Call to Order
Roll Call

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

**CLOSED SESSION:**
A. Closed Session Pursuant to:
   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 – Three Cases.

**7:00 P.M. RECONVENE OPEN SESSION**

**REPORT ON ANY COUNCIL AND/OR REDEVELOPMENT AGENCY ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation

**PROCLAMATIONS**
   Eagle Scout – Tim Hathaway
   Tule River Tribe Pow Wow Days – September 14-20, 2009

**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 September 1, 2009**

2. **Claim – Terri McCollum**
   Re: Considering rejection of a claim in an amount of $1,329.81 for damages which the claimant alleges were incurred when her vehicle was struck by a fallen median tree limb on Olive Avenue in the vicinity of Strata Tile on August 10, 2009.

3. **Authorization to Advertise for Bids – OHV (Off Highway Vehicle) Park Improvement Project**
   Re: Approval of staff’s recommended Plans and Project Manual for the project consisting of the installation of ±530 l.f. of 4’ high chain link fencing and ±5,200 s.f. of asphaltic concrete paving at the OHV Park.

4. **Authorization to Advertise for Bids - Prospect Street Reconstruction and Concrete Improvements Project**
   Re: Approval of staff’s recommended Plans and Project Manual for the project consisting of the installation of new curb and gutter, sidewalk, driveways, asphalt concrete paving, fire hydrant assemblies, and water, sewer and storm drain along Prospect St. between Median and N. Grand Avenues.

5. **Award of Contract - Micro-Surfacing Project**
   Re: Awarding contract in the amount of $443,076.42 to Bond Blacktop, Inc. of Union City, California, for the project consisting of the application of a durable thin asphalt overlay, the removal and replacement of badly distressed asphalt concrete, and sealing of significant cracks on several streets within the City.

6. **Acceptance of Project - Transit Maintenance & CNG Fueling Facility Project**
   Re: Accepting project as complete from TTS Construction, and authorizing the filing of the Notice of Completion for the project consisting of construction of a public access “fast fill” and private “time fill” compressed natural gas fueling facility and transit maintenance facility improvements at the City Corporation Yard on Prospect Street.

7. **Tulare County Health Department Flu Shot Clinic**
   Re: Informational report on a free flu shot clinic to be held at Jamison Stadium at Porterville College on Thursday, October 1, 2009 from 9:00 a.m. to 1:00 p.m.

8. **Approval of Measure ‘R’ Program Supplement to Cooperative Agreement**
   Re: Approving resolution in support of Program Supplement for the reimbursement of Transit Route 8 implementation expenses.
9. **State Department of Finance – Population and Housing Estimates**  
   Re: Authorizing the Mayor to sign a request for State certification for the City of Porterville, January 1, 2009, population of 52,056.

10. **Conditional Use Permit 6-2008 (Villa Siena) Extension of Time**  
    Re: Considering adoption of a resolution approving an extension of time for Conditional Use Permit 6-2008 that is tied to the time frame outlined in the approved Affordable Housing Agreement.

11. **Initiate Process for Library Board of Trustees and Parks and Leisure Services Commission Appointments**  
    Re: Announcing open positions on the Library Board of Trustees and the Parks & Leisure Services Commission, and directing staff to advertise for interested residents to submit a Request for Appointment by October 5, 2009 for Council’s consideration and appointment on October 13, 2009.

12. **Authorize the Time Marches On Committee to Obtain Sponsors and Install Benches in Centennial Plaza**  
    Re: Authorizing the selling of bench sponsorships by the Time Marches on Committee for the placement of benches at Centennial Plaza.

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

**PUBLIC HEARINGS**

13. **Conditional Use Permit 2-2009 - Proposed Modular Classroom at the Calvary Baptist Church, Located at the Southeast Corner of North Grand Avenue and Newcomb Street**  
    Re: Consideration of a CUP to allow for the expansion of the church by bringing in a modular building to be used as an additional classroom.

**SCHEDULED MATTERS**

14. **Council Priority Project Update**  
    Re: An informational report on the status of the ten projects identified by the City Council as priorities.

15. **Accept the Introductory Report for a Zalud House Master Plan and Authorize Activities that will Provide for Future Consideration of Master Plan Adoption and Implementation of Projects**  
    Re: Considering acceptance of the Zalud House Master Plan Introductory Report and proposed findings and recommendations.

16. **Status of Energy Conservation Performance Contract Preparations with Johnson Controls, Inc.**  
    Re: Receipt of an informational report regarding the status of efforts to prepare an Energy Conservation Performance Contract for the accomplishment of energy conservation programs at various city facilities.
17.  **Council Member Requested Item – Recap of Previous Three Years of Safe and Sane Fireworks Lottery**  
Re: Review and consideration of Safe and Sane Fireworks lottery program.

Adjourn the City Council Meeting to a meeting of the Porterville Public Improvement Corporation.

**PORTERVILLE PUBLIC IMPROVEMENT CORPORATION**

Roll Call: Directors/President

**WRITTEN COMMUNICATIONS**

**ORAL COMMUNICATIONS**

**PUBLIC IMPROVEMENT SCHEDULED MATTER**

**PIC-1. Annual Meeting of the Porterville Public Improvement Corporation**
Re: Approving the annual election of officers, accepting public comment, and approving the 2009 Status Report for Certificates of Participation Projects.

Adjourn the Porterville Public Improvement Corporation Meeting to a Meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**

**OTHER MATTERS**

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

**ADJOURNMENT** - to the meeting of October 6, 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: Council Member Hamilton, Council Member Pedro Martinez, Council Member Felipe Martinez, Vice Mayor Ward, Mayor McCracken

ORAL COMMUNICATIONS
None

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

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL AND/OR REDEVELOPMENT AGENCY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action had been taken.

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation – one individual participated.

PROCLAMATIONS
Suicide Awareness Week – September 1 – 7, 2009
PRESENTATIONS
Employee of the Month – Gabriela Cruz

ORAL COMMUNICATIONS

• Luis Farias, on behalf of El Reventon, 1091 West Olive Avenue, voiced concern with frequent police inspections, suggesting that their presence was excessive and negatively impacted his business.
• Boyd K. Leavitt, Porterville resident, lauded Mayor McCracken’s appearance on Channel 26’s Great Day Show, stating he represented the City very well.
• John Skinner, 950 N. Plano, thanked the City Council for sending Council Member Hamilton to Sacramento to present correspondence regarding opposition to SB 54 and to discuss other issues with State legislators.
• Donnette Carter, Chamber of Commerce, 1) informed everyone that Music on Main Street was returning on Friday and would continue though October, and invited all to attend the event held at Centennial Park at 6:00 p.m.; 2) invited all to First Friday Coffee to take place at the Galaxy Theater on September 4th; and 3) advised that it was the time of year for the Annual Awards and encouraged nominations.
• Dean (last name inaudible), a Porterville resident, thanked Council Member Hamilton for his recent trip to Sacramento to visit with State legislators, and thanked the Council for approving the trip.
• Dick Eckhoff, business address at 197 North Main Street, 1) lauded Jerry Hall & Trick Shot, noting the band’s generosity in donating time for the City of Hope Spectacular for the last several years; 2) spoke in favor of holiday lighting on Main Street; and 3) voiced support for the pool slide at Murry Park, inquired as to the funding and increase in the estimated cost, and distributed an alternative suggestion to the Council.
• Barry Caplan, 1) requested that the Council Minutes of August 4, 2009 be pulled from consent and amended to more accurately reflect the religious fervor of the commentary; 2) thanked the City Council for their recent action with regard to SB 54; 3) spoke in favor of Suicide Prevention Week; and 4) spoke in favor of equal rights for all.
• Dennis Townsend, business address at 633 N. Westwood St., thanked the City Council for sending Council Member Hamilton to Sacramento to address legislative issues, particularly with regard to SB 54.

CONSENT CALENDAR

Item No. 8 was removed for further discussion.

1. CITY COUNCIL MINUTES OF AUGUST 4, 2009

Recommendation: That the City Council approve the Minutes of August 4, 2009.

Documentation: M.O. 01-090109
2. BUDGET ADJUSTMENT FOR THE 2009-10 FISCAL YEAR

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

Documentation: M.O. 02-090109
Disposition: Approved

3. AUTHORIZATION TO NEGOTIATE A CONTRACT – ARCHITECTURAL AND ENGINEERING SERVICES FOR THE ANIMAL SHELTER AND DOG PARK PROJECT

Recommendation: That the City Council:
   1. Authorize staff to determine a scope of professional services and negotiate a contract with Taylor-Teter Partnership; and
   2. Authorize staff to negotiate a contract with the 2nd or 3rd ranked firm if staff is unable to negotiate an acceptable contract with Taylor-Teter Partnership.

Documentation: M.O. 03-090109
Disposition: Approved

4. HOUSEHOLD HAZARDOUS WASTE RECYCLE-ONLY COLLECTION FACILITY

Recommendation: That the City Council authorize the Mayor to sign the Agreement between the City of Porterville and Tulare County.

Documentation: M.O. 04-090109
Disposition: Approved

5. ACCEPTANCE OF PROJECT - INDIANA STREET SHOULDER STABILIZATION (OLIVE AVENUE TO PUTNAM AVENUE)

Recommendation: That the City Council accept the project as complete; and authorize the filing of the Notice of Completion.

Documentation: M.O. 05-090109
Disposition: Approved

6. SET A PUBLIC HEARING FOR THE PRECISE ALIGNMENT OF MATHEW STREET BETWEEN CASTLE AVENUE AND NORTH GRAND
Recommendation: That the City Council set October 8, 2009 as the time and place for the public hearing to adopt a precise alignment for Matthew Street between Castle Avenue and North Grand Avenue.

Documentation: M.O-06-090109
Disposition: Approved

7. TULARE COUNTY REGIONAL AND SAN JOAQUIN VALLEY BLUEPRINT

Recommendation: That the City Council adopt the proposed draft resolution making findings of consistency with the goals and policies of the San Joaquin Valley Blueprint.

Documentation: Resolution 81-2009
Disposition: Approved

9. APPROVE A SOUTHERN CALIFORNIA EDISON COMPANY ENERGY INCENTIVE APPLICATION FOR AIRPORT TAXIWAY LED LIGHTING PROJECT

Recommendation: Approve a SCE energy incentive application for the Airport Taxiway LED Lighting Project, and authorize and direct the mayor to execute same.

Documentation: M.O. 07-090109
Disposition: Approved

10. OPERATING AGREEMENT WITH JEFF GILWITZ FOR HEAD PROFESSIONAL SERVICES AT THE GOLF COURSE

Recommendation: Staff recommends approval by the City Council of the Operating Agreement.

Documentation: M.O. 08-090109
Disposition: Approved

11. APPROVAL OF ANNUAL TRANSPORTATION AGREEMENT WITH TULARE COUNTY

Recommendation: That the City Council enter into an Agreement with the County of Tulare for FY 2009-2010 to provide service to County residents within the Service Area Boundary Map, and authorize the Mayor to execute the Agreement on behalf of the City.

Documentation: M.O. 09-090109
Disposition: Approved

12. EAGLE MOUNTAIN AIRSHOW RECAP
Recommendation: For Information Only.

Disposition: None

13. APPROVAL FOR COMMUNITY CIVIC EVENT – BARN THEATER – PORTERVILLE BUZZARD FESTIVAL – OCTOBER 17, 2009

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Barn Theater, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application.

Documentation: M.O. 10-090109
Disposition: Approved

14. APPROVAL FOR COMMUNITY CIVIC EVENT – FAMILY HEALTHCARE NETWORK – 9TH ANNUAL HEALTH AND SAFETY FAIR – SUNDAY, OCTOBER 18, 2009

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Family Healthcare Network, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

Documentation: M.O. 11-090109
Disposition: Approved

15. APPROVAL FOR COMMUNITY CIVIC EVENT – FATHERS AGAINST DRUNK DRIVING AND COMISION HONORIFICA MEXICANA-AMERICANA, INC. - FIRST ANNUAL WALK-A-THON

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Fathers Against Drunk Driving and Comision Honorifica Mexicana-Americana, Inc., subject to the stated requirements contained in Exhibit “A” of the Community Civic Event Application.

Documentation: M.O. 12-090109
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council accept Item Nos. 1 through 7, and 9 through 15. The motion carried unanimously.

8. AUTHORIZE PREPARATION OF SPECIFICATIONS AND REQUEST FOR BIDS FOR DOWNTOWN HOLIDAY LIGHTING
Recommendation: That the City Council authorize preparation of specifications and request for bids for downtown holiday lighting.

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

Vice Mayor Ward expressed concern with the lighting on the City Christmas Tree, and inquired about local organization involvement and the purchase of lights as an alternative. Council Member Pedro Martinez indicated that he too would like to see more community involvement in the decorating of the downtown area.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Pedro Martinez that the City Council deny staff’s request to authorize the preparation of specifications and request for bids for downtown holiday lighting; and authorize the formation of a sub committee consisting of Vice Mayor Ward and Council Member Pedro Martinez to consider alternatives for Main Street decorations.

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

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council authorize preparation of specifications and request for bids for downtown holiday lighting.

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

Disposition: Approved

PUBLIC HEARINGS
16. A PUBLIC HEARING TO CONSIDER MODIFICATION OR REVOCATION OF CONDITIONAL USE PERMIT 4-2007 (BRICKHOUSE BAR & GRILL)

Recommendation: That the City Council consider the information presented and take action accordingly.

Mayor McCracken and Council Member Felipe Martinez recused themselves due to previously disclosed conflicts of interest, and left the Council Chambers. Vice Mayor Ward served as Mayor Pro Tem in the Mayor’s absence.
City Manager Lollis introduced the item, and Community Development Director Dunlap presented the staff report.

The hearing opened to the public at 7:47 p.m.

- Chris Sanders, 450 Colby Place, read a letter from David Gonzalez to the Council, and noted that the door had been repaired on the north side of the building.

- Jessica Mahoney, Terra Bella resident, voiced support for the Brickhouse establishment, noted the proposed mix-use for the downtown area and the need for the co-existence of uses.

- Reba (last name inaudible), Glenwood Motel resident, complained about the noise generated by the music on Friday and Saturday nights.

- Chris Sanders, address on record, invited staff to attend upcoming live music performances to measure decibel levels.

- Barry Caplan, spoke in support of the Brickhouse establishment, and noted that the 2030 General Plan and the Noise Ordinance only considered the single point of origin.

- Susan, Glenwood Hotel resident, spoke in support of the Brickhouse, and indicated that residents were informed of and should expect noise in the downtown area.

- Colleen Kellum, Glenwood Hotel resident, complained of noise generated by the Brickhouse’s entertainment.

- Greg Shelton, 888 N. Wiliford Drive, indicated that he saw both sides of the issues, commented on the viability of mix-use and the likelihood of future problems.

- Dick Eckhoff, address on record, voiced support for a mix-use downtown, suggested that the issue was not representative of the idea of mix-use, but a contrast of two extremes.

The public hearing was closed at 8:03 p.m.

Council Member Hamilton spoke of the need for co-existence and the progress made through dialogue. He then suggested that the public hearing be continued until the Noise Ordinance was in effect, and to allow additional noise level readings.

The City Attorney requested clarification on the motion, and advised that the public hearing be continued, with the acknowledgement that there may not be a need for Council action.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Pedro Martinez that the City Council continue consideration of the item and the public hearing to the first meeting in November; and direct staff to obtain additional dB readings.
AYES: Hamilton, P. Martinez, Ward
NOES: None
ABSTAIN: F. Martinez, McCracken
ABSENT: None

Disposition: Item continued, and staff direction given.

The Council recessed for ten minutes.

17. CONDITIONAL USE PERMIT 2-2009 - PROPOSED MODULAR CLASSROOM
AT THE CALVARY BAPTIST CHURCH, LOCATED AT THE SOUTHEAST
CORNER OF NORTH GRAND AVENUE AND NEWCOMB STREET

Recommendation: That the City Council open the public hearing and continue the matter to the
September 15, 2009 City Council meeting.

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

Community Development Director Dunlap communicated that the applicant requested the
item be continued to the next meeting, and City Attorney Lew advised that the public hearing be
opened, and then continued to September 15th.

The public hearing was opened at 8:27 p.m. and was continued to September 15, 2009.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council
M.O. 16-090109 Member Pedro Martinez that the City Council continue the public
hearing to the September 15, 2009 City Council meeting. The motion
carried unanimously.

Disposition: Item continued.

SCHEDULED MATTERS
18. CONSIDERATION OF FUNDING MURRY PARK POOL SLIDE
INSTALLATION

Recommendation: That the City Council:
1. Determine whether to proceed with the completion of the Murry Park
Pool slide project; and

2. If such a determination is made, authorize staff to proceed with the
amendment to the 09/10 Action Plan, including the publication.

City Manager Lollis introduced the item, and Community Development Director Dunlap
presented the staff report.
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Pedro Martinez that the City Council authorize staff to proceed with the amendment to the 09/10 Action Plan, including the publication; and come back to the City Council with options for heating.

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

Disposition: Approved, and direction given.

19. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF AN AD HOC COMMITTEE REGARDING THE PROVISION OF WATER SERVICES TO CITY RESIDENTS

Recommendation: None.

City Manager Lollis introduced the item and presented the staff report. Council Member Felipe Martinez elaborated on the reasoning for his request.

COUNCIL ACTION: MOVED by Mayor McCracken, SECONDED by Council Member Pedro Martinez that the City Council authorize the formation of an ad hoc committee; and appoint Council Member Hamilton and Council Member Felipe Martinez to serve on the committee. The motion carried unanimously.

Disposition: Approved

20. COUNCIL MEMBER REQUESTED AGENDA ITEM – ANNUAL ADJUSTMENTS TO DEVELOPMENT IMPACT FEES IN ACCORDANCE WITH ENGINEERING NEWS RECORD

Recommendation: None.

City Manager Lollis introduced the item.

After a brief discussion, the Mayor Hamilton made a motion to direct staff to bring back options for rescinding resolutions establishing automatic increases per ENR and instead establish process for public hearing. The motion was seconded by Council Member Felipe Martinez. City Attorney Lew advised against such action due to the wording of the item on the agenda, and suggested that a separate item be brought back for Council action. Council Member Hamilton withdrew the motion.

Staff was then directed by the Council to bring back options for rescinding resolutions establishing automatic increases per ENR and instead establish process for public hearing.
The Council adjourned at 8:45 p.m. to a Meeting of the Porterville Redevelopment Agency.

REDEVELOPMENT AGENCY MINUTES
September 1, 2009

Roll Call: Agency Member Cameron Hamilton, Agency Member Pedro Martinez, Agency Member Felipe Martinez, Vice-Chairman Ward, Chairman McCracken

ORAL COMMUNICATIONS
None

SCHEDULED MATTERS
PRA-01 AUTHORIZATION TO EXECUTE LEASE AMENDMENT

Recommendation: That the Redevelopment Agency approve the Agreement for Lease of Premises Amendment between the Porterville Redevelopment Agency and A-STEP, Inc.

Chairman McCracken recused himself due to his businesses’ proximity to the property in Items PRA-01 and PRA-02, and exited the Council chambers.

Vice Chair Ward introduced the item, and the staff report was waived at the Agency’s request.

AGENCY ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Felipe Martinez that the Agency approve the Agreement for Lease of Premises Amendment between the Porterville Redevelopment Agency and A-STEP, Inc.

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

Disposition: Approved

PRA-02 AUTHORIZATION TO REPLACE ROOF AT 287 N. HOCKETT STREET

Recommendation: That the Redevelopment Agency:
1. Authorize a budget adjustment in an amount not to exceed $13,500 for the replacement of the roof at the Redevelopment Agency owned building located at 287 N. Hockett Street;
2. Authorize preparation of the project manual; and
3. Authorize staff to advertise for bids on the project.

Agency Secretary Lollis introduced the item, and the staff report was waived at the Agency’s request.

AGENCY ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the Redevelopment Agency authorize a budget adjustment in an amount not to exceed $13,500 for the replacement of the roof at the Redevelopment Agency owned building located at 287 N. Hockett Street; authorize preparation of the project manual; and authorize staff to advertise for bids on the project.

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

Disposition: Approved

The Agency adjourned at 8:48 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS

- Jessica Mahoney, a Terra Bella resident, commented that the pool slide discussed that evening looked more like a water slide; spoke in favor of the project; and noted that it would likely increase the need for additional lifeguards.
- Barry Caplan, 1) agreed that the pool should be made to be available year-round; and 2) spoke of the City of Mountain View, California, suggesting that 50 years ago, it was similar to Porterville, and commented that the Council and staff ought to look to that City as a model for growth and redevelopment.

OTHER MATTERS

- Council Member Hamilton reported on his recent trip to Sacramento pursuant to AB 1234, elaborating on the various legislative issues discussed with State legislators pursuant to Council direction.
- Council Member Felipe Martinez 1) provided an AB 1234 report on his recent trip with TCAG to Sacramento to meet with State legislators regarding roads, and indicated that two local viable projects included a new bridge for Road 146 and the widening of Highway 190; and 2) requested an agenda item to consider amending the City’s policy on firework booth applications to potentially restrict awards for consecutive years and to prohibit the Chamber’s participation in the lottery.
- Vice Mayor Ward 1) updated the Council on recent meetings held with City staff concerning improving literacy for pre-kindergarten ages, and spoke of his interest in meeting with other agencies and organizations to address ways to assist parents in this regard; and 2) spoke of concerns raised by citizens due to commercial trucks parking in front of the Adult School, and requested that the Council look to resolve the parking issue.
• Council Member Hamilton acknowledged City Fire personnel currently out of County fighting fires and wished them well.
• Mayor McCracken spoke of his recent appearance on the “Great Day” show on Channel 26 and thanked Mr. Leavitt for his comments.
• City Manager Lollis spoke of the ribbon cutting ceremony for the new CNG Fueling Facility on Prospect Street scheduled for the following morning at 9:00 a.m. He then noted the rescheduling of the Board of Supervisor’s Meeting to that same morning due to a Freon leak on Tuesday, and advised that this rescheduling might affect the attendance of some guests.

The Council recessed for ten minutes then reconvened in Closed Session.

CLOSED SESSION
The Council reconvened in Open Session at 9:50 p.m., during which time it was reported that no action had taken place during Closed Session.

ADJOURNMENT
The Council adjourned at 9:51 p.m. to the meeting of September 15, 2009 at 6:00 p.m.

SEAL Luisa Herrera, Deputy City Clerk

Pete V. McCracken, Mayor
SUBJECT: CLAIM – TERRI McCOLLUM

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Ms. Terri McCollum has filed a claim against the City for damages in an amount of $1,329.81. Claimant alleges that her vehicle incurred damages when it was struck by a fallen median tree limb while her daughter was driving on Olive Avenue in the vicinity of Strata Tile on August 10, 2009.

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: Terri McCollum SS#: [redacted]
Claimant's DOB: [redacted] Claimant's Telephone #: 559-783-2011
Claimant's Address: 1957 W Monte Cr Porterville CA 93257
Address where notices about claim are to be sent, if different from above:

Date of incident/accident: 8-10-09
Date injuries, damages, or losses were discovered: 8-10-09
Location of incident/accident: Olive Ave between Strata and Curiosity Shop
What did entity or employee do to cause this loss, damage, or injury? City tree in median divider a limb broke off and fell on our vehicle
(Use back of this form or separate sheet if necessary to answer this question in detail.)
What are the names of the entity's employees who caused this injury, damage, or loss (if known)? NA
What specific injuries, damages, or losses did claimant receive? Branch fell out tree onto vehicle causing dent and scratches
(Use back of this form or separate sheet if necessary to answer this question in detail.)
What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)]. 1329.81
How was this amount calculated (please itemize)? See attached estimate
(Use back of this form or separate sheet if necessary to answer this question in detail.)
Date Signed: 8-11-09 Signature: Terri McCollum
If signed by representative:
Representative's Name __________________________ Representative's Telephone ______________
Address ____________________________________________
Relationship to Claimant ____________________________
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: Hugo Sanchez
Adjuster:

Insured: Taryn McCollum
Owner: Taryn McCollum
Address: 1957 Monte CT
Porterville, CA 93257
Day: (559) 783-2011

Business: (559) 781-3604
Location: 1915 W. Olive
PORTERVILLE, CA 93257

Insurance
Company: 3 Days to Repair

2002 JEEP WRANGLER 4X4 X 6-4.0L-FI 2D UTV silver Int:
VIN: 1J4PA39S82P749212 Lic: 4XEU246 CA Prod Date: 03/2002 Odometer: 44551

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<td>5*</td>
<td>R&amp;I</td>
<td>RT Catch bracket</td>
<td></td>
<td>0.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6*</td>
<td>R&amp;I</td>
<td>LT Catch bracket</td>
<td></td>
<td>0.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7*</td>
<td>R&amp;I</td>
<td>Bumper windshield rest</td>
<td></td>
<td>0.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8**</td>
<td>Repl</td>
<td>A/M Hood decal Strobe</td>
<td>1</td>
<td>203.00</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>9**</td>
<td>Repl</td>
<td>A/M Hood Decal &quot;Apex&quot;</td>
<td>1</td>
<td>203.00</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>10#</td>
<td>Repl</td>
<td>Remove old decal &amp; Adhesive</td>
<td>1</td>
<td>3.00</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
<td>WINDSHIELD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12*</td>
<td>Rpr</td>
<td>Polish Frame</td>
<td></td>
<td>0.3</td>
<td>1.2</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td></td>
<td>Overlap Major Non-Adj. Panel</td>
<td></td>
<td></td>
<td>-0.2</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td></td>
<td>Add for Clear Coat</td>
<td></td>
<td></td>
<td>0.2</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>R&amp;I</td>
<td>Washer nozzle from 12-4-01</td>
<td></td>
<td>0.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16*</td>
<td>Rpr</td>
<td>Clean/ polish Reveal molding</td>
<td></td>
<td>0.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17*</td>
<td>Rpr</td>
<td>Polish RT Hinge</td>
<td></td>
<td>0.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18#</td>
<td>Repl</td>
<td>SPRAY TEST PANEL / TINT COLOR</td>
<td>1</td>
<td>7.50</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>19#</td>
<td>Repl</td>
<td>SPRAY-ON OVERSPRAY MASK</td>
<td>1</td>
<td>10.00 T</td>
<td>0.2</td>
<td></td>
</tr>
<tr>
<td>20#</td>
<td>Rpr</td>
<td>DENIB/TEXTURE SAND &amp; POLISH</td>
<td></td>
<td>0.5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

08/11/2009 at 04:30 PM
25037
08/11/2009 at 04:30 PM
25037

PRELIMINARY ESTIMATE

2002 JEEP WRANGLER 4X4 X 6-4.0L-FI 2D UTV silver Int:

<table>
<thead>
<tr>
<th>NO.</th>
<th>OP.</th>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>EXT. PRICE</th>
<th>LABOR</th>
<th>PAINT</th>
</tr>
</thead>
<tbody>
<tr>
<td>21#</td>
<td></td>
<td>HAZARDOUS WASTE REMOVAL</td>
<td>1</td>
<td>5.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Subtotals => 431.50 6.2  5.5

Line 12 : may need to be repaired and refinished
Line 17 : may need to be repaired and refinished

Estimate Notes:
There may be some additional damage that cannot be assessed until repairs are started.

| Parts          | 416.50 |
| Body Labor     | 6.2 hrs @ $ 58.00/hr | 359.60 |
| Paint Labor    | 5.5 hrs @ $ 58.00/hr | 319.00 |
| Paint          | 5.5 hrs @ $ 30.00/hr | 165.00 |
| Sublet/Misc.   |       | 15.00 |

SUBTOTAL $1275.10
Sales Tax $591.50 @ 9.2500% 54.71

GRAND TOTAL $1329.81

ADJUSTMENTS:
Deductible 0.00

CUSTOMER PAY $0.00
INSURANCE PAY $1329.81

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.
PRELIMINARY ESTIMATE

2002 JEEP WRANGLER 4X4 X 6-4.0L-FI 2D UTV silver Int:

FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM:

ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON.

THE FOLLOWING IS A LIST OF ABBREVIATIONS OR SYMBOLS THAT MAY BE USED TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED: MOTOR ABBREVIATIONS/SYMBOLS: D=DISCONTINUED PART A=APPROXIMATE PRICE LABOR TYPES: B=BODY LABOR D=DIAGNOSTIC E= ELECTRICAL F=FRAME G=GLASS M=MECHANICAL P=PAINT LABOR S=STRUCTURAL T=TAXED MISCELLANEOUS X=NON TAXED MISCELLANEOUS PATHWAYS: ADJ=ADJACENT ALIGN=ALIGN A/M=AFTERMARKET BLND=BLEND CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION D&R=DISCONNECT AND RECONNECT EST=ESTIMATE EXT. PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY INCL=INCLUDED MIS=MISCELLANEOUS NAGS= NATIONAL AUTO GLASS SPECIFICATIONS NON=NON ADJ=ADJACENT O/H=OVERHAUL OP=OPERATION NO=LINE NUMBER QTY=QUANTITY QUAL=RECY=QUALITY RECYCLED PART QUAL REPL=QUALITY REPLACEMENT PART COMP REPL PARTS=COMPETITIVE REPLACEMENT PARTS RECOND=RECONDITION REFIN=REFINISH REPL=REPLACE R&I=REMOVE AND INSTALL R&R=REMOVE AND REPLACE RPR=REPAIR RT=RIGHT SECT=SECTION SUBL=SUBLT LT=LEFT W/O=WITHEOUT W_/_=WITH/_SYMBOLS: #=MANUAL LINE ENTRY *=OTHER [IE..MOTORS DATABASE INFORMATION WAS CHANGED] **=DATABASE LINE WITH AFTERMARKET N=NOTES ATTACHED TO LINE. MQVP=MANUFACTURER'S QUALIFICATION AND VALIDATION PROGRAM. OPT OEM=ORIGINAL EQUIPMENT MANUFACTURER PARTS EITHER OPTIONALLY SOURCED OR OTHERWISE PROVIDED WITH SOME UNIQUE PRICING OR DISCOUNT. NWCPF=NATIONWIDE CRASH PARTS PROGRAM.

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide DR3WJ97, CCC Data Date 07/01/2009, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM’s through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USBD. Reconditioned parts are described as Record. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2010 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.
City of Porterville

On August 10th at approx. 10:40 am my daughter Taryn McCollum was driving west on Olive Ave. She was in the left lane between Strata Natural Stone at 1432 W. Olive and The Curiosity Shop at 1474 W. Olive when a branch from a tree located in median divider broke off and fell on top of our 2002 Jeep Wrangler. She pulled to the side of the road and called me. I had her take pictures of our vehicle. I called the non emergency number at Porterville Police Department and was told that it was not a collision between vehicles so they could not do anything. I then called City of Porterville and my daughter went and picked up a claim form from their office. The next day we took the vehicle in for an estimate. If you have any questions please give me a call.

Thank You,
Terri McCollum
Work phone number 534-2397
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – OHV (OFF HIGHWAY VEHICLE) PARK IMPROVEMENT PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the OHV Park Improvement Project. The project includes installation of ±530 l.f. of 4’ high chain link fencing (to separate spectator areas from riding areas) and the installation of ±5,200 s.f. of asphaltic concrete paving at the primary entrance. The proposed paving of the maintenance entrance (±1,805 s.f.) is listed as an “add-alternate” item.

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

The Estimate of Probable cost for the project, including “add-alternate” is $58,206.50 with $5,820.65 required for the construction contingency (10%). An additional $2,910.33 is required for construction management, quality control and inspection (5%). The total estimated cost associated with the project is $66,937.48. An Estimate of Probable Cost is attached for Council’s review.

$60,000 is available for this project by the adoption of the 09/10 Annual Budget and the funding sources are an OHV Grant and General Fund Carry-over. The estimate, including the add alternate, exceeds the budgeted amount. Therefore, Staff will not recommend award of the add alternate if the lowest responsible bid, plus contingencies, surpasses the budget allocation.

RECOMMENDATION: That City Council:

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

2. Authorize staff to advertise for project bids.

ATTACHMENTS: Estimate of Probable Cost
Locator Map

P:\pub\work\Engineering\Council\items\Authorization to Advertise for Bids - OHV Improvement Project - 2009-15-06.doc

Appropriated/Funded: CM

Item No. 3
**OHV (Off-Highway Vehicle) PARK IMPROVEMENT PROJECT**

### BASE BID

<table>
<thead>
<tr>
<th>ITEM</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>LS</td>
<td>Mobilization &amp; Demobilization</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>2</td>
<td>530</td>
<td>LF</td>
<td>Install 4' high chain link fence (per plan)</td>
<td>$16.50</td>
<td>$8,745.00</td>
</tr>
<tr>
<td>3</td>
<td>5,200</td>
<td>SF</td>
<td>Pave Primary Entrance (2&quot; a.c./4&quot; cl. II a.b.)</td>
<td>$6.00</td>
<td>$31,200.00</td>
</tr>
<tr>
<td>4</td>
<td>80</td>
<td>CY</td>
<td>Land leveling (out grading) retain soil on site in stockpile</td>
<td>$4.00</td>
<td>$320.00</td>
</tr>
</tbody>
</table>

Subtotal: $41,565.00

10% Estimating Contingency: $4,168.50

**TOTAL ENGINEERING/ESTIMATE**: $45,733.50

10% Construction Contingency: $4,573.35

5% Staff & Testing: $2,321.68

**TOTAL CONSTRUCTION ESTIMATE**: $52,731.53

### ADD ALTERNATE - MAINTENANCE DRIVE

<table>
<thead>
<tr>
<th>ITEM</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>100</td>
<td>CY</td>
<td>Land leveling (out grading) retain soil on site in stockpile</td>
<td>$4.00</td>
<td>$400.00</td>
</tr>
<tr>
<td>A2</td>
<td>1,805</td>
<td>SF</td>
<td>Pave Maintenance Entrance (2&quot; a.c./4&quot; cl. II a.b.)</td>
<td>$6.00</td>
<td>$10,830.00</td>
</tr>
</tbody>
</table>

Subtotal: $11,230.00

10% Estimating Contingency: $1,123.00

**TOTAL ENGINEERING ESTIMATE (ADD ALTERNATE)**: $12,353.00

10% Construction Contingency: $1,235.30

5% Staff & Testing: $617.65

**TOTAL CONSTRUCTION ESTIMATE (ADD ALTERNATE)**: $14,205.95

---

**Project Manager**

8/27/2009

**City Engineer**

9/4/09

**Public Works Director**

9/10/09

**City Clerk**

9/10/09

**City of Porterville, California**
COUNCIL AGENDA: SEPTEMBER 15, 2009

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – PROSPECT STREET RECONSTRUCTION AND CONCRETE IMPROVEMENTS PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Caltrans, by the attached E-76, has authorized the City to advertise for construction bids for the Prospect Street Reconstruction and Concrete Improvements Project. The project consists of the installation of new curb and gutter, sidewalk, driveways, asphalt concrete paving, fire hydrant assemblies, water services, sewer laterals, and storm drain inlets along Prospect Street between Median Avenue and North Grand Avenue.

The Estimate of Probable Cost is $434,863.00 with $43,466.30 required for the construction contingency (10%). An additional $21,733.15 is required for construction management, quality control and inspection (5%). The total estimated cost associated with the project is $499,622.45. An Estimate of Probable Cost is attached for Council's review.

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

A CMAQ grant, Surface Transportation Program, Sewer Revolving Fund, Water Revolving Fund, Storm Drain Reserve and COP Refinance are the funding sources for this project, as approved by the 2009/2010 Annual Budget.

RECOMMENDATION: That the City Council:

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

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

ATTACHMENTS: E-76 from Caltrans Locator Map Estimate of Probable Cost

P:\pubwork\Engineering\Council Items\Authorization to Advertise for Bids - Prospect Street Reconstruction and Concrete Improvements - 2009-09-16.doc

Dir Approved/Funded /MB/ CM Item No. 4
AUTHORIZATION/AGREEMENT SUMMARY

FEDERAL AID PROGRAM
DLA LOCATOR 06-TUL-0-PTRV
PREFIX CML
PROJECT NO 5122 (058)
SEQ NO 1
DIST-5A 06-928246L
AGENCY PORTERVILLE
ROUTE
TIP DATA
MFO/YEAR TCAG
DATE 08/09
STIP REF:
CTIPS# 215-0000-0282
URBANIZED URBAN/ RURAL URBAN- AREA
BRIDGE NOS

CALIFORNIA DEPARTMENT OF TRANSPORTATION
PROJECT LOCATION
ON PROSPECT ST FROM MEDIAN TO NORTH GRAND AVE

PREV. AUTH/AGREE DATE

DISASTER # DEMO ID #

FED. RR NOS
PUC CODE(S)
ENV STATUS CAT. EXCL.
BEGIN MP
END MP

R/W STATUS 1 07/20/09
LINES 30 31
IMPEV TYPE 04 17
INV RTE

PHASE
PREV. OBLIGATION
CON THIS REQUEST
SUBTOTAL
TOTAL
PROJECT COST
290,975.00
290,975.00
290,975.00
290,975.00
FEDERAL COST
257,600.00
257,600.00
257,600.00
257,600.00
AC COST
.00
.00
.00
.00

PPNO - 06-TUL06-028

STATE REMARKS

This project is located in the City of Porterville, on Prospect Street, from Median Court to North Grand Avenue. The project scope includes stabilizing shoulders and to include Construction of curb, gutter, sidewalk. The City will also reconstruct a portion of the roadway as non-participating work in which the City will use their own funding sources. SK 7/20/09.

SEQ# 1: Authorizes $257,600/L400 for CON/CE work. The federal funds will be used to construct sidewalk, install curb and gutter and shoulder stabilization on Prospect St. between Median Circle and North Grand Ave. in the City of Porterville. FS 08/17/09.

-NEPA was re-validated on 5/12/09
-08/18/09 SEQ#1: Then purpose of this request is to authorize $257,600 of L400 federal fund for the construction & CENG phase zh.

PREPARED BY SUSAN KAWATE ON 07/28/09 559-445-5914
CONSTRUCTION & CENG REVIEWED BY FRANK SAFAEI ON 08/17/09 916-653-5345
AUTHORIZED BY Z. HAJEER ON 08/18/09
SIGNED BY Z. HAJEER ON 08/19/09 FOR CALTRANS

ELECTRONIC SIGNATURE DOCUMENT TYPE AUTH/AGREE
LAST FHWA ELECTRONIC SIGNATURE EXECUTED BY
TASIA P. PAPAJOHN ON 08/21/09
### CMAQ Portion

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization and Demobilization</td>
<td>LS</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
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<td>2</td>
<td>Traffic Control</td>
<td>LS</td>
<td>1</td>
<td>$4,500.00</td>
<td>$4,500.00</td>
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<tr>
<td>3</td>
<td>Clearing and Grubbing including asphalt, concrete, dirt, irrigation removal and replacement, and landscape replacement</td>
<td>LS</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Remove/Relocate Chain Link Fence</td>
<td>LF</td>
<td>50</td>
<td>$15.00</td>
<td>$750.00</td>
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<tr>
<td>5</td>
<td>Install Curb and Gutter</td>
<td>LF</td>
<td>2236</td>
<td>$25.00</td>
<td>$56,900.00</td>
</tr>
<tr>
<td>6</td>
<td>Install Alley Approach w Detectable Warning Surfaces</td>
<td>EA</td>
<td>1</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
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<tr>
<td>7</td>
<td>Install Driveway</td>
<td>SF</td>
<td>2075</td>
<td>$15.00</td>
<td>$31,125.00</td>
</tr>
<tr>
<td>8</td>
<td>Install Concrete Transition to Existing Driveway</td>
<td>SF</td>
<td>1000</td>
<td>$7.00</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>9</td>
<td>Install D.G. Transition to Existing Driveway</td>
<td>EA</td>
<td>6</td>
<td>$375.00</td>
<td>$2,250.00</td>
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<tr>
<td>10</td>
<td>Install Gravel Transition to Existing Driveway</td>
<td>EA</td>
<td>5</td>
<td>$375.00</td>
<td>$1,875.00</td>
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<td>11</td>
<td>Install Native Soil Transition to Existing Driveway</td>
<td>EA</td>
<td>2</td>
<td>$150.00</td>
<td>$300.00</td>
</tr>
<tr>
<td>12</td>
<td>Install Cross Gutter and Specter</td>
<td>SF</td>
<td>220</td>
<td>$10.00</td>
<td>$2,200.00</td>
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<tr>
<td>13</td>
<td>Install Sidewalk (Cost includes Grading behind back of walk between 0 - 4&quot;)</td>
<td>SF</td>
<td>10062</td>
<td>$4.00</td>
<td>$40,248.00</td>
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<tr>
<td>14</td>
<td>Install Curb Return per Detail including sawcut, curb &amp; gutter, sidewalk, and detectable warning surface</td>
<td>EA</td>
<td>3</td>
<td>$2,400.00</td>
<td>$7,200.00</td>
</tr>
<tr>
<td>15</td>
<td>Remove Curb and Gutter</td>
<td>LF</td>
<td>290</td>
<td>$6.00</td>
<td>$1,740.00</td>
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<tr>
<td>16</td>
<td>Adjust Mailbox</td>
<td>EA</td>
<td>4</td>
<td>$200.00</td>
<td>$800.00</td>
</tr>
<tr>
<td>17</td>
<td>Roadway Excavation and Subgrade Preparation Including Sawcut and Pavement Removal</td>
<td>CY</td>
<td>540</td>
<td>$30.00</td>
<td>$16,200.00</td>
</tr>
<tr>
<td>18</td>
<td>7.5&quot; Class 2 Aggregate Base</td>
<td>CY</td>
<td>540</td>
<td>$60.00</td>
<td>$32,400.00</td>
</tr>
<tr>
<td>19</td>
<td>3.5&quot; Asphalt Concrete</td>
<td>TN</td>
<td>500</td>
<td>$70.00</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>20</td>
<td>Adjust Road Sign</td>
<td>EA</td>
<td>3</td>
<td>$200.00</td>
<td>$600.00</td>
</tr>
<tr>
<td>21</td>
<td>Regrade Behind Back of Walk</td>
<td>SF</td>
<td>900</td>
<td>$2.00</td>
<td>$1,800.00</td>
</tr>
<tr>
<td>22</td>
<td>Striping, Signing, and Markings</td>
<td>LS</td>
<td>1</td>
<td>$8,000.00</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>23</td>
<td>Install Catch Basin Including Locall Depression</td>
<td>EA</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>24</td>
<td>Install Soiler Drain Outlet Structure</td>
<td>EA</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>25</td>
<td>Install 18&quot; Storm Drain Lateral</td>
<td>LF</td>
<td>40</td>
<td>$100.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>26</td>
<td>Trench Patch, 4&quot; wide</td>
<td>LF</td>
<td>20</td>
<td>$40.00</td>
<td>$800.00</td>
</tr>
</tbody>
</table>

**CMAQ Subtotal:** $253,013.00

10% Contingency: $25,301.30

6% Staff and Testing: $15,180.68

**CMAQ TOTAL:** $290,694.55

### CITY Contribution to complete project to meet City Stds.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>Mobilization and Demobilization</td>
<td>LS</td>
<td>1</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>28</td>
<td>Traffic Control</td>
<td>LS</td>
<td>1</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>29</td>
<td>Install Survey Monument</td>
<td>EA</td>
<td>1</td>
<td>$1,200.00</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>30</td>
<td>Roadway Excavation and Subgrade Preparation Including Sawcut and Pavement Removal</td>
<td>CY</td>
<td>1000</td>
<td>$30.00</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>31</td>
<td>7.5&quot; Class 2 Aggregate Base</td>
<td>CY</td>
<td>530</td>
<td>$60.00</td>
<td>$31,800.00</td>
</tr>
<tr>
<td>32</td>
<td>3.5&quot; Asphalt Concrete</td>
<td>TN</td>
<td>560</td>
<td>$70.00</td>
<td>$39,200.00</td>
</tr>
<tr>
<td>33</td>
<td>Install 8&quot; Sewer Main</td>
<td>LF</td>
<td>50</td>
<td>$50.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>34</td>
<td>Connect Sewer Main to Existing Manhole</td>
<td>EA</td>
<td>2</td>
<td>$2,000.00</td>
<td>$4,000.00</td>
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<tr>
<td>35</td>
<td>Install 4&quot; Sewer Lateral</td>
<td>EA</td>
<td>15</td>
<td>$1,200.00</td>
<td>$18,000.00</td>
</tr>
<tr>
<td>36</td>
<td>Adjust Sewer Manhole Rim to Grade</td>
<td>EA</td>
<td>4</td>
<td>$1,000.00</td>
<td>$4,000.00</td>
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<tr>
<td>37</td>
<td>Install 12&quot;x12&quot;x14&quot; Taping Sleeves w Gate Valve, Thrust Block, and Hot Tap</td>
<td>LF</td>
<td>30</td>
<td>$50.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>38</td>
<td>Install 1&quot; Water Service</td>
<td>EA</td>
<td>2</td>
<td>$1,200.00</td>
<td>$2,400.00</td>
</tr>
<tr>
<td>39</td>
<td>Install Standard Fire Hydrant Assembly</td>
<td>EA</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
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<tr>
<td>40</td>
<td>Install Fire Hydrant Valve Box, Concrete Graded</td>
<td>EA</td>
<td>1</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>41</td>
<td>Trench Patch, 4&quot; wide</td>
<td>LF</td>
<td>50</td>
<td>$40.00</td>
<td>$2,000.00</td>
</tr>
</tbody>
</table>

**CITY Subtotal:** $181,650.00

10% Contingency: $18,165.00

5% Staff and Testing: $9,082.50

**CITY TOTAL:** $208,897.50

**COMBINED Subtotal:** $434,961.50

10% Contingency: $43,496.15

5% Staff and Testing: $21,747.65

**Combined Total:** $499,862.45
SUBJECT: AWARD OF CONTRACT – MICRO - SURFACING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On September 8, 2009 staff received four (4) bids for the Micro-Surfacing Project. The project is part of the City’s street maintenance program consisting of a durable thin asphalt overlay on several streets within the City. Another important project component is the removal and replacement of badly distressed asphalt concrete, along with the sealing of significant cracks. New pavement markings will be placed once each street receives the thin asphalt overlay. Streets and project limits are as follows:

- Westwood Street – Olive Avenue to Henderson Avenue
- Newcomb Street – Morton Avenue to Henderson Avenue
- Prospect Street – Morton Avenue to Henderson Avenue
- Olive Avenue – Conner Street to Tulsa Avenue (Private Rd.)
- Orange Avenue – Main Street to Plano Street

The Engineer’s estimate of probable cost for the project is $542,835. The lowest bid provided is $443,076.42, 18.4% below the Engineer’s estimate. An additional $44,307.64 is required for the construction contingency (10%) with $22,153.82 required for construction management, quality control and inspection. The total estimated cost associated with the project is $509,537.88.

“Local” Measure ‘R’ tax revenue is the funding source for the project, as approved in the 2009/2010 budget.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bond Blacktop, Inc. Union City, CA</td>
<td>$443,076.42</td>
</tr>
<tr>
<td>2. Valley Slurry Seal Co. West Sacramento, CA</td>
<td>$460,517.90</td>
</tr>
<tr>
<td>3. Asphalt Maintenance Company Of California Visalia, CA</td>
<td>$547,835.80</td>
</tr>
<tr>
<td>4. Pavement Coatings Co. Mira Loma, CA</td>
<td>$553,859.87</td>
</tr>
</tbody>
</table>

Dir Appropriated/Funded MD CM

Item No. 5
RECOMMENDATION: That the City Council:

1. Award the Micro-Surfacing Project to Bond Blacktop, Inc. in the amount of $443,076.42;

2. Authorize progress payments up to 90% of the contract amount; and

3. Authorize a 10% contingency to cover unforeseen construction costs.

ATTACHMENT: Locator Map

P:\pubworks\Engineering\Council Items\Award of Contract - Micro-Surfacing Project - 2008-09-15.doc
PROJECT LOCATION MAP
PROJECT LOCATION MAP
SUBJECT: ACCEPTANCE OF PROJECT – TRANSIT MAINTENANCE & CNG FUELING FACILITY PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: TTS Construction has completed the Transit Maintenance & CNG Fueling Facility Project per plans and specifications. The Base Bid included construction of a public access “fast fill” and private “time fill” compressed natural gas fueling facility and transit maintenance facility improvements that include parking canopies and a bus wash at the City Corporation Yard.

Modifications to the horse shoe recycle center were included to accommodate the public access fast fill island while continuing to allow for recycle drop off. Seventeen (17) time fill posts were included in the project, ten (10) for transit CNG buses and seven (7) for future refuse trucks and City owned vehicles. Two additional parking canopies for the Field Services Division were included in the base bid.

The project included add alternates.
- Add Alternate A - Additional paving area south east of the transit/time fill canopies.
- Add Alternate B - A suction side gas dryer to replace the base bid cartridge discharge gas dryer.

City Council authorized expenditure of $3,038,501.44 for construction. Final construction cost is $3,012,964.39. Funding was approved in the 08/09 Annual Budget for CNG Facility - $1,550,000 (Special Gas Tax/CMAQ), Bus Maintenance Facility - $725,000 (Section 5307 Federal Funding & LTF), PTMISEA Funds - $434,207, General Fund Carry Over - $135,000 and Sewer Revolving Fund - $265,000.

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

RECOMMENDATION: That City Council:

1. Accept the project as complete; and

2. Authorize the filing of the Notice of Completion.

ATTACHMENT: Locator Map

P:\pubwork\Engineering\Council items\Acceptance of Project - Transit Maintenance & CNG fueling Facility Project - 2009-09-01.doc

Dir  Approuted/Funded  CM  Item No. 4
COUNCIL AGENDA: SEPTEMBER 15, 2009

SUBJECT: TULARE COUNTY HEALTH DEPARTMENT FLU SHOT CLINIC

SOURCE: Public Works Department - Engineering Division

COMMENT: Tulare County Department of Health (TCDH) will hold a free flu shot clinic at Porterville College’s Jamison Stadium on Thursday, October 1, 2009. The City Engineer has approved a traffic control plan, attached. Health Officials state the clinic will run from 9 a.m. to 1 p.m. TCDH will administer seasonal flu shots only, not the H1N1 vaccination, at no charge to the public.

RECOMMENDATION: For Information Only

ATTACHMENT: Traffic Control Plan

P:\pubworks\Engineering\Council\Items\Tulare County Health Department Flu Shot Clinic - 2009-09-15.doc
COUNCIL AGENDA: SEPTEMBER 15, 2009

SUBJECT: APPROVAL OF MEASURE ‘R’ PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

SOURCE: Administration – Transit Division

COMMENT: The Tulare County Association of Governments, acting as the Local Transportation Authority ("Authority"), is requesting that the City of Porterville approve and submit another Program Supplement to Cooperative Agreement for the City of Porterville Transit program. This additional Program Supplement will allow the City to claim reimbursement for the FY 2008/09 implementation costs of Route 8, which by Measure R standards meets the definition of "expansion of service."

TCAG representatives informed staff that even though the City’s amendment to the Expenditure Plan was just recently enacted upon, the County made the funding “retroactive” allowing the City to have $200,000 in funds from which to draw upon for transit expansion implemented in prior fiscal years. The sum remaining after reimbursement will remain in the account of the City of Porterville to be used in later years. Hopefully, after budget issues are resolved and transit funding once again can be relied upon, there will be some money from which the City may draw to assist with any future transit expansion efforts.

Staff has prepared the attached Program Supplement and Attachment “A” in an effort to obtain reimbursement for the initial implementation of Route 8 in August, 2008.

RECOMMENDATION: That the City Council:

1. Approve the attached Resolution in support of the Program Supplement to Cooperative Agreement for the reimbursement of Route 8 implementation expenses;

2. Authorize the Mayor and City Clerk to execute the Program Supplement; and

3. Authorize staff to forward the executed Program Supplement to TCAG for approval and execution.

Dir. Appropriated/Funded CM Item No. 8
ATTACHMENTS:

1. Program Supplement to Cooperative Agreement, with Exhibit "A" attached;

2. Resolution of Approval.
MEASURE R PROGRAM SUPPLEMENT TO
COOPERATIVE AGREEMENT

This Program Supplement is made and entered into on ____________, by
and between the CITY OF PORTERVILLE, (Sponsor) and the TULARE COUNTY
ASSOCIATION OF GOVERNMENTS, acting as the Local Transportation Authority
(Authority).

This Program Supplement hereby incorporates the “Measure R Cooperative
Agreement” for Measure R Expenditures which was entered into between the Sponsor
and the Authority on May 29, 2007, and is subject to all terms and conditions thereof.
This Program Supplement is executed under authority of Resolution No. _____,
approved by the Sponsor on September 15, 2009. (See copy attached)

Project Scope, Costs, and Schedule are incorporated herein as Attachment “A” and
agreed upon by Sponsor and Authority.

Covenants of Sponsor

1.1 SPONSOR agrees that it will only proceed with work authorized for
specific phase(s) with a written “Authorization to Proceed” or Authority action and will
not proceed with future phase(s) of this project(s) prior to receiving a written
“Authorization to Proceed” or Authority action.

1.2 The SPONSOR will advertise, award, and administer the project(s) in
accordance with SPONSOR standards.

1.3 Award information shall be submitted by the SPONSOR to the
AUTHORITY within 60 days after the project contract award.

1.4 Failure to submit award information in accordance with Section 1.3 will
cause a delay (without interest or penalties) in AUTHORITY processing invoices for the
construction phase.

1.5 If no costs have been invoiced for a six-month period, SPONSOR agrees
to submit for each phase a written explanation of the absence of project(s) activity along
with target billing date and billing amount.
IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.

COUNTY OF TULARE TRANSPORTATION AUTHORITY
By: ____________________________
   Authority Director

CITY OF PORTERVILLE
By: ____________________________
   Pete V. McCracken
   Mayor

ATTEST:
By: ____________________________
   John Lollis
   City Clerk
ATTACHMENT “A”
PROJECT SCOPE, COSTS AND SCHEDULE
REIMBURSEMENT FOR
PORTERVILLE TRANSIT – FY 2008/09

Operations
In line with the FY 2008/09 service expansions outlined in the 2006 City of Porterville Short Range Transit Plan, Measure R funds are being requested to be reimbursed to the City of Porterville for the implementation of a new Route 8, which began in August, 2008. This new route was deployed within the northeastern section of the City, an area of growing development that previously had no access to fixed route service.

Computation of Measure R Reimbursement for Fiscal Year 2008/09

Revenue Hours (8/08 through 6/09) 1,551
1,551 x $14.12 (contractor cost/rev. hour) $ 21,900

Operating Miles (8/08 through 6/09) 24,125
24,125 x $1.04 (operating cost/mile) $ 25,090

TPG Consulting
(Mapping, Project Management, Graphic and Printing) $ 14,471

City of Porterville Administrative Costs
$45,804 ÷ 12 = $ 3,817 per mo. Fixed Route costs
$ 3,817 ÷ 7 routes = $ 545.29 per mo. per route
$545.29 ÷ 2 (Route 7 and 8 share a bus) = $ 273 per mo.
$273 x 11 = $ 3,003

Total Costs Attributed to Route 8 for FY 2008/09 $ 64,464
RESOLUTION NO. _____-2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AFFIRMING AND APPROVING THE SUPPORT OF THE CITY COUNCIL FOR THE MEASURE R PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT FOR THE CITY OF PORTERVILLE TRANSIT PROGRAM

WHEREAS, the City of Porterville Transit program is eligible to receive reimbursement of implementation costs of Route 8 which began in August, 2008, which route by definition meets the Measure R guidelines of transit expansion; and

WHEREAS, the Tulare County Association of Governments (TCAG) is requesting that the City of Porterville approve and submit a Program Supplement to Cooperative Agreement that will allow the City to receive reimbursement of implementation costs expended in Fiscal Year 2008/09;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby affirm and approve support of the Measure R Program Supplement to Cooperative Agreement for the City of Porterville Transit program, and authorizes the Mayor and City Clerk to execute the Program Supplement, and any other related documents as may be required.

______________________________
Pete V. McCracken, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. _____-2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AFFIRMING AND APPROVING THE SUPPORT OF THE CITY COUNCIL
FOR THE MEASURE R PROGRAM SUPPLEMENT TO COOPERATIVE
AGREEMENT FOR THE CITY OF PORTERVILLE TRANSIT PROGRAM

WHEREAS, the City of Porterville Transit program is eligible to receive
reimbursement of implementation costs of Route 8 which began in August, 2008, which
route by definition meets the Measure R guidelines of transit expansion; and

WHEREAS, the Tulare County Association of Governments (TCAG) is
requesting that the City of Porterville approve and submit a Program Supplement to
Cooperative Agreement that will allow the City to receive reimbursement of
implementation costs expended in Fiscal Year 2008/09;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of
Porterville does hereby affirm and approve support of the Measure R Program
Supplement to Cooperative Agreement for the City of Porterville Transit program, and
authorizes the Mayor and City Clerk to execute the Program Supplement, and any other
related documents as may be required.

______________________________
Pete V. McCracken, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. ____-2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AFFIRMING AND APPROVING THE SUPPORT OF THE CITY COUNCIL FOR THE MEASURE R PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT FOR THE CITY OF PORTERVILLE TRANSIT PROGRAM

WHEREAS, the City of Porterville Transit program is eligible to receive reimbursement of implementation costs of Route 8 which began in August, 2008, which route by definition meets the Measure R guidelines of transit expansion; and

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NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby affirm and approve support of the Measure R Program Supplement to Cooperative Agreement for the City of Porterville Transit program, and authorizes the Mayor and City Clerk to execute the Program Supplement, and any other related documents as may be required.

Pete V. McCracken, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
CITY COUNCIL AGENDA: September 15, 2009

CONSENT CALENDAR

SUBJECT: STATE DEPARTMENT OF FINANCE - POPULATION AND HOUSING ESTIMATES

SOURCE: COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT - PLANNING DIVISION

COMMENT: The Planning Division has received a summary report of Porterville's estimated population and housing data from the State Department of Finance. This State prepared estimate is based on a census data update conducted annually by the Planning Division.

If adopted by the Council and certified by the State, the January 1, 2009, population estimate of 52,056 for the City of Porterville becomes the basis used to distribute certain State subvention revenues to the City. The 2008 estimate was 51,863. This is an increase of approximately 1%.

The City must now submit a request for certification to the State Controller.

RECOMMENDATION: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville, January 1, 2009, population of 52,056.

ATTACHMENTS:

1. Department of Finance Tables dated 2008 and 2009 showing population change
2. Draft Letter
Table 2: E-5 City/County Population and Housing Estimates, 1/1/2008

<table>
<thead>
<tr>
<th>COUNTY/CITY</th>
<th>TOTAL HOUSEHOLD</th>
<th>GROUP QUARTERS TOTAL</th>
<th>DETACHED</th>
<th>ATTACHED</th>
<th>2 TO 4</th>
<th>5 PLUS</th>
<th>MOBILE HOMES OCCUPIED</th>
<th>PCT VACANT</th>
<th>PERSONS PER HOUSEHOLD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tulare County</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dinuba</td>
<td>21,087</td>
<td>20,973</td>
<td>114</td>
<td>5,698</td>
<td>4,245</td>
<td>282</td>
<td>268</td>
<td>644</td>
<td>259</td>
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<tr>
<td>Exeter</td>
<td>10,705</td>
<td>10,613</td>
<td>92</td>
<td>3,606</td>
<td>2,914</td>
<td>107</td>
<td>205</td>
<td>192</td>
<td>188</td>
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<tr>
<td>Farmersville</td>
<td>10,572</td>
<td>10,553</td>
<td>19</td>
<td>2,873</td>
<td>2,166</td>
<td>90</td>
<td>155</td>
<td>157</td>
<td>105</td>
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<tr>
<td>Lindsay</td>
<td>11,596</td>
<td>11,447</td>
<td>149</td>
<td>3,146</td>
<td>2,033</td>
<td>204</td>
<td>243</td>
<td>481</td>
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<tr>
<td>Porterville</td>
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<td>50,386</td>
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<td>717</td>
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<td>Tulare</td>
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<td>55,243</td>
<td>447</td>
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<td>1,180</td>
<td>776</td>
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<tr>
<td>Visalia</td>
<td>121,498</td>
<td>119,876</td>
<td>1,622</td>
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<td>32,092</td>
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<td>1,369</td>
<td>126</td>
<td>154</td>
<td>355</td>
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<tr>
<td>Balance Of County</td>
<td>144,719</td>
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<td>33,613</td>
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<td>828</td>
<td>7,802</td>
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<tr>
<td>Incorporated</td>
<td>290,535</td>
<td>286,606</td>
<td>3,929</td>
<td>93,440</td>
<td>70,127</td>
<td>3,375</td>
<td>8,462</td>
<td>7,716</td>
<td>3,760</td>
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<tr>
<td>County Total</td>
<td>435,254</td>
<td>429,387</td>
<td>5,867</td>
<td>138,740</td>
<td>103,740</td>
<td>4,915</td>
<td>9,979</td>
<td>8,544</td>
<td>11,562</td>
</tr>
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</table>
Table 2: E-5 City/County Population and Housing Estimates, 1/1/2009

<table>
<thead>
<tr>
<th>COUNTY/CITY</th>
<th>POPULATION</th>
<th>HOUSING UNITS</th>
<th>PERSONS PER HOUSEHOLD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TOTAL</td>
<td>SINGLE</td>
<td>ATTACHED</td>
</tr>
<tr>
<td></td>
<td>HOUSE-</td>
<td>DETACHED</td>
<td>2 TO 4 5 PLUS</td>
</tr>
<tr>
<td></td>
<td>GROUP</td>
<td>ATTACHED</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tulare County</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dinuba</td>
<td>21,237</td>
<td>114</td>
<td>4,314</td>
</tr>
<tr>
<td>Exeter</td>
<td>10,665</td>
<td>92</td>
<td>2,919</td>
</tr>
<tr>
<td>Farmersville</td>
<td>10,771</td>
<td>19</td>
<td>2,183</td>
</tr>
<tr>
<td>Lindsay</td>
<td>11,684</td>
<td>149</td>
<td>2,074</td>
</tr>
<tr>
<td>Porterville</td>
<td>52,056</td>
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<td>16,371</td>
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<tr>
<td>Tulare</td>
<td>58,506</td>
<td>447</td>
<td>18,595</td>
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<td>Visalia</td>
<td>123,670</td>
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<td>43,432</td>
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<td>Woodlake</td>
<td>7,769</td>
<td>9</td>
<td>2,143</td>
</tr>
<tr>
<td>Balance Of County</td>
<td>145,123</td>
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<td>45,662</td>
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<tr>
<td>Incorporated</td>
<td>296,358</td>
<td>3,898</td>
<td>95,847</td>
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<tr>
<td>County Total</td>
<td>441,481</td>
<td>5,839</td>
<td>141,509</td>
</tr>
</tbody>
</table>
September 16, 2009

Department of Finance
Demographic Research Unit
915 "L" Street, 8th Floor
Sacramento, CA 95814

To Whom It May Concern:

On August 21, 2009, the City of Porterville received from the State Department of Finance, Porterville's estimated population and housing data for 2009.

On September 15, 2009, the Porterville City Council adopted Porterville’s new estimate population of 52,056 and authorized transmittal of this correspondence requesting the State Controller to certify Porterville’s January 1, 2009, population as 52,056 by Minute Order No. ________________

Sincerely,

Pete McCracken, Mayor
CITY COUNCIL AGENDA: SEPTEMBER 15, 2009

CONSENT CALENDAR

SUBJECT: CONDITIONAL USE PERMIT 6-2008 (VILLA SIENA) EXTENSION OF TIME

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Macfarlane Costa Housing Partners
320 Golden Shore, Suite 200
Long Beach, CA 90802

COMMENT: The applicant is requesting approval of an extension of time for the originally approved Conditional Use Permit 6-2008.

On July 1, 2008, the Porterville City Council approved Conditional Use Permit 6-2008, by City Council Resolution No. 61-2008. Approval of this resolution allowed for the development of a mixed use 70 unit apartment and 2,700±-square-foot office complex located within the Downtown Mixed Use Zone (R-3/C-2) located at the southeast corner of Putnam Avenue and E Street.

Section 2903-C of the Porterville Zoning Ordinance states:

"Any Conditional Use Permit shall become null and void at the expiration of the term thereof, or if not undertaken and actively and continuously pursued within the time specified in the permit or within one (1) year if no time is specified therein”.

On June 2, 2009, a one year time extension was granted to the applicant in order to allow for additional time to complete the financing arrangements and begin construction. Due to the economic times, and the complex nature of establishing affordable housing projects, there have been delays in this process. Although construction has not started, escrow has closed on the property and progress in submitting finance applications continues. To date, funding from the Porterville Redevelopment Agency, Joe Serna Farmworkers Fund, and Proposition 1C Grants, USDA Loan, (Infrastructure) have been secured. Because it may take several years to complete the process of securing funding, it is the applicant’s desire to avoid returning to the City Council every year to obtain an extension of time for the CUP. Rather, the applicant would like the Council to grant an extension of time that would tie the expiration of the CUP to the requirements of

[Signature]

APPROPRIATED/FUNDED

NO. 10
the terms of the Affordable Housing Agreement.

The Affordable Housing Agreement, which has been executed by the developer and the City, contains a complex set of milestones and requirements that guide the progression of obtaining funding from the several sources. If approved, the CUP would expire if the applicant were unsuccessful at obtaining financing to complete the project as outlined in the development agreement. Otherwise, the project would progress and there would be no reason for the CUP to expire.

RECOMMENDATION: That the City Council adopt the draft resolution approving an extension of time for Conditional Use Permit 6-2008 that is tied to the timeframe outlined in the approved Affordable Housing Agreement.

ATTACHMENT:

1. Locator Map
2. Letter requesting the Extension of Time
3. City Council Resolution 61-2008
4. Draft Resolution
August 12, 2009

Ms. Denise Marchant  
City of Porterville Redevelopment Agency  
291 N. Main St.  
Porterville, CA 93257

Re: Villa Siena – Conditional Use Permit 6-2008  
Request for additional extension

Dear Ms. Marchant:

Please allow this letter to serve as a formal request to extend our CUP for the Villa Siena project. Although we recently were approved a one-year extension, we would like the entitlements to be extended in accordance with the Affordable Housing Agreement for the project.

If you have any questions, please contact me at (424) 258-2912.

Regards,

[Signature]

Tara Celkis  
Senior Project Manager
RESOLUTION NO. 61-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE PERMIT 6-2008 TO ALLOW THE DEVELOPMENT OF 70 RESIDENTIAL HOUSING UNITS AND ±2,700 SQUARE FEET OF OFFICE SPACE ON A ±2.7 ACRE SITE AT THE SOUTHEAST CORNER OF PUTNAM AVENUE AND "E" STREET IN THE R-3 (MULTIPLE FAMILY) - C-2 (CENTRAL COMMERCIAL) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of July 1, 2008, conducted a public hearing to consider Conditional Use Permit 6-2008, to allow for development of a mixed use 70 unit affordable housing apartment and office complex on a ±2.7 acre site located at the southeast corner of Putnam Avenue and "E" Street in the R-3 (Multiple Family) and C-2 (Central Commercial) Zone; and

WHEREAS: Pursuant to Section 408 (A) (R-3 Zoning) of the Porterville Zoning Ordinance, minimum lot area per family shall be one thousand five hundred (1,500) square feet. Based on the ±2.7 acre site, up to 78 units are allowed; and

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 Class 32 of the CEQA Guidelines – construction of infill-development. Under the Permit Streamlining Act (Section 65950) of the Government Code, the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project; and

WHEREAS: The City Council made the following findings with respect to the subject project:

1. The General Plan designates the subject site as Downtown Mixed Use.

   The subject site is zoned R-3 (Multiple Family Residential)/C-2 (Central Commercial) Zone which is supported by the General Plan. The proposed use is allowed pursuant to approval of a Conditional Use Permit.

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

   The generally level site is rectangular in nature with a width of 195± feet and depth of 460± feet. The soil is not highly expansive and therefore would not create any significant barriers to the project as proposed.

3. That the designs of the project or the proposed improvements are not likely to cause substantial environmental damage.

   With the exception to the commercial uses to the east, the subject site is surrounded by office uses and homes to the west, a mobile home park to the south, a funeral home, apartments and homes to the north. The design would blend architecturally with the uses in this area. Additionally, Staff conducted an on-site inspection. The subject site contains one structure (to be removed) and weeds. No natural habitat was observed. As such, no endangered,
threatened or rare species or habitats exist and no significant impact would occur, as a result of the project.

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

The storage of hazardous materials other than what is utilized by residential households will be prohibited. Only those uses allowed in the Zoning Classification of the site would be allowed.

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

The proposed project meets all of the requirements, to include off-street parking, lot coverage, number of units allowed and landscaping required in the R-3 Zone set forth by Section 400 and C-2 Zone set forth by Section 800 of the Zoning Ordinance. Additionally, conditions of approval would ensure adequate development standards are met.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional use Permit 6-2008, subject to the following conditions:

1. The project shall be constructed in substantial compliance with the conceptual site plans, elevations, and landscaping plans (Exhibit 3) approved for CUP 6-2008 and submitted at the time of building permits consistent with the attached plans (Exhibit 3) in terms of improvements, including the locations of sidewalks and walkways.

2. The sidewalk located in the public right-of-way shall be recessed from the curb according to street cross-section standards contained in Figure 4-2 of the General Plan. A landscape parkway with city approved street trees shall be installed between the sidewalk and curb and maintained by the property owner. Tree spacing shall generally be one tree for every 35 feet of street frontage.

3. There shall be a minimum five foot (5') wide landscape strip between all property lines and parking areas.

4. Additional pedestrian connections shall be installed to connect proposed walkways with public sidewalks.

5. Bike racks and picnic table shall be constructed and placed in open space and recreation areas.
6. Parking lot stalls shall be 18 feet long without wheel stops, rather than 20 feet long with wheel stops.

7. The precise location of proposed monument signs shall be shown on the site plan, including dimensions from driveways, sidewalks, and other improvements.

8. The height of proposed monument signs shall be provided.

9. All roofing materials shall be consistent within the project, including that of the proposed residences, carports, and office space.

10. The proposed office space shall be consistent in design with the other proposed buildings, including consistency with roofing, entry ways, window styles, exterior materials and in keeping with the craftsman architectural theme.

11. The proposed buildings shall incorporate to a greater degree, the craftsman style of architecture, including, but not limited to a post and beam feature on columns and gables, and a river rock exterior base feature, or similar rock pattern.

12. The proposed location of all street lights shall be shown on the site plan. All street lights shall be a nostalgic style, consistent with other street lights in Downtown Porterville.

13. All mechanical equipment shall be screened from public view.

14. All comments by the Engineering Division are to be satisfied when submitting for a building permit application and/or prior to the issuance of a Certificate of Occupancy.


16. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. 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.

17. The developer/applicant shall comply with Appendix J, "Grading" of the 2007 California Building Code by providing a soils engineering report and a grading and drainage plan signed by a civil engineer or architect.

18. 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.

19. Developer/applicant shall provide a Soils Report in conformance with Chapter 18 of
the California Building Code.

20. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.

21. The developer/applicant shall construct street paving (half-street, if necessary to match existing grades), curb, gutter, sidewalk, wheelchair ramp(s), water, sewer, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer. All existing driveways along “E” Street shall be removed up to the lip of gutter and replaced with full curb, gutter, and sidewalk. New driveways shall be constructed per City standards.

22. A parkway consistent with the newly adopted General Plan will be required along Putnam Avenue and “E” Street, which calls for a full sidewalk replacement. The parkway shall include a 5’ wide sidewalk adjacent to the existing right of way line. The remaining area within the public right of way shall be landscaped and maintained by the property owner, including maintenance of tree damaged curbs, gutters, and sidewalks. The new sidewalk shall adjust around existing power poles, streetlights, etc., as necessary, to provide a minimum 48” clearance between the obstruction and edge of sidewalk. Please refer to attached Figure 4-2F of the General Plan illustrating typical street cross sections.

23. The existing curb return and ramp at the southeast corner of Putnam Avenue and “E” Street shall be reconstructed to comply with current City standards.

24. The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit a Parcel Merger that will merge property lines to meet the requirements of all applicable codes. The following information is required at the time of submittal:

   - Three copies of a Map and Legal Descriptions
   - Processing fee in the amount of $616.
   - Adequate title information (deed, etc.) to verify current ownership and the method of creation of the effected parcels.

25. The Parcel Merger shall be approved prior to the issuance of a building permit.

26. 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 OSA).

27. The developer/applicant shall provide streetlights complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer. Nostalgic lights matching the City downtown theme shall be installed along the Putnam Avenue and “E” Street frontages. Spacing shall be 40 feet and 50 feet on center.
28. The developer/applicant shall appropriately light the proposed parking lot by providing Nostalgic lights matching the City downtown theme.

29. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to the issuance of an occupancy permit (e.g., foundations, septic tanks, irrigation pipes, etc.).

30. The developer/applicant shall abandon existing wells, if any, after first obtaining an abandonment permit from the Tulare County Environmental Health Department, and shall provide the City Engineer with proof of compliance with County regulations prior to performing any grading.

31. The developer/applicant is advised that he/she 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 one acre 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 water 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.

32. 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. A dust control plan is required prior to building permit issuance. The developer/applicant shall provide a street sweeper as necessary to comply.

33. San Joaquin Valley Air Pollution Control District (District) Adoption of Rules 9510 and 3180 – Indirect Source Review (ISR) Rules

Effective March 1, 2006, the San Joaquin Valley Air Pollution Control District will enforce the Indirect Source Rule (ISR). 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.

a. 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.

b. The District recognizes the land use authority of local land use agencies and will not impose any design requirements upon ISR projects.

c. 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.

d. 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).

e. 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.

f. 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.
g. The District will provide a letter of rule compliance status to the local agency upon request.

h. The ISR Rules and Program does not place any requirements upon the agency.

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.

34. The developer/applicant shall provide off-site improvements, easements, permits, calculations, etc. If, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the improvements or an adjacent development (e.g. water, sewer, drainage, etc.).

35. The developer/applicant shall design on-site water systems meeting the requirements of California Plumbing Code and Fire Code. It shall be noted that the City water system complies with Title 22 of the California Administrative Code and any assurance to effectively provide water pressure for multi-story buildings is the sole responsibility of the owner/builder.

36. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.

37. For the parking spaces, curb wheel stops must be shown or a minimum 6’ sidewalk width must be provided to account for vehicle overhang.

38. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance of the fire hydrants. The locations of fire hydrants shall be shown on the site plan.

39. The developer/applicant shall install all required refuse container enclosures according to City standards. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container locations require refuse trucks to travel on the parking lot. The enclosure openings shall be oriented to allow for direct pickup of the refuse bins or an acceptable method to roll out the bins should be accounted for (i.e., concrete slab in front of trash enclosure to allow easy in/out rolling of bins, etc).

40. Special attention shall be given to the sewer tie-in for this project. An existing 8” sewer line runs adjacent to the railroad. Based on City research, the depth at the manhole in Putnam Avenue is 6.5’ to the pipe invert, but should be field verified. A sewer lift station may be required and shall comply with City standards, if necessary.

41. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

42. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner
the impact fees based on the actual water usage.

43. The developer/applicant shall design on-site water systems meeting the requirements of California Plumbing Code and Fire Code. It shall be noted that the City water system complies with Title 22 of the California Administrative Code and any assurance to effectively provide water pressure for multi-story buildings is a the sole responsibility of the owner/builder.

44. A back-flow device is required on the water meter.

45. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.

46. Compliance with access laws (both State and Federal) is required.

47. Compliance with all applicable codes is required.

48. Plan check fees are required at time of building permit submittal.

49. Soil compaction test is required.

50. School Development fees and all other city fees are due at the time of building permit.

51. Restrooms and Main entrance must comply with disabled access laws.

52. All construction offices, storage containers, etc. for temporary use must receive City Council approval.

53. Signs required separate permits.

54. Pool required separate permits and prior approval from Tulare County Health Department.

55. Shall be an R-2 Occupancy.

56. Full 1 hr construction type is required.

57. Need total square footage on plans.

58. Need Carport engineering Calculations.

59. Show all ADA access routes thru the parking lot areas.

60. Requires 4 Min ADA parking stalls and one of them shall be Van accessible.

61. A demo permit shall be required for removal of the existing structures/buildings.
62. NO DEFFERED ITEMS.

63. See Attached plans check list

64. The project must comply with latest applicable codes.

65. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system will be required. A NFPA 13 system is required in residential occupancy's over two stories per City of Porterville amendments.

66. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers is more than 20.

67. Submit three (3) complete sets of sprinkler and/or fire alarm plans to the Fire Department for review prior to installation.

68. For automatic sprinkler systems, underground plans must be submitted and approved prior to submittal of the above ground plans. A hydrant will be required within 50 feet of the Fire Department connection.

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

70. 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.

71. 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.

72. Fire hydrant spacing shall be as follows:

   In Commercial development, one hydrant shall be installed at 300-foot intervals.

73. 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 than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

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

75. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.
76. 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 Section 22500.1.

77. A Knox box will be required. An application may be obtained from the Fire Department.

78. The developer/applicant shall comply with all requirements of the Porterville Zoning Ordinance, the Porterville Municipal Code, the latest adopted Building Codes, and all other applicable laws and ordinances.

79. The Conditional Use Permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year.

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

[Signature]
Cameron Hamilton, Mayor

ATTEST:

John Longley

[Signature]
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 AN EXTENSION OF TIME FOR CONDITIONAL USE PERMIT 6-2008 (VILLA SIENNA) TO BE CONSISTENT WITH THE PROJECT TIMELINES AND MILESTONES CONTAINED IN THE ADOPTED AFFORDABLE HOUSING AGREEMENT, FOR THE DEVELOPMENT OF 70 RESIDENTIAL UNITS AND A ±2,700 SQUARE FOOT OFFICE SPACE ON A ±2.7 ACRE SITE AT THE SOUTH EAST CORNER OF E STREET AND PUTNAM AVENUE IN THE R-3 MULTIPLE FAMILY AND CENTRAL COMMERCIAL ZONE

WHEREAS: On July 1, 2008 the Porterville City Council approved Conditional Use Permit 6-2008, by Resolution No. 61-2008. Approval of this resolution allowed for development of 70 residential housing units and a ±2,700 office space for that site located at the south east corner of E Street and Putnam Avenue; and

WHEREAS: On June 2, 2009 the Porterville City Council approved a one (1) year extension of time for Conditional Use Permit 6-2008 to expire on July 10, 2010; and

WHEREAS: The Porterville City Council at its regularly scheduled meeting of September 15, 2009, considered an additional extension of time for Conditional Use Permit 6-2008 to allow for development of 70 residential housing units and a ±2,700 office space for that site located at the south east corner of E Street and Putnam Avenue; and

WHEREAS: Due to the economic hard times and the extremely competitive application process, the Villa Sienna Mixed Use project has been unable to start construction and implement the conditions of approval pursuant to City Council Resolution 61-2008 for Conditional Use Permit 6-2008 prior to the expiration date; and

WHEREAS: The Council made the following findings:

1. That the proposed project is consistent with the Zoning Ordinance.

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

3. That pursuant to Section 15301 Class 3 (e) (1), the original Conditional Use Permit was categorically exempt from the CEQA Guidelines.

4. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.

5. That the design of the project or the proposed improvements are not likely to cause
health problems.

6. That the extension for Conditional Use Permit 6-2008 is to provide the developer an opportunity to keep the Conditional Use Permit 6-2008 active for as long as they can meet the requirements and timeframes of the adopted development agreement for the project.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve an extension of time for Conditional Use Permit 6-2008 (Villa Sienna) to be consistent with the time frame and requirements of the adopted affordable housing agreement for the project, and that the conditions specified in City Council Resolution 61-2008 shall remain in full force and effect.

______________________________
Pete V. McCraken, Mayor

ATTEST:

John Lollis, City Clerk

By ____________________________
   Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: INITIATE PROCESS FOR LIBRARY BOARD OF TRUSTEES AND PARKS AND LEISURE SERVICES COMMISSION APPOINTMENTS

SOURCE: PARKS & LEISURE SERVICES DEPARTMENT

COMMENT: Two positions on the Library Board of Trustees have terms expiring at the end of October 2009. Both Ellen Nichols and Sharon Patterson will complete their first full three-year term and are therefore eligible for reappointment. In addition, Hector Villicana has submitted his resignation from the Library Board of Trustees, with one year left on his term. A total of three appointments to the Library Board of Trustees will be necessary.

Four positions on the Parks & Leisure Services Commission have terms expiring at the end of October 2009. All of these incumbents are also completing their first full term of four years and are eligible for reappointment. The incumbents are Tom O’Sullivan, Chris Edwards, Greg Shelton, and Joe Ruiz. Additionally, George Luna has submitted his resignation from the Commission, with two years left on his term. A total of five appointments to the Parks & Leisure Services Commission will be necessary.

It is customary for the City Council to announce the pending term expirations and ask interested residents, as well as the incumbents that are interested in reappointment, to submit to the City Clerk’s Office a ‘Request for Appointment.’ All submitted ‘Requests’ can then be considered by the Council at the October 13, 2009 regular meeting.

RECOMMENDATION: Announce the two pending Library Board of Trustees three-year positions, the one pending Library Board of Trustees one-year position, the four pending Parks & Leisure Services Commission four-year positions, and the one pending Parks & Leisure Services Commission two-year position. Direct staff to advertise for interested residents to submit a ‘Request for Appointment’ by October 5, 2009 for City Council consideration of appointments at the October 13, 2009 meeting.
SUBJECT: AUTHORIZE THE TIME MARCHES ON COMMITTEE TO OBTAIN SPONSORS AND INSTALL BENCHES IN CENTENNIAL PLAZA

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Time Marches On Committee is proposing to sell bench sponsorships for placement at Centennial Plaza. Twelve benches could be installed around the Plaza. A letter from the Time Marches On Committee along with photos of a bench prototype has been provided. The bench was designed to provide a location in the center of the bench back for the sponsor's name. The Time Marches On Committee proposes to obtain the sponsors and have the benches constructed and installed as a donation to the City.

The Parks & Leisure Services Commission have considered the bench proposal and have recommended approval to the City Council.

RECOMMENDATION: Authorize the Time Marches On Committee to obtain sponsors and install benches in Centennial Plaza.

ATTACHMENTS: Bench location plan & design sketch
Letter & photos from Time Marches On

Director Appropriated/Funded City Manager

ITEM NO.: 12
Proposed Bench Locations

City of Porterville
Department of Parks and Leisure Services
291 N. Main Street
Porterville, CA 93258
559.782.7461
Jim Ferrage, Director

Consultant:
Time Marches On
September 3, 2009

City of Porterville
Parks and Leisure Services Commission
ATTN: Mr. Joe Ruiz
291 North Main St.
Porterville, CA 93257

Dear Mr. Ruiz,

As part of the ongoing fundraising by the Time Marches On Committee, we are partnering with the City of Porterville to place twelve benches in Centennial Park.

The six foot iron bench will have a black powder coating and the sponsorship name will be laser engraved. All precautions have been taken in designing the benches to ensure they are safe such as two small round ornaments that are placed on top of the bench to prevent skateboarding and all edges have been smoothed and rounded. The benches are commissioned by Art Chiapa Welding.

The funds raised from the benches and other events such as the Fabulous Music Jam will be used be provide scholarships and grants to local high school band students. In May 2009 five $250 awards were presented to students at Porterville High, Monache High, Strathmore High and Granite Hills High Schools.

Thank you for your support and we look forward to working with you on future projects.

Sincerely,

Robert D. Roman
Chairman, Time Marches On

934 W. Henderson Ave. #262 * 559.920.6481
Robertroman8516@att.net
CONTINUED PUBLIC HEARING

SUBJECT: CONDITIONAL USE PERMIT 2-2009 - PROPOSED MODULAR CLASSROOM AT THE CALVARY BAPTIST CHURCH, LOCATED AT THE SOUTHEAST CORNER OF NORTH GRAND AVENUE AND NEWCOMB STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the expansion of the Calvary Baptist Church by bringing in a modular building to be used as additional classroom area. The Church was constructed while in the County; therefore, no City of Porterville Conditional Use Permit is on file. The use of the site constitutes a legal non-conforming use within the City. This proposed Conditional Use Permit will serve to establish the existing church as a conforming use. The subject site is located at the southeast corner of North Grand Avenue and Newcomb Street. The site is designated by the General Plan for Low Density Residential and Zoned Single Family Residential (R-1), which permits churches, subject to the approval of a Conditional Use Permit.

The main church building is more than 15 years old and has been used as a church during that time. The central sanctuary has remained the same since its construction. The additional rooms in the building have been used as classrooms, a nursery and a kitchen. The sanctuary is approximately ±1,740 square feet in size, which accommodates seating for 100 persons.

The Porterville Zoning Ordinance requires a sanctuary with 100 seats to have a minimum of twenty parking spaces. Sixty (60) spaces are provided on the subject site; therefore, the church exceeds the City’s parking requirements.

The proposed modular classroom building meets the requirements of the Porterville Zoning Ordinance and there are no other outstanding issues except for an existing Seatail used for storage, which will be brought up to code and placed on a permanent foundation. A condition has been placed in the draft resolution to address the Seatail.

Pursuant to Section 15303, Class 3 (c) of the California Environmental Quality Act (new construction or location of new structures less than 2,500 square feet), the project, as proposed, is exempt from CEQA. No further environmental review is required.

On September 1, 2009, at the request of the applicant, the City Council continued the public hearing to consider Conditional Use Permit 2-2009 to the next scheduled City Council meeting. After the project was scheduled to go to the public hearing on September 1, the applicant expressed a desire to modify the project and include additional buildings as future phases in the proposed Conditional Use Permit.
Staff met with the applicant to gather information and address the proposed future buildings. Staff clarified the process for future modifications to the proposed Conditional Use Permit. As a result, the applicant decided that it would be best to proceed with the Conditional Use Permit as previously submitted and make sure the conditions of approval allow for the church to return for future phases through a CUP modification rather than a separate Conditional Use Permit application. Staff assured the applicant this would be possible and amended the conditions of approval accordingly.

RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit No. 2-2009 subject to conditions of approval.

ATTACHMENT: Complete Staff Report
CONDITIONAL USE PERMIT 2-2009
FOR CITY COUNCIL MEETING OF SEPTEMBER 15, 2009

For that site generally located on the southeast corner of West North Grand Avenue and Newcomb Street.

APPLICANT: Dale R. Seaman
1966 Pamela Avenue
Porterville, CA 93257

PROPERTY OWNER: Calvary Baptist Church
1768 N. Newcomb Street
Porterville, CA 93257

PROJECT DESCRIPTION: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the expansion of the Calvary Baptist Church by bringing in a modular building to be used as additional classroom area. The Church was constructed while in the County; therefore, no City of Porterville Conditional Use Permit is on file. The use of the site constitutes a legal non-conforming use within the City. This proposed Conditional Use Permit will serve to establish the existing church as a conforming use. The subject site is located at the southeast corner of North Grand Avenue and Newcomb Street. The site is designated by the General Plan for Low Density Residential and Zoned Single Family Residential (R-1), which permits churches, subject to the approval of a Conditional Use Permit.

SIZE OF PROPERTY: 3± acres

GENERAL PLAN CLASSIFICATION: Low Density Residential

ZONING CLASSIFICATION: R-1 (One Family Zone)

SURROUNDING ZONING LAND USE:

North: County – Vacant parcel
West: City - R-1 – Holy Cross Church
South: County – Developed single family residences
East: City - R-1 – Immediate vacant parcel and a developed single family residential subdivision beyond

Pursuant to Section 221 A-5 of the Porterville Zoning Ordinance, churches may be conducted wholly within a building when on a lot of three (3) acres or more in size, subject to a Conditional Use Permit. The subject site is located on a parcel consisting of 3± acres.

LEGAL NOTICES:
ENVIRONMENTAL SETTING:

Approximately half the subject site is unimproved. The parcel has not been utilized recently for agricultural crops and seasonal weeds have been kept down. An on-site inspection was conducted by staff. No rare or endangered plant or animal species were discovered.

Pursuant to Section 15303, Class 3 (c) of the California Environmental Quality Act (New construction or location of new structures less than 2,500 square feet) the project, as proposed, is exempt from CEQA.

PROJECT ANALYSIS:

The project consists of placing a 1,848± square-foot modular building, to be used as additional classroom area, onto the church property. The main church building is more than 15 years old and has been used as a church during that time. The central sanctuary has remained the same since its construction. The additional rooms in the building have been used as classrooms, a nursery, and a kitchen. The sanctuary is approximately ±1,740 square feet in size, which accommodates seating for 100 persons.

The applicant has indicated the congregation is made up of 100 people who utilize the church sanctuary. The Porterville Zoning Ordinance requires a sanctuary with 100 seats to have a minimum of twenty parking spaces. The parking ratio for seats in the main sanctuary requires one (1) parking space for every five (5) seats. At the ratio of the existing parking (60 spaces), the church exceeds required parking for the sanctuary. Since the proposed classroom area would be utilized for additional classrooms, no additional parking is required. Any additional seating would require the applicant/agent to check with the Fire Department to verify the maximum occupancy load of the main sanctuary. Based on the number of seats, the improved parking meets City Standards.

The proposed modular classroom building will have additional trees planted on the north side of the building to provide shade and screening from West North Grand Ave. Walkways will be added for access to the new building from the east side of the sanctuary building. Not shown on the proposed Conditional Use Permit site plan are the future additions planned for the church. If financing becomes available, the church will return with a modification to the proposed CUP for additional structures, which include a multipurpose building and additional parking.
STAFF RECOMMENDATION: Staff recommends that the City Council adopt the draft resolution approving Conditional Use Permit 2-2009, subject to conditions of approval.

ATTACHMENTS:

1. Locator map
2. Site Plan
3. Elevation photos of proposed modular building
4. Floor Plan
5. Existing Church Floor Plan
6. Conditional Use Permit application
7. Notice of Exemption
8. Draft Resolution of approval

Jose B. Ortiz 8/20/2009 Project Planner Date
CITY OF PORTERVILLE

APPLICATION FOR CONDITIONAL USE PERMIT

NOTE: The basic purpose of the Conditional Use Permit Article 29 of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

PROJECT NAME: Modular Classrooms & Future Bldgs.

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):

Calvary Baptist Church
1768 N. Newcomb St. (559) 783-0857

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:

Dale Sorman
1964 Pamela Ave (559) 781-7019 cell 361-2670

PROJECT ADDRESS AND NEAREST CROSS STREETS:

1768 N. Newcomb St.

Newcomb & N. Grand

The applicant requests a Conditional Use Permit to use the above described property for the following purposes:

Temporary Classrooms

Date of most recent sale of property: 20 years

If applicant is the lessee, give date property was leased: 

List below the original deed restrictions pertaining to the type of improvements permitted.

None at this time

Date said restrictions expire:

(Please attach a copy of original printed restrictions in answer to this question. Properly underline those features controlling the type and class of uses permitted).
A Plot Plan and 300’ radius property owners map, and corresponding mailing list are attached and made a part of this application. (See detailed instructions on Page 4 of this form).

1. State how the proposed use will not be materially detrimental to the public welfare or pose injury to property or improvements in such vicinity and zone in which the use is proposed.

   No change in Property Use

2. Principal requirements of intended use (Please answer the following statements as completely as possible).

   (a) Total number of people that the building can accommodate at one time, or grounds if the use is not conducted in the building at one time (Occupancy Capacity).
       160

   (b) Total number of employees that will work on the property.
       1

   (c) Total number of off-street parking spaces provided or planned.
       60

   (d) Maximum height of buildings or structures.
       17’

   (e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.

       Unknown
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the fact stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED. (Add additional sheets where necessary. These signatures are desirable but not required).

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**OWNER’S DECLARATION**

**STATE OF CALIFORNIA  )**

**COUNTY OF TULARE  )**

I, [Name], being duly sworn, declare and say that I am the owner of part (or all) of the property involved and that this application has been prepared in compliance with the requirements of the Porterville City Council as printed herein and that the foregoing information thoroughly and completely, to the best of my ability, presents the argument in behalf of the application except as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at [Location], this 14th day of [Month], 2009.

Telephone (559) 783-0857

Signed [Signature]

Mailing Address 1768 N. Newcomb, Porterville, CA

This is to certify that the foregoing application has been inspected by me and found to be complete and acceptable for filing with the Porterville City Council.

Received ___________________________ Date

Receipt No. ___________________________

By __________________________________
REQUIREMENTS FOR FILING APPLICATION FOR CONDITIONAL USE PERMIT

1. Conditional Use Permit Application Form
2. 300-Foot Radius Map
3. Property Owners’ List
4. Plot Plan, Drawings or Photographs
5. Filing fee $1,164

1. The Conditional Use Application form must be filled out completely. The application must be signed by the owner or authorized agent under penalty of perjury in the space provided on Page 3.

2. The 300-Foot Radius Map accompanying the application must be to a suitable scale and must be correctly prepared. It must show each parcel within 300 feet of the exterior boundaries of property involved, not just the center point. In addition, the map must label the uses of each parcel or present type of occupancy, such as single-family residence, duplex, apartment house, business building or type of industrial use, or vacant. The various zones surrounding the subject property must also be shown. Each parcel must be consecutively numbered to correspond to owner’s name on the Property Owners’ List (as explained below).

3. The Property Owners List should be typewritten or printed on Avery 5160 or equivalent mailing labels, and must include the owner’s name and mailing address. Each owner’s name on this list must be numbered to correspond with the numbering placed on the 300-foot Radius Map. The list must be of the latest available assessment roll and may be obtained through the Tulare County Assessor’s Office or Title Company.

4. The Plot Plan, if applicable, must be drawn to a readable and accurate scale and size showing the parcel dimensions, its location with respect to adjacent streets, and the location of all existing and proposed buildings, structures or other improvements, with their distances from the parcel line clearly shown (9 copies initially with additional copies to be submitted prior to public hearing). It is suggested to include photos and drawings of the proposed buildings on a scale large enough to illustrate the subjects under discussion. Photographs or drawings of structures are also helpful, and elevation drawings, including color scheme, may be required.

Submit this information and the application to the Planning Division, City Hall, Porterville, California. The application must be complete in every respect, with all questions answered completely, before the City Planner can receive and certify the petition.

This application is not a permit. A public hearing will be held on your application.
NOTICE OF EXEMPTION

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

X Tulare County Clerk
County Civic Center
Visalia, CA 93291

FROM: City of Porterville
291 North Main Street
Porterville, CA 93257

Conditional Use Permit 2-2009
Project Title

1768 N. Newcomb Street (Calvary Baptist Church)
Project Location

City of Porterville
Project Location (City)
Tulare
Project Location (County)

A Conditional Use Permit to allow the location of modular building to be used as additional classroom area.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Mr. Dale Seaman
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

Ministerial (Section 15073)

Declared Emergency (Section 15071 (a))

Emergency Project (Section 15071 (b) and (c))

Categorical Exemption. State type and section number: Section 15332

X Categorical Exemption – Section 15303, Class 3 c

See project description above: Section 15303, Class 3 c

Reasons why project is exempt – The location of a new structure not exceeding in 2,500 square feet.

Ben Kimball, City Planner
Contact Person

If Filed by Applicant:
1. Attached certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes ___ No ___

Signature: __________________________

City Planner

Title

291 N. Main St., Porterville, CA 93257 Phone (559) 782-7460 Fax (559) 781-6437
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING CONDITIONAL USE PERMIT 2-2009 TO ALLOW A PROPOSED 1,848± SQUARE-FOOT MODULAR BUILDING TO BE UTILIZED AS ADDITIONAL CLASSROOM AREA FOR THE CALVARY BAPTIST CHURCH GENERALLY AT THE SOUTHEAST CORNER OF WEST NORTH GRAND AVENUE AND NEWCOMB STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of September 15, 2009, conducted a public hearing to consider Conditional Use Permit 2-2009, being a request to allow a proposed 1,848± square-foot modular building to be utilized as additional classroom area for the Calvary Baptist Church for that site located generally on the northeast corner of West North Grand Avenue and Newcomb Street; and

WHEREAS: Pursuant to Section 221 A-5 of the Porterville Zoning Ordinance, churches may be conducted wholly within a building, when on a lot of three (3) acres or more in size, subject to a Conditional Use Permit. The subject project is located on a parcel consisting of 3± acres; and

WHEREAS: The Calvary Baptist Church was developed while under County jurisdiction. There is no Conditional Use Permit on file and therefore constitutes a legal non-conforming use; and

WHEREAS: This Conditional Use Permit shall serve to establish the existing church as a conforming use; and

WHEREAS: The church sanctuary provides one hundred (100) seats and sixty (60) parking spaces for attendees on the property; and

WHEREAS: Pursuant to Section 2202 A-3 of the Zoning Ordinance, one (1) parking space is required for every five (5) seats within the main sanctuary of the church. Based on the provided parking spaces (60) the church satisfies City’s parking requirements; and

WHEREAS: Pursuant to Section 15303, Class 3 c of the California Environmental Quality Act (New construction or location of new structures less than 2,500 square feet) the project, as proposed, is exempt from the provisions of the California Environmental Quality Act (CEQA); and

WHEREAS: The City Council made the following findings with respect to the subject project:

1. The General Plan designates the subject site as Low Density Residential. The subject site is zoned R-1 (One Family Residential) which is supported by the General Plan. The proposed use is allowed pursuant to approval of a Conditional Use Permit.

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

3. That the design of the project is not likely to cause substantial environmental damage. The subject site is developed with an existing building and the proposed parking area is absent of any vegetation. As such, no endangered, threatened, or rare species or habitats exist and no impact will occur.
4. That the proposed location of the project and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. Conditions of approval are included to ensure adequate development standards are met.

5. That the standard 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.

6. That the project, as proposed, complies with all design standards of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 2-2009, subject to the following conditions:

1. The proposed modular building shall be painted to match the existing church prior to occupancy.

2. Additional landscaping and trees are required along the north side of the proposed modular building to provide visual screening along West North Grand Avenue to the satisfaction of the Zoning Administrator prior to occupancy.

3. Parking on any portion of the unimproved site shall be prohibited.

4. The applicant shall provide a physical barrier, such as wheel stops, barricades, fence, etc., to the satisfaction of the City Engineer along the full length of the north end of the proposed improved parking area.

5. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (2000 Edition), Standard Plans and Specifications (Rev. 8-20-02), the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.

6. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. 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.

7. The developer/applicant shall construct and/or install curb, gutter, sidewalk, driveway(s), paveout, ADA ramp, on-site trash enclosure, and street lights along the full frontage of North Grand Avenue in the event combined building permit evaluations during a two (2) year period exceeds $18,421.00 (Ord. 1644).

8. The developer/applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council, and dedication of required property for disabled ramp(s). Specific to this project, an additional seventeen feet (17') of right-of-way shall be dedicated to the City of Porterville in the form of an Irrevocable Offer of Dedication. The dedication is only contingent upon the issuance of building permits over a two (2) year period that have a combined evaluation exceeding $18,421.00 (Ord. 1644).
9. The developer/applicant shall relocate existing utility structures (e.g., 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 OSA), when required to construct the North Grand frontage improvements.

10. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.

11. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system, would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.

12. The developer shall comply with the City of Porterville standard dust control measures during all earth moving activities.

After the completion of the clearing, grading, or excavation phase, the entire area of disturbed soil shall be treated to reduce wind pick up of the soil. This may be accomplished by any one of the following methods:

a. The seeding and watering of the site until such time as the ground cover has taken root.
b. The spreading of soil binders.
c. The wetting down of the area in such a manner as to create a crust on the surface and the repeated soaking of the area is necessary to maintain the crust and reduce soil blowing.

During the construction phase of the project, water trucks or sprinkler systems shall be used to keep all areas of vehicular movement damp enough to reduce dust raised from leaving the site. As a minimum, this will include the wetting down of such areas in the late morning hours and at the close of each day's activities. Increased watering frequency will be required whenever there are high wind conditions.

The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to reduce the transport of dust off-site. This person's duty shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such person shall be provided to the City of Porterville Community Development Department office.

13. The applicant shall submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of anchoring system and structural calculations.

14. Compliance with access laws (both State and Federal) is required.

15. Compliance with all applicable codes shall be required.

16. Plan check fees shall be required at time of building permit submittal.

17. Restrooms and main entrance shall comply with disabled access laws.

18. All construction offices, storage containers, etc. for temporary use shall receive City Council
19. Minimum one (1) van accessible parking stall shall be required.

20. The classroom shall be installed on a proper foundation.

21. The developer/applicant shall pay all fees according to the Municipal Code and State Law.

22. The proposed modular building is classified as an A-3 Occupancy building.

23. Signs shall require separate permits.

24. The project shall comply with the latest applicable codes.

25. Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building constructed or moved onto or within the City of Porterville. It shall extend to within 150 feet of all portions of the facility and all portions on the exterior walls of the first story of the buildings, as measured by an approved route around the exterior of the building or facility. All roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

26. All dead-end access roads in excess of 150 feet shall be provided with an approved turn-around, complying with City standards.

27. Project shall meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.

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

29. A Knox Box may be required. If required, an application may be obtained from the Fire Department.

30. The applicant's proposal shall be carried out substantially in conformance with approved exhibits 2, 3, 4 & 5.

31. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.

32. All landscaping areas on the property shall be permanently maintained with healthy, growing plant material, free from weeds, as shown on the approved landscape plan. At no time shall landscape areas be permitted to show lack of fresh green color or a loss of resilience due to lack of water. Lawn areas shall be mowed and maintained so that the grass does not exceed 4 inches in height, and/or does not develop seed.

**NOTE:** Clumping grasses that are meant to be left in their natural state and are not meant to be mowed, such as creeping red fescue, are excepted from this condition.

Lawn areas shall be edged to prevent grass from overhanging public or private sidewalks. Litter and plant trimmings shall be removed from the site. Dead or dying plant material shall
be replaced.

Failure to comply with this condition is a public nuisance and is subject to the adopted Citation Ordinance of the City of Porterville.

33. Any graffiti on the property shall be promptly painted out. If the problem persists, as determined by the Community Development Department, a plan for preventing recurrence shall be submitted to the Community Development Department for review and approval, and shall be implemented as approved. Suggested anti-graffiti measures include the use of vertical landscaping or vines along affected wall surfaces, and/or the use of anti-graffiti paint.

34. All new public utility services, including electrical, telephone and community television antenna services, shall be placed underground in accordance with City requirements.

35. The requirements of the City's performance standards with respect to odor, noise, smoke, vibration and discharge of liquid and solid waste shall be maintained.

36. Construction activities shall be limited to the hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday.

37. The applicant is reminded that expansion of any structure, construction of any new building, or for any change in use, or expansion of area used will require approval by the City Council in the form of a modification to the conditional use permit.

__________________________
Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By ________________________
    Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: COUNCIL PRIORITY PROJECT UPDATE

SOURCE: City Manager

COMMENT: In December 2008, the City Council adopted the selection of ten (10) Priority Projects, to serve as major priorities for the City in the dedication of both effort and resources.

Courthouse, Fairgrounds, and Related Projects
After much delay and revision of timelines in the acquisition of the selected site for the new South County Justice Center, the State has entered into a purchase agreement with the City for the acquisition of approximately seven (7) acres of property which currently houses Municipal Ballpark and a significant portion of the Porterville Fairgrounds. Staff has worked diligently with the State in satisfying the environmental and legal components of the site acquisition process. As a CEQA mitigation measure by the State, the City will also receive funds for the purposes of establishing lighted recreational fields in replacement of Municipal Ballpark. The purchase agreement with the State allows the Porterville Fair to operate through the 2010 fair season and through the following Summer, with the State assuming responsibility for demolition of structures and preparation of land for construction. Staff continues to work diligently with Fair Board representatives in the formulation of a new agreement in the relocation of the Fairgrounds to Municipal Airport property located on Tea Pot Dome Avenue. In support of the new Courthouse development, staff has completed topographies for the water main and storm drain improvements for Olive Avenue. The Downtown Overlay (Courthouse Master Plan) approved by the Council in August 2008 will seek to be incorporated in the Comprehensive Zoning Ordinance.

Porterville Hotel Project
Staff continues to work diligently with the State toward an agreement that would allow for the replacement of affordable housing units that would be lost in the demolition of the Porterville Hotel, as well as the current property owner in resolving financing complexities. It was recently reported to the Council by staff that progress is being made with the State in the replacement housing issue. Staff also continues to work with the developer proposing to accommodate all of the replacement housing units as part of the Villa Siena housing project.
New Public Safety Station
With the selection of a site south of Highway 190 and east of Jaye Street, Council has approved a purchase agreement and is awaiting approval by the property owner for the acquisition of land for the new public safety station. The Fire Department has submitted an application for approximately $1.5 million in Federal stimulus grant funding for fire station construction, and the application has been successful through several screenings. The securing of land will be required for funding, should the application prove successful. The Ad Hoc Committee that was established in support of the planning for the new station should soon seek the Council’s approval to proceed with an issuance of Statement of Qualifications to solicit designers for the project.

New Library Facility Project
The Library Facility Planning Committee continues to meet with the selected Consultant toward developing a community needs assessment that would seek to address future uses, sizes, and technology requirements of the new City public library. It is expected that the Committee’s recommendations would be submitted to the Council for consideration this November (2009).

Comprehensive Zoning and Subdivision Ordinance Update Project
As a component of the City’s General Plan Update that was adopted in 2008 by the Council, the Zoning Ordinance Update Committee has met regularly to review and refine the proposed ordinance in preparation of submitting the Zoning and Subdivision Ordinance Update to the Council in Spring 2010.

Jaye Street to Gibbons Avenue Project
Staff has completed approximately eighty percent (80%) of the street design, and ninety-five percent (95%) of the roundabout design for this project, with land acquisition along Jaye Street to support the planned roundabout at Montgomery Avenue and to connect to Gibbons Avenue, the critical path to the project.

Indiana Street Low Water Crossing Project
Staff is working on acquiring property on the north side of the Tule River in support of this project, and is also being considered as part of the Riverwalk Phase II Environmental Impact Report study.

Technology Assessment Project
While several internal technology improvements have been implemented, the major component of this project is the redevelopment of the City’s website. The landscape of the proposed new webpage has been completed, with staff currently inputting data into the new site for its planned launch this Fall.
Effluent Pipeline and Land-Leveling of Sewer Property
This project has been completed

Jaye Street Widening, Highway 190 to Springville Avenue
This project has been completed

Projects of note that have been completed include:
- Airport Pesticide Remediation
- Core Area II and IV Improvements
- G Street Reconstruction
- Henderson Avenue Rehabilitation
- Hockett Street and Mill Avenue Parking Lot
- Indiana Street Sidewalk and Shoulder Stabilization
- Lions, Murry, Veterans, and Zalud Playground Replacements
- Murry and Zalud Park Pavilion Replacements
- Murry Park Restroom Replacement

Projects of note that are nearing completion include:
- CNG Station and Equipment Canopy
- Community Center Parking Lot
- Well No. 31 Pumping Facility

RECOMMENDATION: None – Information Only

ENCLOSURE: Project Priority Listing
### 08-09 Project Priority Listing

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<th>Priority</th>
<th>Project No.</th>
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**TOTAL** | **14,706,638.00**

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**TOTAL** | **$6,550,731.00**

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<th>Priority</th>
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<th>Projects Funded by various Grants/Loans with Critical Deadlines</th>
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*Project Manager: Michael Reed, Jason Bisgro, Danis Cervantes, Baldo Rodriguez, Donnie Moore, Javier Sanchez, Susan Perkins, Ben Kimball, David Behrens, David Cervantes*
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Total Project: 106

GRAND TOTAL: $55,102,085.00

City Council/City Manager Priority Projects per 1/15/08 Meeting

- Denotes Completed Projects
- Denotes Projects Approaching Bidding, Bidding and/or Construction
- Denotes Under/Design Complete or Advertisement Stage

* Blanks indicate unassigned personnel
SUBJECT: ACCEPT THE INTRODUCTORY REPORT FOR A ZALUD HOUSE MASTER PLAN AND AUTHORIZE ACTIVITIES THAT WILL PROVIDE FOR FUTURE CONSIDERATION OF MASTER PLAN ADOPTION AND IMPLEMENTATION OF PROJECTS

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: An Introductory Report for the Zalud House Master Plan has been prepared. It provides findings and recommendations that are meant to enhance the marketability and community interest in this historic facility. Because one or more projects could result from a completed Master Plan, it is necessary to coordinate its final preparation and approval through the environmental review and planning processes. Other recommendations of the Introductory Report relate to current use and the development of partnerships with other entities.

The most prominent project that is suggested by the Introductory Report relates to the possible relocation of the Isham/Spencer House from 301 N. Hockett to the southeast corner of Morton & "D" Street. This project conceptually would expand the Zalud House Garden into the same site location. A recommendation of the report is to refine the concept through preliminary design as well as the conduction of CEQA and planning processes. Acceptance of the Introductory Report along with its proposed findings and recommendations will authorize the design, planning and environmental review activity. This effort will require the expense of approximately $12,000 which is available within the adopted budget for the Zalud House Master Plan.

The Parks & Leisure Services Commission has recently considered the Introductory Report and has favorably recommended its acceptance by the City Council.

RECOMMENDATION: That the City Council accept the Introductory Report for the Zalud House Master Plan, including the proposed findings and recommendations, and authorize activities that will provide for future consideration of Master Plan adoption and implementation of projects.

ATTACHMENTS: Zalud House Master Plan, 2009 Introductory Report
I. OVERVIEW

A. Report Purpose & Goal
In 1978 the City of Porterville opened the Zalud House & Garden to the public as a museum and small event venue. It was well received in the community at that time but more recently its market and attraction has diminished. The City has intended for the Zalud property to be operated in an enterprise manner, which is to say in a fashion that it will generate sufficient revenue to at least offset its ongoing operational cost. Now, more than thirty years into the venture it is apparent that marketing and operational changes are needed to reverse the more than decade long loss-trend of the enterprise fund. This report reviews several opportunities for enhancing the Zalud House & Garden Enterprise. It is predicated upon the premise that the City wishes to retain the museum and tourism roles of the Zalud House, with the garden area continuing to be an outdoor event venue.

Issues initially unrelated to the Zalud House & Garden have come to the attention of the Director of Parks & Leisure Services. After study, the Director has determined that these issues present opportunities to connect with the Zalud House into a workable plan. It is the Director’s opinion that embracing the issues will provide opportunities for changes in Zalud House & Garden operations as well as manners to enhance marketing of the property. The objective of this report is therefore to introduce and document the issues and the Director’s concepts in furtherance of the continued roles already defined for the Zalud House & Garden.

B. Report Summary
Changes will need to be made in the method of operating the Zalud House & Garden to provide new attraction that can be marketed for revenue generation. The changes should include the appearance or arrangement of the collection within the internal space, as well as the layout and versatility of the exterior yard area. In addition, the manner in which the full facility is portrayed and how it is utilized by the public, merit change.
To accomplish these goals the Isham/Spencer House should be relocated and the Zalud Garden should be expanded. Both can be accomplished by utilizing the City owned vacant lot immediately west of the Zalud House & Garden. An enhanced garden will provide a greater venue for events, including fundraisers for the Zalud House. An increase in yard space and ambiance should attract other community organizations to consider the venue for their events. The relocated Isham/Spencer House will provide more event/meeting interior space for rental. It will also provide space for storage of portions of the Zalud family collection in order to enhance display of the collection and increase versatility in use/rental of the Zalud House. Funding for this building relocation and yard expansion project should be considered in the amount of $140,000 as a part of the City’s redevelopment and downtown planning efforts.

In addition, a formal partnership between the City of Porterville and the Porterville Ghost Society should be established. It is envisioned that this partnership will enhance marketing of the Zalud House & Garden along with paranormal investigative exposure and revenues. Also important is the relationship with the Porterville Garden Club and their involvement with landscape enhancements and the conduction of fundraising events to benefit the Zalud House & Garden.

To expand upon the above, the Zalud family story must be updated in manners that meaningfully relate to the current community demographics. Investment in marketing and provision of tours in the Spanish language are suggested to generate increased interest and revenue. Again the collection should be displayed and rotated in manners that stimulate new interest as well as cultural awareness.

Furthermore, special events scheduled periodically, perhaps with visiting antiquity experts or historians, and the incorporating of other displays and performances may also add attraction. It will be important to expand partnerships with community organizations for economic success in these areas. City Leadership must as well support and advocate for the Zalud House & Garden if preservation of the enterprise is to be realized.
II. BACKGROUND

A. Zalud Estate Property
The Zalud bequest to the City of Porterville was in the form of real and personal property, as well as funds to assist with cost of maintenance and public-use of the property. The real property consisted of three parcels of land. The larger parcel had been utilized for agricultural purposes and the City converted these 15 acres of land into a public park.

The second parcel left by the Zalud Estate to the City of Porterville is 6,600 square feet in size and is located at the northwest corner of Hockett Street and Harrison Avenue. This parcel has been developed by the City as a parking lot to benefit the third parcel, as well as enhancing general public parking availability within the downtown region. The City has also constructed a municipal water well upon this second parcel, but the utilization of the well has been intermittent due to water quality issues. Eleven parking spaces currently exist on this parcel.

The third parcel of land left by the Zalud Estate in trust of the City is the primary focus of this report. The parcel is approximately 13,200 square feet in size, upon which resides the former primary residence of the Zalud family, and which in turn houses the Zalud family personal property also conveyed to the City. In addition to the residence, the other structure on this property was a carriage house with an attached garden shed. The balance of the parcel was devoted to an extensive garden to which the Zalud family was known to have devoted much care and garner much enjoyment as the result of colorful blossoms and ample shade.

The residence, erected in 1891, is believed to be the first residence of a mansard roof design within the general area. The house is also constructed with an independent brick exterior wall separated by an air gap from the inner structural-exterior wall. This air gap provides the interior of the building with an element of insulation from exterior climate and noise.

B. Zalud House & Garden Operations
The City has operated the Zalud House as a unique museum. The collection is entirely that of one family as they themselves assembled and retained over more
than half of a century. The garden has been utilized for wedding ceremonies and other gatherings since the City assumed the property. The former garden shed was also renovated and improved to provide a quaint “bride’s room” with a restroom to better facilitate the garden rentals. The former carriage house was similarly renovated and improved to provide a kitchenette.

Tours of the house and garden events were somewhat regular during the early years of the museum and garden rental availability. However, with time more commercial garden venues became available within the general community. These afforded bigger areas and more amenities to attract larger gatherings than what the Zalud garden can accommodate. Because these competitors for garden settings are more versatile, and because there are several such competitors now available within a short drive distance, the Zalud Garden rentals have declined to but a few events each year.

The uniqueness of the museum also has not sustained community interest. With no storage area for the collection, the arrangement of the house for display remains virtually frozen, with minimal seasonal décor alterations. Further, although the Zalud family was of some notoriety during the early half of the twentieth century, none of the family members were truly famous. Therefore, the Zalud family name, achievements, or even their local existence and their place of residence have not survived as a significant element of history, even within the local community.

By twenty years into the Zalud House & Garden Enterprise the City recognized a diminished market for garden events and a dwindling museum tourism interest. The operations of the property were far exceeding revenue garnered and the interest from the original trust fund was no longer sufficient to avoid yearly erosion of the principal.

By thirty years into the enterprise operation it had been projected that the property operations will likely exhaust the remaining trust funds before the fortieth year of City operation (2017), unless an infusion of new revenue is realized.
III. OPPORTUNITIES

A. Zalud Garden Area Expansion
Expanding the garden area is possible to the west of the current Zalud House and Garden property. The City owns another vacant lot containing approximately 13,000 square feet and located directly west of the Zalud property, separated only by a seldom utilized alleyway. By expanding the Zalud Garden onto this adjoining land, larger and more varied events could be accommodated and an increased number of convenient parking spaces could be made available.

B. Isham/Spencer House
The City of Porterville is also in possession of another historical property located two blocks southerly from the Zalud House on Hockett Street. This house was constructed in 1920 as the family residence of Edward B. Isham, once a City Marshall. In 1984 Charles Spencer acquired the property and undertook significant renovations to the structure for purposes of converting its use to commercial activities. Subsequently, the City acquired the property from the Spencer Estate with the intent to utilize the land for a parking lot. Currently the structure is utilized for storage of recreational supplies and equipment of the Porterville Parks & Leisure Services Department.

The vacant lot west of the Zalud property can also accommodate a new setting for the Isham/Spencer House and still provide for parking and an expanded garden setting. By relocating the Isham/Spencer House to this location its current location is made available for the planned use as a parking lot, and the building itself can be utilized in manners that will compliment the Zalud House & Garden operations. The bottom floor of the Isham/Spencer House can be easily renovated for event space, operated either as a component of the Zalud Garden or independently. It is envisioned that the upper floor of the Isham/Spencer House could then be utilized to store Zalud House furnishings, thereby providing an opportunity to periodically alter the museum collection in manners that will from time to time highlight differing elements. This too will make some limited space available for special events within the Zalud House.
The feasibility of the Isham/Spencer House relocation and the Zalud Garden expansion along with a budget level estimate has been documented in a study conducted by Willdan Consultants, and is included as an Appendix to this report.

C. Porterville Ghost Society

The Porterville Ghost Society (PGS) formed in June 2008 as a hobby of several individuals and their family members. It evolved during its initial six-month period into an association, with membership, training requirements, and structured investigations of suspected paranormal activities. The group has maintained a high level of integrity and their efforts and accomplishments have been recognized by The Atlantic Paranormal Society (T.A.P.S.). T.A.P.S. investigates paranormal activities throughout the country and the founders host a popular show on the SciFi Channel called Ghost Hunters. The success of that show launched the spin-off show Ghost Hunters International. T.A.P.S. has a network of 75 teams nationwide and 17 teams internationally with PGS being awarded membership in their elite family in June 2009.

PGS has partnered with the Porterville Parks & Leisure Services Department in conduction of paranormal investigations at both the Zalud House and the Isham/Spencer House. Their methods of investigation and findings at these locations were a significant part of the justification for the award of T.A.P.S. Family Membership. PGS has thus become a sole source for T.A.P.S. associated activities within the central valley southern region.

PGS members have donated their services in scheduling and overseeing Zalud House paranormal investigations when scheduled and undertaken by others. Over its first four-month period, this activity generated $460 of increased revenue for the Zalud House & Garden Enterprise, an approximate doubling of the normal tour revenue for the same period.

T.A.P.S. and their local Family Member PGS are now planning a Paranormal 101 Investigation session in Porterville on October 10, 2009. The activity will include investigations led by T.A.P.S. professionals, with paid participants, at a number of Porterville locations, including the Zalud House. A conference will also be
conducted and it is anticipated that more than 100 persons from outside the Porterville area will pay fees to T.A.P.S., travel to Porterville, and lodge for several days in order to participate in the event. Publicity from this TAPS event is anticipated to rejuvenate interest in the Zalud House, and potentially also the Isham/Spencer House.

Expanding the relationship with PGS will provide the Parks & Leisure Services Department with an increased market for tours and events at the Zalud House & Garden. Formalizing a partnership with the PGS has not yet been possible because of their lack of a legal status as a business or non-profit organization. City employment of individual members of PGS could be accomplished in order to provide enhanced longer-term accountability rather than the current volunteer efforts. However, employment of individuals does not lend the same credentials, and will not provide the access to web-based (and potentially television) promotion, that an affiliation with PGS can provide. PGS also will be in need of sponsorship in order to further invest in technological equipment and marketing efforts directed at benefiting the Zalud House & Garden.

PGS has been encouraged to complete processes for establishing themselves as either a business or non-profit organization together with their obtaining of liability insurance, both of which will greatly facilitate the working relationship with the City. The desire is for a formal relationship between PGS and the City which will provide ability for PGS to receive financial support for marketing and investigative efforts that are requested by the City and which directly benefit the Zalud House & Garden. In the alternative, a partnership or license agreement between the City of Porterville and T.A.P.S. (on behalf of PGS) might be explored.

D. Community Demographics
A significant portion of the Porterville community population is non-English speaking. The predominance of this community segment is limited to the Spanish language and has emigrated from Mexico. Today, the Latin American culture is of importance to local business marketing far more than it was thirty years ago. Recognition of this as a potentially untapped market for Zalud House tourism presents new opportunity. Albeit the Zalud family was not native of the Spanish
language and may not have embraced many of the Mexican customs or heritage, nevertheless, the story of the Zalud family is one of immigration to a land for purposes of seeking opportunity and livelihood. Therefore, the Zalud family history must contain some parallels to modern immigrants and thus the relative success of the Zalud family in their time must contain elements of story that should interest, and potentially motivate, today's community members.

It seems reasonable to suggest that further research and translation of the Zalud family story is warranted, with a perspective towards immigration and business reinvention. Expertise is also suggested for further sociological evaluation of the Zalud story towards identifying elements of interest that transcend cultures and generations. Porterville College may be an excellent resource for conducting these research and evaluation efforts.

Partnerships and capabilities developed in modernization and translation of the Zalud family experience are meant to expand the demographic base of tourism. Assistance is needed in creating a historically accurate, yet meaningful message for those that have more recently immigrated. Translation of the story into the Spanish language, along with marketing to the Spanish speaking community then needs to be conducted. In addition, tour guides capable of communicating the story must be assembled.

E. Porterville Garden Club
The Garden Club has recently taken up a strong interest in the Zalud House & Garden. They have volunteered their efforts and donated landscape materials for the purposes of renovating significant portions of the garden area. Their removal of overgrowth and undesirable plant materials and landscape replacement with colorful flowers and better plantings has been a great enhancement. Furthermore, in partnership with the Porterville Parks & Leisure Services Department, the Porterville Garden Club has also conducted a fundraising Garden Tea to benefit the Zalud House & Garden. The event, conducted in the Zalud Garden, was moderate in size, yet fully utilized the garden area available. The Garden Tea re-introduced the Zalud House & Garden to the event participants. The Porterville Garden Club has discussed making this event an annual occurrence, as well as continuing the
improvement of the garden landscape. The partnership with the Porterville Garden Club needs to be nurtured and strengthened towards a long-term relationship and continuance of their 2009 efforts. An expanded garden area would provide a more charming venue for the Porterville Garden Club and their Garden Tea. It could also assist with their attraction of business sponsorships for the benefit fundraiser.

**F. Further Partnerships & Marketing**

First, technology needs to be considered for collection display and education on the Zalud family history. Video monitors attached to DVD players might be arranged to provide more in-depth information of specific collection items and historic subjects. Such video monitors could also depict garden events, paranormal investigations, seasonal displays, and other advertisements to the casual visitor so that they might consider the venue in their own event planning. PGS may be a viable candidate for this technology partnership, or other community minded volunteers might be identified.

Second, partnerships with other community groups need to be solicited for considering the Zalud House & Garden as an event venue and/or a worthy fundraising purpose. Periodically, art displays on weekends and occasional musical performances for changed ambiance are examples of new reasons for the public to re-visit the location. Efforts could also be made to identify authoritative speakers of some notoriety in the fields of antiquities and history for special fundraising events.

Third, to the greatest extent possible it is important to maintain City leadership commitment towards the long-term preservation of the Zalud House & Garden as an important civic concern. Impassive support recognized by the community will manifest many folds in negative community interest.
IV. FINDINGS & RECOMMENDATIONS

F1 With any business enterprise, changes must be made in the manner and appearance of the business with the passing of time. A progression of change is necessary in order to stay current with the customers’ interest and for attraction of new customers. Rejuvenating the Zalud House & Garden as a modern-day attraction is necessary if it is to continue to serve the roles of museum/tourism attraction and outdoor event venue.

F2 The method of operating the Zalud House & Garden has remained stagnant too long. Operations must be altered in order to provide new appeal that can be marketed for revenue generation. Change is needed in the appearance and arrangement of the collection within the internal space, as well as the layout and versatility of the exterior area, and within the manner in which the facility is marketed to the public.

F3 The entire leadership of the City has a role in encouraging partnerships, participation, and the promotion of the Zalud House & Garden.

The following recommendations present a plan for accomplishing positive change with the Zalud House & Garden to address the above findings.

R1 Relocating the Isham/Spencer House and expanding the Zalud Garden should be considered and funded as a part of the City’s redevelopment and downtown planning efforts. The relocated Isham/Spencer House should be utilized to benefit the Zalud Enterprise through increased event & meeting rental space and for storage of the Zalud family collection. A budget level estimated cost for the conceptual project is $140,000. Preparation of a preliminary design and project scope, and undertaking the CEQA and planning process should be initiated to refine the specifics of the project. These initial efforts can be conducted within the existing established Zalud House Master Plan budget allocation.
R2 City staff should continue facilitation efforts in support of the hard work of PGS towards establishing a T.A.P.S. Paranormal 101 Investigation and Conference. A services agreement should be established between the City and PGS for their further promotion and conduction of paranormal investigative tourism and technological assistance at the Zalud House & Garden.

R3 Cultivating the partnership with the Porterville Garden Club for regular fundraising efforts and landscape enhancements is important. Letters of understanding should be sufficient to define the scope and schedule of fundraising and landscape activities, as well as the expectations of both parties.

R4 Porterville College and others with interest and knowledge of history and sociology, along with Mexican culturist should be contacted for assistance with study of the Zalud family. This effort should have some initial focus on enhancing Spanish language tourism, and the recruitment of additional appropriate curators for the Zalud House.

R5 The City’s Administrative Group should lead by example in utilizing the new meeting and event space, accomplished by relocating the Isham/Spencer House and expanding the Zalud Garden, for such things as staff meetings, council study sessions, and commission/committee meetings, as well as recommending the venue to others.

R6 Further community outreach should be undertaken for partners and assistance with establishing technological improvements for displays, and the provision of special attractions, performances, and presentations.
APPENDIX TO ZALUD HOUSE MASTER PLAN, 2009 INTRODUCTORY REPORT
ISHAM/SPENCER HOUSE RELOCATION FEASIBILITY & COST

House Relocation Overview
At the request of the City of Porterville, Willdan Engineering has prepared this report to provide budget level estimates for the relocation of the Isham house at 301 North Hockett Street to a city owned lot at the corner of D and Morton. The house is expected to provide overflow rooms and light storage for the Zalud house next door and to provide one large garden/outdoor area for large functions. Ideally, the two houses will share a common yard area and the Zalud gardens would expand into the relocated Isham house’s lot. At the moment, joining the two houses, with either a common fence or upon a unified site void of obstructions, has significant obstacles that must be overcome.

Route Preparation
The proposed route is along Cleveland to Main Street, to Morton Street, to the proposed lot on D and Morton. This has the advantage of avoiding all overhead wires. This route will temporarily interfere with Fire Department operations, requiring the Fire Department to relocate their equipment across the street during the limited time the entrance is blocked. It also requires closure of more trafficked roads, which will require additional coordination and timing selection.

An alternate route would be to move the house up Hockett Street to Morton, and along Morton to the prepared lot. This route has one set of wires crossing the street. These wires tie directly to an underground main and feed a string of eight poles. (Instead of the pole in front of the library being the end of the strand, it’s actually the beginning.) The cables are bare copper which have a risk of snapping if removed, and do not have slack in the cable for the house to slide underneath. If this option is selected, SCE can calculate the effect of installing a switch, providing alternate power to the remainder of the strand, and minimize the disruption to other customers. This would take extensive manpower, including troublemen, grid operators, CCMs to write the switching procedure, and require distribution construction for the alternate circuit. SCE estimates the cost to temporarily remove the power lines at five to ten thousand dollars.

The relocation fees for the options above do not include tree trimming or other obstruction removal costs.

House Relocation
From our observation, the existing house construction generally appears to be of sufficient strength for a move. No testing was conducted. The house moving company will perform a more extensive evaluation and identify problems once they are awarded the project.

As a consequence of the move, the pony walls supporting the ground floor will probably be removed due to their lack of lateral capacity. The pony walls can be rebuilt with modern materials, if they are essential to the appearance of the structure, or the house can be placed on concrete stem walls and new pressure treated sole plates. If retaining the relative height above the ground is desired, the difference can be made up in the concrete stem wall.
Other elements may also be addressed at that time. Several elements (such as the front porch, particularly its hand rails) have suffered damage or rot that should be replaced. Some retrofit work (such as the exterior second story stairs over the back of the house) is in poor condition and detracts from the character of the original house. These components can be demolished before the house is moved from the existing site.

**Site Work**
The new site, at Morton and D, is largely bare with a handful of trees and a few bushes. At the street corner are traffic light poles and cabinets along the sidewalk. Any new fence line will have to take the cabinets and poles into account.

The preferred site plan involves significant site work. The preferred site joins the relocated Isham House and the Zalud House Museum and joins the two houses with a common fence, or upon a unified site. This would result in the closure of the existing alley and requires construction of a new alley terminating on D Street. Parking would be constructed to either side of the new alley.

Closing the existing alley segment between the sites means that the power pole alongside the alley edge would be in the center of the unified site, between the houses. Undergrounding the power enables removal of the power pole, currently serving only the Zalud house. Power and other services could continue to be routed along the former alley, underground, in a dedicated easement. The existing alley pavement may be retained in substantial portions and incorporated into a new landscape for complimentary event uses.

**Alternate Site Layout**
In the alternate condition, parking is provided via a driveway with an outlet on D Street. Driveways require a 35 foot setback from the intersection. This layout retains the alley which would not be utilized by the newly improved site. This layout in essence would provide for a second small garden area, but would not enhance or expand the current Zalud Garden.

**Other Site Considerations**
The site is zoned P-O, professional offices. In this zone, lots are limited to 60 percent lot coverage and require one parking space per 200 square feet. The front setback is 10 feet, side setbacks are 5 feet, except that they are 12 feet along streets. The rear setback is 10 feet. The sketched layouts meet all of these requirements.

**Budget Level Price Estimates**
<table>
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<tr>
<th>Task</th>
<th>Cost</th>
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<tr>
<td>Prepare and move the house</td>
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<td>Remove/reroute power lines across Hockett</td>
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<td>Construct new perimeter stem walls and foundations</td>
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<td>Extend plumbing to new house</td>
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<td>Erosion Control and Dust Control</td>
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### Preferred Site Options
- Remove existing alley segment: $3,000
- Grading: $5,000
- AC Paving: $13,000
- Curb and sidewalk replacement at D street and new alley: $1,000
- Curb and gutter around new parking: $6,000
- Vee gutter at new alley/parking: $3,250
- Sidewalk: $5,500
- 250' of wood fence: $5,000
- Remove pole and underground power to both houses: $500 to $1,000

### Alternate Site Options
- Grading: $5,000
- Curb and sidewalk replacement at D street and new alley: $1,000
- Concrete driveway (including parking): $23,700
- Sidewalk: $6,500
- 325' of wood fence: $6,500
- Power to new property from existing pole: No fee

Total for Preferred Site (includes 25% contingency): $124,700
Total for Alternate Site (includes 25% contingency): $123,400

Preliminary design, CEQA, and planning process: $5,000
Design, project manuals, and project management: $10,000

**TOTAL BUDGET LEVEL ESTIMATE** $140,000
COUNCIL AGENDA: SEPTEMBER 15, 2009

SUBJECT: STATUS OF ENERGY CONSERVATION PERFORMANCE CONTRACT PREPARATIONS WITH JOHNSON CONTROLS, INC.

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Under previous direction from the City Council, City staff has negotiated a contract and the scope of work with Johnson Controls, Inc. (JCI) for the accomplishment of energy conservation programs at various city facilities. The scope of work is intended to provide for JCI to undertake the City's $496,000 EECBG project for lighting retrofit and plumbing/irrigation conservation equipment at city facilities, including all documentation and reporting required by the federal grant program. The energy reductions generated from this project will result in ongoing cost savings that in turn will be utilized to repay a loan from the Building Construction Fund for the replacement and reconfiguration of the heating, ventilation, and air conditioning systems (HVAC) for City Hall and the Police Department. The full project cost is $1,589,930 and is anticipated to be fully accomplished within seven months from its commencement.

At present there remain contract issues that need to be resolved. These issues primarily relate to legal liabilities during performance of the work. Staff will continue efforts to resolve the remaining contract language concerns in order to advance the matter to the City Council for consideration at an early date.

RECOMMENDATION: That the City Council receive the status report on the efforts to prepare an Energy Conservation Performance Contract with Johnson Controls, Inc.

ATTACHMENTS: none

[Signatures]

ITEM NO.: 16
COUNCIL AGENDA: September 15, 2009

SUBJECT: COUNCIL MEMBER REQUESTED ITEM -- RECAP OF PREVIOUS THREE YEARS OF SAFE AND SANE FIREWORKS LOTTERY

SOURCE: FIRE DEPARTMENT

COMMENT: At the request of a Council Member the following is a recap of the previous three years of the Safe and Sane Fireworks Lottery drawing and which organizations have received multiple permits.

In 2007, 30 nonprofit applicants applied for the lottery drawing with 10 booths being awarded. In 2008, 35 applicants applied with 12 booths being awarded. In 2009, 28 applicants applied with 13 booths being awarded. The number of booths being awarded increased through the years because of increase in population. Of those 93 nonprofit organizations over the past three years, six organizations have been drawn twice and one organization has been drawn three times. Several organizations have applied each year. Below is a list of those organizations and years of multiple awards:

1. Porterville Church of God 2007, 2009
2. St Anne’s School 2007, 2008

RECOMMENDATIONS: NONE

Director Appropriated/Funded City Manager ITEM NO.: 17
PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

SUBJECT: ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: In 1988, the Porterville Public Improvement Corporation was formed, designating the City Council members as Directors. An annual meeting is required to be held each year.

Action by the Board of Directors is required to approve the election of new officers in accordance with Article III, Section 2 of the Bylaws of the Corporation. Article III, Section 1 of the Bylaws provides that the Mayor shall act ex officio as President, the Vice Mayor shall act ex officio as Vice President, the City Clerk shall act ex officio as Secretary, the Deputy City Manager shall act ex officio as the Treasurer, and the City Attorney shall act ex officio as Legal Counsel to the corporation.

In addition to the election of officers, a report on the progress of the Certificates of Participation (COP) projects is to be submitted to the Board of Directors at the time of the annual meeting. In accordance with Corporation Bylaws and Resolution No. 89-2, a public meeting (not a public hearing) is required prior to approving the annual report. A status report for COP projects is provided as an attachment to this agenda item.

RECOMMENDATION: That the City Council, sitting as the Porterville Public Improvement Corporation;

1. Approve the election of officers as indicated in the attached draft resolution;
2. Accept public comment; and
3. Approve the 2009 Status Report for Certificates of Participation Projects.

ATTACHMENTS:
1. Draft Resolution for Election of Officers
2. 2009 Status Report for Certificates of Participation Projects

ITEM NO. PIC - 1
RESOLUTION NO. PIC _____

A RESOLUTION OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION ELECTING OFFICERS FOR THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

BE IT HEREBY RESOLVED by the Directors of the Porterville Public Improvement Corporation, that the following persons are elected to the offices set forth opposite their names below, as officers of the Corporation, to serve until succession, or election and qualification of the successors, as provided in Article III, Section 2 of the Bylaws of the Corporation.

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pete V. McCracken</td>
<td>President</td>
</tr>
<tr>
<td>Brian Ward</td>
<td>Vice President</td>
</tr>
<tr>
<td>John Lollis</td>
<td>Secretary</td>
</tr>
<tr>
<td>Bradley D. Dunlap</td>
<td>Treasurer</td>
</tr>
<tr>
<td>Julia Lew</td>
<td>Legal Counsel</td>
</tr>
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</table>

__________________________________________
Pete V. McCracken, President

ATTEST:

__________________________________________
John Lollis, Secretary

ATTACHMENT NO. 1
CITY OF PORTERVILLE
Certificates of Participation
Status Report

As of September 1, 2009

1998 ISSUE:

On May 5, 1998, City Council authorized the issuance of Certificates of Participation to finance major components of the City Circulation Element. The Certificates were issued on July 16, 1998, for $20,000,000 with an average interest rate of 4.94%.

Total Certificates of Participation Issue: $20,000,000

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<th>Percentage of Const. Complete</th>
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<tr>
<td>Jaye - Tule River Widening</td>
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<td>Main - Yates to Gibbons</td>
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ATTACHMENT NO. 2