Call to Order
Roll Call

**ORAL COMMUNICATIONS**
This is the opportunity to address the City Council on any matter scheduled for Closed Session. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

**CLOSED SESSION:**
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.
   4- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.
   5- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.
   6- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

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

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

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation

**PROCLAMATIONS**
James Richey - Eagle Scout

**PRESENTATIONS**
Employee of the Month – Gregg Kroutil
Retirement of K-9 “Zeus”
Launch of New City Website

**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.


2. Claim – Linda Eastep
   Re: Consideration of a claim in an amount of $2,000 for personal injuries that the claimant alleges were sustained when she was involved in a traffic accident at the intersection of Morton Avenue and Newcomb Street on October 20, 2009

3. Authorization to Advertise for Bids – Morton Avenue and Mathew Street Water Truck Line Project
   Re: Approval of staff’s recommended Plans and Project Manual for the project consisting of the installation of a 12” water main and related appurtenances along Morton Avenue between Westwood Street and Newcomb Street, and along Mathew Street between Olive Avenue and Morton Avenue.

4. Award of Contract – Municipal Pool Complex Water Slide Project
   Re: Awarding contract in an amount of $187,002.20 to Webb & Son of Porterville for the project consisting of the installation of a 140-foot length flume water slide, related mechanical equipment and electrical.

5. Award of Contract – Porterville Fairgrounds Off-Site Improvement Project
   Re: Awarding contract in an amount of $199,384.10 to Mitch Brown Construction of Porterville for the project consisting of the construction of offsite improvements consistent with the ultimate width of Tea Pot Dome Avenue and the layout of the future fairgrounds, including the extension of a sewer main from the manhole east of West Street Industrial Park to the fire lane on the east property line of the 15-acre fairgrounds site.

6. Award of Contract – WWTF Bar Screen Replacement and Auger Conveyor Project
   Re: Awarding contract in an amount of $357,700 to American, Inc. of Visalia for the project consisting of the removal and replacement of an antiquated bar screen conveyor with two smaller and more efficient bar screens, and the installation of a new conveyor belt.

7. Status of 2012-2014 Congestion Mitigation & Air Quality (CMAQ) Grant Application
   Re: Informational report regarding the approval of projects for CMAQ grant funding.

   Re: Approval of Master Agreement and Program Supplement for the awarded Safe Routes to School project that consists of the installation of four solar powered radar speed signs to calm traffic in various locations near city schools.
9. **Intent to Vacate a Portion of H Street and Kessing Street Between Oak Avenue and the Porterville Slough (Sierra View Local Health Care District)**
   Re: Approval of a resolution of intent to vacate a portion of H Street and Kessing Street between Oak Avenue and the Porterville Slough, and scheduling a public hearing for February 16, 2010.

    Re: Authorizing staff to make payment in the amount of $6,812.00 to Stanley M. Noble, Successor Trustee of the Edward B. and Elizabeth F. Cornell Revocable Trust Date April 6, 1989, after completion of escrow for 1,280 square feet of right-of-way needed for the Jaye/Gibbons Street Improvement Project.

11. **Acceptance of Appraised Value of Right of Way for Property Located at APN 269-130-004 – Helen Chapman – Jaye/Gibbons Street Improvement Project**
    Re: Authorizing staff to make payment in the amount of $25,635.00 to Helen Chapman, after completion of escrow for 900 square feet of right-of-way needed for the Jaye/Gibbons Street Improvement Project.

12. **Acceptance of Final Subdivision Map – Moorea Manor (Gary Smee)**
    Re: Acceptance of final map of Moorea Manor Subdivision submitted by Smee Builders, Inc., and authorizing the City Clerk to file said map with the County Recorder.

13. **Sanitary Sewer Management Plan Work Plan**
    Re: Approval of a professional services contract with Quad Knopf for an amount not to exceed $4,200 for the completion of the remaining elements of the City’s Sanity Sewer Management Plan.

14. **Status Report – Developer Impact Fees**

15. **Ratification of City Council Direction Regarding Library Planning Processes**
    Re: Ratification of the acceptance of the Library Facilities and Space Needs Assessment and the authorization for continuance of library planning efforts in the areas of site and funding evaluations.

16. **Proposed Agreement with City of Lindsay for Provision of Animal Shelter Services**
    Re: Approval of the proposed agreement between the City of Porterville and the City of Lindsay which would provide for the sheltering of animals.

17. **Retirement of Police Service Dog “Zeus”**
    Re: Approval of the sale of police service dog “Zeus” to Josh Maniss for one dollar.

18. **Request to Ratify FAA Airport Capital Improvement Program for Period 2009/10 to 2015/16**
    Re: Approval of the Airport Capital Improvement Program.
19. **Approve a Modification in Grant Applications for FAA 2010 Project**  
Re: Authorizing the submission of a modified FAA “A” Grant in the amount of $100,281 in January, 2010, and a subsequent “B” grant in May, 2010, for the full-cost of the Runway Rehabilitation or the remainder of engineering cost.

20. **Approval of Agreement for Design Services – Rehabilitation of Runway 12-30, Porterville Municipal Airport**  
Re: Approving the Authorization of Services #2 between the City and Tartaglia Engineering for the design of the Airport Runway 12-30 Rehabilitation Project for a total cost of $132,670.00.

21. **June 8, 2010 City of Porterville General Municipal Election: Call for Election; Requesting and Consenting to Consolidation of Elections; and Setting Specified Services**  
Re: Setting election precepts including decisions regarding candidate statements and the use of Tulare County services for election, and authorizing payment to the Tulare County Registrar of Voters upon the completion of the requested services.

22. **Approval for Community Civic Event – Porterville Breakfast Rotary Cancer Run, May 1, 2010**  
Re: Approving a 5K Cancer Run to begin at Tulsa Street and Putnam Avenue on Saturday, May 1, 2010, from 6:00 a.m. to 11:00 a.m.

23. **Consider ‘Wall of Fame’ Honor Designations**  
Re: Considering nominations and designating new ‘Wall of Fame’ honoree(s).

24. **Approval of Council Member’s Travel to Washington D.C.**  
Re: Approving the proposed out-of-state travel for Council Member Felipe Martinez on February 22-26, 2010.

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

**PUBLIC HEARINGS**

25. **Public Transit Proposed Fare Increases and Route Modifications**  
Re: Considering approval of proposed public transit fare increases for Fixed Route and Demand-Response, and route modifications for Fixed Route.

26. **Conditional Use Permit 3-2009 – Porterville Smog and Tune**  
Re: Considering approval of the resolution approving Conditional Use Permit 3-2009, to allow for an automobile smog and tune facility to be located at the northwest corner of Plano Street and Eastridge Circle.

**SECOND READINGS**

27. **Ordinance 1759, Pertaining to Car Washes in the Central Commercial (C-2) Zone**  
Re: Second reading of Ordinance 1759, which was given first reading on December 15, 2009.
SCHEDULED MATTERS

28. **Status Report on the City of Porterville Housing Element Update**
   Re: Considering approval to develop a program to rezone and annex land to accommodate at least 1100 units of high density residential land for the immediate planning period, and authorizing a second phase for the subsequent planning period.

29. **Strategy for the Review of the New Development Code**
   Re: Consideration of methods of presenting the new Development Code to the City Council.

30. **Consideration of Setting a Public Hearing to Consider Modification or Revocation of Conditional Use Permit 4-2007 (Brickhouse Bar & Grill)**
   Re: Considering setting a public hearing to modify or revoke the existing Conditional Use Permit to address the ongoing nuisance concerns.

31. **Library and Community Room Space Considerations**
   Re: Considering approval to incorporate the re-allocation of library and community room space within the Library Power and Bandwidth Improvement Project.

32. **Provide Direction for Use of the Municipal Ballpark Mitigation Funds**
   Re: Consideration of locations and types of sports facilities to be given priority consideration for use of the Municipal Ballpark Mitigation funds.

33. **Consideration of Sample Survey in the Potential Formation of a Mosquito Abatement District in Southeastern Tulare County**
   Re: Consideration of the draft sample Southeastern Tulare County survey concerning the formation of a mosquito abatement district in Southeastern Tulare County.

34. **Council Member Requested Agenda Item – Approval to Schedule Travel to New York City to Attend the Harlem Children’s Zone Practitioners Institute**
   Re: Consideration of a request to authorize travel to New York City to participate in the Harlem Children’s Zone (HCZ) Practitioners Institute, and authorizing the formation of a community delegation to attend the same.

Adjourn to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
January 19, 2010

Roll Call: Agency Members

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS
PUBLIC HEARINGS
PRA-01 Request to Continue the Public Hearing for the 2010-2014 Implementation Plan for the Porterville Redevelopment Project No. 1
Re: Consideration of a request to continue a public hearing for the 2010-2014 Implementation Plan to allow additional time for staff and the Agency’s consultant to complete the Implementation Plan.

SCHEDULED MATTERS
PRA-02 Authorization to Advertise for Bids – Stout Building Sprayed Polyurethane Roofing Project
Re: Approval of staff’s recommended Plans and Project Manual for the project consisting of the installation of a sprayed polyurethane foam roofing system and related appurtenances at the Redevelopment Agency-owned Stout Building located at the northwest corner of Cleveland Avenue and Hockett Street.

Adjourn to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS

OTHER MATTERS

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

ADJOURNMENT - to the meeting of January 23, 2010 at 9:00 a.m. at the Municipal Library, Community Room, 2nd Floor.

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

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City’s website at www.ci.porterville.ca.us.
Call to Order at 6:00 p.m.
Roll Call: Vice Mayor McCracken, Council Member Pedro Martinez (arrived late), Council Member Felipe Martinez, Council Member Ward, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   4- Government Code Section 54957 – Public Employee Performance Evaluation – Title: Golf Course Manager
   5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case
   6- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
   Attorney Julia Lew reported that pertaining to Item A-5, the Council unanimously approved commencement of litigation in the matter of the farm lease/purchase agreement.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council authorize the initiation of litigation in the matter of the farm lease/purchase agreement, if necessary. The motion carried unanimously.

Disposition: Approved

Pledge of Allegiance Led by Vice Mayor Pete V. McCracken
Invocation – a moment of silence was observed.
PROCLAMATIONS
Michael Allen Taylor – Eagle Scout (continued)

PRESENTATIONS
United Way – Ernie Hernandez

ORAL COMMUNICATIONS
- Adam (last name not provided), 353 E. Harrison Avenue, voiced concern with the Council previous support of Proposition 8, and requested its rescission.
- Jamie Garza, spoke against the Council’s support of Proposition 8.
- Nicole (last name inaudible), spoke against the Council’s support of Proposition 8 and requested that the Council reverse its decision.
- Anne Marie Wagstaff, spoke against Proposition 8 and the Council’s support thereof.
- Jessica Mahoney, a Terra Bella resident, spoke in favor of a mosquito abatement district, and voiced concern with the Council support of Proposition 8.
- Greg Shelton, 888 North Williford Drive, requested that he have an opportunity to speak on Item 16 when the matter was before the Council.
- Dick Eckhoff, business address of 197 North Main Street, requested that he be afforded an opportunity to speak when the Council discussed Item 14; and spoke in favor of the Council’s approval of Item 17.
- Bob Keenan, President of the Home Builders Association of Tulare/Kings Counties, requested that Item 7 be pulled from the Consent Calendar.
- Lisa Strong, spoke against the Council’s support of Proposition 8.

CONSENT CALENDAR
Items 3 and 7 were removed for further discussion.

1. CITY COUNCIL MINUTES OF MAY 12, 2009
Recommendation: City Council approved the Minutes of May 12, 2009
Documentation: M.O. 01-061609
Disposition: Approved

2. CLAIM – CASEY BORJA
Recommendation: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
Documentation: M.O. 02-061609
Disposition: Approved

4. JOINT FUNDING AGREEMENT WITH TULARE COUNTY FOR THUNDERBOLT PROBATION OFFICER
Recommendation: That the City Council:
1. Extend the current Agreement for joint funding of the Thunderbolt Probation Officer for the period of July 1, 2009 to June 30, 2010 in the amount of $36,196.50; and
2. Authorize the Mayor to execute the Agreement on behalf of the City of Porterville.

Documentation: M.O. 03-061609
Disposition: Approved

5. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – PURCHASE OF SIX CNG VEHICLES

Recommendation: That the City Council:
1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct staff to return the signed program supplement to CalTrans.

Documentation: Resolution 57-2009
Disposition: Approved

6. SIERRA MANAGEMENT TRANSIT CENTER LEASE

Recommendation: That the City Council:
1. Approve the Lease with Sierra Management; and
2. Authorize the Mayor and the City Clerk to execute the Lease, which would go into effect on July 1, 2009.

Documentation: M.O. 04-061609
Disposition: Approved

8. ACCEPTANCE OF CALIFORNIA INFRASTRUCTURE & ECONOMIC DEVELOPMENT BANK (CIEDB) WATER LOAN

Recommendation: That the City Council:
1. Accept the CIEDB 30-Year loan in the amount of $6,757,500 at an interest of 3.84%;
2. Authorize the Mayor to execute the CIEDB furnished Resolution of Loan Acceptance;
3. Appoint and approve the position of City Manager as the City representative authorized to sign all loan documents except where a specific title or position such as Legal Counsel, Finance Director or Public Works Director is required;
4. Authorize the appropriate staff or Counsel to sign the necessary loan documents to effect the loan; and
5. Direct the Public Works Director to provide a detailed economic analysis that supports or refutes the need for a meter fee increase prior to the adoption of each subsequent budget.

Documentation: Resolution 49-2009; M.O. 05-061609
Disposition: Approved

9. ENGINEER’S REPORT AND SETTING OF A PUBLIC HEARING FOR ANNEXATION NO. 1 TO LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT 32 AND TAX ASSESSMENTS FOR PARCELS WITHIN: SUNRISE VILLA PHASE TWO AND PHASE THREE SUBDIVISIONS

Recommendation: That the City Council adopt:
1. A Resolution Ordering the Proceedings for Annexation No.1 to Landscape the Lighting Maintenance District No. 32, and ordering the preparation of the Engineer’s Report;
2. A Resolution Giving Preliminary Approval to the Engineer’s Report; and

Documentation: Resolution Nos. 50-2009; 51-2009; and 52-2009
Disposition: Approved

10. AMERICAN RECOVERY AND REINVESTMENT ACT ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT MONIES AND CAPITAL PROJECT PROPOSAL FOR INFRASTRUCTURE AND OPERATIONAL ENHANCEMENT OF CITY FACILITIES

Recommendation: That the City Council authorize staff to submit an application and project description to the U.S. Department of Energy, proposing to use available funds to perform City facility energy efficiency retrofits.

Documentation: M.O. 06-061609
Disposition: Approved

11. APPROVAL FOR COMMUNITY CIVIC EVENT – WAL MART DISTRIBUTION CENTER/VALLEY CHILDREN’S HOSPITAL – VALLEY CHILDREN’S CAR SHOW – AUGUST 8, 2009

Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Wal Mart Distribution Center, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

Documentation: M.O. 07-061609
Disposition: Approved
12. APPROVAL OF COMMUNITY CIVIC EVENT – WORD OF VICTORY CHURCH – COMMUNITY OUTREACH – JULY 18, 2009

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

Documentation: M.O. 08-061609
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve Item Nos. 1, 2, 4 through 6, and 8 through 12. The motion carried unanimously.

3. PURCHASE OF (10) HANDHELD POLICE RADIOS FOR AUTO-THEFT INVESTIGATORS

Recommendation: That the City Council approve the expenditure of $13,323.40 in funds from the Porterville Police Department’s portion of the DMV Auto Theft Prevention Fund.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Felipe Martinez that the City Council approve the expenditure of $13,323.40 in funds from the Porterville Police Department’s portion of the DMV Auto Theft Prevention Fund. The motion carried unanimously.

Disposition: Approved

7. ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

Recommendation: Consistent with agreements and previous instructions, the report was provided for information purposes. It is recommended that the City Council use the information to inform citizens that may inquire about fee adjustments.

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

- Bob Kennan, Homebuilders Association, requested that the item be pulled from Consent Calendar and a public hearing be scheduled for the next meeting as required by the Fee Mitigation Act.
City Attorney Lew advised the Council of her disagreement with Mr. Keenan’s position that additional Council action was needed prior to the adoption of the fees.

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the City Council approve the annual adjustment of fees by application of the ENR Cost Index.

**AYES:** McCracken, P. Martinez, F. Martinez

**NOES:** Ward, Hamilton

**ABSENT:** None

**ABSTAIN:** None

Disposition: Approved

At 7:50 p.m. the Council took a ten minute recess.

**PUBLIC HEARINGS**

13. REQUEST TO ADOPT BUDGET FOR FISCAL YEAR 2009-2010

Recommendation: That the Council adopt the proposed 2009-2010 Fiscal Year Budget, as modified.

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

Mayor Hamilton expressed concern with the budget deficit and the lack of options presented to the Council for consideration.

The public hearing opened at 8:13 p.m.

- Greg Shelton, 888 N. Wiliford Drive, voiced concern with the proposed budget deficit.
- Dick Eckhoff, address on record, voiced support for proposed reserves policy; and thanked the City Council and staff for their hard work.

The public hearing closed at 8:17 p.m.

Public Works Director Baldo Rodriguez spoke to the Capital Projects and street programs for the coming year.

Council Member Ward inquired about various projects and the money appropriated to them. He then made a motion to un-appropriate $220,000 (less funds already spent) for the library facility planning endeavor. The motion died for lack of a second.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED Vice Mayor McCracken that the City Council approve the un-appropriation of $80,000
to the Heritage Center Ballfields, and $40,000 to the Murry and Zalud Misters.

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

Council Member Pedro Martinez spoke briefly about the Zalud House Master Plan and the need to increase downtown activities. He then suggested that misters be installed on one arbor as a test run.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve moving forward with mister installation on a single pavilion as a test run, and keep the amount appropriated at $40,000.

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

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor McCracken that the City Council approve the appropriation of and additional $5,000 to Parks and Leisure Services for the purpose of taking over Music on Main Street.

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

The Council directed staff to bring back an item regarding the Zalud House Master Plan for Council’s consideration at the October 1, 2009 meeting; and to schedule a quarterly review of the budget.

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Vice Resolution 53-2009 Mayor McCracken that the City Council adopt the proposed 2009-2010 Resolution 54-2009 Fiscal Year Budget, as modified.

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

Disposition: Approved
SCHEDULED MATTERS

14. ANNUAL REVIEW OF CITY OF PORTERVILLE/CHAMBER OF COMMERCE AGREEMENT

Recommendation: That the City Council accept the Chamber of Commerce Activity Report and Financial Statements, and authorize payment consistent with the City Budget.

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

- Augie Gonzalez, Chair of the Porterville Chamber of Directors spoke briefly and recognized volunteers who partnered with the Chamber of Commerce.
- Donnette Silva Carter, President of the Chamber of Commerce, gave a presentation which highlighted Chamber activity in Fiscal Year 2008-2009.
- Dick Eckhoff, address on record, spoke in favor of the Chamber of Commerce and their support of the community.

Council Member Pedro Martinez inquired about the development of a Community Calendar, and a discussion ensued with regard to previous attempts that had been unsuccessful.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council accept the Chamber of Commerce Activity Report and Financial Statements, and authorize payment consistent with the City Budget. The motion carried unanimously.

Disposition: Approved

The Council recessed for ten minutes.

15. D-OVERLAY 1-2009 (PORTER STREET CAR WASH)

Recommendation: That the City Council adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site Review 1-2009.

City Manager Lollis introduced the item, and Associate Planner Jose Ortiz presented the staff report. During the staff report Mr. Ortiz addressed concerns regarding the use of stucco and the storage of vehicles. He informed the Council that Condition No. 33 of the draft resolution referenced Exhibits Nos. 4 and 5, and should read only Exhibit No. 4, which was Attachment No. 4 of the staff report. In addition to the adoption of the draft resolution, staff also recommended that the Council authorize the Mayor to sign the Reciprocal Use Agreement.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site.
Review 1-2009, as amended to reference Exhibit No. 4; and authorize the Mayor to sign the Reciprocal Use Agreement. The motion carried unanimously.

Disposition: Approved

16. AWARD OF CONTRACT – RECLAMATION AREA LEASE

Recommendation: That the City Council:
1. Accept Rick Perigo Roadsiding’s proposal of $130 per acre, and $90,212.20 for 693.94 acres as the top proposal;
2. Approve the lease agreement between the City of Porterville and Rick Perigo Roadsiding; and
3. Authorize the Mayor to sign a five (5) year lease agreement with Rick Perigo Roadsiding and stipulate that the lease agreement start date shall be June 17, 2009 and the lease agreement end date shall be June 16, 2014.

City Manager Lollis introduced the item, and Public Works Director Baldo Rodriguez presented the staff report. During the staff report Mr. Rodriguez indicated that the lease agreement could not take effect on the 17th of June as recommended by staff due to issues related to escrow and outright purchase of 169 acres out of 694 acres were under discussion with the current property owner. He added that until the City took possession of the 169 acres, the City was unable to sublease without written permission or concurrence from the current property owner.

The staff recommendation was revised as follows:

Recommendation: That the City Council:
1. Accept Rick Perigo Roadsiding’s proposal of $130 per acre, $90,212.20 for 693.94 acres as the top proposal;
2. Approve the lease agreement between the City of Porterville and Rick Perigo Roadsiding;
3. Authorize the Mayor to sign a five year lease agreement with Rick Perigo Roadsiding;
4. Authorize the Public Works Director to negotiate an Alternative Agreement with Rick Perigo Roadsiding with the understanding that the Lease Agreement between the City of Porterville and Rick Perigo Roadsiding becomes effective when issues related to the City’s purchase of and/or sublease of the 169 acres are resolved between the current property owner and the City of Porterville; and
5. Direct the Public Works Director to bring back at the earliest time possible the specifics of the Alternative Agreement for City Council review and approval.
Greg Shelton, address on record, spoke in favor of the lease agreement.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Felipe Martinez that the City Council accept Rick Perigo Roadsidiing’s proposal of $130 per acre, $90,212.20 for 693.94 acres as the top proposal; approve the lease agreement between the City of Porterville and Rick Perigo Roadsiding; authorize the Mayor to sign a five-year lease agreement with Rick Perigo Roadsiding; authorize the Public Works Director to negotiate an Alternative Agreement with Rick Perigo Roadsideings with the understanding that the Lease Agreement between the City of Porterville and Rick Perigo Roadsideing becomes effective when issues related to the City’s purchase of and/or sublease of the 169 acres are resolved between the current property owner and the City of Porterville; and direct the Pubic Works Director to bring back at the earliest time possible the specifics of the Alternative Agreement for City Council review and approval. The motion carried unanimously.

Disposition: Approved

17. CONSIDERATION OF FINANCIAL SUPPORT FOR “FIRST CALL” PROGRAM THROUGH THE UNITED WAY OF TULARE COUNTY

Recommendation: That the City Council consider whether to provide financial support for the “First Call” program administered by the United Way of Tulare County.

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

A discussion ensued with regard to requests for financial support from various organizations and the need for a process or policy to address such requests.

At the Council’s request, City Manager Lollis provided additional information regarding recent activities relative to the initiation of the “First Call” Program.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council postpone consideration of financial support indefinitely.

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

Disposition: Approved

18. NOMINATION OF VISALIA CITY MAYOR JESUS J. GAMBOA FOR APPOINTMENT TO THE SAN JOAQUIN VALLEY AIR POLLUTION
CONTROL DISTRICT

Recommendation: That the City Council:
1. Approve the draft resolution nominating City Visalia Mayor Jesus J. Gamboa for appointment to the San Joaquin Valley Air Pollution Control District; and
2. Direct the City Clerk to transmit a certified copy of said resolution to the District by June 30, 2009.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the draft resolution nominating City Visalia Mayor Jesus J. Gamboa for appointment to the San Joaquin Valley Air Pollution Control District; and direct the City Clerk to transmit a certified copy of said resolution to the District by June 30, 2009. The motion carried unanimously.

Disposition: Approved

The Council adjourned at 10:46 p.m. to a meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY MINUTES
June 16, 2009

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

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
PRA-1. REDEVELOPMENT AGENCY 2009-2010 BUDGET

Recommendation: That the Agency Board adopt the proposed 2009-2010 Redevelopment Agency budget.

Agency Secretary Lollis introduced the item.

At Vice Chair McCracken’s request, City Attorney Lew advised that he was permitted to sit and consider the item with regard to general budget adoption and discussion.
Community Development Director Brad Dunlap presented the staff report.

**AGENCY ACTION:** MOVED by Vice Chair McCracken, SECONDED by Member Ward that
PRA 2009-05 the Redevelopment Agency adopt the proposed 2009-2010 Redevelopment Agency budget. The motion carried unanimously.

Disposition: Approved

The Redevelopment Agency Meeting adjourned at 10:55 p.m. to a meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**
- Greg Shelton, address on record, suggested that the concerns of the Measure H Oversight Committee were not properly disclosed by staff during the budget review.
- Dick Eckhoff, address on record, advised the Council that the Oversight Committee was preparing its report to the Council and spoke of the committee’s intent for further review of the relevant documents.

**OTHER MATTERS**
- Council Member Ward lauded the efforts and success of the Airshow.
- Council Member Felipe Martinez thanked staff for their hard work with the Airshow, and spoke of the success of the event, as well as the Flag Day event.
- Council Member Pedro Martinez spoke of Mr. Lollis’ integrity and his frankness in speech, disagreeing with Mr. Shelton’s contention of lack of full disclosure.
- Vice Mayor McCracken inquired as to the status of the alarm ordinance, and requested a report at the next Council meeting.
- Mayor Hamilton lauded both the Airshow and Flag Day events, and confirmed with staff that gate revenue at the Airshow had increased from the prior year.
- City Manager Lollis advised of the Governor’s luncheon scheduled for Thursday; and thanked staff members Maria Bemis and Susan Duke for their efforts on the budget.

**CLOSED SESSION**
- City Attorney Lew reported that Closed Session Item A6 had been continued to the next meeting.

**ADJOURNMENT**
- The Council adjourned at 11:08 p.m. to the meeting of July 7, 2009.

Luisa Herrera, Deputy City Clerk

SEAL
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
DECEMBER 1, 2009, 6:00 P.M.

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:
   3- Government Code Section 54956.9(a) – Conference with Legal Counsel – Two Cases: Steve Schnars v. City of Porterville, Workers Compensation Appeals Board Case No. ANA 0410500 and ANA 0410552; and Steve Schnars v. City of Porterville, Tulare County Superior Court, Visalia Div., Case No. 09-233408.
   4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL 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 Pedro R. Martinez
Invocation – one individual participated.

PROCLAMATIONS
Porterville High School Varsity Football

PRESENTATIONS
Employee of the Month – David Behrens
Miss Porterville & Her Court

ORAL COMMUNICATIONS
- Daryl Caulk, 1482 W. Thurman, spoke about a drainage problem at his neighbor’s property and requested that the City advise him on how to get the issue resolved.
- Gale Lemmen, a Porterville resident, spoke in favor of a Kohl’s coming to Porterville.

**CONSENT CALENDAR**

Item 6 was removed for further discussion.

1. **CITY COUNCIL MINUTES OF OCTOBER 6, 2009, AND NOVEMBER 17, 2009**

Recommendation: That the City Council approve the Minutes of October 6, 2009 and November 17, 2009.

Documentation: M.O. 01-120109

Disposition: Approved

2. **AWARD OF CONTRACT – CNG FACILITY MAINTENANCE CONTRACTOR**

Recommendation: That the City Council:

1. Approve a $15,900 one-year contract with Exterran for CNG Facility Maintenance; and
2. Authorize the Mayor to sign the Service Agreement.

Documentation: M.O. 02-120109

Disposition: Approved

3. **AWARD OF CONTRACT – RECLAMATION ROAD 216 PIPELINE AND WEIR PROJECT**

Recommendation: That City Council:

1. Award the Reclamation Road 216 Pipeline and Weir to Sierra Construction and Excavation Inc. in the amount of $124,732.50;
2. Authorize progress payments up to 90% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs; and
4. Direct the Finance Director to appropriate $147,205.75 from Wastewater Treatment Facility Capital Reserve funds.

Documentation: M.O. 03-120109

Disposition: Approved

4. **ACCEPTANCE OF PROJECT – FAIRWAY TRACT EMERGENCY WATER PROJECT**

Recommendation: That City Council:

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

Documentation: M.O. 04-120109
5. ACCEPTANCE OF PROJECT – MICRO SURFACING PROJECT

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

Documentation: M.O. 05-120109
Disposition: Approved

7. REQUEST BY FEDERICO RAMOS FOR A MODIFICATION OF CONDITIONS TO INSTALL A SEPTIC TANK AT 917 S. WISCONSIN STREET

Recommendation: That the City Council:
1. Authorize Mr. Federico Ramos to install or have installed two modular homes at 917 S. Wisconsin Street;
2. Direct the Public Works Director to issue a “septic tank installation” waiver exclusively to Mr. Ramos for the purpose of placing two modular homes at 917 South Wisconsin Street;
3. Direct that Mr. Ramos, his heirs or subsequent owners of the property at 917 South Wisconsin Street, sign an agreement stating their intention to extend and connect to City sewer when said sewer is within 200’ of 917 South Wisconsin Street;
4. Direct that Mr. Ramos execute a binding “Restrictive Covenant” agreement prior to the issuance of a building permit; and
5. Authorize the Public Works Director to evaluate future requests for septic tank installations on a case by case basis and determine if circumstances are such that installation of a septic tank is fair, reasonable and cost effective.

Documentation: M.O. 06-120109
Disposition: Approved

8. AUTHORIZE A LETTER OF COMMITMENT FOR A STATE ENERGY PROGRAM RESIDENTIAL BUILDING RETROFIT REGIONAL GRANT PROPOSAL

Recommendation: Authorize the City Manager to provide a non-binding letter of commitment for the proposed grant application.

Documentation: M.O. 07-120109
Disposition: Approved

9. APPOINTMENT TO LIBRARY BOARD OF TRUSTEES
Recommendation: That the City Council appoint Mr. Carter to the three-year term that is currently vacant.

Documentation: M.O. 08-120109
Disposition: Approved

10. SCHEDULING OF ADJOURNED CITY COUNCIL MEETING FOR ANNUAL GOAL SETTING TO ESTABLISH 2010 PRIORITIES

Recommendation: That the City Council schedule an adjourned meeting for annual goal setting to establish priorities for Tuesday, December 8, 2009, beginning at 6:30 p.m.

Documentation: M.O. 09-120109
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the City Council approve Item Nos. 1 through 5, and 7 through 10, noting the abstention of Council Member Felipe Martinez on the Minutes of October 6, 2009, and the abstention of Council Member Pedro Martinez on the Minutes of November 17, 2009. The motion carried unanimously.

6. AUTHORIZATION OF A LOAN AGREEMENT WITH HENDERSON PROspect PARTNERS

Recommendation: That the City Council:
1. Approve the Loan Agreement with Prospect-Henderson Partners, L.P., subject to legal counsel approval as to form; and
2. Authorize the Mayor to sign all necessary documents.

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

Vice Mayor Brian Ward expressed concern with the City loaning tax-payer dollars to bring in a large retailer, and made a motion to reject the Loan Agreement with Prospect-Henderson Partners, L.P. He then requested that staff look into other ways the City could support all developers by reviewing fees and other obstacles which may hinder business development. The motion died for lack of a second.

At the request of Council Member Hamilton, the City Manager spoke of the benefits of approving the loan agreement, which include a higher interest rate earned on investment, sales tax revenues, attracting additional retailers, filling vacant sites, and job creation.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve the Loan Agreement.
Agreement with Prospect-Henderson Partners, L.P., subject to legal counsel approval as to form; and authorize the Mayor to sign all necessary documents.

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

Disposition: Approved

The Community Covenant Signing presentation took place at 7:35 p.m.

The Council took a fifteen minute recess at 7:43 p.m.

PUBLIC HEARINGS
11. GENERAL PLAN AMENDMENT 1-2009, ZONE CHANGE (PRE-ZONING) 1-2009 AND ANNEXATION 472

Recommendation: That the City Council:
1. Adopt the draft resolution approving a Negative Declaration for General Plan Amendment 1-2009 and Annexation 472;
2. Adopt the draft resolution approving General Plan Amendment 1-2009;
3. Approve the proposed Zone Change (pre-zoning) 1-2009 and give first reading to the draft ordinance;
4. Waive further reading of the draft ordinance approving Zone Change (pre-zoning) 1-2009; and
5. Adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

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

The hearing opened to the public at 8:00 p.m.

- Jim Winton, 150 W. Morton Avenue, spoke in favor of the amendment and made himself available for any questions.

The hearing closed to the public at 8:01 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Resolution 101-2009 Felipe Martinez that the City Council adopt the draft resolution approving Resolution 102-2009 a Negative Declaration for General Plan Amendment 1-2009 and Ordinance 1758 Annexation 472; adopt the draft resolution approving General Plan Resolution 103-2009 Amendment 1-2009; approve the proposed Zone Change (pre-zoning) 1-
2009 and give first reading to the draft ordinance being, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 1-2009 BEING A PRE-ZONING FROM COUNTY C-1 (NEIGHBORHOOD COMMERCIAL) TO CITY C-1 (NEIGHBORHOOD COMMERCIAL) FOR THAT 3.45± ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF STATE ROUTE 65 AND WESTFIELD AVENUE; waive further reading of the draft ordinance approving Zone Change (pre-zoning) 1-2009; and adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

12. LIGHTING MAINTENANCE DISTRICT PROPOSED CONSOLIDATION

Recommendation: That the City Council:

1. Open the public hearing to hear public comment on the proposed consolidation of Lighting Maintenance Districts and revised assessment;
2. Announce the last call for ballot submission, receive written ballots from affected property owners, and close the public hearing;
3. Authorize the City Clerk’s Office to commence tabulation of the ballots; and
4. Adopt the resolution approving the Engineer’s Report, diagram, and assessment method, pending ballot tabulation results of affirmative approval.

City Manager Lollis introduced the item, and Administrative Aide Vangie Ramirez presented the staff report.

The hearing opened to the public at 8:09 p.m. Seeing no one, the Mayor announced the last call for ballot submission and closed the hearing at 8:10 p.m.

The City Clerk left the Council Chambers for ballot tabulation, and the Council proceeded with the meeting. The tabulation results were read following Item No. 18.

13. PROPOSAL FOR AN AMENDMENT TO THE FREEHOLDERS CHARTER OF THE CITY OF PORTERVILLE CONCERNING LEASES OF CITY PROPERTY

Recommendation: That the City Council:

1. Hold the public hearing concerning the proposed Charter Amendment and consider public testimony; and
2. Consider approval of the Resolution Ordering Submission of a Proposition of an Amendment to the Freeholders Charter of Porterville Concerning Leases of City Property to the Qualified Voters of the City at a Special Election for that Purpose, Requesting Consolidation with a General Municipal Election Scheduled on June 8, 2010, and Authorizing the Filing of an Impartial Analysis and Written Arguments.

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

The public hearing was opened at 8:16 p.m. Seeing no one, the Mayor closed the public hearing at 9:17 p.m.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve the Resolution Ordering Submission of a Proposition of an Amendment to the Freeholders Charter of Porterville Concerning Leases of City Property to the Qualified Voters of the City at a Special Election for that Purpose, Requesting Consolidation with a General Municipal Election Scheduled on June 8, 2010, and authorizing the Filing of an Impartial Analysis and Written Arguments. The motion carried unanimously.

Disposition: Approved

City Manager Lollis informed the Council that Item No. 15 had been noticed as a public hearing, and requested that the item be conducted as such.

15. ENVIRONMENTAL REVIEW OF THE FAIRGROUND RELOCATION PROJECT

Recommendation: That the City Council adopt the draft resolution approving a Mitigated Negative Declaration for the Fairground Relocation Project.

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

The public hearing was opened at 8:21 p.m. Seeing no one, the Mayor closed the public hearing at 8:22 p.m.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor Ward that the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the Fairground Relocation Project. The motion carried unanimously.

Disposition: Approved
SCHEDULED MATTERS

14. QUARTERLY BUDGET REVIEW AND INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the interim financial status reports as presented and provide direction to staff as determined.

City Manager Lollis introduced the item, and Finance Director Maria Bemis presented the staff report.

The Council inquired about the City’s utility user’s tax, equipment replacement funds, and Measure H funds; and directed staff to prepare a budget action plan for the mid-year budget review, scheduled for the 2nd meeting in February of 2010.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor Ward accept the interim financial status reports as presented; and direct staff to prepare a budget action plan for the mid-year budget review, scheduled for the 2nd meeting in February 2010. The motion carried unanimously.

Disposition: Approved

16. EARLY LITERACY PROGRAM

Recommendation: That the City Council receive the recommendation of the Library Board of Trustees and approve the new early literacy program components to commence in January 2010.

City Manager Lollis introduced the item, and Parks and Leisure Serviced Director Jim Perrine presented the staff report.

Following the staff report, Vice Mayor Ward indicated that he wished to have a meeting with community leaders to discuss literacy programs prior to the item’s consideration.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Felipe Martinez that the City Council continue the item to the meeting of December 15, 2009.

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

Disposition: Approved

17. DISCLOSURE OF GROUNDWATER REPORT
Recommendation: That the City Council:

1. Accept Dr. Kenneth D. Schmidt’s report as written;
2. Authorize the Public Works Director and his designees to meet with the local irrigation companies to discuss the findings of the report; and
3. Authorize the Public Works Director to report back with a plan to obtain surface water on a yearly and long term basis to recharge the groundwater and a budget accounting to implement such a plan.

The City Manager introduced the item, and Deputy Public Works Director/City Engineer Mike Reed presented the staff report. During the staff report he informed the Council that Dr. Schmidt was in attendance and available for questions.

Council Member Felipe Martinez inquired about the retrofitting of the dam, and asked if it was considered in the study. Public Works Director Baldo Rodriguez responded that he did not believe the study considered what was going on behind the dam, and that the focus was to make preparations which would allow the City to purchase water when it became available.

Council Member Felipe Martinez asked if the report addressed the recharging of water if additional water was not available for purchase. The Public Works Director indicated that the report did not get into specifics regarding what could be done with existing reclaimed water or recharging of the pond or porter slough; but instead provided information regarding what was being used, the quantity, and the amount needing to be replenished.

City Manager Lollis stated that the report provided a framework for development of options on how to address the recharging of water based on the General Plan and projected population.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Hamilton that the City Council accept Dr. Kenneth D. Schmidt’s report as written, authorize the Public Works Director and his designees to meet with the local irrigation companies to discuss the findings of the report; and authorize the Public Works Director to report back with a plan to obtain surface water on a yearly and long term basis to recharge the groundwater and a budget accounting to implement such a plan. The motion carried unanimously.

Disposition: Approved

The Council recessed for five minutes.

18. CONSIDERATION OF CITY CHARTER AMENDMENT REGARDING THE SELECTION PROCESS FOR APPOINTMENTS TO CITY BOARDS, COMMISSIONS AND COMMITTEES
Recommendation: That the City Council consider defining a process for the appointment of members to City Boards, Commissions and Committees, as well as the means to codify such a process.

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

Council Member Pedro Martinez spoke about the most recent selection of appointments. He stated that the process was fair; that the Council should be able to determine the selection process; and recommended that the Council take no action.

Disposition: No action taken.

12. LIGHTING MAINTENANCE DISTRICT PROPOSED CONSOLIDATION

Recommendation: That the City Council:

1. Open the public hearing to hear public comment on the proposed consolidation of Lighting Maintenance Districts and revised assessment;
2. Announce the last call for ballot submission, receive written ballots from affected property owners, and close the public hearing;
3. Authorize the City Clerk’s Office to commence tabulation of the ballots; and
4. Adopt the resolution approving the Engineer’s Report, diagram, and assessment method, pending ballot tabulation results of affirmative approval.

The City Clerk returned to the Council Chambers and announced that the proposed consolidation of the lighting maintenance district was not approved by voters. She indicated that 201 ballots had been received; 87 of which were in favor of the consolidation, and 114 of which were opposed.

Disposition: No action required.

19. REVIEW SKATE PARK POLICIES

Recommendation: That the City Council provide any needed clarification or change in direction to staff on skate park vandalism issues.

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

Vice Mayor Ward requested that staff explore proactive, cost-effective measures of deterring vandalism.

A discussion ensued about the liability associated with the monitoring of the skate park by
City staff, and possible methods for addressing the acts of vandalism. Staff was directed to bring back approaches to address vandalism for Council consideration.

Disposition: Staff direction provided.

The Council adjourned at 9:32 p.m. to a meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY MINUTES

Roll Call: Agency Members Hamilton, Member Pedro Martinez, Member Felipe Martinez, Vice Chair Ward, and Chairman McCracken

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS
None

REDEVELOPMENT AGENCY PUBLIC HEARING

PRA-1. REQUEST TO CONTINUE THE PUBLIC HEARING FOR THE 2010-2014 IMPLEMENTATION PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1

Recommendation: That the Redevelopment Agency:
1. Open the Public Hearing for comments; and
2. Continue the Public Hearing to January 19, 2010

Chairman McCracken and Member Felipe Martinez recused themselves due to previously disclosed conflicts of interest and left the Council Chambers. City Attorney Lew indicated that Member Hamilton also had a conflict, but would remain to consider the item by rule of necessity.

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

The public hearing opened at 7:34 p.m.

AGENCY ACTION: MOVED by Member Hamilton, SECONDED by Vice Chair Ward that the Porterville Redevelopment Agency continue the public hearing to January 19, 2010.

The Porterville Redevelopment Agency adjourned at 9:35 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
- Council Member Felipe Martinez indicated that there was a TCAG meeting on Monday and provided an update regarding the widening of Avenue 184 to Highway 99.
- Council Member Pedro Martinez commended the Police Department for their holiday shopping
patrol efforts, and requested that staff look into purchasing a document projector to be utilized during Council meetings.

* Mayor McCracken advised that there was a Mosquito Abatement District Committee meeting on Monday, following the TCAG meeting and asked if Council Member Felipe Martinez would attend in his place.
* Council Member Hamilton spoke about the Christmas Parade on Thursday, December 3rd.

**ADJOURNMENT**

The meeting adjourned at 9:42 p.m. to the meeting of December 8, 2009 at 6:30 p.m.

____________________________
Luisa Herrera, Deputy City Clerk

SEAL

____________________________
Pete V. McCracken, Mayor
Called to Order at 6:30 p.m.
Roll Call: Council Member Hamilton, Council Member Pedro Martinez, Council Member Felipe Martinez, Vice Mayor Ward, Mayor McCracken

Pledge of Allegiance Led by Mayor Pete V. McCracken
Invocation – a moment of silence was observed.

**ORAL COMMUNICATIONS**
- David Gonzalez, 561 N. Cloverleaf, inquired whether the City Council would be discussing multiple use zones; and questioned whether the noise ordinance was enforceable per state requirements.

**SCHEDULED MATTERS**
1. **AUTHORIZING A LICENSE AND DEVELOPMENT AGREEMENT WITH THE PORTERVILLE JUNIOR LIVESTOCK FAIR**

Recommendation: That the City Council:
1. Approve the License and Development Agreement between the Porterville Junior Livestock Fair and the City of Porterville, subject to legal counsel approval as to form; and
2. Authorize the Mayor to sign all necessary documents to complete the transaction.

City Manager Lollis introduced the item, and Community Development Director Brad Dunlap presented the staff report. During the staff report he proposed the following amendments to the agreement:

1. **3.1 Allowed Uses** – Change, “Additionally, the Fair will make every effort to support the use of the fairgrounds at no cost to all community oriented and/or non-profit organizations” to, “Additionally, the Fair will make every effort to support the use of the fairgrounds by all community oriented and/or non-profit organizations”; and
2. **4.3 Development of Parcel 2** – Move language of 4.3.3 to 4.3.4, and add as new 4.3.3 language, “In conjunction with the development of Phase 1 by the Fair, the Fair may perform mutually agreed upon site improvements to Parcel 2. Site work is subject to reimbursement to the Fair upon future development of Parcel 2 by the City or within 4 years from the date of the completion of improvements, whichever occurs first”.

A discussion ensued regarding the proposed amendments and staff provided clarification regarding site improvement reimbursement.

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Council
M.O. 01-120809. Member Hamilton that the City Council approve the License and Development Agreement between the Porterville Junior Livestock Fair and the City of Porterville, as amended to include revised language to 3.1, 4.3.3, and the addition of 4.3.4, subject to legal counsel approval as to form; and authorize the Mayor to sign all necessary documents to complete the transaction.

Disposition: Approved

2. COUNCIL REVIEW OF 2009 PRIORITY PROJECTS, AND CONSIDERATION OF 2010 PRIORITY PROJECTS

Recommendation: That the City Council review the progress of its 2009 Priority Projects, and consider the adoption of 2010 Priority Projects.

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

Following an inquiry from Council Member Felipe Martinez, a discussion ensued with regard to the Noise Ordinance as it related to land use in the area of the Airport and Tea Pot Dome.

City Manager Lollis spoke from staff’s perspective, about a number of projects already in progress such as: potential resort development, potential economic development interests, the pursuit of an EDA grant, airport lighting and runway rehabilitation, and arterial street rehabilitation. He advised the Council of a decrease in road construction costs and the cost of money, which could increase capacity for projects. He then identified the following as projects which would see movement in the coming year: library facility infrastructure improvements, a community infrastructure needs assessment, Friends of the Library facility development, development of the fairgrounds, the relocation of the police range, the extension of the Heritage Trail, Martin and Rocky Hill reservoirs, Mathew Street and Morton Avenue Water Trunk Line project, Murry Park Pond dredging, OHV land buffer acquisition, and planning area boundary amendments.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council add Skate Park Lighting as a priority project for 2010.

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

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Pedro Martinez that the City Council continue the consideration of priority projects to the City Council meeting of December 15, 2009.

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

ADJOURNMENT
The Council adjourned at 7:33 p.m. to the meeting of December 15, 2009.

______________________________
Luisa Herrera, Deputy City Clerk

SEAL

______________________________
Pete V. McCracken, Mayor
Call to Order at 6:05 p.m.
Roll Call: Council Member Hamilton, Council Member Pedro Martinez, Council Member Felipe Martinez, Vice-Mayor Ward, Mayor McCracken

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

**JOINT CITY/PORTERVILLE REDEVELOPMENT AGENCY AGENDA**

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

**ORAL COMMUNICATIONS**

None

**REDEVELOPMENT AGENCY CLOSED SESSION**

A. Closed Session Pursuant to:

During Closed Session, the Redevelopment Agency adjourned to a meeting of the Porterville City Council.

**CITY COUNCIL CLOSED SESSION**

B. Closed Session Pursuant to:
   3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   4- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.

7:00 P.M. RECONVENE OPEN SESSION AND REPORT ON ANY COUNCIL AND/OR REDEVELOPMENT AGENCY ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that no action took place during Closed Session.

Pledge of Allegiance Led by Council Member Felipe A. Martinez
Invocation – one individual participated.

PROCLAMATIONS
Porterville High School Girls’ Tennis

PRESENTATIONS
Employee Service Awards

ORAL COMMUNICATIONS
• John Coffee, a Porterville resident, spoke of an article appearing recently in the Fresno Bee regarding water overdraft, and spoke of the need for the City to take a proactive approach with water conservation efforts. Mr. Coffee then provided the Council with a copy of said article.
• Joe Moreno, on behalf of the Library Board of Trustees, requested the Council’s approval of Item 19.
• Dick Eckhoff, Chairman of the Zalud House Revenue Committee, requested that he have the opportunity to speak during the Council’s consideration of Item 18.

CONSENT CALENDAR
1. CITY COUNCIL MINUTES OF NOVEMBER 24, 2009

Recommendation: That the City Council approve the City Council Minutes of November 24, 2009.

Documentation: M.O. 01-121509
Disposition: Approved.

2. BUDGET ADJUSTMENT – BEVERLY STREET WATER SYSTEM DESIGN

Recommendation: That the City Council:
1. Direct the Public Works Director to begin design of the Beverly Street Water Project immediately;
2. Direct the City Manager to prepare and implement a budget adjustment to the 2009/2010 Annual Budget in the amount of $28,000 to cover design and environmental costs for the Beverly Street Water System Project;
3. Authorize the Public Works Director to augment the existing “Revolving Survey” contract by $10,000; and
4. Authorize the Public Works Director to engage the services of James Winton and Associates or the services of Dee Jaspar & Associates for the purpose of obtaining topographic survey data along Beverly Street from W. North Grand Avenue to Castle Avenue.

Documentation: M.O. 02-121509
Disposition: Approved.

3. CLAIM – MICHAEL FEAGIN, III

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

Documentation: M.O. 03-121509
Disposition: Approved.

4. CLAIM – DORA E. RODRIGUEZ ON BEHALF OF VINCE CERVANTES

Recommendation: That the City Council, after consideration and investigation, accept said claim and authorize payment in the amount of $7,489.68.

Documentation: M.O. 04-121509
Disposition: Approved.

5. AUTHORIZATION TO ADVERTISE FOR BIDS – PORTERVILLE FAIRGROUNDS OFF-SITE IMPROVEMENTS PROJECT

Recommendation: That the City Council:
1. Authorize a budget adjustment by appropriating ($175,000) of Measure R Local Funds for the street frontage improvements;
2. Authorize a budget adjustment by appropriating ($200,000) of Sewer Revolving Funds for the sewer main extension to properties proposed for development;
3. Approve staff’s recommended plans and project manual; and
4. Authorize staff to advertise for bids for the Porterville Fairgrounds Offsite Improvements Project.

Documentation: M.O. 05-121509
Disposition: Approved.

6. RESOLUTION APPROVING AMENDMENT 2 TO THE MEASURE R EXPENDITURE PLAN

Recommendation: That the City Council:
1. Affirm by Resolution the five (5) amendments to the Measure R Expenditure Plan;
2. Authorize the Mayor to sign the resolution; and
3. Direct the City Clerk to transmit the executed resolution to the attention of Ted Smalley, Tulare County Transportation Authority.

Documentation: Resolution 106-2009
Disposition: Approved.

7. RESOLUTION OF SUPPORT – TULE RIVER PARKWAY FROM MAIN STREET TO PLANO STREET

Recommendation: That the City Council:
1. Approve and authorize the Mayor to execute the proposed Resolution of
2. Direct the Public Works Director to transmit the executed Resolution of Project Support to Caltrans District 6: Local Projects.

Documentation: Resolution 107-2009
Disposition: Approved.

8. PORTERVILLE ANIMAL SHELTER – COLORED EXTERIOR BUILDING ELEVATIONS

Recommendation: That the City Council:
1. Review the colorized exterior building elevations and provide input requiring the consultant’s attention; and
2. Approve the color renderings as presented.

Documentation: M.O. 06-121509
Disposition: Approved.

9. MUTUAL SETTLEMENT AND RELEASE – RICK PERIGO ROADSIDING

Recommendation: That the City Council approve the proposed Mutual Release and Compromise Agreement.

Documentation: M.O. 07-121509
Disposition: Approved.

10. AUTHORIZE PAYMENT FOR OHV FACILITY DOZER REPAIRS

Recommendation: That the City Council authorize payment in the amount of $9,100.04 for OHV Facility dozer repairs.

Documentation: M.O. 08-121509
Disposition: Approved.

11. THIS ITEM WAS REMOVED.

12. SCHEDULE A JOINT MEETING WITH THE LIBRARY BOARD FOR CONSIDERATION OF THE LIBRARY FACILITIES AND SPACE NEEDS ASSESSMENT

Recommendation: That the City Council schedule a joint meeting with the Library Board of Trustees for consideration of the Library Facilities and Space Needs Assessment on January 12, 2010 at 5:30 p.m. in the Community Room.

Documentation: M.O. 09-121509
Disposition: Approved.

13. INFORMATION ON CSET URBAN FORESTRY PROGRAM
Recommendation: That the City Council receive this informational report.

Documentation: M.O. 10-121509
Disposition: Report received.

14. REQUEST TO PURSUE GANG REDUCTION, INTERVENTION, AND PREVENTION (CALGRIP) PROGRAM FUNDING

Recommendation: That the City Council authorize Police Department staff to investigate and, if qualified, pursue the CalGRIP funding opportunity.

Documentation: M.O. 11-121509
Disposition: Approved.

15. ASSIGN AIRPORT LEASE – LOT 45

Recommendation: That the City Council approve the assigning of the Lease Agreement for Airport hangar Lot 45 between the City of Porterville and Mr. Michael Archer to Gillespie Ag Services.

Documentation: M.O. 12-121509
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the Council approve Items 1 through 15. The motion carried unanimously.

PUBLIC HEARINGS

16. ZONING ORDINANCE TEXT AMENDMENT TO AMEND SECTION 801.1 (A) OF THE PORTERVILLE ZONING ORDINANCE TO ALLOW CAR WASHES AS CONDITIONAL USES IN THE CENTRAL COMMERCIAL (C-2) ZONE

Recommendation: That the City Council:
1. Approve the proposed Ordinance Amendment and give first reading to the draft ordinance; and
2. Waive further reading; approve Ordinance Amendment 2009-01; and order the ordinance to print.

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

The public hearing opened at 7:32 p.m.

- John Hale, applicant and Bakersfield resident, spoke of the benefits to the City, and requested the Council’s approval of said item.
• Dick Eckhoff, business address at 197 North Main Street, spoke in favor, and of the need for the Council to carefully address such requests.

The public hearing closed at 7:35 p.m.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the Council approve the proposed ordinance and give first reading; waive further reading; and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE APPENDIX A – ZONING ORDINANCE SECTION 801.1(A) PERTAINING TO CAR WASHES IN THE CENTRAL COMMERCIAL (C-2) ZONE. The motion carried unanimously.

The City Manager read by title only.

Disposition: Approved.

SECOND READINGS
17. ORDINANCE 1758, ZONE CHANGE 1-2009

Recommendation: That the City Council give Second Reading to Ordinance 1758; waive further reading; and adopt said Ordinance.

City Manager Lollis presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hamilton that the Council give Second Reading to Ordinance 1758; waive further reading; and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 1-2009 BEING A PRE-ZONING FROM COUNTY C-1 (NEIGHBORHOOD COMMERCIAL) TO CITY C-1 (NEIGHBORHOOD COMMERCIAL) FOR THAT 3.45± ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF STATE ROUTE 65 AND WESTFIELD AVENUE. The motion carried unanimously.

The City Manager read by title only.

Disposition: Approved.

SCHEDULED MATTERS
18. ZALUD HOUSE FEES AND CHARGES

Recommendation: That the City Council consider the Zalud House related fees and charges; provide direction for any appropriate changes; and direct that a public hearing be noticed for January 19, 2010 for consideration of adoption of Zalud House related fees and charges.
City Manager John Lollis presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report.

A discussion ensued as to the current usage of the Zalud House facility and the past and present fee structure.

- Dick Eckhoff, President of the Zalud House Revenue Recommendation Committee spoke of the marketing efforts and of the need to increase revenue and interest.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hamilton that the Council direct staff to schedule a public hearing at the first meeting in February, 2010 to consider re-establishing the fee schedule for the Zalud House that was in effect prior to March 2006.

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

Disposition: Staff directed to schedule public hearing for February 2, 2010.

19. EARLY LITERACY PROGRAM

Recommendation: That the City Council receive the recommendation of the Library Board of Trustees and approves the new Early Literacy program components commencing in January 2010.

City Manager Lollis presented the item, and City Librarian Vikki Cervantes presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Felipe Martinez that the Council receive the recommendation of the Library Board of Trustees and approve the new Early Literacy program components commencing in January 2010. The motion carried unanimously.

Disposition: Approved.

20. COUNCIL MEMBER REQUESTED AGENDA ITEM – SUMMARY OF COMMUNITY PARTNER MEETING REGARDING EARLY LITERACY

Recommendation: That the City Council accept the informational report.

City Manager Lollis presented the item and the staff report.

Vice Mayor Ward elaborated on the community partner meeting in which he participated, and spoke of the benefits to the community in moving forward with the proposed concept. After a brief
discussion, the Council directed staff to continue working with Council Member Ward to move the program forward, and report back to the City Council in sixty days.

Disposition: Staff direction provided.

21. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF RESOLUTION OF SUPPORT FOR TULARE MOTORSPORTS COMPLEX

Recommendation: That the City Council consider the adoption of a resolution of support for the Tulare Motorsports Complex.

City Manager Lollis presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the Council adopt the draft resolution of support for the Resolution 108-2009 Tulare Motorsports Complex. The motion carried unanimously.

Disposition: Approved.

22. COUNCIL REVIEW OF 2009 PRIORITY PROJECTS, AND CONSIDERATION OF 2010 PRIORITY PROJECTS

Recommendation: That the City Council review the progress of its 2009 Priority Projects, and consider the adoption of 2010 Priority Projects.

City Manager Lollis presented the item and the staff report. A discussion ensued as to the methodology utilized in past priority project reviews and the effectiveness of same. It was proposed that the “dot” system again be utilized for identifying priority projects for Calendar Year 2010.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Pedro Martinez that the Council direct staff to schedule a study session on an M.O. 15-121509 available Saturday in January, 2010; and publicize the meeting for public input.

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

Disposition: Approved; direction given to staff.

The City Council adjourned at 8:34 p.m to a Meeting of the Porterville Redevelopment Agency.
Roll Call: Agency Member Hamilton, Agency Member Pedro Martinez, Agency Member Felipe Martinez, Vice Chairman Ward, Chairman McCracken

**ORAL COMMUNICATIONS**
None

**WRITTEN COMMUNICATIONS**
None

**SCHEDULED MATTERS**

PRA09-08 PRA-01 REQUEST FOR AN EXCEPTION TO THE REDEVELOPMENT AGENCY DEVELOPMENT AGREEMENT FOR THAT SITE LOCATED AT 298 N. MAIN STREET

Recommendation: That the Redevelopment Agency adopt the draft resolution granting the exception to the approved DDA as proposed.

City Manager John Lollis presented the item. The staff report was waived by Council.

**AGENCY ACTION:** MOVED by Agency Member Hamilton, SECONDED by Agency Member Felipe Martinez that the Redevelopment Agency adopt the proposed Resolution PRA09-08 resolution granting the exception to the approved DDA.

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

Disposition: Approved.

The Redevelopment Agency adjourned at 8:37 p.m. to a Meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**
- Dick Eckhoff, business address at 197 North Main Street, spoke of the Zalud House, posed questions for the Council to consider in its analysis of the marketing and use of the property; and cautioned of its sensitivity.
- John Coffee, advised the Council that he believed the Kearny Mansion in Fresno was owned by UC Davis.
- Kay Chandler, a young gentleman in the audience, greeted the Council at the encouragement of Council Member Felipe Martinez.

**OTHER MATTERS**
- Council Member Hamilton 1) thanked Parks & Leisure Services for the successful Senior Dinner; 2) thanked the Police Department for its Santa Claus event; and 3) reiterated his interest in nominating Mr. Roy Rockholt and Mr. Jim Maples for
Council Member Pedro Martinez lauded the Mariachi Winter Wonderland event held at the Buck Shaffer Auditorium that weekend, noting the quality of Mariachi performances.

Council Member Felipe Martinez 1) thanked the Police Department for its presence at the PHS Panther’s Division III Valley Championship game; 2) spoke of the benefits of the rainy weather the area has been experiencing; and 3) lauded the recent CMAQ award of approximately $2.9 million to the City of Porterville.

Vice Mayor Ward 1) concurred with all of the comments made by fellow Council Members; 2) wished everyone a Merry Christmas, 3) encouraged all to Shop Porterville First; and 4) congratulated Ms. Claudia Elliott on her appointment as the new Editor of the Porterville Recorder.

Mayor McCracken thanked the Police Department for its successful and well-attended Santa Claus event.

Council Member Hamilton thanked City Attorney Lew for the homemade holiday goodies.

City Manager Lollis advised the Council of the recent award of $2.9 million from CMAQ to the City of Porterville; spoke of the Employee Christmas Luncheon scheduled for Thursday, December 17th and invited the Council to attend; and advised of the upcoming Council of Cities Meeting schedule for Wednesday, December 16th.

**ADJOURNMENT**

The City Council adjourned at 8:48 p.m. to the meeting of January 12, 2009 at 5:30 p.m.

__________________________________________
Patrice Hildreth, Chief Deputy City Clerk

SEAL

__________________________________________
Pete V. McCracken, Mayor
SUBJECT: CLAIM – LINDA EASTEP

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Ms. Linda Eastep has filed a claim against the City in an amount of $2,000.00 for personal injuries. Claimant alleges said injuries were sustained when she was involved in a traffic accident at the intersection of Morton Avenue and Newcomb Street on October 20, 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: Linda Eastep SS#:

Claimant's DOB: Claimant's Telephone #: 559-361-0982

Claimant's Address: P.O. Box 396 PORTERVILLE CA 93258

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

Date of incident/accident: 10-26-09

Date injuries, damages, or losses were discovered: 10-26-09

Location of incident/accident: Morton & Newcomb Porterville

What did entity or employee do to cause this loss, damage, or injury? Lights were flashing red cars every where and we waited or turn 3/4 of way through inter:

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

Don't know

What specific injuries, damages, or losses did claimant receive? I was passenger and had injuries

Back pain, Cervical strain, Concussion

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)].

2,000.00

How was this amount calculated (please itemize)?

Doctor, Hospital, pain I still have and meds.

Date Signed: 10-25-09 Signature: Linda Eastep

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

Address

Relationship to Claimant
Lights wif no Warnin' turned green for East Bound traffic and we were hit, the man came from his lane never evah stopped.
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - MORTON AVENUE AND MATHEW STREET WATER TRUNK LINE PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Morton Avenue and Mathew Street Water Trunk Line Project. The project consists of installing a 12" water main and related appurtenances along Morton Avenue between Westwood Street and Newcomb Street and along Mathew Street between Olive Avenue and Morton Avenue. The new infrastructure is considered Master Plan facilities and will assist in moving water from the West Pressure Zone to the Central Pressure zone where most of the City's storage facilities exist.

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

The estimated probable cost for the project is $1,372,800 with an additional $137,280 required for the construction contingency (10%). An additional $68,640 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $1,578,720. An Estimate of Probable Cost is attached for Council's review.

Initially the Water Replacement Fund will finance the project as approved in the 2009/2010 Annual Budget. These funds will be reimbursed via the City's CIEDB Loan.

RECOMMENDATION: That City Council:

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

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

ATTACHMENTS: Estimate of Probable Cost Locator Map

P:\pubwork\Engineering\Council Items\Authorization to Advertise for Bids - Morton and Mathew Water Trunk Line - 2010-01-19.doc

Dir App appropriated/Funded CM Item No. 3
SUBJECT: AWARD OF CONTRACT - MUNICIPAL POOL COMPLEX WATER SLIDE PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On December 17, 2009, staff received two bids for the Municipal Pool Complex Water Slide Project. The project consists of the installation of a 140-foot length flume water slide, related mechanical equipment and electrical. The water slide will be installed on the existing pool deck at the Municipal Pool Complex. The renovation of the complex was completed in 2004.

The Engineer’s Estimate of Probable Cost was $182,835. The low bid is approximately 2.3% above the engineer’s estimate. An additional $14,960.17 (8%) is needed for construction contingency and an additional $3,037.63 (1.6%) is needed for construction engineering. The total cost associated with the project is $205,000.

Community Development Block Grant (CDBG) funds are the funding source for this project from the amended 2009/2010 CDBG Action Plan approved by City Council, and is part of the Murry Park Capital Improvement Project.

The two bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Webb &amp; Son, Porterville, CA</td>
<td>$187,002.20</td>
</tr>
<tr>
<td>Tricon Construction, Inc., Rancho Cordova, CA</td>
<td>$268,800.05</td>
</tr>
</tbody>
</table>

Staff reviewed the low bid and found it acceptable and in conformance with the bid documents.

RECOMMENDATION: That the City Council:

1. Award the Municipal Pool Complex Water Slide Project to Webb & Son in the amount of $187,002.20;

2. Authorize an 8% contingency to cover unforeseen construction costs, and 1.6% for construction engineering.

ATTACHMENT: Site Map
COUNCIL AGENDA: JANUARY 19, 2010

SUBJECT: AWARD OF CONTRACT – PORTERVILLE FAIRGROUNDS OFF-SITE IMPROVEMENT PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On January 12, 2010, staff received six (6) bids for the Porterville Fairgrounds Off-Site Improvement Project. The project consists of constructing offsite improvements consistent with the ultimate width of Tea Pot Dome Avenue and the layout of the future fairgrounds as proposed by the Porterville Fair Board. The project also includes extending a sewer main from the manhole east of West Street Industrial Park to the fire lane on the east property line of the 15-acre fairgrounds site. An add-alternate element covering the frontage of the remainder ±11 acre lease site is also provided.

The Engineer's estimate of probable cost for the project, including the add alternate, is $318,408. The low bid was $199,384.10. The low bid is approximately 37% below the Engineer's estimate. An additional $19,938.41 is required for the construction contingency (10%). An additional $10,000.00 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $229,322.51.

Measure R Local Funds for the street frontage improvements and Sewer Revolving Funds for the sewer main extension are the funding sources for this project, as approved by City Council at the December 15, 2009 meeting.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mitch Brown Construction, Inc. Porterville, CA</td>
<td>$199,384.10</td>
</tr>
<tr>
<td>2. Pacific Engineering Co. Bakersfield, CA</td>
<td>$209,200.50</td>
</tr>
<tr>
<td>3. 99 Pipeline, Inc. Lindsay, CA</td>
<td>$257,413.12</td>
</tr>
<tr>
<td>4. Lee's Paving, Inc. Visalia, Ca</td>
<td>$269,589.35</td>
</tr>
</tbody>
</table>

Item No. 5
COUNCIL AGENDA: JANUARY 19, 2010

SUBJECT: AWARD OF CONTRACT – WWTF BAR SCREEN REPLACEMENT AND AUGER CONVEYOR PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On, December 8, 2009, staff received four (4) bids for the WWTF Bar Screen Replacement and Auger Conveyor project. This project consists of the removal and replacement of an antiquated bar screen conveyor with two smaller and more efficient bar screens. In addition, a new auger conveyor belt will be installed to transport objectionable material to an existing grinder for disposal. The Engineer’s estimate of probable cost was estimated at $350,000.

The four bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>American, Inc. Visalia, CA</td>
<td>$357,700</td>
</tr>
<tr>
<td>HPS Mechanical, Inc. Bakersfield, CA</td>
<td>$425,720</td>
</tr>
<tr>
<td>Smith Construction Fresno, CA</td>
<td>$440,156</td>
</tr>
<tr>
<td>Western Water Constructors, Inc Santa Rosa, CA</td>
<td>$480,000</td>
</tr>
</tbody>
</table>

The low bid is 2.2% above the engineer’s estimate. Staff recommends that a 10% contingency ($35,700) and a 1.5% construction administration cost ($5,400) be added to the project to cover all pertinent aspects of the project.

Wastewater Treatment Facility Capital Reserve is the funding source for this project and was approved in the 2009/2010 Annual Budget. Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the WWTF Bar Screen Replacement and Auger Conveyor Belt Project to American, Inc. in the amount of $357,700;

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

3. Authorize a 10% contingency to cover unforeseen construction costs and an additional 1.5% to cover administration costs.
SUBJECT: STATUS OF 2012-2014 CONGESTION MITIGATION & AIR QUALITY (CMAQ) GRANT APPLICATION

SOURCE: Public Works Department - Engineering Division

COMMENT: This past fall, the Tulare Association of Governments (TCAG) announced a "call for projects" for new CMAQ funded projects. The approved projects are eligible for funding in fiscal years 2012/2013 and 2013/2014.

Public Works submitted nine (9) separate projects for TCAG consideration and staff is pleased to announce that eight (8) of the nine (9) projects were approved for CMAQ grant funding. The CMAQ grants total $2,882,900. The approved projects, description, limits and estimated funding requirements are as follows:

Project #1 – Indiana Street Shoulder Stabilization Project

Construct curb, gutter, sidewalk and minor asphalt concrete pave-out along Indiana Street from approximately 750' south of Devon Street to the Tule River. Estimated construction cost - $224,000

Project #2 – Mathew Street Shoulder Stabilization Project

Construct curb, gutter, sidewalk and minor asphalt concrete pave-out along Mathew Street from approximately Garden Lane to Della Avenue. Estimated construction cost - $131,000.

Project #3 – Morton Avenue Shoulder Stabilization Project

Construct curb, gutter, sidewalk and minor asphalt concrete pave-out along Morton Avenue from State Route 65 to Westwood Street. Estimated construction cost - $292,000.

Project #4 – Newcomb Street Shoulder Stabilization Project

Construct curb, gutter, sidewalk and significant asphalt concrete pave-out along Newcomb Street from Olive Avenue to approximately 350' south of Roby Avenue. Estimated construction cost - $710,000.
Project #5 – Rails to Trails Class 1 Extension Project
Construct a Class 1 bicycle and pedestrian trail between Olive Avenue and the City's Heritage Center. The trail will consist of a hard walking/riding surface and will include amenities such as benches, trash receptacles, signs, bollards and other miscellaneous trail way markings. Estimated construction cost - $105,000.

Project #6 – Purchase of Two Compressed Natural Gas (CNG) ½ Ton Pickups
Estimated purchase cost - $75,900.

Project #7 – Purchase of One CNG PM-10 Street Sweeper
Estimated purchase cost - $265,000.

Project #8 – Purchase of Four CNG Refuse Trucks
Estimated purchase cost - $1,080,000.

CMAQ grants cover 88.53% of the costs identified above. The City will be asked to affirm its commitment to include the City's "local share" of 11.47% in the FY 2012/2013 & 2013/2014 budgets. The required "local share" is $330,670.

RECOMMENDATION: None. Information only.

ATTACHMENTS: Locator Maps
SUBJECT LOCATION
COUNCIL AGENDA: JANUARY 19, 2010

SUBJECT: MASTER AGREEMENT ADMINISTERING AGENCY-STATE AGREEMENT FOR STATE-FUNDED PROJECTS AND PROGRAM SUPPLEMENT TO THE MASTER AGREEMENT – SAFE ROUTES TO SCHOOL PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The State of California and Department of Transportation have submitted Master Agreement Administering Agency-State Agreement for State-Funded Projects Number 00291S and Program Supplement Agreement Number G49, and request that the City execute said agreements.

The Master Agreement and Program Supplement attached are for the awarded Safe Routes to School project that consists of the installation of four solar powered radar speed signs to calm traffic in various locations near city schools.

RECOMMENDATION: That the City Council:

1. Approve the subject master agreement by passing a resolution authorizing the Mayor to sign the subject master agreement;

2. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and

3. Direct staff to return the signed program supplement to CalTrans.


P:\PUBWORKS\ENGINEERING\COUNCIL ITEMS\MASTER AGREEMENT AND PROGRAM SUPPLEMENT - SAFE ROUTES TO SCHOOL - 2010-01-19.DOC

Dir  Appropriated/Funded  N  CM  

Item No. 8
RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN MASTER AGREEMENT ADMINISTERING AGENCY-STATE AGREEMENT FOR STATE-FUNDED PROJECTS NO. 00291S

BE IT RESOLVED by the City Council of the City of Porterville, that the Mayor is hereby authorized to execute the document known as Master Agreement Administering Agency-State Agreement for State-Funded Projects No. 00291S, for the Safe Routes to School Project that consists of the installation of four solar powered radar speed signs to calm traffic in various locations near city schools.

PASSED, ADOPTED AND APPROVED this 19th day of January, 2010.

__________________________
Pete V. McCracken, Mayor

ATTEST:
John D. Lollis, City Clerk

__________________________
By Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO.______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN PROGRAM SUPPLEMENT NO. G49 TO ADMINISTER THE AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 00291S

BE IT RESOLVED by the City Council of the City of Porterville that the Mayor is hereby authorized to execute the document known as Program Supplement No. G49 to Local Agency-State Master Agreement No. 00291S, for the Safe Routes to School Project that consists of the installation of four solar powered radar speed signs to calm traffic in various locations near city schools.

PASSED, ADOPTED AND APPROVED this 19th day of January, 2010.

Pete V. McCracken, Mayor

ATTEST:
John D. Lollis, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk
MASTER AGREEMENT
ADMINISTERING AGENCY-STATE AGREEMENT FOR
STATE-FUNDED PROJECTS

06 City of Porterville
-----------------------------------
District    Administering Agency

Agreement No. 00291S

This AGREEMENT, is entered into effective this 10th day of November 2009, by and between the City of Porterville, hereinafter referred to as "ADMINISTERING AGENCY," and the State of California, acting by and through its Department of Transportation (Caltrans), hereinafter referred to as "STATE," and together referred to as "PARTIES" or individually as a "PARTY."

RECITALS:

1. WHEREAS, the Legislature of the State of California has enacted legislation by which certain State funds are made available for use on local transportation related projects of public entities qualified to act as recipients of these state funds; and

2. WHEREAS, ADMINISTERING AGENCY has applied to the California Transportation Commission (CTC) and/or STATE for funding from either the State Transportation Improvement Program (STIP), or other State-funded programs (herein referred to as STATE FUNDS), as defined in the Local Assistance Program Guidelines (LAPG), for use on local authorized transportation related projects as a local administered project(s), hereinafter referred to as "PROJECT"; and

3. WHEREAS, said PROJECT will not receive any federal funds; and

4. WHEREAS, before STATE FUNDS will be made available for PROJECT, ADMINISTERING AGENCY and STATE are required to enter into an agreement to establish terms and conditions applicable to the ADMINISTERING AGENCY when receiving STATE FUNDS for a designated PROJECT facility and to the subsequent operation and maintenance of that completed facility.

NOW, THEREFORE, the PARTIES agree as follows:
ARTICLE I - PROJECT ADMINISTRATION

1. This AGREEMENT shall have no force or effect with respect to any program project unless and until a project-specific Program Supplement to this AGREEMENT for state funded projects, hereinafter referred to as "PROGRAM SUPPLEMENT", has been fully executed by both STATE and ADMINISTERING AGENCY.

2. The State approved project-specific allocation letter designate the party responsible for implementing PROJECT, type of work and location of PROJECT.

3. The PROGRAM SUPPLEMENT sets out special covenants as a condition for the ADMINISTERING AGENCY to receive STATE FUNDS from/through STATE for designated PROJECT. The PROGRAM SUPPLEMENT shall also show these STATE FUNDS that have been initially encumbered for PROJECT along with the matching funds to be provided by ADMINISTERING AGENCY and/or others. Execution of PROGRAM SUPPLEMENT by the PARTIES shall cause ADMINISTERING AGENCY to adopt all of the terms of this AGREEMENT as though fully set forth therein in the PROGRAM SUPPLEMENT. Unless otherwise expressly delegated in a resolution by the governing body of ADMINISTERING AGENCY, and with written concurrence by STATE, the PROGRAM SUPPLEMENT shall be approved and managed by the governing body of ADMINISTERING AGENCY.

4. ADMINISTERING AGENCY agrees to execute and return each project-specific PROGRAM SUPPLEMENT within ninety (90) days of receipt. The PARTIES agree that STATE may suspend future allocations, encumbrances and invoice payments for any on-going or future STATE FUNDED PROJECT performed by ADMINISTERING AGENCY if any project-specific PROGRAM SUPPLEMENT is not returned within that ninety (90) day period unless otherwise agreed by STATE in writing.

5. ADMINISTERING AGENCY further agrees, as a condition to the release and payment of STATE FUNDS encumbered for the PROJECT described in each PROGRAM SUPPLEMENT, to comply with the terms and conditions of this AGREEMENT and all of the agreed-upon Special Covenants or Remarks incorporated within the PROGRAM SUPPLEMENT, and Cooperative/Contribution Agreement where appropriate, defining and identifying the nature of the specific PROJECT.

6. STATE FUNDS will not participate in any portion of PROJECT work performed in advance of the effective date of the executed PROGRAM SUPPLEMENT for said PROJECT.

7. Projects allocated with STATE FUNDS from the STIP will be administered in accordance with the current CTC STIP Guidelines, as adopted or amended and in accordance with Chapter 23 of the Local Assistance Program Guidelines (LAPG) published by STATE.

8. Projects allocated with STATE FUNDS not programmed in the STIP will be administered in accordance with the applicable chapter of the LAPG and/or any other instructions published by STATE.

9. ADMINISTERING AGENCY’s eligible costs for preliminary engineering work includes all preliminary work directly related to PROJECT up to contract award for construction, including, but not limited to, environmental studies and permits (E&P), preliminary surveys and reports, laboratory work, soil investigations, the preparation of plans, specifications and estimates (PS&E), advertising for bids, awarding of a contract and project development contract administration.
10. ADMINISTERING AGENCY's eligible costs for construction engineering includes actual inspection and supervision of PROJECT construction work; construction staking; laboratory and field testing; and the preparation and processing of field reports, records, estimates, final reports, and allowable expenses of employees/consultants engaged in such activities.

11. Unless the PARTIES agree otherwise in writing, ADMINISTERING AGENCY's employees or its sub-contractor engineering consultant shall be responsible for all PROJECT engineering work.

12. ADMINISTERING AGENCY shall not proceed with final design of PROJECT until final environmental approval of PROJECT. Final design entails the design work necessary to complete the PS&E and other work necessary for a construction contract but not required earlier for environmental clearance of that PROJECT.

13. If PROJECT is not on STATE-owned right-of-way, PROJECT shall be constructed in accordance with Chapter 11 of the Local Assistance Procedures Manual (LAPM) that describes minimum statewide design standards for local agency streets and roads. The design standards for projects off the National Highway System (NHS) allow STATE to accept either the STATE's minimum statewide design standards or the approved geometric design standards of ADMINISTERING AGENCY. Additionally, for projects off the NHS, STATE will accept ADMINISTERING AGENCY-approved standard specifications, standard plans, materials sampling and testing quality assurance programs that meet the conditions described in the then current Local Assistance Procedures Manual.

14. If PROJECT involves work within or partially within STATE-owned right-of-way, that PROJECT shall also be subject to compliance with the policies, procedures and standards of the STATE Project Development Procedures Manual and Highway Design Manual and where appropriate, an executed cooperative agreement between STATE and ADMINISTERING AGENCY that outlines the PROJECT responsibilities and respective obligations of the PARTIES. ADMINISTERING AGENCY and its contractors shall each obtain an encroachment permit through STATE prior to commencing any work within STATE rights of way or work which affects STATE facilities.

15. When PROJECT is not on the State Highway System (SHS) but includes work to be performed by a railroad, the contract for such work shall be prepared by ADMINISTERING AGENCY or by STATE, as the PARTIES may hereafter agree. In either event, ADMINISTERING AGENCY shall enter into an agreement with the railroad providing for future maintenance of protective devices or other facilities installed under the contract.

16. The Department of General Services, Division of the State Architect, or its designee, shall review the contract PS&E for the construction of buildings, structures, sidewalks, curbs and related facilities for accessibility and usability. ADMINISTERING AGENCY shall not award a PROJECT construction contract for these types of improvements until the State Architect has issued written approval stating that the PROJECT plans and specifications comply with the provisions of sections 4450 and 4454 of the California Government Code, if applicable. Further requirements and guidance are provided in Title 24 of the California Code of Regulations.

17. ADMINISTERING AGENCY shall provide or arrange for adequate supervision and inspection of each PROJECT. While consultants may perform supervision and inspection work for PROJECT with a fully qualified and licensed engineer, ADMINISTERING AGENCY shall provide a full-time employee to be in responsible charge of each PROJECT.
18. Unless otherwise provided in the PROGRAM SUPPLEMENT, ADMINISTERING AGENCY shall advertise, award, and administer the PROJECT construction contract or contracts.

19. The cost of maintenance, security, or protection performed by ADMINISTERING AGENCY or contractor forces during any temporary suspension of PROJECT or at any other time may not be charged to the PROJECT.

20. ADMINISTERING AGENCY shall submit PROJECT-specific award information, using Exhibit 23-A of the LAGP, to STATE’s District Local Assistance Engineer, within sixty (60) days after contract award. A copy of Exhibit 23-A shall also be included with the submittal of the first invoice for a construction contract by ADMINISTERING AGENCY to: Department of Transportation, Division of Accounting Local Programs Accounting Branch, MS #33, PO Box 942874, Sacramento, California 94274-0001.

21. ADMINISTERING AGENCY shall submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure by ADMINISTERING AGENCY to submit a "Report of Expenditures" within 180 days of project completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance Chapters 17 and 19 of the Local Assistance Procedures Manual.

22. ADMINISTERING AGENCY shall comply with the Americans with Disabilities Act (ADA) of 1990 that prohibits discrimination on the basis of disability and all applicable regulations and guidelines issued pursuant to the ADA.

23. The Governor and the Legislature of the State of California, each within their respective jurisdictions, have prescribed certain nondiscrimination requirements with respect to contract and other work financed with public funds. ADMINISTERING AGENCY agrees to comply with the requirements of the FAIR EMPLOYMENT PRACTICES ADDENDUM, attached hereto as Exhibit A and further agrees that any agreement entered into by ADMINISTERING AGENCY with a third party for performance of work connected with PROJECT shall incorporate Exhibit A (with third party's name replacing ADMINISTERING AGENCY) as part of such agreement.

24. ADMINISTERING AGENCY shall include in all subcontracts awarded when applicable, a clause that requires each subcontractor to comply with California Labor Code requirements that all workers employed on public works aspects of any project (as defined in California Labor Code sections 1720-1815) be paid not less than the general prevailing wage rates predetermined by the Department of Industrial Relations as effective at the date of contract award by the ADMINISTERING AGENCY.
ARTICLE II - RIGHTS OF WAY

1. No contract for the construction of a STATE FUNDED PROJECT shall be awarded until all necessary rights of way have been secured. Prior to the advertising for construction of PROJECT, ADMINISTERING AGENCY shall certify and, upon request, shall furnish STATE with evidence that all necessary rights-of-way are available for construction purposes or will be available by the time of award of the construction contract.

2. The furnishing of rights of way by ADMINISTERING AGENCY as provided for herein includes, and is limited to, the following, unless the PROGRAM SUPPLEMENT provides otherwise.

(a) Expenditures to purchase all real property required for PROJECT free and clear of liens, conflicting easements, obstructions and encumbrances, after crediting PROJECT with the fair market value of any excess property retained and not disposed of by ADMINISTERING AGENCY.

(b) The cost of furnishing of right-of-way as provided for herein includes, in addition to real property required for the PROJECT, title free and clear of obstructions and encumbrances affecting PROJECT and the payment, as required by applicable law, of damages to owners of remainder real property not actually taken but injuriously affected by PROJECT.

(c) The cost of relocation payments and services provided to owners and occupants pursuant to Government Code sections 7260-7277 when PROJECT displaces an individual, family, business, farm operation or nonprofit organization.

(d) The cost of demolition and/or the sale of all improvements on the right-of-way after credit is recorded for sale proceeds used to offset PROJECT costs.

(e) The cost of all unavoidable utility relocation, protection or removal.

(f) The cost of all necessary hazardous material and hazardous waste treatment, encapsulation or removal and protective storage for which ADMINISTERING AGENCY accepts responsibility and where the actual generator cannot be identified and recovery made.

3. ADMINISTERING AGENCY agrees to indemnify and hold STATE harmless from any liability that may result in the event the right-of-way for a PROJECT, including, but not limited to, being clear as certified or if said right-of-way is found to contain hazardous materials requiring treatment or removal to remediate in accordance with Federal and State laws. ADMINISTERING AGENCY shall pay, from its own non-matching funds, any costs which arise out of delays to the construction of PROJECT because utility facilities have not been timely removed or relocated, or because rights-of-way were not available to ADMINISTERING AGENCY for the orderly prosecution of PROJECT work.
ARTICLE III - MAINTENANCE AND MANAGEMENT

1. ADMINISTERING AGENCY will maintain and operate the property acquired, developed, constructed, rehabilitated, or restored by PROJECT for its intended public use until such time as the parties might amend this AGREEMENT to otherwise provide. With the approval of STATE, ADMINISTERING AGENCY or its successors in interest in the PROJECT property may transfer this obligation and responsibility to maintain and operate PROJECT property for that intended public purpose to another public entity.

2. Upon ADMINISTERING AGENCY's acceptance of the completed construction contract or upon contractor being relieved of the responsibility for maintaining and protecting PROJECT, ADMINISTERING AGENCY will be responsible for the maintenance, ownership, liability, and the expense thereof, for PROJECT in a manner satisfactory to the authorized representatives of STATE and if PROJECT falls within the jurisdictional limits of another Agency or Agencies, it is the duty of ADMINISTERING AGENCY to facilitate a separate maintenance agreement(s) between itself and the other jurisdictional Agency or Agencies providing for the operation, maintenance, ownership and liability of PROJECT. Until those agreements are executed, ADMINISTERING AGENCY will be responsible for all PROJECT operations, maintenance, ownership and liability in a manner satisfactory to the authorized representatives of STATE. If, within ninety (90) days after receipt of notice from STATE that a PROJECT, or any portion thereof, is not being properly operated and maintained and ADMINISTERING AGENCY has not satisfactorily remedied the conditions complained of, the approval of future STATE FUNDED PROJECTS of ADMINISTERING AGENCY will be withheld until the PROJECT shall have been put in a condition of operation and maintenance satisfactory to STATE. The provisions of this section shall not apply to a PROJECT that has been vacated through due process of law with STATE's concurrence.

3. PROJECT and its facilities shall be maintained by an adequate and well-trained staff of engineers and/or such other professionals and technicians as PROJECT reasonably requires. Said operations and maintenance staff may be employees of ADMINISTERING AGENCY, another unit of government, or a contractor under agreement with ADMINISTERING AGENCY. All maintenance will be performed at regular intervals or as required for efficient operation of the complete PROJECT improvements.
ARTICLE IV - FISCAL PROVISIONS

1. All contractual obligations of STATE are subject to the appropriation of resources by the Legislature and the allocation of resources by the CTC.

2. STATE'S financial commitment of STATE FUNDS will occur only upon the execution of this AGREEMENT, the execution of each project-specific PROGRAM SUPPLEMENT and/or STATE's approved finance letter.

3. ADMINISTERING AGENCY may submit signed duplicate invoices in arrears for reimbursement of allowable PROJECT costs on a monthly or quarterly progress basis once the project-specific PROGRAM SUPPLEMENT has been executed by STATE.

4. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the STATE FUNDS are encumbered on either the project-specific PROGRAM SUPPLEMENT or through a project-specific finance letter approved by STATE. STATE reserves the right to suspend future allocations and invoice payments for any on-going or future STATE FUNDED project performed by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

5. Invoices shall be submitted on ADMINISTERING AGENCY letterhead that includes the address of ADMINISTERING AGENCY and shall be formatted in accordance with Chapter 5 of the LAPM.

6. Invoices must have at least one copy of supporting backup documentation for allowable costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.

7. Payments to ADMINISTERING AGENCY can only be released by STATE as reimbursements of actual allowable PROJECT costs already incurred and paid for by ADMINISTERING AGENCY.

8. An indirect cost allocation plan and related documentation are to be provided to STATE (Caltrans Audits & Investigations) annually for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of indirect cost incurred within each fiscal year being claimed for reimbursement. The indirect cost allocation plan must be prepared in accordance with the requirements set forth in Office of Management and Budget Circular A-87 and Chapter 4 of the Local Assistance Procedures Manual.

9. STATE will withhold the greater of either two (2) percent of the total of all STATE FUNDS encumbered for each PROGRAM SUPPLEMENT or $40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.

10. The estimated total cost of PROJECT, the amount of STATE FUNDS obligated, and the required matching funds may be adjusted by mutual consent of the PARTIES with an allocation letter and finance letter. STATE FUNDING may be increased to cover PROJECT cost increases only if such additional funds are available and the CTC and/or STATE concurs with that increase in the form of an allocation and finance letter.
11. When such additional STATE FUNDS are not available, ADMINISTERING AGENCY agrees that any increases in PROJECT costs must be defrayed with ADMINISTERING AGENCY’s own funds.

12. ADMINISTERING AGENCY shall use its own non STATE FUNDS to finance the local share of eligible costs and all PROJECT expenditures or contract items ruled ineligible for financing with STATE FUNDS. STATE shall make the final determination of ADMINISTERING AGENCY’s cost eligibility for STATE FUNDED financing with respect to claimed PROJECT costs.

13. ADMINISTERING AGENCY will reimburse STATE for STATE’s share of costs for work performed by STATE at the request of ADMINISTERING AGENCY. STATE’s costs shall include overhead assessments in accordance with section 8755.1 of the State Administrative Manual.

14. STATE FUNDS allocated from the STIP are subject to the timely use of funds provisions enacted by Senate Bill 45, approved in 1997, and subsequent STIP Guidelines and State procedures approved by the CTC and STATE.

15. STATE FUNDS encumbered for PROJECT are available for liquidation only for five (5) years from the beginning of the State fiscal year when those funds were appropriated in the State Budget. STATE FUNDS not liquidated within these periods will be reverted unless a Cooperative Work Agreement (CWA) is submitted by ADMINISTERING AGENCY and approved by the California Department of Finance in accordance with Government Code section 16304. The exact date of fund reversion will be reflected in the STATE signed PROJECT finance letter.

16. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid to rank and file STATE employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced by ADMINISTERING AGENCY are in excess of DPA rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand.

17. ADMINISTERING AGENCY agrees to comply with Office of Management and Budget (OMB) Circular A-87, Cost Principles for State and Local Governments, and 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

18. ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree that (a) Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual PROJECT cost items and (b) those parties shall comply with federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving PROJECT funds as a contractor or sub-contractor under this AGREEMENT shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. ADMINISTERING AGENCY agrees to comply with the provisions set
forth in 23 CFR Parts 140, 645 and 646 when contracting with railroad and utility companies.

19. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under OMB Circular A-87, 48 CFR, Chapter 1, Part 31, 23 CFR Parts 140, 645 and 646 or 49 CFR, Part 18, are subject to repayment by ADMINISTERING AGENCY to STATE.

20. Upon written demand by STATE, any overpayment to ADMINISTERING AGENCY of amounts invoiced to STATE shall be returned to STATE.

21. Should ADMINISTERING AGENCY fail to refund any moneys due STATE as provided herein or should ADMINISTERING AGENCY breach this AGREEMENT by failing to complete PROJECT without adequate justification and approval by STATE, then, within thirty (30) days of demand, or within such other period as may be agreed to in writing between the PARTIES hereto, STATE, acting through the State Controller, the State Treasurer, the CTC or any other public entity or agency, may intercept, withhold and demand the transfer of an amount equal to the amount paid by or owed to STATE for each PROJECT, from future apportionments, or any other funds due ADMINISTERING AGENCY from the Highway Users Tax Fund or any other sources of funds, and/or may also withhold approval of future STATE FUNDED projects proposed by ADMINISTERING AGENCY.

22. Should ADMINISTERING AGENCY be declared to be in breach of this AGREEMENT or otherwise in default thereof by STATE, and if ADMINISTERING AGENCY is constituted as a joint powers authority, special district, or any other public entity not directly receiving funds through the State Controller, STATE is authorized to obtain reimbursement from whatever sources of funding are available, including the withholding or transfer of funds, pursuant to Article IV - 21, from those constituent entities comprising a joint powers authority or by bringing of an action against ADMINISTERING AGENCY or its constituent member entities, to recover all funds provided by STATE hereunder.

23. ADMINISTERING AGENCY acknowledges that the signatory party represents the ADMINISTERING AGENCY and further warrants that there is nothing within a Joint Powers Agreement, by which ADMINISTERING AGENCY was created, if any exists, that would restrict or otherwise limit STATE's ability to recover STATE FUNDS improperly spent by ADMINISTERING AGENCY in contravention of the terms of this AGREEMENT.
ARTICLE V

AUDITS, THIRD PARTY CONTRACTING, RECORDS RETENTION AND REPORTS

1. STATE reserves the right to conduct technical and financial audits of PROJECT work and records when determined to be necessary or appropriate and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by paragraph three (3) of Article V.

2. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred PROJECT costs and matching funds by line item for the PROJECT. The accounting system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices sent to or paid by STATE.

3. For the purpose of determining compliance with Title 21, California Code of Regulations, Chapter 21, section 2500 et seq., when applicable, and other matters connected with the performance and costs of ADMINISTERING AGENCY's contracts with third parties pursuant to Government Code section 8546.7, ADMINISTERING AGENCY, ADMINISTERING AGENCY's contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above-referenced parties shall make such AGREEMENT and PROGRAM SUPPLEMENT materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years from the date of final payment to ADMINISTERING AGENCY under any PROGRAM SUPPLEMENT. STATE, the California State Auditor, or any duly authorized representative of STATE or the United States, shall each have access to any books, records, and documents that are pertinent to a PROJECT for audits, examinations, excerpts, and transactions and ADMINISTERING AGENCY shall furnish copies thereof if requested.

4. ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act of OMB Circular A-133 if it receives a total of $500,000 or more in STATE FUNDS in a single fiscal year. The STATE FUNDS received under PROGRAM SUPPLEMENT are a part of the Catalogue of Federal Domestic Assistance (CFDA) 20.205, Highway Planning and Research.

5. ADMINISTERING AGENCY agrees to include all PROGRAM SUPPLEMENTS adopting the terms of this AGREEMENT in the schedule of projects to be examined in ADMINISTERING AGENCY'S annual audit and in the schedule of projects to be examined under its single audit prepared in accordance with OMB Circular A-133.

6. ADMINISTERING AGENCY shall not award a construction contract over $10,000 or other contracts over $25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. All contracts awarded by ADMINISTERING AGENCY intended or used as local match credit must meet the requirements set forth in this AGREEMENT regarding local match funds.
7. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain all of the provisions of Article IV, FISCAL PROVISIONS, and this ARTICLE V, AUDITS, THIRD-PARTY CONTRACTING, RECORDS RETENTION AND REPORTS and shall mandate that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as PROJECT costs only after those costs are incurred and paid for by the subcontractors.

8. To be eligible for local match credit, ADMINISTERING AGENCY must ensure that local match funds used for a PROJECT meet the fiscal provisions requirements outlined in ARTICLE IV in the same manner that is required of all other PROJECT expenditures.

9. In addition to the above, the pre-award requirements of third-party contractor/consultants with ADMINISTERING AGENCY should be consistent with LOCAL ASSISTANCE PROCEDURES.
ARTICLE VI - MISCELLANEOUS PROVISIONS

1. ADMINISTERING AGENCY agrees to use all PROJECT funds reimbursed hereunder only for transportation purposes that are in conformance with Article XIX of the California State Constitution and other California laws.

2. ADMINISTERING AGENCY shall conform to all applicable State and Federal statutes and regulations, and the Local Assistance Program Guidelines and Local Assistance Procedures Manual as published by STATE and incorporated herein, including all subsequent approved revisions thereto applicable to PROJECT unless otherwise designated in the project-specific executed PROJECT SUPPLEMENT.

3. This AGREEMENT is subject to any additional restrictions, limitations, conditions, or any statute enacted by the State Legislature or adopted by the CTC that may affect the provisions, terms, or funding of this AGREEMENT in any manner.

4. ADMINISTERING AGENCY and the officers and employees of ADMINISTERING AGENCY, when engaged in the performance of this AGREEMENT, shall act in an independent capacity and not as officers, employees or agents of STATE.

5. Each project-specific PROGRAM SUPPLEMENT shall separately establish the terms and funding limits for each described PROJECT funded under this AGREEMENT and that PROGRAM SUPPLEMENT. No STATE FUNDS are obligated against this AGREEMENT.

6. ADMINISTERING AGENCY certifies that neither ADMINISTERING AGENCY nor its principals are suspended or debarred at the time of the execution of this AGREEMENT, and ADMINISTERING AGENCY agrees that it will notify STATE immediately in the event a suspension or a debarment occurs after the execution of this AGREEMENT.

7. ADMINISTERING AGENCY warrants, by execution of this AGREEMENT, that no person or selling agency has been employed or retained to solicit or secure this AGREEMENT upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by ADMINISTERING AGENCY for the purpose of securing business. For breach or violation of this warranty, STATE has the right to annul this AGREEMENT without liability, pay only for the value of the PROJECT work actually performed, or in STATE’s discretion, to deduct from the price of PROGRAM SUPPLEMENT consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

8. In accordance with Public Contract Code section 10296, ADMINISTERING AGENCY hereby certifies under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against ADMINISTERING AGENCY within the immediate preceding two (2) year period because of ADMINISTERING AGENCY’s failure to comply with an order of a federal court that orders ADMINISTERING AGENCY to comply with an order of the National Labor Relations Board.

9. ADMINISTERING AGENCY shall disclose any financial, business, or other relationship with STATE that may have an impact upon the outcome of this AGREEMENT or any individual PROJECT encompassed within a PROGRAM SUPPLEMENT. ADMINISTERING AGENCY shall also list current contractors who may have a financial interest in the outcome of a PROJECT undertaken pursuant to this AGREEMENT.
10. ADMINISTERING AGENCY hereby certifies that it does not now have nor shall it acquire any financial or business interest that would conflict with the performance of any PROJECT initiated under this AGREEMENT.

11. ADMINISTERING AGENCY warrants that this AGREEMENT was not obtained or secured through rebates, kickbacks or other unlawful consideration either promised or paid to any STATE employee. For breach or violation of this warranty, STATE shall have the right, in its sole discretion, to terminate this AGREEMENT without liability, to pay only for PROJECT work actually performed, or to deduct from a PROGRAM SUPPLEMENT price or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

12. Any dispute concerning a question of fact arising under this AGREEMENT that is not disposed of by agreement shall be decided by the STATE's Contract Officer, who may consider any written or verbal evidence submitted by ADMINISTERING AGENCY. The decision of the Contract Officer, issued in writing, shall be conclusive and binding on the PARTIES on all questions of fact considered and determined by the Contract Officer.

13. Neither the pending of a dispute nor its consideration by the Contract Officer will excuse the ADMINISTERING AGENCY from full and timely performance in accordance with the terms of this AGREEMENT and each PROGRAM SUPPLEMENT.

14. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under or in connection with any work, authority or jurisdiction of ADMINISTERING AGENCY arising under this AGREEMENT. It is understood and agreed that ADMINISTERING AGENCY shall fully defend, indemnify and save harmless STATE and all of its officers and employees from all claims and suits or actions of every name, kind and description brought forth under, including but not limited to, tortuous, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under this AGREEMENT.

15. Neither ADMINISTERING AGENCY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by, under or in connection with any work, authority or jurisdiction arising under this AGREEMENT. It is understood and agreed that STATE shall fully defend, indemnify and save harmless the ADMINISTERING AGENCY and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including but not limited to, tortuous, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this AGREEMENT.

16. In the event of (a) ADMINISTERING AGENCY failing to timely proceed with effective PROJECT work in accordance with the project-specific PROGRAM SUPPLEMENT; (b) failing to maintain any applicable bonding requirements; and (c) otherwise materially violating the terms and conditions of this AGREEMENT and/or any PROGRAM SUPPLEMENT, STATE reserves the right to terminate funding for that PROJECT upon thirty (30) days' written notice to ADMINISTERING AGENCY.

17. No termination notice shall become effective if, within thirty (30) days after receipt of a Notice of Termination, ADMINISTERING AGENCY either cures the default involved or, if the default is not reasonably susceptible of cure within said thirty (30) day period the ADMINISTERING
AGENCY proceeds thereafter to complete that cure in a manner and time line acceptable to STATE.

18. Any such termination shall be accomplished by delivery to ADMINISTERING AGENCY of a Notice of Termination, which notice shall become effective not less than thirty (30) days after receipt, specifying the reason for the termination, the extent to which funding of work under this AGREEMENT and the applicable PROGRAM SUPPLEMENT is terminated and the date upon which such termination becomes effective, if beyond thirty (30) days after receipt. During the period before the effective termination date, ADMINISTERING AGENCY and STATE shall meet to attempt to resolve any dispute. In the event of such termination, STATE may proceed with the PROJECT work in a manner deemed proper by STATE. If STATE terminates funding for PROJECT with ADMINISTERING AGENCY for the reasons stated in paragraph sixteen (16) of ARTICLE VI, STATE shall pay ADMINISTERING AGENCY the sum due ADMINISTERING AGENCY under the PROGRAM SUPPLEMENT and/or STATE-approved finance letter prior to termination, provided, however, ADMINISTERING AGENCY is not in default of the terms and conditions of this AGREEMENT or the project-specific PROGRAM SUPPLEMENT and that the cost of any PROJECT completion to STATE shall first be deducted from any sum due ADMINISTERING AGENCY.

19. In the case of inconsistency or conflicts with the terms of this AGREEMENT and that of a project-specific PROGRAM SUPPLEMENT and/or Cooperative Agreement, the terms stated in that PROGRAM SUPPLEMENT and/or Cooperative Agreement shall prevail over those in this AGREEMENT.

20. Without the written consent of STATE, this AGREEMENT is not assignable by ADMINISTERING AGENCY either in whole or in part.

21. No alteration or variation of the terms of this AGREEMENT shall be valid unless made in writing and signed by the PARTIES, and no oral understanding or agreement not incorporated herein shall be binding on any of the PARTIES.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT by their duly authorized officer.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By ________________________________________________

Chief, Office of Project Implementation
Division of Local Assistance

Date ________________________________

City of Porterville

By ________________________________________________

City of Porterville
Representative Name & Title
(Authorized Governing Body Representative)

Date ________________________________
EXHIBIT A - FAIR EMPLOYMENT PRACTICES ADDENDUM

1. In the performance of this Agreement, ADMINISTERING AGENCY will not discriminate against any employee for employment because of race, color, sex, sexual orientation, religion, age, ancestry or national origin, physical disability, medical condition, marital status, political affiliation, family and medical care leave, pregnancy leave, or disability leave. ADMINISTERING AGENCY will take affirmative action to ensure that employees are treated during employment without regard to their race, sex, sexual orientation, color, religion, ancestry, or national origin, physical disability, medical condition, marital status, political affiliation, family and medical care leave, pregnancy leave, or disability leave. Such action shall include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. ADMINISTERING AGENCY shall post in conspicuous places, available to employees for employment, notices to be provided by STATE setting forth the provisions of this Fair Employment section.

2. ADMINISTERING AGENCY, its contractor(s) and all subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code, 1290-0 et seq.), and the applicable regulations promulgated thereunder (Cal. Code Regs., Title 2, 7285.0, ‘et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12900(a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations are incorporated into this AGREEMENT by reference and made a part hereof as if set forth in full. Each of the ADMINISTERING AGENCY’S contractors and all subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreements, as appropriate.

3. ADMINISTERING AGENCY shall include the nondiscrimination and compliance provisions of this clause in all contracts and subcontracts to perform work under this AGREEMENT.

4. ADMINISTERING AGENCY will permit access to the records of employment, employment advertisements, application forms, and other pertinent data and records by STATE, the State Fair Employment and Housing Commission, or any other agency of the State of California designated by STATE, for the purposes of investigation to ascertain compliance with the Fair Employment section of this Agreement.

5. Remedies for Willful Violation:

(a) STATE may determine a willful violation of the Fair Employment provision to have occurred upon receipt of a final judgment to that effect from a court in an action to which ADMINISTERING AGENCY was a party, or upon receipt of a written notice from the Fair Employment and Housing Commission that it has investigated and determined that ADMINISTERING AGENCY has violated the Fair Employment Practices Act and had issued an order under Labor Code section 1426 which has become final or has obtained an injunction under Labor Code section 1429.

(b) For willful violation of this Fair Employment Provision, STATE shall have the right to terminate this Agreement either in whole or in part, and any loss or damage sustained by STATE in securing the goods or services thereunder shall be borne and paid for by ADMINISTERING AGENCY and by the surety under the performance bond, if any, and STATE may deduct from any moneys due
or thereafter may become due to ADMINISTERING AGENCY, the difference between the price named in the Agreement and the actual cost thereof to STATE to cure ADMINISTERING AGENCY's breach of this Agreement.
PROGRAM SUPPLEMENT NO. G49

to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR STATE FUNDED PROJECTS NO. 00291S

Date: December 02, 2009
Location: 06-TUL-0-PTRV
Project Number: SR2SL-5122(063)
E.A. Number: 06-928395
Locode: 5122

This PROGRAM SUPPLEMENT, effective / / , hereby incorporates into the Administering Agency - State Agreement No. 00291S for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of 11/10/09 and is subject to all the terms and conditions thereof. This PROGRAM SUPPLEMENT is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. approved by the ADMINISTERING AGENCY on (See copy attached).

The ADMINISTERING AGENCY further stipulates that as a condition to the payment by the State of any funds derived from sources noted below encumbered to this project, it accepts and will comply with the Special Covenants and Remarks set forth on the following pages.

PROJECT LOCATION:
Various Locations in the Portville Unified School District

TYPE OF WORK: Purchase and Install Four solar powered radar speed signs to calm traffic

<table>
<thead>
<tr>
<th>Estimated Cost</th>
<th>State Funds</th>
<th>Matching Funds</th>
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<td>LOCAL $2,120.00</td>
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CITY OF PORTERVILLE

STATE OF CALIFORNIA
Department of Transportation

By ____________________________

Date ____________________________

Chief, Office of Project Implementation
Division of Local Assistance

Date ____________________________

Title ____________________________

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer ____________________________ Date 12.2.09 $19,080.00

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Statutes</th>
<th>Item</th>
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<td>19,080.00</td>
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</tbody>
</table>

Program Supplement 00-291S-G49- SERIAL
SPECIAL COVENANTS OR REMARKS

1. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

2. All obligations of STATE under the terms of this Agreement are subject to the appropriation of resources by the Legislature and the encumbrance of funds under this Agreement. Funding and reimbursement are available only upon the passage of the State Budget Act containing these STATE funds.

3. 2.1 This Program Supplement Agreement (PSA) is intended for Safe Route to School (SR2S) Program funded with State-only funding. Separate agreements are needed if PROJECT is also funded with any other STATE administered State or Federal funds.

2.2 The PROJECT will be administered in accordance with the SR2S Program Guidelines (LPP 02-01 effective March 11, 2002), as approved and amended, and the PROJECT Application.

2.3 This PSA allows reimbursement of eligible PROJECT expenditures to the ADMINISTERING AGENCY for which State funds are allocated. The effective State allocation date establishes eligibility for the ADMINISTERING AGENCY to start reimbursable work and seek reimbursement of funds. Any work done prior to the effective allocation date is not eligible for reimbursement from the SR2S funds.

2.4 The STATE and ADMINISTERING AGENCY agree that SR2S funds available for reimbursement to the ADMINISTERING AGENCY by the STATE will be limited to the amount allocated and encumbered by the STATE. Any additional funds made available by future allocations will be encumbered on this PROJECT by use of a STATE approved Allocation Letter and Finance Letter.

2.5 The ADMINISTERING AGENCY agrees to submit to the STATE, Exhibit 24-B "Project Status Report" as required by the SR2S Program Guidelines.

2.6 The ADMINISTERING AGENCY agrees to encumber the funds under agreement and award the construction contract by June 30th of the fiscal year in which funds are programmed. For projects unable to meet this deadline, the ADMINISTERING AGENCY may request, in
writing, a time extension from the District Local Assistance Enginee (DLAE). A one-time extension, for a maximum period of one year, may be granted by the DLAE. Projects unable to meet the new deadline may be dropped from the program.

2.7 The ADMINISTERING AGENCY agrees to provide contract award information to the STATE when submitting first invoice for this PROJECT. Attachment I of this PSA may be used for providing the necessary contract award information.

2.8 The ADMINISTERING AGENCY agrees to submit the "Report of Expenditures" to the DLAE within six (6) months after the project completion in accordance with Section 17.5 of the Local Assistance Procedures Manual (LAPM).

2.9 The ADMINISTERING AGENCY agrees to follow all relevant State laws and requirements including the California Environmental Quality Act (CEQA).

4. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations, and invoice payments for any on-going or future federal-aid project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with
SPECIAL COVENANTS OR REMARKS

the current Local Assistance Procedures Manual.
COUNCIL AGENDA: JANUARY 19, 2010

SUBJECT: INTENT TO VACATE A PORTION OF H STREET AND KESSING STREET BETWEEN OAK AVENUE AND THE PORTER SLOUGH (Sierra View Local Health Care District)

SOURCE: Public Works Department – Engineering Division

COMMENT: The planned expansion of the Sierra View District Hospital campus is the driving force behind the request to vacate portions of H Street and Kessing Street between Oak Avenue and the Porter Slough. Sierra View Local Health Care District represents the proprietary interest to the property fronting the proposed street vacations and is hereby the requesting party.

Although parking provided by Sierra View District Hospital complies with minimum standards of the Zoning Ordinance, a pressing need exists to provide additional off-street parking for the Hospital. The Hospital Board explored solutions and concluded that the most cost effective and least disruptive option was to expand eastward from the existing parking lot on the east side of Jaye Street. A recent study concluded that current and additional traffic related to the proposed expansion would remain at acceptable levels. Therefore, staff has concluded that closure of the streets and the proposed expansion of the hospital facilities will not cause a significant impact to the surrounding roadways.

A legal description (Exhibit "A") and a plat (Exhibit "B") illustrating the proposed street vacations are attached for Council’s reference. Easements will be reserved for maintaining existing sewer and water pipelines within a segment of Kessing Street and storm drain pipelines within a segment of H Street. After Council takes action, the utility companies will be notified of the intent to vacate this portion of H Street and Kessing Street.

RECOMMENDATION: That City Council:

1. Pass a resolution of intent to vacate a portion of H Street and Kessing Street between Oak Avenue and the Porter Slough; and

2. Set the Council meeting of February 16, 2010, as the time and place for a public hearing.

ATTACHMENTS: Resolution
H Street
Exhibit ‘A’ - Legal Description
Exhibit ‘B’ - Map of Right of Way Vacation
Kessing Street
Exhibit ‘A’ - Legal Description
Exhibit ‘B’ - Map of Right of Way Vacation

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE A PORTION OF
H STREET AND KESSING STREET LOCATED BETWEEN
OAK AVENUE AND THE PORTER SLOUGH

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

That it is the intention of the Council of the City of Porterville to abandon and
close to public use that certain public right of way located in the City of Porterville,
County of Tulare, State of California, and known generally as H Street and Kessing
Street between Oak Avenue and the Porter Slough.

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

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

SECTION 4: The City of Porterville, in the abandonment of said public rights of
way to public use, reserves and excepts from the vacation the permanent easement
and right at any time, or from time to time to construct, maintain, operate, replace,
remove and renew sanitary sewers, water lines, and storm drains and appurtenant
structures in, upon, over, and across said street or part thereof proposed to be vacated
and pursuant to any existing franchises or renewals thereof, or otherwise, to construct,
maintain, operate, replace, remove, renew and enlarge lines of pipes, conduits, cables,
wires, poles and other convenient structures, equipment and fixtures for the operation
of gas pipe lines, telegraph and telephone lines, railroad lines, and from the
transportation or distribution of electric energy, petroleum and its products, ammonia,
water and incidental purposes, including the access and the right to keep the property
free from flammable materials and wood growth, and otherwise protect the same from
all hazards in, upon and over the street or part thereof herein proposed to be vacated.
SECTION 5: Notice is further given that on Tuesday, the 16th day of February, 2010, at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chambers in the City Hall in the City of Porterville, at 291 North Main Street, is hereby fixed for the time and place for hearing any objections to the vacation, abandonment and closing to public use of said public rights of way.

PASSED, ADOPTED AND APPROVED this 19th day of January, 2010.

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

Pete V. McCracken, Mayor
EXHIBIT “A”

H STREET ABANDONMENT
LEGAL DESCRIPTION

That real property situate in the Southeast quarter of Section 26, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

Beginning at the northeast corner of Lot 1 of Edgemont Subdivision, as recorded in Book 19, Page 68 of Maps, Tulare County Records, being a point on the south line of Porter Slough; thence

1) South 64°39’19” East, along said south line, 65.86 feet, more or less, to the northwest corner of that parcel described in deed recorded March 17, 2009 as Document Number 2009-0015205, Official Records of Tulare County; thence

2) South 00°59’52” West, along the westerly line of said parcel, a distance of 279.74 feet, more or less, to the southwest corner of said parcel, being a point on the north right of way line of Oak Avenue; thence

3) North 88°56’38” West, along said north right of way line, 60.00 feet, more or less, to the southeast corner of Lot 5 of said Edgemont Subdivision; thence

4) North 00°59’52” East, along the east line of Lots 1 through 5 of said Edgemont Subdivision, a distance of 306.83 feet, more or less, to the POINT OF BEGINNING.

Containing an area of approximately 0.40 acres.

Reserving unto the City of Porterville an easement for the maintenance, repair, and replacement of a storm drain pipeline and appurtenances, over, across, and under a portion of the described real property, being 2 (two) strips of land, each 10 feet in width, more particularly described as follows:

Strip 1:
The West 10.00 feet of the East 13.00 feet thereof.

Containing an area of approximately 0.07 acres.

Strip 2:
The East 10.00 feet of the West 13.00 feet thereof, excepting therefrom the South 178.00 feet thereof.

Containing an area of approximately 0.03 acres.

END OF DESCRIPTION
EXHIBIT “A”

KESSING STREET ABANDONMENT
LEGAL DESCRIPTION

That real property situate in the Southeast quarter of Section 26, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

Beginning at the northwest corner of Lot 1 of Edgemont Subdivision Number 2, as recorded in Book 20, Page 8 of Maps, Tulare County Records, being a point on the south right of way line of Putnam Avenue; thence

1) South 00°59'52" West, along the west line of said Edgemont Subdivision Number 2 and continuing along the west line of Lots 6 through 10 of Edgemont Subdivision, as recorded in Book 19, Page 68 of Maps, Tulare County Records, 543.78 feet to the southwest corner of said Lot 6, being a point on the north right of way line of Oak Avenue; thence

2) North 88°56'38" West, along said north right of way line, 50.00 feet to the southeast corner of Lot 19 of said Edgemont Subdivision; thence

3) North 00°59'52" East, along the east line of Lots 11 through 19 of said Edgemont Subdivision, 493.58 feet, to an angle point in the east line of said Lot 11; thence

4) North 44°05'27" West, along the northeasterly line of said Lot 11, a distance of 70.60 feet to an angle point in said line, being a point on the south right of way line of Putnam Avenue; thence

5) South 89°10'46" East, along said south right of way line, 100.00 feet to the POINT OF BEGINNING.

Containing an area of approximately 0.65 acres.

Reserving unto the City of Porterville an easement for the maintenance, repair, and replacement of a water pipeline and appurtenances, over, across, and under a portion of the described real property, being a strip of land 10 feet in width, more particularly described as follows:

The West 10.00 feet of the East 40.00 feet thereof.

Containing an area of approximately 0.12 acres.

Also Reserving unto the City of Porterville an easement for the maintenance, repair, and replacement of a sanitary sewer pipeline and appurtenances, over, across, and under a
portion of the described real property, being a strip of land 10 feet in width, the centerline of which is more particularly described as follows:

Beginning at the southeast corner of Lot 15 of said Edgemont Subdivision; thence

South 88°51'08" East, 50 feet, more or less, to the southwest corner of Lot 10 of said Edgemont Subdivision, and the terminus of said strip.

Containing an area of approximately 0.01 acres.

END OF DESCRIPTION
EXHIBIT B
KESSING STREET ABANDONMENT

LEGEND

( ) RECORD DATA PER MAP OF EDGEMONT
SUBDIVISION, BK. 19 OF MAPS, AT PG. 68,
TULARE COUNTY RECORDS, OR CALCULATED
THEREFROM

( ) RECORD DATA PER MAP OF EDGEMONT
SUBDIVISION NO. 2, BK. 20 OF MAPS, AT PG.
8, TULARE COUNTY RECORDS

/> LOT NUMBER PER EDGEMONT SUBDIVISION,
BK.19, PG. 68, RECORD MAPS, TULARE
COUNTY RECORDS

/> LOT NUMBER PER EDGEMONT SUBDIVISION NO.
2, BK. 20, PG. 8, RECORD MAPS, TULARE
COUNTY RECORDS

/> WATER PIPELINE EASEMENT RESERVED IN
FAVOR OF THE CITY OF PORTERVILLE

/> SANITARY SEWER PIPELINE EASEMENT
RESERVED IN FAVOR OF THE CITY OF
PORTERVILLE

POINT OF BEGINNING OF
CENTERLINE OF 10'
SANITARY SEWER
PIPELINE EASEMENT

TERMINUS OF CENTERLINE
OF 10' SANITARY SEWER
PIPELINE EASEMENT

10' WATER
PIPELINE EASEMENT

SCALE IN FEET

0 50 100 200

PROFESSIONAL LAND SURVEYOR
THOMAS M. GOODMAN
STATE OF CALIFORNIA
EXPIRES: 07/01/14
No. 8468

DATE SIGNED: 12/22/09

PORTION OF THE SE 1/4 SEC. 26,
T. 21 S., R. 27 E., M.D.B.&M.,
in the City of Porterville,
COUNTY OF TULARE, STATE OF CALIFORNIA
KESSING STREET ABANDONMENT
EXHIBIT MAP
EXHIBIT B

LAND SURVEYOR:
TIMOTHY M. ODON

DRATER:
T.M.O

SCALE: 1"=100'

DATE: 12/22/09
JOB NO.: 331209M1

SHEET 1 OF 1
CITY COUNCIL AGENDA: JANUARY 19, 2010


SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: Stanley M. Noble, Successor Trustee of the Edward B. and Elizabeth F. Cornell Revocable Trust Dated April 6, 1989 owners of property located at APN 269-130-001, has accepted the appraised value of $6,812.00 for 1,280 square feet of right-of-way needed for the Jaye/Gibbons Street Improvement Project. Included in the appraised value are improvements such as fencing, concrete, asphalt, and landscaping.

The City recently had the property appraised by Tim Simon, MAI, Simon Company Inc. a Certified General Real Estate Appraiser. The appraisal came in at $6,812.00 for the 1,280 square feet of property, and improvements needed for the project. This appraisal is available in the Community Development Department for your review.

Funding for this project was approved in the 2008/2009 Budget from Local Transportation Funds and Measure R Funds.

RECOMMENDATION: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Stanley M. Noble, Successor Trustee of the Edward B. and Elizabeth F. Cornell Revocable Trust Dated April 6, 1989, in the amount of $6,812.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS:

1. Right-Of-Way Take Map
2. Resolution

DD 8/09 APPROPRIATED/FUNDED MB CM

ITEM NO. 10
20' RIGHT OF WAY DEDICATION
CONVEYED TO THE COUNTY OF
TULARE PER DOCUMENT RECORDED
SEPT. 11, 1940 IN VOL 911,
PG 146, OFFICIAL RECORDS

TRUSTEE AFFIDAVIT 2009-0003790
APN 269-130-001

APN 269-130-002

CENTER OF SEC 2-22/27

ACQUIRED AREA: ±1,280 SQ FT

OWNER:
THE EDWARD R. AND ELIZABETH F. CORNELL
REVOCABLE TRUST DATED APRIL 8, 1988

EXHIBIT A
RESOLUTION NO. __________________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY, OF PORTERVILLE ACCEPTING A GRANT DEED IN FEE FOR PUBLIC STREET AND UNDERGROUND UTILITIES PURPOSES FROM STANLEY M. NOBLE, SUCCESSOR TRUSTEE OF THE EDWARD B. AND ELIZABETH F. CORNELL REVOCABLE TRUST DATED APRIL 6, 1989

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Grant Deed in fee from Stanley M. Noble, Successor Trustee of the Edward B. and Elizabeth F. Cornell Revocable Trust Dated April 6, 1989, for public street and underground utilities purposes, in the City of Porterville, County of Tulare, State of California, to-with:

See Exhibit “A” and “B” attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the purchase price of $6,812.00 is hereby approved with the City to open escrow account, pay all escrow fees, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The forgoing has been accepted by the City Council for the City of Porterville.

PASSED, ADOPTED AND APPROVED this 19 day of January 2010.

________________________________________

Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 269-130-004 – HELEN CHAPMAN – JAYE/GIBBONS STREET IMPROVEMENT PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: Helen Chapman, owner of property located at APN 269-130-004, has accepted the appraised value of $25,635.00 for 900 square feet of right-of-way needed for the Jaye/Gibbons Street Improvement Project. Included in the appraised value are improvements such as fencing, concrete improvements, driveway, tree, and a wood frame carport.

The City recently had the property appraised by Tim Simon, MAI, Simon Company Inc. a Certified General Real Estate Appraiser. The appraisal came in at $25,635.00 for the 900 square feet of property, and improvements needed for the project. This appraisal is available in the Community Development Department for your review.

Funding for this project was approved in the 2008/2009 Budget from Local Transportation Funds and Measure R Funds.

RECOMMENDATION: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Helen Chapman, in the amount of $25,635.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS:

1. Right-Of-Way Take Map
2. Resolution

DD [Signature] APPROPRIATED/FUNDED [Signature] CM [Signature] ITEM NO. 11
20' RIGHT OF WAY DEDICATION CONVEYED TO THE COUNTY OF TULARE PER DOCUMENT RECORDED SEPT. 11, 1940 IN VOL 911, PG 140, OFFICIAL RECORDS

CENTER OF SEC 2-22/27

ACQUIRED AREA: ±900 SQ FT

OWNER:
JESSIE L CHAPMAN & HELEN CHAPMAN, HUSBAND AND WIFE, AS JOINT TENANTS

EXHIBIT 'B'

PREPARED BY:
Quad Knopf

SCALE: 1" = 20'

PLAN DATE: 07/09/09
JOB NO: 090027
DRAW NAM: 090027-Jaye Street
SCALE: 1"=20'
SHEET NO: 1 of 1

APN 269-130-002
APN 269-130-004
APN 269-130-005
GRANT DEED VOL 3138 PG 651
RESOLUTION NO. _____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A GRANT DEED IN FEE FOR PUBLIC STREET AND UNDERGROUND UTILITIES PURPOSES FROM HELEN CHAPMAN

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Grant Deed in fee from Helen Chapman, for public street and underground utilities purposes, in the City of Porterville, County of Tulare, State of California, to-with:

See Exhibit "A" and "B" attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the purchase price of $25,635.00 is hereby approved with the City to open escrow account, pay all escrow fees, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The forgoing has been accepted by the City Council for the City of Porterville.

PASSED, ADOPTED AND APPROVED this 19 day of January 2010.

______________________________
Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: ACCEPTANCE OF FINAL SUBDIVISION MAP – MOOREA MANOR (Gary Smee)

SOURCE: Public Works Department - Engineering Division

COMMENT: The subdivider, Smee Builders, Inc., has submitted the final map of the subject project for Council approval. The subdivider is requesting approval prior to the acceptance of the required improvements.

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

The final map is in conformance with the approved tentative map and City Council Resolution No. 98-2009. The improvement plans, specifications, dedications and the final map have been approved by the Public Works Director and City Engineer and all other requirements have been met.

RECOMMENDATION: That City Council:

1. Approve the final map of Moorea Manor, Subdivision;

2. Accept all offers of dedication shown on the final map; and

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

ATTACHMENT: Final Map – Moorea Manor

P:\PUBWORKS\ENGINEERING\COUNCIL ITEMS\ACCEPTANCE OF FINAL SUBDIVISION MAP - MOOREA MANOR - 2010-01-19.DOC

Dir   Appropriated/Funded   CM   Item No. 12
CITY PLANNER’S STATEMENT
I hereby state that this map conforms to the approved tentative map dated this day of , 2011.

SHIRLEY G. DUNLAP, COMMUNITY DEVELOPMENT DIRECTOR

CITY COUNCIL’S STATEMENT
This is to state that at a regular meeting of the City Council of the City of , held on the day of , 2011, an order was duly and regularly made and entered approving the map and subdivision and accepting, subject to recording, the same as shown and indicated within the boundaries of the subdivision shown upon this map.

WITNESS MY HAND AND OFFICIAL SEAL OF THE CITY OF PORTERVILLE THIS day of , 2011.

CITY CLERK

MOOREA MANOR
A portion of lot 164 of Pioneer Land Co’s first subdivision, recorded in Book 1 of Maps at page 34, T.C.R., located in a portion of the West Half of the Northeast Quarter of the Southwest Quarter of Section 25, Township 31 South, Range 37 East, Meridian Base and Meridian, City of Porterville, County of Tulare, State of California.

OWNERS: RICHARD T. HUTH SURVIVOR’S TRUST, DATED 11/30/2000
RICHARD T. HUTH, TRUSTEE
P.O. BOX 1144
PORTERVILLE, CA 93258

ENGINEER: ROBERTS ENGINEERING
950 E. MAIN ST
PORTERVILLE, CA 93257
TAX 555-5648

OWNER’S STATEMENT
I hereby state that I am the owner of, or have some right, title or interest in the real property included within the boundaries of the subdivision shown on this map and that I am the only person whose consent is necessary to the filing of the map in said county and the approval of the map as shown within the boundaries of the subdivision shown on said map.

FOR RICHARD T. HUTH SURVIVOR’S TRUST, DATED 11/30/2000
RICHARD T. HUTH
PRINT NAME
TRUSTEE

ENGINEER’S STATEMENT
This map was prepared by me on my own initiative and is based upon a field survey, field notes, or official records, in compliance with the requirements of the subdivision map act and local ordinances at the request of Richard T. Huth on or about . I certify that this final map substantially conforms to the conditionally approved tentative map as hereinafter described. All monuments are set by the engineer and occupy the points indicated and are sufficient to enable the survey to be retraced. The monuments not yet set, will be set as indicated within two years of the recording of this map.

DEPOT

STATE OF CALIFORNIA
COUNTY OF TULARE

OWNED W. ROBERTS
AGE

CITY ENGINEER’S STATEMENT
I hereby state that I have carefully examined this map and that I am satisfied that said map is complete and correct. The subdivision map shown is substantially the same as is approved on the tentative map and that all provisions of Division 2, Title 7 of the Government Code of the State of California and any local ordinances applicable at the time of approval of the tentative map have been complied with.

DEPOT

RECORD OF PUBLICATION
F. J. REED CITY ENGINEER
P.O. BOX 261
R F.F.

SOIL ENGINEER’S STATEMENT
I hereby state that a preliminary Soil Report was submitted by me on , 2011, in accordance with the provisions of Ordinance No. of the Municipal Code of the City of Porterville and that said report is on file in the City Building Inspector’s office.

DEPOT

WYNTON F. JOHNSON

DEPUTY
SUBJECT: SANITARY SEWER MANAGEMENT PLAN WORK PLAN

SOURCE: Public Works Department - Field Services Division

COMMENT: The State of California's State Water Resources Control Board (SWRCB) adopted the statewide General Waste Discharge Requirement (GWDR), which applies to all public collection system agencies in California that own or operate collection systems comprised of more than one mile of pipe or sewer lines that convey untreated wastewater to a publicly owned treatment facility.

The GWDR requires all agencies to develop and implement a Sanitary Sewer Management Plan (SSMP) in order to manage the wastewater collection system more effectively. The City's SSMP will consist of twelve individual components. Two of the elements were adopted by resolution November 17th and have been transmitted to the State. The two elements adopted by Council were the goals and organization components of the plan.

The next phase in the development of the plan will consist of the evaluation of existing City programs and operations regarding compliance with the State Sanitary Sewer System Wastewater Discharge Requirements. Staff will develop any modifications, additions and documentation to bring City programs into compliance once this phase of the program has been completed.

Staff recommends that the City utilize the services of Quad Knopf to help develop the necessary plan elements to comply with State requirements. Quad Knopf is uniquely qualified for the task as they have successfully performed these services for several other valley agencies. Quad Knopf's fee for evaluating and comparing the City's programs and operations against the State's Sanitary Sewer System Wastewater Discharge requirements is $4,200. Funding for this effort was budgeted in the Sewer Operating Fund.

RECOMMENDATION: That the City Council approve a professional services contract with Quad Knopf to complete the remaining elements of the City's SSMP for an amount not to exceed $4,200.
SUBJECT: STATUS REPORT - DEVELOPER IMPACT FEES

SOURCE: Finance Department

COMMENT: Pursuant to Government Code Section 66006 (b) (1), a detailed fund analysis of the Capital Improvement Funds containing Developer Impact Fees has been prepared. In accordance with Section 66006(b) (2), a copy of this analysis was delivered to the Home Builders Association of Tulare/Kings Counties, Inc (HBA), per their request, at least fifteen days prior to this Council meeting.

The format and content of this analysis have been developed around criteria previously approved by the HBA. As of June 30, 2009, the City is in compliance with the requirements of the Code.


ATTACHMENT: Status Report
CITY OF PORTERVILLE

DEVELOPER IMPACT FEE SUMMARY
2008/09

<table>
<thead>
<tr>
<th></th>
<th>BEGINNING BALANCES AS OF JULY 1, 2008</th>
<th>(EXHIBIT NO.1) FEES COLLECTED</th>
<th>INTEREST EARNED</th>
<th>(EXHIBIT NO. 2) ELIGIBLE D.I.F. EXPENDITURES</th>
<th>ENDING BALANCES AS OF JUNE 30, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>WATER ACREAGE FEE</td>
<td>$(12,220,334)</td>
<td>$98,839</td>
<td>$31,598</td>
<td>$(263,082)</td>
<td>$(12,352,979)</td>
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<tr>
<td>SEWER ACREAGE FEE</td>
<td>$(2,593,287)</td>
<td>$48,850</td>
<td>$21,355</td>
<td>$(101,116)</td>
<td>$(2,624,198)</td>
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<tr>
<td>STORM DRAIN FEE</td>
<td>$(1,892,258)</td>
<td>$117,509</td>
<td>$58,022</td>
<td>$(762,862)</td>
<td>$1,304,927</td>
</tr>
<tr>
<td>TRANSPORTATION IMPACT FEE</td>
<td>$(547,827)</td>
<td>$282,774</td>
<td>$23,952</td>
<td>$(261,966)</td>
<td>$(592,587)</td>
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<tr>
<td>PARK IMPACT FEE</td>
<td>$(43,586)</td>
<td>$42,058</td>
<td>$1,725</td>
<td>$(87,261)</td>
<td>$108</td>
</tr>
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</table>
### Water Projects

<table>
<thead>
<tr>
<th>Description</th>
<th>Total Expenditure</th>
<th>Allowed D.I.F. Percentage</th>
<th>Eligible D.I.F. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miscellaneous water projects</td>
<td>218.08</td>
<td>0%</td>
<td>0.00</td>
</tr>
<tr>
<td>Master plan update</td>
<td>3,968.74</td>
<td>100%</td>
<td>3,968.74</td>
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<tr>
<td>Martin Hill booster</td>
<td>101,333.29</td>
<td>100%</td>
<td>101,333.29</td>
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<tr>
<td>Well #29</td>
<td>64,338.17</td>
<td>100%</td>
<td>64,338.17</td>
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<tr>
<td>Master plan payback</td>
<td>116.00</td>
<td>100%</td>
<td>116.00</td>
</tr>
<tr>
<td>Veterans Park booster pump</td>
<td>2,346.20</td>
<td>100%</td>
<td>2,346.20</td>
</tr>
<tr>
<td>Rocky Hill Zone 1</td>
<td>504.01</td>
<td>0%</td>
<td>0.00</td>
</tr>
<tr>
<td>Airport inter-tie</td>
<td>94.01</td>
<td>100%</td>
<td>94.01</td>
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<tr>
<td>Deficient fire flow</td>
<td>63.86</td>
<td>0%</td>
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<tr>
<td>Ag well conversions</td>
<td>662.85</td>
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<tr>
<td>Water well #31</td>
<td>64,833.38</td>
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<td>64,833.38</td>
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<tr>
<td>Well #30 - Newcomb Ag Const</td>
<td>1.28</td>
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<td>1.28</td>
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<tr>
<td>Scenic Heights tank analysis</td>
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<tr>
<td>Cathodic protection - Rocky Hill</td>
<td>3,085.13</td>
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<td>0.00</td>
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<tr>
<td>Water balancing study</td>
<td>49.30</td>
<td>0%</td>
<td>0.00</td>
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<tr>
<td>Morton / Matthew trunk line</td>
<td>26,050.90</td>
<td>100%</td>
<td>26,050.90</td>
</tr>
</tbody>
</table>

**WATER TOTAL**

<table>
<thead>
<tr>
<th>Description</th>
<th>Total Expenditure</th>
<th>Allowed D.I.F. Percentage</th>
<th>Eligible D.I.F. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>271,603.71</td>
<td></td>
<td>263,081.97</td>
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### Sewer Projects

<table>
<thead>
<tr>
<th>Description</th>
<th>Total Expenditure</th>
<th>Allowed D.I.F. Percentage</th>
<th>Eligible D.I.F. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport industrial development (new lift station)</td>
<td>4,329.79</td>
<td>0%</td>
<td>0.00</td>
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<tr>
<td>Master plan paybacks</td>
<td>1,677.97</td>
<td>100%</td>
<td>1,677.97</td>
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<tr>
<td>Replace grit system towers</td>
<td>998,297.82</td>
<td>0%</td>
<td>0.00</td>
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<tr>
<td>Buried sludge removal</td>
<td>52.95</td>
<td>0%</td>
<td>0.00</td>
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<tr>
<td>Effluent pipeline/land leveling</td>
<td>114,475.40</td>
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<td>0.00</td>
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<tr>
<td>Expansion - emergency storage</td>
<td>89,151.48</td>
<td>100%</td>
<td>89,151.48</td>
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<tr>
<td>Morton Ave sewer main</td>
<td>45,174.12</td>
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<tr>
<td>Water wells effluent irrigation inter-connection</td>
<td>35,140.25</td>
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<tr>
<td>Equipment canopy</td>
<td>400,173.26</td>
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<tr>
<td>Reclamation land improvement</td>
<td>11,139.40</td>
<td>0%</td>
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<tr>
<td>Plant air compressors (2)</td>
<td>34,636.12</td>
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<tr>
<td>Digester 1 &amp; 2 repair</td>
<td>22,357.20</td>
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<td>0.00</td>
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<tr>
<td>Lift station upgrade</td>
<td>290.88</td>
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<td>0.00</td>
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<tr>
<td>Westwood at Morton lift</td>
<td>8,225.17</td>
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<td>8,225.17</td>
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<tr>
<td>Contact chamber - water pump</td>
<td>8,911.49</td>
<td>0%</td>
<td>0.00</td>
</tr>
<tr>
<td>Sewer master plan update</td>
<td>804.21</td>
<td>100%</td>
<td>804.21</td>
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</table>
### CITYOF PORTERVILLE
#### DEVELOPER FEE-FUNDED PROJECTS
#### 2008/09

<table>
<thead>
<tr>
<th>Description</th>
<th>Total Expenditure</th>
<th>Allowed D.I.F. Percentage</th>
<th>Eligible D.I.F. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>WWTF discharge report</td>
<td>80,033.22</td>
<td>0%</td>
<td>0.00</td>
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<tr>
<td>Putnam at Matthew pump</td>
<td>4,207.79</td>
<td>0%</td>
<td>0.00</td>
</tr>
<tr>
<td>Jaye St - 190 to Gibbons</td>
<td>1,257.33</td>
<td>100%</td>
<td>1,257.33</td>
</tr>
<tr>
<td>Sludge lines - Westwood bridge over Tule River</td>
<td>28,994.68</td>
<td>0%</td>
<td>0.00</td>
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<tr>
<td><strong>SEWER TOTAL</strong></td>
<td>$ 1,889,330.53</td>
<td></td>
<td>$ 101,116.16</td>
</tr>
<tr>
<td><strong>Storm Drain Projects</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Master plan paybacks</td>
<td>$ 345,148.60</td>
<td>100%</td>
<td>$ 345,148.60</td>
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<tr>
<td>Drainage reservoir #51</td>
<td>543.75</td>
<td>100%</td>
<td>543.75</td>
</tr>
<tr>
<td>Purchase reservoir #19</td>
<td>0.00</td>
<td>100%</td>
<td>0.00</td>
</tr>
<tr>
<td>Airport industrial development - West St</td>
<td>29,412.00</td>
<td>100%</td>
<td>29,412.00</td>
</tr>
<tr>
<td>G St - Henderson Ave - G to Villa</td>
<td>330,879.46</td>
<td>100%</td>
<td>330,879.46</td>
</tr>
<tr>
<td>Jaye St project - Vandalia Ave</td>
<td>1,243.76</td>
<td>100%</td>
<td>1,243.76</td>
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<tr>
<td>Master plan update</td>
<td>8,921.35</td>
<td>100%</td>
<td>8,921.35</td>
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<tr>
<td>Jaye St project</td>
<td>694.90</td>
<td>100%</td>
<td>694.90</td>
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<tr>
<td>Newcomb trench patch</td>
<td>46,018.29</td>
<td>100%</td>
<td>46,018.29</td>
</tr>
<tr>
<td><strong>STORM DRAIN TOTAL</strong></td>
<td>$ 762,862.11</td>
<td></td>
<td>$ 762,862.11</td>
</tr>
<tr>
<td><strong>Transportation Projects</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montgomery St roundabout</td>
<td>$ 111,965.93</td>
<td>100%</td>
<td>$ 111,965.93</td>
</tr>
<tr>
<td>Transfer to General Fund for debt service</td>
<td>150,000.00</td>
<td>100%</td>
<td>150,000.00</td>
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<tr>
<td><strong>TRANSPORTATION TOTAL</strong></td>
<td>$ 261,965.93</td>
<td></td>
<td>$ 261,965.93</td>
</tr>
<tr>
<td><strong>Park Projects</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Debt service - sports complex</td>
<td>$ 79,667.21</td>
<td>100%</td>
<td>$ 79,667.21</td>
</tr>
<tr>
<td>Sports complex parking lease</td>
<td>7,593.60</td>
<td>100%</td>
<td>7,593.60</td>
</tr>
<tr>
<td><strong>PARK TOTAL</strong></td>
<td>$ 87,260.81</td>
<td></td>
<td>$ 87,260.81</td>
</tr>
</tbody>
</table>
CITY OF PORTERVILLE

DEVELOPER FEE RATE STRUCTURE
2008/09

<table>
<thead>
<tr>
<th></th>
<th>SINGLE FAMILY (R-1)</th>
<th>DUPLEX (R-2)</th>
<th>MULTI-FAMILY (R-3 &amp; R-4)</th>
<th>MOBILE HOMES</th>
<th>INSTITUTIONAL</th>
<th>COMMERCIAL / PROFESSIONAL</th>
<th>INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>WATER ACREAGE FEE / ACRE</td>
<td>$ 2,801</td>
<td>$ 7,012</td>
<td>$ 16,371</td>
<td>-</td>
<td>$ 1,828</td>
<td>$ 2,105</td>
<td>$ 16,169</td>
</tr>
<tr>
<td>SEWER ACREAGE FEE / ACRE</td>
<td>$ 1,711</td>
<td>$ 3,976</td>
<td>$ 9,275</td>
<td>-</td>
<td>$ 645</td>
<td>$ 2,417</td>
<td>$ 10,319</td>
</tr>
<tr>
<td>STORM DRAIN FEE / ACRE</td>
<td>$ 4,614</td>
<td>$ 6,155</td>
<td>$ 9,233</td>
<td>-</td>
<td>$ 12,307</td>
<td>$ 12,307</td>
<td>$ 12,307</td>
</tr>
<tr>
<td>TRANSPORTATION FEE / UNIT</td>
<td>$ 987</td>
<td>$ 668</td>
<td>$ 668</td>
<td>-</td>
<td>$ 2,540</td>
<td>$ 4,832</td>
<td>$ 720</td>
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<tr>
<td>PARK IMPACT FEE / UNIT</td>
<td>$ 614</td>
<td>$ 476</td>
<td>$ 476</td>
<td>$ 344</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
SUBJECT: RATIFICATION OF CITY COUNCIL DIRECTION REGARDING LIBRARY PLANNING PROCESSES

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: At the January 12, 2010 Joint Meeting with the Library Board of Trustees the Council accepted the Library Facility and Space Needs Assessment and provided direction for continued efforts by staff and the Library Facilities Planning Committee. Specifically, the Council directed initiation of activities related to site evaluation and funding evaluation.

To accomplish these activities, a general work plan and scope of specialty services will be prepared and presented to Council for subsequent approval. Staff understands that outreach to the County on funding is a part of the direction. Additionally, it is staff understanding that information on the preferred site size and layout is to be returned to the Council as a part of the further efforts.

The site and funding evaluation efforts can be accomplished within the Library Planning Project funding already budgeted. Also, staff understands that City resources are not currently authorized for community outreach.

RECOMMENDATION: That the City Council ratify the acceptance of the Library Facilities and Space Needs Assessment, and the authorization for continuance of library planning efforts in the areas of site evaluation and funding evaluation.
SUBJECT: PROPOSED AGREEMENT WITH CITY OF LINDSAY FOR PROVISION OF ANIMAL SHELTER SERVICES

SOURCE: Police Department

COMMENT: On November 1, 2009, the Police Department's Animal Control Unit assumed control of the animal shelter facility in Lindsay through a lease agreement. The Animal Control Unit is sheltering all animals picked up in the community at this facility. City staff has been contacted by representatives from the City of Lindsay who have requested sheltering services from the City of Porterville. The agreement would provide for the sheltering of animals picked up in the City of Lindsay by their employees. In return, the City of Lindsay would pay City of Porterville for these services at a cost that is comparable to fees being charged to the City of Porterville by Lindsay in the past for those same services. The fees are specified in the agreement.

RECOMMENDATION: That City Council:

1) Approve the attached agreement between the City of Porterville and the City of Lindsay, for the provision of animal sheltering services; And
2) Authorize the Mayor to sign the appropriate documents to implement the agreement.

ATTACHMENT: Agreement for Provision of Animal Shelter Services
AGREEMENT FOR
ANIMAL SHELTERING SERVICE

THIS AGREEMENT, made and entered into this 1st day of February, 2010, between the City of Porterville hereinafter referred to as “Porterville” and the City of Lindsay, hereinafter referred to as “Lindsay”:

WITNESSETH

WHEREAS, Porterville has assumed control over the Animal Shelter facility located at 23611 Road 196, Lindsay, CA and is operating said facility for purposes of sheltering animals in accordance with the laws of the State of California; and

WHEREAS, Lindsay has determined that it is in the best interest of Lindsay to contract with Porterville for the sheltering of animals picked up in Lindsay; and

WHEREAS, pursuant to Government Code Section 51301, Porterville is authorized to contract with Lindsay and Lindsay is authorized to contract with Porterville for the performance by appropriate Porterville officers and employees of Lindsay functions; and

NOW, THEREFORE, IT IS AGREED as follows:

1. SHELTER SERVICE

A. Location and Capacity: Porterville shall maintain humane and sanitary facilities suitable for the sheltering of all dogs, cats and other animals which may be impounded, or otherwise come into its custody, from Lindsay pursuant to the provisions of the Lindsay Municipal Code, or pursuant to State laws and regulations. Animals requiring veterinary observation or treatment may be impounded at veterinary facilities of
Porterville’s choice. Animals subject to quarantine away from the owner’s premises shall be sheltered in facilities approved by the County Health Officer pursuant to State rabies control statutes and regulations.

B. **Holding Period:** Animals impounded from Lindsay shall be held for redemption for the minimum period required by statute; however, Porterville reserves the right to euthanize any sick or injured animal before the expiration of the minimum holding period upon the recommendation of a veterinarian, or when otherwise authorized by statute. Animals held as evidence in a criminal investigation or prosecution shall be held until released by the investigating officer, prosecutor, or a court order. Time of impoundment for the purpose of this agreement shall begin when an animal arrives at the shelter, or in the case of an animal impounded at a veterinary kennel or other premises, when notice describing the animal and the circumstances of its impoundment is posted in a public place at the shelter.

C. **Disposition of Impounded Animals:** Lindsay’s right to custody of any animal; impounded for the minimum period required by this agreement shall pass to Porterville upon the expiration of said period and Lindsay shall thereafter have no responsibility for the care or the costs of sheltering of said animal. After expiration of said period, and after giving any notice required by law, Porterville in its sole discretion, may hold the animal for a longer period, or may place the animal for adoption, or may dispose of the animal.
D. Dead Animals: Porterville shall provide for the safe and sanitary disposal of all dead animals coming into its possession and of all animals destroyed by Porterville pursuant to the terms of this agreement.

E. Other Animal Control Services: This agreement does not provide for Porterville to provide any animal control services to Lindsay. Additionally, it does not provide for the licensing of animals of Lindsay residents.

2. VETERINARIAN CARE

In providing care for any animal coming into its possession pursuant to this agreement, Porterville’s decision to obtain veterinary services, Porterville’s selection of a veterinarian, and Porterville’s approval of veterinary fees for care and treatment of the animal, shall be final.

3. RECORDS

Porterville shall keep appropriate records and statistics regarding all services performed under this agreement. Lindsay may inspect and receive copies of said records upon request.

4. HOLD HARMLESS

Porterville shall hold harmless, defend and indemnify Lindsay, it’s officers, agents, and employees from and against any liability, claims, action, cost, damage, or losses for injury, including death, to any person, or damage to any property arising out of Porterville’s activities under this agreement. Lindsay shall
hold harmless, defend, and indemnify Porterville, its officers, agents, and employees from and against any liability claims, actions, cost, damages or losses for injury, including death, to any person or damage to any property arising out of Lindsay’s activities under this agreement.

5. TERM AND TERMINATION

A. This agreement shall become effective on February 1, 2010, and shall continue until June 30, 2015, at which time it will be renewed automatically unless terminated by either party.

B. Either party may terminate this agreement at the end of the fifth year by delivering written notice of termination on or before the preceding December 31st.

C. Upon construction of an animal shelter in Porterville, Porterville may opt to move all animals to the Porterville site and discontinue the use of the shelter in Lindsay. At that time, Lindsay may deliver their animals to the Porterville facility or terminate this agreement. Porterville reserves the right to continue to operate the Lindsay facility and offer sheltering services to Lindsay only upon the formation of a Joint Powers Authority (or other agreements) which would provide for sheltering services to other jurisdictions in Tulare County. Should such agreements or JPA not develop, either Porterville or Lindsay may terminate this agreement prior to the end of the five (5) year period.
D. Either party may terminate this agreement for material breach if the other party fails to remedy said breach within thirty (30) days after receiving written notice setting forth in detail the facts constituting said breach.

6. CHARGE FOR SERVICES

Lindsay agrees to pay Porterville, the following fees for the listed action:

A. Sheltering Service:
   1. Dog or cat $30.00 per impoundment
   2. Dog or Cat (Quarantine) $50.00 per impoundment
   3. Evidence fowl $6.00 per day
   4. Horse, cow, goat, etc. Actual cost at market rate
   5. Protective custody / evidence hold $6.00 per day
   6. Other evidence hold Actual cost at market rate
   7. Dead animal disposal $6.00 per animal

B. Veterinary Services: Lindsay shall reimburse Porterville for the cost of all veterinary services rendered for the examination and treatment of animals coming into Porterville’s possession pursuant to the provisions of this agreement, within thirty (30) days of receipt of an itemized bill. Billings for “veterinary services” will only apply to the examination or treatment of animals believed by Porterville to be sick or injured and which cannot be euthanized or which must be held as evidence in a criminal case.
Animal Shelter Agreement (Lindsay)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF PORTERVILLE

________________________________________
ATTEST:

City Clerk

CITY OF LINDSAY

________________________________________
ATTEST:

City Clerk
SUBJECT: RETIREMENT OF POLICE SERVICE DOG “ZEUS”

SOURCE: Police Department

COMMENT: In October, 2003, the City of Porterville purchased “Zeus,” a four year old Belgian Malinois, for use as a police service dog. “Zeus” was purchased from Officer Bryan Clower, his former handler. “Zeus” was transferred to then Officer Josh Maniss upon Officer Clower’s promotion. “Zeus” has been working as a police service dog for nearly nine years. He is also over ten years old. This is well in excess of the standard work-life expectancy for police service dogs. In addition, Josh Maniss has promoted to Sergeant. Due to the above factors, “Zeus” is being retired from service.

The agreement to purchase “Zeus” initially stipulated that Bryan Clower had the first option to purchase “Zeus” back from the City should “Zeus” cease to work as a police service dog or if Officer Clower should transfer from, promote, or leave the canine program at PPD. It was also stipulated that this purchase would be at fair market value, taking into consideration that the average working life of a police service dog is five years. This stipulation was passed on to Officer Maniss when he assumed responsibility for “Zeus.”

“Zeus” is being retired based on current age and working history. “Zeus” has reached an age wherein his health, although still fairly good, is having an effect on his abilities as a police service dog. He has “slowed” down considerably and his chances of being seriously hurt while on duty has increased. Because he will no longer be able to act in the capacity of a police service dog, the fair market value of “Zeus” is one dollar ($1.00.)

RECOMMENDATION: That the City Council:

1) Approve the sale of “Zeus” to Josh Maniss for one dollar ($1.00);
2) Authorize the Mayor to execute the agreement and document to sell “Zeus” to Josh Maniss.
AGREEMENT TO PURCHASE CITY PROPERTY

This agreement to Purchase City Property (hereinafter referred to as "AGREEMENT") is made and entered into by and between Josh Maniss (hereinafter referred to as "Maniss") and the CITY OF PORTERVILE (hereinafter referred to as "CITY") and the Porterville Police Department (hereinafter referred to as "PPD") and (hereinafter collectively referred to as "PARTIES").

RECITALS

WHEREAS, MANISS is currently a Police Sergeant with the PPD.

WHEREAS, MANISS has offered to purchase "Zeus" from the CITY and the PPD at the time "Zeus" ceases to work as a police service dog for the CITY.

WHEREAS, MANISS understands that "Zeus" is a trained police dog and assumes any liability arising out of, connected with, or resulting from the actions of "Zeus" from and after the date of this agreement.

WHEREAS, the PARTIES desire to enter into this AGREEMENT.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the PARTIES hereby agree as follows:

1. MANISS shall purchase "Zeus" from the CITY for the sum of one dollar ($1.00) and ownership shall pass to MANISS as of the DATE OF THIS AGREEMENT.

2. MANISS shall assume all risk of loss and expenses related to the care and maintenance of "Zeus" as of the DATE OF THIS AGREEMENT.

3. MANISS shall assume all liability arising out of, connected with, or resulting from the actions of "Zeus" as of the DATE OF THIS AGREEMENT.

Executed at Porterville, California, this _____ day of January, 2009.

Josh Maniss, POLICE SERGEANT

Pete McCracken, MAYOR
SUBJECT: REQUEST TO RATIFY FAA AIRPORT CAPITAL IMPROVEMENT PROGRAM FOR PERIOD 2009/10 to 2015/16

SOURCE: PORTERVILLE AIRPORT

Each year, the FAA requires an updated Airport Capital Improvement Program to be submitted by each of its Airports. These documents called “ACIPs” are sources for project and grant planning.

The document for this year was completed and submitted on-time in mid January. Copies of the data sheets are attached for City Council review. If the Council ratifies them as presented, no amendment to the FAA submission will be necessary. However, if modifications are made, the amended sheets will be submitted. The overall capital program for the Airport runs through 2016. The project, potentially, are very large.

2010 Complete the airfield electrical improvements (now under construction) and design the Runway 12-30 Rehabilitation. Commence construction on the Runway 12-30 Rehabilitation.
2011 Design the transformation of abandoned Runway 7-25 as a commercial taxiway
2012 Rehabilitate former Runway 7-25 as a commercial taxiway
2013 Complete Airport Layout Plan narrative for Runway Extension
2014 Complete the Runway Extension environmental assessment
2015 Design the extension of Runway 12-30/ Also, property purchase for the project
2016 Construct the extension of Runway 12-30

RECOMMENDATION: Approve (ratify) the Airport Capital Improvement Program as presented.
AWP ACIP DATA SHEET

<table>
<thead>
<tr>
<th>Airport Name</th>
<th>Porterville Airport, City of Porterville NPIAS: 06-0190</th>
<th>Fiscal Year</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shown On ALP</td>
<td>Project Type*</td>
<td>Federal Share</td>
<td>Local Share</td>
</tr>
<tr>
<td>Yes</td>
<td>D</td>
<td>Construct Airfield electrical improvements</td>
<td>$ 399,438</td>
</tr>
<tr>
<td>Yes</td>
<td>D</td>
<td>Design Runway 12-30 Rehabilitation</td>
<td>$ 228,000</td>
</tr>
<tr>
<td>Yes</td>
<td>D</td>
<td>Construct Runway 12-30 Rehabilitation</td>
<td>$1,957,000</td>
</tr>
</tbody>
</table>

* D - Development; P - Planning; E - Environmental

**PROVIDE THE FOLLOWING DETAILED INFORMATION FOR PROJECTS ANTICIPATED WITHIN 1-2 YEARS**

**Detail Project Description (Square/Lineal Footage or Length/Width)**
Complete construction of pole-mounted apron area lighting, primary and secondary wind cones, segmented circle, install REILS, emergency generator, replace all taxiway edge lighting, turn reference on extension of R30
Design rehabilitation of Runway 12-30 (6000 x 150), new pavement markers and runway grooving
Construct rehabilitation of Runway 12-30 (6,000 x 150), new pavement markers and runway grooving

**Project Schedule (Anticipated date for bids or negotiated prices, consultant selection for planning or environmental projects, length of construction or design, planning or environmental process)**
Construction of electrical project to be completed by May, 2010

**NEPA Environmental Status (Date of FONSI or submit CATEX Form for Approval)**
The construction of the electrical improvements is Categorically Exempt
A CATEX has been submitted to FAA for the Rehabilitation of Runway 12-30 Project

**Land Title Status & Date of Exhibit "A" Status**
A current Exhibit "A" Property Map exists for this airport and is on file with the FAA, approved March, 2007

**Open AIP Funded Projects**

<table>
<thead>
<tr>
<th>AIP 07 Design of airfield electrical improvements</th>
<th>Expected Close-out Date</th>
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<tbody>
<tr>
<td>AIP 08 &quot;A&quot; Construction of airfield electrical improvements</td>
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<tr>
<td>AIP 09 &quot;B&quot; Construction of airfield electrical Improvements</td>
<td>June, 2010</td>
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</table>

**Certification:** To the best of my knowledge and belief, all information shown in the ACIP Data Sheet is true and correct and had been duly authorized by the Sponsor.

John Longley, Airport Area Manager

**Name and Title of Authorized Representative (Print or Type) | Contact Name and Title (Print or Type)**

| 559-781-0305 |

**Signature | Date | Contact Phone (Print or Type)**
### AWP ACIP DATA SHEET

<table>
<thead>
<tr>
<th>Airport Name</th>
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<tr>
<td>Shown On ALP</td>
<td>Project Type*</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Yes</strong></td>
<td><strong>D</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Project Description</strong></td>
<td></td>
<td>Federal Share</td>
<td>Local Share</td>
</tr>
<tr>
<td>Design: Rehabilitate former Runway 7-25 (4,000 by 50) as commercial taxiway</td>
<td></td>
<td>$123,500</td>
<td>$6,500</td>
</tr>
</tbody>
</table>

* D - Development; P - Planning; E - Environmental

**PROVIDE THE FOLLOWING DETAILED INFORMATION FOR PROJECTS ANTICIPATED WITHIN 1-2 YEARS**

**Detail Project Description (Square/Lineal Footage or Length/Width)**
Design: Rehabilitate former Runway 7-25 as commercial taxiway. Localized pavement removal and reconstruction, followed by a uniform overlay. Install pavement markings. Perform shoulder backing

**Project Schedule (Anticipated date for bids or negotiated prices, consultant selection for planning or environmental projects, length of construction or design, planning or environmental process)**
Design will be completed pursuant to a consulting services agreement with Tartaglia Engineers

**NEPA Environmental Status (Date of FONSI or submit CATEX Form for Approval)**

**Land Title Status & Date of Exhibit “A” Status**
A current Exhibit “A” Property Map exists for this airport and is on file with the FAA, approved March, 2007

**Open AIP Funded Projects**

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John Longley, Airport Area Manager

**Name and Title of Authorized Representative (Print or Type)**

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**Date**

**Contact Phone (Print or Type)**
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<td>Project Type*</td>
<td>Project Description</td>
<td>Federal Share</td>
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<tr>
<td>Yes</td>
<td>D</td>
<td>Construct: Rehabilitate former Runway 7-25 as commercial taxiway.</td>
<td>$475,000</td>
</tr>
</tbody>
</table>

*D - Development; P - Planning; E - Environmental

**PROVIDE THE FOLLOWING DETAILED INFORMATION FOR PROJECTS ANTICIPATED WITHIN 1-2 YEARS**

**Detail Project Description (Square/Lineal Footage or Length/Width)**

Construct: Rehabilitation for former Runway 7-25 as commercial taxiway (200,000 sf) through localized removal and reconstruction of failed pavement areas, followed by a uniform overlay. Install pavement markings and perform shoulder backing.

**Project Schedule (Anticipated date for bids or negotiated prices, consultant selection for planning or environmental projects, length of construction or design, planning or environmental process)**

The City will be applying for this grant based on bids received for the **construction project** and a fee proposal from the design consultant in Spring, 2012. Construction will be complete by December, 2012.

**NEPA Environmental Status (Date of FONSI or submit CATEX Form for Approval)**

<table>
<thead>
<tr>
<th>Land Title Status &amp; Date of Exhibit &quot;A&quot; Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>A current Exhibit &quot;A&quot; Property Map exists for this airport and is on file with the FAA, approved March, 2007</td>
<td></td>
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John Longley, Airport Area Manager

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<tr>
<th>Airport Name</th>
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<th>2013</th>
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<tbody>
<tr>
<td>Shown On ALP Type*</td>
<td>Project Description</td>
<td>Federal Share</td>
<td>Local Share</td>
</tr>
<tr>
<td>N/A</td>
<td>E</td>
<td>ALP Narrative</td>
<td>$23,750</td>
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</tbody>
</table>

* D - Development; P - Planning; E - Environmental

**PROVIDE THE FOLLOWING DETAILED INFORMATION FOR PROJECTS ANTICIPATED WITHIN 1-2 YEARS**

**Detail Project Description (Square/Lineal Footage or Length/Width)**

Prepare ALP Narrative Report which will include consideration to extend Runway 12-30.

**Project Schedule (Anticipated date for bids or negotiated prices, consultant selection for planning or environmental projects, length of construction or design, planning or environmental process)**

**Detail Project Description (Square/Lineal Footage or Length/Width)**

The narrative report will be used to develop basic information which will be used in the environmental document.

**NEPA Environmental Status (Date of FONSI or submit CATEX Form for Approval)**

The narrative report will be used to develop basic information which will be used in the environmental document.

**Land Title Status & Date of Exhibit "A" Status**

A current Exhibit "A" Property Map exists for this airport and is on file with the FAA, approved March, 2007

**Open AIP Funded Projects**

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**Certification**

To the best of my knowledge and belief, all information shown in the ACIP Data Sheet is true and correct and had been duly authorized by the Sponsor.

John Longley, Airport Area Manager

**Name and Title of Authorized Representative (Print or Type)**

Contact Name and Title (Print or Type)

559-781-0305

**Signature**

**Date**

**Contact Phone (Print or Type)**
**AWP ACIP DATA SHEET**

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<th>Porterville Airport, City of Porterville NPIAS: 06-0190</th>
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<tr>
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<td>Project Type*</td>
<td>Project Description</td>
<td>Federal</td>
</tr>
<tr>
<td>N/A</td>
<td>E</td>
<td>Runway extension EA</td>
<td>$171,000</td>
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</table>

* D - Development; P - Planning; E - Environmental

**PROVIDE THE FOLLOWING DETAILED INFORMATION FOR PROJECTS ANTICIPATED WITHIN 1-2 YEARS**

**Detail Project Description (Square/Lineal Footage or Length/Width)**

Perform Environmental Assessment for extension of Runway 12-30.

**Project Schedule (Anticipated date for bids or negotiated prices, consultant selection for planning or environmental projects, length of construction or design, planning or environmental process)**

**Detail Project Description (Square/Lineal Footage or Length/Width)**

The schedule for environmental assessment will include consideration for time-of-year biological inspections and field surveys. The entire effort will be complete within 18 months.

**NEPA Environmental Status (Date of FONSI or submit CATEX Form for Approval)**

Runway conversion to commercial taxiway is a rehabilitation project, show on the approved ALP. A CATEX form will be submitted at the appropriate time.

**Land Title Status & Date of Exhibit "A" Status**

A current Exhibit "A" Property Map exists for this airport and is on file with the FAA, approved March, 2007

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**Certification:** To the best of my knowledge and belief, all information shown in the ACIP Data Sheet is true and correct and had been duly authorized by the Sponsor.

John Longley, Airport Area Manager

**Name and Title of Authorized Representative (Print or Type)**

**Contact Name and Title (Print or Type)**

559-781-0305

**Signature**

**Date**

**Contact Phone (Print or Type)**
### AWP ACIP DATA SHEET

**Enclosure 1**

**Prepared by:** SFO-625  
**Date:** 12-29-09

<table>
<thead>
<tr>
<th>Airport Name</th>
<th>Porterville Airport, City of Porterville NPIAS: 06-0190</th>
<th>Fiscal Year</th>
<th>2015</th>
</tr>
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<tbody>
<tr>
<td>Shown On ALP</td>
<td>Project Type*</td>
<td>Project Description</td>
<td>Federal Share</td>
</tr>
<tr>
<td>Yes</td>
<td>D</td>
<td>Design: Extension of Runway 12-30 and parallel taxiway</td>
<td>$190,000</td>
</tr>
<tr>
<td>Yes</td>
<td>D</td>
<td>Property Purchase: Necessary property to be purchased to permit extension of Runway 12-30</td>
<td>$237,000</td>
</tr>
</tbody>
</table>

* D - Development; P - Planning; E - Environmental

---

**Provide the following detailed information for projects anticipated within 1-2 years**

**Detail Project Description (Square/Lineal Footage or Length/Width)**
- **Design:** Runway extension - Square footage will depend upon the findings of the environment document.
- **Property Purchase:** Runway extension - Square footage will depend upon the findings of the environmental document. An estimated 850,000 square feet, costing $250,000 is presented as an estimate only.

**Project Schedule (Anticipated date for bids or negotiated prices, consultant selection for planning or environmental projects, length of construction or design, planning or environmental process)**

**Detail Project Description (Square/Lineal Footage or Length/Width)**

The environmental and economic analyses will define the specific extension magnitude. It is likely the extension to the full 7,000 by 150 feet defined in the ALP will be phased. An estimated 850,000 square feet of land purchase is projected and will include future runway extension and safety areas.

**NEPA Environmental Status (Date of FONSI or submit CATEX Form for Approval)**

An environmental document will be prepared for the runway extension project and is shown for 2013/14

**Land Title Status & Date of Exhibit "A" Status**

A current Exhibit "A" Property Map exists for this airport and is on file with the FAA, approved March, 2007

**Open AIP Funded Projects**

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**Certification:** To the best of my knowledge and belief, all information shown in the ACIP Data Sheet is true and correct and has been duly authorized by the Sponsor.

John Longley, Airport Area Manager

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</tr>
<tr>
<td>Airport Name</td>
<td>Porterville Airport, City of Porterville NPIAS: 08-0190</td>
<td>Fiscal Year</td>
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<tr>
<td>--------------</td>
<td>---------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td><strong>Shown On</strong></td>
<td><strong>Project</strong></td>
<td><strong>Type</strong></td>
</tr>
<tr>
<td>Yes</td>
<td>D</td>
<td>Construct: Extension of Runway 12-30 and parallel taxiway taxiway.</td>
</tr>
<tr>
<td>Yes</td>
<td>D</td>
<td></td>
</tr>
</tbody>
</table>

* D - Development; P - Planning; E - Environmental

**Provide the following detailed information for projects anticipated within 1-2 years**

**Detail Project Description (Square/Lineal Footage or Length/Width)**

Construct: An estimate is provided for a phased construction of a Runway 12-30 project. The actual amount of extension will be based on both environmental and economic factors.

**Project Schedule (Anticipated date for bids or negotiated prices, consultant selection for planning or environmental projects, length of construction or design, planning or environmental process)**

Detail Project Description (Square/Lineal Footage or Length/Width)

the environmental and economic analyses will define the specific extension magnitude. It is likely the extension to the full 7,000 by 150 feet defined in the ALP will be phased.

**NEPA Environmental Status (Date of FONSI or submit CATEX Form for Approval)**

An environmental document will be prepared for the runway extension project and is shown for 2013/2014.

**Land Title Status & Date of Exhibit "A" Status**

A current Exhibit "A" Property Map exists for this airport and is on file with the FAA, approved March, 2007

**Open AIP Funded Projects**

| AIP 07 Design of airfield electrical improvements | June, 2010 |
| AIP 08 "A" Construction of airfield electrical improvements | June, 2010 |
| AIP 09 "B" Construction of airfield electrical improvements | June, 2010 |

**Certification:** To the best of my knowledge and belief, all information shown in the ACIP Data Sheet is true and correct and had been duly authorized by the Sponsor.

John Longley, Airport Area Manager

**Name and Title of Authorized Representative (Print or Type)**

Contact Name and Title (Print or Type)

559-781-0305

**Signature**

Date

Contact Phone (Print or Type)
COUNCIL AGENDA: JANUARY 19, 2010

SUBJECT: APPROVE A MODIFICATION IN GRANT APPLICATIONS FOR FAA 2010 PROJECT

SOURCE: PORTERVILLE AIRPORT

Based upon discussions with FAA staff and previous City Council action, the City applied in November, 2010 to the FAA District Office in Burlingame for a grant of $2,185,000 to partially cover the cost of a $2,300,000 runway rehabilitation project. At a meeting with FAA and City staff in November, 2009, the indication from the FAA was that obtaining the large grant would require meeting ambitious time-frames.

In this regard, a service agreement has been negotiated with the consulting engineer and has been approved by the FAA. The agreement is before the Council at this, the January 19th Regular Meeting.

Combined with the engineering agreement, a grant strategy is critical. At this time, the engineering agreement is being performed on a reimbursement basis. This means engineering costs are accrued with cash flow paid from the Airport Development Fund and at the end the monies would be recovered through a future annual grant. The benefit of doing this is to pursue for 2010 the entire rehabilitation grant. If the grant is not achieved in 2010, the plans and specifications are available for a future grant cycle.

The approach was discussed with the FAA last week in Burlingame. The proposed approach based on the Burlingame discussions is recommended as immediately commencing the engineering with a cost of $132,670. An “A” monies modification of $100,281 to the grant submitted in November, 2009 would be submitted in January, 2010 to the FAA. This is an amount approved after the January Burlingame meeting by the FAA. The design would be completed by April, 2010 and in May, 2010 a “B” application would be submitted for the entire project – based upon bids. Only if this does not work for full funding, the “B” application would be for the remainder of engineering cost and in a subsequent year, the construction money would be applied for through the FAA grant program.

The key to the issue is meeting an aggressive time-frame and very close project management.

1 The grant application defined that for the $2,300,000 project, $2,185,000 would be from FAA sources, $60,375 from the applicant and $54,625 from the State of California. State monies are not at this time available because of their financial status. If they are not available later this year, the City would be responsible for the full $115,000 in match. The monies would be taken from the Airport Development Fund.

D.D. [ ] Appropriated/Funded [ ] C.M. [ ] Item No. 19
This has been discussed with the FAA and is outlined below:

- **Proceed with Engineering Agreement:** Complete in January, 2010
- **Topographical Survey:** Complete in February, 2010
- **Geotechnical:** Complete in February, 2010
- **Preliminary Design:** Complete in early March, 2010
- **Revised Estimate:** Complete in early March, 2010
- **Plans and Specifications:** Complete the second week of April, 2010
- **Estimate and Report:** Complete the second week of April, 2010
- **FAA Review of Document:** Middle of April, 2010
- **Open Bids:** Middle of May, 2010
- **Submit for “B” Project Monies Based on Bids:** Middle of May, 2010

**RECOMMENDATION:** Authorize the submission by the City Manager of a modified FAA “A” grant in the amount of $100,281 in January, 2010 and a subsequent “B” grant in May, 2010 for the full-cost of the Runway Rehabilitation or the remainder of engineering cost, based upon FAA advice at the time.
SUBJECT: APPROVAL OF AGREEMENT FOR DESIGN SERVICES – REHABILITATION OF RUNWAY 12-30, PORTERVILLE MUNICIPAL AIRPORT

SOURCE: FINANCE DEPARTMENT—PURCHASING DIVISION

COMMENT: The Federal Aviation Administration has allocated funding under the Fiscal Year 2010 Airport Improvement Program for the design of the rehabilitation of Runway 12-30 at Porterville’s Municipal Airport. This project is routine maintenance of the runway to repair raveling and surface degradation and to address poor surface drainage. Tartaglia Engineering is the City’s “Engineer of Record” for its airport improvement projects, and Council approved a Master Service Agreement with Tartaglia on August 4, 2009. Council further authorized the City Manager to execute future project specific Authorization of Service (AOS) agreements provided we have FAA approval and formal grant funding. Staff submitted the proposed Authorization of Service (AOS) #2 for FAA review, and approval was granted on January 7, 2010. We do not yet have a formal grant from the FAA. The AOS, with a total cost of $132,670, is therefore submitted herewith for Council’s consideration. The Federal share is 95% with a City match of 5%. The initial cash flow for this contract is from the Airport Development Fund. The Council should refer to the Staff Report on the grant modification for a full explanation of funding.

RECOMMENDATION: That the Council approve the Authorization of Service (AOS) #2 between the City of Porterville and Tartaglia Engineering for design of the Airport’s Runway 12-30 Rehabilitation Project; and further, that Council authorize the Mayor to execute the Agreement.

ATTACHMENTS: Approval Letter from the FAA Authorization of Service (AOS) #2

D.D. Appropriated/Funded C.M. Item No. 20
January 7, 2010

Mr. John Longley
City of Porterville
291 No. Main Street
Porterville, California 93257

Dear Mr. Longley:

Airport: Porterville Municipal;
AIP Project 3-06-0190-10;
Engineering Service Agreement Approval

The Engineering Service Agreement between the City of Porterville and Tartaglia Engineering to provide engineering and construction management services for the runway rehabilitation project is hereby approved.

Please send us a copy of the executed agreement.

Sincerely,

[Signature]

Peter Hong
Program Manager
Safety and Standards Section

[Signature] Susan Perkins
AUTHORIZATION OF SERVICE (AOS)

NO: 2

to the

MASTER SERVICE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT IMPROVEMENTS

THIS AOS, entered into this _____ day of __________________, 2010, by and between the City of Porterville, hereinafter referred to as the “City,” and Tartaglia Engineering, hereinafter referred to as the “Engineer.”

WITNESSESTH

WHEREAS, the City currently holds a Master Service Agreement (MSA) with the Engineer; and

WHEREAS, the MSA allows the City to contract work with the Engineer through the use of individual, project or scope-specific, Authorizations of Service (AOS); and

WHEREAS, this is AOS NO. 2 of the MSA:

NOW, THEREFORE, BE IT AGREED, by and between the City and the Engineer as follows:

I. SCOPE OF PROJECT

The scope of the project is detailed in Exhibit “A” of this AOS.

II. SCOPE OF SERVICES

The scope of services to be provided by the Engineer are detailed in Exhibit “B” of this AOS.

III. COMPENSATION

Compensation to the Engineer for work on this AOS shall be a total of One Hundred Thirty Two Thousand, Six Hundred, Seventy Dollars ($132,670.00), as further identified in Exhibit “C”.

AOS No. 2: Page 1 of 3
IV. FEE SCHEDULE

Work performed on this project shall be in accordance with the rates and fees identified in Exhibit "D" of this AOS.

V. TIME FOR PERFORMANCE

Time is of the essence with the work of this AOS. Engineer shall proceed diligently with all tasks included in this AOS, completing them in accordance with the Project Schedule included in Exhibit "E".

Failure to perform all services in accordance with the schedule could result in harm or damage to the City. In the event harm or damage occurs, the City may elect to withhold, as compensation for said damage, $100.00 per day for each and every day the Engineer fails to perform in accordance with the schedule.

VI. SUBCONSULTANTS

Proposed subconsultants to be employed by the Engineer in the completion of the work of this AOS are identified in Exhibit "F".

VII. EXTENT OF AOS

This AOS, together with Exhibits "A," "B," "C," "D," "E," and "F" attached hereto, constitute the entire AOS No. 2 within the MSA between the City and the Engineer, and supersedes all prior written or oral understandings. This AOS and said attachments may be amended, supplemented, modified or canceled only by a duly written instrument.
AUTHORIZATION OF SERVICE (AOS)

NO: 2

to the

MASTER SERVICE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT IMPROVEMENTS

IN WITNESS WHEREOF, this Authorization of Service is executed on the day and year first above written.

CITY OF PORTERVILLE

____________________________________
Mayor

TARTAGLIA ENGINEERING

____________________________________
John A. Smith
Principal

ATTEST:

____________________________________
City Clerk
AUTHORIZATION OF SERVICE (AOS)

NO: 2

EXHIBIT A

PORTERVILLE MUNICIPAL AIRPORT IMPROVEMENTS

SCOPE OF PROJECT

This project focuses on the rehabilitation of Runway 12-30. The extent of improvements includes the entire runway, and each of the four connecting taxiways to ten feet beyond the hold position markings (away from the runway). Specifically, the scope of work includes:

1. Grinding and removal of the existing porous friction course.
2. Transition, variable thickness grinding across each connecting taxiway at the limit of rehabilitation.
3. Construction of a uniform thickness asphalt pavement surface course.
4. Perform runway grooving, re-establishing a friction element to the surface.
5. Adjust runway and taxiway edge lights to grade.
6. Perform shoulder grading and backing, including the approach to each end of the runway.
7. Install runway pavement markings including enhanced hold position markings.
8. Install hydro-mulch erosion control for all disturbed areas.
10. Implementation of upgrades and revisions to airport guidance signs.

The current estimated cost of construction of described improvements is $1,900,000.00
AUTHORIZATION OF SERVICE (AOS)

NO: 2

EXHIBIT B

PORTERVILLE MUNICIPAL AIRPORT IMPROVEMENTS

SCOPE OF SERVICES

The scope of work of this professional services agreement focuses on the preliminary engineering, engineering design, and bidding phase of the Runway 12-30 Rehabilitation project. Services included in this AOS include, but are not limited to the following:

Preliminary Engineering Phase:
1. Research, review, and preparation of a Categorical Exclusion. Submit to the FAA.
2. Topographic survey for design. Along the runway, a total of 13 field topographic points will be shot at 50 feet stations, end to end. Each connecting taxiway will be shot at 50 foot stations to 20 feet beyond the hold position markings, with 10 points taken at each station. Each shoulder of the runway and portions of connecting taxiways will be field documented. All guidance signs, lights, junction boxes, and pavement markings will be located. Survey control, suitable for use during construction, will be established at 500 foot intervals along one side of the runway, outside the limits of work.
3. Review existing plans including as-built drawings of record. Field locate existing utilities.
4. Field geotechnical exploration, lab tests, and preparation of a report of findings and recommendations.
5. Preliminary engineering design.
6. Review and update to the projects construction cost estimate.

Engineering Design Phase:
1. Preparation of bid-ready construction plans. Plans will be submitted for review at the 70%, 90%, and 100% complete levels. Incorporate City of Porterville review comments into each progressive submission. Plans will include and address all proposed construction and improvements. In addition, plans will include Water Pollution Control Drawings (WPCD’s).
2. Preparation of bid-ready construction contract documents including technical specifications. Incorporate with City of Porterville standard boiler plate material. Specification outline will be submitted with the 70% complete plans, draft specifications will be submitted with the 90% complete plans, and 100% complete contract documents will be submitted with the
AUTHORIZATION OF SERVICE (AOS)
NO: 2
EXHIBIT B

PORTERVILLE MUNICIPAL AIRPORT IMPROVEMENTS

completed plans. Incorporate City of Porterville review comments into each progressive submission.
3. Preparation of Preliminary Engineer’s Report, documenting the design effort.
4. Prepare a final construction cost estimate suitable for use in evaluating contractor bids.
5. Submit plans and specifications to the FAA. Gain approval and authorization to proceed with public bidding.

Bidding Phase:
1. Duplicate up to 30 sets of plans and specifications.
2. Distribute plans and specifications to plan rooms and builders exchanges in the region.
3. Prepare the Notice Inviting Sealed Bids. Submit to local, widely-distributed publications in City of Porterville standard protocol.
4. Schedule, hold, chair, and take minutes at a Pre-Bid Job Walk and site inspection.
5. Provide answers and timely response to all contractor questions during the Bid Phase. Prepare and distribute addenda, if necessary.
6. Attend the bid opening. Review all bids for accuracy and completeness. Prepare a tabulation of bid results, with the engineers estimate included for comparison.
7. Prepare a letter documenting the bid process, bid results, and concluding with a recommendation for award of construction contract.

The following services and items are not included:
1. Construction administration, construction inspection, and construction materials testing. It is understood that these services will be offered in a separate professional services contract, at the appropriate time.
2. Payment of any permit or plan check fees, or third-party inspection fees.

AOS No. 2, Exhibit B: Page 2 of 2
### AUTHORIZATION OF SERVICE (AOS)

**NO: 2**

**EXHIBIT C**

PORTERVILLE MUNICIPAL AIRPORT IMPROVEMENTS

**COMPENSATION**

**Preliminary Engineering Phase:**

1. **Prepare Cat-Ex:**
   - P.E. 4 hrs. @ $114.00 $ 456.00
   - Enve. Coord. 24 hrs. @ $75.00 $ 1,800.00
   - **1 Total** $ 2,256.00

2. **Field Topographic Survey:**
   - 1-Man crew 120 hrs. @ $155.00 $ 18,600.00
   - 2-Man Crew 16 hrs. @ $180.00 2,880.00
   - Per Diem 15 days @ $110.00 1,650.00
   - Mileage 1,400 mi. @ $0.50 700.00
   - Surveyor, Office 18 hrs. @ $104.00 1,872.00
   - Draftsman, Office 32 hrs. @ $65.00 2,080.00
   - **2 Total** $ 27,782.00

3. **Review Existing Data:**
   - P.E. 14 hrs. @ $114.00 $ 1,596.00
   - Mileage 280 mi. @ $0.50 $ 140.00
   - **3 Total** $ 1,736.00

4. **Geotechnical Investigation:**
   - Earth Systems Pacific $ 17,500.00
   - P.E. 14 hrs. @ $114.00 1,596.00
   - Mileage 280 mi. @ $0.50 $ 140.00
   - **4 Total** $ 19,236.00

5 & 6 **Preliminary Design / Update Estimate:**
   - P.E. 32 hrs. @ $114.00 $ 3,648.00
   - Eng. Tech. 28 hrs. @ $75.00 2,100.00
   - Draftsman 48 hrs. @ $65.00 3,120.00
   - Materials $ 500.00
   - **5 & 6 Total** $ 9,368.00

**Preliminary Engineering Phase Total:** $ 60,378.00
### AUTHORIZATION OF SERVICE (AOS)

**NO: 2**

**EXHIBIT C**

PORTERVILLE MUNICIPAL AIRPORT IMPROVEMENTS

#### Engineering Design Phase:

1. **Prepare Bid-Ready Plans:**
   - P.E. 124 hrs. @ $114.00 $14,136.00
   - Eng. Tech. 188 hrs. @ $75.00 14,100.00
   - Draftsman 134 hrs. @ $65.00 8,710.00
   - Engin. Aide 152 hrs. @ $55.00 8,360.00
   - Clerical 24 hrs. @ $44.00 1,056.00
   - Materials $500.00
   - **Total** $46,862.00

2. **Prepare Bid-Ready Specifications / Contract Documents:**
   - P.E. 58 hrs. @ $114.00 $6,612.00
   - Eng. Tech. 26 hrs. @ $75.00 1,950.00
   - Clerical 24 hrs. @ $44.00 1,056.00
   - Mileage 280 mi. @ $0.50 140.00
   - Materials $300.00
   - **Total** $10,058.00

3 & 4 **Engineer's Report with Estimate:**
   - P.E. 24 hrs. @ $114.00 $2,736.00
   - Clerical 8 hrs. @ $44.00 352.00
   - Mileage 280 mi. @ $0.50 $140.00
   - **Total** $3,228.00

5. **Submit Plans & Gain FAA Approval:**
   - P.E. 14 hrs. @ $114.00 1,596.00
   - Mileage 280 mi. @ $0.50 $140.00
   - **Total** $1,736.00

**Engineering Design Phase Total:** $61,884.00
Bidding Phase:

1, 2, 3  Duplicate Documents, Distribute, Notice Inviting Bids:

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<tr>
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<td><strong>1, 2, 3 Total</strong></td>
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<td><strong>$3,440.00</strong></td>
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4, 5  Pre Bid Conf., Addenda, Answer Questions:

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</tr>
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<tbody>
<tr>
<td>Clerical</td>
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<td>528.00</td>
</tr>
<tr>
<td>Mileage</td>
<td>280 mi. @ $0.50</td>
<td>140.00</td>
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<tr>
<td>Materials</td>
<td></td>
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<tr>
<td><strong>4, 5 Total</strong></td>
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6, 7  Attend Bid, Review, Spread Sheet, Letter of Recommendation:

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<tr>
<td>Mileage</td>
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<td>140.00</td>
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<tr>
<td><strong>6 &amp; 7 Total</strong></td>
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<td><strong>$2,808.00</strong></td>
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</table>

**Bidding Phase Total:**  

**$10,408.00**
AUTHORIZATION OF SERVICE (AOS)
NO: 2

EXHIBIT C

PORTERVILLE MUNICIPAL AIRPORT IMPROVEMENTS

Compensation Summary

Preliminary Engineering Design Phase: $60,378.00 (LS)
Engineering Design Phase: $61,884.00 (LS)
Bidding Phase: $10,408.00 (T&M, NTE)
TOTAL $132,670.00

LS = Lump Sum
T&M, NTE = Time and Materials, Not to Exceed
AUTHORIZATION OF SERVICE (AOS)

NO: 2

EXHIBIT D

PORTERVILLE MUNICIPAL AIRPORT IMPROVEMENTS

FEE SCHEDULE

Professional Engineer ........................................ $114.00 per hour
Licensed Land Surveyor ....................................... $104.00 per hour
Civil Engineer .................................................. $100.00 per hour
Project Manager ............................................... $85.00 per hour
Engineer Technician ........................................... $75.00 per hour
Environmental Coordinator .................................. $75.00 per hour
Draftsman ....................................................... $65.00 per hour
Inspector:
  Day, Straight Time ........................................... $97.00 per hour
  Day, Overtime ............................................... $112.00 per hour
  Night, Straight Time ....................................... $100.00 per hour
  Night, Overtime ............................................. $115.00 per hour
  (Minimum shift = 4 hours)
Engineering Aide ............................................... $55.00 per hour
Clerical ......................................................... $44.00 per hour
Survey Party:
  One Man (with robotic) .................................... $155.00 per hour
  Two Man ...................................................... $180.00 per hour
  Three Man .................................................... $210.00 per hour

Direct expenses shall be reimbursed as follows:
Mileage .............................................................. $0.50 per mile
Per diem ............................................................ $110.00 per man-day
Reproduction, postage, express mail shipping, advertising ........... Cost + 10%
Sub-consultant services ....................................... Cost + 5%
Permit, plan check, and agency inspection fees ....................... At Cost

Fee Schedule effective through December 31, 2010

AOS No. 2, Exhibit D: Page 1 of 1
AUTHORIZATION OF SERVICE (AOS)

NO: 2

EXHIBIT E

PORTERVILLE MUNICIPAL AIRPORT IMPROVEMENTS

TIME FOR PERFORMANCE

Tartaglia Engineering will begin work on this project immediately upon receipt of written Notice to Proceed (NTP). Work will progress in a logical sequence, according to the following milestones:

Prelim. Engineering Phase: Complete 6 weeks after NTP.

Engineering Design Phase: Complete 6 weeks after City acceptance of Preliminary Phase work.

Bidding Phase: In line with City protocol.
December 16, 2009

Mr. John Smith  
Tartaglia Engineering  
P.O. Box 1930  
Atascadero, CA  93423

PROJECT:  PORTERVILLE MUNICIPAL AIRPORT  
REHABILITATION (OVERLAY) OF RUNWAY 12-30 AND  
CONNECTING TAXIWAYS  
PORTERVILLE, CALIFORNIA

SUBJECT:  Proposal to Provide a Soils Engineering Investigation

REF.:  Request for Proposal (RFP), Porterville Municipal Airport, Rehabilitation  
(Overlay) of Runway 12-30 and Connecting Taxiways, by Tartaglia  
Engineering, dated December 15, 2009

Dear Mr. Smith:

As per our recent telephone conversation and your RFP, we are pleased to submit the following proposal to provide a soils engineering investigation for the planned project at Porterville Municipal Airport in Porterville, California. We understand that the project will entail the rehabilitation of Runway 12-30 by removing the existing porous friction course through grinding, and the placement of a uniform overlay of 2.5 inches of asphalt concrete with grooving. The overlay will extend approximately 300 feet into four connecting taxiways beyond the hold position. No retaining walls, storm drains or other utilities are planned.

Our proposed soils engineering investigation is intended to fulfill the requirements of FAA AC 150/5320-6D for preliminary soil testing; the number and depths of borings are as requested in your RFP. It is our understanding that this is a California Prevailing Wage project.

Our proposed scope of work is as follows:

I.  Soils Engineering Investigation
   A.  Field Work
      1.  Conduct an exploratory program of the subsurface conditions and materials involving drilling and sampling of 16 borings to a maximum of 10 feet below existing pavement grade. Actual locations of borings will be determined in the field during a site visit by a representative of this firm and the client. Underground Service Alert (USA) will be contacted to locate utilities within their scope of services. Responsibility for accurate location of utilities lies with the client, and this firm shall not be held responsible for damage to underground improvements once USA has been contacted.

      This proposal is based on the assumption that all of the borings will be drilled during a night closure period (8 PM to 6 AM). All vehicles will be marked with a checkered flag and beacon; if the field crews will be required to maintain radio contact with aircraft or on-site personnel during drilling operations, we have assumed that the airport will provide a radio for our use, or a cell phone will be utilized, or an escort by airport personnel will be provided.
2. Relatively undisturbed samples will be secured from all borings using a split-ring sampling apparatus at the native subgrade elevation, and at 2 feet below subgrade elevation. A Standard Penetrometer (SPT) sample will be secured at 10 feet. These samples, together with loose bulk samples of all materials encountered in the borings will be returned to the laboratory for further testing.

3. The existing pavement sections in all borings will be measured and noted on the boring logs. Borings will be backfilled with native soil and patched for the full pavement section thickness with Instant Road Repair AC Patch, as manufactured by Roadway Research.

B. Laboratory Analysis

1. In situ moisture content and unit dry weight for the split-ring samples from the borings (ASTM D 2937) (32 tests total).

2. Maximum density-optimum moisture testing (ASTM D 1557). This data will be used to determine in situ relative compaction data and to provide compaction as a basis for CBR testing (3 tests total).

3. Sieve/hydrometer analysis (ASTM D 422) of materials encountered to determine relative percentages of sand, silt, and clay (3 tests total).

4. Plasticity index testing (ASTM D 4318) of selected soils to assist in soil classification (3 tests total).

5. CBR testing of selected soils encountered in the borings in the airfield areas (ASTM D 1883, for a range of moisture contents) (3 tests total).

C. Reporting

Final recommendations and results will be set forth in a written report based on data obtained from the exploration and testing programs, evaluation of the resulting data, as well as on experience and judgment. Laboratory test data will be provided in graphic and tabular form for use by the client.

D. Fees

Based on this outlined scope of services, we propose to provide the soils engineering investigation on a fixed-fee basis. Fees to be charged will be as follows:

Soils Engineering Investigation .................................................. $17,500.00

Total due upon presentation of invoice. Monthly invoices will be submitted for major work elements (field investigation, laboratory testing and analysis/report preparation) as they are completed.
CONCLUSIONS

The fees and work scope contained in this proposal will remain in effect for 90 days from the date of issue. Field operations are expected to be scheduled within 12 to 15 working days of receipt of authorization to proceed, assuming acceptable field conditions, and availability of the runway closure time period and airport escort personnel (if needed). The final report is expected to be ready in 25 to 35 working days from completion of field operations. Information can be made available to the client as soon as available. Please note that the above quotation does not include meetings, plan reviews, consultation, report revisions to address changes in design, construction observation and testing, or other such services. Fees for these additional services will be charged in accordance with a negotiated work scope and fee structure at time of the request for services.

Underground Services Alert (USA) will be contacted to locate utilities within their work scope prior to field exploration operations. However, responsibility for accurate location of underground utilities lies with the client and Earth Systems Pacific shall not be held responsible for damage resulting from the client's failure to provide such information.

Evaluations of site geology, and analysis of the soil for chemical properties including geotechnical corrosivity, hydrocarbons, radioisotopes, etc; construction issues within the domain of the contractor, construction observation and testing, and any other services not specifically noted in the preceding paragraphs are beyond the scope of the proposed investigation. Assessments of the site for lead or mold potential or asbestos (either naturally occurring or man-made) are beyond the scope of the proposed services. No structures, detention basins, retention basins or infiltration systems will be addressed in the report.

If the client finds the scope of work and fees satisfactory, the return of the attached Work Order, signed and dated by the party responsible for payment, will constitute authorization for work on the soils engineering investigation to begin. The agreement can be terminated by either party upon notification in writing. Earth Systems Pacific's responsibility for the project will end upon completion of the services described in the final proposal or termination of the agreement, unless authorization to perform additional work and agreement for payment thereof is provided by the client.

Thank you for considering our firm for this project. If you have any questions, or if we can be of service in any way, please call this office at your convenience.

Sincerely,

Earth Systems Pacific

Fred J. Potthast, G.E.
Vice President

Attachments: Work Order
Terms
Fee Schedule

Doc. No.: 0912-074.PR/Fr
WORK ORDER

Earth Systems Pacific ("Consultant") and Client agree to a work assignment for Earth Systems Pacific as follows:

Date: December 16, 2009  Doc. Number: 0912-074.PRQ

Name of Project: PORTERVILLE MUNICIPAL AIRPORT REHABILITATION (OVERLAY) OF RUNWAY 12-30 AND CONNECTING TAXIWAYS

Order Received by: Fred J. Potthast

Client Name: Tartaglia Engineering, Attn: Mr. John Smith

Client Address: P.O. Box 1930, Atascadero, CA 93423

Location of Project: Porterville, California

Scope of Services: Per Proposal dated December 16, 2009

Fees to be Charged: Per Proposal dated December 16, 2009*

ADDITIONAL TERMS ARE PRINTED ON THE SECOND PAGE OF THIS DOCUMENT.

I HAVE READ AND AGREE TO ALL TERMS OF THIS DOCUMENT, INCLUDING THE TERMS FOR SERVICES STATED ON THE SECOND PAGE.

CCGC, Inc. dba Earth Systems Pacific

[Signature]

Fred J. Potthast, G.E.
Vice President  12/16/09

AGREED TO AND ACCEPTED:
(By party responsible for payment)

Client Name (please print) ________________________________

Signature and Title ________________________________

Date ________________________________

Telephone Number ________________________________

PLEASE RETURN A SIGNED COPY TO EARTH SYSTEMS PACIFIC

IF THE CLIENT DOES NOT OWN THE PROPERTY, PLEASE FILL IN THE PROPERTY OWNER'S NAME AND ADDRESS:

Name: ________________________________

Address: ________________________________

* Rates are subject to change due to changes in prevailing wage law or its application. In the event that it is determined or alleged that Prevailing Wage Law applies to any additional aspect of the project, the client agrees to pay Earth Systems Pacific (Consultant) any and all additional compensation necessary to adjust Consultant's wage, to pay any penalties that may be levied against Consultant due to alleged noncompliance with the Prevailing Wage Law, and to pay for apprentices, supervision, certified payrolls, and other administrative costs as necessary to comply with Prevailing Wage Law. In the event that work thought to be subject to prevailing wage is determined not to be subject to prevailing wage, no refund of fees will be given.

July 2009 Fee Schedule
1. INVESTIGATION, MONITORING & INSPECTION If the services include monitoring or inspection of soil, construction and/or materials, Client shall authorize and pay for Consultant to provide sufficient observation and professional inspection to permit Consultant to form opinions according to accepted statistical sampling methods as to whether the work has been performed in accordance with recommendations. Such opinions, while statistically valid, do not guarantee uniformity of conditions or materials. Similarly, soils and geology investigations do not guarantee uniformity of subsurface conditions. Client hereby represents and warrants that it has provided and shall provide to Consultant all information and sufficient advance notice necessary in order for Consultant to perform the appropriate level of services. No statement or action of Consultant can relieve Client’s contractors of their obligation to perform their work properly. Consultant has no authority to stop the work of others.

2. SITE ACCESS & UTILITIES Client has sole responsibility for securing site access and locating utilities.

3. BILLING AND PAYMENT Client will pay Consultant the proposal amount or, if none is stated, according to the fee schedule attached to the proposal. Prior to initiation of field work, a retainer is required. This retainer shall be maintained throughout the project and shall be applied to the final invoice. Payment is due on presentation of invoices and is delinquent if Consultant has not received payment within thirty (30) days from date of an invoice. Client will pay an additional charge of 1 1/2 (1.5) percent per month (or the maximum percentage allowed by law, whichever is lower) on any delinquent amount, excepting any portion of the invoiced amount that is disputed in good faith. Each payment will first be applied to accrued interest, costs and fees and then to the principal unpaid amount. All time spent and expenses incurred (including any in-house or outside attorney’s fees) in connection with collection of any delinquent amount will be paid by the Client to Consultant per Consultant’s current fee schedule. Services to be performed by Consultant hereunder which are not set forth in this proposal and/or Work order are additional services. Any additional services provided by Consultant shall be subject to the terms of this contract and charged per Consultant’s current fee schedule.

4. OWNERSHIP OF DOCUMENTS Consultant owns all documents it creates and grants Client limited license to use the documents for the purposes stated in the documents. Consultant reserves the right to withhold delivery of documents to Client until payment in full of current invoices has been received.

5. TERMINATION This agreement may be terminated by either party effective 7 days from the date of written notice, or if the Client suspends the work for three (3) months. In the event of termination, Consultant will be paid for services performed prior to the date of termination plus reasonable termination expenses. If Consultant has not received payment for any invoice within 30 days from the date of the invoice, or in the event of anticipatory breach by Client, Consultant may suspend performance of its services immediately and may terminate this contract.

6. RISK ALLOCATION In order for Client to obtain the benefit of a fee which includes a lesser allowance for compensating Consultant for its litigation risk, Client agrees to indemnify, hold harmless and defend Consultant, its agents, employees, or officers, from and against any and all loss, claim, expenses, including attorney’s fees, injury, damages, liability or costs arising out of non-design services (i.e., services other than as defined by Civil Code Section 2784) performed by Consultant on this project, except where such loss injury, damage, liability, cost, expenses or claims are the result of the sole negligence or willful misconduct of Consultant. Regarding any loss due to the sole negligence or willful misconduct of Consultant, or any loss due to design defects, Client agrees to limit the total aggregate liability of Consultant, its agents, employees, and officers to Client, and to all construction contractors and subcontractors on the entire project, to the lesser of $25,000.00 or total fees charged by Consultant. Client further agrees to require of the contractor and his subcontractors an identical limitation of Consultant’s liability for damage suffered by the contractor or the subcontractor arising from any alleged breach or negligence of Consultant. Client agrees to provide to Consultant proof of insurance covering claims for property damage including construction defects and related personal injury on an occurrence basis in an amount of not less than $1 million per occurrence and in the annual aggregate. You should consult with an attorney experienced in construction contracts and litigation regarding this provision.

7. HAZARDOUS MATERIALS Consultant is responsible only for hazardous materials brought by Consultant onto the site. Client retains ownership and responsibility in all respects for other hazardous materials and associated damage.

8. ASSIGNS AND THIRD PARTIES Neither the client nor Consultant may delegate, assign or transfer his duties or rights in this Agreement without the written consent of the other party. This Agreement is intended only to benefit of the parties hereto. No person who is not a signatory to this agreement shall have any rights hereunder to rely on this contract or on any of Consultant’s services or reports without the express written authorization of Consultant.

9. GOVERNING LAW, SURVIVAL AND FORUM SELECTION The contract shall be governed by laws of the State of California. If any of the provisions contained in this agreement are held invalid, the enforceability of the remaining provisions will not be impaired. Limitations of liability, indemnities, representations and warranties by Client will survive termination of this agreement. The signatories represent and warrant that they are authorized by the entities on whose behalf they sign to enter into this contract and that their principals have filed fictitious business name statements, if required. All disputes between Consultant and client related to this agreement will be submitted to the court of the county where Consultant’s principal place of business is located and client waives the right to remove the action to any other county or judicial jurisdiction.

3/29/01  HANDWRITTEN CHANGES NOT VALID
FEE SCHEDULE
(Effective July 1, 2009)

The following schedule presents unit rates (straight-time) for professional and technical services in the fields of geotechnical engineering, engineering geology, environmental consulting, construction observation and testing, and special inspection. Listed are typical charges for the services most frequently performed by Earth Systems Pacific. Additional services not listed are available and can be discussed at the client’s request. To discuss a scope of work and fees for a specific project, please contact our office.

HOURLY CHARGES FOR PERSONNEL

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<th>Position</th>
<th>Hourly Rate</th>
<th>Position</th>
<th>Hourly Rate</th>
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<td>Word Processing and Reproduction</td>
<td>$48.00</td>
<td>Engineering Technician</td>
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</tr>
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<td>for prevailing wage projects</td>
<td>$89.50</td>
<td>Associate Engineer/Geologist</td>
<td>$145.00</td>
</tr>
<tr>
<td>Special Inspector</td>
<td>$69.00</td>
<td>Principal Engineer/Geologist</td>
<td>$165.00</td>
</tr>
<tr>
<td>for prevailing wage projects</td>
<td>$89.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Caltrans-Certified Technician</td>
<td>$89.50</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

BASIS OF CHARGES

1. The following information applies to non-prevailing wage projects, and may vary for projects subject to prevailing wage law. Requirements concerning overtime, shift work, travel time, holidays, and other factors can vary for different classifications of work under prevailing wage regulations.

2. Field services for regular work days on non-prevailing wage projects are subject to a 2-hour minimum charge for inspections, consultations, sampling, or show up time. Work performed on weekends, holidays, and when work starts outside of regular business hours is subject to a 4-hour minimum charge. Field services for prevailing wage projects will be charged in 4-hour increments.

3. Saturdays, night work, and premium hours (before 7 a.m., after 5 p.m. or in excess of 8 hours in one day) for personnel are at time and one-half; Sundays and holidays are at double time.

4. Charges are calculated in one-hour increments and time is accumulated on a portal-to portal basis.

5. Nuclear density gauge charge $10.00/test.

6. Mileage is invoiced at a rate of $0.75/mile (portal to portal). Projects located within a 5-mile radius of an Earth Systems Pacific office will be charged a flat rate of $7.50 per site visit.

7. Out of town travel and expenses will be charged at cost plus 15%; fixed per diem rates for specific projects can be provided upon request.

8. Report copies $20.00 per copy (minimum).

9. Invoices are payable upon presentation. Invoices thirty days past due will be subject to a service charge of one and one-half percent per month.

10. Deposition, Hearing and Court Appearances (as Expert Witness) are listed on a supplemental fee schedule.
**FEE SCHEDULE**
(Effective July 1, 2009)

**SUBCONTRACT SERVICES**
Subcontract services are to be billed at cost plus 15 percent. These include, but are not limited to, consultants' fees, equipment rental (such as drilling, trenching and special access equipment), materials, freight, outside laboratory tests, aerial photographs, permit fees, and incidental expenses.

**SPECIAL FIELD SERVICES**
Geophysical work, pile load tests, vane shear tests, piezometer installations, slope indicator installations, and other special tests will be quoted on an individual basis.

**ENVIRONMENTAL SERVICES**
Rates for environmental sampling, safety, and testing equipment are listed on a supplemental fee schedule. All rentals or purchases of required equipment and supplies, as well as subcontracted services, will be invoiced at cost plus 15%.

**WELDER CERTIFICATION TESTS**
AWS D1.1: 3/8" plate ........................................................................................................ $200.00
AWS D1.1: 1" plate .......................................................................................................... $360.00
ASME Section IX: 2"x-heavy pipe .................................................................................. $320.00
API 1104: 6" pipe ........................................................................................................... $320.00
AWS D1.3: sheet steel ..................................................................................................... $120.00
AWS D1.4: reinforcing bar ............................................................................................. Per Quote

**SOILS**
All prices are based on California and Modified California sample sizes (2" – 2.5" diameter) unless noted otherwise. Preparation of 3" diameter samples add $20.00. Testing of contaminated soil will be per quote. Samples will be returned to sender for proper disposal.

Atterberg Limits:
   a. Liquid Limit or Plastic Limit ........................................................................... $90.00
   b. Plasticity Index .................................................................................................. $165.00
C.B.R. (3 points; includes maximum density) ............................................................... $500.00
C.B.R. (9 points; includes maximum density) ............................................................... $850.00
Maximum Density and Optimum Moisture:
   a. 4" or 6" Mold ..................................................................................................... $170.00
   b. California Impact .............................................................................................. $250.00
Consolidation, (one dimensional) .................................................................................. $165.00
Consolidation, timed (per point) .................................................................................. $60.00
Corrosivity Tests ........................................................................................................... Per Quote
Direct Shear (per point, 3 points minimum) ................................................................. $70.00
Expansion Index Test .................................................................................................. $150.00
Laboratory Technician (sample preparation) ............................................................... $60.00/hr.
Long Hydrometer Analysis (assumed specific gravity) with 200 wash ......................... $200.00
Moisture Determination and Unit Weight .................................................................. $25.00
Moisture Only ............................................................................................................... $20.00
Permeability Tests (constant head, falling head) ......................................................... Per Quote
R-Value ....................................................................................................................... $250.00
Sand Equivalent ......................................................................................................... $100.00
Sieve Analysis, Aggregate Base/Subbase ................................................................... $120.00
Sieve Analysis (oversize material) ............................................................................. $180.00
Sieve Analysis with 200 wash ................................................................................... $90.00
Sieve Analysis without 200 wash .............................................................................. $65.00
Specific Gravity ........................................................................................................... $100.00
Unconfined Compression (untreated) ........................................................................ $75.00
# FEE SCHEDULE - MATERIALS TESTING

(Effective July 1, 2009)

## BASIS OF CHARGES

Rates for field work such as materials sampling, construction inspection, and field evaluation will be in accordance with the Personnel Rates listed in the basic Fee Schedule. The below listed rates apply to standard ASTM test methods. An additional hourly charge ($60/hr) will be applied for cutting, capping, or other preparation of non-standard samples and, where noted, for steel samples.

### CONCRETE AGGREGATE

- Abrasion, L.A. Rattler (100 & 500 revolutions) ................................................ $125.00
- Absorption, Coarse Aggregate ................................................................. $50.00
- Absorption, Fine Aggregate ............................................................... $85.00
- Clay Lumps and Friable Particles in Aggregate ........................................ $95.00
- Cleanliness Value of Coarse Aggregate ................................................ $115.00
- Crusted Particles (each size) .............................................................. $100.00
- Durability Index, Coarse Aggregate ..................................................... $125.00
- Durability Index, Fine Aggregate ......................................................... $125.00
- Flatt and Elongated Particles in Aggregate .......................................... $85.00
- Laboratory Technician (sample preparation) ......................................... $60.00/hr.
- Organic Impurities in Fine Aggregate .................................................. $55.00
- Potential Reactivity of Aggregate by Chemical Method (each size) .......... Per Quote
- Sand Equivalent .................................................................................... $100.00
- Sieve Analysis, washed .......................................................................... $90.00
- Soundness, Sodium Sulfate (5 cycles) .................................................... $300.00
- Specific Gravity, Coarse Aggregate ...................................................... $60.00
- Specific Gravity, Fine Aggregate ........................................................... $100.00
- Unit Weight of Aggregate ..................................................................... $60.00

### CYLINDERS, BEAMS AND CORES

- Compression Test of Cast Cylinders ....................................................... $25.00
- Compression Test of Cored Samples, including surfacing if necessary .... $40.00
- Compression Test of Grinite Samples, including surfacing if necessary (added to coring charges) .... $40.00
- Compression Test of Lightweight Concrete ............................................. $25.00
- Density of Concrete Cylinders (as received; volume from measurements) .. $30.00
- Density of Hardened Concrete (volume from measurements) ................. $60.00
- Flexural Strength, Simple Beam with Third Point Loading .................... $75.00
- Unit Weight of Lightweight Concrete ................................................... $45.00
- Sample Storage, if not tested, per month ............................................... $25.00

### MASONRY

- Absorption of Block (set of 3) ............................................................. $90.00
- Compression Test on Block (set of 3) ................................................... $110.00
- Compression Test on Grouted Prisms (includes cutting) ....................... $120.00
- Compression Test on Masonry Cores .................................................... $40.00
- Compression Test, 2" x 4" Mortar Cylinders ......................................... $25.00
- Compression Test, 3" x 3" x 6" Grout Samples ...................................... $25.00
- Moisture Content of Block as received (set of 3) ................................ $50.00
- Shear Test on Masonry Cores (2 faces) .............................................. $70.00
- Specific Gravity and Unit Weight of Block (set of 3) ............................ $65.00
# Fee Schedule - Materials Testing

(Effective July 1, 2009)

## Asphalt Concrete

- Bulk Specific Gravity of Compacted Specimens and Core Samples: $30.00
- Compaction of Laboratory Samples, California Kneading Compactor (each): $60.00
- Compaction of Laboratory Samples, Marshall Method (50 blows per side): $65.00
- Compaction of Laboratory Samples, Marshall Method (75 blows per side): $70.00
- Asphalt Content of A.C. Mixtures (extract/ignition method): $200.00
- Maximum Density (average of 5 samples): $450.00
- Moisture Content: $30.00
- Specific Gravity, Theoretical Maximum: $80.00
- Stability and Flow, Marshall Apparatus: $50.00
- Stability, Hveem Apparatus Avg. of 3 pts. / incl. compaction: $465.00

## Reinforcing and Structural Steel

- Pipe Test (Sample Preparation Not Included): $50.00
- Pipe Flattening Test (sample preparation not included): $30.00
- Tensile and Bend Tests of Reinforcing Bar, #2 through #9: $75.00
- Tensile and Bend Tests of Reinforcing Bar, #10 through #18: $130.00
- Structural Steel Bend Test (sample preparation not included): $50.00
- Structural Steel Tensile Test (sample preparation not included): $50.00
- Structural Steel Machining, per sample: $75.00
- Rebar Coupler Tensile and Slip Tests: $150.00
- Fireproofing Density Test: $60.00
- Sample/Machine Preparation: $60.00/hr

## High Strength Bolts

- Bolt Ultimate Load: $90.00
- Bolt Rockwell Hardness (side or top): $23.00
- Nut Rockwell Hardness (top or bottom face): $23.00
- Proof Loading, Bolt or Nut: $100.00
- Washer (carburized) Rockwell Hardness (sample preparation not included): $50.00
- Washer (non-carburized) Rockwell Hardness: $25.00

## Welded Specimen Tests

- Face Bend (sample preparation not included): $30.00
- Free Bend (reinforcing steel): $30.00
- Nick Break (reinforcing steel): $60.00
- Root Bend (sample preparation not included): $30.00
- Side Bend (sample preparation not included): $30.00
- Bolt Rockwell Hardness (side or top): $25.00
- Nut Rockwell Hardness (top or bottom face): $25.00
- Proof Loading, Bolt or Nut: $100.00
- Washer (carburized) Rockwell Hardness (sample preparation not included): $50.00
- Washer (non-carburized) Rockwell Hardness: $25.00

## Equipment/Charges (Does Not Include Personnel)

- DR-Meter: $25.00/hr.
- Rebound Hammer (Schmidt Hammer): $25.00/hr.
- Torque/Tension Equipment: $25.00/hr.
- Skidmore Bolting Calibration Equipment: $25.00/hr.
- Concrete and Asphalt Concrete Coring Equipment: $35.00/hr.
- Cut-Off Saw: $75.00/day
- Mobile Laboratory: Per quote

JULY 2009 FEE SCHEDULE
DRILLING SERVICES
(Effective July 1, 2009)

DRILLING AND SAMPLING CAPABILITIES

- Geotechnical borings to depths of 90 feet.
- Borings for hazardous materials studies.
- Monitoring well and piezometer installation.
- Drill crews experienced in hazardous materials drilling and sample acquisition.
- Drill crews trained in 40-hour Health and Safety course (HAZWOPER).
- Steam cleaners, grout mixers, and other auxiliary equipment available.
- Standard Penetration Sampler (2" o.d. split spoon).
- Modified California Sampler (lengths: 18", 24", 60"; 3" o.d.; 2.5" i.d. rings); resin fiber, brass, or stainless steel rings available.
- Shelby Tubes (3" i.d.).

DRILLING RATES

DRILLING EQUIPMENT/PERSONNEL

- Mobile B-53 with driller and helper $165.00/hr.
- Mobile B-24 with driller and helper $140.00/hr.
- Minuteman with driller and helper $120.00/hr.
- Additional Drill helper $55.00/hr.
- Driller/Rig preparation $60.00/hr.
- Staff Engineer/Geologist $95.00/hr.

AUXILIARY EQUIPMENT/MISCELLANEOUS

- Support truck $100.00/day + 0.75/mile
- Generator $95.00/day
- Per diem Expenses + 15%

- Personal Protective Equipment
  - Level C $80.00/person/day

Traffic control equipment (Signs, vests, cones) Per Quote

PUBLIC WORKS (PREVAILING WAGE) DRILLING RATES

- Mobile B-53 with driller and helper $195.00/hr.
- Mobile B-24 with driller and helper $175.00/hr.
- Minuteman with driller and helper $165.00/hr.
- Additional drill helper $92.50/hr.
DRILLING SERVICES (Continued)
(Effective July 1, 2009)

BASIS OF CHARGES

1. Minimum drill time is 4 hours. Drill crew overtime (hours in excess of 8 hours a day) and Saturday work are 1.5 times the hourly rate. Sunday work is two times the hourly rate. Holiday work is per quote.

2. Rates for 3-man crew available on request.

3. Assembly and demobilization of materials are charged at an hourly rate of $60.00/hr.

4. Subcontractors are charged on a cost plus 15 percent basis.

5. Materials are charged on a cost plus 15 percent basis.

6. Drilling in material that causes more than normal wear to the equipment may be subject to additional charges. The client will be notified prior to drilling in such material.

7. Earth Systems Pacific’s drillers and drill crews have been trained in the 40-hour course developed by the EPA and will satisfy the Federal OSHA requirements (29-CFR 1910-120) for personnel working on sites containing hazardous materials.

8. Drilling jobs must be confirmed a minimum of 48 hours prior to the start of work. Jobs cancelled less than 48 hours prior to the start of work will be subject to the 4-hour minimum charge, plus any charges for material acquisition, rig preparation, etc., that have been incurred.

9. The client is responsible for the accurate location of all subterranean structures and utilities, and agrees to waive any claim against Earth Systems Pacific for damage done to subterranean structures and utilities not identified or accurately located. The client also agrees to obtain free access to the site for all equipment and personnel necessary for Earth Systems Pacific to perform the work.
EXPERT WITNESS SERVICES
(Effective July 1, 2009)

The following rates apply to deposition testimony, arbitration testimony, hearings and court appearances.

HOURLY CHARGES FOR PERSONNEL

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Engineer/Geologist</td>
<td>$200.00</td>
</tr>
<tr>
<td>Associate Engineer/Geologist</td>
<td>$175.00</td>
</tr>
<tr>
<td>Senior Engineer/Geologist</td>
<td>$160.00</td>
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<tr>
<td>Word Processing and Reproduction</td>
<td>$ 50.00</td>
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</table>

SPECIAL SERVICES

<table>
<thead>
<tr>
<th>Service</th>
<th>Rate</th>
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</thead>
<tbody>
<tr>
<td>Deposition</td>
<td>$275.00/hr.²</td>
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<tr>
<td>Arbitration</td>
<td>$275.00/hr.</td>
</tr>
<tr>
<td>Court Appearance/Hearings</td>
<td>$1,100.00/half day³</td>
</tr>
<tr>
<td>Standby to Appear</td>
<td>$500.00/day⁴</td>
</tr>
</tbody>
</table>

BASIS OF CHARGES

1. Hourly rates are charged during investigation, analysis, consultation, and preparation services.

2. Estimated deposition fee payable in advance by party requesting deposition. Difference between advance payment and final fee to be billed or refunded in accordance with the fee and billing information in this schedule. Fee for reviewing deposition transcript will be billed at deposition rates to the party requesting the review.

3. Minimum half day charge will apply to court appearances and hearings. Time extending through the noon hour will be subject to the full day charge of $2,200.00.

4. Days, or portions thereof, reserved for appearances at hearings, court or arbitrations but during which we are not required to be away from our offices will be subject to a standby charge of $500.00. Standby at other locations will be charged at the general hourly rates.
COUNCIL AGENDA - JANUARY 19, 2010

SUBJECT: JUNE 8, 2010 CITY OF PORTERVILLE GENERAL MUNICIPAL ELECTION: CALL FOR ELECTION; REQUESTING AND CONSENTING TO CONSOLIDATION OF ELECTIONS; AND SETTING SPECIFIED SERVICES

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Certain decisions must by made by the City Council with regard to the upcoming Municipal Election of June 8, 2010. The areas in question are as follows:

A. Regarding Candidates' Statements:
   1. If they are to be allowed.
   2. If the candidate will have to pay the pro rata cost of printing and distributing the candidates' statements of 200 words or less (cost of mailing not included).
   3. If other mailing of election material is to be permitted.

B. If County Services will be used for the following:
   1. Print and mail to the qualified electors of the General Municipal Election sample ballots and voter pamphlets.
   2. Provide Vote by Mail (Absentee) ballots for said General Municipal Election for use by the qualified electors who may be entitled to such ballots in the manner provided by law.
   3. Order the consolidation of precincts, appoint precinct boards, designate polling places and instruct election officers concerning their duties.
   4. Conduct and canvass the returns of the election and certify the votes cast to the City Council as set forth in Election Code Sec. 10262.
   5. Prepare, print and deliver supplies to the polling places, including the official ballots and a receipt for said supplies.
   6. Recount votes, if requested, in accordance with state law.
   7. Conduct the above election duties in accordance with the Voting Rights Act of 1975.
   8. Perform all other pertinent services required to be performed for said election other than the requirements of the Fair Political Practices Commission and the issuance of nomination papers.

Item No. 21
C. The designation for the Central Counting of Ballots:

1. Designate counting place for ballots (Tulare County Election Department, 5951 S. Mooney Blvd., Visalia, California).

The cost of the election will vary based on the number of registered voters, length of ballot, printing costs, and how many agencies share that election date. Considering the aforementioned factors, staff estimates $30,000 as an approximate cost for the June 8, 2010 election.

RECOMMENDATION: That the City Council:

1. Allow candidates' statements, at no cost to the candidate, for 200 words or less with no additional mailings; that County services be used as designated above; and that the County Election Department, County Civic Center, Visalia, California, be designated as the Central Counting Place for the June 8, 2010, General Municipal Election; and

2. Adopt the attached resolution calling the election for June 8, 2010, requesting and consenting to the consolidation of the election; and setting specifications of the election order; and

3. Adopt the attached resolution requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City, for the June 8, 2010 Election; and

4. Authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services.

ATTACHMENTS: 1. Draft resolution calling the election; requesting and consenting to the consolidation of elections; and setting specifications of the election order;

2. Draft resolution requesting specific County services.
RESOLUTION NO. _______2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
REQUESTING THE TULARE COUNTY BOARD OF SUPERVISORS PERMIT THE
COUNTY REGISTRAR OF VOTERS TO RENDER SPECIFIED SERVICES TO THE CITY
OF PORTERVILLE FOR THE GENERAL MUNICIPAL ELECTION OF JUNE 8, 2010

WHEREAS, pursuant to the Elections Code, the governing body of any city may, by
Resolution, request the Board of Supervisors of the county to permit the county elections official to
render specified services to the city relating to the conduct of an election; and

WHEREAS, the City of Porterville has ordered an election be held within the boundaries of
the City on June 8, 2010;

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE
CITY OF PORTERVILLE:

The Board of Supervisors of Tulare County is hereby requested to permit the County
Registrar of Voters to render services to the City of Porterville relating to the conduct of the June 8,
2010 General Municipal Election as follows:

1. That County services be used to:

   a. Prepare, print and mail to the qualified electors of the
      City General Municipal Election sample ballots and
      voter pamphlets.

   b. Provide Vote by Mail (Absentee) ballots for said
      General Municipal Election for use by the qualified
      electors who may be entitled to Vote by Mail
      (Absentee) ballots in the manner provided by law.

   c. Order the consolidation of precincts, appoint precinct
      boards, designate polling places and instruct election
      officers concerning their duties.

   d. Conduct and canvass the returns of the election and
      certify the votes cast to the City.

   e. Receive and process Vote by Mail (Absentee)
      applications.
f. Prepare, print and deliver supplies to the polling places, including the official ballots and a receipt for said supplies.

g. Recount votes, if requested, in accordance with state law.

h. Conduct the above election duties in accordance with the Voting Rights Act of 1975.

i. Perform all other pertinent services required to be performed for said election other than the requirements of the Fair Political Practices Commission and the issuance of nomination papers.

2. Authorize and direct the City Clerk to transmit certified copies of this Resolution to the Board of Supervisors and to the County Registrar of Voters.

ADOPTED this _____ day of January, 2010.

_________________________
Pete V. McCracken, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. _____-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CALLING THE GENERAL MUNICIPAL ELECTION OF JUNE 8, 2010
AND REQUESTING AND CONSENTING TO CONSOLIDATION
OF ELECTIONS; AND SETTING SPECIFICATIONS
OF THE ELECTION ORDER

WHEREAS, pursuant to Election Code, the governing body of any city may, by resolution, request the Board of Supervisors of the county to permit the Registrar of Voters to render specified services to the city relating to the conduct of an election; and

WHEREAS, other elections may be held in whole or in part of the territory of the City of Porterville and it is to the advantage of the City of Porterville to consolidate pursuant to Elections Code Section 10400; and

WHEREAS, there will be a General Municipal Election held within the boundaries of the City, in conjunction with a County-wide Election, on June 8, 2010;

WHEREAS, Elections Code Section 10242 provides that the governing board shall determine the hours of opening and closing the polls; and

WHEREAS, Elections Code Section 10002 requires the City to reimburse the County in full for the services performed upon presentation of a bill to the City by the County Elections Official; and

WHEREAS, Elections Code Section 13307 requires that before the nominating period opens, the governing body must determine whether a charge shall be levied against each candidate submitting a candidate’s statement to be sent to the voters; and

WHEREAS, Elections Code Section 12101 requires the publication of a notice of the election once in a newspaper of general circulation in the City;
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that:

1. The City of Porterville General Municipal Election is hereby called for June 8, 2010, shall be and is hereby ordered consolidated with the Primary Election to be held within the City on said date, and within the territory affected by the consolidation. The election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted, and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the election as specified herein. The Board of Supervisors of Tulare County, and the Tulare County Registrar of Voters, are hereby requested to order the consolidation of the general municipal election hereby called with the other election to be held within the City on said date, and within the territory affected by the consolidation, and the Board and the Registrar of Voters are hereby authorized to canvass the returns of said municipal election, and said municipal election shall be held in all respects as if there were only one election and the form of ballot shall be as provided for the other election. The County shall certify results of the canvass of the returns of said general municipal election to the City Council which shall thereafter declare the results thereof.

2. That the election be held in accordance with the following specifications:

**SPECIFICATIONS OF THE ELECTION ORDER**

A. The Election shall be held on Tuesday, the 8th day of June, 2010. The purpose of the election is to choose successors for the following offices:

   Two (2) Members of the City Council  
   (Full Term of Four Years)

B. The Porterville City Council hereby requests and consents to the consolidation of this election with other elections which may be held in whole or in part of the territory of the City, as provided in Elections Code 10400.

C. The City of Porterville hereby designates the hours the polls are to be kept open shall be from 7:00 a.m. to 8:00 p.m.

D. The City of Porterville will reimburse the County for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due as determined by the Elections Official.
E. The Porterville City Council had determined that the City of Porterville will pay for the Candidate’s Statement. The Candidate's Statement will be limited to 200 words, with no additional mailings.

F. The Porterville City Council hereby directs the City Clerk forward a certified copy of this Resolution to the Registrar of Voters, and the Board of Supervisors of Tulare County.

ADOPTED this _____ day of January, 2010.

_________________________________
Pete V. McCracken, Mayor

ATTEST:

John D. Lollis, City Clerk

_________________________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE BREAKFAST ROTARY CANCER RUN, MAY 1, 2010.

SOURCE: Finance Department

COMMENT: Porterville Breakfast Rotary is requesting approval to hold a 5K Cancer Run on Saturday, May 1, 2010, from 6:00 a.m. to 11 a.m. The 5K run will start at Tulsa Street and Putnam Avenue, head south to Olive Avenue, turn west on Olive Avenue, turn north on Crestview Street, then east on Morton Avenue, turn south on Conner Street, and turn east on Putnam to finish at Tulsa Street. No street closures are requested. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

The application has been routed according to the ordinance regulations and reviewed by all of the departments involved. All requirements are listed on the attached Exhibit "A." The application; Exhibit "A;" the agreement; request for street usage; and a map showing the streets to be used are attached.

RECOMMENDATION: That Council approves the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, subject to the Restrictions and Requirements contained in application, agreement and exhibit "A" of the Community Civic Event application form.


D.D. Appropriated/Funded MB C.M. Item No. 22
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: Oct. 10, 2009          Event date: May 1, 2010

Name of Event: Porterville Breakfast Rotary Cancer Run

Sponsoring organization: Porterville Breakfast Rotary PHONE # 781-6617
Address: 122 E. Morton, Porterville, CA 93257

Authorized representative: Jackie Witzel PHONE # 781-4050
Address: 934 W. Scranton, Porterville, CA 93257

Event chairperson: Marty Lalanne PHONE # 781-6617

Location of event (location map must be attached): Granite Hills High School

Type of event: 5K Run/Walk


City services requested (an (fees associated with these services will be billed separately)

<table>
<thead>
<tr>
<th>Barricades (quantity):</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police protection</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street sweeping</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refuse pickup</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td></td>
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</tbody>
</table>

Parks facility application required: Yes No Attached
Assembly permit required: Yes No Attached

STAFF COMMENTS (list special requirements or conditions for event):

<table>
<thead>
<tr>
<th>Approve</th>
<th>Deny</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bus Lic Spvr</td>
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</tr>
<tr>
<td>Pub Works Dir</td>
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<tr>
<td>Comm Dev Dir</td>
<td></td>
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<tr>
<td>Field Svcs Mgr.</td>
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<tr>
<td>Fire Chief</td>
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<tr>
<td>Parks Dir</td>
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<tr>
<td>Police Chief</td>
<td></td>
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<tr>
<td>Deputy City Mgr</td>
<td></td>
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</tbody>
</table>

1 of 4
What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:
At least 48" must remain clear on sidewalks for pedestrian traffic.
Do not block any entrance to or exit from buildings.
Area must be accessible to emergency and safety personnel and vehicles.
Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. This original certificate shall be submitted prior to the event.

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permittee, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department call 559.788.1199, or fax information to, 559.788.1313.

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Porterville Breakfast

(Name of organization)

[Signature]

[Date] 10-10-2009
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: **Porterville Breakfast Rotary 5K Run/Walk**

Sponsoring organization: **Porterville Breakfast Rotary**

Location: **Granite Hills High School**  
Event date: **May 1, 2010**  
Event time: **6am-11am**

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE week prior to the event.**

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Porterville Breakfast Rotary</td>
<td>122 E. Morton, Porterville 781-6617</td>
<td>Running Event</td>
<td></td>
</tr>
</tbody>
</table>
CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Porterville Breakfast Rotary 5K Run

Sponsoring organization: Porterville Breakfast Rotary

Event date: May 1, 2010

Hours: 6am-11am

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Putnam Ave.</td>
<td></td>
<td></td>
<td>5K Run/Walk</td>
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<tr>
<td>Olive Ave.</td>
<td></td>
<td></td>
<td>5K Run/Walk</td>
</tr>
<tr>
<td>Crestview Ave.</td>
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<td></td>
<td>5K Run/Walk</td>
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<tr>
<td>Morton Ave.</td>
<td></td>
<td></td>
<td>5K Run/Walk</td>
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<tr>
<td>Conner St.</td>
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<td></td>
<td>5K Run/Walk</td>
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</tbody>
</table>

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<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Putnam Ave.</td>
<td></td>
<td></td>
<td>5K Run/Walk</td>
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<tr>
<td>Olive Ave.</td>
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<td>5K Run/Walk</td>
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<tr>
<td>Crestview Ave.</td>
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<td>5K Run/Walk</td>
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<tr>
<td>Morton Ave.</td>
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<td>5K Run/Walk</td>
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<tr>
<td>Conner St.</td>
<td></td>
<td></td>
<td>5K Run/Walk</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Granite Hills High School</td>
<td></td>
<td>Parking</td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE BREAKFAST ROTARY
CANCER RUN
MAY 1, 2010

Business License Supervisor:  
S. Perkins  
No requirements.

Public Works Director:  
B. Rodriguez  

Community Development Director:  
B. Dunlap  
No comment.

Field Services Manager:  
B. Styles  
No comments.

Chief of Fire Operations:  
M. G. Garcia  
No comment.

Parks and Leisure Services Director:  
J. Perrine  
No requirements.

Police Captain:  
S. Rodriguez  
See Conditions/Requirements for Event, “Exhibit B”.

Administrative Services Manager:  
P. Hildreth  
See attached “Exhibit A”, page 2.

EXHIBIT “A,” Page 1
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Breakfast Rotary
Event: 5 K Cancer Run
Event Chairman: Marty Lalanne
Location: Granite Hills High School
Date of Event: May 1, 2010
Time of Event: 5:00 a.m. to 11:00 a.m.

RISK MANAGEMENT: Conditions of Approval

That the Porterville Breakfast Rotary provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event.

a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

a. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A: VII, and the insurance company must be an “admitted” insurer in the State of California.

Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.
This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:

   Marty Lalanne
   Phone # 781-6617
   1345 N. Lotas Way, Porterville, CA 93257

2. Address where amplification equipment is to be used:

   Granite Hills High School
   Phone # 359-9815

3. Names and addresses of all persons who will use or operate the amplification equipment:

   John Lollis

4. Type of event for which amplification equipment will be used:

   5K Run/Walk

5. Dates and hours of operation of amplification equipment:

   May 1, 2010 6am-11am

6. A general description of the sound amplifying equipment to be used:

   Announcement of run - 8am-11am
I hereby certify that all statements and answers on this registration form are true and correct.

[Signature]
Applicant

10-10-2001
Date

Jan. 8, 2010
Date

Chief of Police

Section 18-14 City Ordinance Outside Amplifiers; permit required.
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud-speaker or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, without having first procured a permit from the Chief of Police.

Section 18-9 City Ordinance, Radios, record players, etc.
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, juke box, record player, loudspeaker musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort of the occupants of nearby residences.

California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

cc: ____________________________

______________________________

______________________________

3/27/01
Porterville Breakfast Rotary 5K Cancer Run 2010

May 1, 2010

Conditions/Requirements for Event

Aid stations/check points must be out of the roadway and not in a position to interfere with traffic.

Staff at aid stations/check points should have a means of communication by which they may summon assistance in the event of an emergency.

Event staff on race route should wear highly visible attire.

Participants should be directed to stay to the side of the roadway and out of traffic as much as possible.

Event organizers should contact the Police Dept. (Special Events Coordinator) to obtain police support and assistance, with the goal of ensuring a safe event. Please contact Lieutenant Dan Haynes at 782-7410 to assist in the coordination of this event.

Silver Rodriguez, Captain
Porterville Police Department
January 8, 2010

SR:js

EXHIBIT "E"
**ACORD** CERTIFICATE OF LIABILITY INSURANCE

**PRODUCER**
LOCKTON COMPANIES, LLC-K CHICAGO
525 W. Monroe, Suite 600
CHICAGO IL 60661
(312) 669-6900

**INSURER**
All Active US Rotary Clubs & Districts
Attn: Risk Management Department
1560 Sherman Ave.
Evanston IL 60201-3698

**INSURED**

**INurers Aforking Coverage**
INSURER A: ACE American Insurance Company 22667
INSURER B: ACS Property & Casualty Insurance Co 20699
INSURER C:
INSURER D:
INSURER E:

**COVERAGEs**

The policies of insurance listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Aggregate limits shown may have been reduced by paid claims.

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<th>Type of Insurance</th>
<th>Policy Number</th>
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<th>Policy Expiration Date (MM/DD/YYYY)</th>
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<td>7/1/2010</td>
<td>EACH OCCURRENCE $2,000,000</td>
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<td>DAMAGE TO RENTED PREMISES (Ex change) $500,000</td>
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<td>MED EXP (Any one person) XXXXXXXX</td>
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<td>PERSONAL &amp; ADV INJURY $2,000,000</td>
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<td>GENERAL AGGREGATE $4,000,000</td>
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<td>PRODUCTS-EOM/APP AGG $4,000,000</td>
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<td>A</td>
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<td>BODILY INJURY (Per accident) XXXXXXXX</td>
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<td>PROPERTY DAMAGE (Per accident) XXXXXXXX</td>
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<td>AUTO ONLY- EA ACCIDENT XXXXXXXX</td>
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<td>OTHER THAN AUTO ONLY- EA ACC XXXXXXXX</td>
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<tr>
<td>B</td>
<td>EXCESS/UMBRELLA LIABILITY</td>
<td>M00334092</td>
<td>7/1/2009</td>
<td>7/1/2010</td>
<td>EACH OCCURRENCE $5,000,000</td>
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<td>AGGREGATE $5,000,000</td>
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<td>XXXXXXXX</td>
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<tr>
<td>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</td>
<td>NOT APPLICABLE</td>
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</tr>
</tbody>
</table>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**

The Certificate Holder is included as Additional Insured where required by written contract or permit subject to the terms and conditions of the General Liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

**CERTIFICATE HOLDER**

City of Porterville
Attn: Anita Gustuson
RE: Event on 5/1/10
P.O. Box 432, Porterville, CA 93257

**CANCELLATION**

Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will endeavor to mail 30 days written notice to the certificate holder named to the left, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents or representatives.

Authorized Representative

© ACORD CORPORATION 1998
CONSIDER 'WALL OF FAME' HONOR DESIGNATIONS

PARKS AND LEISURE SERVICES DEPARTMENT

Annually, at the first regular meeting in January, the City Council is to receive and review nominations for ‘Wall of Fame’ honorees. The ‘Wall of Fame’ is along the southerly wall of the main hallway within the Heritage Community Center, 256 East Orange Ave. Nominations must be submitted by members of the City Council and are to identify a sponsor that is to be responsible for providing the photograph, picture frame and name plate for placement on the wall. The honorees approved by the City Council retain the designation and display honor for a period of 5 years. Frank “Buck” Shaffer, Carmen Martinez Eoff, and Edward B. “Ted” Cornell currently are on the Wall of Fame.

The nomination procedure specifies that the ‘Wall of Fame’ is for posthumous honors. This year nominations have been filed with the City Clerk’s Office by Councilmember Hamilton for Jim Maples and Roy Rockholt.

Consider the nominations and designate new ‘Wall of Fame’ honoree(s).

Nomination Procedures
Nomination for Jim Maples
Nomination for Roy Rockholt
HERITAGE COMMUNITY CENTER “WALL OF FAME”
PLACEMENT PROCEDURE

The “Wall of Fame” is a portion of the hallway wall within the Porterville Heritage Center, located at 256 E. Orange Avenue. Those who are honored on the “Wall of Fame” are posthumously recognized for their significant efforts and service to the Porterville community. The City Council will determine the appropriateness of each nomination for placement on the “Wall of Fame”. Recognition shall consist of a framed five by seven inch portrait and bronze engraved name plate of common and similar style to the “Mayor’s Wall of Honor” within City Hall.

Only the Mayor and members of the City Council may submit nominations for this honor. The nomination shall be in writing to the City Clerk stating the type and duration of services the nominated individual provided to the Porterville community prior to their passing. A nomination shall identify a sponsoring contact person willing to assume responsibility for supplying the framed portrait and nameplate, and who shall be responsible for all cost of such. All nominations will be retained by the City Clerk and placed on the agenda for consideration by the City Council at their first regular meeting held in each calendar year.

The City Council shall make the sole determination regarding the worthiness of the nominated individual’s service to the heritage of the community in regards to the honor of being included for placement on the “Wall of Fame”. The honor of recognition on the “Wall of Fame” shall be for a period of five (5) years, at which time the portrait will be returned to the sponsoring contact person. The City Council may at its discretion, consider at any time the removal of the honor and return of the portrait to the sponsor.
Based on a history of service to the Community and in recognition of significant efforts on behalf of the residents of Porterville, we request the Porterville City Council posthumously honor the person listed below with inclusion on the City's Wall of Fame located at the Heritage Community Center.

All nominations will be considered and Wall of Fame placements made in accordance with the Placement Procedure stated on the reverse.

Name of Nominee: JIM MAPLES

Description of Nominee's Community Involvement/Service Activities:

* Member of the Tulare County Board of Supervisors for 15 years
* Porterville College faculty for 34 years, technical vocational department chair and advisor
* Porterville College basketball coach for 22 years
* First Baptist Church of Porterville deacon
* Leadership Porterville mentor
* Porterville Chamber of Commerce
* Springville Lions
* Sierra Sunrise Rotary
* Springville Community Club

Sponsor’s Name(s): Cam Hamilton

Telephone: 333-0218

Address: 255 N 6

City/State/Zip: PORTERVILLE CA 93257

Relationship to Nominee: Friend

Nomination Submitted by: Cam Hamilton

Mayor/City Council Member Signature: Cam Hamilton

Date: 1/15/10
Based on a history of service to the Community and in recognition of significant efforts on behalf of the residents of Porterville, I/we request the Porterville City Council posthumously honor the person listed below with inclusion on the City's Wall of Fame located at the Heritage Community Center.

All nominations will be considered and Wall of Fame placements made in accordance with the Placement Procedure stated on the reverse.

Name of Nominee: ROY ROCKHOLT

Description of Nominee's Community Involvement/Service Activities:

* President of the Helping Hands Daybell Brooks Men's Shelter
* Life Member Porterville VFW Post #2001
* Life Member Terra Bella American Legion Post #779
* Porterville Eagles Lodge Fraternal Order #1351
* Porterville High School Boosters Association
* Porterville Senior Council
* St. Anne's Knights of Columbus
* Porterville St. Anne's Catholic Church
* St. Vincent de Paul Board of Directors

Sponsor's Name(s): Cam Hamilton

Telephone: 335 0218

Address: 255 N G

City/State/Zip: PORTERVILLE CA 93257

Relationship to Nominee: Friend

Nomination Submitted by:

Cam Hamilton

Mayor/City Council Member Signature 11/13/10
SUBJECT: APPROVAL OF COUNCIL MEMBER'S TRAVEL TO WASHINGTON D.C.

SOURCE: ADMINISTRATION

COMMENT: On an annual basis, the Tulare County Association of Governments (TCAG) travels to Washington D.C. to meet with U.S. legislators and officials to address transportation issues impacting Tulare County. During its yearly trips to Washington, TCAG endeavors to lobby on behalf of Tulare County with one united voice, and as such, representatives from TCAG member agencies are encouraged to participate. As the Council's TCAG representative, it is proposed that Council Member Felipe Martinez be allowed to travel to Washington D.C. The trip is scheduled for February 22-26, 2010.

TCAG will fund lodging and airfare for one elected official, with per diem and meal costs being paid by the City. It is estimated that the cost for proposed travel will not exceed $400. Funds are available in the City Council budget to cover this expense.

RECOMMENDATION: That the Council, consistent with past practice, confirm the proposed out-of-state travel for Council Member Felipe Martinez on February 22-26, 2010.

Item No. 24
PUBLIC HEARING

SUBJECT: PUBLIC TRANSIT PROPOSED FARE INCREASES AND ROUTE MODIFICATIONS

SOURCE: ADMINISTRATION (TRANSIT)

COMMENT: On August 18, 2009, staff presented Council with a Transit System Overview for Fiscal Year 2008/09. In that overview, it was noted that even after efficiency changes and alterations to the transit contract, the City was finding difficulty maintaining the 20% farebox ratio required by our Federal Transit Administration (FTA) Section 5307 status.

Most of the difficulty is the result of the Demand-Response system, and the high operating costs associated with the curb-to-curb service. However, coupled with reduced transit funding as a result of the State’s financial situation, it becomes necessary to propose a fare increase, both for Fixed Route and Demand Response. Demand Response fares can be no more than two times the Fixed Route fares. Our request to increase Fixed Route fares to $1.25, and Demand Response fares to $2.00, remains well in line with the required ratio.

In addition to the fare increases, additional changes to routes, and intervals of service are being recommended. With increased ridership, additional bus stop locations, and high wheelchair usage, on-time performance has become an issue on five of the eight routes. Currently, Fixed Route operates on 30-minute intervals. The proposal is to increase the route intervals to 40 minutes, and add additional service area to the three routes (Routes 6, 7 and 8) that generally do not have on-time performance issues.

On November 3, 2009, Council approved the award of the Short Range Transit Plan and On-Call consulting services to TPG Consulting, Inc. With the on-going challenges of balancing service with reduced transit revenue and increased costs, staff asked TPG Consulting to separate Fare Analysis and Route Modifications from the overall timeline proposed in the Short Range Transit Plan, so these items could be addressed in time to correct any deficiencies in farebox revenue and on-time performance well ahead of the end of the fiscal year.
Mr. Charles Clouse of TPG Consulting, Inc., will be making the presentation to the Council as a part of the Short Range Transit Plan. Tonight’s presentation will relate to those issues that staff and the consultant feel need to be addressed prior to the final adoption of the complete Short Range Transit Plan expected late May or early June, 2010. Mr. Clouse will make the presentation outlining all of the factors involved in reaching their recommendations, and then Mr. Clouse and staff will be available to answer any questions.

With the proposed fare increases and modifications to route service, a public hearing notice is required. It has been duly published, as well as public hearing notices being posted at the Transit Center for further notification.

RECOMMENDATION: That the City Council approve:

1. A Porterville Transit (Fixed Route) fare increase from $1.00 to $1.25;
2. A COLT (Demand Response) fare increase for Seniors, ADA/Medicare card holders from $1.50 to $2.00;
3. A modification to route intervals from every 30 minutes to every 40 minutes;
4. Modifications to Routes 6, 7 and 8; and
5. All fare increases and route service modifications to take effect February 6, 2010.

ATTACHMENTS:
1. Memo to Staff regarding Porterville Transit Fare Analysis (5 pages)
2. Current Porterville Transit Fixed Route Service Map
3. Proposed Route 6 Map
4. Proposed Route 7 Map
5. Proposed Route 8 Map
TO: Linda Clark, Administrative Analyst, City of Porterville

DATE: December 17, 2009

SUBJECT: Porterville Transit Fare Analysis

The City of Porterville transit system receives state funding through the California Transportation Development Act (TDA) of 1971. The TDA provides funding through the Local Transportation Fund (LTF), derived from a ¾ cent of the general sales tax collected statewide, and the State Transit Assistance Fund (STAF), derived from the statewide sales tax on gasoline and diesel fuel. In order to qualify for funding under TDA, a transit claimant must maintain a ratio of fare revenues to operating costs of at least equal to 20% if the claimant operates in an urbanized area. Failure to maintain the minimum required farebox ratio over a two-year period would result in the loss of TDA funding. The City currently receives approximately $1 million annually in TDA funds to help operate the Porterville transit system. However, given the State’s current fiscal crisis, it appears that STAF funding will be cut beginning in FY 2010/11. This will represent a loss of approximately $700,000 in transit revenues for the Porterville transit system that will need to be made up with other revenue sources.

While the Porterville transit system has experienced an unprecedented increase in fixed route ridership over the last few years, the associated increase in fare revenue has not been strong enough to keep pace with rising operational costs associated with fuel and labor rates. This problem is further compounded by the high cost of providing the COLT dial-a-ride service. Demand-response services are typically less cost-effective to run than fixed route services; smaller carrying capacities and less structured service lend to higher average costs per passenger. The current COLT service has been streamlined in the last few years to provide the minimum service required under the Americans with Disabilities Act (ADA).

As part of the development of the City of Porterville’s 2010 Short Range Transit Plan, TPG Consulting performed an analysis of the current Porterville Transit/COLT fare structure. The current fare system is comprised of general cash revenues and passes. Ridership projections based on the status quo show that the current service will barely meet the 20% TDA requirement (see tables on pages 3 and 4). Any unanticipated loss of ridership, or increase in operating costs could put the system in jeopardy of losing funding.
In order to bolster farebox revenues, TPG Consulting is recommending that the fixed route general fare be increased by 25¢ from $1.00 to $1.25, and the dial-a-ride Senior/ADA/Medicare (card holder) fare be raised from $1.50 to $2.00. The ADA limits the amount charged for paratransit (demand-response) service to two times the fare charged for fixed route service. Under this scenario, the dial-a-ride ADA fare would still be 50¢ lower than the fare allowed under the law. The following table delineates the proposed fare changes.

<table>
<thead>
<tr>
<th>Porterville Transit Fare Category</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Public (age 7+)</td>
<td>$1.00</td>
<td>$1.25</td>
</tr>
<tr>
<td>Midday Special (Seniors/ADA/Medicare card holder)</td>
<td>50¢</td>
<td>50¢</td>
</tr>
<tr>
<td>General Pass (unlimited rides)</td>
<td>$36/month</td>
<td>$36/month</td>
</tr>
<tr>
<td>Children (under age 4; with an adult; 2 max)</td>
<td>Free</td>
<td>Free</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COLT Fare Category</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seniors (62 and older)/ADA/Medicare card holder</td>
<td>$1.50</td>
<td>$2.00</td>
</tr>
<tr>
<td>Personal Care Attendant (one per reg.)</td>
<td>Free</td>
<td>Free</td>
</tr>
<tr>
<td>General Public (age 7+)</td>
<td>$3.00</td>
<td>$3.00</td>
</tr>
</tbody>
</table>

Ridership projections based on the proposed fare structure show that the fare increases would bolster farebox ratios considerably (see tables on pages 3 and 4). Please note that FY 09/10 projections assume a fare change implementation date of February 2010 and would thus only affect farebox revenues for the last five months of the fiscal year. Fare increase projections also assume a standard 2% loss in fixed route ridership as a result of the proposed fare increase. However, the last Porterville Transit fare increase only resulted in a 0.3% ridership loss. Because COLT currently provides service to a captive rider base, the following projections assume no change in dial-a-ride ridership as a result of a fare increase.
### FY 2009/10 PROJECTIONS

#### STATUS QUO PROJECTIONS
**FY 2009/10**

<table>
<thead>
<tr>
<th>Service</th>
<th>Ridership</th>
<th>Fare Revenues*</th>
<th>Operating Costs**</th>
<th>Net Costs</th>
<th>Farebox Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Route</td>
<td>574,000</td>
<td>$333,000</td>
<td>$1,192,000</td>
<td>$859,000</td>
<td>27.9%</td>
</tr>
<tr>
<td>COLT</td>
<td>20,000</td>
<td>$28,000</td>
<td>$585,000</td>
<td>$557,000</td>
<td>4.8%</td>
</tr>
<tr>
<td>Combined</td>
<td>594,000</td>
<td>$361,000</td>
<td>$1,777,000</td>
<td>$1,362,000</td>
<td>20.3%</td>
</tr>
</tbody>
</table>

* Ridership totals include revenue and non-revenue passengers
** Operating costs assume a 3% annual inflation rate

---

#### FARE INCREASE PROJECTIONS
**FY 2009/10**
*(Fare change implemented in February of 2010)*

<table>
<thead>
<tr>
<th>Service</th>
<th>Ridership</th>
<th>Fare Revenues*</th>
<th>Operating Costs**</th>
<th>Net Costs</th>
<th>Farebox Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Route</td>
<td>562,000</td>
<td>$383,000</td>
<td>$1,192,000</td>
<td>$809,000</td>
<td>32.1%</td>
</tr>
<tr>
<td>COLT</td>
<td>20,000</td>
<td>$32,000</td>
<td>$585,000</td>
<td>$553,000</td>
<td>5.5%</td>
</tr>
<tr>
<td>Combined</td>
<td>582,000</td>
<td>$415,000</td>
<td>$1,777,000</td>
<td>$1,362,000</td>
<td>23.4%</td>
</tr>
</tbody>
</table>

* Ridership totals include revenue and non-revenue passengers
** Operating costs assume a 3% annual inflation rate
## FY 2010/11 PROJECTIONS

### STATUS QUO PROJECTIONS
**FY 2010/11**

<table>
<thead>
<tr>
<th>Service</th>
<th>Ridership</th>
<th>Fare Revenues*</th>
<th>Operating Costs**</th>
<th>Net Costs</th>
<th>Farebox Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Route</td>
<td>593,000</td>
<td>$344,000</td>
<td>$1,228,000</td>
<td>$884,000</td>
<td>28.0%</td>
</tr>
<tr>
<td>COLT</td>
<td>21,000</td>
<td>$29,000</td>
<td>$603,000</td>
<td>$574,000</td>
<td>5.1%</td>
</tr>
<tr>
<td>Combined</td>
<td>614,000</td>
<td>$373,000</td>
<td>$1,831,000</td>
<td>$1,458,000</td>
<td>20.4%</td>
</tr>
</tbody>
</table>

*Ridership totals include revenue and non-revenue passengers
**Operating costs assume a 3% annual inflation rate

### FARE INCREASE PROJECTIONS
**FY 2010/11**

<table>
<thead>
<tr>
<th>Service</th>
<th>Ridership</th>
<th>Fare Revenues*</th>
<th>Operating Costs**</th>
<th>Net Costs</th>
<th>Farebox Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Route</td>
<td>563,000</td>
<td>$467,000</td>
<td>$1,228,000</td>
<td>$761,000</td>
<td>38.0%</td>
</tr>
<tr>
<td>COLT</td>
<td>21,000</td>
<td>$40,000</td>
<td>$603,000</td>
<td>$563,000</td>
<td>6.6%</td>
</tr>
<tr>
<td>Combined</td>
<td>584,000</td>
<td>$507,000</td>
<td>$1,831,000</td>
<td>$1,324,000</td>
<td>27.7%</td>
</tr>
</tbody>
</table>

*Ridership totals include revenue and non-revenue passengers
**Operating costs assume a 3% annual inflation rate
TPG conducted preliminary sensitivity testing regarding the proposed fare changes through passenger and phone surveys. Preliminary results indicate that 87% of the fixed route passengers surveyed, and 91% of the dial-a-ride passengers surveyed were receptive to a possible fare increase. Further, a comparison of other Valley service providers showed that the proposed Porterville fare changes are in line with other local service providers. The City of Visalia increased their fares in August of this year. Porterville and Visalia are the only urbanized area transit operators within Tulare County. The following table illustrates this fare comparison.

<table>
<thead>
<tr>
<th>Provider</th>
<th>General (fixed route)</th>
<th>Pass (fixed route)</th>
<th>General (dial-a-ride)</th>
<th>ADA (dial-a-ride)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bakersfield Golden Empire (GET)</td>
<td>$1.00</td>
<td>$2.50/day</td>
<td>N/A</td>
<td>$2.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$35/month</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clovis Stageline/Round Up</td>
<td>$1.25</td>
<td>$40/month (Clovis &amp; FAX)</td>
<td>N/A</td>
<td>$1.25</td>
</tr>
<tr>
<td>Fresno Area Express (FAX)</td>
<td>$1.00</td>
<td>$35/month</td>
<td>N/A</td>
<td>$1.00</td>
</tr>
<tr>
<td>Madera Area Express (MAX)</td>
<td>75¢</td>
<td>$26/month</td>
<td>$2.00</td>
<td>$1.00</td>
</tr>
<tr>
<td>Merced County Transit (The Bus)</td>
<td>$1.00</td>
<td>$6/day</td>
<td>$2.00</td>
<td>$2.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$45/month</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Porterville Transit/COLT</td>
<td>$1.00</td>
<td>$36/month</td>
<td>$3.00</td>
<td>$1.50 Sen./ADA/Medi.</td>
</tr>
<tr>
<td>Tulare InterModal Express (TIME)</td>
<td>$1.00</td>
<td>$33/month</td>
<td>$2.00</td>
<td>$1.50</td>
</tr>
<tr>
<td>Visalia City Coach (VCC)</td>
<td>$1.25</td>
<td>$2.50/day</td>
<td>$3.25</td>
<td>$1.75 ADA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$30/month</td>
<td></td>
<td>$2.25 Sen./Dis./Medi.</td>
</tr>
</tbody>
</table>
PUBLIC HEARING

SUBJECT: CONDITIONAL USE PERMIT 3-2009 – PORTERVILLE SMOG AND TUNE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow an automobile smog and tune facility to be located at the northwest corner of Plano Street and Eastridge Circle. The 3,450± square foot smog and tune service shop is proposed to be located in a Retail Center (C-2) Zone, within the Eastridge Plaza Shopping Center. The proposed use is allowed in a C-2 Zone, with approval of a CUP.

Conditions of approval have been added to address potential impacts to the project and surrounding uses.

The proposed project is categorically exempt pursuant to Class 32, Section 15332 (a-e) (In-fill Development) of the CEQA Guidelines.

BACKGROUND:

The City of Porterville Planning Commission, at its regularly scheduled meeting of January 23, 1984 conducted a Public Hearing to consider Zone Change 5-83 (Planned Development) for the Eastridge Plaza Shopping Center. The Planning Commission approved Zone Change 5-83 (Planned Development) with approved building pads, findings and conditions. The subject parcel was approved with a maximum 4,410 square foot building pad, but has remained vacant to date. On November 6, 2009, the applicant, Mike Ramirez, submitted an application for a conditional use permit to allow the construction of an automobile smog and tune facility on that vacant site.

On January 23, 1984, the Planning Commission made the following finding in approving the Eastridge Plaza Shopping Center Planned Development:

9. That the standards of site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off street parking and off street loading facilities and landscape areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance;
The Planning Commission on January 23, 1984 approved the Planned Development for the Eastridge Plaza Shopping Center with designated landscaping areas along the Plano Street and Eastridge Circle frontages that produce an environment of stable and desirable character.

STAFF ANALYSIS:

The auto service facility consists of three roll-up service bay doors, ceramic “S” type roof, decorative foam trim, carriage type lights, and decorative stone veneer columns. The proposed facility is architecturally compatible with the shopping center and physically suitable for the type of development. Although twenty-two (22) parking spaces are proposed, only seventeen (17) parking spaces are required for the proposed use.

There are two proposed employee parking spaces that are a point of contention between staff and the applicant. The proposed employee parking spaces would eliminate a portion of the existing landscaping that was installed under the Planned Development for that Eastridge Plaza Shopping Center. A portion of the existing berm and two mature trees that screen the site would need to be eliminated. In addition the proposed employee parking spaces are accessed by a one-way drive aisle, but there is no way to exit the spaces without going against the one way drive aisle traffic, or by driving through the building. This arrangement is potentially unsafe. Because the parking spaces are not necessary to meet the minimum parking requirements, would eliminate existing landscaping needed to screen and enhance the project site, and would be problematic and unsafe in their access, staff is recommending that these spaces be eliminated.

Staff recommends that the Council approve the project with the condition of removing the proposed “employee parking stalls” numbered 15 and 16 on the attached site plan Exhibit “A”.

RECOMMENDATION:  That the City Council adopt the draft resolution approving Conditional Use Permit 3-2009, with the condition of removing parking stalls numbered 15 and 16 , as shown on Exhibit “A” along with the conditions of approval.

ATTACHMENTS:

1. Complete Staff Report
Conditional Use Permit 3-2009
For City Council Meeting January 19, 2010

Proposed automobile service facility (Porterville Smog and Tune) to be located at the northwest corner of Plano Street and Eastridge Circle

Owner/Applicant: Mike Ramirez
500 E. Date Avenue
Porterville, CA 93257

Representative: Forrest E. Brown
643 N. Westwood Street
Porterville, CA 93257

Project Location: Northwest corner of Plano Street and Eastridge Circle.

Project Description: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the construction of a new 3,450± square foot automobile service facility located at the northwest corner of Plano Street and Eastridge Circle within the Eastridge Plaza Shopping Center.

Size of Project: .378 Acres

General Plan Classification: Retail Centers

Zoning Classification: C-2 (Central Commercial Zone)

Surrounding Zoning and Land Uses:

North: City C-2- Shopping Center, Olive Avenue
South: City R-3- High Density Residential Units
East: City R-1- Vacant land, Low Density Residential Uses
West: City C-2- Shopping Center
LEGAL NOTICES:

<table>
<thead>
<tr>
<th>Date Environmental Document Distributed</th>
<th>Date Notice Published in Porterville Recorder</th>
<th>Date Notice Mailed to Property Owners within 300 feet of property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Categorically exempt form CEQA</td>
<td>January 7, 2010</td>
<td>January 5, 2010</td>
</tr>
</tbody>
</table>

ENVIRONMENTAL REVIEW

The subject proposal is categorically exempt pursuant to Class 32, Section 15332 (a-e) (In-fill Development) of the CEQA Guidelines.

BACKGROUND

The City of Porterville Planning Commission, at its regularly scheduled meeting of January 23, 1984 conducted a Public Hearing to consider Zone Change 5-83 (Planned Development) for that Eastridge Plaza Shopping Center. The Planning Commission approved Zone Change 5-83 (Planned Development) (Resolution No. 1505) with approved building pads, findings and conditions. The subject parcel was approved with a maximum 4,410 square foot building pad, but has remained vacant to date. On November 6, 2009 the applicant, Mike Ramirez, submitted an application for a conditional use permit to allow the construction of an automobile smog and tune facility on that vacant site.

On January 23, 1984, the Planning Commission made the following finding to approve the Eastridge Plaza Shopping Center Planned Development:

9. That the standards of site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off street parking and off street loading facilities and landscape areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance;

The Planning Commission on January 23, 1984 approved the Planned Development for that Eastridge Plaza Shopping Center with designated landscaping areas along the Plano and Eastridge frontages that produce an environment of stable and desirable character.

PROJECT DESCRIPTION/ANALYSIS

The undeveloped .378± acre project site is located within the Eastridge Plaza Shopping Center. The subject site is located on the northwest corner of Plano Street and Eastridge Circle and is incorporated as part of the Eastridge Plaza Shopping Center Planned Development.

The applicant is requesting approval of Conditional Use Permit 3-2009 to allow the construction of a new 3,450± square foot automotive smog and tune service facility. This in-fill development project proposes to construct on a vacant parcel an auto service facility consisting of three roll-up service bay doors, ceramic “S” type roof, decorative foam trim, carriage type lights, and decorative stone columns. The service bay doors will
be painted to complement the soft crème tone color finish of the building. The service facility has one access point on the southwest corner and one exiting point through the service facility. The proposed facility is architecturally designed to be compatible with the shopping center and it's physically suitable for the type of development.

Fourteen (14) customer parking stalls are located west of the proposed facility and six (6) parking stalls, which are counted towards the total required, are located within the service facility and two (2) spaces are labeled as employee parking.

Although twenty-two (22) parking spaces are proposed, only seventeen (17) parking spaces are required for the proposed use. The proposed employee parking spaces would eliminate a portion of the existing landscaping that was installed under the Planned Development for that Eastridge Plaza Shopping Center. There are two proposed employee parking spaces that are a point of contention between staff and the applicant. A portion of the existing berm and two mature trees that screen the site would need to be eliminated. In addition the proposed employee parking spaces are accessed by a one-way drive aisle, but there is no way to exit the spaces without going against the one way drive aisle traffic, or by driving through the building. This arrangement is potentially unsafe. Because the parking spaces are not necessary to meet the minimum parking requirements, would eliminate existing landscaping needed to screen and enhance the project site, and would be problematic and unsafe in their access, staff is recommending that these spaces be eliminated.

Staff recommends that the Council approve the project with the condition of removing the proposed “employee parking stalls” numbered 15 and 16 on the attached site plan Exhibit “A”.

RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Permit 3-2009, with the condition to remove parking stalls 15 and 16 along with subject to conditions of approval.

ATTACHMENTS:

1. Locator Map
2. Ariel Map
3. Site Plan/ Landscape plan (Exhibit “A”)
4. Rendering (Exhibit “B”)
5. Pictures
6. Resolution No. 1505
7. Draft Resolution

Fernando Rios
Project Planner

January 19, 2010
Date
WEST ELEVATION
RESOLUTION NO. 1505

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS RECOMMENDING APPROVAL OF ZONE CHANGE 5-83 (P-D)/AMENDMENT/GENERAL DEVELOPMENT PLANS FOR A SHOPPING CENTER

WHEREAS: The City of Porterville Planning Commission at its regularly scheduled meeting of January 23, 1984, conducted a public hearing to consider Zone Change 5-83 (P-D)/Amendment/General Development Plans for a shopping center being 8.23+ acres in size and located along the southwest corner of Olive Avenue and Pano Street; and

WHEREAS: Zone Change 5-83 (P-D)/Amendment/General Development Plans is an amendment to both the existing P-D (Planned Unit Development) zone and the approved General Development Plans which show commercial and residential condominium uses; and

WHEREAS: The Planning Commission received testimony from all interested parties relative to Zone Change 5-83 (P-D)/Amendment/General Development Plans; and

WHEREAS: The Planning Commission made the following findings:

1. That the proposed project is consistent with adopted general and specific plans;

7. That the design of improvement of the proposed project is consistent with adopted general and specific plans;

3. That the site is physically suitable for the type of development;

4. That the site is physically suitable for the proposed density of development of the project;

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

6. That a Negative Declaration with mitigation measures was prepared for the project and recommended to the City Council for approval;

7. That the proposed location of the Planned Unit Development is in accordance with the objectives of the zone plan of the district in which the site is located;
8. That the proposed location of the Planned Unit Development and the proposed conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

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

10. That the standards of site area and dimensions, site coverage, yard spaces, height of structures, distances between structures and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities;

11. That the applicant has submitted the required General Development Plans.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville Planning Commission does hereby approve Zone Change 5-83 (F-D)/Amendment/General Development Plans, subject to the following conditions:

1. That all future on-site development shall conform to applicable City of Porterville codes;

2. That all future on-site development shall conform to the City's Zoning Ordinance;

3. That all future on-site uses shall conform to the City's Fire Department standards;

4. That the project shall be developed generally as shown on Exhibit "A" through "F", except where the conditions and exhibits are not in conformance, and in such case the conditions shall apply;

5. That in order to develop the project as an integrated unit, further parcelization subdivision of the subject site shall not occur, unless necessary for implementation of the General Plan;

6. That all structures within the development be designed with a consistent architectural theme as shown upon Exhibit "A" of the General Development Plans;

7. That, if applicable, parcels within the development shall have covenants with all adjacent parcels covering access and parking; easements for such activity shall be reviewed by the City Planner and City Engineer for conformance to the intent of this Condition
before they are recorded;

8. That no satellite development may be initiated before the start of major facilities;

9. That the requirements of the City Engineer shall be complied with (Conditions attached);

10. That the applicant shall submit Specific Development Plans for Phase No. 1 as per Article 17 of the Zoning Ordinance;

11. That Phase No. 1 of the Specific Development Plans shall substantially conform to the General Development Plans;

12. That a Lot Line Adjustment Parcel Map be submitted to reflect adjusted and actual boundaries of shopping center. Said map shall be reviewed prior to issuance of any building permits;

13. That the mitigation measures identified by the Environmental Review Committee, found in Resolution No. _____, shall be incorporated into the project;

14. That the owner shall be responsible for maintaining the parking landscaping and the improvements which constitute the parkway;

15. That it is recognized that the adoption of the General Plans for the commercial corner impact the existing General Plans and removes a substantial portion of the residential area designated north of the Porter Slough. The Planning Commission has received testimony that the applicant intends to realign the slough, providing access along the south side of the commercial property to the westerly portion north of the slough, and that the present owners of that property have indicated that the originally planned high-rise buildings are no longer contemplated; that some other form of multiple-family housing will be developed in this area, and that the portion of the project south of Porter Slough will remain basically the same as shown on the original General Development Plans, with the addition of the southern access for circulation purposes, and it is further recognized, that prior to any further development of the property beyond the bounds of this commercial property, a General Plan Amendment of the existing General Plan would be required.

MOVED BY COMMISSIONER MCCracken, SECONDED BY COMMISSIONER COTTI

AND CARRIED BY THE FOLLOWING VOTE:

AYES: Attebury, Cotta, McCracken, Rankin, Camarena
NOES: None
ABSTAIN: Cullett
ABSTAIN: Nicholson

DATED: January 23, 1984

ATTraquo;ST: Linda Camarena, Chairwoman
Porterville Planning Commission
Resolution No.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF CONDITIONAL USE PERMIT 3-2009 FOR THAT .378± ACRE SITE LOCATED AT THE NORTHWEST CORNER OF PLANO STREET AND EASTRIDGE CIRCLE

WHEREAS: The City Council at its regularly scheduled meeting of January 19, 2010, conducted a Public Hearing to consider Conditional Use Permit 3-2009 to allow the development of a 3,450± square foot auto shop service facility (Porterville Smog and Tune). The subject site is within the Eastridge Plaza Shopping Center located on the northwest corner of Plano Street and Eastridge Circle; and

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

1. That the proposed project is consistent with the site’s General Plan Land Use (Retail Center) and Zoning (C-2 Central Commercial) Designations.
2. That the site is physically suitable for the type of development proposed.
3. That the design of the project or the proposed improvements, are not likely to cause substantial environmental damage.
4. That the subject project per “In-fill Development” Exemption Class 32, Section 15332 (a-e) of the CEQA Guidelines is Categorically Exempt.
5. That the proposed location of the project and conditions under which it will be operated and maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.
6. That the standards of the site area dimension, site coverage, height of structures, parking, and landscaped areas will produce an environment of stable and desirable character consistent with the objective of the Zoning Ordinance.
7. That the conditions set forth for that Planned Development shall be adhered to.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville do hereby approve Conditional Use Permit 3-2009 subject to the following conditions:

1. A minimum of seventeen (17) parking spaces are required. This includes the six (6) spaces which are provided within the service building. Parking spaces numbered 15 and 16 shall be removed and replaced with appropriate landscaping on the plans submitted for building permits.
2. The rollup doors shall be architecturally compatible with the colors used on the auto service facility.
3. Materials on the trash enclosure shall match the materials used on the auto service facility building.
4. The applicant's proposal shall be carried out substantially in conformance with approved exhibits.

ATTACHMENT ITEM NO.7
5. The applicant and property owner shall sign and file one original copy of this permit with the Community Development Department of the City of Porterville.

6. All building, plumbing, electrical, and fire code requirements for the type of occupancy under the proposed use must be met prior to occupancy.

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

8. The site landscaping shall be installed in substantial compliance with the landscape plan shown on the City Council Exhibit “A” for project number CUP 3-2009 dated January 1, 2010, incorporated by reference and the conditions of approval, and all new trees shall be a minimum size 24-inch box. The site landscaping shall include trees that shall conform to the 24-inch box minimum size requirement and shrubs that will reach a minimum height of 3 feet at plant maturity. The landscaping shall incorporate the existing berm and mature trees, into the landscape.

9. Three copies of a landscaping plan of the site, including the size and species of plants, a layout of the sprinkler system for maintaining the landscaping, and a maintenance and watering schedule shall be submitted to the Community Development Department for approval prior to issuance of the building permit, and the approved plan shall be implemented prior to occupancy of the premises under the permit. The landscape plan shall be in accordance with the requirements of the Municipal Code. Landscaping shall be of a low water demand nature.

10. All landscaping areas on the property and in the public parkway shall be permanently maintained with healthy, growing plant material, free from weeds, as shown on the approved landscape plan. Landscaping shall be watered in accordance with the approved maintenance and watering schedule that is incorporated into the 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.

Lawn areas shall be edged to prevent grass from overhanging public or private sidewalks. Litter and plant trimmings shall be removed from the site within one week of date of notice by Community Development Department. Dead or dying plant material shall be replaced within one month of notice by Community Development Department.

11. The number of backflow prevention devices to service the development shall be minimized. All backflow prevention devices shall be shown on the site plan and the landscape plan that are submitted for building permit, pursuant to Resolution No. 9615.

All backflow prevention devices shall be partially or completely screened from view of the public street. The location of each backflow prevention device and the method and extent of screening shall be approved by the Community Development Department, in consultation with the Public Works Department and the Fire Department. Screening methods may include: Installation of shrubs or other plant
material; placement in a valve pit; placement adjacent to a trash enclosure or cart storage area; placement behind a building.

The location of fire suppression devices shall be subject to approval of the Fire Department.

A public utility easement shall be provided for the water line lateral serving each backflow prevention device or fire suppression device. The property owner shall submit a recent copy of an appropriate policy of title insurance together with legal descriptions, closure calculations and sketch to the Engineering Division of the Public Works Department with applicable fees so that the staff may proceed with the preparation of the legal documents.

Where landscape screening is proposed or required, it shall be installed in accordance with the approved landscape plan. Landscaping shall be maintained in accordance with the standard condition entitled "Landscape Maintenance."

12. All landscaped areas which are located within or adjacent to parking or vehicular traffic areas shall be protected from vehicular traffic by the installation of concrete curbing.

13. Mechanical equipment located on the roof of a building shall be completely screened. The height of the screening shall be as high, or higher, than the top of the mechanical equipment. The screening may be provided by an architecturally designed screen wall of solid material surrounding the equipment, or by the building wall parapet.

The plans that are submitted for building permit shall identify whether mechanical equipment is to be located on the roof and, if so, the building plans shall include the height of the equipment above the roof, and the plans for providing the screening shall clearly show that no portion of mechanical equipment or duct work projects above the screen wall or building wall.

14. 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.

15. All automobile services shall take place within the building.

16. Any graffiti on the property shall be promptly painted out. If the problem persists, 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.

17. The street address(s) for the buildings, suites, and property shall be determined and assigned by the Building Department in conjunction with the Fire Department.

18. Signs shall require a separate sign permit prior to installation. Signs shall meet the requirements of the City Sign Code. A uniform sign program shall be submitted to Zoning Administrator and approved prior to issuance of any sign permits. The proposed signage shall be architecturally integrated with the facility.

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

20. Low flow plumbing fixtures shall be installed.

21. A City business license is required.

22. 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.

23. The noise generated by this use shall not exceed the limits established by the Noise Regulations of the City of Porterville and State of California.

24. The site plan shall incorporate elements that ensure safe pedestrian access from the parking areas to the proposed buildings. Specifically, the site plan shall include defined pedestrian walkways, visible to drivers, from the parking areas to the proposed building(s).

25. 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.

27. The developer/applicant shall pay all applicable fees according to 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.

28. The developer/applicant shall comply with Appendix J, "Grading" of the 2007 California Building Code, including provision of a grading and drainage plan signed by a licensed civil engineer or architect. 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.

29. The developer/applicant shall construct and/or repair street, alley, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306). The only item of concern as of July 1, 2009 is a hole in one sidewalk panel on Plano Street. This area along with additional areas discovered during the building permit review process, shall be repaired as required by the City’s Municipal Code.

30. 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.

31. Easements shall be in place that allows for mutual ingress, egress and maintenance of the parking lot.

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

33. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

34. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.

35. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than 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.

36. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply.

37. 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 by obtaining a Dust Control Permit, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

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.

38. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

1. Wastewater Discharge Permit Application, Part “A”; and

If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and
submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental Health. The developer/applicant shall provide proof of compliance with County requirements before issuance of a certificate of occupancy.

If underground storage tank(s) are to be used for storage of hazardous substances, the developer/applicant shall follow California Health and Safety Code, Division 20, Chapter 6.7, Section 25280 through 25299.6, governing the underground storage of hazardous substances.

39. The developer/applicant shall install a refuse container enclosure 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 location requires refuse trucks to travel on the parking lot. The enclosure opening shall be oriented for direct access.

40. The developer/applicant shall comply with the Flood Damage Prevention Ordinance. The property is within a Flood Hazard Zone AO with a Base Flood Elevation that is one foot above the 100-year flood. A Licensed Civil Engineer or Land Surveyor shall confirm that the finished floor will be constructed at or above the Base Flood Elevation in letter form or by providing a Preliminary Elevation Certificate. The same professional shall confirm that the finish floor is at or above the Base Flood Elevation by submitting an Elevation Certificate to the City Engineer for approval prior to the issuance of a certificate of occupancy. Preliminary Elevation Certificates and Elevation Certificates are available within the Engineering Division upon request. The base flood elevation has yet to be determined by the City in this area and will be the responsibility of the applicant’s engineer to do so. The City’s ordinance does allow for “Floodproofing” of commercial buildings when the structure is constructed below the base flood elevation. This is an option available to the applicant should it become infeasible to construct a building pad as required.

41. 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.

42. 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.

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

44. Compliance with all applicable codes is required.

45. Plan check fees are required at time of building permit submittal.
46. Soil compaction test shall be required.

47. Approval from Tulare County Health Department shall be obtained prior to issuance of the building permit.

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

49. All construction offices, storage containers, etc. for temporary use shall receive City Council approval.

50. One van accessible parking stall shall be required.

51. Racking plan w/ engineering shall be required (if applicable).

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

53. This project is S-1 Occupancy.

54. No deferred items shall be permitted.

55. See attached plans checklist.

56. The project shall comply with latest applicable codes.

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

58. 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.

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

60. Storage of flammables shall be within the limits set forth in Chapter 27 California Fire Code in order for the occupancy to be classed as an S-1.

61. The project shall comply with Title 19 California Code of Regulations Article 5 for the distribution of fire extinguishers.

__________________________
Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Manager

__________________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: SECOND READING – ORDINANCE 1759, PERTAINING TO CAR WASHES IN THE CENTRAL COMMERCIAL (C-2) ZONE

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1759, An Ordinance of the City Council of the City of Porterville Amending the Porterville Municipal Code Appendix A – Zoning Ordinance Section 801.1(A) Pertaining to Car Washes in the Central Commercial (C-2) Zone, to Allow for Car Wash Businesses as Conditional Uses Within the C-2 Zone., was given first reading on December 15, 2009, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1759, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1759

Item No. 27
ORDINANCE NO. 1759

AN ORDINANCE OF THE CITY COUNCIL OF THE CIVIL CORPORATION OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE APPENDIX A – ZONING ORDINANCE SECTION 801.1 (A) PERTAINING TO CAR WASHES IN THE CENTRAL COMMERCIAL (C-2) ZONE

WHEREAS: On December 15, 2009, the City Council at its regularly scheduled meeting, held a public hearing and considered an amendment to Municipal Code Appendix A – Zoning Ordinance Section 801.1; and

WHEREAS: On December 15, 2009, the City Council waived further reading and ordered to print draft amendment sections to the Zoning Ordinance regulations regarding conditional uses in the Central Commercial (C-2) Zone; and

WHEREAS: based on analysis conducted on car washes and their potential effect on adjacent properties, the Council made the following findings in support of Zoning Ordinance Amendment 2009-01.

A. That due to improvements in technology and efficiency, car wash businesses can be designed and operated in a manner to avoid potential impacts on adjacent properties, and the remainder of the community; and

B. That through a Conditional Use Permit process, the City of Porterville could establish and enforce conditions of approval to insure that the design and operations of a proposed car wash in the Central Commercial Zone would not have a significant effect on adjacent properties or the remainder of the community.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby amend Porterville Zoning Ordinance Section 801.1 to read as follows:

801.5: USES ALLOWED IN C-2 ZONE WITH CONDITIONAL USE PERMIT:

A. The following uses may be allowed upon approval of a conditional use permit and the provisions of subsection 2100B of this ordinance:

1. Auction yards or sales.

2. Automobile and motorcycle dealerships conducted wholly within a building enclosed on all sides including the display, storage, repair, and reconditioning of vehicles, subject to the provisions of article 26 of this ordinance.
3. Bar and nightclub. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of subsection 2100B of this ordinance.

4. Billiard and pool hall, bowling lanes. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of subsection 2100B of this ordinance.

5. Bus depot and taxi terminal, no repair or storage on site.

6. Call center.

7. Car Wash.

8. Church.

9. Commercial recreation, including, but not limited to, arcades. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of subsection 2100B of this ordinance.

10. Drive-in theater.


12. Hotel/motel and apartment hotel.

13. Indoor building material sales.

14. Institutional buildings such as schools, colleges, hospitals, sanitariums, and buildings of an educational, charitable or philanthropic nature (but excluding veterinarian or animal hospital or shelter, penal, correctional or mental institutions or hospitals).

15. Large retail over fifty thousand (50,000) square feet.

16. Nursery, flower or plant and commercial greenhouse; provided, that the fertilizer and soil conditioners shall be stored and sold in packaged form only.

17. Restaurant or cafe which includes dancing and/or entertainment. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of subsection 2100B of this ordinance.

18. Service station.

19. Theater or auditorium. (Ord. 1679 § 2, 9-6-2005; Corrected Ord. 1679 § 2, 2-21-2006)
BE IT ORDAINED THAT this ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

______________________________
Pete McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By: ____________________________
    Patrice Hildreth, Chief Deputy City Clerk
CITY COUNCIL AGENDA: JANUARY 19, 2010

SCHEDULED MATTER

SUBJECT: STATUS REPORT ON THE CITY OF PORTERVILLE HOUSING ELEMENT UPDATE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING

BACKGROUND: On March 3, 2009, the City Council approved the Draft Housing Element for submittal to the California Department of Housing and Community Development (HCD). Staff sent the Draft Housing Element on March 10, 2009 for the first review by HCD and received comments sixty days later (in May). With the assistance of Veronica Tam, the City’s housing element consultant, staff has responded to those comments and prepared an update to the Draft Housing Element that was resubmitted to HCD for a second review in July, 2009. In September of 2009 a second response was received from HCD with follow-up comments.

The majority of the comments from HCD were requests for additional information and an explanation of the methods of analysis used for data provided.

The deadline for adopting a new Housing Element was on August 1, 2009. However, HCD has informed the city that there is no immediate penalty for not meeting the expiration deadline if we can show substantial progress on development of the Housing Element. HCD has been working with staff and is aware that the City is diligently working towards document adoption. During this time period, the City may not apply for any additional funding for the City’s Housing Programs until it has an HCD Certified Housing Element. The re-submittal of the City’s Draft Housing Element to HCD is crucial to the next round of program funding opportunities scheduled in August of this year.

COMMENT: The principal concern from HCD in review of the draft housing element is regarding the availability of sufficient land for the City’s Regional Housing Needs Allocation (RHNA) for low income residential housing. The City of Porterville has an extremely high RHNA allocation of 5,473 units to accommodate over the remainder of the planning period which culminates in 2014. Below is a break-down of housing units by income level:

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low</td>
<td>1,224 units</td>
</tr>
<tr>
<td>Low</td>
<td>862 units</td>
</tr>
<tr>
<td>Moderate</td>
<td>979 units</td>
</tr>
<tr>
<td>Above Moderate</td>
<td>2,409 units</td>
</tr>
<tr>
<td>Total units by 2014</td>
<td>5,473 units</td>
</tr>
</tbody>
</table>

The land needed must be zoned with a sufficient density to make low income housing projects feasible according to HCD policy. The criteria HCD now uses throughout the state is “High Density Residential (HDR)” with a minimum density of 20 units.
per acre. The City’s General Plan Land Use Designation HDR sets a maximum gross density of 24 units per acre. Adjusting that density for the development of roads and other utilities, the HDR zoning designation will accommodate 30 units per net acre. It was envisioned at the time of the General Plan update that the City would be able to count all 30 units per acre toward meeting our low-income housing allocations. However, staff has recently learned that HCD will not accept the full density potential of the sites as a matter of policy, due to their concern that housing projects may not be proposed for the full density.

The Medium Density Residential (MDR) Land Use Designation envisions a maximum of 12 units per gross acre and a maximum of 15 units per net acre. The City’s MDR zones contain the bulk of the low-income vacant or underutilized multifamily land. Throughout Porterville’s history, a majority of low-income housing projects that have been constructed or proposed have been in the MDR areas. Staff attempted to convince HCD that based upon substantial historical evidence, which included support letters from local developers, on the feasibility of low-income housing at medium densities in this region of the state but to no avail. HCD rejected the claims. In addition, to those efforts, staff responded to an HCD request for a lot-by-lot study of vacant and/or underutilized sites within the community. Many of these sites were rejected by HCD for their full density potential based on the presence of an existing residence.

Due to HCD’s reluctance to accept the full density potential contained in the General Plan and the extremely high RHNA allocation given to us by the state and county, the City needs to come up with an additional 1,100 units for low-income housing potential at a minimum of 24 units per acre. This translates to 45 acres of HDR land needed.

Staff has analyzed the existing city area and has found that there are not enough high density zoned sites within the City limits to meet the HCD’s requirements. The issue here is that only what is within the City limits can count towards meeting the City’s RHNA. Ultimately, this requires the City to rezone, annex, or do a combination of both and may require a General Plan Amendment. The attached map and spreadsheet represents a breakdown of potential sites that the Council could consider rezoning and/or annexing. The three (3) options are listed in the order of the estimated amount of time it would take to process. HCD has stated that although the City does not currently meet its RHNA requirements, a “rezone/annexation program” could be submitted and considered for certification of a new Housing Element. This would allow the City to have sufficient sites for low income housing within the next planning period.

It is anticipated that the Council will be able to consider adoption of a Draft Housing Element to comply with State requirements by the Spring of 2010 if HCD accepts the City’s proposed Draft Housing Element revisions.
RECOMMENDATION: That the City Council:

1. Direct Staff to map out a program to rezone and annex enough land to accommodate at least 1100 units of high density residential for the immediate planning period; and

2. Direct staff on whether to consider a second phase of rezones and annexations to accommodate the subsequent planning period.

ATTACHMENT:

1. Map of rezone/annexation options
2. Rezone/annexation options
3. HCD response letters
### Housing Element options to provide the High Density Residential land for low-income housing at 24 units to the acre.

**Option 1 Rezoning**

<table>
<thead>
<tr>
<th>AREA</th>
<th>ACRES</th>
<th># of Parcels/Owners</th>
<th>UNIT POTENTIAL</th>
<th>TIME (Mo.)</th>
<th>PROS</th>
<th>CONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drive-in</td>
<td>12.6</td>
<td></td>
<td>302.4</td>
<td>3-6</td>
<td>one parcel</td>
<td>property is under a trust...potential legalities?</td>
</tr>
<tr>
<td>Ennis (Newcomb/Henderson)</td>
<td>26.9</td>
<td></td>
<td>645.6</td>
<td>3-6</td>
<td>property includes two parcels...10/21 acres</td>
<td>one owner</td>
</tr>
<tr>
<td>Property behind Motel 6 (east of Porter between Morton &amp; Putnam)</td>
<td>15</td>
<td></td>
<td>360</td>
<td>3-6</td>
<td>multiple parcels and owners might make difficult</td>
<td>could satisfy 1/3 of the required RHNA HDR units</td>
</tr>
<tr>
<td>RR &amp; 4th Street</td>
<td>4.5</td>
<td></td>
<td>108</td>
<td>3-6</td>
<td>good area, close to downtown...ideal</td>
<td>need more acreage to satisfy RHNA</td>
</tr>
<tr>
<td>Mathew/Olive (north east corner)</td>
<td>5</td>
<td></td>
<td>120</td>
<td>3-6</td>
<td>previously approved 164 unit apts.</td>
<td>not close to many services</td>
</tr>
<tr>
<td>River Ave @ E Street (north side of Seq. at Rivers Edge Apts.)</td>
<td>3</td>
<td></td>
<td>72</td>
<td>3-6</td>
<td>close to downtown and one owner</td>
<td>small parcel = minimal units</td>
</tr>
</tbody>
</table>

**Note:** This option will require multiple areas which would allow for HDR in multiple areas but could take the least amount of time to process and complete.

**Option 2 Annexation and Rezone**

<table>
<thead>
<tr>
<th>AREA</th>
<th>ACRES</th>
<th># of Parcels/Owners</th>
<th>UNIT POTENTIAL</th>
<th>TIME (Mo.)</th>
<th>PROS</th>
<th>CONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area south of Porterville College</td>
<td>15</td>
<td></td>
<td>360</td>
<td>6-12</td>
<td>good size area</td>
<td>multiple parcels &amp; multiple owners= potential opposition</td>
</tr>
<tr>
<td>Area east of Porterville College</td>
<td>30</td>
<td></td>
<td>720</td>
<td>6-12</td>
<td>good size area</td>
<td>multiple parcels &amp; multiple owners= potential opposition</td>
</tr>
<tr>
<td>Northwest area of 65/190</td>
<td>30</td>
<td></td>
<td>720</td>
<td>6-12</td>
<td>large area could satisfy most of RHNA reqs.</td>
<td>would need to include area north to Olive in the project...potential opposition/resistence from residents!</td>
</tr>
<tr>
<td>Prospect &amp; Roby</td>
<td>38</td>
<td></td>
<td>912</td>
<td>6-12</td>
<td>large area could satisfy most of RHNA reqs.</td>
<td>would need to include area north to Olive in the project...potential opposition/resistence from residents!</td>
</tr>
</tbody>
</table>

**Note:** Minimum two area are required to achieve RHNA #’s (Exception - Roby/Prospect could satisfy RHNA)

**Option 3 Annex and Rezone Williamson Act properties**

<table>
<thead>
<tr>
<th>AREA</th>
<th>ACRES</th>
<th># of Parcels/Owners</th>
<th>UNIT POTENTIAL</th>
<th>TIME (Mo.)</th>
<th>PROS</th>
<th>CONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olive and Newcomb</td>
<td>45</td>
<td></td>
<td>1080</td>
<td>8-12</td>
<td>owner/agent contacted city interested in annexing and developing the site, large parcel would satisfy RHNA.</td>
<td>current policy does not allow annexation of land under contract. A program would need to be developed</td>
</tr>
<tr>
<td>Lombardi</td>
<td>45</td>
<td></td>
<td>1080</td>
<td>8-12</td>
<td>currently used for ag purposes, large parcel would satisfy RHNA</td>
<td>current policy does not allow annexation of land under contract. A program would need to be developed</td>
</tr>
</tbody>
</table>

* The City will be in the same position 5 years from now for the next H.E. update...Staff should formulate a program to annex and rezone prior to 2014.
September 3, 2009

Mr. Bradley D. Dunlap, Director
Community Development Department
City of Porterville
291 N. Main Street
Porterville, CA 93257

Dear Mr. Dunlap:

RE: Review of the City of Porterville’s Revised Draft Housing Element

Thank you for submitting Porterville’s revised draft housing element received on July 6, 2009. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). The review was facilitated by communications with Mr. Jose Ortiz, Associate Planner.

The revised draft element addresses most of the statutory requirements described in the Department’s May 8, 2009 review. However, the following revisions are still necessary to comply with State housing element law (Article 10.6 of the Government Code):

1. Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing (Section 65583.2).

Zoning to Encourage and Facilitate Housing for Lower-Income Households: As described in the previous review, the element must identify and analyze zoning appropriate to encourage and facilitate the development of housing for lower-income households based on factors such as market demand, financial feasibility and development experience within zones. For communities with densities that meet specific standards (at least 20 units per acre for Porterville), this analysis is not required (Section 65583.2(c)(3)(B)). The element appears to rely on the R2 zone with a maximum allowable density of 12 units per acre. For example, the element indicates single family subsidized housing affordable to lower-income households is feasible in the R2 zone (page 4-5). It is recognized housing affordable to lower-income households requires subsidies and financial assistance. However, for the purpose of the adequate sites analysis and the appropriateness of zoning, identifying examples of lower density subsidized housing projects alone is not sufficient or
appropriate to demonstrate the adequacy of a zone and/or density to accommodate the housing affordable to lower-income households. Also, while units may be built at lower densities (i.e., 5 to 10 units per acre), the amount of subsidy required is far greater compared to higher densities (15 to 20 units per acre).

In addition, the element (Appendix D) includes correspondence from developers indicating higher densities (15-18 units per acre) are needed to encourage housing for lower-income households. This same correspondence indicates a density bonus would be necessary in the R2 zone. As a result, the element should either demonstrate how densities of 12 units per acre can encourage housing affordable to lower-income households based on factors in statute and without exception to existing zoning such as density bonuses or designate sites at appropriate densities.

Non-Vacant Sites: The prior review noted the element must demonstrate the potential for redevelopment of non-vacant sites, including, among other things, an analysis of the extent to which existing uses may impede additional residential development. While the element describes some recent "recycling" trends, it does not relate these trends to identified sites or existing uses on non-vacant sites in the inventory. In addition, the element only generally describes existing uses, such as single-family or professional building, but does not analyze the extent to which existing uses may impede additional residential development. For sites with residential uses, the inventory could generally describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For non-residential sites, the inventory could generally describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment. Refer to the sample analysis on the Building Blocks' website at http://www.hcd.ca.gov/hpd/housing_element2/SA_zoning.php#nonvacant.

Realistic Capacity: The element asserts adequate sites would be available to accommodate Porterville's regional housing need if half of the non-residential and mixed-use sites were developed with non-residential uses. However, the element should include development trends to support this assumption and must reflect this assumption in the calculation of residential capacity on identified sites (Table 5 and Appendix C).

2. Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households (Section 65583(c)(2)).

The element was not revised to address the statutory requirement described in the prior review (see enclosed). The element must include specific actions to assist in the development of housing for farmworkers and should add or revise programs as appropriate.
Once the element has been revised to address these requirements, it will comply with State housing element law. If you have questions or would like further assistance, please contact Paul McDougall, of our staff, at (916) 322-7995.

Sincerely,

Cathy E. Creswell
Deputy Director

Enclosure
SCHEDULED MATTER

SUBJECT: STRATEGY FOR THE REVIEW OF THE NEW DEVELOPMENT CODE

SOURCE: COMMUNITY DEVELOPMENT – PLANNING DIVISION

BACKGROUND:

On March 8, 2008, the City Council adopted a comprehensive General Plan, to guide development within the City of Porterville through the year 2030. One of the steps taken, in order to implement the new General Plan was to initiate the process to create a comprehensive update to the Zoning and Subdivision Ordinances that would result in one document to be known as the Porterville Development Code. Dyett and Bhatia Urban and Regional Planners, was hired as a consultant to guide the process and write the new code. Staff has been working with Dyett and Bhatia in this effort, since the Fall of 2007.

In April, 2007, The City Council adopted an interim urgency ordinance that established the General Plan Land Use map as the zoning map and included a matrix to guide which land use would correspond with the existing zoning districts and their corresponding development standards. This ordinance was extended on May 20, 2008 and again on March 31, 2009. The ordinance is set to expire on March 31, 2010, without any more extension periods available. Staff is working to get the new Development Code adopted prior to the expiration of the interim ordinance. However, due to the high volume of issues and details that need to be reviewed and considered, it is unlikely that the new code will be adopted prior to the expiration of the interim ordinance.

Upon delivery of the draft ordinance last year, two committees were formed to review and comment on the document. The first was formed by the City Council and made up of the community stakeholders who had served on the General Plan Update Committee. The second was formed by staff and made up of local experts in the fields of engineering, architecture, and development. The goal of the two committees was to scrutinize details of the ordinance and to test the standards using hypothetical situations. What was received from the committees was a significant amount of comments and suggestions that are expected to improve the ordinance and future implementation. The majority of these changes have been incorporated into the final draft that will be reviewed by the City Council later this year.

When compared to the existing Zoning and Subdivision Ordinances, the new Development Code contains a number of new or changed standards that will serve to implement the General Plan by codifying new concepts, as well as clarifying

DD Appropriated/Funded NA CM

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previous ambiguities, enhancing the built environment, resulting in more ordered and efficient growth, and providing for a more streamlined process for the review of projects. The new Development Code will have a substantial positive effect on development in the City of Porterville.

Staff has spent a significant amount of time and energy with the consultant, considering each detail of the new code and working through challenging situations. We are nearing the time for this draft code to be presented to the public and the City Council for review. In order to adequately characterize the effect that this code will have on future development, it is necessary to present a large amount of information. Consideration is being given at this time as to how to proceed with the presentation of this information to maximize the Council’s comprehension of the large quantity of information, while minimizing the amount of time and attention spent on it.

ANALYSIS: Below are five possible methods of presenting the information to the City Council when it is time to review the project. This is not intended to be an exhaustive list.

**Option 1** Select a regular City Council meeting with few other scheduled items and present the new Development Code all at once.

Pros. This would accomplish the work all at once and be the most time efficient.
This would also be the most efficient way to conduct public notice and obtain public involvement.

Cons. This meeting would need to be very long. It will likely be tedious to attempt to address the full scope of issues.
It is unlikely that a full understanding of the ordinance could be reached in such a short time period.

**Option 2** Conduct the review of the new code over several regularly scheduled City Council meetings, where a portion of the code is reviewed at each one.

Pros. This would allow for more time to consider the details and keep Council meetings shorter.

Cons. This would extend the period for approval of the new code, in a manner that will extend significantly beyond the deadline of the existing interim urgency ordinance. This would result in the expiration of the interim ordinance.

**Option 3** Hold an informal study session where the details of the Development Code are presented and debated, then followed up by the public review of the code and adoption in a regular City Council meeting.
Pros. The informal setting of the study session may facilitate questions and answers. This would free up the formal City Council meeting for other things.

Cons. The study session would not avoid the necessity of a long discussion, nor reduce the amount of detail needing review.

Option 4
Conduct a series of informal study sessions, on non City Council Tuesdays, where the details of the Development Code are presented and discussed. The code would be broken up into sections and each section would be reviewed at a separate study session, then followed up by the public review of the code and adoption in a regular City Council meeting. It is expected that this would require approximately four study sessions.

Pros. The multiple study sessions would balance out the time constraints. This is a more realistic expectation for getting through the volume of information.

Cons. This would result in the expiration of the interim ordinance.

Option 5
Select a regular City Council meeting, as in Option 1, but forgo the lengthy, detailed review of the details, but discuss conceptually the provisions of the draft code and how it relies on the code being an implementation measure of the adopted General Plan principles that have now been tested for nearly two years. In addition, the input that has been received by the review committees would allow the draft to go to public hearing and adoption. This would be followed up in six months with a review by the City Council of any issues or concerns that came up during this initial period of implementation and an opportunity to make adjustments as needed.

Pros. This would be the most efficient way to get to adoption of the code without getting lost in a review of the details. The follow up adjustments six months later would be based on actual experiences implementing the code rather than hypothetical situations.

Cons. This approach would not accommodate a step by step discussion of the draft code.

STAFF RECOMMENDATION:

That the City Council consider the options and provide direction to staff on how to proceed.
SCHEDULED MATTER

SUBJECT: CONSIDERATION OF SETTING A PUBLIC HEARING TO CONSIDER MODIFICATION OR REVOCATION OF CONDITIONAL USE PERMIT 4-2007 (BRICKHOUSE BAR & GRILL)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On June 5, 2007, the City Council, at its regularly scheduled meeting, adopted a Conditional Use Permit (CUP) for the Brickhouse Bar & Grill to include and allow for live entertainment. This item has been scheduled based on the recent decision by the State Department of Alcohol and Beverage Control (ABC) to suspend the Brickhouse’s alcohol license for twenty (20) days and put the business on a one (1) year probation for violating conditions of their alcohol license permit. The actions taken by ABC are a result of a series of nuisance noise complaints and fights at the establishment.

On November 3, 2009, the City Council held a public hearing to consider modification to the Brickhouse CUP due to complaints and police reports initiated by residents of the Glenwood Hotel across the alley to the east. The issues and complaints were based on excessive noise as a result of the live entertainment. The City Council at that time did not modify the CUP.

On January 7, 2010 the State filed the court’s decision described in the attached “Certificate of Decision.” Staff spoke with ABC representatives on January 12, 2010, to discuss the State’s position and action taken on the establishment and confirmed the decision made by the court.

In other similar situations (different businesses), the City Council has considered modifying conditions of approval, or when more significant, punitive action, including modification or revocation of a CUP due to violations of approved conditions or local ordinances.

At this time, staff is requesting direction on whether or not to proceed with a public hearing to modify or revoke the existing CUP in order to address the ongoing nuisance concerns.

OPTIONS:  
1. Schedule a Public Hearing to consider modification or revocation of CUP 4-2007. Following the Public Hearing, the City Council would choose whether or not to impose new conditions of approval, suspend or revoke the CUP.

2. Take no action. The Conditional Use Permit would remain in effect as is and ABC’s action would carry on.
RECOMMENDATION: That the City Council direct staff on how to proceed.

ATTACHMENTS:

1. ABC resolution of formal action for violations of Alcohol License conditions of approval
2. Conditional Use Permit

Jose Ortiz  
Project Manager

January 19, 2010  
Date
BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE ACCUSATION AGAINST:

Brickhouse Bar and Grill Inc The
Brickhouse The
152 N Hockett St
Porterville, CA 93257-3607

ON-SALE GENERAL PUBLIC EATING PLACE LICENSE

FILE : 47 - 453749
REG. : 09071287

DECISION

Respondent(s)/Licensee(s)
under the Alcoholic Beverage Control Act.

The above-entitled matter having regularly come before the Department for decision; and it
appearing to the Department that the respondent(s) has filed a stipulation and waiver in connection with
the accusation herein in which respondent(s) waives right to hearing, reconsideration and appeal; and good
cause appearing therefor, the Department now finds as follows:

That cause for disciplinary action has been established.

Determination of issues presented: That respondent(s) violated or permitted violation of Business &
Professions Code Section(s) 24200(e) and 23804.

Grounds for suspension or revocation have been established under Article XX, Section 22 of the
State Constitution and Business and Professions Code Section 24200(a&b).

Wherefore, it is hereby ordered that the license(s) issued to respondent(s) at the above-mentioned
premises be suspended for a period of 45 days and that execution of 25 days of said suspension be stayed
upon the condition that no subsequent final determination be made, after hearing or upon stipulation and
waiver, that cause for disciplinary action occurred within one year from the effective date of this Decision;
that should such determination be made the Director of the Department of Alcoholic Beverage Control
may, in his discretion and without further hearing, vacate this stay order and reimpose the stayed portion
of the penalty; and that should no such determination be made, the stay shall become permanent.

A REPRESENTATIVE OF THE DEPARTMENT WILL CALL ON YOU ON
OR AFTER JANUARY 21, 2010 TO PICK UP THE LICENSE.

CERTIFICATE OF DECISION

It is hereby certified that on January 7, 2010 the Department of Alcoholic Beverage Control
adopted the foregoing as its decision in the proceeding therein described effective immediately.

Sacramento, California
Dated: January 7, 2010

[Signature]
Seng Sacteurn
Acting Supervisor, Hearing & Legal Unit

ATTACHMENT
ITEM NO. 1

TOTAL P. 02
RESOLUTION NO. 43-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR CONDITIONAL USE PERMIT 4-2007 TO ALLOW FOR A 5,300± SQUARE FEET BAR AND GRILL WITH LIVE ENTERTAINMENT TO BE LOCATED AT 152 NORTH HOCKETT STREET (FORMERLY THE SCHORTMAN’S CYCLERY BUILDING)

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of Jun 5, 2007, conducted a public hearing to consider Conditional Use Permit 4-2007, being a request to allow for live entertainment in conjunction with the serving of beer, wine and distilled spirits with a separate bar to occupy 5,300 ± square feet of an existing building and a building to be expanded located at 152 North Hockett Street in the C-2 (Central Commercial) Zone; and

WHEREAS: Section 801.5 A of the Porterville Zoning Ordinance states: "Bar and night club. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of 2100B of this Ordinance"; and

WHEREAS: Section 801.5 A-4 of the Porterville Zoning Ordinance states: "Billiard & Pool Hall, bowling lanes. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance"; and

WHEREAS: Section 801.5 A-16 of the Porterville Zoning Ordinance states: "Restaurant or cafe which includes dancing and/or entertainment. Any such use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this Ordinance"; and

WHEREAS: In conjunction with proposed conditional use permit for bar & night club, billiard & pool hall, with dancing & live entertainment, the applicants are proposing to serve beer, wine and distilled spirits with and without the serving of meals; and

WHEREAS: Pursuant to Section 2100 B.2 of the Porterville Zoning Ordinance, the on-sale of beer, wine and distilled spirits does require approval of a conditional use permit for a separate bar area, consuming alcohol without meals, billiards hall, and live entertainment; and

WHEREAS: The subject site is located within 600 feet of an existing church. Section 2100 B-2 (f) of the Porterville Zoning Ordinance states:

"Where such a use is within 600 linear feet of the nearest property line of an sensitive use (church), the outdoor advertising of alcoholic beverages shall be prohibited," and

WHEREAS: The subject site is located in Census Tract 38.02. The California Department of Alcoholic Beverage Control (ABC) has indicated that Census Tract 38.02 can accommodate up to four (4) on-sale licenses without being deemed “over concentrated”. At present, eleven (11) on-sale
Licenses and one (1) pending license currently exist. As a result of this, a letter from the applicant requesting approval of a finding of Public Convenience or Necessity for the on-sale license is required to be submitted to the ABC. It does not require the City’s approval of a finding of Public Convenience or Necessity.

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. Pursuant to Section 15301 Class 1 (Existing Facilities), the proposed project is categorically exempt from the CEQA Guidelines.

2. That the proposed project is consistent with the General Plan.

The Land Use Element of the General Plan designates the subject site as General Commercial, which allows for the proposed intensity of development.

3. That the design and operation of the proposed project are consistent with the General Plan.

The property is in the C-2 Zone which allows for the proposed use. The project is designed in compliance with all applicable codes and regulations.

4. That the proposed use is not likely to cause substantial environmental damage.

The site and surroundings are currently developed and the property was previously used as a bicycle shop.

NOW THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 4-2005 subject to the following conditions:

1. Any future change in operation, which substantially alters the condition or nature of the subject business, will require approval by the City Council if such modification involves area expansion, the sale of alcoholic beverages, games of chance or live entertainment.

2. Upon approval of the conditional use permit, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls by the Police Department will result in revocation of the conditional use permit.

3. No outdoor advertising of alcohol will be allowed.

4. All alcohol beverages subject to the on-sale license must be consumed on the premises. The sale of alcoholic beverages on a “take-out” basis shall be expressly prohibited.

5. The maximum seating capacity of one hundred (100) persons shall not be exceeded.
6. The hours of operation during which alcoholic beverages may be sold under the on-sale license shall be from 10:00 a.m. to 2:00 a.m. seven (7) days a week.

7. Live entertainment shall be limited to the interior of the building identified as “Dance Floor” and “Platform” as shown in Exhibit “A”.

8. The separate bar area shall be limited to the designated area as shown in Exhibit “A”.

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

10. The applicant needs to be aware that the operation of the business must comply with all codes and ordinances giving special consideration to noise, smoke and lighting affects on the residential use the east.

11. Operation of the establishment shall comply with Section 802-D of the Zoning Ordinance in regards to creating an obnoxious or offensive environment.

12. Grease vats shall be located on-site, screened from public view and adequately maintained to prevent odors and nuisances.

13. The applicant/agent shall be responsible for litter removal in the adjacent area, which is caused by the operation of the establishment.

14. The applicant/agent shall provide private security personnel in and around the establishment during operating hours when entertainment is provided (8:00 p.m. to 2:00 a.m.). Number of security is subject to the Porterville Police Chief.

15. Persons under the age of twenty-one (21) shall be strictly prohibited during the hours when entertainment is provided (8:00 p.m. to 2:00 a.m.).

16. The applicant/agent shall be responsible for controlling outside congregation and assemblage of people as a result of the operation of the establishment.

17. The conditional use permit, approving on-site alcohol sales, will become null and void if the on-sale license is suspended by the State of California.

18. A lot-line-adjustment or other approved mechanism shall be completed by an eligible registered Civil Engineer or Licensed Surveyor in order to merge the lots into one.

19. The mural being proposed on the building shall comply with all codes and may not depict the use inside the building. Compliance with the Sign Ordinance is required.

20. For areas not luminated by the city parking lot lights, the use is required to provide and maintain a minimum Foot-Candle lighting level of 0.9 on the pavement to the north of the building, during operating hours.
21. All mechanical devices, to include gas and electrical meters, heating and cooling units shall be screened from public view in a manner that is architecturally compatible with the building.

22. In-Lieu of providing ten (10) parking spaces, the applicant/owner shall pay a $2,500 fee per parking space prior to issuance of building permits for the expansion will be issued, unless satisfactory evidence is provided to the Community Development Director that demonstrates the prior full payment of all parking fees and assessments.


24. The developer/applicant shall pay all applicable fees according to 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.

25. The developer/applicant shall follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect, if requested by the City Engineer for the purposes of modifying existing parking lot infrastructure. 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.

26. The developer/applicant shall construct and/or repair street, alley, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).

27. Public improvements proposed for construction within the alley shall be design by a Civil Engineer and approved by the City Engineering Division prior to construction, if feasible. The developer/applicant shall maintain an alley (Division Street) width, alignment and two-way traffic that is consistent with the alley north of Mill Street and south of Oak Avenue before the City will consider allowing the construction of sidewalk and trash enclosures with the alley right of way.

28. The developer/applicant is exempt from the Oak Avenue frontage public improvements repairs, including curb returns, due to a federally funded project that is currently under design and fully financed.

29. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306).

30. The developer/applicant shall provide streetlights following Southern California Edison Company specifications, as approved by the City Engineer. Do not use wood poles without
prior written approval of the City Engineer. Install one “Nostalgic” streetlights on the east side of Hockett Street about 50 feet north of the Oak Avenue right of way line/property line.

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

32. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (for example, foundations, septic tanks, irrigation pipes, etc.).

33. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply.

34. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

1. Wastewater Discharge Permit Application, Part “A”; and if monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

35. The developer/applicant shall install a refuse container enclosure according to City standards on private property or utilize the same trash enclosure previously designated for the old Schortman’s building. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on private property. Developer is encouraged to install an enclosure that would accommodate a solid waste, recyclable container and grease for collection.

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

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

38. A grease trap or grease interceptor is required.

39. The owner/applicant shall install tree wells within the sidewalk area and provide and maintain city-approved street trees along the Hockett Street frontage of the property. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway frontage. The trees are to be a minimum of #15 size specimens, and root barriers must be utilized. The selection of planting locations, and performance of canopy maintenance for street trees shall be conducted in manners to minimize vehicular sight safety conflicts.

40. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to occupancy.
and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and cleanly appearance.

41. 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.

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

43. Compliance with all applicable codes is required.

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

45. Soils compaction test may be required.

46. School Development fees and all other City fees are due at the time of building permit issuance.

47. Approval from the Tulare County Health Department prior to issuance of the building permit.

48. Restrooms and main entrance must comply with ADA access laws.

49. Signs require separate permit.

50. A one-hour firewall is required between the proposed bar and retail shop.

51. The project must comply with latest applicable codes.

52. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required.

53. 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 are:
   a. Twenty or more in Group I Divisions 1.1 and 1.2 occupancies.
   b. One hundred or more in all other occupancies.

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

55. 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.

56. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.
57. 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.

58. Fire hydrant spacing shall be as follows:
   In Commercial development, one hydrant shall be installed at 300-foot intervals.

59. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code. Fire flow for the project as proposed would be 2,500 GPM with a minimum of three hydrants.

60. 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.

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

62. Additional requirements for compliance with the Uniform Fire code may be added at the time of building permit review when more information regarding the building type and use are provided.

63. That the subject site will be developed in accordance with the site plan and elevation plans labeled EXHIBIT "A". Any change in color scheme or architecture to the proposed buildings shown on EXHIBIT "A" will require the approval of the Community Development Director.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Chief Deputy City Clerk
LIBRARY AND COMMUNITY ROOM SPACE CONSIDERATIONS

The purpose of the current review of the utilization of the community room stems from the Joint City Council and Library Board of Trustees meeting held on April 14, 2009. City Council asked the Library Board to review alternatives and to make recommendations.

The Main Library was built in phases from 1953-1974 and the current facility is 17,784 square feet. The current layout has been modified over the years to accommodate the needs of patrons, library collection, and services. The community room offers 2,610 square feet and serves as both a meeting room for City Departments and private activities.

The entire library has space limitations and the community room space is not utilized on a daily basis. From January 1, 2009 – December 31, 2009, the community room was booked for 163 City affiliated activities and 12 non-City activities. The 12 non-City activities provided $450.00 in revenue. Staff has provided an attachment that breaks down the community room usage.

At their October 13, 2009 meeting, the Library Board asked staff to put together possible layouts of the community room with consideration to the re-allocation of space within the overall facility. Staff has created options for such modifications based on the information gathered by the 2009 Library Facilities Needs Assessment process, through data collected from the community focus groups and surveys. In addition, staff identified layout options by also considering the community room usage information collected. The Library Board took action at their December 8, 2009, meeting to forward the library space concepts developed by staff to City Council for consideration.

Alternative use of space would accommodate library service change. For example, community room option 1, incorporates an Adult Literacy & Learning Center Area designed for multiple purposes, with small and large meeting space availability, and independent study or group study space. Community room option 2, incorporates a centralized Computer Commons and provides space for independent or group study. In addition, the community room options also incorporate a layout space that supports library functions and accommodates a use of space that supports the service roles of the library. Staff has provided an attachment to view community room options.

[Signatures and notations]

Director

Appropriated/Funded

City Manager

ITEM NO.: 31
Comments received from the public indicate the need for a restroom on the first floor, more area for the children as well as separation of space from children and adults, and accessibility to the collection on the over extended shelving capacity. Space was organized based on the needs of collection space, patron accessibility, and current trends. Special consideration of adequate meeting room space was addressed using attendance records of community room activities from the previous calendar year. Staff organized space by defining specific areas, with considerations of creating alternative meeting room spaces, multiple customer service access points, additional building entry/exit, and the desire to open up the flow of the current footprint with appropriate sight lines. An attachment has been provided to view the alternative library facility layout.

If the planning objective is to incorporate layout changes to the entire facility with design and construction, then funding resources will need to be considered in the upcoming budget cycles. At this time staff does not have the design expertise or a cost estimate to share to initiate the proposed changes. Staff is ready to move forward on the first phase of rearrangement of first floor space that does not require construction, such as seating areas and collection.

The City Engineering Division has indicated that it would take 40 hours of staff time, cost $2,500, and would take 2 to 3 months to compile a preliminary design and budget level project estimate. To accomplish this effort staff suggests that the space re-allocation be integrated within the currently budgeted project for expanding electrical power and bandwidth availability. Should the Council authorize moving forward with a reformulated project, it is anticipated that space re-allocation would be accomplished in phases, commencing with the community room. The phased implementation would likely result in spreading the need for construction funding into several budget years.

**RECOMMENDATION:** That Council direct staff to incorporate the re-allocation of library and community room space within the Library Power and Bandwidth Improvement Project so that information on design and construction funding can be determined for the Council’s consideration during the upcoming annual budget process.

**ATTACHMENTS:** Correspondence to Council from Library Board Community Room Usage Report Community Room Options with Map and Description Alternative Library Facility Layout with Map and Description
Proposed Library Floor Plan – 1st Floor

- Spanish Area – collection space, defined seating areas for adults and children, media resources and publications
- Staff workroom, material return, external & internal, receive deliveries, materials processing and small supplies closet
- Audio & Visual Area – collection space for audio books, music, videos and express computer stations
- Customer Service Center – two desk counters, staff workspace, small staff break room w/kitchenette, staff mailroom, staff copy center, self check machines, etc
- Children’s Area – collection space, computers, programming space, active learning center; vibrant color scheme and educationally themed
- Adult Leisure Reading Area – cozy seating, newspapers & magazines and other recreational resources
- Young Adult Area – recreational spot, hot spot for teen & tween activity + job, college and career information station
- Stairwell
- Community Meeting Room – ability to accommodate 80+, w/street access, small kitchenettes, restrooms and availability after library hours
- Adult Area – collection space for all adult print materials and express computer stations
- Young Adult Area – collection space, study tables and express computer stations
MEMORANDUM

TO:          Mayor McCracken  
              Vice Mayor Ward 
              Council Member F. Martinez 
              Council Member P. Martinez 
              Council Member Hamilton 

FROM:        Ellen Nichols, Chairperson Library Board of Trustees

DATE:        December 22, 2009

SUBJECT:     Community Room Space Considerations

The Library Board of Trustees was charged by City Council on April 14, 2009 to organize efforts to find alternative uses of the City Community Room.

The Library Board of Trustees reviewed the staff report on Library Space Usage on Tuesday, December 8 at our regular meeting. At this time, we would like City Council to know that the Library Board of Trustees, as an advisory body to Council, took action to present and endorse staff’s work and to forward the report to City Council for review and consideration.
## Community Room Usage Report

<table>
<thead>
<tr>
<th>Activities with 25 or fewer participants</th>
<th>Number of Events</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Literacy Presentation</td>
<td>1</td>
</tr>
<tr>
<td>Census Committee Mtgs</td>
<td>5</td>
</tr>
<tr>
<td>Chamber of Commerce Mtg</td>
<td>1</td>
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<tr>
<td>City Council Mtgs</td>
<td>2</td>
</tr>
<tr>
<td>Community Mtgs</td>
<td>4</td>
</tr>
<tr>
<td>Digital Photography Class</td>
<td>1</td>
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<tr>
<td>Energy Efficiency Mtg</td>
<td>1</td>
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<tr>
<td>English Language &amp; Literacy Intensive Program</td>
<td>1</td>
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<tr>
<td>First Time Home Buyers Mtgs</td>
<td>12</td>
</tr>
<tr>
<td>Healthy Air Living Chat (Paid For Usage)</td>
<td>1</td>
</tr>
<tr>
<td>Housing Program Workshop</td>
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</tr>
<tr>
<td>Library Facility Planning Committee</td>
<td>13</td>
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<tr>
<td>Library Vendor Presentation</td>
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</tr>
<tr>
<td>Local Author Presentations</td>
<td>3</td>
</tr>
<tr>
<td>Pesticide Training for Parks Personnel</td>
<td>1</td>
</tr>
<tr>
<td>Porterville Youth Football General Board Mtg</td>
<td>1</td>
</tr>
<tr>
<td>Private, paid for usage - Mike Anderson</td>
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<tr>
<td>Set-up for City Employee Christmas Luncheon</td>
<td>1</td>
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<tr>
<td>Summer Reading Program Events</td>
<td>6</td>
</tr>
<tr>
<td>TCAG Mtg Hosted By C.O.P.</td>
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<tr>
<td>Testings for Prospective City Employees</td>
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<tr>
<td>University of San Diego Mtg</td>
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Subtotal: 69

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<tr>
<td>Heartbeat Program</td>
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<tr>
<td>Management &amp; Confidential Series Mtg</td>
<td>1</td>
</tr>
<tr>
<td>P.S.W. Com. Stkhldrs Mtg (Paid For Usage)</td>
<td>1</td>
</tr>
<tr>
<td>Story Times</td>
<td>29</td>
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<tr>
<td>Summer Reading Program Events</td>
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<td>Testings for Prospective City Employees</td>
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<td>Volunteer Appreciation Event</td>
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Subtotal: 50

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<td>Project Homeless Connect Training Mtg</td>
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</tr>
<tr>
<td>Story Times</td>
<td>17</td>
</tr>
<tr>
<td>Summer Reading Program Events</td>
<td>4</td>
</tr>
<tr>
<td>Testings for Prospective City Employees</td>
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</tr>
</tbody>
</table>

Subtotal: 26

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<th>Activities with more than 150 participants</th>
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</thead>
<tbody>
<tr>
<td>Story Times</td>
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Subtotal: 6

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<td>Census Committee Mtg</td>
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<td>Digital Photography Class</td>
<td>1</td>
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<tr>
<td>First Time Home Buyers Mtg</td>
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<tr>
<td>Library Facility Planning Committee</td>
<td>10</td>
</tr>
<tr>
<td>Management &amp; Confidential Series Mtg</td>
<td>2</td>
</tr>
</tbody>
</table>

Subtotal: 24

Total Bookings: 175
COMMUNITY ROOM OPTION #1

Adult Literacy & Learning Center

Multipurpose area designed with various components:
- Six small study rooms for independent study or tutors/learners
- Three large study rooms for group work or optional meeting room space that expands to accommodate 30+
- Comfortable seating for independent study or group study
- Five study tables that can be rearranged to accommodate group study
- Artwork as focal point and inspiration reflective of Life Long Learning throughout space
- Southwest corner – Adult Literacy Center, customer service desk, resource room, small room for instruction or meetings, and kitchenette

The vision of this space incorporates the following service roles:
- Learn to Read and Write: Adult, Teen, and Family Literacy
- Satisfy Curiosity and Life Long Learning
- Visit a Comfortable Place
- Connect to the Online World

The vision also makes considerations of the community needs revealed in the data collected from the survey & focus groups:
- Quiet study space
- Wi-Fi Access
- Laptop users
- Comfortable seating
- Area for group study
- Design that is flexible for various open area programming
- A place that allows food
- The "Barnes & Noble Effect"
- Homework Help
- The “third place” – a spot people gravitate towards that is not their workplace or home
COMMUNITY ROOM OPTION #2

Computer Commons

Smaller scale multipurpose area set up with various components:

- Two small study rooms for independent study or tutors/learners
- Two large study rooms for group work or optional meeting room space that expands to accommodate 20 +
- Comfortable seating for independent study or group study
- Various wall art to "satisfy curiosity and life long learning"
- 40 public access computers – layout accommodates computer class options to block off as many computers that are needed for a particular session
- 8 Early Literacy Workstations – layout accommodates the parent's desire to access technology with their children.
- Storage closet for technology supplies
- Customer Service Station at entrance
- Printer/copier/PC reservation queue at entrance

The vision of this space incorporates the following service roles:
- Satisfy Curiosity and Life Long Learning
- Visit a Comfortable Place
- Connect to the Online World

The vision also makes considerations of the community needs revealed in the data collected from the survey & focus groups:
- Quiet study space
- Wi-Fi Access
- Laptop users
- Comfortable seating
- Area for group study
- A place that allows food (not in computer commons area)
- The "Barnes & Noble Effect"
- The "third place" – a spot people gravitate towards that is not their workplace or home
- Computer classes in English & Spanish
Option #2 – Proposed Community Room Layout for use as a Computer Lab w/Multi-purpose Rooms
Space Organized by Defined Area
Children's Area – collection space, computers, programming space, active learning center, vibrant color scheme and educational themed

Young Adult Area – recreational spot, hot spot for teen & tween activity in Porterville, youth job opportunities, college & career information station.

Young Adult Area – collection space, study tables, and express computer stations

Spanish Area – collection space, defined seating areas for adults and children, media resources, and publications.

Adult Leisure Reading Area – cozy seating, newspapers & magazines, and other recreational resources

Audio & Visual Area – collection space for audio books, music, videos, and DVDs, express computer station

Staff Area - Staff workroom, material return external & internal, receive deliveries, materials processing, and small supplies closet.

Adult Area – collection space for all adult print materials and express computer stations

Adult Literacy Area & Learning Center – work area for tutors & learners, staff office space, supplies, create small group study and quiet rooms.

Local History Area – collection space for local history materials

Computer Lab - centralize all public computer workstations

Community Meeting Room – ability to accommodate 80+, street access, small kitchenette, restrooms, and will be available for use after library hours.

Customer Service Center – two desk counters, staff workspace, small staff break room w/kitchenette, staff mailroom, staff copy center, self-check machines, etc.
SUBJECT: PROVIDE DIRECTION FOR USE OF THE MUNICIPAL BALLPARK MITIGATION FUNDS

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City has received funding to mitigate the loss of the Municipal Ballpark in conjunction with the sale of land to the State for a courthouse facility. Historically, the Municipal Ball Park has been the home of the local Babe Ruth baseball league and City Arena Youth Soccer league, as well as a practice field for youth football teams. The former Parks & Leisure Services Commission expressed a desire for the funding to be put towards the Heritage Softball Complex.

Many alternative facility enhancements could benefit from the available funding. It is possible to partner with one of the local school districts to expand community access and utilization of some of their current facilities, or enhance current City sport fields. With the funding available and depending on field sizes and their proximity to power, it is not likely that lighting could be installed on more than one or two existing fields. In addition, lighting of sport facilities needs to consider not only community-use availability, but also adequacy, proximity, and lighting of parking and restrooms.

City staff is in need of direction on location and type of sport facilities that should be given priority consideration. At various times there have been expressions of interest in lighting different types of facilities. Expanding the community’s availability to facilities such as baseball, softball, football, soccer, skate park, recreation trails, and basketball have been mentioned.

RECOMMENDATION: That the City Council provide direction to City staff on location and type of sport facilities that should be given priority consideration.

ATTACHMENTS: Parks & Leisure Services Commission Memorandum

Director Appropriated/Funded City Manager
ITEM NO.: 38
MEMORANDUM

To: Mayor McCracken  
Vice Mayor Ward  
Council Member Hamilton  
Council Member P. Martinez  
Council Member F. Martinez  

From: Joe Ruiz, Parks & Leisure Services Commission Chair  

Cc: John D. Lollis, City Manager  

Date: October 2, 2009  

Re: Mitigation Funding for Municipal Ball Park Replacement

The Parks & Leisure Services Commission recently discussed the status and future availability of the Municipal Ball Park. It appears that this facility will be available for Parks & Leisure Service activities and for other community organizations and youth sport leagues only until the end of summer 2010. As this is a period of less than twelve months the Commission wishes to indicate its recommendation for utilizing the mitigation funds paid by the State to construct one of the planned softball fields at the Heritage Center complex.

The Commission encourages the City Council to consider steps to move this project to an increased level of prioritization in view of the use deadline.
CONSIDERATION OF SAMPLE SURVEY IN THE POTENTIAL FORMATION OF A MOSQUITO ABATEMENT DISTRICT IN SOUTHEASTERN TULARE COUNTY

SOURCE: City Manager

COMMENT: At its adjourned study session on Tuesday, June 23, 2009, the City Council acted to support the initiation of a property owner sample survey concerning the formation of a mosquito abatement district in Southeastern Tulare County, as well as financial support for the sample survey process. As a condition of its action of support, the Council directed that it be allowed to review and approve the survey before its production and distribution.

In appreciation of the significance of the survey, the Tulare Mosquito Abatement District independently committed to financing both the drafting of the sample survey, as well as the production and distribution to the Southeastern Tulare County area (at a savings of approximately $13,000 to the City). The LAFCO Study Committee has reviewed the survey, and is now brought before the Porterville and Lindsay City Councils for review and comment. It is anticipated that the draft survey, once approved for production, would be distributed to sampled local area property owners in early February 2010.

RECOMMENDATION: That the City Council consider the draft sample Southeastern Tulare County survey for prospective comments.

ATTACHMENT: Draft "Official Survey: Tulare Mosquito Abatement District"
OFFICIAL SURVEY
TULARE MOSQUITO ABATEMENT DISTRICT
Public Service - Public Health

Information Fact Sheet (Español al revés de esta página)

About Tulare Mosquito Abatement District
The Tulare Mosquito Abatement District (the "District") is an independent local public agency (separate from the City of Tulare or Tulare County government) that has been providing mosquito control services since 1943. However, the current District boundaries do not include Lindsay, Porterville, Springville, Strathmore, Terra Bella and the rest of eastern Tulare County.

Please read the following information and complete the enclosed questionnaire. Your opinions will be kept confidential and will help the District make decisions about future services.

Mosquito Control in Eastern Tulare County
The cities of Lindsay and Porterville, along with the communities of Springville, Strathmore, Terra Bella and surrounding unincorporated eastern Tulare County, are among the last remaining population centers in California that do not receive any comprehensive mosquito control services. In fact, although the District receives service requests from property owners in eastern Tulare County, at this time it cannot respond to these requests.

Due to health concerns, and to prevent and control future outbreaks of West Nile Virus and other emerging diseases, the County of Tulare has asked the District to consider extending its services to the currently unserved, unprotected eastern Tulare County.

The District is interested in gathering the opinions of local property owners regarding a proposed ballot measure that would fund mosquito control services in eastern Tulare County. The proposed new services to be received by these areas would be at the same service level as the mosquito control services the District currently provides within its current boundaries.

How the District Controls Mosquitoes
Mosquitoes are most effectively controlled by locating breeding sources (usually stagnant, standing water) and eliminating immature mosquitoes (larvae) before they emerge and begin to bite people and animals.

The District monitors identified breeding sites, and places traps throughout its boundaries to determine concentrations of mosquitoes and disease. Through regular and intensive testing the District can rapidly and precisely implement environmentally friendly control measures to protect public health.

Proposed Mosquito Control Services for the Unserved Communities
If the District’s boundary is expanded to include your property in eastern Tulare County, the services you would receive would include:

- Year-round, environmentally-friendly, comprehensive mosquito surveillance, inspection and control.
- Rapid response to property-owner service requests - within 24 hours.
- Surveillance for mosquito borne diseases.
- Reduction of the spread of West Nile Virus and other emerging diseases to protect public health.
- Free mosquito-eating fish for backyard ponds and other water features to property owners.
- Community education and outreach programs.

Will Mosquito Control Affect the Environment?
Mosquito abatement and disease control services involve the use of environmentally-friendly methods to eliminate the sources of mosquitoes and other disease carrying insects. This approach starts with identifying and eliminating breeding grounds in standing, stagnant water such as those found in backyards and old tires. For sources in ponds and untended swimming pools, the District uses mosquito fish and other natural resources to target and eliminate mosquito larvae.

For More Information
For more information about the District please contact us at (559) 688-6626.

The specific proposed assessment rate for your property or properties is printed on the enclosed questionnaire. The proposed assessment rates table, below, lists rate for the most common property types.

<table>
<thead>
<tr>
<th>Proposed Annual Assessment Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residence</td>
</tr>
<tr>
<td>Vacant Residential Land</td>
</tr>
<tr>
<td>Agricultural Land</td>
</tr>
<tr>
<td>Rangeland/Pasture Land</td>
</tr>
</tbody>
</table>
CUESTIONARIO OFICIAL
TULARE MOSQUITO ABATEMENT DISTRICT
Servicio Público - Salud Pública

Hoja de información (English on reverse side)

Sobre el Tulare Mosquito Abatement District
El Tulare Mosquito Abatement District (el “Distrito”) es una agencia pública, local e independiente (no es parte de la Ciudad de Tulare o del gobierno del Condado de Tulare), que ha estado proporcionando servicios de control de mosquitos desde 1943. Sin embargo, los límites actuales del Distrito no incluyen Lindsay, Porterville, Springville, Strathmore, Terra Bella, y el resto del Condado de Tulare hacia el Este.

Por favor lee la información siguiente y completa el cuestionario. Sus opiniones serán mantenidas privadas y ayudarán al Distrito a tomar decisiones sobre servicios futuros.

Control de mosquitos en el Este del Condado de Tulare
Las ciudades de Lindsay y Porterville, junto con las comunidades de Springville, Strathmore, Terra Bella y las áreas no incorporadas alrededor de estas comunidades en el Este del Condado de Tulare, son uno de los últimos núcleos de población que quedan en California sin recibir servicios integrales de control de mosquitos. De hecho, aunque el Distrito recibe solicitudes de servicio de los propietarios en el Este del Condado de Tulare, en este momento no puede responder a estas peticiones.

Debido a la importancia de la salud pública, y para prevenir y controlar los futuros brotes de Virus del Nilo Occidental y otras enfermedades emergentes, el Condado de Tulare ha pedido al Distrito que considere la posibilidad de ampliar sus servicios a las áreas que actualmente carecen de ellos y que no reciben protección contra los mosquitos en el Este del Condado de Tulare.

El Distrito está interesado en obtener opiniones de dueños de propiedad en esta área con respecto a una propuesta para una medida de balota local, para financiar servicios de control de mosquitos en el Este del Condado de Tulare. Los servicios que serían recibidos en estas áreas estarían al mismo nivel que los servicios de control de mosquitos que el Distrito ofrece actualmente dentro de sus límites actuales.

¿Cómo controla mosquitos el Distrito?
La forma más eficaz de controlar mosquitos es localizando los lugares donde los mosquitos se crían (generalmente agua estancada y sin movimiento) y eliminando los mosquitos inmaduros (larvas) antes de que emerjan como mosquitos adultos y comiencen a picar a personas y animales.

El Distrito vigila estos sitios ya identificados, y coloca trampas en lugares dentro del territorio que el Distrito mantiene para determinar concentraciones de mosquitos y de enfermedades. Con análisis regulares e intensivos el Distrito puede rápidamente y con precisión implementar las medidas de control de mosquitos para proteger la salud pública y que no dañen el medio ambiente.

Servicios propuestos de control de mosquitos para las comunidades desatendidas
Si los límites del Distrito se amplían para incluir su propiedad en el Este del Condado de Tulare, los servicios que usted recibiría serían:

- Vigilancia, inspección y control de mosquitos durante el año entero, con productos que no dañen el medio ambiente.
- Respuesta inmediata a las solicitudes de servicio de propietarios – en 24 horas.
- Vigilancia de las enfermedades transmitidas por mosquitos.
- Reducción de la propagación del Virus de Nilo Occidental y otras enfermedades emergentes para proteger la salud pública.
- Pescos que comen mosquitos, gratis para dueños de propiedad, para usar en fuentes de jardín y otras contenedores de agua.
- Educación e información a la comunidad para enseñar cómo protegerse de los mosquitos.

¿Es el medio ambiente afectado por el control de mosquitos?
Los servicios de control de mosquitos y de las enfermedades que estos pueden llevar, incluyen el uso de métodos ecológicos que no dañen el medio ambiente, para eliminar los lugares donde se crían los mosquitos y otros insectos portadores de enfermedades. Este proceso empieza con la identificación y eliminación de criaderos de mosquitos en aguas estancadas, tales como las que se encuentran en los patios traseros y llantas viejas. Para estos lugares que contienen aguas estancadas, fuentes, estanques y piscinas desnudas, el Distrito usa pescos que comen mosquitos y otros recursos naturales para atacar y eliminar las larvas de mosquitos.

Si desea más información
Para obtener más información sobre el Distrito por favor llame al teléfono (559) 886-6628.

La cantidad específica de cargo que se propone para su propiedad o propiedades está impresa en el cuestionario adjunto. Esta lista contiene las cantidades propuestas para los tipos de propiedad más común:

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<thead>
<tr>
<th>Cantidades propuestas de cargos anuales</th>
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<tr>
<td>Residencia unifamiliar</td>
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<tr>
<td>Parcela residencial vacante</td>
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<tr>
<td>Tierras agrícolas</td>
<td>$ 0.13 por acre</td>
</tr>
<tr>
<td>Pastizales/Terreno de pastos</td>
<td>$ 0.03 por acre</td>
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Mosquito adulto picando a una persona en el brazo
OFFICIAL SURVEY (Español al revés de esta página)
TULARE MOSQUITO ABATEMENT DISTRICT

This short survey has been mailed to property owners in eastern Tulare County to gather information and opinions. This information will help the District make decisions about future services. After completing the survey, simply mail it back in the return envelope provided. No postage is required to participate.

Survey Instructions:
1) Read each question listed below.
2) Fill in the circle for your response. Please use a pen and completely fill in the circle.
3) Detach the bottom portion of this sheet containing your answers.
4) Place the bottom portion of this sheet in the return envelope and mail (no postage needed).

1. Property owners in your area may be asked to vote by mail on a local ballot measure. Following is a summary of the proposal:

   In order to:
   - Provide environmentally-friendly mosquito control to the unserved areas of eastern Tulare County;
   - Provide rapid response to public health issues such as West Nile Virus, encephalitis, and other emerging diseases; and
   - Require fiscally-responsible spending with annual audits and public hearings,

   would you support an annual assessment for your property(s) in the amount of ____________?

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<th>Definitely YES</th>
<th>Probably YES</th>
<th>Probably NO</th>
<th>Definitely NO</th>
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<tbody>
<tr>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
</tbody>
</table>

   *Assessment amount listed is the proposed total combined annual amount for all properties you own.

2. This measure will provide funding to extend mosquito control services to the areas in eastern Tulare County that currently do not receive any mosquito services

   o o o o o

3. This measure will implement environmentally-friendly methods and products to control mosquitoes

   o o o o o

4. Mosquito-eating fish will be provided to the public free of charge

   o o o o o

5. This measure will provide year-round mosquito control

   o o o o o

6. All the funding will be used to pay for services in eastern Tulare County

   o o o o o

7. This measure will help in the prevention of future outbreaks of West Nile Virus and other emerging diseases

   o o o o o

8. The District will promptly respond to residents' service requests

   o o o o o

9. 100% of the proceeds from the measure would be used for mosquito control

   o o o o o

10. This measure will provide community education and outreach programs so residents learn how to protect themselves and their pets from diseases carried by mosquitoes, and prevention of mosquito breeding in backyard locations

    o o o o o

11. This measure will allow the District to rapidly respond to areas where mosquito-borne diseases are found

    o o o o o

12. Certified technicians will identify mosquito breeding sources and locations, and prevent adult mosquitoes from emerging

    o o o o o

Now, please read the following arguments and statements regarding the proposed Mosquito and Disease Control assessment. For each one, please indicate whether they make you more or less likely to support the assessment:

<table>
<thead>
<tr>
<th>Much</th>
<th>Somewhat</th>
<th>Somewhat Much</th>
<th>More</th>
<th>More</th>
<th>No</th>
<th>Less</th>
<th>Less Likely</th>
<th>Likely</th>
<th>Likely</th>
</tr>
</thead>
</table>

Please write any reasons why you support or oppose this proposed measure:

_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
CUESTIONARIO OFICIAL

TULARE MOSQUITO ABATEMENT DISTRICT

Este cuestionario se ha enviado a propietarios que tienen propiedades en el Este del Tulare Mosquito Abatement District para adquirir información y opiniones. Esta información ayudará al Distrito a decidir sobre servicios futuros. Después de completar el cuestionario, envíelo en el sobre de regreso que se le proporciona. No se requiere estampilla para participar.

Instrucciones para llenar este cuestionario:
1) Lea cada pregunta enumerada en la parte inferior.
2) Rellene el círculo con su respuesta. Utilice pluma o lápiz y rellene el círculo completamente.
3) Separe la porción inferior de esta hoja que contiene sus respuestas.
4) Ponga la porción inferior de esta hoja en el sobre de regreso y envíelo (no es necesario franqueo o estampilla).

Conteste las preguntas debajo de esta línea. Devuélva sus respuestas por correo en el sobre incluido.

1. A los propietarios en su área puede que se les pida que voten por correo en una balota de tasación local. Lo que sigue es un resumen de la medida.

Con el propósito de:
- Proporcionar control de mosquitos, que no dañe el medio ambiente, en las zonas que no reciben servicios en el Este del Condado de Tulare;
- Responder rápidamente a problemas de salud pública, tal como Virus del Niño Occidental, encefalitis y otras enfermedades emergentes; y
- Exigir que los gastos sean responsablemente fiscalizados con auditorías anuales y audiencias públicas,

¿apoyaría usted un cargo anual de su propiedad(es)* en la cantidad de _______________ ?

Definitivamente SI  Probablemente SI  Probablemente NO  Definitivamente NO

*La cantidad impresiona es la cantidad anual total que se le proponga para la parcela de propiedad que usted posee.

Ahora por favor lea las frases y declaraciones siguientes que hacen referencia a la propuesta medida de cargo. En cada declaración por favor indique si usted está más o menos de acuerdo o en favor de apoyar la medida.

<table>
<thead>
<tr>
<th>No</th>
<th>A favor</th>
<th>Neutro</th>
<th>A favor</th>
<th>Neutro</th>
</tr>
</thead>
</table>

2. Esta medida proporcionará fondos para extender los servicios de control de mosquitos a las zonas del Este del Condado de Tulare, que actualmente no reciben servicios de control de mosquitos ____________________________

3. Esta medida aplicará métodos y productos ecológicos para controlar los mosquitos ________

4. Peces que se alimentan de mosquitos se proporcionarán al público de forma gratuita...

5. Esta medida proporcionará control de mosquitos durante el año entero______________________

6. Todos los fondos se utilizarán para pagar los servicios en el Este del Condado de Tulare __________________________________________

7. Esta medida ayudará en la prevención de brotes futuros de Virus del Niño Occidental y otras enfermedades emergentes__________________________________________

8. El Distrito responderá con prontitud a peticiones de servicio de los residentes __________

9. 100% de los ingresos de la medida serían utilizados para controlar mosquitos __________

10. Esta medida proporcionará educación a la comunidad y programas de divulgación para que los residentes aprendan a protegerse y a proteger a sus animales domésticos de enfermedades propagadas por mosquitos, y cómo eliminar sitios con aguas entapadas y otros lugares donde se crían mosquitos en los patios traseros________________________

11. Esta medida permitirá que el Distrito responda rápidamente a las zonas donde se descubran enfermedades transmitidas por mosquitos ______________________________

12. Técnicos certificados identificarán los lugares de reproducción de los mosquitos y prevendrán que los mosquitos crezcan y emergan como adultos ______________________________

Por favor escriba las razones por las que está de acuerdo o en contra de esta medida:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
OFFICIAL SURVEY: BALLOT MEASURE
FOR PROPOSED NEW MOSQUITO CONTROL SERVICES

CUESTIONARIO OFICIAL: BALOTA DE TASACION
PARA NUEVOS SERVICIOS PROPUESTOS DE CONTROL DE MOSQUITOS
COUNCIL AGENDA: January 19, 2010

SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM – Approval to Schedule Travel to New York City to Attend the Harlem Children’s Zone Practitioners Institute

SOURCE: City Manager

COMMENT: Vice Mayor Ward has requested that the City Council approve the scheduling of travel for both he and Councilman Pedro “Pete” Martinez, as well as a couple of City staff, to New York City to participate in the Harlem Children’s Zone (HCZ) Practitioners Institute. The HCZ is a community-based organization serving over 17,000 children living in Harlem, New York City. HCZ claims to have pioneered a new way to end the cycle of generational poverty, with programs supporting each child from before birth all the way through college – bringing educated young adults back into their community to enrich it. The HCZ Practitioner Institute is designed to educate practitioners, policy makers, and funders about the HCZ’s philosophy and approach, and to help organizations adopt HCZ programming to their communities. Given the HCZ is a community-based program, efforts would be undertaken to involve other local agency, non-profit, and school district representatives in joining as a delegation to attend the Practitioners Institute.

RECOMMENDATION: That the City Council consider the approval of travel of Vice Mayor Ward and Councilman Martinez to New York City, and the forming of a community delegation to attend the HCZ Practitioners Institute.

ATTACHMENT: The Harlem Children’s Zone “The Practitioners Institute” Brochure
WHO WE ARE: 
HARLEM CHILDREN'S ZONE, INC.

Harlem Children's Zone began in 1970 as the Rheedien Foundation, the first program in New York City devoted exclusively to truancy prevention.

Recognizing that truancy, like many student problems, does not occur in isolation, the agency began to address the underlying causes of truancy. The agency began to work to strengthen families and build communities through a wide variety of programs — from The Baby College parenting workshop series to The Harlem Gems pre-kindergarten program to Community Pride, which creates and revitalizes tenant and block associations.

Today HCZ serves over 13,000 people, including over 9,500 children.

The agency and its President and CEO Geoffrey Canada have received numerous awards for their work and have been the subjects of media coverage by 60 Minutes, The New York Times, The Today Show, National Public Radio, CNN, BBC, and Canadian Public Broadcasting, among others.

For more info: www.hcz.org
What is the Practitioners Institute?

HCZ's Practitioners Institute is designed to educate practitioners, policy makers and funders about the Harlem Children's Zone's philosophy and approach and to help organizations adapt HCZ programming to their communities.

The Practitioners Institute seeks to educate participants about the operating principles and intended results of our organizational initiatives, but we also seek to identify and share the best practices from both the youth and community development fields.

How to Apply

To get an application, go to www.hcz.org and click on "Contact Us." Or call the Practitioners Institute at 212-534-0700.

Who Can Participate In The Institute?

The Practitioners Institute is open to all interested parties. We prioritize non-profits operating in the United States, organizations that have budgets between $1 million and $10 million and organizations providing direct services to children or youth in distressed communities.

We also consider opportunities that are compelling due to their scale or impact potential. Beyond these parameters, there are a number of other considerations that affect the ranking of groups applying to the Practitioners Institute. These include the urgency of need/lack of resources in the community, the number of children in the geographic area, the unemployment rate among the area's youth, the teen pregnancy rate, the number of failing schools and the percentage of families in poverty.

What to Expect

Adapting HCZ programming to other communities is a complex process. It is not our expectation that groups will be ready to implement programs after completing the workshop.

It is our expectation, however, that you will leave the workshop better educated about the Harlem Children's Zone and with a better idea of how to proceed with your plans.

The 3-Day Workshop

The first step in this process is a 3-day workshop. The curriculum is designed to introduce HCZ's strategies and overall approach. We will customize each workshop to be aligned with the needs and interests of each group.

Each workshop covers HCZ mission and philosophy, HCZ history, specific information regarding HCZ programs, the role of evaluation, fiscal and development at HCZ, collaboration and managing organizational change. Workshop presenters include program directors, each participating organization will go on site visits and complete an action plan on the final day.
REDEVELOPMENT AGENCY AGENDA: JANUARY 19, 2010

PUBLIC HEARING
PORTERVILLE REDEVELOPMENT AGENCY

SUBJECT: REQUEST TO CONTINUE THE PUBLIC HEARING FOR THE 2010-2014 IMPLEMENTATION PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - REDEVELOPMENT

COMMENT: A Public Hearing for the 2010-2014 Implementation Plan for the Porterville Redevelopment Project No. 1 was scheduled for public comment on December 1, 2009 and January 19, 2010. However, staff and the Agency’s consultant need additional time to resolve matters that have arisen while working on the completion of the Implementation Plan.

Staff is requesting continuation of the Public Hearing to the February 2, 2010 Porterville Redevelopment Agency Meeting.

RECOMMENDATION: That the Redevelopment Agency:
1. Open the Public Hearing for comments; and
2. Continue the Public Hearing to February 2, 2010
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – STOUT BUILDING SPRAYED POLYURETHANE ROOFING PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the October 20, 2009 City Council meeting, Council rejected all bids for the installation of a thirty year composition roof and related appurtenances at the Redevelopment Agency-owned Stout Building located at the northwest corner of Cleveland Avenue and Hockett Street. Upon further review by the City Engineer, it became evident that it would be more cost effective to replace the roof with a sprayed polyurethane material which can be applied to the existing roofing material, thereby eliminating any concerns regarding asbestos that may be released with the disturbance of the existing material.

Plans and Project Manual have been prepared for the Stout Building Sprayed Polyurethane Roofing Project. The project includes installation of a sprayed polyurethane foam roofing system and related appurtenances at the Redevelopment Agency-owned Stout Building located at the northwest corner of Cleveland Avenue and Hockett Street.

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

The estimate of probable cost for the project is $22,737.50 with $2,273.75 required for the construction contingency (10%). It is estimated that an additional $2,500.00 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $27,511.25. An Estimate of Probable Cost is attached for Agency’s review.

Funding is available in the Redevelopment Fund Balance.

RECOMMENDATION: That the Redevelopment Agency:

1. Approve staff's recommended plans and project manual; and
2. Approve a budget adjustment; and
3. Authorize staff to advertise for bids on the project.

ATTACHMENTS: Estimate of Probable Cost Locator Map

[Signature]

Item No. \textit{PRA-02}