissions reductions, and energy efficiency increase (including deployment of renewable technologies)
    - Goals can be qualitative
• Actions/plans/strategies and implementation schedule to meet goals
  • Actions and strategies included in the plan can be eligible activities for use of funds under
    EECBG as well as activities that are ineligible; comprehensive planning is encouraged.
    The eligible activities should be marked as such.
  • Applicants are encouraged, in particular, to include the potential impact of anticipated
    leveraged funds from private as well as other public sources.

• Expected outcomes and benefits of plan:
  • Jobs created and/or retained
  • Energy saved
  • Renewable energy capacity
  • GHG emissions reduced
  • Funds leveraged

• Obstacles to reaching goals and strategies to remove obstacles
• Policies and/or administrative actions adopted or needed to support
  actions/plans/strategies/targets/schedule
  • Evaluation, monitoring and verification plan
  • Plan for how activities will be sustained beyond grant period
  • Plans for the use of funds by adjacent eligible units of local governments that receive grants
    under the program; and plans to coordinate and share information with the state in which the eligible
    unit of local government is located regarding activities carried out using the grant to maximize the
    energy efficiency and conservation benefits under this part.
  • Plans for how these funds will be coordinated with leverages funds, including other Recovery Act
    funds, to maximize benefits for local and regional communities.

ANNUAL REPORTS

• FOR UNITS OF LOCAL GOVERNMENT AND INDIAN TRIBES: Submit annual reports not later than
  two (2) years after the effective date of this award and annually thereafter. The annual report shall
  describe the status of development and implementation of the energy efficiency and conservation
  strategy and an assessment of energy efficiency gains within the jurisdiction of the eligible unit of
  local government or Indian Tribe. The annual report shall also address the metrics listed below.

• FOR STATES: Submit annual reports not later than one (1) year after the effective date of this award
  and annually thereafter. The annual report will include the metrics listed below as well as:
  • The status of development and implementation of the energy efficiency and conservation
    strategy of the state during the preceding calendar year;
  • The status of the subgrant program of the state;
  • Specific energy efficiency and conservation goals of the state for subsequent calendar years;
    and
  • Activities (list all programs created or supported by program funds and amount of program
    funds spent on each activity, indicate which programs are new and which are existing,
    indicate which programs are supported solely by program funds, and which have other
    funding sources.

ARRA PERFORMANCE PROGRESS REPORT
Failure to comply with this reporting requirement may result in termination of that part of the award funding by
Recovery Act.

Not later than 10 days after the end of each calendar quarter, each recipient shall submit a report to the grantor
agency that contains:
• The total amount of American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, covered funds
  received from that agency;
• The amount of American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, covered funds received that
  were expended or obligated to project or activities;
• A detailed list of all projects or activities for which American Recovery and Reinvestment Act of 2009, Pub. L.
  111-5, covered funds were expended or obligated including:
- Name of project or activity
- Description of project or activity
- Evaluation of the completion status of project or activity
- Estimate of number of jobs created and retained by project or activity in the manner and form prescribed by DOE
- Infrastructure investments made by State and local governments, purpose, total cost, rationale or agency for funding infrastructure investment, name of agency contact.
- Information on subcontracts or subgrants awarded by recipient to include data elements required to comply with the Federal Accountability and Transparency Act of 2006 (Pub. L. 109-282).

- Compliance: As a condition of receipt of funds under this Act, no later than 180 days of enactment, all recipients shall provide the information described above.

DOE intends to append the periodic ARRA – Performance Progress Report to include reporting on the following, at a minimum:

The results of the funding provided for the EECBG Program through the American Recovery and Reinvestment Act (ARRA) will be assessed according to the following performance metrics:

- Jobs created and/or retained
- Energy (kwh/therms/gallons/BTUs/etc.) saved
- Renewable energy generated
- GHG emissions reduced
- Cost savings

The metrics described below are designed to track the accomplishments of projects funded by EECBG. States must not include results reported by direct grant recipients. Grant recipients will be presented with reporting requirements at the time they receive funding and will be expected to report their achievements in terms of the specified metrics presented below.

Grant recipients will be required to report quarterly on project expenditures, and also on specific activities and achievements, such as square feet of buildings retrofitted. These items tend to be outputs (actions taken by grant recipients) but also include some short-term outcomes (results achieved relatively soon after project outputs occur that lead toward attainment of ultimate project objectives).

**Expenditures:** Accurate records should be kept on project expenditures for all EECBG ARRA funded efforts. The specific information to be gathered and tracked is listed below. It will be the same for all project types:

- Expenditures for project activities
- Expenditures for administration
- Expenditures for evaluation
- Leveraged funds

**Metrics Activity:** The key metrics to be reported will vary by project type. The minimum information to be reported, by project activity type, is reported below.

**Building Codes and Standards**
- Name of new code adopted
- Name of old code replaced
- Number of new and existing buildings covered by new code

**Building Retrofits**
- Number of buildings retrofitted, by sector
- Square footage of buildings retrofitted, by sector

**Clean Energy Policy**
- Number of alternative energy plans developed or improved
- Number of renewable portfolio standards established or improved
- Number of interconnection standards established or improved
Building Energy Audits
- Number of audits performed, by sector
- Floor space audited, by sector
- Auditor’s projection of energy savings, by sector

Energy Efficiency Rating and Labeling
- Types of energy-consuming devices for which energy-efficiency rating and labeling systems were endorsed by the grantee

Government, School, Institutional Procurement
- Number of units purchased, by type (e.g., vehicles, office equipment, HVAC equipment, streetlights, exit signs)

Industrial Retrofit Support
- Number of buildings retrofitted, by Industry Type
- Square footage of buildings retrofitted, by Industry Sector

Loans, Grants, and Incentives
- Number and monetary value of loans given
- Number and monetary value of grants given
- Number and monetary value of incentives provided

Incremental Cost for Efficiency and Design Elements in New Buildings
- Number and square footage of new buildings designed, by sector
- Number and square footage of new buildings constructed, by sector

Renewable Energy Market Development
- Number and size of solar energy systems installed
- Number and size of wind energy systems installed
- Number and size of other renewable energy systems installed

Financial Incentives for Energy Efficiency
- Monetary value of financial incentive provided, by sector
- Total value of investments incentivized, by sector
- Estimated impact of incentives on total investment made

Technical Assistance
- Number of information transactions contacts (for example, webinar, site visit, media, fact sheet) in which energy efficiency or renewable energy measure were recommended, by sector

Transportation
- Number of alternative fuel vehicles purchased
- Number of conventional vehicles converted to alternative fuel use
- Number of new alternative refueling stations emplaced
- Number of new carpools and vanpools formed
- Number of energy-efficient traffic signals installed
- Number of street lane-miles for which synchronized traffic signals were installed

Workshops, Training, and Education
- Number and type of workshops, training, and education sessions held
- Number of people attending workshops, training, and education sessions

Other Activities Not Previously Defined
- Pertinent metric information for any activity not defined above should be captured and included as needed
Short-term Outcomes (DOE will provide supplemental guidance on how to calculate these outcomes to ensure consistent approaches that results can be aggregated at a regional, State and national level):

Energy Savings (kwh equivalents)
- Annual reduction in natural gas consumption (mmcf) by sector and end-use category
- Annual reduction in electricity consumption (MWh) by sector and end-use category
- Annual reduction in electricity demand (MW) by sector and end-use category
- Annual reduction in fuel oil consumption (gallons) by sector and end-use category
- Annual reduction in propane consumption (gallons) by sector and end-use category
- Annual reduction in gasoline and diesel fuel consumption (gallons) by sector and end-use category

Job Creation/Retention
- Number
- Type
- Duration

Renewable Energy Capacity and Generation
- Amount of wind-powered electric generating capacity installed (MW)
- Amount of electricity generated from wind systems (MWh)
- Amount of photovoltaic generating capacity installed (MW)
- Amount of electricity generated from photovoltaic systems (MWh)
- Amount of electric generating capacity from other renewable sources installed (MW)
- Amount of electricity generated from other renewable sources (MWh)

Emissions Reductions (tons) (CO2 equivalents)
- Methane
- Carbon
- Sulfur dioxide
- Nitrogen oxide
- Carbon monoxide

Protected Personally Identifiable Information (PII)
Reports must not contain any Protected PII. PII is any information about an individual which can be used to distinguish or trace an individual’s identity. Some information that is considered to be PII is available in public sources such as telephone books, public websites, university listings, etc. This type of information is considered to be Public PII and includes, for example, first and last name, address, work telephone number, e-mail address, home telephone number, and general educational credentials. In contrast, Protected PII is defined as an individual’s first name or first initial and last name in combination with any one or more of types of information, including, but not limited to, social security number, passport number, credit card numbers, clearances, bank numbers, biometrics, date and place of birth, mother’s maiden name, criminal, medical and financial records, educational transcripts, etc.
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</table>

(1) For tribes that span more than one state, please choose your primary geographical location

(2) For information on how to input please see step 2 in "Instructions for Using EECBG estimated expected benefits calculator"

(3) Emission factor per State are derived from EPA eGRID for CO2, CH4 and N2O. For Territories, it was assumed that diesel was used to generate electricity and only CO2 emissions are calculated (these are benchmarked against EPA eGRID).
Attachment D

Energy Efficiency & Conservation Strategy for Units of Local Governments & Indian Tribes

As detailed in Part 1 of this announcement, all applicants must submit an Energy Efficiency and Conservation Strategy (EECS). Units of local government and Indian tribes have the option of submitting the EECS no later than 120 days after the effective date of the award or at the time of application. Units of local government and Indian tribes who chose to submit the EECS at the time of application shall use the format contained in Attachment D. This form should be saved in a file named "UIC-Strategy.pdf" and click on "Add Optional Other Attachment" to attach.

Grantee: City of Porterville Date: 06/25/2009 (mm/dd/yyyy)
DUNS #: 30969406 Program Contact Email: jpennington@ci.porterville.ca.us

1. Describe your government’s proposed Energy Efficiency and Conservation Strategy. Provide a concise summary of your measureable goals and objectives, which should be aligned with the defined purposes and eligible activities of the EECBG Program. These goals and objectives should be comprehensive and maximize benefits community-wide. Provide a schedule or timetable for major milestones. If your government has an existing energy, climate, or other related strategy please describe how these strategies relate to each other.

At its May 19, 2009 meeting, the City Council of the City of Porterville authorized participation in the San Joaquin Valley Energy Leader Partnership, also known as the Valley Innovative Energy Watch (VIEW). This partnership represents the County of Tulare and the City jurisdictions supporting energy efficiency initiatives, policies, and construction standards in order to ensure that the communities follow and encourage sustainable energy practices. The communities comprised of the VIEW Partnership seek to promote innovative methods and state-of-the-art technologies used in the design and construction of new residential and commercial buildings within the region, in order to bring energy and natural resource consumption in line with sustainability goals.

The City of Porterville has committed to reduce energy demands within the local governmental facilities by 20% by the year 2020. This effort will provide an example and entitle the residencies and business within the community to incentives for achieving similar energy demand reduction and conservation.
2. Describe your government’s proposed implementation plan for the use of EECBG Program funds to assist you in achieving the goals and objectives outlined in the strategy describe in question #1. Your description should include a summary of the activities submitted on your activity worksheets, and how each activity supports one or more of your strategy’s goals/objectives.

The City of Porterville will retrofit some local governmental buildings with energy efficient lighting and water conserving fixtures within 180 days. This effort will create 6 jobs, preserve 2 jobs, and provide a 5% energy demand reduction and water conservation savings for City facilities.
3. Describe how your government is taking into account the proposed implementation plans and activities for use of funds by adjacent units of local government that are grant recipients under the Program (response not mandatory for Indian Tribes).

We have a partnership with the other local governmental agencies within Tulare County. Through this partnership, we plan to combine resources to implement energy demand reduction programs. The VIEW Partnership is currently working together to identify ways/projects to maximize funds and make the greatest impact for all communities.

4. Describe how your government will coordinate and share information with the state in which you are located regarding activities carried out with grant funds to maximize energy efficiency and conservation benefits (response not mandatory for Indian Tribes).

The City’s public relations officer or EECBG Task Leader will coordinate and share all information on a regular basis and in a variety of media including local print media outlets; and presentations and/or displays at community events. We will share success stories on radio and in newspapers to inform the community and create enthusiasm for these projects.

The EECBG Task Leader will meet with VIEW Partnership members on a monthly basis to discuss current activities and methods to maximize energy efficiency and conservation benefits.
5. Describe how this plan has been designed to ensure that it sustains benefits beyond the EECBG funding period.

Because we will be retrofitting public buildings the energy and water demand reductions will be ongoing.

6. The President has made it clear that every taxpayer dollar spent on our economic recovery must be subject to unprecedented levels of transparency and accountability. Describe the auditing or monitoring procedures currently in place or that will be in place (by what date), to ensure funds are used for authorized purposes and every step is taken to prevent instances of fraud, waste, error, and abuse.

To ensure transparency and accountability, we will do the following:

COMPLIANCE: To prevent fraud, waste, error, and abuse, we will audit the process every fiscal-year quarter to ensure compliance, the following checks and balances will be in place:
1. Rigorously comply with all budgetary requirements set forth in the Program Guidelines and any other applicable documents.
[by whom] [method]
2. Demonstrate responsibility by reporting our spending on our web site every [time frame].
3. Involve the community by announcing the status of our projects online and through media outlets.
4. Conduct open meetings every prior to soliciting bids or awarding contracts to gather community input.

RESULTS: To quantify the results of the activities undertaken to achieve the program goals we will:
1. Measure actual outcomes through comparison of electrical energy and water unit averages from the most recent 3 year period to the monthly/bimonthly use following completion of retrofits. The comparisons will start no later than January 2010 and will continue for a period of at least 12 months.

EFFECTIVENESS: To determine to what extent we achieved the overall goals and objectives, we will:
1. Measure the short-term effectiveness through [method] by [date].
2. Measure the long-term effectiveness through [method] by [date]. (Since this is ‘long’ term, it would be good to include more than one date.)
3. Collate the results and pursue a course of action to ensure continued success of the program through [method] by [date].
**SCOPE OF WORK SCHEDULE**

**Summary of Work:** This project consists of various facility improvement measures (FIM) involving modifications and upgrades to the existing systems presently in operation at the City of Porterville. This summary is a retrofit to existing systems, the project scope and responsibility involves only those services that involve the modifications themselves. JCI does not accept responsibility for existing conditions (known or unknown) associated with those systems affected, providing that these existing conditions do not prevent the specific modifications and upgrades identified in the following scope from performing as intended.

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<th>Site</th>
<th>Lighting Improvements</th>
<th>HVAC Improvements</th>
<th>Window Replacements</th>
<th>Water Conservation Improvements</th>
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<tr>
<td>Golf Course &amp; Country Club</td>
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<tr>
<td>Heritage Center</td>
<td>256 E. Orange</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City Library</td>
<td>41 W. Thurman</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Department</td>
<td>350 North D Street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barn Theatre</td>
<td>42 S. Plano</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Murry Park</td>
<td>500 E. Putnam</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sports Complex</td>
<td>2701 W. Scranton</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1. Facility Lighting Improvements

Buildings and Facilities included in the lighting scope of work:

City Hall
Library
Police Department
Corporate Yard
Heritage Center
Fire Station One
Fire Offices
Fire Station Two
Computer Building
Golf Course
Murray Park
Community Center
Airport

The goal of the proposed lighting system is to achieve appropriate usable light levels for the distinct needs of a multitude of lighting configurations located in workplace and public access areas. This FIM proposes to upgrade existing lighting systems through the installation of low Wattage energy-efficient lamps, low ballast factor electronic ballasts, new compact fluorescent fixtures and fixture retrofit/conversion kits. Areas that already employ 2-lamp energy-efficient 32-Watt lighting systems are to be re-lamped with more energy efficient T-8 lamps and re-ballasted with multi-volt super efficient electronic ballast. Older T-12 lamps will also be replaced with the same energy efficient T-8 lamp and ballast combination. This FIM will improve the energy efficiency of the existing T-8 and T-12 fixtures. The general quality of lighting will be increased by improving the color rendition index (CRI) of the system, maintaining appropriate usable levels of lighting, and reductions to the existing lighting system maintenance costs. The proposed lighting retrofit will result in light levels that meet or exceed existing usable levels in most areas.

The improvements will also include installation of compact fluorescent lamps. Lamps installed in exterior fixtures will contain amalgam for better performance in cold temperatures. The following paragraphs describe the typical retrofits to be implemented and the approach to be used:

**Ballast:** The new fluorescent lighting system will consist of ballasts that have a UL listing and are type CC anti-arc rating. The lamps will also have anti-striation technology that eliminates lamp striation (lamp strobe). In addition the advanced electronic circuit board on the ballast is parallel wired so if one lamp burns out the other stays lit, helping to accurately identify the proper maintenance issue. This ballast also is multi-volt (120-277 volt), which helps standardize ballast stock by reducing voltage specific ballast types. It also has a five-year manufacturer's warranty and total harmonic distortion rating of less than 20%. The rated life expectancy of this ballast is 100,000 hours at 60 degrees Celsius (140 F).

**Lamps:** The proposed 25-Watt T-8 lamps have a rated life of up to 30,000 hours at 12 hours per start and 24,000 hours at 3 hours per start. It has lumen maintenance of over 95%. These T-8 lamps also provide superior energy efficiency and better color rendering index when compared to conventional T-8 and T-12 lamps. The lamps installed through this project will have more usable lumens and longer life than other T-8 lamps readily available in the marketplace. In addition, due to the longer rated life and the ability of the T-8 tri-phosphor lamp to maintain its lumen levels longer, there are ongoing operations and maintenance savings attributable to this project.
The lighting retrofit / replacement scope will be implemented in the following quantities:

<table>
<thead>
<tr>
<th>Facility</th>
<th>Quantity of New Fixtures</th>
<th>Quantity of Retrofits</th>
<th>Quantity of Sensors</th>
<th>No Change</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Hall</td>
<td>11</td>
<td>340</td>
<td>32</td>
<td>92</td>
<td>475</td>
</tr>
<tr>
<td>Library</td>
<td>2</td>
<td>362</td>
<td>15</td>
<td>26</td>
<td>405</td>
</tr>
<tr>
<td>Police Station</td>
<td>25</td>
<td>310</td>
<td>33</td>
<td>21</td>
<td>389</td>
</tr>
<tr>
<td>Corporate Yard</td>
<td>25</td>
<td>194</td>
<td>28</td>
<td>43</td>
<td>290</td>
</tr>
<tr>
<td>Heritage Center</td>
<td>144</td>
<td>13</td>
<td>56</td>
<td>213</td>
<td></td>
</tr>
<tr>
<td>Fire Station One</td>
<td>42</td>
<td>46</td>
<td>10</td>
<td>1</td>
<td>99</td>
</tr>
<tr>
<td>Fire Offices</td>
<td>11</td>
<td>4</td>
<td></td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Fire Station Two</td>
<td>13</td>
<td>36</td>
<td>1</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Computer Building</td>
<td>5</td>
<td>12</td>
<td>1</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Golf Course</td>
<td>24</td>
<td>9</td>
<td>1</td>
<td>10</td>
<td>44</td>
</tr>
<tr>
<td>Murray Park</td>
<td>14</td>
<td>1</td>
<td>32</td>
<td>47</td>
<td></td>
</tr>
<tr>
<td>Community Center</td>
<td>57</td>
<td>18</td>
<td>6</td>
<td>81</td>
<td></td>
</tr>
<tr>
<td>Airport</td>
<td>9</td>
<td>7</td>
<td></td>
<td>16</td>
<td></td>
</tr>
</tbody>
</table>

**Incandescent Fixtures:** Incandescent fixtures will be retrofitted or replaced with comparable compact fluorescent lamps and/or fixtures. The exterior lamps will have amalgam in the lamp to help start and maintain light levels in colder exterior temperatures.

**Exit Signs:** The exit signs with incandescent lamps will be replaced with new LED exit signs that include battery back up. Included in above New Fixture Quantities.
2. Water Conservation Improvements

This FIM concerns the replacement of existing domestic and irrigation water fixtures with more water-efficient fixtures. The intent of this measure is to reduce water consumption. The scope of work includes the one-for-one replacement of existing domestic water fixtures in bathrooms and includes the following equipment:

- Replace nine-teen (19) existing 3.0 gallons per flush (gpf) tank type toilets with new 1.6 gpf tank-type toilets.
- Replace or retrofit thirty-six (36) existing Flusometer type toilets with new 1.6 gpf type.
- Retrofit twenty-three (23) existing 1.5 gpf urinal flush valves with 1.0 gpf type.
- Replace twenty-three (23) existing shower heads with 2.0 gpm type.
- Retrofit seventy-one (71) existing 1.33 gpm faucets with 0.5 gpm flow moderator.
- Replace twelve (12) existing irrigation stations with automatic stations.

<table>
<thead>
<tr>
<th>Site</th>
<th>Tank Type Toilets</th>
<th>Flush Valve Toilets</th>
<th>Urinals</th>
<th>Showers</th>
<th>Faucets</th>
<th>Irrigation Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport (Admin Building)</td>
<td>3</td>
<td></td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>City Corporate Yard</td>
<td>3</td>
<td>2</td>
<td>4</td>
<td>11</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>City Hall</td>
<td>9</td>
<td></td>
<td>4</td>
<td>7</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Community Center</td>
<td>2</td>
<td></td>
<td>1</td>
<td>5</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Fire Offices</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Station No. One</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Station No. Two</td>
<td>2</td>
<td></td>
<td>5</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Course &amp; Country Club</td>
<td>4</td>
<td></td>
<td>1</td>
<td>6</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Heritage Center</td>
<td>1</td>
<td></td>
<td></td>
<td>11</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td>4</td>
<td>2</td>
<td></td>
<td>6</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Murray Park</td>
<td>9</td>
<td>2</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Department</td>
<td>1</td>
<td>7</td>
<td>3</td>
<td>10</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Sports Complex</td>
<td>5</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theatre</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>18</td>
<td>36</td>
<td>23</td>
<td>23</td>
<td>69</td>
<td>11</td>
</tr>
</tbody>
</table>
PROPOSED CITY ORDINANCE REGARDING MAINTENANCE AND SAFETY OF RAILROAD CROSSINGS

CITY ATTORNEY’S OFFICE

Pursuant to direction of the City Council at the July 7th City Council Meeting, attached are draft regulations pertaining to the obstruction, use, construction and demolition activities within the rights of way of City streets, concerning intersecting railroad facilities and crossings. The ordinance clarifies that railroad entities would be subject to the City’s regulations prohibiting right of way obstructions. Furthermore, the railroad would be required to maintain its rail systems at crossings, or in the event these are abandoned, to remove the rails at these crossings and repair the intersections.

RECOMMENDATION: That the City Council consider the Draft Ordinance and provide additional direction or give first reading to the Ordinance, reading by title only and waiving further reading thereof.

ATTACHMENTS: Draft Ordinance, An Ordinance of the City Council Adding Section 20-0.5 to Chapter 20, Article I, and Amending Section 20-7 and Adding Section 20-38.1 to Chapter 20, Article II of the Porterville Municipal Code Regarding Maintenance and Safety of Railroad Crossings
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTION 20-0.5 TO CHAPTER 20, ARTICLE I, AND AMENDING SECTION 20-7 AND ADDING SECTION 20-38.1 TO CHAPTER 20, ARTICLE II OF THE PORTERVILLE MUNICIPAL CODE REGARDING MAINTENANCE AND SAFETY OF RAILROAD CROSSINGS

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

Section 1. Purpose. The purpose of this ordinance is to clarify City regulations pertaining to the obstruction, use, construction and demolition activities within the rights of way of City streets, particularly in regard to railroad facilities in railroad rights of ways intersecting City streets and rights of way.

Section 2. Chapter 20, Article I, Section 20-0.5 of the Porterville Municipal Code is hereby added to read as follows:

Section 20-0.5 Person Defined. A "person" shall be defined as any individual, firm, co-partnership, joint venture, association, corporation, company, railroad entity, estate, trust, the State of California, all public districts and other political subdivisions or governmental entities of the State of California, but excluding the City of Porterville, and any group or combination acting as a unit.

Section 3. Chapter 20, Article II, Section 20-7 of the Porterville Municipal Code is hereby amended to read as follows:

Section 20-7: DEFINITIONS: for the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein.

When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ADMINISTRATIVE AUTHORITY: The city manager or his delegated representative of the city.

EXCAVATION: Any opening in the surface of a public place made in any manner whatsoever, except an opening into a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.
FACILITY: Pipe, pipeline, tube, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, transformer or any other, material, structure, or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed, maintained in, upon, along, across, under or over any public place.

PERSON: Any individual, firm, co-partnership, joint venture, association, corporation, company, railroad entity, estate, trust, the State of California, all public districts and other political subdivisions or governmental entities of the State of California, but excluding the City of Porterville, and any group or combination acting as a unit.

PUBLIC PLACE: Any public street, way, place, alley, sidewalk, park, square, plaza or any other public property owned or controlled by any governmental agency in a governmental capacity.

SUBSTRUCTURE: Any pipe, conduit, duct, tunnel, manhole, vault, buried cable, or wire, or any other structure located below the surface or any public place.

**Section 4.** Chapter, 20, Article II, Section 20-38.1 of the Porterville Municipal Code is hereby added as follows:

Section 20-38.1 Railroad Crossings. Safety and Maintenance.

(a) Unless otherwise provided by contract made between the railroad and the City, it shall be the duty of all railroad companies or entities owning or operating and maintaining a railroad passing through the City to place, keep or maintain crossings, and all places within their right-of-way where the public streets or alleys of the City intersect and cross any of the railroad tracks, in a suitable and safe condition for public travel over and across the same.

(b) If the railroad facilities are at any time abandoned and removed, it shall be the duty of the railroad company or entity owning or operating and maintaining the crossing to remove the rails through the crossing at the same time as the remainder of the rails are removed and to reconstruct the crossing in the same manner as the remaining portions of the City street or alley are paved or in such other manner and with such other materials as shall be required by the City and in a suitable and safe condition for public travel. The term “crossing,” as used in this Chapter, shall include viaducts and roadways under or over the tracks of any railroad.

(c) If any railroad crossing shall be at any time in bad condition or unsafe or inconvenient for public travel, the City Council, upon recommendation of the City Manager or his designee, may, by ordinance, resolution or motion call upon the proper railroad company to repair or replace the crossing and render the same safe and convenient for public travel. Unless otherwise ordered by the City Council, all railroad crossing replacements shall be made with steel rails or steel plates. A copy of every such ordinance, resolution or motion shall be served upon the local agent of the railroad company whose duty it is
to maintain such crossing; and for a failure or refusal to comply with such ordinance, resolution or motion within 30 days after the service thereof, as aforesaid, such railroad company shall be deemed guilty of a misdemeanor.

(d) Whenever any highway or alley upon, along or through which any railroad track is laid, shall be ordered paved by the City Council, it shall be the duty of the railroad entity owning or operating such railroad track to pave all that portion of the street or alley, including in the space between the rails of its track or tracks, and for one foot on the outer edge of the rails, in the same manner as the remaining portions thereof are paved or in such other manner and with such other materials as shall be required by the City's regulations and requirements. In the case of any default on the part of such company to comply with this requirement, the City Council may cause such railroad track or tracks to be taken up, and pavement to be laid pursuant to the City's regulations and requirements, and every such railroad company shall be liable to the City for the cost and expense of paving such portion of the street or alley, together with lawful interest thereon from the completion of work.

Section 5. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 6. Effective Date. This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

Section 7. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this______ day of__________, 2009.

_____________________
Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: COUNCIL MEMBER REQUEST – DISCUSSION AND CONSIDERATION OF WAYS TO IMPROVE COMMUNICATIONS WITH OTHER PUBLIC AGENCIES

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: A request was made by Council Member Pedro Martinez at the Council Meeting of July 7, 2009 for an agenda item to discuss and consider ways in which communications might be improved between public agencies serving Porterville residents. Council Member Martinez expressed concern with potential changes in and/or discontinuation of services provided by other agencies to Porterville residents and voiced interest in improving communications between agencies in order to keep local residents informed.

RECOMMENDATION: None.

Item No. 14
SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF RESOLUTION IN OPPOSITION TO STATE SENATE BILL 54 (LENO)

SOURCE: ADMINISTRATION

COMMENT: Councilmember Hamilton has requested that the Council consider the adoption of a resolution in opposition to State Senate Bill 54, authored by Senator Mark Leno (D – San Francisco/San Rafael).

According to Senator Leno’s official homepage, S.B. 54 (sponsored by Equality California) has been amended to clarify that same-sex couples who married outside of California before Proposition 8 went into effect (November 5, 2008) would be recognized as married spouses in California. The bill also confirms that same-sex couples who marry outside California after November 5, 2008, or who plan to do so in the future, must receive the same rights, protections, benefits, obligations, and responsibilities afforded to opposite-sex spouses, with the sole exception of the designation of “marriage.”

RECOMMENDATION: None

ATTACHMENTS: Senate Bill 54 – AMENDED
AMENDED IN ASSEMBLY JULY 15, 2009
AMENDED IN ASSEMBLY JULY 6, 2009
AMENDED IN ASSEMBLY JUNE 30, 2009

SENATE BILL No. 54

Introduced by Senator Leno
(Coauthor: Senator Kehoe)
(Coauthors: Assembly Members Ammiano, Brownley, Chesbro, Feuer,
Lieu, and John A. Perez)

January 15, 2009

An act to amend Section 308 of the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST


Existing law provides that a marriage contracted outside this state that would be valid by the laws of the jurisdiction in which the marriage was contracted is valid in this state. Existing case law provides that, while on and after November 5, 2008, only marriage between a man and a woman is valid or recognized in California, marriages of same-sex couples that were performed prior to November 5, 2008, are valid.

This bill would provide that, notwithstanding any other provision of law, a marriage between 2 persons of the same sex contracted outside this state that would be valid by the laws of the jurisdiction in which the marriage was contracted is valid in this state if the marriage was contracted prior to November 5, 2008.

Existing case law also recognizes that while, effective November 5, 2008, same-sex couples lack the right to enter into a relationship
designated “marriage,” they possess the right to the core set of basic substantive legal rights and attributes traditionally associated with marriage, including, the opportunity of an individual to establish an officially recognized and protected family possessing mutual rights and responsibilities and entitled to the same respect and dignity accorded a union traditionally designated as marriage.

This bill would specify that, notwithstanding any other provision of law, 2 persons of the same sex who contracted a marriage on or after November 5, 2008, that would be valid by the laws of the jurisdiction in which the marriage was contracted shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations, and duties under law, as specified, as are granted to and imposed upon spouses; with the sole exception of the designation of “marriage.”


\textit{The people of the State of California do enact as follows:}

SECTION 1. Section 308 of the Family Code is amended to read:

308. (a) A marriage contracted outside this state that would be valid by the laws of the jurisdiction in which the marriage was contracted is valid in this state.

(b) Notwithstanding any other provision of law, a marriage between two persons of the same sex contracted outside this state that would be valid by the laws of the jurisdiction in which the marriage was contracted is valid in this state if the marriage was contracted prior to November 5, 2008.

(c) Notwithstanding any other provision of law, two persons of the same sex who contracted a marriage on or after November 5, 2008, that would be valid by the laws of the jurisdiction in which the marriage was contracted shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations, and duties under law, whether they derive from the California Constitution, the United States Constitution, statutes, administrative regulations, court rules, government policies, common law, or any other provisions or sources of law, as are
1 granted to and imposed upon spouses; with the sole exception of
2 the designation of "marriage."
SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF EXPANDED FAMILY HOURS AT THE CITY POOL

SOURCE: CITY MANAGER

COMMENT: At the July 7, 2009 City Council meeting, Councilmember Pedro Martinez requested that consideration be given to the expansion of family use hours at the City Pool, in a manner to achieve any resulting change in hours this season.

RECOMMENDATION: Provide appropriate direction to staff
JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA: JULY 21, 2009

SUBJECT: ACCEPTANCE OF PROJECT – HOCKETT / MILL / OAK PARKING LOT RECONSTRUCTION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: JWT General Engineering, Inc. has completed the Hockett/Mill/Oak Parking Lot Project per plans and specifications. The project consisted of complete reconstruction of the parking lot serving downtown including new paving, curb & gutter, sidewalk, stamped concrete walkways, alley approaches, landscaping, irrigation, nostalgic interior parking lot and perimeter street lighting and trash enclosures.

The Redevelopment Agency and City Council authorized an expenditure of $409,738.12 for construction. Final construction cost is $399,479.49. Funding in the amount of $405,000 was approved during the June 19, 2007 Agency/City meeting from the Risk Management fund to the Agency. Additional funding in the amount of $100,000 was approved during the adoption of the 2008-2009 Capital Projects budget.

JWT General Engineering Inc. requests that the Agency/City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That the Porterville Redevelopment Agency:

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.

That the Porterville City Council:

1. Accept the project as complete;
4. 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.

ATTACHMENT: Locator Map